

Mountain Island Lake Marine Commission



East Lincoln High School
6471 Highway 73
Lincolnton, NC

October 4, 2006 Minutes

Commissioners Present: Chairman Dan DuVall (Mecklenburg County), Vice Chairman Greg Shelton (Mecklenburg County), Secretary/Treasurer Ann Danzi (Gaston County), Commissioner Pam Beck (Gaston County), Commissioner Tim Eldridge (Gaston County), Commissioner Alice Battle (Mecklenburg 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 6:33 pm.	
Pledge of Allegiance to the Flag	Chairman DuVall asked everyone present to join in to Pledge Allegiance to the Flag	
Approval of the October 4, 2006 Agenda	The executive Director request that the following items be added for discussion: 1) Where the Marine Commission wished to have a December business meeting (Item #XV (B)) 2) MILMC Map to Item #XVI (D). With these revisions, the September 6, 2006 agenda was accepted.	
Approval of the September 6, 2006 Meeting Minutes	With no revisions or discussions, the minutes from the September 6, 2006 MILMC meeting were accepted.	
Statement of Purpose	Legal Counsel, Chris Clark read the Statement of Purpose into the record.	

Topic	Discussion Summary	Action
Public Comments	None	
Recognition of Former Commission Chair, Jerry Campbell	Chairman DuVall recognized former Commission Chairman, Jerry Campbell and thanked him for his hard work, caring and leadership for the Mountain Island Lake Marine Commission. Vice Chairman Shelton added that Campbell worked endless hours for the commission and handled the tasks in a very professional manner. Mr. Campbell thanked the Commission in return for their efforts on Mountain Island Lake. In appreciation, Mr. Campbell was presented a world clock from the MILMC.	
Consent Agenda	None	
Public Safety Reports	<p>Charlotte – Mecklenburg Police Department Officer Turner reported</p> <ul style="list-style-type: none"> • 9 Safety Inspections • 1 Warnings • 1 Boater Assist • 4 calls for service <p>Gaston County Police Department Officer Hamrick reported</p> <ul style="list-style-type: none"> • No activity on the lake • Jet skis have been turned in, lease is up • GCPD receiving new radios on boats that will enable officers to communicate more efficiently with other area law enforcement agencies. <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 	

Topic	Discussion Summary	Action
Public Safety Reports (continued)	<p>Mecklenburg County Parks and Recreation Marshall McGinn reported</p> <ul style="list-style-type: none"> • Buoy at Whispering Cove has been repaired • A boat was washed up to shore at Latta Plantation. This boat has been identified and returned to owner <p>Duke Energy of the Carolinas Kermit Taylor reported</p> <ul style="list-style-type: none"> • Lake level is 4.1 feet below full pond • Approved 2 pier applications 	
Presentation of the FY2005-2006 Audit	<p>Presentation of the FY 2005-2006 Audit – Shelia Mulkey with Dixon Hughes gave an overview of the MILMC FY2005-2006 audit. The Mountain Island Lake Marine Commissioners and staff were given copies of this audit prior to the business meeting for review. Ms. Mulkey reported that the audit went very smoothly.</p>	
Environmental Reports	<p>Mecklenburg County Land Use and Environmental Services</p> <ul style="list-style-type: none"> • No report <p>Charlotte Engineering and Property Management</p> <ul style="list-style-type: none"> • No Report <p>Lakekeepers Report – Pam Beck reported</p> <ul style="list-style-type: none"> • She had received an email from Secretary/Treasurer Ann Danzi regarding sediment and erosion problem at Stonewater. Mrs. Beck took pictures and contacted Gaston County Soil and Erosion Control to set up a meeting to go view this problem. The representative from Gaston County went to the wrong location but has since gone to the problem area. Mrs. Beck is awaiting the report from Gaston County. • Commissioner Battle asked if the area was cleaned up around the storm drain near the cult-a-sac in Stonewater? Battle reported that there was a lot of trash build-up in this area. Secretary Treasurer Danzi agreed to research this and report back. 	

