



Commissioners Present: Chairman Dan Hartley (Gaston County)
Vice Chairman Hunter Wilson (Mecklenburg County)
Secretary Treasurer Dan Mullane (Mecklenburg County)
Commissioner Sam Perkins (Mecklenburg County)
Commissioner Smitty Hanks (Gaston 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: ---

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 January 25, 2021 minutes. Commissioner Webber moved to approve the January 25, 2021 minutes. Vice Chairman Wilson 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 February 22, 2021 agenda. Secretary Treasurer Mullane said an item to add is HDR's presentation on Charlotte Water Stowe Regional Water Resource Recovery Facility South Access Bridge. Commissioner Webber said to add an update on the Ebenezer Park Pier Lighting issue. Vice Chairman Wilson moved to adopt the February 22, 2021 agenda as amended. Commissioner Thomas seconded the motion. There was no further discussion and the motion was approved unanimously.

Item 4 – Public Comment

Mr. Sclater Heindl spoke to the LWMC about dramatic sediment increases in Beaver Creek Inlet. He submitted a buoy request for the northwest end of Beaver Creek in 2018. He asked if the LWMC has considered placing a buoy there. Mr. Heindl brought up bathymetry and would like to see how much sediment is moving out into the lake. Chairman Hartley asked for any discussion. Vice Chairman Wilson asked if he is referring to Beaver Dam Creek. Mr. Heindl said no and said his location is at the elbow of Lake Wylie above the power plant, across from Tega Cay to the north. Sgt. Mabry said that is Beaver Dam Creek. There was no further comment. Chairman Hartley noted a request for information about sedimentation and that they LWMC would look back at his buoy request. Commissioner Webber moved that if a sedimentation report is readily available, to send it to Mr. Heindl. Commissioner Beers seconded the motion. There was no further discussion and the motion was approved unanimously.

Item 5 – Stakeholder Reports

Charlotte Mecklenburg Police Department (CMPD) – No report was given.

Gaston County Police Department (GCPD) – Sgt. Knupp did not have a report.

York County Sheriff's Office (YCSO) – Sgt. Mabry thanked Commissioners Beers and Webber for meeting with him at Ebenezer Park.

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 for information about upcoming boating safety classes, visit the NCWRC website <https://www.ncwildlife.org/>. Executive Director Brennan asked if this information can be added to the LWMC website. Sgt. Laton will send Vice Chairman Wilson an email and copy Chairman Hartley.

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 reviewed the January 2021 water quality map. He noted that parts of Lake Wylie have been turbid since mid-November 2020 which is indicative of a rainy season. His team will sample again in the third or fourth week in March.

- [Turbidity Presentation](#): Executive Director Brennan asked Mr. Ferguson to explain why Lake Wylie is different from Lake Norman and Mountain Island Lake regarding turbidity. Mr. Ferguson spoke about the sources of turbidity for each of the three lakes and provided additional details. Executive Director Brennan thanked Mr. Ferguson for his time and expertise.

Duke Energy – Mr. John Bradley said that the water level in Lake Wylie is 97.2'. The target level is 97'.

Gaston County Cove Keeper – No report was given.

Catawba Riverkeeper Foundation (CRF) – Mr. Brandon Jones reported that the CRF [Swim Guide Program](#) will happen in 2021 and reviewed sites. He noted that if there are any other sites for the CRF to sample, to let him know. Mr. Jones talked about alligator weed grant and that the grant from Duke Energy does not cover staff time. The CRF asked for funds from NCDEQ and that NCDEQ could pass funds through the LWMC. This topic can be discussed more at the March 22 LWMC meeting. He said that post construction and active construction measures are being discussed related to the Del Webb project. There will be a public meeting on March 3 at 6:00 pm in Belmont. Mr. Jones brought up turbidity in the South Fork. Chairman Hartley asked if Mecklenburg County employees a third-party inspection team and if there is a requirement do to so. Mr. Jones said that Mecklenburg County staff does the inspection. Commissioner Perkins concurred that Mecklenburg County does not hire out for inspectors, but requires self-inspection. Chairman Hartley asked how that is going and Commissioner Perkins said it is not going that great and could be improved.

