

# Lake Wylie Marine Commission



**October 26, 2009  
7:00 p.m.**

**Camp Thunderbird  
One Thunderbird Lane  
Lake Wylie, SC**

## Minutes

**Commissioners Present:** Chair Smitty Hanks (Gaston County), Vice Chair Terry Everhart (Mecklenburg County), Secretary Treasurer Vernon Peers (York County), Commissioner Ron Wanless (York County), Commissioner Bill Campbell (Gaston County), Commissioner Howard Virkler (Mecklenburg County), Commissioner Phil Land (York County)

**LWMC Staff Present:** Joe Stowe, Executive Director, Annette Demeny, Commission Clerk

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

Topic	Discussion Summary	Action
<b>Welcome &amp; Introductions</b>	Chair Hanks called the meeting to order at 7:02 pm then welcomed the newest Commissioners, Mr. Phil Land and Mr. Bill Campbell, to the Lake Wylie Marine Commission.	
<b>Approve Minutes – September 28, 2009</b>	The minutes from September 28, 2009 were approved.	Commissioner Virkler made a motion to approve the September 28, 2009 meeting minutes. Seconded by Secretary Treasurer Peers. The motion was approved.

<b>Topic</b>	<b>Discussion Summary</b>	<b>Action</b>
<b>Approval of the October 26, 2009 Meeting Agenda</b>	The October 26, 2009 meeting agenda was approved.	A motion was made by Commissioner Wanless to approve the October 26, 2009 Agenda. Seconded by Secretary Treasurer Peers. The motion was approved.
<b>Consent Agenda</b>	<b>Consent Agenda</b> – None	
<b>Public Comments</b>	<b>Public Comments</b> – None	
<b>Stakeholder Reports</b>	<p><b>Charlotte-Mecklenburg Police Dept and SPLASH Report</b> – Officer DeCarlo reported Monthly Activity Report (September 2009)</p> <ul style="list-style-type: none"> <li>• (69) Calls for Service</li> <li>• (26) Boats Inspected</li> <li>• (2) Boaters Assisted</li> <li>• (26) Boaters Warned</li> <li>• (2) Navigational Removed</li> </ul> <p><b>Gaston County Sheriff’s Office</b> - Officer Rodney Hamrick reported.</p> <ul style="list-style-type: none"> <li>• GCPD is working the lake on weekends only. During the week, only on an as needed basis.</li> </ul> <p><b>York County Sheriff’s Office</b> – Deputy Ed Ware reported</p> <ul style="list-style-type: none"> <li>• Patrolling weekends on as needed basis</li> <li>• Conducted (1) Boating Safety Course</li> </ul> <p><b>N.C. Wildlife Resources</b> – No one was present to give report</p> <p><b>Tega Cay Police Department</b> – No one was present to give report</p> <p><b>S.C. Dept of Natural Resources</b> – Officer Mark Ferrell reported</p>	

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<b>Stakeholder Reports (cont.)</b>	<ul style="list-style-type: none"> <li>• Hunting season therefore, patrolling on the Lake on as need basis</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>• Mr. Buetow referred Commissioners to handouts of the new Water Quality Condition report (LUSI) (September, 2009) - Results range from Supporting+ - Supporting. The Swimming Indicators were all in the Supporting+ except for the Boyd’s Cove site (200 fecal coliform colonies/100 ml). This was due to a high algae reading.</li> <li>• Swimming Advisory at Queens Harbor on October 5<sup>th</sup> due to a spillage of 3,000 gallons of wastewater. When the event took place, buoys were placed in this area and samples were taken immediately. These results did reflect high levels of fecal coliform colonies. The treatment plant did discover the problem during these tests and stopped the discharge. A second sample was taken on October 7<sup>th</sup> and results were back to normal and the swimming advisory was lifted.</li> </ul>	
<b>Stakeholders Reports (continued)</b>	<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’) which is below full storage.</li> <li>• Drought Management Group – Water Storage Index – 74% (Target 75%)</li> <li>• LIP is at Stage 0 (watch)</li> </ul> <p><b>Lake Wylie Lakekeeper –</b> Riverkeeper David Merryman reported</p> <ul style="list-style-type: none"> <li>• The Annual Riversweep was October 3, 2009 with record breaking attendance of 515 volunteers. Tons of trash and debris were successfully removed from Lake Wylie.</li> <li>• Spill at Queens Harbor – State officials were not aware that Mecklenburg County tests the lakes on a regular basis. Having this information, the State will now use these test results for their investigation of the spill at Queens Harbor.</li> <li>• Riverkeeper David Merryman informed the Commission of a brown gummy-like substance that has been reported in several coves. This substance has been tested and the results indicate that it might be a combination of algae and leaves from last year creating this brown coverage on the water.</li> </ul> <p><b>Mecklenburg County Parks and Recreation –</b> No one was present to give a report</p>	

