



Mountain Island Lake Marine Commission

Post Office Box 35008 • Charlotte, North Carolina 28235

Phone (704) 348-2705 • Fax (704) 347-4710

E-mail: mmclaurin@centralina.org

Website: www.marinecommission.com

Mountain Island Lake Marine Commission

East Lincoln High School
6471 Hwy 73 (Library)
Lincolnton, NC

April 5, 2006 6:30 p.m.

Meeting Agenda and Minutes

Jerry Campbell
Chairman
Gaston County

Dan DuVall
Vice Chairman
Mecklenburg County

Alice Battle
Secretary/Treasurer
Mecklenburg County

Pam Beck
Gaston County

Ann Danzi
Gaston County

Gregory Shelton
Mecklenburg County

Chris Watson
Lincoln County

Michael McLaurin
Executive Director

Chris Clark
Legal Counsel

- I. Welcome
- II. Pledge of Allegiance to the Flag
- III. Approval of the April 5, 2006 Agenda
- IV. Statement of Purpose
- V. Public Comments
- VI. Approval of the March 1, 2006 Meeting Minutes
- VII. Consent Agenda - None
- VIII. Public Safety Reports (*Please limit reports to three minutes.*)
 - A. Charlotte-Mecklenburg Police Department Officer Turner
 - B. Gaston County Police Department Sgt. McCants
 - C. Lincoln County Sheriff's Office Deputy Warlick
 - D. N.C. Wildlife Resources Commission Officer Rowell
 - E. Mecklenburg Co. Parks and Recreation Woody Woodward

- IX. Environmental Reports *(Please limit reports to three minutes.)*
 - A. Mecklenburg County Land Use and Environmental Services
 - B. Charlotte Engineering and Property Management
 - C. Lakekeepers Report

Rusty Rozzelle,
Mecklenburg County
Brad Loveland,
City of Charlotte
Pam Beck
 - X. Special Reports
 - A. FERC Update and Recommendations For Signing of AIP

Secretary/Treasurer Alice Battle
 - XI. Discussion of a 150' No Wake Zone
 - XII. Base Operating Plan
 - XIII. Chairman's Report
 - A. Update on IBT

Chairman Jerry Campbell
 - XIV. Executive Director's Comments
 - A. Finance and Activity Report
 - B. Presentation of the FY 2006-2007 Budget
 - C. Request to Transfer Funds to the NC Capital Management Trust

Michael McLaurin
 - XV. Commission Counsel Report
 - XVI. Commissioner Comments
 - XVII. Adjournment
- Marine Commissioners
- BOP Subcommittee
- Chris Clark
- Marine Commissioners

Mountain Island Lake Marine Commission

**Charlotte Mecklenburg Utility Offices
5100 Brookshire Blvd.
Charlotte, NC**

March 1, 2006 6:30 p.m.

Meeting Minutes

Marine Commissioners Attending

Chairman Jerry Campbell
Vice Chairman Dan DuVall
Secretary/Treasurer Alice Battle
Commissioner Greg Shelton
Commissioner Ann Danzi
Commissioner Pam Beck
Commissioner Chris Watson

Gaston County
Mecklenburg County
Mecklenburg County
Mecklenburg County
Gaston County
Gaston County
Lincoln County

Staff Attending

Michael McLaurin
Chris Clark
Annette Lawing

Executive Director
Commission Counsel
Marine Commission Clerk

Chairman Jerry Campbell opened the meeting at 6:32 p.m. welcomed all present and requested that each Commissioners and/or staff introduced themselves.

Pledge of Allegiance – The Chairman led the Commissioners in saying the Pledge of Allegiance.

Approval of the March 1, 2006 Agenda

- Commissioner Beck requested that the Lakekeepers Report be added back to the agenda as a regular item.

A motion was made by Commissioner Danzi to approve the March 1, 2006 agenda with addition of the Lakekeepers Report to Item IX. Seconded by Commissioner Battle. The motion was approved.

Statement of Purpose - Chris Clark read the Statement of Purpose for the record.

Public Comments – None

Approval of the January 4, 2006 and February 1, 2006 Meeting Minutes -

- Commissioner Shelton noted a change on the February 1, 2006 minutes. Page 5, Base Operating Plan, MILMC Signage in Access Areas. Change to read “Signs are for Hwy 16 and Hwy 73 entrance of the bridge.”

A motion was made by Commissioner Shelton to approve the January 4, 2006 and the February 1, 2006 Meeting Minutes with the revisions. Seconded by Commissioner Beck. The motion was approved.

