

Mountain Island Lake Marine Commission



**May 5, 2010
6:30 p.m.**

**Charlotte Mecklenburg Utilities
5100 Brookshire Blvd
Charlotte, NC**

Minutes

- Commissioners Present:** Chair Pam Beck (Gaston County), Vice Chair Alice Battle (Mecklenburg County), Commissioner Craig R. Wyant (Lincoln County), Commissioner Tim Bishop (Mecklenburg County)
- Commissioners Absent:** Commissioner Tim Eldridge (Gaston County), Commissioner Skip Hudspeth (Mecklenburg County), Secretary Treasurer Ann Danzi (Gaston County),
- MILMC Staff Present:** Annette Demeny, Executive Administrator, Chris Clark, Legal Counsel

Topic	Discussion Summary	Action
Welcome & Introductions	Chair Beck called the meeting to order at 6:30 pm.	
Approve Minutes – April 7, 2010	The minutes from April 7, 2010 were approved as submitted	
Approval of the May 5, 2010 Meeting Agenda	The May 5, 2010 meeting agenda was approved with following revision: <ul style="list-style-type: none"> • Move Agenda Item #XII after Environmental Report 	
Consent Agenda	Consent Agenda – None	
Public Comments	Public Comments <ul style="list-style-type: none"> • Gary Keith – Mr. Keith informed the Commission that MILMC Commissioner Alice Battle’s reappointment for a third consecutive term is in violation of the General Statutes. He also added that this appointment would be void under the law 	

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Public Comments (continued)	<p>and all votes and decisions made by Commissioner Battle should also be void. The MILMC Legal Counsel, Chris Clark replied that the appointments are made by the County Commissions. The MILMC has no control over which individual the County Commission appoints to the board. The MILMC did bring to the County Commission that Ms. Battle’s appointment request was indeed a third appointment. Mr. Gary Keith wrapped up his comment period with stating that he plans to send a letter to the Attorney General’s office tomorrow regarding this matter.</p> <ul style="list-style-type: none"> • John Shette – Avid boater for 35 years who feels strongly that MI doesn’t need to create new laws but focus on enforcing the current laws. In addition, Mr. Shette highlighted the violation of Commissioner Battle’s third appointment. His request is for Ms. Battle to resign from the Commission effective immediately. 	
Stakeholder Reports	<p>Charlotte-Mecklenburg Police Dept Report – Officer Turner reported</p> <ul style="list-style-type: none"> • (8) Zone Checks at Sample and Neck Road. (2) cars broken into at Neck Road • (7) Safety Inspections <p>Gaston County Police Department – Officer Hord reported</p> <ul style="list-style-type: none"> • (3) Safety Inspections • (2) Assisted Boaters <p>Lincoln County Sheriff’s Office – No one was present to give report</p> <p>N.C. Wildlife Resources – No one was present to give report</p> <p>Mecklenburg County Parks and Recreation – No one was present to give report</p> <p>Duke Energy – Kermitt Taylor reported</p> <ul style="list-style-type: none"> • (1) Pier Application – Mt. Point • Lake Level – 97.0 • Security cameras were installed at the Riverbend Access area 	
Environmental Reports	<p>Mecklenburg County Land Use and Environmental Service Agency (LUESA) – Heather Davis reported</p> <ul style="list-style-type: none"> • LUSI results (March 2010) – Overall results = Good. McDowell Creek (MI3) – Bacteria results at 74.4 put the index to Partially Supporting. 	

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Environmental Reports (continued)	<ul style="list-style-type: none"> • Bacteriological Results – Overall results = Good. • Testing for Metals – Zinc results were slightly over state standards of 50. The test results were 60. Mecklenburg County LUESA will test for metals at Riverbend on Thursday, May 6th. <p>Lakekeepers Report – Alice Battle and David Merryman reported</p> <ul style="list-style-type: none"> • April 29th sampling of sediment and fish. Tested 5 fish and should get results within 15 – 25 days. • Gaston Gazette reported proposed budget cuts for the Department of Natural Resources. This will affect many staff within their Storm Water Services. David Merryman suggested that the Commission write a letter of support of this Department. <p>Mountain Island Wildlife Stewards – Alice Battle reported</p> <ul style="list-style-type: none"> • May 16th – Spider Lily Walk <p>Regional Stormwater Partnership – Annette Demeny reported</p> <ul style="list-style-type: none"> • Annual meeting scheduled for June 11th at the Mecklenburg County Government Center 	
Letter of Support	<p>Letter of Support</p> <ul style="list-style-type: none"> • The proposed ReVenture Project is a 667-acre Superfund Site along the Catawba River. The Eco-Industrial Park is designed to leverage synergies between sustainable components that include a Biomass power plant, solar fields, incubator labs, wastewater treatment plant and reuse, and R & D facilities. Edna Chirico along with Chris Neaville with Withers & Ravenel Engineering Firm gave a presentation of this new project at the March 2010 MILMC business meeting. They are coming before the Commission requesting a letter of support for this project. <p>Commissioner Craig Wyant reclused himself from the vote for the letter of support due to conflict of interest. With this action, the board did not have a quorum in order to vote on this request. The board will add this item to their June 2, 2010 meeting agenda.</p>	

