

Mountain Island Lake Marine Commission



Charlotte Mecklenburg Utilities
 5100 Brookshire Blvd.
 Charlotte, NC

April 4, 2007 Minutes

Commissioners Present: Chairman Dan DuVall (Mecklenburg County), Commissioner Tim Eldridge (Gaston County), Vice Chairman Alice Battle (Mecklenburg County), Secretary/Treasurer Ann Danzi (Gaston County), Commissioner Tim Bishop

Commissioner Absent: Commissioner Pam Beck (Gaston County), Commissioner Chris Watson (Lincoln County)

MILMC Staff Present: Mike McLaurin, Executive Director, Chris Clark, Legal Counsel, Annette Lawing, Clerk

Topic	Discussion Summary	Action
Welcome & Introductions	Chairman Dan DuVall called the meeting to order at 6:33pm.	
Pledge of Allegiance to the Flag	Chairman DuVall asked everyone present to join in to Pledge Allegiance to the Flag	
Approval of the April 4, 2007 Agenda	There were no revisions to the agenda.	The April 4, 2007 agenda was approved as submitted.
Approval of the March 7, 2007 Meeting Minutes	Revisions to meeting minutes <ul style="list-style-type: none"> • Public Safety Report, Duke Energy, page 3 – Please add the follow information - <i>Duke Energy does not give permission to clear vegetation during construction of docks in general, but this only applies to vegetation on land owned by Duke or within the lake boundary. Very limited vegetation removal may be allowed to construct approved docks or shoreline stabilization projects or to remove hazardous plants or non-native invasive species. If vegetation is</i> 	The March 7, 2007 meeting minutes, with revisions, was approved.

Topic	Discussion Summary	Action
Approval of the March 7, 2007 Meeting Minutes (continued)	<i>removed from within the lake with permission, Duke may require the homeowner to replace the vegetation at the homeowner's expense. Duke would not replace the vegetation or reimburse the homeowner's costs. For more information about this topic can be found in the Vegetation Management section of Duke's Shoreline Management Guidelines.</i>	
Statement of Purpose	Legal Counsel, Chris Clark read the Statement of Purpose into the record.	
Public Comments	Public Comments – Gary Keith with Catawba Valley Scottish Society – This society oversees 296 acres of Mecklenburg County park land that abuts Mountain Island Lake. Mr. Keith believes that both MILMC and CVSS have many common interests and would like to see both organizations work together on some of their common interests. Currently, the CVSS is working on their biggest event of the year, the Loch Norman Highland Games. Mr. Keith distributed to the commission brochures highlighting this event and encouraged everyone to attend. In the near future, the CVSS is hoping to give presentations in the area to explain more of what this society does.	
Consent Agenda	None	
Public Safety Reports	<p>Charlotte – Mecklenburg Police Department – Officer Scott Howard reported</p> <ul style="list-style-type: none"> □ Will be back at full staff and patrolling the lake by April 21st. <p>Executive Director, Mike McLaurin asked Officer Howard if he felt the need of having additional buoys placed in Nance Cove. Officer Howard responded that in lieu of more buoys, educating boaters would be the better choice. The first year that a law is past, such as a No Wake Zone, the law enforcement officers generally will give boaters that don't abide by the law a warning. Officer Howard asked Legal Counsel Chris Clark if a copy of this new No Wake Zone has been filed with the Clerk of Courts. Copies have been sent to the Clerk of Courts in all three funding counties, NC Wildlife and the Secretary of State, stated Clark. A request was made by Officer Howard to get a copy of this filed document. Clark will forward a copy to Gaston County Police Department and the other area law enforcement agencies.</p>	

