



Commissioners Present: Chairman Dan Hartley (Gaston County)
Secretary Treasurer Dan Mullane (Mecklenburg 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: Vice Chairman Hunter Wilson (Mecklenburg County)
Commissioner Sam Perkins (Mecklenburg County)
Commissioner Brad Thomas (Gaston County)

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

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 August 23, 2021 minutes. Commissioner Hanks moved to approve the August 23, 2021 minutes. Commissioner Beers seconded the motion. There was no further discussion and the motion was approved unanimously.

Item 3 – Approval of Agenda

Chairman Hartley asked if any changes need to be made to the September 27, 2021 agenda. Executive Director Brennan said to add an item to talk about the South Fork River Health Committee after his report. Commissioner Webber said to remove Marie Thompson from the Coast Guard Auxiliary. Commissioner Webber moved to adopt the September 27, 2021 agenda as amended. Commissioner Beers 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 an uneventful Labor Day weekend. The Coast Guard was present and came with new officers. They will continue coming to Lake Wylie and riding with CMPD.

Gaston County Police Department (GCPD) – Sgt. Knupp was present and did not have anything to report.

York County Sheriff's Office (YCSO) – Officer Joye reported that YCSO conducted a dive operation and recovered a BMW that was sunk into the mud. No one was in the car. It was stolen out of Charlotte in 2017.

Mecklenburg County Sheriff's Office (MCSO) – No report was given.
Tege 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 he will complete a no wake zone matrix for the Brown's Cove no wake zone request this week. Mr. Brandon Burch with NCWRC will make a buoy run this week. Chairman Hartley asked if Sgt. Laton can look at sandbar north of Highway 74 bridge. The sandbar has been there for at least two years. There is a marker 100' off the bridge, but sandbar is around 400' long. If you do not know the area, a boater would not know the sandbar is there. It is a dangerous situation. Executive Director Brennan thanked the NCWRC for responding to his letter to look at and repositioning danger buoys in the South Fork River. Commissioner Hanks asked if Sgt. Laton has spoken with Mr. Sam Seamster. Mr. Seamster has not returned Commissioner Hanks' calls and emails. Mr. Seamster says they are working on putting serial number on buoys. Sgt. Laton will follow up tomorrow morning.

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 reported that no routine monitoring was conducted last month. They will be on the water on Wednesday to take samples for September. Last Monday, they put large, inflatable orange buoys in Boyd's Cove. Mr. Ferguson and a coworker looked in Boyd's Cove and Snug Harbor and did not find any cyanobacteria algae. However, he found cyanobacteria algae again today. They put buoys in the water this morning. They found cyanobacteria algae in every cove they went into in Boyd's Cove. He said that Mr. Rusty Rozzelle will wait for counts to come in in the morning, then he will issue an updated advisory around lunch. The LUESA team has spoken with everyone who lives on the shoreline of Boyd's Cove and Snug Harbor. Executive Director Brennan spoke with folks in SC about how they handle cyanobacteria. There seems to be different standards between NC and SC. Executive Director Brennan will send Mr. Ferguson, Ms. Edwards, and Mr. Rozzelle information on this matter.

Duke Energy – Mr. Kermitt Taylor reported that the lake level is at 96.6', we are in normal inflow condition, and they have not received any dredge applications. Marine Commissioners submitted questions to Duke Energy before the meeting. Here are the questions and *answers* from Duke Energy staff:

- From Executive Director Brennan: Gaston County Commissioner Chad Brown asked about docks - specifically those damaged by the 2019 flood over the Mountain Island Lake dam. Does Duke Energy have any assistance available to help residents restore the docks?
 - *Duke Energy does not have assistance available.*
 - *Mr. Kermitt Taylor said there are provisions in the shoreline management guidelines that address storm damage to docks and repairs to existing docks. He said to send maintenance applications into Duke Energy, and they will waive fees for storm damage applications.*
- Another dock question: Does Duke Energy have a time limit for the residents to repair, remove, or replace a damaged dock?
 - *Residents have six months to let Duke Energy know. Within that time period fees can be waived. If after six months – it costs \$350.*
- How often does Duke survey for damaged docks?
 - *Every ten years or so.*
 - *If dock is damaged and is a navigational hazard or nuisance – Duke Energy will ask the property owner to remove it.*
- From Commissioner Williford: What is the residual effect on trees and heavy growth that develop in low water conditions once the regular level is restored?

