

# 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
<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>
<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>○ Omit Item #VI, Gaston Natural Resources Department. Mr. Lawson will present at the June meeting.</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>○ (6) Warnings</li> <li>○ (1) Citation</li> <li>○ (3) Boater Assists</li> </ul> <p>Executive Director Joe Stowe suggested that Gaston County Police, Charlotte Mecklenburg Police and Belmont Police coordinate a meeting to inform each department 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>○ On the water on an as needed basis</li> <li>○ Will begin regular boating season schedule on May 21<sup>st</sup>.</li> <li>○ Attended Fishing Rodeo, Water Safety Forum in Apex, and Cool Fest in Rock Hill</li> <li>○ (2) Boating incidents (2 boats collided with no injuries and a boat ran up on rock at Nivens Creek)</li> </ul> <p><b>N.C. 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>	

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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 because there was no new data.</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 expenses for his trip to the International Water Safety Summit in April. Officer Everhart presented a PowerPoint highlighting some of the valuable information that he learned from the 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> – David Merryman emailed Chair DuPuy about a conflict in his schedule so 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 Brevard College to Charleston, S.C. C. D. Collins is providing his home for one of the stops along the way.</li> <li>➤ <b>SC Hwy 274 Phase 1 Additional R/W Easement request</b> – 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 additional inches of sediment into the river.</li> <li>➤ <b>Garden Parkway Turnpike</b> – The Northern Route has been selected as the</li> </ul>	

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	<p>preferred route for the Garden Parkway Turnpike. Environmentally, Mr. Collins believes this is the better route. However, many property owners in this area are fighting this decision.</p> <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>Treasurer’s Report</b>	<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 released their FY09-10 budget recommendations and the LWMC has been included in both of their budgets appropriations.</p>	
<b>Executive Director’s Report</b>	<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 were mailed to the US Army Corps of Engineers. SCDNR plans to generate a recommendation letter as well but can not release it until the project becomes public information.</li> <li>▪ Plan 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 follow 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</li> </ul>	A motion was made

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	<p>community and organizations to help in the efforts of raising money for the 4<sup>th</sup> of July Fireworks Show. Chairman DuPuy feels that \$333 from each County to help with this event is money well spent.</p> <p>Chairman DuPuy suggested that the Commission create a policy for such requests (e.g. Fireworks). Legal Counsel Chris Clark suggested that each request should continue to be reviewed on a case by case basis in lieu of setting limits or guidelines. There was consensus that the Commission continue to review requests on a case by case basis.</p>	<p>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>
<b>Legal Counsel's Report</b>	<p><b>Legal Counsel's Report</b> – Legal Counsel Chris Clark reported</p> <ul style="list-style-type: none"> <li>○ Buoy Marking – From a legal point of view, either language (No Wake, Idle Speed or No Wake) on the No Wake buoys, would be acceptable.</li> <li>○ Shoal Marking –The Commission should always respond to reports of hazardous areas on the lake and should work with other organizations (e.g. NC Wildlife and SC DNR) to maintain markers for which they are responsible. Chairman DuPuy reinforced that any notification of hazards should be reported to MC Clerk, Annette Lawing or the appropriate lake enforcement officer so it can be addressed quickly.</li> </ul>	

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<b>Chairman's Report</b>	<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 coordinating with Pam Beck, Chair of the Mountain Island Lake Marine Commission, to schedule a Joint Marine Commission Meeting in July or August.</li> <li>➤ <b>Notification of Sewage Spills</b> – HB 3603 – Language changed to address sewage spills only. Chairman DuPuy emailed the SC Agriculture, Natural Resources and Environmental Affairs Committee members and the members of the House of Representatives on behalf of the Commission in support of this bill. The bill passed the Committee and will hopefully be passed by the House.</li> <li>➤ <b>Law Enforcement Activities Reporting</b> - Chairman DuPuy distributed a copy of the law enforcement activity reporting template to the agencies that were present. Chairman DuPuy will email this template to all of the agencies and to the Marine Commission Clerk, Annette Lawing, to begin compiling information.</li> </ul>	
<b>Request for Comments</b>	<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 at the April 27<sup>th</sup> LWMC meeting.</p> <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</p>	

