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**Commissioners Present:** Chairman Dan Hartley (Gaston County)  
Vice Chairman Hunter Wilson (Mecklenburg County)  
Commissioner Sam Perkins (Mecklenburg County)  
Commissioner Brad Thomas (Gaston County)  
Commissioner Smitty Hanks (Gaston County)  
Commissioner Ray Webber (York County)

**Commissioners/Staff Absent:** Secretary Treasurer Dan Mullane (Mecklenburg County)  
Commissioner A.W. Bill Beers (York County)  
Commissioner Quay Williford (York County)

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

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## Meeting Minutes

### Item 1 – Welcome

Chairman Hartley called the 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 June 28, 2021 minutes. Vice Chairman Wilson moved to approve the June 28, 2021 minutes. Commissioner Webber 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 July 26, 2021 agenda. Commissioner Hanks said to add Lake Wylie map discussion under Item 15 – Public Relations. Commissioner Hanks moved to adopt the July 26, 2021 agenda as amended. Vice Chairman Wilson seconded the motion. There was no further discussion and the motion was approved unanimously.

### Item 4 – Public Comment

- Ms. Lee Anne Fox expressed concern that there has been no signage indicating polluted water since the Paw Creek sewage spill. The average boater would have no clue. She requested visual markers be placed when a spill occurs.
- Ms. Kathy Bickett expressed concern about people putting unauthorized no wake buoys in Boyd's Cove. Executive Director Brennan said if there are unauthorized buoys in the water the NCWRC will likely remove them.

### Item 5 – Stakeholder Reports

Charlotte Mecklenburg Police Department (CMPD) – Officer Joye reported that on the day of the sewage spill, he took Mecklenburg County LUESA staff out to the area to take water readings from the main channel to the back of the cove. They put markers in the water based on meter readings. He confirmed that NCWRC is going around the lake and removing any unauthorized buoys. Officer Joye noted that the July 4 holiday went well. Coast Guard personnel rode with CMPD that weekend and will be back on the water August 7-9 and again for

Labor Day. He said there was a drowning last Wednesday. They found the victim's boat, but they were not sure where the person went in in the water. The body surfaced Friday morning. YCSO assisted with the recovery effort. He introduced CMPD Officer Joe Kennelly as the newest lake patrol officer. The LWMC welcomed Officer Kennelly.

Gaston County Police Department (GCPD) – Sgt. Knupp reported that the July 4 holiday weekend went well. They made over 50 boat safety checks at South Point Boat Landing. He received the flotation devices and whistles and thanked the LWMC for those items. On Sunday he received a complaint call about GCPD towing a boat. He confirmed that GCPD will tow a boat for a short distance to help people get off the water. He noted that the Bon Temps Paddle Battle event will occur on August 21 and law enforcement will be present to help as needed.

York County Sheriff's Office (YCSO) – Sgt. Richardson reported that July 4 went well. However, one issue is that people are renting out pontoon boats and jet skis to inexperienced boaters. This month they issued close to 50 written warnings and wrote 16 tickets. He said the next event is the Tiki Party. YCSO should have nine boats at that event. Sgt. Richardson thanked the LWMC for the flotation devices.

Mecklenburg County Sheriff's Office (MCSO) – No report was given.

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

Mecklenburg County ABC Board Law Enforcement – No report was given.

NC Wildlife Resources Commission (NCWRC) – No report was given.

SC Department of Natural Resources (SCDNR) – No report was given.

US Coast Guard (USCG) – No report was given.

US Coast Guard Auxiliary (USCGA) – Marine Commissioner Webber reported that year to date the USCGA Lake Wylie flotilla 26-05 has performed:

- 66 partner visits at establishments around Lake Wylie touting marine safety and training.
- Approximately 60 vessel safety exams have been performed with about 2/3s passing.

Boating safety classes are scheduled for late September. Also, in addition to local law enforcement, the USCGA will also tow disabled vessels they come upon but will first ask if the boater would prefer the USCGA call a commercial boat towing company. The USCGA will only tow a vessel to the closest ramp or marina.