Topic	Discussion Summary	Action
<p>Public Safety Reports (continued)</p>	<p>Chairman DuVall has received several emails from Kathy Chavez, a Mountain Island resident, concerning boaters speeding in the Nance Cove area. He too, has observed this problem. A remedy to this problem needs to be in place before boating season begins in May, stated DuVall. Officer Howard believes that increasing patrolman and educating boaters would be a possible remedy. Word of mouth is sometimes the best way to inform boaters of a new law. Vice Chairman Battle added that Tom Blomquist of the Overlook Homeowners Association is in the process of posting No Wake Zone signs on the community dock.</p> <p>Executive Director Mike McLaurin asked the commission if they would consider purchasing several plastic signs stating that all of Nance Cove is a no wake zone and post them on area volunteer docks.</p> <p>Nance Cove is the largest no wake cove and it's the commission's responsibility to put up some sort of informational buoy or sign at the entrance of this cove to help in this education process, stated Chairman DuVall.</p> <p>Vice Chairman Battle has been in communication with Tom Waters, resident at the rear of the cove, and asked him if he would put such a sign on the community dock. Mr. Waters agreed to as long as the commission provides the signage.</p> <p>Commissioner Bishop suggested that a special buoy be placed at the entrance of the cove that states that the entire cove is No Wake. Mike McLaurin volunteered to contact Roland Buoys to get quote for such a buoy. Chairman DuVall would like this done as quickly as possible so either the buoys or signs can be implemented before the boating season.</p> <p>Secretary Treasurer Ann Danzi stated that Bob Morgan of the Charlotte Chamber of Commerce might be willing to post a sign on his property. Danzi will follow up with Mr. Morgan to verify.</p> <p>Commissioner Tim Eldridge will contact Mountain Island Lake resident Matt Lamb to see if the commission could post a double-sided sign on his property as well. Secretary Treasurer Danzi suggests that the commission check with the counties to see if there are any zoning regulations on posting these signs. Legal Counsel Chris Clark</p>	

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<p>Public Safety Reports (continued)</p>	<p>agreed with Danzi and also stated that the regulations of the marine commission do not supersede ordinances of local governments. He will research this matter and report back to the commission.</p> <p>Gaston County Police Department – Officer Hord reported</p> <ul style="list-style-type: none"> ❑ Patrolling lake on the weekends and on an as needed basis only ❑ GCPD will be attending a small boat show the weekend of April 7th. ❑ Had a successful training session in Wrightsville Beach ❑ Chem-Sticks have been purchased and the supply should last approximately 2 years. Executive Director Mike McLaurin requested that a label be applied to these sticks stating that the Mountain Island Lake Marine Commission supplied these Chem-Sticks. Officer Hord agreed to get these labels printed and applied. ❑ Safety brochures were printed this year and will be distributed to boaters <p>Vice Chairman Battle visited the NC General Statutes webpage and viewed the recent water safety boating rules and asked Officer Hord if any of the new regulations needed to be reported to the commission. Officer Hord reported that one important change was the new law that requires boaters not to come within 100’ of a law enforcement boat when they have another boater pulled over.</p> <p>Commissioner Tim Bishop requested that a PDF of this safety brochure however, Officer Hord stated that they do not have this document as a PDF yet. Chairman DuVall volunteered to give this information to Centralina Council of Governments and they can create a PDF and then distribute it to the commission.</p> <ul style="list-style-type: none"> ❑ Noise Ordinance – the new law states that any boat noise that is over 4000rpm is required to be muffled. Law enforcement officers will begin writing citations in order to control this ongoing problem. <p>Legal Counsel Chris Clark suggests that the officers purchase a sound decibel meter in order to determine how loud the boats are. This may help support their cases.</p> <p>Several years ago, Ed Wannamaker, a former Lake Wylie Marine Commissioner, compiled a database on noise ordinances, stated Mike McLaurin. This would be a great tool to use to see how other area lakes and agencies are handling this problem.</p>	

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<p>Public Safety Reports (continued)</p>	<p>Lincoln County Sheriff's Office</p> <ul style="list-style-type: none"> □ No Report <p>N.C. Wildlife Resources Commission</p> <ul style="list-style-type: none"> □ No report <p>Mecklenburg County Parks and Recreation – Milton Bowen reported</p> <ul style="list-style-type: none"> □ Pulled several hazards out of the lake (tree limbs) □ Haymarket Property – 15 no trespassing violators, collected 1 bag of trash <p>Commissioner Eldridge informed Mr. Bowen that he has three buoys collected on his dock and Mecklenburg County Parks and Rec are welcomed to come by and pick them up. One of the buoys is believed to belong to Duke Energy. Ronnie Lawson with Duke Energy agreed to come by and pick up that particular buoy.</p> <p>Vice Chairman Battle attended a kickoff event at Latta Plantation Nature Center on March 15th. The new Parks and Rec Director, Jim Garges, informed Battle about their not for profit organization titled “Partners for Parks”. This 501C3 was created to help raise money for the area parks. The first event will be a 5K walk at the Latta Plantation on June 2nd. The commission needs to support these efforts to educate the public on the value of trees, parks, and animals.</p> <p>Duke Energy of the Carolinas – Ronnie Lawson reported</p> <ul style="list-style-type: none"> □ One (1) docks approved □ Lake level is 96.6 	
<p>Environmental Reports</p>	<p>Mecklenburg County Land Use and Environmental Services – David Buetow</p> <ul style="list-style-type: none"> □ Water Quality Report – Garr Creek and McDowell Creek’s results were slightly low. When comparing index values to the 2006 results, there were three (3) sites that changed more than 10 points. This was most likely due to water clarity. Two (2) of these sites were in the Garr Creek Cove therefore; the watershed effects were the cause of the index value changes. The results from the Cowards Ford site were in normal range in comparison to last year. □ Bactericidal Report – All test sites had good results. 	