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	<p>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>As part of Commission’s review process, Commissioners Peers and Wanless made a site visit and reported back to the Commission with the following recommendation.</p> <p>After visiting Big Allison Creek, both Commissioners agree that the new easement should not have an impact on the water. The erosion control measures that are currently in place seem to be a good attempt to control the erosion situation. Prior to the site visit, Mr. Highberg supplied the Commission with silt depth measurements that were taken at the beginning of the construction phase. Commissioner Peers suggested that the Commission request another series of measurements be done at the end of the project. This information could be a great indicator of how much sediment was created by this particular construction project. Mr. Highberg replied that sediment in this area could be from a several different factors, such as a heavy rain event. A test will cost approximately \$15,000. Every controlled project like this requires permits (erosion control) and inspectors continually monitor the area to insure that the contractor is in compliance with erosion control standards. The current siltation has taken decades to accumulate, stated Mr. Highberg. He doesn’t foresee a big change in silt within one year.</p> <p>Covekeeper C.D. Collins stated that the problem in this area is offsite erosion. There needs to be more emphasis on stopping what is happening now and in the near future.</p> <p>Several Commissioners suggested that the request from Mr. Highberg be granted with the conditions of a second siltation sample be taken that the closing of the project.</p> <p>The request was approved with the conditions that a second sample of the siltation would be taken at the end of the project. Commissioner Virkler asked what would happen if the sampling results come back with additional siltation. Duke Energy’s Ronnie Lawson</p>	<p>A motion was made by Commissioner Wanless to request York County to procure a follow up core sample to assess the amount and trend of silt in the project area. Seconded by Vice Chairman Peers.</p> <p>The motion was amended by Commissioner Wanless to recommend the granting of the easement upon conditions of a second sample of siltation be taken at the end of this project. Seconded by Vice Chairman Peers. The motion was approved.</p>

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	<p>answered that it would be up to SCDEHC and US Corp of Engineers on how to handle that situation.</p> <p><b>Public Safety – Request for a hazard buoy near MI Dam (Riverhaven Drive) -</b> Commissioner Terry Everhart gave a follow up report</p> <p>At the April 27, 2009 meeting, Commission Clerk, Annette Lawing reported that she had a call from a Riverhaven Drive resident expressing concerns about the shallow area near the Mountain Island Dam (Lake Wylie side of dam). The resident stated that this area has large boulders that are visible when the lake is down; however when the lake level is 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 visited the site and noticed that part of this area was already marked with shoal markers. NC Wildlife Resources is responsible for marking and maintain this area. Commissioner Everhart will contact NCWRC to urge them to replace any missing markers in this area. Commissioners agreed to follow up with a letter if necessary.</p>	<p>Commissioner Everhart will contact NCWRC to notify them of missing markers in this area</p>
<b>Old Business</b>	<p><b>Old Business</b></p> <ul style="list-style-type: none"> <li>➤ <b>Water Safety Forum</b> – Commissioner Vernon Peers gave a successful presentation on the proposed Clean Marina Program on Lake Wylie.</li> </ul>	
<b>Commission Projects Report</b>	<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> – 1,800 grass carp to be release into Lake Wylie on May 29<sup>th</sup>. Three alligators were sighted on the south end of Lake Wylie. They should not be fed and contact NC Wildlife should be contacted about a sighting.</li> <li>➤ <b>Project E-4, Clean Marina Program</b> – see old Business.</li> <li>➤ <b>Project S-02, No Wake Buffers at all Bridges on Lake Wylie</b> – Commissioner Clerk Annette Lawing placed an order for 15 buoys to be installed at NC bridges</li> </ul>	



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	<p>on Lake Wylie.</p> <ul style="list-style-type: none"> <li>➤ <b>Project PI-01, Notification of Spills</b> – Refer to Chairman’s Report</li> </ul>	
<b>Comments</b>	<b>Comments</b> - None	
<b>Adjournment</b>	There was no further business and the meeting was adjourned at 8:56 pm	A motion was made by Vice Chairman Peers to adjourn the May 18, 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 June 22, 2009 at 7:00 at the Belmont City Hall, 115 North Main Street, Belmont, NC.	

Annette Lawing, Commission Clerk