

Lake Wylie Marine Commission



**March 23, 2009
7:00 p.m.**

**Belmont City Hall
115 North Main Street
Belmont, NC**

Minutes

Commissioners Present: Chairman Sandy DuPuy (Mecklenburg County), Secretary Treasurer Smitty Hanks (Gaston County), Commissioner Ron Wanless (York County), Commissioner Terry Everhart (Mecklenburg County), Vice Chairman Vernon Peers (York County)

Commissioners Absent: Commissioner David Cloninger (Gaston County), Commissioner Howard Virkler (Mecklenburg County)

LWMC Staff Present: Chris Clark, Legal Counsel, Annette Lawing, Clerk

LWMC Staff Absent: Joe Stowe, Executive Director

Topic	Discussion Summary	Action
Welcome & Introductions	Chairman Sandy DuPuy called the meeting to order at 7:00 pm.	
Approve Minutes – February 23, 2009 Meeting Minutes	The minutes from the February 23, 2009 meeting minutes were approved.	A motion was made by Commissioner Wanless to approve the February 23, 2009 meeting minutes. Seconded by Vice Chairman Peers. The motion was approved.

Topic	Discussion Summary	Action
Approval of the March 23, 2009 Meeting Agenda	<p>The March 23, 2009 meeting agenda was approved with the following revision:</p> <ul style="list-style-type: none"> • Legal Counsel Chris Clark suggested that the Commission go into Closed Session to discuss insurance matters. This can be added prior to item XIV Public Comments. 	<p>A motion was made by Secretary Treasurer Hanks to approve the March 23, 2009 agenda with stated revision. Seconded by Commissioner Wanless. The motion was approved.</p>
Consent Agenda	Consent Agenda - None	
Public Comments	Public Comments - None	
Treasurer's Report	<p>Treasurer's Report – Secretary Treasurer Smitty Hanks reported</p> <p>a. Finance Report - The monthly finance report was distributed to the commissioners prior to the meeting. There were no questions or comments from the Commissioners regarding the finance report.</p>	
Executive Director's Report	<p>Executive Director's Report – Executive Director Joe Stowe was not present at the meeting but provided a detailed report for the Commission which Chairman DuPuy reviewed.</p> <p>a. Meetings</p> <ul style="list-style-type: none"> ▪ Attended conference on Invasive Weed Species in Raleigh ▪ Reported the LWMC successes at the Gaston County Board of Commissioners meeting ▪ Met with David Freeman of the Gaston County Natural Resources to discuss the buffer zone in Gaston County and enforcement of environmental issues ▪ Continue to make arrangements for Joint Marine Commission meeting <p>b. Law Enforcement Center Update – Commissioner Vernon Peers reported. On March 17, 2009, sealed proposals were received by York County for the construction of a boathouse and pier at the Law Enforcement Center site. These bids were tabulated and Dock Masters Marine Construction and Supply in Lake Wylie, SC was chosen with a low bid of \$180,830.27.</p>	<p>A motion was made by Commissioner Wanless to approve the bid of \$180,830.27 from Dock Masters</p>

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Executive Director's Report (continued)		Marine Construction and Supply for the boathouse and pier at the Law Enforcement Facility. Seconded by Vice Chairman Peers. The motion was approved.
Legal Counsel's Report	<p>Legal Counsel's Report – Legal Counsel Chris Clark reported</p> <ul style="list-style-type: none"> • Mr. Clark reviewed the current Lake Wylie Marine Commission By-Laws and suggested proposed changes: <ol style="list-style-type: none"> 1. Chairman and Vice Chairman title to be updated to <i>Chair and Vice Chair</i> 2. Section 4.4 – <i>During meetings of the Commission, the Chair may make or second a motion only after relinquishing control of the meeting to the Vice Chair. When a matter is before the Commission for a vote, the Chair may, but is not obligated to, cast a vote on the matter.</i> 3. Adding <i>Section 8; Conflicts of Interest Policy</i> <p>Copies of the proposed By-Laws were distributed to Commissioners. They were requested to review these revisions and be prepared to take action at the April 27, 2009 meeting.</p>	
Environmental Report	<p>Environmental Report – Dave Cable, Executive Director of the Catawba Lands Conservancy, updated the Commission on current and proposed projects.</p> <p>Mr. Cable reported that the core message of the Catawba Lands Conservancy is to balance out economic development and conservation. The CLC is a non-advocacy organization that has collectively conserved over 300,000 acres in North Carolina. Conservation promotes health, balance and quality of life.</p> <p>Conservation advances in 2008 include; completing 6 projects totaling 294 acres, secured \$7.8 million in land acquisition funding and filled pipeline with 1,200 acres of projects. Organizational advances in 2008 include; met or exceeded operating targets and accreditation.</p> <p>Thread Trail Update:</p>	