Topic	Discussion Summary	Action
<p>Public Hearing on Consideration of a No Wake Zone for Nance Cove</p>	<p>A public hearing on consideration of a No Wake Zone in Nance Cove was held on September 6 at the MILMC business meeting but due to missing the required time for advertising the public hearing, a second public hearing was scheduled at the October 4th MILMC business meeting.</p> <p>Executive Director, Mike McLaurin addressed the commission and the public regarding the guidelines for the Public Hearing.</p> <p>After motion was approved to go into Public Hearing, each public speaker was given three minutes to present their thoughts on the No Wake Zone proposal in Nance Cove.</p> <ul style="list-style-type: none"> • Kathy Chavez, 3069 Nance Cove Road, has lived in Nance Cove for over 12 years. Ms. Chavez would like to propose a compromise to the No Wake Zone for the entire cove which would be to place No Wake buoys at strategic points from the mouth of the cove to the entrance of the existing No Wake Zone at the old Shuffle Town Landing. These buoys would be set 100’ from the docks that sit the farthest into the cove – 5 on the Overlook side and 5 on the Nance Cove Road side. These buoys would be in addition to the three (3) existing buoys. Ms. Chavez believes this compromise would clearly educate, warn and protect the boaters and create a safer environment for the entire cove without penalizing the residents that wish to use the cove as it was intended when they bought their property. It would not adversely effect land values or resale ability to the homeowners on the cove and allow for boating access all times of the year without exception or special provisions. • Arnold Jenkins, 2912 Nance Cove Road, has owned this property for 40 years and is opposing a No Wake Zone for Nance Cove. Mr. Jenkins stated that the meeting minutes from the August 2nd MILMC meeting appeared to be in favor of some type of compromise rather than making all of Nance Cove a No Wake Zone. However, rather than continuing to look for some sort of compromise, a motion was made, seconded and approved to hold a public hearing to consider making all of Nance Cove a No Wake Zone. Mr. Jenkins believes that the decision to make all of Nance Cove a No Wake Zone by the Commission was arbitrary. He also added that he has yet to see any facts such as accident reports, documented boat traffic studies, etc. that justify making all of Nance Cove a No Wake Zone. He too, also feels that such an action would reduce his 	<p>A motion was made by Vice Chairman Shelton to go into Public Hearing. Seconded by Secretary Treasurer Danzi. The motion was approved.</p>

Topic	Discussion Summary	Action
<p>Public Hearing on Consideration of a No Wake Zone for Nance Cove (continued)</p>	<p>Cove a No Wake Zone. He too, also feels that such an action would reduce his value and enjoyment of his lake front property. Mr. Jenkins proposed a compromise of having all of Nance Cove as No Wake on weekends and Holidays from 12:00 Noon until 6:00 PM from May – September. Based on Mr. Jenkins’s observations, there is little boat traffic in Nance Cove during the week and in the morning and late evening on weekends and holidays. This would address the safety issue and also permit a mixed use of the recreation opportunities on Nance Cove.</p> <ul style="list-style-type: none"> • Nancy Gardner, 2900 Nance Cove Road, is in favor of a compromise by making Nance Cove No Wake only on weekends and holidays. Ms. Gardner has been a resident of Nance Cove since 1966 and has not known of any accidents in all those years. Also, agrees with Mr. Jenkins stating that there is very little boat traffic in this cove to justify a No Wake Zone. • Dan Belongia, 2810 Highworth Lane, is opposed to the No Wake Zone in Nance Cove. Mr. Belongia will occasionally see an unsafe boater but the answer to that problem is having more Law Enforcement on the lake during the weekends and holidays. • Ron Maddox, 2836 Highworth Lane, has lived in Nance Cove for 30 years and has never witnessed an accident on the lake. Mr. Maddox added that Mountain Island Lake lake enforcement officers are the best officers in the country and there is no reason for a No Wake Zone in Nance Cove. • Ray Drury, 12324 Haymarket, is opposed to the No Wake Zone in Nance Cove. Mr. Drury noted that if this area is such a safety hazard, then why has the Law Enforcement who have already studied this cove state that from their findings, there is no reason to make Nance Cove No Wake? As a homeowner, Mr. Drury would not have purchased in this cove if he had known it would become a No Wake Zone. • Frances Surgenor, 3512 Mt. Cove Drive, property value declining due to shoreline erosion, damage to docks, safety and environmental are all important issues that make Mrs. Surgenor in favor of the No Wake Zone. • Keith Surgenor, 3512 Mt. Cove Drive, has been a resident of Overlook for 7 years. Many people on this lake need to realize that Mountain Island Lake is not like Lake Norman. It is much smaller and a serious accident is waiting to happen if this cove is not made No Wake Zone. 	

