

# Mountain Island Lake Marine Commission



Charlotte Mecklenburg Utilities  
 5100 Brookshire Blvd  
 Charlotte, NC

August 6, 2008 Minutes - **Revised**

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

**Commissioners Absent:** Secretary/Treasurer Ann Danzi (Gaston County)

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

Topic	Discussion Summary	Action
<b>Welcome &amp; Introductions</b>	Chairman Dan DuVall called the meeting to order at 6:33 pm.	
<b>Approval of the August 6, 2008 Agenda</b>	The August 6, 2008 meeting agenda will stand as submitted.	
<b>Approval of the July 2, 2008 Meeting Minutes</b>	The July 2, 2008 meeting minutes will stand as submitted.	
<b>Statement of Purpose</b>	Legal Counsel, Chris Clark read the Statement of Purpose into the record.	
<b>Public Comments</b>	<p><b>Public Comments</b></p> <ul style="list-style-type: none"> <li>□ Dan Brantley, Nivens Cove resident, reported to the commission that boaters are speeding and coming as close as 25' to his dock. This activity has become more common and has become a serious safety hazard. Mr. Brantley requested the approval from the commission to place a caution buoy out in front of his</li> </ul>	Commissioner Eldridge made a motion to approve the purchase and installation of a

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<p><b>Public Comments (continued)</b></p>	<p>dock to mark the 100' No Wake Buffer. Mr. Brantley also indicated that he would be willing to pay for the buoy and installation costs.</p> <ul style="list-style-type: none"> <li>□ Gaston County Police commented that if Mr. Brantley witnessed this type of activity and had taken pictures of boat and driver, the police could write a citation if they were within the 50' buffer zone. They would only write a warning for a violation within the 100' zone. This is due to the 100' buffer rule has not been submitted into the NC Administrative Code.</li> <li>□ Commissioner Beck suggested that the homeowner place a hazard ball (red ball flotation) within the 100' buffer and also post a sign on his dock stating the regulations.</li> <li>□ Duke Energy's Kermit Taylor advised against installing these particular red ball devices because they tend to be navigational hazards.</li> <li>□ Chairman DuVall suggested that Mr. Brantley could go ahead and place the buoy with a vote from the commission. After discussion from the commission and the public, Chairman DuVall informed Mr. Brantley that there were three possible options to address the problem at hand. <b>1.</b> To submit a request to the MILMC to make Nivens Cove a No Wake Zone. <b>2.</b> MILMC makes a motion to install buoys in Nivens Cove and place them 100' from piers. <b>3.</b> Mr. Brantley to take photos of boaters coming within the buffer and then follow up with Gaston County Police for enforcement.</li> <li>□ The benefit of submitting a No Wake Zone request for Nivens Cove is that NC Wildlife is not inclined to adopt the 100' No Wake Zone rule and pass it as one of their regulations. Individual coves that are no wake coves are more enforceable by NC Wildlife, stated Legal Counsel Chris Clark.</li> <li>□ Mr. Brantley agreed that he and his neighbor, Fred Hutchinson, would be willing to purchase the buoy and hardware to install but does not have contact information in order to buy an "official" buoy. Chairman DuVall agreed that the commission would help him (administratively) with purchase of a buoy.</li> <li>□ Legal Counsel Chris Clark clarified that assisting and delegation of placement of markers in under the authority of the marine commission.</li> <li>□ Kermit Taylor with Duke Energy noted that if a buoy is placed in the lake and is not authorized by the commission, Duke can pull the buoy out of the lake. However, there were some questions on what's the responsibility of Duke Energy regarding buoys. Mr. Taylor will research this and report back to the commission at its September 22<sup>nd</sup> meeting.</li> </ul>	<p>caution buoy at the mouth of Nivens Cove. Seconded Commissioner Bishop. After discussion the motion was withdrawn by Commissioner Eldridge.</p>

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<b>Public Comments (continued)</b>	<ul style="list-style-type: none"> <li>□ Vice Chairman Battle suggested to Mr. Brantley that he apply for a No Wake Zone in lieu of installing buoys on his own. Mr. Brantley agreed with Commissioner Battle and will complete the No Wake Zone request application and submit it to the commission.</li> </ul>	
<b>Consent Agenda</b>	<b>Consent Agenda</b> – None	
<b>Public Safety Reports</b>	<p><b>Charlotte – Mecklenburg Police Department</b> – No one was present to give report</p> <p><b>Gaston County Police Department</b> – Officer Doug Hord reported</p> <ul style="list-style-type: none"> <li>□ (14) Calls for Service</li> <li>□ (20) Warnings</li> <li>□ (32) Assists</li> <li>□ (55) Safety Inspections</li> <li>□ (5) Trespassing Violations</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> <p><b>Mecklenburg County Parks and Recreation</b> – Heather Davis reported</p> <ul style="list-style-type: none"> <li>□ Water Quality Conditions – May results – Results were all in the Good – Excellent range. Upper Gar Creek Cove’s results showed an elevation of pH and a slight decrease in water clarity.</li> <li>□ Water Quality Conditions – June results – Results ranged from Fair/Good to Excellent range. McDowell Creek Cove had an increase in the pH level.</li> <li>□ Bacteriological Results – June results – All sites had excellent readings</li> </ul> <p><b>Duke Energy of the Carolinas</b> – Kermitt Taylor reported</p> <ul style="list-style-type: none"> <li>□ (0) Pier Applications</li> <li>□ Lake level is 97.0</li> <li>□ Continue to be in Stage 3 of the LIP</li> <li>□ The Drought Management Group will begin meeting every 2 weeks instead of monthly.</li> </ul>	