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Environmental Report (continued)	<ul style="list-style-type: none"> • Private capital: \$19 million; public capital: \$18 million • Targeted acquisition projects for CWMTF funding • Thread Trail Forum – 175 attended from region • Trail Miles: 278 planned; 21 built • Community planning grants and advances • Master plan adoption – underway <p>Unfortunately, some of the capital funding was part of the Community Bonds that were passed by Mecklenburg County. Currently these bonds are not being used due to the economy.</p> <p>Other proposed projects are Rock Springs Park, Mountain Creek Project, South Fork Acquisition and the Long Creek Project.</p> <p>2009 Priorities: Exploit soft land market, Carolina Thread Trail: planning and acquisition; Grow support via social marketing; Planned giving program; Public funding and legislation for conservation; Strengthen local government partnerships; New partner opportunities</p> <p>In conclusion, Mr. Cable thanked the Commission for their ongoing support of the Conservancy.</p>	
Chairman's Report	<p>Chairman's Report – Chairman Sandy DuPuy reported</p> <ul style="list-style-type: none"> ➤ Strategic Workshop – A successful LWMC strategic workshop was held January 30, 2009. As a follow up to this meeting, Chairman DuPuy requested that the Commission meet an hour early at the March 23rd LWMC meeting in order to prioritize goals. Commissioners Hanks, Peers, Wanless and DuPuy were present. Each Commissioner was given five dots to place beside the goals that they felt most important to be achieved by the Commission in the next 1-3 years. The results are listed below: <ol style="list-style-type: none"> 1. Water Quality <ol style="list-style-type: none"> a. Sedimentation (received 4 dots) b. Code Enforcement (received 3 dots) c. South Fork Issues (received 1 dot) d. Clean Marina (received 1 dot) 2. Monitor Legislation and Other Issues 	

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Chairman's Report (continued)	<p>a. Notification of Sewage Spills (received 3 dots)</p> <p>3. Plant / Animal Control</p> <p>a. Hydrilla Control / Education (received 2 dots)</p> <p>b. Monitor Invasive Species / Education (received 1 dot)</p> <p>4. Law Enforcement</p> <p>a. Complete Facility / Policies (received 1 dot)</p> <p>b. No Wake Policy / Buoys / Education (received 1 dot)</p> <p>5. Define Target Groups (received 1 dot)</p> <p>➤ Mandatory Boater Education – HB 39 has been referred to the Standing Judiciary III Committee. No date has been scheduled to hear this bill.</p> <p>➤ Chairman DuPuy and Director Stowe met with the Gaston County Council and the York County Commission to report on Commission activities for the year.</p> <p>➤ Chairman DuPuy and Director Stowe met with Riverkeeper David Merryman to discuss common goals.</p>	<p>Chairman DuPuy will compile the goals into the 3 year plan to distribute to Commissioners.</p> <p>Commissioners were encouraged to email the Judiciary III Committee now to express support for HB 39</p>
Old Business	<p>Old Business</p> <p>➤ Law Enforcement Cumulative Reports – Chairman DuPuy and Director Stowe met with the lake law enforcement officers to discuss developing a lake wide annual report of law enforcement activities.</p>	<p>Chairman DuPuy and Director Stowe will develop a template where agencies can accumulate data by using the same worksheet.</p>
Commission Projects Report	<p>Commission Projects Report</p> <p>➤ Project S-01, Law Enforcement Facility – Officer Mabry reported that the first section of the launch ramp has been poured.</p> <p>➤ Project E-2, Hydrilla – Director Stowe and Commissioner Virkler attended a hydrilla meeting in Raleigh on March 4th.</p> <p>➤ Project E-4, Clean Marina Program – Commissioner Peers drafted a letter to all of the area marinas informing them of the commission's goal of creating a Clean Marina program. Commissioner Peers is compiling the marina owner's names so the mailing of these letters can be expedited.</p> <p>➤ Project S-02, No Wake Buffers at all Bridges on Lake Wylie – Chairman DuPuy reported that the proposed rule was heard and passed by the NC Wildlife</p>	

