

# Mountain Island Lake Marine Commission



**Mount Holly City Hall  
131 South Main Street  
Mount Holly, NC**

## September 5, 2007 Minutes

**Commissioners Present:** Chairman Dan DuVall (Mecklenburg County), Vice Chairman Alice Battle (Mecklenburg County), Commissioner Tim Bishop, Commissioner Pam Beck (Gaston County), Commissioner Chris Watson (Lincoln County), Secretary/Treasurer Ann Danzi (Gaston County)

**Commissioners Absent:** Commissioner Tim Eldridge (Gaston County)

**MILMC Staff Present:** Chris Clark, Legal Counsel, Annette Lawing, Interim Executive Director

<b>Topic</b>	<b>Discussion Summary</b>	<b>Action</b>
<b>Welcome &amp; Introductions</b>	Chairman Dan DuVall called the meeting to order at 6:34pm.	
<b>Approval of the September 5, 2007 Agenda</b>	The September 5, 2007 agenda was approved as submitted.	The September 5, 2007 agenda was approved as submitted.
<b>Approval of the August 1, 2007 Meeting Minutes</b>	The August 1, 2007 meeting minutes were approved as submitted.	The August 1, 2007 meeting minutes were approved as submitted.
<b>Statement of Purpose</b>	Legal Counsel, Chris Clark read the Statement of Purpose into the record.	
<b>Public Comments</b>	<b>Public Comments – None</b>	

Topic	Discussion Summary	Action
<b>Consent Agenda</b>	<b>Consent Agenda</b> – None	
<b>Public Safety Reports</b>	<p><b>Charlotte – Mecklenburg Police Department</b> – Officer Turner reported</p> <ul style="list-style-type: none"> <li>□ (10) Boats inspected</li> <li>□ (3) Warnings</li> <li>□ (11) Calls for Service</li> <li>□ (2) Trespassing Violations at Haymarket Property</li> <li>□ On August 18<sup>th</sup> there was a boating accident in Gaston County near Allison Ferry Rd and the sandbar. An 18’ Bayliner boat carrying 11 passengers hit a tree in the water and ended up under another tree near the shoreline. 3 passengers were injured and the driver is in critical condition.</li> </ul> <p>Commissioner Beck received a call from a friend stating that the boat that was involved in this accident was left in the water. Beck asked Officer Turner who would be responsible in getting this boat out of the water. Officer Turner replied that boater’s insurance company would determine that and if the boater was not insured then Duke Energy would handle pulling it out of the water.</p> <p><b>Gaston County Police Department</b> – Officer Hord reported</p> <ul style="list-style-type: none"> <li>□ (1) Citation – No Trespassing</li> <li>□ (4) Warnings</li> <li>□ (67) Boating Inspections</li> <li>□ (51) Special Checks</li> <li>□ (31) Navigational Hazards Removed from Lake</li> <li>□ Gaston County Police Department recently had a training exercise on Big Island</li> </ul> <p><b>Lincoln County Sheriff’s Office</b></p> <ul style="list-style-type: none"> <li>□ No one was present to give report</li> </ul> <p><b>N.C. Wildlife Resources Commission</b></p> <ul style="list-style-type: none"> <li>□ No one was present to give report</li> </ul>	

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<p><b>Public Safety Reports (continued)</b></p>	<p><b>Mecklenburg County Parks and Recreation</b> – Jeff Presson reported</p> <ul style="list-style-type: none"> <li>□ Plan to install the two large No Wake Buoys in Nance Cove on September 12<sup>th</sup>.</li> <li>□ Jeff Presson introduced the new North West Park District Manager, Kevin Metcalf.</li> </ul> <p><b>Duke Energy of the Carolinas</b> – Kermitt Taylor reported</p> <ul style="list-style-type: none"> <li>□ (2) Shoreline Stabilization Application Approved</li> <li>□ (2) Pier Application Approved</li> <li>□ These 4 applications were in Overlook, Mt. Island Harbor, Stonewater and Preservation Pointe.</li> <li>□ Lake level is 95.8</li> </ul> <p>Kermitt responded to Commissioner Beck’s question she had asked CMPD’s Officer Turner regarding who was responsible for removing boats that were involved in an accident. It’s the owner of the boat’s responsibility to removed it out of the lake. If the owner fails to take responsibility of the boat then it becomes a navigation hazard therefore, Duke Energy would address the problem.</p>	
<p><b>Environmental Reports</b></p>	<p><b>Mecklenburg County Land Use and Environmental Services</b> – Heather Davis reported</p> <ul style="list-style-type: none"> <li>□ Water Quality Conditions Report for July 2007 – all sites except MI3 (McDowell Creek Cove) had Good/Excellent index values. The two driving factors in McDowell Creek Cove is the increase in Chlorophyll and Total Phosphorus. The Chlorophyll results for July 07 is 19, one year ago, the results were 31.</li> <li>□ Bacteriological Results for July 2007 – all testing sites had excellent results.</li> <li>□ MTBE (Methyl Tertiary Butyl Ether) monitoring results (July 07) from all 6 testing sites were well below the limits. These were good results.</li> </ul> <p>Commissioner Beck asked which sites they tested for MTBE. Ms. Davis responded that MI1 (near Mt. Island Dam), MI2B (upstream McDowell Creek Cove), MI3 (McDowell Creek Cove), MI4 (headwaters below Cowan’s Ford Dam), MI7 (near Hwy 16 Bridge) and at the Mt. Island Water Intake were the six sites that were tested. Beck asked if areas around boat docks were ever tested. They look for areas to monitor that have a higher concentration of boats, stated Ms. Davis. Chairman DuVall suggested that the area in Whispering Cove be a testing site due to the high concentration of boats there.</p>	