Consent Agenda

Appointment of Chris Clark to serve as Marine Commission Counsel until June 2006

- Chairman Campbell announced to the Commission that LWMC Legal Counsel, Chris Clark has left the firm of Shumaker, Loop and Kendrick to work for the firm of Tillman Wright. Jerry asked Chris if he would like to make any comments.
- Chris began by stating that it was a very tough decision to leave Shumaker, Loop and Kendrick and that he thoroughly enjoyed working for the firm. Chris noted that the Tillman Wright firm has agreed to keep the legal fees for Chris' role as the Marine Commission Counsel the same through the end of the fiscal year.
- Chairman Campbell suggested that the Commission appoint Chris as the Marine Commission Counsel until June 2006. In the meantime, the Commission will meet with the new firm of Tillman Wright to discuss the needs of the MILMC.

A motion was made by Commissioner Watson to appoint Chris Clark as Marine Commission Counsel until June 2006. Seconded by Commissioner Shelton. The motion was approved.

Public Safety Reports

Charlotte-Mecklenburg Police Department – Officer Howard reported that they are looking forward to the upcoming boating season. The officers have been busy with the Southern Spring Show in Charlotte.

Gaston County Police Department – Officer Robinson reported not much activity going on. Preparing for the upcoming boating season.

- Commissioner Beck questioned Officer Robinson about a helicopter circling the lake on a Saturday evening around 9:00 pm, possibly looking for a runaway child. Officer Robinson stated that it normally is a serious issue if the helicopter is sent out.

Lincoln County Sheriff's Office – No Report

N.C. Wildlife Resources Commission – No Report

Mecklenburg Co. Parks and Recreation - Woody Woodward reported that:

- Beginning Phase II of the Middle Catawba Canoe/Kayak Trail. This trail will extend across 83 miles, though 7 Counties (6 NC, 1 SC). This will most likely be a 2-year process.
- Latta Plantation Summer Programs – Canoe and Kayaking classes, approximately 500 kids will participate in summer program.
- Peak season begins next weekend.

Duke Power – Kelvin Reagan reported that there were 2 pier approvals in the month of February.

Environmental Reports

Mecklenburg County Land Use and Environmental Services – Rusty Rozzelle distributed the updated Water Quality Maps for the Month of January 2006.

- There was the positive change in the Lake Water Quality Index from the previous year.
- The Bacteriological Results were good, remaining under 200 units.
- The Mountain Island Lake Symposium scheduled for March 16th from 10:00am to 2:30 pm at the Daniel Stowe Botanical Gardens.
- Objectives of this Symposium:
 1. Make persons aware of current events on the lakes.
 2. Highlight things that have been done to better protect the lakes since the MOU went into effect.
 3. Tying Lake Wylie and Mountain Island Lake in having one MOU, possibly calling it the Central Catawba Coalition.

- Chairman Jerry Campbell wanted to make sure that he could speak in behalf of the MILMC during this Symposium. Rusty assured Jerry that he would add him to the agenda.
- Commission Dan DuVall asked Rusty if trying to tie Lake Wylie and Mountain Island Lake would lead to only one Marine Commission? Rusty responded with saying that this has nothing to do with the joining of the Marine Commissions. This is trying to have everyone, including the marine commissions and the surrounding towns to work together on issues such as zoning and developing on the Catawba River.

Catawba RiverKeepers – Commissioner Beck reported.

- Not very active right now due to a lot of persons are off the lake. The RiverKeepers did meet to review the AIP.
- The EMC will be meeting on Wednesday, March 8th, 2006
- Commissioner Battle added by saying that a brochure is being generated to new property owners to educated them on what the regulations are as well as contact numbers if they should have any questions.

Charlotte Engineering and Property Management – No Report

Special Reports

FERC Report – Commissioner Battle reported to the Commission on a few of the disputes on the AIP.

