

Lake Wylie Marine Commission



**September 28, 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

LWMC Staff Absent: Annette Demeny, Clerk

Topic	Discussion Summary	Action
Welcome & Introductions	Chairman Sandy DuPuy called the meeting to order at 7:03 pm then welcomed Mr. Phil Land and Mr. Bill Campbell to the meeting. Both of these gentlemen will be joining the Lake Wylie Marine Commission beginning October 2009.	
Approve Minutes – August 24, 2009	The minutes from August 24, 2009 were approved.	Commissioner Everhart made a motion to approve the August 24, 2009 meeting minutes. Seconded by Commissioner Wanless. The motion was approved.

<p>Approval of the September, 2009 Meeting Agenda</p>	<p>The September 28, 2009 meeting agenda was approved.</p>	<p>A motion was made by Vice Chairman Peers to approve the September 28, 2009 Agenda. Seconded by Secretary Treasurer Hanks. The motion was approved.</p>
<p>Consent Agenda</p>	<p>Consent Agenda – None</p>	
<p>Public Comments</p>	<p>Public Comments – Mr. Roy Highberg, CME Senior Environmental Planner, reported</p> <p>At its May 18th meeting, the Lake Wylie Marine Commission considered and approved the transfer of additional R/W easement for SCDOT maintenance access long the new southbound bridge, upon the condition that a second (follow-up) sediment survey be conducted at the conclusion of the project. The results of the second survey will allow the Lake Wylie Marine Commission to determine the depth of siltation in the area of the SC Hwy 274 bridge from the beginning to the end of the project. At this meeting, the understanding that this second survey would be completed by DOT however, Mr. Highberg reported that York County has committed to conduct this follow up sediment survey at the completion of the project. They will report the results back to the Commission once they are available.</p>	
<p>York County Revised Buffer Ordinance</p>	<p>York County Revised Buffer Ordinance – David Pettine, Zoning and Development Administrator updated the Commission</p> <p>Mr. Pettine outlined the amendment to the York County Buffer Ordinance and the legal process beginning with the multiple workshops that were held to provide information on timeline, an opportunity for public input and an overview of the buffer ordinance. What they learned from these workshops identified holes in the current ordinance and how it could be revised. The current ordinance was not clear on permitted activities and non-permitted activities, did not contain a strong set of definitions, did not provide any flexibility for property owners to works with existing structures and did not contain immediate enforcement measures. The approved changes included; adding language to</p>	

<p>York County Revised Buffer Ordinance (continued)</p>	<p>clarify permitted activities in the buffer and strengthen definition section, added language stating York County must issue permits prior to obtaining shoreline stabilization permits from Duke Energy, adding language for a “Minor Waiver” process handled by staff, clearly spelled out application requirements and improved enforcement through addition of ability to immediately issue a stop work order and ordinance summons when violations are found in the field.</p> <p>The next steps are to continue public outreach / education process, update and revise applications to reflect new provisions and to create a buffer pamphlet to provide regulations and provisions in a user friendly format.</p> <p>The Commission thanked Mr. Pettine for sharing this valuable information.</p>	
<p>Stakeholder Reports</p>	<p>Charlotte-Mecklenburg Police Dept and SPLASH Report – Officer Joye reported Monthly Activity Report (August 2009)</p> <ul style="list-style-type: none"> •1 (141) Call for Service •2 (46) Boats Inspected •3 (3) Boaters Assisted •4 (46) Boaters Warned •5 (2) Navigational Hazards Removed •6 Three (3) staff working the lake for the fall / winter months <p>The LWMC received a request for approval from the CMPD, Steele Creek Division Lake Enforcement, for replacement of an existing open slip dock with an enclosed boathouse. The boathouse will be attached to the existing boathouse in the same manor the current open slip is. The facility is located in a cove in McDowell Nature Preserve. The footprint will not change therefore, will not protrude more than the existing boathouse does. Commissioner Virkler conducted a site visit and has no objections to approving this project.</p> <p>Gaston County Sheriff’s Office - Officer Doug Hord reported.</p> <ul style="list-style-type: none"> • GCPD is working the lake on weekends only. During the week, only on an as needed basis. 	<p>A motion was made by Commissioner Virkler to approve the proposed project from CMPD. Seconded by Commissioner Wanless. The motion was approved.</p>

