

**Lake Wylie Marine Commission
July 28, 2014
Good Samaritan United Methodist Church
Meeting Minutes**



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)
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

Item 1 – Welcome and Introductions

Chairman Thomas called the meeting to order at 7:00 pm and welcomed everyone present.

Item 2 – Approval of Minutes

Chairman Thomas asked if any changes need to be made to the June 23 minutes. Commissioner Everhart said that an amendment needed to be made on page 2 in the third paragraph under Item 6 – Stakeholder Reports. The minutes should reflect that CMPD has the authority to act on islands, but does not have authority to act on the shoreline. Commissioner Brennan also had an amendment to the June 23 minutes found on page 4 in the second sentence in Item 9 – Follow up and Recommendation Regarding Saddler Island Issue. He said that after double-checking with Ms. Parker, Officer Hamrick reported that it takes 14 or 15 minutes – not 18 minutes as written in the minutes – to travel from end to end of Saddler Island at no wake zone speed. Commissioner Brennan made motion to approve the June 23 minutes as amended. Commissioner Biggerstaff seconded the motion and it was approved unanimously.

Item 3 – Approval of Agenda

Vice Chairman Smith made a motion to approve the July 28 agenda. Commissioner Biggerstaff seconded the motion and it was approved unanimously.

Item 4 – Public Comment

Ted Hendrix – lake resident. Mr. Hendrix spoke on the topic of the channel markers between the Belmont trestle and Wilkinson Boulevard bridge. He suggested that red and green strobe lights be added atop each marker. They would be easier to see and therefore navigate by. Executive Director

Stowe commented that in the past, the white strobes that were atop the markers were stolen shortly after being put into use. Also, those white strobe lights were donated to the channel marking project.

Item 5 – Stakeholder Reports

Charlotte Mecklenburg Police Department and SPLASH Report – Officer Joye reported that July has been a good month so far – no accidents, no drownings. One of CMPD’s patrol boats had engine failure, so they are getting a new engine. CMPD lake patrol will lose an officer next month, so they will be down to three officers on the lake.

Gaston County Police Department – Officer Robinson reported that since last month there have been 8 citations, 20 written warnings, 0 arrests, given 11 alcohol tests for boating with impaired, removed 21 navigational hazards and GCPD has done 105 safety inspections.

York County Sheriff’s Office – Sgt. Mabry reported that they survived July 4th weekend and the Tiki Torch Party. School resource officers (SROs) will go back into schools on August 11. When that happens, the YCSO lake patrol will be back down to two officers. He noted that the lights were repaired at the law enforcement center. The YCSO is getting as many assistance calls below the dam as above it. At any time, they would be off of the water assisting with on-land issues. As housing development increases in York County around the lake, more calls for assistance will likely happen.

NC Wildlife Resources Commission – Sgt. Rowell reported that NCWRC officers have been engaged in training and he apologized for missing the last couple of meetings. The NCWRC’s focus is preserving and protecting wildlife, education, and safety. The NCWRC has been conducting safety checks – on land and water – that have proved to be informative. Among other things, NCWRC officers saw many boat number violations and life jacket issues (i.e., not enough on a boat). Officers have enjoyed getting to talk to other boaters and answering their questions. Sgt. Rowell said that good information is coming in from doing the safety checks. They have had three boating accidents so far. They are focusing in on alcohol consumption on the water and keeping emphasis on the safety checks.

SC Department of Natural Resources – 1st Sgt. Jason Plemmons reported to the group. Around Memorial Day, they had their Be Safe Team – 3 boats, 6 officers – on Lake Wylie checking boats and conducting safety inspections, including checking life jackets. From Memorial Day until now, SCDNR has had 566 contacts – warnings and tickets – on the water. Officers know people are having fun recreating, so they will offer a loaner life jacket first, instead of writing a citation or making boaters get off of the water. He praised the loaner life jacket board at the Buster Boyd Bridge; people are really using it. SCDNR officers have been doing courtesy boat inspections (CBIs) at public landings, which means that officers check boats before they get on the water. They are focused on life jackets and boater safety. They logged several BWIs over holiday weekends. NCWRC and YCSO helped while SCDNR officers conducted field sobriety tests. Sgt. Plemmons appreciated their help. Three boat accidents have happened.

US Coast Guard – Rick Croasdale, Lake Wylie Coast Guard Auxiliary, reported that the Auxiliary patrolled around the fireworks at Camp Thunderbird on July 4. Everything was relatively calm this year. This summer has been routine and normal from the Auxiliary’s perspective. Active duty Coast Guard will be up on Lake Wylie in mid-August over two days and then again on Labor Day weekend Saturday and Sunday.

