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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 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

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### Meeting Minutes

#### Item 1 – Welcome & Introduction of New Marine Commissioners

Chairman Hartley called the virtual meeting to order at 7:00 pm and welcomed everyone present. He welcomed new Marine Commissioners A.W. Bill Beers (York County), Sam Perkins (Mecklenburg County), Quay Williford (York County). Commissioners Beers, Perkins, and Williford briefly introduced themselves.

#### Item 2 – Approval of Minutes

Chairman Hartley asked if any changes need to be made to the September 28, 2020 minutes. Commissioner Hanks moved to approve the September 28, 2020 minutes. Commissioner Thomas 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 October 26, 2020 agenda. It was noted that discussion about the November 10 NC Lake Management Society virtual workshop and possible LWMC membership in this group should be added to the agenda. Commissioner Thomas moved to adopt the October 26, 2020 agenda as amended. 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 reported that CMPD law enforcement assisted the GCPD at a swim meet on October 10. He said that their newest member passed his dive test so now their group has two qualified divers. Tomorrow they will be involved in a FEMA tabletop drill with other area law enforcement agencies.

Gaston County Police Department (GCPD) – Sgt. Knupp reported that they assisted with a swim meet on Oct 10 for a few hours. They are currently off the lake and will return to lake patrol next summer.

York County Sheriff's Office (YCSO) – Sgt. Mabry reported that they are getting caught up on equipment maintenance. He noted that the SONAR equipment the YCSO purchased with assistance from the LWMC is in final stages of being set up on their smaller boat.

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 about a year ago the NCWRC put information on their website about responsible wake boating. People have seen what is on the NCWRC website and think it is law. Sgt. Laton said that this information is not law, but just suggestions about safe boating practices. He noted that duck and goose season is open from November 7 – 28. NCWRC is coordinating with other law enforcement agencies and hunters to try to find middle ground related to hunting happening near populated areas.

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 September 2020 Water Quality Report which can be accessed [here](#). His team will continue with routine monitoring, and only missed monitoring in March 2020. Because of limited resources related to COVID, LUESA staff and lab staff worked to figure out how to still get monitoring completed. They decided to split the lake in half and do two sampling runs in Mecklenburg County waters, one on the northern part and one on the southern part. They will not sample in October but will sample in November, likely on two different dates. He noted that he expects the lake to have turned over by that point. Executive Director Brennan asked for more information about lake turnover and Mr. Ferguson explained what lake turnover means and how it works.

Commissioner Hanks asked Mr. Ferguson if there is a way to separate out water quality data from Dutchman's Creek and Long Creek. There have been several flash heavy rains lately, and sometimes turbid water seems to come out of Long Creek or Dutchman's Creek, but it is hard to tell which one. Mr. Ferguson answered that there is not a water quality monitoring device in Dutchman's Creek to keep track of flows. They do have in-stream monitoring devices on Long Creek. They can see the flash and return of water in Long Creek during and after rain events. If he sees muddy water while driving over I-85 or the Buster Boyd Bridge, he can pull up data from the Long Creek monitoring device and if it is showing turbidity, then the turbid water is coming from Long Creek, if not, turbid water is coming from Dutchman's Creek. Typically, turbid water comes from Dutchman's Creek.

Duke Energy – No report was given.

Gaston County Cove Keeper – No report was given.

Catawba Riverkeeper Foundation (CRF) – Executive Director John Searby reported that the CRF officially accepted the grant from the Duke Energy Habitat Enhancement Program to get rid of alligator weed ([for more information see page 3 of the July 2020 LWMC meeting minutes](#)). The CRF is looking for volunteers to help with this effort and Mr. Searby asked the LWMC to help spread the word. He noted that they are excited about the opportunity to do this work and tackle this invasive species.

Mr. Searby addressed challenges related to sedimentation around active construction sites, stormwater runoff, and buffer zone issues. When we come out of COVID-19 he would like to see if we can resume partnership efforts to achieve stronger enforcement and regulation. He spoke with Executive Director Brennan and they have a good plan to move forward, post-COVID-19. Executive Director Brennan added that they want to see if there is a way to get past the latest laws enacted by NCGS that weakened regulations that were in place.

#### **Item 6 – Duke Energy Presentation**

This item is tabled until the November 23 meeting.

