

**Lake Wylie Marine Commission**  
**September 28, 2015**  
**Carolinas Healthcare System – Steele Creek Healthcare Pavilion**



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

**Commissioners Absent:** Commissioner Peter Hegarty (Mecklenburg County)

**LWMC Staff Present:** Joe Stowe, Executive Director; Katie Foss, Legal Counsel;  
Emily Parker, Clerk

**LWMC Staff Absent:** Chris Clark, Legal Counsel

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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 August 24 minutes. Commissioner Mead made a motion to approve the August 24 minutes. 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 September 28 agenda. Commissioner Bryant made a motion to approve the September 28 agenda. Secretary Treasurer Hull seconded the motion and it was approved unanimously.

**Item 4 – Public Comment**

Bob Zito of 15736 Eagleview Drive, Charlotte, NC in the RiverPointe subdivision. He addressed the exposed sewer pipe in the cove at RiverPointe. Mr. Zito said that he would like to yield most of his comments to Sam Perkins. However, in his experience as a retired master plumber he knows that the sewer pipe was installed incorrectly 30 years ago. He requested the Marine Commission’s continued attention to this issue.

Jed Schloss of 15731 Eagleview Drive, Charlotte, NC in the RiverPointe subdivision. He addressed the exposed sewer pipe in the cove at RiverPointe. Mr. Schloss has been in front of LWMC once before, a couple of months ago. He reiterated that the pipe and the area around the pipe smells terrible and is a dangerous, polluting eyesore. He invited the Marine Commission to come to his house to look at the pipe. He requested that the pipe be buried or removed.

#### **Item 5 – Stakeholder Reports**

Charlotte Mecklenburg Police Department – Officer Carey reported that since his last report to the group, CMPD had two boating while impaired incidents, with one ending in an arrest. The US Coast Guard has been to Lake Wylie several times over the past months. All Mecklenburg County boat ramps are closed. Due to low water level, boat traffic has decreased. There has been an uptick in larceny from docks and shorelines. A couple of people have been caught that were stealing tackle boxes and fishing poles. There has also been an uptick in drug use on the shoreline. CMPD are working both the shoreline and on the water. CMPD officers, including boat officers, have new body cameras. They are starting a five year plan to upgrade their boat houses and they are looking at purchasing one or two new boats.

Gaston County Police Department – No report was given.

York County Sheriff's Office – Sgt. Mabry also reported that due to low water level, boat traffic has decreased. There is one ramp open at Tega Cay, but there is still not much traffic. Sgt. Mabry was going to go with SCDNR personnel to inspect buoys while the water level is so low in order to take advantage of being able to see the shallows and possibly adjust buoys as needed. Commissioner Brennan asked what the process is if they find a buoy that needs to be added or replaced. The answer is that SCDNR is in control of taking or directing action at that point. YCSO has discreet authority to replace an existing buoy, but not to place a new buoy.

Tega Cay Police Department – No report was given.

NC Wildlife Resources Commission – Sgt. Laton discussed the buoy in the RiverPointe cove. NCWRC's Engineering Services staff will not place a buoy at this location ([see the July and August meeting minutes for background](#)). NCWRC will likely go through Utilities, Inc. to get a buoy installed to alert boaters and swimmers to the pipe. Sgt. Laton offered assistance to get this buoy placed. He noted that the NCWRC is transitioning into hunting season.

SC Department of Natural Resources – No report was given.

US Coast Guard – No report was given.

US Coast Guard Auxiliary – Mr. Rick Croasdale reported that the lake level is down, lake activity is down, and their patrols have decreased. The Coast Guard Auxiliary still has one boat on the water. They are continuing boating safety classes and training.

Mecklenburg County Land Use and Environmental Services Agency (LUESA) – Mr. Dave Ferguson reported to the group. He is new to this position at LUESA. He distributed the July LUSI map. He did September sampling today. He noted that on the forthcoming September LUSI map, there will not be a score for LW-6B. They could not reach it by boat to get a sample, due to low lake level. Mr. Ferguson suggested that "if you do not know this river from Paw Creek north, you should not be on the river"

because of the shallowness of the water. Commissioner Brennan asked Mr. Ferguson to add the RiverPointe cove to their list of places to inspect.