Mecklenburg County Land Use and Environmental Services Agency – David Buetow reported on the most recent water quality results – from May 2014. With regard to the LUSI map, he pointed out a few yellow boxes mid-lake, which means bacteria and sediment. However, there were mostly blue boxes on the LUSI map which means below water quality standards (good).

Duke Energy – Ronnie Lawson reported that:

Current lake level: 97.8 (target level 97.0)

Drought Management Group: Normal

Dredging: No dredging applications have been submitted.

Lake Wylie Lakekeeper Report – Ellen Goff reported that two calls came in recently that volunteers have looked into, both regarding shoreline stabilization. One was at a home site near the Sandbar on the main channel. The other was in the Misty Waters area. The first location had all needed permits, while the second location did not.

The Riversweep 2014 [website is operational](#) and [online registration is open](#). Commissioner Brennan is doing a great job leading the planning process. The planning team is requesting assistance from community sponsors and donors. More boat captains are needed. The public service announcement has been completed and will be available for use soon.

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

Item 6 – Follow up from US Infrastructure of Carolina, Inc. Regarding Sewer Work and Shoreline Reclassification for Mount Holly

Chairman Thomas introduced the topic. Bob Cooke with US Infrastructure of Carolina, Inc. was on hand to answer any questions. There were no questions. Since the June meeting, Chairman Thomas and Commissioner Biggerstaff visited the project site. Commissioner Biggerstaff made a motion to approve this project. Commissioner Medler seconded the motion. A vote was taken and approved unanimously.

Item 7 – Proposed Regulations in Saddle Island Area

Tom Davis introduced himself as part of the Catawba River Group. He wanted to make a recommendation on the Saddle Island area issue. He commented that we have an opportunity to do something good in this situation. He mentioned pollution in the river and that we could have a situation like San Antonio – referring to their [River Walk](#) – if we do it right. He referred to the recommendation the Catawba River Group has put forth (included in the marine commissioner’s agenda package):

“Place two (2) no wake buoys north and south of the Tailrace Marina ONLY reducing the no wake zone transition to approx 6 minutes. Educate the customers of the kayak vendors (Tailrace Marina and Whitewater Center) through posted signs the location of the main channel and provide state approved literature on safe operational procedures with emphasis of crossing the main channel at a 90 degree angle and no loitering.”

Mr. Davis walked through their reasoning for the recommendation and other recommendations; see the document included in the marine commissioner’s agenda package. There were no questions from the commission. The group thanked him for his presentation.

Item 8 – Public Hearing

Expansion of no-wake zone and re-positioning of no-wake buoys near Copperhead Island and RiverPointe on Lake Wylie.

Commissioner Wanless made a motion to open the public hearing for the first topic. Commissioner Brennan seconded the motion and it was approved unanimously. Legal Counsel Clark distributed the proposed amendment previously approved by the LWMC, but not in public hearing, and a diagram showing the area where the no wake buoys could be re-positioned. Chairman Thomas asked if anyone had a comment. There were no comments from the public. Commissioner Brennan made a motion to close the public hearing on this issue. Commissioner Wanless seconded the motion and it was approved unanimously.

Commissioner Biggerstaff made a motion to expand the no-wake zone and re-position the no-wake buoys near Copperhead Island and RiverPointe. Commissioner Medler seconded the motion. Discussion: Commissioner Brennan suggested a two-pronged approach because it is a safety issue:

1) He thinks the LWMC should approve the re-positioning of the buoys and forward it to the NCWRC for review and consideration and, 2) Because it is a safety issue, the LWMC should declare that this is a special case and approve expanding the no-wake zone accordingly, as soon as possible by the authority granted to the LWMC. His point was that while the official request to NCWRC works its way through that agency's process towards hopefully being approved, in the meantime, the LWMC can use its authority to get the buoys re-positioned. Legal Counsel Clark recommended a second vote for Commissioner Brennan's recommendations. A vote was taken on Commissioner Biggerstaff's motion and approved unanimously.

Legal Counsel Clark added that the enabling legislation gives the LWMC the authority to make certain decisions related to the lake, as long as they do not supersede laws made by law-making organizations (e.g., NCWRC). Executive Director Stowe posed a question, if we vote to move the buoys and NCWRC decides to not go along with the LWMC's recommendation about moving the buoys, do we have to move them back? Chairman Thomas asked Sgt. Barry Rowell (NCWRC) to make a recommendation in light of Mr. Stowe's question. He could not make a recommendation at that time. Chairman Thomas made it clear that the LWMC is not interested in going against the wishes of NCWRC. Commissioner Brennan said that if this scenario were to play out, that he thinks the LWMC would certainly move the buoys back to where they were. In the name of safety, Commissioner Brennan is interested in the LWMC moving the buoys – something that the marine commission has been talking about and has agreed on in the recent past.

