

Lake Wylie Marine Commission
January 26, 2015
Belmont City Hall



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

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

Meeting Minutes

Item 1 – Welcome and Introductions

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

Item 2 – Approval of Minutes

Chairman Thomas asked if any changes need to be made to the November 24 minutes. Commissioner Mead offered two corrections – on page 2 it says the “Bi-State Commission” but it should be the Catawba Wateree Basin Advisory Commission. In the same paragraph, it says, “...they have changed a few laws.” The Advisory Commission has no authority to change laws and Commissioner Mead is not sure who “they” refers to. Ms. Parker offered to listen to the recording from the November meeting. Commissioner Brennan also had a couple of minor edits that he conveyed to Ms. Parker before the meeting. Commissioner Mead made a motion to approve the November 24 minutes as amended. Commissioner Brennan seconded the motion and it was approved unanimously.

Item 3 – Approval of Agenda

Chairman Thomas asked if any changes need to be made to the January 26 agenda. He then added that he would like to observe a moment of silence for Sgt. Rowell after the agenda is approved. Commissioner Biggerstaff made a motion to approve the January 26 agenda as amended. Commissioner Brennan seconded the motion and it was approved unanimously.

A moment of silence was observed in honor of Sgt. Barry Rowell.

Item 4 – Public Comment

There were no public comments.

Item 5 – Stakeholder Reports

Charlotte Mecklenburg Police Department – Officer Joye reported that lake enforcement has been pulled off of the water due to uptick in crimes on land. Terry Everhart picked up SPLASH in advance of the Mid-Atlantic Boat Show. Chairman Thomas asked if there is enough space for the SPLASH trailer near the CMPD booth. Officer Joye said there is enough room for the trailer.

Gaston County Police Department – Officer Hamrick reported that he plans to take their bigger boat to New Hope Marina for servicing. Recently seized gambling money will be used to purchase equipment for the Gaston County, including an awning for the boat.

York County Sheriff's Office – Sgt. Brent Mabry reported that there has been more crime on land after first of the year. YCSO received a new sonar radar package for one of their boats. YCSO will offer safe boating classes from April through July. Class dates available through the [LWMC website](#).

NC Wildlife Resources Commission – No one was present to report. Chairman Thomas said that the LWMC has asked NCWRC for a replacement for Sgt. Rowell.

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 about the newly updated Lake Wylie Water Quality Report. He was interested in thoughts and comments from the marine commission. There are now three boxes for each sample site – LUSI, swimmable (fecal coliform), NC Trophic State Index (ecological health). There are now three different time scales shown – from current sampling month to past years since 2009. Mr. Buetow said he will add reference points to next version of map. Commissioner Brennan asked if “nutrients” are a good thing or not. He also asked how to interpret the Historical Trends graph. Basically, the green band is where you want to be. Executive Director Stowe said the water quality report is good and easier to relate to. He brought up David Blaize and mentioned that Mr. Blaize could meet with the LWMC unofficially about South Carolina data. It may be useful to ask South Carolina to provide a water quality report like LUESA's report. Commissioner Bryant asked why some scores on the water quality report are higher (e.g., LW10). Mr. Buetow answered that some sampling sites are cove sites. These sites are more susceptible to influence from storm events and therefore, you can get higher bacteria and turbidity levels.

Duke Energy – Ronnie Lawson reported that:

Current lake level: 97.7 (target level 97.0) – almost 8” above target level

Drought Management Group: Normal

Dredging: 1 dredging permit was approved for The Vineyards (in Mecklenburg County). They are going to dredge out 980 cubic yards of lake bed for the installation of 7 piers.

