

**Lake Wylie Marine Commission**  
**June 23, 2014**  
**Belmont City Hall**  
**Meeting Minutes (*amended*)**



---

**Commissioners Present:** Chairman Brad Thomas (Gaston County)  
Vice Chairman Lynn Smith (Mecklenburg County)  
Secretary Treasurer Ed Hull (York County)  
Commissioner Robert Biggerstaff (Gaston County)  
Commissioner Neil Brennan (Gaston County)  
Commissioner Terry Everhart (Mecklenburg County)  
Commissioner Peter Hegarty (Mecklenburg County) – *first meeting*  
Commissioner Ron Wanless (York County)  
Commissioner George Medler (York County)

**LWMC Staff Present:** Joe Stowe, Executive Director; Chris Clark, Legal Counsel;  
Emily Parker, Clerk

---

**Meeting Minutes (*amended*)**

**Item 1 – Welcome and Introductions**

Chairman Thomas called the meeting to order at 7:00 pm and welcomed everyone present. He introduced the newest marine commissioner, Mr. Peter Hegarty, to the group. Commissioner Hegarty said a few words and everyone welcomed him.

**Item 2 – Approval of Minutes**

Chairman Thomas asked if any changes need to be made to the May 19 minutes. Commissioner Brennan had additional comments to add to the no wake zone that happened during the Saddler Island agenda item (page 4, item 8). Commissioner Wanless made a motion to approve the May 19 meeting minutes as amended. Commissioner Biggerstaff seconded the motion and it was approved unanimously.

**Item 3 – Approval of Agenda**

Legal Counsel Clark explained that the group must open (and close) a public hearing before agenda item 14a – adoption of the FY 2014-2015 budget – and the agenda needed to be amended as such. Commissioner Everhart made a motion to approve the June 23 agenda as amended. Commissioner Brennan seconded the motion and it was approved unanimously.

**Item 4 – Discussion of Items Removed from Consent Agenda (if any)**

n/a

### **Item 5 – Public Comment**

Tom Davis, Catawba River Group – Mr. Davis updated the group on what has transpired since the May meeting. An informal group called the Lake Wylie Working Group met on June 17. The group is comprised of GCPD and CMPD lake patrol officers, Tom Davis (Catawba River Group), and US National Whitewater Center (USNWC) staff. Tailrace Marina staff could not attend, nor could Duke Energy staff. Mr. Davis handed out a summary of the work group’s first meeting and reviewed the main points of what the group discussed.

Gary Brinkley, lake resident – Mr. Brinkley relayed his concern that something bad – injury or fatality – is going to happen around Saddler Island. Paddle boarders and kayakers are building a community in the middle of the river. The way people use the river has evolved and we need to focus on how to keep everyone safe that uses the river.

Ted Hendrix, lake resident – He mentioned that stakeholders have a dialogue started with the USNWC. He asked the LWMC to please not make a rash decision about installing a no wake zone near Saddler Island. He spoke about the paddle boarders’ lack of awareness and education about being on the river – what people do not know is that they are in the middle of the main channel. He suggested putting up an aerial sign wherever people rent paddle craft that orients kayakers and paddle boarders as to where they are in relation to the rest of the river and channel. He does not want the marine commission to install a no wake zone in this area.

### **Item 6 – Stakeholder Reports**

Charlotte Mecklenburg Police Department and SPLASH Report – Officer Joye reported that they did get another part time officer, so now they are up to four. It has been a busy month so far. They have been making a point to go up to the USNWC every day to monitor the situation. He added that CMPD will not have a verdict about Saddler Island this evening. This situation needs to be reviewed by Lt. Harris’s superiors first. Commissioner Brennan asked when they would have a recommendation. Chairman Thomas said that he spoke with Officer Joye and Lt. Harris and he reiterated that the situation is on its way up the chain of command. CMPD is being cooperative; they just need a little more time.

Officer Joye mentioned that there have been three accidents at the sandbar. He reported that no alcohol was involved, just lack of education.

On the topic of fires: Duke Energy owns the shoreline and they do not want fires of any kind. Commissioner Medler asked about fires on islands. Fires on islands are discouraged. CD Collins asked, Duke Energy does not *want* fires, but is it *illegal* to have a fire? Officer Joye asked for Commissioner Everhart’s (retired CMPD) opinion. *He commented that CMPD does have the authority to act on islands, but does not have the authority to act on the shoreline.* Fires are discouraged but not illegal.

