

**Lake Wylie Marine Commission**  
**January 23, 2017**  
**Good Samaritan United Methodist Church**



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**Commissioners Present:** Chairman Lynn Smith (Mecklenburg County)  
Vice Chairman Neil Brennan (Gaston County)  
Secretary Treasurer Robert Biggerstaff (Gaston County)  
Commissioner Tim Mead (Mecklenburg County)  
Commissioner Blanche Bryant (York County)  
Commissioner Ellen Goff (York County)  
Commissioner Peter Hegarty (Mecklenburg County)

**Commissioners Absent:** Commissioner George Medler (York County)  
Assistant Secretary Treasurer Brad Thomas (Gaston County)

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

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**Meeting Minutes**

**Item 1 – Welcome and Introductions**

Chairman Smith called the meeting to order at 7:00 pm and welcomed everyone present. Executive Director Stowe updated the group about Commissioner Medler’s recent boat accident. He asked that Commissioner Medler be kept in everyone’s thoughts as he recovers.

**Item 2 – Approval of Minutes**

Chairman Smith asked if any changes need to be made to the November 28 minutes. Commissioner Mead and Vice Chairman Brennan suggested amendments to the November minutes. Vice Chairman Brennan moved to approve the November 28 minutes as amended. Commissioner Bryant seconded the motion. There was no discussion and the motion was approved unanimously.

**Item 3 – Approval of Agenda**

Chairman Smith asked if any changes need to be made to the January 23 agenda. Secretary Treasurer Biggerstaff moved to approve the January 23 agenda. Commissioner Goff seconded the motion. There was no discussion and the motion was approved unanimously.

**Item 4 – Public Comment**

None.

**Item 5 – Stakeholder Reports**

Charlotte Mecklenburg Police Department – Officer Joye reported that McDowell Park is still missing a buoy. CMPD lake enforcement will be at the Boat Show in the booth next to the Marine Commission.

Gaston County Police Department – Officer Hamrick reported that GCPD lake enforcement will be at the Boat Show as well.

York County Sheriff's Office – Sgt. Mabry reported about the YCSO boater safety classes. They conducted five classes in the past year and certified over 80 people. There are three more classes coming up in March, April, and May 2017. The class schedule is posted on the LWMC website. Sgt. Mabry introduced the new York County Sheriff Kevin R. Tolson. Sheriff Tolson thanked the LWMC for what the group does and said that the Marine Commission has the support of the York County Sheriff's Office.

NC Wildlife Resources Commission – No report was given.

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) – No report was given.

Vice Chairman Brennan distributed a Source Water Data report for the City of Belmont. This report covered the month of December 2016 and includes scores for turbidity, pH, temperature, hardness, iron, and coliform. Vice Chairman Brennan acknowledged Belmont City staff for preparing the report in time for the LWMC meeting.

Duke Energy – Ronnie Lawson reported that:

- Lake level: 98.0' (target level: 97.0')
- Low inflow protocol: Stage 1.
- No dredge permits have been submitted or approved in the past month.

Mr. Lawson shared the following information on the 24" pipe at Allen Steam Station:

- Duke Energy is doing additional work to seal a 24-inch diameter metal pipe that was part of a former discharge structure in the now-inactive ash basin at Plant Allen in Belmont, NC.
- The basin has been dry for years and is covered by a permanent, lined landfill.
- Old design drawings indicate that a portion of the discharge structure piping was plugged with concrete in the 1960s when it was no longer needed. The company is planning to fill additional sections with concrete as well. The pipe is approximately 300 feet long and is visible on the shoreline only when lake levels are low.
- An outside engineering firm observed the pipe earlier this year as it was performing our semi-annual seeps review. It observed this pipe during its spring 2016 review and fall 2016 review, and both times the pipe was not releasing water. This area of the shoreline is not accessible except during very low water levels, so the review for this portion of the property is conducted by boat.
- This week, the company observed some minimal discharge during a site visit, collected water samples and followed established protocols to notify NCDEQ. We've attempted to inspect the pipe by camera twice this week, though sediment and debris in the pipe have prevented a complete inspection. That led us to proceed with plugging the end to eliminate any discharges. That work should be complete today.
- Based on initial test results, the water leaving the pipe meets surface water quality standards and is consistent with the groundwater near it. There is evidence of boron, for which there is no surface water standard. However, boron is an indicator of potential coal ash impact.
- Ongoing sampling in the Catawba River and Lake Wylie indicates water quality remains well protected.
- This pipe was not included in inspections of ash basin structures in 2014. This pipe was not on the historic ash basin drawings that were used in that assessment, but it was noted on other records. The company has reviewed those other documents to ensure there are no other historic risers on the system that should be addressed.
- It is important to remember that these industrial properties have been operating for many years and have a complex network of infrastructure that evolved over time. There is a specific process in the

state law for us to identify and report any new potential discharges, and we'll continue to act diligently to protect water quality if new issues arise.