Topic	Discussion Summary	Action
<p>Public Hearing</p>	<p>Public Hearing – Consideration of Motor Vessel Managed Access Regulations</p> <p>Chairman Pam Beck took time to give the Commission and the public a bit of background and history in developing a proposed Lake Management Plan on Mountain Island Lake. In 1998, at the first Mountain Island Lake Marine Commission meeting, the first mention of a Lake Management Plan was voiced by area law enforcement. A three-member committee was formed to research and review this concept. As part of this research a public opinion survey was mailed out to 1,500 property owners around Mountain Island Lake. Chairman Beck then asked the MILMC Executive Administrator, Annette Demeny to give the methodology of this survey. Out of the 1,500 surveys that were mailed, total of 501 surveys were returned completed. The purpose was to gather information on what is most important to area property owners and users of Mountain Island Lake. The results were reviewed by the sub-committee and a consensus was made that boat size and crowding were two of the most important concerns.</p> <p>Chair Beck continued her report and defined the scope of the proposal. The proposal is a plan to address vessels on the lake that have flushable or pumpable heads, kitchen and galleys, anti-fowling paint, airboats, seaplanes and boats with non-muffled above water exhaust. Chair Beck also clarified false information that the Commission is trying to eliminate motorize boating on Mountain Island Lake. Mountain Island Lake is not controlled by the Marine Commission but by the Federal Energy Regulatory Commission (FERC). This lake was built to generate power only; not for recreation, not for a water supply source. But as a part of the license agreement, it was agreed that to produce power, you must give back to the community in forms of recreation.</p> <p>Some boaters are calling the proposed boater registration a “tax” but Chair Beck stated that it is more like a “users fee” not a tax. The proceeds from this fee would go towards maintaining safety markers, education, and possibly additional law enforcement.</p> <p>The public hearing was opened for whomever that would like to speak to do so. Each speaker was given two (2) minutes to voice their opinion to the Commission and to the public.</p> <p>Bill Gibson – Proposed the following revision in Section 8 of the proposed regulation</p> <ul style="list-style-type: none"> • A single hulled vessel or pontoon whose physical exception is that it exceeds the 	<p>A motion was made by Vice Chair Alice Battle to open the Public Hearing. Seconded by Commissioner Wyant. The motion was approved.</p> <p>A motion was made by Commissioner Bishop to close the Public Hearing. Seconded by Vice Chairman Battle. The motion was approved.</p>

Topic	Discussion Summary	Action
<p>Public Hearing (continued)</p>	<p>length set forth in Section 4 provided that is less than 30 feet in length, and provided that the vessel's NC Wildlife registration predates the effective date on these regulations, is hereby grandfathered. Provided that the initial permit must be applied for within the first year after these regulations goes into effect.</p> <p>Ben Bringardner – Suggested that data that was collected on boat size and the effects on water quality be provided to the public. In addition, the proposed budget and proposed fees should be made public before a decision is made on the proposed regulations. Finally, Mr. Bringardner highlighted the MILMC July 2009 meeting minutes where it was reported that the Sub-Committee was going to meet with Mecklenburg County Commission Chair Jennifer Roberts and Senator Clodfelter. Was this meeting held and what was the outcome? Also, how are these proposed regulations going to be enforced?</p> <p>Bryan Abernathy – Mr. Abernathy's main concern is that of communication, or lack of, between the Commission and the public. Since finding out about tonight's public hearing, Mr. Abernathy has created a Facebook page and a petition against the proposed regulations. He also suggested that these regulations not be voted on in 2010 and try to come up with better creative ideas during the summer months that will remedy the problems in lieu of more regulations.</p> <p>Gary Keith – Mr. Keith informed the Commission that if the State of North Carolina chose to impose a regulation, he would comply but he is opposed to the Marine Commission proposed boater registration regulation and will not ever comply. He disagrees with Chair Beck stating that this is indeed a tax and not a user's fee. During the time of such economic downfall, the public should not have to endure any additional tax or fee of any sort. Mr. Keith strongly believes that this is an attempt to micromanage the lake.</p> <p>Lee Stilwell – Mr. Stilwell is a very avid lake user and is involved in the community at large. He pointed out that not everyone is going to agree or like other recreational users. For example, fishermen don't like jet skiers; kayakers don't like bass boats, etc. There are plenty of existing regulations on the lake that control all of the different recreational users and the issues that come along with those users. There is no need to impose additional regulations when there are already plenty of them currently in place.</p> <p>Rich Jersey – Other agencies already have regulations on the books to address the boating issues at hand. The responsibility of the Commission should be enforcement not adding another layer of regulations on to boaters. Shorting the boat size doesn't seem to address shoreline erosion. Erosion is due to boat operator, not necessarily the size.</p> <p>Tom Brasse – Mr. Brasse voiced that the Public Opinion Surveys that was mailed in 2008</p>	

