

Mountain Island Lake Marine Commission Minutes

January 8, 2014 · 6:30 pm

Mount Holly Municipal Complex

Mount Holly, North Carolina



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

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

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Welcome & Introductions	Chairman Lanning called the meeting to order at 6:30 pm. The marine commissioners introduced themselves.
Consent Agenda	Chairman Lanning had an item she would like to add to the agenda. <u>Chairman Lanning made a motion to approve the November 6, 2013 meeting minutes. Secretary Treasurer Weyeneth seconded the motion and it was approved unanimously.</u> Chairman Lanning added a Gaston County request for training funding to the agenda. This item was added under the Chairman's Report. <u>Commissioner DuVall made a motion to approve the January 8, 2014 agenda as amended. Commissioner Nixon seconded the motion and it was approved unanimously.</u>
Discussion of Items Removed from Consent Agenda (if any)	n/a
Public Comments	n/a
Public Safety Reports	Officer Turner of the Charlotte Mecklenburg Police Department reported on calls for service received in November and December (see below table).

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	<table border="1" data-bbox="787 248 1726 480"> <thead> <tr> <th colspan="3" data-bbox="787 248 1726 289">Calls for Service - CMPD - November and December 2013</th> </tr> </thead> <tbody> <tr> <td data-bbox="787 289 1094 329">Neck Road Access</td> <td data-bbox="1094 289 1451 329">November 2013</td> <td data-bbox="1451 289 1726 329">4 zone checks</td> </tr> <tr> <td data-bbox="787 329 1094 370"></td> <td data-bbox="1094 329 1451 370">December 2013</td> <td data-bbox="1451 329 1726 370">6 zone checks</td> </tr> <tr> <td data-bbox="787 370 1094 443">Latta Plantation</td> <td data-bbox="1094 370 1451 443">November 2013</td> <td data-bbox="1451 370 1726 443">2 zone checks 1 boater assisted</td> </tr> <tr> <td data-bbox="787 443 1094 480"></td> <td data-bbox="1094 443 1451 480">December 2013</td> <td data-bbox="1451 443 1726 480">4 zone checks</td> </tr> </tbody> </table> <p data-bbox="573 524 1923 589">CMPD received a report that boats at the Mountain Island Harbor community dock had items stolen off of them in November.</p> <p data-bbox="573 638 1934 743">Officer Hord of the Gaston County Police Department reported that Gaston County law enforcement is off the water for now. GCPD is waiting for the new boat. GCPD officers, including Officer Hord, are planning to attend the training session to learn about the new boat.</p> <p data-bbox="573 784 1188 816">Kermitt Taylor of Duke Energy reported that:</p> <ul data-bbox="573 824 1944 971" style="list-style-type: none"> • Lake level was at 97.6 • 3 new pier permits (2 in Preservation Pointe and 1 in Stonewater) and 1 shoreline stabilization permit has been issued. • Drought status is the same. 	Calls for Service - CMPD - November and December 2013			Neck Road Access	November 2013	4 zone checks		December 2013	6 zone checks	Latta Plantation	November 2013	2 zone checks 1 boater assisted		December 2013	4 zone checks
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Environmental Reports	<p data-bbox="573 1016 1944 1195">Heather Davis with Mecklenburg County LUESA reported that the last lake monitoring occurred in November 2013. The LUSI map had not changed too much from the month before. The bacteriological report looks great. LUESA staff will conduct metals testing at all sites in January and July. Commissioner Nixon asked if cold water kills bacteria that would potentially show up on LUESA readings. Ms. Davis answered that yes, very cold water will kill some bacteria.</p> <p data-bbox="573 1239 1944 1304">Alice Battle was not present. Chairman Lanning relayed highlights of Ms. Battle's Lakekeepers Report. Chairman Lanning gave a brief update on Ms. Battle's health condition.</p> <ul data-bbox="621 1320 1944 1458" style="list-style-type: none"> • There was no December Lakekeepers meeting. • Ms. Battle had previously mentioned her desire to have a Lakekeepers meeting to discuss their issues and goals for 2014, as well as to do a bit of a website and Google Maps workshop to help with communication and displaying their work. This meeting can count as the first of 															