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<p><b>Environmental Reports (continued)</b></p>	<p>Heather Davis is an Erosion Control Specialist in the Huntersville area. As part of this month's report, Ms. Davis has agreed to report to the commission of any new development that is taking place in the Mountain Island Lake basin.</p> <ul style="list-style-type: none"> <li>□ Latta Springs Phase II – This phase did come under the Town's 2003 ordinance for low-impact development therefore, will have rain gardens to help treat their stormwater.</li> <li>□ The Retreat – New development with 70 lots. Ms. Davis just received the plans on this development but has not attended the preconstruction meeting yet.</li> <li>□ Tanner's Creek – This project is close to completion and Ms. Davis doesn't know of any erosion issues due to this development.</li> <li>□ Latta Village – a proposed large commercial project near Beatty's Ford Road – Ms. Davis has not seen the plans for this project as of yet.</li> </ul> <p>Chairman DuVall asked who the commission would need to contact if they had questions about development in Mecklenburg County that could affect Mountain Island Lake. Ms. Davis replied that Brad Loveland, City of Charlotte's Erosion Inspector, would be the point of contact to answer any questions the commission may have. The commission can also view plans on the Charlotte Mecklenburg Planning Commission website (<a href="http://www.charmeck.org">www.charmeck.org</a>).</p> <p>Secretary Treasurer Danzi asked Ms. Davis if she deals with different ordinances. Ms. Davis replied that stormwater ordinances are more to control flooding and watershed ordinances are to control development so we don't pollute the waters around us. Both of these ordinances would apply to new developments, unless it is grandfathered in. Danzi stated that she attended a Mt. Holly City Council meeting and it was reported that since the entire City of Mt. Holly is in a watershed, they are exempt from the stormwater ordinance requirements.</p> <p>Heather Davis will continue to research any new information on the proposed Latta Village and any other upcoming projects and will report back to the commission in the upcoming months.</p> <p><b>Lakekeepers Report</b> – Alice Battle reported</p> <ul style="list-style-type: none"> <li>□ <u>The Polo Club at Mountain Island</u> – This land has been sold to the home builder, Epcom. Battle emailed the new owner, Brock Fankhauser, and</li> </ul>	

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<b>Environmental Reports (continued)</b>	<p>expressed hope that they will continue to observe closely the watershed regulations that Chirico Huber had put in place. Mr. Fankhauser replied stating that there was a mistake in the 150-foot buffer designation and the buffer will vary in width. Therefore, the BMP would remain. After receiving this email, Battle then called Rusty Rozzelle with Mecklenburg County Land Use and Environmental Services and he confirmed that Mr. Fankhauser was correct. The SWIM buffer of 150-feet does not apply and they are only required to have a buffer of 100-feet. Battle requested a copy of their site plan to see if it had changed any since it had been brought forth to the commission for initial approval. No changes have been made but the MILMC will continue to monitor this project.</p> <ul style="list-style-type: none"> <li>□ <u>Preservation Point</u> – Battle received a report from Don Gillespie of Overlook on August 23, 2007 regarding a chain saw noise and heavy equipment in the common area of Preservation Point near the dock. After leaving a message with Tom Waters, Battle went down to this area to investigate. There was a crew cutting undergrowth in the area and were cutting trees larger than 2” in diameter and 6” above the ground. They were told what the watershed regulations were but were unaware of them. Brian Sikes of LUESA arrived on the scene but the crew had already cut trees they shouldn’t have. Mr. Sikes marked the remaining trees that should not be disturbed and Tom Waters stated that they would mitigate for the trees that were cut down.</li> <li>□ <u>Riverside</u> – There was a report of runoff from a lot being graded on Riverside. This was reported to Brian Sikes (LUESA) and silt fence was installed shortly after.</li> </ul> <p><b>Quality of Natural Resources (QNRC)</b> – Pam Beck reported</p> <ul style="list-style-type: none"> <li>□ QNRC has formed a Community Environmental Action Team in which a corporative extension 4-H agent will visit area Gaston County schools to initiate environmental initiatives. This program will help make children aware of the importance of issues such as clean water.</li> <li>□ The NC General Assembly passed \$128 million dollar bond to be spent over the next 2 years for water conservation. Also passed was a \$20 million dollar bond for marine fishery and \$8 million dollar bond for the Agriculture Development and Farmland Preservation Trust Fund. The State Educational Forest did not get funded this year. The MILMC will begin their effort of support for this project</li> </ul>	

