



Post Office Box 2454
Cornelius, NC 28031

Web: www.lnmc.org
Phone (704) 564-6333
Email: lnmc@lnmc.org

MEETING MINUTES

October 12, 2020
7:00 PM

Relocation to Zoom Meeting due to COVID-19

Members and Staff in Attendance

Michael Hughes – Chairman
Denny Eddinger – Mecklenburg County
Dave Scott – Catawba County
Rick Howard – Iredell County
Chris Uzzolina – Lincoln County
Morris Sample – Executive Director
John Gerke - Assistant Executive Director
Chris Clark - Attorney

1. Meeting called to order at 7pm, Introductions, Pledge of Allegiance
2. Approval of September 14, 2020 Minutes
 - Motion made by Commissioner Eddinger
 - Motion seconded by Commissioner Scott
 - Motion passed 5-0
3. Reports
 - Lake Norman Marine Commission – Executive Director Morris Sample
 - Couple of upgrades to the website. The meeting agenda will be posted on the website the week prior to the meeting, if you click on meeting under events, it should open a page that has the agenda link. Also, a list of all approved No Wake Buoys has been added under the Committees, Buoy Committee, at bottom of the page is the link for list of approved No Wake Buoys.
 - Hydrilla survey has been completed and Dr. Brett Hartis will provide a quick update during the reports later in the meeting.
 - As the lake water temperature decreases, must realize that lower water temperatures carry the threat of hypothermia. Loss of dexterity times may mean you cannot climb back into a boat or canoe:

- 60-70 Deg. Loss of dexterity - 30-40 minutes, unconscious in 2-7 hours
- 50-60 Deg. Loss of dexterity – 10-15 minutes, unconscious in 1-2 hours
- 40-50 Deg. Loss of dexterity – under 5 minutes, unconscious in 30-60 minutes
- Welcome Chris Clark of the Clark Law Firm. Mr. Clark has been retained by the Commission to provide legal guidance and will be attending our meetings.
- Welcome also to the newest member of the Commission from Lincoln County, Christopher Uzzolina.

b. Enforcement

1) Cornelius Police Department – Matt Figaro –
September Highlights:

- Assist Citizen - Officers were notified of a boat in distress near the McGuire Dam. When officers arrived they found the boat had a dead battery. Tow Boat US was contacted and the vessel was towed to Blythe Landing. Officers issued state citations to the operator for not having enough PFD's for all persons on board, illegible registration numbers, no registration card on board, and operating a vessel without having completed a boater's safety course
- Assist Citizen - While on patrol at Blue Stone Harbor, officers found a vessel still secured to the dock but completely under water. The owner was located and Tow Boat US responded to remove vessel.
- Assist Citizen - Officers located a boat in distress just outside of Ramsey Creek Park Swim Beach area near the rocks. The owner explained her boat had died and she was unable to get back to docks. The vessel was close to hitting the rocks so we assisted in getting the vessel to the dock at Ramsey Creek boat landing. She was able to get family to meet her and remove the vessel from the water.
- Boat Crash - Crash reported between and PWC and a boat near the sandbar however the subjects were at the docks at Blythe landing. No injuries were sustained, and the caller just wants a report for his insurance. Wildlife was contacted.
- Boat Fire - Officers were notified of a boat fire near CM 4-A in Mooresville. Upon arrival, we located a small work boat on fire approximately 300 yards offshore. We spoke with other boaters in the area who advised that there was only one person on the boat who jumped

off and swam to shore. Cornelius Fire boat 4 arrived on scene and was able to put out the fire

• Larceny - Spoke to the caller by phone in reference to larceny of his Apple Watch 4. Victim stated he took it off and put it in a bag and then put the bag in a storage compartment along the side of the boat. Victim stated the pontoon boat he was on was rafted up to several other boats throughout the day while they were at the Sandbar. The victim attempted to locate the watch using the Find My iPhone app, but was unable to locate it and assumed that the watch had been turned off. There is no suspect information. Victim needed a report for insurance purposes

• Attempt to Locate - Called stated her friend jumped into the water and she lost sight of him. While enroute the subject called back and stated she had located the friend and he was alright.

• Assist Medic - Officers were dispatched to Harborgate docks in reference to an injured female. Caller stated her and the victim were in the water at the sandbar swimming when a green and white Sea-ray operated by an Asian man was backing his boat up without looking behind him. Both females were screaming from the water for him to stop, but he did not hear and backed over the victim. The victim sustained a cut on the forehead. Officers checked the sandbar and did not see the suspect vessel. Officers spoke to several subjects a pontoon boat and asked if they witnessed the incident. All parties on board stated the pontoon the victim was aboard had been tied to their vessel when the incident occurred. They all stated the victim was swimming behind the pontoon she was with and at no point did any other vessel hit her. Wildlife was contacted. The victim's injury is not consistent with an injury that would occur from a spinning prop.

