



Commissioners Present: Chairman Dan Hartley (Gaston County)
Vice Chairman Hunter Wilson (Mecklenburg County)
Secretary Treasurer Ray Webber (York County)
Commissioner Brad Thomas (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 Smitty Hanks (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 22, 2022 minutes. Vice Chairman Wilson moved to approve the August 22, 2022 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 September 26, 2022 agenda. Commissioner Thomas moved to adopt the September 26, 2022 agenda. Vice Chairman Wilson seconded the motion. There was no further discussion and the motion was approved unanimously.

Item 4 – Public Comment

Mr. Larry Woolum is an Emerald Point resident. He reported damage being caused to docks due to boats going by at high speed and ignoring the no wake zone. He is in favor of the LWMC adopting South Carolina's idle speed regulations to prevent boats from operating too close to docks.

Item 5 – Stakeholder Reports

Charlotte Mecklenburg Police Department (CMPD) – Officer Joye reported that both boats are operational. From their perspective, the buoys they have seen seem to be in place. He spoke with Commissioner Thomas about two buoys whose rigging probably came loose. They just need anchors.

Gaston County Police Department (GCPD) – Sgt. Knupp reported that they are off the lake for the season but are available to answer emergency calls. Both of their boats are operational. They curtailed lake operations during the week because of high gas prices.

York County Sheriff's Office (YCSO) – No report.

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 in mid-September they investigated a boat accident near The Yachtsman. No one was hurt during the accident. He spoke with Mr. Brandon Burch and the channel markers – 3 on the north side of the bridge and 2 on the south side – related to the RK&K project will be installed tomorrow. Mr. Burch will conduct a danger buoy assessment in early October. Executive Director Brennan asked who designates swim areas, such as for the new South Point Road project. Sgt. Laton will check with Ms. Betsy Haywood.

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 took samples on September 15. The bacteria numbers look alright except for high fecal coliform numbers at LW3C – South Fork River. He said that their routine sampling schedule will resume in November.

Duke Energy – Mr. Kermitt Taylor reported that lake level 96.5'. Low inflow protocol is at Stage 0. They have not approved any new dredges since the last meeting. He was asked about whether the lake will be lowered in anticipation of Hurricane Ian. Lake Wateree construction has started and mid-November will be lowest water point (93-94') in Lake Wateree.

Catawba Riverkeeper Foundation (CRF) – Mr. Brandon Jones reported that a harmful algal bloom (HAB) was discovered on Lake Norman but it went away with the chilly weather over the weekend. They received a grant to hire a full-time staff scientist dedicated to the South Fork River. The CRF has a new office in McAdenville. As far as Riversweep goes, they are watching Hurricane Ian and will notify the public on Wednesday. There is no rain date if they need to cancel Riversweep.

TowBoatUS – Chairman Hartley welcomed Mr. Logan Thomas, new owner of TowBoatUS. Mr. Thomas introduced himself and said it has been a routine month on the water. Secretary Treasurer Webber is putting together a list of NC buoys. Mr. Thomas said he currently has the buoys and supplies he needs.

Item 6 – FERC Presentation: TGS Engineers: Widening US 29/US 74

Mr. Ben Henegar (TGS Engineers) and Mr. Thad Duncan (NCDOT Division 12) spoke to the LWMC about the widening of US 29/US 74 and the replacement of bridge #82. Project details are included in their proposal narrative and that is what Mr. Henegar reviewed. Phased construction should start in February 2024 and go through February 2027. Four lanes of traffic will remain open during construction. Executive Director Brennan asked about what stormwater control measures will be implemented near and on the shoreline. Mr. Henegar said they have an erosion control plan in place. Executive Director Brennan asked to see a copy of their erosion control plan. Mr. Henegar said he would share the plan. Secretary Treasurer Webber asked if there is any motorized boat traffic north of the US National Whitewater Center. The LWMC did not have any other questions or concerns. Ms. Parker will send an approval letter to Mr. Henegar.

