

Lake Wylie Marine Commission
April 22, 2013
CMC Steele Creek Healthcare Pavilion
Meeting Minutes



Commissioners Present: Vice Chairman Brad Thomas (Gaston County)
Secretary Treasurer Ron Wanless (York County)
Commissioner George Medler (York County)
Commissioner Lynn Smith (Mecklenburg County)
Commissioner Howard Virkler (Mecklenburg County)
Commissioner Robert Biggerstaff (Gaston County)
Commissioner Smitty Hanks (Gaston County)
Commissioner Ed Hull (York County)

Commissioners Absent: Chairman Terry Everhart (Mecklenburg County)

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

Meeting Minutes

Item 1 – Welcome and Introductions

Vice Chairman Thomas called the meeting to order at 7:00 pm.

Item 2 – Approval of Minutes

A motion was made by Commissioner Hanks to approve the amended March 25, 2013 minutes. The motion was seconded by Commissioner Biggerstaff and it was approved unanimously.

Item 3 – Approval of the Agenda

Vice Chairman Thomas asked if any additions or changes needed to be made to the agenda. Executive Director Joe Stowe noted the following agenda amendments:

- Guests of Commissioner Virkler will speak on the school construction project.
- Dr. Bill Jarman and Mr. Larry Capps from Gaston County Piedmont Area Wildlife Stewards (PAWS) will update the group on osprey nests and fish attractors.
- Mr. Dick Helwig with the Coast Guard Auxiliary has a brief presentation (*provided under Item 6 – Stakeholder Reports section*)
- Mr. Ken Cotte with Tailrace Marina will follow up on presentation from the March 25 meeting and answer any questions.

The above presentations will occur after Item 6 - Stakeholder Reports. Commissioner Hanks noted that he would add comments about the Bi-state Commission during the Riversweep Update portion of the agenda. Commissioner Medler noted that he would add to Commissioner Hanks' comments on Riversweep during that portion of the agenda. A motion was made by Commissioner Biggerstaff to approve the agenda as amended. The motion was seconded by Commissioner Hanks and it was approved unanimously.

Item 4 – Consent Agenda

No items were submitted on the consent agenda.

Item 5 – Public Comment

No one was present for public comment.

Item 6 – Stakeholder Reports

Charlotte Mecklenburg Police Department and SPLASH Report – No one was present to report.

Gaston County Police Department – Officer Hamrick reported. After 7-8 months of planning, Officer Hamrick went before the Gaston County Commissioners and received approval to order the new police boat. The boat manufacturer in Seattle, WA has received needed paperwork from GCPD. The boat should be finished in mid-October. Officer Hamrick handed out pictures of a boat that resembles what the GCPD boat will look like. He will provide pictures of the GCPD's boat once available. The electronics on the GCPD boat will be sophisticated and a training seminar for Officer Hamrick has been recommended. He provided a letter that describes the training seminar, to be held in Washington in the fall. Officer Hamrick requested funding from the LWMC to cover the cost of a round trip airplane ticket for training later this year, when the boat is ready. A motion was made by Commissioner Hanks to approve \$450.00 (to come out of the LWMC Education line item) for round trip airfare for Officer Hamrick to attend training. The motion was seconded by Secretary Treasurer Wanless and it was approved unanimously.

York County Sheriff's Office – Sgt. J.E. Ware reported. He noted that things have been quiet lately and they have mainly been dealing with minor boat problems. YCSO held a boater safety class last Saturday, April 20. They had 19 citizens participate in the class. He noted that Sgt. Mabry and Chairman Everhart are in Charleston for diver training, to return Thursday, April 25. The boat ramp at the Law Enforcement Center has not yet been put in the water.

NC Wildlife Resources – No one was present to report.

