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**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 Blanche Bryant (York County)  
Commissioner Debi Chacharon (York County)  
Commissioner Ray Webber (York County)  
Commissioner Hunter Wilson (Mecklenburg County)

**Commissioners Absent:** ---

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

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### **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 February 24, 2020 minutes.

Commissioner Hanks moved to approve the February 24, 2020 minutes. 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 June 22, 2020 agenda. Commissioner Bryant moved to adopt the June 22, 2020 agenda. Commissioner Thomas seconded the motion. There was no further discussion and the motion was approved unanimously.

#### **Item 4 – Public Comment**

None.

#### **Item 5 – Brief Updates from Lake Wylie Marine Commissioners of Actions During Stay at Home Orders**

Chairman Hegarty asked each of the Marine Commissioners to provide a brief report of activities since the February meeting.

- Commissioner Bryant noted that she has a flyer to be posted on the LWMC website related to wearing life jackets titled, “Life Jackets Worn...Nobody Mourns.”
- Commissioner Chacharon reported that for the past 17 years, in partnership with the Lake Wylie Marine Commission, the Catawba Riverkeeper Foundation has been holding an annual Lake Wylie Riversweep.

Beginning in 2020, at dozens of sites including lakes, creeks and streams across 26 counties in North and South Carolina in the Catawba-Wateree River Basin, we will come together to clean up on the same day, October 3, 2020.

She thanked LWMC stakeholders for helping get the word out and participating in the event. As always, boat captains are needed. The website is [CatawbaRiversweep.com](http://CatawbaRiversweep.com). The links on the LWMC website about Lake Wylie Riversweep have been updated to reflect this change.

Dan Mullane and Commissioner Chacharon serve on the Lake Wylie Riversweep committee. Their group will coordinate the efforts on Lake Wylie. They have confirmed 9 out of 10 of the site captains who will head up each site on the lake. As soon as that is confirmed, the sites will all be posted on the website. We look forward to another banner year in cleaning up Lake Wylie.

- Vice Chairman Hartley reported that he is leading the nominating committee for new Marine Commissioners that will join the committee in October 2020. He is also part of the discussion about an Executive Director for the LWMC and possible people that could fill that role.
- Secretary Treasurer Mullane reported that he has been working with Commissioner Chacharon on Riversweep items. He has worked with Commissioners Chacharon and Wilson to make edits to the LWMC website in the Environmental section to ensure that information is relevant and update to date. He has also served on the budget subcommittee with Commissioner Webber and Vice Chairman Hartley.
- Commissioner Thomas reported that there has been activity with buoys that he has coordinated with NCWRC and TowBoatUS.
- Commissioner Hanks reported that the buoys seem to be in good shape, but if anyone knows of buoys that are out of place, to please let him know. He has been talking with Duke Energy about habitat enhancement. They are working to come up with a habitat enhancement project.
- Commissioner Wilson reported that per Chairman Hegarty's request, the LWMC has stopped using MailChimp to send out email newsletters. He has a neighbor that is interested in getting involved with the LWMC. The lake has been extremely busy even through COVID-19. Chairman Hegarty noted that Commissioner Wilson has done a great job of keeping the website up to date.
- Commissioner Webber reported on two items. First, that he has the data regarding North Carolina and South Carolina boat laws but as of yet, cannot obtain the artwork. Second, a request came in from a member of the South Carolina Crime Victims' Council about forming a citizen advisory committee and wanting someone on the committee that represents Lake Wylie. The purpose of the committee will be to gather local concerns on boating safety issues and make recommendations as needed. If any of the Marine Commissioners are interested, they should contact Commissioner Webber.
- Chairman Hegarty reported that he has been busy fielding questions from the lake-using public on a variety of issues. He has also been working on potential names for new Marine Commissioners to replace the three that will roll off in the fall.

