



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

Commissioners Absent: ---

Staff Present: Neil Brennan, Executive Director; Chris Clark, Legal Counsel; Emily Parker, Administrator

Meeting Minutes

Item 1 – Welcome

Chairman Hegarty called the virtual meeting to order at 7:00 pm and welcomed everyone present. Chairman Hegarty announced that former Marine Commission Chairman Neil Brennan is the new LWMC Executive Director. Executive Director Brennan thanked everyone. Chairman Hegarty acknowledged that he will roll off the LWMC after this evening, as well as Commissioners Bryant and Chacharon. He said that Quay Williford and Bill Beers are the new Marine Commissioners from York County and the Mecklenburg County appointee will be announced soon.

Item 2 – Approval of Minutes

Chairman Hegarty asked if any changes need to be made to the August 24, 2020 minutes. Commissioner Webber moved to approve the August 24, 2020 minutes. Vice Chairman Hartley 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 September 28, 2020 agenda. Chairman Hegarty requested that the Buoys and Buoy Maintenance item be moved up to right after the No Wake Zone Discussion item, and that the Chairman’s Report item be titled Chairman’s Report and Follow Up Items. Vice Chairman Hartley moved to adopt the September 28, 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 they had a successful Labor Day weekend, serving in conjunction with the Coast Guard and ABC Board law enforcement. Fortunately, there

were no accidents or drownings, and they issued several boating while impaired (BWI) citations. He noted that CMPD lake patrol will have three full time staff members moving forward.

Gaston County Police Department (GCPD) – Sgt. Knupp reported that GCPD had a good Labor Day weekend as well. They concluded their water patrol season on Labor Day weekend. They issued warnings and citations for no wake violations and life jacket violations. Fortunately, no one was hurt. Sgt. Knupp noted that GCPD will lose two officers soon and be down to five officers in the next year. Their small boat is still out of commission with fuel intake issues. Chairman Hegarty asked about the no wake zone violations and if violators were warned or ticketed. Sgt. Knupp said they mostly issued warnings. Executive Director Brennan asked if the names of boaters that are stopped is published and Sgt. Knupp said those names are not published.

York County Sheriff's Office (YCSO) – Sgt Mabry was not able to attend the meeting but sent an update ahead of time. Chairman Hegarty shared it on his behalf, "I now have a limited number of SCDNR buoys and anchors in case you receive any reports of a missing buoy on the South Carolina side." Commissioner Bryant noted that there was a buoy missing near her house, Sgt. Mabry replaced it, and she thanked him for doing so.

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 they wrapped up lake patrol on Labor Day weekend. The NCWRC recently [named a new Executive Director](#), Cameron Ingram. He served as an enforcement officer for his entire career. This is the first time an enforcement officer has been appointed as Executive Director of NCWRC. Sgt. Laton said that Executive Director Ingram's goal is to leave things better than he found them and that he will be a good asset for Lake Wylie. Commissioner Thomas asked Sgt. Laton what to do about hunters during goose season. He said that hunters have been hunting in proximity to his home and others nearby, and homes are getting sprayed with pellets. Commissioner Thomas commented that this not a good situation and asked what can be done about it. Sgt. Laton said there is nothing to be done and their main goal is to educate hunters, which does not always work. There is no charge to levy unless there is property damage. Chairman Hegarty commented that perhaps this issue could be pursued through local governments in the area. Executive Director Brennan said Belmont has a restriction on the firing or discharging of any kind of weapon in the city limits. Chairman Hegarty suggested that this issue could be something that the LWMC investigates further.

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:

- The target elevation for Lake Wylie is 97' or 3' below full pond. The current lake elevation is 97.8'.
- No dredge permits have been approved or issued.
- Low inflow protocol: Normal

Chairman Hegarty asked Mr. Bradley if someone from Duke Energy can attend a LWMC meeting and talk about how Duke Energy determines lake levels. Mr. Bradley said yes and will coordinate with Ms. Parker.