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

US Coast Guard

- US Coast Guard Maritime Enforcement Specialist Bryan Kelly (bryan.j.kelly@uscg.mil) reported. The USCG will be back on the lake around once a month. They are working in conjunction with Mecklenburg County and the Coast Guard Auxiliary. Their focus will be on boating safety. If any issues arise, the USCG can be reached at their Wilmington, NC office (910-772-2195 or 910-772-2198) or through the local USCG Auxiliary.
- Dick Helwig with the USCG Auxiliary, Lake Wylie Flotilla, introduced himself and fellow Coast Guard Auxiliary members, Dan Stroup (Flotilla Commander) and Steven Whittaker. Mr. Helwig reported that the Coast Guard Auxiliary, Lake Wylie Flotilla, is coming up to speed with the LWMC's terrific Go Green: Clean Marinas initiative. In parallel, they are looking closely at two CG Auxiliary programs that may complement LWMC's efforts:
 - One is their Sea Partners program which is a great program for boaters dealing with environmental concerns such as pollution, debris, invasive species and spills.
 - The second is their Marina/Yacht Club Safe Boater program which focuses on partnerships between the CG Aux and local marinas and yacht clubs to promote and sponsor both our public education classes which are aimed at boater safety and boating knowledge and our complementary Vessel Safety Checks at their facility aimed at properly equipped boats. This program will also spread awareness of our Maritime Domain Awareness initiative. This program has several "performance levels"---bronze silver and gold, and like the LWMC Clean Marinas program, ours can add to publicity

for the facility.

In the coming weeks the CG Aux would like the opportunity to meet with appropriate commissioners to explore if and then how our programs can integrate with what the Commission is already doing. Vice Chairman Thomas thanked Mr. Helwig and his colleagues for their time and efforts. Commissioners Biggerstaff and Medler will be in touch with Mr. Helwig (dick.aux@helwig.net or 757-710-8976). Commissioner Virkler asked a question about electrical safety in the context of ensuring safe marinas. Vice Chairman Thomas asked if an electrical check could be incorporated into the upcoming Clean Marina re-inspections. Commissioners Biggerstaff and Medler thought it could. Commissioner Medler will find out what the cost is for buying an electrical testing unit and report back to the commission.

Mecklenburg County Land Use and Environmental Services Agency – David Buetow reported. Mr. Buetow shared sampling results for March 2013 and everything looks good. LUESA sampled for metals in the vicinity of the ash basin discharge areas and those numbers were also good.

Duke Energy – Ronnie Lawson reported.

- Lake level: 96.9 and the target level is 97.
- Drought Management Group: Low Inflow Protocol (LIP) is at Stage 0.
- Storage index is 74.6% with target storage index at 66%.
- Duke Energy has not permitted any dredging in the last month.
- Commissioner Hanks noted seeing dredges near Paw Creek and asked how long they would stay in the water. Mr. Lawson commented that he thought the dredging work was complete, and that the dredging implements just need to be removed from the water. July 1, 2013 marks the next time a dredge can start in Lake Wylie.

Lake Wylie Lakekeeper Report – C.D. Collins reported.

- On the topic of Riversweep: After recent conversations, the Catawba Yacht Club has agreed to join as a partner in Riversweep. Mr. Collins met with representatives from the Club and they said they want to participate in the event. This new partnership probably means eliminating collection points that have not yielded much trash at previous Riversweep events.
- Mr. Collins noted that the Lakekeepers will have their third boat in the water by the end of April.
- Vice Chairman Thomas asked if Mr. Collins had visited new construction site in Cramerton on Wilkinson Boulevard. He responded that he had not yet. Mr. Collins is in the process of investigating another complaint in that area.

