

**Lake Wylie Marine Commission**  
**July 27, 2015**  
**Belmont City Hall**



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**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 George Medler (York County)  
Commissioner Tim Mead (Mecklenburg County)  
Commissioner Robert Biggerstaff (Gaston County)

**Commissioners Absent:** Commissioner Blanche Bryant (York 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 – Approval of Minutes**

Chairman Thomas asked if any changes need to be made to the June 22 minutes. Commissioner Brennan made suggestions for revisions to parts of the June minutes. Commissioner Mead made a motion to approve the June 22 minutes, as amended. Commissioner Biggerstaff seconded the motion and it was approved unanimously. Ms. Parker will make the suggested changes to the June 22 minutes.

**Item 3 – Approval of Agenda**

Chairman Thomas asked if any changes need to be made to the July 27 agenda. Commissioner Hegarty made a motion to approve the July 27 agenda. Secretary Treasurer Hull seconded the motion and it was approved unanimously.

**Item 4 – Public Comment**

Scott Webb – Lake resident, Catawba Cove. He spoke on the topic of Seven Oaks Marina. He said that homeowners in that neighborhood are concerned about the Seven Oaks Marina and possible safety issues related to the proposed dock. He added that it is not a question of if an accident will happen, but when an accident will happen. Mr. Webb asked the LWMC to consider their concerns related to the proposed dock at the Seven Oaks Marina.

Marty McCarthy – Lake resident, Catawba Cove Drive. He spoke on the topic of Seven Oaks Marina. Cove residents are deeply concerned about safety related to a proposed dock constricting a narrow channel. He asked each of the marine commissioners to reconsider the positioning of that dock and ask the developer to move it into a more tenable position.

Jed Schloss – Lake resident, RiverPointe. He spoke about the Utilities Inc. pipe that is sticking out of the water in RiverPointe Cove. He said that this pipe has been a long time safety issue in the cove. He and his neighbors are concerned about the safety of their children and grandchildren and also do not want their property to be damaged. The County, EPA staff and others have come out to the site and agree that something needs to be done about it. An orange buoy has been placed there, but it's not enough, as the pipe extends well beyond the orange buoy. He asked the pipe be lowered or removed before someone is injured.

Commissioner Brennan asked who put the orange buoy in the water. Tony Konsul with Utilities, Inc. answered that his company placed the buoy.

Bob Zito – Lake resident, RiverPointe. He was a licensed Master Plumber in New York. He is concerned about this pipe because he thinks this pipe (hub and spigot design) is installed backwards. Hubs and spigots are supposed to point in the direction of the flow. In this case, they are not. If it is installed backwards, it is likely less secure than it would be if it were installed properly.

#### **Item 5 – Stakeholder Reports**

Charlotte Mecklenburg Police Department – Officer Joye reported that they charged three boaters with BWI on July 4. The Coast Guard will be back on Labor Day weekend. Executive Director Stowe asked about CMPD's boat. Officer Joye said it should be back up and running this week.

Gaston County Police Department – No report was given.

York County Sheriff's Office – Sgt. Mabry reported that everything went well over July 4. YCSO held a boating safety class two weeks ago. They have had ~60 people come through their boating safety classes.

NC Wildlife Resources Commission – Officer Laton thanked the LWMC and CMPD for acting so quickly to get the buoys moved near Tailrace Marina and the USNWC. NCWRC is continuing with pre-launch boat checks. They want to continue to preach and teach boater safety. Their next big time of the year on the water is Labor Day weekend.

SC Department of Natural Resources – No report was given.

US Coast Guard – No report was given.

US Coast Guard Auxiliary – John Brindle with the Coast Guard Auxiliary reported that they would like to hold an aircraft crash drill on Lake Wylie. There's a new runway coming out of Charlotte. Any aircraft that can fly 200 knots can land at the bridge in a little over two minutes. Any aircraft that can fly 150 knots can land at the bridge in a little over three minutes. Another point of interest is Bryant Field. Once an aircraft takes off from Bryant Field, the aircraft could be in the water in three minutes. He noted that several aircraft have gone down in Lake Wylie. The aircraft drills in the past have been handled by table top programs. There were no actual drills to see what we do not know – including the impacts of pollution, debris, and securing the lake. He added that if a plane were to take off from Bryant Field and be 15-20 degrees off course, that plane could end up at the nuclear power plant in 3.5 minutes. They would like all the marine units involved in this drill. They will continue to gather support for the drill and aim to have the drill in October.

