

Mountain Island Lake Marine Commission



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

June 6, 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), Commissioner Tim Eldridge (Gaston County),
Commissioner Absent: Secretary/Treasurer Ann Danzi (Gaston 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 6:34pm.	
Pledge of Allegiance to the Flag	Chairman DuVall asked everyone present to join in to Pledge Allegiance to the Flag	
Approval of the June 6, 2007 Agenda	Revision – move Item X-A to be heard before Item X-B on the agenda. With this revision, the agenda was approved.	The June 6, 2007 agenda was approved as submitted.
Approval of the May 2, 2007 Meeting Minutes	There were no revisions to the minutes	The May 2, 2007 meeting minutes was approved as submitted.
Statement of Purpose	Legal Counsel, Chris Clark read the Statement of Purpose into the record.	

Topic	Discussion Summary	Action
Public Comments	Public Comments – None	
Consent Agenda	Consent Agenda – None	
Public Safety Reports	<p>Charlotte – Mecklenburg Police Department – Officer Scott Howard reported</p> <ul style="list-style-type: none"> <input type="checkbox"/> (11) Boats inspected <input type="checkbox"/> (1) Citations <input type="checkbox"/> (3) Warnings <p>Gaston County Police Department – Officer Hord reported</p> <ul style="list-style-type: none"> <input type="checkbox"/> (6) Citations <input type="checkbox"/> (38) Safety Inspections <input type="checkbox"/> (40) Special Checks <input type="checkbox"/> (8) Trespassing <p>Chairman Dan DuVall asked Officer Hord what the fines were if a boater is cited in a No Wake Zone. Officer Hord stated that the fine is \$35 and \$110 court cost.</p> <p>Lincoln County Sheriff’s Office</p> <ul style="list-style-type: none"> <input type="checkbox"/> No Report <p>N.C. Wildlife Resources Commission</p> <ul style="list-style-type: none"> <input type="checkbox"/> No report <p>Mecklenburg County Parks and Recreation – Milton Bowen reported</p> <ul style="list-style-type: none"> <input type="checkbox"/> Buoys – one buoy missing at the Hwy 16 Bridge. This buoy will be replaced at the same time as the two large buoys for Nance Cove. These No Wake buoys (Nance Cove) are on order and are expected to arrive by the end of June. <input type="checkbox"/> Haymarket Property – Board of County Commissioners approved designating the Haymarket property as a Nature Preserve. <input type="checkbox"/> June 22 – Wakeboarding Competition at Garr Creek in Latta Plantation <input type="checkbox"/> June 23 – Latta Launch Race 	

Topic	Discussion Summary	Action
Public Safety Reports (continued)	<p>Duke Energy of the Carolinas – Kermitt Taylor reported</p> <ul style="list-style-type: none"> □ (1) Pier application approved □ Lake level is 97.0 	
Environmental Reports	<p>Mecklenburg County Land Use and Environmental Services – No report</p> <p>Lakekeepers Report – Alice Battle reported</p> <ul style="list-style-type: none"> □ Mountain Isle Harbor – Brian Sykes (Lakekeeper) requested a letter be generated from the landscaper stating the size and type of trees that were cut down in buffer zone. Brian never received a response from the landscaper. Because of this failure to reply, the property owner is now responsible. Brian Sykes told the property owner that he had to submit a Mitigation Plan by May 24, 2007. If this Mitigation Plan is not submitted by the deadline, the property owner will be issued a violation (fine). □ Tom Alligood (Covekeeper) was contacted about more trees and branches being cut down on another property on Mt. Harbor Drive. Brian Sykes investigated this report and concluded that no violations were being committed at this property. <p>Chairman DuVall asked Battle if having these regulations in place help in prevention of trees being cut down on MI Lake. Battle stated that in most cases, property owners that were in violation of the 100’ Tree Buffer agreed to replant the trees or they would have been fined.</p> <p>Executive Director Mike McLaurin added that if a property owner is in the process of building a home and was in violation of the 100’ Tree Buffer, one may have more leverage in enforcing the regulations by withholding their compliance for the new home until the violation is resolved.</p> <ul style="list-style-type: none"> □ Polo Club – The Polo Club, the age-sensitive community that is being developed behind Wal-Mart, is leaving 150’ buffers on the streams undisturbed. <p>Quality of Natural Resources (QNRC) – Pam Beck reported</p> <p>Chairman DuVall asked Beck to give a quick description of what QNRC is and why it is valuable to the Mountain Island Lake. QNRC stands for Quality of Natural Resources Committee and was formed by the Gaston County Commission. This committee was created to investigate and make recommendations to the Gaston County Commission regarding environmental issues involving land, air and water, stated Ms. Beck.</p>	

