

Lake Wylie Marine Commission
January 25, 2016
CHS Steele Creek Healthcare Pavilion



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

Commissioners Absent: Commissioner George Medler (York County)

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

Meeting Minutes, revised

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 November 23 minutes. Commissioner Brennan made a motion to approve the November 23 minutes. Commissioner Mead 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 January 25 agenda. Commissioner Brennan made a motion to approve the January 25 agenda. Commissioner Mead 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 it has been quiet for the past month or two. CMPD lake patrol officers are working with their superiors to get a new boat house built. If it all works out, hopefully it could be built this summer. CMPD lake patrol officers will be at the Boat Show. SPLASH’s voice box is not working. Terry Everhart is trying to fix it before the Boat Show.

Gaston County Police Department – Officer Hamrick reported that he did an inspection of their boats. Their big boat is ready to go, while the small boat has some age-related and electronic issues. The electronic equipment was put on 11 years ago. Officer Hamrick is getting prices together on electronic equipment before early February.

York County Sheriff's Office – Sgt. Mabry reported that YCSO personnel are trying to get their maintenance and upkeep done. They are also catching up on departmental training and getting ready for the Boat Show. Commissioner Brennan asked about people dumping trees in the river one Saturday recently. Sgt. Mabry responded that the perpetrator's boat registration numbers did not have enough characters. They have hit a dead end trying to track down the barge owner. He reminded everyone to let law enforcement know as soon as you see something amiss.

Tega Cay Police Department – No report was given.

NC Wildlife Resources Commission – No report was given.

SC Department of Natural Resources – Sgt. Tony Spires reported that SCDNR field officers are in training this time of year. He went ahead and addressed agenda *Item 6 – Recommendation from SCDNR on the No Wake Buoy at Duke Energy Public Boat Ramp at Viesta Road in York County*. Sgt. Spires distributed a map and addressed the group. His recommendation is to not make this area into no wake zone at this time. He gave reasons: there is a space of 168' straight across from the boat ramp, which allows ample space for boats to navigate in this area. He reminded the LWMC that this is a shallow cove. The mouth of the creek is 309' wide, so there is plenty of room to see. From the dock where boaters launch to the mouth of the creek on the parking lot side is 240', so there is also plenty of room to see. He went on to say, if the public is complaining about rough waters while launching, then he may reassess the situation because it is a public launching point. Commissioner Brennan reiterated his thought about Duke Energy's boat launches and Sgt. Spires restated that if the public complains about rough water when using the public boat ramp, then he could possibly look back into it.

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 do not take samples in December. He distributed the LUSI maps showing November data, which all looked good. He noted that site LW12 shows no fecal coliform data because the bottle broke and they lost the sample. LUESA staff took samples on January 11, 2016.

Duke Energy – Ronnie Lawson reported that:

- Lake level: 97.5 (target level: 97.0')
- Low inflow protocol: Normal
- [Duke Energy received their FERC license](#) on November 25, 2015 and it is considered active as of November 1, 2015. Duke Energy had 30 days to reply back to FERC with any questions. Duke asked FERC to extend the license from 40 years to 50 years. Executive Director Stowe brought up the plans that Duke is going to implement once the license is in place. Mr. Lawson responded by saying that Duke has asked FERC for guidance on these plans. He added that Duke's Recreation Management Group has already started working on these plans. Executive Director Stowe asked Mr. Lawson or one of his colleagues to provide the LWMC with a full report on the

impact the relicensing will have on Lake Wylie. Mr. Lawson agreed to arrange such a presentation. The LWMC is interested in seeing a timeline as well. Mr. Lawson or one of his colleagues can furnish a timeline. Commissioner Bryant asked about a situation on Concord Road. A gas pipeline is being laid under the riverbed and Duke Energy issued a permit for the pipeline. Commissioner Bryant asked about a park near that site. There is something going on at that park and she requested that Mr. Lawson find out more about the situation.

Gaston County Cove Keeper – No report was given.

Lake Wylie Lakekeeper Report – Mr. Dan Mullane reported that they are tracking the same sites as in previous months. They continue to work with the McLean property developers. He mentioned that a new marina is going in near the distillery in Belmont. Mr. Mullane said that they have a new volunteer coordinator on staff now. If anyone notices a place on the lake that needs to be cleaned up, please let Mr. Mullane know and he can pass it along. Chairman Smith requested that Mr. Mullane check in on the Palisades site. He replied that he would check.

