

Mountain Island Lake Marine Commission



**June 2, 2010
6:30 p.m.**

**Mount Holly City Hall
400 East Central Ave
Mount Holly, NC**

Minutes - Revised

Commissioners Present: Chair Pam Beck (Gaston County), Vice Chair Alice Battle (Mecklenburg County), Commissioner Craig R. Wyant (Lincoln County), Commissioner Tim Bishop (Mecklenburg County), 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 – May 5, 2010	The minutes from May 5, 2010 MILMC meeting were approved as submitted	
Approval of the June 2, 2010 Meeting Agenda	The June 2, 2010 meeting agenda was approved as submitted	
Consent Agenda	Consent Agenda – None	
Public Comments	<p>Public Comments</p> <ul style="list-style-type: none"> • Rhiannon Bowman – Reminded everyone that Mountain Island Lake is not “just some lake”. This lake provides the water that comes out of your faucets. When the water is full of sediment, it takes longer to go through the filtering process. If this 	

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Public Comments (continued)	<p>lake is impaired in anyway, it would be crucial.</p> <ul style="list-style-type: none"> • Robin Moore – Lives on Nance Cove Road and is concerned with cove marking. This cove is labeled as Nance Cove and Shuffletown Cove. There is confusion of what this cove is “officially” named. The concern is that EMT, Fire and Police would not know where to go if an emergency call was placed from this area. Chair Beck agreed with Ms. Moore and will research and address this issue at a later MILMC business meeting. • Rodney Epps – Riverbend Boat Access Ramp Parking Problem – on weekends and holidays people with cars only (no trailers) would park in spaces designated for vehicles with boat trailers. There needs to be more enforcement at this area. This particular problem has been brought up by Mr. Epps several times in past meetings. 	
Stakeholder Reports	<p>Charlotte-Mecklenburg Police Dept Report – Officer Ecart reported</p> <ul style="list-style-type: none"> • (17) Calls for Service • (2) Boater Assists • (22) Boats Inspections • Events – Open Swim at Latta Plantation <p>Gaston County Police Department – Officer Hord reported</p> <ul style="list-style-type: none"> • (10) Special Checks • (4) Assisted Boaters • (10) Safety Inspections • (3) Verbal Warnings • (3) Navigational Hazards Removed <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"> • (2) Pier Application – Stonewater and Mt Isle Harbor • Lake Level – 97.0 	

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Request for Support	<p>Request for Letter of Support / ReVenture Project – Edna Chirico presented this request</p> <p>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.</p> <p>Commissioner Craig Wyant reclude himself from the vote for the letter of support due to conflict of interest.</p>	<p>A motion was made by Secretary Treasurer Danzi for the Commission to send a letter of support for the ReVenture Project. Seconded by Commissioner Eldridge. The motion was approved.</p>
Environmental Reports	<p>Environmental Report</p> <p>Rusty Rozzelle with the Mecklenburg County Land Use and Environmental Services gave a very in depth PowerPoint presentation on the history of Mountain Island Lake and what makes it so important. MI Lake provides more drinking water to more people than any other body of water in the Carolinas. It is also the smallest Catawba River reservoir in North Carolina. MI Lake is the shallowest of all the Catawba River Reservoirs at an average depth of 17.7 feet. Mr. Rozzelle gave a summary of conservation facts on Mountain Island Lake. A summary of water quality conditions throughout the past 20 years was given. Efforts to protect Mountain Island Lake as a drinking water supply reservoir have been on-going for decades. The future challenges in the protection of Mountain Island Lake include the intensive use of motor boats and how they affect water quality. Motor boat activity will circulate sediment on the bottom of the lake which in turn, increases P levels and enables algae growth. Mr. Rozzelle concluded his presentation by highlighting a study from Winnipeg, Manitoba, Canada, “The Effects of Motor Boats on Water Quality in Shallow Lakes”. To view this writing, visit, http://www.ceep-phosphates.org/files/newsletter/scope29.pdf.</p>	
Public Hearing	<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</p>	<p>A motion was made by Secretary Treasurer Ann Danzi to open the</p>

