

**Lake Wylie Marine Commission
May 19, 2014
Pleasant Hill Presbyterian Church
Meeting Minutes, revised**



Commissioners Present: Chairman Brad Thomas (Gaston County)
Vice Chairman Lynn Smith (Mecklenburg County)
Commissioner Robert Biggerstaff (Gaston County)
Commissioner Neil Brennan (Gaston County)
Commissioner Terry Everhart (Mecklenburg County)
Commissioner Ron Wanless (York County)
Commissioner George Medler (York County)

Commissioner Absent: Secretary Treasurer Ed Hull (York County)
Commissioner Howard Virkler (Mecklenburg County)

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

Meeting Minutes, revised

Item 1 – Welcome and Introductions

Chairman Thomas called the meeting to order at 7:00 pm and welcomed everyone present.

Item 2 – Consent Agenda

Commissioner Biggerstaff made a motion to approve the April 28 meeting minutes. Commissioner Medler seconded the motion and it was approved unanimously. Vice Chairman Smith made a motion to approve the May 19 agenda. Commissioner Biggerstaff seconded the motion and it was approved unanimously.

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

Item 4 – Public Comment

Matt Williams – Mr. Williams lives north of the US National Whitewater Center (USNWC). He commented on how congested that part of the river is and he does not agree with making it a no wake zone. He commented that kayakers and paddle boarders are not paying enough attention to their surroundings. Mr. Williams commented that profits could be leading decision making. He mentioned a new promotion the USNWC is doing where people can swim out in the river. He feels that the situation is getting out of control and he does not understand why the USNWC is taking the risk.

Tom Davis – Mr. Davis concurred with Mr. Williams. He’s co-chair of Catawba River Group. He has been involved in river matters for years. He gives background and added that people should not be swimming in that part of the river. It is a dangerous part of the river. He would like the Catawba River Group to talk further with the LWMC.

Rick Croasdale – Mr. Croasdale is the Vice Commander of the US Coast Guard Auxiliary local flotilla on Lake Wylie. He updated the group on the kickoff event held during the previous weekend for National Safe Boating week. The event was held at the Buster Boyd boat ramp. The point of the event was to raise awareness about child safety on the water and wearing life jackets. There is a loaner life jacket board near the Buster Boyd boat ramp. They left 8 loaner life jackets on the board. Mr. Croasdale added that area merchants donated around 30 personal floatation devices. Chairman Thomas asked Mr. Croasdale to email Ms. Parker the list of businesses that have donated life jackets.

Ted Hendrix – Mr. Hendrix is a property owner on Lake Wylie. He is opposed to a no wake zone near the Saddler Island area. The USNWC rents kayaks and paddle boards but does not provide any education. Kayakers and paddle boarders gather in groups in the middle of the main channel of the river. USNWC was supposed to erect educational signs for paddle boarders and kayakers but has not yet done so. He added that the open water swim proposed by the USNWC is a risky idea. Mr. Hendrix reiterated that he is not in support of putting a no wake zone in that area. If you add one there, it could set a precedent for adding no wake zones elsewhere on the river.

Item 5 – Stakeholder Reports

Charlotte Mecklenburg Police Department and SPLASH Report – Officer Carrey reported for CMPD. The congestion around Saddler Island issue has generated a lot of activity. CMPD has talked with Tailrace Marina and USNWC. Officer Hamrick with GCPD will address this issue further later in the meeting. CMPD law patrol has been out on the lake and Officer Carrey is getting acclimated. A rope swing accident was reported in Snug Harbor. He reported that CMPD is getting a new boat. They will order it in the next couple of months.

Gaston County Police Department – Officer Hamrick thanked the US Coast Guard Auxiliary for putting on the safe boating event. He also thanked the Charlotte Fire Department for lunch and the networking opportunity. He updated the group on GCPD's boats – the smaller one is out of the shop and the bigger new boat had a leaking seal issue. That issue has been fixed. Boat striping may be done by this Friday. GCPD will be on the lake this weekend (Memorial Day weekend) with both boats.

