

**Lake Wylie Marine Commission**  
**June 26, 2023 Meeting**  
**CityWorks Center – Gaston County**



**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 Quay Williford (York County)  
Commissioner Sam Perkins, (Mecklenburg County)

**Commissioners Absent:** Vice Chairman Ray Webber (York County), Dan Mullane (Mecklenburg County)

**Staff Present:** Neil Brennan, Executive Director; Chris Clark, Legal Counsel  
Alice Flowers, Administrative Assistant

**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 May 22, 2023 minutes. Secretary Treasurer Beers moved to adopt the corrections to the June 26, 2023 minutes as reported. Commissioner Thomas seconded the motion. Minutes of the previous meeting were approved as corrected. There was no further discussion.

**Item 3 – Approval of Agenda**

Chairman Wilson asked if any changes need to be made to the June 26, 2023 agenda. Secretary Treasurer Beers moved to approve the July 24, 2023 agenda. Commissioner Thomas seconded the motion. There was no further discussion, and the motion was approved unanimously.

**Item 4 – Public Comment**

Ms. Nancy Smith extended an invitation to the LWMC Stakeholders to attend the Catawba Yacht club on Tuesday, July 4<sup>th</sup>, 3 to 6 PM.

**Item 5 - Stakeholder Reports**

Charlotte-Mecklenburg Police Department (CMPD) – Officer Reitano reported that they are having a busy season. So far, they’ve rescued a capsized boat on the water one evening around 10 pm. No injuries were reported but drinking was involved. They anticipate the upcoming Fourth of July weekend to be as busy.

Tega Cay Police Department – No report was given.

Mecklenburg County ABC Board Law Enforcement (MCABC) – No report was given.

US Coast Guard-Sector NC – No report was given.

Mecklenburg County Land Use Environmental Service – No report was given.

Gaston County Police Department (GCPD) – Sergeant Knupp reported that in early June they found an abandoned boat on the water. Fire Boat 38 was used to remove the boat and no injuries were reported. South Boat Safety Landing training is currently being conducted. GCPD received a call from the manager of Morning Side to report on a verbal altercation. There were no injuries.

Sergeant Knupp requested that the LWMC authorize up to \$2000 for new side scanning sonar for their police

boat. Executive Director Brennan recommended that funds be taken from the FY23-24 budget. Sergeant Knupp stated that the Chief of Police for GCPD will cover anything over \$2000. Motion by Commissioner Hanks to approve Gaston County Police Department for funding of up to \$2000 for new side scanning sonar for their police boat. Second by Commissioner Hartley. Motion carried.

York County Sheriff's Office (YCSO) – Lieutenant Clark reported that they were on the scene for the drowning of a 16-year-old in Big Allison Creek. No further details were available as of June 26, 2023.

The YCSO has received multiple complaints from residents about wake boats being too close to the dock. They are in the process of resolving the situation. The YCSO was called out to rescue around 20 people who were stranded on the lake. It was reported that a gentleman that goes by Captain/Master has a license to operate a charter boat. Allegedly, the folks who were rescued by the YCSO were on Captain/Master chartered boat and he never came back to pick them up. The question came up if the activity by this gentleman is in violation of Duke public landing ordinance. Chairman Wilson mentioned that Lake Wylie Marine Commission could adopt a policy like what is being drafted by the Lake Norman Marine Commission. They've had similar issues on Lake Norman and are updating their policy and taking precautions to mitigate noise and potential injuries. One consideration to mitigate some of the problem is to create a permit process for people who want to operate a charter boat/commercial boat as a business on the lake and would need to submit a request to LWMC for approval. However, any changes to the policy cannot supersede state and city laws. Chairman Wilson will send out the LNMC's draft as a guide and will copy LWMC legal counsel Chris Clark for consideration.

Mecklenburg County Sheriff's Office – Sergeant Farrar-Gordon – No report was given.

Tega Cay Police Department – Chief Parker – No report was given.

Mecklenburg County ABC Board Law Enforcement – Sergeant Shankle/Officer Mullis – No report was given.

NC Wildlife Resources Commission (NCWRC) – Sergeant Laton reported that they have completed the investigation into the vessel incident that occurred on March 28, 2023, in which a rower was killed when struck by a power boat. This is a great example if anyone such as a nonprofit group or elected official would like to champion a legislative change to the laws currently on the books. As a law enforcement agency, they can't create new laws. They can only offer insight from their perspective. Officers did observe fishing and littering violations on property adjacent to The Sanctuary. Officers have met with members of the community and the unauthorized activity seems to have stopped for now.

Officers did respond to a vessel incident on Sunday, June 25, 2023, on Lake Wylie. An investigation is underway to determine what happened. There appears to be only damage to the vessel. There were no injuries as a result of this incident.

Sergeant Laton also reported that they routinely run into boaters on the water after dark. The NCWRC would like to hand out Chem Lights for safety reasons. He requested that the LWMC authorize purchasing Chem Lights in red, green, and white. Commissioner Hanks moved to purchase a thousand each of the Chem Lights in red, green and white, to be distributed to boaters after dark for safety reasons. Second by Commissioner Williford. Motion carried unanimously.

