



Commissioners Present: Chairman Peter Hegarty (Mecklenburg County)
Vice Chairman Dan Hartley (Gaston County)
Secretary Treasurer Dan Mullane (Mecklenburg County)
Commissioner Smitty Hanks (Gaston County)
Commissioner Brad Thomas (Gaston County)
Commissioner Hunter Wilson (Mecklenburg County)
Commissioner Blanche Bryant (York County)
Commissioner Debi Chacharon (York County)
Commissioner Ray Webber (York County)

Commissioners Absent: ---

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

Meeting Minutes

Item 1 – Welcome

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

Item 2 – Approval of Minutes

Chairman Hegarty asked if any changes need to be made to the July 27, 2020 minutes. Commissioner Hanks said that under Item 5 “he victim” should be changed to “the victim.” Commissioner Wilson moved to approve the July 27, 2020 minutes as amended. Commissioner Chacharon seconded the motion. There was no further discussion and the motion was approved unanimously.

Item 3 – Approval of Agenda

Chairman Hegarty asked if any changes need to be made to the August 24, 2020 agenda. Chairman Hegarty requested that under Item 12, Captain Adam Huth give his report first. Commissioner Webber moved to adopt the August 24, 2020 agenda as amended. Commissioner Chacharon 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 that they had two drownings at McDowell Park. The first incident involved a man swimming with his kids. At a certain point, the kids could not see him and thought the man had gotten out of the water. The kids did not call until two hours later. CMPD found his body the next morning. The second incident involved two fishermen. One of them got their line caught and went in the water to try to free the line. He got caught in the water and other person went in to help him, and one of them drowned. Officer Joye noted that their fourth part-time officer may become a full-time officer. He showed items purchased with funds from the LWMC including giveaways bags with alcohol information printed on them as well as the LWMC logo, and waterproof key chains. Ms. Parker will coordinate with Officer Joye on reimbursement. Chairman Hegarty asked if he has talked with park staff about people

swimming out from the park. It was noted that park staff is hesitant to remove people for swimming and then have them trespass later. Officer Joye will get information on this and report out at the next meeting time.

Gaston County Police Department (GCPD) – No report was given.

York County Sheriff's Office (YCSO) – Sgt. Mabry reported that they had a drowning, but on the lake proper. He talked about swift water issues and noted when people are tubing, they do not have to wear a life jacket. If a tube hits rock, punctures, and deflates, then that is when YCSO receives a call for service. He brought up a no wake buoy issue at Tega Cay. Sgt. Mabry reiterated that he is only authorized to replace a missing buoy. He does not have any buoys or anchoring supplies. South Carolina only has two people to handle buoys for whole state. The missing buoy near Commissioner Bryant's house was brought up and Sgt. Mabry said it is SCDNR's responsibility. He has reported that these buoys have been reported to Dwayne Rogers at SCDNR. He is in charge of buoys across South Carolina as well as SCDNR's dive team.

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

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

NC Wildlife Resources Commission (NCWRC) – No report was given.

SC Department of Natural Resources (SCDNR) – Commissioner Webber reported on behalf of Officer Vissage who could not be present, but provided his report before the meeting:

- March-April: Enforcing the Governor's Executive Order of "no beaching of boats and rafting of boats". Boat traffic during the months of March and April was extremely heavy even for a summertime holiday with all of the kids out of school and a considerable portion of folks not working. It appeared that the lake was a great outlet for everyone with nothing to do.
- From March until the end of July: 71 Boating Cases were made in total. Of those 71 cases made:
 - 7 Boating under the Influence cases
 - 1 Reckless Operation case
 - 3 Negligent Operation cases
 - 12 General PFD cases
 - 12 Skiing/Tubing w/o a PFD cases
 - 11 Towing a skier/tuber w/o an observer or mirror cases
 - 5 Boating Safety Act cases
 - 6 Navigation Lights cases
 - 14 cases for Registration / Failure to Register
- July: The annual Tiki Torch Party that is held in Little Allison Creek was worked resulting in 3 BUI's as well as multiple other violations detected.
- July 7, 2020: A hit and run boating incident involving juveniles and PWC's occurred at Wind Jammer Park in Tega Cay. The impacting PWC involved in the collision was a stolen vessel from Tega Cay Marina. The juvenile fled the scene and returned the PWC to the slip in Tega Cay Marina. The juvenile kept the key. On 7/27/2020, a deck hand at Tega Cay Marina called 911 in reference to the same PWC being stolen. The juvenile subject returned with the key that he had retained from the previous incident of Grand Larceny and decided to go for another joyride. With the assistance of the York County Sheriff's Office Lake Patrol Division, the PWC and juvenile operator was located. This resulted in a lengthy investigation and two juvenile suspects were summoned to family court for Grand Larceny as well as failure to report a boating incident.

