

Mountain Island Lake Marine Commission Minutes

June 6, 2012 - 6:30 p.m.

Charlotte Mecklenburg Utilities

Charlotte, NC



Commissioners Present: Chairman Cathy Roche (Mecklenburg County), Commissioner Craig Wyant (Lincoln County), Commissioner Jerry Campbell (Gaston County), Secretary/Treasurer Brian Weyeneth (Gaston County)

Commissioner Absent: Vice-Chairman Skip Hudspeth (Mecklenburg County), Commissioner Tim Eldridge (Gaston County), Commissioner Meg Morgan (Mecklenburg 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">• Commissioner Campbell requested to add to the agenda a report from Ron Smith of Gaston County Development Services on the status of the MIL Charter School. It was approved to add the item.• Chris Clark read the statement of purpose.
Approval of Meeting Minutes	<ul style="list-style-type: none">• The minutes of the May 2012 were approved as submitted.
Public Comments	<ul style="list-style-type: none">• None.
Public Safety Reports	<ul style="list-style-type: none">• Ron Smith of Gaston County Development Services reported that the MIL Charter School has applied for three variances from the Gaston County Board of Adjustments (BOA). The variances are: a façade variance at the current location, a variance from a parking requirement at the new location and a variance from the requirement that the school must be on a major/minor arterial road. Mr. Smith provided copies of the proposed site plan and the findings of fact. The BOA meeting will be June 21st at 4:00 pm at the Gaston County Administration Building.• Officer Turner – CMPD had 24 calls for service during the month of May. They did 14 boat inspections; issued five citations and removed one navigational hazard. They carried out 14 zone checks. There were four vehicle break-ins reported at Latta Plantation and none at Neck Road Access.• Gaston County - Office Turner (CMPD) reported that he spoke with Gaston County Officer Hord who would not be at the meeting. Immediately prior to the meeting Officer Hord was issuing a trespassing

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	<p>violation at Riverbend only to discover that an arrest warrant had been issued on one of the trespassers. He was talking that person to Gaston County jail.</p> <ul style="list-style-type: none"> • Mecklenburg County Parks and Recreation – Alice Battle spoke with Stephen Hutchinson and Mr. Hutchinson asked the support of the Marine Commission to promote canoe rentals from Latta. He reminded people that swimming from county property is prohibited. The clear cutting of the loblollies will not require the burn as anticipated. Commissioner Weyeneth spoke with CMPD Sergeant Mark Faulkenbury. During the conversation the Sergeant stated that the new location of the canoes and kayaks has caused an increase in boating safety problems. • Kermitt Taylor –The lake level is 97.4’ with current drought conditions supporting Stage zero of the Low Inflow Protocol. One dock permit was issued at Horseshoe Bend.
Environmental Reports	<ul style="list-style-type: none"> • Heather Davis, Mecklenburg County reviewed the Lake Use Support Index and Bacteriological Results from March and May 2012. The May M13 score, at “Partially Supporting,” was the only score that was higher than normal. There was no evidence to the cause of this high number. Ms. Davis discussed the McDowell Creek Cove plan of action to reduce nitrogen and phosphorus. Her department is working with neighborhood subdivisions to improve practices and be more aware of the issues. Mecklenburg County is continuing stream restoration on Torrence Creek from I-77 to Gilead Road. A water sample on May 7th at the discharge point at Riverbend received a score that exceeded the state standard for arsenic. It was reported to Duke Energy and NC DNR as required. There is no threshold on arsenic in Duke’s NPDES permit. They are only required to monitor. • Lakekeepers Report - Alice Battle reported. Catawba Riverkeeper Foundation received more than 100 applications for the Riverkeeper position. She attended a Mountain Point neighborhood meeting of people concerned about the Riverbend coal plant. • Mountain Island Wildlife Stewards – A nest has been spotted in the osprey pole that was vandalized last year.
Administration of Commission	<p>Chairman Roche reviewed the activity of the subcommittee (Roche, Hudspeth, Eldridge) established to review the current administration of the Marine Commission. The subcommittee has no specific agreement or firm recommendation. The goal was to research the most efficient administrative service with the lowest cost. Members of the committee spoke with the executive directors of the LNMC and the LWMC. They also had a conference call with CCOG Executive Director, Jim Prosser. They agreed that continuity of the service provider has been helpful. The committee questioned why MILMC pays for more hours than LWMC. The group is leaning towards option 3a of the CCOG proposal, which provides the highest level of service for a total cost of \$14,934. During the subcommittee’s discussions Commissioner Eldridge stated he would like the commission to prepare and distribute the agenda to help reduce the cost. The subcommittee stated that the long term goal would be to hire an executive director and move away from</p>