Topic	Discussion Summary	Action
<p>Public Hearing on Consideration of a No Wake Zone for Nance Cove (continued)</p>	<ul style="list-style-type: none"> • Tom Blomquist, 3520 Mt. Cove Dr, President of the Overlook Homeowners Association is in favor of making Nance Cove a No Wake Zone. Mr. Blomquist noted that the widest section of this cove is still very narrow. Such coves on Lake Norman would also be a No Wake Zone. Property owners are having to repair boat slips due to the wake generated by speeding boaters/skiers that are too close to the docks. Safety is the primary issue in Mr. Blomquist supporting this No Wake Zone and the commission needs to take all the information into consideration. <p>Chairman DuVall addressed the public and stated that all comments will be considered when making a decision on this proposal.</p> <p>After Public Hearing was closed, the commission had to opportunity to discuss and give their thoughts.</p> <ul style="list-style-type: none"> • Vice Chairman Shelton wanted to clarify that he was persuaded to vote for the No Wake Zone during last month’s Public Hearing following comments by Mr. John Goins. Mr. Goins is a resident at 3528 Mt. Cove and was initially opposed the No Wake Zone in Nance Cove but after witnessing several boaters pulling wake boarders and coming within 50’ of piers and docks, became in favor of this proposal. • Commissioner Battle stated that there are other recreational activities, such as swimming, that take place on in the lake. It is very dangerous for a boater to be speeding by a pier, sometimes as close as 50’ and to have swimmers out in the lake. • Commissioner Eldridge asked if the commission had any documentation of recent accidents? Chairman DuVall directed this question to Officer Turner with the Charlotte Mecklenburg Police Department. Officer Turner answered by saying that the N.C. Wildlife Resources officers investigate all accidents. • Commissioner Beck added that wake boarders actually use docks to wake board off of. • Vice Chairman Shelton asked the commission to consider a seasonal No Wake Zone. 	<p>A motion was made by Commissioner Beck to close Public Hearing. Seconded by Commissioner Battle. Motion was approved.</p>

Topic	Discussion Summary	Action
	<ul style="list-style-type: none"> • Chairman DuVall stated that NC Wildlife does not enforce seasonal rules. • Executive Director Mike McLaurin said that the Marine Commission has several options which are: 1) approve the No Wake Zone has proposed; 2) modify the proposed No Wake Zone proposal; 3) not approve the No Wake Zone proposal. If the Marine Commission chooses to approve the No Wake Zone (Options 1 or 2) then the Marine Commission must decide whether to request that N.C. Wildlife Resources Commission adopt the Marine Commission regulation. • Commissioner Beck stated that she is torn with this decision. The cove is relatively calm most of the time but sometimes there is such havoc. Commissioner Beck use to ski off docks and didn't realize the effects it was causing to her neighbors docks. Over the years she has realized the environmental effects and safety issues on the lake. These are much more important issues that recreational fun. • Idling through the entire cove is an aggravating issue for residents, stated Vice Chairman Shelton. Especially in the winter months. • After considering all of the facts, a motion was made and approved to make the entire Nance Cove a No Wake Zone beginning at the main channel and extending inward. This regulation will be effective January 1, 2007 and marked appropriately. 	<p>A motion was made by Commissioner Battle and second by Secretary Treasurer Danzi to</p> <ol style="list-style-type: none"> 1) Establish a No Wake Zone in Nance Cove beginning at the Main Channel extending inward and be marked appropriately. 2) The No Wake Zone would take effect on January 1, 2007. 3) Abolish the current Marine Commission regulation which originally established the Nance Cove No Wake Zone 4) Request that the N.C. Wildlife Resources Commission abolish its similar regulation.

