

Mountain Island Lake Marine Commission Minutes

April 4, 2012 - 6:30 p.m.

Mount Holly City Hall

Mount Holly, NC



Commissioners Present: Chairman Cathy Roche (Mecklenburg County), Vice-Chairman Skip Hudspeth (Mecklenburg County), Secretary/Treasurer Craig Wyant (Lincoln County), Commissioner Jerry Campbell (Gaston County), Commissioner Brian Weyeneth (Gaston County), Commissioner Meg Morgan (Mecklenburg County)

Commissioner Absent: Commissioner Tim Eldridge (Gaston County)

MILMC Staff Present: Diane Dil, Executive Administrator; Chris Clark, Legal Counsel

Topic	Discussion Summary
Welcome & Introductions	Chairman Roche called the meeting to order.
Approval of Agenda /Statement of Purpose	<ul style="list-style-type: none">• The agenda was approved as submitted.• Chris Clark read the statement of purpose.
Approval of Meeting Minutes	<ul style="list-style-type: none">• The March 2012 minutes were approved as submitted.
Public Comments	<ul style="list-style-type: none">• No public comments.
Public Safety Reports	<ul style="list-style-type: none">• Officer Turner – CMPD reported that there were seven vehicles broken into at Latta Plantation. A camera has been installed to photograph vehicles entering and exiting the parking lot. Seven zone checks at Neck Road access with no problems reported. Law Enforcement was notified that p Greenpeace was planning a tour of the coal ash ponds in mid-March. The tour occurred without incident.• Officer Hord – Starting May 1st they will be on the lake full time on the weekends.• Kermitt Taylor – The lake level is 96.6' with current drought conditions supporting Stage 0 of the Low Inflow Protocol. Five new pier permits were approved – four at Preservation Point and one at Mt Island Harbor.

Topic	Discussion Summary
Environmental Reports	<ul style="list-style-type: none"> • Heather Davis – was unable to attend. Ms. Davis reported via email that the monitoring results indicate that everything is below all the thresholds. The metals at Riverbend were well below thresholds. • Lakekeepers Report - Alice Battle reported – David Merryman resigned as Riverkeeper. No replacement has been chosen. At the last Covekeepers meeting, Rhi Bowman discussed her research on coal ash and is preparing a future book about the health effects on people across the country from coal ash ponds. Two people who are seeking political office attended the Covekeepers meeting to learn about issues around the lake. A 50 gallon tank was reported in Stonewater and NC DNR was notified. DNR states it is not against any regulations. The hike scheduled for 3/31 did happen and 8 people attended. The next hike will be 4/14. Commissioner Morgan asked if Alice knew why the house in Stonewater that burned last fall is still standing. Alice does not know for certain but believes it is tied up in legal actions. Commissioner Wyant asked if Rick Gaskins of CRF was hiring one or two Riverkeepers. Alice does not know the official answer. Commissioner Weyeneth would like a letter sent to David Merryman in appreciation of his work on the lake. • Mountain Island Wildlife Stewards – No report
International Boater and Water Safety Summit	<ul style="list-style-type: none"> • Officer Hord reported on the water safety conference he attended in San Diego. Approximately 400 people attended from safety, law enforcement and shoreline management agencies. Some of the highlights were: <ul style="list-style-type: none"> ○ Paddles Up – operation paddle smart – training and safety seminar for managing paddlers. ○ QR Code system which allows smart phones to scan a QR code and get information and maps about specific areas. ○ Water safety survival for officers – highlighted the need for more in-water training. Will include components in future Gaston County training. ○ “Day at the Beach” – participated in various hands-on life saving demonstrations.
NC Wildlife Commission Report Response	<p><u>Commissioner Campbell</u> reviewed a package of agendas and programs that the marine commission has been involved with through various partnerships in the past. Campbell stated that he is unaware of any similar functions that the commission has been involved with since 2008. He stated that he is not sure if we have done anything within our communities and partnerships with the exception of the Lake Management Plan. Campbell discussed the conversation he had with Senator Dan Clodfelter that the commission needs to better understand the enabling legislation for marine commissions. Commissioner Campbell stated our problems are a result of not understanding what our authority is. He asked if the Senator would be able to participate in a future marine commission workshop. If the legislation needs to be tweaked then the Senator is willing to help us with that. Commissioner Campbell said the lake plan seemed to derail the</p>

