

# Mountain Island Lake Marine Commission Minutes

May 2, 2012 - 6:30 p.m.

East Lincoln Fire Department

Stanley, NC



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

**Commissioner Absent:** Chairman Cathy Roche (Mecklenburg County)

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

Topic	Discussion Summary
<b>Welcome &amp; Introductions</b>	Vice-Chairman Hudspeth called the meeting to order.
<b>Approval of Agenda /Statement of Purpose</b>	<ul style="list-style-type: none"> <li>• The agenda was approved as submitted.</li> <li>• Chris Clark read the statement of purpose.</li> </ul>
<b>Approval of Meeting Minutes</b>	<ul style="list-style-type: none"> <li>• <u>A motion was made by Commissioner Campbell to approve the April 2012 minutes as submitted. It was seconded by Commissioner Morgan and approved unanimously.</u></li> </ul>
<b>Public Comments</b>	<ul style="list-style-type: none"> <li>• Ms. Alice Battle recommended a new contact person, Steven Hutchinson, for Charlotte Mecklenburg Parks and Recreation.</li> </ul>
<b>Public Safety Reports</b>	<ul style="list-style-type: none"> <li>• Officer Turner – CMPD carried out two zone checks at Latta Plantation and there was one larceny from vehicle. They carried out two zone checks at Neck Road access with no problems or incidents reported. They received a call about an abandoned boat in Mountain Island Harbor. They secured the boat and are working with Duke Energy about removal. He received a phone call about a boat in Garr Creek with loud music and potential alcohol. NC Wildlife responded but could not find the boat. He answered an email regarding jet skis not abiding by the “no wake” zones in Nance Cove. The homeowner would like to consider adding a no wake buoy closer to Shuffletown. Officer Turner recommended the homeowner to address the Marine Commission about adding buoys. Commissioner Eldridge agreed that many are completely ignoring buoys.</li> <li>• Officer Shaw – Gaston County is returning to boat patrol duty this weekend (5/5/12).</li> <li>• Kermitt Taylor – No new permits were issued this month. The lake level is 96.6’ with current drought conditions supporting Stage 0 of the Low Inflow Protocol.</li> </ul>

Topic	Discussion Summary
<b>Environmental Reports</b>	<ul style="list-style-type: none"> <li>• Lakekeepers Report - Alice Battle reported. Kent Lupton, Yadkin Riverkeeper is overseeing Operation Medicine Drop this year. The closest location was on April 21<sup>st</sup> at the Northcross Shopping Center in Huntersville. It was sponsored by the Huntersville Police Department. CRF participated in REI's Paddle fest on April 28<sup>th</sup>. The postponed hike on Kay Killian's property was held on April 14<sup>th</sup>. Two Marine Commissioners, Cathy Roche and Craig Wyant, were part of the 20 Hikers. It was a great day for walking in the woods. Rick Gaskins said the job announcement to replace David Merryman is on the Catawba Riverkeeper web site <a href="http://www.catawbariverkeeper.org">www.catawbariverkeeper.org</a>. Joyce Brown, the office manager, is also leaving on May 31<sup>st</sup> to return to her home state. MIL Charter School will stay at the Methodist Church for the coming school year. Secchi Disk reports can be turned in. Commissioner Eldridge asked why are the readings done only during times of heavy activity. Are there any benchmarks of non-busy times? Ms. Battle stated that she was using the readings taken earlier in the year before heavy activity as the benchmark. Commissioner Hudspeth has noticed an improvement in the water lately. He's not sure if it was related to slower development. Commissioner Eldridge stated that is the nature of the lake. The way Duke Energy runs water through the lake is a big reason for the problem.</li> <li>• Mountain Island Wildlife Stewards – No report</li> <li>• Heather Davis – was not present to give report. Commissioner Hudspeth read email report from Ms. Davis which stated McDowell Creek Cove is supporting and the rest of the map is supporting plus. This is much improved from the last year when the area had a bad March a year ago. The bacteriological map is good, one little hit in McDowell Creek Cove, but the middle of the cove is fine.</li> </ul>
<b>Administration of Commission</b>	<ul style="list-style-type: none"> <li>• Commissioner Eldridge stated that it is time to renew the contact with CCOG. He stated that we spend a large amount of our budget on administrative expenses leaving very little money for other programs. Commissioner Eldridge has spoken with other commissions who operate differently. <u>Commissioner Eldridge made a motion to request CCOG to take a new look at the contract and perhaps have a subcommittee determine which items CCOG would continue to administer and perhaps look for other sources.</u> It was seconded by Commissioner Weyeneth. Commissioner Campbell requested confirmation as to who would determine the model of how to operate. Commissioner Eldridge stated CCOG could propose a new model and so could the subcommittee. Commissioner Morgan asked if there were repercussions if the Marine Commission does not have a new contract in place. Ms. Dil stated that according to the current contract the Marine Commission is required to notify CCOG that they accept the contract at the June meeting. However, she stated it may be possible to extend the current contract if the Marine Commission requires more time. Commissioner Weyeneth recommended that the Marine Commission create a subcommittee to review the new CCOG contract and determine potential amendments of how to administer this commission and bring it back to the June 6<sup>th</sup> meeting. Commissioner Weyeneth stated a contract would also be required with the Marine Commissioners as</li> </ul>