<p>Stakeholder Reports (cont.)</p>	<p>York County Sheriff's Office – Sgt Mabry reported</p> <ul style="list-style-type: none"> • Activity is slowing on the lake- they are patrolling weekends and as needed. • Conducted boating safety courses and participated in sonar training course. The Commission requested that Sgt Mabry forward the schedule of the Boating Safety Course to the Marine Commission Clerk so we can plan to attend one of the sessions. <p>N.C. Wildlife Resources – No one was present to give report</p> <ul style="list-style-type: none"> • They are beginning to prepare for hunting season and will have a limited presence on the lake. <p>Tega Cay Police Department – No one was present to give report</p> <p>S.C. Dept of Natural Resources – No one was present to give report</p> <p>Mecklenburg County Land Use and Environmental Service Agency (LUESA) – David Buetow reported</p> <ul style="list-style-type: none"> • Mr. Buetow referred Commissioners to handouts of the new Water Quality Condition report (LUSI) (July, 2009) - Results range from Supporting+ - Supporting. The Swimming Indicators were all in the Supporting+ except for the Withers Cove site (200 fecal coliform colonies/100 ml). This was due to a high algae reading. There is currently some short-term monitoring taking place in this area to try to understand why the readings were so high. 	
<p>Stakeholders Reports (continued)</p>	<p>Duke Energy of the Carolinas – Ronnie Lawson reported</p> <ul style="list-style-type: none"> • Lake level – 96.2 (target is 97') which is below full storage. • Big Allison Creek: Rope swings were cut down over the Labor Day holiday but were back up the very next day. Duke pulled the ladder and platform down to see if this would help eliminate violators reinstalling the rope swings. A No Swimming sign has been installed and Duke plans to install yet another one in this area. • Buster Boyd Access: The holes in the parking lot have been patched. <p>Lake Wylie Lakekeeper – Bill Hildebrand reported</p> <ul style="list-style-type: none"> • The Annual Riversweep is scheduled for October 3, 2009. A new clean up site has been added at the Riverfront community marina across from the Whitewater 	

<p>Stakeholders Reports (continued)</p>	<p>Center. He encouraged the Commission to participate and to get the word out to others.</p> <ul style="list-style-type: none"> • An algae bloom occurred on September 20th in Crowder’s Creek. The Covekeeper reported this occurrence to DEHEC. DEHEC conducted a series of tests which reflected low oxygen levels. The algae bloom has since dissipated. • Riverkeeper David Merryman encouraged the Commission to research the proposed installation of fish attractors into Lake Wylie. Mr. Merryman agrees that the lake needs these attractors but placement is paramount. <p>Mecklenburg County Parks and Recreation – No one was present to give a report.</p> <p>Special Guest – Captain Smith with CMPD Fire Station 38 introduced himself and informed the Commission of the services that this fire station provides. One of these services is medical and ability to treat patients at the boathouse. The Station is currently writing a grant for a possible fireboat. This potential boat would have both fire and rescue capabilities.</p>	
<p>Treasurer’s Report</p>	<p>Treasurer’s Report – Secretary Treasurer Smitty Hanks reported.</p> <ul style="list-style-type: none"> • Finance Report - The monthly finance report was distributed to Commissioners prior to the meeting. There were no questions. 	
<p>Executive Director’s Report</p>	<p>Executive Director’s Report – Executive Director Joe Stowe reported</p> <ul style="list-style-type: none"> • Law Enforcement Facility Update – DEHEC did not received any oppositions from the public notice. DEHEC will now generate a permanent approval to the LWMC and the Army Corp of Engineers. Once the Army Corp of Engineers receives this information, they will send the Marine Commission their final approval for requested signatures. • End of the Year Celebration and New Member Orientation – Mr. Stowe suggested that the Commission consider having an end of the year celebration and orientation for new Commissioners. A possible venue is T-Bones on Lake Wylie and then taking a short boat ride that evening. The Commission approved this celebration and proposed October 14th for this event. 	<p>A motion was made by Commissioner Everhart to allot up to \$1,400 to host a celebration /orientation on Lake Wylie. Seconded by Commissioner Virkler. The motion was approved.</p>

