

Lake Wylie Marine Commission



**June 22, 2009
7:00 p.m.**

**Belmont City Hall
115 North Main Street
Belmont, 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
Welcome & Introductions	Chairman Sandy DuPuy called the meeting to order at 6:58 pm.	
Approve Minutes – May 18, 2009 Meeting Minutes	The minutes from the May 18, 2009 meeting minutes were approved.	A motion was made by Vice Chairman Peers to approve the May 18, 2009 meeting minutes. Seconded by Commissioner Everhart. The motion was approved.

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Approval of the June 22, 2009 Meeting Agenda	The May 18, 2009 meeting agenda was approved.	A motion was made by Commissioner Wanless to approve the June 22, 2009 agenda. Seconded by Commissioner Cloninger. The motion was approved.
Consent Agenda	Consent Agenda – None	
Public Comments	Public Comments – None	
Gaston County Erosion Control Issues	<p>Gaston County Erosion Control Issues – Danon Lawson, Conservation Administrator, Gaston County Natural Resources Department</p> <p>The Gaston County Natural Resources Department serves as a NC Soil and Water Conservation District as well as having responsibility for stormwater and erosion control planning and regulation. They have the authority to review and approve erosion control plans and inspect and enforce those plans. They charge \$500 per acre for a plan review. They can issue fines up to \$5,000 per violation per day. They have three inspectors who enforce erosion control and stormwater rules except issues with the 50’ buffer which are referred to Alan Johnson with the NC Division of Water Quality.</p> <p>Staff does routine tests for siltation. They visit construction sites one time each 30 days and use a RUSLE or Revised Universal Soil Loss Equation to measure erosion. They are not equipped to do core measurements. The US EPA or Environmental Protection Agency can come in if there are severe issues.</p> <p>The Department conducts a 4 hour class each spring for contractors, developers, engineers, etc with a typical attendance of 100. It is not mandatory. The class was cancelled this spring because of the lack of construction projects.</p> <p>Chair DuPuy asked how many fines were issued to violators this year. Mr. Lawson replied that normally about 20% are fined. He will send the Commission additional information</p>	

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	<p>about numbers of fines and amounts, etc. Fines may be appealed to the Environmental Review Board. 90% of fines are upheld. Money from fines goes to the school system.</p> <p>Mr. Lawson said that the Department encourages citizens to report suspected violations. He welcomed a closer relationship with the Marine Commission. Further questions from Commissioners may be directed to Mr. Lawson at or his Supervisor, Mr. Joseph Alm, Erosion Control Inspector.</p> <p>Chairman DuPuy thanked Mr. Lawson for his time and an informative presentation.</p>	
Stakeholders Reports	<p>Charlotte Mecklenburg Police Department – Officer Terry Everhart reported</p> <ul style="list-style-type: none"> o SPLASH has been repaired and returned to service. o Full staff on lake o The lake is busy and they have seen an increase in wake boarding and mid range boats on lake (18’ – 24’) o The boathouse at Charlotte Fire Department Station 38 on Shopton Road at Withers Cove has been repaired and is in service. <p>Gaston County Police Department – Officer Rodney Hamrick reported</p> <ul style="list-style-type: none"> o (19) Warnings o (4) Citation o (12) Boater Assists o (16) Calls for Service o (18) Special Checks o (5) Access Area Crimes o (15) Navigational Hazards Removed <p>Please note: These numbers are for the month of May and combined totals are for both Lake Wylie and Mountain Island Lake.</p> <p>York County Sheriff’s Office – Sgt Mabry reported</p> <ul style="list-style-type: none"> o Full staff on lake o Buoys are still missing at the Buster Boyd Bridge o No Swimming sign is missing at Allison Creek. Duke Energy is responsible for this sign therefore Ronnie Lawson will follow up to have it replaced as soon as possible. Law enforcement officers are not able to enforce no swimming unless the sign is present. 	