Topic	Discussion Summary	Action
		Voting in favor of the motion were: Battle, Danzi, Shelton, Watson, Beck and DuVall. Voting against the motion was Eldridge.
Update on the Interbasin Transfer Request by Concord/Kannapolis	Update on the Interbasin Transfer Request by Concord/Kannapolis Each Commissioner received a handout for their review. This handout included several articles from local newspapers and magazines updating the public on the IBT transfer request. The Chairman encouraged each commissioner to read this information and continue to write to the EMC voicing his or her opposition.	
Base Operating Plan	Base Operating Plan (BOP) Commissioner Shelton updated activities and projects on the BOP <ul style="list-style-type: none"> • Project 06-08, Big Sweep (Battle/Watson) – A successful Big Sweep took place on Sept 23rd. Four (4) Marine Commissioners attended and a total of 60 bags of trash were collected along with several tires, grills, etc. Most trash was at Hubie’s Chairman DuVall noted that there was not as much trash to collect as last year. This proves that cleaning up areas around the lake throughout the year have been successful. This project will be moved to Completed Projects (Attachment D) • Project 06-09, Post Boating Safety Rules (Battle) – To revisit in November • Project 06-17, MILMC Section of Ad Code (Shelton) – Need to decide who the Commission wants involved. One option is to submit for own section in Ad Code. NC Statue 150 defines agency of Executive Branch as a Local Government Entity. MILMC will have great difficulty getting approved to have own section. Shelton is concern of the very lengthy rule making process. Another option is to continue asking NC Wildlife for approval. Shelton suggested continuing to use NC Wildlife and if they choose not to enforce our 	A motion was made by Secretary Treasurer Danzi to move Project 06-08 to Attachment D (Completed Project). Seconded by Vice Chairman Shelton. The motion was approved. A motion was made by Vice Chairman Shelton to move Project 06-17 MILMC Section of Ad Code to Attachment D

Topic	Discussion Summary	Action
	<p>regulations, MILMC can still pass regulations and implement them ourselves. Most rules, such as buoys, are obeyed on the lake, added Chairman DuVall. Shelton stated that the MILMC regulations need to be in a clean, numbered system and be posted on the marine commission website. Secretary Treasurer Danzi stated that in order for rules to be enforced, the laws needs to be sent to the District Attorneys of all three funding counties. Copies of laws need to be sent to Secretary of State, Clerk of Courts (all 3 Counties) and to ED of NC Wildlife, stated Legal Counsel Chris Clark. This project is to be moved to Attachment D (Completed) and a new project be generated and labeled “Codification”.</p> <ul style="list-style-type: none"> • Project 06-18, Support State Forest (Beck/Watson/Danzi) – Laura Shidel of NC Forestry recently spoke at meeting in which county commissioners were in attendance. Danzi and Beck to follow up with Senator Forrester and report back to at November MILMC meeting. • Project 06-20, Buoys, (DuVall)–As of October 4th, all buoys are in good shape. • Project 06-21, Alternative Revenue, (DuVall) – Possibly looking at fundraising ideas. Executive Director Mike McLaurin looking at producing MILMC maps. Secretary Treasurer Danzi asked if depth levels could be depicted on the MILMC maps. That option is not available on these maps, answered Chairman DuVall. McLaurin suggested to possibly get a real estate agency to sponsor these maps. Need to decide if going to apply for Boat US Grant due in November. Commissioner Beck asked if the Boat US Grant money could be used for printing safety literature rather than maps. Vice Chairman Shelton suggested printing boating regulations on the back of the MILMC maps to promote safety on the lake. • Project 06-26, Media Communications, (DuVall/Beck) – Motion was approved to table project. • Project 06-28, Clean Lake Management, (Battle) – Commissioner Battle requested that the Mountain Island Lake Marine Commission contribute \$200 to the Catawba Riverkeeper Foundation for the use of their equipment throughout the past year. Battle priced out how much it would cost the commission to rent a boat plus gas in order to do the work that needed to be done by the Clean Lake Management and \$200 was a very minimal price compared to what renting/gas would cost. Executive Director suggests that a check be written for “services rendered” not as a “donation” Vice Chairman 	<p>(Completed) and a new project be added to Attachment C labeled “Codification”. Seconded by Commissioner Beck. The motion was approved.</p> <p>A motion was made by Secretary Treasurer Danzi to authorize Executive Director Mike McLaurin to pursue Boat US Grant and research having boating regulations printed on back of MILMC maps. Seconded by Vice Chairman Shelton. The motion was approved.</p> <p>A motion was made by Vice Chairman Shelton to table Project 06-26, Media Communications and move project to Attachment D.</p>

