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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:** ---

**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 May 24, 2021 minutes. Commissioner Webber moved to approve the May 24, 2021 minutes. Vice Chairman Wilson 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 June 28, 2021 agenda. Commissioner Beers moved to adopt the June 28, 2021 agenda. Secretary Treasurer Mullane 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 Memorial Day was uneventful and the Coast Guard rode with them. The Coast Guard will be back on Lake Wylie this coming weekend. Recently, local law enforcement met at Papa Doc’s to discuss how to keep information flowing between agencies. There was discussion about people renting jet skis near the Buster Boyd Bridge and the requirement to have rental insurance in North Carolina. Vice Chairman Wilson commented that the rental business is busy and people are renting boats and going out posing as the captain of the boat, which is unauthorized and unsafe. There is a lot of concern that people are buying boats on websites like Craigslist and renting to people without boater safety training. A question was raised about the LWMC drafting an ordinance that law enforcement could enforce. If the LWMC goes down the path of drafting an ordinance, it would need to be done in conjunction with law enforcement and Legal Counsel Clark. Chairman Hartley said the LWMC Safety Committee will gather information around these issues. Commissioner Beers volunteered to lead the Safety

Committee. Commissioners Thomas and Webber are also on this committee. A representative is needed from Mecklenburg County to serve on the LWMC Safety Committee.

Gaston County Police Department (GCPD) – Sgt. Knupp reported that they are concentrating on no wake zone violations and conducting boat safety checks before people go on the water. One of their boats will be out of commission for the rest of the summer.

York County Sheriff's Office (YCSO) – Sgt. Richardson has taken over for Sgt. Mabry. YCSO will have a new lake patrol building soon. SCDNR will continue to share office space with YCSO. Sgt. Richardson commented that most of the jet skis he has stopped recently have been rentals. He has been writing tickets if deserved. Different law enforcement agencies will have a virtual meeting tomorrow about the July 4 holiday.

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) – Sgt. Laton reported that several NCWRC officers spent Saturday and Sunday on Lake Norman to look for the person that drowned. He reminded everyone that life jackets only works if you wear it. He thanked Executive Director Brennan about finding out the origin of the no wake zone in Brown's Cove. It is in session law, so it is enforceable by NCWRC. NCWRC is starting a campaign to target unofficial buoys and markers. Their goal is to remove unofficial buoys and markers and educate the public. This is a big undertaking. Commissioner Thomas asked if NCWRC is done with repositioning danger buoys. Sgt. Laton said they are working on it. Commissioner Thomas added that there are misplaced danger buoys near Paradise Point.

SC Department of Natural Resources (SCDNR) – Officer Vissage reported on a highly intoxicated person who rented a jet ski near the Buster Boyd Bridge. That person went north and ran through a dock and had a blood-alcohol concentration level of 0.289. SCDNR staff worked with NC officers and judges to get warrants, obtain blood tests, etc. Executive Director Brennan asked about the coordination effort with NC and Officer Vissage said it was a fairly simple process.

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

US Coast Guard Auxiliary (USCGA) – Ms. Marie Thompson introduced herself to the LWMC and said if there is any information that is needed, she can send link to Vice Chairman Wilson and information can be disseminated from there.

Mecklenburg County Land Use and Environmental Services Agency (LUESA) – Mr. Dave Ferguson said that the sampling numbers for this month look alright, he reviewed what they sample for, and their sampling schedule. Mr. Ferguson and his team are going to conduct an invasive vegetation survey with Dr. Brett Hartis (Duke Energy), hopefully in August. He noted that they will be on Lake Wylie the last Tuesday in July for routine sampling. Mr. Ferguson said that the back of Windjammer Cove is not in good shape. Executive Director Brennan asked how long it took to get like that. Mr. Ferguson is working on that question. Executive Director Brennan would like to find out the rate of accumulation.

Duke Energy – Mr. John Bradley said that the current lake level is 96.4' and the target level is 97'. The date for raising the water level after hydro station maintenance is complete has been pushed back to September 30, 2021. He does not know what pushed it back, and he will follow up on that. There are no approved dredge applications. He noted that the Belmont FERC application was reviewed today.