Duke Energy – Ronnie Lawson reported that:

- Lake level: 93.6' (target level: 97.0')
- Low inflow protocol: Stage 1. The next meeting of the Drought Management Group is on October 1. Chairman Thomas asked Mr. Lawson to give the LWMC a report from that meeting at the October 26 LWMC meeting.
- Mr. Lawson noted that all boat ramps, except for the Nivens Creek boat ramp, are closed ([click here for more information](#)).
- Lake residents have been discovered putting non-native plants in the lake. SCDNR will contact the home owner. Mosquito spraying crews found hyacinth and water lettuce plants in the lake. They removed this non-native vegetation. Commissioner Bryant asked if there's a fine for putting non-native vegetation in the lake. Mr. Lawson responded that Duke Energy does not fine people, but the matter will be attended to by SCDNR.
- A dredge permit was approved at 9410 Windy Gap Road. The permit is for over 19,000 cubic yards of sediment to be removed from the lake bottom in a certain cove.
- Joe Hall, long time member of Duke Energy Lake Services team, is retiring at the end of the month.
- Commissioner Medler asked Mr. Lawson why Lake Wylie has the lowest water level in the Catawba-Wateree system. Lake Wateree is at 97'. Commissioner Medler asked what the lake level would have to be to shut down the Catawba Nuclear Power Plant. Mr. Lawson did not have this figure on hand. He commented that Lake Norman is at 93.8' and that Lake Norman is further below target level than Lake Wylie. Chairman Thomas clarified that the USNWC has not started removing water from the lake ([see January and March minutes for background](#)).

Gaston County Cove Keeper – No report was given.

Lake Wylie Lakekeeper Report – Mr. CD Collins reported that his boats are still afloat and he is patrolling the lake looking for erosion issues. Mr. Sam Perkins told the group about a recent Riversweep event in Mountain Island Lake. 80 volunteers gathered and took 5,750 pounds of trash out of the water and shoreline. He said about half of that trash was near the Mountain Island Lake dam. The Mt. Holly Fire Department was on hand and very helpful in the clean-up process. He added that the Catawba Nuclear Power Plant in take is at 90'.

Mecklenburg County Park and Recreation – No report was given.

Tega Cay Police Department – No report was given.

#### **Item 6 – Follow up on New Construction at Palisades**

No one was present to give an update.

**Item 7 – No Wake Zone Request – Nivens Creek in York County**

Mr. Michael Goodnight presented his No Wake Zone request. The following has been excerpted from his No Wake Zone request; this is the same information that he shared with the Marine Commission:

I have lived in Nivens Creek cove for ten years and during this time Nivens Creek has become increasingly busier. In this ten year period homes sales have grown. This has increased the number of docks along the shoreline. Recently the No Wake Zone was enlarged in both directions of the boat landing, marked with the additional buoys. For the most part it has had a positive impact on traffic and speed. By increasing the No Wake Zone it has created an increase in traffic at the end of cove.

Boaters and PWC that come into the cove, once clearing the last buoy accelerate to end of cove. The distance between buoy and end of cove is a very short distance. In some cases boats pulling a tube or wake board, go back and forth up to buoy and back to end of cove creating excessive waves, impacting others using the cove and wear tear on the docks. Nivens Creek has become a hotspot for paddle boarders, kayakers, fishing boats, boaters anchored in the middle of the cove.

Tega Cay has a water front park in the cove, used by swimmers, boaters beaching on the sandy beach and water sports. Groups of paddle boarders and kayakers use the cove to practice yoga and instructional classes. There is a need to increase the No Wake Zone to the end of cove. It's a matter of public safety and enjoyment for the passive users looking for a calm and safe environment. This will lessen the chances of an accident and the protection of personal property for dock owners.

Referencing South Carolina state boating laws, boats and PWC may not operate in excess of "idle speed" within 50 feet of anchored boats, pier or dock and persons in the water. It's my observation that these restrictions are not and cannot be achieved due to size of the area. There are approximately 24 docks located in this confined area. Factoring the 50 foot required distance from anchored boats, docks and persons in the water, this decreases the foot print of usable space even more.

Mr. Goodnight is requesting that the no wake zone be enlarged, to come down to the end of the cove. Chairman Thomas said that a few Marine Commissioners would visit the site before the October 26 meeting. Commissioner Medler, Secretary Treasurer Hull and Executive Director Stowe volunteered to visit the site and report back at the October meeting. Secretary Treasurer Hull asked for Sgt. Mabry's input on the matter. Sgt. Mabry said that SCDNR is against expanding that particular No Wake Zone. Chairman Thomas asked Mr. Goodnight if he has asked Tega Cay Police Department for assistance. He has gotten a less than satisfactory response from that organization. Sgt. Mabry added that due to new personnel, he is hoping they will be more responsive in the future.