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<p>Public Hearing (continued)</p>	<p>were sent to only lakefront or homeowners that are walking distance from the lake. Should have been expanded to others. Also, better communication via newspapers, internet, etc. to keep the public informed needs to be improved. Where does the 26' proposed regulation come from? What core evidence did you use to determine this size? Also, who funds the Marine Commission?</p> <p>Joe Hozack – Have lived on the lake for 10 years. He claimed that neither he nor his neighbors received a survey. Government takes enough of money out of his pocket as it is and it seems unfair for another “user” tax be implemented. If the Commission needs additional funding, perhaps you should approach the NC Legislation. Mr. Hozack wrapped up his comments by stating that he strongly opposes another tax.</p> <p>Brad Tadlock – Mt. Isle Harbor Boat Slip Association - Mr. Tadlock would like to better understanding the metrics of how the size of boats would positively impact the lake. Also, would like to see examples of other lakes that have implemented similar regulations. Would like to have clarity on the fees and how they will be used. The majority of the Mt. Isle Harbor Boat Slip Association does not support these proposed regulations.</p> <p>Glendon Felterolf – Mt. Isle Harbor Boat Slip Association – Could not find other lakes in North Carolina that has such a regulation therefore; he is questioning the legality of it and doesn't see any precedence for it. If the Commission adds another police department to enforce these regulations, how will it be that be integrated? Finally, Mr. Felterolf would like to know what the fee schedule is. Additional details would be appreciated and would help everyone understand the proposed plan.</p> <p>Lisa Graeber – Riverbend Resident – Ms. Graeber did not receive a survey and is disappointed that neither she nor her neighbors were given an opportunity to contribute to this project. She tries to educate boaters while out on the lake and works very hard to keep the lake clean. If some boaters have to pay for a permit, all boaters should, including; kayakers and canoe users. Boaters that are not aware of these regulations could be set up for failure when approached by law enforcement. It is the responsibility of the Marine Commission to inform residents and boaters of such proposed regulations. Ms. Graeber voiced that the Commission highly underestimates the residents on Mountain Island Lake.</p> <p>Raleigh Holbert – Owner of a 28' pontoon boat – Mr. Holbert wanted to know where boaters should go to use the restroom facilities if you are not allowed to have them on your boats. He suggested that restroom facilities be installed along the lake so there will be no more issues with dumping sewage in the lake.</p> <p>Greg Keistnean – Stonewater Resident – Mr. Keistnean does not support any of the proposed regulations. After conducting his own research, he found that Lake Lure has</p>	

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<p>Public Hearing (continued)</p>	<p>similar regulations. Lake Lure charges \$400 annually to boaters and limits it to 1,000 boats. He does not want Mountain Island Lake to follow this precedence where the economically challenged could not use this lake. Mr. Keistnean requested that the Commission resend the surveys out to more residents with the proposed regulations so everyone can see how their answers could gage the impact of how they will be able to use this lake. Would the Commission's vote be the final vote or do the proposed regulations have to be sent to the County Commission's for their vote? In closing, Mr. Keistnean asked the public that was present to raise their hands is they were opposed to the proposed regulations. All but two hands were raised.</p> <p>Rodney Eppes – Began his comment period to let everyone know that the Commissioners on this board spend endless time contributing to keeping Mountain Island safe and clean. He would know, he attends most MILM business meetings. Mr. Eppes feels that tonight's public hearing was not advertised in a timely manner. He also would like to have clarity on the fee schedule. If the fee would change in the future, he suggests that another public hearing take place so the public could comment and be informed. Were any of the other Commissioners involved in the process of these proposed regulations? As far as Houseboats or any boat that has a restroom on it, there's already a State and Federal law against dumping sewage in the lake, this is just a duplicate regulation that is not necessary. The boats with non-muffled exhaust; there is only 5 or 6 boats on the lake currently. These boats are not on MI Lake very often. These boats take a lot of gasoline therefore they don't run very long.</p> <p>Kermit Taylor – Duke Energy – Mr. Taylor shared his concern with what they perceive as a lack of public notice about this public comment opportunity. Duke learned about this public hearing by a posting at the Riverbend Access area. Considering that the plan would set major new precedents on the Catawba River, Duke believes that a broad, multi-media announcement effort should precede future public comment sessions. Also, the Commission should contact Duke Energy directly with any information regarding subsequent meetings and locations. As mentioned to the Commission late last year, any regulation changes impacting allowed uses of the lake should only be made through open dialogue with all impacted stakeholder interests represented and should be based on scientific research and careful study. During the Catawba-Wateree Hydro Relicensing process, Duke Energy conducted a recreation use and needs study, which demonstrated that overall recreation users were satisfied with their experience on Mountain Island Lake. Furthermore, the boating capacity evaluation done during relicensing did not show concern with overcrowding on the lake. Duke Energy shares the concern for safe boating.</p>	

