Tri-County Lakes Administrative Commission
Board Meeting Minutes
August 9, 2022

Members Present:
Lorie Smith, Chairman
Bob Camicia
Robert Hiss
Edgar Tuck
Chris Whitlow
David Wells
Clarence Monday
Darrell Dalton
John Vidovich

Members Absent:
Frank Rogers
Emily Ragsdale
A. Dale Moore
David Rives
Neil Holthouser

Staff Present:
Kristina Sage
Tiffany Miller
Christina Matrangola

Guests Present:
Randy Stow, Navigation Committee Chairman
Neil Sturman, Navigation Committee
Carl Boggess, TLAC Attorney
Dawn Saunders, CPT Buoy, LLC
Rhonnie Smith, CPT Buoy, LLC
Fred Duncan, CPT Buoy, LLC
Doris Smith, CPT Buoy, LLC
Emily Rowe Sitzler, Attorney for CPT Buoy, LLC
Melissa Miller, court recorder
Jason Dunovant, news reporter

Visitors:
Approximately 30 residents attended the meeting.

1. **Call to Order**
   Ms. Smith called the meeting to order at 4:01PM.

2. **Invocation**
   Darrell Dalton gave the invocation.

3. **Pledge of Allegiance**
   Edgar Tuck led the recitation of the Pledge of Allegiance.

4. **Approval of Agenda**

David Wells made a motion to approve the agenda as submitted. Chris Whitlow seconded the motion. The motion carried unanimously.

5. Public Comment

Ms. Smith informed the visitors that a Public Hearing was held for comments regarding the No Wake Surfing Zone application; therefore, no additional comments will be heard on that subject.

There were no additional comments.

6. Approval of Consent Agenda

a. Approval of Minutes: June 14, 2022

Chris Whitlow made a motion to approve the minutes. Clarence Monday seconded the motion. The motion carried unanimously.

7. Executive Director Updates:

a. Financial Update: Ms. Sage explained to the Board that the financial report provided represents the close of FY 21-22. Ms. Smith explained that she and Ms. Sage are working on some budget matters and there may be proposed amendments at the next Board meeting. She also informed the members that she and Ms. Sage intend on meeting with a contingent from the Leesville Lake Association regarding some questions they have about the budget.

b. Smith Mountain Lake: Ms. Sage reported that for the month of July, TLAC received 7 navigation aid reports with 4 being APCo maintained and 3 TLAC maintained. There are 19 total current navigation aid reports for the year. She reported that TLAC submitted 13 SML debris reports in July for a total of 46 to date. Ms. Sage also noted that TLAC's written response to debris reports has been updated to include information about the APCo Debris Management Plan as was requested by APCo. She stated that TLAC received 1 boating incident report and 1 no wake inquiry in July. Ms. Sage reported that the VPOP program has been successful so far this season with 209 boats receiving pump out services as of last weekend.

c. Leesville Lake: Ms. Sage reported that TLAC submitted 27 LVL debris reports in July for a total of 62 to date.

8. Reports from the Board and Committees:

a. Leesville Lake Association Report: Mr. Rives was not able to attend the meeting; therefore, a Leesville Lake Association Report was not received.

b. Smith Mountain Lake Association (SMLA) Report: John Vidovich reported the following:

- The 6th round of water quality testing was completed on August 2nd. Samples taken at 14 sites around the lake found that all but one of the sites satisfied the Virginia Department of Health (VDH) Standard for recreational waters. The one site that exceeded VDH bacteria guidelines was in the upper Blackwater channel near Horseshoe Bend. Once again, this followed a period of unusually heavy downpours in the vicinity.

- The Buffer Landscape Advisory Service Team (BLAST) conducted 7 visits at homeowner requests during May and June.
- The Buffer Garden pilot project at Mariners Landing is pending an engineering assessment, including a report from Army Corps of Engineers.
- The membership drive resulted in 65 net new members, through July 31st
- The Vessel Pump Out Program (VPOP) accumulated 3,655 gallons of effluent from 209 boats in the first 11 weeks of the season. This is approximately 7% less than the same time last year.
- The redesigned Business Partner program now includes Custodian, Guardian, and Defender membership levels. A campaign to reach new partners was coordinated with the SML Chamber of Commerce and existing partners were notified of program changes. SMLA is beginning to attract new partners and upgrade the membership of current partners.
- The annual SMLA membership meeting is September 29th at Trinity Ecumenical Parish. Doors open at 5:30 pm for tabletop displays, program discussions and food. The meeting begins at 6:30 pm and is scheduled for 90 minutes.
- Nominations are open for two annual awards: The Melvin S. Johnston Citizen Volunteer Award and the SMLA Spirit of the Lake Award. These awards will be presented at the annual membership meeting.
- The Board of Directors off-site strategic planning session is scheduled for August 16th.

