

Lake Wylie Marine Commission



**September 24, 2007
7:00 p.m.**

**Belmont City Hall
115 North Main Street
Belmont, NC**

Minutes

Commissioners Present: Chairman Joe Stowe (Gaston County), Commissioner Bo Ibach (Mecklenburg County), Commissioner Secretary/Treasurer Sandy DuPuy (Mecklenburg County), Commissioner Dan Ballou (York County)

Commissioners Absent: Commissioner Don Cloninger (York County), Vice Chairman Billy McLean (Gaston County), Troy Blackmon (York County)

LWMC Staff Present: Chris Clark, Legal Counsel, Annette Lawing, Interim Executive Director

Topic	Discussion Summary	Action
Welcome & Introductions	Chairman Joe Stowe called the meeting to order at 7:02 pm.	
Approve Minutes – August 27, 2007	The minutes from the August 27, 2007 LWMC business meeting were approved.	A motion was made by Commissioner Ibach to approve the August 27, 2007 LWMC meeting minutes. Seconded by Commissioner Ballou. The motion was approved.

Topic	Discussion Summary	Action
Consent Agenda	<p>Consent Agenda – Overview of the three letters drafted by Mark Sleeper and Bill Orford encouraging FERC to reevaluate the existing LIP Protocol due to the rapid and extreme drop in the level of Lake Wylie were presented to the commission. If approved by the commission, the letters would be mailed to Duke Energy, Federal Energy Regulatory Commission, NC and SC Governors, NCEMC, Catawba Wateree Bi-State Commission, and Attorney General McMasters and will be signed by Interim Executive Director, Annette Lawing and Chairman Joe Stowe.</p>	<p>A motion was made by Secretary Treasurer DuPuy to add overview of LIP letters to the Sept 24th consent agenda. Seconded by Commissioner Ibach. The motion was approved.</p> <p>A motion was made by Commissioner Ibach to approve the drafted letters and have them mailed on LWMC letterhead. Seconded by Secretary Treasurer DuPuy. The motion was approved.</p>
Public Comments	Public Comments - None	
County Reports	<p>Charlotte Mecklenburg Police Department and SPLASH Report – Officer Terry Everhart reported</p> <ul style="list-style-type: none"> □ SPLASH – Attended the Fall Boat Show from September 3rd – 5th and the National Night Out in Kings Mountain. □ (42) Boats Inspected (August) □ (40) Warnings (August) □ (2) Citations Issued (August) □ (4) Boaters Assisted (August) <p>Gaston County Police Department – Officer Jason May reported</p> <ul style="list-style-type: none"> □ (15) Special Checks □ (10) Verbal Warnings □ (5) Written Warnings □ Worked on the lake up until September 15th and then turned jet skis in. Boats are 	

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<p>County Reports (continued)</p>	<p>available for emergencies only.</p> <ul style="list-style-type: none"> □ Attended boating school in Charleston, SC and a BWI school in Cornelius. <p>York County Sheriff's Office – Sgt Mabry reported</p> <ul style="list-style-type: none"> □ Responding on an as needed basis. □ (1) Drowning in September. This was a good joint effort with SCDNR and other area law enforcement agencies. <p>N.C. Wildlife Resources – No one was present to report.</p> <p>Tega Cay Police Department – No one was present to report.</p> <p>S.C. Dept of Natural Resources – Sgt. Todd Campbell reported</p> <ul style="list-style-type: none"> □ (3) Boating Accident □ (1) Drowning <p>Chairman Joe Stowe would like the commission to begin researching and determining from the law enforcement agencies what type of items can / can not be put in the lake to be used as fishing attractors. Sgt. Campbell informed the commission that one law that could apply to persons dumping items into the lake would be a littering violation. Christmas trees can be used as fishing attractors as long as it is not a navigational hazard. Commissioner Ballou asked Sgt. Campbell if a citation could be written if a boater was stopped and had debris in his boat. There is no law that states what a boater can or can not have in their position, answered Campbell. A boater would have to be caught in the act of dumping the items into the lake for a citation to be written.</p> <p>C.D. Collins, Covekeeper, stated that he was called out to a resident in Catawba Creek Cove where the homeowner witnessed a boater dumping 8 cinder blocks at her neighbors' pier. She confronted the boater but the boater stated that he can dump anything he wanted into the lake. Mr. Collins called the Gaston County Police Department and when an officer arrived, the boater left quickly. This boater can be charged with littering or the resident can get a warrant taken out. C.D. Collins is to follow up with this matter.</p> <p>Mecklenburg County Land Use and Environmental Service Agency (LUESA) – No one was present to report</p>	