Topic	Discussion Summary	Action
<p data-bbox="176 212 443 941">Commission Projects Report (continued)</p> <p data-bbox="176 941 443 1354">Stakeholders Reports</p>	<p data-bbox="443 212 1629 284">Resource Commission at their February meeting. The rule will take effect on April 1, 2009 after a public hearing.</p> <p data-bbox="443 284 1629 941"> ➤ Project PI-01, Notification of Sewage Spills – Commissioners Wanless learned of a proposed bill by SC Representative Gullet that amends the code of law in South Carolina to add Section 48-1-65: <i>(A) A person who causes a polluted condition in the waters of this State based on his exceeding a threshold or violating a standard of water quality and purity promulgated by the department or in violation of a permit issued by the department, as soon as practicable shall give public notice of the polluted condition or violation. (B) The board shall prescribe a procedure for this public notice, including a procedure for notification by publication in a newspaper of general circulation, and other notification considered appropriate by the board including emergency notification of local media outlets, posting relevant notification information on the department's Internet website, and provision of notice by email to a member of the public who has requested this information. (C) A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars for each day's violation, imprisoned not more than thirty days, or both.</i> “A person” in the Bill refers to any entity. Reporting spills is currently voluntary and there is a 50% compliance rate. Commissioner Wanless suggested that a letter of support be generated by the Commission to the local legislators. </p> <p data-bbox="443 941 1629 1047"> ➤ Project PI- 02, LWMC Website – Chairman DuPuy reported that the links page, home page and other pages were updated. </p> <p data-bbox="443 1047 1629 1354"> Charlotte-Mecklenburg Police Dept and SPLASH Report – Officer Joye reported January – February Report <ul data-bbox="504 1128 987 1323" style="list-style-type: none"> • (32) Calls for service • (1) Boats inspected • (1) Boaters assisted • (1) Boaters warned • (2) Navigational hazards removed </p>	<p data-bbox="1629 212 1923 1354">A motion was made by Commissioner Peers that the Commission draft a letter to local legislators in support of the proposed HB 3600. Seconded by Commissioner Everhart. The motion was approved.</p>

Topic	Discussion Summary	Action
Stakeholders Reports (continued)	<p>Gaston County Police Department – Officer May reported</p> <ul style="list-style-type: none"> • Will be back on the lake full-time in June <p>York County Sheriff’s Office – Sgt Mabry reported</p> <ul style="list-style-type: none"> ➤ On the lake only on an “as needed” basis until boating season begins <p>N.C. Wildlife Resources – No one was present to give a report</p> <p>Tega Cay Police Department – No one was present to give a report</p> <p>S.C. Dept of Natural Resources – No one was present to give a report</p> <p>Mecklenburg County Land Use and Environmental Service Agency (LUESA) – David Buetow reported.</p> <ul style="list-style-type: none"> • Water Quality Condition Results (January 2009) – Results ranged from Good – Good/Excellent. Browns Cove and Paw Creek Cove had an increase in index value from January 2008. This is primarily due to drought conditions and little water flow during that testing date. • Bacteriological Results (January 2009) – Results all were in the excellent range. <p>Commissioner Hanks asked if any other organizations that conducted water sampling on Lake Wylie. Buetow replied that NC Department of Water Quality sampled on Lake Wylie every 5 years, SCDHEC samples at the lower end of the lake, and Duke Energy conducts water sampling on a regular basis. Commissioner Hanks also asked if the water sampling could detect fuel in the lake. Mr. Buetow replied that LUESA samples for fuel spills on an annual basis.</p> <p>Duke Energy of the Carolinas – Ronnie Lawson reported</p> <ul style="list-style-type: none"> ➤ Lake level – 97.5’ (target is 97’) ➤ LIP – Stage 2 ➤ Usable Storage – 73% (target 63.4%) ➤ 6 Month Average – ground water and stream flow (61.5%) 	

