

# Mountain Island Lake Marine Commission



East Lincoln High School  
6471 Highway 73  
Lincolnton, NC

## October 3, 2007 Minutes

**Commissioners Present:** Chairman Dan DuVall (Mecklenburg County), Commissioner Tim Bishop, Commissioner Pam Beck (Gaston County), Commissioner Chris Watson (Lincoln County), Secretary/Treasurer Ann Danzi (Gaston County), Commissioner Tim Eldridge (Gaston County)

**Commissioners Absent:** Vice Chairman Alice Battle (Mecklenburg County),

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

Topic	Discussion Summary	Action
<b>Welcome &amp; Introductions</b>	Chairman Dan DuVall called the meeting to order at 6:31pm.	
<b>Approval of the October 3, 2007 Agenda</b>	The October 3, 2007 agenda was approved with the following amendments: <ul style="list-style-type: none"> <li>▪ Move consent agenda item, <i>Post Construction Storm Water Ordinance</i>, and list it as agenda item #VIII.</li> <li>▪ Move agenda item #XIII, <i>Post Construction Storm Water Ordinance Letter</i>, and add to agenda item #VIII.</li> </ul>	A motion was made by Commissioner Beck to approve the October 3, 2007 amended agenda. Seconded by Secretary Treasurer Danzi. The motion was approved.
<b>Approval of the September 5, 2007 Meeting Minutes</b>	The September 5, 2007 meeting minutes were approved as submitted.	A motion was made by Secretary Treasurer Danzi to approve the

<b>Topic</b>	<b>Discussion Summary</b>	<b>Action</b>
<b>Approval of the September 5, 2007 Meeting Minutes (continued)</b>		September 5, 2007 meeting minutes. Seconded by Commission Beck. The motion was approved.
<b>Statement of Purpose</b>	Legal Counsel, Chris Clark read the Statement of Purpose into the record.	
<b>Public Comments</b>	<b>Public Comments</b> – None	
<b>Consent Agenda</b>	<b>Consent Agenda</b> – None	
<b>Post Construction Storm Water Ordinance Update</b>	<p><b>Post Construction Storm Water Ordinance</b> – Rusty Rozzelle (LUESA) and Daryl Hammock (City of Charlotte) gave update</p> <p>Rusty gave the commission some background information about the Post Construction Stormwater Ordinance and the issues that lead up to creating this document.</p> <p>As an area urbanizes and trees are cut down, parking lots are paved and buildings are built, it will negatively impact water quality. This is because when it rains, all of the oil, tire wear, brake pad wear, fertilizers and petroleum products are washed over these surfaces and eventually end up in the storm drains. From there, it is channeled into the local streams and lakes. The Clean Water Act, which is a Federal Law, and state laws require designated urbanize areas pertain a storm water permit. The purpose of this permit is to control and reduce these pollutants from reaching the lakes and streams. The City of Charlotte was the first to obtain such a permit in the state of North Carolina. This permit was issued in November 1993. In July 2005, the county and the towns got a phase II permit. Both of these permits require that all the jurisdictions do certain things to minimize the negative impacts associated with these pollutants. Some of the requirements are implementing a public education program, a post construction program and a construction control program. The emphasis of the post construction control program is to have controls that developments have to put in place when they reach a certain density so that the storm water can be collected and treated. The towns in the county had until July 1, 2007 and the City of Charlotte has until July 1, 2009 to</p>	A motion was made by Commissioner Beck that the letter in support of the Post Construction Storm Water Ordinance which was drafted by Chairman DuVall, on behalf of the MILMC, be sent to Mayor Pat McCrory and the Charlotte City Council. Seconded by Secretary Treasurer Danzi. The motion was approved.

