

# Lake Wylie Marine Commission



**May 18, 2009  
7:00 p.m.**

**Red Fez Club  
16,600 Red Fez Club Road  
Charlotte, NC**

## Minutes

**Commissioners Present:** Chairman Sandy DuPuy (Mecklenburg County), Secretary Treasurer Smitty Hanks (Gaston County), Commissioner Ron Wanless (York County), Commissioner Terry Everhart (Mecklenburg County), Vice Chairman Vernon Peers (York County), Commissioner David Cloninger (Gaston County), Commissioner Howard Virkler (Mecklenburg County)

**LWMC Staff Present:** Joe Stowe, Executive Director, Chris Clark, Legal Counsel, Annette Lawing, Clerk

| Topic   | Discussion Summary   | Action   |
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| <b>Welcome &amp; Introductions</b>                      | Chairman Sandy DuPuy called the meeting to order at 7:03 pm.       |  |
| <b>Approve Minutes – April 27, 2009 Meeting Minutes</b> | The minutes from the April 27, 2009 meeting minutes were approved. | A motion was made by Vice Chairman Peers to approve the April 27, 2009 meeting minutes. Seconded by Commissioner Virkler. The motion was approved. |

| <b>Topic</b>                                       | <b>Discussion Summary</b>  | <b>Action</b>   |
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| <b>Approval of the May 18, 2009 Meeting Agenda</b> | <p>The May 18, 2009 meeting agenda was approved with the following revision:</p> <ul style="list-style-type: none"> <li>o Omit Item #VI, Gaston Natural Resources Department</li> </ul>  | <p>A motion was made by Secretary Treasurer Hanks to approve the May 18, 2009 agenda. Seconded by Commissioner Everhart. The motion was approved.</p> |
| <b>Consent Agenda</b>                              | <b>Consent Agenda</b> – None   |   |
| <b>Public Comments</b>                             | <b>Public Comments</b> – None  |   |
| <b>Stakeholders Reports</b>                        | <p><b>Gaston County Police Department</b> – Officer Jason May reported</p> <ul style="list-style-type: none"> <li>o (6) Warnings</li> <li>o (1) Citation</li> <li>o (3) Boater Assists</li> </ul> <p>Executive Director Joe Stowe suggested that Gaston County Police, Charlotte Mecklenburg Police and Belmont Police have a meeting to inform each other of their proposed summer schedule and their expectations for this year’s boating season.</p> <p><b>York County Sheriff’s Office</b> – Deputy Ware reported</p> <ul style="list-style-type: none"> <li>o On the water on an as needed basis</li> <li>o Will begin regular boating season schedule on May 21<sup>st</sup>.</li> <li>o Attended Fishing Rodeo, Water Safety Forum in Apex, and Cool Fest in Rock Hill</li> <li>o (2) Boating incidents (2 boats collided with no injuries and a boat ran up on rock at Nivens Creek)</li> </ul> <p><b>NC Wildlife Resource Commission</b> – No one was present to give report</p> <p><b>Tega Cay Police Department</b> – No one was present to give report</p> |   |

| Topic | Discussion Summary  | Action |
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|       | <p><b>S.C. Dept of Natural Resources</b> – No one was present to give report</p> <p><b>Mecklenburg County Land Use and Environmental Service Agency (LUESA)</b> – No one was present to give report</p> <p><b>Charlotte-Mecklenburg Police Dept and SPLASH Report</b> – Officer Terry Everhart reported</p> <ul style="list-style-type: none"> <li>○ SPLASH has been upfitted and is ready to be shipped back</li> <li>○ Will be working the lake heavily due to the holiday weekend</li> <li>○ Water Safety Forum in Apex was a success</li> <li>○ Officer Everhart thanked the Commission for their contribution to help with his trip to the International Water Safety Summit in April. Officer Everhart provided the Commission with a PowerPoint presentation highlighting the valuable information that brought back from this summit.</li> </ul> <p><b>Duke Energy of the Carolinas</b> – Ronnie Lawson reported</p> <ul style="list-style-type: none"> <li>➤ Lake level – 97.5’ (target is 97’)</li> <li>➤ LIP – Stage 1</li> <li>➤ Usable Storage – 77% (target 75%)</li> <li>➤ 6 Month Average – ground water and stream flow (73.5%)</li> <li>➤ Follow-up from April meeting – Buster Boyd Bridge Access Area parking lot – Duke’s Recreational Group is looking at repaving entire parking lot in lieu of patching existing holes.</li> </ul> <p><b>Lake Wylie Lakekeeper</b> – C.D. Collins reported</p> <ul style="list-style-type: none"> <li>➤ <b>Paw Creek</b> – Continuing to monitor this area.</li> <li>➤ Brevard College is providing a course in which students monitor conditions of the Catawba River. They will canoe from the College to Charleston. C. D. Collins is providing his home for one of the stops along the way.</li> <li>➤ SC Hwy 274 Phase 1 Additional R/W Easement request – would encourage the Marine Commission to monitor this project for sediment problems. Waiting to review this area until the end of the project could result in inches of sediment into the river.</li> </ul> <p><b>Mecklenburg County Parks and Recreation</b> – No one was present to give a report but</p> |        |