Lake Wylie Lakekeeper Report – Ellen Goff reported that she is pleased to announce the new Lake Keeper, Dan Mullane. She went on to say that there is a great deal of development going on in the lake area. The threat of runoff and sedimentation is increasing. The Revere at Lake Wylie (440 condos on 30 acres) has had issues with inadequate sediment barriers failing that in turn caused sediment to get into Crowder's Creek. Development plans have not taken into account significant rain events (and sediment going straight down the storm drain or into the lake). Commissioner Brennan commented that development standards may need to be changed and enforcement needs to be increased. CD Collins reported that he had just accompanied Gaston County officials to the development site at South Point Road and Lower Armstrong Road. For a long time, that site was a large

parcel of exposed red clay. Staff from Gaston County and NCDWQ are supposed to monitor these sites. Unfortunately, these departments are very short staffed and therefore cannot check on development sites with any frequency or regularity. Any runoff from the development site flows into the Misty Waters home development and then into one small cove. As a result, the elevation of the bottom of the cove has changed (become shallower). We are going to have a hard time getting ahead of the situation considering the amount of new development being planned or built (e.g., the McLean Homes – formerly the Stowe property – development will have 800+ units). Commissioner Brennan asked if Gaston County has issued a notice of non-compliance to the developer. Mr. Collins answered that the developer is technically in compliance, but compliance is not adequate, nor is monitoring the site once a month. Many of these construction sites are having same issues with inadequate standards, monitoring, runoff and sedimentation. Commissioner Brennan asked if the amount of silt is measureable. The process for collecting measurements is complicated and needs to start before sedimentation occurs. The Cove Keepers are going to monitor development sites and related sedimentation issues around the lake. Ms. Goff will send Ms. Parker pictures from Riversweep.

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

Item 6 – US National Whitewater Center Request for Comments Re: Addition to Permanent Dock on Catawba River

Trey Knight, USNWC, was present to request comments from the LWMC on the USNWC's proposed project to expand/add on to their flat water dock site. Each marine commissioner had a hard copy of the proposed plans. Mr. Knight elaborated on the reasons for the project, as follows: The lease area shown on the drawings is slightly larger than the current lease area the USNWC has with Duke Energy. For budgeting reasons, the USNWC did not build the original dock into that lease area, so part of this permitting process is to re-permit what we already have, now that the USNWC has the ability to build a dock that the last permit was set up for.

He went on to say that as the USNWC is doing this re-permitting process, they do want to expand to provide more resources to diversify some of their programming and make the experience for their guests more pleasurable and also located more on the river. Right now, it's very disjointed and so the programming that they are able to do is very limited. With some of the expanded space we will have on the additions to the dock, we can do more environmental education with the public and school groups from all over the southeast. They want to add to their current environmental education programs that are more land-based, to having classes on the dock about water quality, pollution, and wildlife before groups go out paddling. Those are the types of things that are driving some of the design aspects of the dock. Chairman Thomas asked if the primary purpose of the dock was environmental education classes. Mr. Knight responded that it is to make the experience better for the guest by having all of the components of the flat water programs – whether it's renting a paddle board or kayak, or participating in an education class – consolidated in one place, and for that to be a facility that they think is up to the USNWC's professional standards. It is also to help the staff do their job easier and more efficiently. This will help with payroll and staff turnover issues, and will make the guest's experience better. Chairman Thomas followed up by asking what the other purposes are, in addition to the education classes. Mr. Knight said to give the staff more space to work and to give the guests more space to gather and linger. We have lots of adults that bring their families out, including grandparents. The additional space will give people watching their families in the water a place to settle that is out of the way of the staff moving boats around. Chairman Thomas asked about the 93' projection from the shoreline, and how much further the dock extends beyond what they currently have. Mr. Knight said 7'. The current dock does not go out as far as the current lease area. He's not sure how far out the current dock goes. The dock does not extend into the water way now. Chairman Thomas asked about the purpose of the pump system shown on the drawings. Mr. Knight responded that the purpose is to have a less costly way of maintaining the water depth and water volume in the rafting channels. Right now, the channels are filled by two wells using City water. The volume of water in the channels impacts recreational enjoyment levels and also ability to irrigate

the grounds. Having the pump in use and drawing up water from the river would provide a back up to the wells – for rapids and irrigation. Chairman Thomas asked about water usage. The USWNC uses millions of gallons of water per month. Mr. Knight added that the more rain we get, the less water we need to pull from wells or the river. Commissioner Biggerstaff clarified that a large amount of water could be pulled out of Lake Wylie and alluded to the negative impact that would have on the river. Executive Director Stowe commented that North Carolina does not have legislation about surface water withdrawal (whereas SC does), so technically water can be removed from the river without a permit, and none of it will be returned to the lake. Mr. Knight countered that all of the water pulled from the lake will be returned to the lake. This is will be done by draining the channels. He said all water used (that does not evaporate) will go back to the watershed. Chairman Thomas asked Ronnie Lawson (Duke Energy) if he has anything to add. Mr. Lawson said that the USNWC’s proposed plan meets their Shoreline Management Guidelines. Mr. Knight added that the water quality at the USNWC is something they work to improve. Hopefully the water they return to the Catawba at the end of the year will be “less different” than the Catawba.