Commissioner Everhart asked Sgt. Rowell, if we vote and then move the buoys, is the new no wake zone enforceable? The only no wake zones that are enforced are the ones listed in the NC Administrative Code (NCAC). Officer Joye was asked if he would enforce it. Yes, based on the current supervisor's position. But, it would be better if all law enforcement were on the same page about his issue. If CMPD wrote a ticket, it would be a valid citation. A motion was made by Commissioner Brennan to approve on LWMC's authority the re-positioning of no wake buoys in the area of RiverPointe and Copperhead Island, as indicated in the previous motion. Commissioner Wanless seconded the motion. Discussion: Commissioner Brennan commented that he thinks the re-positioning of the buoys (whether the no wake zone is enforceable or not) probably would slow people down. He thinks that the logical thing to do for increased safety is to go ahead and move the buoys. Commissioner Medler asked if this would be the first time this has been done. The answer was yes. He followed up by asking if this is a smart decision. He asked if the LWMC would be liable if a wreck happened after the buoys were re-positioned (by the LWMC's authority only). Legal Counsel Clark answered in a limited way considering being in open

session, no. Commissioner Wanless asked when the next NCWRC meeting will be held. Executive Director Stowe added what the last interaction with NCWRC was regarding getting buoys placed under every bridge in North Carolina going across Lake Wylie. Commissioner Wanless suggested meeting with NCWRC to see if there would be any objection to re-positioning those buoys under the LWMC's authority, as soon as possible. Commissioner Wanless amended Commissioner's Brennan's motion to say that the LWMC would go before NCWRC at their next meeting and present a proposal to find out if they had any objections to the LWMC relocating buoys immediately; if they did, the LWMC would not execute the relocation. Vice Chairman Smith seconded the motion. Discussion: Commissioner Brennan asked if talking with NCWRC officials could happen before the proposed meeting. Commissioner Brennan made an amendment to the amended motion stating instead of waiting for the next NCWRC meeting (August 28), he suggested that Chairman Thomas or Executive Director Stowe contact the NCWRC and get a sense of their thoughts on the matter. Commissioner Wanless seconded the motion. A vote was taken and approved unanimously.

Creation of a no-wake zone and placement of no-wake buoys on either end of Saddler Island on Lake Wylie

Commissioner Wanless made a motion to open the public hearing for the second topic. Commissioner Medler seconded the motion and it was approved unanimously. The public was reminded that each person providing comments will be strictly limited to 3 minutes and will be given a warning at 2½ minutes.

Ken Cotte – Manager of Tailrace Marina. Tailrace Marina has over 200 boat slips, there are plans for adding an 8,000 square foot restaurant on the southern tip of the property, and hopefully a new fuel dock next spring or summer, pending FERC permit approval. Mr. Cotte has seen dramatic changes in the last four years with the additional of many more power boats and many more kayakers and paddle boarders on the river. He said that last year, the US National Whitewater Center put about 70,000 paddle craft on the water, whereas Tailrace Marina put about 5,000 paddle craft on the water. Part of Tailrace Marina's FERC permit is to move their kayak rental area so they will enter the channel north of Jackson Island, out of the congested area. He said it does not take 18 minutes to go through the congested area, it take 5 or 6 minutes. Boaters can slow down for 5 minutes in order to not kill someone.

CJ Harvey – Resident of Gaston County. Mr. Harvey agreed with Mr. Davis. He thinks the no wake zone should be shortened to just cover in front of Tailrace Marina – not the entire area from top to bottom of Saddler Island.

Matt Queen – Avid hunter and fisherman. Mr. Queen is opposed to no wake buoys. The past few times he has been in the area in question, he has had to really go around the kayakers. He thinks something should be done on the right side of Saddler Island. It is a long idle – ~0.5 mile – from the south to north of Saddler Island. He made an observation that the roughest points on the lake are the ones near no wake zones – with boaters starting to pick up speed and slowing down.

Ted Hendrix – Property owner on Lake Wylie north of the USNWC. Mr. Hendrix spoke in opposition of Commissioner Brennan's proposal. The problem is the kayakers and paddler boarders are blocking the main channel – sometimes 100 at a time. This is the main channel and it should not be blocked. The problem here is that there is no training given by the USNWC to paddlers. When the USNWC was proposed and being built, the USNWC representatives said that the facility would not harm the lake – this is not the case. Mr. Hendrix thinks that this proposal would punish power boat owners who pay

taxes on their boats, buy fishing licenses, and support the local economy by purchasing fuel and other supplies. The USNWC does none of that. He expressed concern that if this area is turned into a no wake zone, what part of the river could be next?