Topic	Discussion Summary	Action
	<p>check be written for “services rendered”, not as a “donation”. Vice Chairman Shelton suggest that a letter be drafted by the MILMC to the Catawba Riverkeeper Foundation and to be worded to defray boating expenses. Commissioner Battle and Vice Chairman Shelton are to draft this letter and bring it back to the commission at the November meeting for review.</p> <ul style="list-style-type: none"> • Project 06-30, 150’ No Wake Zone, (Battle) – Commissioner Battle will report on the 150’ No Wake Zone at the MILMC November meeting. 	<p>Seconded by Secretary Treasurer Danzi. The motion was approved.</p> <p>It was the consensus of the Marine Commission to reimburse the Catawba Riverkeeper Foundation in the amount of \$ 200.00 for the use of the Catawba Riverkeeper Foundation Boat and adjust the budget accordingly.</p>
<p>Chairman’s Report</p> <p>Chairman’s Report (continued)</p>	<p>Chairman’s Report Chairman DuVall reported</p> <ul style="list-style-type: none"> • QNRC Request – Chairman DuVall received a letter from Jim Burke with QNRC requesting that a MILMC Commissioner be appointed to this committee. Commissioner Pam Beck has agreed to serve as a representative of MILMC. Chairman DuVall will follow up with Mr. Burke regarding Pam’s appointment. QNRC will be added to the MILMC agenda under Environmental Reports. • Joint Meeting – Chairman DuVall urged the commission to support having a joint meeting with Lake Wylie Marine Commission and possibly Lake Norman Marine Commission. Executive Director Mike McLaurin informed the Chairman that Craig Wyatt, a Wetlands Consultant has volunteered to speak at this joint meeting. • December MILMC Meeting – The commission decided on having a brief MILMC business meeting in December follow by a Christmas gathering at 	

Topic	Discussion Summary	Action
	Secretary Treasurer Danzi's home. Secretary Treasurer Danzi and Legal Counsel Chris Clark will report back to the commission at the November meeting with details.	
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 • Update on Donation Policy – No report • Hydrilla Trip – Ken Manual with Duke Power has planned a trip to Lake Howell to view an area that is infested with Hydrilla. This trip is scheduled for October 17th at 10:00am. McLaurin will send more information out to the commission. 	
Commission Counsel Report	<p>Commission Counsel Report Commission Counsel Chris Clark reported</p> <ul style="list-style-type: none"> • Discussion on submitting MILMC regulations to the NC Wildlife Resources for the Stonewater Bay and Neck Road Cove – The MILMC elected not to forward the No Wake Zone regulation for Neck Cove to N.C. Wildlife Resources. In 2004, the MILMC voted to send the No Wake Zone regulation for Stonewater Bay to the N.C. Wildlife Resources, but it was never sent. If the Commission chooses to send all three regulations (Stonewater Bay, Neck Cove, and Nance Cove) to NC Wildlife, it will be a single regulation that will list all three (3) No Wake Zones. Executive Director Mike McLaurin stated that if the Commission decides to submit for their own section in the Administrative Code and these No Wake Zone regulations are sent, if for any reason you would like these regulations eliminated, you must go through the same long process as you did to get a section of the Administrative Code. After discussions, a motion was made to submit the three (3) No Wake Zones regulations (Stonewater Bay, Neck Cove and Nance Cove) to the N.C. Wildlife Resource Commission. • Vice Chairman Shelton stated that now that peak season is over, submitting these regulations to NC Wildlife is not an issue. Secretary Treasurer Danzi asked Vice Chairman Shelton if he would rather delay submitting these regulations until the 150' No Wake Zone Buffer is decided upon? Shelton agreed that the commission should wait until that decision is made. Commissioner Eldridge also agrees that the commission should wait a while before sending the regulations to NC Wildlife. 	A motion was made by Commissioner Battle for the MILMC to submit the three (3) previously approved No Wake Zone regulations (Stonewater Bay, Neck Cove, and Nance Cove) to the N.C. Wildlife Resources Commission. Seconded by Secretary Treasurer Danzi. Motion was denied. Voting in favor were Battle and Danzi. Voting against were DuVall, Eldridge, Shelton and Beck.

Topic	Discussion Summary	Action
	<ul style="list-style-type: none"> • The motion was voted upon and was denied. The commission will postpone sending regulations to NC Wildlife at this time. 	
Commissioner's Comments	<p>Commissioner's Comments</p> <ul style="list-style-type: none"> • Commissioner Beck asked the Commission if a strategic planning meeting is going to be scheduled? Chairman DuVall suggested planning this meeting in January 2007. Executive Director Mike McLaurin stated that a strategic planning meeting is needed annually. • Commissioner Beck suggested participating in a Poker Run for a fundraiser event. Would also like to see spouses hours captured on the BOP. 	
Adjournment	The meeting was adjourned at 9:33pm.	
Next Business Meeting Date and Location	The next MILMC business meeting will be held on November 1, 2006 at 6:30 pm at Charlotte-Mecklenburg Utilities (CMU), 5100 Brookshire Blvd., Charlotte, NC	

Annette Lawing, Clerk