Topic	Discussion Summary	Action
<p><b>Post Construction Storm Water Ordinance Update (continued)</b></p>	<p>enact a post construction control ordinance. In lieu of each jurisdiction, which there are eight total, creating this ordinance separately; they all came together as one group. Fifteen different people and organizations were represented on a stakeholder's group to begin this process. This group agreed that the four goals that needed to be accomplished were: meet the minimum state law, protect the Carolina Heelsplitter in Goosecreek, address the impaired surface water in the county, and detention. Over a year and a half, this group met and came to a consensus on the ordinance. From there, the ordinance was presented to each of the jurisdictions for their adoption. All of the towns did adopt the ordinance or a slightly revised version of the ordinance. These ordinances went into effect July of 2007. Rusty wrapped up his overview by introducing Darryl Hammock, the Water Quality Manager with the City of Charlotte to give an update on the City's process on the post construction storm water ordinance. At the end of the stakeholder's process, September 2005, a presentation of the post construction storm water ordinance was given to the Charlotte City Council. During this presentation, several council members expressed great concern about the process and the costs of providing these controls. It was suggested that the cost be reevaluated in much more detail. During this same time, the Charlotte Planning Commission and DOT were looking at initiatives of their own such as the General Development Policies and the Urban Street Design Guidelines. These initiatives had their own costs associated with them so the issue was being raised that with the Planning Commission and DOT initiatives along with the Post Construction Storm Water Ordinance this will development in Charlotte would be adversely effected. These three projects were lumped into one group and the City was asked to do a cost analysis. This analysis took about a year and a half and cost an estimated \$500,000 to complete. The cost analysis results were presented to the Environmental Committee. The Chairman of this committee, Anthony Foxx requested that the stakeholder's group be reconvened for 60 days and put some their attention on the cost analysis that was completed. The stakeholder's process is scheduled to be completed by November 3<sup>rd</sup>. Darryl will give an update to the Environment Committee in November and at that point they will decide whether or not to support the ordinance to City Council or suggest changes.</p> <p>Chairman DuVall asked Rusty if he could estimate how much time was spent during the stakeholder's group meetings taking about costs. Rusty replied that probably 20% of the time was spent discussing cost alone.</p>	

Topic	Discussion Summary	Action
<b>Post Construction Storm Water Ordinance Update (continued)</b>	<p>Secretary Treasurer Danzi asked if the extra costs associated with the ordinance requirements would be absorbed by the developers. Darryl replied that the developers would most likely pass these costs on into the price of the house.</p> <p>Chairman DuVall was the representative on the Post Construction Storm Water Ordinance Stakeholder's Group for Lake Wylie, Lake Norman and Mountain Island Lake Marine Commissions. DuVall stated that his position is of total support for this effort. He feels that the only voices being heard by the city officials are those of the developer's. The developers seem to be opposed of this effort because of extra costs associated with providing these controls but if nothing is done to help protect our water resources and help prevent storm water erosion, the cost for repairing the problem in the future will be much greater. Prior to tonight's meeting, Chairman DuVall sent each commissioner a letter he had drafted to the City of Charlotte's Mayor Pat McCrory and Charlotte City Council in support of the Post Construction Storm Water Ordinance. DuVall is asking for the support of the MILMC to endorse this letter. After receiving a motion / second / and approval from the commission in support of this letter, it will be sent to Mayor McCrory and the Charlotte City Council.</p>	
<b>Public Safety Reports</b>	<p><b>Charlotte – Mecklenburg Police Department</b> – Officer Turner reported</p> <ul style="list-style-type: none"> <li>□ (3) Boats Inspected</li> <li>□ (2) Warnings</li> <li>□ (6) Calls for Service</li> <li>□ (8) Citations</li> <li>□ (1) Boater Assisted</li> <li>□ (1) BWI</li> <li>□ September 29<sup>th</sup>, three (3) CMPD officers assisted in the canoe/kayak races at Latta Plantation</li> </ul> <p><b>Gaston County Police Department</b> – Officer Hord reported</p> <ul style="list-style-type: none"> <li>□ (1) Calls for Service</li> <li>□ (1) Warning</li> <li>□ (7) Boating Inspections</li> <li>□ (7) Special Checks</li> <li>□ (4) Boater Assisted</li> <li>□ (4) Navigational Hazards Removed from Lake</li> </ul>	

Topic	Discussion Summary	Action
<b>Public Safety Reports (continued)</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> (1) Trespassing Violations (verbal)</li> <li><input type="checkbox"/> Attended Homeland Security class in Charleston, SC in September.</li> </ul> <p><b>Lincoln County Sheriff's Office</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> 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><input type="checkbox"/> No one was present to give report</li> </ul> <p><b>Mecklenburg County Parks and Recreation</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> No one was present to give report</li> </ul> <p><b>Duke Energy of the Carolinas</b> – Kermitt Taylor reported</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> (2) Shoreline Stabilization Application Approved</li> <li><input type="checkbox"/> (2) Pier Application Approved</li> <li><input type="checkbox"/> These 4 applications were in Overlook, Mt. Island Harbor, Mountain Cove and Riverbend.</li> <li><input type="checkbox"/> Total approved permits to 556.</li> <li><input type="checkbox"/> Lake level is 94.9.</li> <li><input type="checkbox"/> LIP – Stage 2</li> </ul>	
<b>Environmental Reports</b>	<p><b>Mecklenburg County Land Use and Environmental Services</b> – Rusty Rozzelle reported</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Water Quality Conditions Report for August 2007 – all sites except MI3 (McDowell Creek Cove) had Good - Good/Excellent index values. The two driving factors in McDowell Creek Cove is the increase in Chlorophyll and Total Phosphorus. The Chlorophyll results for August 07 is 47, one year ago, the results were 56 (change of -9 from a year ago). NC Water Quality Standards for Chlorophyll a = 40ug/l. These results (41ug/l) exceeded the NC Standards, which has happened only 3 times in the history of this monitoring system. There are several temperature violations as well. This is reflective of the drought conditions.</li> <li><input type="checkbox"/> Bacteriological Results for August 2007 – all testing sites had excellent results.</li> </ul>	