Mecklenburg County Land Use and Environmental Services Agency (LUESA) – Justin Klein reported on testing that took place on July 22. The related maps will be shared at the August meeting. LUESA is dealing with an issue at Long Cove Marina where people are flushing their house boat or large boat sinks straight into the lake. Per Mecklenburg County policy, the County can fine up to \$20,000 per day for anyone discharging into the lake unlawfully or neglectfully. They are in the process of contacting marinas and house boat owners to verify if their sinks are plumbed to the lake and to let them know about this policy. Commissioner Brennan commented that boaters doing this are probably not aware of this policy and the ramifications of putting gray water in the lake. Commissioner Medler added that house boat owners and others may think they are doing alright by using “biodegradable” soap (and draining into the water). Mr. Klein said that this issue just came up recently. They are starting to investigate marinas. Chairman Thomas asked about the soap used to wash boats and if boats are washed in the water. Mr. Klein explained the citation process. Commissioner Medler recommended that Mecklenburg County LUESA suggest what kind of soap boaters can use that is alright to discharge into the lake.

Mr. Klein mentioned that he is working on an online platform where you can pull up the lake and see records and LUSI maps, etc. Commissioner Brennan asked about the RiverPointe pipe issue. Mr. Klein said that it would take 30 minutes (with dye) to figure out if there is a leak in that pipe.

Duke Energy – Ronnie Lawson reported that

- Lake level: 95.4 (target level: 97.0)
- No dredge permits have been approved lately.
- Duke Energy will put out a media release tomorrow about the drought and about boat ramp closings. We are currently in Stage 1 of the drought. The media release will provide more information.
- [Low inflow protocol](#): We are usually in the ‘Normal’ stage. We went into Stage 0 about a month ago – Stage 0 is the first stage and is a “watch” stage. In Stage 1 the target storage index in the lake is below 90% but is greater than 75%. Stage 1 implies voluntary restrictions on water usage. Stage 2 (storage index is below 75% but greater than 57%) gets into mandatory water restrictions, such as only being able to irrigate 2 days a week. Mr. Lawson added that when we are in these drought stages, the water released through gates is even more tightly regulated. In Stage 3, the storage index is below 57% and mandatory water restrictions are applied – 1 day per week allowed for irrigation. Stage 4 is the critical level where the storage index is less than 42%. In this stage, all outdoor water use is restricted.

Chairman Thomas asked how Duke Energy determines the target lake level and would there be any negative impacts if the target level were raised (continuously). Mr. Lawson answered that Lake Wylie stays at 97 feet (its target level), which is 3 feet below full pond. If Duke Energy raised target levels, then there would be more high water events and flooding. There are 11 lakes in the chain – from Lake James to Lake Wateree – and they manage water levels of the 11 lakes as one unit. Mr. Lawson noted that the lake system loses millions of gallons a day due to evaporation.

Gaston County Cove Keeper – No report was given.

Lake Wylie Lakekeeper Report – Dan Mullane reported that they are continuing to monitor the same sites – 274, the McLean property, Paradise Point, and Palisades. Overall, it has been a quiet month. He announced that they are holding a social event at Muddy Creek Distillery on August 11 at 7:00 pm. Sam Perkins will speak about the various upcoming Riversweep events. Commissioner Hegarty asked about the coal ash discharge situation in RiverPointe. Staff from the City of Charlotte Soil and Erosion department came out and took samples, but Mr. Mullane has not heard the results yet.

Mecklenburg County Park and Recreation – No report was given.

**Item 6 – Follow up on the Request for Comments: Kevin Loftin Riverfront Park (submitted by WK Dickson)**

Adrian Miller, Assistant City Manager in Belmont, was present. He said that several marine commissioners came to the park for a site visit with Mr. Miller in early July. He noted that the City has awarded the general contract for the park and hope to break ground in September. Chairman Thomas added that the City of Belmont would like to add no wake zones at the boat ramp and the at the kayak and canoe launch areas – which will be part of the park and open to the public.