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|   | <p>Phil Kerr reported by email that they had retrieved a large buoy from the waterfront area that had broken loose from its cable. They replaced the cable and shackles and repositioned the buoy. They have 2 buoys ready for Boyd's Cove that will be installed next week</p>   |  |
| <p><b>Treasurer's Report</b></p>          | <p><b>Treasurer's Report</b> – Secretary Treasurer Smitty Hanks reported.</p> <p>a. <b>Finance Report</b> - The monthly finance report was distributed to the commissioners prior to the meeting. There were no questions or comments from the Commissioners regarding the finance report. Commission Clerk, Annette Lawing added that York County and Mecklenburg County has released their FY09-10 budget recommendations and the LWMC has been included in their budgets.</p>  |  |
| <p><b>Executive Director's Report</b></p> | <p><b>Executive Director's Report</b> – Executive Director Joe Stowe reported.</p> <p>a. <b>Law Enforcement Facility Update</b></p> <ul style="list-style-type: none"> <li>▪ As part of the permitting process for the boat house, letters of recommendation from York County, York County Sheriff's Office and Duke Energy was mailed to the US Army Corps of Engineers. SCDNR plans to generate a recommendation letter as well but can not send until the project becomes public information.</li> <li>▪ Need to install No Trespassing signs on property.</li> </ul> <p>b. <b>Meetings</b></p> <ul style="list-style-type: none"> <li>▪ Attended the Catawba River District meeting on May 14<sup>th</sup>. Currently, the Executive Committee is working on procedures. More information regarding this concept will following in the next couple of months.</li> <li>▪ Will be attending the upcoming Catawba Wateree Bi-State Commission meeting and the May 27<sup>th</sup> York County Board meeting (budget).</li> </ul> <p>c. <b>Fireworks Request</b></p> <ul style="list-style-type: none"> <li>▪ The YMCA Camp Thunderbird is requesting support from the Lake Wylie community and organizations to help in the efforts of raising money for the 4<sup>th</sup> of July Fireworks Show. Chairman DuPuy believes that \$333 from each County is money well spent</li> </ul> <p>Chairman DuPuy suggested that in the future the Commission should have a policy for</p> | <p>A motion was made by Commissioner Virkler to approve a contribution of \$1,000 to the July 4<sup>th</sup> Lake Wylie Fireworks Show. Seconded by Commissioner Cloninger. The motion was approved.</p> |

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|                                      | <p>such requests (e.g. Fireworks). Legal Counsel Chris Clark replied that each request should be reviewed on a case by case basis in lieu of setting limits or guidelines. Chairman DuPuy stated that the Commission will continue to review requests on a case by case basis but may review implementing a policy in the future.</p>  |  |
| <p><b>Legal Counsel's Report</b></p> | <p><b>Legal Counsel's Report</b> – Legal Counsel Chris Clark reported</p> <ul style="list-style-type: none"> <li>• Mr. Clark reviewed the proposed changes presented at the March 23<sup>rd</sup> LWMC meeting: <ol style="list-style-type: none"> <li>1. Chairman and Vice Chairman title to be updated to <i>Chair and Vice Chair</i></li> <li>2. Section 4.4 – <i>During meetings of the Commission, the Chair may make or second a motion only after relinquishing control of the meeting to the Vice Chair. When a matter is before the Commission for a vote, the Chair may, but is not obligated to, cast a vote on the matter.</i></li> <li>3. Adding <i>Section 8; Conflicts of Interest Policy</i></li> </ol> </li> </ul> <p>The Commission approved the proposed changes to the By-Laws. These revised By-laws will become effective once they have been signed by the Chair.</p> | <p>A motion was made by Secretary Treasurer Hanks to approve the proposed changes to the LWMC By-laws. Seconded by Commissioner Everhart. The motion was approved.</p> |