SC Department of Natural Resources – Sergeant Plemmons/Officer Vissage – No report was given.

US Coast Guard-Sector NC – Captain Troy Glendye – No report was given.

US Coast Guard Auxiliary (USCGA) – Ms. Lisa Spencer reported that there were 187 vessel examinations conducted to date. (Written report received after the meeting).

Mecklenburg County Land Use Environmental Service – Dave Ferguson/Matt Phillips – No report was given.

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**Duke Energy** – Mr. John Bradley reported that the lake level was at 97 and no dredges approved since the May meeting.

He also provided additional information regarding the concerns from the Lake Wylie Marine Commission (LWMC) as follows:

**South Point Access**

1. LWMC: Asked if Duke Energy could provide and explain the state statute that the extensive clearing that has taken place at the **South Point Access** area is allowed.
  - a. **Answer:** Two approvals for the clearing / ground disturbance impacts at the South Point Access Area were received:
    - 401 Water Quality Certification from NCDEQ (Water Quality Regional Operations Section, Mooresville Regional Office) approved 1/4/2022 for the unavoidable impacts in the buffer per the riparian buffer statute 15 NCAC 02B.0614 for the Day Use Area (fishing piers, connecting sidewalks / pedestrian trail, swim beach and shoreline stabilization).
    - Erosion & Sediment Control (E&SC) Plan approval from NCDEQ (Land Quality Section) approved 6/30/2021 for 6.98 acres of disturbance for the new Day Use Area and then modified and approved 12/14/2022 for an additional 1.64 acres for a total disturbance of 8.62 acres. The modification was to include in the Limits of Disturbance (LOD) for the entrance road shoulder improvements and an area around the perimeter of the existing boat ramp parking area for asphalt curb replacement with concrete curb.
      - There are two storm water detention basins that are functioning and performing as designed to capture and filter runoff from the storm drain inlets in the new parking areas.
      - Weekly E&SC inspections have been ongoing to ensure the best management practices (BMPs) and erosion control measures are maintained and functioning as intended.
      - New landscaping (trees & shrubs) has been installed in the buffer in the Day Use Area and also adjacent to the new vault toilet restroom in the boat ramp area.

**South Point Swim Area Update**

2. LWMC: What agency will be responsible to operate/ maintain the new South Point Swim Area Update? There's apparently an initiative for Gaston County to lease the new swim area from Duke for a nominal amount; the county would then operate / maintain that area, correct?
  - a. **Answer:** Duke Energy is currently in discussions with Gaston County for the management of the access area as a county park. The NC Wildlife Resources Commission will continue its role in maintaining the boat ramp area.

**Comporium Upgrade to the Allison Creek Access**

3. Allison Creek Access landing is in the process of being turned over to the county. They will need 3-4 weeks to prep the parks. Ramps can be opened now. The county has taken control of the park at this point. The barricades have been removed.

Executive Director Brennan reported that the cable laying project does not enter the waters of Lake Wylie and terminates at ~1000 feet away from the water. As such, it does not appear to require a site visit from LWMC.

Director Brennan also reported the information he received from Comporium, Inc. that Duke Energy and York County have partnered to upgrade the existing Allison Creek Access Area in compliance with the Federal Energy Regulatory Commission approved Recreation Management Plan for the Catawba-Wateree Hydroelectric Project (FERC No. 2232). To support York County's operation and management of the site, Comporium, Inc proposes

to bury a fiber optic cable along Viesta Road from Allison Creek Road to the new ranger station. The purpose of the fiber is to provide York County with communication services and high-speed internet access.

This plan has been provided to the following agencies:

- US Army Corps of Engineers
- South Carolina Institute of Archaeology and Anthropology
- Catawba Indian Nation Tribal Historic Preservation Office
- US Fish and Wildlife Service
- SC Department of Archives & History
- SC Department of Health & Environmental Control
- Water Quality Standards & Wetlands Section
- SC Department of Natural Resources
- SC Department of Parks, Recreation & Tourism
- Lake Wylie Marine Commission

The Agency Notification Letter and a proposed preliminary construction plan are attached in the June minutes.

TowBoatUS – Mr. Logan Thomas reported that since the last meeting they have responded to 104 calls for assistance on Lake Wylie. That was 99 tows and 5 salvage/sunken vessels. They were also on scene for the drowning in Big Allison Creek and for the overturned boat at the mouth of Paw Creek.

**Item 6 - South Carolina Boating Safety Law Update**

Secretary Treasurer Beers reported that the South Carolina Legislature passed the boating safety education law. Governor Henry McMaster signed it into law on June 7, 2023. The effective date is August 2023.

**Item 7 - Buoy Tracking Follow Up**

Commissioner Perkins – No updates to report. Upcoming updates will be on the website.