Mecklenburg County Land Use and Environmental Services Agency (LUESA) – Mr. Dave Ferguson reported that there was no routine monitoring done in June and that his team will monitor tomorrow. He proceeded to provide an overview of what happened in response to the Paw Creek sewage spill: Mr. Ferguson received a call about the spill from his supervisor on Saturday and they thought through a plan for how to respond. They took buoys out and placed them around the site in question. His colleague went out on the water with Officer Joye to collect monitoring data. Mr. Ferguson contacted the lab about processing samples over the weekend, which they can do. LUESA staff went out and sampled in and around the area in question. There was a rain event Sunday night into Monday morning. On Saturday, a swim advisory went out to the press and on Monday, a swim advisory was posted on facebook. Sample results came back on Sunday. The LUESA team took samples on Wednesday. On Thursday, after the second sample results came back, they went back out to reset buoys to make sure people knew about the spill. The entirety of Paw Creek was under a swim advisory. They did not have enough buoys to block off the whole cove. A big challenge they encountered was figuring out how to alert whole cove when there are not enough buoys and people are not watching social media, the Catawba Riverkeeper Foundation site, etc. Mr. Ferguson said that the LUESA team did their best to stay on top of the situation. On Friday, Thursday samples came back and numbers for the back of the cove were still bad. They re-issued a swim advisory, repositioned buoys, and stretched a swimming pool lane marker and orange ball buoys across the back of cove. The LUESA team took samples again today. They will know about e coli data by

tomorrow morning. A swim advisory is still in place for the back of the cove.

Chairman Hartley asked if it was a pipe repair or construction issue that created the spill. Mr. Rusty Rozzelle said contractors were replacing a pipe at the Paw Creek lift station. That lift station has capacity to hold sewage for 6 hours. Mr. Rozzelle reviewed what happened and noted that the contractors did not report the spill to anyone for a number of hours and sewage flowed for a long time. He said that the LUESA team asked [CharMeck Alerts](#) to push out text alerts to the 770 people that registered to receive CharMeck Alerts in the Paw Creek area. The LUESA team did all they knew to do to get the word out about the spill, noting it is almost impossible to inform all the people that need to know. CharMeck Alerts does not do reverse 911. Mr. Rozzelle's team asked CharMeck Alerts to create a special alert for no swimming advisories. Mecklenburg County started issuing swim advisories around 25 years ago. Commissioner Hanks asked if there is any way to remediate what is in the back of the cove. Mr. Rozzelle said they did flush city water through the back of the cove, but in this situation, we need to let it dissipate. He noted that most of the serious diseases will die fairly quickly. Commissioner Perkins asked if he could envision a scenario where more buoys would be needed to mark a cove. Chairman Hartley suggested they look into buying large, temporary, inflatable buoys that you can have text printed on. Mr. Ferguson is in the process of researching what kind of markers he can put out by himself without having a group of people involved. Commissioner Thomas asked Legal Counsel Clark if the LWMC has authority to place other kinds of buoys besides NC no wake buoys. The answer is yes. Ms. Lee Anne Fox added that this is not a normal situation, and buoys or markers need to be big and unusual enough to catch someone's attention. Chairman Hartley will follow up via email to see how the LWMC can help. Vice Chairman Wilson asked if there is anything we can put on website that talks about why some areas of the water are safe and some are not. He added that the more caution the better, and from a public relations perspective, there is no sense in over-scaring the public. It is a fine line to tread.

Duke Energy – Mr. John Bradley said that the current lake level is at 97.0' and there are no approved dredges.

Catawba Riverkeeper Foundation (CRF) – Mr. John Searby reported that they received many calls about the Paw Creek sewage spill. The CRF did their own independent testing on Saturday and Wednesday where Paw Creek comes into the main channel. Mr. Searby said they are a little disappointed in the impact of the thrips on alligator weed in the first month. They ordered additional thrips and put them in one spot. Mr. Brandon Jones and Dr. Brett Hartis (Duke Energy) will go out this week to check the site. The CRF's Swim Guide Program is going well. The Lake Wylie site has had very few failures. The South Fork sites have had some failing numbers. They received support from the LWMC for the Swim Guide Program. The South Fork River Health Committee is in the eighth month of a year long project. The committee should have next steps to report on in September or October. RiverFest will be held on August 7 at River Front Park in Belmont. People will be able to sign up for 2021 Riversweep at that event. Secretary Treasurer Mullane is on the Riversweep planning committee.

