

LAKE NORMAN MARINE COMMISSION



MINUTES JANUARY 12, 2004 MOORESVILLE MUNICIPAL BUILDING

Lake Norman Marine Commissioners Attending

Randy Reece
Terry Davis
Earl Kiser
Rob Digh
Mark Lancaster

Iredell County
Mecklenburg County
Catawba County
Lincoln County
Iredell County

Staff Present

Blair Israel

Centralina Council of Governments

Minutes

Motion to approve the Nov. 10, 2003 minutes. Davis seconded the motion. Passed.

Reports

Special presentation by George Galleher of Duke Energy on the Habitat Enhancement Program. The program could provide initial funding of \$5000 for NC and SC each. The Hydrilla Project may be an appropriate use of these funds.

Charlotte Mecklenburg Lake Patrol – Doug Lambert reported 47 calls for service, 4 boats inspected, 4 boats assisted, 26 citations issued, 0 boaters warned, 1 navigational hazard removed, 8 crime prevention programs, 1 land arrest, 84 training hours and 0 medical emergencies

Town of Cornelius – Reported had no boat in the water this month but had 3 stolen jet skis.

Iredell County Sheriff – Phil Jones reported 0 citations, 0 convictions, 12 warnings, 4 no-wake zone warnings, 45 calls for service and 14 hours patrolling the Lake.

Catawba County Sheriff – Al Minton reported 203 hours patrolled by land, 12 hours patrolled by water, 215 man hours, 0 training hours, 154 property checks, 27 community contacts, 3 boats inspected, 2 warning citations, 2 hard citations 1 vessel assisted, and 145 total calls for service. Also reported Two Dockwatch Programs and a 1-boat accident with no injuries but operator charged with a BWI.

Lincoln County Sheriff – No report

N.C. Wildlife Resources Commission – Sgt. Mehl reported 54 hours on lake, 5 citations, 1 BWI arrests and 1 accident.

Duke Power – Ann Duncan reported 552 pier applications were approved. Lake level was 95.3. Buz Cobb has retired and been replaced by Dennis Wittaker.

Power Squadron – Bill Coggin reported an inconsistency in requirements for testing in safe boating courses approved by local law enforcement. The LNMC local ordinance require a “non-Internet” (proctored) exam but NASBLA approves on-line courses that do not require proctored exams and Wildlife Resources accepts on-line courses and does not require a photo ID. Comm. Reece recommended an examination of local ordinances versus state laws. Comm. Davis of the Preservation and Safety Commission and Mr. Coggin of the Power Squadron will work on this together.

Coast Guard Auxiliary – No patrols since last meeting, internal training only. Div. 17 Flotilla 18.1

Mecklenburg Lake Patrol – Doug Lambert of Charlotte Mecklenburg Police is looking for experienced boater volunteers for civic duties and special events help. Volunteers need not be Mecklenburg county residents. Call 704-896-2185.

Mecklenburg County Parks and Recreation – No report

Mecklenburg County Water Quality – Dave Caldwell reported that in the November 2003 testing results of six sites were excellent.

Lake Norman Lakekeepers – Reported working on next class now. No report on Adopt-An-Island.

Hydrilla – Bob Elliot, Chairman of the LNMC Hydrilla Committee. The Committee recommends the LNMC’s immediate approval and implementation of the Management Plan developed by Dr. Phil Kirk (details attached). Robert Hazelwood, Lake resident since 1984, expressed approval of committee’s recommendation due to the safety hazard and boat impedance issue of this “kudzu of water.” Arly Griffith commented that Lake Seminole is almost impassable because of Hydrilla. Catawba County Commissioner Barbara Beatty approved of the LNMC being progressive about treating this problem, which additionally can affect drinking

water supplies. Mention of the “Eagles in Peril” article was made, which reported that algae on Hydrilla is eaten by “coots,” which are then consumed by and endanger eagles.

Commissioners Reece and Kiser expressed appreciation to the Hydrilla Committee. Comm. Davis motioned for approval of the Hydrilla Committee’s recommendation and that the LNMC apply for the funds. Comm. Kiser seconded the motioned and the motion was passed. Comm. Reece said he had visited Mountain Island Lake and Lake Murray (SC) to investigate the Hydrilla problem on those lakes. The LNMC will work with the Committee to secure project funding. A permit from NC Wildlife Resources will be required to begin implementing the Plan. Comm. Reece stated that Habitat Enhancement Program Funds should be applied for and charged Bob Elliot to prepare letters for a Wildlife Resources grant and to meet with Duke Energy.

Mr. Elliott thanked the Hydrilla Committee members for their work. Comm. Davis thanked Ken Manuel with Duke Energy for his support. The Hydrilla Management Plan and maps showing current Hydrilla locations will be placed on the LNMC website.

Comments from the Public

Bill Lawson, of Tuskarora Trail, protested the potential development of 10 slips on a tract along Tuskarora Road. The tract is zoned R-20 and is composed of two parcels totaling less than one acre. The slips would constitute an accessory. He presented a map of the property in question with his comments (attached) and a petition with over 100 signatures. The petition requested the denial of the potential development and that the land remains open space. Comm. Reese explained that the LNMC is a commenting agency only and that the Iredell County Commissioners and Duke Energy would ultimately decide such an issue.

Linda Irons, a resident with her husband George of Sun Steed Drive since 1979, listed wildlife inhabiting the particular cove including blue herons, bald eagles, osprey, American coots and fish, and described how the wildlife could be negatively impacted by boaters, skiers, pollution, noise, etc. She presented pictures of the cove and noted that Comm. Reece lives nearby.

