

# Lake Wylie Marine Commission



**July 27, 2009  
7:00 p.m.**

**Red Fez Club  
16,600 Red Fez Club Road  
Charlotte, 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), Commissioner Howard Virkler (Mecklenburg County)

**Commissioners Absent:** Commissioner David Cloninger (Gaston County)

**LWMC Staff Present:** Joe Stowe, Executive Director, Chris Clark, Legal Counsel, Annette Demeny, Clerk

Topic	Discussion Summary	Action
<b>Welcome &amp; Introductions</b>	Chairman Sandy DuPuy called the meeting to order at 6:59 pm.	
<b>Approve Minutes – June 22, 2009 Meeting Minutes</b>	The minutes from the June 22, 2009 meeting minutes were approved.	A motion was made by Vice Chairman Peers to approve the June 22, 2009 meeting minutes. Seconded by Commissioner Wanless. The motion was approved.

<b>Topic</b>	<b>Discussion Summary</b>	<b>Action</b>
<b>Approval of the July 27, 2009 Meeting Agenda</b>	The July 27, 2009 meeting agenda was approved.	A motion was made by Commissioner Virkler to approve the July 27, 2009 agenda. Seconded by Commissioner Everhart. The motion was approved.
<b>Consent Agenda</b>	<b>Consent Agenda</b> – None	
<b>Public Comments</b>	<b>Public Comments</b> – None	
<b>City of Charlotte Erosion Control Issues</b>	<p><b>Charlotte Mecklenburg Erosion Control Issues</b> – Jay Wilson, Erosion Control Coordinator, City of Charlotte</p> <p>The City of Charlotte's Erosion Control Program originated from a State action which granted local government authority to enforce the Sedimentation Pollution Control Act of 1973 and specifically the erosion control requirements. The City's Soil Erosion and Sedimentation Control Ordinance was adopted in 1976, and revised in 2002, provides the framework and guidelines for protecting private property, wetlands, creeks, and lakes (and ultimately our drinking water) from sediment pollution during construction activities. The program's goal is to protect our water resources by providing assistance and education on erosion control practices to the development community, and by enforcing the Ordinance's provisions. With ten (10) years of experience, Jay Wilson is one of the City's seven (7) Erosion Control Inspectors. He is assigned to the Lake Wylie area. Mr. Wilson walked the Commission through the steps of the erosion and sediment control plan approval. The process includes but is not limited to review and approval of erosion plans (1 acre or greater), pre-construction meetings, issue of formal grading permit after sedimentation control measures are in place and random site visits from an inspector at least every two (2) weeks or more often.</p> <p>During site visits, the inspectors determine if the correct fencing is in place (silt), adequate ground cover, sediment basin storage is in place, and disturbed land is stabilized.</p>	

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<p><b>City of Charlotte Erosion Control Issues (continued)</b></p>	<p>If conditions are not met, as stated in the Erosion and Sedimentation Control Ordinance, by the Contractor, a violation citation can be issued which also sets a time frame for compliance. Generally the first time frame is 72 hours. A variety of conditions can change the timeframe.. The violation is determined by the environmental impact and its severity. Violations are subject to a penalty. \$5000. is the maximum daily penalty per violation. The fine money that is collected from violators goes into the City’s general fund.</p> <p>Mr. Wilson stated that the City has received only about ¼ the number of permit requests this year than it had 2 years ago. This decrease in workload has allowed the inspectors to visit sites more frequently.</p> <p>Commissioner Wanless asked how a local resident would know if a neighbor was in non-compliance and if a fee has been assessed. Mr. Wilson replied that since this is public information, anyone could access these records online. Commissioner Wanless also asked if a resident could report that a neighboring property’s sediment problem has affected their own personal property. Mr. Wilson replied that if anyone feels that their personal property has been affected by another owner’s sediment problem, please contact him at 704-432-0958 or call 311 in Mecklenburg County.</p> <p>Chair DuPuy asked if the inspectors have the authority of stopping construction. Mr. Wilson said that a Stop Work Order can be submitted by the inspectors but can open the doors for legal issues. The problems are usually addressed without having to issue a Stop Work Order.</p> <p>Chairman DuPuy thanked Mr. Wilson for his time and an informative presentation.</p>	
<p><b>Stakeholders Reports</b></p>	<p><b>Charlotte Mecklenburg Police Department</b> – Officer Terry Everhart reported</p> <ul style="list-style-type: none"> <li>o CMPD experienced a busy Fourth of July holiday on Lake Wylie</li> <li>o Monthly Activity Summary Below (June 2009)</li> <li>o (145) Total Call for Service</li> <li>o (46) Boats Inspected</li> <li>o (3) Boaters Assisted</li> <li>o (43) Warnings</li> <li>o (0) Boating Accidents</li> </ul>	