A meeting will be set up to get clarity on comments, etc. A couple of changes will need to be made in the application, which is not unusual. They have gone back and forth a couple of times, but there are no major issues. Commissioner Hanks asked Mr. Bradley if he knows someone at Duke Energy named John Eddins, who was a former bathymetric expert. He does not know him. Mr. Bradley said they just hired Ronnie Lawson's replacement. Commissioner Thomas asked if the water level can be raised for safety purposes over the July 4 weekend. He noted that too many boats run aground and if someone does not know where to go, they will run aground. Commissioner Thomas suggested that if Duke Energy is going to lower the water level, to put markers out. He added that the low water level has become a safety issue and is detrimental to the overall health of Lake Wylie.

Catawba Riverkeeper Foundation (CRF) – Mr. Brandon Jones reported on their Swim Guide program. They collect samples from two sites on the South Fork and those samples have failed around 20% of the time. He noted that pollution is not just coming from Gaston County, but from farther upstream. They have had around 5,000 views on the Swim Guide app. Mr. Jones said that the thrips not doing quite as well. They put around 2,000 thrips in a South Fork cove then had trouble finding them because the alligator weed had expanded. They added more thrips and will go back on July 8 to check progress. On the topic of Riversweep 2021 they would like to have final confirmation that the LWMC is willing to be a partner. Commissioner Thomas asked if they have any knowledge of silt fences collapsing across from Catfish Cove. That is a NCDOT project and Alan Johnson would be the person to contact. Executive Director Brennan will speak with him.

#### **Item 6 – No Wake Zone Request: Tega Cay/York County**

Commissioner Beers visited the area in question and provided a report to the LWMC. Executive Director Brennan contacted Sgt. Wayne Rogers (SCDNR) and mentioned the request and where it is located. His comment was right now if you are more than 50' from a dock, SCDNR is not going to put a buoy in. Executive Director Brennan thinks the LWMC should support SC legislation ([SC Senate Bill 457](#)) to increase that distance to 100'. If that legislation passes, this area very well could qualify for a no wake zone. Currently, according to SC laws, this area does not qualify to have no wake buoys. Commissioner Beers added additional comments related to details included in Senate Bill 457. He relayed witnessing a boat coming through this area at full throttle, the huge wake that came from that boat, and how this would have been a dangerous decision if people had been in the water. Executive Director Brennan thinks the LWMC should weigh on Senate Bill 457 and provide a recommendation. Commissioner Beers said the LWMC Safety Committee can put that recommendation together. The applicant, Ms. Lisa Newton, addressed the LWMC. She said the situation is scary and dangerous, and that something terrible is going to happen. She does not want anything bad to happen to anyone. She thanked the LWMC for their time. Commissioner Hanks moved to table the no wake zone request, pending SC legislation. Commissioner Beers seconded the motion. There was no further discussion. The vote was taken and approved unanimously.

#### **Item 7 – Stowe RWRRF Force Mains Line Crossing Project**

Mr. Ron Hargrove with Charlotte Water and Mr. Mike Osborne with Black & Veatch presented to the LWMC. Mr. Hargrove provided a brief history of the project and said the new plant will be able to handle 15 million gallons of wastewater per day and will get wastewater from Mount Holly and Belmont. It will take around five years for the project to be completed. Two pipes are being proposed to go under the river. While only one pipe is needed, they are adding a second pipe in case the first pipe fails. They will be able to divert flow from one pipe to other if need be. Mr. Osborne added technical details about the depth of the pipe, the kind of pipe they will use, and the drilling process. Chairman Hartley asked if this project local is near a seismic fault. The answer was no. Mr. Osborne commented on the robust design of the piping system.

Chairman Hartley asked about the drilling process. They commented that they will push bentonite clay slurry through as they drill. The waste byproduct of drilling process is not toxic. Michels is the contractor who will do the drilling. They are competent and a leader in horizontal directional drilling. Mr. Hargrove explained the

project structure and the different engineering firms that are involved. Commissioner Hanks moved to approve the Stowe RWRRF Force Mains Line Crossing Project. The motion was seconded by Vice Chairman Wilson. There was no further discussion and the motion was approved unanimously.

**Item 8 – Pike Engineering: Duke Energy Project Overview – Mountain Island Hydro Transmission Line Relocations Project**

Mr. Jesse Jean with Pike Engineering was not present.