Item 7 – FERC Presentation: Belmont Paddling Park Project

Ms. Brooke Ahrens (HDR) represented the City of Belmont and spoke to the LWMC about the City's Paddling Park project. HDR was recently hired to manage the FERC process for this project. Ms. Ahrens reviewed the main project elements, a description of which was included in the LWMC agenda packet. The City of Belmont has partnered with the Belmont Rowing Club (BRC) on this project. It was noted that the boat house is not for public use but is intended for lake enforcement. Ms. Ahrens talked about shoreline stabilization in an area with

grade that drops off around 6 feet into the water. They will put in riprap and landscaping to create a buffer to increase public safety. The City of Belmont and BRC are excited about this project. It was noted that the dock is accessible for different kinds of human-powered watercraft. Chairman Hartley asked the LWMC to send him any questions or concerns about the project in the next couple of days. If there are no further questions or concerns, Ms. Parker will submit an approval letter to Ms. Ahrens.

Item 8 – Buoy Tracking

Commissioner Perkins brought up buoy locations and the idea of using geographic information system (GIS) software to keep track of buoy locations, who is responsible for buoys, etc. He has worked in GIS for years and spoke to an online platform where TowBoatUS, law enforcement, and the LWMC could access live, real time data layers. He said he would be happy to compile the data. Commissioner Perkins noted that a report like what Mr. Ferguson provides could be produced. Commissioner Beers asked which buoys the LWMC would track. Commissioner Perkins said any buoys the LWMC would designate. One person or small group can make updates to the data. He said data would be accessible via smart phone. Secretary Treasurer Webber said he is all for automating and asked about the licensing of the software. Commissioner Perkins said there are a couple of ways to handle licensing. The cost depends on the number of people with a license to use the software. He said this is the platform that Duke Energy, NCWRC, and SCDNR all use. Commissioner Perkins said assembling a digital buoy database is something he can do. Mecklenburg County has unlimited use of GIS software through ESRI. He asked whether the LWMC could piggyback off local governments that already have access. Chairman Hartley asked Commissioner Perkins to put together a simple outline of the process for how this would roll out. Commissioner Perkins asked what the LWMC has as far as database for buoys. Vice Chairman Wilson moved for Commissioner Perkins to gather information necessary to put a process together to move forward. Commissioner Beers seconded the motion. Discussion: Executive Director Brennan said the NC Administrative Code (NCAC) lists the no wake buoys and all buoys near bridges the LWMC is responsible for. NCWRC handles danger buoys in North Carolina. SCDNR controls all buoys in South Carolina. There was no further discussion and the motion was approved unanimously.

Item 9 – Buoys and Buoy Maintenance Update

Mr. Logan Thomas said he needs a list of buoys to start working on. Commissioner Thomas stated that he no longer serves on the Buoy Committee and will abstain from anything related to TowBoatUS. Executive Director Brennan sent a list of buoys that need attention to Captain Adam Huth. He will forward that list to Mr. Thomas.

Item 10 – Treasurer’s Report

Secretary Treasurer Webber reviewed the financial reports included in the LWMC agenda packet and gave an update on funds received from the three contributing counties:

- York County: Paid for Q1 (July 1 – Sept 30).
- Gaston County: Paid for the full fiscal year (July 1 – June 30).
- Mecklenburg County: Continuing to work to get under contract with the County in order to invoice.

Item 11 – Chairman’s Report

Chairman Hartley addressed the drilling rig at the Hwy 74 bridge and said it is not the rig he thought it would be. It is not well lit or visible. He asked the company using the rig to check their lights. The rig is a dark red rusty color and if it is in shadows, a boater could be able to see it.

Item 12 – Executive Director’s Report

Executive Director Brennan reported that:

Federal Energy Regulatory Commission (FERC) Application

The Belmont Rowing Club (BRC) has agreed to fund the HDR engineering firm to consult on any questions from stakeholders regarding the FERC application for the park and docks at the proposed city park in Belmont. Accordingly, the City of Belmont has signed a contract with HDR, and the distribution of the FERC package to the various stakeholders has begun. The LWMC has received the package for comment.