- Duke will not get their 401-water quality certification until after the final agreement is obtained. Several groups do not wanted to sign the AIP due to this.
- To view the AIP (310 Pages) go to www.dukepower.com/community/lakes/cw
- Other Sections of interest are the Instream Flows for Aquatic Habitat. Duke Power considers Mountain Island has extending below the Mountain Island Dam approximately 7/10 of a mile. This area was dewatered when the dam was constructed. Since then, an island has formed and now houses as endangered species of sunflower. If they choose to return water to that area, this will endanger this sunflower in addition to increasing the risk of homeowners who were flooded back in Sept 2004. Duke Power has decided to mitigate to the dewatering. This can be done by cash or land transfer. Commissioners Beck and Battle have visited this property and noticed that there are 720 acres is in the Johnson Creek Watershed and Hwy 16 interchange. The Hwy 16 interchange is atop the highest point of the topography in the land. Everything that will come off of it will wash down into Mountain Island Lake. This project caused a great amount of problems in the year 2002 when the grading began on the new Hwy 16. Some of the problems were extreme amount of red water running from Johnson Creek into the Lake, which then caused a large amount of sediment to form. NCDENR has control over this land therefore; all of the correspondence has been addressed to them. Commissioner Battle stated that she would like to see the whole area preserve and minimally at least a 300-foot buffer on the streams.
- When reviewing the AIP, be aware of the language such as shall, might, make best efforts, evaluate.
- Duke Power will be willing to come talk to the Marine Commission and provide a PowerPoint presentation that may help explain the contents in the AIP.
- Executive Director Mike McLaurin suggests that MILMC's April 2006 business meeting should focus primarily on reviewing the AIP and discussing if the Commission wants to sign.

Base Operating Plan

Commissioner Greg Shelton reviewed and updated Attachment C with each of the Commissioners.

- Blue Fin Award (Beck) – Spoke with Althea with the Mountain Island Monitor and a press release should be in Thursday's paper. Still on schedule for May presentation.
- Builder/Developer Workshop (Campbell/Shelton) – On line for completion of September 20th.
- Bi Annual Boating Classes (Danzi) – Boating class is scheduled for June 22, 2006. The Lighthouse has been linked to the Mountain Island Marine Commission website.
- Two Meetings with County Commissioners (Campbell) – Completed. Had successful meeting

with Lincoln and Gaston Counties.

- Breath Analyzer for Law Enforcement – Need to take off of Attachment C.
- Neck Road Access Road Transfer (McLaurin) – Has been transferred to DOT. Mike to follow up with DOT to see if it has been accepted.
- Support State Forrest (Beck/Watson) – Photographed four 4-wheelers and informed them that they were trespassing.
- Protect Water Intakes (Campbell) – Cameras are in place and are working well.
- MOU (Campbell) – Reminder of the Mountain Island Symposium coming up on March 16th from 10:00am to 2:30 pm at the Daniel Stowe Botanical Gardens.
- Interbasin Transfer (Campbell) – IBT will be discussed at the March 16th MIL Symposium
- Clean Water Management (Battle) – After the County Commission meeting, Alice spoke with Wayne Weston regarding the Hay Market Tract. Alice along with Mr. Weston and three other persons from Mr. Weston's office walked the Hay Market Street property and discussed the concerns of clean up on this property. Since this outing, Alice received a letter from Mr. Weston stating that they are going to increase park watch, talk with the local police to get more coverage of the property, put out vandal-proof signs, and clean up area. Alice showed the Commission the new signs (trespassing, clean-up) that are going to be displayed throughout the Island.

Discussion of a 150' No Wake Zone

Commissioner Battle reported to the Commission the update on the proposed 150' No Wake Zone proposal.

- Commissioner Battle began her report with reading Section 75A – 13.3. regulations from the General Statues. It reads: *No person shall operate a personal watercraft on the waters of this State at greater than no-wake speed within 100 feet of an anchored or moored vessel, a dock, pier, swim float, marked swimming area, swimmers, surfers, persons engaged in angling, or any manually operated propelled vessel, unless the personal watercraft is operating in a narrow channel. No person shall operate a person al watercraft in a narrow channel at greater than no-wake speed within 50 feet of an anchored or moored vessel, a dock, pier, swim float, marked swimming area, swimmers, surfers, persons engaged in angling, or any manually operated propelled vessel.*
- The problem with these regulations is that it only applies to one type of vessel that is causing the problems. Also, these regulations are not publicized enough.
- Alice Battle has created a proposal for a 150' No Wake Zone on Mountain Island Lake and handed out to the Commission an information packet along with aerial photos.
- The real problem starts at the McDowell Creek area.
- At Gar Creek, if a 50 buffer would be implemented, that would allow 130 yards for canoeing and kayaking. This will protect canoe access.
- The problem in Nance Cove is persons pulling tubes behind their with children in them. Once they come around the points, it becomes very dangerous for the child or person in the tube because there is little control of them swinging close to the existing piers. This has happen on many occasions in Nance Cove.
- Alice then explained some concerns of the area property owners that are opposing the no wake zone. In several cases, this will not affect them.
- Alice passed out photos of trees at a Point on Mountain Island Lake from five (5) years ago and then showed the same trees today. The effects from erosion to the trees were tremendous and prove that a no wake zone is needed.
- Alice completed her presentation by allowing questions from the Commission.
 - Commissioner DuVall asked about what would happen to the prior petitions for buoys in Nance Cove that were placed before the Commission that were tabled? Should we not address those issues before we more forward with this proposal? Legal Counsel Chris Clark replied in saying that if the 150" No Wake Zone does not pass then the items of concerned that were tabled would be addressed at that time.
 - Chris Clark also added that the appropriate time for the Commissioners to share their