Commissioner Thomas asked if Mr. Bradley has information on dam maintenance and any information on when maintenance is going to end. Mr. Bradley said that Lake Wylie will be maintained within one foot below the normal target elevation of 97' through June 30, 2021. Commissioner Thomas asked if he is correct in thinking that the lake level is down because of dam maintenance. Mr. Bradley said that is correct. Chairman Hegarty asked about water being released to facilitate recreation, specifically whitewater rafting. Mr. Bradley was not

sure but will check and find out more information. Mr. Brandon Jones commented that there is a recreational release every Saturday and Sunday during Memorial Day and Labor Day weekends from the Wylie Dam at 3,000 cubic feet per second for the floating section of the lake where people like to recreate. Chairman Hegarty asked Mr. Bradley if Duke Energy adjusts for the recreational releases. Mr. Bradley was not sure, but the presenter from Duke Energy should be able to answer that question.

Gaston County Cove Keeper – No report was given.

Catawba Riverkeeper Foundation (CRF) – Mr. Brandon Jones reported on Riversweep 2020, the Swim Guide program wrap up, the CRF app, and the CRF's State of the River Report.

- [Catawba Riversweep](#) is this weekend on Saturday, October 3. Duke Energy has agreed to drop water levels for this event, so Mr. Jones expects that a lot of trash and debris will be picked up. Approximately 1,300 volunteers have signed up, and mostly on Lake Wylie. Walk up volunteers will be welcome.
- [Swim Guide program](#) – The CRF just finished the last round of sampling at Swim Guide sites. They sampled over 16 weeks at nine sites this summer on Lake Wylie. They collected 144 e. coli measurements and a total of 576 measurements. They issued seven swim advisories (up from last year) and six additional advisories on the South Fork. The Sadler Island area also had higher numbers, likely due to high levels of use. Mr. Jones noted that views on the interactive Swim Guide map were way up this summer on both the Swim Guide app and website. They had well over 50,000 views this summer on Lake Wylie and five other lakes.
- Mr. Jones reported that the app company that created their app went out of business. He noted that they are looking at a few different developers to redo the app. This is a good opportunity to increase the functionality of the app. He said that if anyone has ideas for what should be included in the app, to please let him know.
- Mr. Jones presented the [State of the River Report](#) summary slides. [Click here to read the full report](#) including report purpose, methodology, findings organized by four sub-watersheds in the basin, and conclusion. Mr. Jones commented on a data repository that he is updating. Once ready, the data will be available to the public in searchable format.

Executive Director Brennan asked about stormwater regulations in Gaston County which do not seem to be on par with other counties that border Lake Wylie. Chairman Hegarty suggested that Executive Director Brennan could find out more information and report back to the LWMC with his thoughts.

Commissioner Wilson asked Mr. Jones if he had heard anything about the status of the [River District](#) development. Mr. Jones said that CRF Executive Director John Searby would have more information on that topic. Chairman Hegarty asked Mr. Bradley if he had anything to add about the status of the River District development. He said he is not up to speed on that project. He can check with his colleagues to find out more information and report back or ask that this topic be addressed by the presenter from Duke Energy.

Chairman Hegarty asked Mr. Jones about the status of the 'Why is Lake Wylie brown?' presentation. Chairman Hegarty spoke about a public perception issue related to water that appears brown and is perceived to be dirty. Mr. Jones said he is making progress on this educational piece.

Item 6 – No Wake Zone Discussion Update

Chairman Hegarty said that he was hoping to get the LWMC out of the buoy business before he rolled off the LWMC. This will not be the case. He noted that he has dedicated a lot of time working on this issue with NCWRC. Presently, the LWMC is responsible for no wake zones in McDowell Park, Gaston County Wildlife Club, Buster Boyd Bridge, Hwy 27 Bridge, Brown's Cove, Paradise Point, Wither's Cove, Sadler Island, the Yachtsman, and areas within 50' of a bridge in North Carolina, speed limits in near ramps, marked swimming and mooring

areas. This legislation, which is part of the incorporation of the LWMC when it was established, states that the LWMC shall be the designated agency for placement and maintenance of markers. Chairman Hegarty said that in short, the LWMC remains in charge of placement and maintenance of no wake buoys. He did research to see how no wake buoys placement and maintenance works on other lakes in North Carolina. Lake Wylie is unique because it covers two states, which makes the situation more complicated. In summary, in North Carolina, the LWMC will remain responsible for the placement and maintenance of no wake buoys.

Chairman Hegarty proposed when an applicant comes before the LWMC for a no wake zone on Lake Wylie in North Carolina, that a \$150.00 application fee would be levied regardless of if the application is approved or not. If approved, the applicant would pay \$750.00 per buoy for placement and maintenance. He asked for a motion from a Marine Commissioner to move this forward. Commissioner Webber said as stated, he would have no problem making that motion. Chairman Hegarty asked if it matters that Commissioner Webber is an appointee from York County. Legal Counsel Clark said it does not make a difference that Commissioner Webber does not represent North Carolina. Commissioner Thomas seconded the motion.