Topic	Discussion Summary	Action
Environmental Reports (continued)	<ul style="list-style-type: none"> ❑ Water Quality – Gaston County has adopted their Stormwater Ordinance. This ordinance has been sent to the state for their review. ❑ Water Quality – QNRC is adopting a Drain Stenciling Program and is looking to the Boy Scouts, 4H Clubs and other civic organizations to help in the program. They are also looking into creating an “Adopt a Stream” program for Gaston County. This program is very similar to the “Adopt a Street” program. ❑ Water Quality – Macro Invertebra study will be done on Lake Wylie in lieu of Mountain Island Lake. 	
Public Safety	<p>Public Hearing for Consideration and Deliberation of establishing a 100-foot No Wake Zone Buffer for the Entire Mountain Island Lake</p> <p>Legal Counsel Chris Clark read the definition of the 100 Foot No-Wake Buffer as used in Chapter 75A (Boating and Water Safety) of the NC General Statutes, which reads: <i>100 Foot No-Wake Buffer. No person shall operate any motorboat or vessel on the waters of Mountain Island Lake at greater than no-wake speed within 100 feet of a vessel launching area, bridge, dock or pier.</i></p> <p>Once the public hearing has concluded, the commission will have a few options; 1. Choose to do nothing (vote down the rule), 2. Choose to approve this rule (adopt it as it is written), 3. Choose to modify the rule (adopt a modified version).</p> <p>Commissioner Eldridge asked if this regulation would be sent to NC Wildlife to be added in the Administrative Code.</p> <p>Executive Director Mike McLaurin replied that the commission can choose to send it to NC Wildlife or not. The benefit to have this regulation in the Administrative Code is that Judges seem understand the Administrative Code better than marine commission regulations.</p> <p>Eldridge asked if a No Wake Zone Buffer was approved by the commission but later the commission decided to amend their decision, what would be the process to resubmit to NC Wildlife.</p> <p>Clark replied that if the commission does decide to change a regulation in the future, they can do that and make the change or amendment effective the day of their meeting. However, if regulations are submitted to NC Wildlife to be added to the Administrative Code, trying to submit an amendment to a regulation is a very long process and very difficult to do. Chris’ suggestion is not to send regulations that are passed by the marine commission to Wildlife. This will allow the commission to retain flexibility in case there are changes to the regulations.</p>	<p>A motion was made by Commissioner Beck to open the public hearing. Seconded by Vice Chairman Battle. The motion was approved.</p> <p>A motion was made by Commissioner Beck to close the public hearing. Seconded by Commissioner Bishop. The motion was approved.</p> <p>A motion was made by Commissioner Beck to approve the 100’ No Wake Buffer for the entire MI Lake as stated in Chapter 75A in the NC General Statutes. Seconded by Commissioner</p>

Topic	Discussion Summary	Action
<p>Public Safety (continued)</p>	<p>Public Hearing for Consideration and Deliberation of a No Wake Zone in Whispering Cove There were four (4) public comments scheduled to be heard. All four (4) speakers were representatives of the Mt. Isle Harbor Boatslip Association, who submitted the request to expand the No Wake Zone into Whispering Cove at the March 7, 2007 MILMC business meeting.</p> <p>Brad Tadlock – Mt. Isle Harbor Boatslip Association – Mr. Tadlock encouraged the commission to consider expanding the No Wake Zone into Whispering Cove and to place the buoys as close to the main channel as possible. The homeowners, boatslip owners and Community Watch officers have been discussing the environmental and safety issues in the cove since June 2006 and decided to submit the request in February 2007.</p> <p>Glendon Fetterolf – Mt. Isle Harbor Boatslip Association – Mr. Fetterolfs’ concerns are the heavy activity and wave action near their POD B boatslips. This wave action causes safety concerns when boaters are trying to refuel and for boaters who are trying to get back into their slips or out of their slips.</p> <p>Jan Clifford – Mt. Isle Harbor Boatslip Association – Ms. Clifford has lived on Mountain Island Lake since 2001 and has seen an increase in traffic on the lake. The Association has tried very hard to education local boaters but that still isn’t enough to solve the problem. Another safety concern is children swimming in the area and high speed boaters do not care that they are endangering these children. As Mountain Island Lake is discovered by more people, more boaters come to the lake not knowing lake etiquette and continue to make the problem larger.</p> <p>Kimberly Tadlock – Mt. Isle Harbor Boatslip Association – Ms. Tadlock personally has had difficulty simply walking on her dock due to a lot of wave action. An environmental issue of concern is the shore erosion from heavy wave action.</p> <p>Vice Chairman Battle asked Brad Tadlock how wide across is the cove that he wants the buoys placed. Mr. Tadlock replied that he estimates the mouth of the cove to be at least 600’.</p> <p>Commissioner Beck asked Kimberly Tadlock if she thought that the 100’ No Wake Zone Buffer would help. It’s a possibility that this 100’ No Wake Buffer would help only if the No Wake area was clearly marked, stated Ms. Tadlock. Most boaters have a hard time judging distance and would not know if they are within the 100’ buffer.</p>	<p>Watson. This motion was approved.</p> <p>A motion was made by Commissioner Beck to open the second scheduled public hearing. Seconded by Commissioner Watson. The motion was approved.</p> <p>A motion was made by Vice Chairman Battle to close the public hearing. Seconded by Commissioner Beck. The motion was approved</p>

