

# Mountain Island Lake Marine Commission Minutes

September 4, 2013 · 6:30 pm

Charlotte Mecklenburg Utilities Department

Charlotte, North Carolina



**Commissioners Present:** Chairman Kari Lanning (Lincoln County)  
Vice Chairman Skip Hudspeth (Mecklenburg County)  
Secretary Treasurer Brian Weyeneth (Gaston County)  
Commissioner Jerry Campbell (Gaston County)  
Commissioner Murray Nixon (Gaston County)  
Commissioner Cathy Roche (Mecklenburg County)  
Commissioner Daniel DuVall (Mecklenburg County)

**MILMC Staff Present:** Emily Parker, Executive Administrator; Chris Clark, Legal Counsel

Topic	Meeting Minutes
<b>Welcome &amp; Introductions</b>	Chairman Lanning called the meeting to order at 6:30 pm and welcomed everyone present. The marine commissioners introduced themselves.
<b>Consideration of Agenda</b>	<ul style="list-style-type: none"><li>• The September 4 meeting agenda was approved.</li><li>• There were no items on the Consent Agenda.</li></ul>
<b>Approval of Meeting Minutes</b>	<ul style="list-style-type: none"><li>• Chairman Lanning asked if any changes needed to be made to the August 7, 2013 meeting minutes. No corrections were needed and the August meeting minutes were approved.</li></ul>
<b>Public Comments (3 minutes per person)</b>	<ul style="list-style-type: none"><li>• n/a</li></ul>
<b>Public Safety Reports</b>	Officer Turner of the Charlotte Mecklenburg Police Department reported that in August, CMPD had 46 calls for service, 14 boats were inspected, they issued 2 warnings and 11 citations, and 1 boat was assisted. 1 boat caught fire near the Riverbend Access point. Neck Road Access had one vehicle broken into on August 9. Items taken included a GPS system, a phone, a Glock pistol, 5 knives and a pair of handcuffs. Latta Plantation Park had one vehicle broken into on August 14. Items taken included a purse and a phone.