Discussion: Commissioner Chacharon asked about the \$750.00 in relation to the possible cost of pencil buoys as discussed at the August 2020 meeting, which was stated as approximately \$266.00 or possibly less. She pointed out that there is a big difference between \$266.00 and \$750.00 and asked for an explanation. Commissioner Webber commented that the issue is likely the cost of installation and ongoing maintenance. Commissioner Hanks said the LWMC cannot bill for any of the no wake zone buoys near bridges. If people want no wake buoys for their neighborhood, they can be expected to support buoys near bridges and in the main channel where no one can be billed. Chairman Hegarty said that \$750.00 probably does not cover total cost of the buoy itself, installation, and part of maintenance. He added that the LWMC does not want to make money on this but does want to cover costs. Commissioner Thomas made two points – he suggested that the motion be amended to include a buoy replacement cost to be incurred by the applicant and he noted that homeowners should not be in charge of buoy placement and replacement. Only the LWMC should have the authority to reposition or replace no wake buoys. Chairman Hegarty concurred with the suggested amendment and Commissioner Thomas said to amend the motion to include a buoy replacement fee of \$500.00.

Vice Chairman Hartley asked if the replacement fee would be an upfront cost. Commissioner Thomas said if someone wants a buoy replaced, they would need to come before the LWMC and request it. Chairman Hegarty said that the LWMC would not take action until the cost was covered. He added that this topic likely needs more discussion because for example, if the LWMC did not replace a buoy because of awaiting payment, it could become a safety hazard that the LWMC could be held responsible for. Legal Counsel Clark commented that this topic likely merits further discussion. He suggested that one option could be to form a subcommittee of Marine Commissioners to look at revamping the LWMC's no wake zone policy. The motion on the table is valid and could stand on its own but could be part of a broader policy. Legal Counsel Clark would prefer to respond and advise on the intricacies of this matter in closed session. He added that the 150' no wake buffer is not as simple as he once thought it was because there is some language that suggests that areas must be marked for that buffer to be enforced. Law enforcement agencies have their own policies about where, when, and how they enforce no wake zones. It is a complicated situation.

Executive Director Brennan said that one could argue that replacing a damaged or missing buoy is part of maintenance. It was decided to proceed with fees (\$150.00 + \$750.00) and put in a subcommittee in place. Commissioner Thomas withdrew the amendment about adding a \$500.00 buoy replacement fee. Legal Counsel Clark said that as Chairman, Chairman Hegarty could appoint a subcommittee. Chairman Hegarty asked Commissioners Hanks, Thomas, and Wilson to serve on this subcommittee and they agreed. The vote was taken and approved unanimously.

A member of the public asked if the LWMC would need to have public comment. Chairman Hegarty said public comment was held earlier in the meeting. Legal Counsel Clark clarified that the LWMC cannot pass any regulations without first holding a public hearing that is advertised and people attend and have the chance to comment and ask questions. This is just an internal policy – not a regulation – so there is no requirement to hold a public hearing in this situation.

Chairman Hegarty noted that there are four no wake zone applications that have been submitted and presented to the LWMC but have not been voted on. Those applicants will need to be informed of this new policy and re-submit a suitable application form. The LWMC will first need to develop a revised no wake zone application. Legal Counsel Clark noted that there are other Marine Commissions that have no wake applications. He can share some examples with the subcommittee. Commissioner Webber asked if the four requests that came in before this was a requirement, does that apply? Chairman Hegarty said no because applicants were informed that the LWMC is reviewing the status of how the LWMC handles buoy placements and no wake zone application and they were informed that we would shelve applications until a determination is made. Ms. Parker will inform the four applicants once the new no wake zone application is ready.

Scott Coffin, one of the four no wake zone applicants, was present and said that he understands the LWMC's decision. Chairman Hegarty said it might be better if he re-applies once the application and process is revised. Mr. Coffin said that would be fine. Chairman Hegarty added that the procedure would be to assign Executive Director Brennan and a couple of Marine Commissioners to conduct a site visit. Chairman Hegarty suggested that knowing Mr. Coffin's application is in, that a small group should look at the site in question. Commission Wilson said if this site is near Paw Creek, he is familiar with it. Mr. Coffin confirmed that the site is right across from the Berryhill Nature Preserve. Chairman Hegarty concluded by saying that Ms. Parker will reach out to Mr. Coffin and the other no wake zone applicants when the new application and procedure is ready.

