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**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 Brad Thomas (Gaston County)  
Commissioner Smitty Hanks (Gaston County)  
Commissioner Ray Webber (York County)  
Commissioner A.W. Bill Beers (York County)  
Commissioner Quay Williford (York County)

**Commissioners/Staff Absent:** Neil Brennan, Executive Director

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

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### 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 April 26, 2021 minutes. Commissioner Webber moved to approve the April 26, 2021 minutes. Commissioner Beers 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 May 24, 2021 agenda. Commissioner Beers moved to adopt the May 24, 2021 agenda. Commissioner Webber 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 was not present.

Gaston County Police Department (GCPD) – Sgt. Knupp reported that GCPD will be on the lake starting this Saturday and will be full time until August and will split time between Lake Wylie and Mountain Island Lake. They will have two new officers joining the team. He reported no issues and said they are looking forward to summer.

York County Sheriff’s Office (YCSO) – Sgt. Mabry said this will be his last LWMC meeting before retiring on June 11. He noted that today he restarted a program he began 8-10 years ago to take 911 communicators around the lake to familiarize them with landmarks so they know where to send help for lake-related emergency calls. He took six out today and will take eight out tomorrow.

YCSO has had six divers complete public safety diver certification. Chairman Hartley thanked Sgt. Mabry for his service to the community and Lake Wylie, insights on lake patrol, and for his long-time participation in LWMC meetings.

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 after Memorial Day they will start a campaign about unlawful buoys. If the LWMC is aware of any unlawful buoys, he asked that they please let him know. He will have more information at the June LWMC meeting. Commissioner Beers noted that there are red ball buoys all over Nivens Creek (SC). Sgt. Laton was not sure about how SCDNR handles unlawful buoys. He said that NCWRC is recruiting new officers. If anyone is interested, please visit [www.ncwildlife.org](http://www.ncwildlife.org). He thanked Sgt. Mabry for his service. Vice Chairman Wilson said that a dead deer was floating in the channel and ended up on his property. He asked about the process for removing the deer. Sgt. Laton said it is hard to get someone to come pick up a dead animal. He told Vice Chairman Wilson to call him next time that happens.

Mecklenburg County Sheriff's Office (MCSO) – Sgt. Farrar-Gordon introduced herself, said this was her first LWMC meeting, and will attend until her superiors say otherwise. Ms. Parker will make sure she is on the LWMC email distribution list.

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. Commissioner Webber noted that Mr. Dave Wascher changed flotillas.

Mecklenburg County Land Use and Environmental Services Agency (LUESA) – Mr. Dave Ferguson reported that monitoring did not occur in April. His team will sample for May later this week. They will start testing for fecal coliform at recreation locations.

Duke Energy – Mr. Kelvin Reagan said that the current lake level is 96.4' and there were no dredge approvals for the previous month.

Gaston County Cove Keeper – No report was given.

Catawba Riverkeeper Foundation (CRF) – Mr. John Searby and Mr. Brandon Jones could not attend the meeting, but provided a written report which Ms. Parker read to the group:

- Alligator weed Duke HEP grant – We introduced thousands of alligator weed thrips to Lake Wylie on 5/13 in partnership with Dr. Brett Hartis and his team from Duke Energy. They were placed on a mat in Duke Cove on the South Fork above Paradise Point. In 2 weeks, we will be going back to check on the population. Once established we will be recruiting volunteers to help disperse the flightless bugs across the lake.
- Swim Guide – Swim Guide starts this week. We currently have 53 sites including 10 on Lake Wylie and the South Fork. Samples will be taken every Thursday and posted by 5p each Friday beginning this week and running through Labor Day. The results can be viewed through the Swim Guide link on the Catawba Riverkeeper app or at <https://www.catawbariverkeeper.org/swim-guide/>
- Del Webb Construction Site – Located on the South Fork arm of Lake Wylie, this project is the first phase of a >1000 acres planned development. We continue to work with the Lake Wylie Marine commission to advocate for increasing the minimum stormwater controls through the conditional zoning process. The city council is holding a special session tonight on the topic, which is why we are not here in person.