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	<p data-bbox="573 253 1892 285">Officer Hord of the Gaston County Police Department reported on both July and August activities:</p> <table border="1" data-bbox="823 326 1692 789"> <thead> <tr> <th data-bbox="831 332 1411 365">Activity</th> <th data-bbox="1411 332 1543 365">July</th> <th data-bbox="1543 332 1684 365">August</th> </tr> </thead> <tbody> <tr> <td data-bbox="831 365 1411 397">Dispatched Calls</td> <td data-bbox="1411 365 1543 397">7</td> <td data-bbox="1543 365 1684 397">2</td> </tr> <tr> <td data-bbox="831 397 1411 430">Special Checks</td> <td data-bbox="1411 397 1543 430">34</td> <td data-bbox="1543 397 1684 430">6</td> </tr> <tr> <td data-bbox="831 430 1411 462">Boats Assisted</td> <td data-bbox="1411 430 1543 462">8</td> <td data-bbox="1543 430 1684 462">2</td> </tr> <tr> <td data-bbox="831 462 1411 495">Safety Inspections</td> <td data-bbox="1411 462 1543 495">55</td> <td data-bbox="1543 462 1684 495">56</td> </tr> <tr> <td data-bbox="831 495 1411 527">Boating Violations/Verbal Warnings</td> <td data-bbox="1411 495 1543 527">11</td> <td data-bbox="1543 495 1684 527">13</td> </tr> <tr> <td data-bbox="831 527 1411 560">Boating Violations/Written Warnings</td> <td data-bbox="1411 527 1543 560">5</td> <td data-bbox="1543 527 1684 560">7</td> </tr> <tr> <td data-bbox="831 560 1411 592">Citations</td> <td data-bbox="1411 560 1543 592">4</td> <td data-bbox="1543 560 1684 592">0</td> </tr> <tr> <td data-bbox="831 592 1411 625">Boating While Impaired</td> <td data-bbox="1411 592 1543 625">2</td> <td data-bbox="1543 592 1684 625">0</td> </tr> <tr> <td data-bbox="831 625 1411 657">Navigational Hazards Removed</td> <td data-bbox="1411 625 1543 657">11</td> <td data-bbox="1543 625 1684 657">0</td> </tr> <tr> <td data-bbox="831 657 1411 690">Trespassing Violations</td> <td data-bbox="1411 657 1543 690">1</td> <td data-bbox="1543 657 1684 690">0</td> </tr> <tr> <td data-bbox="831 690 1411 722">Warnings Written (Shoreline Violation)</td> <td data-bbox="1411 690 1543 722">14</td> <td data-bbox="1543 690 1684 722">16</td> </tr> </tbody> </table> <p data-bbox="573 833 1919 1011">Secretary Treasurer Weyeneth asked Officer Hord about the status of the GCPD's new boat. Officer Hord said January 2014. 1-2 GCPD officers may need to be sent to learn how to operate the new boat. Secretary Treasurer Weyeneth asked Officer Turner when their new boat would be delivered to Lake Norman and when the older boat may come to Mountain Island Lake. Officer Turner said likely in fall 2014.</p> <p data-bbox="573 1055 1125 1088">Kermitt Taylor of Duke Energy reported:</p> <ul data-bbox="573 1096 1083 1203" style="list-style-type: none"> <li data-bbox="573 1096 919 1128">• Lake level was at 96.7</li> <li data-bbox="573 1133 1083 1166">• Low Inflow drought stage – Normal</li> <li data-bbox="573 1170 1083 1203">• No new permits have been issued.</li> </ul> <p data-bbox="573 1247 1946 1354">Commissioner DuVall asked about what is going on at Cowan's Ford dam (above Highway 73). It appears that riprap is being replaced. Mr. Taylor was not sure about this situation but will get back to the MILMC with an explanation.</p>	Activity	July	August	Dispatched Calls	7	2	Special Checks	34	6	Boats Assisted	8	2	Safety Inspections	55	56	Boating Violations/Verbal Warnings	11	13	Boating Violations/Written Warnings	5	7	Citations	4	0	Boating While Impaired	2	0	Navigational Hazards Removed	11	0	Trespassing Violations	1	0	Warnings Written (Shoreline Violation)	14	16
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<b>Environmental Reports</b>	<p data-bbox="573 1362 1946 1463">Heather Davis with Mecklenburg County LUESA reported on July 2013 lake monitoring results. July is the biggest monitoring month of the year. The LUSI scores have not changed since May. All swimming indicators are in Supporting+ and overall, everything is in good shape. Commissioner</p>																																				