Topic	Discussion Summary	Action
<b>Stakeholders Reports (continued)</b>	<ul style="list-style-type: none"> <li>○ Since its repairs, SPLASH has participated in two (2) outings</li> </ul> <p><b>Gaston County Police Department</b> – Officer Danny Osborne reported</p> <ul style="list-style-type: none"> <li>○ (31) Call for Service</li> <li>○ (132) Inspections</li> <li>○ (17) Warnings</li> <li>○ (1) Arrest</li> <li>○ (1) Stolen Boat Recovered</li> </ul> <p>Please note: These numbers are for the month of July and combined totals are for both Lake Wylie and Mountain Island Lake.</p> <p><b>York County Sheriff’s Office</b> – No one was present to give report</p> <p><b>N.C. Wildlife Resource Commission</b> – Sgt Barry Rowell reported</p> <ul style="list-style-type: none"> <li>○ Shorthanded staff but patrolling the lake as much as possible</li> <li>○ To view the fireworks during the Fourth of July, boaters anchored and turned off their lights. This is a violation that many boaters are unaware of. NC Wildlife will continue to educate boaters that it is very dangerous to completely shut down lighting on their watercraft.</li> </ul> <p><b>Tega Cay Police Department</b> – No one was present to give report</p> <p><b>S.C. Dept of Natural Resources</b> – Officer Mark Ferrell reported</p> <ul style="list-style-type: none"> <li>○ (2) Boating Accidents, no injuries</li> <li>○ (1) Sunken Boat</li> <li>○ (2) BUI’s</li> <li>○ Complaints of parties at Little Allison Creek Sandbar</li> </ul> <p><b>Mecklenburg County Land Use and Environmental Service Agency (LUESA)</b> – David Buetow reported</p> <ul style="list-style-type: none"> <li>○ Water Quality Condition Results (June 2009) – Results ranged from Good – Good/Excellent. Not much of a change from last year’s results.</li> <li>○ Bacteriological Results (June 2009) – Results all were in the excellent range except for Long Creek and the Sandoz WWTP testing sites had an index reading of →200. This area was re-tested on June 19<sup>th</sup> and results</li> </ul>	<p>Sgt. Rowell will follow up on illegal buoys across from the Whitewater Center and shoal markers near MI dam.</p>

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<b>Stakeholders Reports (continued)</b>	<p>were back to normal. Mr. Buetow believes that these high readings were from strong rains in the area.</p> <ul style="list-style-type: none"> <li>○ Beginning in July, there will be changes in the Lake Water Quality Index reporting and Program Measures. The new reports will be available online.</li> </ul> <p><b>Duke Energy of the Carolinas</b> – Ronnie Lawson reported</p> <ul style="list-style-type: none"> <li>➤ Lake level – 97.1 (target is 97’)</li> <li>➤ Big Allison Creek No Swimming Signs: reported that one additional sign is on order</li> <li>➤ Buster Boyd Access: bids are out to do work on parking area. Most likely will pave the entire parking lot in lieu of filling pot holes although there have been many complaints about the parking lot’s condition.</li> <li>➤ In response to a question about release schedules for Lake Wylie, Mr. Lawson reported that the schedules were posted on the Duke Energy website: <a href="http://www.duke-energy.com/lakes">www.duke-energy.com/lakes</a>.</li> </ul> <p><b>Lake Wylie Lakekeeper</b> – Ellen Goff reported</p> <ul style="list-style-type: none"> <li>➤ <b>Riversweep</b> – The eighth annual Lake Wylie Riversweep is scheduled for Saturday, October 3<sup>rd</sup>. Volunteers were awarded a Riversweep t-shirt last year thanks to funding by the Lake Wylie Marine Commission. The Catawba Riverkeeper Foundation is requesting a contribution again to pay for the t-shirts. Due to the anticipated increase in volunteers, the t-shirt order was increased to 500 for a total cost of \$2,249.57. After considering how this event benefits the quality of water in Lake Wylie, the Commission voted and approved to fund the entire amount of \$2,249.57 for t-shirts for the Riversweep volunteers. Ms. Goff thanked the Commission and requested that SPLASH be one of the many attractions at this year’s event.</li> <li>➤ Alligator sighting near Terry’s Marina</li> <li>➤ The 3<sup>rd</sup> reading of the York County Buffer Ordinance is scheduled for August 17<sup>th</sup>.</li> <li>➤ Ms. Goff closed her report with saying that everyone should be mindful that we are not far from being out of the drought and that conditions can change quickly. We all should continue to conserve.</li> </ul> <p><b>Mecklenburg County Parks and Recreation</b> – No one was present to give a report.</p>	<p>A motion was made by Secretary Treasurer Hanks to fully fund the T-shirt effort for the 8<sup>th</sup> Annual Riversweep in the amount of \$2,249.57. Seconded by Commissioner Wanless. The motion was approved.</p>