**Item 9 – Commodore Yacht Club Comment Request from Duke Energy**

Chairman Hartley asked if the LWMC has had a chance to look at this request. Commissioner Hanks commented that everything they have done looks alright. He suggested that the group approve what has already been done, however, there are things that have not been done that are approved also. Commissioner Hanks said that anything that is deemed 'future,' they need to come back to the LWMC with details before the LWMC will approve. Vice Chairman Wilson moved to approve. Commissioner Hanks seconded the motion. The vote was taken. Chairman Hartley voted no, Commissioner Beers recused himself as a member of Catawba Yacht Club, and the other Marine Commissioners voted in favor. The motion passed.

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

Commissioner Hanks reported that buoys and buoy hardware have not been purchased. It was noted that Captain Adam coordinates with Chairman Hartley but should be coordinating with Commissioners Hanks and Thomas instead. There was discussion about putting LWMC stickers on buoys and the downside being that people will peel them off. Commissioner Hanks suggested etching a serial number on each buoy. Captain Adam said he needs more cables and Commissioner Hanks will assist with getting a quote. Commissioner Thomas said he would contact Captain Adam.

**Item 11 – Life Jackets/Personal Flotation Devices**

Executive Director Brennan received the following list from law enforcement agencies detailing how many life jackets and/or personal flotation devices need to be ordered:

- YCSO: 10 youth
- CMPD: 4 adult
- GCPD: 20 adult / 10 infant / 10 toddler / 20 throwable PFDs / 200 whistles with lanyards
- NCWRC: 10 adult / 10 youth / 10 infant

Commissioner Williford will coordinate with Mr. Peter Hegarty about getting the LWMC logo stenciled on each life jacket.

**Item 12 – Riversweep 2021**

Secretary Treasurer Mullane volunteered to the LWMC's point of contact for the Riversweep 2021 planning committee.

**Item 13 – 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 14 – FY 20-21 Budget Amendment**

Secretary Treasurer Mullane presented this item. Commissioner Webber moved to approve the FY 21 budget amendment. Commissioner Beers seconded the motion. There was no further discussion and the motion was approved unanimously.

### **Item 15 – FY 21-22 Budget**

- Public Hearing for Consideration of the FY 21-22 Budget Ordinance – Vice Chairman Wilson moved to enter Public Hearing to discuss and approve the FY 21-22 budget. Commissioner Hanks seconded the motion and it was approved unanimously. There were no comments from the public. Vice Chairman Wilson moved to close the Public Hearing. Commissioner Perkins seconded the motion and it was approved unanimously.
- Discussion and Approval of the FY 21-22 Budget Ordinance – Commissioner Webber moved to approve the FY 21-22 budget. Secretary Treasurer Mullane seconded the motion. There was no discussion. The vote was taken and the FY 21-22 budget was approved unanimously.

### **Item 16 – Consideration of Contracting with Centralina Regional Council for Administrative Services for FY 21-22**

Commissioner Thomas moved to contract with Centralina Regional Council for FY 21-22. Commissioner Webber seconded the motion. There was no discussion and the motion was approved unanimously.

### **Item 17 – Chairman’s Report**

Chairman Hartley deferred his time to Executive Director Brennan.

### **Item 18 – Executive Director’s Report**

Executive Director Brennan reported that:

**Del Webb Project:** At the May 24 Belmont City Council meeting, John Searby of the Catawba Riverkeeper Foundation and I successfully made the case to include the following enhanced Stormwater Control Measures (SCMs) as conditions for the approval of a conditional rezoning requested by Del Webb for their construction project along the South Fork River:

- **Post Construction Storm Water:** Development areas over 24% built upon area (BUA) shall implement storm water control measures (SCMs) capable of retaining the 25-year storm runoff volume with an outfall sized to convey the 10-year storm volume over a period of 3-5 days. The governmental jurisdictional authority may permit modifications to this provision subject to site constraints and/or other considerations.
- **Active Construction/Erosion Control Measures**
  - Provide sediment forebays, temporary baffles, and temporary skimmer dewatering devices with shut off valves in erosion control phase sediment basins. (Note: There is some reluctance at the county level t the use of shutoff valves on the outfalls from the sediment basins.)
  - Provide double high hazard silt fence installation along site construction activities if the proposed land disturbance is within 100 feet of jurisdictional streams and wetlands. Standard silt fence may be installed in construction areas greater than 100 feet from jurisdictional streams, jurisdictional wetlands, and in other upland areas.
  - Provide temporary sediment basins capable of accommodating the storm water runoff volume from a 25-year storm event. The spillway on the sediment basin shall be designed to pass the 25-year 24-hour storm.
  - Installation of temporary seeding shall occur within five (5) working days of completion of construction activities for the applicable area. It is noted that additional construction activities post grading may delay seeding.
  - Provide third party inspection of site development construction activities to occur after each ½” (or greater) rainfall event
  - The use of filter bags at sediment basin outlet discharges shall be used where feasible due to topography and buffers. It is noted the use of filter bags may not be feasible in high flow areas or subject to other site constraints.