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<b>Environmental Reports (continued)</b>	<p>to be funded in FY08. Secretary Treasurer Danzi volunteered to talk with Ruth Shaw who is heading the funding initiative for the Carolina Thread Trail to see if she could help us in this effort. The Carolina Thread Trail is highlighting the State Educational Forest on their brochures therefore; they too have a strong comment to see this forest is funded.</p> <ul style="list-style-type: none"> <li>□ Regional Wastewater Treatment Plant Stakeholders Group – next meeting is September 27<sup>th</sup>.</li> </ul>	
<b>Base Operating Plan</b>	<p><b>Update on the Base Operating Plan (BOP)</b> – Chairman DuVall suggested that due to time restraints, each commissioners should email Interim Executive Director Annette Lawing with any updates to the BOP. Will report this updates at the October 3, 2007 meeting.</p>	
<b>Environmental</b>	<p><b>Report from Duke Energy on Lake Levels</b> – Ed Bruce, Civil Engineer in the Hydro Licensing Group at Duke Energy, opened his presentation with stating that the Catawba River System is performing quite well during this current drought. The massive reservoirs are doing exactly what they were built to do which is to support the infrastructure that has been built up in this basin during very dry periods. Mr. Bruce distributed a PowerPoint handout for the commission to view while he gives his presentation.</p> <ul style="list-style-type: none"> <li>▪ In this handout, comparison of the rainfall from the drought in 2002 to the current drought indicated that 5 out of 8 months in 2007 were drier than in 2002. The Storage Index Ratio began to decline once we got into the dry periods (June –August 2007).</li> <li>▪ As stated in the Mountain Island Comprehensive Relicensing Agreement, during normal operations Duke will target the lake level at 96 (4 feet below full pond) but can take the level down as low as 94 feet. During a drought, the elevation of Mountain Island Lake is no indication of the condition of the drought. Mountain Island Lake’s elevation is totally driven by what is coming out of Lake Norman. During a drought, you must look at the basin as a whole and look at Lake Norman and Lake James to get a better idea of lake levels.</li> <li>▪ The stages, triggers and action summary of the Low Inflow Protocol were explained by Mr. Bruce. Essentially, Duke Energy is monitoring three trigger points: remaining storage in all of the reservoirs, four significant tributary streams that flow into the system and the US Drought monitoring.</li> </ul>	

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<p><b>Environmental (continued)</b></p>	<ul style="list-style-type: none"> <li>▪ Currently, Stage 2 of the Low Inflow Protocol has been implemented which means mandatory water use restrictions are being enforced.</li> <li>▪ Due to the lack of rainfall and extremely high temperatures, the groundwater is starting to eat into the storage. Duke estimates that during August, water lost to natural evaporation was 450 cubic feet per second.</li> <li>▪ Mr. Bruce wrapped up his presentation by reporting which boat ramps on the Catawba River have been closed due to the low lake levels and listing the current lake levels for all 11 lakes in the Catawba River.</li> </ul> <p><b>Regional Stormwater Partnership</b> – Rebecca Yarbrough with Centralina Council of Governments gave the presentation to the commission.</p> <p>Our region in the next 25+ is estimated to grow by 1 – 1 ½ million people which will bring more development and more impacts on our water quality. Water quality is generally not a concern for most people until the rates increase due to treating sediment issues. Several counties and municipalities have very good stormwater outreach programs however, there are a lot of other communities that are facing the same kind of pressures but don't have the resources. The Regional Stormwater Partnership would be a way to get everyone together to share information and start looking at getting a better handle on stormwater issues. This partnership is basically an alliance of local governments in the region. Currently, there are 26 local governments that have signed on and are paying towards match money for in-kind services. The purpose is to bring these local governments together to address their common issues so they are sharing knowledge and their best management practices as well as to launch regional programs that can be promoted by everyone. Another goal of this partnership is to study how stormwater is impacted by development patterns and what our jurisdictions are doing. Start up money was applied for through the Clean Water Management Trust Fund and the partnership has been granted \$121,000 over the next 2 years. Local government funds will be used to match this amount and also will be submitting for some 319 funds from the Division of Water Quality. One of the partners in this project is WCNC who has a Water Wise program and report regularly on water quality issues. Initial steps in this partnership will be to organize a steering committee to help guide the process, work with the local governments in getting Adopt a Stream and storm drain mapping and marking implemented, outreach materials, workshops and eventually constructing educational BMP's. What is needed from Mountain Island Lake Marine Commission?</p>	<p>A motion was made by Secretary Treasurer Danzi for MILMC to support the efforts of the Regional Stormwater Partnership. Seconded by Commissioner Pam Beck. The motion was approved.</p>

