

**Lake Wylie Marine Commission
February 22, 2016
Belmont City Hall**



Commissioners Present: Chairman Lynn Smith (Mecklenburg County)
Vice Chairman Ed Hull (York County)
Secretary Treasurer Robert Biggerstaff (Gaston County)
Commissioner Brad Thomas (Gaston County)
Commissioner Blanche Bryant (York County)
Commissioner Neil Brennan (Gaston County)
Commissioner Peter Hegarty (Mecklenburg County)
Commissioner George Medler (York County)

Commissioners Absent: Commissioner Tim Mead (Mecklenburg County)

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

Meeting Minutes

Item 1 – Welcome and Introductions

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

Item 2 – Approval of Minutes

Chairman Smith asked if any changes need to be made to the January 25 minutes. Secretary Treasurer Biggerstaff made a motion to approve the January 25 minutes. Commissioner Brennan seconded the motion and it was approved unanimously.

Item 3 – Approval of Agenda

Chairman Smith asked if any changes need to be made to the February 22 agenda. Secretary Treasurer Biggerstaff made a motion to approve the February 22 agenda. Vice Chairman Hull seconded the motion and it was approved unanimously.

Item 4 – Public Comment

None.

Item 5 – Stakeholder Reports

Charlotte Mecklenburg Police Department – Officer Joye reported that CMPD has their boat back in the water. He said that the Boat Show went well and that SPLASH was great. Officer Joye noted that CMPD's supervisory personnel are going to be moved around, and lake enforcement may receive a new supervisor. Once this person is in place, Officer Joye would like to bring this person to LWMC meetings to meet people and start to get familiar with the lake and lake issues. FEMA is coming to conduct a lake clearing exercise on March 24. There will be nothing audible, just patrol boats out on the lake. Secretary Treasurer Biggerstaff asked Officer Joye about a buoy. That buoy is at CMPD's dock at McDowell Nature Preserve, but is in bad shape and should be replaced.

Gaston County Police Department – Officer Hamrick reported that GCPD lake patrol got a new Captain a few weeks ago, and that he is interested in coming to meetings. The new Captain appears supportive of the GCPD lake patrol unit.

York County Sheriff's Office – Sgt. Mabry reported that they had good turnout and good questions at the Boat Show. A YCSO boater safety class is coming up on March 19. He also talked about the FEMA lake clearing operation scheduled for March. Sgt. Mabry distributed a paper to Marine Commissioners showing a stencil that you can put on the end of a boat dock. The stencil can say "Wear It" or "Life Jacket Zone." He asked the LWMC to review these options. Secretary Treasurer Biggerstaff asked about the YCSO lanyards. Sgt. Mabry said that more are coming in. Secretary Treasurer Biggerstaff suggested maybe LWMC order some as well so Mecklenburg and Gaston county law enforcement can have some too. Sgt. Mabry said they had gotten the lanyards down to \$0.90 a piece.

Secretary Treasurer Biggerstaff made a motion to purchase lanyards like YCSO. Commissioner Brennan seconded motion. Discussion: A Marine Commissioner asked how many should be ordered. Sgt. Mabry said that they have been ordering in lots of 400. A Marine Commissioner asked what the LWMC would do with them. The answer was to give them to other law enforcement. Commissioner Bryant commented that the lanyards are what will be handed out to youth during Boater Safety Week. Commissioner Medler asked what the lanyards will say. The answer is that they can say whatever the LWMC wants. Commissioner Brennan recommended setting aside \$400 for the possible purchase of lanyards once we find out what our options are. There was some discussion, then it was suggested that the issue be tabled until a sponsor can be lined up. The vote was called, no one was in favor, and the motion failed.

Tega Cay Police Department – No report was given.

NC Wildlife Resources Commission – Sgt. Laton reported that the NCWRC will also be on Lake Wylie on March 24 for the FEMA drill. Officer Dula will represent NCWRC. In spring and summer, NCWRC will be focusing on their "On the Road, On the Water, Don't Drink and Drive" campaign. "Operation Dry Water" will be held on June 24-26. Sgt. Laton expressed interest in partnering with the LWMC for advertising purposes. Commissioner Brennan asked for a flyer from Sgt. Laton that could be posted at all of the Riversweep sites. The NCWRC created a Wake Zone Committee. Officer Dula will represent NCWRC on that committee. Sgt. Laton will have more information as it unfolds. The people on the Wake Zone Committee are only from North Carolina at this point. For the sake of uniformity of approach, Commissioner Brennan encouraged representation from South Carolina. Sgt. Laton said he could ask powers that be about it.