York County Sheriff's Office – Sgt. Mabry reminded the group that Sgt. Ed Ware has moved to another department. Sgt. Wayne Richardson is now working with Sgt. Mabry. He let everyone know about a boating education class to be held on June 12 from 9:00 am – 4:00 pm at the York County Law Enforcement Training Center (92 Stoneybrook Drive, York, SC). Register on the SCDNR website <http://www.register-ed.com/events/view/47307>. Sgt. Scott Stephens will be the instructor for the course.

NC Wildlife Resources Commission – Officer Rowell was not present to report.

SC Department of Natural Resources – No one was present to report.

US Coast Guard – Maritime Enforcement Specialist Bryan Kelly addressed the group. He said that they will be on the lake starting next month, for one weekend per month.

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

Duke Energy – Ronnie Lawson was not present to report.

Lake Wylie Lakekeeper Report – CD Collins reported that the Covekeepers will soon be trained to patrol the lake to look for sewage spills, erosion issues, fish kills, buffer zone violations, etc. They will assign people to patrol different areas of the lake. Mr. Collins said that if anyone sees anything while on the lake, to please call the office and report it. Sam Perkins followed up about specific lake patrol zones. If anyone is interested in patrolling a zone on the lake, please let him know. He is trying to set up a meeting with NCDENR staff to talk about sediment control measures. He suggested that the LWMC could also try contacting NCDENR to get this meeting set. The biggest issue is the Water Management Group's Water Supply Master Plan. It was put together by the Catawba Wateree Water Management Group. This group has done a great deal of good work and they brought many different stakeholder groups together to do so. Mr. Perkins thinks that the report in its current form is not yet worthy of support, in that elements are missing that should be considered. He reiterated that the report is not yet final and that the LWMC should pause and consider before formally backing the report. He asked that the LWMC let the Catawba Riverkeeper Foundation know if there are questions.

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

Item 6 – Follow up from S&ME Regarding Armstrong Road Project

Michael Wolfe with S&ME attended the meeting to follow up on any questions the LWMC may have about this project. He brought up a concern voiced at the April meeting related to a boat striking utility lines mounted on the bridge. Bryan Metzler with the Merrick Company helped answer the group's questions. A motion was made by Commissioner Biggerstaff to approve the Armstrong Road Bridge project. Commissioner Medler seconded the motion. A vote was taken and approved unanimously.

Item 7 – Riverpointe Request Update

Riverpointe Homeowner Frank Hosea brought in a petition signed by homeowners, as requested at the last meeting. A couple of homeowners were not able to sign because they were out of the country. Commissioner Everhart handed Mr. Hosea and others an aerial map showing current and potential buoy placement, if they were moved. The potential buoy placement was in line with what Mr. Hosea was asking for. Commissioner Everhart and Vice Chairman Smith have spent time examining this issue. Comments were made about what a busy part of the lake this area has become, with the development of Riverpointe and increased park programming. Boaters travel at high speed through this area near to where other boats are anchored. The shift in buoys will alleviate dangerous blind spots. A motion was made by Commissioner Everhart to approach NCWRC about amending section 15A NCAC 10F .0333 (a) (1) of the NC Administrative Code to reflect an adjustment of current location of the buoys from Riverpointe point to Copperhead point. Commissioner Brennan seconded the motion. Discussion: Commissioner Brennan clarified that this is a safety issue because of the increased activity in this part of the lake. Commissioner Wanless asked if there were any objections to this proposed movement of buoys. No objections were made. Legal Counsel Clark reminded everyone that this no wake zone is in the NC Administrative Code, so if it is to be altered, NCWRC will be the agency to make that happen. A vote was taken and approved unanimously. Legal Counsel Clark will draft the request letter to NCWRC. He made it clear to those present that the NCWRC's process may take a while – possibly beyond this year's boating season – to complete.