Officers responded to and initiated 34 calls for service, completed 466 zone checks and 11 Problem Solving Activities during the month of September. These calls for service are on the lake only. The most calls for service were received on Saturday and Sunday. Calls for service were reported between the hours of 12:00pm-6:00pm most often.

The average response time to calls for service was 7.7 minutes while the average enroute time was 1.5 minutes. Monthly Activity ATL 9 COVID 5 Nav Hazard 4 911 Hang-up 4 Assist Citizen 3 Medic Assist 2 Noise Complaint 2 Vessel Fire 1 Vessel Crash 1 Trespass 1 Call by Phone 1

- 2) Iredell County Sheriff – Jared Church
 - a. 681 security checks
 - b. 174 calls for service
 - c. 4 narcotics stops

- d. 40 civil disturbance calls lake and road
- e. Several found properties
- f. Inspected over 30 boats on the water

- 3) Catawba County Lake Patrol — No Report
- 4) Lincoln County Lake Patrol – Richard Calhoun
- 5) N.C. Wildlife Resources Commission — Ron Robertson

On Oct 3rd inflatable kayak at night – hit by bass boat – Kayak had no lights and they did not have lifejackets– cited for no lights

Oct 7th – Stumpy Creek – runabout hit a pontoon while using cellphone – runabout driver cited for distracted driving

Oct 12th – Cornelius road bridge reported boat sinking – nothing found

Oct 9th – First duck season – headwaters of Davidson Creek – Issue with shot from shotgun falling on house – no violations and no damage – homeowner fired shots into the water to scare hunters – could have been cited

Nov 7-28 next duck season

Issue with permissions from land owners (Duke-Energy) to hunt on islands. It is in the FERC license that individuals can hunt from the islands, therefore hunters can use the islands

Hunters safety class in November

c. Lake Issues

- 1) Duke Energy — Brett Hartis
 - All survey work has been done
 - Several thousand points sampled
 - Trace amounts of hydrilla in 2 locations
 - Reduction of Eel grass in Ramsey Creek
- 2) Coast Guard Auxiliary - Division 26 – Steve Riggan
 - All operations remained suspended.
 - Public education class possibility in November
- 3) America's Boating Club –No Report
- 4) Mecklenburg County Parks & Rec – No Report
- 5) Island Habitat – No Report
- 6) Riverkeepers – Brandon Jones

Outdoor boat classroom next summer
 Seeking large dock for boat
 Water Quality was excellent in Lake Norman – 12 sites
 Annual state of the river report – Shared the report online

d. Water Quality/Erosion/Buffers/Illegal Discharge

1) Mecklenburg County Water Quality - Dave Ferguson – no report

2) NC Wildlife Federation – Billy Wilson

Limited fund raising due to covid, therefore fewer projects
 Heron Island – shoreline stabilization will resume now that the birds are gone

4. Comments from the Public:

- General Public Comments

Robert Weller

- Issue in Burton Creek with the 150 foot law
- Lincoln county sheriff is responsive, but cannot respond fast enough

Jill Patterson

- Resident of Marina Village
- Talking about No wake buoy application
- Several no wake violations
- Did have a buoy but it was removed
- No other buoys in the area except for Stutts Marina
- Should remove non-approved buoys

Becky Fox

- In Chapter 1089, House Bill 1324, the Lake Norman Marine Commission was established to make regulations for Lake Norman and its shoreline concerning all matters relating to or affecting public recreation and water safety.

In section 75A-15, power was given to the commission regarding:

- **Operation of vessels, including restrictions concerning speed zones** and type of activity conducted.
- **Promotion of boating and water safety** generally by occupants of vessels, swimmers, fishermen, and others using the water.
- **Placement and maintenance of navigation aids and markers**, in conformity with governing provisions of law.