Topic	Discussion Summary	Action
<p>Public Safety (continued)</p>	<p>Commissioner Eldridge is opposed to the No Wake Zones. He feels that the more buoys that are on the lake, the more maintenance you are responsible for. If buoys are placed in the main channel, eventually the entire lake will become No Wake and he is opposed to that.</p> <p>Commissioner Bishop commented that he was not aware that there were so many skiers and high traffic in this area however; this area in question would be a lot of water to regulate.</p> <p>Vice Chairman Battle is in favor of a No Wake Zone due to the density of the area.</p> <p>Commissioner Beck stated that she had concerns back in 1998 when these boat docks were constructed so close to the Gaston County Water Intake. At that time, Beck contacted the USGS and they began a water flow study. This study monitors the hydrology of water flowing through MI Lake coming down around the bend and all the way to the dam. Jared Bells with the USGS and Beck discussed the force of the water coming through this area. Another place that will probably have the same identical problems as Whispering Cove is Stonewater. Docks at Stonewater are located near the main channel as well and Commissioner Beck estimates that it will be an ongoing task to maintain these docks due to the force of the water. As a commission, we can not go around and place buoys in every area that is experiencing erosion problems. Especially in areas like Stonewater and Whispering Cove where it will be difficult enough just keeping the buoys in place because of the force from the water flow. Commissioner Beck would like to see if the approved 100' No Wake Buffer would help the problem before making a decision on this request.</p> <p>Chairman DuVall stated that placing No Wake buoys near the main channel would not eliminate the problem at POD B. Every marker put on this lake is affected through self-enforcement. DuVall stated that he is not in favor of putting buoys at the main channel due to the expense and maintenance.</p> <p>Legal Counsel Chris Clark made a point of clarification that there are existing buoys in this cove therefore; some of the cost will be defrayed because these existing buoys would be repositioned.</p>	

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Public Safety (continued)	<p>Chairman DuVall suggested that if the applicants wanted to incur the costs associated with maintaining and purchasing the buoys that will be brought toward the mouth of this cove, he would supply them an estimate for this expense.</p> <p>Clark asked how many commissioners would be willing to support a modification to this proposal. This modification would state that the buoys would not be brought all the way out to the main channel and the Mt. Isle HOA would be responsible for the buoys and maintenance.</p> <p>Executive Director Mike McLaurin addressed the commission with the two options that has been presented. The first option is; generating an agreement with the HOA indicating that they would be responsible for the purchase and maintenance of the buoys. The second option is revisiting this application after Labor Day to see if the approved 100' No Wake Buffer has had any affect on the issues in Whispering Cove. The local law enforcement will also be asked to pay special attention to this buffer during the summer. If the issues continue to be a problem, the application will be reviewed again.</p> <p>Commissioner Watson sympathizes with the Association because of the issues presented however; he is still undecided on the request.</p> <p>Chris Clark informed the commission that they are not required to take action on this request tonight and if the commission and the applicant agree, the decision can be deferred to a later meeting.</p> <p>Chairman DuVall asked the Mt. Isle Harbor Boatslip Association if they would like to defer the decision to a later date or would they like a vote on the application tonight. Brad Tadlock preferred to be placed on the July MILMC agenda with a modified proposal. Mike McLaurin advised Mr. Tadlock to get the modified proposal to Annette Lawing, the MILMC Clerk, by June 17 in order to make it on the July agenda.</p> <p>Commissioner Beck thought it would be beneficial to the applicants to know how often buoys are replaced or reposition on MI Lake. DuVall informed them that NC Wildlife Resource Commission repositions their buoys every year. MILMC replaces 1 – 2 buoys every 18 – 20 months, if not more. An estimate to purchase a buoy is \$240 and</p>	