Item 6 – Catawba Yacht Club No Wake Zone Application

Mr. Jack Young presented on safety issues in the cove where Catawba Yacht Club is located. He described the layout of the cove in proximity to the main channel and the different recreation activities that happen there. He discussed safety related to boaters going too fast and causing wake issues. He said if CMPD is parked there,

boaters slow down. If they are not present, boaters move through too fast. Secretary Treasurer Mullane said he can make a site visit to the cove. Commissioner Hanks said he could join. Secretary Treasurer Mullane will coordinate the site visit with Commissioner Hanks and CMPD.

Item 7 – Crowder’s Cove Sedimentation and Safety Concerns

Ms. Nicole Eakle presented slides on sedimentation and safety concerns in Crowder’s Cove. She shared pictures that showed the worsening conditions in the cove caused by sedimentation and said that there is no natural water flow into the cove. She noted that the water quality in the cove has diminished due to sedimentation build up and the presence of fecal coliform. Ms. Eakle also said that her child was thrown inside their boat when they unexpectedly hit shallow water. She commented on toxins that smother wildlife and block sunlight, pollutants, and that the water looks unhealthy on a daily basis. Ms. Eakle commented on personal property damage to boat propellers. She said that this issues needs to be addressed and that it is time for restoration. Chairman Hartley asked for comments from the LWMC. Executive Director Brennan asked if Ms. Eakle has any recommendations. Commissioner Hanks clarified the difference between debris and sedimentation. Vice Chairman Wilson suggested Ms. Eakle research the Brown’s Cove litigation history where homeowners won. Commissioner Hanks added that Brown’s Cove homeowners had very good records of water depth prior to development. Mr. Forest Rickman, one of Ms. Eakle’s neighbors, spoke about sedimentation increasing over time and said that in four years, he has lost almost two feet of water. Commissioner Thomas asked Ms. Parker to send Ms. Eakle his contact information as he has had similar experience around Paradise Point. Commissioner Perkins said he worked on the Brown’s Cove case and it is the only case where someone was held responsible. The residents of Brown’s Cove received funding for dredging. He suggested that Crowder’s Cove residents find a certified geologist or engineer to gather data on water depths. Unfortunately, anecdotes do not hold up – data is needed. He added that the facts of the situation must be in order backed up by as much certified analysis as possible. Buy-in from residents and stakeholder is also needed. Mr. Ed Lindsay said he lives by the bridge in Crowder’s Cove and noted that 20 years ago a public boat launch was located there, which shows how much sedimentation has accumulated over time. Mr. Michael Cox lives in Crowder’s Cove as well. He said they are looking for help and agreed with Commissioner Perkins that solid, data-driven proof is needed as well as having the right partners in place. Executive Director Brennan suggested they get in touch with York County Councilmember Allison Love and the [Catawba-Wateree Water Management Group](#). Mr. Brandon Jones added this to the Chat box: CWWMG Sediment study. See Crowder's Creek on page 11. <https://drive.google.com/file/d/0Bxck3-wbAJTAdUpaTHIGMTRQWxc/view>

Added item: Charlotte Water Stowe Regional Water Resource Recovery Facility South Access Bridge

