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**Commissioners Present:** Chairman Dan Hartley (Gaston County)  
Vice Chairman Hunter Wilson (Mecklenburg County)  
Secretary Treasurer Ray Webber (York County)  
Commissioner Smitty Hanks (Gaston County)  
Commissioner A.W. Bill Beers (York County)  
Commissioner Sam Perkins (Mecklenburg County)  
Commissioner Dan Mullane (Mecklenburg County)  
Commissioner Quay Williford (York County)

**Commissioners Absent:** 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 May 23, 2022 minutes. Commissioner Hanks moved to approve the May 23, 2022 minutes. Commissioner Perkins 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 27, 2022 agenda. Secretary Treasurer Webber moved to adopt the June 27, 2022 agenda. Commissioner Hanks seconded the motion. There was no further discussion and the motion was approved unanimously.

#### Item 4 – Public Comment

Mr. Sonny Truesdale, Jr. addressed the LWMC about the new South Carolina law that increases distance limits between boats and docks, and prohibits wake surfing within 200 feet (<https://www.dnr.sc.gov/news/2022/mar/mar17-wake.php>). He wanted to know what the LWMC and other agencies are doing to educate boaters about this new law. Vice Chairman Wilson said this is a public relations question and added that the LWMC recently started an email newsletter for people that live and recreate on Lake Wylie. He added that the email newsletter and social media channels will be effective platforms for educating people about matters such as the new SC law. Mr. Truesdale commented that this law is something SC law enforcement must enforce. He said people need to be educated because the current situation is a mess.

#### Item 5 – Stakeholder Reports

Charlotte Mecklenburg Police Department (CMPD) – Officer Joye introduced his supervisor Lt. Keith Martin. He noted that the Coast Guard will accompany CMPD over the July 4<sup>th</sup> holiday weekend, and they will have both boats on the water. Officer Joye said they need more life jackets. Vice Chairman Wilson said he could provide them and they can coordinate offline. The buoy at Copperhead Island/McDowell Park has been moved to a temporary location. He said it would be good to get it fixed before the July 4<sup>th</sup> weekend. A buoy needs

replacement at Withers Cove. Commissioner Hanks asked if Officer Joye has heard anything about Lake Wylie maps. He said the map maker has been busy and the map is in final production. Vice Chairman Wilson asked if the [tether rule](#) will be enforced by the Coast Guard. Officer Joye said yes, and they will also enforce [fire extinguisher requirements](#).

Gaston County Police Department (GCPD) – Sgt. John Gardner introduced himself and reported that they are down one boat and are waiting for an engine from Yamaha. Otherwise, GCPD lake enforcement is ready for the holiday weekend.

York County Sheriff's Office (YCSO) – Sgt. Tim Lee introduced himself and addressed Mr. Truesdale's concerns. YCSO lake enforcement is aware of the issue. He brought up the matter of a person ferrying people to an island and related complaint calls. He noted that this person is also renting out jet skis, and that is problematic.

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 – Officer Brent Mullis reported that they have been on Lake Wylie three weekends since Memorial Day and will be on the water over the July 4<sup>th</sup> weekend. They received complaints from kayakers about needing no wake zone signage around the Hwy 27 bridge. There was discussion about Boyd's Cove and the need for one more buoy to be placed. Vice Chairman Wilson asked if they still distribute laminated boating safety information sheets. Officer Mullis said they have about ten left.

NC Wildlife Resources Commission (NCWRC) – Sgt. Laton said there have been no reported boat accidents. They are hoping to have good and safe July 4<sup>th</sup> weekend. He noted that channel marker buoys were installed and danger buoys were relocated as requested in the South Fork River.

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 they made a routine sampling run on May 25. He noted that fecal coliform numbers were a little high at LW8 and LW4 is looking better than usual. They checked Boyd's Cove and did not find any algae. Mr. Ferguson said everything looks good right now. Executive Director Brennan asked if their buoy in Boyd's Cove could detect cyanobacteria algae. Mr. Ferguson said not exactly and explained how other data points can help illustrate that cove conditions may be changing.

Duke Energy – Mr. John Bradley reported that the lake level is at 96'4", no dredge applications have been approved, and we are not in a drought stage. Vice Chairman Wilson asked if someone owns a lake front property that is not approved for a dock, can that person moor their boat by tying to a tree or another stationary object. Mr. Bradley said temporarily would be alright, but not permanently.