#### **Item 6 – Duke Energy Presentation on Lake Levels**

Ms. Tami Styer, Licensing Project Manager with Duke Energy gave a presentation to the LWMC on lake levels in Lake Wylie. She was joined by Ms. Lynne Dunn, Compliance Manager with Duke Energy, and Mr. Jeff Lineberger, Director of Hydro Strategy & Licensing with Duke Energy. Ms. Styer reviewed PowerPoint slides that each Marine Commissioner had at their seat. Her slides included overview information on the Catawba-Wateree Hydroelectric Project and data from their rain gauge system from 2020 and 2021. The fifth slide was about Lake Wylie lake level expectations for the next three years. Key points from that slide include:

- Downstream construction projects will need more storage support from Lake Wylie (and Lake James and Lake Norman) to manage inflow and stay on schedule.
- Duke Energy's operating strategy is to keep Lake Wylie an average of half a foot below the normal target elevation (so, between 96.5 feet – 97.5 feet).
- To support recreation needs on Lake Wylie, Duke Energy will attempt to keep the lake as close as possible to normal target elevation of 97 feet on weekends and holidays, April – September.

Commissioner Thomas asked that if the lake is currently at 97 feet and the highest algae mark on his boat house is 59 inches above the current water level, has anything has changed with Duke Energy's measurement practices? Ms. Styer said Lake Wylie has flood gates. When the water level gets close to 100 feet, Duke Energy opens the flood gates to let water go. A dam that has an overflow spillway versus a gated spillway will go above 100 feet. Lake Wylie should never be over 100 feet at the dam. Vice Chairman Wilson added that lake residents are seeing where the water line used to be. If the lake is at target level of 97 feet now, compared to years past when the lake has been reported to be at target level (as seen by an algae line) – he can see that the lake is approximately four feet lower than it is now at target level. There seems to be a disconnect between the data and the experiences of lake residents. Ms. Styer said that target level has been at 97 feet since the new license was issued in 2015. She added that what Duke Energy sees at the dam and what lake residents may see at their homes are impacted by different factors.

Commissioner Hanks asked what the typical fall of the lake is from dam to dam. Chairman Hartley asked what the difference is in elevation from the bottom of Mountain Island dam to the top of the Lake Wylie dam. Mr. Lineberger said depending on what the flow is, it could be 2-4 feet. Commissioner Hanks asked what the drop is without a flood event. Mr. Lineberger said the whole upper half of Lake Wylie is really the Catawba River. If there is flow coming from Mountain Island Lake it can stack up in that northern narrow part of the river. Commissioner Hanks asked in normal conditions, does anyone know what the typical drop or fall from the lake from dam to dam? He added that knowing this information would answer a lot of questions the LWMC gets from lake residents and lake users.

Vice Chairman Wilson said many homeowners are concerned about the depth of water at their dock and their ability to access the water way. He has spoken with lake front residents who would like to dredge, but they are having a hard time find companies that will do the work. There does not appear to be an option for the normal residential owner to afford or access a dredge on Lake Wylie. Mr. John Bradley responded with information about Duke Energy's dredging process.

Commissioner Thomas agreed that residents are concerned about the accessibility with their docks. There have been two instances recently where first responders could not get to accidents due to low water levels. Lower water levels are creating a danger. He asked what the target level has been since April. Ms. Styer said between 96 feet – 97 feet and on average, around 96.5 feet. Commissioner Thomas asked that if all the chain is one system and construction is downstream from Lake Wylie, would Duke Energy consider, because of Lake Wylie's proportional size, holding Lake Norman down more than Lake Wylie. Ms. Styer said that Lake Norman is already held down. She added that it really depends on where rain falls. Duke Energy has to manage each lake to optimize the whole system. Commissioner Thomas asked if Duke Energy would consider, given the depth of Lake Norman, pulling Lake Norman down more and keeping Lake Wylie at a safe level so first responders can access areas that they cannot currently access. Ms. Styer said that would work, but only if it rains. Because Lake Norman has 38% of the usable storage, if Duke Energy pulls Lake Norman down, we will lose usable storage faster. She added that Duke Energy has to balance various interests. Holding Lake Norman down too much will the impact low inflow protocol faster. Mr. Lineberger commented on the major, transformational construction projects downstream and need for extra storage in Lake Wylie, and that Duke Energy will get these projects completed and all back to normal conditions as soon as possible. Commissioner Thomas said that the LWMC was originally told that lake levels would go back up at the end of this month, and now we are hearing that it will be three more years. Chairman Hartley asked what changed. Ms. Styer said there have been project delays and Duke Energy also started a project at Great Falls Reservoir that requires the water level to be held down a significant amount (12-15 feet) so, extra storage is needed upstream. She added that perhaps Duke Energy should have relayed this information sooner and offered an apology.

