

Lake Wylie Marine Commission
April 26, 2021
Virtual Meeting (Zoom)



Commissioners Present: Chairman Dan Hartley (Gaston County)
Secretary Treasurer Dan Mullane (Mecklenburg County)
Commissioner Sam Perkins (Mecklenburg County)
Commissioner Brad Thomas (Gaston County)
Commissioner Ray Webber (York County)
Commissioner A.W. Bill Beers (York County)
Commissioner Quay Williford (York County)

Commissioners Absent: Commissioner Smitty Hanks (Gaston County)
Vice Chairman Hunter Wilson (Mecklenburg County)

Staff Present: Neil Brennan, Executive Director; Chris Clark, Legal Counsel; Emily Parker, Administrator

Meeting Minutes

Item 1 – Welcome

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

Item 2 – Approval of Minutes

Chairman Hartley asked if any changes need to be made to the March 22, 2021 minutes. Commissioner Webber moved to approve the March 22, 2021 minutes. Secretary Treasurer Mullane seconded the motion. There was no further discussion and the motion was approved unanimously.

Item 3 – Approval of Agenda

Chairman Hartley asked if any changes need to be made to the April 26, 2021 agenda. Commissioner Beers moved to adopt the April 26, 2021 agenda. Commissioner Thomas seconded the motion. There was no further discussion and the motion was approved unanimously.

Item 4 – Public Comment

None.

Item 5 – Stakeholder Reports

Charlotte Mecklenburg Police Department (CMPD) – Officer Joye reported having normal operations for the past few months and having recently participated in a dive training in New Hanover County.

Gaston County Police Department (GCPD) – Sgt. Knupp reported that had tryouts to replace the three officers they lost over the past year and two officers will join the team. GCPD lake patrol will start back full time on Memorial Day weekend. They will have one boat on the water Saturday and Sunday and both boats out on Monday. Their summer schedule will be 9am-9pm Monday through Thursday and 10 am-10pm Friday through Sunday.

York County Sheriff's Office (YCSO) – Sgt. Mabry was not able to attend the meeting but provided the follow update via email. Ms. Parker read it to the group:

- We are working very quickly on replacing the current lake office, replacement specs have been posted for bids and the bid opening is set for May 5 with a proposed order/PO date of May 24.
- The job opening has been posted to find my replacement and hopefully will be decided quickly, my retirement date is June 11.
- We have been asked to be present at the grand reopening of Ebenezer Park on May 1 as well as other lake units (both police and fire).
- Six members of the YCSO Dive Team received their Public Safety Diver Certifications this month after a very hard 6 days of diving in Lake Wylie and recovering numerous staged items including a vehicle, weapons, and skeletal remains (Halloween prop).
- As always thank you for your support and I hope to be able to introduce my replacement at the May meeting.

Commissioner Webber asked if a York County Marine Commissioner should be at the opening of Ebenezer Park. Commissioner Beers said he is planning to attend.

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

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

NC Wildlife Resources Commission (NCWRC) – Sgt. Laton reported that they held a boating safety class at Bass Pro Shop and the next class will be on Sunday, May 9. He said to visit the NCWRC website to sign up. Class size is limited to 20 people and boating safety classes can also still be taken online. Commissioner Thomas asked Sgt. Laton for update on when they will be able to reposition danger buoys. Sgt. Laton said he would check and report back. Before the end of the meeting, Sgt. Laton reported that his colleague Brandan Burch will check danger buoy locations next week.

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

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

US Coast Guard Auxiliary (USCGA) – No report was given.

Mecklenburg County Land Use and Environmental Services Agency (LUESA) – Mr. Dave Ferguson shared sampling results from March 2021 and said that they will not take samples in April. They will sample in May and start testing for fecal coliform. During Mr. Ferguson's comments he mentioned being concerned about sedimentation related to ongoing development at The Palisades and new LUESA cove monitoring and data collection projects related to tracking cove and watershed fragility.