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	<p>the year, but she really wants to focus on a number of things, including good meetings and getting good speakers for 2014. The Lakekeepers had fantastic speakers in 2013, and those were great draws. This is meant to be open to all volunteers, but Ms. Battle really wants to encourage those in or desiring to be in leadership roles to participate. It took a while to find the right place/time, but the dates are now set for the meetings.</p> <p>Lower Basin: Thursday, January 9th, 7 pm to 9 pm, Luigi and Sons Italian Restaurant (2387 N Cherry Rd, Rock Hill, SC 29732)</p> <p>Upper Basin: Saturday, January 11th, 10:30 am to 12:30 pm, Loe's/Granite Falls Brewing Company (in the old Pepsi bottling plant at 47 Duke Street Granite Falls, NC 28630)</p> <p>Ms. Battle wanted a relaxed setting for both meetings. She really wants to get some specific focus, re-engage folks who have fallen off and bring in new volunteers. She needs to have rough counts for both, so please RSVP if you can attend.</p>
<p>Finance Report</p>	<p>Secretary Treasurer Weyeneth reviewed the finance report. He brought up the fact that there are some line items that have not been paid out yet, including one for the Catawba Riverkeeper Foundation. <u>Vice Chairman Hudspeth made a motion to proceed with paying the Catawba Riverkeeper Foundation \$500.00. Commissioner Roche seconded the motion and it was approved unanimously.</u></p> <p>GCPD submitted a request for training funding for GCPD officers Hamrick and Hord. Chairman Lanning asked how much funding they would need so that officers going would not have to pay for any expense out of pocket. <u>A motion was made by Secretary Treasurer Weyeneth to take \$1,400.00 from the Safety line item for expenses for GCPD Officers Hord and Hamrick attend and be properly trained on their new boat. Vice Chairman Hudspeth seconded the motion.</u> Discussion: Commissioner Roche asked why the MILMC should pay for Gaston County-related expenditures, in light of the defunding situation. Commissioner Nixon clarified that the boat will be on MIL. Commissioner DuVall clarified that Officer Hord will still be on the lake regardless of the MILMC's existence. <u>The vote was taken and it was approved unanimously.</u></p>

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<p>Chairman's Report</p>	<p>Chairman Lanning reported on the following items:</p> <ol style="list-style-type: none"> a. Gaston County Letter – Chairman Lanning provided the group with the letter from Gaston County and an email thread that shows that she requested a meeting with Gaston County Commissioners. This meeting invitation was not accepted. Chairman Lanning said that she would like to hear from the other marine commissioners on this issue and also discuss what needs to happen in order to de-commission the MILMC. She added that she received a call from Bruce Henderson, reporter with the Charlotte Observer. Commissioner DuVall spoke first and – assuming that nothing changes with Gaston County's decision to withdraw – asked Legal Counsel Clark to explain the process for how this situation needs to unfold between now and June 30, 2014. He also asked what is the MILMC is required to do under the NC General Statutes. Legal Counsel Clark read an excerpt of NC General Statute Section 77-71 (Authority to create Commission; withdrawal from and dissolution of Commission), <i>“Upon the effectuation of the withdrawal [i.e., June 30, 2014], the Commission is dissolved, and all property of the Commission must be distributed to or divided among the three counties and any other public agency or agencies serving the Mountain Island Lake area in a manner considered equitable by the Commission by resolution adopted by it prior to dissolution.”</i> Legally, the MILMC needs to determine what its assets are and how to distribute the assets before June 30, understanding that whatever is left over will be distributed to like-minded agencies that serve Mountain Island Lake or to the three counties. This decision needs to be documented, voted on and approved. Commissioner DuVall asked about the MILMC's timeline for doing this. Legal Counsel Clark said that in the next ~30 days, the MILMC should consider making a roadmap for what decisions need to be made. A first item for consideration is to understand the MILMC's assets. Assets could include cash, buoys, buoys and hardware that are not yet in the water. Are there any other assets? The MILMC could consider having a discussion about what to do with the remaining funds. Suggestions include but are not limited to dividing the funding up and returning it to three counties or, working with other public agencies that serve the lake to spend it to support the MILMC's statement of purpose. Legally, the MILMC could engage in either of these options. Commissioner DuVall asked for the definition of “public agencies.” Commissioner Roche asked about non-profit organizations and if they would count. Legal Counsel Clark said he will need to research these questions further. Once the MILMC is dissolved (after June 30, 2014), the remaining funds can only go to public agencies and/or the three counties. A resolution stating how the funds are going to be spent needs to be passed prior to the final MILMC meeting (June 4, 2014). Responding to what Legal Counsel Clark just stated, Commissioner DuVall concluded that the MILMC has two

