



- Commissioners Present:** Chairman Hunter Wilson (Mecklenburg County)
Vice Chairman Ray Webber (York 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 Smitty Hanks (Gaston County)
Commissioner Quay Williford (York County)
- Commissioners Absent:** Commissioner Dan Mullane (Mecklenburg 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 October 24, 2022 minutes. Hearing none, the October minutes were approved by general consensus.

Item 3 – Approval of Agenda

Chairman Wilson asked if any changes need to be made to the November 28, 2022 agenda. Hearing none, the November agenda was approved by general consensus.

Item 4 – Public Comment

None.

Item 5 – Stakeholder Reports

Charlotte Mecklenburg Police Department (CMPD) – Officer Joye reported that last Wednesday there were 20-30 boats on Lake Wylie which is unusual for November. Officer Joye requested funds to replace medical equipment – from band aids to air ways for CPR. The total amount would be around \$1,800 plus shipping. Commissioner Hanks moved to approve up to \$2,000 for medical equipment for CMPD lake enforcement. Commissioner Thomas seconded the motion. There was no further discussion and the motion was approved unanimously.

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) – No report was given.

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 on the latest water quality sampling results and map. On November 7, a harmful algal bloom (HAB) was spotted by city of Charlotte staff in the north arm of Red Fez Cove. Mr. Matt Philips responded the same day and took samples. They went the next day and the HAB was gone. They informed the interagency HAB committee. Mr. Ferguson added that there has been a HAB in Nivens Cove (SC) since October 24. SCDHEC is paying attention to that situation. Executive Director Brennan asked if HAB signs have been put up. LUESA staff put up signs in Mecklenburg County near the Red Fez Club, issued a press release, and used Meck Alerts. Mr. Ferguson noted that his team will not be on the lake in December.

Duke Energy – Mr. Kermitt Taylor reported that the lake level is at 98'. Low inflow protocol is still at Stage 0. Two dredges have been approved since last month and both are related to sedimentation failures. One is in Mecklenburg County (The Palisades) and the other is in York County on Bonham Road off Highway 49.

Catawba Riverkeeper Foundation (CRF) – Mr. John Searby said they are down to two finalists for the South Fork River watershed manager position. They hope to have the new watershed manager on board in January 2023. He mentioned that there will be a public meeting about the Armstrong Ford Dam removal project on Monday, December 12 from 5:00 pm – 7:30 pm at Confluence (117 Center Street, Cramerton). The meeting will focus on project feasibility. They have done bathymetric assessments above and below the dam. They now know how deep they would have to go to hit something solid that is not the dam. Mr. Searby said that the NC Swim Guide report is out now on the [Waterkeepers Carolina website](#).

TowBoatUS – Mr. Logan Thomas reported that he has received 18 calls for assistance since the last meeting, including two sunken boats.

Item 6 – Del Webb Remote Turbidity Monitor

Executive Director Brennan spoke about the installation of turbidity monitors near Del Webb site. He shared the City of Belmont's approved requirement for a continuous monitor for the Del Webb project, which is: One continuous automated monitoring device for measuring turbidity, water level, and rainfall shall be provided in each cove. A total of two monitors shall be provided. Data must be immediately available via a network communication system and be able to provide immediate alerts to devices.

Item 7 – Withers Cove No Wake Zone Application

Executive Director Brennan spoke with Officer Joye and found out that the buoys near Charlotte Fire Department's boat house are not in the NC Administrative Code. He worked with Ms. Betsy Haywood (NCWRC) and put together a no wake zone application on NCWRC's application template. The buoys are already there, so now we are taking steps to formalize them. Commissioner Hanks asked who installed those buoys and Officer Joye said Mr. Terry Everhart did.

Item 8 – 2023 Mid-Atlantic Boat Show Preparation: Feb 9-12

Executive Director Brennan spoke about the LWMC's booth location. The question is can the LWMC have a booth location big enough for the LWMC pop up tent. Chairman Wilson said he secured two booth spaces. Ms. Parker will share Les and Russ Gray's email addresses with Executive Director Brennan.