Catawba Riverkeeper Foundation (CRF) – Mr. John Searby thanked Executive Director Brennan for his time spent planning Riversweep 2022. All sites are set across the basin and Riversweep plans are moving forward. Riversweep 2022 will be held on Saturday, October 1. For the Swim Guide Program, thus far there have been no exceedances on Lake Wylie, but the South Fork River is a different story due to elevated bacteria levels. For the South Fork River Health Project (SFRHP), there is a delay in getting autonomous sensors in place above Cramerton. They are hoping for July. Progress continues on the project to remove the Armstrong Ford Dam. CRF had a meeting this morning with local government leadership and Duke Energy. They are working towards completing a feasibility study. The harmful algal blooms (HABs) group is making progress and will have a

website going live in July. The HABs communications plan is in place. Commissioner Beers asked where he can you find the communications plan so he can pass it along to groups he works with and boaters in his network.

#### **Item 6 – Dredging Presentation**

Executive Director Brennan introduced Mr. Bob Wilson. Mr. Wilson proceeded with his presentation about dredging. The presentation (included in the LWMC’s agenda packet) included slides with text and images. At the end of his presentation Mr. Wilson asked if there are any questions. Executive Director Brennan asked if GPS is used to determine what has been dredged during hydraulic bucket dredging. Mr. Wilson said yes. Commissioner Beers asked if there any companies like Mr. Wilson’s that do things other than bucket dredging on Lake Wylie. Mr. Wilson said no and added on Lake Norman, there was a company but he is not sure if they are still operating today. Mr. Wilson noted that the South Fork River needs a lot of help. Vice Chairman Wilson asked how much cutter head dredge equipment costs. Mr. Wilson said a new one is around ¼ of a million dollars. Vice Chairman Wilson asked about the dredging situation on Lake Lure and what happens to GeoBags once water leaks out. Mr. Wilson said they are cut open, emptied, and then disposed of.

#### **Item 7 – Buoys and Buoy Maintenance Update**

Commissioner Hanks said there is a buoy on the shore across from Plant Allen. He noted that he has not heard about the quantity of buoy materials that need to be ordered. Chairman Hartley said to order ten buoys and asked that someone from the Buoy Committee connect with Captain Adam and get buoys and buoy materials ordered.

#### **Item 8 – Treasurer’s Report**

Secretary Treasurer Webber reported that draft FY 23 budget is in the agenda packet. Three checks were cut this month. All revenue from the three contributing counties is in for FY22. After July 1, we will start the contracting process with Mecklenburg and Gaston counties to receive funding in FY23.

#### **Item 9 – FY 21-22 Budget Amendment**

Secretary Treasurer Webber moved to approve the FY22 Budget Amendment as presented. Vice Chairman Wilson seconded the motion. Discussion: Commissioner Hanks had questions about how some numbers were presented on the budget amendment, and answers were provided. The vote was taken and the motion was approved by all present except for Commissioner Hanks.

#### **Item 10 – FY22-23 Budget**

Public Hearing for Consideration of the FY22-23 Budget Ordinance

- Vice Chairman Wilson moved to enter Public Hearing to discuss and approve the FY 22-23 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 Mullane seconded the motion and it was approved unanimously.

Discussion and Approval of the FY22-23 Budget Ordinance

- Commissioner Beers moved to approve the FY 22-23 budget as presented. Commissioner Mullane seconded the motion. Discussion: Commissioner Hanks suggested that the amount in the buoys line item should be increased by \$1,500. He does not agree with CMPD, GCPD, and YCSO each having \$2,000 in the budget. Vice Chairman Wilson said that the “promote” aspect of the LWMC mission statement is the least funded compared with “protect” and “preserve.” He would like to see more funding allocated to promoting the LWMC. The vote was taken and the FY 22-23 budget was approved unanimously as presented.

**Item 11 – Consideration of Contracting with Centralina Regional Council for Administrative Services for FY23**  
Secretary Treasurer Webber moved to approve the contract for administrative services for FY23 with Centralina Regional Council. Commissioner Mullane seconded the motion. There was no discussion and the motion was approved unanimously.

**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:

Federal Energy Regulatory Commission (FERC) Application: Duke Energy completed their final check FERC package. The City of Belmont is in negotiations with the HDL engineering firm to shepherd the FERC application through the stakeholder approval process.