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Stakeholders Reports (continued)	<ul style="list-style-type: none"> ○ Dive Team pulled a sunken boat out of the lake. <p>N.C. Wildlife Resource Commission – Sgt Barry Rowell reported</p> <ul style="list-style-type: none"> ○ Shorthanded staff but patrolling the lake as much as possible ○ Removed two unauthorized buoys: one at Emerald Point and one at the Yachtsman’s Club <p>Chair DuPuy asked Sgt Rowell if NC Wildlife Resource Commission has the authority to remove unauthorized buoys in Lake Wylie. Sgt Rowell replied that they do, and they remove them when they find them but will give the owner of the buoy the opportunity to remove it before NCWRC gets involved.</p> <p>Tega Cay Police Department – No one was present to give report</p> <p>S.C. Dept of Natural Resources – Officer Mark Ferrell reported</p> <ul style="list-style-type: none"> ○ (3) Boating Accidents ○ Assisted York County Sheriff’s Office with sunken boat ○ Have seen an increase of drinking alcohol on the lake <p>Mecklenburg County Land Use and Environmental Service Agency (LUESA) – David Buetow reported</p> <ul style="list-style-type: none"> ○ Water Quality Condition Results (May 2009) – Results ranged from Good – Good/Excellent. Browns Cove, Withers Cove and Paw Creek Cove had an increase in index value from May 2008. This is primarily due to a decrease on Chl a (algae) and Total Phosphorus. ○ Bacteriological Results (May 2009) – Results all were in the excellent range. Long Creek testing site had an index reading of →200 several weeks ago. This area was re-tested and results were back to normal. Mr. Buetow was unsure why this reading was initially so high. <p>Commissioner Wanless requested a copy of LUESA’s protocol for sampling. Mr. Buetow will provide that information at the July LWMC meeting. Commissioner Wanless also asked who else tested Lake Wylie water quality. Mr. Buetow said that NC and SC both do testing on a much less frequent basis. Commissioner Wanless asked for a contact name at SCDHEC (Dept of Health and Environmental Control) that the Commission could</p>	

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Stakeholders Reports (continued)	<p>contact to review their testing sites are and protocol. Dave Chestnut is the DHEC contact. Mr. Buetow said that he would follow up with additional information about other testing.</p> <p>Duke Energy of the Carolinas – Ronnie Lawson reported</p> <ul style="list-style-type: none"> ➤ Lake level – 96.9 (target is 97’) ➤ Drought Management Group determined that the drought is officially over ➤ Usable Storage – 82.5% (target 75%) ➤ 6 Month Average – ground water and stream flow (82.8%) ➤ Commissioners asked Mr. Lawson to follow up on two outstanding issues: the missing No swimming signs at Big Allison and the large pot holes at the Buster Boyd landing. <p>Lake Wylie Lakekeeper – Ellen Goff and C.D. Collins reported</p> <ul style="list-style-type: none"> ➤ Riversweep – The eighth annual Lake Wylie Riversweep is scheduled for Saturday, October 3rd. Volunteers were awarded a Riversweep t-shirt last year thanks to funding by the Lake Wylie Marine Commission. The Catawba Riverkeeper Foundation is requesting a contribution again to pay for the t-shirts. Due to the increase in volunteers, the t-shirt order was increased to 500 for a total cost of \$2,249.57. Chair Sandy DuPuy suggested that the Commission check last year’s minutes before making a decision since she believes the Commission set a limit for future funding during those deliberations. The Foundation needs to know by August so she asked that the request be added to the July 27th LWMC meeting agenda. ➤ Regina Stone at the Foundation is working with C.D. Collins to coordinate Riversweep which they hope to continue to grow this year. Mr. Collins expects that there will be more work sites and more fun activities for everyone at the close of the event. <p>Mecklenburg County Parks and Recreation – No one was present to give a report.</p>	
Treasurer’s Report	<p>Treasurer’s Report – Secretary Treasurer Smitty Hanks reported.</p> <ul style="list-style-type: none"> a. Finance Report - The monthly finance report was distributed to the commissioners prior to the meeting. There were no questions or comments from the Commissioners. 	

