

**Lake Wylie Marine Commission
May 20, 2013
Gaston College East Campus
Meeting Minutes**



Commissioners Present: Chairman Terry Everhart (Mecklenburg County)
Vice Chairman Brad Thomas (Gaston County)
Secretary Treasurer Ron Wanless (York County)
Commissioner Robert Biggerstaff (Gaston County)
Commissioner Smitty Hanks (Gaston County)
Commissioner Ed Hull (York County)
Commissioner George Medler (York County)
Commissioner Lynn Smith (Mecklenburg County)
Commissioner Howard Virkler (Mecklenburg County)

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

Meeting Minutes

Item 1 – Welcome and Introductions

Chairman Everhart called the meeting to order at 7:02 pm.

Item 2 – Approval of Minutes

Commissioner Virkler noted that in the April 22 minutes, 'McManus' of Brian McManus with Hoopaugh Grading should be spelled with a 'us' instead of a 'is.' A motion was made by Commissioner Biggerstaff to approve the amended April 22, 2013 minutes. The motion was seconded by Commissioner Virkler and it was approved unanimously. [Note: 'McManus' is spelled correctly, with a 'us,' in the April 22 meeting minutes.]

Item 3 – Approval of the Agenda

Chairman Everhart asked if any additions or changes needed to be made to the May agenda. In the Clean Marinas segment of the agenda, Commissioner Medler added that he wanted to talk about possible liability issues related to adding electrical inspections to the Clean Marina (re)certification process. Commissioner Medler is not in favor of adding electrical inspections to the Clean Marina (re)certification process. A motion was made by Secretary Treasurer Wanless to approve the agenda as amended. The motion was seconded by Commissioner Hull and it was approved unanimously.

Item 4 – Consent Agenda

No items were submitted on the consent agenda.

Item 5 – Public Comment

No one was present for public comment.

Item 6 – Stakeholder Reports

Charlotte Mecklenburg Police Department and SPLASH Report – Chairman Everhart reported.

- SPLASH attended the Ready, Set, Wear It! event on Saturday, May 18. SPLASH then went to the Good Samaritan United Methodist Church Celebration of Music where it experienced technical difficulties related to wireless technology. These issues are being addressed.
- CMPD is back on the lake with full spring/summer law personnel. Chairman Everhart went to Charleston for required dive training last month, which is why he could not attend the April LWMC meeting. He also noted that trash from the recent high water event is starting to settle out of the lake. Chairman Everhart talked about a person riding a water board – a new kind of water recreation device/method.

Gaston County Police Department – Officer Hamrick reported.

- The GCPD's patrol boat recently had two dead batteries. The batteries are being replaced and GCPD will be on the lake this weekend and Monday for the Memorial Day holiday. GCPD will return to full staff on the lake on June 9. The GCPD's new boat has been ordered and everything is on schedule.

York County Sheriff's Office – Sgt. J.E. Ware reported.

- YCSO started their summer schedule this past weekend. There is not too much happening on the water at the present time. Sgt. Ware also witnessed the person on the water board. He noted that the person doing it tends to get too close to the docks, and this could be problematic.

NC Wildlife Resources Commission – Sgt. Barry Rowell reported.

- The NCWRC will start conducting pre-launch boat and safety checks on the lake. Commissioner Hanks asked if there is a schedule of when NCWRC pre-launch boat and safety checks will happen. Sgt. Rowell said that he sets the schedule every 28 days. Ms. Parker will coordinate with Sgt. Rowell on the pre-launch check schedule so that it can be posted to the LWMC web site.

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.

- Mr. Buetow reported on water quality results from March 2013, and all sampling sites looked good. The LUSI index was blue, and looked basically the same as it was in January 2013. Mr. Buetow noted that other sheet he distributed is a summary of the LUSI index and how it is calculated. There are five sub-indices that comprise the index. The indices are pass/fail and are based on North Carolina water quality standards. Commissioner Hanks asked if additional testing is done after high water events. Secretary Treasurer Wanless asked if additional testing is done or precautions are taken when sewage is spilled into the lake. Mr. Buetow answered that yes, no swimming advisories and signs are posted, in addition to other measures. Secretary Treasurer Wanless asked if LUESA has any data on how large a sewage spill would need to be to denote a significant event. Mr. Buetow answered that any kind of sewage spill will trigger the no swimming advisory, etc.

