



Commissioners Present: Chairman Neil Brennan (Gaston County)
Vice Chairman Peter Hegarty (Mecklenburg County)
Secretary Treasurer Blanche Bryant (York County)
Commissioner Debi Chacharon (York County)
Commissioner Hunter Wilson (Mecklenburg County)
Commissioner Dan Hartley (Gaston County)
Commissioner Dan Mullane (Mecklenburg County)
Commissioner Ellen Goff (York County)

Commissioners Absent: Commissioner Smitty Hanks (Gaston County)

Staff Present: Chris Clark, Legal Counsel; Emily Parker, Administrator

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.

Meeting Minutes

Item 1 – Welcome

Chairman Brennan called the meeting to order at 7:00 pm and welcomed everyone present and stated the following:

On our agenda tonight is an item titled “Wakeboarding / Wake-surfing Restriction Discussion.” The key word is “discussion.” There are currently no recommended changes to the existing no wake zone laws, and there are no pending recommendations to impose additional wake regulations or restrictions. To be clear: The LWMC does not establish or impose restrictions, regulations, or limits on Lake Wylie. Other state agencies and state legislatures have that responsibility. What we will do is draw attention to the concerns raised by dock owners and provide a forum for the exchange of ideas on this subject.

Item 2 – Approval of Minutes

Chairman Brennan asked if any changes need to be made to the May 20, 2019 minutes. Commissioner Goff moved to approve the May 20, 2019 minutes. Commissioner Chacharon seconded the motion. There was no discussion and the motion was approved unanimously.

Item 3 – Approval of Agenda

Chairman Brennan asked if any changes need to be made to the June 24, 2019 agenda. Commissioner Hartley suggested that the Public Comment period for comments related to wake boarding and wake surfing would be moved to the beginning of Item 8. Any other Public Comments should be stated during

the regular Public Comment period (Item 4). Secretary Treasurer Bryant moved to adopt the June 24, 2019 agenda as amended. Commissioner Hartley seconded the motion. There was no discussion and the motion was approved unanimously.

Item 4 – Public Comment

Don Clark with Catawba Nuclear Neighbors (CNN) said he last addressed the LWMC in August of 2017 when land near the Catawba Nuclear Station was put on the market by Duke Energy. He wanted to bring the LWMC up to speed on the situation. He brought handouts for each marine commissioner and reviewed the main points. The CNN were approached by Premier Land Development. This company is under contract to purchase the land in question and they are currently doing due diligence. Premier Land is a Davidson based land developer. They are lot developers. Their method of marketing is through direct mail, email, and phone calls. The CNN have always been concerned about emergency egress because current residents must go past the Catawba Nuclear Station to leave the area. The homes that are currently there pre-date the nuclear plant. This proposal will add houses and population to the east side, or the risk side, of the bridge.

Mary Williams had three reasons to address the LWMC and be present this evening. First, to find out more about the LWMC, second, to see how the Catawba Sail and Power Squadron can assist or partner with the LWMC, and third, to learn more about the issue regarding wake boarding. She distributed her business card to the LWMC and thanked them for their time.

Steven Keener is a lake resident who lives in Belmont. He said that two weeks ago, a dock floated down the river and into his cove. He wanted to thank several people who were very responsive in helping rectify with the situation, including Duke Energy. He appreciated all the help. Mr. Keener commented that it is always good to look upstream when there is a problem. When they drive across the bridge on Lower Armstrong across the South Fork after a big rain, it is full of debris and trash. A lot of the time, this debris and trash ends up in his cove. He asked if anyone has looked upstream to see where the trash and debris is coming from. Vice Chairman Hegarty suggested Mr. Keener get in contact with Ronnie Lawson with Duke Energy.

Item 5 – Stakeholder Reports

Charlotte Mecklenburg Police Department (CMPD) – Officer Joye reported that CMPD lake enforcement is preparing for July 4th holiday and weekend patrols.

Gaston County Police Department (GCPD) – Officer Hamrick reported that the generator on GCPD's 27' boat went out again. GCPD hired three new employees that will transfer to the GCPD lake enforcement unit, including the first female officer to join the unit. Officer Hamrick and his colleagues have repositioned many buoys in the past couple of weeks because of the storms. He commented on massive amounts of damage at north end of Lake Wylie, including that 8-10 boats went over the Mountain Island Lake dam. He said there is a huge amount of damage and debris in a rocky, inaccessible area. Officer Hamrick commented on the drowning death of a 14-year-old on the upper end of Lake Wylie.

York County Sheriff's Office (YCSO) – Sgt. Mabry reported that his department has gotten several calls for swift water rescue below the dam.