Executive Director Stowe brought up Duke Energy's Shoreline Management Plan. He said that it would be beneficial for the LWMC to have someone from Duke Energy come to a regular LWMC meeting and review the Shoreline Management Plan. Executive Director Stowe asked Mr. Lawson if that would be feasible. Mr. Stowe would like the Marine Commission to get familiarized with Shoreline Management Plan and the projects coming up. Mr. Lawson said he could possibly get someone from the Recreation Management Group to talk about the upcoming projects. Commissioner Mead emphasized key points to understand about the Shoreline Management Plan – the key objectives of the Plan and the steps that Duke Energy and local governments can take to accomplish those objectives. Mr. Lawson added that Mark Oakley could possibly make the presentation. He will talk with Mr. Oakley about addressing the LWMC.

Gaston County Cove Keeper – No report was given.

Lake Wylie Lakekeeper Report – Commissioner Goff distributed images of sedimentation that happened over the weekend. The images were taken near Commissioner Goff's home. Developers are calling the sediment-filled water, "colored water." Commissioner Goff gathered water samples from Bonum Road. The Riverkeeper has a way to filter water samples and see what they are comprised of. Vice Chairman Brennan asked if anyone from the state (SC) is sampling and Commissioner Goff replied not currently. She added that SC DHEC got the report from the New Year's Eve failure and we are waiting for their response.

#### **Item 6 – Update: Tega Cay Sewer System Repairs & Coal Ash at Allen Steam Plant**

Vice Chairman Brennan reported the following:

##### **Tega Cay Sewer System Repairs**

Rehabilitation of the waste water treatment plants (WWTPs) continues as needed repair parts arrive. Estimated completion of all repairs remains scheduled for April 2017. Refurbishment of sewer mains, laterals, and related structures was completed at the end of 2016. There have been no sanitary sewer overflows (SSOs) since June, and the engineer overseeing the project reported that the refurbished system handled the heavy rain in December and the rains this past weekend effectively.

##### **Coal Ash Issues at Allen Steam Plant**

###### **Inactive Basin and Active Basin**

All required repairs and as-built drawing certifications have been completed on both basins. The Dam Safety Risk Assessments remain at "Intermediate" pending Duke Energy's providing a permanent, alternate water supply to all homes within ½ mile of the plant. When that requirement is met the Dam Safety Risk Assessment will be reduced to "Low." NCDENR agrees that the Dam Safety Risk Factor as far as Lake Wylie is concerned is effectively "Low" at the present time.

NCDENR also reports that the leakage that occurred in December had no impact on Lake Wylie. The leakage came from an original construction pipe that had been abandoned years ago. It was discovered when the lake level dropped during the drought, and the amount of water was miniscule, well below the amount permitted for discharge into Lake Wylie. Samples of the leakage indicated that only the boron level was raised but there is not a limit for boron. NCDENR agreed that this incident was of little concern. The Allen Steam Plant Manager advised that the leaking pipe was repaired and that other original drawings have been reviewed to ascertain if there are any similar pipes; none was found.

### **Item 7 – Riversweep 2017 Update**

Vice Chairman Brennan reported that the first planning meeting will be on March 15 at the Bagel Boat at 4:00 pm. Riversweep “Save the Date” cards will be available for the Boat Show.

### **Item 8 – Treasurer’s Report**

Secretary Treasurer Biggerstaff provided the monthly finance update. The audit report (year ended June 30, 2016) came in and it is a clean report without findings.

### **Item 9 – Executive Director’s Report**

Executive Director Stowe reported:

