



Commissioners Present: Chairman Dan Hartley (Gaston County)
Commissioner Smitty Hanks (Gaston County)
Commissioner Dan Mullane (Mecklenburg County)
Commissioner A.W. Bill Beers (York County)
Commissioner Sam Perkins (Mecklenburg County)
Commissioner Brad Thomas (Gaston County)
Commissioner Quay Williford (York County)

Commissioners Absent: Secretary Treasurer Ray Webber (York County)
Vice Chairman Hunter Wilson (Mecklenburg County)

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

Meeting Minutes

Item 1 – Welcome

Chairman Hartley called the virtual 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 November 22, 2021 minutes. Commissioner Beers moved to approve the November 22, 2021 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 January 24, 2022 agenda. Commissioner Beers moved to adopt the January 24, 2022 agenda. Commissioner Thomas 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 Kennelly reported that CMPD lake patrol is preparing for the 2022 Boat Show.

Gaston County Police Department (GCPD) – No report was given.

York County Sheriff’s Office (YCSO) – No report was given.

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 he spoke with Duke Energy staff about people living on the private island across from Loftin Park and NCWRC sent an officer to investigate.

SC Department of Natural Resources (SCDNR) – No report was given.
US Coast Guard (USCG) – No report was given.

US Coast Guard Auxiliary (USCGA) – Mr. Jim Nass introduced himself to the LWMC. The USCGA are in the process of electing a new Commander and they are on a stand down until after that election.

Mecklenburg County Land Use and Environmental Services Agency (LUESA) – Mr. Dave Ferguson reported that his team will be on the lake tomorrow. He shared the water quality report for November 2021. His team is focused on cove monitoring in developing areas of Lake Wylie. They installed an automated monitoring buoy – LMU 2 – in the back of Boyd’s Cove that monitors every 15 minutes and helps them learn how the cove is impacted by different precipitation events. Executive Director Brennan asked if an automated monitor could be put in the South Fork River. Mr. Ferguson said that the LUESA team cannot place a buoy in the South Fork. Executive Director Brennan suggested placing an automated buoy where the South Fork River joins the main channel. Mr. Ferguson added that each monitor costs around \$15,000. The monitors they are currently using have been re-purposed from coal ash monitoring to monitoring turbidity. A few of the monitoring buoys will have a camera mounted to the device will provide a picture of the cove every 15 minutes. Commissioner Hanks asked if the LWMC purchased an automated monitoring device, could the LUESA team place it in the water. Mr. Ferguson said he cannot make that decision. This topic will be added to the February meeting agenda.

- LMU 2 buoy: https://cmann.onerain.com/site/?site_id=573&site=3285e69e-210a-4472-bb2b-2cbe29386654
- CMANN (automated monitoring effort county-wide) Home Page <https://cmann.onerain.com/>
- Map of automated sites <https://cmann.onerain.com/map/?view=ee50990f-c8b9-4270-a37d-99e6d037cb17>

Duke Energy – Mr. Kermitt Taylor reported that lake level is at 97.4’ and no new dredges have been approved since the last meeting. There has been a change in the low inflow protocol status. In early January, we entered Stage 0. Stage 0 is a watch stage and the drought management group will start meeting more frequently.

Catawba Riverkeeper Foundation (CRF) – No report was given.

Item 6 – 2021 Audit Report Presentation

Ms. Belinda Johnson, CPA PA, presented the LWMC 2021 audit and advised local government commission (LGC) accepted the audit. Ms. Johnson read the audit conclusion letter (included in the agenda packet) to the LWMC. Commissioner Hanks asked a question about a discrepancy in information about the law enforcement center that showed up in the notes and did not show up in the financial statements. He noted that the LWMC is no longer involved with YCSO law enforcement center and should not show up in the audit. Commissioner Hanks will send the note reference to Ms. Johnson and she will reply.

Item 7 – No Wake Speed Letter to NCWRC Discussion

Executive Director Brennan reported that the LWMC, in conjunction with Legal Counsel Clark, sent a letter to people at the NCWRC suggesting a change to NC Administrative Code on the section that addresses buoys and speed zones. He said the LWMC has copies of letter to and response from NCWRC. The letter dated September 9 is the response back from NCWRC. The LWMC drafted another letter that is in draft form and has not been sent yet. Executive Director Brennan would like LWMC approval before sending the response letter back to NCWRC. Executive Director Brennan reviewed the content of the letter and asked for any questions or discussion.