Commissioner Mead made a motion to locate appropriate no wake markers near the proposed park. Commissioner Brennan seconded the motion and it was approved unanimously.

Commissioner Brennan made a motion to accept the proposal from the City of Belmont and proceed with the park as described. Vice Chairman Smith seconded the motion and it was approved unanimously.

**Item 7 – Follow up on the Request for Comments: Ebenezer Park Shoreline Stabilization Project (submitted by Habitat Assessment and Restoration Program, Inc.)**

Secretary Treasurer Hull gave a brief review of the project. Secretary Treasurer Hull made a motion to approve the plan as submitted. Vice Chairman Smith seconded the motion and it was approved unanimously.

**Item 8 – Request for Comments: Proposed HDD Installation of Fiber Optic Cable Crossing Lake Wylie – Hwy 74 Bridge, Gaston and Mecklenburg Counties (submitted by BroadPlex)**

Dr. Rocco DiSanto made a brief presentation to the group. BroadPlex provides fiber optic transport facilities for healthcare and school systems, and other enterprises. BroadPlex plans to place fiber optic cable under the Highway 74 Bridge and the waterway. The proposed installation would be for 1.25” conduit containing 1 fiber optic cable made up of 72 strand count of fiber. The fiber optic cable would provide broadband access to people on this side of the river. According to the plan, the cable would be placed 20’ below the riverbed. Chairman Thomas asked that a few marine commissioners conduct a site visit before the August meeting. Ms. Parker will help coordinate this visit.

**Item 9 – River Pointe Camp Steer Cove Hazard (submitted by Utilities, Inc.)**

Tony Konsul with Utilities Inc. was present to talk about the River Pointe pipe situation. He would like a permanent buoy to be put in place so work can investigate options for how to ameliorate the situation – either bury line or move the line. In the interim, Utilities Inc. would like a danger buoy to be put in place. Commissioner Brennan brought up Mr. Zito’s comments made earlier during Public Comment about the pipe possibly being installed backwards and asked how long it might take to get situation investigated and fixed. Chairman Thomas asked Officer Laton for his recommendation on how to approach this situation. Officer Laton said that the danger buoy would be the most appropriate

measure. It was noted that the LWMC can place buoys in the water. Commissioner Medler asked how long Utilities, Inc. has known about this pipe. Mr. Konsul said that a cove resident called and informed Utilities, Inc. about the pipe in the last 2-3 weeks. Mr. Konsul clarified that highly treated effluent wastewater comes out of that pipe. Commissioner Biggerstaff made a motion that Ms. Parker send a letter to NCWRC to get approval to place a danger buoy at the site. Commissioner Brennan seconded the motion and it was approved unanimously.

Executive Director Stowe offered the following – there is no procedure in place on the lake right now to handle a situation such as the one we are in with the pipe. He called several stakeholder organizations to try to come up with a process so that the LWMC does not have to say ‘no, we cannot help you.’ The rule of thumb now is that whomever is closest to a problem handles it. Mr. Stowe would like consensus on how to answer situations such as this to keep people out of a gray area. Commissioner Brennan commented that what Mr. Stowe is proposing is within the LWMC Charter. The Charter states that the LWMC is “...to encourage the safe use and enjoyment of the lake. We monitor such issues as... and other issues that are brought to the Commission’s attention by citizens. Commissioners develop special initiatives as needed.” Commissioner Brennan concurred with Mr. Stowe about needing to address this issue. Executive Director Stowe suggested a small committee of marine commissioners form to think through options and/or possible solutions. A small group of marine commissioners volunteered: Commissioners Brennan, Hegarty and Mead (if by email) volunteered. Chairman Thomas asked the group to report back at the August 24 meeting.

#### **Item 10 – Update on Lake Maps**

Commissioner Medler reported that he spoke with Kingfisher maps and his contact apologized for the delay in getting Commissioner Medler the maps. Once the maps come in (they are late due to bad paper), Commissioner Medler can convene the Lake Map Committee to make updates to the map.