thoughts about this proposal would be at the Public Hearing. After receiving information from the public, then the Commission would gather together to discuss.

- Commissioner DuVall's concern is that the buffer will shift all the water skiers to the center of the river. That will then create a different problem of over crowdedness.
- Commissioner Greg Shelton's concerns are creating more of a danger by shoving all the traffic to the center of the river. Also, feels there should be no public hearing until the Nance Cove issues are resolved. Public recognition and how this no wake zone will be enforced.
- Chairman Campbell suggests that a committee be formed including CMPD, Executive Director Mike McLaurin and several MILMC commissioners to gather information regarding the proposal and bring back the collected information to the Commission.

A motion was made by Commissioner DuVall to form a sub-committee to look at this No Wake Zone proposal on a lake-wide basis and how it will effect MIL in it's entirety.

- The sub-committee will consist of Commissioners Beck, Campbell, DuVall, and Battle, Officer Turner with the Charlotte-Mecklenburg Police Department, and Executive Director Mike McLaurin. Chairman Campbell wants all the Commissioners to list their individual items of concern and give to the sub-committee. A report will be compiled and presented back to the Commission by May.
- Legal Counsel followed up with Commissioner DuVall's question regarding tabling items from previous meetings. With a quick research during the business meeting, Chris stated that is the Commission did in fact "table" an item then it should have been brought before the Commission at the next meeting. Also, the Commission has the option to "postpone" an item indefinitely. To see what the Commission did with said items, the meeting minutes will have to be pulled and reviewed.
- Commissioner DuVall requests that the minutes be reviewed to see what the Commission actually decided on doing with the said items.

No second was given to the previous motion; therefore this committee will be an Ad Hoc Committee appointed by the Chairman. Commissioner DuVall withdrew his motion.

Chairman's Report

Chairman Campbell highlighted a number of items to the Commission:

- Mountain Island Symposium at Daniel Stowe Botanical Gardens on March 16th from 10:00am to 2:30pm
- Mecklenburg County Commission presentation on March 8th. MILMC will discuss it's stand on the IBT, statement of purpose, and Basis Plan of Operation.
- March 9th at 7:30am the Mayor of Mt. Holly, Mayor of Cramerton, and Mayor of Belmont will be meeting for a Mayors Forum to discuss growth.
- Application for Grants through the Gaston Foundation is being received. Do we want to apply to the Gaston Foundation? Chairman Campbell will follow up with Mike McLaurin.
- Mountain Island Monitor – Althea to email a copy of the Monitor to the Chairman and the Commission needs to report on items of concern with Mountain Island Lake.
- Next years BOP and Budget – Need to think about going into the next year regarding the BOP and the Budget.

Executive Director's Report

Executive Director Mike McLaurin reported to the Commission

- Budget – Will do a flat line budget and request the same amount from funding counties as was

requested the previous year. Mike will put together some figures and bring back to the Committee.

- Budget Adjustment – Will get with Secretary/Treasurer Battle on doing a budget adjustment due to the difference in funds from Mecklenburg County.
- Name badges – a consensus was made to order magnet backing with color seal.
- MILMC Website – up and running. Need to add a few safety classes to website and will do that next week.

Commissioner's Comments

- Commissioner Watson would like to take a boat ride to view Nance Cove to be more aware of the 150' No Wake Zone. Several Commissioners volunteered to take Commission Watson on their boats.

There being no further business, the meeting was adjourned at 8:38 p.m. on motions by Commissioner DuVall and Commissioner Shelton. The next meeting will be held on April 5, 2006 at the East Lincoln High School - Library, 6471 Hwy 73, Lincolnton, NC.

A. Lawing

Annette Lawing
Marine Commission Clerk