

**Lake Wylie Marine Commission  
October 28, 2013  
Pleasant Hill Presbyterian Church  
Meeting Minutes**



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**Commissioners Present:** Chairman Brad Thomas (Gaston County)  
Vice Chairman Lynn Smith (Mecklenburg County)  
Secretary Treasurer Ed Hull (York County)  
Commissioner Robert Biggerstaff (Gaston County)  
Commissioner Neil Brennan (Gaston County)  
Commissioner George Medler (York County)  
Commissioner Terry Everhart (Mecklenburg County)  
Commissioner Howard Virkler (Mecklenburg County)

**Commissioners Absent:** Commissioner Ron Wanless (York County)

**LWMC Staff Present:** Joe Stowe, Executive Director; Chris Clark, Legal Counsel;  
Emily Parker, Clerk

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**Meeting Minutes**

**Item 1 – Welcome and Introductions**

Chairman Thomas called the meeting to order at 7:00 pm. Newly appointed Lake Wylie Marine Commissioner Neil Brennan introduced himself to the group.

**Item 2 – Consent Agenda**

Legal Counsel Chris Clark advised on how to proceed with the Consent Agenda. Chairman Thomas asked if any items on the Consent Agenda should be removed. No comments were made. A motion was made by Commissioner Biggerstaff to approve the Consent Agenda. Commissioner Virkler seconded the motion and it was approved unanimously.

**Item 3 – Discussion of Items Removed from Consent Agenda (if any)**

n/a

**Item 4 – Public Comment**

Greg Beal, City of Mount Holly Planning and Development Director. Mr. Beal spoke in support of the proposed Water's Edge community dock project. The City of Mount Holly encourages private, responsible development on the river. Mount Holly has branded itself as a River Town. The City supports this project and did the first time around in 2005. Mr. Beal thinks this project will be good for Mount Holly and the region.

Pat Hubbard, former Mount Holly City Council member. She was on City Council when the Water's Edge project was first approved. She also lives in Water's Edge community and is on the HOA board. She loves being on the river and wants to have docks to enjoy with her neighbors. The people in the Water's

Edge community are in favor of this project. She asked that the LWMC approve this project in a responsible way. On behalf of homeowners in the Water's Edge community, she thanked the LWMC for its careful consideration of this project.

#### **Item 5 – Stakeholder Reports**

Charlotte Mecklenburg Police Department and SPLASH Report – Commissioner Everhart reported that in general, things have been quiet lately. There is a new lieutenant in charge. SPLASH has been quiet. CMPD had dive training last week with the York County Police Department and the Charlotte Fire Department dive department.

Gaston County Police Department – Officer Hamrick reported that they are getting ready for Christmas parades. He commented that he looked at the dock area at the Water's Edge development and GCPD intends to approve this project.

York County Sheriff's Office – Sgt. Mabry reported that things have also been quiet lately. Their 2005 boat is currently in the shop for refurbishing. Duke Energy staff sprayed around riprap. Sgt. Mabry and his colleagues are catching up on training and certification.

NC Wildlife Resources Commission – Sgt. Barry Rowell was not present and no report was given.

SC Department of Natural Resources – Officer Dwayne Rogers was present. SCDNR does not have anyone on the lake at this time. They are gearing up for hunting season. There is nothing to report regarding Lake Wylie at the present time.

US Coast Guard – No one was present to report.

Mecklenburg County Land Use and Environmental Services Agency – David Buetow was not present.

Duke Energy – Ronnie Lawson was not present.

Lake Wylie Lakekeeper Report – Ellen Goff reported that everything is fairly quiet at the present time.

Mecklenburg County Park and Recreation – No one was present to report.

#### **Item 6 – Factual Presentation about E-verify Compliance**

Vicki Bott, Grants Development Director at Centralina, was present to inform the LWMC about a new NC state law that will impact the marine commission, referred to as the E-verify laws. Ms. Parker provided the marine commissioners a one-page overview document in their agenda packages. Ms. Bott referred to that overview document as she spoke to the group. The reason this came about is that before Gaston County will release payment to the LWMC, the commission has to prove that it is in compliance with the E-verify laws. Ms. Bott provided background about the E-verify laws. Basically, local governments cannot enter into contracts unless they are sure that their contractor(s) and any subcontractor(s) are in compliance with the E-verify laws. So, Gaston County is asking the LWMC to certify that the marine commission and its subcontractors are in compliance with the law. Ms. Bott, Ms. Parker, and Legal Counsel Clark have worked together on an affidavit that the LWMC can authorize and send to Gaston County. The affidavit says the LWMC is in compliance because it is not a private entity and is therefore exempt. The affidavit has been prepared for the LWMC to sign, notarize, and submit to Gaston County. Centralina has already prepared their affidavit as one of the LWMC's subcontractors. Executive Director