Item 8 – Follow up Discussion about Saddler Island Safety and Emergency Procedure

Officer Hamrick reported that at the present time, not all parties involved are not on the same page about how to handle this situation. When the USNWC was built, they did not plan on having such an impact on the river. He mentioned that many of the calls for service come from people that keep their boats at Tailrace Marina whose boats are damaged by large wakes. He continued that looking at the

long term – assuming that Tailrace Marina and USNWC will both continue to grow – there may also be commercial considerations. GCPD is looking at boater safety. GCPD is leaning towards making the marina side of the river a no wake zone and leaving the USNWC side the way it is. GCPD wants to protect homeowners and their property. Officer Hamrick added that everyone has a right to water space. Commissioner Brennan asked if law enforcement can move paddle boarders and kayakers out of the main channel. Officer Hamrick said you cannot block a channel. If the channel was completely blocked, then whoever is blocking it could be moved by law enforcement. That area is very congested on a hot summer day. Education is key and the USNWC is not doing a good job on this front. Courtesy is also important. A lot of the boaters are courteous and will slow down or get out of the way. Officer Hamrick commented that whether there is a no wake zone in place or not, if an accident is going to happen, it is going to happen. The majority of boaters will abide by the law. Commissioner Brennan asked Officer Hamrick where he's getting resistance from. Officer Hamrick commented about county ordinances vs. state law and enforceability.

The GCPD recommendation could end up being to have one no wake buoy at one end and one at the other end on the marina side (two total buoys). However, before making a final recommendation GCPD would like to talk with CMPD lake enforcement and NCWRC again. CMPD Lieutenant Andy Harris came to the podium and stated that he is not opposed to a no wake zone. He went out to that area this past weekend, and yes, there is a problem (no lifeguards, no training, and no education). His concern is that the proposed no wake zone would not be enough. However, he believes there does need to be a no wake zone. Putting in a no wake zone would be an excellent, incremental start. There needs to be separation between novice kayakers and power boaters. Chairman Thomas asked when law enforcement would feel comfortable coming back and making a recommendation to the LWMC. Lt. Harris said they can come to the June meeting with a recommendation.

Commissioner Wanless reacted to a brochure about the USNWC's upcoming free swim in the river and he commented on how the USNWC appeared to try and absolve themselves from responsibility in the brochure. Commissioner Brennan thinks that the LWMC should work with the USNWC management on solutions. There might need to be regulations on how many paddle craft can get in the water at the same time or limiting the amount that can be let out at the same time. Chairman Thomas asked Legal Counsel Clark what the options are. Legal Counsel Clark reminded everyone about the LWMC's authority, per the enabling legislation. Historically, the LWMC has worked together successfully with counties and law enforcement. In this sense, the LWMC's authority has never really been tested. Opening a dialogue (again) with the USNWC could be good idea. Considering the amount of attention this issue is getting, the USNWC's response could be different. Legal Counsel Clark said that the LWMC's option to pass an ordinance that would be valid under North Carolina law is broad. Commissioner Brennan suggested that the group should talk to Mecklenburg and Gaston County Commissioners if any action is going to be taken by the LWMC. Chairman Thomas concluded the conversation by saying that the LWMC will hear from CMPD, GCPD, and NCWRC at the June 23 meeting, before taking any other course of action. LWMC needs a recommendation from the three agencies collectively. And as a subsequent step, the proposed no wake buoys should be added to the NC Administrative Code.

Revised section – At the June 23, 2014 meeting, Commissioner Brennan recommended that the following be added to this section of the minutes. This amendment was approved unanimously by the LWMC: *Officer Hamrick agreed that establishing a no wake zone would enhance safety and is a common sense approach to the congested area. Commissioner Brennan also stated that the safety of the kayakers and the paddle boarders trumps the inconvenience of the power boaters who will have to slow while transmitting the area.*

Item 9 – Riversweep 2014 Update

In addition to the \$5,000.00 the LWMC allotted for the shirts and hats, Connie Miller contacted Palmetto Pride, a non-profit organization created to fight litter and help beautify South Carolina. They have contributed \$5,000.00 to Riversweep 2014. Ellen Goff has submitted the request for a \$7,000.00 grant from the York County Hospitality Tax Foundation for marketing needs. A Bank of America community support representative suggested we contact representatives from the Ocean Conservancy International Coastal Cleanup program which BofA supports. Funding for Riversweep could come from that organization, and Ms. Goff is contacting the NC and SC representatives. The planning committee is also drafting a letter to solicit contributions from selected local merchants. The next planning meeting is May 28.

