

Lake Wylie Marine Commission
March 28, 2016
Good Samaritan United Methodist Church



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)
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 February 22 minutes. Secretary Treasurer Biggerstaff made a motion to approve the February 22 minutes. Commissioner Medler 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 March 28 agenda. Commissioner Brennan made a motion to approve the March 28 agenda. Secretary Treasurer Biggerstaff 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 one of the CMPD boats will need to be painted which will take around 30 days. The second boat will remain in service. Officer Brian Carey will be promoted to sergeant and will be moved to another district. Commissioner Hegarty asked how late CMPD patrols on the lake. Officer Joye responded and he talked more about staffing and patrol coverage.

Gaston County Police Department – Officer Hord introduced Captain M.K. Shelor. He is the new captain over the lake patrol unit. Officer Hord reported that GCPD lake patrol are currently part time, and are getting great assistance from CMPD and YCSO. They should be back on the lake full time around June 1.

York County Sheriff's Office – Sgt. Mabry reported that it has been a busy few weeks. Many law enforcement agencies were involved in the FEMA lake clearing exercise. They conducted the exercise on Thursday 3/24. The YCSO had a certain section of lake to clear, as did the other agencies. FEMA was looking at communications between agencies, across county and state lines. Sgt. Mabry reported that agencies coordinate well together. Last Saturday YCSO had great boater safety class. The next boater safety class is on April 16.

Tega Cay Police Department – No report was given.

NC Wildlife Resources Commission – Sgt. Laton also commented on the great coordination, cooperation and communication between law enforcement agencies in general and during the FEMA lake clearing drill. He agreed that the drill was a success. NCWRC will offer a boater safety classes on April 3 at Bass Pro Shop at 11 am. They will have another class on May 15 at the Bass Pro Shop at 1 pm. He talked about their VIP – vehicle injury program. They will start pre-launch boat safety inspections in June. They usually set up at Copperhead Island. NCWRC will give out stickers if a boat passes pre-launch inspection. The stickers are new, and will not necessarily prevent being pulled over.

SC Department of Natural Resources – No report was given.

US Coast Guard – No report was given.

US Coast Guard Auxiliary – Rick Croasdale reported that they are partnering with Cabela's to conduct public education classes. The US Coast Guard Auxiliary now has five boats on Lake Wylie. They got six new people on board over the winter. He is anticipating see US Coast Guard personnel on Lake Wylie over the big upcoming holiday weekends. Riversweep is on the start of National Safe Boating weekend (May 21).

Mecklenburg County Land Use and Environmental Services Agency (LUESA) – Mr. David Ferguson reported that LW6B bacteria score is high. 6B was more turbid than normal due to a big rain event. He said he would keep an eye on it. Mr. Ferguson talked about the McLean Property development. He talked with his supervisor about doing an aerial fly by. The fly by happened a couple of weeks ago and did not see anything out of place. He commented that they may add a monitoring site near that development. A development between Paw Creek and Beaver Dam in Mecklenburg County has been proposed. LUESA will likely add a monitoring site near little Paw Creek. Once this development gets going, LUESA will watch it closely.

Duke Energy – Ronnie Lawson reported that:

- Lake level: 97.3' (target level: 97.0')
- Low inflow protocol: Normal
- No dredge permits have been issued. Now in fish spawning season. No dredging.
- Duke Energy Lake Management staff met with Chairman Smith, Commissioner Brennan, and Executive Director Stowe to talk further about dumping trees in the lake. Duke Energy sent out a communication to contractors saying that that act does not meet their Shoreline Management guidelines. A similar such letter will be sent to lake enforcement officers. Mr. Lawson distributed copies of the letter addressed to law enforcement agencies to the LWMC. He reviewed the letter aloud. One of the commissioners asked if the letter makes dumping trees in the lake a prosecutable act. Mr. Lawson responded that Duke Energy Lake Management does not have a prosecution plan. However, Duke Energy will back up law enforcement if a case like this comes up.

Gaston County Cove Keeper – No report was given.