Vice Chairman Smith asked how many more people does the USNWC expect to put on the water in paddle boards and kayaks during peak weekends in the summer (May-August). Mr. Knight answered that “we don’t currently plan to expand the program,” the dock is to help us engage different types of programs and to improve the guest experience by helping the staff have an easier job and to give people more space. Commissioner Brennan asked for clarification – so you are not planning to increase the number of kayaks and paddle boards significantly? We bought more paddle boards, but we won’t be able to put any more people on the water. We have had a bottle neck in our operations because of trip talk that people have to go through now. We increase it every year, trying to get people to sit down and get a little bit more orientation and education around it. We have to do that slowly because if their expectation threshold for that information is very low, I can give a trip talk for a long time (20 minutes), but if the person thinks they don’t need the information – we’re just wasting everyone’s time. So, there is a bottle neck in our operations and we cannot move any faster. We want the experience to be more enjoyable, so we bought more paddle boards so people don’t have to wait as long to get on the river, but because of the bottle neck that happens, we can’t put any more people on the river without changing the way that we do things. If anything, we’ll put less people on the river. Through that component, we do want to expand some of the other educational programming we are doing which will hopefully put more people on the water during (our numbers are) Saturday and Sunday – that’s when it’s crowded. We would like more summer camp kids and school groups in fall and spring. We hope for our annual amount to go up, but we don’t plan to increase the density. Any growth that happens – that’s our intention to grow – is a Monday-Friday component really aimed at fall and spring, some of it summer camp based, but not much because other components of summer camp are already almost at capacity (rafting, zip lining, mountain biking), so we will not add a new summer camp program, just engage the kids that are already there in a more effective way on the river. Chairman Thomas explained to Mr. Knight what the next steps are including all or most of the marine commissioners taking time to visit the site in question. This topic will be on the February 23 agenda. Ms. Parker will help coordinate the visit to the USNWC.

Item 7 – Tega Cay Update

Commissioner Brennan reported that there have been no sanitary sewer overflows (SSOs) in Tega Cay since October 11, 2014. The equalization capacity (EQ) system is working as designed to prevent overflows. The City of Tega Cay is awaiting SCDHEC approval of the preliminary engineering plan and funding from the state. The system continues to be analyzed so that when the funds become available from the state, Mr. Joel Wood (of Joel E. Wood & Associates, LLC) is confident that they will be applied effectively. Mr. Wood also has confidence in the workforce that is now operating the system. Mr. Wood sent a Consent Agreement Corrective Action Report to Mr. Paul Wise with SCDHEC on December 11, 2014.

Item 8 – Treasurer’s Report

Secretary Treasurer Hull provided the Finance Report. We are a little over half way through the fiscal year and we are tracking on income and expenses. Ms. Parker gave everyone a copy of the audit for year ended June 30, 2014.

Item 9 – Executive Director’s Report

Executive Director Joe Stowe reported.

- a. No Wake Zone Requests Follow Up – Executive Director Stowe talks about getting calls from *The Lake Wylie Pilot* wanting to know what the LWMC’s stance is on requesting no wake zones in all of the coves that surround Tega Cay. His response has been that he does not know anything about it.