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	<p>DuVall asked about the fish indicator aspect of the LUSI report and what kinds of fish are included in the advisory. He made the point that many of the fishermen on the lakes do not necessary read the fish advisories; they rely more on word of mouth regarding what can/should not be eaten. Ms. Davis will send Ms. Parker that fish advisory list to be distributed to the MILMC. Ms. Davis mentioned Big Sweep and each marine commissioner received a flyer at their seat. Mecklenburg County's Big Sweep event is a different weekend then other events in the state. Commissioner Nixon asked about the impact of heavy rains on the monitoring numbers. Ms. Davis said that the "first flush" is the first inch of rain a body of water receives. The "first flush" typically sweeps away ~90% of pollutants. All of the rain we have had is actually working in our favor, in that it served to dilute pollutants.</p> <p>Alice Battle provided the Lakekeepers Report.</p> <ul style="list-style-type: none"> <li>• Tom Waters of the Provident Development Group gave a presentation at the August 19 meeting of the development of the Bechtler property. There were about 40 people in attendance most of them from Stonewater. There were a few from the Horseshoe Bend community. Mr. Waters' presentation was about 20 minutes and questions lasted an hour. Many of the questions concerned the upgrading of the roads and intersections.</li> <li>• Sam Perkins gave a presentation on the status of the coal ash litigation and the Catawba Riverkeeper Foundation's case on the disposition of the 550 acres of coal ash ponds at the Riverbend Steam Plant. This was done on Tuesday, August 13 at Covenant United Methodist Church. There were approximately 40 people in attendance, mostly from Stonewater and the Horseshoe Bend Road neighborhood. NC State Senators Tarte, Ford and Torbett were also in attendance. Sam Perkins asked that anyone who had damage to their docks or property because of the floods please send him the cost of the damages.</li> <li>• The Catawba Riverkeeper Foundation wants to publish Big Sweep locations on its web page. Ms. Battle tried to follow up with Duke Energy. The contact we have had in the past no longer works at the plant and has no information on the status of Big Sweep at Riverbend. She has been following up with other groups. Everyone seems to assume that Duke Energy was covering Riverbend. It did not occur to them that with no one operating the plant, no one was there to organize that part of Big Sweep. Chairman Lanning commented that if Duke Energy is not going to participate, then perhaps Gaston County could do so. Gaston County can supply gloves, bags, etc. What's needed is a large dumpster. Kevin Hyde may be able to arrange for a container for recyclables. Then the dumpster at Riverbend may get filled with regular trash. Chairman Lanning offered to take this piece over from Ms. Battle and Ms. Battle accepted.</li> </ul>

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	<ul style="list-style-type: none"> <li>• The City of Mt. Holly is considering putting a fire station near Riverbend because of the possible development of the Bechtler property.</li> <li>• There is a ramp at the Neck Road Access that has a gap in it. Someone may have stolen (and sold) the missing piece of the ramp. Duke Energy has not yet fixed it.</li> <li>• Sam Perkins was present at the September 4 MILMC meeting. He commented on dead mussels at the bottom part of Mountain Island Lake and the top part of Lake Wylie. In the York County portion of Lake Wylie, hydrilla and alligator weed have been flushed away due to heavy rains. Vice Chairman Hudspeth asked if there is an update on coal ash update: Mr. Perkins said that the state is reviewing the 4,933 comments that were submitted. All comments but one are in support of the amended proposed consent order that would require clean up. Commissioner DuVall commented on mussels floating on top of the water. His opinion is that this is normal for this time of the year. Vice Chairman Hudspeth had a question about a sign at the Neck Road landing (and possibly at other landings) that cautions boaters about traveling at high speed in high water. He proposed that the sign(s) be taken down since recent high water has subsided.</li> </ul>
<p><b>2nd Annual Lakeside Partnership BBQ</b></p>	<p>Secretary Treasurer Weyeneth refreshed the group’s memory: Last year, the MILMC had the first lakeside partnership BBQ to thank partners that help and support the MILMC throughout the year. The MILMC fed BBQ pork shoulder and pork butt to about 50 people at Latta Plantation on Saturday, September 14, 2012. Invitations were sent via email and CCOG kept RSVPs. Marine commissioners that live on the lake brought their boats and offered lake tours. They invited county commissioners, law enforcement, and other supporters to attend. The response was positive and people wanted to do it again in 2013. The 2012 event was put on for \$138.00. This year, the cost could increase to ~\$200.00, if more people attend. The 2012 menu consisted of BBQ, beans, slaw, and tea/sodas.</p> <p>Secretary Treasurer Weyeneth wanted to know the following: a) does the MILMC want to do this event again? b) what would be a good date for the event? And, c) who would like to help? Commissioner Roche commented that last year’s event was good, but not well attended. The marine commission needs to make more of a concerted effort to get folks out. Commissioner DuVall asked about the upcoming election cycle. Vice Chairman Hudspeth had the same thoughts as Commissioner Roche. It is hard to get elected officials out on the weekend if it is not election season and if it is out of their jurisdiction. The 50 people last year were comprised of the marine commissioners and spouses, law enforcement, HOAs, staff, etc. There were possible conflicts with date last year. Commissioner Nixon said that this event is a nice thank you to people like law enforcement that support the MILMC year round, even if elected officials and others are not able to attend.</p>