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County Reports (continued)	<p>Duke Energy of the Carolinas – Ronnie Lawson reported</p> <ul style="list-style-type: none"> □ (19) Pier Applications Approved □ (3) Stabilization Applications Approved □ Lake Level – 94.6 (5.4’ below full pond) <p>Low Inflow Protocol (LIP) Info – Storage Index – 46.74%, target level is 75% which puts the ratio at 62.32 (Stage 2)</p> <p>Beginning September 25th, lake residents will not be allowed to use irrigational pumps. If caught pumping water from the lake, the first offence would be a written notice, second offence – homeowner will be asked to remove the pump and if they failed to comply, Duke Energy will remove it and can seize their docks.</p> <p>Lake Wylie Lakekeeper – C.D. Collins reported</p> <ul style="list-style-type: none"> □ Sixth Annual Lake Wylie Riversweep is scheduled for Saturday, October 6th from 9am – 12 noon. Need boat captains and pontoons. □ New Lakekeeper Elected – On September 12th, the Lake Wylie Covekeepers elected Ellen Goff to be the Lakekeeper for Lake Wylie. □ On August 27th, homeowner at 228 River Loop Road rented a backhoe and was working along a seawall when it collapsed and the backhoe sunk into muck 12’ deep. Officials from NC State, Gaston County and Duke Energy were notified and the backhoe was removed. □ See SCDNR report regarding information on Catawba Creek Cove compliant. <p>Mecklenburg County Parks and Recreation – No one was present to report</p>	
Environmental	Update on Hydrilla in Lake Wylie – No new information to report this month	
Request for Comments	<p>Request for No Wake Zone near Allison Creek Boat Launch – As a follow up from the August 27, 2007 meeting, Todd Campbell with SCDNR informed the commission that this same request has been forwarded to headquarters in Charleston and is awaiting their response. Will continue to monitor this request.</p> <p>Request for No Wake Zone in Boyd’s Cove – Chairman Joe Stowe and Officer Terry Everhart with Charlotte Mecklenburg Police visited this site and concluded that homeowner needed to contact the law enforcement officers when she witnessed skiers / boaters coming into this cove at a high rate of speed. Officer Everhart feels strongly that if</p>	

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<p>Request for Comments (continued)</p>	<p>a couple of citations were written, this would most likely take care of the problem. By next Spring, if the issue of safety has not been addressed with writing citations, then the homeowner can reapply for a No Wake Zone through the LWMC.</p> <p>Request for Review – Residential Marina for the Lakepoint Subdivision – Mallory Liles, consultant for Pearson Properties reported to the commission. The Lakepoint subdivision will have 51 total lots, 20 water front and 31 water view. Pearson Properties, the developer, will set aside 942 feet (20/4%) of the shoreline, as preserved according to Duke’s residential marina requirement. The marina application is for 10 residential boat slips, one courtesy dock, a boat launch and 10 parking spaces to serve the off water residents of Lakepoint.</p> <p>As part of the review process, Chairman Stowe and Commissioner Ibach volunteered to visit the site and review the request. A report will be given to the commission with a recommendation at the October 22, 2007 meeting.</p> <p>Public Comment: Doug McFadden, Lake Wylie resident, opposes this request due to the close proximity of this marina to two other large marinas. The challenge is creating such a high density of marinas within hundreds of yards of one another. Another issue is the developer does have an option of putting this community facility on the other side of the road. Mr. McFadden feels that the developer is only looking at the economical aspect of this project not in what’s in the best interest of the lake. Mr. McFadden would like the commission to look at these options when making their recommendations.</p> <p>Request for Approval – Riverfront Marina Construction Staging Site – Larry Harrelson of Rowboat Dock & Dredge reported to the commission. Construction start of the Riverfront Residential Marina is scheduled to begin very soon and Rowboat Dock & Dredge intends to utilize the upland commercial property adjoining the Riverfront Marina as a temporary staging site for its Lake Wylie construction activities. This site is estimated to be in use for 2 years.</p> <p>As part of the review process, Chairman Stowe and Secretary Treasurer DuPuy will visit the site and review the request. Chairman Stowe agreed to have the commission vote via email once the recommendation is given. This will speed up the process since Rowboat Dock and Dredge is on a time restraint.</p>	