Item 9 – Integrated Water Resources Plan (IWRP) Stakeholder Advisory Team

Executive Director Brennan said the Catawba Wateree Water Management Group is putting together a stakeholder advisory team and they want someone from LWMC as part of that team. Vice Chairman Webber volunteered to serve.

Item 10 – Buoy Tracking Follow Up

Commissioner Perkins said he will have more to share at the January 2023 meeting.

Item 11 – Buoys and Buoy Maintenance Update

Ms. Parker is working on paperwork to submit to Elite Sales that will make the LWMC their customer and thus able to order steel cable and other buoy supplies.

Item 12 – 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 13 – Chairman’s Report

Chairman Wilson said that today was his first day back at work (half day) and this is his first meeting since his wife had their baby.

Item 14 – Executive Director’s Report

Executive Director Brennan reported that:

Federal Energy Regulatory Commission (FERC) Application

Responses from almost all the agencies required to sign off on the application have been received. One area that needs to be addressed is the county requirement that rest rooms be provided at parks in the county, as this area is to be a Belmont City Park that will house the Belmont Rowing Club dock and the government dock for police and fire boats. Belmont is addressing this requirement.

Idle Speed Zones

Briefed the Mecklenburg County Board of County Commissioners on October 25. Pursuant to that brief and my meetings with the respective county attorneys with Counselor Clark, both counties reported they have no objection to the LWMC enacting the idle proposed idle speed regulations:

No person may operate vessel (as defined in N.C.G.S. § 75A-2) in the Regulated Area in excess of idle speed within 50 feet of (i) a moored or an anchored vessel, (ii) a person in the water, (iii) any private wharf, (iv) any private dock, (v) any private bulkhead, or (vi) any private pier.

No one shall Wake Surf on Lake Wylie in excess of idle speed within 200 feet of (i) a moored or an anchored vessel, (ii) a person in the water, (iii) any wharf, (iv) any dock, (v) any bulkhead, or (vi) any pier. For the purpose of this Regulation, “Wake Surfing” means free riding, or being propelled forward by a boat wake, on a device similar to a surfboard behind a boat. The devices used for Wake Surfing may include but are not limited to wake surf boards, wake boards, stand up paddleboards, and hydrofoils.

With the concurrence of the officers, contracted to have a poster prepared for the meeting to display these two proposed regulations. If the LWMC enacts these regulations, the poster will also be displayed at the Mid-Atlantic Boat Show in Charlotte in February.

No-Wake Zone -Withers Cove

Coordinated with the North Carolina Wildlife Resources Commission and the Charlotte-Mecklenburg Police Department to codify in the North Carolina Administrative Code the existing buoys in Withers Cove that provide a safety buffer for the fire department and police boat house.

South Fork River Health Project (SFRHP)

The next full meeting of the South Fork River Health Committee is scheduled for January 30, 2023. The Policy and Advocacy subcommittee will meet the week prior to review the effectiveness of existing stormwater control measures (SCMs) to advise if enhanced SCMs will be recommended to the full committee.

Miscellaneous – Wrote the text of the November LWMC newsletter.

Item 15 – Administrator’s Report

Ms. Parker presented the draft 2023 meeting schedule. Vice Chairman Webber moved to approve the 2023 schedule. Commissioner Thomas seconded the motion. There was no discussion and the motion was approved unanimously.

Item 16 – Public Relations Report

Chairman Wilson said he will send out the next newsletter noting the LWMC will not have a December meeting. He will train Commissioner Perkins on how to make website updates.

Item 17 – Announcements

None.

Item 18 – Public Hearing for Consideration of a New Boating Regulation about Idle Speed

Chairman Wilson said he will entertain a motion to open the public hearing to address proposed idle speed regulations. Vice Chairman Webber moved to open the public hearing. Secretary Treasurer Beers seconded the motion. There was no discussion and the motion was approved unanimously.