SC Department of Natural Resources – No report was given.

US Coast Guard – No report was given.

US Coast Guard Auxiliary – no report was given.

Mecklenburg County Land Use and Environmental Services Agency (LUESA) – Mr. David Ferguson reported that they sampled in Lake Wylie on January 11. For sites PALC10 and PALC1, results came back a little worse (yellow) than the others. A City of Charlotte staff person went to inspect. He commented that turbidity really drives what they do on Lake Wylie. Everything in main channel is clean and clear. LUESA does not sample in February. They will sample again in March and will report out in April. PALC1

and PALC10 sampling sites were added in because of the Palisades development. Commissioner Brennan asked about a certain site and talked about sampling in general. Commissioner Hegarty asked about a stormwater fee that has appeared on residents' water bills. Mr. Ferguson said that all of the homes in Mecklenburg County pay a stormwater fee. He added that this has nothing to do with stormwater drains. The stormwater fee is about the foot print of the impervious surface on your property (e.g., a paved driveway). The more impervious surface that you have, the more your stormwater fee will be.

Duke Energy – Ronnie Lawson reported that:

- Lake level: 97.9 (target level: 97.0').
- Low inflow protocol: Normal
- One dredge permit has been issued.
- Mr. Lawson followed up on Commissioner Bryant's question from the last meeting about the sign in the park. There are no plans for changing that park or the access area.

Gaston County Cove Keeper – No report was given.

Lake Wylie Lakekeeper Report – Ellen Goff reported that they have been looking at runoff and building sites. The Cove Keepers are keeping an eye on different sites, including the McLean property and Palisades. They are also watching a site adjacent to Long Cove Marina. The Riverkeeper Foundation is going to launch a new program called Water Watchers. Sam Perkins will lead this day long [Water Watcher Training on March 5 at Cabela's at Carowinds](#). Riversweep is falling into place nicely. They are focused on getting the Riversweep website up and running.

Mecklenburg County Park and Recreation – No report was given.

Tega Cay Police Department – No report was given.

Item 6 – Request for Comments: FERC Permit – Conveyance / Irrigation for Goat Island / Town of Cramerton

Matthew Oetting with McGill and Associates introduced the project to the LWMC. The Town of Cramerton wants to remove water from Lake Wylie to irrigate on Goat Island. Cramerton wants to add irrigation pumps. Mr. Oetting noted that the most water withdrawn would be 10,000 gallons per day. Mr. Lawson commented that 1 million gallons per day is the maximum withdraw volume. Therefore, it is a lesser amount so does not need to be approved by FERC. Goat Island is less than two acres in size. Commissioner Brennan clarified that it would be the equivalent of irrigating around ten lawns. They would run the pump from March through September. Commissioner Thomas moved to approve the project without Marine Commissioners conducting a site visit. Commissioner Brennan seconded the motion and it was approved unanimously. Ms. Parker will send McGill Associates an approval letter.

Item 7 – Update from Duke Energy on FERC Re-licensing: Implementation Plans for Lake Wylie

Ronnie Lawson updated the group on the [FERC Re-licensing process](#) and impacts on Lake Wylie. He said that Article 407 talks about the need for a Recreation Management Plan. Duke Energy has to submit a new Recreation Management Plan to FERC by November 25, 2016. The plan should cover all of the proposed projects, and there are around 89 projects. Around 65 projects will require some type of construction (new construction or renovation). Getting a new plan developed, vetted by various agencies, and submitted to FERC for review will probably take close to a whole year. So, the first year is about putting the plan together. Once that is done, Duke Energy has to wait on FERC to approve plan

