

**Lake Wylie Marine Commission
May 20, 2024 LWMC Meeting
The Red Fez Shrine Club – Mecklenburg County**



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

Commissioners Absent: Chairman Ray Webber (York County)

Staff Present: Neil Brennan, Executive Director
Lenessa E. Hawkins, Administrator

Meeting Minutes

Item 1 – Welcome

Vice Chairman Thomas called the meeting to order at 7:00 PM and welcomed everyone present to the meeting. Vice Chairman Thomas reminded meeting participants who wanted to address the Commission to add their names to the sign-up sheet in order to be heard.

Item 2 – Approval of Minutes

Vice Chairman Thomas asked for a motion to approve the April 22, 2024 minutes. Commissioner Stoner stated that he shared some spelling corrections with Administrator Hawkins prior to the meeting. Commissioner Dan Hartley moved to adopt the April 22 2024 minutes as amended. Commissioner Stoner seconded the motion. There was no further discussion and the motion was approved unanimously.

Item 3 – Approval of Agenda

Vice Chairman Thomas asked if any changes or additions were needed to the May 20, 2024 agenda. Vice Chairman Thomas wanted to add a discussion on first responder’s training. Commissioner Smith moved to adopt the May 20, 2024 agenda as amended. Commissioner Yarmon seconded the motion. There was no further discussion and the motion was approved unanimously.

Item 4 – Public Comment

Deiter Melhorn (PO Box 172 Cramerton NC) – Mr. Melhorn operates as a charter captain and fishing guide on Lake Wylie. He expressed that he and other colleagues present were Coast Guard licensed as OUPVs. He expressed that they had heard of a possible new regulation concerning charter boat rentals that may or may not affect their businesses. He had also heard that the proposed regulations would parallel what Lake Norman had, from which they were excluded. They would like to be excluded from proposed charter regulations because they can be randomly drug tested, have passed Coast Guard testing, and hold TWIC cards (which has extensive background checks) to comply with federal regulations. He further shared that his outings are mostly

off the lake before others are on the water, usually two to three people on board but no larger than a six-pack . They asked for special consideration and not to be lumped in with larger operations.

Chris Nichols (3625 Easthampton Dr. Gastonia NC) Mr. Nichols recommended an update to the Buster Boyd Boat Landing. He stated that there is nowhere to tie up your boat when you launch your boat. There are four ramps at this location and will be tied up if four people come to launch their vessels at the same time. Mr. Nichols proposed adding additional boat docks to the side of the boat ramps where people can tie up their boat so that users are not blocking the boat ramps when launching or removing their vessels. He further clarified that he is requesting additional boat slips not boat ramps would make it 100% better. He mentioned that additional boat slips were added recently at Ebenezer landing and they have worked well. The biggest issue is that there is nowhere to tie up your boat without blocking the ramp. He appreciated the Commission's consideration and time. Additional comments - 100s of people are renting from their house.

Nancy Smith (301 Holiday Road Gastonia, NC) Ms. Smith extended an invitation to the Lake Law Enforcement to stop by and take a break at the Catawba Yacht Club on Memorial Day on Monday May 27, 2pm to 5 pm. She also extended an invitation to the Commissioners if any would be on the water at that time. They would be offering water, Gatorade® and cookies.

Vice Chairman Thomas commented that the proposed charter rental legislation was started to protect businesses like Mr. Melhorn's. Commissioner Stoner commented that he had asked about this previously to have them specifically excluded from this regulation. Executive Director Brennan deferred to Duke Energy that has control of the Buster Boyd Boat Ramp and would be the one to address those issues pertaining to request for additional boat slips.

Item 5 - Stakeholders

Charlotte-Mecklenburg Police Department (CMPD) – Lake Unit - Officer Fran Reitano reported that the Coast Guard will be on the Lake for three days this year during the Memorial Day weekend. Their Boathouse is up for bid now. They have been on the lookout for buoy violators at Joyner Marina. They are definitely working. He also had a reminder of the request to purchase two pairs of binoculars. He will email the information to Administrator Hawkins.

Gaston County Police Department (GCPD) – Sargeant Eric Knupp reported at the beginning of the month had the swim meet at the top of the lake with 50 swimmers along with CMPD, Wildlife and Mt Holly Fire Dept. They were very appreciative of the law enforcement presence at the swim meet. They had to get people out of the water at the very end, due to lightning. It has not been real busy month so far. At the last meeting where Sgt Knupp stepped out, there was a "swatting" call received for a kidnapping at Morning Star Marina. The call came out of Chicago. He further reported that the last day of school will be Wednesday. The unit will be on the lake the rest of the summer until school starts back. They plan to be training on Tuesdays and Wednesday to include sonar training. They are now pretty much ready for the summer. Their patrol hours during the week are 7am to 7pm and weekends are either 9am to 9pm or 10 am to 10 pm.