Topic	Discussion Summary	Action
<b>Environmental (continued)</b>	To help connect with the local governments that fund MILMC, help get the word out about this partnership at community events and help recruit “Adopt a Stream” volunteers. Commissioner Tim Bishop volunteered to represent MILMC on the Regional Stormwater Partnership steering committee.	
<b>Base Operating Plan</b>	<p>Base Operating Plan (BOP) – Chairman DuVall and various commissioners gave updates on a few projects on the BOP. Due to time restraints, each commissioner should email Interim Executive Director Annette Lawing with any updates on the remaining projects on the BOP. A report on these updates will be given at the October 3, 2007 meeting.</p> <ul style="list-style-type: none"> <li>□ <b>Project 07-02 Big Sweep 2007</b> (Watson/Battle) – Big Sweep is scheduled for October 6, 2007 from 9am – 12pm.</li> <li>□ <b>Project 06-28 Clean Lake Management</b> (Battle) – Battle has been working diligently trying to find out who owns the two pieces of property which has had an ongoing problem with homeless camping. The 5.1 acre property is owned by Joseph Grainda and he plans to post no trespassing signs on his property. The 1.14 acre property has been housed by 20+ campers since July. After extensive research, it was found that Elbert Associates owns this property however; there she could only locate the niece of the owner, Diane Douglas Carter. After explaining to her why I was trying to locate the owners, she agreed to call her aunt to get more information and then get back in touch with Battle.</li> </ul>	
<b>Chairman’s Report</b>	<p><b>Chairman’s Report</b></p> <ul style="list-style-type: none"> <li>□ Election of Officers is scheduled to be on the October 3<sup>rd</sup> agenda. Since Vice Chairman Battle would not be able to attend the October meeting, the commission approved to move the election to the November 7<sup>th</sup> agenda.</li> <li>□ Chairman DuVall to discuss with Centralina Council of Governments Executive Director, Al Sharp, regarding getting a quote from COG to create a survey for the Lake Management Plan.</li> </ul>	<p>A motion was made by Vice Chairman Battle to move election of officers from the October 3<sup>rd</sup> MILMC agenda to the November 7<sup>th</sup> MILMC agenda. Seconded by Secretary Treasurer Danzi. The motion was approved.</p>

Topic	Discussion Summary	Action
<b>Executive Director's Report</b>	<p><b>Executive Director's Report</b> – Interim Executive Director Annette Lawing reported</p> <ul style="list-style-type: none"> <li>❑ <b>Finance report</b> – Lawing distributed the Finance report to all of the commissioners for their review. At the November 7<sup>th</sup> MILMC meeting, a budget amendment will be added to the agenda to correct the contractual amount on the finance report.</li> <li>❑ <b>Lucia Bend Fire and Rescue Dive Team Request</b> – Lawing received a request for a donation to the Lucia Bend Fire and Rescue Dive Team. After the commission reviewed the request, the commission decided to research ways that this dive team could possibly help in the efforts of the Lake Management Plan. Will bring back forth to the commission at a later date.</li> </ul>	
<b>Commission Counsel Report</b>	<p><b>Commission Counsel Report</b></p> <ul style="list-style-type: none"> <li>❑ No report</li> </ul>	
<b>Commissioner's Comments</b>	<p><b>Commissioner's Comments</b></p> <ul style="list-style-type: none"> <li>❑ Vice Chairman Battle made a recommendation that the MILMC make a donation of \$200 to the Riverkeeper Foundation for their continued support and work done for the MILMC. This item will be added to the September MILMC business meeting agenda.</li> </ul>	
<b>Adjournment</b>	The meeting was adjourned at 8:58pm.	
<b>Next Business Meeting Date and Location</b>	The next MILMC business meeting will be held on October 3, 2007 at 6:30 pm at East Lincoln High School, 6471 Hwy 73, Lincolnton, NC.	

Annette Lawing, Interim Executive Director