

**Lake Wylie Marine Commission**  
**April 28, 2014**  
**Good Samaritan United Methodist 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 Terry Everhart (Mecklenburg County)  
Commissioner Ron Wanless (York County)  
Commissioner George Medler (York County)

**Commissioner Absent:** Commissioner Howard Virkler (Mecklenburg 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 and welcomed everyone present.

**Item 2 – Consent Agenda**

Chairman Thomas asked if any items on the Consent Agenda needed to be removed. Vice Chairman Smith made a motion to approve the March 24 meeting minutes. Commissioner Medler seconded the motion and it was approved unanimously. Commissioner Brennan made a motion to approve the amended agenda. Commissioner Everhart seconded the motion and it was approved unanimously.

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

**Item 4 – Public Comment** – Mr. Paul Hoying from Belmont spoke about issues related to fish markers. They are a safety concern and they look bad. He asked what could be done about them and expressed his concern at their presence in the lake. Chairman Thomas thanked him for his comments.

**Item 5 – Stakeholder Reports**

Charlotte Mecklenburg Police Department and SPLASH Report – Officer Joye reported that they are trying to get equipment up to speed in advance of boating season. He introduced Brian Carrey, the new CMPD lake enforcement officer.

Gaston County Police Department – Officer Hamrick reported that since last time we met, he traveled to Seattle for training on the new GCPD boat. The boat was delivered on April 11. Officer Hamrick is pleased that it has arrived.

York County Sheriff's Office – Sgt. Mabry reported that the YCSO will gain a full time position in the near future. Sgt. Ware is being transferred to another section within the Sheriff's Office.

NC Wildlife Resources Commission – Officer Rowell reported that the NCWRC is gearing up to be back on the lake full time. He sent Ms. Parker a list of dates for boater safety classes. She can forward them to the LWMC. He mentioned several laws that changed from misdemeanors to infractions. He can report more on this at the May meeting.

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

US Coast Guard – No one was present to report.

Mecklenburg County Land Use and Environmental Services Agency – David Buetow reported on testing that was done in late March. Commissioner Brennan said he would like to see trends regarding turbidity, etc. Mr. Buetow said that LUESA can do that, and it would provide context to the data.

Duke Energy – Ronnie Lawson reported to the group.

- Current lake level: 97.1 (target level is 97.0). Water is being moved through the system to make room for the coming rain event. Vice Chairman Smith asked about the recent high lake level.
- Dredging is not allowed during fish spawning season.
- Drought Management Group – normal range.

Lake Wylie Lakekeeper Report – Mr. CD Collins reported about a buoy at the Seven Oaks Bridge that Commissioner Biggerstaff took care of. A homeowner across from Allen Steam Plant reported that people were working at night for 3 nights in a row. To Mr. Collins it looked like concrete was being poured, but it was hard to tell exactly.

*[On May 7, 2014 Ronnie Lawson with Duke Energy provided the following response via email: "There was no concrete poured at the discharge pipe or any stabilization work done. There was a crane and other vehicles there associated with video inspections of the discharge pipe. This is work related to the current review of all the ash basins. The work would have been very visible from the lake."]*

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

#### **Item 6 – Information Request from S&ME on behalf of NW Lake Wylie, LLC**

Michael Wolfe with S&ME reported on behalf of NW Lake Wylie on an information request regarding Armstrong Road (request dated 3/31/14). Commissioner Wanless asked several questions, including why this project is being done, about the natural gas lines the marine commissioners heard about at the April meeting and the relationship (if any) to the current request, about possible damage that would be caused by vehicles passing over the bridge. The City of Belmont has requested that the lines remain accessible. They will be mounted on either side of the bridge. There was conversation about the lines possibly being hit by a passing boat and being damaged. NCDOT and Federal Highway Administration (FHWA) have dictated line attachment to the bridge. Chairman Thomas added that the Assistant City Manager of Belmont submitted a letter to the LWMC in support of the project. Mr. Wolfe said they can provide the plans to the group. Mr. Wolfe or someone from NW Lake Wylie will send the plan to Ms. Parker and she will disseminate to the group. Mr. Wolfe plans to attend the May meeting.