Executive Director Brennan said that he mentioned Mr. Ferguson and his team at LUESA to the South Fork River Health Committee and said it would behoove the committee to learn about what Mr. Ferguson's team is doing. Chairman Hartley asked about The Palisades being in Charlotte and the relationship between the City's role and Mecklenburg County's role in addressing erosion issues. If there is an erosion issue in Charlotte, the City's erosion control staff are in charge (not County staff). If Mr. Ferguson sees an erosion issue in Charlotte limits, he can take note of the issue and report it to Jay Wilson with Charlotte. Commissioner Perkins noted a distinction between active construction erosion control and post-construction erosion control, and that The Palisades issues are mostly about post-construction erosion. He said that more due diligence parameters and conditions are in place for the River District project based on lessons learned (what not to do) from The Palisades development.

Duke Energy – Mr. John Bradley said that the current lake level is 96.8’ and the target level for Lake Wylie is 97’. There are no new or pending dredge applications. Duke Energy will keep Lake Wylie between 96’-97’ until June 30, 2021, then go back up to target level. Executive Director Brennan asked Mr. Bradley about whether he had received a FERC permit application from Belmont. Mr. Bradley said he received it and there will be a meeting on Thursday.

Gaston County Cove Keeper – No report was given.

Catawba Riverkeeper Foundation (CRF) – Mr. Brandon Jones reported that the CRF’s [Swim Guide program](#) will start on May 27 with the same eight sampling sites as last year. The insects (thrips) used to eat alligator weed will be introduced to alligator weed on the South Fork over May 5-6. Mr. Jones noted that Riversweep 2021 discussions have started. CRF Executive Director John Searby will lead the organization of a basin wide Riversweep this year.

Item 6 – Public Hearing for McLean Marina No Wake Zone

Commissioner Thomas moved to enter into Public Hearing to discuss the proposed no wake zone at the McLean Marina. Secretary Treasurer Mullane seconded the motion and it was approved unanimously. There were no comments from the public. Commissioner Beers moved to close the Public Hearing. Commissioner Webber seconded the motion and it was approved unanimously. Executive Director Brennan provided background on this no wake zone request. He noted that based on an arrangement with NCWRC, the LWMC can proceed with placing buoys while NCWRC administrative process takes place. The LWMC has authority to place buoys if the LWMC votes to do so.

Item 7 – Discussion and Approval of the McLean Marina No Wake Zone

Commissioner Williford asked about no wake buoy placement at the McLean Marina and Chairman Hartley explained. Executive Director Brennan added that application from McLean will be transferred to formal NCWRC application and will be submitted once the marina is complete. In the meantime, the LWMC can place no wake buoys because the NCWRC inspector indicated approval. Commissioner Beers asked if it would be possible to move the buoys farther apart to give more space. Executive Director Brennan clarified that boaters could maneuver anywhere around the buoys. Commissioner Beers said that he understands that, but most boaters may not understand. Commissioner Thomas moved to approve the McLean Marina no wake zone as presented and recommended to do so as soon as possible before boating season. Commissioner Webber seconded the motion. The vote was taken and approved unanimously.

Item 8 – Follow up on Chamber Memberships Discussion

Ms. Parker said that the LWMC has had memberships with the Montcross Chamber of Commerce and the Lake Wylie Chamber of Commerce (LWCC). Commissioner Beers noted that the Rock Hill and York County chambers of commerce are combined as the [York County Regional Chamber](#). Vice Chairman Wilson was not present to report on other chambers on the North Carolina side of the lake. Executive Director Brennan reported on the value of joining the Montcross Chamber of Commerce and Lake Wylie Chamber of Commerce. He recommended that the LWMC renew membership in those two organizations. Chairman Hartley supports renewing chamber memberships if Marine Commissioners are willing to attend chamber events. Commissioner Webber said he could commit to making half the LWCC meetings and could coordinate with Commissioners Beers and Williford. Commissioner Beers asked about the York County Regional Chamber. Commissioner Thomas added that chambers are usually open to non-members attending events to allow opportunities for recruitment. Commissioner Thomas said the Montcross Chamber offers the most bang for the buck. Chairman Hartley will follow up with Vice Chairman Wilson to hear his thoughts. Commissioner Thomas moved to renew memberships with the Montcross Chamber of Commerce and the Lake Wylie Chamber of Commerce. Commissioners Beers seconded the motion. A vote was taken and approved unanimously.