Topic	Discussion Summary
	<p>to each of their respective duties. Commissioner Hudspeth stated that it is a valid concern about how the commission uses the money however, the commission is a voluntary operation and before we take on additional duties the commission needs to be realistic as to the time available. Commissioner Morgan stated that is the purpose of the exploratory process. It may be determined that it takes too much time and the buy-in from the commissioners is not there. Commissioner Hudspeth appointed a committee of himself, Commissioner Eldridge and Chairman Roche to examine the current CCOG contract, examine potential alternatives and bring a recommendation forward at the June meeting. <u>The motion passed unanimously.</u></p>
<p><b>Discussion of Legal Counsel</b></p>	<p>Commissioner Eldridge stated that hardly any of the other commissions have legal counsel at their meeting. The Marine Commission considers it an insurance which may not be a good use of the money. He suggested a lesser fee with perhaps a retainer. <u>Commissioner Eldridge made a motion to review the current legal contract and possibly move to a retainer and still have legal resource when necessary. The motion was seconded by Commissioner Weyeneth.</u> Commissioner Hudspeth asked about the pros and cons of having full time legal counsel present as opposed to on-call. Commissioner Eldridge stated that other commissions have used county attorneys. He continued that the Marine Commission can conduct a meeting without having legal counsel present. Mr. Clark stated an attorney is not required to be present at all meetings. Most of the questions he answers are more concerned about open meetings laws and bylaws or the enabling legislation. Commissioner Weyeneth asked if the Marine Commission currently operates with a contract for legal counsel. Mr. Clark stated that there was an engagement letter done at the beginning of the representation. It's unusual for a law firm to establish a contractual representation similar to CCOG because the rules of professional conduct require an attorney to be terminated at any time. A document that locks the Marine Commission and the law firm into an engagement for one year would run afoul of the rules of professional conduct. Commissioner Weyeneth asked if Mr. Clark has ever operated as legal counsel for a governmental or quasi-governmental board on a retainer basis. Mr. Clark stated that is essentially how he currently operates. He collects \$700 per month from the commission. His hourly rate is \$300. If he billed by the hour, the amount would be significantly higher. He does track his hours, however he writes off any excess. So he currently is on retainer for \$700 per month. Commissioner Hudspeth asked Mr. Clark if he has ideas of other options that would save money. Mr. Clark stated that providing the same level of service at a lower price is the only alternative that is not an option. It is his opinion that legal counsel should be at the meeting. The relationship began because it was determined there was reason to have legal counsel at the meeting only. Over the years, gradually the need to have legal counsel between meetings increased. He believes that an attorney should be at the meeting and there is a need for legal counsel between meetings. There may be some arrangement that legal counsel is not expected at every meeting. If it is the will of the commission that he is not needed at every meeting there might be an arrangement that is reflected in the fee. However, if he charged at an hourly rate even just a</p>