- South Fork River Health Committee – This group of municipalities, non-profits, and private sector businesses has met several times now and is working toward a consensus document. We expect to apply for a NC Land and Water planning grant at the end of the year. Initial sampling supports our assumption that most pollution is precipitation driven. The goal of this committee is to develop a long-term plan to improve the water quality of the South Fork, improve the flood resiliency of the communities along the South Fork, and improve the recreational access of the South Fork. Lake Wylie Marine Commission has recently joined this group as a stakeholder, and we appreciate the support.
- On a recent monitoring run of Lake Wylie, we noted 3 areas that have dramatically increased in weekend gatherings due to new sand bars: Catawba Cove near the Daniel Stowe Botanical Garden, the new sandbar just south of Sadler Island near USNWC, and a new sandbar just upstream from the Wilkinson Bridge on river right. We would encourage law enforcement to make these areas a regular priority to ensure they get cleaned up and do not become additional hazards.
- On the same monitoring run, we noted that the sandbar in the middle of the South Fork just below Paradise Point before the hot hole if headed downstream continues to grow and may call for a danger buoy at each end to avoid boats running aground. We narrowly avoided being stuck there ourselves.

#### **Item 6 – Pike Engineering: Duke Energy Projects Overview**

Mr. Brett Sexton with Pike Engineering is assisting Duke Energy with two projects related to existing overhead distribution lines. They are both located on the South Fork. In order for the lines to span over the lake, Duke Energy requires a permitting process and reaching out to state and local agencies for input is part of that process. Both projects are within the existing right of way and will entail pole-for-pole replacements. The purpose of the pole replacements is to increase reliability. Mr. Sexton reviewed the Pike Engineering documents in the LWMC agenda packet. One project site is at Wilkinson Boulevard and the other site is at the Armstrong Ford Road Bridge. All sediment will be maintained on the project sites and kept out of the water. The only clearing required would be in the existing right of way. Chairman Hartley asked about the poles and whether they would be wood or metal. Mr. Sexton said that most of the new poles would be made of wood except for the poles closest to the lake, which would be made of steel. Commissioner Webber asked if they have taken the widening of Highway 74 in consideration. Mr. Sexton said that they are aware and have taken that factor into consideration. Ms. Katoya White introduced herself as the Public Engagement Manager with Duke Energy for these projects. She is the point of contact for customers with questions or concerns ([Katoya.White@duke-energy.com](mailto:Katoya.White@duke-energy.com)/919-977-2363). Commissioner Hanks asked Mr. Sexton if Pike Engineering needs approval from the LWMC. Mr. Sexton said no approval is needed.

#### **Item 7 – 2021 Swim Guide Program**

Commissioner Perkins said that the Swim Guide program is an international program (<https://www.theswimguide.org/>) and asked about CRF's Swim Guide sampling sites. Ms. Parker said that the CRF has 53 testing sites and ten are on Lake Wylie.

#### **Item 8 – Buoys and Buoy Maintenance Update**

Commissioner Hanks said he has been trying to contact NCWRC staff to get prices for buoys but has not heard back yet. He asked Sgt. Laton if he has another contact. Sgt. Laton said he would look and follow up with Commissioner Hanks. Commissioner Hanks said that Captain Adam would like to order 1,000' of cable. Unless the LWMC is placing a lot of buoys, the group typically orders 500' of cable that lasts for over a year. Captain Adam said that around three months ago he replaced the eastern most buoy on the northside of the Wilkinson Bridge. He fabricated a buoy anchor with four pieces of rebar coming out of each side at a downward slope. As of yesterday, that buoy and buoy anchor remain in place. Captain Adam will continue to deploy that kind of modified buoy anchor as needed. That kind of buoy and anchor are difficult to move around, so he plans to save them for locations that have strong currents. To Captain Adam's knowledge, all no wake buoys are present and accounted for. Chairman Hartley asked if the buoys south of I-85 are in place. Captain Adam said they are in place. Sgt. Laton can check with his colleague about danger buoy placement near the I-85 bridge.

Commissioner Hanks commented on a large, round no wake buoy at the mouth of Paw Creek that belongs to the LWMC. Captain Adam said if the LWMC would like it pulled out, he will need to have something in writing because he is concerned that it is a private buoy. Chairman Hartley asked Commissioner Hanks to send Captain Adam something in writing. Captain Adam said he has been working with Executive Director Brennan on the buoys in Brown's Cove and he is waiting for feedback from Mr. Brennan. Captain Adam and Executive Director Brennan were talking about two different buoys in Brown's Cove. Executive Director Brennan was to check and let Captain Adam know how to proceed. Commissioner Webber cautioned about Captain Adam moving a private buoy since LWMC does not have that authority. He asked if the LWMC buoys are marked. Commissioner Hanks said they used to be. But even if buoys were marked, people would remove the LWMC label. Chairman Hartley stated that we need to figure out a way to mark buoys and if a buoy does not belong to the LWMC, we should not touch it. He told Captain Adam to hold off until he gets further direction from the LWMC.