- Section B1 says - The commission may adopt rules to prohibit entry of vessels into public swimming areas and to establish speed zones at public vessel launching ramps, marina, or vessel service areas and on other **congested water areas where there are demonstrated water safety hazards**.
- Section **75-14.1**. Is the Lake Norman No-Wake Zone, which prevents a wake within 50 yards of a **vessel launching area, bridge, dock, pier marina, vessel storage structure, or vessel service area**. To be clear, it's not from shore. It's from a structure.
- In chapter 1205, of House Bill 1187, item #10 states, the Boards of county commissioners are authorized to call upon the NC Wildlife Resources Commission for information advice, and assistance in formulating the rules and regulations herein authorized.
- This is not a requirement, but it's listed for good reason – because ***we are all biased***. In all the buoy applications, current and past, you will hear & read in applications from the past 10 years, "my dock, my neighbor, my boat, my personal property, my county, my cove, my lake." It's why the Lake Wylie Marine Commission relinquished the buoy process to the SC Wildlife Resource Commission and why many have asked the LKN Marine Commission to do the same. The SC Resource Commissioners don't live on Lake Wylie; they conduct independent observations, over months; and they focus on the **public interests** rather than predominantly on the input of **individuals** who stand to benefit from a buoy. It removes the burden of bias in commissioners, and removes the animosity created between our citizens and neighbors.
- I agree with Jill. There should be an absolute focus by the Commission to remove illegal no-wake buoys that continue to proliferate the lake. In 2015, there were more than 250 no-wake buoys on the lake - illegal & legal. There is NO way \$56,000 provides enough resources for the LNMC to manage, with a life expectancy of a buoy 10 years or less.
- When you know better, do better – and it's time for this process to be changed. I'm asking the Lake Norman Marine Commission to remove illegal buoys; to relinquish the buoy process to NC Wildlife Resource Commission; and remove the bias from this process.

Robby Marschhaupt

- Talked about the stickers that will be passed out

Bill Young

- Wants to wait on the current no wake applications

Tom Osrud

- Discussed his application regarding his application - I guess my main point is;
- That the cove is too short to ski in.
- It is dangerous to go fast in such a small short cove.
- We have a lot of swimmers, Paddle boarders, and Kayakers.
- At 340 ft. wide it is "Technically" a No Wake Cove Anyway.
- But **People clearly do not understand what 300 ft. across looks like.**
- They don't understand the Law,
- We don't have enough Officers to enforce the Law.
- I just want to put up a Buoy that tells people this is what you should do.
- This is a Classic no Wake Zone.
- Like a Speed Limit sign on a curvy Road, that tells you need to slow down.

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Angela Ryan

- Marina Village – support of the no wake buoy request.
- Offenders state because there is not a no wake buoy there is no problem with wakes

Rob Monson – Marina Village

- Supports the no wake buoys installation
- Rental Boats have no idea what the laws are.

Bryan Bridgford

- Willing to serve on the Education Committee

Andy Elliot – Marina Village

- Support no wake buoy
- Violator stated there was no wake buoy

Lance Fox

- Live across from Marina Village cove
- Marina Village application does not meet the minimum requirements
- Wants illegal buoys removed

Emily Kuszm (written comments received after the meeting)

- The Lake Norman Marine Commission has struggled to ensure maintenance of no-wake buoys on the lake. When a buoy, with a life expectancy of 5-10 years, has not been maintained, it becomes

a hazard to navigation, a risk to public safety and a risk to the Marine Commission itself.

- I have stated this in several meetings, but I will repeat myself again. In 2015, the Power Squadron identified more than 54 buoys in poor or fair condition on the lake. Nothing was done about them. The list was provided to the Commission again in 2019. Why does it take so long for any action, and why is burden placed on citizens to bring these concerns up?
- Now, the Marine Commission has asked the Power Squadron to re-assess the lake but the question is what will be done?
- If you can't manage and maintain the buoys that currently exist in the lake, then why would you continue the process and allow more buoys?
- We all know that the lake is peppered with illegal buoys – and yet, there is limited or no efforts by the Marine Commission to remove them. What is the process to get this done in a timely manner?
- According to a local attorney, if an injury occurs on the lake with an illegal buoy, and it's found that the Marine Commission was fully aware of the buoy and its status and did nothing, then the Marine Commission can be held liable for not maintaining the safety of the lake. If the Marine Commission grants permission for the installation of the buoy but does nothing to ensure that the buoy is maintained in good working condition, then again, the Marine Commission can be held liable.
- Every year, the Lake Wylie Marine Commission requires an annual review of all no wake zones and buoys, gathering input from the public as well as requiring an independent law enforcement review to ensure proper placement, working order, and no changes to the intended use of the lake such as creating a worsening traffic point. It's not 2 people on a jon boat, on the first nice Saturday of the year- during a pandemic – but instead, an independent, objective, professional group that assesses over several weeks, collecting information from multiple sources, citizens, etc. to provide objective information. It's also done in collaboration with the State Wildlife.
- I'm asking the LNMC – please STOP the process for allowing no-wake buoy requests until you can manage what exists today.