Topic	Discussion Summary	Action
<p>Environmental Reports (continued)</p>	<p>Lakekeepers Report – Alice Battle reported</p> <ul style="list-style-type: none"> □ Donna Lisenby with the Catawba Riverkeepers Foundation is back in town after taking some time off to care for her father. She is actively working on the lawsuits pertaining to the Concord/Kannapolis IBT. □ FERC Scoping Meetings – Catawba Riverkeeper Foundation plans to support increasing the water flows in the river. Since Duke Energy calculated that Concord/Kannapolis will get 36 million gallons of water per day but they were only granted 10 million gallons per day, consideration needs to be made to recalculate the water flow. □ Preservation Pointe – Received notice that buttonbushes were being cut down below the high water mark. Battle contacted Tom Waters and he is willing to pass on any information regarding living on an environmental sensitive to area residents. <p>Secretary Treasurer Danzi asked Battle what the significance of buttonbushes is. Chairman DuVall answered this question by stating that buttonbushes help prevent shoreline erosion, help provide habitat for various types of aquatic life, and is a spawning area for a lot of different game fish.</p> <ul style="list-style-type: none"> □ MI Educational Forest – Enlisted help from the Covekeepers to send letters of support for the MI Lake Educational Forest to legislators. □ Riverfront commercial area is beginning to be developed across from the Whitewater Park. The project will include 190 boat slips, 64 condo units, a marina, and a partially underground parking deck. The City of Mt. Holly has already approved this project previously but now realizes that they should have look at the sensitive environmental issues more closely. Executive Director, Mike McLaurin informed the commission that this project was brought before the MILMC 5-6 years ago. The commission requested a minimum of 50’ buffers and even though the commission fought this issue all the way to Washington, they lost. FERC agreed with the commission’s request but their jurisdiction stops at the high water mark. <p>Quality of Natural Resources (QNRC) – Jerry Campbell reported</p> <ul style="list-style-type: none"> □ QNRC will be partnering with the Gaston County School system and Centralina Council of Governments for the Clear Air for Kids program. This program is designed to help educate children on how to maintain good air quality. 	

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Environmental Reports (continued)	<ul style="list-style-type: none"> <li data-bbox="548 217 1619 428">□ QNRC have developed two resolutions. An air quality containment resolution will be forwarded to the state and the second resolution requesting that the smoke stack requirements be monitored and not make the requirements any less stringent that what they currently are will be sent to the federal level. The county commissioners approved both of these resolutions and if anyone would like to review either of these, please see Jerry Campbell for copies. <li data-bbox="548 435 1619 613">□ Stormwater Post Construction Ordinance – The draft was given to the Gaston County Commission at their workshop. Chairman DuVall added that Mecklenburg County is close to their final draft of the Stormwater Post Construction Ordinance. Both Campbell and DuVall will report back to commission at the May business meeting. <li data-bbox="548 620 1619 760">□ IBT – Jerry Campbell attended the IBT news conference that was held in Hickory, NC. Catawba Riverkeeper, Donna Lisenby, did a great job on recapping all of the information pertaining to this IBT. In North Carolina, the state attorneys will be going before the state judge on environmental issues. 	
Request for No Wake Zone in Whispering Cove	<p data-bbox="499 803 1520 868">Request for No Wake Zone – Law Enforcement Unit Report – Officer Scott Howard with the Charlotte Mecklenburg Police Dept (CMPD) reported</p> <p data-bbox="499 911 1612 1084">At the March 7, 2007 MILMC business meeting, Glenden Fetterolf and Brad Tadlock, representatives of the Board of Directors at Mt. Isle Harbor Boat Slip Association, submitted a request to expand the No Wake Zone into Whispering Cove. As part of the application process, area law enforcement lake units are requested to make their recommendation, in addition to, recommendations from the MILMC.</p> <p data-bbox="499 1133 1612 1453">Officer Howard met with the homeowners association in Whispering Cove to get a clear view of what their concerns were leading up to this No Wake Zone request. Some of these concerns were shoreline erosion issues and the constant rocking of property owner’s docks due to the wake action from the main channel. Boating traffic is also a concern. After reviewing and observing these issues, Officer Howard stated that the only issue that would benefit from making this cove a No Wake Zone is the boating traffic. The shoreline erosion and rocking of property owner’s docks are caused by the wake action from the main channel. A No Wake Zone would have no effect on these two problems.</p>	