Nancy Marshall, of 106 Birdsong Lane, has been a waterfront owner for over 30 years on the adjoining land. She claimed she had tried to buy the property but had been turned down. She voiced safety concerns, describing how increased traffic would be dangerous to swimmers, create stress on the docks, and cause churning of mud and would lead to parking problems due to increased boat and car traffic. She also stated that there are no water or sewer connections for new development.

Comm. Kiser asked if an application for development of the parcel existed at this time. Mr. Lawson cited an email from Buz Cobb (formerly of Duke Energy) indicating Duke Energy Lake Management was previewing one. Ann Duncan stated no plan has been received.

Comm. Lancaster referred to William Allison of the Iredell County Planning Department to address the question of required rezoning for such a plan. Mr. Allison stated Iredell does not consider the proposed use in question acceptable under the parcel's current zoning designation, but said the County has not received an application for rezoning. It was then questioned whether the public would be notified if such an application was submitted. Mr. Allison responded that all rezoning applications go before the Board of Adjustment and are advertised. Aside from that no formal notification process exists. Comm. Reece assured Mr. Lawson they would alert him if such an application came before the LNMC.

The request was made to establish with Duke Energy that the land be designated as open space. Comm. Reece answered that the property is owned by Crescent, not Duke Energy.

Will Kashem requested support in the form of a statement from the Commission describing the LNMC's position on the potential development described by Mr. Lawson. Comm. Reece replied that until they had an application before them it would be difficult for the LNMC to make a comment. Comm. Reece reassured the petitioners that their concerns had been heard and that the LNMC would examine any application with a thorough list of criteria that must be met. Comm. Kiser stated that the LNMC would not rule on an application the same night it is presented.

Mr. Lawson asked if the LNMC agreed in principle with the petitioners' arguments because there are many similar situations on the Lake. Comm. Reece responded that if hypothetically the application were submitted the LNMC would not support it if it did not meet the list of requirements previously mentioned. Comm. Reece also agreed that the petitioners could go before the County Commissioners if they desired.

Committee Reports

Preservation & Safety Committee - Comm. Davis stated their next report was scheduled for the end of March.

Maintenance –

Main Channel Markers- #16 – in wrong location (1/1/01) and #7, 11, 15A, 18 and 16A are non-functioning.

Creek Channel Markers – P2 is the wrong shape, M2 has missing sign and light, and H2, M5, M6 and B3 are non-functioning

Shoal Markers and Shoal Buoys – 3 markers have signs missing, and 4 have lights that are out.

Bridge Buoys – 2 have lights out, 1 is sinking and 1 is out of location

FERC Comments –

- a. The Point - Susan Foster reported for Maggie Girdwood. No new slip locations and a net reduction of 18 slips. Comm. Digh reviewed the report and had no objection. No comments. Comm. Lancaster motioned to approve, Comm. Digh seconded. Motion approved.

- b. Patrick's Purchase – Comm. Davis described the unimproved access lot and noted neighbors' sole concern about parking. No comments. Comm. Davis motioned to approve the permit with restrictions on parking, Comm. Lancaster seconded. Motion approved.

- c. 131 Sailview – Tim Lingerfelt spoke on behalf of Gary Spangler asking the Commission for a recommendation on a complaint of his neighbors, David and Cindy Foster, regarding encroachment into their pier projection envelope. Comm. Lancaster has reviewed the situation. Mr. Lingerfelt showed that on Dec. 12, 2003 his deed was re-recorded with a pier agreement between two former owners of the property. Comm. Lancaster described a pier outside the projection line recorded in the homeowner's agreement. Mr. Lingerfelt has requested HOA approval to turn his dock in order to improve depth levels. Mr. Foster agreed to the turning of the dock as long as the encroachment did not increase, lessening the resale value of his property. Comm. Lancaster stated the pier was originally outside the projection line in an agreement between previous owners but that the agreement had not been filed with Iredell County. Mr. Foster purchased property in 1995 but did not have the dock surveyed. He did not know the dock was in the envelope and was shocked when he saw the survey. According to Mr. Lingerfelt, the former neighbor had made the pier project agreement with Mr. Stimler, the former property owner. Mrs. Stimler had originally taken the agreement to Iredell County and had been assured it had been filed. But the agreement was not actually filed until December 13, 2003 and was not recorded on the deed of purchase. Mr. Foster said he first became concerned when surveyors working on the dock realignment told him how far the dock could be moved over toward his property. Mr. Foster claims the dock is further over than originally shown. Mr. Lingerfelt stated the surveyors did not have the authority to make such a statement but agreed the dock builder spun the dock 4'-8" closer than authorized. The original drawing describes moving the dock 8'-1" over. The Fosters claim when they asked Mr. Lingerfelt to adjust the pier location, he threatened to obtain a variance. In a letter dated Nov. 16, 2003 the Fosters objected to the placement of the boatlift and fixed pier.

Per Comm. Lancaster, Duke Energy knew about the situation although Ann Duncan said she personally had no knowledge of it and that this was a county decision. Mrs. Foster stated Iredell County had not issued a building permit. Mr. Lingerfelt agreed he did not have one.

Comm. Reece voiced the LNMC support of a variance contingent upon the support of both adjacent neighbors. He asked if cutting off the pier would satisfy the Fosters. The Fosters replied it would not. Comm. Reece said the LNMC would prefer to see an agreement reached between the parties involved but, if necessary, would examine the property and mediate a solution through a vote of the Commission.

No-Wake Zone Application - none

Administrative Reports – Comm. Lancaster made a motion to a public hearing. Comm. Davis made a motion to approve the 2003-2004 LNMC Budget.
Insurance coverage is still on the table
Audit is scheduled for 1/17/04

Adjournment –There being no further business, Commissioner Kiser made a motion to adjourn the meeting at 8:30 p.m. The motion was seconded and passed.

Respectfully submitted,
Blair Israel
Lake Norman Marine Commission Administrator