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| <p><b>Chairman's Report</b></p>    | <p><b>Chairman's Report</b> – Chairman Sandy DuPuy reported</p> <ul style="list-style-type: none"> <li>➤ <b>Joint Marine Commission Meeting</b> – Chairman DuPuy is continuing efforts to coordinate with the Mountain Island Lake Marine Commission to schedule a Joint Marine Commission Meeting.</li> <li>➤ <b>Mandatory Boater Education</b> – HB 39 has been referred to the Standing Judiciary III Committee. Chairman DuPuy sent email to the Committee from the Commission in support of the bill.</li> <li>➤ <b>Notification of Sewage Spills</b> – Chairman DuPuy sent a letter from the Commission to members of the SC House Agriculture, Natural Resources and Environmental Affairs Committee urging them to act on the HB 3603 concerning notification of spills in SC waters. (Section 48-1-65) (A) <i>A person who causes a polluted condition in the waters of this State based on his exceeding a threshold or violating a standard of water quality and purity promulgated by the department or in violation of a permit issued by the department, as soon as practicable shall give public notice of the polluted condition or violation. (B) The board shall prescribe a procedure for this public notice, including a procedure for notification by publication in a newspaper of general circulation, and other notification considered appropriate by the board including emergency notification of local media outlets, posting relevant notification information on the department's Internet website, and provision of notice by email to a member of the public who has requested this information. (C) A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars for each day's violation, imprisoned not more than thirty days, or both.</i> "A person" in the Bill refers to any entity. Reporting spills is currently voluntary and there is a 50% compliance rate. Chairman DuPuy received no response from Committee members.</li> <li>➤ <b>Law Enforcement Activities Reporting</b> - Chairman DuPuy has developed a draft template for lake law enforcement agencies to provide a monthly or quarterly combined report on selected activities. She will review it with the officers following the meeting and report back in May.</li> </ul> | <p>Chairman DuPuy will have a final report format at the May meeting.</p> |
| <p><b>Request for Comments</b></p> | <p><b>Request for Comments</b> – Roy Highberg with the Capital Management &amp; Engineering presented the request for additional Right of Way Easement on SC Hwy 274.</p>   | <p>York County Commissioners</p>  |

| <b>Topic</b> | <b>Discussion Summary</b>  | <b>Action</b>  |
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|              | <p>On November 1, 2007, Duke Energy signed the Bridge Easement and Right of Way Agreement for the public bridge over Lake Wylie, Big Allison Creek, SC HWY 274. This agreement added approximately 1.017 acres to the prior SCDOT R/W Easement for the SC Hwy 274 bridge across the Big Allison Creek arm of Lake Wylie, allowing York County to proceed with construction of the new parallel bridge for southbound traffic. The total FERC R/W Easement for the SC Hwy 274 crossing of Lake Wylie is currently 2.394 acres. Though the R/W Easement is adequate for construction of the new southbound bridge, SCDOT needs additional R/W Easement to support continuing SCDOT maintenance activities on the new bridge. The additional R/W Easement measures approximately 0.327 acres, and is offset approximately 78 feet beyond the outer edge of the new bridge structure. FERC has requested that a new Conveyance Permit Application be filed for the additional 0.327 acres of R/W Easement. This additional R/W Easement does not involve any additional construction within the limits of the FERC project.</p> <p>Following LWMC procedure, York County Commissioners Peers and Wanless will make a site visit and review the provided information from Capital Management. A follow up report will be provided to the Commission and to the applicant at the May 18<sup>th</sup> LWMC meeting.</p> | <p>Peers and Wanless will make a site visit and report to the Commission at the May 18<sup>th</sup> meeting.</p> |