Commissioner Beers asked if NCWRC did not understand what we were asking for and gave a wrong answer. Executive Director Brennan said no, they just gave an answer that did not make sense. Legal Counsel Clark said he thinks that having a discussion with NCWRC would be a good next step. Chairman Hartley suggested that law enforcement weigh in. Executive Director Brennan said there ought to be a general rule for boaters to follow. Mecklenburg and Gaston counties do not have the same rules, nor do NC and SC. The point is, there is a perception that you can speed near docks. Executive Director Brennan spoke with Officer Joye. If CMPD lake patrol sees speeding near docks and marinas, the operator can be cited for “careless and reckless” boat operations. Commissioner Beers added that as a boating safety educator, differences in rules makes it difficult to teach new boaters. Executive Director Brennan said that by law the LWMC can write an idle speed rule. But we are trying to work with the NCWRC instead. It does not make sense to have safety rules that apply to parts of the lake and not others. Commissioner Thomas commented that the LWMC has been fighting reciprocity between states for a long time. He said an in-person meeting is a better approach. Commissioner Beers agrees. Executive Director Brennan recommended that we send letter and set up a face-to-face meeting with NCWRC. Commissioner Beers moved to send the letter that asks for a face-to-face meeting. Commissioner Williford seconded the motion. A vote was taken and approved unanimously.

Item 8 – South Fork River Health Committee Memorandum of Understanding

Executive Director Brennan recapped the SFRHC Memorandum of Understanding (MOU) process. The SFRHC Action Plan appears to be consistent with the mission of the LWMC. This Committee was established in January 2021. They recently changed their name to South Fork River Health Project (SFRHP). Executive Director Brennan said that at some point, the LWMC may want to offer financial support, but we do not have to at this time. There may be some future projects we would want to support financially. His recommendation is that the LWMC should sign the MOU and assign someone to represent the LWMC at various meetings and/or on subcommittees. The SFRHP subcommittees are:

- Policy and advocacy
- Water quality and watershed planning
- Recreational access
- Marketing and events

There is no requirement for the LWMC to be involved, but Executive Director Brennan said we need to be involved somehow and sign the MOU. He reviewed the other signatories on the MOU and asked for any questions. Commissioner Hanks said instead of giving money to the SFRHP, the LWMC could buy automated monitors and incorporate them into Mecklenburg County’s monitoring system. Executive Director Brennan said that any money that would be spent would need to be voted on by the LWMC. The MOU is just to say that the LWMC wants to be involved. Commissioner Beers asked if Legal Counsel Clark reviewed the MOU. Mr. Clark reviewed it and confirmed that it does not commit the LWMC to anything. Commissioner Beers would like to be on the recreational access subcommittee. Executive Director Brennan said the next step is to get the MOU approved by the LWMC. Commissioner Thomas moved that the LWMC proceed with signing the SFRHP MOU. Commissioner Mullane seconded the motion. The vote was taken and approved unanimously. Commissioner Thomas said that he and his family would be willing to help as well.

Item 9 – 2022 Mid-Atlantic Boat Show

Executive Director Brennan reported on staffing the 2022 Boat Show and noted that help is needed on Saturday between 10 am – 6 pm. He asked the LWMC to review your calendars and let Ms. Parker know. Executive Director Brennan asked if anyone has something to hang lifejackets on. Commissioner Beers has a rolling wardrobe racks and hangers. Executive Director Brennan will pick it up from him. Executive Director Brennan will need 3 easels from Commissioner Thomas. Commissioner Thomas asked about LWMC banner. Executive Director Brennan does not know where the banner is located. Commissioner Hanks mentioned a backdrop in the SPLASH trailer. The LWMC will be in Booth 67. Executive Director Brennan will get candy to

hand out. Commissioner Thomas noted that there may be COVID restrictions with candy, etc., and he said he will duplicate last year's order plus easels.

Item 10 – Buoys and Buoy Maintenance Update

Commissioner Thomas saw the email from Ms. Parker from Mr. Peter Hegarty about a missing buoy. He spoke with Captain Adam Huth. He has 250' of wire coming in. He will address the buoys in Brown's Cove, then at Copperhead. In February and March Captain Adam will take care of the buoys at Wilkinson Bridge and install rebar anchors.

Item 11 – Treasurer's Report

Chairman Hartley reported that on behalf of Secretary Treasurer Webber:

- York County: Q1 and Q2 funds are in and Q3 funds will be requested in January.
- Gaston County: Q1 and Q2 funds are in and Q3 and Q4 funds will be requested in January.
- Mecklenburg County: Q1, Q2, and Q3 funds have been requested and received.

Item 12 – Chairman's Report

Chairman Hartley deferred his time to Executive Director Brennan.