Topic	Discussion Summary
	<p>commission from connecting with our cities and other partners.</p> <p><u>Commissioner Wyant</u> asked when former Executive Director Mike McLaurin left, and why was that action taken? Mr. Clark stated it was a financial decision. It was a cost saving measure.</p> <p><u>Chairman Roche</u> asked Commissioner Campbell what advice he has on how this information could be used to move forward beyond what we have established as a reaction to the stakeholder group’s recommendations and the operating plan.</p> <p><u>Commissioner Campbell</u> stated that since we now have a list of ideas to work on that we go back to the counties or cities or partners and ask them to sit with us and let’s see what we need to do with this. We need a basic operating plan to assign duties like we had with Dan Duvall’s basic operating plan. We need to coordinate better with the other groups. Commissioner Campbell said he has four contacts within the NC Wildlife Commission who are involved in daily and weekly processes that can be used to resolve the issue before going to Dave Hoyle Jr.</p> <p><u>Commissioner Weyeneth</u> wants to work on reconnecting partnerships. He feels the commission has been cavalier in how it approaches problems - it’s like our way or the highway. We should not go forward in keeping and reestablishing relationships in this manner. We need to return to the day when we worked together.</p> <p><u>Chairman Roche</u> stated that it was her sense that it was a relatively routine process to establish no-wake zones. It was nothing cavalier – public hearings were held and the process had been handled as it always had been. Chairman Roche stated she had a great deal of confidence that the collaborative stakeholder process brought the partnerships including NC Wildlife to the table and was designed to repair damage. We spent a lot of time evaluating their recommendations. The operating plan was tied to the goals of the stakeholders, and each commissioner was assigned to a specific partnership. Chairman Roche said she is not quite sure where the disconnect has come with Wildlife.</p> <p><u>Commissioner Campbell</u> stated that it was the presentation at the Mecklenburg County Board of Commissioners meeting where the issue with Wildlife blew up. It was indicated that legislation was needed to support the MILMC over Wildlife. Commissioner Campbell said he received three phone calls the next morning asking why the Marine Commission now wants the legislature to write legislation on buoys.</p> <p><u>Chairman Roche</u> said that she specifically stated to Mecklenburg County Commissioner Jennifer Roberts that we do not want legislation and that we want to work the issue out with NC Wildlife.</p> <p><u>Commissioner Campbell</u> recommended that Chairman Roche review the recording of the MC BOCC meeting.</p> <p><u>Commissioner Hudspeth</u> stated that there was no intent and no indication or spoken word to get legislation to work around Wildlife.</p> <p><u>Commissioner Campbell</u> again said Commissioners Hudspeth and Roche should review the tape of the</p>

Topic	Discussion Summary
	<p>BOCC meeting. He continued to state that Mecklenburg County Commissioner Roberts made the comment that if it's legislation that you want and are asking for then she will be glad to work with the Mecklenburg County legislative liaison to get this to Raleigh to get it into this session.</p> <p><u>Chairman Roche</u> stated that we declined the offer.</p> <p><u>Commissioner Hudspeth</u> asked Commissioner Campbell if he is stating that Chairman Roche and I did not decline the offer.</p> <p><u>Commissioner Campbell</u> stated that it was indicated to some people in the public that legislation was needed, and this became a major concern that eventually led to cutting off communications with NC Wildlife. He said the tape of the meeting was reviewed by all who contacted him. This includes Gaston County people, David Hoyle Jr. and others.</p> <p><u>Commissioner Hudspeth</u> asked if the Gaston County Commissioners were concerned - because during the discussions of this issue he was not aware that they had these concerns.</p> <p><u>Commissioner Campbell</u> stated that he believes based on what he saw on the tape, that there was intent to act unilaterally to try to subvert Wildlife. Commissioner Campbell stated we need to let Wildlife know that we are not requesting any legislation.</p> <p><u>Commissioner Hudspeth</u> stated that the Commission has a lot of work to do to clear up some misunderstandings.</p> <p><u>Commissioner Campbell</u> stated we need to communicate to Wildlife that we do not intend to pursue legislation and will handle this through Wildlife.</p> <p><u>Chairman Roche</u> stated again that this is what she said to MC BOCC.</p> <p><u>Commissioner Hudspeth</u> stated that MC BOCC offered legislative assistance and they would be happy to help; but, he said thanks, but no thanks.</p> <p><u>Commissioner Weyeneth</u> believes his impression from watching the video was that the presentation was encouraging the Mecklenburg County lobbyist to get involved. He has only watched the video one time. He said he received two phone calls from public officials in Gaston County.</p> <p><u>Commissioner Hudspeth</u> recommended a gathering of Gaston County and Wildlife sit down together. There is obviously a misunderstanding, and some work needs to be done to repair that.</p> <p><u>Commissioner Wyant</u> asked if new legislation will be written to clarify this authority.</p> <p><u>Commissioner Campbell</u> discussed what has caused some of the division with Wildlife including the lake plan and now the issue with the buoys. We are not getting things fixed. He stated that NC Wildlife has jurisdiction and they give us permission to do things.</p> <p><u>Mr. Clark</u> corrected Commissioner Campbell stating the enabling legislation was passed by the state legislature and that gives the Marine Commission its authority. The Marine Commission does not derive any authority from Wildlife.</p> <p><u>Commissioner Hudspeth</u> said he would like to see us return to when the commission had open</p>