**Item 8 - Buoys and Buoy Maintenance Update**

Mr. Logan Thomas reported that they installed new buoys at Withers Cove/the firehouse, Browns Cove, I-85 bridge, and the railroad bridge.

**Item 9 - Treasurer’s Reports**

Secretary Treasurer Beers reported that draft FY24 budget is in the agenda packet. No checks were cut this month. Revenue for FY23 is in from the three contributing counties.

**Item 10 - FY22-23 Budget Amendment**

LWMC Budget Committee

Secretary Treasurer Beers moved to approve the FY22-23 Budget Amendment as presented. Commissioner Thomas seconded the motion. Discussion: Commissioner Hanks had questions about how some numbers were presented on the budget amendment; there was no clear explanation. Commissioner Hanks amended the motion to postpone the FY 22-23 Budget Amendment to the July meeting to give the Commissioners an opportunity to clarify the numbers in the report. Commissioner Dan Hartley seconded the motion. The motion carried.

### **Item 11 - FY23-24 Budget**

Public Hearing for Consideration of the FY23-24 Budget Ordinance

- Commissioner Hanks moved to open the Public Hearing to discuss and approve the FY23-24 budget. Commissioner Hartley seconded the motion, and it was approved unanimously. There were no comments from the public. Commissioner Hanks moved to close the Public Hearing. Commissioner Perkins seconded the motion, and it was approved unanimously.

Discussion and Approval of the FY23-24 Budget Ordinance

- Secretary Treasurer Beers moved to approve the FY23-24 budget as presented. Commissioner Williford seconded the motion. Discussion: It was discussed to move funds from certain line items to accommodate the spending shortcomings for the Chem Lights. Secretary Treasurer Beers moved to Adjust the FY23-24 Budget and move funds from the Native Shoreline Vegetation Program in the amount of \$410 to accommodate purchasing Chem Lights for NCWRC. Commissioner Hartley seconded the motion, and it was approved unanimously.

### **Item 12 - Consideration of Contracting with Centralina Regional Council for Administrative Services for FY24**

Treasurer Secretary Beers moved to approve the contract for administrative services for FY24 with Centralina Regional Council. Commissioner Williford seconded the motion. There was no discussion, and the motion was approved unanimously.

### **Item 13 - Executive Director's Report**

Executive Director Brennan reported that:

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

HDR, the engineering firm shepherding the FERC application through the process for the City of Belmont, reports that they have the necessary information to submit the Pre-Construction Notification (PCN) to respond to US Army Corps of Engineers' initial comments that arose during the agency review process. In parallel, US Army Corps of Engineers will coordinate the same information with the US Fish and Wildlife Service, an agency that also requested that information. Both agencies typically respond within 30 days to the PCN after which HDR will complete the draft application package and send it to Duke Lake Services for their review. The draft application must include documentation of the resolution of all the agency review comments. Duke Lake Services is the final step in the approval process prior to their submittal to FERC.

#### **Enhanced Erosion and Stormwater Control Measures (E&SCMs)**

In pursuit of enhanced E&SCMs similar to those in place in York County and Mecklenburg County for the South Fork and Catawba Rivers in Gaston County, there is a two-pronged approach in the works:

- 1) The South Fork River Health Project is assessing the effectiveness of such measures for inclusion in the Gaston County ordinances, and
- 2) Codifying the E&SCM approved for the Del Webb project in the Belmont City Land Development Code.

If approach 1 proves unsuccessful, approach 2 – if successful – would then be proposed to other Lake Wylie municipalities to follow suit. Currently, York County and Mecklenburg County stormwater and sedimentation control ordinances are more stringent than Gaston County requirements.

#### **Boat Exclusion Markers at the South Point Swim Area**

Brian Couture, Duke's project manager for the new swim area adjacent to the South Point boat access, requested assistance in the establishment of a boat exclusion area for the swim area. As the site is scheduled to open on July 8<sup>th</sup>, I submitted the application for Duke as those applications must originate from a government agency and there was insufficient time to raise the request at the regular LWMC June meeting, have the area assessed by the NCWRC, and install the buoys. Subsequently, NCWRC expedited the investigation of the area and determined the exclusion buoys are warranted; Duke is scheduled to have them installed the week of

June 26... with stainless steel cable and hardware.

**Item 14 – Administrator’s Report – No report given.**

Ms. Flowers did not have a report.

**Item 15 - Public Relations**

- Website Management - Commissioner Perkins has updated the website to bring all information current on the website. Centralina’s phone number is listed on the website as the initial contact for the LWMC.
- Executive Director Brennen requested the Commissioners email him with any information that should go in the upcoming LWMC newsletter.
- Montcross Area Chamber-LWMC – Executive Director Brennen asked the Commissioners for consensus on whether LWMC should run an ad in the 2023-2024 Montcross Area Chamber of Commerce Community Guide + Business Directory. The consensus was to not run an ad at this time.

Mecklenburg County Commissioner Elaine Powell was acknowledged for attending the meeting.

**Item 16 – Announcements**

None

**Item 17 - Adjournment**

The meeting was adjourned at 8:21pm.