#### **Item 11 – Tega Cay Update**

Commissioner Brennan reported that pending the awarding of bids, the South Carolina Department of Health and Environmental Control – State Revolving Fund (SCDHEC-SRF) has approved the funding for the Tega Cay "Division I, Gravity Sewer Rehabilitation Project." Bids will be taken on August 11 and subcontractors identified thereafter. Work on the rehabilitation of the main system is anticipated to start in late September or early October.

The Joel E. Wood and Associates engineering firm will be the inspection/quality control entity for the project. Mr. Wood advised that the timeline imposed on the City of Tega Cay to complete repairs did not adequately account for the bureaucratic process for state funding approval. Despite the time taken to ensure funding, Mr. Wood believes the 22 month timeline that began in June 2014 can still be met next April.

#### **Item 12 – Riversweep Update (October 3, 2015)**

Commissioner Brennan reported that the third Riversweep planning meeting was held on July 15. All 14 site captains have been identified, and Dan Mullane will serve as kayak coordinator this year. In addition to Belmont, Mount Holly has committed to both a monetary donation for and advertising of Riversweep in their newsletter. Members of the planning committee will meet with Tailrace Marina management this week to scope out the trash and debris situation along the Mount Holly shoreline. Rock Hill and Fort Mill have also agreed to promulgating information on Riversweep in their water bill mailings and/or social media. There are adequate funds and materials to conduct Riversweep on October 3. The biggest need is that more boats are needed. TV and radio spots will be arranged along

with signs in businesses to get the word out for more boat captains. Pre-registration begins on August 1 on the Riversweep website [www.lakewylieriversweep.com](http://www.lakewylieriversweep.com).

### **Item 13 – Treasurer’s Report**

Secretary Treasurer Hull provided the Finance Report. The LWMC’s finances are tracking as they should be. Secretary Treasurer Hull made a motion to engage the independent auditor to audit the books for last year. It is an annual requirement and the cost for the audit (\$2,600) is budgeted. Commissioner Mead seconded the motion. Discussion: Commissioner Brennan confirmed that the audit is an annual requirement and Chairman Thomas confirmed the cost of \$2,600. The vote was taken and it was approved unanimously.

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

Executive Director Joe Stowe reported.

- a. The LWMC was invited to a reception for a new pump out boat at Tega Cay Marina. Between the two boats, there is 1,100 gallon pump out capacity. Tega Cay Marina owns the two boats and offers the pump out service for free to anyone, anywhere on the lake.
- b. WBTV called and wanted someone from the LWMC to take a reporter out on the lake to see the impact of the drought. Mr. Stowe and CMPD Officers Joye and Carey took the reporter out on the water and showed him rocks, danger buoys, “new” islands, and shallow places, etc. The spot aired on Channel 3.
- c. “Stow it, Don’t Throw It” – Mr. and Mrs. Stowe went to the seven Clean Marinas and left “Stow it, Don’t Throw It” bags and sign-up sheets for Riversweep. Boaters are taking the bags.
- d. Cabela’s Event – The LWMC was present at a recent Cabela’s event. SPLASH was there and was a big success.

### **Item 15 – Chairman’s Report**

Chairman Thomas did not have a report.

### **Item 16 – Clerk’s Report**

Ms. Parker did not have a report.

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

- Water Quality –
  - Clean Marina/Clean Boating – Commissioner Biggerstaff reported that all seven Clean Marinas have been re-certified as Clean Marinas. Commissioner Biggerstaff will update Justin Klein (Mecklenburg County LUESA) about the Clean Marinas.
  - Invasive Species – Commissioner Medler had nothing to report.
- Buoys – Commissioner Biggerstaff had nothing to report.
- Safety – No report was given.
- Recreation – No report was given.
- Public Information – Secretary Treasurer Hull did not have a report.

### **Item 18 – Adjournment**

The meeting adjourned at 8:22 pm.

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***The next LWMC meeting will be held on August 24, 2015 at Good Samaritan United Methodist Church (5220 Crowder’s Cove Lane, Lake Wylie, SC).***