Mecklenburg County Park and Recreation – No report was given.

Tega Cay Police Department – No report was given.

Item 6 – Recommendation from SCDNR on the No Wake Buoy at Duke Energy Public Boat Ramp at Viesta Road in York County

Sgt. Spires addressed this topic in the *Stakeholder Reports* section above.

Item 7 – Revised NW Lake Wylie LLC Application

Steven Hinshaw and Jim Heller presented to the LWMC. They presented this project to the LWMC in [April 2015](#) (page 3). Upon reviewing the plans, Duke Energy Lake Management had comments about the location of some of the boat slips. Thus, they made changes to the plan. They also discovered through Lake Management that originally that marina had been a public marina, not commercial. The impact of that finding is that it allows them to move a little bit farther back into the cove and reduce the length that the docks were going to project out into the main body of water. The main change has been the addition of some small docks in the cove area and realignment of the series of docks that projected out into the main body of water. Because it has been classified as a public marina, there will be pump out facilities and public rest rooms as part of the project. Executive Director Stowe asked if they are going to do away with the existing dock and float. Mr. Heller said that they are going to do so. Secretary Treasurer Biggerstaff met with them about a month ago and he likes this plan better. Commissioner Brennan asked if they are going to request no wake buoys. Mr. Heller said that they are going to do so. Executive Director Stowe asked about the time frame for this project. Mr. Hinshaw said at least a year. Secretary Treasurer Biggerstaff asked about a fuel dock. This plan does not contain a fuel dock. As far as time frame goes, Mr. Jim Heller said it took ~6 months for agency reviews for the last set of plans. Once agency reviews happen, then they submit to Duke Energy for review. Mr. Lawson said it could take a few weeks for Duke Energy staff to review their application. Then the application would be submitted to FERC by Duke Energy. Secretary Treasurer Biggerstaff made a motion to approve this version of the plan. Commissioner Brennan seconded the motion. Discussion: Executive Director Stowe asked if the staging area is still in the plan and if so, where. Mr. Heller answered that it is located between the launch ramp and the A dock. The vote taken and it was approved unanimously. Ms. Parker will send an approval letter to Mr. Hinshaw and Mr. Heller.

Item 8 – Update on Lake Maps

Commissioner Medler was not present to report.

Item 9 – Tega Cay Update

Commissioner Brennan reported that the City of Tega Cay, with the approval of the South Carolina Department of Health and Environmental Control – State Revolving Fund (SCDHEC - SRF), awarded the Contract for the Wastewater Treatment Plant Rehabilitation Project to Harper Corporation on October 29, 2015. The City, with SCDHEC – SRF approval, issued a “Notice to Proceed” for the Wastewater Treatment Plan Improvement Project with a start date of January 4, 2016. Work continued on the treatment plants and work started on the piping today, January 25, 2016.

Item 10 – Riversweep 2016 Update

Commissioner Brennan reported that Riversweep was canceled in October because the water level was so low. Commissioner Brennan and Ellen Goff talked about holding Riversweep in the spring 2016, but wanted to bring it to the LWMC first, since the LWMC is the main funder. They were thinking that a weekend or two before Memorial Day (5/30/16) would be a good time. Chairman Smith asked how many marine commissioners are on the Riversweep Planning Committee. The answer is several. Commissioner Brennan added that the first Riversweep planning meeting is scheduled for Monday 2/1. He was hoping to come to a decision on the date tonight so they can have a sign up sheet at the Boat Show. Commissioner Mead made a motion that the Riversweep Planning Committee select a date for Riversweep 2016, at a time before Memorial Day. Secretary Treasurer Biggerstaff seconded the motion and it was approved unanimously.

Item 11 – Dumping Logs in Lake Wylie

Commissioner Brennan introduced the topic and said that there was a [recent article](#) in the *Charlotte Observer* about dumping debris into Lake Wylie. This act is considered littering – which is illegal – unless it is considered “filling.” If it is “filling,” you need a permit from Duke Energy. He continued to say that it is a felony in North Carolina to dump debris in the lake, but a misdemeanor in South Carolina. Commissioner Brennan drafted a letter for the LWMC and for Legal Counsel Clark to review at this meeting. He proposed to work in conjunction with Lake Management on this issue. Jerry Wilkin commented that Duke Energy has a list of the contractors. Mr. CD Collins added that he was contacted by the *Lake Wylie Pilot* about this topic. He said there will be [an article](#) ([video](#) too) coming out this week in the *Lake Wylie Pilot*. Mr. Collins said he spoke with a contractor and supposedly, that contractor has a letter from the LWMC from years ago, authorizing tying concrete anchors to trees and sinking them in the lake (Mr. Collins did not see this letter). 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.