Gaston County Police Department – Officer Hamrick reported that this year they have been busier than he can remember. They have had more calls for services and have issued more citations, but really, little alcohol has been involved. Officer Hamrick has been stopping 14 and 15 year olds on jet skis that have not had their safe boating class.

Officer Hamrick noted that they have met with USNWC. When asked, the USNWC said they have been giving training to paddle boarders and kayakers. Just to be sure, GCPD sent undercover officers through to check the situation out first hand. In the GCPD's experience, no training or education whatsoever was given by USNWC staff (here's your paddle, here's your boat, have fun). The audience agreed audibly with this anecdote about the USNWC.

York County Sheriff's Office – Sgt. Mabry reported that YCSO has also been very busy. There were two boating accidents in June – one resulting in minor injuries and one with no injuries. On the topic of fires, York County does have an outdoor burning ordinance. But, because of the low density development on the lakefront, it is not likely to be invoked. Sgt. Mabry commented that YCSO has paddle craft issues on the southern end of the lake, too.

NC Wildlife Resources Commission – No one was present to report.

SC Department of Natural Resources – No one was present to report.

US Coast Guard – Rick Croasdale, Lake Wylie Coast Guard Auxiliary, reported that they are running patrol a few days a week. The next big event is July 4. They have two Auxiliary boats patrolling the lake. They may or may not have active duty Coast Guard personnel with them. Their primary concern is safety and nighttime boating. Mr. Croasdale was pleased to report that the life jacket loaner board installed near the Buster Boyd Bridge is being used by the public.

Mecklenburg County Land Use and Environmental Services Agency – David Buetow did not have a map to share this month. However, he did review the status of the swim advisory that was issued on June 17. Approximately 800 gallons of sewage discharged into a creek from a broken sewer line. The creek is in the Riverpointe development on the lake. Carolina Water Service, Inc. stopped the spill. LUESA put out no swimming buoys, issued an advisory, and took samples. Mr. Buetow supplied a map of the cove where the swim advisory was in place. It was not near Camp Thunderbird. Commissioner Brennan asked a follow up question about the extent of the problem.

Duke Energy – Ronnie Lawson reported that:

Current lake level: 97.1

Drought Management Group: Normal

Dredging: No dredging has been approved. Fish spawning season ends July 1. Approved dredging can occur after July 1.

Mr. Lawson commented on the fire discussion, per Duke Energy's Shoreline Management Plan handbook (page 69 – General Policies). In summary, Duke Energy is not alright with campfires or any other large fire being built on the shore or on an island. Commissioner Brennan asked if law enforcement can enforce the rule. Yes, apparently only is a Duke Energy representative, an officer, and the offender are all present at the same time and the offender does not put the fire out when asked. Then police can arrest someone for having a fire.

Lake Wylie Lakekeeper Report – CD Collins reported that volunteers for the Catawba Riverkeeper Foundation are not a police force, but they are environmentalists, and they are not interested in the woods catching fire. He added that Riverkeeper volunteers are patrolling and they are catching things here and there and reporting to law enforcement when necessary. Mr. Collins did not have anything additional to report. The conversation about fires will be on the LWMC's July agenda.

Mecklenburg County Park and Recreation – No one was present to report.

**Item 7 – Comment Request from US Infrastructure of Carolina, Inc. Regarding Sewer Work and Shoreline Reclassification for Mount Holly**

Bob Cooke, PE with US Infrastructure of Carolina, Inc. presented to the marine commission. His company is working with the City of Mount Holly. They need a permit to cross a small cove. The site is adjacent to waste water treatment plant. They would install a structure that would be over top of the sewer pipe. The bridge would be 77' long and 10' feet wide. They would install pilings and the bridge would be pre-fabricated and installed in two sections. Commissioner Wanless asked how deep the water is in that cove. Mr. Cooke said the water might be 2 or 3 feet deep. The bridge will not inhibit access to the cove. Chairman Thomas said that the LWMC typically assigns two marine commissioners to go out and look at the site. Commissioner Biggerstaff and Chairman Thomas will do so. This comment request will be on the July agenda.