Ms. Brooke Ahrens with HDR, Inc. presented on behalf of Charlotte Water and HDR team. She is assisting Charlotte Water with permitting support for this part of the project. She introduced Mr. Ron Hargrove with Charlotte Water and Mr. Dave Saunders and Mr. Barry Shearin with HDR. Ms. Ahrens provided introductory comments about the Stowe Regional Water Resource Recovery Facility South Access Bridge across Long Creek and turned it over to Mr. Hargrove. He noted that this project was identified back in 1970s and will provide capacity for Belmont, Mount Holly, and Charlotte. He talked about the site (former Clariant site in Mount Holly) and said it will be a state-of-the-art facility capable of handling 15 million gallons per day (MGD) initially, with capacity to increase to 25 MGD. [Click here to access the project website](#). The project team is looking for public participation and have tasked stakeholders to give input on the project. They are looking for input on community assets. [Click here to access information about public involvement](#). Ms. Ahrens then discussed the proposed bridge across Long Creek. They sited the bridge at a location where bridge length would be shortest, and they are working in the FERC boundary. They would not be working in waterway. They are trying to avoid any adverse environment impacts. The bridge will have a right and left lane, as well as a third multi-path space. It could be used for utility crossing and as a connection to the Carolina Thread Trail in the future. They have been working in coordination with various state and local agencies, as well as working on best management practices (BMPs) for project. They are trying to plan the bridge with stakeholders involved. The planning team

would like feedback from the LWMC and ultimately a letter from the LWMC to submit as part of the FERC process. Executive Director Brennan visited the site earlier today. He noted that the east side of the site is 60-70 feet up from river, and that no construction or pilings will be in the river – the pilings will be on land. Executive Director Brennan said it looks like a good plan. Ms. Ahrens noted that the two banks of Long Creek are very different and are not on open water. There are typically no visitors or recreational traffic. Commissioner Webber asked about the height of the bridge. The answer was 15’ from the bottom of the bridge to the water. Commissioner Hanks asked if there would be room for a police boat to go under the bridge. Ms. Ahrens said there would be enough room. She added that the bridge connects the road to the facility and is part of larger road design. Commissioner Perkins asked about the sediment and erosion control plan. Ms. Ahrens spoke about BMPs. Executive Director Brennan said he spoke with Mr. Rusty Rozzelle (Mecklenburg County LUESA) after his site visit. He asked that HDR use Mecklenburg County’s enhanced erosion control standards which are more stringent than North Carolina’s standards, including double high hazard silt fences. The planning team wants construction to be facilitated safely. Charlotte Water is on board with using enhanced measures. Chairman Hartley thanked them the planning team for their time and Executive Director Brennan will follow up.

Item 8 – McLean Marina No Wake Buoy Request Update

Chairman Hartley noted that the McLean group revised their buoy request.

Item 9 – Clean Marinas Program

Secretary Treasurer Mullane said that the Clean Marinas program been in place for a long time. Every marina in North Carolina has been addressed by the [North Carolina Clean Marinas program](#). The LWMC inspects marinas in South Carolina. Secretary Treasurer Mullane would like to pass the torch to a South Carolina Marine Commissioner to inspect South Carolina marinas on Lake Wylie. He proposed that someone could take it over or work jointly with him, and Commissioner Beers volunteered.

Item 10 – Buoys and Buoy Maintenance Update

Commissioner Thomas received Captain Adam Huth’s update on buoy inventory. Commissioner Thomas asked Legal Counsel Clark if Captain Adam had received his notice to proceed with work. Mr. Clark said he had not drafted it yet, and Commissioner Thomas and Mr. Clark will connect tomorrow. Commissioner Hanks noted that in Captain Adam’s email, he asked permission to buy buoys directly from NCWRC. It was determined that he should not do that, but instead forward requests to Commissioners Hanks and Thomas. Captain Adam cannot purchase buoys on behalf of the LWMC. Secretary Treasurer Mullane needs to be kept in the conversation with regard to budget and purchasing. A next step is to clarify with Captain Adam about what to do with the LWMC’s ten buoys.

Item 11 – Treasurer’s Report

Secretary Treasurer Mullane reported that the new checking account was established on February 5. Funds collection from the three counties is on track for this fiscal year. Funds will be requested for the third quarter once the county records have the new checking account information on file – which is in progress.