**Item 8 – Presentation on No Wake Buoy at Duke Energy Public Boat Ramp at Viesta Road in York County**

Mr. Ed Oliver presented to the Marine Commissioners. He lives on the cove near the Allison Creek access area. The issue is that even though it is a public access area, there are not any no wake buoys in place. He went to SCDNR about this issue a couple of years ago, but nothing came of it. With the way people drive their boats through this area, Mr. Oliver thinks it is an accident waiting to happen. Commissioner Brennan added in that it is a reasonable place to have a no wake buoy. Commissioner Medler asked what might work better – having no wake buoys placed across or down the middle of the cove. Mr. Oliver suggested placing a buoy as you enter the cove before the public access. Just one buoy

may do the job because it is so narrow there. Chairman Thomas said that a few Marine Commissioners would visit the site before the October 26 meeting, and make a recommendation to SCDNR.

**Item 9 – Catawba Riverkeeper Comments on Riverpointe Waste Water Treatment Plant Permit**

Mr. Sam Perkins, Catawba Riverkeeper, introduced this topic. Package waste water treatment plants came about in the 1980s and can be problematic. The drought has exposed the pipe (coming from the WWTP into the water) in the cove at RiverPointe. It is installed backwards, it appears to have buckled at one point. Utilities, Inc. owns this pipe and has had many violations of this nature over the years. This one pipe in particular is problematic. NCDENR in Mooresville is the closest enforcement agency. Mr. Perkins suggested that while the water is down they want to expedite fixing this situation. Matt Klein is the (brand new) Utilities, Inc. contact for North Carolina. Mr. Perkins mentioned the real economic impact of living with polluted water. Executive Director Stowe asked what the LWMC can do to help this situation. Mr. Perkins recommended a formal written response to NCDENR, sent to Michael Parker, head of [NCDENR in Mooresville](#) (704-663-1699 or [Michael.parker@ncdenr.gov](mailto:Michael.parker@ncdenr.gov)). Mr. Perkins commented that he is interested in knowing the Utilities, Inc. plan for fixing this situation.

Chairman Thomas asked Mr. Lawson about what he knows regarding this situation. Mr. Lawson has been in contact with Utilities, Inc. staff and is awaiting their plan of action to fix the situation. Martin Lashua of Utilities, Inc. would also be a good person to contact. Martin Lashua and Tony Konsul addressed the LWMC a few months ago ([click here for the July minutes](#)). Mr. Kermitt Taylor with Duke Energy spoke with Mr. Konsul last week. NCDENR is where the “buck stops.” Chairman Thomas asked what the LWMC’s recommendation should be – tie into Charlotte Water or something else. Commissioner Mead added that over the last 30 years, Charlotte Water has absorbed many package waste water treatment plants. Mr. Perkins suggested seeing how open Charlotte Water leadership would be to absorbing the package plant in question. Commissioner Mead added that it would be good to know the engineering compatibility between the package plant and one of Charlotte Water’s nearby waste water treatment plants.

**Item 10 – Update from Subcommittee focused on River Pointe Camp Steer Cove Pipe & Draft Emergency Safety Procedure**

Commissioner Brennan sent around a draft proposed Emergency Safety Procedure. He reviewed the four suggested initial steps for “other pop-up issues” on page 2 of the document. He proposed that if NCWRC does not have objections with Utilities, Inc. placing a buoy, why can’t the LWMC keep a few danger buoys on hand and place them as needed, with permission from NCWRC. Chairman Thomas asked Sgt. Laton for his opinion. Sgt. Laton said this situation is different from a no wake zone scenario. If the LWMC places a danger buoy, the NCWRC will not maintain that buoy. The LWMC will have to maintain it. Everyone was in agreement that the intention is for the LWMC to coordinate with NCWRC. If LWMC approaches the NCWRC about placing a danger buoy, the NCWRC is not necessarily going to say yes or no about it. This conversation pertained to North Carolina only.

Commissioner Brennan recommended that the draft Emergency Safety Procedure be revised before it is adopted. A motion was made by Commissioner Brennan to revise the report and bring it back before the LWMC at the October 26, 2015 meeting. Commissioner Mead seconded the motion and it was approved unanimously.

**Item 11 – Update on Lake Maps**

Commissioner Medler has been in touch with SCDNR Officer Beckley. He has Garmin Base Camp installed and knows how to use it. The map company in Clemson is receptive to using it. Commissioner

Medler gave Executive Director Stowe four maps to distribute to people to review. Until Commissioner Medler can get Officer Beckley to come up and show him how to use it, the lake map project is in a holding pattern.

