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**Commissioners Present:** Chairman Hunter Wilson (Mecklenburg County)  
Secretary Treasurer A.W. Bill Beers (York County)  
Commissioner Brad Thomas (Gaston County)  
Commissioner Dan Hartley (Gaston County)  
Commissioner Sam Perkins (Mecklenburg County)  
Commissioner Dan Mullane (Mecklenburg County)

**Commissioners Absent:** Commissioner Smitty Hanks (Gaston County)  
Vice Chairman Ray Webber (York County)  
Commissioner Quay Williford (York County)

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

### Meeting Minutes

#### Item 1 – Welcome

Chairman Wilson called the meeting to order at 7:00 pm and welcomed everyone present.

#### Item 2 – Approval of Minutes

Chairman Wilson asked if any changes need to be made to the September 26, 2022 minutes. Secretary Treasurer Beers moved to approve the September 26, 2022 minutes. Commissioner Thomas seconded the motion. There was no further discussion and the motion was approved unanimously.

#### Item 3 – Approval of Agenda

Chairman Wilson asked if any changes need to be made to the October 24, 2022 agenda. It was noted to delete Item 6. Commissioner Hartley moved to adopt the October 24, 2022 agenda as amended. Secretary Treasurer 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) – No report was given.  
Gaston County Police Department (GCPD) – No report was given.  
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 there was a boating accident on Lake Wylie on October 9 that resulted in one fatality. He noted that all parties involved were wearing life jackets and that CMPD and Tow Boat were a huge help to NCWRC at the scene of the accident. Sgt. Laton can provide a link to the accident report once it is filed. He spoke with Mr. Brandon Burch (NCWRC) and found out that the buoy run has been pushed back. He asked if any other danger buoys are out of place. Executive Director Brennan

said there is a damaged danger buoy on shore at Reflection Pointe Boulevard across street from his home. It was noted that a danger buoy is missing near Tailrace Marina.

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

US Coast Guard Auxiliary (USCGA) – A representative from USCGA said that their season is almost complete. They performed 186 vessel exams and have 11 potentially new members completing exams. They have been asked to be in the Christmas Parade and are waiting for that order to be approved.

Mecklenburg County Land Use and Environmental Services Agency (LUESA) – Mr. Dave Ferguson was not able to attend the meeting but said via email that, “We will not be on the lake in October and will monitor again in late November.”

Duke Energy – Mr. John Bradley reported that the lake level is at 96’. He noted that the lake had been drawn down and they are trying to get water levels back up. The Duke Energy app has been updated accordingly. Water levels were taken down in advance of Hurricane Ian and it has been dry since then. Water levels are down across the Catawba-Wateree system. Commissioner Thomas asked if Duke Energy would consider waiving the dredge application fee in light of such low water levels. Commissioner Thomas clarified that he is asking about a blanket fee waiver until water levels come back up. Mr. Bradley will find out and report back to the LWMC.

Catawba Riverkeeper Foundation (CRF) – Mr. John Searby thanked the LWMC for supporting Riversweep even though the event did not happen. They added 17 sites where groups will conduct their own sweeps. If site captains or groups want to help with a private sweep, just let the CRF know and they will provide supplies. A harmful algal bloom (HAB) was reported in a Tega Cay cove over the weekend. SCDHEC is checking it out. He noted that the CRF is interviewing for a scientist that will focus on the South Fork River. They hope to have someone hired by the LWMC’s November meeting.

TowBoatUS – Mr. Logan Thomas reported that TowBoat made 42 calls on Lake Wylie in the past month. Five calls were about sunken boats – two sunk because of Hurricane Ian and one was part of the boating accident Sgt. Laton mentioned in his report.

#### **Item 6 – South Fork Catawba River – NC Turbidity Monitor Station**

This item was removed from the agenda. Mr. Alex Knight with the Pulte Group was not able to attend.

#### **Item 7 – Buoy Tracking Follow Up**

Commissioner Perkins distributed an outline for modernizing buoy tracking and spoke about how to leverage Geographic Information System (GIS) technology. He said the first step is to identify all of the buoys on Lake Wylie and then determine which buoys are the LWMC’s to manage. He could develop a buoy database, map, and problem form as a way to submit buoy issues. This form would be something for Mr. Thomas and law enforcement to refer to. Commissioner Perkins outlined possible database fields in his proposal. He said that putting everything together upfront would be the biggest lift, but once ready it probably would not require too much changing. Secretary Treasurer Beers asked who would manage the software. Commissioner Perkins said it is a completely configurable platform and the LWMC would control who has access. He suggested that members of the Buoy Committee and the Chairman would be able to edit. The public would only be able to view it and submit reports. Chairman Wilson asked what he needs from the LWMC to get started. Commissioner Perkins said permission to get started. Secretary Treasurer Beers suggested revisiting the proposal at the next meeting since a few commissioners were not present. Commissioner Perkins added that we need a log of everything TowBoat sees on the water and compare it to the list in the NC Administrative Code (NCAC) and

SC's buoys. The goal of modernizing buoy tracking is to make the process simpler for TowBoat and law enforcement. Executive Director Brennan said the NCAC lays out where no wake buoys are supposed to be in NC. He said he called about list a of no wake buoys in SC and did not get a satisfactory answer. His suggestion is to start the process and keep it in house until thoroughly vetted. Executive Director Brennan added that the LWMC should proceed. Commissioner Hartley moved that Commissioner Perkins continue with his data search and the buoy modernization process. Commissioner Thomas seconded the motion. There was no further discussion and the motion was approved unanimously.