5. Committee Reports

- ATON – Morris Sample (Markers, Maintenance)
 - Marker 17, 17A, M1, M6 – Light out
 - Channel Marker 16A missing, to be replaced.
 - Channel Marker M2 missing, to be replaced.

- No Wake Bridge buoy to be added at I-77 bridge east of Williamson Rd. Bridge
 - No Wake Bridge buoy to be replaced at railroad bridge leading to Lake Norman Marina
 - No Wake Bridge buoy to be replaced at Hwy 150 bridge at Mountain Creek Marina
 - Marker 3, 7, M1, & 18B lights not visible due to Osprey nest, will be repaired in the fall after Ospreys leave.
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- Environmental/Hydrilla – Billy Wilson (Future- Staff)
 - Boater Education – Commissioner Scott
 - Update to web date
 - Education Committee presentation
 - Charter Boat – Commissioner Eddinger – No Report (Future- Add Commissioner Uzzolina)
 - Rafting – Commissioner Hughes – No report (Future -Commissioner Uzzolina)
 - Buoy – Commissioner Hughes – No Report (Future – Commissioner Howard)

6. Applications:

Chairman Hughes made a motion to table the two applications (Onsrud & Marina Village) – Seconded by Commissioner Eddinger- Passed 5-0

7. Variances

None

8. Permits

None

9. FERC Applications: Robert Wylie – presentation

Motion to approve – Chairman Hughes made motion; Seconded by Commissioner Eddinger – Approved 4-1

Marshall Steam Plant Raw Water Intake
-Application Available upon request.

10. Administrative matters

Motion to approve – Commissioner Eddinger ; Seconded by Commissioner Scott
Approved 5-0

- Approval of Revised Budget Ordinance
 - i. Attached below

11. Adjournment at 9:01PM – Motion by Commissioner Scott and Seconded by Commissioner Uzzolina

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PHONE (704) 564-6333
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Budget Ordinance for the Lake Norman Marine Commission

BE IT ORDAINED by the Commissioners of the Lake Norman Marine Commission of North Carolina:

Section 1: The following amounts are hereby appropriated in the General Fund for the operation of the Lake Norman Marine Commission and its activities for the fiscal year beginning July 1, 2020 and ending June 30, 2021, in accordance with the chart of accounts heretofore established for the Marine Commission:

General Government Administration

Audit & Accounting Services	8,300.00
Contractual Services	36,000.00
Risk Management/insurance	5,250.00
Office expenses & supplies	3,400.00
Communications	1,500.00
Workshops/Education	300.00
Legal services	10,000.00
Miscellaneous, Awards & Grants	150.00
Total Government Administration	\$64,900.00

Public Safety

Boater Education	6,000.00
NavAids Maintenance	56,600.00
Charter Boat Expenses	1,725.00
Total Public Safety	\$64,325.00

Environmental Protection

Hydrilla Mgmt. program	2,000.00
Total Environmental Protection	\$2,000.00

Total Expenditures **\$131,225.00**

Section 2: It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 2019 and ending June 30, 2020:

County Revenues

Catawba	31,000.00
Iredell	31,000.00
Lincoln	31,000.00

Mecklenburg	31,000.00
Total County Revenues	\$124,000.00

Other Revenues

Application Fees	250.00
Charter Boat Fees	1,725.00
Rafting Fees	250.00
Total Other Revenues	\$2,225.00
	\$5,000.00

Transfer from Reserve Fund**\$131,225.00****Total Revenues**

Section 3: The Executive Director will serve as the Finance Officer and is hereby authorized to transfer appropriations as contained herein under the following conditions:

1. Transfers between line item expenditures within the categories of General Government Administration, Public Safety and Environmental Protection is allowed without limitation or Commission approval but will be reported to the Commission at the next scheduled public meeting. Any changes in contractual services must also be approved by the Chairman of the Commission.
 - b. Transfers from one category to another must be approved by the Commission in a public meeting in an amendment to the Budget Ordinance
 - c. Transfer of funds out of the fund reserves due to increased expenditures must be approved by the Commission in a public meeting in an amendment to the Budget Ordinance.

Section 4: Copies of this Budget Ordinance shall be furnished to the Secretary/Treasurer of the Marine Commission and to the Finance Officer to be kept on file by them for their direction in the disbursement of funds.

Adopted this 12th day of October, 2020 during the public meeting of the Lake Norman Marine Commission.