Topic	Discussion Summary	Action
<p>Public Hearing (continued)</p>	<p>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-fouling 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>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>Diane Willis – President of Mountain Island Wildlife Stewards – Ms. Willis stated that when she read the legislative intent, she could not imagine why anyone would not support this effort. These regulations cover all things that matter on MI Lake such as; wildlife, water quality and wildlife habitat.</p> <p>Leslie Dillingham - have witnessed a tremendous amount of change on Mountain Island Lake. Changes such as; new shopping centers devastate farm land, 1485 dumping traffic into area, the face of MI Lake is changing. It's an unfortunate time but the people must change as well to protect the lake. We need to all consider the logic of this proposal and how it would protect our children.</p> <p>Dick Stilley – Resident in Overlook for 12 years – struggle with people who think that</p>	<p>Public Hearing. Seconded by Vice Chair Alice Battle. The motion was approved.</p>

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<p>Public Hearing (continued)</p>	<p>there should be no rules or regulations on this lake. These problems do not take care of themselves. Need to have controls. The proposed plan may not be perfect but it's a starting point.</p> <p>Nancy Pierce – Mecklenburg County resident for 31 years – Kayaker and paddler who taught her children to respect and enjoy this peaceful lake. Unfortunately, she and her family have given up on this type of recreation on Mountain Island Lake due to the large boats and safety factor. One large 30' boat on the lake ruins the experience of many small boats, sailboats, kayaks, and rowers. Why should the boats with the largest horsepower win? Recreational users that have been raised "green" do not want to pollute the water but to enjoy a peaceful recreational source. Not everyone has these values but there should be a place for the ones who do. If we could keep the allow boat size to a minimum, the lake would be a positive amenity for people and companies to relocate. The economic benefits would be enormous.</p> <p>Walter Wiestling – resident of Mountain Island Lake for 35 years – concerned of the cost for monitoring boat stickers.</p> <p>Dan Brantley – Disagreed with the information that Rusty Rozzelle presented to the commission. Mr. Brantley doesn't think the Commission needs to be using a Canadian study for the issues that we are having on Mountain Island Lake. Mr. Brantley thinks that the Mecklenburg County Land Use and Environmental should take more time and efforts in controlling polluting from the wastewater treatment plant instead of trying to control boat size limitations. In addition, if there are concerns that two 22 foot pontoon boats cannot safely pass by each other on MI Lake, these drivers need to take a boating course!</p> <p>George Acker – Seems as if the waterfront homeowners are being hostage to this proposal. As 12 year homeowners on MI Lake, we would like to see reconsideration to several restrictions outlined in Section 5: specifically the pontoon vessel length, and the definition of "marine sanitation device capable of discharging treated or untreated sewage into the waters of the lake". Mr. Archer's 32' pontoon boat has a portable toilet; does this qualify such as device as defined above? When the Archers first moved to MI Lake 12 years ago, they could see the bottom of their cove. Today, they have not enjoyed that same water clarity. In their opinion, this is closely related to the amount of waterfront real estate development rather than size of boats on this lake.</p> <p>Matt Lamb – suggested that the Public Opinion Survey should have been clearer of the intent from the results. Also, the questions should have been more direct. Finally, the Commission should have looked into getting a third party to assist in creating a more scientific survey.</p>	

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<p>Public Hearing (continued)</p>	<p>Ben Bringardner – Requested more documentation that supports the funds that will be collected and also a clear plan for expenditures. There is no scientific evidence that boat size 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>Jennifer Curry – Read depth readings and scientific research that the proved that water over 8 feet is environmentally safe for boat activity. After taking 268 depth readings in April 2010, the average depth from the dam and the sandbar on MI Lake is 12 feet, well above the 8 foot. The average width of the river is 40 feet, taken from satellite images. The Public Opinion Survey that was used in the Commissioners research was vague and not clearly written.</p> <p>Wes Lewis – Suggested that the Commission provide a fee structure to the public. If regulations are passed, the Commission would have to have the logistics worked out for the public to have easy access to these permits. Such as, having someone “man” a booth at boat accesses. There will be a lot of costs involved in this.</p> <p>Murray Nixon – Recently purchased the oldest home on MI Lake. Worked at Duke Energy for 22 years. Suggested that the Commission get “new blood” on the board to reassess the regulations. Ms. Nixon is disappointed to see such little data collected in four (4) years that has little to no significance. Ben Bringardner and Jennifer Curry have brought more information to this board in one month than the subcommittee has provided in four (4) years. She also thought there was a lack of transparency.</p> <p>Bryan Abernathy – Thanked Rusty Rozzelle for providing good information on what is proactively being done to protect the water quality on Mountain Island Lake. He added that he never felt better about the lake’s water quality. Mr. Abernathy feels that there is not a problem on MI Lake and that there are environmental groups that are doing a great job keeping our lake clean. He concluded with stating that additional law enforcement is not needed.</p> <p>Michael Kachan – Mr. Kachan is new to the area, moving from Ohio. He stated that he wanted to attend this important meeting just to learn more about the lake and the proposed regulations.</p> <p>Lisa Graeber – Ms. Graeber voiced that there is no need for additional law enforcement</p>	