Item 10 – Tega Cay Update

The City of Tega Cay plans to acquire the faulty system from Utilities, Inc. for \$5.8 million. The City will propose a bond to pay for the sale. The first reading on a bond and budget for the purchase will be scheduled for a special called meeting May 12. Second reading would be May 19. Closing is scheduled for May 30. The City estimates the cost to fix the system will be \$6.5 million, including:

- Cleaning and painting of an elevated storage tank
- Replacing existing water meters
- Upgrades and rehabilitation of 20 lift stations
- Replacing or repairing 29 miles of sewer lines
- Adding additional redundancy capacity to wastewater treatment plants 2 and 3
- Adding backup generators to wastewater sites

The City would seek a \$6.5 million loan from the state. That would equate to a \$3 per customer per month sewer rate increase. If Utilities, Inc. were to retain ownership of the system, those same repair costs could cost customers between \$38 and \$50 more per month. If Tega Cay takes control of the utility, it will not immediately become part of city-owned Tega Cay Utilities Department. The two would operate independently, as they do now, but for how long is not clear. SC DHEC approves the sale and reissuing the discharge permits to the city contingent on the city entering into a similar consent order as the one under which Utilities, Inc. is now operating. Pending the sale, SC DHEC has suspended the following requirements of Utilities Inc as stipulated in the February 2014 Consent Order 14-002W:

- Submit a comprehensive management plan
- Fix the sewer mains
- Fix the laterals

Lake Samples

SC DHEC provided samples from three points they routinely monitor for previous years. They advise that the samples taken thus far in 2014 are not yet available. The data have to go through a QA process before they can be released.

Item 11 – Proposed Water Quality Regulation for Spill Management

Commissioner Wanless said that this agenda topic will be on the June meeting agenda.

Item 12 – Treasurer’s Report

Finance Report – Executive Director Stowe gave the Finance Report in Secretary Treasurer Hull’s absence. The LWMC is in good shape at end of year with a little money left over. No need to make major changes or budget amendments. The FY 2014-2015 budget will be voted on at the June meeting. He asked that people let the LWMC know if there are any questions or comments.

Item 13 – Executive Director’s Report

Executive Director Joe Stowe reported.

- Letter from Concerned Citizen – A letter was sent by a visitor from Hendersonville who was appalled by the status of the lake. Executive Director Stowe responded in writing and asked the visitor to specify where he was on the lake. At this point, no one has heard back from him.
- Executive Director Stowe spoke with Ken Manuel at Duke Energy. They will add sterile grass carp to the lake again this year. The hydrilla appears to be under control at this time. There is money in the budget to support this effort.

Item 14 – Chairman’s Report

Chairman Thomas did not give a report.

Item 15 – Clerk’s Report

Ms. Parker did not give a report.

Item 16 – Old/New Business and Commission Project Reports

- Water Quality –
 - Clean Marina/Clean Boating – Commissioners Biggerstaff and Medler are still waiting to receive the Clean Boater pamphlets.
 - Invasive Species – Commissioner Virkler was not present. Executive Director Stowe asked if anyone could take over this position and Commissioner Medler volunteered to do so.
- Buoys – Commissioner Biggerstaff reported that he received reports about missing buoys and has taken care of them. There was discussion about the buoys at Commodore Yacht Club.
- Safety – Commissioner Everhart had nothing to report on safety.
- Recreation – Chairman Thomas had nothing to report.
- Public Information – Secretary Treasurer Hull was not present to report.

Item 18 – Adjournment

The meeting was adjourned at 8:37 pm.

The next LWMC meeting is scheduled for 7:00 pm on Monday, June 23, 2014 at Belmont City Hall (115 N. Main Street, Belmont, NC).