- a. Stakeholder Appreciation Gathering – Executive Director Stowe reported that the stakeholder appreciation gathering would be in March or April, possibly at the Red Fez Club. Commissioner Thomas has a caterer lined up.
- b. Boat Show giveaways – Whistles have been ordered for the Boat Show and Executive Director Stowe found blue flashlight key chains. The LWMC should be set on giveaways for the Boat Show.
- c. At the Goal Setting, positive comments made about the McLean Development because the developer is doing a great job of keeping sediment on land and out of the water. Executive Director Stowe spoke with Steven Hinshaw and acknowledged the good job they are doing.
- d. Northern Law Center – Executive Director Stowe reported that Steven Hinshaw said the plans have been submitted to Duke Energy and they have had them for around six months. They had to get a license from Duke Energy. Once all of that takes place, he will have 36 months to build. Mr. Hinshaw said the Northern Law Center will have an office and two boat slips.
- e. York County – Executive Director Stowe went to York County offices and asked them if we re-did the Southern Law Center would we have to go through zoning, etc. He spoke with the staff person in charge of planning and zoning for York County. That conversation has been started and the process is underway.
- f. LWMC By-laws – Executive Director Stowe brought up two points of consideration that came out of the Goal Setting. He read part of the by-laws about the LWMC Treasurer being bonded, and brought up that officers could spend up to \$300, which is in the minutes, but not in the by-laws. Legal Counsel Clark commented that it is normal for any organization to revisit their by-laws from time to time. On the topic of the Treasurer being bonded, if the Treasurer does not have access to LWMC funds, does that person need to be bonded? Legal Counsel Clark asked the LWMC to think about it. On the second point, when a resolution is passed at a meeting, those resolutions are included in the minutes. Mr. Clark suggested that perhaps the resolution about officers spending \$300 should be in the by-laws. He suggested that the Marine Commission could talk about the two points now or, everyone could read the by-laws and point out other changes that might need to be considered. Vice Chairman Brennan moved to accept the recommendation from legal counsel for the Marine Commissioners to review the by-laws and to come to the next meeting with suggestions for how they might be changed for consideration and discussion at that time. Commissioner Mead seconded the motion. There was no discussion and the motion was approved unanimously. Vice Chairman Brennan moved to interpret the by-laws as they are currently written until they are changed to allow officers to make purchases up to \$300, as the commission deems appropriate, without full approval of the commission. Commissioner Goff seconded the motion. There was no discussion and the motion was approved unanimously.

### **Item 10 – Chairman’s Report**

Chairman Smith reported to the group:

- December was not a meeting month, but she met with Lisa Parrish and Marsha Thompson with Duke Energy regarding the proposed Christmas Tree Program.
- Vice Chairman Brennan, Executive Director Stowe, and Chairman Smith met with Ken Manual and other Duke Energy staff about the end of the mosquito program.
- Vice Chairman Brennan, Executive Director Stowe, and Chairman Smith met to plan the agenda for the Goal Setting. All Marine Commissioners participated in the Goal Setting and the visited Southern Law Center that afternoon.
- Chairman Smith met with Gaston Screen-printing to look at shirts for Boat Show.
- Boat Show Discussion – It is coming up on February 9. Commissioners Hegarty and Thomas have been working on booth set up. One of the good things about the Boat Show is that the Marine Commission can network with the public.
- The next LWMC meeting is February 27 at the Red Fez Club – new Mecklenburg County location.

### **Item 11 – Clerk’s Report**

Ms. Parker told the group that Centralina COG is moving to a new office on Friday, January 27. This means that the LWMC will have a new mailing address: 9815 David Taylor Drive, Charlotte, NC 28262.

### **Item 12 – Old/New Business and Commission Projects Reports**

#### **Old Business**

- Water Quality –
  - Clean Marina/Clean Boating – Secretary Treasurer Biggerstaff commented that the new marina in Belmont is scheduled to open this summer. They plan to visit and certify it as Clean Marina.
  - Invasive Species – No report was given.
- Buoys – Secretary Treasurer Biggerstaff commented that Executive Director Stowe is planning to talk with Perry from Dock Masters and Terry Everhart about buoy installation and maintenance.
- Safety – Commissioner Bryant said that we are progressing with getting schools lined up for the life jacket challenge.
- Recreation – No report was given.
- Public Information – Commissioner Goff contacted two website developers in addition to the firm that the Catawba Riverkeeper foundation is using. She will investigate those three entities. December 2017 is when the LWMC website should be done.

Vice Chairman Brennan reported that a week or two ago, he and Commissioner Thomas attended a Montcross Chamber of Commerce function. He wore his LWMC badge and people asked him about the Marine Commission. Vice Chairman Brennan suggested that the LWMC buy a membership to the Montcross Chamber of Commerce. Vice Chairman Brennan moved that the Marine Commission buy a membership to the Montcross Chamber of Commerce. Commissioner Goff seconded the motion. Discussion: Commissioner Goff said that she would like the Marine Commission to have a separate discussion about which chambers to join. Ms. Parker clarified that Commissioner Thomas called and asked her to proceed with joining the Montcross Chamber. Commissioner Goff suggested that by the next meeting, Marine Commissioners bring ideas for other chambers to join. She suggested that the Marine Commission could test one chamber of commerce in each county for a year. For York County, Commissioner Goff suggested the York County Chamber of Commerce. Commissioner Bryant asked if it is normal procedure for a Marine Commissioner to call Ms. Parker to request such an action. A comment was made that this discussion underscores the importance of the by-laws discussion held earlier in the meeting. No vote was taken because the Marine Commission had already taken action. Legal Counsel Clark advised that this is a closed issue.

**Item 13 – Adjournment** – The meeting adjourned at 8:34 pm.