Duke Energy – Ronnie Lawson reported.

- Lake level: 97.6 and that is ~½ foot above target level.
- Drought Management Group: Low Inflow Protocol (LIP) is at Stage 0 – no recent update has been given by DMG.
- Duke Energy has not permitted any dredging in the last month and will not until after July 1.

Lake Wylie Lakekeeper Report – C.D. Collins reported.

- The Lakekeepers now have two boats in their fleet (vs. 4) and they can go on any lake on the Catawba River. He did visit the construction site on Highway 74 near the South Fork River. All construction sites are in a state of disrepair after the rain event. Commissioner Biggerstaff noted that he also checked on the Highway 74 project.

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

Item 7 – Request to Modify an Existing No Wake Zone

Mr. Gary Grosso presented on behalf of Mr. Ted Rahon. Per Mr. Grosso, Mr. Rahon is requesting that the no wake zone buoys be moved or extended to the mouth of his cove. Boaters sometimes travel through the mouth of the cove at high speed, causing significant wakes that can damage floating docks and/or could cause someone to fall in the water or lose footing. Executive Director Stowe asked if Mr. Rahon's property is in North or South Carolina. Mr. Grosso said that the property is on a peninsula and that 98% of the property is in North Carolina. However, the buoys themselves may be in South Carolina. Chairman Everhart noted that the LWMC cannot install buoys in South Carolina. SC DNR puts buoys in SC water. Chairman Everhart noted that the two buoys that Mr. Rahon is requesting to be extended do not actually signify an official no wake zone. The buoys were just placed there by a private citizen(s) and could be removed at any time. Commissioner Hanks asked if the docks are private or public. They are private docks in a narrow cove. Chairman Everhart said that the opening is maybe 150 yards wide. Depending on where the buoys are located – in NC or SC – there are two different processes for addressing the situation. In the cove, the water is in South Carolina. Chairman Everhart said that the LWMC will assign this situation to a couple of marine commissioners who will visit the site and make recommendations back to the group. He will ask law enforcement to watch and evaluate that particular water way for a certain period of time. CMPD will start their evaluation this weekend and then report back to the LWMC. Mr. Rahon can coordinate this evaluation period through Ms. Parker.

Item 8 – S&ME Request for Comments on New PSNC Natural Gas Line

Mr. Michael Wolfe from S&ME presented, representing PSNC, about a new natural gas pipeline extension project. A crossing easement is needed to cross Lake Wylie. A notice about project scoping must be sent to area entities, including the LWMC, to see if any group has comments. The pipeline will run under the bottom of the river, at least 30' below the bottom. Commissioner Hanks asked if the pipeline would run 30' below solid ground or below sediment. Secretary Treasurer Wanless asked about the operating pressure for the pipes. Mr. Wolfe did not know, as he is not a natural gas expert. However, he will follow up with someone at PSNC. Secretary Treasurer Wanless would like to know pressure figures since the underwater pipes will be plastic, according to the schematic. Mr. Wolfe asked the marine commission if there is a document that shows the depth of sediment in that area vs. original bottom. The LWMC does not have that data, but perhaps Duke Energy does. One open question that needs to be resolved is whether or not the pipes running under the bottom of the river are going to be steel or plastic. Mr. Wolfe will get this question answered. Secretary Treasurer Wanless and Commissioner Hanks were assigned to look into this request further. Mr. Wolfe clarified about a right of way and a misplaced polygon. Commissioner Hanks inquired about the timeline for this project. Mr.

Wolfe said that the scoping procedure last about 75 days and that PSNC/S&ME is still in first half of that. Vice Chairman Thomas asked about the lifespan of a steel pipe. Mr. Wolfe will need to look into that as well.