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Public Safety (continued)	<p>\$140 to install it.</p> <p>Jan Clifford asked the commission to explain the process of notifying residents and boaters of the 100’ No Wake Buffer. DuVall replied that a notice will be published in the Mountain Island Monitor paper, the area HOA’s will be notified, the regulation will be posted on the MILMC website and also posted at all boat access areas. There are also statutory requirements that the marine commission has to follow in terms of regulations that apply to the entire lake, stated Chris Clark.</p> <p>Mt. Isle Harbor Boatslip Association plans to submit a modified proposal to the MILMC by June 17. MILMC will review this information prior to the July MILMC business meeting and render a decision at the July 11th meeting.</p>	
Base Operating Plan	<p>Base Operating Plan (BOP) – Chairman DuVall and various Commissioners updated the BOP</p> <ul style="list-style-type: none"> □ Project 06-09 Post Boating Safety Rules (Battle) – Battle spoke with Scott Jolly and they are in the process of reviewing the type of signage and once that is approved, these signs will be posted at the boat access areas. □ Project 06-14 FERC/ Duke Relicensing (Battle) – Hwy 73 Access Area – Joe Carriker spoke with Officer Dave Turner (CMPD) and suggested that a key to the Hwy 73 access area be placed at the East Lincoln Fire Department in lieu of several different officers having a key. This way, all of the law enforcement agencies would have one stationary place to pick the key up. □ Project 06-30 150’ No Wake Zone (Battle) – <i>Move this project from active to completed.</i> □ Project 06-26 Media Communications (Beck) – Beck contacted several media stations to let them know that MILMC has a representative available if they need assistance on any Mountain Island Lake stories that they may be working on. 	
Chairman’s Report	<p>Chairman’s Report – Chairman DuVall reported</p> <ul style="list-style-type: none"> □ Joint Marine Commission Meeting – Scheduled for July 12th from 6 pm – 9pm at the Pine Island Country Club. □ Strategic Workshop– The workshop will be on July 7th from 9 a.m. until 1 p.m. at Centralina Council of Governments. 	

Topic	Discussion Summary	Action
<p>2007-2008 Budget Ordinance</p>	<p>Public Hearing for Consideration of the 2007-2008 Budget Ordinance –</p> <p>Total budget is \$48,000 - of this \$48,000, \$1,000 is for protecting water quality, \$3,100 is for public safety, and the balance of \$43,900 is general business and administrative expenses.</p>	<p>A motion was made by Commissioner Beck to open the public hearing. Seconded by Vice Chairman Battle. The motion was approved.</p> <p>A motion was made by Vice Chairman Battle to close the public hearing. Seconded by Commissioner Beck. The motion was approved.</p> <p>A motion was made by Commissioner Beck to approve the 2007-2008 Budget Ordinance. Seconded by Commissioner Bishop. The motion was approved.</p>
<p>Executive Director's Report</p>	<p>Executive Director's Report - Executive Director Mike McLaurin reported</p> <ul style="list-style-type: none"> □ Activity Reports were distributed to the Commissioners □ Special Meeting – Need to schedule a special meeting to address the following items: 1. Revision of the 2006-2007 Budget 2. Consideration of Contracting with COG for the FY2007-2008 3. Other matters of interest. An email will be sent out by the clerk to set a date for this meeting. □ Need to get approval from the commission to authorize Chairman DuVall to sign the LGC contract (contract with audit firm). The commission issued their approval. 	<p>A motion was made by Commissioner Bishop to authorize Chairman DuVall to sign the LGC contract. Seconded by Vice Chairman Battle. The motion was approved.</p>

Topic	Discussion Summary	Action
Executive Director's Report (continued)	<ul style="list-style-type: none"> □ No Wake Zone signs in Nance Cove – the commission will order 3 No Wake Zone Signs priced at approximately \$40.00/each to post on area docks in Nance Cove. Vice Chairman Battle stated that Tom Blomquist had initially agreed to post one of these signs at Overlook but decided that the commissions' signs would not fit their architectural look. They have since order their own signs and will post them at the boat accesses. McLaurin informed the commission that Tom Waters have agreed to purchase one sign to post at his dock. 	
Commission Counsel Report	<p>Commission Counsel Report – Chris Clark reported</p> <ul style="list-style-type: none"> □ 100 foot No Wake Buffer for MI Lake – the regulation that was approved this evening requires the commission to post a notice sign or marker communicating the essential provisions for this regulation in at least three different places in the area. The commissioners will coordinate with the marine commission clerk to get this notices laminated and posted. This regulation must also be publicized in a local newspaper of general circulation within the three funding counties. 	
Commissioner's Comments	Commissioner's Comments - None	
Adjournment	The meeting was adjourned at 8:27 pm.	
Next Business Meeting Date and Location	The next MILMC business meeting will be held on July 11, 2007 at 6:30 pm at East Lincoln High School, 6471 Hwy 73, Lincolnton, NC	

Annette Lawing, Clerk