There were no more public comments.

A motion was made by Commissioner Biggerstaff to close the public hearing. Commissioner Medler seconded the motion and it was approved unanimously.

Chairman Thomas said that there is a motion on the floor from the June 23 meeting (*“Commissioner Brennan made a motion that the group starts the process to place no wake buoys on either end of Saddler Island”*). Commissioner Brennan moved to amend his June motion. He moved that the LWMC generate and approve and forward to the NCWRC for review and consideration a request for a no wake zone from the north end of Saddler Island to the south end of Saddler Island in the main (west channel) and that we declare that proposed no-wake zone a special case and approve its establishment by next weekend or as soon as buoys are available. The amended motion was not seconded and it died.

Legal Counsel Clark noted that the original motion and second from the June 23 meeting was still on the table. Chairman Thomas re-read the June motion. This public hearing is the first step in the process referred to in the original motion. Presently, there is no new motion in play. Then, Commissioner Brennan made a motion that the LWMC generate, approve, and forward to the NCWRC for review and consideration a request for a no wake zone from the north end of Saddler Island to the south end of Saddler Island in the main (west channel). Commissioner Medler seconded the motion. Discussion: Commissioner Everhart noted that doing this would divert boat traffic towards the Mecklenburg County side of the river. He added that Tailrace Marina already has an approved no wake zone in front of their docks. So in essence, this motion would just expand the existing no wake zone to include the length of Saddler Island on the west channel. Commissioner Brennan added several clarification points: some boats will travel slower than others at idle speed. Regardless of how many minutes it takes, no wake buoys will cause people to slow down. The goal is safety and to get boaters to slow down. Because there is no one to establish a speed limit, we are either in the no wake zone or will have no restrictions at all; we are stuck, but we need to do something. The goal is to reduce speed for safety purposes. If there are no restrictions, it is an accident waiting to happen. There is an option for boaters – they can use both east and west channels around Saddler Island. Boaters can slow down in west channel, but there is no slowing regulation in the east channel. Commissioner Medler reiterated what idle speed means – it cannot be argued with. Commissioner Brennan thinks the choice is black or white and that it is about safety. He recommended the no wake zone. Commissioner Everhart added that part of what Commissioner Brennan said is not accurate – there are plenty of rules and guidelines on the books that are enforced. It is all about education. The problem is that USNWC does not train people using kayaks and paddle boards. Commissioner Everhart’s concern is that we are “putting a Band Aid on an amputation.” The LWMC and others need to be careful not to jump into something that is a quick fix.

Officer Brian Carey with CMPD added to Commissioner Everhart’s comments. There are two channels – the east channel is the main channel. The west channel is the one that gets skinnier and shallower in drought conditions. CMPD lake patrol officers go visit the site in question every day. There have been more kayakers and paddle craft in the main (east) channel. Officer Carey told a couple of anecdotes to illustrate his point about paddle craft crowding in the east channel. He said, you can hardly ever come through the USNWC side on-plane. On the Tailrace Marina side – you cannot go on full plane either because business owners will complain. The problem is the USNWC because boats cannot navigate

safety through paddle craft clogging the main channel. He wants the LWMC to understand the safety issues here. Commissioner Biggerstaff asked if Officer Carey thinks it would be a better/new idea for the USNWC and Tailrace Marina to have signs up stating the rules (“you can’t park your paddle craft in the middle of the main channel”). Officer Carey thinks anything that would educate all boaters to stay out of the main channel would be great. He’s not sure what the right answer is, but the solution has to start with the USNWC. He mentioned livery laws and wondered if there is appropriate insurance in place as a venue that rents paddle craft, etc.

GCPD Officer Robinson gave testimonial about experience with going to USNWC and getting no education or explanation at all. Commissioner Wanless says that the LWMC has been talking about the USNWC for months. He supports placement of a no wake zone from north to south in the west channel; he supports Commissioner Brennan’s motion. The existing no wake zone is there because it is near a marina (50 yards).

The vote was taken. 6 were in favor of the motion, 1 was not in favor of the motion, and there was 1 abstention. The motion passed.

Item 9 – Riversweep 2014 Update

Commissioner Brennan reported that on July 12 he and Executive Director Stowe went to a Lake Wateree Home Owners Association meeting and to talk about Riversweep. The presentation was well-received.