Item 9 – Riversweep Update

Commissioner Hanks reported that Riversweep planning is progressing nicely. The planning committee is still considering food, but it is likely that lunch will not be served that day. They are trying to target businesses in order to get groups to participate in Riversweep. It would be easier to manage volunteers that way.

Item 10 – Treasurer’s Report

Secretary Treasurer Wanless reviewed the financial statements and declared that the LWMC is in excellent financial condition. The proposed budget for FY 13-14 was distributed to marine commissioners before the meeting by Ms. Parker, for their consideration in advance of the June 24 meeting. Secretary Treasurer Wanless noted that the last line item on the proposed budget is for the Reserve account. Currently it is empty but the desire is to start growing the LWMC’s Reserve account. Secretary Treasurer Wanless asked for any recommendations to do so. One suggestion that came up was to change the annual allocation for July 4th fireworks from \$1,000.00 to \$500.00. Chairman Everhart suggested that a subcommittee form to take charge of the FY 13-14 budget. Executive Director Stowe called for several marine commissioners to be lead the budgeting process and to make recommendations for FY 13-14. Executive Director Stowe, Secretary Treasurer Wanless, and Commissioner Hanks will comprise the budget sub-committee. The proposed FY 13-14 budget will be voted on at the June 24 meeting.

Item 11 – Executive Director’s Report

Executive Director Joe Stowe reported.

- Law Center Boat Ramp Update – The boat ramp has been poured. Executive Director Stowe extended an invitation to all marine commissioners and those present to meet at the boat ramp on Wednesday, May 22 at 8:30 am to review the spec sheet and approve of the work done, before final bill is paid.
- A letter and check (\$7,600.00) were received from an anonymous donor. The donor asked that the funds be used to support environmental cleanup, maintenance and operation of a pump out boat owned by Lake Club Marina. A motion was made by Secretary Treasurer Wanless to honor the donor’s request and write a check for \$7,600.00 to the Lake Club Marina for support and maintenance of their pump out boat. The motion was seconded by Commissioner Biggerstaff and approved unanimously.
- July 4th Fireworks – As previously mentioned, \$1,000.00 was put into the FY 12-13 budget for July 4th fireworks. However, the desire is to cut the fireworks budget from \$1,000.00 to \$500.00. There was discussion about when the check for fireworks is usually cut, before July 1 or after (answer: usually after July 1). No commitment has been made this year to the fireworks committee about the LWMC’s support of the 2013 fireworks. Commissioner Hull mentioned that it would be up to the budget committee to decide. It was noted that for the past several years, the LWMC has been one of the top three financial contributors to the July 4th fireworks. A motion was made by Commissioner Medler that this year, the LWMC will write a check to the fireworks committee for \$500.00. The motion was seconded by Commissioner Virkler. Discussion: Will the check be written before or after July 1, 2013? The \$500.00 payment check will be cut after July 1, 2013. The motion was approved unanimously.

- Executive Director Stowe mentioned the Gaston County PAWS Fish Attractors event and also Ready Set Wear It! Both happened during the past weekend on Saturday, May 18.
- Mr. Stowe raised a question about marine commissioner terms and why terms begin on October 1, instead of starting in January (January 1 – December 31). If the LWMC was to shift to starting terms in January, Commissioner Hanks' term (ending 9/30/13) may need to be extended through the end of the year. Mr. Stowe asked for any comments. Legal Counsel Chris Clark read in the LWMC's enabling legislation that it is prescribed that marine commissioner terms begin on October 1. Thus, the terms will remain starting in the fall, running from October 1 to September 30.
- A York County budget meeting will happen on May 29 and Mr. Stowe and Chairman Everhart will attend.
- On the topic of Centralina COG's contract with the LWMC, Ms. Parker will send a draft FY 13-14 contract to all commissioners for review in advance of the June 24 meeting.

Item 12 – Chairman's Report – Chairman Everhart reported.