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	<p>Commissioner DuVall asked if this would be a ‘thank you’ gathering or an ‘influence’ gathering. The event would be more of a ‘thank you’ gathering. Possible dates for the 2013 event are: September 21, October 12, 19, 26, and then November. Chairman Lanning commented that since we would be using tax payer’s money, it should be open to all. However, if it is an invite only event to acknowledge and thank stakeholders, then that is one thing. She is alright with having a BBQ to honor stakeholders (but not the public). Commissioner Roche reiterated that the purpose of this event last year and this year would be to thank stakeholders. The invite list would include: law enforcement, park and recreation, NCWRC, CMUD, Duke Energy, Riverkeepers, HOA officers around the lake, TAC, etc. Chairman Lanning reiterated that we need to be good stewards of tax payer’s money. Commissioner DuVall asked Chairman Lanning how she would word it or what she would call the event. The event could be called “Lakeside Partnership Appreciation BBQ.” Ms. Parker will look for the invite list that was used last year. Ms. Parker will send the 2012 invite list to all marine commissioners for review. Ms. Parker will create an invitation and send it out several times before October 19. <u>A motion was made by Commissioner Nixon to have the 2<sup>nd</sup> Annual Lakeside Partnership Appreciation BBQ on Saturday, October 19. Commissioner Roche seconded the motion. Discussion: Commissioner Campbell mentioned the idea of piggybacking this event onto another existing event. A vote was taken and it was approved unanimously.</u></p>
<p><b>Finance Report</b></p>	<p>Secretary Treasurer Weyeneth reviewed the finance report. No income has been received from counties as of yet. Ms. Parker will check on that with counties. Ms. Parker reported that getting the \$7,500.00 moved from SunTrust checking account to NCCMT savings account is in progress.</p> <p>Discussion about MILMC Cash Balance – Secretary Treasurer Weyeneth came back to this item. At the August meeting, Commissioner Roche asked about why the MILMC has an overage at the end of the year, yet it seems that the commission never has enough money to do what we want to do. Commissioner DuVall is surprised that people are worried about having a fund balance. Historically, there has been money left over at the end of each year. Conversation continued about how and why the fund balance has grown in the 2000s. Commissioner DuVall goes on to state what the mission of the MILMC is, and that by the book, it has nothing to do with creating and executing programs. He thinks having a cash reserve makes the MILMC very capable and able to be proactive, and that the MILMC is in a stable financial position.</p>