#### **Item 6 – Stakeholder Reports**

Charlotte Mecklenburg Police Department (CMPD) – Officer Joye reported that the lake has been busy. They only have three officers on the water. A fourth officer will join soon and will need to be brought up to speed. There have not been any serious accidents and they have not had any drownings or medical calls. Regarding crowd size, over the years up north near the USNWC there was sparse boat traffic. That seems to have changed and now that area is busy. He spoke about different sand bars that have formed

that boaters are congregating around. CMPD will try to be up there as much as they can, however from McDowell Park it takes almost an hour to get to the northern end of the lake. They will have four US Coast Guard members riding along with CMPD on July 3, 4, and 5. Officer Joye said there will be no coordinated fireworks this year. Commissioner Wilson noted that according to facebook, Tega Cay plans to shoot off fireworks. Commissioner Hanks commented that he has seen a lot of jet skis that are towing tubes holding 4-5 people. Officer Joye says they see this behavior regularly and they stop the jet skier and say that that many people cannot be towed. They can only have as many as the ski can hold. It is legal for a jet ski to tow a tube, but for example, if a jet ski is rated for three people for safety reasons three is the total number of people that can be on the ski and tube (2 on ski/1 on tube or 1 on ski/2 on tube).

Gaston County Police Department (GCPD) – Sgt. Knupp reported that they have been working weekends since the end of March. They started full time operations last weekend. For May, they had 100 total calls and for June they have 107 calls logged in. They have had have two incidents in past couple of months. In April, a boater went out on the water from the South Point Boat Landing and did not make contact with his family. The family got worried and called GCPD to look for him. They searched in coordination with YCSO and CMPD. As it turns out, the boater docked at Tega Cay and was at someone’s house that night. Earlier in May, GCPD was called out to assist CMPD with a chase that ended up at Kevin Loftin Park. The person was chased into the park, ran to the boat landing and jumped in the water. The Belmont Fire Department got the person out of the water and back to CMPD. There was a boating accident on May 16 that GCPD could not reach due to the accident location and low lake levels. They have noticed a large number of people at South Point Boat Landing every weekend. As for the northern end of the lake, GCPD is getting up there daily, which takes a lot of time.

York County Sheriff’s Office (YCSO) – Sgt. Mabry reported that the weekends are busy, but weekdays are usually quiet. Late yesterday afternoon there was a drowning below the Lake Wylie dam. The gentleman was in a kayak with his two children in a float he was towing behind the kayak. They got to shore on Sand Island and the man got the kids on land, then disappeared. Evidently, he stepped out of the kayak in what he thought was a shallow area, which was around 8 feet deep. He was wearing fishing waders that filled with water and he could not surface. Sgt. Mabry brought up YCSO’s request to purchase a side scan SONAR device that would be used on their small dive team boat. That kind of SONAR equipment would allow the dive team to investigate hard to access holes for drowning victims. He mentioned a couple of incidents that happened in the past hand full of months that would have benefitted from this piece of equipment. Using the FY20 funds left over for YCSO, Sgt. Mabry requested that the LWMC purchase this equipment. Commissioner Bryant moved that the LWMC give funds to YCSO to purchase the requested SONAR equipment. Commissioner Chacharon seconded the motion. There was no further discussion and the motion was approved unanimously.

Chairman Hegarty noted that the funds request from GCPD will need additional discussion because the request was received earlier today. The LWMC will discuss the GCPD request at the July meeting. Chairman Hegarty asked Officer Joye to proceed with making CMPD’s request (received weeks earlier). Officer Joye they would like to purchase giveaways for the Boat Show and other purposes. Commissioner Thomas asked if CMPD would be amenable to co-branding giveaways with the LWMC logo. Officer Joye said that would be great. Commissioner Wilson asked what the amount of the request is, which is \$1,925.88. Commissioner Wilson moved to approve CMPD’s request. Secretary Treasurer Mullane seconded the motion. There was not further discussion and the motion was approved unanimously.

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

Mecklenburg County ABC Board Law Enforcement – Officer Joye commented that they have been on Lake Wylie for the past two weekends. They plan to be on the water all of the following weekends for the rest of the summer.