#### **Item 7 – McLean/Morningstar Marina No Wake Zone Request**

Mr. Steven Hinshaw introduced himself to the group and noted that he was last in front of the LWMC in 2015 or 2016. The marina is finally under construction and will be delivered in the next few months. He said that he and Mr. Bill Young are here this evening to talk about no wake zones in and near the marina. He is on the development team for McLean and Mr. Young is the Director of Operations for Morningstar Marinas. Morningstar will manage and run the operation. Mr. Hinshaw turned it over to Mr. Young.

Mr. Young shared a PowerPoint presentation. He showed a rendering of property, described different amenities, and the location of the marina. He showed a Google Earth screen shot of the cove including 150' marking from bridge. At that point, the cove is a little under 300' wide. He also included a marking at the next constriction point which is about 800' from the bridge and at that point, the cove is approximately 450' wide.

He showed what wake could be like at the 150' mark as boats come into the area approaching the no wake zone and where the direction and travel of the wake would go. This could be heavy wake and heavy traffic area for boaters. He suggested it is a critical congestion area – could be a dangerous area with a lot of boat traffic coming from different directions. A thought was to push the no wake zone farther back to eliminate wake speed in that critical congestion area. He talked about moving the no wake zone out to the 800' mark where it would slow boats down before entering a congested area.

Chairman Hartley said he and Executive Director Brennan went out to look at this area. Instead of what Mr. Young proposed, they envisioned placing three buoys across at the state line. Executive Director Brennan added that this is definitely a high traffic area. The NC regulations allow for no wake buoys to be established for safety reasons in high traffic and high-density areas. The question is where the buoys would be placed. Chairman Hartley and Executive Director Brennan propose taking the two buoys that are before the bridge and moving them back. Those two buoys are NC buoys. Mr. Hinshaw and Mr. Young propose that their buoys would be most effectively placed SC waters. Executive Director Brennan thinks that there would not be a problem with moving the buoys back, but we do not have the option to move them into SC waters. It depends on where the LWMC would want to draw most optimum line. Executive Director Brennan reiterated that moving the buoys back would not be a problem, the question is just how far back. Commissioner Beers added that with the kind of traffic they are estimating in that area, the farther back the no wake zone would be best.

Commissioner Beers asked when traffic will start building in that area. Mr. Young said docks are in place now. They would like to start utilizing the docks in spring 2021. Mr. Young could see boats in that space after the Boat Show in February 2021. Chairman Hartley asked if they plan to sell fuel. Mr. Young said they will sell fuel only on land for dry stack customers. Commissioner Williford asked when the proposed restaurant will open and if there will be dockage for patrons of the restaurant. Mr. Young said the restaurant is behind the marina by 6 months to 1 year. The ship store should be open in January or February. The dry stack buildings should be finished in early summer 2021. The restaurant could be open this time next year or at the end of summer. There will be slips set aside for the restaurant. Commissioner Hanks said that there is still a moratorium on placing no wake zone buoys. Mr. Young asked if the moratorium applies to both residential and commercial buoys in NC waters. Commissioner Hanks confirmed that the moratorium is for all LWMC buoys. Chairman Hartley asked if the LWMC should table

this discussion until the November LWMC meeting or until moratorium is lifted. Commissioner Hanks commented that this should be tabled until the LWMC receives guidance on the no wake zone application process. Vice Chairman Wilson proposed to move forward with seeing what SC thinks about this concept. If they are for it, there is no sense in applying the moratorium. But if SC has concerns, the LWMC will need to table this until the LWMC knows more about the moratorium situation. Commissioner Thomas said he would like to hear Sgt. Laton's thoughts since this may be the first time that a set of SC buoys would enforce a NC area. Chairman Hartley asked if Vice Chairman Wilson had a motion. Vice Chairman Wilson restated his proposal (noted above). Commissioner Thomas moved to shift the buoys to the 450 mark and if the LWMC is in agreement, then proceed with coordinating with SC. Chairman Hartley clarified that the request to SC would be for SC to install new buoys at the 450 mark. Vice Chairman Wilson seconded the motion. The vote was taken and approved unanimously.

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

Chairman Hartley reported that he and Executive Director Brennan visited two of the no wake zone request sites that are under consideration. They did not see a need for a no wake zone at the Red Fez Club because you can see the end of the cove upon entering the cove. They noted that the swimming area in that location is already marked. They also looked at the Catawba Yacht Club site which is a deeper cove that one cannot see the end of at the entry point. Executive Director Brennan and Chairman Hartley did not find that putting buoys where requested would be approved or recommended to NCWRC. Vice Chairman Wilson and E.D. Brennan looked into the request at the Vineyards and confirmed the bottleneck blind turn in that cove. They agree it would qualify for a no wake zone. A no wake zone at The Vineyards would need a clear starting and ending point, unlike the no wake zone in Brown's Cove.