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<p>Request for No Wake Zone in Whispering Cove (continued)</p>	<p>Secretary Treasurer Danzi asked if placing a buoy at the beginning of the cove would slow down boaters and in returned lessen the amount of wake action and soil erosion in the cove. Officer Howard stated that the wake action is not coming from boaters coming into the cove but from the boaters in the main channel. The only option to control the wake action in the main channel is to install a natural barrier.</p> <p>Executive Director Mike McLaurin thanked Officer Howard for his work in reviewing this request and added that a public hearing has been scheduled for May 2nd during the MILMC business meeting. At this public hearing, a decision will be made to approve, deny or modify the application.</p>	
<p>Base Operating Plan</p>	<p>Base Operating Plan (BOP) – Chairman DuVall updated the BOP</p> <ul style="list-style-type: none"> □ Project 06-09 Post Boating Safety Rules (Battle) – Duke Energy is postponing working on the signs going into the access areas until they have addressed all of FERC’s questions. □ Project 06-14 FERC/Duke Relicensing (Battle) – Hwy 73 Emergency Access. Approval has been made to provide Gaston County Police and Charlotte Mecklenburg Police with keys to the emergency access area at Hwy 73. To date, CMPD and GCPD have not received the keys from Joe Carriker. Both agencies will follow up with Mr. Carriker. □ Project 06-18 Support Educational Forest (Beck/Watson/Danzi) – Senator Hoyle submitted a bill to appropriate 2.78 million dollars in support of the State Educational Forest at Mountain Island Lake. This bill has been sent to the Appropriation Committee in the Senate as well as to the House. Others that are in support of this effort are; the Catawba Lakekeepers Foundation and the Mount Holly Community Development Foundation. Secretary Treasurer Danzi plans to meet with the Belmont Chamber Executive Committee, the NW Area Chapter of the Charlotte Chamber, Gaston County Chamber of Commerce and Gaston and Lincoln County Schools in order to encourage their support as well. Executive Director Mike McLaurin requested that Sec/Tres Danzi get the commission a copy of what the proclamation should look like, this item will be put on the MILMC May 2007 agenda. □ Project 06-20 Buoys (DuVall) – Three buoys were collected from the lake and are on Commissioner Tim Eldridge’s dock. Mecklenburg County Parks and Rec 	

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<p>Base Operating Plan (continued)</p>	<p>and Duke Energy are scheduled to pick these up and to possible reuse them in areas that are needed. Commissioner Eldridge also stated that there are several illegal buoys near Garr Creek. Executive Director Mike McLaurin informed the commission that Duke Energy would be responsible in taking these buoys out of the lake.</p> <ul style="list-style-type: none"> □ Project 06-25 Development & Zoning (Beck/Battle) – Rezoning case in Mecklenburg County off of Hwy 16 that will affect Lake Wylie. This rezoning amendment proposes to change the tree buffer off of Hwy 16 from 100’ to 60’ in order to development a new shopping center. If this amendment is approved, hundreds of trees will be cut down and possible stormwater issues. The rezoning meeting is scheduled for April 21, 2007. □ Project 06-28 Clean Lake Management (Battle) – <ul style="list-style-type: none"> • Property on MI Lake – Battle is working with Joe Carriker of Duke Energy to get this property posted with rules and regulations on the lake (i.e. no trespassing, no camping, etc.) □ Project 06-30 150’ No Wake Zone (Battle) – Vice Chairman Battle distributed an aerial of a cove off of Garr Creek where Mountain Point has its boat access. This cove would probably be the only area affected by creating a 100’ buffer in lieu of a 150’. Having a 150’ buffer would make this cove a no wake cove. A 100’ buffer does not. Battle visited this site and measured 300’ from dock to dock. In 1999 – 2000, the cove had a petition to make it a no wake zone. The applicant who filed this petition never followed through the entire process but instead installed his own buoy in this area. Since then, this property owner has moved. Battle would like to consider a 100’ no wake buffer from a dock or pier, which is already in effect for personal watercraft, and adding the term “motorboat “. □ Project 06-32 Stonewater Bay (Battle/Danzi) – Secretary Treasurer Danzi informed the commission of one property owner’s erosion control problem. This home was one of the first that was built in Stonewater and since then, Ryan Homes are building homes all around his property and have taken out a lot of trees. With this construction and absence of trees, water flows heavily down this property. Danzi has spoken to Ryan Homes and requested that they look into this very serious problem. 	<p>A motion was made by Vice Chairman Battle to hold a public hearing at the May 2, 2007 MILMC business meeting to consider taking the existing State law, as it appears to personal watercrafts, and to create a local regulation of a 100’ no wake buffer from any dock, private boat accesses and bridges to include motorboats, in addition to personal watercrafts. Seconded by Secretary Treasurer Danzi. This motion was approved.</p>