Chairman Hartley said that a big issue are the new boaters on Lake Wylie that do not know the lake and where the main channel is located. He has witnessed at least four boats run aground near the Hwy 74 bridge.

This is costly and a safety issue. Executive Director Brennan asked who put the channel markers out south of the Hwy 74 Bridge. The answer is NCWRC. Executive Director Brennan said we need to connect with NCWRC about getting more channel markers placed so that people can more safely navigate the channel. Commissioner Hanks added that markers are need up the South Fork River as well. Chairman Hartley said he understands that Duke Energy is trying to plan, but there are big impacts on Lake Wylie. In addition to sedimentation issues, in certain places like near where Commissioner Thomas lives, whole coves are useless and inaccessible. The people living in certain coves do not have sufficient first responder access. Commissioner Thomas added that there was a BWI incident with injuries that Gaston County Police and NCWRC could not respond to because of low water levels. They had to bring a John boat from Lake Hickory to access the scene – previously navigable waters. The response took 3.5 hours. Commissioner Thomas said this situation was a clear violation of the safety of the lake. Ms. Styer referenced page 5 of the presentation and said to support recreation needs, Duke Energy will attempt to hold lake levels at 97 feet on weekends and holidays from April – September. Commissioner Thomas asked if the water level can be held at 97 feet on the weekends, why can't it be held at that level seven days a week, since accidents happen any day of the week. Ms. Styer said because Duke Energy needs to make sure they have the storage in case there is a high inflow event.

Executive Director Brennan thanked Duke Energy staff for their presentation and for providing facts. The facts are not going to change so we need to deal with the situation. We need to mark danger areas. Executive Director Brennan will contact NCWRC about getting more channel markers and danger buoys – whatever it takes to mark areas that are no longer navigable. Chairman Hartley said as Marine Commissioners, we have people coming to us asking what we are doing about the situation. We would like more of a response from Duke Energy as the entity that is creating the situation. Ms. Styer said they are trying to balance a variety of interests – access and safety, and also construction and flooding. Chairman Hartley asked that Duke Energy become part of the solution. Vice Chairman Wilson asked if Duke Energy can update their app to reflect that water levels will remain down. Ms. Dunn said yes, she would make the update. Chairman Hartley thanked Duke Energy staff for being at the meeting

#### **Item 7 – Duke Energy Project Overview: Mountain Island Hydro Transmission Line Relocations Project**

On behalf of Pike Engineering, Ms. Tami Styer explained about the Mountain Island Hydro Transmission Line Relocations project. She provided background information on the project and said that transmission lines will be moved because of a bank seismic stability project. FERC is requiring an earthen embankment to be thickened (not taller) to be able to withstand a strong earthquake, and there are transmission lines in the way. Executive Director Brennan asked about erosion control measures. Mr. John Searby noted that this is a public utility project, so it will be managed by NCDEQ out of Mooresville. Executive Director Brennan asked if Duke Energy can provide a description of what erosion control measures will be in place and Ms. Styer said yes, they will.

#### **Item 8 – Buster Boyd Bridge Signage Update**

Executive Director Brennan summarized the letter he wrote that would be sent to NCDOT and SCDOT staff regarding the signage on the Buster Boyd Bridge. He asked if there are any comments on the letter. There were no comments from the Marine Commissioners. Commissioner Hanks moved to approve the letter as submitted by Executive Director Brennan. Commissioner Webber seconded the motion. There was no discussion and the motion was approved unanimously. Ms. Parker will send the letter.

#### **Item 9 – Belmont City Council Workshop Meeting**

Commissioner Perkins gave brief update on the Belmont City Council Workshop that was held on July 19 at City Works Center. Shannon Leonard from NCDEQ, Rusty Rozzelle with Mecklenburg County, and staff from Gaston County Sedimentation and Erosion Control were present. After presentations, there was discussion among Belmont City Council. They have interest in doing more, spoke positively about development and provisions,

and all want to preserve recreation values. Commissioner Perkins was not sure about next steps but noted that Belmont City Council appeared interested and receptive.

