

**Lake Wylie Marine Commission**  
**January 23, 2023**  
**The Red Fez Shrine Club**

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- 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)  
Commissioner Dan Mullane (Mecklenburg County)
- Commissioners Absent:** ---
- Staff Present:** Neil Brennan, Executive Director; Emily Parker, Administrator
- Staff Absent:** Chris Clark, Legal Counsel

**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 November 28, 2022 minutes. Hearing none, the November minutes were approved by general consensus.

**Item 3 – Approval of Agenda**

Chairman Wilson asked if any changes need to be made to the January 23, 2023 agenda. Commissioner Thomas asked that discussion of SPLASH be included under the Boat Show agenda item. The January agenda was approved as amended by general consensus.

**Item 4 – Public Comment**

Mr. David Layman said he is representing himself and the River Walk HOA. Many of the members have property adjacent to Lake Wylie. He and the members are concerned about silt accumulation and trees obstructing the river. Last summer, in some areas, the water level dropped below three feet in depth. There is blockage by underwater land bridges, and he must go around them through a very narrow silt bridge. There are large logs that are too heavy to move. He fears that in ten years they will not be able to get out to the water. He inquired if there is an agency that dredges the river along the gap between the east shore and the islands to remove the debris. Also, duck hunters come to the island during duck season. That shore area is less than 500 feet from his house. Can frequently hear gunshots as early as 7am. The hunters do not appear to be using their restricting tube. They often hunt past sunset. Their boats are covered with tarps and he cannot read the registration number. He inquired if Duke Energy can make the island a 'no hunting' area. Mr. Layman and the HOA members feel that it is simply too dangerous for hunters to be that close to their homes. Executive Director Brennan will pass along this info to Sgt. Laton. He feels the hunters are too close to the edge of the legal limit and that the nearby tiny island should not be used for hunting.

Mr. Russ Burger is in process of having new house redocked and needs a permit. Executive Director Brennan explained the no rise certification issue. Commissioner Hartley suggested Mr. Burger contact the Gaston County staff for the rules regarding the no-rise certification process.

#### **Item 5 – Stakeholder Reports**

Charlotte Mecklenburg Police Department (CMPD) – Officer Joye reported that both boats are operational and commented that they have had a busy month with hunters. Hunting laws are upsetting homeowners. Some hunters are shooting too close to people’s houses. He said the hunters they encountered were within the law. NCWRC makes hunting laws. Chairman Wilson said that would be a good post for website and social media. Commissioner Thomas has reported this to law enforcement and Gaston County Commissioners. Officer Joye noted that CMPD will be at the 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) – 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 that they were on the lake on January 5 and there was a huge rain event the day before. Water quality report numbers in red are over limits and follows turbidity caused by the rain event. Chairman Wilson asked why it took so long for the turbidity to settle. Mr. Ferguson said it depends how fast Duke Energy moves water through the system. He also suggested that the LWMC look into [Meck FINS Live](#).

Duke Energy – Mr. John Bradley reported that the lake level is at 97’ and no dredges have been approved. The South Point Access Area is scheduled to reopen in February 2023. Commissioner Thomas asked about the possibility of waiving fees for dredging. Mr. Bradley will follow up with Commissioner Thomas on this matter.

Catawba Riverkeeper Foundation (CRF) – Mr. John Searby said that their annual meeting is tomorrow night at their headquarters and starts at 6 pm. Mr. Brandon Jones will give the [state of the river report](#). There is an online option to attend. On February 25, the CRF will hold a [gala to celebrate its 25<sup>th</sup> anniversary](#). The event will be held in Belmont at the Camelot Meadows Event Center. The Lake Wylie Harmful Algal Bloom (HAB) group met to debrief about a quiet 2022. The CRF is planning for Swim Guide 2023, which will run from Memorial Day to Labor Day. They want to add two new sites to Lake Wylie this year. He would like the LWMC to fund two sites (at \$1,000). They will need to know about the LWMC’s commitment by the March 27 LWMC meeting.

TowBoat US – Commissioner Thomas reported for Mr. Logan Thomas. He answered 14 calls, including one floating boat.