Topic	Discussion Summary
	<p>little work would quickly bring the monthly total to the current amount. Commissioner Morgan stated she would contact the Lake Norman Marine Commission to determine what they receive for their \$500 cost per year. She will also contact the county offices to see what they may be able to provide and report back at the June meeting. <u>Commissioner Eldridge amended his motion to state that the commission will review the expense of legal counsel and determine if we will continue as is or make changes. It was seconded by Commissioner Weyeneth. The motion passed 5-1 with Commissioner Wyant opposed.</u></p>
<b>Finance Report</b>	<p>Commissioner Wyant reviewed the financial information. <u>Because he was uncomfortable with the responsibility, Commissioner Morgan made a motion to remove Commissioner Wyant as Secretary/Treasurer. The motion was seconded by Commissioner Campbell and approved unanimously. A motion was made by Commissioner Morgan to appoint Commissioner Weyeneth as Secretary/Treasurer. It was seconded by Commissioner Eldridge and approved unanimously.</u> Ms. Dil provided additional financial information.</p>
<b>Chairman's Report</b>	<p>Commissioner Hudspeth reported about the meeting held with Gaston County Commissioners regarding the concerns with the NC Wildlife Resources Commission. The meeting was attended by Gaston County Commissioners Donny Loftis, Chad Brown and Tracy Philbeck and Marine Commissioners Hudspeth, Campbell and Roche. Gaston County Commissioners stated that they do not intend to stop funding for MILMC, but only wanted to preserve the option. When asked about their concerns with the MILMC, GCC stated that it is important that MILMC have a good relationship with NCWRC and Dave Hoyle, Jr. Commission Chair Donnie Loftis recommended that Chairman Roche send a letter to Dave Hoyle, Jr. Chairman Roche drafted a letter to NC Wildlife Commissioner Dave Hoyle, Jr. to reassure him that the Marine Commission is interested in partnering with Wildlife and that the two have common goals. The letter requested a meeting to discuss any outstanding concerns or issues. As of yet, there has not been a reply from Mr. Hoyle. Commissioner Campbell recommended that the Marine Commission develop a plan to move forward and that Commissioner Hudspeth update Gaston County Commissioner Chad Brown about the attempts to contact Mr. Hoyle.</p>
<b>2012 Operating Plan</b>	<ul style="list-style-type: none"> <li>• Water Quality – Alice Battle provided the water quality update during her previous report.</li> <li>• Property – Commissioner Morgan reported that she will meet with Steadman Suggs of Duke Energy next week to discuss the pack it in pack it out project.</li> <li>• Watershed – Commissioner Campbell reported that the committee has been established and is waiting on direction of the Marine Commission. Commissioner Hudspeth suggested if the committee knows of any possible direction or idea that would support the mission statement of the commission; this could be brought forward for discussion. Commissioner Campbell stated that the committee has reviewed the various watersheds throughout Gaston County but they are still not sure how to proceed with the various municipalities. Commissioner Hudspeth suggested that the committee could identify sensitive</li> </ul>

<b>Topic</b>	<b>Discussion Summary</b>
	<p>undeveloped properties. Commissioner Campbell recommends spending time at the next planning session to discuss direction of this committee.</p> <ul style="list-style-type: none"> <li>• Safety – Commissioner Eldridge stated that the two missing buoys from Latta Plantation need to be retrieved and returned to Latta. Wildlife to be notified to collect the buoys. Commissioner Hudspeth has inspected the condition of the existing the buoys and has noted which ones need to be repaired. The Mountain Island Harbor buoy is missing. Commissioner Eldridge stated that a plan for long-term buoy maintenance is needed.</li> <li>• Communications – Commissioner Hudspeth reported that the website continues to be running well.</li> <li>• TAC – Commissioner Wyant stated there was nothing new to report. He did pass out a map that shows the 1,000 foot boundary.</li> </ul>
<b>Executive Administrators Report</b>	<ul style="list-style-type: none"> <li>• Ms. Dil reviewed the report of tasks done by CCOG for the month of April 2012. Additional hours were spent this year providing more detailed minutes of the April meeting. Ms. Dil presented the 2012-2013 FY contract between the Marine Commission and CCOG.</li> </ul>
<b>Commission Counsel Report</b>	Legal Counsel Chris Clark has no report.
<b>Commissioner Comments</b>	<ul style="list-style-type: none"> <li>• Commissioner Campbell requested an update about the MIL Charter School. Ron Smith believes the school is planning on applying for a variance through the Board of Adjustments. He explained the process.</li> </ul>
<b>Public Comment</b>	<ul style="list-style-type: none"> <li>• Pam Beck commented on the disadvantage of the limited historical perspective that the commission has. In the past the Executive Administrator gave the financial report. Mr. Clark also offers historical perspective. She questioned if the Marine Commission is confident enough to conduct meeting without legal counsel present. This board has regulatory authority handed from the state. It would be a shame if Gaston County pulled out of the Marine Commission. She stated that Wildlife is not interested in partnering with the commission.</li> <li>• Alice Battle commented that she was told by the Mecklenburg County Wildlife agent that all decisions come from Raleigh.</li> </ul>
<b>Adjournment</b>	There was no further business and the meeting was adjourned at 9:00.
<b>Next Business Meeting Date and Location</b>	The next MILMC business meeting will be held on June 6, 2012 beginning at 6:30pm at Charlotte Mecklenburg Utilities, Charlotte, NC.

Diane Dil, Executive Administrator