Chairman Hartley brought up the no wake zone moratorium and asked if Commissioners Thomas and Hanks were able to review the revised no wake zone application and procedures documents. Commissioner Hanks had not had a chance to review them. Commissioner Thomas reviewed them and asked if the fees are separate. Chairman Hartley asked if the LWMC should request the application fee with the application or when an application and recommendation is approved by NCWRC. Commissioner Thomas said when the application is originally submitted, and the application fee could be refunded if the NCWRC denies the request. Chairman Hartley concurred with this approach. Executive Director Brennan said he spoke with Denise Strosser (Centralina's Finance Director) about application fee payment by check coming in with an application. Applications and checks should be sent to Ms. Strosser to be in line with internal auditing practices. Ms. Strosser concurred that if a no wake zone recommendation is denied by NCWRC, an applicant should get their money back. Executive Director Brennan agreed with this plan. Chairman Hartley will send out the revised application and policies and procedures forms for comment. Chairman Hartley asked if the LWMC has received the ten buoys there were ordered. Commissioner Hanks said he thinks we have received ten buoys. Commissioner Thomas recommended that once the revised no wake zone application is approved that the LWMC should request the fee for what the buoy cost will be. Executive Director Brennan clarified that the fees would be kept separate. Payment would need to be received by Centralina before buoy installation happens. Commissioner Hanks asked if the application fee will be returned, what is the purpose of the fee. Chairman Hartley thought the \$150 no wake zone application fee could go towards buoy maintenance.

#### **Item 9 – Buffer Zone Guideline Discussion Follow Up**

Chairman Hartley said that Executive Director Brennan remains in the process of trying to meet with Mecklenburg County and Gaston County staff to determine how North Carolina law impacts local buffer laws. Executive Director Brennan noted that Gaston County does not enforce them, but Mecklenburg County does. Mr. John Searby talked about stormwater regulations and jurisdictions could set these rules. Jurisdictions cannot put stormwater regulations in place that are more stringent than North Carolina's regulations. Commissioner Hanks asked if North Carolina standards are as strong as the federal Clean Water Act (CWA) standards. The CWA defers enforcement to the states.

Chairman Hartley asked if the LWMC and others need to address this issue at the state level to get teeth back into the regulations. It was noted that Mecklenburg County does a great job with buffer zone monitoring and enforcement. A two-pronged approach was suggested including Gaston County increasing enforcement and monitoring and to work at the state level to get changes made in regulations. Executive Director Brennan suggested going before Belmont's planning and zoning board in November or December 2020 to ask about additional buffer zone restrictions. This body can approve additional restrictions and put conditions in place before approval. Executive Director Brennan asked the LWMC to consider approving his and Mr. Searby's moving ahead with speaking to Belmont's planning and zoning board. Mr. Searby brought up matters related to zoning, density, and conditional rezoning. Commissioner Perkins asked if there has been any engagement with Belmont's planners and engineers. He said he would recommend engaging with them before going to the planning and zoning board. Mr. Searby thought it was good advice to approach planning and engineering staff first. Commissioner Perkins noted that there are two separate parts of this matter – construction and post-construction. Construction is more straight-forward. Post-construction can be more complicated. Secretary Treasurer Mullane moved that Executive Director Brennan represent the LWMC at Belmont's planning and zoning meeting where the rezoning discussion will happen, either in November or December. Commissioner Hanks seconded the motion. The vote was taken and approved unanimously.

#### **Item 10 – Emergency Response Procedures Update**

Commissioner Thomas reported that he has spoken with several law enforcement agencies on this matter. The consensus is that as imperfect as the current emergency response system is, it is the best system at this time and that is what we should continue using to report emergency situations.

