

Lake Wylie Marine Commission
August 28, 2017
The Red Fez Shrine Club



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- Commissioners Present:** Chairman Lynn Smith (Mecklenburg County)
Vice Chairman Neil Brennan (Gaston County)
Commissioner Ellen Goff (York County)
Commissioner Peter Hegarty (Mecklenburg County)
Secretary Treasurer Robert Biggerstaff (Gaston County)
Assistant Secretary Treasurer Brad Thomas (Gaston County)
Commissioner Blanche Bryant (York County)
Commissioner George Medler (York County)
- Commissioners Absent:** Commissioner Tim Mead (Mecklenburg County)
- LWMC Staff Present:** Joe Stowe, Executive Director; Chris Clark, Legal Counsel;
Emily Parker, Administrator
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Meeting Minutes

Mission Statement

To promote public policies and support regulations for the preservation of Lake Wylie and its wildlife and for the education and safety of the citizens who use this beautiful natural resource.

Item 1 – Welcome and Introductions

Chairman Smith called the meeting to order at 7:00 pm and welcomed everyone present.

Item 2 – Approval of Minutes

Chairman Smith asked if any changes need to be made to the July 24, 2017 minutes. Commissioner Thomas moved to approve the July 24, 2017 minutes. Commissioner Medler seconded the motion and it was approved unanimously.

Item 3 – Approval of Agenda

Chairman Smith asked if any changes need to be made to the August 28, 2017 agenda. Vice Chairman Brennan moved to approve the August 28 agenda. Commissioner Bryant seconded the motion and it was approved unanimously.

Item 4 – Ready, Set, Wear It! Trophy Presentation

Commissioner Bryant presented a trophy to two students from Nations Ford High School for the school's winning participation in this year's Ready, Set, Wear It! life jacket awareness competition. Commissioner Bryant thanked them, the rest of the student body, and the leadership at Nations Ford High School. The two students received the trophy and a round of applause.

Item 5 – Public Comment

Jim Allison, lake resident. Mr. Allison spoke to the Marine Commission about the mess that happened on the lake on August 21 when a development containment basin dam failed and dumped sediment in the a nearby cove.

He commented that the company said it will do something to fix the mess, but the cove is still filled with sediment. Mr. Allison and his wife are curious about what will happen to constitute a thorough cove clean up.

Mike Drumm, lake resident at 361 Lake Wylie Road in Belmont. Mr. Drumm said that for last 10-15 years a sandbar has developed on or near the point where he lives. He would like channel markers placed near the sandbar. He said that over last 20 years, nearly 40 boats have gotten caught on the sandbar. GCPD Officer Hamrick invited him to the meeting this evening. Mr. Drumm lives in front of Commissioner Thomas' house. Commissioner Thomas reported that that area is like the area near the US National Whitewater Center in that the main channel does not follow the middle of the river. Vice Chairman Brennan said that this situation lends itself to placement of a danger buoy. The process for doing so was outlined. Mr. Drumm said he spoke with NCWRC staff in Raleigh. The LWMC will contact NCWRC about placing a danger buoy at this location. Commissioner Thomas will follow up with NCWRC Sgt. Laton.

David Smith, lake resident at 18330 McKee Road. Mr. Smith said that he lives "where the lake fell off" – referring to the Mattamy Homes containment basin dam failure and major sedimentation issue. He does not think that the company is doing anything about dredging the cove. He has been fighting Mattamy since October of last year over a different issue. Commissioner Goff added that Catawba Riverkeeper Sam Perkins will have more information on this issue in his report.

Item 6 – Stakeholder Reports

Charlotte Mecklenburg Police Department – Officer Carey reported that there have been calls for service related to people trespassing on Palisades property, specifically on Landover Road near Snug Harbor. He introduced the new CMPD Steele Creek area Captain, Rob Dance. Captain Dance addressed the LWMC and noted that his email address is rdance@cmpd.org.

Gaston County Police Department – Officer Hamrick reported that the GCPD's larger boat is back up and running. He mentioned a recent drowning that occurred on Mountain Island Lake. Officer Hamrick went to Mr. Drumm's house to inspect the sandbar situation. He is not sure if a danger buoy would work because the area in question is so wide. He added that the area needs to be dredged and needs channel markers.

York County Sheriff's Office – Sgt. Mabry reported that they are having equipment issues. He mentioned that he worked with staff from SCDNR to assess South Carolina buoys. When they were finished the buoys were accounted for and in position. The buoys moved out of position shortly thereafter.

Tega Cay Police Department – No report was given.

NC Wildlife Resources Commission – No report was given.

SC Department of Natural Resources – Sgt. Plemmons reported on SCDNR numbers for May–July 2017. They made 125 cases and issued 258 warnings. He brought up the North Carolina/South Carolina jurisdiction on the lake issue related to a situation SCDNR had on July 4 involving jet skiers – one of them being a convicted felon. He said that the jurisdiction issue is complicated and that "establishing venue" is critical. He mentioned a pilot program set for next year that will entail North Carolina and South Carolina officers patrolling in the same boat. He complimented other law enforcement agencies for their collegiality and ongoing coordination. It was mentioned that South Carolina has a reciprocal agreement with Georgia.