which may take a year or so. FERC can take as much time as it needs to approve the plan. Once the plan is approved by FERC, Duke Energy will have to bid out the construction projects. This will probably take another year. All told, it may be ~3 years before any construction happens. Mr. Lawson added that it could be a minimum of 3-5 years before any tangible changes happen. Executive Director Stowe added that he recently went to the Bi-State Commission meeting. The purpose of the meeting was to look at discussions around re-licensing. He provided details that came out of that meeting: according to the plan, there are 86 proposed projects and 55 would be done in the next five years. \$435,000 has been appropriated for a new boat ramp in the upper part of Lake Wylie. At low water, the only boat ramp available is at Nivens Creek. There is a question to consider raising the high water mark in Lake Wylie, Lake Norman, and Lake James during the summer months an additional 6 inches. The discussion turned to the 40 year license and Duke Energy's request for ten additional years of oversight. If they go from 40 years to 50 years, \$3 million that has been appropriated will come off the table. There are 274 acres under conservation easement that would also come off the table. It was noted that SCDNR supports the 50 year license agreement. Duke Energy is pursuing the additional ten years. Mr. Lawson continued to say that Duke Energy is moving forward with the 40 year license. FERC may not grant Duke Energy the additional 10 years, so Duke Energy has to go ahead with what is outlined in the 40 year license. Commissioner Thomas asked if there is anything the LWMC can do to influence raising the high water mark. He added that having more water in the lake is more of a concern than the length of the re-licensing agreement. Commissioner Thomas asked who Marine Commissioners can talk to about water level. Commissioner Brennan asked about timeline. Mr. Lawson said that a timeline would be in the new Recreation Management Plan. He can try to get a timeline from Scott Jolley.

Item 8 – Follow Up: Dumping Logs in Lake Wylie

Executive Director Stowe, Chairman Smith, and Commissioner Brennan will meet with Duke Energy officials on Tuesday, February 23 to review the recent clarifications in the regulations regarding the dumping of trees and logs in Lake Wylie. After this meeting, the path forward will hopefully be clear, for all parties including law enforcement and the LWMC. Commissioner Brennan will have a report at the March 28 LWMC meeting.

Item 9 – Update on Lake Maps

Commissioner Medler reported that Kingfisher Maps has around 880 maps of the Lake Wylie area in supply at their shop in Clemson. They are not going to print more maps because of the large quantity of Lake Wylie area maps in stock. If printing were to happen again, it would probably be in the fall. Commissioner Medler said that the map printer only prints on one side. The idea was put out there to have Lake Wylie and Mountain Island Lake on one map to control cost. The map company that he is dealing with is appreciative of the LWMC. Commissioner Hegarty brought up the point that it could be a long time (years) before the maps sell. There was discussion about how to get the maps sold. The suggestion was made to add a [link to Kingfisher Maps](#) to the LWMC website so people can easily purchase the map. Commissioner Brennan asked about the difference between the old maps and the new maps. Commissioner Medler answered that roads and water markers would be more accurate. The idea came up to tell the McLean property developers about the maps so they can buy them to give to prospective homeowners.

Item 10 – Tega Cay Update

Commissioner Brennan reported that the work on the sewer piping continues but has been slowed by the wet winter. Parts for the upgrades to the Waste Water Treatment Facilities are due in mid-March. Cleaning of the piping system is underway to be followed by boroscope/video analysis of the piping to determine the type of repairs needed: lining the pipes, replacing pipes, or point repairs.

Item 11 – Riversweep 2016 Update

Commissioner Brennan reported that letters have been sent to all donors from last year to thank them again for their support and to advise that Riversweep 2016 will be on Saturday, May 21 this year. The Leinenkugel Brewing Company, a new sponsor who joined last year, has donated tents for each site, supports flier printing, and provides prizes for the event. Details originally in place for last year's canceled event are being revisited to ensure all is ready for May 21. There will be a spot on WBTV in the morning on Saturday, April 30. Three pages worth of people signed up to volunteer at the Boat Show. The next Riversweep planning meeting will be held on Wednesday, February 24.

Item 12 – Treasurer's Report

Secretary Treasurer Biggerstaff provided the Finance Report. The LWMC's finances are tracking as they should be for the third quarter of the fiscal year.