| <b>Topic</b>  | <b>Discussion Summary</b>   | <b>Action</b>   |
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| <p><b>Request for Comments (cont)</b></p> <p><b>Public Safety</b></p> | <p>Ellen Goff of the Catawba Riverkeeper Foundation stated that the shoreline and stabilization of this project is a concern to the Riverkeepers. Recently, there have been sediment problems at this site. Mr. Highberg replied that a couple of significant rain events last fall contributed to some sediment getting into the creek but guidelines are being followed to help prevent this from happening. Ms. Goff encouraged the Commission to look at this project very closely before approving this request. Mr. Highberg stated that Capital Management has provided the sediment reports to Ms. Lawing, LWMC Clerk, throughout construction that the Commission requested during its initial comments. The Commission will review this information as part of their approval process.</p> <p><b>Public Safety</b> – Lake Wylie Marine Commission Clerk, Annette Lawing, reported.</p> <p>Ms. Lawing received a call from a Riverhaven Drive resident expressing concerns about the shallow area near the Mountain Island Dam (Lake Wylie side of dam). She stated that this area is full of large boulders and when the lake levels are down, the rocks are clearly visible.. However, when the lake levels are up, the area is camouflaged and creates a danger to boaters. She is requesting that this area be marked to warn boaters of the hazard.</p> <p>Commissioner Everhart stated that in the past, NC Wildlife had two buoys in this area but they were most likely washed away. He agreed that this area needs to be marked some way. An alternative to buoys is marking the shoreline. Commissioner Hanks suggested that if the area is going to be marked with buoys, the Commission needs to find out the best way to install them so they won't be washed away.</p> | <p>Commissioner Everhart will review the request and report to the Commission on May 18<sup>th</sup>.</p> |
| <p><b>Old Business</b></p>  | <p><b>Old Business</b></p> <ul style="list-style-type: none"> <li>➤ <b>Refer to Chairman's Report</b></li> </ul>  |   |
| <p><b>Commission Projects Report</b></p>                              | <p><b>Commission Projects Report</b></p> <ul style="list-style-type: none"> <li>➤ <b>Project S-01, Law Enforcement Facility</b> – Refer to Executive Director's Report</li> <li>➤ <b>Project E-2, Hydrilla</b> – Duke Energy plans to release Grass Carp into Lake Wylie sometime in May.</li> <li>➤ <b>Project E-4, Clean Marina Program</b> – Commissioner Peers distributed a Clean Marina Checklist to the Commissioners for their review. This checklist outlines the necessary criteria to become a designated Clean Marina. Chairman DuPuy asked the Commission if we should have a “pilot” marina. Commissioner Peers replied that Bill Ambrose, who has assisted Peers in this project, has experience with the</li> </ul>   |   |