US Coast Guard – No report was given.

US Coast Guard Auxiliary – No report was given.

Mecklenburg County Land Use and Environmental Services Agency (LUESA) – No report was given.

Duke Energy – Ronnie Lawson reported that:

- Lake level: 96.8' (target level: 97.0')
- Low inflow protocol: Stage 0 (drought watch).
- No dredge permits have been submitted or approved in the past month.

Mr. David Smith (see Item 5 – Public Comment) asked about a dredging permit related to the Mattamy Homes basin failure. Mr. Lawson said yes, a dredging permit would be needed, for both North Carolina and South Carolina. He said that Duke Energy usually gets dredge applications from individuals. The application procedure can take up to 6 months and includes approval through multiple agencies. After agency approval, then it goes to Duke Energy for final approval.

Gaston County Cove Keeper – No report was given.

Lake Wylie Lakekeeper Report – Sam Perkins invited Dan Mullane and Brandon Jones to join him at the podium. He announced that Dan Mullane is stepping down as Lakekeeper and that they are looking for new leadership. Mr. Mullane thanked the LWMC for their support. Mr. Perkins introduced the Catawba Riverkeeper Foundation's (CRF) new staff member Brandon Jones, Director of Technical Programs (Brandon@catawbariverkeeper.org). The CRF now has 5 full time staff members. Mr. Perkins mentioned a successful event the CRF held in Belmont at the Old Mill. They plan to do the same event next year. He said that the "buffer bill" is still alive but mostly (95-100%) defeated. The CRF is not concerned about the bill.

The CRF is working on improvements to sediment and erosion control ordinances. All counties need help with this and CRF will be focused on this effort. Mr. Perkins addressed the Mattamy Homes "basin blow out." He called City of Charlotte staff this morning. The land is on the North Carolina side, but the water body is South Carolina water. Apparently, the sediment retention basin was improperly built. The blow out deposited sediment and debris in the cove, but not sewage. The developer is being charged \$5,000 per day until the mess is cleaned up. So far it has been 8 days. Mr. Perkins said that the City is paying attention to this situation. The CRF wants a full penalty issued to the developer. Vice Chairman Brennan stated there are differences in the fines among the three counties. Mr. Perkins said that consistency would be nice among counties, but the fines need to be higher. Vice Chairman Brennan commented that perhaps area legislators should be contacted. Mr. Perkins said this blow out was the worst he has ever seen. It started in North Carolina and ended up in South Carolina. This is an issue that requires coordination between the two states and a massive environmental clean-up.

Item 7 – McAdenville Riverfront Park Presentation

Emily Blackwell from Stewart, Inc. presented on a proposed project in McAdenville on the South Fork River. Ms. Blackwell spoke with the LWMC about two pieces on the project – a pedestrian bridge and canoe/kayak launch. She said that these projects will not impact the water way. She showed maps to the group and asked for any questions. Commissioner Goff asked about the width of the water way. Ms. Blackwell said it is not that wide, maybe 5-6 feet across. Commissioner Goff asked if the water way is ever dry. Ms. Blackwell said there is usually flow in it. Chairman Smith asked if Executive Director Stowe and 1-2 Marine Commissioners would visit the site. They will make a recommendation at the September 25 meeting. Ms. Blackwell will be invited to the September meeting and Mr. Stowe will contact her about visiting the site.

Item 8 – Riverpointe Wastewater Treatment Project Update

Dale Stewart from LandDesign provided an update to the LWMC on the Riverpointe project. He said that the goal is to bury the pipe. LandDesign completed a detailed Preliminary Engineering Report (PER). Mr. Stewart provided an explanation of project and process. At this point, they are going back through the project's process steps, and he wants comments on the steps from the LWMC. Mr. Stewart will send Ms. Parker link to the PER (large digital file) to distribute the LWMC. Vice Chairman Brennan moved that the LWMC review the Preliminary Engineering Report and endorse it, if Marine Commissioners agree to do so. Commissioner Hegarty seconded the motion. There was no discussion. The vote was taken and approved unanimously.

Item 9 – Update from the Catawba Nuclear Neighbors (CNN)

Don Clarke from Catawba Nuclear Neighbors (CNN) presented to the Marine Commission. He distributed a multi-page handout to each Marine Commissioner and went through each page as he addressed the group. He spoke about the Concord Road Peninsula, its proximity to the Catawba Nuclear Station, the possibility of a Duke Energy land sale on that peninsula and a high density residential development being built. Mr. Clarke stated that this is the last opportunity to protect this land. He reviewed the impacts of the proposed development plan which may include: clear cutting of available acreage, silt run off into Big Allison and the main channel, extension of utilities and storm water systems, years of construction, and disruption of natural habitats. He noted that this is the last opportunity for a conservation easement of significant size on the South Carolina side of Lake Wylie. The CNN's requests to the LWMC include using their influence and voice to raise awareness around this issue and to help positively impact environmental policy decisions. Mr. Clarke stated that this proposed development could negatively impact the last pristine coves on the lake. Chairman Smith thanked Mr. Clarke and asked for any questions or comments from the Marine Commission.