Item 13 – Executive Director's Report

Executive Director Stowe addressed the following items:

- Water Management Group – This advisory group is made up of representatives from Lake James to Lake Wateree and Executive Director Stowe is part of that group. He will let the LWMC know what is going on with that group as they meet.
- 2016 Boat Show – The Charlotte Power Squadron wants to use SPLASH at the Red Fez Club for a few hours in the near future for a benefit for children. Executive Director Stowe asked if the LWMC wants to put a policy in place about how SPLASH is used. Secretary Treasurer Biggerstaff thinks this use should be approved. Executive Director Stowe asked if there are any objections. Commissioner Brennan thinks that the LWMC Chairman or Executive Director Stowe should make the determination as requests arise then report out at the next meeting. Chairman Smith mentioned time and space considerations at the Red Fez Club. Executive Director Stowe will speak with Terry Everhart. Commissioner Hegarty asked about if a for-profit company wanted to use SPLASH. Guidelines for using SPLASH are needed. Commissioner Brennan made a motion that any requested uses of the SPLASH robot be approved by the Chairman of the LWMC. The Chairman may consult with the Executive Director and SPLASH operator about requested uses and report out at the next meeting. Commissioner Bryant seconded the motion. The vote was taken and approved unanimously.
- Goal Setting Invoice – Executive Director Stowe requested that everyone look in their blue folder from the Goal Setting. Ms. Stultz said she put the invoice in one of the folders. Please send the invoice to Ms. Parker.
- SPLASH Operator Reimbursement – Mr. Terry Everhart asked if he would be paid for his travel time. It was agreed upon at the last meeting that he would not be paid for time spent traveling, but he would be reimbursed for mileage and time spent operating SPLASH. Mr. Everhart wants to be reimbursed for mileage at the current federal rate (which is \$0.54 per mile). Commissioner Thomas made a motion to pay Mr. Everhart the previously agreed upon amount of \$0.57 per mile and amend last month's minutes to pay in the future to the current federal rate. Commissioner Brennan seconded the motion. Discussion: Legal Counsel Clark asked when the 'future' starts. Commissioner Thomas said 'tomorrow.' The vote was taken and approved unanimously.

Item 14 – Chairman’s Report

Chairman Smith thanked all of the Marine Commissioners for putting their time in at the Boat Show. The exposure at the Boat Show was great. The LWMC had a lot of people stop by the booth. Chairman Smith thought they connected with a lot of people. She added that Commissioner Brennan did a superb job of telling people about Riversweep. Paul Cameron and SPLASH were there, which added to the good exposure for the LWMC. Chairman Smith added that a small group is meeting with Ronnie Lawson and others from Duke Energy tomorrow.

Commissioner Brennan brought up the last sentence in Item 11 – Dumping Logs in Lake Wylie in January 25, 2016 minutes. This is what the last part of Item 11 says:

Commissioner Thomas made a motion to draft a letter with Legal Counsel Clark’s approval and send to the appropriate contractors on the lake. Commissioner Brennan seconded the motion. Discussion: Commissioner Hegarty suggested that it be an open letter to the public, through the Lake Wylie Pilot or the Charlotte Observer. The vote was taken and approved unanimously. It was determined that this would be completed before the February 22 LWMC meeting.

Commissioner Brennan wished to amend his report from earlier in the meeting on the dumping of logs to reflect that the letter (referred to in the above paragraph excerpted from the January minutes) was not sent because of information that came about after the January 25 LWMC meeting. After the February 23 meeting with Duke Energy staff, it is possible that a modified letter could be sent out (or not).

Item 15 – Clerk’s Report

Ms. Parker did not have a report.

Item 16 – Old/New Business and Commission Projects Reports

- Water Quality –
 - Clean Marina/Clean Boating – Secretary Treasurer Biggerstaff and Commissioner Medler will re-inspect Clean Marinas in the spring.
 - Invasive Species – Commissioner Medler did not have a report.
- Buoys – Secretary Treasurer Biggerstaff reported that there is a buoy missing at RiverPointe and a new buoy needed.
- Safety – Commissioner Bryant reported that they have started to work on Boater Safety Week. Sgt. Mabry and other YCSO personnel are working with her on that effort. Ms. Parker was asked to add a Boater Safety Class and Event schedule to the LWMC website.
- Recreation – No report was given.
- Public Information – No report was given.

Item 17 – Adjournment

The meeting adjourned at 8:30 pm.
