

**Lake Wylie Marine Commission**  
**January 22, 2023, LWMC Meeting**  
**CityWorks Community Center – Gaston County**



**Commissioners Present:** Chair Ray Webber (York County)  
Vice Chair Brad Thomas (Gaston County)  
Secretary Treasurer Sam Perkins (Mecklenburg County)  
Commissioner David Stoner (Mecklenburg County)  
Commissioner Brian Yarmon (Mecklenburg County)  
Commissioner Dan Hartley (Gaston County)  
Commissioner Jerry Smith (Gaston County)  
Commissioner Ray Williams (York County)  
Commissioner Quay Williford (York County)

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

**Meeting Minutes**

**Item 1 – Welcome**

Chair Webber called the meeting to order at 7:00 PM and welcomed everyone present.

**Item 2 – Approval of Minutes**

The minutes of the meeting held on November 27, 2023, were accepted as they were presented. Chair Webber informed that the minutes of November 27, 2023, that were sent by mail referred to the financials of October 2023 and suggested that the minutes should be substituted with the meeting packet handed out during the meeting, which includes the accurate financials for December 2023. Chair Webber proposed a motion for the approval of the November 27, 2023, minutes as discussed. The motion was seconded and passed unanimously.

**Item 3 – Approval of Agenda**

The agenda was approved without changes.

**Item 4 – Public Comment**

None.

**Item 5 - Stakeholders**

**Charlotte-Mecklenburg Police Department (CMPD)** – Vice Chair Thomas received a message from Officer Joye, who was absent, stating that the CMPD supported the proposed rental regulations.

**Gaston County Police Department (GCPD)** – In terms of reporting, Sergeant Knupp had no official information to report on behalf of the GCPD. The GCPD looks forward to being at the Boat Show.

**York County Sheriff's Office (YCSO)** – Lieutenant Clark reported observing a dock floating in Allison Creek Park. He pulled and secured it in a Cove by Allison Park and immediately communicated the issue to Mr. Logan Thomas. Mr. Thomas told Lieutenant Clark he would notify Duke Energy to take necessary steps for the floating dock's removal. The latest update is that Duke Energy is aware of the issue and the dock's owner is currently planning for its removal.

**Mecklenburg County Sheriff's Office** – No report was given.

**Tega Cay Police Department (TCPD)** – No report was given.

**Tega Cay Fire Department (TCFD)** – No report given  
**Mecklenburg County ABC Board Law Enforcement** – No report was given.

**NC Wildlife Resources Commission (NCWRC)** – Sergeant Laton formally introduced Officer Anthony Bynum, the most recent addition to the NCWRC team. *(Sergeant Laton subsequently reported at the Boat Show that the buoy issue near Joyner Marina has been completed by the NCWRC officers, and they will soon present their findings to Sergeant Laton and the No- Wake Zone Coordinator at the NCWRC.)*

**SC Department of Natural Resources (SCDNR)** – No report was given.  
**US Coast Guard-Sector NC (USCGSNC)** – No report was given.

**US Coast Guard Auxiliary (USCGA)** – Mr. Mark Briggs introduced himself as the new Flotilla Commander for Lake Wylie. He is working on a replacement for Ms. Lisa Spencer and will confirm the new stakeholder who will attend the monthly meeting as soon as possible.

The Boating Safety Class schedule for 2024 is available. Classes will be held at Cabela's, Sporting Goods Store at 1000 Cabela's Drive, Fort Mill, SC on the fourth Saturday of the month starting in March – September 28 from 9 am to 5 pm. More information can be found at <https://wow.uscgaux.info/content.php?unit=054-26-02&category=boating-safety-courses-1>.

The Coast Guard completed 272 vessel safety checks exams in the Lake Wylie area in 2023. A new person will oversee the vessel safety checks and the plan is to increase the number of safety checks in 2024. They plan to make regular visits to different sites starting on the second and third Saturdays in March.

There were 342 program visits last year. There have been 13 visits so far this year. Patrols and training will start this spring.

**Mecklenburg County Land Use Environmental Service (MCLUES)** – No report given. The Water Quality report for November was provided in the meeting packet.

**Steele Creek Fire Department (SCFD)** – No report given.

**Duke Energy** – Mr. Kermit Taylor reported that the lake level was at 96.6 feet and climbing. They approved two dredges since the last meeting. Mr. Taylor reported the U.S. Drought Monitor currently shows the entire Catawba basin is no longer experiencing drought conditions and, on January 16<sup>th</sup>, the basin recovered from Stage 1 to Stage 0 of the Low Inflow Protocol. All triggers must support normal conditions before the basin is considered fully recovered. While the six-month Average Stream Flow and Reservoir Storage Index have both improved to normal levels, the three-month average of the U.S. Drought Monitor still supports Stage 0. The basin had just entered Stage 1 prior to the last LWMC meeting in November.

**Catawba Riverkeeper** – No report was given, however, Executive Director Brennan, attended the Catawba Riverkeeper annual meeting where they gave an update on the status of the entire basin. More information about water quality is available on their website at <https://www.catawbariverkeeper.org/>.

**TowBoatUS** – Mr. Logan Thomas reported that they responded to 21 routine tows and six salvages and sunken vessels. They will be at the Boat Show with SPLASH.

**Item 6 – LWMC 2023 Audit Report** – Ms. Belinda Johnson, CPA, presented the LWMC 2023 audit and

reported that the Local Government Commission accepted the audit. Ms. Johnson read the audit conclusion letter to the LWMC Commissioners.