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Public Hearing (continued)	<p>Duke has also enjoyed valuable partnerships with local law enforcement, the North Carolina Wildlife Resources Commission and the Mountain Island Lake Marine Commission. Mr. Taylor encouraged the Commission to work directly with Duke and NC Wildlife on their concerns related to boater safety. He also encourages the Commission to expand direct stakeholder discussion and full plan review to all demographics of lake users, make decisions based on sound science, and determine what additional actions are needed and supported by a representative group of the board range of lake users before deciding how any additional actions will be funded.</p> <p>Kathy Chavez – Real Estate agent and lake resident – Ms. Chavez’s concern is the decrease in property value do to these proposed restrictions. If a homeowner wanted to purchase a home on MI Lake but had a 28’ cabin cruiser, they would most likely not purchase due to the proposed restrictions. Selling your boat with your property would be just as difficult. Ms. Chavez stated that if you don’t think the new proposed regulations will not affect your property value, you are mistaken. -</p> <p>Eric Christofferson – NC Wildlife Resources Commission – will be preparing written and verbal comments from the NC Wildlife Resource Commission at later date since they did not receive notice of this meeting until 48 hours ago. Mr. Christofferson concurred with the comments previously given by Kermit Taylor with Duke Energy.</p> <p>John Shette – Have never seen a seaplane on MI Lake and it is up to the FAA of who lands on MI Lake, not the Commission. Also, its Mr. Sheffe understanding that other Commissioners that were not on the Base Operating Plan subcommittee were not informed of this plan until last week. It seems as if the only persons that received a survey were the property owners directly on MI Lake. Other residents besides lakefront owners should have been included in this process.</p> <p>Nathan Eller – Mr. Eller doesn’t see where loud headers on his boat would cause any safety hazard or erosion. The North Carolina State law already has a law in place for water injected headers. There is no need to have another law.</p> <p>Eddie Hartman – Neck Cove resident – Mr. Hartman’s concern is that the surveys were not sent out to all residents. Only to a chosen few.</p> <p>Mark Lyssie – Scout Master and Boat user – Mr. Lyssie wants to know where the funds from the “user fee” going to be applied.</p>	
Base Operating Plan	<p>Base Operating Plan</p> <ul style="list-style-type: none"> • Boating Safety Rules (Battle) – Signs have been ordered and will be ready the first week of May. 	

Topic	Discussion Summary	Action
Base Operating Plan (continued)	<ul style="list-style-type: none"> • Meetings with Funding Counties – Presented to Gaston and Lincoln Counties. • Buoys – Submitting all No Wake Zones into the NC Wildlife Administrative Code. Legal Counsel Chris Clark and Executive Administrator Annette Demeny continuing to work on this project. • Lake Management Plan – Second public hearing scheduled for June 2nd at the Mount Holly City Hall. 	
Chairman’s Report	Chairman’s Report – No Report	
Executive Administrator’s Report	Executive Administrator’s Report – Executive Administrator Annette Demeny reported <ul style="list-style-type: none"> • Finance Report – the Finance Report was provided to the Commissioner’s prior to the business meeting. There were no questions regarding this information. 	
Commission Counsel Report	Commission Counsel Report – No Report	
Comments	Comments - None	
Adjournment	There was no further business and the meeting was adjourned at 8:21 pm	A motion was made by Vice Chairman Battle to adjourn the May 5, 2010 business meeting. Seconded by Commissioner Bishop. The motion was approved.
Next Business Meeting Date and Location	The next MILMC business meeting will be held on June 2, 2010 beginning at 6:30pm at the Mount Holly City Hall, 400 East Central Ave, Mount Holly, NC.	

Annette Demeny, Executive Administrator