- IBWSS Report – Chairman Everhart attended the International Boating and Water Safety Summit in San Antonio, Texas earlier this year. While at the Summit, he attended several meetings of the National Safe Boating Council. He networked with Rachel Johnson (National Safe Boating Council), Chris Stec (American Canoe Association), Michael Baron (US Coast Guard HQ), Chris Castelli (Clay County, FL Sheriff's Office), Larry Meddock (Water Sports Industry Association), Ryan Dilkey (Eckerd College, FL), Edwin Lyngar (Nevada DNR), and Cecilia Deur (National Water Safety Congress). Chairman Everhart promoted the LWMC and its ongoing programs (e.g., the hydrilla and grass carp program, the SPLASH water safety program, Clean Marinas) and being first in North Carolina to have mandatory education for PWCs. The information was well received by many. There were questions about how we were formed and remain funded. Once the subject was broached, there was a lot of interest because of the benefits to the community that the LWMC provides. This conversation provided an excellent segue for our presentation on *"Partnerships: How to build an effective and efficient water safety program during tight economic times."* We presented at 8:00 am and had about 25-30 in attendance at that session. Chairman Everhart spoke with Chris Stec (American Canoe Association) as well as Larry Meddock (Water Sports Industry Association) about speaking to the LWMC about growing issues on Lake Wylie. The ACA will tie in nicely with the ongoing Tailrace Marina – US National Whitewater Center discussion.
- Ready, Set, Wear It! – The weather was not the best on May 18 and the turnout was smaller than expected. Chairman Everhart thanked those that came out and supported the event on Lake Wylie: Duke Energy (Joe, Kelvin, Kermit, Ronnie, et al), CFD #38 Crew, Joe Stowe, Chris Clark and family, and Gaston County PAWS. Ready, Set, Wear It! is an internationally recognized day to kick off Boater Safety Week.
- Good Samaritan United Methodist Church: Celebration of Music Event – Chairman Everhart took SPLASH to a music festival at Good Samaritan United Methodist Church in order to promote boating and water safety to the young and old that attended. However, there was a conflict between the wireless systems in SPLASH and the groups that were performing music. SPLASH was unable to operate due to the danger of interference causing a malfunction that could lead to injury. The person in charge was encouraged to contact us if they had another event where SPLASH could be used to educate about safety.

- Attendance Policy Discussion – Chairman Everhart stated that there needs to be resolution between the LWMC’s attendance policy and that of the county that appoints each commissioner. Marine commissioners should be aware of their own county’s attendance policy as well. Legal Counsel Clark added that the LWMC’s attendance policy states that appointed commissioners are expected to attend 8 out of 11 LWMC meetings per year. Attending 8 out of 11 meetings is ~72%. While this is in compliance with the LWMC policy, attending ~72% of meetings is in violation of the Mecklenburg County attendance policy which states that commissioners must attend 75% of meetings. Henceforth, in addition to attending at least 8 out of 11 meetings, each marine commissioner is responsible for knowing and abiding by his/her county’s attendance policy. Beyond the attendance policy discussion, Legal Counsel Clark added that he amended three items in the bylaws:
 - He revised a section about secret or written ballots. Voting in this manner is not allowed. All votes must be taken so that all present know which way commissioners vote (an audible vote and/or a show of hands). This is in keeping with open meetings law standards.
 - He removed the part of the bylaws that listed the original Lake Wylie marine commissioners. This information is no longer relevant.
 - The bylaws incorrectly stated the LWMC’s fiscal year starts on August 1. It should say July 1.

Legal Counsel Clark distributed a redlined version and a clean version of the bylaws to each commissioner and recommended that they review the changes and then the commission can have discussion and vote at the June 24 meeting. Chairman Everhart brought up the idea of “excused” absences from meeting (i.e., if a commissioner is on actual marine commission business and has to miss a meeting or medical issues). The verdict is that Mecklenburg County (and perhaps other counties) does not differentiate between excused and unexcused absences; a missed meeting is a missed meeting.