#### **Item 9 – Review Draft Proposed FY22 Budget and Draft Proposed FY21 Budget Amendment**

Secretary Treasurer Mullane said that the Budget Committee met on May 19. Commissioner Webber reminded everyone that Ms. Parker sent the draft FY22 budget to LWMC. He asked Marine Commissioners to review it and let the Budget Committee know if there are any questions. The draft FY21 Budget Amendment will be prepared and shared in June.

#### **Item 10 – Treasurer's Report**

Secretary Treasurer Mullane reported that:

- FY21 funding: All counties have paid for this fiscal year.
- FY22 funding requests: Mecklenburg, Gaston, and York county funding requests have been submitted.

#### **Item 11 – Chairman's Report**

Chairman Hartley reported that been working with Executive Director Brennan on how to get stormwater controls in the Del Webb project in Belmont. Executive Director Brennan is presenting to Belmont City Council on this topic this evening. Chairman Hartley reviewed the Executive Director's report in Executive Director Brennan's absence.

#### **Item 12 – Executive Director's Report**

Executive Director Brennan was not present, but provided a written report in advance of the meeting:

##### Del Webb Project

- Briefed the Belmont City Manager, Assistant City Manager, Planning Director on the additional Stormwater Control Measures (SCMs) proposed but not recommended by the Planning and Zoning Board (P&Z) as conditions for rezoning the Del Webb Project. They advised that if additional SCMs are to be considered that we seek guidance from Gaston County as Belmont relies on the county for enforcement of stormwater regulations for Belmont.
- Met with Gaston County Stormwater Administrator Joseph Alm to review his department's processes. Unfortunately, if a SCM plan that is submitted meets the minimum state requirements, his department accepts it; he does not recommend any additional SCMs.
- Met with Gaston County Chairman Tom Keigher to press the case for enhanced SCMs. Following that meeting, Chairman Keigher asked that I brief Gaston County Planning Department Head Brian Sciba, which I did. Mr. Sciba posed no objection to the enhanced SCMs and indicated his support for expanding SCMs in Gaston County beyond the minimum.
- Arranged for Mr. Rusty Rozzelle, Program Manager, Charlotte-Mecklenburg Storm Water Services, Mecklenburg County Water Quality Program, to address the Gaston County Commission at their May 11 Working Session. Mr. Rozzelle's presentation is available on the web at Gaston County

Commission Meetings / Agendas, Minutes and Videos / Videos / May 11. His presentation was at the end of the meeting at time 1:39:34 into the video. I recommend the LWMC commissioners and staff view it.

- Surprisingly, Gaston County Commissioner Hovis stated he was unaware that SCMs could be made conditions of a rezoning and that they'd never implemented enhanced SCMs as conditions of a rezoning. He indicated they'd consider that option in future rezoning applications. He and Chairman Keigher are supporters of enhanced SCMs in Gaston County.
- In follow up questions with Mr. Rozzelle, he indicated that any SCMs agreed to by a developer can be made the sole responsibility of the developer to install, secure, operate, and maintain as an additional condition for rezoning.
- Following the briefing to the Gaston County Commission, sent a joint Catawba Riverkeeper Foundation/ LWMC letter to Belmont City officials to press the case for the additional SCMs (copy to LWMC)
- Briefed or met with City Council members Mayor Charlie Martin, Richard Turner, Jim Hefferan, Martha Stowe, and Ryan Schrifft. CRF Executive Director met with City Councilman Marc Seelinger prior to addressing the City Council the evening of May 24, 2021.
- Addressed the Belmont City Council with John Searby in support of the SCMs not previously recommended by the Planning and Zoning Board:
  - bathymetric surveys by a third party of the two coves before and after project construction
  - high hazard silt fencing along the entire shoreline
  - and sensors at the outfalls with shutoff valves to stem the flow of water temporarily if the turbidity entering the river exceeds limits
- Based on conversations with Mr. Rozzelle, introduced an additional condition for rezoning: "The installation, maintenance, security, and operation of all enhanced SCMs required by the City of Belmont and to which the developer has agreed are the sole responsibility of the developer."