Chairman Wilson asked if there are any public comments. There were no comments from the public. Chairman Wilson said he would entertain a motion to close the public hearing. Vice Chairman Webber moved to close the public hearing. Secretary Treasurer Beers seconded the motion. There was no discussion and the motion was approved unanimously.

Discussion and Approval of the New Boating Regulation

Chairman Wilson said he will entertain a motion to enact the idle speed regulations. Vice Chairman Webber moved that these regulations be enacted to be effective on January 1, 2023:

- No person may operate a vessel on Lake Wylie in excess of idle speed within 50 feet of (i) a moored or an anchored vessel, (ii) a person in the water, (iii) any private wharf, (iv) any private dock, (v) any private bulkhead, or (vi) any private pier.
- No one shall Wake Surf on Lake Wylie in excess of idle speed within 200 feet of (i) a moored or an anchored vessel, (ii) a person in the water, (iii) any wharf, (iv) any dock, (v) any bulkhead, or (vi) any pier.

Commission Hartley seconded the motion. Discussion: Commissioner Hanks asked if someone can wake surf

within 50 feet of kayaks or small boats. He added that if the LWMC is going to do this, it seems like we should protect them too. Executive Director Brennan suggested that the LWMC consider these regulations as written. Vice Chairman Webber concurred with Executive Director Brennan – this is about progress, not perfection. There was no discussion and the motion was approved unanimously.

Chairman Wilson repeated the motion saying, it has been moved and seconded to enact these regulations to be effective on January 1, 2023:

- No person may operate a vessel on Lake Wylie in excess of idle speed within 50 feet of (i) a moored or an anchored vessel, (ii) a person in the water, (iii) any private wharf, (iv) any private dock, (v) any private bulkhead, or (vi) any private pier.
- No one shall Wake Surf on Lake Wylie in excess of idle speed within 200 feet of (i) a moored or an anchored vessel, (ii) a person in the water, (iii) any wharf, (iv) any dock, (v) any bulkhead, or (vi) any pier.

Chairman Wilson asked if law enforcement will be particular if someone is pulled over wake boarding versus wake surfing. They are two different sports that both put out big wakes. This applies only to wake surfing. Executive Director Brennan said that the purpose here is to mirror language in the SC law to make rules consistent between NC and SC. Commissioner Thomas asked how this is different from the law on the books that says you are responsible for your own wake. The answer is that one is civil and one is criminal.

Executive Director Brennan provided the following comments:

- State law allows LWMC to enact these regulations where NCWRC cannot.
- NC law enforcement agencies provided input - will enforce.
- These regulations are in effect in SC - provides consistency re idle speed around docks and wake surfing limits.
- Provides a degree of protection for residents' docks.
- Eliminates confusion regarding public docks in NC.
- Standardizes training in safe boating courses.

Chairman Wilson asked if there are any further discussion or questions.

Commissioner Perkins asked if the water sports industry suggests certain distances as well. Executive Director Brennan did not know the answer but will look into it. Commissioner Thomas added that this measure is about having the same rules across the lake, regardless of state. He added that adding regulations could be a slippery slope that may be out of bounds for the LWMC. He advised that the LWMC should tread lightly. Commissioner Hanks asked about the idea of the LWMC moving illegal buoys on the lake. It was noted that NCWRC Major Ben Meyer said the LWMC has the authority to move buoys. Sgt. Laton noted that this is still on his radar. Commissioner Hanks is very opposed to the LWMC moving illegally placed buoys.

Follow up note: The Water Sports Industry Association recommends that wake surfers stay at least 200 feet away from the shoreline, docks or other structures.

Commissioner Perkins asked what will be done to communicate this new rule. Executive Director Brennan talked about the various ways the word will get out.

Chairman Wilson reiterated that the motion is carried and the regulations are enacted to be effective on January 1 2023.

Item 19 – Adjournment

The meeting adjourned at 7:58 pm.