Tega Cay Police Department (TCPD) – No report was given.

Mecklenburg County ABC Board Law Enforcement – No report was given.

NC Wildlife Resources Commission (NCWRC) – Chairman Brennan reported on behalf of Sgt. Laton that all channel markers and danger buoys are back in place after being moved by torrential rains.

SC Department of Natural Resources (SCDNR) – No report was given.

US Coast Guard (USCG) – No report was given.

US Coast Guard Auxiliary (USCGA) – Mr. Ray Webber reported on several upcoming water and boating safety classes as well as the USCGA's plans to be on lake patrol around the July 4th holiday.

Mecklenburg County Land Use and Environmental Services Agency (LUESA) – Mr. Dave Ferguson reported that LUESA staff collected bacteria samples in early May, before the flooding happened. His team gathered bacteria samples again on Thursday of last week. They will gather samples for both bacteria and metals in late July.

Duke Energy – Mr. Ronnie Lawson reported that:

- Lake level: 97.8' (target level: 97.0')
- Low inflow protocol: Normal
- No dredging is allowed until July 1.
- On the topic of removal of debris from the lake – Duke Energy does not remove natural debris and vegetation. However, Duke Energy will remove docks, piers, and other manmade structures.

Gaston County Cove Keeper – No report was given.

Catawba Riverkeeper Foundation (CRF) – Mr. Brandon Jones reported that York County passed a new [sediment control ordinance](#). He said that [CRF Swim Guide program](#) sampling has started and is done each Thursday. Mr. Jones also said that he went out with Dr. Brett Hartis (Duke Energy) before the flood to inspect patches of alligator weed.

Item 6 – Shoreline Protection Request

Mr. Fred Marcum is a lakefront resident. He described how his property is situated on the water, how long he has lived at that site, and the issues he has encountered from boat wake impacting his property. He said he lived out of the country for several years and when he returned, he saw that his boat house sustained a great deal of damage. Mr. Marcum got a new, permanent boat house installed. He said he understands extreme sports but does not think they should take place in a small, placid creek. Mr. Marcum reviewed a *New York Times* article and several cases of shoreline damage by high ballast wake boats from across the country and noted that this is becoming a nationwide concern. Chairman Brennan referenced [Mr. Robby Maschhaupt's presentation to the LWMC](#) on responsible wake boarding and suggested working together with the Water Sports Industry Association (WSIA), property owners and other boaters.

Item 7 – No Wake Zone Request – York County

Mr. Barry Mahal presented a no wake zone request to the LWMC. His family lives in a narrow cove where boaters drive through faster than they should, which causes safety and property damages issues. The LWMC thanked him for his presentation. Chairman Brennan and Secretary Treasurer Bryant will conduct a site visit before the next meeting and report on their findings at the July meeting.

Item 8 – Wakeboarding/Wakesurfing Restrictions Discussion

New Item: Public Comment on Wakeboarding/Wakesurfing

- Norm Snyder – He spoke about boaters being inconsiderate with regard to safety. He also said that he has children that wake board and that wake boarding in the main channel would be a safety hazard. If someone is off his or her wake board, the person's head bobs at water level which is hard to see. He commented that wake boarding boats attract jet skis that like to jump wakes, so moving out into the main channel would be a bad idea.
- Tony Anderson – He has been on the lake since 1964 and loves being on the water. He said that the distance between his house and other side of cove is 400' and that boaters come 25' from his dock. This means you cannot sit in or even get near the water because it is dangerous. Some boaters do not know boating laws and rule about things like right of way. More education is needed.
- Shannon Pohl – She said that her family is a waterfront property owner and recreational water user. She commented that safety cannot be reiterated enough and that wakeboarding in the main channel is dangerous. Her children would be not able to wake board anymore if they had to be in the main channel. We all need to be good stewards of Lake Wylie and other people's property. She said that all feedback is needed to get ahead of the problem. She hopes for a return to good community and etiquette.
- Gus Marchunis – He is a waterfront property owner and father of five children. They are a family of seven who all wake surf. Most of wake surfing community are responsible people. He said he would not dare throw waves onto someone's property. He commented that education is key and that we need to enforce regulations that we have, not add additional regulations. The lake is to be shared, so we all need to be courteous. Let's work together on more education for lake users.
- Robin Stackpol – He commented that he is having a problem with shoreline erosion issues. He lives at the narrowest point of Big Allison which is a haven for wake boarders. He said there is an approximate 400' stretch of water that boaters go back and forth on. He does not want any bans put in place, but instead maybe limit areas where wake boarding can happen. He said that people come 15' away from his dock and it costs an average of \$10,000 a year to maintain his property.
- Scott Shirley – He thanked the LWMC for providing a forum for public comment. He noted that this is about sport, property, and safety. He does not like South Carolina's 50' from the dock rule. That is way too close. He read text from his phone from a wake board salesperson about waking responsibly, turning music down, and being considerate. He said this community is committed to doing better.
- Chris Rosanova – He commented that there are lakes in this area where water sports, etc. are limited (e.g., jet skis). He said rules are not good for property values.
- Brian Buzzeo – He lives near the Allen Steam Plant. He said if there are large swathes of no wake zones, those are essentially bans on wake surfing. What else can we do? He mentioned education on boater safety, shoreline and property preservation. He said further enforcement seems to be an answer, but resources are limited. Can we have citizen patrols to help local law enforcement? Finding a solution is where we need to go next.
- Charles Workman – He lives at the end of Little Allison. The wake energy is still there when a wake hits the shore or property. Talk to your legislators if you want change.
- Rusty Yapir – He said that the safety of children is the number one focus. Kids recreating in the main channel is not a reasonable choice because it is too dangerous. He has noticed a huge increase in the number of boats on the lake in the past few years. He said that you cannot point finger at wake boarders only. It is about education and taking responsibility for your own actions.
- Dr. Rob Cynowa – He thanked the LWMC for holding this forum. He said that education of the boating community is so important and that courtesy is a must. He would like the LWMC to help the wake boarding community and encourage cooperation. He would like the LWMC to consider that if this is