Lake Wylie Lakekeeper Report – Mr. CD Collins reported that he is impressed with the development of the Stowe property. It appears to be a clean operation so far. He went to Belmont to look at the new marina, and will keep track of its progress. Ms. Ellen Goff addressed the LWMC and added that they went to Gaston College to testify to the NC Division of Environmental Quality (DEQ) about coal ash and how it is designated. After a brief summary on what they heard at the coal ash meeting, she proposed that the LWMC go on record in support of changing the designation. Changing the designation will make coal ash clean up – including excavation – happen 10 years sooner than planned, in 2019. She went on to say that coal ash has ruined wells and is highly toxic. Ms. Goff offered to help write the letter and/or pass along talking points so a letter could be put together.

Commissioner Brennan asked what the designations are based on. He suggested first finding out what the rules are, the limits, the standards, and what the data show. Secretary Treasurer Biggerstaff suggested that Commissioners Brennan and Hegarty look into it. Ms. Goff said that April 18 is the end of the comment period. She conveyed to the group that part of the urgency around this issue has to do with the stability of the 60 year old earthen dam that is currently holding back polluted water. Commissioner Medler asked if it would be beneficial for the LWMC to send a letter saying that we are looking into this issues. Ms. Goff said that action (letter of support) is needed in the very near term and that she was surprised that there is hesitation from the LWMC on this issue. Secretary Treasurer Biggerstaff agreed with Ms. Goff – that the LWMC should go ahead with the letter. Commissioner Brennan followed up to say that one of the reasons he is opposed at this time is because of the Catawba Riverkeeper Foundation’s rhetoric around the coal ash issue. He does not want the LWMC to be associated with that type of rhetoric. Commissioner Brennan thinks the LWMC needs to proceed carefully.

Commissioner Mead said there are some things we know about coal ash, and some things we do not know. Coal ash getting into drinking water is a bad thing because heavy metals do bad things. He asked if there is seepage between ash ponds at Allen Plant and Riverbend into the drinking water. At this time, in the absence of better evidence, he would be reluctant for the LWMC to make a stand. Commissioner Brennan added, if we knew what the limits are that have been established by reputable government agencies, then we should be able to measure where we are. He thought that the main issue is the drinking water in wells, and Ms. Goff disagreed. Mr. David Ferguson with Mecklenburg County LUESA said they test at the Allen Plant (AL1) for metals, but it is on the Gaston County side so their testing is limited. He tests “really hard” at Riverbend – in Mecklenburg County. Ms. Goff rebutted that this could be another Dan River situation, and that this is about the health of the entire river. Secretary Treasurer Biggerstaff commented if toxic materials are already in well water, then why wouldn’t they seep into the lake. He agrees with Ms. Goff on this issue. Mr. Ferguson offered to bring metals samples to a next LWMC meeting. Chairman Smith said that she does not think that the LWMC can write a support letter at this time. She requested more information on the coal ash issue be presented to the LWMC. Commissioner Brennan will work with Ms. Goff on this issue.

Tega Cay Police Department – No report was given.

Item 6 – Follow Up: Dumping Logs in Lake Wylie

Commissioner Brennan reported that Executive Director Stowe, Chairman Smith, and Commissioner Brennan met with Duke Energy’s Director of Lake Services Jennifer Huff, Manager of the Southern Region, Kelvin Reagan, and Representative Ronnie Lawson on February 23, 2016.

Director Huff stated that Duke Energy has rejected the loose verbal permission allegedly given years ago to “...dump as long as it’s weighted down” and stated, “You should not see anyone dumping logs in the lake again.” She agreed to get the word out not to just Lake Wylie contractors but also to contractors on the other lakes and to the various law enforcement agencies, both formally (in writing) to the hierarchy that acts as their “agents” and to the officers who attend our meetings. Based on those assurances

Chairperson Smith and Executive Director Stowe advised that the Lake Wylie Marine Commission plans no further action other than to support Duke Energy and law enforcement in ensuring the policy is followed -- as is in keeping with the LWMC mission statement.

Director Huff further asserted that each event of putting fill material in the lake must be permitted – there are no blanket permits. With regard to the idea that log and tree dumping enhances fishing sites and is viewed by some as allowed activities, Mr. Reagan and Mr. Lawson advised that there been very few requests for fish attractors, and those requests must come from the South Carolina Department of Natural Resources or the North Carolina Wildlife Resources Commission.