Idle Speed Zones: The proposed resolution to support LWMC idle speed and wake surfing regulations will be discussed with the Gaston County Board of Commissioners at their August 9 work session. The proposed resolution has yet to be scheduled for the Mecklenburg Board of County Board of Commissioners.

Mountain Island Lake Marine Commission (MILMC): Contacted the officials of the Lake Norman Marine Commission to gauge their willingness to support the reestablishment of the Mountain Island Lake Marine Commission.

Riversweep: Met with Vanessa Covington of the Catawba Riverkeeper Foundation to review preps for Riversweep 2022 on October 1<sup>st</sup>.

- Reviewed sites and site captains. There will be 12 sites on Lake Wylie this year.
- Suggested LWMC could provide Boat Captain caps for Lake Wylie boat owners who register to help. Idea may be expanded to include caps for boat captains basin-wide.
- Agreed to coordinate dumpster delivery and pickup for Mecklenburg, York, and Gaston County sites.
- Agreed to pick up bottled water donated by Allen Steam Plant and deliver it to their distribution site for further transfer to the sites.

No-Rise Certification: Federal Law states in the National Flood Insurance Program Requirements: “Any project in a floodway must be reviewed to determine if the project will increase flood heights. An engineering analysis must be conducted before a permit can be issued. The community’s permit file must have a record of the results of this analysis, which can be in the form of a No-rise Certification. This No-rise Certification must be supported by technical data and signed by a registered professional engineer. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM).”

Under Title 44 of the Code of Federal Regulations, Section 60.3(d)(3), the community shall:

“Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge. Currently, individual property owners must hire professional engineers to conduct the analysis required for their local floodplain development permits.”

These analyses cost thousands of dollars, at least \$10,000 in some instances. Mecklenburg County has ordinances that exempt owners from having to have these analyses performed for new dock construction. (Those ordinances may not withstand state scrutiny.) The York County Flood Plain Administrator was unaware of the requirement and initially reported that York County does not issue dock permits. She stated that Duke Energy issues the dock permits there. She is investigating the issue. Gaston County was recently cited in a state audit for not requiring owners to submit the engineering analyses before issuing the permit to build a dock. Since instituting the requirement, Gaston County has issued seven dock permits, and the engineering analyses of each one “would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.”

Executive Director Brennan suggested to Mr. Steve Garrett, the National Flood Insurance Program Coordinator with the North Carolina Department of Public Safety, that given the data, this requirement does not appear to be a reasonable expense for Lake Wylie residents who want to add a dock on their property. Mr. Garrett has agreed to ask if some waiver to this requirement could be issued for future applications for dock construction. As an alternative, Mr. Garrett suggested that a basin-wide engineering analysis could be conducted to show what the several recent studies have shown – that adding docks to Lake Wylie doesn’t adversely affect flood levels.

**Lake Wylie Boat Tour:** On Wednesday, June 29, members of the LWMC will give a boat tour of Lake Wylie for local government elected officials from Belmont, Gaston and Mecklenburg counties.

#### **Item 14 – Administrator’s Report**

Ms. Parker noted that Centralina Regional Council is in the process of moving offices. Therefore, the LWMC will have a new mailing address, effective June 27, 2022. The new address is 10735 David Taylor Drive, Suite 250, Charlotte, NC 28262. She is in the process of notifying LWMC stakeholders, vendors, county staff, etc. If any marine commissioner would like new business cards, please let Ms. Parker know.

#### **Item 15 – Public Relations Report**

Vice Chairman Wilson said the LWMC received around 1,900 visitors to the website in a month. For perspective – he made one social post this month about the amount of evaporation from Lake Wylie each day. That one social media post received a similar amount of traffic than the LWMC website received in a month.

Vice Chairman Wilson added that the LWMC webpage that gets the most visits is the [Public Access Areas](#) page. The [Homepage](#) is second, the [Fishing](#) page is third, the [Swim Guide](#) page is fourth, and the [Laws and Regulations](#) page is fifth.

Vice Chairman Wilson said the LWMC started an email campaign using MailChimp. He covered the cost to use this service and will submit a receipt to Ms. Parker for reimbursement. A post-June meeting follow up message needs to be written.

#### **Item 16 – Announcements**

Commissioner Hanks noted the passing of Mr. C.D. Collins, who was one of the most colorful and important people on Lake Wylie in the past 30-40 years.

#### **Item 17 – Adjournment**

The meeting adjourned at 8:53 pm.