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

US Coast Guard Auxiliary (USCGA) – Mr. Dave Wascher reported that the Coast Guard Auxiliary are still not supposed to be on the lake, but they are conducting vessel inspections. He noted that the Coast Guard was on

Lake Wylie recently. The Coast Guard Auxiliary may not be able to be out on the water over the Labor Day holiday. Officer Joye said that the Coast Guard will be on Lake Wylie over Labor Day weekend and will ride with CMPD.

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

Duke Energy – Mr. John Bradley reported that:

- The target elevation for Lake Wylie is 97' or 3' below full pond. The current lake elevation is 97.1'.
- No dredge permits have been approved or issued.
- Low inflow protocol: Normal

Gaston County Cove Keeper – No report was given.

Catawba Riverkeeper Foundation (CRF) – Mr. Brandon Jones reported that Riversweep planning is going well, the signs have come in and should be ready for distribution. The Swim Guide program will wrap up in two weeks. September 3 will be the last day for sampling. He can share a report at the October LWMC meeting. Turbidity numbers have been average and there were no spikes over the state standard. But the South Fork and Dutchman's Creek sampling sites have had higher turbidity numbers this summer. He will put a score card together for the CRF's annual meeting and he can share that score card with the LWMC.

CRF has received several pollution reports. Two from Mecklenburg County have been addressed by Mecklenburg County staff who visited the sites and issued violations. They are working with landowners to get the sites stabilized. The sedimentation and erosion situation in Boyd's Cove is still an issue. Jay Wilson with the City of Charlotte has visited that site several times per month to document sedimentation. He is working on a plan for what comes next including fines and how to mitigate the problem. The property across from Paw Creek is almost stabilized and replanting is in progress.

Mr. Jones brought up a situation involving 30-40 domesticated ducks swimming in the back of Brown's Cove and commented that he does not know the rules for kind of situation. He noted that erosion is happening where the ducks go in and out of the water. CRF has received three calls for potential oil spills. He noted that certain bacteria will produce an oily sheen on the water. The spills could be biofilm or actual oil. It turns out that it was biofilm in all three cases. Chairman Hegarty asked about the ducks and said that it may be good to get Sgt. Laton's opinion. Commissioner Wilson lives in Brown's Cove and commented that 30-40 ducks is likely a conservative estimate. The duck owner emailed cove residents because a neighbor has been shooting the ducks with BB gun. The neighborhood is trying to handle the situation internally. Commissioner Wilson also does not know if there is an ordinance against this or not. Chairman Hegarty asked Officer Joye for comment. Officer Joye said he is familiar with this situation but has not heard any complaints about the shooting. Commissioner Wilson is alright with the duck situation and said that the ducks may have sentimental meaning for their owner. Chairman Hegarty will contact Sgt. Laton. He noted to Commissioners Chacharon and Mullane that this could be an area for shoreline plantings. Commissioner Wilson noted that any plantings would be trampled, given the number of ducks. He asked Mr. Jones if there is an alternative to live plantings such as an artificial turf. Mr. Jones said he would be happy to speak with the duck owner. Commissioner Wilson will send Mr. Jones and Chairman Hegarty his contact information and they will follow up.