Buster Boyd Bridge Signs: SCDNR has recognized responsibility for the No Wake Idle Speed signs on the Buster Boyd Bridge. They are looking into the need to replace them or remove them. The Danger signs posted there are thought to have been donated by the LWMC. Contacted Mike McLaurin, former LWMC Executive Director, to see if his records can confirm that supposition.

South Fork River Health Committee: Provided the link to Mr. Rozzelle's presentation to Chairman Cauthen for dissemination to the committee as he deems appropriate. Attended the May 24, 2021 meeting of this committee.

### **Item 13 – Administrator's Report**

Ms. Parker reported that she reached out to pre-COVID venue contacts in Gaston, Mecklenburg, and York counties about resuming meeting in person. The City of Belmont is able to host the LWMC meeting in person on June 28. Ms. Parker is awaiting responses from the Mecklenburg and York County venues. Details about the June 28 meeting and 2021 meeting calendar are forthcoming.

### **Item 14 – Public Relations Report**

Vice Chairman Wilson brought up the topic of where boaters could participate in water activities like swimming, wakeboarding, etc. From a public relations standpoint, he thinks the LWMC could focus on education and perhaps set some funds aside for a graphic designer to design educational graphics to post on social media. For example, a map of Lake Wylie could be shared, overlaid with areas appropriate to do water sports and areas not appropriate to do water sports. Vice Chairman Wilson noted that that kind of graphic would likely go viral online. Chairman Hartley asked about possible cost since the Budget Committee is working on the FY22 budget. As a ballpark figure, Vice Chairman Wilson said his graphic designer charges \$50 per hour. He added that printing costs would not be incurred since content would be shared online. If the LWMC supplied the data, Vice Chairman Wilson's designer could do the work in a few hours. Chairman Hartley asked Vice Chairman Wilson to put together a request for proposals (RFP). Vice Chairman Wilson asked Marine

Commissioners for input on what graphics would be top priority. Mockup graphics could be created and lake enforcement could weigh in. Commissioner Hanks said the LWMC would need to have specific parameters to avoid a slippery slope. Vice Chairman Wilson concurred that the LWMC would need to focus on the boating safety perspective rather than a law enforcement perspective. Input would be need from Legal Counsel Clark. Vice Chairman Wilson reiterated that if anything is shared or posted, it would need to be about safety and best practices. Commissioner Beers expressed concern about so much shoreline and wondered how graphics could be useful. Vice Chairman Wilson suggested that the LWMC could set up a microsite and put out a simple graphic. Once someone clicks on the simple graphic, they would be directed to a microsite where they can zoom in and out and access more data. Setting up a microsite would take more time and would be a little more complex. But if the LWMC thinks this type of boater education is a smart idea, a microsite could be a good way to go. Commissioner Beers expressed concern about not knowing where swimming is appropriate. Vice Chairman Wilson said that a microsite could be hosted on the existing LWMC website. He went on to say that there could be a map that shows appropriate swim areas and could highlight areas of lake where water sampling is happening. Commissioner Hanks said that [Duke Energy Lake Management](#) has a section of their website on swim areas. Commissioner Perkins added that [Duke Energy maps have good detail as well](#). Areas are easy to draw in GIS, we would just need to define standards and parameters clearly. Commissioner Beers said that imagery on the Duke Energy site is very detailed compared to Google Maps. Vice Chairman Wilson claimed to not know details about the mapping, but from public relations and education standpoint this is a good idea. He agreed that parameters must first be set before anything goes out. Chairman Hartley said this is a good start. Vice Chairman Wilson added that he found a couple posting YouTube videos from the Papa Docs boat landing. [The videos are getting lots of views](#). He suggested that perhaps the LWMC could partner on these videos.

#### **Item 15 – Announcements**

- Chairman Hartley said the LWMC will meet in person in June. He asked whether a Belmont staff person would need to be present until the end of the meeting. If so, that could create overtime issues. Ms. Parker will follow up with the Belmont Clerk.
- Commissioner Beers will resume the Clean Marina program in South Carolina after Memorial Day weekend.
- Commissioner Beers emailed York County Councilmember Allison Love about having boat tour for York County Councilmembers. She asked Commissioner Beers to send a message to other Councilmembers to gauge interest.

#### **Item 16 – Adjournment**

The meeting adjourned at 8:17 pm.