Mr. Wolfe addressed the questions about the Piedmont Natural Gas line crossing projects he received at the March meeting. Commissioner Wanless said all of his questions had been answered sufficiently. A motion was made by Commissioner Wanless to approve the gas line projects. Commissioner Biggerstaff seconded the motion and it was approved unanimously.

#### **Item 7 – Riverpointe Request**

Homeowner Frank Hosea addressed buoy placement near the Riverpointe neighborhood. He said that they started with five buoys, but now they have just four. Mr. Hosea said that boaters travel at high speed in and out of the cove area. He suggested that the existing buoys could be repositioned to make the No Wake Zone clearer. The issue is the current placement of the buoys – one buoy is missing and two have moved. Commissioner Everhart addressed proper buoy placement. He said that a petition needs to be signed by other Riverpointe residents. Mr. Hosea said he would take care of the petition. Commissioner Everhart explained that there is a process involved in moving a buoy. Mr. Hosea will be on the agenda for the May meeting.

#### **Item 8 – Discussion about Saddler Island Safety and Emergency Procedure**

Ken Cotte with Tailrace Marina addressed the group. The signs installed last year on either end of Saddler Island seem to help. However, there are still issues going on with crowding and reckless boating behavior in the channel near Saddler Island, Tailrace, and the USNWC. Education is critical and needed for boaters – motor boaters, paddle boarders, and kayakers. It is a matter of time before something tragic happens. Commissioner Biggerstaff asked if Mr. Cotte recorded the numbers off of the hull of the boat that was too close to the Tailrace docks. He said he did not have the chance to. There is a main perpetrator; his boat has a custom paint job. Officer Hamrick offered help to Mr. Cotte. Mr. Cotte has been telling his kayakers to avoid the main channel. If help is needed from Officer Hamrick, the best way to get in touch with him is to call the GCPD non-emergency number 704-866-3300 or, his cell number 980-522-3217. Commissioner Everhart advised Mr. Cotte to call and report any incident. Reporting will raise awareness amongst law enforcement. The best number for NCWRC is 1-800-662-7137. That is the number for the dispatcher – they can get in touch with any officer who is on duty.

#### **Item 9 – Proposed Speed Limit Regulation**

Commissioner Brennan brought up the idea about speed limit regulation on the lake. He thinks that a speed limit would be observed by boaters because there would be a visual sign posting the speed limit. Commissioner Brennan opened the topic up for comment from the group. The marine commissioners were generally skeptical about putting speed limits on the lake. Commissioner Brennan emphasized the importance of posting something that looks official. He made it clear that his proposal is a straw man concept to generate conversation. Chairman Thomas asked if Officer Rowell could comment. Executive Director Stowe asked Officer Rowell what could be done. Officer Rowell could not comment either way, aside from offering NCWRC services. Enforcing the laws already on the books might fix the situation. The Careless and Reckless law may be the best way to go. Commissioner Wanless suggested that each area of the lake should have its own speed restriction. The marine commissioners were generally skeptical about this idea. Commissioner Biggerstaff suggested putting buoys up to create a lane in the main channel like, I-85. Slower boat traffic should stay out of the main lane. Officer Hamrick asked about what the USNWC tells its paddle boarders and kayakers before they launch out. Apparently, they do not tell them anything or enough of anything to help the situation. Commissioner Medler added that asking boaters to travel at idle speed only makes sense. Officer Hamrick said that ticketing paddle boarders and kayakers might also get the message across. Law enforcement can issue tickets for not traveling at idle speed when posted. Vice Chairman Smith made a motion that the LWMC ask law enforcement personnel to make recommendations on how this situation should be handled.