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:

- Goal Setting Report – Executive Director Stowe distributed the report from retreat facilitator Jennie Stultz before the meeting and asked everyone to review it.
- 2016 Boat Show Schedule – Please email Emily Parker and tell her when you are available to help staff the booth at the Boat Show. Commissioner Brennan mentioned that Paul Cameron’s schedule could be unusual because of the Super Bowl, if it comes to that. Executive Director Stowe mentioned that there has been discussion about getting a big tent at the Boat Show for the LWMC and law enforcement agencies relevant to Lake Wylie. The LWMC would like to have SPLASH reside in the LWMC booth.
- Lease for the Law Enforcement Center – We recently found out that the lease on the law enforcement center expires in December 2016. Six different entities are involved in the lease of that space. Executive Director Stowe asking the group if we should we start trying to renegotiate the lease or, just to leave it alone. Secretary Treasurer Biggerstaff commented that if these entities can get out of a lease by writing a letter, why make a move to renegotiate the lease. Legal Counsel Clark clarified that according to the lease, if either party wants out they have to wait until early December (30 days before lease expires) to notify other parties. His hunch is that if the LWMC does nothing, then the lease may just go year to year. He added, on the other side of the coin, if the LWMC wants to go to another 10 year lease, it may be worth approaching the other parties sooner than later. Executive Director Stowe asked the marine commissioners to please consider this situation and let him know if you have thoughts on the matter.
- *(this section has been amended)* Compensation for Terry Everhart (SPLASH) – Executive Director Stowe asked Terry Everhart to step out of the room during this part of the agenda, and he did. Executive Director Stowe went on to say that the officers met and discussed reimbursement for Mr. Everhart for his stewardship of SPLASH. The officers proposed:
 - *reimbursement for mileage at the current federal rate* to and from events where SPLASH is displayed;
 - to pay him \$20 per hour for a pre-negotiated time schedule (not including travel time); and
 - to reimburse for him for parts and whatever SPLASH needs to function.

Executive Director Stowe suggested a “gentleman’s agreement” instead of a formal contract. The marine commissioners seemed to be amenable to not having a formal contract, but want to make sure the parameters of the agreement are clear and in writing (here in the minutes). Commissioner Brennan made a motion to adopt the suggested remuneration for mileage at the current federal rate, \$20 per hour for time the maintainer and operator spends with SPLASH, and any parts, repair work, and maintenance fees. Commissioner Hegarty seconded the motion. The vote was taken and approved unanimously.

Item 14 – Chairman’s Report

- 2016 Goal Setting Update – Chairman Smith reported on the 2016 Goal Setting meeting that happened on January 13, 2016 at Belmont City Hall. The meeting was led by Jennie Stultz. Chairman Smith briefly described what the LWMC covered at the Goal Setting. There was agreement amongst marine commissioners that Executive Director Stowe continues to work hard for the LWMC. Chairman Smith thanked him. She also thanked Emily Parker and Chris Clark for their work. Commissioner Brennan asked if we they were going to address the mission statement, in light of the upcoming Boat Show. Chairman Smith wanted everyone to have a chance to read it. There are three mission statement options in the back of Ms. Stultz’s Goal Setting summary. Chairman Smith noted that Ms. Parker would need to revise mission statement in the annual booklet. Commissioner Brennan made a motion to revise the mission statement before the Boat Show and concur amongst

ourselves what the statement will be before the Boat Show. Discussion: There was not a majority in favor of this motion. The motion failed due to lack of a second.

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 continue to re-inspect the Clean Marinas in 2016.
 - Invasive Species – Commissioner Medler was not present to report.
- Buoys – Secretary Treasurer Biggerstaff said that there have been buoy issues due to water levels returning. There was brief discussion about other buoys that need to be attended to.
- Safety – Commissioner Bryant discussed the YCSO video to show in the Boat Show booth. She talked about the SPLASH giveaway card. This card is a first attempt. Chairman Smith mentioned spelling out the SPLASH, since SPLASH is an acronym. She suggested to remove the address, but include and maybe enlarge the web address and phone number.
- Recreation – No report was given.
- Public Information – No report was given.

Item 17 – Adjournment

The meeting adjourned at 8:20 pm.