Item 9 – Buoys and Buoy Maintenance Update

Commissioner Thomas provided a buoys update. He spoke with Captain Adam Huth about the houseboat that sank at Harbortowne Marina that is currently resting on the river bottom on its side. Executive Director Brennan asked Mr. Bradley if Duke Energy has any influence in this situation. Mr. Bradley said he would follow up with the marina owner tomorrow.

Executive Director Brennan said he spoke with Commissioner Hanks about buoys and Captain Adam wants to order twenty buoys and twice the amount of cable typically ordered. Executive Director Brennan thinks the LWMC should order ten buoys and the usual amount of cable, then order more buoys and cable as needed. Commissioner Thomas concurred with Executive Director Brennan. Chairman Hartley asked if a motion, second, and vote is needed. Legal Counsel Clark said that if buoys and associated hardware are in the budget, the LWMC does not need a motion, second, and vote. Chairman Hartley directed Commissioner Thomas to purchase ten buoys and the amount of cable normally purchased. Commissioner Thomas will coordinate purchasing with Commissioner Hanks.

Executive Director Brennan noted that one buoy is missing at mouth of Brown's Cove. The other buoys in the back of Brown's Cove are unauthorized. Executive Director Brennan's direction to Adam is to put one buoy at mouth of Brown's Cove. Commissioner Thomas said that his concern is about out of place danger buoys.

Item 10 – Treasurer's Report

Secretary-Treasurer Mullane reported that:

- FY21 invoicing to counties:
 - Mecklenburg County: First and second quarters have been paid and invoices have been sent for third and fourth quarters.
 - Gaston County: Paid for all four quarters.
 - York County: First and second quarters have been paid. Third and fourth quarter invoices are on hold until paperwork is received from York County to update the checking account number.
- FY22 funding requests: Mecklenburg, Gaston, and York county funding requests have been submitted.

Item 11 – Chairman's Report

Chairman Hartley

- FY22 Budget Committee – Chairman Hartley said that he and Secretary Treasurer Mullane are on the LWMC Budget Committee. A Marine Commissioner from York County is needed. Commissioner Webber volunteered to join the Budget Committee.

Item 12 – Executive Director's Report

Executive Director Brennan reported that:

- Del Webb Project: I attended a virtual meeting the afternoon of March 22 with Del Webb officials, Riverkeeper Brandon Jones, Chairman Hartley, and Belmont Planning Director Shelley DeHart. Olivia Edwards of Charlotte-Mecklenburg Storm Water Services also attended. Del Webb agreed to implement some of the stormwater control measures (SCMs) we have proposed that they originally said they would only consider. They agreed in part to some others and rejected others. Del Webb agreed to high hazard silt fencing (HHSF) along most but not all of the South Fork River, an average 100-foot buffer in most areas with double HHSF in areas where the buffer is less, larger retention basins, sediment forebays, temporary baffles, temporary skimmer dewatering devices with shutoff valves, filter bags on outfalls, and seeding within five days of completion of construction activities in applicable areas.

At the subsequent March 25 Belmont Planning and Zoning Board (P&Z) meeting, there was Board resistance to the installation of the shutoff valves because of potential accountability disputes if the valves were to be operated maliciously by vandals. Neither the developer nor the P&Z Board agreed to

bathymetric surveys before and after construction. This SCM is available in Mecklenburg County, and Olivia Edwards recommended this SCM for the Del Webb project. These surveys determine if excessive silting of the coves occurred during the project. Nor did either Del Webb or the P&Z Board agree to electronic monitoring of outfalls to determine if turbidity levels are exceeded. There are 34 such devices actively monitoring streams waterways in Mecklenburg County.