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<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 (May 2008) – Upper Gar Creek dropped in its index values because of Algae Blooms. The driving factor for the increase in the index value in McDowell Creek Cove is the drop in Chlorophyll and Tot P.</li> <li>❑ Bacteriological Results (May 2008) – All testing sites except for Latta Plantation (Canoe Launch) had good results. Extensive rain in this area may be the cause of this change. Vice Chairman Battle asked Ms. Davis if washing horses at the area equestrian farm could cause these high readings. Ms. Davis wasn't certain that that type of activity would cause these readings but would research it further.</li> </ul> <p><b>Lakekeepers Report</b> – Alice Battle reported</p> <ul style="list-style-type: none"> <li>❑ The Catawba Riverkeeper Foundation annual meeting took place at the York County Museum on July 26<sup>th</sup>. The museum is in the process of expanding to a new facility on land donated by Jan Spratt McColl. The grounds will be part of the Carolina Thread Trail.</li> <li>❑ The first session of the Muddy Waters Program on Lake Norman is complete. This program is a state-wide initiative to reduce runoff from construction sites by providing training workshops and materials developed specifically for educating volunteers on the NC Sedimentation Pollution Control Act of 1973 and the NC NPDES General Permit for construction of stormwater runoff. For more information about this program, visit their website at <a href="http://www.muddywaterwatch.org">www.muddywaterwatch.org</a>.</li> </ul> <p><b>Quality of Natural Resources (QNRC)</b> – Pam Beck reported</p> <ul style="list-style-type: none"> <li>❑ No new information to report</li> </ul> <p><b>MI Wildlife Stewards</b> – Tim Eldridge reported</p> <ul style="list-style-type: none"> <li>❑ The NC Wildlife Island Habitat Program is underway. To get more information on this program or to adopt an island, visit <a href="http://www.ncwildlife.org">www.ncwildlife.org</a>.</li> </ul>	
<p><b>Request for Approval</b></p>	<p><b>Request for Approval – Installation of additional buoys at Stonewater</b> – Renato Edwards reported</p>	<p>A motion was made by Vice Chairman Battle to approve the installation of two</p>

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<b>Request for Approval (continued)</b>	<p>As reported at the July 2, 2008 LWMC meeting, Mr. Edwards is requesting the approval of installation of two buoys at the end of the main Channel at Stonewater. These caution buoys would be positioned 50' from the community docks. The Stonewater HOA has agreed to fund the cost and maintenance of these additional buoys, if approved by the commission.</p> <ul style="list-style-type: none"> <li>□ Commissioner Beck stated that the commission needs to regulate how many buoys are put into MI Lake. Lake James is a good example of a lake overflowing with buoys.</li> <li>□ If installation of these buoys would just slow down 30% of the boaters, it would be worth funding them, stated Mr. Edwards.</li> <li>□ Vice Chairman Battle noted that if these buoys were placed 30' from the docks, they would not be a navigational hazard.</li> <li>□ Commissioner Eldridge questioned why the commission needed to vote on the Stonewater request but not on the Nivens Cove request. Chairman DuVall replied that each request should be handled on a case to case basis however; the commission needs to discuss how to handle such cases in the future.</li> </ul>	<p>buoys at the end of the main channel at Stonewater with the understanding that the Stonewater HOA will be financially responsible for the buoys and installation. Seconded by Commissioner Watson. The motion was approved. Commissioner Eldridge abstained from vote.</p>
<b>Base Operating Plan</b>	<p><b>Update on the Base Operating Plan (BOP)</b></p> <ul style="list-style-type: none"> <li>□ <b>Project 08-08, Big Sweep</b> – Big Sweep has been scheduled for October 4<sup>th</sup>. More information will be provided at the September 3<sup>rd</sup> MILMC meeting.</li> <li>□ <b>Add Project 08-38, Floatation Citations (Watson)</b> – Commissioner Watson and Gaston County Officer Doug Hord contacted Chic-fil-a to see if they would like to participate in this program and they agreed to join in on the efforts. The floatation citations will be printed by Chic-fil-a and will be laminated by Gaston County.</li> </ul>	
<b>Chairman's Report</b>	<p><b>Chairman's Report</b></p> <ul style="list-style-type: none"> <li>□ No report</li> </ul>	
<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 a current finance report to the commissioners for their review.</li> <li>□ <b>Contracting with Audit Firm</b> – Ms. Lawing distributed a copy of the proposed audit contract from Robert M. Burns, CPA for their review. The FY07-08 quote is \$1,600 for completing audit and \$350 for preparation of the</li> </ul>	<p>A motion was made by Tim Bishop to approve the contract</p>

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<b>Executive Director's Report (continued)</b>	<p>financial statements.</p> <ul style="list-style-type: none"> <li>□ <b>Contracting with Tillman Wright Law Firm</b> – The commission will continue to use Tillman Wright Law Firm for its legal services for FY2008-2009. Legal Counsel Chris Clark thanked the commission for allowing them to service them another year.</li> </ul>	with Robert M. Burns, CPA firm to complete the FY07-08 MILMC audit. Seconded by Commissioner Eldridge. The motion was approved.
<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>□ Commissioner Danzi reported that the mandatory boating safety course house bill was passed.</li> </ul>	
<b>Adjournment</b>	The meeting was adjourned at 8:11 pm.	
<b>Next Business Meeting Date and Location</b>	The next MILMC business meeting will be held on September 3, 2008 at 6:30 pm at the Mount Holly City Hall, 400 East Central Ave, Mount Holly, NC.	

Annette Lawing, Interim Executive Director