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Stakeholders Reports (continued)	<p>Lake Wylie Lakekeeper – David Merryman was not present but he emailed his report to the Commission prior to the business meeting.</p> <ul style="list-style-type: none"> ➤ Water Allocation Bills – Sen. Wes Hayes’ bill was submitted as well as similar bills were introduced in the SC Senate by Sen. Campbell and SC House Rep. Gullick. The Catawba Riverkeeper supports the version of the bill submitted by Sen. Wes Hayes. While all versions of this bill propose permitted withdrawals, Sen. Hayes’ bill supports the protection of seasonal variability in stream flows, an integral approach to protecting the vitality of our river and its inhabitants. Riverkeeper, David Merryman, will be traveling to Columbia, SC on April 28th for SC Clean Water Lobby Day. The Riverkeeper along with all other interested citizens from SC will be discussing the importance of surface water permitting legislation and protecting our watersheds from sediment pollution. ➤ Duke Energy – Draft EIS from FERC Released – FERC released its draft Environmental Impact Statement (DEIS) to Duke Energy and the Relicensing stakeholders on Friday, March 6, 2009 regarding Duke’s request for a license to operate its hydroelectric dams along the Catawba Wateree River system. The Catawba Riverkeeper will analyze and provide comments in the upcoming weeks. FERC will host public comments on April 21 (Charles Mack Citizen Center, Mooresville, NC from 7pm – 9pm) and April 22 (Baxter Hood Center at York Tech College, Rock Hill, SC from 9am-4pm and 7pm – 9pm). ➤ Upcoming Events – March 19th, Rock Out for the River, A benefit concert for the Catawba Riverkeeper Foundation at the Neighborhood Theatre in Charlotte @ 8pm. April 18th, Lake Wylie Migratory Fowl Paddle, Bring your own canoe or kayak and join the Catawba Riverkeeper on Lake Wylie to view migratory fowl as they travel through our region. Launch site – TBD. April 28th, SC Clean Water Lobby Day, Columbia, SC – Meeting at CRF Office. May 23rd, Annual Rocky Shoals Spider Lily Eco-Tour – Details for the event can be found at www.catawbariverkeeper.org. <p>Covekeeper Report – C. D. Collins reported</p> <ul style="list-style-type: none"> • Southpoint Ridge – continue to have sediment problems. Will monitor this area closely. • Commissioner Hanks asked what the protocol is if a contractor is in violation and continues to allow sediment to run into the lake. Collins replied that the 	

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Stakeholders Reports (continued)	<p>Covekeepers would approach the contractor to have him correct the problem, then try to get the county to follow up and maybe levy a fine. Commissioner Hanks asked if sediment was measured prior to the beginning of a proposed project. Duke Energy's Ronnie Lawson answered no, but that Duke has a topography map where core samples would show sediment advances.</p> <p>Mecklenburg County Parks and Recreation – Mike Monroe and Phil Kerr were present to give a report.</p> <ul style="list-style-type: none"> ➤ Buoy update: Copperhead – 2 large buoys have been ordered ➤ Mike Monroe announced that he will be relocating to another division within Mecklenburg County Park and Recreation, and then introduced his replacement colleague, Phil Kerr. 	<p>Chairman DuPuy will invite David Freeman from Gaston Co. Natural Resources Dept. to an upcoming Commission meeting to talk about code enforcement. She will invite his counterparts from York and Mecklenburg in coming months.</p>
Closed Session	<p>The Commission adjourned to a Closed Session to consult with legal counsel, Chris Clark. Commissioners discussed insurance matters related to the Law Enforcement Facility.</p> <p>Chairman DuPuy asked for a motion to reconvene the public meeting.</p>	<p>A motion was made by Secretary Treasurer Hanks for the Commission to go into Closed Session. Seconded by Commissioner Everhart. The motion was approved.</p> <p>A motion was made by Commissioner Wanless for the Commission to reconvene the public meeting. Seconded</p>

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Closed Session (continued)		by Vice Chairman Peers. The motion was approved.
Comments	Comments - None	
Adjournment	There was no further business and the meeting was adjourned at 8:36 pm	A motion was made by Vice Chairman Peers to adjourn the March 23, 2009 business meeting. Seconded by Commissioner Everhart. The motion was approved.
Next Business Meeting Date and Location	The next LWMC business meeting will be held on April 27, 2009 at 7:00 at Camp Thunderbird, One Thunderbird Lane, Lake Wylie, SC.	

Annette Lawing, Commission Clerk