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<p>Public Hearing (continued)</p>	<p>on the lake. The existing departments already do an outstanding job. There were clearly not enough Public Opinion Surveys sent out. At the very least, the Commission should have mailed a survey to all registered boaters in each county.</p> <p>John Shefte – Researched the terms of the MI Lake Marine Commissioners and highlighted that Commissioner Battle’s third appointment is in violation of the state law. Also, Mr. Shefte believes that the Commission does not have the authority to enforce fees on the lake.</p> <p>Larry Velandar – Stated that the average boating season last from May – September, generally. The remaining months on MI Lake is dead. Hardly any boat traffic. On any given weekend, the boat access areas will have quite a few boats and trailers there, but it is summertime, and this is the reason why Duke Energy opened the lake up for recreation.</p> <p>Scott Cameron – Voiced his concern regarding the lack of communication from the Commission. If the public is imposed with another tax, they should get ample amount of time to respond and voice their opinions. His only request is to receive more information about the proposal before the Commission makes a final decision.</p> <p>Eric Kinstler - Suggested that data, such as meeting minutes, be readily available to the public. Mr. Kinstler added that MI Lake has an advantage of being downstream from Lake Norman. MI Lake’s water source could be replenished very quickly through Cowan’s Ford Dam. Finally, he asked the Commission to use common sense when making decisions that would ultimately affect a lot of people.</p> <p>Greg Kistinian – Noted that the Commission should not use money in their budget for buoys on the lake. NC Wildlife is in charge of buoys on MI Lake therefore, the Commission should not be in charge of them at all. The general public is in fear that motor boats will ultimately be banned from MI Lake. Also, have concerns of the logistics on how permits will be administered.</p> <p>Tom Brasse – Voiced that it seems like the proposed regulations were drafted in a bubble. The Commission should have included the stakeholders from the very beginning of the process.</p> <p>Kathy Chavez – Waterfront resident and Real Estate Agent. Ms. Chavez feels there should be consideration for waterfront owners. When placing restrictions on the lake, the buyer pool is reduced tremendously. Most waterfront properties where the owner has a boat, generally, will sell the boat with the home. If the boat is restricted due its size, most likely, it will be difficult to sell the home. Another problem is the No Wake Zones that the Commission is approving along the lake. It’s a domino effect because law enforcement won’t enforce some of these areas. A lot of the complaints that the Commission has</p>	