NC Wildlife Resources Commission (NCWRC) – Sgt. Laton reported that the boat traffic has been off the charts for Lake Wylie, Mountain Island Lake, and Lake Norman. So far on Lake Wylie, NCWRC has investigated three incidents including the May 16 hit and run Sgt. Knupp talked about, and two minor incidents involving people docking their boat incorrectly. Due to safety precautions related to COVID-19, NCWRC's boat education classes have been moved online and, they are only responding to danger buoys that they know of or are reported to be incorrectly placed. Commissioner Wilson mentioned a danger buoy that is tied to a dock in Brown's Cove. Sgt. Laton will make sure their danger buoy coordinator is aware of the situation. Commissioner Hanks mentioned that he has seen three out of place danger buoys and described their location to Sgt. Laton.

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) – No report was given.

Duke Energy – Mr. John Bradley reported that:

- Mr. Ronnie Lawson will retire from Duke Energy at the end of June. Mr. Bradley and possibly Kermitt Taylor will rotate attendance at LWMC meetings.
- Lake level: 98.6' (target level: 97.0')
- No dredge permits have been approved or issued.
- Low inflow protocol: Normal
- Chairman Hegarty said he has received questions about logs and natural debris in the water and a dead animal on the shoreline. He asked Mr. Bradley if these types of issues are Duke Energy's responsibility to take care of. Mr. Bradley said he would check, but historically Duke Energy does not take responsibility for naturally occurring debris that has floating in from high water events. Debris or dead animals can be removed, but Duke Energy will not do it. Sgt. Mabry commented that they see dead deer in the lake regularly.

Gaston County Cove Keeper – No report was given.

Catawba Riverkeeper Foundation (CRF) – Mr. John Searby reported that:

- The CRF has completed 5 weeks of [Swim Guide](#) testing. For Lake Wylie, they have had 3,334 views combined on the website and Swim Guide mobile app. Last year, they had almost 6,000 views for the whole season. For the most part, the popular swim sites on the lake have passed with regard to sampling results. The CRF tests on Thursdays and the results are posted at 5 pm on Fridays.
- The CRF will present a request in July for Riversweep 2020 for the LWMC's ongoing support of that event.
- The CRF plans to apply for a grant through Duke Energy's habitat enhancement program focused on alligator weed. NC Cooperative Extension is working on developing an alligator weed nip, which is a small beetle that eats alligator weed and is resistant to North Carolina winters. The

CRF plans to work with Duke Energy's invasive species group (Dr. Brett Hartis) to develop a program to test the beetles on alligator weed.

- Rowers reported a very bad smell coming from up Big Allison Creek. The CRF is investigating and hopes to report on this at the July meeting.
- Commissioner Wilson said that he has been contacted by waterfront residents that may be interested in adding water quality testing sites around their property. He asked Mr. Searby if this is something that homeowners could arrange through the CRF? Mr. Searby said that the short answer is yes and the longer answer is that it depends on the location of the residence. He said if people are interested, they can reach out to the CRF to find out more information.

### **Item 7 – Emergency Response Procedures**

Commissioner Thomas noted that Gaston County Commissioner Chad Brown was in attendance and proceeded to recount the events of May 16. That night around 9:25 pm, he received a call from Sonya Allen (who joined the June LWMC meeting by phone) saying that she had been involved in a hit and run on the lake. She and seven others were on her pontoon when they were hit in the aft port of the boat. The boat that hit them was knocked to the side, stopped for a moment, turned off their running lights, and fled the scene. After that they ran aground and were not able to get away. Commissioner Thomas prefaced the rest of his comments by saying that this is not attack on law enforcement officers, but instead, an attempt to fix the system we have in place. Commissioner Thomas said that he placed the first call to law enforcement at 9:25 pm and an officer was on the scene at 11:50 pm.

That night, Ms. Allen called Commissioner Thomas to report the hit and run. He called the Gaston County 866 number, trying to reach a dispatcher who is familiar with the area. He was put on hold and then was told that the County did not have a boat on the lake. Commissioner Thomas told the Gaston County dispatcher that it is likely that no one was injured in the hit and run, but there is a ruptured fuel tank leaking fuel into the water. The dispatcher said to call NCWRC. He called NCWRC and they said they were transporting someone and for Commissioner Thomas to call Gaston County back and request their assistance, which he did. Gaston County said they do not have a boat on the water. Commissioner Thomas said he has a boat on the water and if an officer can be sent to his home, they can get on his boat and go to the scene.