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Public Safety	<p>No Wake Buffers at Bridges – Commissioner Ibach spoke with Bob Elliott with the Lake Norman Marine Commission regarding who would be liable if beacons were installed at all bridges and a boater would hit one. Elliott informed Ibach that on Lake Norman that if a boater hits or knocks over a marker, the boater would be liable for the damages.</p> <p>Ibach has been appointed to the Habitat Enhancement Advisory Committee and will attending the first meeting on September 25th. One item that has been requested is a grant for osprey poles and nests. The day beacons may have a dual use with these osprey poles. Ibach will report back with additional information at the October 22nd meeting.</p> <p>Officer Everhart with CMPD suggested that the commission look into low level lights under the bridges. Sgt Campbell with SCDNR does not suggest the commission using poles as markers. Most likely boaters would hit these poles.</p>	
Update on Interbasin Transfer	Update on IBT – No new information to report this month	
Update on the Law Enforcement Facility	Update on the Law Enforcement Facility – Will give an update at the October 22, 2007 meeting.	
Review of the Marine Commission Goals Worksheet	Review of the Marine Commission Goals Worksheet – Interim Executive Director Annette Lawing presented to the commission the new updated goals worksheet. Will begin inserting information into this spreadsheet at the October 22, 2007 meeting	
Finance and Activity Report	<p>Finance and Activity Report – Interim Executive Director Annette Lawing distributed the Finance and Activity Report for August 2007.</p> <ul style="list-style-type: none"> □ Have received the first quarter payments from all three funding counties. Will be sending out 2nd quarter requests at the end of September. 	
Other Business	<p>Chairman’s Report – No new information to report</p> <p>Executive Director’s Report – No new information to report</p>	

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Public Comments	Public Comments – None	
Election of Officers	<p>Election of Officers – Legal Counsel Chris Clark conducted the election</p> <ul style="list-style-type: none"> □ Legal Counsel Chris Clark read the September 2007 Nominating Committee Report. Noting that the current Chairman has already served two terms, if nominated again, he will have to receive a unanimous vote from the commission in order to win the seat. All other seats require majority vote. The following recommendations for Chairman, Vice Chairman and Secretary Treasurer were read to the commission; □ <u>Chairman:</u> Joseph “Joe” Stowe, Gaston County. With no other nominations and receiving a unanimous vote from the commission, Joe Stowe will remain the Chairman of the Lake Wylie Marine Commission. □ <u>Vice Chairman:</u> Charles “Bo” Ibach, Mecklenburg County. With no other nominations, Bo Ibach is the new Vice Chairman of the Lake Wylie Marine Commission. □ <u>Secretary / Treasurer:</u> Sandy DuPuy, Mecklenburg County. With no other nominations, Sandy DuPuy will remain Secretary/Treasurer of the Lake Wylie Marine Commission. 	
Adjournment	The meeting was adjourned at 8:13 pm	The meeting was adjourned on motions by Commissioner Ibach and Secretary Treasurer DuPuy.
Next Business Meeting Date and Location	The next LWMC business meeting will be held on October 22, 2007 at 7:00 p.m. at River Hills Community Association, 102 Hamilton Ferry Road, Lake Wylie, SC.	

Annette Lawing, Interim Executive Director