- One continuous automated monitoring device for measuring turbidity, water level, and rainfall shall be provided in each cove. A total of two monitors shall be provided. Data must be immediately available via a network communication system and be able to provide immediate alerts to devices.

Though two SCMs we advocated were not approved for the Webb project - high hazard silt fencing along the entire shoreline and pre- and post-construction bathymetric surveys - the City will review those two and those that were approved for possible inclusion in the Belmont Land Development Code. That decision may be influenced by the county which is undertaking a review of Gaston County SCMs with the intent to strengthen them. That review is the result of the Rusty Rozzelle presentation to the Gaston County Commissioners on May 11 and meetings with Gaston County officials and the Chairman of the Gaston County Commission as reported last month.

Met with Jay Wilson, Charlotte Erosion Control Administrator, and Dr. Brad Johnson, Associate Professor at Davidson College, to gain more information to support the argument for bathymetric surveys and the use of shutoff valves on sediment basin out falls.

**Buster Boyd Bridge Signs:** Neither Joe Stowe nor Mike McLaurin, former LWMC executive directors, was unable to confirm that the Danger signs on the Buster Boyd Bridge were provided by the LWMC. Sgt. Dwayne Rogers of SC DNR is pursuing the issue with the Bridge Maintenance section of the SC Department of Transportation. He advised that any needed signs can be made by inmates, but the SC DOT will need to determine who will do the work if it's agreed that replacing the signs is necessary.

**South Fork River Health Committee:** Attended the June 28, 2021, meeting of this committee. Provided to Will Cauthen, chairman of the committee and mayor of Cramerton, the SCMs for the Del Webb project approved by the Belmont City Council. Recommended to the chairman that other members of the committee view Rusty Rozzelle's presentation to the Gaston County Commission on May 11.

**Chambers of Commerce / Retirement Ceremony:** Attended two Montcross Area Chamber of Commerce functions and the retirement ceremony for Sgt. Brent Mabry.

**Catawba Yacht Club:** Provided five No-Wake signs to Mr. Jack Young of the Catawba Yacht Club. The erroneous references to state laws were obliterated.

**Hydrilla and Alligator Weed / Environmental Presentations:** Dr. Brett Hartis reported that the effectiveness of the thrips (groups of insects) that attack alligator weed deployed at sites in the South Fork River will be assessed in August. Ridding the water of alligator weed is a long-term project. He said the Hydrilla problem is virtually gone – only a handful has ne been located at Sadler Island and has been treated. No carp needed for the foreseeable future. He advised he now is part of the Environmental Science Group and will provide topics for possible presentation to the LWMC that address what the various groups in that department are doing in Lake Wylie. Ms. Parker will send an email out about possible presentation topics and follow up with Dr. Hartis.

**FERC Application for Government Boat House:** Duke Energy Lake Services is to review the FERC application the week of June 28 for forwarding to FERC.

**County Briefs:** The annual report to the Mecklenburg County Commission is scheduled for July 7. The other county briefs will be scheduled in the coming months.

#### **Item 19 – Administrator's Report**

- FY 20-21 Audit Contract – Ms. Parker informed the LWMC that the FY 20-21 audit contract with Belinda Johnson, CPA needs to be approved by the LWMC in order for her to begin work. Vice Chairman Wilson

moved that the LWMC approve the FY 20-21 audit contract with Belinda Johnson, CPA. Commissioner Webber seconded the motion. There was no discussion and the motion was approved unanimously.

- Next month's meeting on July 26 will more than likely be held at the Red Fez Shrine Club. Details are forthcoming.

**Item 20 – Public Relations Report**

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

**Item 21 – Announcements**

None.

**Item 22 – Adjournment**

The meeting adjourned at 9:46 pm.