Item 12 – Chairman’s Report

Chairman Hartley reiterated what Secretary Treasurer Mullane said about the new checking account being set up. On the topic of the northern boat house, he noted that revisions were made to the FERC permit. Late last week, he was asked to help with Belmont Rowing Club’s regatta. He asked for any volunteers and said their focus is to have a process in place to safely put on the regatta.

Item 13 – Executive Director’s Report

Executive Director Brennan reported that:

- Contacted NCDOT to ask for the Danger and No Wake signs on the Buster Boyd Bridge to be replaced. Mr. Garland Haywood responded that he would contact the correct department to have it done. Mr. Haywood stated that he was involved in the initial installation of the signs and that they were “thunder-bolted” into the stanchions. He believes that similar signs can be installed on the 74, 85, and rail bridges with the same method.
- With Catawba Riverkeeper Brandon Jones and Marine Commissioner Perkins, finalized the request of enhanced stormwater containment practices for consideration by the City of Belmont.
- Recommended to Belmont Planning Department Director Shelley DeHart that she consider gaining the services of Ronnie Lawson (formerly with Duke Energy) to assist in finalizing the FERC application for the city park which will house the boat house for Gaston Police and Belmont Fire Department boats.
- Zoom meeting with Chairman Hartley and Lake Norman Marine Commission Executive Director and Assistant Executive Director. Discussed no-wake buoy issues – they are replacing some that continually drift out of position with metal poles with mounted placards. Discussed stormwater containment and suggested they approach counties to institute high hazard silt fencing in all lake side projects.
- Worked with Ms. Parker to finalize the LWMC slide presentation for the Catawba Wateree Water Management Group Citizens’ Academy segment on February 25.
- Met with HDR representative Barry Shearin at the bridge site for the proposed Stowe Regional Water Resources Recovery Facility. Rusty Rozzelle advises that double high hazard silt fencing will be needed to contain stormwater runoff as an erosion control measure that Mecklenburg County/Charlotte Water would require as well as stormwater containment measures found in their post construction controls ordinance. Unfortunately, North Carolina has purview and has lesser stormwater containment requirements. Recommend that the LWMC make our endorsement of the project contingent on the company constructing the bridge follow the more stringent requirements described in this ordinance:
CITY OF CHARLOTTE & MECKLENBURG COUNTY SOIL EROSION AND SEDIMENTATION CONTROL
ORDINANCE POLICIES AND PROCEDURES: Enhanced Erosion Control Requirements (Addressed in Section 17-32(a) of City Ordinance and Section 7(a) of County Ordinance)

Item 14 – Administrator’s Report

Ms. Parker did not have a report.

Item 15 – Public Relations Report

Vice Chairman Wilson posted an article from the *Charlotte Business Journal* on Lake Wylie’s facebook page. The post generated a lot of buzz and stirred excitement around the Allen Steam Plant closing earlier than anticipated. He suggested that this could be a good opportunity to gear up the LWMC’s public relations efforts. He had a question for Mr. John Bradley – after the plant shuts down, what will happen with the high-tension power lines running across the lake and the related easements around the lake? Mr. John Bradley said that the Catawba Nuclear Station uses the Allen Station as a distribution hub. So that may keep some of the lines in place. Mr. Brandon Jones added that as part of negotiation for closing the Allen Plant, Duke Energy requested to leave some of the supports for the towers. The actual coal fire plant should be shut down by 2029. After that, Duke Energy has not given site plan specifics aside from cleaning up ground water on site and cleaning up coal ash. Vice Chairman Wilson reiterated that this type of story would be a great opportunity to add to the successes the Catawba Riverkeeper has had and boost public relations. He will follow the story as it progresses.

Commissioner Webber requested that the Ebenezer Park Pier Lighting Update be moved to the March 22 meeting.

Item 16 – Adjournment

The meeting adjourned at 9:20 pm.