Stowe asked what constitutes a subcontractor. Ms. Bott responded that Centralina, Legal Counsel Clark's law firm, the LWMC's auditor, and Dock Master's would be considered subcontractors. Exemption can come with 25 or less employees. The LWMC is exempt because it has less than 25 employees, but because of its subcontractors, the LWMC must respond to the request from Gaston County, and potentially Mecklenburg County. Legal Counsel Clark recommended that the affidavits be signed. Chairman Thomas and Executive Director Stowe are suitable to sign in front of a notary. Legal Counsel Clark mentioned that this mainly impacts the LWMC in a forward looking way – in that if the LWMC is going to hire a subcontractor to do work, that sub may need to sign an affidavit. Ms. Parker will send Commissioner Biggerstaff the form since he is a notary. Ms. Parker will send forms to the LWMC's auditor and to Dock Master's.

#### **Item 7 – Update on Proposed Project: Water's Edge Community**

After considerable review of the proposed development, Commissioner Biggerstaff said that he does not have an issue with the proposed Water's Edge development. Commissioner Biggerstaff made a motion that the LWMC approve the project. Commissioner Brennan seconded the motion. Discussion: Both Commissioner Brennan and Commissioner Medler concurred with supporting this project. A vote was taken and it was approved unanimously.

#### **Item 8 – No Wake Zone Request – Charlotte Power Squadron**

Lake resident, Charles "Bo" Ibach, III presented a no wake zone request. A map was provided that shows the cove in question off of Beaver Dam Creek. Apparently, 36 boat slips are supposed to go back in this cove, plus 36 more slips, equaling 72 slips in Beaver Dam Cove. He was not there to arbitrarily request a no wake zone; this situation has become a necessity. All of the neighbors in cove are in full agreement on the need for a no wake zone. The Charlotte Power Squadron (CPS) facility is in this cove. CPS recently spent \$11,000 on replacing docks. Mr. Ibach pointed to the map and talked about a part of the cove that is very narrow and shallow in parts. Adding a no wake zone would have no bearing on people trying to use the cove for recreation. Executive Director Stowe asked why the proposed no wake zone is placed at the mouth of the cove. Chairman Thomas asked a question about when docks are supposed to be installed. Mr. Ibach said that there are already 12 docks in place. Commissioner Biggerstaff asked if SCDNR should look at this situation. Commissioner Everhart added that any additional no wake zones would have to be approved by SCDNR. Mr. Ibach wants two no wake zone markers to place at the mouth of the cove. Commissioner Brennan brought up the concept of speed limits. He asked if there is a restriction on speed limits and whether or not this something we can consider. The question is how to enforce a speed limit. SCDNR officer Dwayne Rogers answered. Chairman Thomas asked if any marine commissioner would be able to go out and view the site in question. Commissioner Everhart clarified that NC entities cannot put buoys in SC waters. SCDNR will make the call on whether or not to approve a no wake zone request. Officer Rogers said that more often than not, those requests are denied. Commissioner Everhart further clarified that the LWMC can place buoys, but in order to be able to write a ticket for a violation, the York County Council has to approve buoy placement. The resolution of the discussion was to defer to SCDNR and revisit the situation, as needed.

#### **Item 9 – Riversweep 2013 Review**

Ellen Goff provided a recap of Riversweep 2013. It was a successful event despite there being fewer volunteers and less funding. The planning committee decided to go "back to basics" – to the essence of what Riversweep is about: cleaning up. The planning committee learned a lot this year, and everyone appreciated Smitty Hanks's leadership. Using the on-line release form was helpful and reduced paperwork. Not providing food also simplified the process. Ms. Goff said that she did not receive any

negative comments regarding food not being offered. It turned out that different marinas and clubs provided their own food, which worked out well. However, they could have used more funding to spend on advertising and promotions. A hospitality tax committee member said that they would probably not allocate funding to Riversweep, since their funding is to be used on places and events related to tourism. Next year, the planning committee needs to organize more groups, including lining up site captains, earlier in the year. The good news is that the planning committee does not invent the wheel each year. She mentioned that during April (Earth Day month), it could be good to put on a mini-Riversweep. Commissioner Virkler commented that there was a lot of wood floating in the water. She commented that they collected a lot of debris that came over the dam. Approaching corporate sponsors for Riversweep 2014 funding needs to happen now. There were ~250 left over t-shirts. 859 people participated, including those that pre-registered and walked-up. The planning committee will aim to get a more accurate headcount next year. Commissioner Virkler asked if churches around the lake had been talked to and Ms. Goff said yes, they did reach out to churches. He commented that he liked the t-shirts and captain's hats.