Commissioner Medler commented that everyone is concerned about water quality and asked if anyone is considering emergency accessibility on the two-lane roads near the plant in light of a proposed high-density development. Mr. Clarke said that this – emergency access and evacuation – is a county issue, and added that there are safety and evacuation issues involved in this situation, in addition to significant potential environmental impacts. He asked that the Marine Commissioners speak to their local elected leaders to raise awareness about this issue. Mr. Clarke thinks the time to do this is before Duke Energy sells the property. He added that one of the major challenges with this property is bringing water and sewer over the Concord Road Bridge. Expanding utilities and recontouring (i.e., clear cutting; grading) the peninsula to accommodate high density development would likely incur significant development costs.

Commissioner Bryant commented that Duke Energy did not let people know about this situation until their relicensing came through. Commissioner Goff moved that the Marine Commission send a letter of support for CNN's position to York County. The letter would express the Commission's concerns about potential damage to the lake that could result from high density residential development contemplated for this area. Commissioner Bryant seconded the motion. Discussion: Vice Chairman Brennan said he is uneasy with weighing in on potential problems. The Marine Commission deals with issues that have an impact on the lake. Though there is potential for something to go wrong, there are laws and rules in place about sedimentation. Past major construction projects which had the potential for sedimentation problems have not been similarly addressed. He recommended that the Marine Commission should stick with what it knows versus what might happen. Chairman Smith called for the vote. Commissioners Bryant and Goff voted in support of sending the letter. Commissioners Biggerstaff, Brennan, Medler, and Thomas voted in opposition to sending the letter. Commissioner Hegarty abstained from voting. The motion failed.

Item 10 – Joint Jurisdiction Task Force Update

Vice Chairman Brennan stated that both North Carolina and South Carolina state statutes that establish the LWMC say that NCWRC and SCDNR can write regulations that both agencies can support if the two agencies collaborate on writing the regulations. A second option is for the LWMC to write regulations. The opinion of the LWMC's legal counsel is that this second option is not favorable because a judge would likely not support or acknowledge it. Legal Counsel Clark added that, assuming this level of coordination is something that area law enforcement wants, the LWMC would like to help figure this complicated situation out. Vice Chairman Brennan proposed that area law enforcement – NCWRC, SCDNR, CMPD, GCPD, and YCSO – meet and discuss if and how to proceed. Sgt. Mabry said that local law enforcement has no issue working together and does so on a regular basis. The issue is that if a South Carolina officer writes a ticket in North Carolina, the North Carolina court is going to throw it out (or vice versa). Vice Chairman Brennan said that this is the kind of issue the group can discuss. He will follow up with law enforcement about setting a date and time for the meeting.

Item 11 – Consideration of Lake Wylie Water Level

Vice Chairman Brennan acknowledged Commissioner Thomas for consistently raising this issue. Executive Director Stowe asked Ronnie Lawson for further explanation. Mr. Lawson said Duke Energy is waiting on FERC and he does not know about the timeline. Follow up on this issue is needed.

Item 12 – Riversweep 2017 Update

Commissioner Goff reported that the Riversweep planning committee is moving along with all details having been addressed at this point. Vice Chairman Brennan and Commissioner Goff think that all bases are covered. As of today, they have doubled the number of registrants -- just short of the 100 people. Thus far, the planning committee has received \$1,000 in donations. Commissioner Goff concluded by saying media spots will air on WBTV the Saturday morning before Riversweep.

Item 13 – Treasurer’s Report

Secretary Treasurer Biggerstaff provided the Treasurer’s report. The LWMC is in good financial shape heading into FY 2018.

Item 14 – Executive Director’s Report

Executive Director Stowe reported that he attended the 60th year celebration for the power plant in Belmont.

Item 15 – Chairman’s Report

Chairman Smith reported that she attended the monthly officers meeting and the Riversweep planning meeting. She also attended the Environmental Committee meeting for the City of Charlotte. Chairman Smith commented that the last time the LWMC reviewed its Goal Setting goals was at the April 2017 meeting. She requested that a review of Goal Setting goals be added to the September agenda. Ms. Parker will add it to the agenda.

Item 16 – Clerk’s Report

Ms. Parker reported that the FY 2017 audit is underway.

Item 17 – Old/New Business and Commission Projects Reports**Old Business**

- Water Quality –
 - Clean Marina/Clean Boating – Commissioner Medler reported that Clean Marina re-certification is wrapped for the year.
 - Invasive Species – Commissioner Medler did not have a report.
 - Sedimentation – Commissioner Goff did not have a report.
 - Buoys – Secretary Treasurer Biggerstaff did not have a report.
 - Vice Chairman Brennan quickly reviewed the Belmont water quality report.
- Safety – Commissioner Bryant had nothing more to add.
- Recreation – No report was given.
- Public Information – Commissioner Goff reported that the newly redesigned LWMC website (www.lakewyliemarinecommission.com) is going live in the next 24 hours. She will take comments and suggestions from the group.

Item 18 – Adjournment

The meeting adjourned at 9:02 pm.