Item 10 – Buoys and Buoy Maintenance Update (*this item was moved up*)

Captain Adam Huth could not attend the meeting, but he sent his report ahead of time. Chairman Hegarty read Captain Adam's report to the group:

All NC no wake buoys other than what is listed below are verified in good condition and proper location as of September 14. Update below on NC no wake buoy items that are on my radar. Please reach out if there are any questions.

Supplies

- *There are 10 buoys on order, if we were to address all of the buoys listed below we would use all 10 of them before addressing any new buoy applications.*
- *Awaiting delivery of 10 buoys. Please have them reach out to me at 704-996-6627 so I can be sure someone is onsite to receive. If you send contact information I'll follow up directly.*
- *We will be casting additional concrete anchors this month.*
- *Plenty of all other buoy supplies in stock.*

Wilkinson Blvd – NC No Wake buoys

- *Needs 3 new buoys entirely.*
- *Remaining usable NC no wake buoys should be retethered with longer rhode.*
- *There was discussion about using 3 anchors per buoy at this site.*
- *There was discussion about having another body handle buoy maintenance at this site.*
- *Despite issues, visible buoys on each side. Not pretty but functional.*

Wilkinson Blvd – Other Issues

- *There was previously a green channel marker mounted on a piling at the South West corner of the bridge towards the ramp. This marker prevented northbound boats from motoring straight into the sandbar on the other side of the bridge. That marker washed away in July and in my opinion is a hazard.*
- *There is an unidentifiable buoy that is stuck beneath the bridge. I've tried to pull it without success. It may be tangled in the bridge. I can't positively identify it as a NC no wake buoy so I have not dug into it too much but it's a navigation hazard and should be removed.*

Hwy 27 / Mount Holly Landing

- *There are no NC no wake buoys at this site.*
- *Discussed 3 buoys south of railroad bridge / 2 buoys north of 27.*
- *Discussed feasibility of posting No Wake markers on bridge pilings.*

Brown's Cove

Only one of the two approved buoys were placed previously.

Buoy Placement Estimated Cost

- *\$525.00 upper end cost per deployment (max 4 buoys)*
- *Estimate based on 2 hrs of labor to create anchors and move supplies, 2.5 hrs on-the-water for buoy deployment.*

Chairman Hegarty spoke with NCDOT and they do not want anything painted on or affixed to the bridges. Commissioner Thomas asked for thoughts on mounting no wake signs on pilings in the right locations. Commissioner Wilson said that is a great idea, however if a boater hits a piling it will likely cause more damage. The pilings would have to have lights on them, but those lights may end up stolen, as happened in the past. Commissioner Hanks said they tried marking the channel with pilings on the north end of the lake, but they did not last due to strong water current. Officer Joye concurred with Commissioner Wilson that boaters hit buoys and pilings, which could lead to liability issues. Commissioner Webber checked with how the Coast Guard Auxiliary anchors buoys at the coast. He has had preliminary conversations about how to better anchor buoys in fresh water. He said these discussions are in process, but he is not ready to report yet. Chairman Hegarty said the bridges would be LWMC's responsibility so the LWMC needs to find a way to make this work, which may include asking assistance from NCWRC. Commissioner Webber will talk with people at Army Corps of Engineers to compare notes.

Commissioner Hanks said until the LWMC can determine the best way to anchor a buoy in moving water, the buoys on the outside of the channel in strong flowing water north of the trestle, he moved to place buoys on outside of the channel, one buoy east and west in shallower water until we can solve how to anchor buoys in moving water. Chairman Hegarty clarified if the motion is to extend the no wake zone north and south. Commissioner Hanks said they would be 50' from the bridge north and south, we just would not put them in the channel, but on the outside instead. Chairman Hegarty wondered if this would be effective and added he was thinking to move the buoys further down from the bridge to avoid swift water. Commissioner Hanks said that swift water runs through the center of the river regardless of proximity to a bridge.