Commissioner Medler seconded the motion. The vote was taken and approved unanimously. Legal Counsel Clark brought up the NC Administrative Code section on buoys. He thinks that the LWMC could be permitted to place buoys that say "Idle Speed." He will send a web link to group.

#### **Item 10 – Riversweep 2014 Update**

Commissioner Brennan reported that they have had two planning meetings so far. The planning committee will draft a letter to go out to various groups in the community to request funds and in-kind assistance. The real need is for boats to be used the day of. A suggestion was made that boat captains come again and bring a friend that has a boat. To summarize, more boats and funding are the main needs. A question was asked about whether the LWMC will fund t-shirts again. Commissioner Everhart made a motion to keep the Riversweep line item in the FY14-15 budget for up to \$5,000.00. Secretary Treasurer Hull seconded. A vote was taken and approved unanimously. The next Riversweep planning meeting is scheduled for May 28 and will be held at the Bagel Boat at 5:30 pm.

#### **Item 11 – Tega Cay Update**

Commissioner Brennan gave an update on the status of Tega Cay's sewage issues. No overflow reported in April. The company is supposed to submit a progress report to SC DHEC on May 5. He requested a copy of that report from SC DHEC. Commissioner Brennan has received other reports and data from SC DHEC; he sent them out to the other marine commissioners earlier today.

#### **Item 12 – Proposed Water Quality Regulation for Spill Management**

This item will be tabled until the May meeting.

#### **Item 13 – Treasurer's Report**

- a. Finance Report – Secretary Treasurer Hull reported that the LWMC is financially sound and on budget. Funds from the three counties are coming in as they should.
- b. FY 13-14 Budget Amendment – The LWMC will need to make a budget amendment to cover overages in certain accounts. A motion to do this will happen at a later meeting.

#### **Item 14 – Executive Director's Report**

Executive Director Joe Stowe reported.

- a. Water Management Group Meeting Update – Executive Director Stowe updated the group on the last Water Management Group (WMG) meeting. The WMG's final report is 500+ pages long and the condensed report is 200+ pages long. One interesting fact is that the use of water per person has actually decreased due smarter appliances and recycling water at places like golf courses. The WMG is planning to hold a press conference at 10:00 am Friday May 9 at McDowell Park.

#### **Item 15 – Chairman's Report**

- a. Fish Markers – Chairman Thomas addressed Mr. Hoying's comments on the fish markers. He asked law enforcement if there is anything that can be done. One of the NCWRC officers present responded that a boat could have 70 markers in place, and all jugs or bottles floating in water should have name and address on it. If a name and address are not on the jug or bottle, only law enforcement can remove from the water.

#### **Item 16 – Clerk's Report**

Ms. Parker reported that all fund have been requested for FY 14-15. The next meeting is Monday, May 19 – a week earlier than usual due to the Memorial Day holiday.

### **Item 17 – Old/New Business and Commission Project Reports**

- Water Quality –
  - Clean Marina/Clean Boating – Commissioners Biggerstaff and Medler have been talking about starting a Clean Boater program. Commissioner Biggerstaff spoke to the national Clean Boater representative. She sent him a Clean Boater decal and she will follow up with pamphlets.
  - Invasive Species – Commissioner Virkler was not present.
- Buoys – Commissioner Biggerstaff reported that Ms. Parker emailed him about the buoys in Boyd's Cove. He commented that the buoys at lower Armstrong Bridge need to be moved. Ted Hendrix commented on missing buoys. Commissioner Biggerstaff asked Mr. Hendrix to check on this for him.
- Safety – Commissioner Everhart had nothing to report on safety. He said he would follow up on NC Administrative Code matters addressed earlier in the meeting.
- Recreation – Chairman Thomas had nothing to report.
- Public Information – Secretary Treasurer Hull had nothing to report.

### **Item 18 – Adjournment**

The meeting was adjourned at 8:44 pm.

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***The next LWMC meeting is scheduled for 7:00 pm on Monday, May 19, 2014 at Pleasant Hill Presbyterian Church (15000 York Road, Charlotte, NC).***