- Riverwood Development Follow Up – Since the April meeting, Ms. Ann Duncan contacted Chairman Everhart multiple times by email in reference to the Riverwood development project. Most of the questions Chairman Everhart and Commissioner Smith had previously have been addressed as well as the reasons for the questions. Chairman Everhart provided background and asked if there were any questions for Ms. Duncan, who was in attendance. Commissioner Hanks had a question about the drawings provided and discussion followed. A motion was made by Commissioner Smith to approve the Permit-4-U request related to the Riverwood development. Vice Chairman Thomas seconded the motion. Discussion: Secretary Treasurer Wanless thought that the marine commission should not proceed until correct drawings are provided. Ms. Duncan then produced a more accurate version of the drawings. The motion was approved unanimously. Ms. Parker will send an approval letter to Ms. Duncan.

Item 13 – Clerk’s Report – Emily Parker reported.

Ms. Parker noted that a Monthly Report of Administrative Services is included in the agenda package, and if there are any questions, to please let her know. Ms. Parker provided each of the commissioners with an update 2013 meeting schedule. Thanks to Commissioner Smith for providing this document! The Mecklenburg County meeting location has been moved to Pleasant Hill Presbyterian Church (15000 York Road, Charlotte). The LWMC will meet there for the first time on July 22.

Item 14 – Old/New Business and Commission Project Reports

- Water Quality
 - Clean Marina/Clean Boating – Commissioner Biggerstaff reported that he and Commissioner Medler received a Fire Safety Checklist to possibly be incorporated into Clean Marinas (re)certification process. Commissioner Biggerstaff asked the other commissioners to please review the checklist. Commissioner Hanks asked how incorporating this fire safety checklist into the Clean Marinas (re)certification process is different from the comments made earlier in the meeting by Commissioner Medler about electrical inspections and possible liability issues. After some discussion, it was agreed upon that the Fire Safety Checklist represented recommendations that could be made. Recommendations could also be made about testing for electrical safety as well. For example, during a Clean Marinas (re)inspection, it could be *recommended* that the owner/operator of a marina test *their own* fire extinguishers. Ken Cotte with Tailrace Marina suggested looking into existing American Boat and Yacht Council (ABYC) standards as well.
 - Invasive Species – Commissioner Virkler reported that he tried to contact Ken Manuel earlier today about the status of stocking carp. Further information is forthcoming.
- Safety – Saddler Island Safety Report Update

Chairman Everhart attended a community meeting on Riverside Drive, located on the upper portion of Lake Wylie in Mecklenburg County, near the dam. He spoke to those in attendance about the changes that have taken place in the area of Saddler Island since increased development has happened in the area. There were a wide range of ideas of how to deal with the issues in the area. Three people were selected to represent the residents in this process. The next step is to set up a group meeting with representatives from all the groups along with invited guests from the American Canoe Association and other knowledgeable professionals. The goal would be to develop a workable plan to move everyone safely forward into the coming years. Hopefully the plan will be comprehensive enough to have something in it for everyone and everyone will be invested with it. Chairman Everhart hopes to have the joint meeting during the month of June. Commissioner Hanks commented to please let the group know if there is anything that could be done in the meantime to make this part of the lake safer.
- Buoys – Commissioner Hanks reminded those present, and particularly law enforcement, that if they see LWMC buoys out of place to please let us know.
- Recreation – Vice Chairman Thomas reported that he exchanged voicemails with his contact from the Antique Boat Show. That event is scheduled for September 13, 2013.
- Public Information – Commissioner Hull reported that Ms. Parker is doing a good job keeping up the web site. Commissioner Smith talked about the recommendation made during the April meeting to honor good, responsible work done at the end of a construction project. Commissioner Smith developed certificates that could be used to honor worthy businesses. Hoopaugh Grading, who made a brief presentation at the April meeting, could likely receive the certificate and perhaps a letter of commendation written by Commissioner Virkler.

Item 15 – Public Comments (limited to 3 minutes)

No one was present for public comment.

Item 16 – Adjournment

The meeting was adjourned at 9:01 pm.

The next LWMC meeting is scheduled for 7:00 pm on Monday, June 24, 2013 at Good Samaritan United Methodist Church (5220 Crowder's Cove Lane, Lake Wylie, NC).