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<p>Public Hearing (continued)</p>	<p>received is due to this problem, stated Ms. Chavez. Finally, the Commission should leaving policing to the cities and counties.</p> <p>Roger Richards – Mr. Richards suggested that the commission contact the local municipalities and the law enforcement agencies to correct enforcement at the sandbar and accesses. The problem is usually not with boaters but with people trespassing on the shoreline. The Commission should put public swimming and facilities on the lake so people will have somewhere to go. Mr. Richards is not in support for regulating boat size limitations.</p> <p>Jerry Miller – Commended Rusty Rozzelle for his presentation on water quality sewage overflow problem. Suggested that NC Wildlife and other law enforcement agencies enforce existing regulations in lieu of implementing more.</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. He contends that it is no one's right to limit other recreational users on the lake. Mr. Stilwell commended the Commission for their hard work but states that is he opposed to boating fees on Mountain Island Lake.</p> <p>Larry Roberts – Mr. Roberts strongly believes that several Commissioners on the board are trying to make MI Lake better only for them.</p> <p>Donna Dysart – Thanked the Commission for their efforts in protecting the lake however, Ms. Dysart strongly opposes the regulations. Also added, that the Mecklenburg County Commission's decision to appoint Alice Battle for a third term did go against their rules. What is the use in having rules if you are only going to break them?</p> <p>Bruce English – Suggested that the Commission reevaluate the proposed regulations if they are unable to answer specific questions posed by the public. The Commission needs to question their intentions.</p> <p>Robert Padget – Disagrees with the statement that the lake is "lawless" and that the proposed regulations would not limit people from coming to the lake. If you impose a tax on a boat, you are limiting people that can't afford another tax.</p> <p>Kelly Randall – Questioned what agency would be regulating these rules?</p> <p>Ivan Conrad – Suggested that if the public does not like what the Commission is doing, then contact your County Commission.</p>	<p>A motion was made by Vice Chair Battle to close the Public</p>

Topic	Discussion Summary	Action
Public Hearing (continued)	<p>Henry Long – Owner of three (3) boats, will I have to pay a fee for each boat? Concerned that in addition to all of the taxes he has to pay to live on the lake, he will have to pay more taxes just to put his boat in the water to fish.</p> <p>Rick Combs – Most people care for MI Lake. Mr. Combs see visitors and residents constantly cleaning up around access areas and sandbar. Ultimately, we all want to have a clean area to go to. Don't just focus on a few problem people on the water.</p>	Hearing. Seconded by Secretary Treasurer Danzi. The motion was approved.
Base Operating Plan	<p>Base Operating Plan</p> <ul style="list-style-type: none"> • Boating Safety Rules (Battle) – Signs have been installed in kiosks at boat access areas. 	
Chairman's Report	Chairman's Report – No Report	
Executive Administrator's Report	<p>Executive Administrator's Report – Executive Administrator Annette Demeny reported</p> <ul style="list-style-type: none"> □ Consideration of Contracting with Centralina COG for Administrative Services for FY10-11 – Mrs. Demeny distributed a copy of the COG proposal prior to the business meeting. The Marine Commission approved this contract of administrative services for FY10-11. □ Public Hearing for Consideration of the FY2009-2010 Budget Ordinance – A public hearing was held for public comment on the FY2010-2011 Budget Ordinance. There were no public comments. 	<p>A motion was made by Commissioner Hudspeth to contract with Centralina COG for Administrative Services for the FY10-11 year. Seconded by Secretary Treasurer Danzi. The motion was approved.</p> <p>The public hearing was opened on motions by Secretary Treasury Danzi and Vice Chair Battle. There were no public</p>

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Executive Administrator's Report (continued)		comments. The public hearing was closed on motions by Secretary Treasurer Danzi and Vice Chair Battle. The FY2010-2011 Budget Ordinance was approved on motions by Battle and Secretary Treasurer Danzi.
Commission Counsel Report	Commission Counsel Report – Legal Counsel Chris Clark <ul style="list-style-type: none"> • Legal Counsel noted a request from Executive Administrator Annette Demeny to propose a final FY09-10 budget amendment, as presented. 	A motion was made by Secretary Treasurer Danzi to approve the proposed budget amendment. Seconded by Commissioner Hudspeth. The Motion was approved.
Comments	Comments <ul style="list-style-type: none"> • Commissioner Eldridge suggested that the Commission cancel final public hearing to convene the stakeholders to reevaluate the proposal. • Commissioner Hudspeth suggested that the Commission schedule a Strategic meeting after the third public hearing to discuss the findings and comments from the public. 	A motion was made by Commissioner Eldridge to cancel final public hearing and convene the stakeholders to review proposal. There was no second. Motion failed due to lack of second of motion.

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Comments		A motion was made by Commissioner Hudspeth to schedule a Strategic meeting after third public hearing to review comments gathered from public hearings. Seconded by Commissioner Danzi. The motion was approved.
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 July 7, 2010 beginning at 6:30pm at the Cowan's Ford Country Club, 761 Club Drive, Stanley, NC.	

Annette Demeny, Executive Administrator