Idle Speed Zones

Provided my annual report to the Gaston County Board of Commissioners at their non-voting work session on September 13th and briefed them on the proposed idle speed and wake surfing regulations at the same session. Chairman Chad Brown is soliciting comments from the commissioners and any additional questions they may have about the regulations and about the LWMC issuing them. Feedback is expected the week of September 26th. Briefed North Carolina legislature representatives from Gaston County Donnie Loftis and John Torbett on the proposed regulations and asked them to consider initiating legislation next year to codify the regulations. The Mecklenburg County annual report which will include the presentation of the proposed regulations originally scheduled for September 27th has been postponed until October 6th. LWMC commissioners from Mecklenburg are invited to attend that brief at 6:00 PM at the Charlotte-Mecklenburg Government Center.

NCDOT Projects

Attended the NCDOT I-85 widening brief at the Gaston County College in Belmont on August 23rd to advise those officials that the LWMC will want to see the specific stormwater control measures (SCMs) that they will implement for both the Rte. 74 Bridge and the I-85 widening projects.

Riversweep

Allen Steam Plant has donated 30 cases of bottled water for Riversweep site on Lake Wylie; Commissioner Webber and I delivered the water to the Charlotte Community ToolBank – the staging point for Riversweep materials. The Catawba Nuclear Station donated gloves for the event; the gloves are at the ToolBank as well. Met with Catawba Riverkeeper Riversweep planner to map out areas for each Site to cover. Lowe’s Belmont plans to donate grabbers in conjunction with Lowe’s Gastonia.

No-Rise Certification

Briefed the York County Council, the Gaston County Board of Commissioners, and Representatives Loftis and Torbett on the unreasonableness of the federal No-Rise Certification law being applied to docks on lake Wylie. Advised that the LWMC will seek relief from that law.

South Fork River Health Committee Project (SFRHP)

Will chair the next meeting of the Policy and Advocacy subcommittee of the SFRHP in October to discuss possible SCMs in addition to the ones already proposed for Gaston County to adopt as standard requirements.

Miscellaneous – Referred reports of missing danger buoys to the NCWRC. Wrote the text of the September LWMC Newsletter.

Executive Director Brennan recognized former LWMC Chairperson Lynn Smith and Mecklenburg County Vice Chairperson Elaine Powell.

Item 13 – Administrator’s Report

Ms. Parker did not have a report.

Item 14 – Public Relations Report

Vice Chairman Wilson said that the e-newsletter that Executive Director Brennan mentioned went out September 19. 962 people opened that email, which is a 36.4% open rate, which is the best open rate the LWMC has had thus far. The LWMC website has had 940 visitors in a month, which is down 22% since last month. The webpages that received the most visits are: Public Access (#1), Home Page, Fishing, Lake Conditions, and Laws and Regulations.

Item 15 – Announcements

Commissioner Beers thanked LWMC on behalf of America’s Boating Club of the Catawba. They had over 300 kids and sponsors come out to their Children’s Outing this past Saturday. The LWMC’s letter helped get funding from other agencies.

Item 16 – Consideration of Renewal of Executive Director Position

Chairman Hartley introduced this item. Commissioner Thomas moved to continue Neil Brennan as Executive Director for another year. Vice Chairman Wilson seconded the motion. There was no further discussion and the motion was approved unanimously.

Item 17 – Election of Officers

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

- Chairman Hartley said the Nominating Committee recommends Hunter Wilson for the position of Chairman. Hearing no further nominations, Mr. Wilson will serve as Chairman.
- Chairman Hartley said the Nominating Committee recommends Ray Webber for the position of Vice Chairman. Hearing no further nominations, Mr. Webber will serve as Vice Chairman.
- Chairman Hartley said the Nominating Committee recommends Bill Beers to the position of Secretary Treasurer. Hearing no further nominations, Mr. Beers will serve as Secretary Treasurer.

Legal Counsel Clark congratulated the officers.

Item 18 – Adjournment

The meeting adjourned at 8:25 pm.