#### **Item 11 – Buoys and Buoy Maintenance Update**

- New buoys approved and not installed: Commissioner Hanks said the LWMC has ten buoys in stock and the hardware to install them. Captain Adam is not sure about how much cable remains. He noted that the LWMC makes their own buoy anchors. Until the LWMC decides how to anchor buoys so they will stay in place, we should hold off on installing buoys. Commissioner Hanks spoke with Executive Director Brennan about the idea of anchoring buoys to bridges. When the water current changes, buoys will float under bridge. We have options, but innovative solutions are needed. Executive Director Brennan spoke with Mr. Steve Rackley (NCDOT) and he said that it would not be a problem to put a band around bridge pillars and attach a sign. Drilling into a bridge is not allowed. If a band was around the base of the bridge piling with a line or chain out 50 feet (according Mr. Rackley, that is how far buoys need to be from a bridge) then we can have two ways of anchoring buoys – with the anchor attached to the buoy and by the line or chain from the bridge itself. That would work from south side, but we would still need to figure out about north side of bridge. Executive Director Brennan asked Officer Joye about leveraging CMPD's dive training to help with this task. Commissioner Hanks said the NCWRC goes around each year and pulls each buoy up and reinstalls it. Secretary Treasurer Mullane likes idea of posting signs on bridges. It was noted that bridge signs would be in addition to the buoys that are required. Commissioner Hanks was not sure if having buoys at the bridges is a requirement. Executive Director Brennan will investigate whether having buoys at bridges is a requirement or not. Commissioner Thomas asked if the LWMC would like him to find out about pricing for a second anchoring system. Commissioner Hanks said using stainless cable and fittings at the base may work, as long as boaters do not rip buoys off and the cable sinks. Chairman Hartley noted that the Hwy 74 bridge buoys are out of place again, and this happens after each rain event.
- Existing buoys needing to be replaced: ---
- Buoys and associated hardware on hand ready for installation: ---

#### **Item 12 – Catawba Riversweep 2020 Recap**

Secretary Treasurer Mullane showed a neck gaiter bearing the LWMC logo that was given out to each volunteer on Lake Wylie during Riversweep 2020. The gaiter, along with Riversweep t-shirt, provided good exposure for the LWMC. There were 1,400 volunteers across the whole Riversweep event, and 500 volunteers were on Lake

Wylie. A lot of volunteers showed up, even in light of COVID-19. He heard comments that there seemed to be less trash than usual. He noted that the ongoing support from the LWMC was greatly appreciated. Secretary Treasurer Mullane said that no one from the LWMC is on the Riversweep planning committee for next 2021. Planning will start in March 2021 for Riversweep 2021. Commissioners Beers and Webber volunteered to be part of the Riversweep planning committee for 2021.

### **Item 13 – Treasurer’s Report**

Secretary Treasurer Mullane reported that:

- York County: Q2 (Oct 1 – Dec 31) funds have been requested. Q1 funds were requested and have been received.
- Mecklenburg County: Q2 (Oct 1 – Dec 31) funds have been requested. Q1 funds have been requested, but not yet received.
- Gaston County: Q1 & Q2 funds were requested and have been received.

Secretary Treasurer Mullane followed up on a question about voided checks appearing on the monthly check register from a couple of months ago. He spoke with Denise Strosser at Centralina, any questions were answered, and everything is in order.

### **Item 14 – Chairman’s Report**

Chairman Hartley reported that he participated in a productive leadership turnover meeting with Executive Director Brennan, former Chairman Peter Hegarty, and Ms. Parker. In reviewing no wake zone matters, he came upon [NCWRC buoy regulations and guidelines](#) and asked that a link to this page be put on the LWMC website.

### **Item 15 – Executives Director’s Report**

Executive Director Brennan reported that:

- Welcomed and introduced himself to new Marine Commissioners Sam Perkins, Quay Williford, and Bill Beers.
- Requested and received an update from Belmont City Planning Director Shelley DeHart on the FERC process for the dock for the police and fire boats.
  - Reviewed the FERC documents Ms. DeHart forwarded to Duke Energy for their initial review. The Belmont Rowing Club (BRC) had not previously forwarded the documents to the LWMC for review prior to submitting them to the City of Belmont.
  - The FERC submission failed to include the most recent revision to the dock plan. Notified Chairman Hartley, Cindy White of the BRC, and Shelley DeHart of the error. The drawings submitted showed a floating dock – the plan had been revised last November to construct a non-floating, permanent dock. Forwarded the correct drawings and descriptive wording to Chairman Hartley who forwarded them to Ms. DeHart and Ms. White.
- Met virtually with John Searby and Brandon Jones of the Catawba Riverkeeper Foundation (CRF) to discuss further the Senate Bill 469-2017 changes to the stormwater rules as they apply to new development. The law now supersedes any more restrictive stormwater measures a local government may have in place. Discussed how to enjoin officials of local entities to ascertain how other existing rules and or processes (e.g., zoning) can be leveraged to have developers honor existing code regarding stormwater runoff. CRF is also pursuing legal action to nullify the changes that appear to supersede federal EPA standards.
- Hosted a turnover meeting among Chairman Hartley, outgoing Chairman Hegarty, and Administrator Parker.
- Attended a Paradise Point meeting of residents concerned about the low lake levels and sedimentation. The meeting was hosted at the home of Commissioner Thomas. CRF Executive Director John Searby also attended. Among the issues addressed were the steps the CRF and the LWMC can take to effect more rigorous sedimentation controls during the development of the land in Belmont on the north side of the

South Fork River. Mr. Searby commented that several of the meetings he has attended have been “hybrid-virtual” meeting, i.e., some participant attended in person, some via Zoom.