Commissioner Hanks said that the CRF smart phone app is not working correctly. Mr. Jones said that the app is written in 32-bit code. The CRF received a quote to update the app that was too costly. He said that if anyone knows of an app developer who works with non-profit organization, to please tell him. Chairman Hegarty and Captain Adam Huth both know of possible app designers to recommend. Chairman Hegarty asked Mr. Jones if he could put a document together that addresses the question, 'Why is Lake Wylie brown?' Mr. Jones said he could do that and added that Lake Wylie has not been usually brown this year. The document could address

turbidity and swimming, which could be tied into the Swim Guide report. Chairman Hegarty said that he spends a lot of time talking with lake residents about turbidity and explaining why the lake is “dirty.” Mr. Jones noted that last summer there was only one location one time that was not safe for swimming. Commissioner Webber commented that he saw mud running into coves along Pole Branch Road due to nearby construction. He asked if Mr. Jones could investigate. Mr. Jones asked Commissioner Webber to send him the latitude and longitude of the site in question and commented that a CRF sampler collector could check that location.

Item 6 – No Wake Zone Discussion Update

Chairman Hegarty said that the LWMC is out of buoys and that we are looking into the cost of buying more buoys. Discussion continues about a way for the LWMC to get out of the buoy business on the North Carolina side of the lake. He will follow up with NCWRC to see how this can happen. He noted that NCWRC sent him the administrative code statutes, but he has not had time to talk with Legal Counsel Clark about it. They will find time to connect this week, then report back to the group. Chairman Hegarty commented that this topic is something that needs to be resolved. Commissioner Hanks said that the statutes give the LWMC the authority to put buoys in even if not approved by NCWRC, but the issue is whether law enforcement would enforce them. He added that the LWMC is not the only group that can put in buoys. He is in favor of moving ahead with buying more buoys to handle the current need for buoys and future no wake zone applications. He added that if no wake zones are not going to be enforced, they would only serve as a visual deterrent to boaters.

Item 7 – No Wake Zone Application Follow Up – Red Fez Shrine Club & The Vineyards

Chairman Hegarty said neither site has been inspected yet because the LWMC is trying to decide what to do about no wake buoys. He noted that The Vineyards HOA did not know about the recent no wake zone application. Commissioner Hanks moved to postpone any applications for no wake zone buoys until the LWMC determines its legal rights related to who is going to install buoys and pay for them. Commissioner Webber seconded the motion. There was no discussion and the motion was approved unanimously.

Item 8 – No Wake Zone Application – Mecklenburg County

The applicant was not present.

Item 9 – No Wake Zone Application – Catawba Yacht Club

Chairman Hegarty asked if Jack Young would like to make a comment based on the motion that just passed. Mr. Young accepted and said the safety issues around the Catawba Yacht Club (CYC) are not going to go away. He noted that they are in a dangerous situation because the cove is short and very narrow. He added that CYC is a commercial marina designated by Duke Energy and that a number of recreational activities happen in their cove, including swimming, playing children, and sailing in and out of the cove. The safety issue has been exacerbated this summer because of so many people on the lake due to COVID distancing restrictions. Mr. Young said that the most disturbing scenario is the possibility of unnecessary death. He has met with Officer Joye. Mr. Young said that even if no wake buoys are just a visual deterrent, they would help. Chairman Hegarty asked that if CYC is designated as a commercial marina, why are buoys not in place. He asked Officer Joye about this and Officer Joye offered to take Chairman Hegarty out to look at the site. Chairman Hegarty reiterated to Mr. Young that clarification is needed before moving forward with placing buoys. The LWMC will still need to order more buoys. Mr. Young said he would be happy to meet with Chairman Hegarty and Officer Joye. Chairman Hegarty sympathized with Mr. Young as one of his neighbors swims in the cove that he lives on. Chairman Hegarty noted that there are no brakes on a boat and hopes people remain safe as they recreate on the lake. Ms. Parker will make sure Mr. Young is invited to the September LWMC meeting.