Topic	Discussion Summary	Action
<b>Environmental Reports (continued)</b>	<p>Secretary Treasurer Danzi asked Rusty if testing was done in Johnson's Creek. Rusty replied that LUESA does not test in Johnson's Creek and the closest testing site to that area is Upstream Gar Creek. Johnson's Creek is located in Gaston County and most of LUESA's testing sites are on the Mecklenburg County side. Danzi added that there will possibly be some significant growth in that area so LUESA may want to consider adding Johnson's Creek as one of their testing sites.</p> <p>Commissioner Bishop asked what percentage of flow that McDowell Creek Wastewater Plant contributes to the lake. This wastewater plant contributes approximately 6 million gallons a day but in the past couple of years they have installed nutrient removal system in the plant. Because of this, the nutrient levels have actually gone down.</p> <p><b>Lakekeepers Report</b></p> <ul style="list-style-type: none"> <li>□ No one was present to give report</li> </ul> <p><b>Quality of Natural Resources (QNRC) – Pam Beck reported</b></p> <ul style="list-style-type: none"> <li>□ QNRC is working on the Storm Drain Labeling and Adopt-a-Stream projects.</li> <li>□ Stream Rating Project – Johnson's Creek will be one of many creeks that will be monitored during this project.</li> </ul>	
<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 07-33, Lake Management Plan</b> (Battle, Bishop, Beck) – Had a meeting in September. Alice to put together a draft of the plan.</li> <li>□ <b>Project 08-18 Support of the State Education Forest</b> (Beck, Watson, Danzi) – Danzi contacted the Catawba Lands Conservancy regarding teaming up with the MILMC in supporting the efforts in getting the State Educational Forest funded in FY08. The Catawba Lands Conservancy is the lead agency for the Catawba Tread Trail. The State Education Forest is one of the highlights on this trail.</li> <li>□ <b>Project 07-08 Big Sweep</b> (Battle, Watson) – Big Sweep is scheduled for October 6<sup>th</sup> from 9am – 1pm at the Riverbend Access.</li> <li>□ <b>Project 07-01 Blue Fin Award</b> (Beck) – See agenda item #XII.</li> </ul>	

<b>Topic</b>	<b>Discussion Summary</b>	<b>Action</b>
<b>Blue Fin Award</b>	<b>Blue Fin Award</b> – This award is presented to an individual or an organization that goes above and beyond to make Mountain Island Lake a cleaner and safer place for us all. This year, the 2007 Blue Fin Award was presented to Officer Doug Hord of the Gaston County Police Department for his efforts in reshaping the way Big Island is used. Officer Hord made it a priority to address the trespassing issues that have plagued this area for a long time. With doing so, the island has become much cleaner and a much more enjoyable place for families to use. Congratulations Officer Hord!!	
<b>Executive Director's Report</b>	<b>Executive Director's Report</b> – Interim Executive Director Annette Lawing reported <ul style="list-style-type: none"> <li>❑ <b>Finance report</b> – Lawing distributed the Finance report to all of the commissioners for their review.</li> <li>❑ <b>Discussion on Holding the MILMC Business Meeting in December</b> – The commission approved holding a brief business meeting on December 5<sup>th</sup> with a Christmas gathering to follow.</li> </ul>	A motion was made by Secretary Treasurer Danzi that the MILMC hold their monthly business meeting on December 5 <sup>th</sup> with a limited agenda and a Christmas gathering to follow. Seconded by Commissioner Beck. The motion was approved.
<b>Commission Counsel Report</b>	<b>Commission Counsel Report</b> <ul style="list-style-type: none"> <li>❑ No report</li> </ul>	
<b>Commissioner's Comments</b>	<b>Commissioner's Comments</b> <ul style="list-style-type: none"> <li>❑ Secretary Treasurer Danzi asked the commission if they would like Richard Rankin to come speak at one of the MILMC meetings regarding potential development on the Lincoln County side of Mountain Island Lake. Danzi to contact Mr. Rankin and follow up with the commission.</li> </ul>	
<b>Adjournment</b>	The meeting was adjourned at 7:50 pm.	

<b>Topic</b>	<b>Discussion Summary</b>	<b>Action</b>
<b>Next Business Meeting Date and Location</b>	The next MILMC business meeting will be held on November 7, 2007 at 6:30 pm at Charlotte Mecklenburg Utilities, 5100 Brookshire Blvd., Charlotte, NC.	

Annette Lawing, Interim Executive Director