Topic	Discussion Summary
	<p>communications with NC Wildlife. He continued to suggest that perhaps the fact that the boating regulations are no longer on the table has not gotten back to the public. There is still concern that the Lake Management Plan is an issue or a threat. Perhaps people, including Wildlife, still believe that issue has not been tabled by the commission. Communication is key on that too.</p> <p><u>Chairman Roche</u> stated that Wildlife participated in the stakeholder group meetings and would have taken the information back to the rest of the commission that the proposed regulations were dead. She emphasized this fact during her presentations to Gaston County and Mecklenburg County. Yet the letter from Gaston County manager Jan Winters that discusses withdrawing funding from the Marine Commission mentions the lack of resolution on the Lake Management Plan. She said this is strange since the Gaston County commissioners were all happy with the outcome of the stakeholder group and the resolution of the Lake Management Plan.</p> <p><u>Commissioner Campbell</u> stated it was the presentation to Mecklenburg County that created the differences. Then the distrust began. The perception is that the commission turned 180 degrees. We lost their trust.</p> <p><u>Chairman Roche</u> stated that had nothing to do with the Lake Management Plan. She said in her discussion with Gaston County Chairman Donnie Loftis he said the only complaints he has received have been from Commissioners Campbell and Eldridge, and that is where he has the perception that there are bad relationships with the Marine Commission. Gaston County Commissioner Carpenter also had not heard from the public. Chairman Roche stated that she would be grateful if commissioner Campbell would take his concerns to her and fellow marine commissioners rather than continuing to fuel the perception by Gaston County that there are a lot of disputes. They are not interested in hearing the commission's disputes. They are interested in having the commission work things out as an appointed marine commission so they don't have to referee this. She apologized if they got the wrong impression from what she said to Mecklenburg County. She was trying to emphasize to Mecklenburg County that they appreciate the offer but that is not the route the commission wants to take.</p> <p><u>Commissioner Campbell</u> asked Chairman Roche if she didn't come out point blank and say we need your help. He asked her to please review the tape.</p> <p><u>Chairman Roche</u> stated she specifically told Mecklenburg County the marine commission does not need legislation at this time.</p> <p><u>Chairman Campbell</u> stated he has communicated with the chairman via email and would gladly share with this commission the emails he has received from her. That is the reason he quit the communication. He stated that he did not make the phone calls. He received them. The questions were there. He stated that because the marine commission's discussion of legislation was in closed session he could not discuss the issue specifically with the people who called him. The only time he has communicated with Chairman Loftis was an email which he sent to him at the request of another commissioner.</p> <p><u>Chairman Roche</u> stated she spoke with Chairman Loftis and he suggested that everyone get in a room to</p>