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	<p>agendas moving forward: 1) the regular business of the MILMC and 2) to put together a plan for how to dissolve the MILMC. Legal Counsel Clark concurred with Commissioner DuVall's conclusion. Legal Counsel Clark urged the MILMC to have the resolution prepared and ready to discuss no later than the MILMC's May 7, 2014 meeting. There should be no further debate or discussion of the resolution at the MILMC's last meeting on June 4, 2014.</p> <p>After receiving the letter from Gaston County, Secretary Treasurer Weyeneth requested an inventory of assets from other marine commissioners. Thus far, the asset list includes existing buoys that are on the water, buoys and hardware (cement pre-mix, weights, etc.) that are not yet on the water, two PFDs, lifejackets, loaner lifejacket boards (including one that is in the shop and not yet posted), water safety books, and not much else. Secretary Treasurer Weyeneth does not want to wait until the May meeting to work things out. The MILMC needs to stop contracts with Centralina COG, Legal Counsel Clark, and Mr. Nick Makres, and determine a plan for how to spend the remaining funding. Secretary Treasurer Weyeneth made an interesting suggestion about forming a 501c3 non-profit organization that could live on to support the MILMC's statement of purpose. He wants a resolution by March 2014. And to get MILMC's equipment (e.g., two PFDs) to law enforcement. Commissioner Roche agreed about getting a plan together before May. She found it interesting that no one seemed to want to petition Gaston County. She reiterated that the Lake Management Plan is dead – and how that fact has been communicated to Gaston County Commissioners. Commissioner Nixon and Secretary Treasurer Weyeneth (MILMC appointees from Gaston County) were blindsided by Gaston County's decision to withdraw. Vice Chairman Hudspeth agreed that we need a dissolution plan but while the MILMC is still here and we need to serve the mission. He thinks we should work with Gaston County. Chairman Lanning asked how he would propose to work with Gaston County. Commissioner DuVall intervened and added to his comment from earlier about having two agendas – he said there could be three agendas moving forward 1) operate on the premise the Gaston County letter is final 2) operate as the MILMC until dissolved and 3) while operating as the MILMC, work to find out why this happened and if the decision could be reversed. He suggested talking about these three agendas at the MILMC's January 11 Strategic Planning Session. Commissioner Roche reached out to Duke Energy staff and two Mecklenburg County Commissioners. Before the MILMC is unilaterally dissolved, need to get input from partners. Secretary Treasurer Weyeneth does not agree with the three agenda plan. He spoke with the Gaston County Commission Chairman Philbeck and the Gaston County Commission is not interested in continuing to fund</p>

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	<p>the MILMC or reverse its decision. Secretary Treasurer Weyeneth is disappointed in the MILMC and agrees with its dissolution. He can understand Gaston County's disillusionment with the MILMC. Commissioner DuVall reiterated that it is the MILMC's responsibility to operate as a marine commission until it is dissolved on June 30, 2014. Legal Counsel Clark advised that the group carry out its mission through the dissolution date. Commissioner Roche questioned the purpose of the MILMC. She sees the MILMC as more of a public relations agency. She told the group that she was considering tendering her resignation after the Strategic Planning session on Saturday. She does not necessarily understand what the role of a marine commission is supposed to be. Joe Stowe, Executive Director of the Lake Wylie Marine Commission, was asked to comment.</p> <p>Vice Chairman Hudspeth spoke about NCWRC, the NCAC and no wake zones, and holding public meetings. Vice Chairman Hudspeth made a motion to hold public hearings a next MILMC meeting to add supported no wake zones in the NC Administrative Code. Chairman Lanning asked if there was a second to the motion and there was none. Vice Chairman went on to clarify his motion, but ended up withdrawing his motion. He asked Legal Counsel Clark a question about no wake zones and enforceability issues. There was discussion about NCWRC, buoys and public hearings. Chairman Lanning argued against having public meetings when the MILMC will likely be dissolved anyhow. <u>Commissioner Roche made a motion that the MILMC contact the NCWRC to inform them that the MILMC understands that NCWRC has authority over no wake zones and buoy placement in Mountain Island Lake and we would like for NCWRC to proceed with putting their recommendations in place as soon as possible. Commissioner Nixon seconded the motion.</u> Discussion: Commissioner DuVall observed that that is exactly what NCWRC would do anyhow – motion or not. Commissioner Roche brought up a 2001 contract between MILMC and Mecklenburg County that assigns the MILMC responsibility for keeping the buoys up. Commissioner DuVall interjected that this 2001 contract is the kind of topic that could be discussed at the Strategic Planning Session. He commented that the one thing that the MILMC has power over is how to resolve the marine commission and who gets what. <u>Secretary Treasurer Weyeneth amended Commissioner Roche's motion adding that all buoy materials in the MILMC's possession and in the buoy contractor's possession should be included in the transfer to NC Wildlife Resources Commission. Commissioner Nixon seconded the motion. The vote was taken and approved unanimously.</u> Legal Counsel Clark asked Commissioner Roche to send him a copy of the 2001 MILMC and Mecklenburg County contract.</p>