- In answering a query from a resident re the clearance under the Buster Boyd Bridge, Mr. Steve Rackley of the Bridge Maintenance Division of NCDOT agreed to provide LWMC the clearances of all bridges that cross Lake Wylie. He also advised that wrapping sign securing bands high on the bridge stanchions and no-wake buoy anchor securing bands at the base of the stanchions is also allowable.
- With Vice Chairman Wilson, assessed the need for no-wake buoys in the Paw Creek channel and concurred in recommending approval of those buoys. Rationale – obstructed visibility in narrow channels.
- Assessed with Chairman Hartley the no-wake buoy requests of the Catawba Yacht Club, The Red Fez Club, and the marina under construction at McLean. We agree that the requests from the Catawba Yacht Club and the Red Fez Club should not be approved. The McLean marina request meets the high traffic area criterion for no-wake buoys.
- After confirming with the South Carolina Department of Natural Resources office in Charleston that South Carolina has no written criteria for no-wake zone establishment, provided the Chairman drafted wording for inclusion in the LWMC application form and revisions to the website section on No-Wake Zones.

**Added agenda item:** Chairman Hartley brought up the NC Lake Management Society fall workshop to be held on November 10 at 1:00 pm. Commissioner Hanks noted that he attended their workshops in the past and that this group is an excellent resource. The LWMC has been a member of the NC Lake Management Society in the past but is not currently. There is a fee for non-members to attend the November 10 workshop. The workshop is free for members. Commissioner Hanks moved that the LWMC join the NC Lake Management Society because their work is relevant to the mission of the LWMC and the LWMC should support them in their lake quality work. Commissioner Beers seconded the motion. Discussion: Commissioner Beers asked if the membership is for individuals or for a group. He added that he would be interested in attending the workshop. The vote was taken and approved unanimously. Ms. Parker will coordinate with the NC Lake Management Society to arrange the LWMC’s membership.

#### **Item 16 – Administrator’s Report**

Meeting Schedule and Format for 2021: Ms. Parker brought up next year’s meeting schedule and different format possibilities for LWMC meetings in 2021 – in person, virtual, or a hybrid option. A hybrid option would entail some people meeting in-person and some people joining the meeting via Zoom or another online platform. The venue for a hybrid meeting would need to be equipped with technology to facilitate a clear audio and visual connection between those meeting in person and those joining virtually. Ms. Parker asked for any questions or comments from the LWMC. Commissioner Thomas noted that if the LWMC is going to meet in person, per the bylaws, the meeting venue must rotate between the three counties. Ms. Parker will follow up with Chairman Hartley and Legal Counsel Clark on this matter.

#### **Item 17 – Public Relations Report**

Vice Chairman Wilson reported that he met with Executive Director Brennan and obtained the LWMC’s list of media contacts. He noted that it is important for the LWMC to continue to cultivate that list and utilize social media as much as possible. Vice Chairman Wilson asked Mr. Dave Ferguson to send him an email or press release about the lake turnover process. This would be interesting content to post on social media.

Chairman Hartley brought up The Vineyards no wake zone application. Vice Chairman Wilson is in support of recommending a no wake zone in this area. Chairman Hartley said he would get the revised no wake zone application and policy and procedures documents finalized soon and The Vineyards applicants can re-apply. Vice Chairman Wilson moved to approve the no wake zone request for The Vineyards with the condition that the Vineyards applicants re-submit using the revised no wake zone application. Commissioner Thomas seconded the motion. The vote was taken and approved unanimously.

Commissioner Beers posed questions he has received from boaters, mainly about non-approved buoys in SC waters around homeowner's docks. He asked if there are any restrictions about homeowners placing their own buoys, usually ball buoys. Sgt. Mabry commented that according to SC state law, only SCDNR can place any kind of buoy. He added that if there is concern, homeowners should contact SCDNR. Sgt. Mabry gave Commissioner Beers the number of the SCDNR office in Charleston that handles buoy matters (843-953-9378). Commissioner Perkins recommended contacting Duke Energy as well.

**Item 18 – Adjournment**

The meeting adjourned at 9:17 pm.