an erosion issue, then make it about wake size versus type of wake. It feels discriminatory to target wake boarders. He thanked the LWMC for bringing this group together.

- Jean Summerwill – She is a waterfront property owner on main channel. Her family has owned that property since 1932. She is addressed the LWMC because of flooding a few weeks ago. She has two coves and they are both filled with garbage and stagnant water. She invited the LWMC to come look at garbage in her coves. She was able to connect with Ronnie Lawson (Duke Energy) at the meeting.
- Lee Levandowski – He operates a water sports-related business and lives on Lake Norman. This is about safety and consideration. He commented that boating is a freedom and it also brings people and revenue to the region. We should work together on increasing boating safety and being mindful of music volume. He commented that storm damage causes damage to docks.
- Matt Santomena – He is a representative of Water Sports Industry Association (WSIA). He commented that the lake is a big draw for people moving to this area. We need more education to know how to use boats properly. This issue is also about respect. Most of the boating community is aware of their responsibility.
- Michael Wong – He is a lakefront property owner. Over the years, he has learned to keep his distance from shore while wake boarding. The wake boarders present understand the ramifications. The wake boarders who are not here need education.

Commissioner Goff read a statement from York County Councilmember Allison Love:

I represent both wakeboarders boaters and residents along the shoreline of Lake Wylie. I am opposed to banning any lake activities however respect for the safety of others is a priority. My suggestion would be for the wakeboarding community to return to the marine commission with a solution to wakeboarders who are negligent and/or inconsiderate of others. I agree there are issues and it may be that a few are a liability to the majority and a fix short of banning everyone most likely lies within reach. I would encourage you all to listen to each other and work together for a common cure so EVERYONE can continue enjoying lake life.

Rusty Yapir suggested posting signage at end of docks to educate boaters. Perhaps that is something WSIA can take on. Commissioner Wilson said that education as most important aspect of this situation. Leveraging the WSIA to help educate all parties would be useful. Vice Chairman Hegarty made a comment about involving boat dealers in education. The LWMC Safety Committee will contact WSIA to see what next steps can be taken. It was mentioned that perhaps work could be done on changing South Carolina's 50' rule.

Legal Counsel Clark reminded the LWMC that the meeting venue will close in 25 minutes. He recommended that they vote to amend the agenda to conduct the FY 19 budget amendment discussion and public hearing for the FY 20 budget next, to avoid running out of time. Commissioner Goff moved that the LWMC amend the agenda according to Mr. Clark's recommendation. Commissioner Hartley seconded the motion. There was no discussion and the motion was approved unanimously.

Items 13 and 14 were moved up to be the next two items discussed.

Item 13 – FY 18-19 Budget Amendment

Vice Chairman Hegarty moved to approve the FY 18-19 budget amendment as proposed. Commissioner Wilson seconded the motion. There was no further discussion. The vote was taken and approved unanimously.