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<p><b>Plant Allen Ash Pond Presentation</b></p>	<p><b>Plant Allen Ash Pond Presentation</b> – Pat McCabe, Duke Energy Environmental Health &amp; Safety Group reported</p> <p>Mr. McCabe began his presentation by stating that Duke Energy fully supports EPA in addressing Ash Basin Dyke Integrity. It's an industry issue and should be resolved. Duke Energy has had a program in place for over 25 years that addresses Ash Basin Dyke Integrity. The reports that are generated from their testing are sent directly to DENR.</p> <p>EPA recently reported that there are (49) forty-nine high hazard ash basin dykes identified in the Country. Out of these 49, Duke has (6) six of these facilities in the Carolinas. Since May, EPA has inspected each of these sites. Five reports have been generated from these site visits. Three (3) of the ash basins were rated Satisfactory, two (2) were rated Fair and one (1) is Pending. A Satisfactory rating is the highest rating on their scale which means that it is acceptable under all design conditions and no open issues.</p> <p>Fly Ash is created when coal is burned and sent out in the emissions. Bottom Ash is the ash that remains inside of the boilers. There are two ways to manage ash; one way is called a wet handling system where they move the ash with water out to ash ponds. The second is dry handling system where the ash is blown over into silos. Up until 2009, Plant Allen used wet handling to disburse of the ash. Since June, Plant Allen has gone to mainly a dry ash system where the ash is stored in large silos to hopefully, be sold and reused in other markets.</p> <p>To wrap up his presentation, Mr. McCabe educated the commission on groundwater. He informed the Commission that the pond that stores the ash at Plant Allen is not lined. To determine if having this pond unlined, would cause any issues with contaminated groundwater, Duke Energy voluntarily installed nine wells in and around the Plant Allen Ash Basin. Data has been collected from these wells since 2006 and the three noticeable issues were; Iron, Manganese and Boron. These three minerals exceeded the groundwater standards. However, this has only occurred on Duke Energy property. Duke Energy is working with DENR to determine what the next steps are. Duke plans on installing additional wells by 2010.</p>	

<b>Topic</b>	<b>Discussion Summary</b>	<b>Action</b>
<b>Request for Approval</b>	<p><b>Request for Approval</b></p> <ul style="list-style-type: none"> <li>• <b>Waters Edge Community Docks</b> – Carey Ayres, Skipjack, presented request to the Commission</li> </ul> <p>The application is for a twenty-six slip commercial residential community dock located on Lake Wylie just north of the I-85 Bridge in Mount Holly. The purpose of this facility is to provide access to Lake Wylie for the residents of Waters Edge, a residential development. The community docks will be configured in accordance with the Duke and Federal Energy Regulatory Commission guidelines. As part of the review process, Commissioner Campbell and Chair Hanks will conduct a site visit and come back to the Commission with their recommendation at the November business meeting.</p> <ul style="list-style-type: none"> <li>• <b>The Vineyards Community Docks (Follow up)</b> – Commissioners Virkler and Everhart gave their recommendation to the Commission.</li> </ul> <p>At the September 28<sup>th</sup> LWMC meeting, Carey Ayes with Skipjack presented the proposed project of Community Docks at The Vineyards on Lake Wylie. This project will have six commercial residential community cluster docks accommodating forty-eight watercrafts. The purpose of this facility is to provide boating access to Lake Wylie for the residents of The Vineyards, a residential development. It will also have a launch ramp and canoe dock. 3,400 cubic feet of dredging and stabilization of 1,623 of shoreline riprap. There will be a pump out in accordance with Duke’s guidelines. As part of the review process, Commissioners Everhart and Virkler visited this site and reported their finding back to the Commission.</p> <ul style="list-style-type: none"> <li>• The two areas where the proposed docks will be located are in the widest part of the cove and should not cause any major obstruction to navigation.</li> </ul>	<p>A motion was made by Vice Chairman Everhart to approve The Vineyards Community Docks as presented. Seconded by Commissioner Virkler. The motion was approved.</p>
<b>Fish Attractors</b>	<p><b>Fish Attractors</b> – Dr. Bill Jarman, North Carolina Wildlife Federation, brought a sample of the fish attractors that were recently installed in Lake Wylie. A total of fifty-six (56) fish attractors were placed in Lake Wylie to assist in fish habitat. The attractors are constructed of PCV piping and are approximately 3 ft in diameter. Tim Juswicky, Executive Director, added to the information provided and stated that attractors have been placed in the past in Lake James, Mountain Island Lake, Lake Norman and Lake Hickory. NC Wildlife Federation coordinates with Duke and biologists to pick out the appropriate</p>	