- *Dr. Hartis talked about the riparian zone which is near water. He said when there is low water, plants will shift. Commissioner Webber asked if vegetation becomes permanent because of sedimentation, does the lake boundary line change? Ms. Styer said the current FERC license is good for 40 years. The lake boundary line may change during next cycle of relicensing.*
- What is the cost for a resident to apply for a dredging permit?
 - *Kermitt Taylor said it costs \$2,500 to apply and added that there is a substantial amount of administrative work and monitoring to be done which takes more staff time. It is a more complex application and there is more risk associated with dredging.*
- From Commissioner Thomas: The reported lake level on the Duke Energy website is often at odds with what residents observe in other areas of Lake Wylie. Where precisely is the level measured?
 - *The lake level is recorded at the Lake Wylie dam hydro station, as prescribed in their FERC license.*
- Would Duke be amenable to adding measuring sites at various locations in Lake Wylie and reporting the average of those levels on your website?
 - *Ms. Styer said likely not, but the LWMC can do that if they want to.*
- From Chairman Hartley: Follow up discussion on adding information on the Duke Energy website to Charlotte-Mecklenburg Stormwater Services advisories regarding cyanobacteria bloom locations and related advisories.
 - *Charlotte-Mecklenburg has resources, but other counties do not, to report algal blooms to the state. NCDEQ developed a dashboard on their website and SCDHEC has similar resource. If a bloom happens in Gaston County, where would the Duke Energy website point (like pointing to LUESA if blooms are in Mecklenburg County)? Ms. Styer said it would be inconsistent from lake to lake. Duke Energy would be happy to post a link to the NCDEQ and SCDHEC dashboards. This does not show up on Duke Energy's lake app yet. Right now, they cannot put link in the special message part of the app, but they are working to fix it. It was noted that algal blooms and water quality are not Duke Energy's issues or something they can control. So, for Duke Energy to put messaging out there is Duke Energy taking on something that is not their issue.*
- *Commissioner Hanks said that across from Paw Creek in Gaston County, there is heavy construction equipment and no silt fencing in sight. It was said that he should call Gaston County.*

Catawba Riverkeeper Foundation (CRF) – Mr. John Searby reported that they have 1,445 volunteers pre-registered for Riversweep. Around ~600 of the 1,445 volunteers will be on Lake Wylie or the South Fork River. He thanked the LWMC for their help. They expect around 1,600 people at Riversweep. Commissioner Beers asked if more boats are needed. Mr. Searby said they could always use more boats. On the topic of alligator weed, the first group of thrips is struggling, and the second group is surviving. Mr. Searby said if you're a member of CRF, their annual meeting will be this Wednesday at 6 pm. The Swim Guide Program wrapped up after Labor Day weekend. They took nearly 1,000 samples this summer. Lake Wylie was mostly clear this summer, except around Camp Thunderbird (due to an active group of geese) and South Fork River sites were impaired. An algal bloom in Nivens Creek Cove was reported to SCDHEC.

Item 6 – Duke Energy Presentation: Water Resources Monitoring & Stewardship Activities

Mr. Maverick Raber introduced himself. He explained his role at Duke Energy and reviewed his department's organization chart. During his presentation, he addressed the different rules and regulations Duke Energy operates under and the different programs that are under his group's purview. Commissioner Hanks asked if Duke Energy tests for PCBs in fish. Mr. Raber was not sure as that is not his area of expertise. Commissioner Hanks asked when the most recent bathymetric survey of the lake was taken. Ms. Tami Styer said that it was done during relicensing around 2004. Commissioner Webber asked if the bathymetric survey results are public information. Ms. Styer said that all relicensing document and data are public information. She can get Commissioner Webber that information. Dr. Brett Hartis with Duke Energy picked up the presentation and talked about alligator weed and other invasive plants in Lake Wylie, noting that plants can cause major issues. He concluded by saying that their group is focused on education and outreach.

Item 7 – Equipment Acquisitions

Chairman Hartley said to table this item until next month.

Item 8 – Buoys and Buoy Maintenance Update

Commissioner Hanks said that he is waiting on information from Mr. Sam Seamster with NCWRC and that the LWMC will need to buy more cable and wire rope. He said that the LWMC has around five buoys on hand. Commissioner Hanks said that ordering ten buoys should be sufficient.