#### **Item 10 – Catawba Wateree Bi-State Commission Update**

Smitty Hanks updated the group on the NC/SC reciprocal fishing license as related to the Bi-State Commission. At the September 2013 Bi-State Commission meeting, it was put on the agenda and discussed. Both states showed interest in a reciprocal fishing license – specific to Lake Wylie only. This means if you have a residential fishing license for NC, you can fish the SC portion of Lake Wylie, and vice versa. However, there will be an economic impact on both states. An out of state license for someone from NC to fish in SC is \$35.00; for someone from SC to fish in NC is \$30.00. South Carolina Senator Wes Hayes and North Carolina Senator Dan Clodfelter were both interested in this idea. Senator Hayes was interested in a letter of support from the LWMC. It will take both states to be in agreement for this to work. Mr. Hanks would like the LWMC to proceed with the letter. Commissioner Virkler made a motion in favor of providing a letter of support to Senators Hayes and Clodfelter. Commissioner Everhart seconded the motion. Discussion: Executive Director Stowe commented that in his opinion, the people who are dealing with the licenses need to know that this may be coming. He traveled to Columbia earlier in the day to speak with Colonel Taylor. This is not the first time a reciprocal fishing license has been requested. Mr. Stowe briefly described the economics of SC fishing licenses. Colonel Taylor suggested running the numbers first before submitting a letter of support. The idea is supported in theory, but the economic implications need to be explored. Officer Rogers said that, 2 to 1, SCDNR writes a lot of tickets for people not having SC fishing licenses. He commented that SC/GA and NC/VA have reciprocal fishing licenses. Mr. Stowe added that the Bi-State Commission will not meet until January 2014. Thus, there's time to determine next steps for the LWMC. Commissioner Virkler withdrew his motion. More work is needed on this topic. Smitty Hanks stated that he would like to keep representing the three marine commissions on the Bi-State Commission. Ms. Parker will bring this proposal to the MILMC at their meeting next week. This issue will be brought up again at the November meeting. Mr. Hanks explained to the group about items he has mentioned to the Bi-State Commission related to fish advisories, sampling, and sedimentation. He asked that the LWMC let him know if they have questions or concerns.

#### **Item 11 – Treasurer's Report**

Secretary Treasurer Hull reported that the LWMC remains in good fiscal shape. The only issue is outstanding payment from Gaston County. This should be resolved once the E-verify affidavits have been submitted and approved.

**Item 12 – Executive Director’s Report**

Executive Director Joe Stowe reported.

- a. Goal Setting for 2014 – This session will be held on Tuesday, November 12 at Belmont City Hall from 2:00 pm – 5:00 pm. Afterwards, dinner will be provided at the Stowe’s home.
- b. Northern Law Center Update – There was not much to add on this topic. Chairman Thomas mentioned that he placed a call to Barry Webb, Belmont City Manager to talk about it.

**Item 13 – Chairman’s Report**

Chairman Thomas reported.

- a. Mid-Atlantic Boat Show – Chairman Thomas reported that we will put a PowerPoint slide show together. Ms. Parker stated that Friday, November 29 is the due date for any and all photos. Vice Chairman Smith suggested that I could use the photographs already included in the LWMC booklet.

**Item 14 – Clerk’s Report**

Ms. Parker reported that the monthly CCOG report is included in the agenda package. Everything remains on track with the FY 2012-2013 audit.

**Item 15 – Old/New Business and Commission Project Reports**

- Water Quality
  - Clean Marina/Clean Boating – Commissioner Biggerstaff reported that Ms. Parker gave him the last Clean Marina Re-certification certificate. He still has a buoy at his house that needs to be removed.
  - Invasive Species – Commissioner Virkler reported that there is nothing new to report.
- Buoys – Commissioner Biggerstaff is the new leader of the Buoy committee.
- Safety – Commissioner Everhart reported that there is nothing to report.
- Recreation – Chairman Thomas had nothing to report at the present time.
- Public Information – Secretary Treasurer Hull had nothing to report at the present time.

**Item 16 – Public Comments (limited to 3 minutes)**

No one was present for public comment.

**Item 17 – Adjournment**

The meeting was adjourned at 8:15 pm.

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**The next LWMC meeting is scheduled for 7:00 pm on Monday, November 25, 2013 at Belmont City Hall (115 N. Main Street, Belmont, NC 28012).**