Mr. Stowe asked Legal Counsel Clark to give the follow up report on the two no wake zones requests that were submitted to NCWRC a few months ago. Mr. Clark referenced an email he sent to the marine commissioners earlier in the day. The McDowell Park/Copperhead Island request was denied by NCWRC. NCWRC could not justify the expansion of that no wake zone in that area. He had some questions about repealing the decision. Kate Pipkin from NCWRC (NWZ Coordinator) informed him about the repeal process. However, she is not aware of a formal repeal process for the denial of a no wake zone application. She said the LWMC can:

- 1) Contact our District 6 Commissioner, Jim Cogdell. The LWMC would be asking him to act contrary to the safety assessment performed by NCWRC officers. The LWMC would have to present strong evidence that the officers were unaware of or overlooked. Or,
- 2) Mr. Clark did additional research – when an administrative body like NCWRC makes a ruling that the LWMC as an interested and involved party does not agree with, we do have some appellate rights (in either Mecklenburg or Wake counties) – filing an action in court.

On the Sadler Island no wake zone request: the request was for a no wake zone to be placed in the channel to the west of Sadler Island. NCWRC deemed this area very dangerous. Thus, NWZs will be put in on *both sides* of the island. Also, NCWRC reported that instead of following their normal process (which could take until September), they are do a “temporary rule making” first. This means that you do not have to have a fiscal assessment and can skip steps usually needed for a normal rule making. It looks likely that buoys will be placed in the water by April 1, 2015. NCWRC is required to have another public hearing. Ms. Pipkin will call me about setting up a public hearing around Lake Wylie.

Some buoys are missing at McDowell Park/Copperhead Island location. In NCWRC’s opinion, it is up to the LWMC to attend to the placement and maintenance of markers. LWMC is designated as a “suitable agency,” the LWMC can fix/reposition buoys. Mr. Clark sent a map out to the marine commissioners that shows buoys with color-keyed call out boxes listing where information is in Administrative Code. Ms. Pipkin can make similar maps for the buoys on the lake. Executive Director Stowe spoke with Captain John Campbell, NCWRC District Captain. They are interested in doing a safe boating class for USNWC and Tailrace Marina. Chairman Thomas made a motion for the LWMC to support all recommendations made by the NCWRC that were discussed this evening during this portion of the agenda. Commissioner Mead seconded the motion and it was approved unanimously.

- b. Executive Director Stowe added a report about Eagle Scout Austin Baker’s project – putting up wood duck boxes. He completed his project and his Eagle Scout ceremony is this evening.
- c. Safe Boating Week – Commissioner Bryant mentioned an idea to promote Safe Boating Week. One idea is to get area high school students to have a competition to see which group can wear most life jackets at

one time. Pharr Yarns has approved use of their billboard for Safe Boating Week. If anyone knows of a billboard that we could use, please let her know. Adams is the company in the Lake Wylie area that owns billboards. May 16 starts National Safe Boating Week. Commissioner Brennan talked about Paul Cameron possibly focusing on safety in April and May.

- d. Executive Director Stowe distributed yellow LWMC golf shirts. The blue golf shirts are forthcoming, hopefully in time for the Boat Show. Everyone signed up for the Boat Show. Paul Cameron will be in the booth on Saturday.
- e. Goal Setting Results – This topic was not addressed.

Item 10 – Chairman’s Report

- a. 2015 Boat Show – Chairman Thomas said we have gotten good representation from everyone to staff the booth. The LWMC will be in booth #93. We will have signs made for Paul Cameron.

Item 11 – Clerk’s Report

Ms. Parker reminded everyone to send me pictures for the LWMC slideshow as soon as possible.

Item 12 – Old/New Business and Commission Project Reports

- Water Quality –
 - Clean Marina/Clean Boating – Commissioners Biggerstaff and Medler contacted Pat Durrant in Morehead City. She sent a box of Clean Boater guides to hand out at the Boat Show. She also sent best management practices for Clean Marinas.
 - Invasive Species – There was no report.
- Buoy – Commissioners Biggerstaff talked about moving buoys with Officer Joye.
- Safety – Commissioner Bryant had nothing new to report.
- Recreation – Chairman Thomas had nothing to add.
- Public Information – Secretary Treasurer Hull had nothing new to report.

Vice Chairman Smith and Commissioner Bryant are going to handle sending a donation in honor of Sgt. Barry Rowell.

Item 13 – Adjournment

The meeting adjourned at 8:42 pm.

The next meeting will be held on February 23, 2015 at Good Samaritan United Methodist Church (5220 Crowder’s Cove Lane, Lake Wylie, SC)