Item 14 – FY 19-20 Budget

- Public Hearing for Consideration of the FY 19-20 Budget Ordinance – Commissioner Hartley moved to enter into Public Hearing to discuss and approve the FY 19-20 budget. Commissioner Goff seconded the motion and it was approved unanimously. There were no comments from the public. Commissioner Hartley moved to close the Public Hearing. Commissioner Chacharon seconded the motion and it was approved unanimously.
- Discussion and Approval of the FY 19-20 Budget Ordinance – Commissioner Goff moved to approve the FY 19-20 budget. Commissioner Hartley seconded the motion. There was no discussion. The vote was taken and the FY 19-20 budget was approved unanimously.

Item 9 – Annual Update Presentation to Mecklenburg County

Chairman Brennan asked that the LWMC review the presentation outline and let him know about any edits. He will modify this outline for presentations to the Gaston County Commission and York County Council.

Item 10 – Annual Catawba-Wateree Workgroup Meeting Brief

Commissioner Chacharon attended a meeting online about the [Shoreline Management Plan \(SMP\)](#) which is a FERC project to protect lake shoreline and riparian habitat. Duke Energy has a lake shoreline stabilization group as well. They are working with the City of Belmont to include shoreline plantings as part of their shore stabilization work at the Belmont Rowing Center site. Within the SMP there is a marina incentive program for shoreline stabilization. She said that the group was encouraged to get the word out about habitat enhancement projects. Funds are available for governments and 501c3 organizations. Proposals are accepted May 1 – July 31 annually. For more information, visit Catawba-Wateree Habitat Enhancement Program page <https://www.duke-energy.com/community/lakes/services/cwhep>

Item 11 – Riversweep Update

Commissioner Goff reported that preparations for Riversweep 2019 are underway. The planning committee is mentoring a new person who will take a leadership role on the committee. In-kind and monetary donations have started coming in for this year's event. Allies for All is a new sponsor.

Item 12 – Treasurer's Report

Secretary Treasurer Bryant reported that all funds have been requested and received for this fiscal year.

Items 13 and 14 were moved up to appear after Item 8.

Item 15 – Chairman's Report

Chairman Brennan reported the following:

- Northern Law Center: The Belmont Rowing Club (BRC) has been asked to reformat the FERC application after submitting it to Duke Energy Lake Services for initial review. The reformatted application will be submitted when the format is revised, probably before our next meeting. The application will include the BRC docks and the boat house for the Gaston County Police Department boat and the Belmont Fire Department boat.
- Meetings: Chairman Brennan chaired the third Riversweep 2019 planning meeting. He attended three Montcross Area Chamber of Commerce functions.
- Chairman Brennan assumed custody of 20 new No Wake buoys and, with Commissioner Hartley, retrieved three buoys that had broken free from their designated locations.

- Public Education/Safety: Chairman Brennan participated in FOX 46 WJZY live safety spots on May 22 at the Riverside Marina. He conducted a follow-up interview with the local NBC station (WCNC) regarding the need for boaters to proceed slowly at the north end of the lake where flooding has damaged docks and homes.
- Chairman Brennan responded to several inquiries regarding the debris generated by the flooding.
 - Natural debris is the responsibility of the owners on whose shore the debris lands.
 - Duke Energy has a contract with a barge company to remove drifting dock, boat house sections, etc.

Item 16 – Clerk’s Report

Ms. Parker noted that discussion around consideration of contracting with Centralina COG for Administrative Services for FY 19-20 will be deferred until July as the contract is under legal review.

Item 17 – Old/New Business and Commission Project Reports

- a. Water Quality:
 - Clean Marina/Clean Boating: Commissioner Mullane reported that we have a letter going out to the two North Carolina marinas that have not yet joined the State’s Clean Marina Program. He reported that they finished re-certifying the first South Carolina marina today at River Hills Marina.
 - Sedimentation: Commissioner Goff had nothing further to report.
 - Shoreline Plantings: Commissioner Mullane said he spoke with Brett Hartis about beetles that were brought in to battle alligator grass.
 - PCBs and Heavy Metals in Fish: No report was given.
- b. Buoy Maintenance: Chairman Brennan noted that the Yachtsman Marina buoys are in place.
- c. Safety Programs:
 - For Boat Rental Companies: Commissioner Wilson reported that he had a follow up call with the company that makes North Carolina’s online boater safety courses. He found out that they will not fund or move forward with rental boat mini-courses because North Carolina does not require mini-courses.
 - For Paddle Boats (kayaks/paddle boards): Commissioner Wilson noted that he has contacts in place that could make safety videos related to paddle boarding.
 - Commissioner Wilson suggested adding water sports safety under this ‘Safety Programs’ agenda item.
- d. Public Relations:
 - Website Updates: Commissioner Goff noted that a press release on boater safety will go out in advance of the July 4th holiday.

Item 18 – Adjournment

The meeting adjourned at 9:24 pm.