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<p>Executive Director's Report</p>	<p>Executive Director's Report – Executive Director Joe Stowe reported.</p> <p>a. Law Enforcement Facility Update</p> <ul style="list-style-type: none"> ▪ Completed the US Army Corps of Engineers permit application for the proposed boathouse and ramp. ▪ No Trespassing signs were installed on property <p>b. Meetings</p> <ul style="list-style-type: none"> ▪ Attended the Catawba Wateree Bi-State Advisory Commission meeting on May 29th. ▪ Attended York County budget meeting on May 27th ▪ Attended the Catawba River District Advisory meeting on May 14th <p>c. Consideration of Contracting with Centralina COG for Administrative Services for FY09-10</p> <ul style="list-style-type: none"> ▪ The commission approved to contract with Centralina COG for Administrative Services for the FY09-10. <p>d. Public Hearing for Consideration of the FY09-10 Budget Ordinance</p> <ul style="list-style-type: none"> ▪ A public hearing was held for public comment on the FY2009-2010 Budget Ordinance. There were no public comments. After discussions, the commission voted to adopt the 2009-2010 Budget Ordinance consisting of expenditures of \$86,000. (LWMC Admin and Public Relations \$42,275.00, Public Safety \$24,500.00, Environmental \$19,225.00) which includes the following revision: add \$10,000 in Revenue as funds from Fund Balance. Add line item under Expenses / Environmental / Clean Marina Program in the amount of \$10,000. <p>e. Discussion and Approval of Audit Contract for FY08-09</p> <ul style="list-style-type: none"> ▪ The Commission voted and approved to contract with Robert Burns, CPA for Audit Services for FY08-09 	<p>Secretary Treasurer Hanks made motion to approve the contract with Centralina COG for administrative services for FY09-10. Seconded by Commissioner Cloninger. The motion was approved.</p> <p>Commissioner Everhart made a motion to open the public hearing for Consideration of the FY09-10 Budget Ordinance. Seconded by Commissioner Wanless. The motion was approved.</p> <p>Commissioner Wanless made a motion to close the public hearing. Seconded by Commissioner Virkler. The motion was approved.</p> <p>Commissioner Everhart made a motion to approve the FY09-10 Budget Ordinance. Seconded by Commissioner Wanless.</p>

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<p>Executive Director's Report (continued)</p>		<p>Commissioner Everhart amended his motion to approve the FY09-10 Budget Ordinance to include \$10,000 from fund balance to be allotted to the Clean Marina Initiative. Seconded by Commissioner Wanless. The motion was approved.</p> <p>A motion was made by Commissioner Virkler to approve the Audit Contract for FY08-09. Seconded by Commissioner Wanless. The motion was approved.</p>
<p>Chairman's Report</p>	<p>Chairman's Report – Chairman Sandy DuPuy reported</p> <ul style="list-style-type: none"> ➤ Mecklenburg County – Chairman DuPuy has contacted Paul Barker with Mecklenburg County to come speak at the July 27th LWMC business meeting. He will provide vital information on sediment and erosion control procedures within Mecklenburg County. ➤ Mandatory Boater Education Bill – Revisions have been proposed to the bill so it is going through the approval process again. There is still optimism among the sponsors that it will eventually pass. ➤ Executive Director's Contract – The Executive Director's contract states that his contract will automatically renew each year. Even though that is the case, Chair DuPuy called for a motion for a vote of confidence to renew Joe Stowe's contract as Executive Director for FY09-10. ➤ Joint Marine Commission Meeting – This meeting has been scheduled for August 13, 2009 at the River Hills Country Club. NC Senator Clodfelter was 	<p>Commissioner Hanks made a motion to approve renewal of Executive Director Joe Stowe's contract</p>