<p>Chairman's Report</p>	<p>Chairman's Report – Chair Sandy DuPuy reported</p> <ul style="list-style-type: none"> • Election of Officers – Legal Counsel Chris Clark announced that there are three offices up for election; Chair, Vice Chair, and Secretary Treasurer. The procedure that the Commission uses for electing new officers is to take recommendations from the nominating committee. Mr. Clark presenting the nominations from the nominating committee and then opened the floor for other nominations. If there are multiple nominations for a position, there will be a vote. If not, the sole nominee will be awarded the position. <ul style="list-style-type: none"> ➤ Chair – Smitty Hanks was nominated for the position of Chair. Having no other nominations, Smitty Hanks is the new Chair for the Lake Wylie Marine Commission ➤ Vice Chair – Terry Everhart was nominated for the position of Vice Chair. Having no other nominations, Terry Everhart is the new Vice Chair for the Lake Wylie Marine Commission ➤ Secretary Treasurer – Vernon Peers was nominated for the position of Secretary Treasurer. Having no other nominations, Vernon Peers is the new Secretary Treasurer for the Lake Wylie Marine Commission • LWMC No Wake Signs – Clerk Annette Demeny reported that Duke Energy does not promote having signs on personal docks. There is a sign ordinance in place on all lakes addressing the use of personal signs. The Commission could post these types of notices at boat access areas in the kiosks that are provided. • Grass Carp Ordinance – both Lake Norman and Mountain Island Lake have adopted ordinances that make it illegal to possess grass carp. Lake Wylie would like to pursue such an ordinance. Legal Counsel Chris Clark to research the state law and report back to the Commission. 	
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<p>Request for Approval – The Vineyards</p>	<p>Request for Approval – The Vineyards – Cary Ayres reported to the Commission</p> <p>The proposed project will have six (6) commercial residential community cluster docks accommodating forty-eight (48) 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.</p> <p>As part of the approval process, Commissioners Everhart and Virkler will conduct a site visit and report back to the Commission at their October meeting.</p>	
<p>Old Business and Projects Reports</p>	<ul style="list-style-type: none"> • Grass Carp Update – Commissioner Virkler. Some signs already that grass carp are doing their work. Will be able to see the effects more clearly during the spring, when the tubers begin to sprout. • IBT – Chair DuPuy – The Supreme Court to hear from interveners on October 5th. • Combined Law Enforcement Activities Report – Chair DuPuy – No update to report • Buoys Update – Commissioner Hanks Lighted Buoys - 25 lighted buoys have been received and ready to be installed. • Clean Marina – Commissioner Peers - Two variations of a flag to denote clean marina status were presented to the commission to consider. • Website – Sandy DuPuy – New updates to be posted on the website this week. 	
<p>Comments</p>	<p>Phil Land was requested by Senator Haynes to announce the next Bi-State Commission meeting on October 23, 2009 at Baxterhood Center at York Tech beginning at 10am.</p>	
<p>Recognition of Commissioners</p>	<p>Recognition of Commissioners – Both Commissioner David Cloninger and Chair Sandy DuPuy will be rotating off the Commission at the end of September. The Commission presented a framed map of Lake Wylie to Commissioner Cloninger and a framed photo of Lake Wylie to Chair Sandy DuPuy. They both have served the Commission with dedication and enthusiasm. They will be missed!! Thank you for your service!!</p>	

Adjournment	There was no further business and the meeting was adjourned at 8:45 pm	A motion was made by Secretary Treasurer Hanks to adjourn the September 28, 2009 business meeting. Seconded by Commissioner Wanless. The motion was approved.
Next Business Meeting Date and Location	The next LWMC business meeting will be held on October 26, 2009 at 7:00 at Camp Thunderbird, One Thunderbird Lane, Lake Wylie, SC.	

Annette Demeny, Commission Clerk