#### **Item 6 – Stowe Regional Water Resource Recovery Facility Presentation**

Mr. Ron Hargrove with Charlotte Water introduced the Stowe project team – Nicole Bartlett (Charlotte Water), Joseph Lockler (Charlotte Water), Matt Buswell (Hazen & Sawyer), Brian Klauka (Crowder Construction), Mike Benchich (Hazen & Sawyer), and Barry Shearin (HDR). He also introduced project partners from Belmont (Jerry Hatton) and (Robert Stewart) Mount Holly. Mr. Hargrove mentioned that they made an agreement in 2018-19 to partner to build a regional wastewater treatment facility. Mr. Hargrove noted the total maximum daily load must stay within 15million gallons per day (MGD). Belmont and Mount Holly have an allocation for the pounds

of nutrients that they can discharge into the lake. They will partner with an industrial facility to gain a part of their permit that allows a combination of those pounds to build a state-of-the-art new treatment facility. There are five stages of the construction. Executive Director Brennan noted construction on site has already started. The team will be adding two new pipes under Long Creek. The team requested the LWMC to approve outfall and boat dock, and natural gas line.

Mr. Mike Benchich shared a slide on Phase 1 of three phase plan for erosion control. Site's runoff is diverted to skimmer basins and a sediment basin. What runoff cannot be diverted is caught by a single high silt fence. Executive Director Brennan asked about single or double high silt fences. When Phase 2 and Phase 3 come online, the site will be stabilized with regard to runoff. Once stable, skimmer basins will be removed. Executive Director Brennan asked about the outfalls from the skimmer basins. He said he talked with Mr. Hargrove about autonomous monitors and shut off valve. Mr. Hargrove said he passed that suggestion along to designers. Executive Director Brennan gave reasoning for bringing this up. Mr. Hargrove said the whole facility will be monitored. Mr. Benchich showed wet pond slide. Mr. Hargrove mentioned deliveries that happen on the site. Need a way to divert and collect any spills that happen on the site. Mr. Joseph Lockler (Charlotte Water) shared slides on Facility Operations and environmental protection. The goal is to put the cleanest effluent back into water. Showed slide on treatment plant compliance.

Mr. Benchich shared slides on the Outfall and Boat Dock projects. These two are combined into one Duke Energy permit. Two pipes rather than one for weather events. Duke Energy Lake Services did not want them to have such a big pipe going into the water, so there are two pipes. Duke Energy wanted them to maximize water over the pipe for boater safety. The erosion control plan will include both double high hazard silt fencing and turbidity curtain.

Mr. Hargrove requested that LWMC vote to approve the proposal outfall lines and boat dock as part of FERC permitting process. Vice Chairman Webber asked since this is a commercial dock, if it will be lit. Mr. Benchich said yes, it will have lighting and power. Commissioner Hartley asked if the water is safe to ingest at the outfall. as swimmers and paddle boarders recreate around the outfall. Mr. Hargrove responded in the affirmative and stated the water that discharges will be cleaner than what is in the lake currently. Executive Director Brennan stated the LWMC will contact NCWRC regarding any buoys that may be needed. Chairman Wilson asked about what happened at Old Dowd and Paw Creek and the cause of the delay in clean up. Secretary Treasurer Beers asked about velocity of outflow at that volume. Mr. Benchich said outfall is under 10' of water. Secretary Treasurer Beers was concerned about swimmers/boaters being pushed away or pulled under. He suggested a sign on the bank that says, "Wastewater Discharge". Commissioner Hanks asked about the project schedule. The plant should be complete by summer/fall 2026.

Another project is the addition of a seventh natural gas utility line across the bridge (utility lines were previously addressed in 2021). There are isolation valves on each 4" line. Charlotte Water will own and operate the service line.

Secretary Treasurer Beers moved to offer the comment of "no objection" to the outfall lines project and natural gas line project. Commissioner Hanks seconded the motion. There was no further discussion, and the motion was approved unanimously. Ms. Parker will send Mr. Benchich the 'no objection' letter and Mr. Benchich will send the PowerPoint slides to Ms. Parker.

#### **Item 7 – Morningstar Marina Spring Event**

Mr. Brad Mills was not able to attend the meeting.

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

SPLASH is in bad shape. The idea was proposed that TowBoat could take over SPLASH and the LWMC logo

would remain on SPLASH. Vice Chairman Webber moved that the LWMC donate SPLASH to TowBoat and the LWMC logo is to remain on SPLASH. Commissioner Mullane seconded the motion. There was no further discussion and the motion was approved unanimously. Does SPLASH have a title? The answer is yes, and additional follow-up is needed. As for other Boat Show items, Secretary Treasurer Beers brought in lifejackets (one in each size), Vice Chairman Webber has different handouts, and Executive Director Brennan printed new regulation cards. Ms. Parker will send out the Boat Show booth sign-up sheet.