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

Item 7 – Agenda Amendments

- Commissioner Virkler introduced his guests, Brian McManus and Steven Parker from Hoopaugh Grading Co., LLC. They have worked on several grading projects around Lake Wylie and continue to take special care to abide by set regulations and thus, protect fragile environments adjacent to the lake. Mr. McManus described his company's process for ensuring that water quality is not disturbed in fragile ecosystems. Vice Chairman Thomas thanked them for their time and commented that the commission appreciates Hoopaugh's continued diligence in upholding high grading standards. Commissioner Hanks asked if it would be appropriate for the LWMC to send a letter of commendation about Hoopaugh's good work. It was decided that no letter is needed and that the company should keep up the good work.
- Dr. Bill Jarman and Mr. Larry Capps from Gaston County Piedmont Area Wildlife Stewards (PAWS) updated the group on osprey nests and fish attractors. This group works to maintain and build new

osprey nests near Lake Wylie and at the end of 2013, there will be 22 osprey nests. Some existing nests are being bolstered or otherwise renovated to withstand windy and other inclement conditions. Dr. Jarman asked the commission for approval of the proposed osprey nest sites. A motion was made by Commissioner Biggerstaff to approve the osprey nest sites, as proposed by Gaston County PAWS. The motion was seconded by Commissioner Medler. Executive Director Stowe recounted an anecdote in favor of the building of osprey nests. Secretary Treasurer Wanless asked if there has been publicity about these nests. Dr. Jarman noted that there was a good article in the *Charlotte Observer* last fall. The motion was approved unanimously.

Gaston County PAWS also set up and maintain fish attractor buoys. These attractors create a great micro-habitat for fish. The 2nd Annual Fish Attractor Assembly & Deployment Day will be held at T-Bones on May 18th starting at 7:00 am. During that event, the attractors will be assembled and put in the water. All present were invited. For more information on fish attractor and osprey nest sites, please visit <http://site.gastonpaws.com/Home.php>. However, Gaston County PAWS will launch a new website in a few weeks that will include information on fish attractors and osprey nests. A link to the Gaston County PAWS updated website will be posted to the LWMC website once live. Gaston County PAWS can also build and install wood duck boxes and blue bird houses, with all related nesting materials.

- Mr. Ken Cotte with Tailrace Marina was there to follow up on and answer questions about his presentation on proposed FERC changes at the March 25 LWMC meeting. After the last meeting, Executive Director Stowe and Commissioner Hanks – along with a representative from Duke Energy – visited Tailrace Marina and met with Mr. Cotte to learn more about the proposed FERC changes. Commissioner Hanks updated the group on their findings. Overall, the proposed FERC amendments checked out with the reviewing group. Executive Director Stowe added that Duke Energy is fine with approving the proposed amendments. However, the caveat is that if even one valid concern arises and is voiced, all movement towards making the changes happen will stop until that concern(s) is settled. A motion was made by Commissioner Hanks to approve the proposed FERC permit amendments as requested. The motion was seconded by Commissioner Hull. The motion was approved unanimously.

Item 8 – Annual Report Update

Commissioner Smith reported on the status of updating the report. She commented that calling it an “annual report” was not necessarily appropriate since it implies past activities and accomplishments. Commissioner Smith revised much of the book to convey ongoing activities, capturing “Major Projects” instead of just “Accomplishments.” The book can be printed as an 8 page or 12 page document. Commissioner Smith edited and added text, and added new photographs. After 6 weeks of work on the book, Commissioner Smith was proud to present her final draft to the group. Her presentation was met with a round of applause for her time and effort on a job well done. Ms. Parker will look into the cost of printing the book in color – both the 8 page version and the 12 page version.

Item 9 – Riversweep Update

Commissioner Hanks reported that planning for Riversweep is going well, but the planning committee really needs 4 or 5 more volunteers. Riversweep has grown this year and so having more volunteers would help spread the work load around. One volunteer is needed to coordinate boat captains, site captains and registration/making site assignments at registration. Commissioner Hanks said that if anyone would like to volunteer, to please let him know. This year, the Riversweep planning committee is trying to get more corporate volunteers to participate. This is an easy volunteer model to manage – an entity sends 10+ people, the planning committee is in communication with just one of them about logistics, not many individuals. The food situation is currently in limbo. Food Lion wants to continue to be involved, but the planning committee does not necessarily have a good point of contact with Food

Lion. Commissioner Medler added that he spoke with Fred Thompson about helping to get people interested in Riversweep. Mr. Thompson agreed to help, and help specifically with getting participation from Tega Cay residents. Mr. Thompson is supposed to follow up with Commissioner Medler.