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Discussion of Legal Counsel	<p>using the CCOG as their administrator. <u>Commissioner Campbell made a motion to select option 3a for a cost of \$14,934. The motion was seconded by Commissioner Weyeneth and approved unanimously.</u></p> <p>Commissioner Weyeneth spoke with Gaston County Manager, Jan Winters about using the Gaston County attorney as the commission’s attorney. Mr. Winters stated the county was willing to assist the commission at no cost. Assistance would be provided via phone, email or fax but the attorney would not be present at the meetings. Gaston County attorney is routinely used to assist other commissions. Commissioner Campbell stated that with advance notice the attorney may be able to attend a meeting. Chairman Roche thought it may not be appropriate because of a conflict of interest. She had not heard back from Mecklenburg County with their thoughts and concerns. She stated that LNMC has an attorney on retainer at \$500 year. Commissioner Wyant stated that the commission would spend considerable amount of time to bring a new attorney up to date. Chairman Roche asked the question if an attorney is necessary at the meeting? Commissioner Campbell stated it depends if the commission continues to have legal issues. Chairman Roche stated that it is not totally clear whether it is beneficial to have an attorney at every meeting. Commissioner Campbell asked Mr. Clark how he would feel if he did not attend every meeting. Mr. Clark stated that in the spirit of compromise he proposed that he would not attend nor charge for the July and December meetings. He considers his presence at meetings necessary. He is not sure how a county attorney can fairly and ethically represent the commission. Commissioner Campbell recommended that this item be discussed further at the July meeting. Chairman Roche stated that all three counties need to be contacted regarding this matter and their responses brought back to the July meeting.</p>
Finance Report	<p><u>Commissioner Campbell made a motion to open the public hearing for consideration of the FY 2012-2013 budget. The motion was seconded by Chairman Roche and approved unanimously.</u> Commissioner Weyeneth reviewed the FY 2012-2013 proposed budget and asked for public comment.</p> <p>John Beck asked how the commission plans on using the additional funds in the Water Safety and Boater Education category.</p> <p>Chairman Roche responded that the Marine Commission would like to help fund additional law enforcement to patrol the lake. Commissioner Weyeneth has initiated conversations with NC Wildlife Resources Commission and the counties for potential opportunities. The amount is just an estimate at this time. Chairman Roche confirmed that this money includes funds necessary to send Gaston County Officer Hord to a attend training.</p> <p>Alice Battle asked how the commission plans on using the extra money in Litter Prevention category. Chairman Roche stated that Commissioner Morgan is working on a plan which might include a bigger presence in Big Sweep.</p> <p>John Beck cautioned the commission not to waste money on projects or initiatives being done by other organizations.</p> <p>Commissioner Campbell stated the money is allocated now to help law enforcement. It may need to be</p>

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	<p>moved to address legal representation. We are voting on a budget tonight that may need to be amended at a future date as things change throughout the year.</p> <p>Commissioner Wyant appreciates having money allocated for mapping.</p> <p><u>Chairman Roche made a motion to close the public hearing. It was seconded by Commissioner Campbell and approved unanimously.</u></p> <p>Chairman Roche reviewed items that could be reduced if funds are needed to cover the cost of legal representation. Commissioner Weyeneth stated he has received some early costs to fund additional lake officers. Commissioner Weyeneth asked for confirmation on the cost of the audit. Ms. Dil stated that we are required to use auditors approved by the NC Treasurer's office. This accountant is much less than the one previously contracted by the commission. Commissioner Weyeneth reviewed the budget again.</p> <p><u>Commissioner Campbell made a motion to approve the proposed budget. It was seconded by Commissioner Wyant and approved unanimously.</u></p>
Chairman's Report	<p>Chairman Roche reviewed the meeting with Gaston County Commissioners Donny Loftis, Chad Brown and Tracy Philbeck and Marine Commissioners Hudspeth, Campbell and Roche. It was decided that Chairman Roche would contact NC Wildlife Resources Commission Chairman Dave Hoyle, Jr. to discuss his concerns. She spoke with him over the phone and he assured her that he has no issues with the Marine Commission. He said he had checked with his staff as well, and they had had no concerns since the proposed boating regulations two years ago. She stated that there must have been a misunderstanding of some kind, because Mr. Hoyle said he hadn't heard anything about our presentation to the Mecklenburg County Commission. Chairman Roche informed both Donnie Loftis and Gaston County Manager Jan Winters about the phone call and assured them that the Marine Commission has established good open communications with NC Wildlife</p>
2012 Operating Plan	<ul style="list-style-type: none"> • Water Quality – Alice Battle reported that the secchi disk project continues. Transparency has reduced since the earlier spring readings. One interesting discovery is the water temperature differences in the back of the coves. • Property – Commissioner Morgan was not present to report. • Watershed – Commissioner Campbell reported that the committee has been established and is waiting on direction from the Marine Commission. Commissioner Campbell recommended spending time at the next planning session to discuss direction of this committee. • Safety – Commissioners Eldridge and Hudspeth were not present to report. • Communications – Chairman Roche stated there is a need to determine new and exciting ideas to promote the website. • TAC – Commissioner Wyant stated he continues to populate names in his Rolodex of experts. He has

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	received a few responses but will not proceed until a need is established. The current GIS interns have graduated but might continue to help out as volunteers. The interns have worked with the CPCC department chair to get another intern.
Executive Administrators Report	<ul style="list-style-type: none"> Ms. Dil reviewed the report of tasks done by CCOG staff for the month of May 2012.
Commission Counsel Report	Legal Counsel Chris Clark has no report.
Commissioner Comments	<ul style="list-style-type: none"> Commissioner Campbell recommended that we invite LNMC to the joint meeting especially since the commission has had recent communications about their operating procedures. Chairman Roche requested all commissioners to send Ms. Dil the dates they are not available to meet during the months of July, August and September.
Public Comment	<ul style="list-style-type: none"> Pam Beck commented that during the stakeholder process Gaston County Commissioner Chad Brown stated that if the Marine Commission has a reasonable need that the county could help fund the project. She stated that it is expensive to operate an amenity such as the lake and she cautioned the commission in whittling away funds from legal and staff. John Beck asked if NC Wildlife Resources Commission would now codify the buoys into the administrative code. He feels it would be a conflict of interest to have a county attorney represent the Marine Commission and the commission should tread lightly.
Adjournment	There was no further business, and the meeting was adjourned at 9:00.
Next Business Meeting Date and Location	The next MILMC business meeting will be held on July 11, 2012 beginning at 6:30pm at Mount Holly City Hall.

Diane Dil, Executive Administrator