**Item 12 – Tega Cay Update**

Commissioner Brennan reported that bids were received on or before September 17 for the "Division I, Gravity Sewer Rehabilitation Project" to repair Tega Cay's sewer system; the bids are under review. The South Carolina Department of Health and Environmental Control - State Revolving Fund (SCDHEC-SRF) has approved the funding for this project. Routine maintenance on the system is on-going, and no SSOs have occurred since the last report of June 9, 2015.

**Item 13 – Riversweep Update**

Commissioner Brennan provided a brief report: Riversweep has been cancelled because of low water. The planning team will reconvene in February 2016.

This is Commissioner Brennan's full report, submitted to Ms. Parker before the meeting:

Because the river level is too low to execute the cleanup safely, Riversweep 2015 scheduled for October 3rd has been cancelled; the event is postponed until next year. Most boat ramps are closed, and many boats are high and dry in their lifts. Several docks where the trash and debris are off-loaded are on the bottom. Usually navigable areas of the river are now too shallow, and the potential for damage to hulls and propellers is high.

Materials are in place to conduct Riversweep next year. Though the offer has been made to cash donors to return their contribution, most have advised us to keep them for next year.

A new sponsor, Leinenkugel Beer, has been a boost to our advertising and recruiting process with posters, tents, and the offer of prizes to both Boat Captains and other volunteers. Like us, they are disappointed with having to cancel the cleanup this weekend, but are ready to support us next year and in the future.

The planning committee plans to meet in February before the Boat Show to determine if actual or projected lake levels are or will be conducive to conducting Riversweep in the spring, preferably before the Memorial Day weekend.

**Item 14 – Treasurer's Report**

Secretary Treasurer Hull provided the Finance Report. The LWMC's finances are tracking as they should be for the first quarter of the fiscal year.

**Item 15 – Executive Director's Report**

- a. Executive Director Stowe is working to help the Belmont paddlers group find a home base.
- b. Chairman Thomas and Executive Director Stowe met with Fergus Coffey, the LWMC's new point of contact at the USNWC. Executive Director Stowe invited him to the next LWMC meeting at Belmont City Hall.

**Item 16 – Chairman's Report**

Chairman Thomas did not have a report.

**Item 17 – Clerk’s Report**

Ms. Parker did not have a report.

**Item 18 – Old/New Business and Commission Projects Reports**

- Water Quality –
  - Clean Marina/Clean Boating – Commissioner Biggerstaff reported that all of the Clean Marinas have been inspected and re-certified.
  - Invasive Species – Commissioner Medler reported that Duke Energy’s mosquito control staff will make their last trip to check for mosquitos at the end of the month. They have also been looking for hydrilla and alligator weed, and at this point, they have not seen any in the water. Ken Manuel told Commissioner Medler that in the last two weeks of October, his team will go out and do a complete inspection, looking for hydrilla and alligator weed. Commissioner Medler will check back in with Mr. Manuel in early November and provide an update at the November 23 LWMC meeting.
- Buoys – Commissioner Biggerstaff said he is coordinating with Ms. Parker on securing the danger buoys.
- Safety – No report was given.
- Recreation – No report was given.
- Public Information – No report was given.

**Item 19 – Election of Officers**

Legal Counsel Katie Foss from Tillman Wright explained the election process and led the Election of Officers. She stated:

- For the position of Secretary Treasurer: Executive Director Stowe said the Nominating Committee recommends Commissioner Robert Biggerstaff to the position of Secretary Treasurer. Hearing no further nominations, Robert Biggerstaff will serve as Secretary Treasurer.
- For the position of Vice Chairman: Executive Director Stowe said the Nominating Committee recommends Ed Hull. Hearing no further nominations, Ed Hull will serve as Vice Chairman.
- For the position of Chairman: Executive Director Stowe said the Nominating Committee recommends Lynn Smith. Hearing no further nominations, Lynn Smith will serve as Chairman.

That concluded the Election of Officers. Legal Counsel Foss congratulated the Officers.

Executive Director Stowe stood and acknowledged the outstanding job that Brad Thomas has done as Chairman of the LWMC. He thanked Mr. Thomas and everyone present gave him a standing ovation.

**Item 20 – Adjournment**

The meeting adjourned at 8:34 pm.

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***The next LWMC meeting will be held on October 26, 2015 at Belmont City Hall (115 N. Main Street, Belmont, NC).***