#### **Item 8 – Buoys and Buoy Maintenance Update**

Mr. Logan Thomas reported that:

- Paradise Point – 1 buoy replaced/1 buoy repositioned
- Buster Boyd Bridge – NC side, north side buoy replaced closest to Pier 49, damaged buoy removed
- Boyd's Cove – Damaged buoy replaced (was able to save the weight and hardware on this one). Hauled off damaged buoy
- Sadler Island – 2 new buoys set marking the northern side of east channel at US National Whitewater Center
- NC27/railroad bridge – 4 buoys installed. Included the boat ramp to the north in this one
- Have 7 buoys left
- Have 8 weights left.
- Have a few more buoys on the list to address.
- Will need to order more cable. Not sure what the status is with Commissioner Hanks' supplier or how to handle that.
- Ms. Parker will follow up with Mr. Thomas and Commissioner Hanks about buying cable.

#### **Item 9 – Treasurer's Report**

Secretary Treasurer Beers 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 and Q2 (July 1 – Dec 31).
- Gaston County: Paid for the full fiscal year (July 1 – June 30).
- Mecklenburg County: The contract with Mecklenburg County is close to being finalized. Once executed, the LWMC can invoice for Q1 and Q2.

#### **Item 10 – Chairman's Report**

Chairman Wilson said that during his tenure (through the end of September 2023) as Chairman he would like to work on is the 'promote' pillar of the LWMC mission statement. He would like to increase the number of people that read about and connect with the LWMC.

#### **Item 11 – Executive Director's Report**

Executive Director Brennan reported that:

##### **Pulte Group Item**

They sent specs for a portable turbidity monitor for the South Fork River, which is not correct. He put a call into Alex Knight about this matter.

##### **Federal Energy Regulatory Commission (FERC) Application**

In addition to our local review of the FERC application package for the new park in Belmont, these agencies are now reviewing the package:

### Federal

US Army Corps of Engineers, US Fish and Wildlife Service, Catawba Indian Nation Tribal Historic Preservation Office

### State

NC Department of Natural and Cultural Resources State Historic Preservation Office;  
NC Department of Natural and Cultural Resources Division of Parks and Recreation;  
NC Department of Environmental Quality Division of Water Resources, 401 & Buffer Permitting Unit; NC Department of Environmental Quality Division of Water Resources; Public Water Supply Section, NC Wildlife Resources Commission; County Building Standards and Code Enforcement Department; County Health Department-Planning Commission (or equivalent in project area)

### **Idle Speed Zones**

Gaston County generally supports the proposed idle speed regulations to match those in South Carolina as it relates to private docks and wake surfing along Lake Wylie. The Gaston County Police expressed concerns regarding law enforcement's ability to enforce the newly proposed regulations and welcomes further discussions on that topic.

Presented the annual report to Mecklenburg County Board of County Commissioners on October 6. The Board requested a more detailed briefing on the proposed idle speed regulations at their policy meeting on October 25. With Counselor Clark, held preparatory discussions for that policy meeting on October 19 with the Gaston County and Mecklenburg County attorneys and the Gaston County Manager's Chief of Staff.

### **NCDOT Projects**

Following the brief by NCDOT and the TGS Engineers rep on the replacement of the Rte. 74 bridge at McAdenville, requested their plans include double high hazard silt fencing wherever silt fencing is to be installed. They agreed.

### **No-Rise Certification**

Briefed the Mecklenburg County Board of Commissioners on the unreasonableness of the federal No-Rise Certification law being applied to docks on lake Wylie. Noted that the Mecklenburg County Flood Plain administrator admitted that county ordinances that exempt docks on Lake Wylie from that laws may not hold up. Advised that the LWMC will seek relief from that law. Received on October 21 the hydraulic and hydrologic analyses from my neighbor who paid \$10,000 to have them done. Plan to review this package with another engineer who has suggested the cost is not reasonable.

### **South Fork River Health Project (SFRHP)**

Chaired the Policy and Advocacy subcommittee of the SFRHP on October 19. Gaston County recently added the following stormwater control measures (SCMs) to the minimum requirements:

No longer issuing grading permits before a site plan including SCMs is approved.

No permits to be issued before rezoning.

Phased clearing of sites is required.

Gaston County has tasked all 17 building inspectors to inspect for stormwater control regulation adherence to augment the four stormwater administration inspectors. The official in charge of overseeing stormwater matters and those inspectors recommended that no further SCMs be invoked until he has a chance to study the effectiveness of the SCMs already in effect.

A North Carolina Land and Water Fund grant for the South Fork River Watershed Planning Project was received.

The funds will be used to hire a South Fork Watershed Manager similar to the one the Catawba Riverkeeper employs for the Northern Basin.

The North Carolina State Manual of SCM Inspection & Maintenance Forms is used to educate HOAs on managing runoff. Gaston County is reviewing a condensed checklist based on the manual to determine if the manual or the checklist would be useful to HOAs and HOA management companies.

#### **Miscellaneous**

Wrote the text of the October LWMC Newsletter. Go to LWMC website to sign up for this e-newsletter.

#### **Item 12 – Administrator’s Report**

Ms. Parker said that the auditor is ready to submit the LWMC’s FY22 audit to the Local Government Commission (LGC). Next month is the last meeting of the year. She will bring a draft 2023 schedule to the November meeting for approval.

#### **Item 13 – Public Relations Report**

Chairman Wilson said that October e-newsletter has not gone out yet. The LWMC website had 689 visitors in the past month, which is down 26% since the prior month. The webpages that received the most visits are: #1 – Public Access, #2 – Fishing, #3 – Home Page, #4 – Lake Conditions (up 14% since last period). Chairman Wilson would like to issue an annual mailing to educate and inform waterfront residents about the LWMC.

#### **Item 14 – Announcements**

A request was made that Ms. Parker add the 2023 Mid-Atlantic Boat Show to the November 28 meeting agenda.

#### **Item 15 – Adjournment**

The meeting adjourned at 7:57 pm.