Item 10 – Buffer Zone Guideline Discussion

Vice Chairman Hartley said that due to recent buffer zone violations in his neighborhood, he has researched North Carolina’s guidelines and regulations about buffer zones. It appears that these regulations are not as stringent or clear cut as they once were. He would like to have a discussion with Brandon Jones and others

about how NCWRC could get more in sync with Mecklenburg County to be able to better handle buffer zone violations. Chairman Hegarty asked Vice Chairman Hartley about the text highlighted in red in the agenda packet related to the agenda item. Vice Chairman Hartley said they are the rules as of June 15, 2020 and there is less information and fewer restrictions in them than there was three years ago. Chairman Hegarty noted that the regulations seem relaxed. Vice Chairman Hartley said he can give examples of a dozen buffer zone violations that have happened this summer and said there are no ramifications in place to get people to pay attention to the buffer rules. Mr. Jones will look into these buffer zone regulations and get back with Vice Chairman Hartley and the LWMC. Chairman Hegarty would like Vice Chairman Hartley and a Marine Commissioner from Mecklenburg County to work with Mr. Jones on this matter. Vice Chairman Hartley thinks Mecklenburg County is doing a better job with enforcing buffer zone regulations. Commissioner Hanks commented that Mecklenburg County has a 100' setback and Gaston County has a 50' setback. North Carolina's rules do not really define a setback but leave setback definition up to the counties. Commissioner Thomas commented that ten years ago they tried to get Gaston County up to par with Mecklenburg County on buffer zone enforcement. If Gaston County only goes with the State's guidelines, that is a problem. Vice Chairman Hartley said he would send an email to see who is interested and copy Mr. Jones. He commented that a strategy is needed for how to approach this issue and we need to figure out what Mecklenburg County is doing and how to get Gaston County to follow suit. Chairman Hegarty asked if a motion is needed. Legal Counsel Clark asked if a decision needs to be made. Vice Chairman Hartley did not think so. It was decided that this topic will continue as a discussion.

Item 11 – Emergency Response Procedures Update

Commissioner Thomas reported that there has been no further progress on this topic since the last meeting.

Item 12 – Buoys and Buoy Maintenance Update

Captain Adam Huth provided an update on buoys. He said that buoys are needed on the water but the LWMC does not have buoys to deploy. Buoys at the Wilkinson Boulevard and I-85 bridges have been out of place since the July meeting. He commented that the I-85 bridge buoys could be in place by Labor Day. The Wilkinson Boulevard bridge buoys need to be replaced and longer lines are needed. Captain Adam said once the LWMC has buoys, he will place any others. Chairman Hegarty asked if the buoys were placed in Brown's Cove. Captain Adam said one of them was placed. Commissioner Wilson added that he has not seen any slowdown in boat traffic since the Brown's Cove buoy was installed. Officer Joye noted that it is normal for buoys to be out of place because of the regular movement of water. Commissioner Hanks asked if Captain Adam had received pricing on buoys. He did and noting that one store sells pencil style buoy and it would cost \$266 per buoy including shipping. He commented that he may be able to get a better price if the LWMC buys 20 buoys at a time. Commissioner Hanks said that he found buoys for a little over \$100 if the LWMC orders ten of them, plus they would "Lake Wylie Marine Commission" and a serial number on each buoy. With the cost of shipping, it would come to \$1,760 for ten buoys.

Commissioner Wilson brought up the idea of painting bridge pylons to note no wake zones. He asked Mecklenburg County Board of Commissioners Vice Chairperson Elaine Powell about contacting NCDOT. She said she would be happy to help. Chairman Hegarty will follow up with Vice Chairperson Powell and copy Commissioner Wilson. Commissioner Hanks thinks he still has contact information for NCDOT staff person Mike Holder from when the LWMC worked on bridge signage. Commissioner Wilson brought up the NCDOT staff person that presented to the LWMC about the new Wilkinson Boulevard bridge project. Chairman Hegarty will follow up with him. Commissioner Hanks will follow up with Mr. Holder. Chairman Hegarty asked Legal Counsel Clark if the LWMC should proceed with buying buoys. Legal Counsel Clark assumed there is no budgetary reason to not buy them. That assumption was confirmed. Legal Counsel Clark saw no reason to not purchase the buoys. Chairman Hegarty said Commissioner Hanks's proposal seemed reasonable. Commissioner Hanks brought up the one time the LWMC purchased buoys from the NCWRC. Commissioner Hanks commented that the amount of cable that remains needs to be determined, and to order more if needed. Chairman Hegarty and