**Item 8 – Update on Request to NC Wildlife Resources Commission Regarding Proposed Buoy Movement**

Legal Counsel Clark recapped what happened at the last meeting on this topic. Since then, he reached out to NC Wildlife Resources Commission (NCWRC) about the process for getting buoys moved. They replied we will have to go through a full process as designated by NCWRC. If we want to move buoys, we will need to have a public hearing, as early as the July 28 meeting. Commissioner Wanless made a motion to hold a public hearing about buoy movement (as discussed at the April and May meetings) at the July 28, 2014 meeting. Vice Chairman Smith seconded the motion. There was no discussion. A vote was taken and approved unanimously.

**Item 9 – Follow up and Recommendation Regarding Saddler Island Issue**

Officer Hamrick reported that the GCPD is in support of adding a no wake zone on the Tailrace Marina side of the channel, near Saddler Island. He informally polled some citizens about this – people want to be safe, but it is a long ride (14-15 minutes) in a no wake zone. Boaters want to be able to pass through at speed when it is not congested. He said one buoy is needed at the beginning of the island and one at the other end. Chairman Thomas said that the CMPD would likely be in favor of whatever is decided and not show opposition. Officer Hamrick commented that the congestion caused by the USNWC renting paddle craft is seasonal. Commissioner Brennan addressed the sheet that Tom Davis handed out earlier in the meeting and asked a couple of questions. Officer Hamrick added that the USNWC's concern is that they do not know people's experience when they get on the paddle craft. He added that there will likely be an accident, despite what law enforcement does. Law enforcement is trying to please all parties and keep safety as the priority at the same time. Mr. Collins added that the Riverkeeper teaches a course on paddle boarding and kayaking. He agreed with Mr. Hendrix's point about an aerial orientation map, showing where you should and should not paddle board and kayak. Officer Hamrick was curious about whether or not you can post a sign on the I-85 bridge that warns boaters about the possibility of channel congestion ahead. Commissioner Brennan made a motion that the group starts the process to place no wake buoys on either end of Saddler Island. Commissioner Medler seconded the motion. Discussion: Commissioner Everhart thinks the LWMC should wait and not

make hurried decisions. He said it is not only the boats responsibility; the USNWC needs to take responsibility as well. Legal Counsel Clark clarified that Commissioner Brennan is talking about *starting* the process – meaning holding a public hearing. He added that at a public hearing, you can consider the whole universe of options. Commissioner Biggerstaff added that it bothers him that kayakers do not have to be registered. He feels like boat owners are being punished. Commissioner Medler said that the group has been talking about this topic for months. He supports getting something official – a public hearing – going at the July meeting. Commissioner Wanless suggested a different approach – sitting down with USNWC management to talk about them providing a paddle craft education class every Saturday morning. It should be in the USNWC’s best self-interest to do so. Those present seem to agree that the USNWC is responsible. Commissioner Brennan thinks Commissioner Wanless’s suggestion is good, and also Mr. Hendrix’s aerial sign idea. The vote was taken and it was approved unanimously.

#### **Item 10 – Riversweep 2014 Update**

Commissioner Brennan reported that most of the information he provided at the May meeting still stands. People from Lake Wateree have asked about how Riversweep happens on Lake Wylie. Commissioner Brennan will travel down and brief them with a PowerPoint presentation on Saturday, July 12. Executive Director Stowe would like to go with Commissioner Brennan.

#### **Item 11 – Tega Cay Update**

Commissioner Brennan reported that:

- The City of Tega Cay has purchased the portion of sewer system for the City that was previously owned and operated by Utilities, Inc. The City owns the entire sewer system now.
- The City of Tega Cay is operating that portion of their system under a Consent Agreement that we have been advised is similar to the February 3, 2014 Consent Order issued by the South Carolina Department of Health and Environmental Control (SCDHEC).
- On behalf of the LWMC, Commissioner Brennan requested a copy of the Consent Agreement in accordance with the FOIA. Once the Consent Agreement is received, it will be provided to the LWMC.

