

Mountain Island Lake Marine Commission



**July 7, 2010
6:30 p.m.**

**Cowan's Ford Country Club
Country Club Lane
Stanley, NC**

Minutes

Commissioners Present: Chair Pam Beck (Gaston County), Vice Chair Alice Battle (Mecklenburg County), Commissioner Craig R. Wyant (Lincoln County), Commissioner Tim Eldridge (Gaston County), Commissioner Skip Hudspeth (Mecklenburg County),

Commissioners Absent: Secretary Treasurer Ann Danzi (Gaston County), Commissioner Tim Bishop (Mecklenburg County)

MILMC Staff Present: Annette Demeny, Executive Administrator, Chris Clark, Legal Counsel

Topic	Discussion Summary	Action
Welcome & Introductions	Chair Beck called the meeting to order at 6:30 pm.	
Approval of the July 7, 2010 Meeting Agenda	The July 7, 2010 meeting agenda was approved as submitted	
Consent Agenda	Consent Agenda – None	
Public Comments	<p>Public Comments</p> <ul style="list-style-type: none"> Rodney Epps – Stated his concerns of the tarnished reputation of the Mountain Island Lake Marine Commission since the proposed Motor Vessel Access Regulations. Mr. Epps requested that everyone call on their County Commissioners from Lincoln, Gaston and Mecklenburg Counties to replace all of the existing Commissioners. 	

Topic	Discussion Summary	Action
Stakeholder Reports	<p>Charlotte-Mecklenburg Police Dept Report – Officer Turner reported</p> <ul style="list-style-type: none"> • (33) Calls for Service • (3) Boater Assists • (22) Boats Inspections • (6) Citations • (10) Warnings • Vehicle damage at Neck Road Access – attempted break-in • Events – Triathlon at Latta Plantation • Officer Turner submitted and read a statement of opposition from the Charlotte Mecklenburg Police Department regarding the proposed Motor Vessel Access Regulations <p>Gaston County Police Department – Officer Hord reported</p> <ul style="list-style-type: none"> • (14) Special Checks • (3) Assisted Boaters • (15) Safety Inspections • (6) Warnings • (2) Calls from Dispatch • (1) Access Crime • (3) Citations • (6) Navigational Hazards Removed • Jet ski stolen at Riverbend Access Area <p>Lincoln County Sheriff’s Office – No one was present to give report</p> <p>N.C. Wildlife Resources – No one was present to give report</p> <p>Mecklenburg County Parks and Recreation – No one was present to give report</p> <p>Duke Energy – Kermitt Taylor reported</p> <ul style="list-style-type: none"> • (1) Pier Application – Stonewater • (1) Stabilization Application – Johnson Davis Road • Lake Level – 97.1 	

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<p>Environmental Reports</p>	<p>Mecklenburg County Land Use and Environmental Service Agency (LUESA) - Heather Davis Reported</p> <ul style="list-style-type: none"> • LUSI Results (May 2010) – All sites had results in the Supporting + range except for McDowell Cove. The driving factor for these results is high algae growth. • Bacteriological Results (May 2010) – All sites reported good results <p>Lakekeeper Report – Alice Battle reported</p> <ul style="list-style-type: none"> • The sediment in Johnson’s Creek that was reported in March seems to be coming from Hwy 16 construction. The .6 miles of Johnson’s Creek is on the 303(d) impaired stream list and is being monitored. • May 29th – the Covekeepers help set up the course for the Open Water Challenge as well as provide vessels. More than 240 swimmers participated in this event. • Nesting materials were found in a warbler box on the island at Duck Cove. • Annual Meeting – July 17th at the Anne Springs Close Greenway Nature Center in Fort Mill, SC from 11am – 1pm. • Results from the sampling conducted on Mountain Island Lake are available through the Catawba Riverkeeper Foundation. <p>Mountain Island Wildlife Stewards – Alice Battle reported</p> <ul style="list-style-type: none"> • June 26th – Moonlight Paddle Event from Neck Road Access. A total of 14 people participated. • July 24th Full Moon Paddle at 6:30pm at Alice Battle’s house <p>Regional Stormwater Partnership – Annette Demeny reported</p> <ul style="list-style-type: none"> • No information to report this month 	
<p>Public Hearing</p>	<p>Public Hearing – Consideration of Motor Vessel Managed Access Regulations</p> <p>Chair Pam Beck explained that tonight’s public hearing is the final public hearing however, the Commission will not be voting on this proposal at this time. Chair Beck outlined the ground rules for the public and stakeholders present and thanked everyone for taking the time to attend.</p> <p>Alice Battle, Chair of the Lake Management Plan Committee, gave the public a brief overview of the vision of the proposed regulations. Commissioner Battle made it very</p>	<p>A motion was made by Commissioner Hudspeth to open the Public Hearing. Seconded by Vice Chair Alice Battle. The motion was approved.</p>