Chairman Hegarty said this conversation needs to continue before spending more money on it. Commissioner Thomas asked Officer Joye and Sgts. Knupp and Laton's thoughts on having buoys on the outside of the channel. Officer Joye thinks it is a good idea and Sgt. Laton said that it may not be a bad idea. Chairman Hegarty asked if the NCWRC would be able to help with how to anchor them. Sgt. Laton said Mr. Brandon Birch with NCWRC would likely be able to help. Commissioner Hanks said he spoke with Mr. Birch and added that NCWRC has been using cut up parking lots bumpers as weights. The Wilkinson Boulevard bridge and the I-85 bridge will be exceptions to the rule. Commissioner Hanks asked Officer Joye about putting signs on bridges.

Officer Joye liked that idea. Chairman Hegarty asked how signs might impact a bridge. Officer Joye was not sure but could check. Commissioner Wilson said from a boat rental standpoint, signs saying “idle speed” would be helpful. Commissioner Hanks commented that no wake buoys used to say ‘no wake, idle speed’ when the LWMC used barrel buoys. Executive Director Brennan said most of the Buster Boyd Bridge is governed by South Carolina. This topic needs further discussion and will be added to the October agenda.

Item 7 – No Wake Zone Application – Mecklenburg County (Scott Coffin)

See Item 6 above.

Item 8 – Buffer Zone Guideline Discussion Follow Up

Vice Chairman Hartley said that he and Executive Director Brennan have delved into the details of the June 30 administrative code changes and what those changes mean. They are trying to get clarification on what can be done in the buffer zone that is not in the regulations. This topic needs further discussion and will be added to the October agenda.

Item 9 – Emergency Response Procedures Update

Commissioner Thomas reported that no further headway has been made on this topic.

Item 10 has been moved up.

Item 11 – Treasurer’s Report

Secretary Treasurer Mullane reported that:

- York County: Q1 funds were requested and have been received.
- Gaston County: Q1 & Q2 funds were requested and have not come in yet. The contract has been executed.
- Mecklenburg County: Q1 funds have been requested.

Secretary Treasurer Mullane followed up on Commissioner Hanks’ comments from the August meeting about the invoice from the *Charlotte Observer* being charged to Executive Director Salary. He will talk with Centralina’s finance department to see if the LWMC needs to move it out of Executive Director Salary and apply the expense to another line item, and also how to show voided checks on the check register.

Item 12 – Chairman’s Report & Follow Up Items

- Chairman Hegarty reported that he has spent a lot of time on buoys this month.
- Following what Officer Joye mentioned last month about the drownings at McDowell Park, Chairman Hegarty spoke with Kevin Metcalf, Manager at McDowell Park about the no swim signs. There are eight signs around the park showing the international no swimming symbol. One of the drownings that occurred off the park had nothing to with the park and the other drowning was a fisherman situation. Park staff is well-aware of these situations however, McDowell Park rangers have no authority to write a ticket, etc. They can only tell people to get out of the water. They have ordered more no swimming signs to post around the park.
- Chairman Hegarty attended the annual CRF meeting.
- He communicated with NCDOT about marking bridges.
- He provided LWMC brochures to the CRF so every participant in Riversweep will receive one.
- Chairman Hegarty followed up on the duck issue noted at the last meeting. He determined that there is a Mecklenburg County ordinance in place that says the duck owner has to have a permit and the ducks must be in an enclosure. Chairman Hegarty said that this issue is something the CRF may want to be involved in to work with the homeowner on erosion solutions.

Item 13 – Administrator’s Report

Ms. Parker did not have a report.

Item 14 – Public Relations Report

Commissioner Wilson did not have a report.

Item 15 – Election of Officers

Legal Counsel Clark explained the election process and led the Election of Officers. He stated:

- For the position of Chairman: Chairman Hegarty said the Nominating Committee recommends Dan Hartley. Hearing no further nominations, Dan Hartley will serve as Chairman.
- For the position of Vice Chairman: Chairman Hegarty said the Nominating Committee recommends Hunter Wilson. Hearing no further nominations, Hunter Wilson will serve as Vice Chairman.
- For the position of Secretary Treasurer: Chairman Hegarty said the Nominating Committee recommends Dan Mullane to continue on as the position of Secretary Treasurer. Hearing no further nominations, Dan Mullane will serve as Secretary Treasurer.

That concluded the Election of Officers. Legal Counsel Clark congratulated the Officers. Chairman Hegarty thanked Commissioners Bryant and Chacharon for their service to the LWMC.

Item 16 – Adjournment

The meeting adjourned at 8:58 pm.