Topic	Discussion Summary
	<p>air their differences and to come to some understanding. This meeting would include Chairman Loftis, County Commissioner Philbeck and Marine Commissioners Roche, Hudspeth and Campbell. <u>Commissioner Campbell</u> added County Commissioner Brown to the group already suggested. Moving forward with this communication addresses the next agenda item and would keep the communications moving with Chairman Loftis.</p> <p><u>Chairman Roche</u> has not heard back from Chairman Loftis but will continue the contact. She believes the goals of the people on the Marine Commission are consistent with the mission statement and she would like to think the Marine Commission can get beyond these differences and work together. This is what the county commissioners expect.</p> <p><u>Commissioner Campbell</u> stated that the communication needs to be continued and the meeting needs to happen ASAP. Mr. Winters would reverse the funding decision at the direction of the county chair.</p> <p><u>Commissioner Hudspeth</u> stated this would be a good opportunity to understand what the county commissioners would like to see the Marine Commission accomplish.</p>
<p>Discussion of MILMC Leadership</p>	<p>This item was covered as a part of agenda #10.</p>
<p>Discussion of FY13 Budget and Audit</p>	<p><u>Commissioner Weyeneth</u> requested an overview of how the budget is prepared.</p> <p><u>Ms. Dil</u> stated that she and the officers review the previous year's budget and expenses and prepare a proposed budget which is then discussed at a public hearing in June. Over the years the expenses have not changed significantly. A few changes are made based upon planned programs.</p> <p><u>Chairman Roche</u> also mentioned that she requested and received input from commissioners last year about anticipated expenses. She was surprised that Gaston County requested a budget so early.</p> <p>Ms. Dil stated that all counties require the Marine Commission to submit a request for funds which includes a proposed budget. This occurs before the Marine Commission has done their budget. Ms. Dil stated that this has been the practice for many years, and the commission submits a proposed budget based upon knowledge at the time. The assumption is made that the counties will fund the commission at the same level.</p> <p><u>Commissioner Weyeneth</u> asked if there are fixed costs that never change.</p> <p><u>Ms Dil</u> responded that typically insurance, legal; audit and administration fees have not changed from year to year.</p> <p><u>Commissioner Weyeneth</u> asked if the commission ever negotiate fees with CCOG or legal representation.</p> <p><u>Chairman Roche</u> stated that the cost is based upon the number of hours used which is why Ms. Dil now prepares a monthly report to detail how the hours have been spent. If the commission would like to look for alternatives to CCOG, that would be fine. She said Commissioner Eldridge mentioned that he may have a source.</p> <p><u>Commissioner Weyeneth</u> stated the commission should be prudent in how we spend public funds and look</p>

Topic	Discussion Summary
	<p>at every avenue in how we can improve our position. It is nothing personal. Would like to look really hard how to be prudent financially. The amount in the budget left for programs is so small.</p> <p><u>Commissioner Hudspeth</u> stated that one of the services that CCOG provides is that they have a unique position in working with all the county governments. They are able to mediate and prevents county versus county situations.</p> <p><u>Commissioner Weyeneth</u> asked if COG ever negotiates its fees.</p> <p><u>Ms. Dil</u> stated that CCOG has negotiated in other areas. They have restructured contracts.</p> <p><u>Commissioner Weyeneth</u> stated that if the commission is going to go forward and take an active role in managing this commission we can assume some of the CCOG's tasks.</p> <p><u>Ms. Dil</u> referred the commission to the CCOG contract as a starting point to determine what tasks the Marine Commission would be able to assume.</p> <p><u>Commissioner Wyant</u> asked where the Lake Norman Marine Commission receives its funding. It was stated that their money comes from the counties and with that they hire a full time executive and cover their operating expenses. It was noted that they utilize one of the county's attorneys.</p> <p><u>Commission Weyeneth</u> requested clarification from Mr. Clark about the relationship between the Marine Commission and his law firm.</p> <p><u>Mr. Clark</u> stated that the engagement is with the firm. However one attorney is typically assigned the work based on their expertise and experience. Since he has worked with the marine commissions for 11 years he is the person to provide the services. His fees have only been raised twice. His hourly rate is \$300. He charges the commission \$700 per month and said he essentially writes off thousands of legal fees per year. He hopes the commission sees values in his services. He works at the will of the commission.</p> <p><u>Commissioner Campbell</u> said it would be difficult to ask someone else in the firm to provide assistance given the nature of the commission's business.</p> <p><u>Chairman Roche</u> asked if she hears a motion that she should begin negotiating with CCOG regarding a reduced contract.</p> <p><u>Commissioner Campbell</u> stated that once the commission gets the issue resolved with Gaston County and knows how much money will be offered then the commission can move forward with any discussion about reducing CCOG's fees.</p> <p><u>Chairman Roche</u> questioned if the timing of the contract and county budgets will be affected.</p> <p><u>Ms. Dil</u> will provide a contract to the commission at their May meeting. It does not have to be signed at this point. The Marine Commission will adopt their budget before the county commissions do, but the counties should be far enough along with the process that we will know the funding amount. She said that if there is any indication of changes to please let her know.</p> <p><u>Commission Weyeneth</u> elected to put off comments about the audit until a future meeting.</p>