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<b>Audit Update</b>	Secretary Treasurer Weyeneth reminded the group of what transpired at the August meeting regarding discussion about the FY 12-13 audit. Secretary Treasurer Weyeneth told the group about the conference call held with the auditor. After conversation, the auditor agreed to conduct the MILMC's FY 12-13 audit. <u>A motion was made by Secretary Treasurer Weyeneth to use the MILMC's previous auditor (Mike Burns) for \$2,500.00. Commissioner Campbell seconded the motion. There was no further discussion. The motion was approved unanimously.</u>
<b>Chairman's Report</b>	Chairman Lanning said a few words and turned the floor over to Secretary Treasurer Weyeneth to present an acknowledgement of service award to Commissioner Jerry Campbell. Secretary Treasurer Weyeneth said that for the better part of 10 years, Jerry Campbell has represented Gaston County on the MILMC. He has served as Chairman, and he has been an instrumental part of what we do and how we do it. He has served Mountain Island Lake faithfully and admirably. Secretary Treasurer Weyeneth extended thanks and appreciation to Jerry Campbell for his loyalty and service on behalf of the MILMC. Everyone present applauded. Commissioner Campbell said a few words about the good work that has been done for the lake since the early 2000s. He appreciated Secretary Treasurer Weyeneth's thoughtful words and thanked everyone present.
<b>Committee Reports</b>	<p>Buoys – Vice Chairman Hudspeth provided the Buoy Committee update.</p> <ul style="list-style-type: none"> <li>• The MILMC has a signed contract with buoy contractor, Mr. Nick Makres. Buoy hardware and supplies have been delivered to Mr. Makres. Vice Chairman Hudspeth worked with him on August 27 to familiarize Mr. Makres and his assistant with buoy maintenance procedures. Ms. Parker now has a copy of the executed contract and a copy of Mr. Makres' insurance. They replaced the missing Hwy 16 bridge no wake buoy, repositioned and inspected other Hwy 16 bridge no wake buoys, replaced signs on inner Nance Cove no wake raft buoy, and repositioned inner Nance Cove no wake raft buoy.</li> <li>• Report on the August 13 Meeting – Vice Chairman Hudspeth provided a summary of the August 13 meeting with NC Wildlife and Duke Energy: <ul style="list-style-type: none"> <li>○ Vice Chairman Hudspeth, Chairman Lanning, and Commissioner Nixon attended the meeting.</li> <li>○ There are 4 no wake zones in the NC Administrative Code (NCAC), but there are 7 that the Buoy Committee wants to have added to the NCAC. They want to have these no wake zones added so that they are more enforceable and widely supported.</li> <li>○ They also asked for support for a 100' no wake zone buffer and possibly a 150' no wake buffer to be added to the NCAC. Both Lake Norman and Lake Wylie already have 150' no wake buffers.</li> </ul> </li> </ul>

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	<ul style="list-style-type: none"> <li>○ Another main point of having this meeting was to enhance the working relationship between the MILMC, NCWRC and Duke Energy.</li> <li>○ The MILMC Buoy Committee presented NCWRC with maps showing MIL no wake zones. Generally, NCWRC was in support of no wake zones in smaller coves.</li> <li>○ NCWRC representatives said they would like input from local NCWRC officers. Thus, the NCWRC proposed Friday, September 6 as a date for a MIL tour. Confirmation has been received from Gaston and Mecklenburg law enforcement, Duke Energy and MILMC Buoy Committee members to participate in the September 6 tour. The tour will start from the Neck Road landing. Commissioner Nixon offered to host a lunch meeting at her house after the lake tour.</li> <li>○ In October 2013, another meeting will be held to bring recommendations back to the group that met on August 13 and stakeholders to further define next steps (e.g., vetting of recommendations with local counties, additional public hearings if required, or next steps for implementation of recommendations supported by all entities).</li> <li>○ Vice Chairman Hudspeth mentioned that the MILMC already approved a 100' buffer in the late 1990s, but it is not in the NCAC. It is a local ordinance that is enforceable, if someone chooses to enforce it. There are a couple of buoys in the water that mark that buffer. Secretary Treasurer Weyeneth clarified that if officers write someone a ticket, a judge will likely throw it out. Vice Chairman Hudspeth said that that is why the 100' buffer should be added to the NCAC – to increase enforceability. Commissioner DuVall made a point that the average Joe does not know the difference between 100' and 150'. He asked law enforcement present how they use the 100' buffer. They use buffer distance to estimate how close a boater is to the shore or a dock. If law enforcement feels that a boater is within the buffer zone, then they can pull the boater over. Having the buffer in place is another tool in law enforcement's toolbox. The important underlying point is balancing safety with keeping MIL public. The Buoy Committee can report back to the MILMC after the September 6 and October meetings. The NCWRC also has a <a href="#">page on their website</a> devoted to NC no wake zones. It has been requested that the MILMC be added to that page, along with the Lake Wylie Marine Commission and Lake Norman Marine Commission.</li> </ul>