Item 10 – Treasurer’s Report

- Secretary Treasurer Wanless reviewed the financial statements and declared that the LWMC is in excellent financial condition.

Item 11 – Executive Director’s Report – Executive Director Joe Stowe reported.

- Law Center Boat Ramp Update – The boat ramp is ready to be put into the lake. Hopefully by the May meeting everything will be in working order. A water leak and evidence of termites was found at the Law Center. A gentleman was hired to fix the leak.
- Tega Cay Marina called to say that their Clean Marina flag was in bad shape, and that they need a replacement flag. Executive Director Stowe noted that there are three (3) Clean Marina flags left and the group may need to order more flags. There was a discussion about flag quality (can’t be too heavy) and aligning possible flag replacement with the upcoming cycle of Clean Marina re-inspections. Secretary Treasurer Wanless suggested possibly setting a schedule for replacing the flags every 1.5 or 2 years. Before ordering more flags, Executive Director Stowe asked Commissioners Biggerstaff and Medler to take an inventory of Clean Marina flags and see what is actually needed.
- Food Lion is actually enthusiastic about providing food for Riversweep. Executive Director Stowe thinks that chances are good that they may participate. The plan of action is to follow up with Food Lion until a decision is reached.

Item 12 – Chairman’s Report – Vice-Chairman Brad Thomas reported in Chairman Everhart’s absence.

- IBWSS Report – Vice Chairman Thomas suggested that this update should be given by Chairman Everhart at the May meeting.
- Brown’s Cove Buoys – Chairman Everhart followed up on the report of a missing buoy at the mouth of Brown’s Cove (Emerald Point). It is the second buoy missing from that location. He contacted Perry Johnson with Dock Masters and arranged to have the buoys replaced by Friday, April 26, 2013. Chairman Everhart responded to the email to update him on the status of the replacement buoys.
- Chairman Everhart met with Commissioner Smith to discuss the LWMC booklet and weigh in on the emergency and law enforcement information.
- On the topic of Riverwood Residential Marina (as presented at the March 25 meeting): On April 16, Commissioner Smith and Chairman Everhart visited the Riverwood development site. According to Chairman Everhart, it was difficult to determine what the petitioner was requesting based on the letter dated March 1, 2013. An email was sent to Ann Duncan (with Permits-4-U) while they were at the site. Ms. Duncan provided the drawings and advised that there would be a representative from Riverwood Development at the April LWMC meeting to answer any questions. Clay McCullough with Riverwood Development was in attendance at the meeting. While the drawings answered most of Chairman Everhart’s concerns. However, several questions remain:
 1. Is the dock, as currently proposed, located inside the existing “No Wake” zone that has already been established?
 2. How wide are the slips? 10’ as indicated in the drawings or 12’ as in the letter?
 3. How deep is the water at the first slip and the last slip?
 4. Is it necessary to extend the fixed portion of the dock 37’? Is it being done to obtain the water depth?
 5. Is there still a plan to have a community boat ramp next to the marina?

In Chairman Everhart's absence, Commissioner Smith gave Mr. McCullough the (above) list of remaining questions to share with Ms. Duncan. Vice Chairman Thomas asked Mr. McCullough to provide answers to the questions asked and to provide the group with a copy of the letter from Kermitt Taylor with Duke Energy that approves proposed Riverwood Development in time for the May LWMC meeting.