Item 13 – Executive Director's Report

Executive Director Brennan reported that:

FERC Application: The plans showing the position and piping for the of the dry hydrant needed to support the planned boat house were completed before our November meeting. But the revised survey that reflects those final changes to the plans has yet to be received from the Belmont Rowing Club. The Belmont Rowing Club rep, Mrs. Cindy White, advised on January 20th that she anticipates getting the revised survey to the City of Belmont within the next few weeks. Once the survey has been submitted to the City, the City will submit the FERC application for comment / approval by the numerous stakeholders who are required to sign off on the application. That process will take several months.

South Fork River Health Committee (now the South Fork River Health Project): Recommended changes to the SFRHC proposed Memorandum of Understanding after gaining Counselor Clark's agreement that the LWMC could be signatories of the MOU as amended. The project's new chairman is John Searby of the Catawba Riverkeeper Foundation, and I volunteered to serve on the Policy and Advocacy Subcommittee which will address stormwater control measures.

After researching SFRHC Action Plan items 8-E and 8-F, explore the need for improving wayfinding systems to help with communicating location to emergency responders and incorporate public art into wayfinding, safety, and informational signage design, it was determined that a system already exists. Mr. Scott Lambert of the Gaston County Communications Center advises that if someone on the river has an emergency and calls via cell phone, the county communication system can determine the position of the caller within 500 feet. The items were reported complete.

Speed Zones: Recommended to the North Carolina Wildlife Resources Commission that the code that addresses no-wake and speed zones be amended to require idle speed around all docks, boat ramps, and marinas as is required in York County and Gaston County. The applicable code, NCAC 15A 10F 0.333, requires idle speed around only public docks, boat ramps, and marinas. The NCWRC does not agree with the recommendation. The dialog continues.

Riversweep: Met with Vanessa Covington of the Catawba Riverkeeper Foundation, lead for the Catawba basin Riversweep this year, to assist in planning the event. Provided our past Lake Wylie Riversweep planning documents to augment what CRF uses.

Catawba-Wateree Water Management Group Citizen's Academy: Agreed to provide a segment for the Citizen's Academy about the Lake Wylie Marine Commission on February 22nd. Sent all LWMC commissioners the schedule of all the sessions which run from January through March. Most of the presentations are the same as last year. Commissioner Beers is also participating.

Recommendation to North Carolina Department of Environment and Natural Resources: Pursuant to a Citizens Academy discussion with Rebecca Coppa, a Sedimentation Education Specialist with North Carolina Department of Environment and Natural Resources, I suggested a change to the North Carolina Erosion and Sediment Control Planning and Design Manual to require wire mesh backed silt fencing along wetlands, streams, lakes or other surface water bodies as is required by Mecklenburg County. I provided her those rules. Though the manual describes the construction of this high hazard silt fencing, it allows for less sturdy silt fencing in every case. She is referring the recommendation to her Commission's Technical Committee as they are currently reviewing and updating the E&SC Planning and Design Manual. Also invited to her attention that York County upgraded their stormwater regulation in 2019 following massive sedimentation spills to require wire mesh backed fencing everywhere.

Meeting with Duke Energy: Met with Dr. Brett Hartis, Lead Scientist, Duke Environmental Science, and Mr. Kelvin Reagan, Southern Regional Manager of Dukes Lake Services, to discuss issues that may arise or are currently in play that are germane to both Duke and the Commission. Meeting was scheduled pursuant to a suggestion of Kelvin Reagan that a meeting with Duke officials outside our monthly meetings a few times a year would be beneficial to both organizations. There was discussion of the LWMC hearing a presentation from Duke Energy about PCBs in fish. Details are forthcoming.

Item 14 – Administrator's Report

Ms. Parker said that the February meeting is scheduled to be held in Belmont.

Item 15 – Public Relations Report

Vice Chairman Wilson was not present to report.

Item 16 – Announcements

Commissioner Thomas said regarding the no wake speed letter – before the meeting with NCWRC, the LWMC should meet with local law enforcement to hear their thoughts. There was agreement around this suggestion. Executive Director Brennan said when Officer Joye gets back from vacation, we will call a meeting.

Executive Director Brennan asked Mr. Dave Ferguson if we could have audio to go with the "Why is Lake Wylie Brown?" PowerPoint slides. A voiceover with PowerPoint slides would be the way to go.

Commissioner Hanks asked Commissioner Thomas if the dredging had started. Commissioner Thomas said they are just about finished.

Item 17 – Adjournment

The meeting adjourned at 8:21 pm.