We argued that the enhanced SCMs should not only be established for this Del Webb community but also be included in the Belmont Land Development Code for future developments along Lake Wylie in Belmont.

- Boat Tour: Guests of the upper Lake Wylie boat tour on April 8 were – from Gaston County: Commissioners Kim Johnson, Chad Brown, and Ronnie Worley, Gaston County Assistant Police Chief Steve Jentsch and Police Captain Battle of Marine Enforcement. From Mecklenburg County: Commissioners Elaine Powell, Susan Rodriguez-McDowell, George Dunlap, and Leigh Altman. From Catawba Riverkeeper Foundation: John Searby. Vice Chairman Wilson provided the pontoon boats, and accompanied Administrator Parker, Chairman Hartley, and me on the cruise.

During the boat tour for, John Searby, Dan Hartley, Hunter Wilson, and I pressed the case for enhanced SCMs in Gaston County with the Gaston County officials. I have a one-on-one with Chairman Keigher in the weeks ahead; he was unable to make the tour. At Commissioner Worley’s suggestion, we are scheduling Rusty Rozzelle, Program Manager Charlotte-Mecklenburg Storm Water Services, to brief the Gaston County Commissioners at their working session in either May or June to explain the value of enhanced SCMs.

Commissioner Beers asked if the LWMC should hold a lake tour for elected officials from York County. He will reach out to Councilmember Allison Love to hear her thoughts on a lake tour.

- No-Wake Zones (NWZ): Coordinated with North Carolina Wildlife Resources Commission Water Safety Rule Making Coordinator Betsy Haywood under the recently adopted NWZ process to notify applicants the status of their requests. McLean – recommended for eventual NCWRC approval. Catawba Yacht Club and Paw Creek applications – not recommended for NCWRC approval.
- Buster Boyd Bridge Signs: Determined that the NWZ signs on the Buster Boyd Bridge are the responsibility of the SC Department of Natural Resources (SCDNR). Contacted SCDNR official Stacey Taylor to ask her assistance in replacing those faded signs. Still trying to determine who is responsible for the Danger signs there. Following up with NCDOT.
- South Fork River Health Committee: I was asked to participate in the South Fork River Health Committee which met on April 26. Contacted Mayor Will Cauthen of Cramerton, the Chairman of that committee, ahead of the meeting to advise him of the CRF and LWMC initiatives regarding enhanced SCMs for the Del Webb project.

Item 13 – Administrator’s Report

- August 2021 Boat Show Reservation – Ms. Parker will reach out to Boat Show organizer Les Gray about LWMC booth placement near law enforcement. The sentiment of the WLMC was to proceed with having a presence at the August Boat Show regardless of booth proximity to law enforcement.
- Auditor – Ms. Parker received an email from LWMC auditor Belinda Johnson asking if the LWMC would like to contract with her again this year. Chairman Hartley asked Ms. Parker to get a quote from Ms. Johnson and send it to him and Secretary Treasurer Hartley.

Item 14 – Public Relations Report

Vice Chairman Wilson was not present.

Item 15 – Announcements

Chairman Hartley brought up the idea of meeting in person for the May meeting and asked if Marine Commissioner are ready to meet in person. If meeting in person is supported by the group, he proposed to see if the new public works building in Belmont would be available on May 24. Masks would be required. Ms. Parker will follow up with LWMC contacts at the Red Fez Club and Clover Community YMCA to see if they would be willing to resume hosting the LWMC. Commissioner Thomas asked if the LMWC would be in violation of the bylaws if the group met in Belmont for a few months to get back in the rhythm of meeting in person. Legal Counsel Clark said it would probably be alright as the LWMC transitions from virtual back to gathering in person. Executive Director Brennan noted that the LWMC will need to communicate to the York County Clerk once the group starts meeting in person again.

Item 16 – Adjournment

The meeting adjourned at 8:39 pm.