Gaston County Emergency Services (GCEMS) – Captain Mark Sigmon reported that they responded hand in hand with Sargeant Knupp's unit. Their new Dive 4 boat, to be located at the southern Morning Star Marina (at Drift), is progressing. It is up and running. The deck has to be coated and a top placed on it. It is planned to be ready this summer.

York County Sheriff's Office (YCSO) – Lieutenant Clark reported with regard to the rental pontoon issues on the Lake; he reported that the unit was contacted today by a citizen about a pontoon operating on the lake. Kellens Cove pontoon operates two pontoons off a vacant lot (5548 Riverfront Road) with multiple docks by renting the docks as pick up points by moving the jet skis back and forth. One pontoon had an invalid registration that was addressed by SCDNR last week. The website is kellenscove.com. It is a bare boat rental. Mr. Kermit Taylor was asked to address this issue with the owner. Lt. Clark further stated that there are many owners operating similarly out of their properties. Lt. Clark further reported that they will have crews working all weekend. School Resource Officers (SRO) are almost done. They will usually have two vessels and two watercrafts on the water all summer long. They will text the Officers numbers that will be on the lake and the addresses to Executive Director.

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 was given.

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

NC Wildlife Resources Commission (NCWRC) – Sergeant Laton reported that over the past month the NCWRC had an opportunity to take part in the Charlotte Fire department's Annual Water Day. Sergeant Laton had the great opportunity to speak about boating safety. Memorial Day weekend is about to kick off. Last week, officers completed their refresher on a battery of standardized field sobriety tests, to detect impairment in boat operators. The unit will be training at Steele Creek Fire Department tomorrow for different agencies. The unit expects to have each day during the holiday one to two boats on the water from District 6 and District 8. Sgt. Laton will text officer's numbers.

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) – Officer Mark Wilson reported 206 vessel safety checks this year with 82 in May alone, specifically 70 today alone at Thunderbird. This week is National Safe Boating Week. The unit has conducted activity at Morning Star last week and Tega Cay recently. This coming week on Thursday, the unit will be at Joyner conducting vessel safety checks at 10:30 am and then West Marine around 5 pm for checks with public affairs booth. On Friday, they will be at Tega Cay at 9 am and Saturday at Allison Creek at 11 am. The unit plans to have a boating safety class in Fort Mill at Cabela's on May 25th. Going forward, in June, July and August, they plan to routinely, on the second Saturday of the month, will be at Tega Cay and on the third Saturday plan to be Allison Creek with an exception (they will try Ebenezer in September if it is opened by then). The regular Coast Guard will be out. As far as the Auxiliary's patrols are concerned, they are gearing up subject to availability of their boats and availability of their people.

Mecklenburg County Land Use Environmental Service (MCLUES) – No report.

Steele Creek Fire Department (SCFD) –No Report.

Duke Energy – Lake Services Group -Mr. Kermit Taylor reported lake level this afternoon at 97.5, holding steady. There were no approvals for dredging and no information to report on drought conditions.

Catawba Riverkeeper – Ms. Molinari reported that swim guide testing starts this week. Their most immediate need is boat captains and she has contact information for those interested. Riverfest's date was moved. She deferred to the Commission as it was an item on the agenda. Ms. Molinari shared that boat captains would collect water samples, note the water conditions and take pictures. Interns will pick up the samples from the

captains on Thursday. And, then they will have the results by Friday.

TowBoatUS – Mr. Logan Thomas reported that there has been a lot of rain this past month. They have 42 tows on Lake Wylie. There was one salvage down in Tega Cay. They expect 90 for June. They had SPLASH out here at the Red Fez Shrine Club for the Americas Boating Club Event. It was a lot of fun!

Item 6 – Consideration of First Responder Lunch Request - Vice Chairman Thomas explained that on Tuesday, Wednesday and Thursday all the first responders on the Lake will be completing training at the Red Fez Shrine Club. The Commission received a request to sponsor lunch for one of the days during the training. Commissioner Smith moved to authorize providing a lunch at \$600 for 50 people. Commissioner Yarmon seconded the motion. There was no further discussion. The motion passed unanimously.

Item 7 – Update on the FERC Application for the City of Belmont Park – Executive Director Brennan met with Chief of Police and Ray Maxwell. They advised that they rather have the boathouse near their park rather than at Belmont. The rationale is that police presence would have a greater impact than at the other Belmont location. This seed money was started in 2019 for a northern law center. Executive Director Brennan advised that the Commission does not have a vote in the positioning of the boathouse; the Commission was to provide funding for a northern law center. Executive Director recommends that they be invited to come to the Commission to offer a briefing on what the county has proposed so a vote could be entertained to provide funding at the revised location. This means that the FERC application will have to be revised to remove the boathouse from the northern position on the drawings and this may start the review process all over. Duke will amend the swim area application that is in place to accommodate the change, amending it to include a 2-slip boathouse and the kayak launchpad on the channel side of the swim park. Sgt. Knupp noted that kayak park is going in now but they are keeping the area clean. The park area is currently open to the public.