Item 7 – Update on Lake Maps

Commissioner Medler had nothing new to report.

Item 8 – Tega Cay Update

Commissioner Brennan reported that contracts have been approved and Notices to Proceed for all of the work approved by South Carolina Department of Health and Environmental Control-State Revolving Fund, and the City is certain there will be marked improvement in the system over the next few months. Work has begun on the rehab of the gravity collection system and on the WWTPs. Harper Corporation will complete modifications to WWTP No. 2, modifications to WWTP No. 3 & 4, and the installation of the Intermediate Pump Station. Prism Contractors & Engineers, Inc. has begun to clean and video the gravity sewer lines: 8,295 linear feet of lines have been cleaned as of March 8th. Construction Resources Group, Inc. will install 3,611 linear feet (LF) of 6 inch force main and appurtenances and 3,784 LF of 10 inch force main and appurtenances. The City experienced intense rainfall during the month of December and the City was able to manage the record inflow into the system with two SSOs. The first was on December 23, 2015 at 1007 Palmyra Drive of approximately 60,000 gallons. The second was on December 23, 2015 at Kailiua Circle of approximately 4,800 gallons. The SSOs are way less in gallons than in previous years.

Chairman Smith thanked Commissioner Brennan for his diligent work on the Tega Cay issue. She asked that “Tega Cay Update” be removed from the LWMC agenda, henceforth. Commissioner Brennan can update the group on an as needed basis. Chairman Smith suggested that perhaps Commissioner Brennan could focus his attention on this issues – sewage leaks – in other areas, such as River Hills. Ms. Parker will take the “Tega Cay Update” off the agenda starting with the April 25, 2016 LWMC meeting.

Item 9 – Riversweep 2016 Update

Commissioner Brennan reported that the Riversweep website is available for registration at any of 14 sites. Long Cove Marina and Yacht Club will replace Copperhead Island and the Belmont Riverside Marina is replacing the Dale’s Landing site. Notifications are to appear in water bills and/or newsletters in Belmont, Mount Holly, Fort Mill, and Rock Hill. Flyers are being distributed to marinas and businesses, and reminders are being sent to those who signed up at the 2016 Boat Show. Some TV and radio spots have been arranged. Leinenkugel’s and Cabela’s are offering prizes for volunteers. Based on those who indicated they would register, we may need more boat captain caps. He asked if the LWMC would consider spending a little more funds on more boat captain caps. This is something to consider for the April 25 LWMC meeting. Commissioner Hegarty said it will take a week to get more caps. We have already ordered 72, and would need another 24 caps. Chairman Smith asked a question about people that have signed up for Riversweep in previous years. It was confirmed that those people are already on a distribution list.

Item 10 – Treasurer’s Report

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

Item 11 – Executive Director’s Report

Executive Director Stowe did not have any updates for the group. He applauded everyone for their hard work.

Item 12 – Chairman’s Report

Chairman Smith updated the group on the various activities and meetings she attended since the February meeting.

Item 13 – Clerk’s Report

Ms. Parker did not have a report.

Item 14 – Old/New Business and Commission Projects Reports

- Water Quality –
 - Clean Marina/Clean Boating – Secretary Treasurer Biggerstaff and Commissioner Medler are ready to re-inspect Clean Marinas. They will need new Clean Marinas flags and will coordinate with Executive Director Stowe to get them ordered.
 - Invasive Species – Commissioner Medler did not have a report.
- Buoys – Secretary Treasurer Biggerstaff reported that there has been a buoy missing at RiverPointe. He would like to put a new pencil no wake buoy at that location. There is another buoy at the 74 bridge that needs to be taken out. Commissioner Hegarty commented on the situation with the buoys at RiverPointe – some boaters are taking advantage of speeding through the channel near where the missing buoy should be. Secretary Treasurer Biggerstaff thinks it should be taken care of soon.
- Safety – Commissioner Bryant reported that they are coordinating with the Riversweep Planning Team. She plans to get busy with the schools in April.
- Recreation – No report was given.
- Public Information – Ed Hull commented that the website has been updated with Riversweep information.

Item 15 – Adjournment

The meeting adjourned at 8:11 pm.