Topic	Discussion Summary	Action
<p>Public Hearing (continued)</p>	<p>clear that she is only one part of the entire Commission and she alone could not pass any rules or regulations. When part of a Commission of seven (7) Commissioners, you must have at least four (4) votes to pass any sort of rules. As part of the Lake Management Plan Sub Committee, she worked closely with Commissioner Pam Beck and Commissioner Tim Bishop in putting together a proposed plan. Other agencies and stakeholders were contacted during the entire process. They were asked to give their feedback, not their approval. This proposal, as presented, is a DRAFT..a working draft. A misconception among the public currently is that the Commission is trying to ban motor boats completely from MI Lake. This is untrue. Out of the seven (7) current Commissioners, six (6) of them own and use motor boats. The rules that are established are for everyone, including the Commission. They too, enjoy motorized recreation. The public opinion surveys that were mailed and collected were generated primarily to gather information from the public on issues such as; public safety and water quality. Statistic doesn't always capture all of the vital information. Commissioner Battle contacted Charlotte Mecklenburg Police and Gaston County Police to request copies of accident reports. She was told that these reports are kept by North Carolina Wildlife Resource Commission. NC Wildlife sent Commissioner Battle these reports from the past five (5) years. This is what was learned: property damage is only reported if the damage is more than \$2,000. The drowning that took place this past week at Latta Plantation will not be reported due to the drowning did not occur from a vessel. The weekend before Memorial Day, a young lady fell from a rope swing and broke her leg. This will not be reported by NC Wildlife because a vessel was not involved in the accident. In addition, accidents that occur from boats that are anchored are not reported. Another misconception is that the lake is already full developed. This is a false statement. 300 acres is Andres Beckler is undeveloped. 64% of the MI Watershed is not yet developed. The Commission also works very hard to give the public as much public access as possible. The proposed boating fee would most likely be no more than \$50 annually or \$10 for daily pass. The Commission has and will continue to listen to the public's concerns. For the record, Commissioner Battle stated that she does use her pontoon more than her kayak and is also an avid swimmer. Out her window is a piece of property that has lost more than 10 feet of shoreline in the last 10 years due to wake action and cannot be reclaimed.</p> <p>The public hearing was opened for whomever that would like to speak to do so. Each speaker was given two (2) minutes to voice their opinion to the Commission and to the public.</p>	

Topic	Discussion Summary	Action
<p>Public Hearing (continued)</p>	<p>Dan Brantley – Mr. Brantley highlighted an article from the Charlotte Observer and the Gaston Gazette regarding the recent water and fish sampling by the Catawba Riverkeeper Foundation. Mr. Brantley believes that the Riverkeeper should be more focused on the overall water quality in the entire lake in lieu of near the Riverbend Coal Plant. Also, Mr. Brantley stated that it looks as if fishermen are probably going to be regulated of how many fish they could catch and eat due to these results. The horsepower should be reviewed instead of the size of boat. Dan Brantley also read an email that he sent to the Gaston County Commissioner regarding the proposed regulations.</p> <p>Bill Nemecek – Resident of Mountain Island Lake who care about the lake. Would like to see the Commission get the public more involved.</p> <p>Tony Shephard – Resident for 32 years. Mr. Shepherd stated that citizens are already taxed too much. Very similar behavior at Lake Lure. He thanked the law enforcement agencies that were present for the work that they do on the lake. Mr. Shepherd feels that additional law enforcement is not needed on MI Lake.</p> <p>Gary Martin – Not a lake resident. Concerned that MI Lake will become a “Lake Lure”. Too much taxation in the local government. If a lake-front property owner is complaining of erosion or safety, they shouldn’t have moved on the lake, stated Mr. Martin.</p> <p>Gordon Myers – Executive Director of the North Carolina Wildlife Resource Commission. The NCWRC met in Raleigh this morning and unanimously voted to oppose the proposed regulations enacted by the Mountain Island Lake Marine Commission. On the grounds that this lake is a public lake, owned and used by the public. The NCWRC supports the stating objectives of water quality and public safety however; the Resource Commission does not find correlation those objections to the proposed regulations.</p> <p>Eldin Hartman – Resident of Mountain Island Lake and owner of six (6) boats and three (3) Sea-dos. Mr. Hartman stated that if the proposed fees were implemented, he would have to spend a small fortune to pay boat registration for all of his boats. Disagree with the Commission with the idea that MI Lake needs another law enforcement agency. His opinion is, there are too many officers on the lake.</p> <p>Ben Bringardner – Dr. Bringardner gave a PowerPoint overview of his views and the views of the United Communities of Mountain Island Lake. He began his presentation by pointing out that both the Commission and the general public have the same goals for keeping the lake safe and clean. However, the proposed regulations will not address these objectives. Mr. Bringardner stated that he has asked the Commission several times for scientific proof that larger boats negatively impact the lake. He did not receive this requested information therefore, he began his own research. Research that proves that</p>	