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<b>Fish Attractors (continued)</b>	sites and depths to place these attractors. The proper depth for Lake Wylie is between 18 and 28 feet. Several attractors are clustered together and placed in the lake. These attractors are marked by buoys.	
<b>Clean Marina Proposal</b>	<p><b>Clean Marina Proposal</b> – Independent contractor, Bill Ambrose has recently been assisting the Commission in the certification process for the Clean Marina Program. Mr. Ambrose has graciously volunteered his time and expertise at no charge. However, the Commission is proposing to continue this effort with additional marinas which will take more time than anticipated. Mr. Ambrose is offering his services to assist the Commission with the initial work plan (checklist, hurricane preparedness plan, spill prevention and control plan). Once the marinas are certified, Mr. Ambrose’ services will no longer be needed, unless requested. The proposal to subcontract with Bill Ambrose is at \$50 an hour plus travel expenses, if any. This rate is half of the usually rate that Mr. Ambrose charges.</p> <p>The Commission voted and approved Mr. Ambrose’s proposal.</p>	A motion was made by Secretary Treasurer Peers to approve subcontracting with Bill Ambrose at \$50 per hour plus travel expenses to help with Clean Marina certification of marinas on Lake Wylie. Seconded by Commissioner Campbell. The motion was approved.
<b>Treasurer’s Report</b>	<p><b>Treasurer’s Report</b> – Secretary Treasurer Vernon Peers reported</p> <ul style="list-style-type: none"> <li>• <b>Finance Report</b> - The monthly finance report was distributed to Commissioners prior to the meeting. There were no questions.</li> </ul>	
<b>Approval of the 2010 Meeting Schedule</b>	<b>Approval of the 2010 Meeting Schedule</b> – Annette Demeny, Commission Clerk, presented the proposed schedule for the Commission. The Commission rotates their meeting locations throughout York, Mecklenburg and Gaston Counties.	A motion was made by Commissioner Wanless to approve the proposed 2010 LWMC business meeting schedule. Seconded by Vice Chair Peers. The motion was approved.

Topic	Discussion Summary	Action
<p><b>Executive Director's Report</b></p> <p><b>Chairman's Report</b></p>	<p><b>Executive Director's Report</b> – Executive Director Joe Stowe reported</p> <ul style="list-style-type: none"> <li>• Law Enforcement Facility Update – Received final approval from Duke Energy for the construction of the boathouse. Construction is planned to begin when the necessary supplies and materials are shipped.</li> </ul> <p><b>Chairman's Report</b> – Chair Smitty Hanks reported</p> <ul style="list-style-type: none"> <li>• No Wake Signs on docks and piers – Chairman Hanks followed up with Duke regarding their sign regulations on Lake Wylie. Kermitt Taylor with Duke Energy plans to bring this issue up at their next staff meeting and report back to the Commission.</li> </ul>	
<p><b>Old Business and Projects Reports</b></p>	<ul style="list-style-type: none"> <li>• <b>Grass Carp Update</b> – Commissioner Virkler – No new information to report. Riverkeeper David Merryman reported that there was a report of a huge patch of Hydrilla near Big Allison Creek. Ken Manuel with Duke Energy to be contacted regarding this sighting.</li> <li>• <b>IBT</b> – Commissioner Land – The Supreme Court heard from interveners and the focus was not on water quantity but water quality.</li> <li>• <b>Combined Law Enforcement Activities Report</b> – Chair Hanks – No update to report</li> <li>• <b>Buoy Update</b> – Commissioner Hanks Lighted Buoys - 25 lighted buoys have been received and ready to be installed. October 31<sup>st</sup> – installation date.</li> <li>• <b>Clean Marina</b> – Commissioner Peers had an onsite visit with Pier 49 and the initial checklist was completed.</li> <li>• <b>Website</b> – New updates to be posted on the website this week.</li> </ul>	
<p><b>Comments</b></p>	<p><b>Comments</b> - None</p>	
<p><b>Adjournment</b></p>	<p>There was no further business and the meeting was adjourned at 8:43 pm</p>	<p>A motion was made by Vice Chairman Peers to adjourn the October 26, 2009 business meeting. Seconded by Commissioner Wanless. The motion was approved.</p>

<b>Topic</b>	<b>Discussion Summary</b>	<b>Action</b>
<b>Next Business Meeting Date and Location</b>	The next LWMC business meeting will be held on November 26, 2009 at 7:00 at the Belmont City Hall, 115 North Main Street, Belmont, NC.	

Annette Demeny, Commission Clerk