#### **Item 9 – LWMC Website Administrator**

Chairman Wilson said he can handle minor content edits, but not major overhauls to website content. Major edits could go to Laura Rabell with Rabell Creative. He mentioned the need to train someone in WordPress. Commissioner Perkins volunteered. Chairman Wilson will brief Commissioner Perkins. Secretary Treasurer Beers distributed a write up on the South Carolina Clean Marinas Program which is to be included in the website update. The next step is to send Executive Director Brennan’s list of website updates to Ms. Rabell for an estimate to make the changes. Vice Chairman Webber also found another resource for website edits.

#### **Item 10 – Boathouse Update**

Commissioner Hartley said the boat house is still in the FERC permitting process. No rise certification was not part of original estimate or study. The LWMC has not provided any funds at this point and no funds have been put aside for permit funding. Commissioner Hartley would like the LWMC to provide funding now to get the FERC permit process accelerated. He proposed up to \$8,000 additional dollars. Executive Director Brennan clarified if this means taking \$8,000 from the \$125,000 already set aside for this project. Commissioner Hartley confirmed that they would like to spend some of that \$125,000 now. Executive Director Brennan gave background information on the boat house project. The idea is to make some of the money available from the funds already allocated. The City of Belmont is not funding the FERC permitting process. Commissioner Hartley moved to provide up to \$8,000 out of the already allocated boat house funds, to the City of Belmont for partial funding for the FERC permit. Commissioner Mullane seconded the motion. There was no further discussion and the motion was approved unanimously.

#### **Item 11 – Buoy Tracking Follow Up**

Commissioner Perkins said that his daughter was born in December, so he has no report this month.

#### **Item 12 – Buoys and Buoy Maintenance Update**

Commissioner Hanks said as far as he knows Mr. Logan Thomas has the buoys and supplies that he needs.

#### **Item 13 – 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, Q2, and Q3 (July 1 – March 31).
- Gaston County: Paid for the full fiscal year (July 1 – June 30).
- Mecklenburg County: Paid for Q1, Q2, and Q3 (July 1 – March 31).

#### **Item 14 – Chairman’s Report**

Chairman Wilson did not have a report.

#### **Item 15 – Executive Director’s Report**

Executive Director Brennan reported that:

#### **No-Rise Certification**

Estimates for the costs of the hydraulic and hydrologic analyses required by federal law range from \$10,000 to

\$12,000. Dock builders have confirmed that they cannot build a dock that would not pass the analyses given Duke Energy's restrictions on dock building and their control of the lake level by the dam system. Executive Director Brennan has sent letters to Representatives Jackson (NC) and Norman (SC) to request the law be amended to exempt Lake Wylie from the law. US Senators Graham, Scott, Tillis, and Budd are copied on the request.

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

All agencies required to respond to the FERC application have done so. There are a few questions yet to be resolved (e.g., installation of restrooms in the park), but none is regarded to be unsolvable. The Belmont Rowing Club (BRC) has advised the City of Belmont that the cost of services from HDL, the engineering firm shepherding the application through the approval process, has increased from their original estimate. The BRC is determining how best to raise the additional funding.

### **Idle Speed Zones**

The public notification of the enactment of the idles speed regulation appeared in the Charlotte Observer and the posting of the notification at four locations on Lake Wylie was completed. Both actions are required by law. The Charlotte Power Squadron and several HOAs have been notified of the new regulations. Updated the large sign for the Boat Show to reflect the enactment of the regulations and picked up cards summarizing the Lake Wyle idle speed regulations in both states to hand out at the Boat Show.

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

The next full meeting of the South Fork River Health Committee is scheduled for next Monday, January 30, 2023. The Policy and Advocacy subcommittee will meet the Wednesday, January 25 to determine which stormwater control measures (SCMs) to be implemented by the agreed to by the Del Webb, Henry Chapel Road, and Lakeview Farms developers will be forwarded to Gaston County to become required SCMs. Separately, suggested to the Belmont Planning and Zoning Board that any SCMs implemented by developers that are not adopted by the Gaston County be included in the requirements of any conditional rezoning in Belmont.

### **Item 16 – Administrator's Report**

Ms. Parker thanked the LWMC and stakeholders for ten great years of work.

### **Item 17 – Public Relations Report**

None.

### **Item 18 – Announcements**

Mrs. Parker was presented a Lake Wylie plaque and bouquet of roses to commemorate her 10+ years of outstanding service to the LWMC. She is accepting a new position as Executive Director of Galilee Ministries of East Charlotte.

### **Item 19 – Adjournment**

The meeting adjourned at 8:54 pm.