**Item 7 – Proposed Legislation Death by Motor Vessel by the Catawba Yacht Club (CYC)** – Ms. Nancy Smith spoke on behalf of the Catawba Yacht Club. She recalled a recent fatal accident that involved a member of the club, Mr. Jim Cooke, who was hit by a powered boat while he was in his rowboat on Lake Wylie in March 2023. Under the current law, the boater was charged with reckless boating, a Class 2 Misdemeanor. There is no law for fatality by an unimpaired operation of a boat, and this is a perceived gap in the law the Yacht Club wants to fill. In honor of Mr. Cooke’s memory, the Yacht Club appointed a legislative committee to look at new legislation. After speaking with the NCWRC officers, Mecklenburg County District Attorney, a former North Carolina House Representative, and other interested parties, the Catawba Yacht Club is proposing new North Carolina legislation to increase the penalty for reckless boating that causes a fatal accident of another person. A discussion followed in which the rowing club to consider what else they can do to ensure the low-level watercraft are more visible on the water. With support from Mr. Cooke’s family and others, the club would like to seek support from the LWMC to support new legislation.

**Item 8 – Mid Atlantic Boat Show** – The Commissioners discussed the booth schedule and sent a copy of the schedule to Commander Mark Briggs at the US Coast Guard Auxiliary.

**Item 9 – Charter Boat and Rental Boat Regulation** – Chair Webber and Mr. Brennan discussed the draft legislation to help regulate charter and rental boats that are operating on Lake Wylie. The final draft was presented to the Commissioners today. The draft regulations document is being circulated to law enforcement. They are getting helpful reviews and favorable feedback. Vice Chair Brad Thomas moved to accept the final draft of the Charter and Rental Boat Regulation. Commissioner Jerry Smith seconded the motion. Discussions ensued and it was decided that Section 4 needs more explanation. Vice Chair Thomas amended the motion to insert more details in Section 4 as deemed necessary. The amendment was seconded and passed unanimously.

Mr. Brennan will be briefing the County Commissioners and County Council members in the following months regarding the [proposed regulation. A motion to send out a public hearing notification on the proposed regulation as required by law passed.

**Item 10 – Buoys and Buoy Maintenance Update** – Mr. Logan reported that all the buoys are under water due to the current from the rain. They are working on getting things back to normal.

**Item 11– Buoy Tracking Follow up** – Secretary Treasurer Perkins is in the process of working on the buoy tracking follow-up and will have a report soon.

**Item 12 - Treasurer’s Report** -- Secretary Treasurer Perkins reported the year-to-date budget. See attached budget report for detailed information.

**Item 13 - Chairman’s Report**

- Action items - Nothing to report at this time.

**Item 14 – Executive Director’s Report – January 2024**

Executive Director Neil Brennan reported on the following items:

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

Brooke Ahrens of HDR Inc., the firm shepherding the FERC application through the approval process, reported her team received the Pre-Construction Notification (PCN) completed recently with the U.S. Army Corps of

Engineers, the last agency to sign off on the PCN. HDR will assemble the package this week and get the application to Duke Lake Services after the City of Belmont and the Belmont Rowing Club (BRC) are satisfied with it. Duke will then apply to FERC. This FERC application is for a city park that will be the location for a BRC rowing dock and a government boat house for the Gaston County police boat and the City of Belmont fire boat. The LWMC has committed seed money for the government boat house to provide a more readily available safety response to incidents at the northern reaches of Lake Wylie.

#### **Lake Wylie Marine Commission Charter Boat and Vessel Rental Regulation**

All law enforcement agencies that patrol Lake Wylie have reviewed the draft of the LWMC Charter Boat and Vessel Rental Regulation. In addition, Bob Wilson, former owner of Rowboat Dock and Dredge reviewed the draft. He is a commercial marina owner where they rent boats, a Licensed Coast Guard Captain, a marine contractor, and designer on the Catawba Wateree for 45 years, an offshore sailor, and was a regulator with the NC Coastal Resource Commission for eight years. We have incorporated some of his recommended changes, and Attorney Clark has provided the final edits. Following approval of the final draft by the LWMC, the proposed regulation, the LWMC will send the draft to the Gaston and Mecklenburg County Commissioners and the York County Council Members for review and comment.

#### **South Fork River Health Project**

Catawba Riverkeeper Executive Director John Searby and Executive Director Brennan met with the City of Belmont Public Works Director Jonathan Wilson and Belmont Stormwater Administrator Hayden Davis to propose changes to the Belmont city ordinances which would codify the enhanced erosion and stormwater control measures the city was able to require of the Del Webb project only through a conditional rezoning process. The changes are included in a draft of the new chapter for the Belmont Land Development Code.

#### **Joyner's Marina No-Wake Zone (NWZ) Update**

Commissioner Yarmon recommended expanding the NWZ at Joyner's Marina and including a danger buoy at a shoal area inside the NWZ. Mr. Brennan passed his recommendation to the NWZ coordinator at the NCWRC for consideration in the NWZ request the LWMC previously submitted.

**Item 15 - Administrator's Report** – Ms. Flowers informed the Commissioners that her working hours will be reduced for 2024 and will follow up with her new schedule by email.

**Item 16 - Public Relations - Secretary Treasurer Perkins** made updates to the website. The email blast was very well received. The website updates are still ongoing.

**Item 17 – Announcements** – No announcement was given.

**Item 18 – Adjournment:** The meeting adjourned at 8:34 pm.