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<p>Public Hearing (continued)</p>	<p>larger boats are safer than smaller boats. 60% safer. Water quality is another common goal however, after researching past meeting minutes from the MILMC and the Catawba Riverkeeper Foundation, the water quality testing results have consistently been good. There has been no increase in sediment measures by the water department in the last ten (10) years. The proposed fee will not protect water quality. Some other issues that the proposed fees would not benefit are shoreline erosion, protection of the unique natural environment and increase of diversity in recreational uses, stated Dr. Bringardner. An alternative proposal was offered: An open process that involves all stakeholders, identify the areas of concern for the stakeholders, perform studies on areas of concern (safety, water quality and wildlife habitat, etc), develop data which shows trends in these areas and create a monitoring plan, identify appropriate actions which will positively impact the areas of concern and finally, continuously review the stakeholder issues and monitor plan for new trends and required actions. As part of the stakeholder process, there is a considerable amount of data already in existence that the group could use. Dr. Bringardner wrapped up his presentation by thanking the Marine Commission and the County Commissioners for opening up the doors for the public and other stakeholders to be a part of reviewing other alternatives.</p> <p>Gary Keith – Mr. Keith highlighted a few inconsistencies with previous reports made by Rusty Rozzelle and the Marine Commission. He also stated that the proposed fee is in violation of the Commission’s Statement of Purpose. If the fees are passed, Mr. Keith announced that he would file a law suit.</p> <p>Tim Stewart – Member of the Hardcore Kayak Fishing Team. Is strongly opposed to the proposed regulations. Citizens are “taxed” enough. Suggested that the Commission contact the local government for funding in lieu of “taxing the public”.</p> <p>Walter Hillyer – Would like to know where the collected fees will be going. Additional law enforcement is not needed on Mountain Island Lake.</p> <p>Matt Lamb – Suggested that the Commission look into utilizing existing sources such as NC Wildlife instead of adding another regulation on the lake.</p> <p>Bryan Abernathy – Mr. Abernathy read a letter that he received from Mecklenburg County Commission Chair Jennifer Roberts announcing that the MILMC will be creating a stakeholders group to assist in reviewing the areas of interest and to possibly come up with a better proposal for MI Lake.</p> <p>After the public hearing was closed, Chair Pam Beck announced that the Commission will be reconvening with the assistance of stakeholders to consider all of the information that</p>	<p>A motion was made by Vice Chair Battle to close the Public Hearing. Seconded by Commissioner Eldridge. The motion was approved.</p>

Topic	Discussion Summary	Action
Public Hearing (continued)	was collected from the three public hearings. The Stakeholders Group will consist of concern citizens, Duke Energy, law enforcement, NC Wildlife, Water Utilities, Parks and Recreation, among others. A stakeholder application will be available on line at www.marinecommission.com .	
Base Operating Plan	<p>Base Operating Plan</p> <ul style="list-style-type: none"> • Buoys – Buoy in Nance Cove was overturned. Has been turned back up-right. Commissioner Hudspeth took Commissioner Wyatt on a boat tour. Buoys at Hwy 16 Bridge are sinking. Commissioner Hudspeth researching a best practice to replace these. One option is to move the two buoys that are not sinking to the center on each side. Currently, there are three buoys on each side of the bridge. This would save money in the long run. • Boat Tour – Commissioner Battle stated that Mecklenburg County stated that the Commission would prefer to have only three (3) Commissioners attend the boat tour. Chair Beck has contacted several Gaston County Commissioners to invite them on a tour possibly in the fall. 	
Chairman’s Report	<p>Chairman’s Report – Chair Beck reported</p> <ul style="list-style-type: none"> • Chair Beck recognized the Gaston County Commissioners that were present at the meeting tonight and thanked them for attending. • Nance Cove / Shuffletown Cove – Concern with correct name: Chair Beck asked Kermitt Taylor with Duke Energy to clarify the correct name(s). CMPD Officer Turner stated that the “long” cove has always been Nance Cove and the leg off towards Shuffletown Landing is Shuffletown Cove. Once clarified, NC Wildlife should be contacted so they can correct or verify the official name in the Administrative Code. 	
Executive Administrator’s Report	Executive Administrator’s Report – No report	
Commission Counsel Report	Commission Counsel Report – No Report	

Topic	Discussion Summary	Action
Comments	<p>Comments</p> <ul style="list-style-type: none"> • Commissioner Wyant suggested that the Commission consider creating a Technical Advisory Committee that would offer a wide variety of expertise to the Commission. The members would not be able to vote but to offer up their expertise to areas of interest. This could be an outgrowth from the upcoming stakeholder group. • Commissioner Eldridge thanked everyone for their input during the public hearing process. • Vice Chair Alice Battle thanked the attendees for being at all of the meetings and their input. • Commissioner Hudspeth thanked everyone for their comments and looks forward to pulling together ideas during the stakeholder process. 	
Adjournment	There was no further business and the meeting was adjourned at 8:21 pm	A motion was made by Vice Chairman Battle to adjourn the July 7, 2010 business meeting. Seconded by Commissioner Eldridge. The motion was approved.
Next Business Meeting Date and Location	The next MILMC business meeting will be held on August 4, 2010 beginning at 6:30pm at the Charlotte Mecklenburg Utilities, 5100 Brookshire Blvd, Charlotte, NC.	

Annette Demeny, Executive Administrator