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	<ul style="list-style-type: none"> <li>• Orange Marker Buoy Discussion – Lake resident Mr. James Lee had a question about orange markers buoys. His question was if the MILMC has a policy on how many orange marker buoys someone can have and where they can be placed. The answer is no, the MILMC has no policy on this. Vice Chairman Hudspeth and Commissioner DuVall will find out more information on Friday, September 6 during the lake tour meeting with NCWRC.</li> </ul> <p>Communications – Commissioner Roche submitted her report before the meeting. She provided a brief summary. She spoke with Tim Gause (Duke Energy). Duke Energy does do not want to get involved with assuming responsibility for high water notifications to lake residents. They can send out press releases and HOAs can set up a phone trees, etc., if they so choose. Secretary Treasurer Weyeneth suggested adding links to the MILMC website, based on what Tommy Almond (Gaston County Emergency Management) reported on at the August meeting. Commissioner DuVall asked if the MILMC website has the capability for people to register to receive notifications. The MILMC does not have that capability. However, the MILMC probably does not want to take on the responsibility of notifying and failing to notify lake residents.</p> <p>Shoreline Protection – Chairman Lanning had nothing new to report.</p> <p>Watershed/Water Quality – Commissioner Campbell nothing new to report.</p> <p>Public Safety – Commissioner Nixon submitted her report before the meeting. Vice Chairman Hudspeth did get one of the life jackets returned (out of 36).</p> <p>Technical Advisory Committee (TAC) – Secretary Treasurer Weyeneth had nothing new to report.</p>
<b>Executive Administrator’s Report</b>	<p>2013 Blue Fin Award Nominations – Ms. Parker said that there was one nomination submitted for the 2013 Blue Fin Award. Ms. Alice Battle submitted the nomination for Ms. Kay Killian and family to receive the award. <u>A motion was made by Commissioner DuVall for Kay Killian and family to receive the 2013 Blue Fin Award. Commissioner Campbell seconded the motion. The motion was approved unanimously.</u> Ms. Alice Battle clarified that the award should say “Kay Killian” only. Commissioner Nixon will invite Ms. Killian to the next MILMC meeting (October 2). There was discussion about publicizing the Blue Fin Award. Commissioner Roche will draft the release and give it to Secretary Treasurer Weyeneth to distribute.</p>



<b>Topic</b>	<b>Meeting Minutes</b>
<b>Legal Counsel Report</b>	Consideration of the Consent Agenda – Legal Counsel Chris Clark distributed a mockup of a new agenda concept using the Consent Agenda format. Marine commissioners can remove items from the Consent Agenda if discussion is desired about a particular item. It would require marine commissioners to read reports in advance. If items are pulled off the Consent Agenda, they would either go right after the Consent Agenda or under Commissioner Comments. It was noted that when Ms. Parker asks for agenda items, she should also request committee reports. Legal Counsel Clark recommended that for the next few meetings, he will work with Ms. Parker on setting up a Consent Agenda. This will be a good way to orient the MILMC and test out using a Consent Agenda.
<b>Commissioner Comments</b>	<ul style="list-style-type: none"> <li>• Commissioner DuVall brought up what Officer Hord mentioned about electronics training needed on the GCPD’s new boat. Helping defray the cost of that training may be a good use of MILMC funds. This is a topic to be discussed further at the October meeting.</li> <li>• Commissioner Roche concurred with Commissioner DuVall’s comments.</li> <li>• Commissioner Campbell said that he has enjoyed his terms on the marine commission and he thanked everyone present.</li> <li>• Commissioner Nixon – none.</li> <li>• Vice Chairman Hudspeth – none.</li> <li>• Chairman Lanning – none.</li> <li>• Secretary Treasurer Weyeneth – none.</li> </ul>
<b>Adjournment</b>	The meeting was adjourned at 8:36 pm.
<b>Next Business Meeting Date and Location</b>	The next MILMC business meeting will be held on October 2, 2013 at 6:30 pm at the Mount Holly Municipal Complex (400 East Central Avenue, Mount Holly, NC).

Emily Parker, Executive Administrator