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Chair's Report (continued)	invited to be the guest speaker to discuss Senate Bill 907 -- the Water Resource Policy Act at this event but schedule conflicts prevent him to do so. ED Joe Stowe is coordinating with his office to see if they could send another member to attend.	for FY09-10. Seconded by Commissioner Virkler. The motion was approved unanimously.
Old Business	<p>Old Business</p> <ul style="list-style-type: none"> ➤ No Wake Zone Policy and Procedure – Commissioner Everhart. Several revisions were made to the existing LWMC No Wake Zone Policy and Procedure. Many were simple text changes and clarification of procedures however, line item #9 (Applicants may be required to pay for the cost of the buoys in any No Wake Zone) was deleted. ➤ Grass Carp Release – Commissioner Virkler. 1,800 Sterile Grass Carp were successfully released into Lake Wylie on May 29th. Ken Manuel of Duke Energy reports that he has not yet seen signs of the 12” fish but he expects to begin to see their impact on the hydrilla soon. Commissioner Virkler would like to see more educational information on hydrilla and the Snakehead fish posted at access areas and marinas. Chair DuPuy asked that he develop a publicity plan to present to the Commission. <p>SC Hwy 274 Phase 1 – Additional R/W Easement – Commissioner Wanless Roy Highberg with Capitol Management and Engineering reported that he conveyed the Commission’s request for a post construction sediment core test at the SC Hwy 274 Phase 1 R/W Easement as a condition of its approval for the easement. Commissioner Wanless and Chair DuPuy will draft a letter of support to York County that they require a sediment core test both before and after major construction as part of its permitting process. Mr. Highberg added that such a request will need the County Manager’s signature.</p> <ul style="list-style-type: none"> ➤ Combined Law Enforcement Activities Report – Chair DuPuy. Gaston County Police Department provided their activity numbers for the month of May. ➤ Spills Reporting Legislation – Commissioner Wanless. The bill was passed on to the SC State Senate with no further action. The bill will remain active until June 2010. The Commission should make contacts in November to appropriate legislators to ensure that it stays on course to passage. ➤ Buoy Installation – Commissioner Hanks. 15 buoys have been delivered but 	<p>Secretary Treasurer Hanks made a motion to approve the proposed revisions to the No Wake Zone Policy and Procedure. Seconded by Commissioner Cloninger. The motion was approved.</p> <p>Commissioner Wanless will work with Chair DuPuy to draft the letter.</p> <p>Chair DuPuy will follow up with LE agencies to produce a full report in July.</p>

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<p>Old Business (continued)</p>	<p>not yet installed. Park and Rec staff are planning to have them installed by the last week in June. Lights for buoys have not yet arrived.</p> <ul style="list-style-type: none"> ➤ Clean Marina – Commissioner Peers. Marina owners have all been contacted and have been given the Clean Marina Checklist which is a self-evaluation for achieving Clean Marina status. Four marina owners met with Commissioner Peer sand DuPuy and Executive Director Stowe for an educational luncheon. All seven marinas are very interested in this program. Commissioner Peers is working with a consultant who worked with the TVA Clean Marina program who will help marinas at no charge if they need assistance with checklist items and will review marinas once they have completed the checklist. The next steps are ensuring that marinas follow through on the self evaluations, designing a Clean Marina logo, completing inspections and publicity to fully implement the program. ➤ Website – Chair DuPuy. A new Lake Law Enforcement Facility page has been posted on the LWMC website (www.lakewyliemarinecommission.com) and all links on the Links page have been repaired or updated as well as minor revisions to several other pages. ➤ Shoal Markers – Commissioner Everhart. Commissioner Everhart reported that the area near Riverside Drive which a citizen reported as a hazard is marked with four shoal markers but two of them are difficult to see on approach. He asked Sgt Rowell with NC Wildlife if additional markers could be placed in this area. 	<p>Sgt. Rowell will follow up to request 2 additional markers and report back.</p>
<p>Comments</p>	<p>Mileage Reimbursement – Secretary Treasurer Hanks recommended that the mileage reimbursement for the Executive Director be set at the IRS rate which is currently 58.5 cents / per mile.</p>	<p>Secretary Treasurer Hanks made a motion to increase the mileage rate for the Executive Director from 40 cents / per mile to the IRS rate which is currently 58.5 cents/per mile. Seconded by Commissioner Everhart. The motion was approved.</p>

Topic	Discussion Summary	Action
Adjournment	There was no further business and the meeting was adjourned at 8:58 pm	A motion was made by Commissioner Virkler to adjourn the June 22, 2009 business meeting. Seconded by Vice Chairman Peers. The motion was approved.
Next Business Meeting Date and Location	The next LWMC business meeting will be held on July 27, 2009 at 7:00 at the Red Fez Club, 16,600 Red Fez Club Rd, Charlotte, NC.	

Annette Lawing, Commission Clerk