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	<p>The contract with buoy contractor Nick Makres came up. That contract can be terminated with 30 days notice. Legal Counsel Clark advised that Vice Chairman Hudspeth reach out to Mr. Makres to talk about this situation. Chairman Lanning asked if the MILMC could terminate his contract then authorize Vice Chairman Hudspeth to offer him cost + 10%. Legal Counsel Clark looked up the contract to see if there is a clause about paying him a prorated amount upon contract termination. What have we paid Mr. Makres thus far? Ms. Parker commented that Mr. Makres submitted one invoice for around \$500.00. The annual contract with Mr. Makres is for \$2,600.00. At half way through the year is \$1,300.00 minus the roughly \$500.00 that he has already been paid, leaving around \$800.00. <u>Commissioner DuVall made a motion to give Vice Chairman Hudspeth the authority to approach Mr. Nick Makres, explain the situation, and come to an agreement about how the contract should be terminated. Vice Chairman Hudspeth could report out to the MILMC at the February 5, 2014 meeting. Secretary Treasurer Weyeneth seconded the motion. The vote was taken and approved unanimously.</u></p> <p><u>Secretary Treasurer Weyeneth made a motion to disperse one of the PFDs to the Gaston County Police Department and the other to the CMPD at the earliest possible convenience. Commissioner DuVall seconded the motion.</u> Discussion: Vice Chairman Hudspeth asked if the PFDs would be useful to law enforcement. <u>The vote taken and approved unanimously.</u></p> <p>Secretary Treasurer Weyeneth brought up the MILMC’s contract with Centralina COG and Legal Counsel Clark. Legal Counsel Clark clarified that the MILMC actually does not have a contract with his firm. Secretary Treasurer Weyeneth suggested that Ms. Parker’s staff time be reduced as the MILMC winds down. Commissioner DuVall commented that the MILMC is in a critical period and that it would be a mistake to not have meeting minutes kept in the same fashion and form that the MILMC is accustomed. Commissioner Roche and Vice Chairman Hudspeth concurred with Commissioner DuVall to keep Centralina COG staff present and taking minutes at the remaining MILMC meetings.</p> <p>b. 2014 Strategic Planning Session (January 11, 2014) – Commissioner DuVall suggested changing the name to “2014 Disbandment Meeting.” Commissioner Roche thought that the MILMC did not need to meet on that Saturday. It was determined that there will be no meeting on Saturday, January 11.</p>

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Committee Reports	<p>Buoys – No report was given. Shoreline Protection – No report was given. Watershed/Water Quality – No report was given. Public Safety – No report was given. Technical Advisory Committee (TAC) – No report was given. Communication – This section was inadvertently missing. Secretary Treasurer Weyeneth brought up the need to think about the communication aspect of this situation. A suggestion was made that if someone contacts you, the response is “This marine commission is working on a response at this time.”</p>
Executive Administrator’s Report	Ms. Parker had nothing to add.
Legal Counsel Comments	Legal Counsel Clark reminded the MILMC that he available if anyone would like to talk.
Commissioner Comments	<ul style="list-style-type: none"> • Commissioner DuVall – none. • Commissioner Roche – none. • Commissioner Nixon – none. • Vice Chairman Hudspeth – none. • Chairman Lanning – none. • Secretary Treasurer Weyeneth – none.
Adjournment	The meeting was adjourned at 8:05 pm.
Next Business Meeting Date and Location	The next MILMC business meeting will be held on February 5, 2014 at the Lincoln County location (East Lincoln Fire Department, 416 South Pilot Knob Road, Stanley, NC).

Emily Parker, Executive Administrator