Topic	Discussion Summary	Action
Chairman's Report	<p>Chairman's Report – Chairman DuVall reported</p> <ul style="list-style-type: none"> □ Lake Management Plan – the information assigned to each of the commissioners from the Strategic Planning Workshop should be completed by now. Chairman DuVall gave a brief summary of information that he has gathered, which was population growth and water needs. A bulk of this information was compiled from the Catawba Wateree Recreation Use and Needs Study. Duke Energy provided this study. MI Lake provides 782,671 persons with drinking water. 103 million gallons of water is drawn out of MI Lake every day. In 1999, Duke Energy provided a population study that showed 99,135 people visited public recreational facilities, including private access areas. In 2005, an updated Duke study shows these numbers increasing to 400,000 visitors. Docks on MI Lake – In 2003, it was reported that there were 439 private piers, 328 approved commercial slips. In 2005, it was reported that MI Lake had 530 approved private piers and 375 approved commercial slips. Because Chairman DuVall believes that these numbers are not quite accurate, he plans to personally count these docks and report back to the commission. 57% of visitors were reported as using a boat when visiting MI Lake. An estimated number of boats used on MI Lake on any given year are 1,133,000. Recreation is estimated to increase 63% between the years of 2005-2050. With just this information given, a Lake Management Plan is sorely need on Mountain Island Lake, stated DuVall. □ Green Transformation Conference – this conference will be held on Thursday, May 17, 2007 from 9am – 1pm at Pine Island Country Club. Commissioners are invited to attend and volunteers are needed to be boat guides. To date, the following commissioners have volunteered to be boat guides: Dan DuVall, Alice Battle, Pam Beck and Ann Danzi. Any other volunteers need to let Annette Lawing know as soon as possible. 	
Executive Director's Report	<p>Executive Director's Report - Executive Director Mike McLaurin reported</p> <ul style="list-style-type: none"> □ Finance and Activity Reports were distributed to the Commissioners □ FY07-08 Budget – As required in the budget ordinance, a public hearing has been scheduled for May 2, 2007 during the MILMC business meeting to approve the FY07-08 budget. 	

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Executive Director's Report (continued)	Secretary Treasurer Ann Danzi clarified for the commission that on the budget report there is a line item for technology in the amount of \$1,000. This \$1,000 covers the annual fee of \$500 for the website server. The additional \$500 is appropriated for any other unexpected technical fees. Danzi asked McLaurin to explain the insurance line item and why the fees fluctuate from year to year. McLaurin stated that some of the insurance policies are multi-year policies therefore; the costs are not the same every year. He will breakdown the costs of these policies and will bring this information to the May MILMC meeting. Chairman DuVall suggested that the commission invite the insurance representative to the MILMC June 2007 meeting to discuss and update the commissioners on the current policies and fees. Executive Director Mike McLaurin will contact this representative and follow up with the commission.	
Commission Counsel Report	Commission Counsel Report <input type="checkbox"/> No Report	
Commissioner's Comments	Commissioner's Comments <input type="checkbox"/> Vice Chairman Alice Battle displayed a spreadsheet that she and Secretary Treasurer Ann Danzi created in order to present to each of the funding counties. This spreadsheet lists the projects that the Mountain Island Lake Marine Commission has worked on in the past year or is currently working on. Other useful information that is shown is how much time each commissioner spent on the particular project as well as the expenses. A suggestion was made to add totals of each of the columns at the bottom of the document.	
Adjournment	The meeting was adjourned at 7:56 pm.	
Next Business Meeting Date and Location	The next MILMC business meeting will be held on May 2, 2007 at 6:30 pm at Charlotte Mecklenburg Utilities (CMU), 5100 Brookshire Blvd, Charlotte, NC	

Annette Lawing, Clerk