#### **Item 10 – Buoys and Buoy Maintenance Update**

Commissioner Hanks ordered ten buoys. A stencil is being made so an ID number can be put on all buoys. He has not ordered hardware yet and is having a hard time finding it and getting prices. Commissioner Thomas said that a buoy at the back of Brown’s Cove has been moved to the mouth of the cove to replace one that was missing there. A buoy at Paradise Point is reported to be in the wrong location. Commissioner Thomas will check in on it. Chairman Hartley described a big buoy that is beached at the McLean property. Captain Adam thinks it belongs to the LWMC. Executive Director Brennan said he could go with Captain Adam to retrieve the buoy. Vice Chairman Wilson added that one of the Allen Steam Plant buoys is way out of place to the south.

#### **Item 11 – Treasurer’s Report**

Secretary Treasurer Mullane was not able to attend. Chairman Hartley reported on his behalf:

- York County: Q1 funds were requested and have come in.
- Gaston County: Completing contracting process. Once complete, Gaston County can be invoiced for Q1 and Q2.
- Mecklenburg County: Completing contracting process. Once complete, Mecklenburg County can be invoiced for Q1.

#### **Item 12 – Chairman’s Report**

Chairman Hartley asked for volunteers to staff the LWMC booth at RiverFest on August 7 from noon – 5 pm at Loftin Park in Belmont.

#### **Item 13 – Executive Director’s Report**

Executive Director Brennan reported that:

Lake View Farms: The next construction project on the South Fork River is the area known as Lake View Farms, just north of the Reflection Pointe community. Steven Hinshaw, who developed the McLean properties, is co-developer. He has advised that he intends to implement all the stormwater control measures (SCMs) Belmont approved for the Del Webb project in the Lake View Farms project. In addition, he stated that the installation of high hazard silt fencing along the entire shoreline - as he did at McLean – is a “no brainer,” and that fencing will be implemented in the Lake View Farms project. In a meeting with him and a representative from Tri Pointe Homes, a potential co-developer, Riverkeeper Brandon Jones and I pressed for pre- and post-construction bathymetric surveys as well.

Buster Boyd Bridge Signs: See Item 8 above.

South Fork River Health Committee: Attended the July 26 Zoom meeting of this committee. Offered suggestions on stormwater control measures.

Nivens Creek: Provided two “No-Wake” signs to Mr. Joe Swinford whose application at the June meeting for a no-wake zone in Nivens Creek was tabled pending action by the South Carolina legislature.

FERC Application for Government Boat House: The City of Belmont advised that the drawings for the government dock submitted by the Belmont Rowing Club did not match the LWMC drawing. A new length of the dock appeared on the drawing engineer’s official drawing. To avoid a delay by having the engineer redo his drawings, Chairman Hartley and I took soundings at the site to see if the revised dock length would be acceptable: it is\*. A pen and ink change to the LWMC sketch ensured all the drawing match. Then, contrary to previous guidance, Duke advised the City that a computer assisted drawing (CAD) is required in lieu of sketches.

Chairman Hartley quickly provided the CAD drawings. The application was to have been forwarded to FERC for review and promulgation to appropriate stakeholders for comment and approval.

\*Visited the site with Sgt. Knupp to confirm the depth is acceptable.

County Briefs: Chairman Hartley and I presented the annual report to the Mecklenburg County Commission on July 7. The York County Council brief is scheduled for August 16 and Gaston County September 14.

Lake Norman Marine Commission: Chairman Hartley and I met with LNMC leadership earlier today.

**Item 14 – Administrator’s Report**

Ms. Parker said that the next LWMC meeting will be held in person on Monday, August 23 in Belmont at CityWorks Center in the Community Room.

**Item 15 – Public Relations Report**

Vice Chairman Wilson said that he made numerous edits to the LWMC website.

***Added agenda item***: Commissioner Hanks said that the LWMC has not had map of the lake printed since 2011. He thinks it is time to publish a new, updated map. The LWMC used King Fisher maps last time. Commissioner Perkins would be happy to help pull data together that could be shown on the map. Commissioner Hanks added that years ago, the LWMC had no wake zone metal signs printed to put on docks. These sign do not require NCWRC approval. He suggested the LWMC look at this option again.

**Item 16 – Announcements**

None.

**Item 17 – Adjournment**

The meeting adjourned at 9:10 pm.