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<b>Treasurer's Report</b>	<b>Treasurer's Report</b> – Secretary Treasurer Smitty Hanks reported. a. <b>Finance Report</b> - The monthly finance report was distributed to the commissioners prior to the meeting. There were no questions or comments from the Commissioners.	
<b>Executive Director's Report</b>  <b>Chairman's Report</b>	<b>Executive Director's Report</b> – Executive Director Joe Stowe reported. a. <b>Law Enforcement Facility Update</b> <ul style="list-style-type: none"> <li>▪ Completed the US Army Corps of Engineers permit application for the proposed boathouse and ramp and delivered it in Columbia, SC.</li> </ul> <b>Chairman's Report</b> – Chairman Sandy DuPuy reported <ul style="list-style-type: none"> <li>➤ <b>Joint Marine Commission Meeting</b> – This meeting is scheduled for August 13, 2009 at the River Hills Country Club beginning at 6:30pm. Guest speakers will include David Merryman with the Catawba Riverkeeper Foundation and Amy Pickle, Senior Attorney, Nicholas Institute for Environmental Policy at Duke University.</li> </ul>	
<b>Old Business</b>	<b>Old Business</b> <ul style="list-style-type: none"> <li>➤ <b>Grass Carp Update – Commissioner Virkler.</b> 1,800 Sterile Grass Carp were successfully released into Lake Wylie on May 29<sup>th</sup>. There have been several sightings of the new carp but it will take about 18 months to judge if they've made a difference with the Hydrilla problem. Commissioner Virkler to contact the Lake Wylie Pilot to possibly have a follow up article regarding grass carp and hydrilla.</li> <li>➤ <b>SC Hwy 274 Phase 1 – Additional R/W Easement – Commissioner Wanless</b> Commissioner Wanless met with the York County Project Coordinator and was informed that the State is actively involved with this project along with the county. Due to concerns about the apparent sediment build-up at the site, the Commission sent a letter formally requested a re-measurement of sediment at the site at the end of the project. The project will not be completed for another 18 months.</li> <li>➤ <b>IBT – Chair DuPuy</b> – Supreme Court to hear arguments regarding interveners in October.</li> <li>➤ <b>Combined Law Enforcement Activities Report – Chair DuPuy.</b> Gaston County Police Department provided their activity numbers for the month of May. Other agencies have not reported yet. Chair DuPuy will follow up.</li> <li>➤ <b>Spills Reporting Legislation – Commissioner Wanless.</b> The bill was passed on</li> </ul>	Chair DuPuy will follow up to encourage all

<b>Topic</b>	<b>Discussion Summary</b>	<b>Action</b>
<b>Old Business (continued)</b>	<p>to the SC State Senate with no further action. The bill will remain active until June 2010. The Commission should make contacts in November to appropriate legislators to ensure that it stays on course to passage.</p> <ul style="list-style-type: none"> <li>➤ <b>Buoy Installation – Commissioner Hanks.</b> Buoys at Hwy 49 and Hwy 273 have been installed.</li> <li>➤ Follow up regarding the hazard markers at MI Dam: Commissioner Hanks believes there are only 2 markers in this area, and they are 100’-150’ apart. Sgt Barry Rowell with NC Wildlife commented that there should be a total of 4 markers in this area. He will visit this area and report back to the Commission. There are illegal buoys far out into the channel across from the Whitewater Center.</li> <li>➤ <b>Clean Marina – Commissioner Peers.</b> Commissioner Peers and Executive Director Stowe met with Joe Hall of Duke Energy to explain the Clean Marina concept. Mr. Hall seemed to be very supportive of the idea. After this meeting, Duke donated fuel hose bibs to the Commission. These bibs help eliminate fuel spills when fueling boats and will be distributed to marinas. Duke also informed the Commission that there is \$2,000 in their budget for safety related programs that is available to the Commission.</li> </ul>	<p>agencies to report.</p> <p>Sgt. Rowell will visit the MI Dam area and the Whitewater Center area and report back.</p> <p>Chair DuPuy will follow up on a request for the Duke grant.</p>
<b>Comments</b>	<b>None</b>	
<b>Adjournment</b>	There was no further business and the meeting was adjourned at 8:34 pm	A motion was made by Secretary Treasurer Hanks to adjourn the July 27, 2009 business meeting. Seconded by Commissioner Wanless. The motion was approved.
<b>Next Business Meeting Date and Location</b>	The next LWMC business meeting will be held on August 24, 2009 at 7:00 at the Red Fez Club, 16,600 Red Fez Club Rd, Charlotte, NC.	

Annette Demeny, Commission Clerk