Commissioner Hanks will coordinate on next steps. Chairman Hegarty confirmed that there are funds available in this year's budget to purchase buoys and buoys supplies. Ms. Parker confirmed that the last TowboatUS invoice was paid out of the FY20 budget. Commissioner Bryant moved to purchase ten (10) buoys. Commissioner Wilson seconded the motion. There was no further discussion and the motion was approved unanimously.

Item 13 – Executive Director Position Discussion

Vice Chairman Hartley noted that a list of Executive Director duties was included in the August agenda packet. He incorporated any comments received from the LWMC. He proposed a motion to accept the Executive Director duties as listed. Chairman Hegarty reiterated that this is a volunteer position and will be renewed on an annual basis. Commissioner Wilson moved to accept the Executive Director duties as listed. Secretary Treasurer Mullane seconded the motion. There was no discussion and the motion was approved unanimously.

Item 14 – Treasurer's Report

Secretary Treasurer Mullane reported that:

- York County: Q1 funds were requested and have been received.
- Gaston County: Q1 & Q2 funds were requested and have not come in yet. The contract has been executed.
- Mecklenburg County: Q1 funds have not been requested yet. Ms. Parker will find out if the contract has been executed.

Account Consolidation – Secretary Treasurer Mullane reviewed that the LWMC has three bank accounts – two with SunTrust and one with NCCMT (cap trust account). He looked into consolidating accounts and discussed this with Chairman Hegarty and Vice Chairman Hartley. Upon further review, account consolidation is not necessary at this time. The LWMC can only invest in fully liquid investments, such as NCCMT. This account is fully liquid and the LWMC can move funds at any time. Secretary Treasurer Mullane does not see any reason to consolidate accounts at this time.

Commissioner Hanks noted that because of the way a few voided checks are listed on the check register, it appears that the LWMC has spent more this fiscal year than what has actually been spent. Ms. Parker will check with Centralina's finance department about how information on the check register could be presented in a clearer way. Commissioner Hanks also asked about the annual public notice for the June meeting that appears in the *Charlotte Observer* and why it was charged to a certain line item, Executive Director Salary. Legal Counsel Clark commented that at the end of each fiscal year the LWMC does a budget amendment to reflect how funds were spent during the year. He said what Commissioner Hanks pointed out can be fixed during the budget amendment process. Chairman Hegarty confirmed that this is an annual expense and asked Ms. Parker which line item it is usually paid from. Ms. Parker said sometimes it is taken out of Public Relations, but it depends on the direction given by the Treasurer. Ms. Parker will check to see which line items public notices were paid from in the past.

Item 15 – Chairman's Report

Chairman Hegarty reported that he was contacted by Mecklenburg County asking if the LWMC needed additional funding for COVID aid. The LWMC responded by thanking the County and declining additional funding.

Item 16 – Administrator's Report

Ms. Parker reported that her organization recently underwent a rebranding process. The organization is now called the Centralina Regional Council.

Item 17 – Public Relations Report

Commissioner Wilson commented that the LWMC website is not set up as a news website and it is not easy to put on and take off news bulletins, advisories, etc. What goes on website should be ‘evergreen,’ meaning content that is not time sensitive. Other platforms and methods (facebook; email distribution lists) could be used for time sensitive posts like swim advisories. Chairman Hegarty said that having a more visible presence to the public is something that should be looked into in the coming year.

Mecklenburg County Vice Chairperson Elaine Powell thanked the LWMC for their service. Chairman Hegarty thanked her for joining the meeting.

Item 18 – Adjournment

The meeting adjourned at 8:36 pm.