Item 9 – Treasurer’s Report

Secretary Treasurer Mullane reported that:

- York County: Q1 funds are in and Q2 funds will be requested next week.
- Gaston County: Q1 and Q2 funds were requested and have come in.
- Mecklenburg County: Q1 funds have been requested but have not come in yet. Ms. Parker sent a follow up message today. Q2 funds will be requested next week.

Item 10 – Chairman’s Report

Chairman Hartley reminded Marine Commissioners to fill out the fraud assessment form for the auditor.

Item 11 – Executive Director’s Report

Executive Director Brennan reported that:

- Brown’s Cove Buoys: Awaiting the NCWRC inspector’s assessment.
- FERC Application: Awaiting update from the City of Belmont. Neil spoke with Shelley today.
- South Fork River Danger Buoys: NCWRC Division Chief Brian McRae directed the placement of additional danger buoys north of the “hot hole” in the South Fork River.
- Stormwater Control Measures: Gaston County and County and Belmont City officials met in late August to discuss enhancement to the county stormwater control measures.
- Buster Boyd Bridge Signs: Advised by letter previously reviewed by the LWMC to NCDOT and SCDOT officials that the LWMC has no objection to NCDOT replacing or removing the signage on the Buster Boyd Bridge. The No-Wake buoys that the LWMC and SCDNR maintain are sufficient, and there are no dangerous low water or underwater obstructions in the area.
- Boyd’s Cove: The patrols the LWMC organized as requested by Rusty Rozzelle, the Mecklenburg County Water Quality Program Manager, to warn boaters and swimmers of the cyanobacteria outbreak in that cove were conducted from August 13 through August 31. LWMC commissioners, members of the Catawba Sail and Power Squadron, and members of the US Coast Guard Auxiliary patrolled the cove. The cyanobacteria reappeared on September 14th. In response to a request from Mr. Rozzelle for information regarding warning buoys on September 16th, referred his staff on September 17th to both the NCWRC Danger buoy technician and the organizer of the recently conducted Lake Wylie Paddle Battle, both of whom offered buoys for use in Boyd’s Cove.
- County Briefs: Presented the annual report to the Gaston County Commission on September 14th.
- Belmont City Planning and Zoning Staff Tour: The lake tour for the Belmont City Planning and Zoning staff on September 22nd was postponed because of bad weather. It will be rescheduled.

Added item: South Fork River Health Committee: Executive Director Brennan forwarded the comments of residents on the South Fork River to the committee Chairman, Mayor Will Cauthen (Cramerton). Their comments reflect their concern, frustration, and anger of the sever sedimentation in the area of the river adjacent to their homes that renders their docks unusable. The committee drafted a plan of action to be reviewed at their Monday, September 27 meeting. A copy of that plan has been provided to the LWMC for review. Executive Director Brennan asked group to review the draft report and say if they want to be part of the group.

Item 12 – Administrator’s Report

Ms. Parker reminded everyone to fill out their fraud assessment form as soon as possible since forms are due on Wednesday, September 29. She asked the group to stay tuned for more information about October and November meeting locations.

Item 13 – Public Relations Report

Vice Chairman Wilson was not present.

Item 14 – Announcements

Commissioner Hanks said he has spoken with a gentleman who has been asked to create a map of Lake Wylie because the lake is in proximity to nuclear power plants. The LWMC will be able to have these maps at no cost.

Item 15 – Consideration of Renewal of Executive Director Position

Chairman Hartley introduced this item. Commissioner Hanks moved to renew Neil Brennan’s contract as Executive Director for another year. Secretary Treasurer Mullane seconded the motion. The vote was taken and approved unanimously.

Item 16 – Election of Officers

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

- For the position of Chairman: Executive Director Brennan said the Nominating Committee recommends Dan Hartley. Hearing no further nominations, Dan Hartley will continue to serve as Chairman.
- For the position of Vice Chairman: Executive Director Brennan said the Nominating Committee recommends Hunter Wilson. Hearing no further nominations, Hunter Wilson will continue to serve as Vice Chairman.
- For the position of Secretary Treasurer: Executive Director Brennan said the Nominating Committee recommends Ray Webber to the position of Secretary Treasurer. Hearing no further nominations, Ray Webber will serve as Secretary Treasurer.

Legal Counsel Clark congratulated the officers and Chairman Hartley thanked Dan Mullane for his service as Secretary Treasurer for the past two years.

Item 17 – Adjournment

The meeting adjourned at 8:45 pm.