He added to Ms. Goff’s report: Commissioner Hull has arranged for a public relations spot on WBTV’s Saturday morning show on September 20 for Ellen Goff and Commissioner Brennan to talk about Riversweep. They will also ask Mr. Cameron to promote the event the just prior to Riversweep.

Flyers have been developed and will be printed for distribution with the logos of the major sponsors: Catawba Riverkeeper, Lake Wylie Marine Commission, and Palmetto Pride. The save the date notices are being delivered to area marinas for distribution to boat owners. Requests for funding of \$100, \$200 or \$500 have been sent to various businesses to help us pay for signage, gloves, tarps, and administrative expenses. The planning team received a pledge of \$1,000 from the Stowe Foundation. The planning team is confident that these efforts will provide the necessary funding.

More boat captains are needed. Last year there were 859 volunteers, but only 50 boats. Riversweep will happen on Saturday, October 4, 2014.

Item 10 – Tega Cay Update

Commissioner Brennan reported that the June 2014 Consent Agreement between the City of Tega Cay and SCDHEC mirrors the February 2014 Consent Order that existed between Utilities Inc. and SCDHEC is almost every detail. The City now has to repair the sewer mains and laterals, but they have 22 months to finish, starting in June. Utilities Inc. had to repair the mains in a year and the laterals in 18 months, both starting last February.

The City has to provide a report with a map of the system every 90 days on their progress in meeting the requirements of the Consent Agreement, the same requirement Utilities Inc. had. The bottom line is the City of Tega Cay owns the entire system that serves their residents, and SCDHEC is allowing them time to get the needed repairs done.

Commissioner Brennan forwarded the marine commissioners a summary of the Consent Agreement and a new timeline. He forwarded the entire agreement to Legal Counsel Clark and Ms. Parker.

Water Samples – Commissioner Brennan distributed a map related to SC water sampling. On July 28, SCDHEC forwarded water samples from points in South Carolina. The goal is to trend the important sample data over time. Commissioner Brennan has been given a point of contact at SCDHEC’s Water Quality Monitoring section and will work with him on this effort.

Item 11 – Treasurer’s Report

Secretary Treasurer Hull provided the Finance Report. The LWMC is in good fiscal standing and is in good shape going into FY14-15.

Item 12 – Executive Director’s Report

Executive Director Joe Stowe reported.

- a. Bi-State Commission Update – Executive Director Stowe attended this group’s meeting last Friday. Their focus is on the Catawba-Wateree River Basin Water Supply Master Plan. Sam Perkins, Catawba Riverkeeper, was present as well and provided comments and concerns. The meeting lasted 1.75 hours.
- b. Lowe’s Donation Update – Two Lowe’s locations – in Belmont and in Lake Wylie – have been asked to provide bottled water for Riversweep.
- c. Riversweep T-shirt Options – Executive Director Stowe provided four (4) Riversweep t-shirt color options for the group to pick from. The options were purple, burgundy, tan/beige, and sage green. Commissioner Biggerstaff made a motion to select the burgundy t-shirt option. Commissioner Brennan seconded the motion. The vote was taken and approved unanimously.
- d. Nominating Committee for Officers – This meeting will happen in August. If you are interested in serving on this committee, tell Chairman Thomas or Executive Director Stowe.

Item 13 – Chairman’s Report

- a. Meeting with US National Whitewater Center – This meeting was cancelled. Once the meeting happens, the group will be updated.

Item 14 – Clerk’s Report

Ms. Parker told the group that funds are being requested from the three counties for the FY 14-15 fiscal year.

Item 15 – Old/New Business and Commission Project Reports

- Water Quality –
 - Clean Marina/Clean Boating – Commissioner Biggerstaff reported that Pat Durrant has committed to sending new pamphlets for the Clean Boater program.
 - Invasive Species – Commissioner Medler reported that Commissioner Biggerstaff volunteered to work with him on the invasive species front.
- Buoys – Commissioner Biggerstaff reported that he heard a report of a buoy missing at the Buster Boyd Bridge. There was also a buoy missing at the Highway 27 Bridge. He was almost positive that it has been taken care of. Commissioner Biggerstaff asked Mr. Ted Hendrix to check on it and get back to him.
- Safety – Commissioner Everhart had nothing to add.
- Recreation – Chairman Thomas had nothing to add.
- Public Information – Secretary Treasurer Hull had no add.

Item 16 – Adjournment

The meeting was adjourned at 8:53 pm.

The next LWMC meeting is scheduled for 7:00 pm on Monday, August 25, 2014 at Carolina HealthCare System – Steele Creek Healthcare Pavilion (13640 Steelescroft Parkway, Charlotte, NC)