While Commissioner Thomas was making calls to law enforcement, Ms. Allen was at her house, which is directly across from where the perpetrators ran aground. She watched them try to dislodge their boat in order to get away. The four men on the boat were intoxicated. Commissioner Thomas noted that a couple of boaters came by to help them get dislodged. Commissioner Thomas intervened, explaining the situation and that police have been called. Around 10:30 pm, a Gaston County officer arrived at the Thomas residence and said that "I'm not going to get near that water with all this gear on. That's the quickest way for me to drown." That officer did not get on the boat. A NCWRC officer arrived at the Thomas residence and did not get on the board saying that she cannot get on the boat alone. That officer offered Commissioner Thomas her flashlight so that he could get the registration numbers off the grounded boat. She asked him if he would feel comfortable pursuing the perpetrators if they got their boat unstuck.

The NCWRC officers that responded were on Lake Norman, pulled their boat off Lake Norman, put in on the trailer, drove to the South Point landing, and got on Lake Wylie arriving at the scene at 11:50 pm. Commissioner Thomas expressed frustration that it took so long to get a response, considering law enforcement presence on Lake Wylie.

Sgt. Knupp with Gaston County Police Department said that the first officer that responded was a road officer. For this kind of call, if there were no injuries or loss of life, GCPD does not normally send a boat out. He added that knowing the location of the incident, the boat they had on the water would not be able to get to the site. The marine enforcement officers have to pass a swim test to make it on the unit. Their patrol or road officers do not take a swim test. The officer that responded first may not have been comfortable with the idea of having to swim if he ended up in the water. He reiterated, without a loss or life or injury, the situation was not considered emergent so a boat would not be sent. On the communications front, Sgt. Knupp commented that GCPD will set up a speed dial number where if someone calls in a situation such as this, the person reporting the incident can be transferred to NCWRC. GCPD can also message NCWRC directly, so they will get the message both ways.

Commissioner Thomas reiterated that this discussion is in no way an attack on the officers involved but shows that the system is broken and we need to have the ability to get assistance when needed. Gaston County Commissioner Chad Brown said that they spoke with the GCPD Chief today about making communications changes. He said that Sgt. Knupp and the marine unit have done a wonderful job with assisting in figuring this situation out. He commended the LWMC and the officers that patrol the lake and work to keep it safe.

Ms. Sonya Allen commented that she is pleased to hear that communication changes will be made. She expressed frustration that when she called 911, she was placed on hold before being asked if there were injuries or not. She also said that she did sustain injuries because of the accident. She also expressed frustration that the person was charged with a boating while impaired and improper operation of a boat when he ran from the scene. She learned the night of the accident that he was charged with careless and reckless operation of a boat as well. She does not understand why there are not the same ramifications for hit and run accidents as there are on the road. As a citizen, it was uncomfortable for her to be handed off from agency to agency. She would like to know who will handle this kind of situation if it happens in the future, if it will be handled in a timely fashion, and what law enforcement agency has jurisdiction. She expressed further frustration that the perpetrator was allowed to stay run aground for hours and sober up. Ms. Allen added that the driver of the boat blew a 0.19 even hours after the accident.

Chairman Hegarty asked Commissioner Thomas how he would like to proceed. Commissioner Thomas asked Sgt. Laton about Ms. Allen's question about jurisdiction. Sgt. Laton said NCWRC investigates boating accidents. Oftentimes local law enforcement agencies will hold the scene until NCWRC can arrive, if they are not already there. He commented that the people involved were charged with the best charges for that kind of case that will require a court appearance. Commissioner Thomas thanked Sgt. Laton for his involvement. There was discussion about shallow water situations and what types of boats would be appropriate to navigate in shallow water. Officer Joye commented that over his career, communications about lake matters have been an issue due to the multiple agencies that serve the lake. He said that when a call comes in, the law enforcement agencies that serve the lake communicate with each other so everyone is on the same page and can respond accordingly.