#### **Item 12 – Proposed Water Quality Regulation for Spill Management**

Commissioner Wanless said that he has not received any questions from the marine commissioners on the spill management proposal he introduced several months ago. He suggested having a third public hearing to address this topic. There was discussion about whether or not to add this topic to the July meeting agenda. Commissioner Wanless made a motion that the LWMC hold all three public hearings at the July 28 meeting. Commissioner Brennan seconded the motion. A vote was taken and approved unanimously.

#### **Item 13 – Treasurer’s Report**

- a. Finance Report – Secretary Treasurer Hull provided the Finance Report. The LWMC is in good shape at end of year with a little money left over.
- b. FY 2013-2014 Budget Amendment – Secretary Treasurer Hull briefly explained the budget amendment. A motion was made by Secretary Treasurer Hull to amend the budget as shown in the document provided. Commissioner Wanless seconded the motion. A vote was taken and approved unanimously.

#### **Item 14 – FY 2014-2015 Considerations**

Legal Counsel Clark explained about how to go into public hearing. A motion was made by Commissioner Brennan to enter into public hearing. The motion was seconded by Secretary Treasurer Hull. There was no comment from the public. Commissioner Everhart made a motion to close public hearing. Commissioner Biggerstaff seconded the motion. A vote was taken and approved unanimously.

- a. Budget Discussion and Adoption – A motion was made by Commissioner Medler to approve the FY 14-15 as shown. Commissioner Biggerstaff seconded the motion. There was no discussion. A vote was taken and approved unanimously.
- b. Centralina COG Contract – A motion was made by Commissioner Biggerstaff to approve the CCOG contract for FY 14-15. Commissioner Everhart seconded the motion. Discussion: Vice Chairman Smith asked a question about the termination clause in the contract. Legal Counsel Clark provided clarification. A vote was taken and it was approved unanimously.

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

Executive Director Joe Stowe reported.

- Water Management Group Update – LWMC will be asked to sign a letter of approval for the Water Management Group’s findings document. Executive Director Stowe said that the group is going to have to find a way to get a good overview of the document, and have a representative from CMUD and Duke Energy come and present to the group. He will try to get the document summarized and find out if an Executive Summary is available.
- Secretary Treasurer Hull brought up the Ebenezer Park project in York County. This topic will be added to the August meeting agenda.

#### **Item 16 – Chairman’s Report**

Chairman Thomas did not provide additional information.

#### **Item 17 – Clerk’s Report**

Ms. Parker told the group that the LWMC will meet again at the former Mecklenburg County location – Steele Creek Carolina Healthcare System Community Room – on August 25 and November 24. Ms. Parker distributed revised meeting schedules to each of the marine commissioners.

#### **Item 18 – Old/New Business and Commission Project Reports**

- Water Quality –
  - Clean Marina/Clean Boating – Commissioner Biggerstaff reported that they are still waiting on the Clean Boater pamphlets. Commissioners Medler and Biggerstaff decided that they are going to inspect and hopefully re-certify the Clean Marinas again in the coming year.
  - Invasive Species – Commissioner Medler reported that 500 grass carp were deposited in Lake Wylie on June 17 at the South Point Access area. Hydrilla is found in fresh water lakes, etc. Hydrilla poses a serious problem. Grass carp are doing a great job at keeping hydrilla away or at bay. Commissioner Medler commented that we have to thank Duke Energy for leading this effort. One grass carp costs \$8.00 x 500 carp = \$4,000.00. The state of NC pays 50% of the cost; Duke Energy pays 25% and the LWMC pays 25%. The LWMC will receive the whole bill, pay our 25%, and then contact Ken Manuel. He will distribute the rest to the state and Duke Energy.

- Buoys – Commissioner Biggerstaff reported that he received an email from Ms. Parker. A resident was complaining about no lights on buoys near the Buster Boyd Bridge. Those buoys are marked with reflective tape. Commissioner Biggerstaff called the resident and the resident appreciated that.
- Safety – Commissioner Everhart had nothing to add.
- Recreation – Chairman Thomas had nothing to add.
- Public Information – Secretary Treasurer Hull had no add.

**Item 19 – Adjournment**

The meeting was adjourned at 8:47 pm.

---

***The next LWMC meeting is scheduled for 7:00 pm on Monday, July 28, 2014 at Good Samaritan United Methodist Church (5220 Crowder's Cove Lane, Lake Wylie, SC).***