- Saddler Island Safety Report – Chairman Everhart met with Sgt. Barry Rowell with NCWRC and they visited Saddler Island (Tailrace Marina and USNWC) to discuss the issues/situation in the area with regard to the mix of power boats and paddle craft. The purpose of this visit was to obtain as much input from as many partners as possible in order to develop the best solution for the area. During the visit there was discussion about how the area has changed over the past several years. Residential development in the area as well as the two commercial establishments has created a unique situation. The end result was like the previous meeting with the representatives of Tailrace Marina and the USNWC. From the law enforcement side, the thought is that there needs to be a very strong focus on education and visibility. “No Wake” zoning may be a tool that will be needed in addition to (not in place of) other efforts. A “No Wake” zone can give a false sense of security and cause boaters to be less cautious than they would normally be. Boaters do not necessarily understand what “No Wake” means. Chairman Everhart will meet with the residents in the area during the month of May. If time allows he will also set up a planning session, with representatives from each group to consolidate information and attempt to develop a comprehensive plan that will resolve the safety concerns in the area.
- Chairman Everhart spoke with Chris Stec, CEO of the American Canoe Association, to hopefully provide insight into possible resolutions to the issues that are stemming from the growth around Saddler Island (as referenced above). Mr. Stec is knowledgeable and has provided Chairman Everhart with information that he has put to use during meetings with those involved with this issue. He has also agreed to attend and speak to the LWMC about the “national trends” involving paddle craft, if there is interest among the Commissioners. Mr. Stec has worked at Camp Thunderbird and is an energetic and interesting speaker. He lives in Virginia, but would travel south to assist the LWMC. If the LWMC is interested in having him as a speaker, his main request is for that the commission let him know as soon as possible.

Item 13 – Clerk’s Report – Emily Parker reported.

Ms. Parker noted that a Monthly Report of Administrative Services is included in the agenda package, and if there are any questions, to please let her know. She also told the commission the LWMC’s NC Lake Management Society membership has been renewed for 2013.

Item 14 – Old/New Business and Commission Project Reports

- Water Quality
 - Clean Marina/Clean Boating – Commissioner Biggerstaff reported that he and Commissioner Medler are talking about a plan to re-certify existing Clean Marinas, based on guidance provided by the York County Fire Department. Additionally, Commissioner Medler will price kit to test electrical current on piers and surrounding waterfront areas. This electrical safety testing will hopefully be added to Clean Marina criteria and re-certification standards.
 - Invasive Species – Commissioner Virkler noted that there was no new news about carp stocking. The funds have not been released yet. This will likely happen in a month’s time.
 - On the topic of water quality, Secretary Treasurer Wanless suggested the idea of creating a plaque, certificate, or other method of recognition for above average contractors, builders, graders, and/or related companies for clean construction on the lake (keeping the silt on the shore and the water in the lake). Legal Counsel Chris Clark mentioned the Mountain Island Lake Marine Commission’s Blue Fin Award. A motion was made by Secretary Treasurer Wanless for the LWMC to establish a

recognition program for above average contractors, builders, graders, and/or related companies for clean construction on the lake. The motion was seconded by Commissioner Hanks. The motion was approved unanimously. The Clean Marina certificate can be altered to be the recognition tool for clean construction on the lake. Commissioners Smith and Virkler agreed to spearhead this effort.

- Commissioner Hanks reported on the Bi-State Commission. NCDNR and SCDWQ presented on how they monitor the lakes. This presentation was geared toward the Catawba-Wateree basin. Overall report was that the lakes are clean and in good shape as far as water quality goes. They reported about fish advisories and that NC and SC test fish for metals and PCBs. However, these tests are cost prohibitive; thus, additional testing has not been done to find out where and how metals and PCBs enter the food chain. The Bi-State Commission is also trying to secure a reciprocating fishing license for Lake Wylie (NC/SC).
- Safety – This section was covered under the Chairman’s Report. There were no additional updates.
- Recreation – Vice Chairman Thomas reported he met with Dan Anthony and the Antique Boat Show will come back to Lake Wylie on September 13, 2013. Vice Chairman Thomas will keep the group updated.
- Public Information – Commissioner Hull reported that there are no updates at this time.

Item 15 – Public Comments (limited to 3 minutes)

No one was present for public comment.

Item 16 – Adjournment

The meeting was adjourned at 8:40 pm.

The next LWMC meeting is scheduled for 7:00 pm on Monday, May 20, 2013 at Gaston College East Campus (7220 Wilkinson Boulevard, Belmont, NC).