Commissioner Thomas said that he made 18 phone calls that night to see what law enforcement agencies had a boat on the lake and who could respond. He asked how this situation would have been handled differently if there had been an injury. Sgt. Knupp said a boat would be sent, but it still may take 30-60 minutes to get to the scene. He would not take a boat out by himself and he would not take a road officer, given the reasons stated earlier. It would depend on which officer he could find to join him. He apologized to Ms. Allen for the response time that night. Commissioner Hanks asked what the LWMC

should communicate out about what boaters should do in this kind of situation. Chairman Hegarty suggested Marine Commissioners work with local law enforcement agencies to come up with a plan for who to call in accident situations. Commissioner Thomas agreed with this suggestion. Chairman Hegarty asked Commissioner Thomas to lead this coordination, and Commissioners Webber (York County) and Wilson (Mecklenburg County) volunteered to join Commissioner Thomas in this effort. Commissioner Webber suggested testing the communication plan before putting it out to the public. Ms. Allen commented that having information on a website is good but will not be effective in an accident situation. Information about who to call would need to be on boats and easily accessible. Chairman Hegarty agreed and closed the discussion.

#### **Item 8 – No Wake Zone Enforcement Discussion**

Chairman Hegarty said he has spoken with local law enforcement about no wake zone enforcement issues. He has observed boaters flying through no wake zones in the cove in front of his home. People kayak, paddle board, and swim in that cove, which is dangerous when boaters disregard no wake zones. Education is needed for boaters on what being in a no wake zone means. The LWMC needs to assist law enforcement to help educate the boating public.

#### **Item 9 – Buoys and Buoy Maintenance Update**

Commissioner Thomas told Sgt. Laton that there is a danger buoy out of place at the entrance of Paradise Point, between the hot hole and Paradise Point. Chairman Hegarty said the TowBoatUS has done an excellent job with getting buoys back in place.

#### **Item 10 – Treasurer’s Report**

Secretary Treasurer Mullane reported that all funds have been received from each county for FY20 and funds have been requested for FY21.

#### **Item 11 – FY 19-20 Budget Amendment**

Commissioner Webber moved to approve the FY 19-20 budget amendment as proposed. Vice Chairman Hartley seconded the motion. There was no further discussion. The vote was taken and approved unanimously.

#### **Item 12 – FY 20-21 Budget**

- Public Hearing for Consideration of the FY 20-21 Budget Ordinance – Commissioner Thomas moved to enter into Public Hearing to discuss and approve the FY 20-21 budget. Commissioner Webber seconded the motion and it was approved unanimously. There were no comments from the public. Commissioner Bryant moved to close the Public Hearing. Commissioner Wilson seconded the motion and it was approved unanimously.
- Discussion and Approval of the FY 20-21 Budget Ordinance – Commissioner Webber moved to approve the FY 20-21 budget. Commissioner Thomas seconded the motion. There was no discussion. The vote was taken and the FY 20-21 budget was approved unanimously.

#### **Item 13 – Consideration of Contracting with CCOG for Administrative Services for FY 20-21**

Commissioner Chacharon moved to contract with CCOG for FY 20-21. Commissioner Thomas seconded the motion. There was no discussion and the motion was approved unanimously.

#### **Item 14 – Administrator’s Report**

- Ms. Parker thanked the LWMC and said she looks forward to working with them in the coming year.

- FY 19-20 Audit Contract – Ms. Parker informed the LWMC that the FY 19-20 audit contract with Belinda Johnson, CPA needs to be approved by the LWMC in order for her to begin work. Commissioner Webber moved that the LWMC approve the FY 19-20 audit contract with Belinda Johnson, CPA. Commissioner Wilson seconded the motion. There was no discussion and the motion was approved unanimously.

**Item 15 – Adjournment**

The meeting adjourned at 8:40 pm.