Item 8 – Lyngbya Update – Vice Chairman Thomas – Both the April and May applications have been completed.

Item 9 – Charter Boat and Rental Boat Regulation – Executive Director Brennan reported that the Commission may not have the purview to write such a regulation. The Commission’s Attorney Clark will meet with Gaston County Attorney Joye to discuss. Attorney Joye stated that he will take a look at pulling together something to address the Commission’s needs. So, the proposed draft is held in abeyance until further notice.

Item 10 – Buoys and Buoy Maintenance Update – Mr. Thomas Logan reported that he was aware of one buoy at Withers Cove for replacement. Commissioner Hartley asked about a Tailrace marina buoy. Mr. Logan stated that they were not the Commission’s buoys and were the responsibility of the owner. Commissioner Hartley asked about the red and green buoys. They are responsibility of NC Wildlife. Sunset Island and Sadler locations for NWZ will be assessed during higher boat traffic periods to determine is NWZs are warranted.

Item 11– Buoy Tracking Follow up – No Report.

Item 12 – Clean Marinas – Commissioner Quay Williford reported inspections have been completed, documentation has been submitted, and now have the last two flags to be presented to marinas.

Item 13 – Catawba Riverkeeper RiverFest - Due to impending weather conditions, the Riverfest was postponed until July 20th from 10 am – 4 pm.

Item 14 – Treasurer’s Report – Commissioner Perkins stated that financials look good. The last receipt from York County came in and completes the Commission’s revenue goal for the budget. Drafts submitted by the Executive Director and the Administrator of the budget were close, with small differences. The largest change to the budget will be the six treatments for lyngbya next year. The Aqua Services contract cost quoted will cost \$31,120.80 annually. Three of the treatments will be in the current fiscal year. Executive Director shared the background and

recommended that the Commission budget for these treatments for the next year as well. Therefore, Executive Director Brennan recommended withdrawing \$21,000 of savings, adding back \$2,000 for hydrilla treatments (carp and herbicide) plus \$19,000 for lyngbya treatments in the Aquatic Weed Management line item for a total of \$32,200. Vice Chairman Thomas asked Mr. Taylor whether Duke contributes any money for any of the reservoirs. Duke provides in-kind surveys to locate the lyngbya populations in Lake Wylie. and minor funding for the Lake Norman for lyngbya. Bret Hartis is the contact. The Commission may have to go back to the Counties to request additional funds and/or seek state funds.

Item 15 - Chairman's Report – No report.

Item 16 – Executive Director's Report –May 2024

Executive Director Neil Brennan submitted his report on the following items:

Federal Energy Regulatory Commission (FERC) Application

Met with Gaston County Chief of Police Stephen Zill and Ray Maxwell, Gaston County Infrastructure and Asset Management, on May 17. The county has assumed responsibility for the management of the South Point Road Swim Park, and both agree that the boat house for the Gaston County police boat and the Belmont Fire department rescue boat should be located there instead of at the proposed Belmont City Park farther north. The rationale is that police presence at the Swim Park would have a greater impact there than at the proposed city park.

Mr. Maxwell is to provide the overall plans showing the additional Swim Park amenities that will include the two-slip boat house and a kayak launch platform. The FERC permit that is provided for the Swim Park is the vehicle for these additional amenities.

Lake Wylie Marine Commission Charter Boat and Vessel Rental Regulation

Following my briefing to the Gaston County Commissioners on April 9, Chairman Webber and I met with Gaston County Attorney John Joye to review the proposed regulation. Mr. Joye advised that the Lake Wylie Marine Commission may not have the authority to issue such a regulation. proposed regulation May be LWMC Attorney Clark and Mr. Joye have agreed to meet to discuss the issue further. The proposed regulation is on hold pending that discussion.

Shoreline Management Plan Review

With Chairman Webber, represented the LWMC at the most recent review of Duke Energy's Shoreline Management Plan (SMP). The SMP includes rules on construction, private facilities, marinas, excavation, vegetation management and other issues that impact the lakes in Duke Energy's purview. The updated revision is expected to be promulgated in 2025.

Boating Safety

Interviewed with Alexa Bell (correction) from Spectrum News to discuss boating safety in advance of the Memorial Day weekend.

Newsletter

Drafted the May Newsletter.

Item 17 - Administrator's Report – No report.

Item 18 - Public Relations – Commissioner Perkins reported that the Newsletter was released. He requested new content, especially on events such as RiverFest. Catawba Riverkeeper will send notices to the Executive Director. Everyone was reminded to review their section of the website for updates or corrections.

Item 19 – Announcements: Commissioner Smith commented that he would be contacting other commissioners about updating the map of the lake. Mr. Smitty Hanks shared that there will be maps available from the CMFD Department and the Commission may have as many as it would like when they become available. Lieutenant Clark recommended adding a QR code to the maps. He also announced that on June 18th they would be having their lake clearing operation (training) for a nuclear event.

Item 20 – Adjournment: The meeting was adjourned at 8:01 pm.

DRAFT