| Topic  | Discussion Summary  | Action  |
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| <p><b>Commission Projects Report (continued)</b></p> | <p>Tennessee Valley Authority Clean Marina program and the concept should work.</p> <ul style="list-style-type: none"> <li>➤ <b>Project S-02, No Wake Buffers at all Bridges on Lake Wylie</b> – Secretary Treasurer Hanks suggested that the Commission should install 4 or 5 buoys on each side of the bridges. He is researching lighted buoys and their costs. Walsh Marine Products had the lowest price for the type of buoys needed to be installed at the bridges. He will coordinate with Commissioner Clerk Annette Lawing to place an order for 15 buoys. Commissioner Everhart will coordinate with Legal Counsel Chris Clark on signage and appropriate verbiage at boat ramps</li> <li>➤ <b>Project PI-01, Notification of Spills</b> – Commissioner Wanless reported that no action had been taken so far on HB 3603 concerning notification of polluting spills. He will contact SC Representative Gullick who introduced the bill to determine its status.</li> </ul> <p><b>Charlotte-Mecklenburg Police Dept and SPLASH Report</b> – Officer Joye reported January – February Report</p> <ul style="list-style-type: none"> <li>• (36) Calls for service</li> <li>• (7) Boats inspected</li> <li>• (1) Boaters assisted</li> <li>• (7) Boaters warned</li> <li>• (4) Navigational hazards removed</li> <li>• SPLASH made it to Utah for his much needed repairs!</li> </ul> | <p>A motion was made by Commissioner Hanks that the Commission order 15 buoys from Walsh Marine Products to be installed at NC Bridges. Seconded by Commissioner Everhart. The motion was approved.</p> |
| <p><b>Stakeholders Reports (continued)</b></p>       | <p><b>Gaston County Police Department</b> – Officer Rodney Hamrick reported</p> <ul style="list-style-type: none"> <li>• Will be back on the lake full-time in June</li> <li>• Sonar – GCPD will be sending two officers to Virginia to train on use of sonar</li> </ul> <p><b>York County Sheriff’s Office</b> – Sgt Mabry reported</p> <ul style="list-style-type: none"> <li>➤ Participated in the Rock Hill festival</li> <li>➤ Have received several complaints about pot holes at the Buster Boyd Bridge Landing. Ronnie Lawson with Duke’s Lake Management will call Joe Carriker to get problem resolved.</li> </ul> <p><b>N.C. Wildlife Resources</b> – No one was present to give a report</p>  |   |

| Topic                                   | Discussion Summary  | Action |
|---|---|--------|
| <b>Stakeholders Reports (continued)</b> | <p><b>Tega Cay Police Department</b> – No one was present to give a report</p> <p><b>S.C. Dept of Natural Resources</b></p> <ul style="list-style-type: none"> <li>➤ (0) Calls for service</li> <li>➤ May 9<sup>th</sup> – Draper Fishing Rodeo</li> </ul> <p><b>Mecklenburg County Land Use and Environmental Service Agency (LUESA)</b> – David Buetow reported.</p> <ul style="list-style-type: none"> <li>• Water Quality Condition Results (March 2009) – Results ranged from Good – Good/Excellent except for Withers Cove which Index Value was 34 (Poor/Fair). The NC Standards are 40 or above. The Total Phosphorus was 160mg which is 2 ½ times higher than the standard. On April 8<sup>th</sup>, this cove was tested again and the results were back to normal. A special study will be done in this area to see why the readings were so low.</li> <li>• Bacteriological Results (March 2009) – Results all were in the excellent range.</li> </ul> <p><b>Duke Energy of the Carolinas</b> – Ronnie Lawson reported</p> <ul style="list-style-type: none"> <li>➤ Lake level – 97.2’ (target is 97’)</li> <li>➤ LIP – Stage 1</li> <li>➤ Usable Storage – 79.7% (target 70.2%)</li> <li>➤ 6 Month Average – ground water and stream flow (69.5%)</li> </ul> <p><b>Lake Wylie Lakekeeper</b> – Ellen Goff reported</p> <ul style="list-style-type: none"> <li>➤ <b>Paw Creek</b> – Continuing to monitor this area.</li> <li>➤ <b>Upcoming Events – 1<sup>st</sup> and 2<sup>nd</sup> Saturday in May – Muddy Water Watch Training @ Library</b></li> </ul> <p><b>Mecklenburg County Parks and Recreation</b> – No one was present to give a report but Phil Kerr reported by email that they had retrieved a large buoy from the waterfront area that had broken loose from its cable. They replaced the cable and shackles and repositioned the buoy. They have 2 buoys ready for Boyd’s Cove that will be installed next week</p> |        |
| <b>Comments</b>                         | <b>Comments - None</b>  |        |

| <b>Topic</b>                                   | <b>Discussion Summary</b>   | <b>Action</b>  |
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| <b>Adjournment</b>                             | There was no further business and the meeting was adjourned at 8:50 pm  | A motion was made by Vice Chairman Peers to adjourn the April 27, 2009 business meeting. Seconded by Commissioner Everhart. The motion was approved. |
| <b>Next Business Meeting Date and Location</b> | The next LWMC business meeting will be held on May 18, 2009 at 7:00 at Red Fez Club, 16,600 Red Fez Club Road, Charlotte, NC. |  |

Annette Lawing, Commission Clerk