c. APCo Report: Mr. Holthouser did not attend the meeting; therefore, an APCo report was not received. Mr. Camicia noted the lack of debris in Smith Mountain Lake and wanted to see APCo's report on debris and praise APCo's successful debris removal efforts. Ms. Smith asked Ms. Sage to get Mr. Holthouser's report and email it to the Board members. Ms. Sage informed the Board that APCo is working on the Myer's Creek debris removal site on LVL, and since the last Board meeting communication has increased.

9. Action Items:

a. Consideration of Recommendation for a No-Wake Surfing Zone (NWSZ) at Merriman Run: Mr. Vidovich requested that the Board enter into closed session to discuss this topic. Attorney Boggess informed the members that this has to be an open session. Ms. Smith advised that last year the TLAC Board adopted the NWSZ policy and application process. She informed the Board that the Navigation Committee first determined that the applicant met the initial criteria of notifying affected property owners and the applicant obtained the required 75% consent. Ms. Smith explained that the Navigation Committee determined the application met the criteria that had been established and approved by the Counties; therefore, the Navigation Committee recommended to the TLAC Board that the application move forward with Board recommendation. Ms. Smith opened the floor for discussion.

Mr. Vidovich informed the members that he accepted the position of chairman of the VPOP committee so he could be on TLAC's Board of Directors, and that he is a wake surfer. He expressed concerns about approving the application, such as: forcing wake surfers to other busier areas of the lake; failure to reduce wakes in the applicant's location because the NWSZ allows the same activity if a rope is used; and enforceability issues. He also stated that he believes there will be potential litigation. Attorney Boggess replied that the process and procedures have been followed.

Ms. Smith reminded the Board that last year the Board members had requested an evaluation of the process after a year. Mr. Camicia suggested, because of the long amount of time to process an application, postponing the year evaluation until the Fall of 2023 to allow time to implement and review.

Mr. Stow, Chairman of the Navigation Committee, provided an overview of the Public Hearing that was held on July 19th: approximately 30 people spoke; 9 people spoke at the meeting in favor of the NWSZ and 8 people wrote comments to be read in support of the NWSZ; approximately 16 people opposed the NWSZ and 5 people who were somewhat opposed but had the "can't we all get along attitude". Mr. Stow explained that the comments made previously by Mr. Vidovich were the same that were expressed by people at the meeting, and that several people stated, "education not legislation". He told the Board that wake surfing education will be discussed at the 8/15 Navigation Committee meeting. Mr. Vidovich replied that wake surfers would participate in that initiative.

Mr. Dalton expressed that he would be unable to vote on the NWSZ application today with his limited understanding of the facts due to his short tenure on the board. He also expressed concern for potential impacts to Pittsylvania County such as the loss of revenue if the zone were to impact tourism and drive the wake-surfing community elsewhere. Mr. Dalton expressed his support for increased lake patrols and education.

Mr. Tuck commented that he has served on the TLAC Board for 4 years and wake surfing has been discussed since he has served. He has talked to many people, so he is aware of the pros and cons to both sides. He conveyed the concerns about loss of revenue from full time residents. Mr. Tuck recommended a pause on accepting new applications until the one-year review is completed. He also advocated a focused education effort noting that effective education may eliminate the need for additional No Wake Surfing Zones. Mr. Stow responded that two communities inquired about NWSZ, and the wake surfers in those communities agreed to change behaviors in order to prevent a NWSZ.

Mr. Camicia disagreed with Mr. Tuck's desire to pause accepting applications because he believes a broader prospective will be achieved by evaluating different locations.

Ms. Smith expressed that targeted education hasn't been performed and tested, not just with wake surfing but all towed sports. She supports creating a stakeholder group of TLAC Board members, Navigation Committee members, wake surfers, and residents who have been negatively impacted by wakes to attempt to educate and curtail behavior and to have this workgroup report back to the TLAC Board by March/April of 2023.

Mr. Vidovich asked about increasing law enforcement. Ms. Smith responded that this topic needs to be on the TLAC Board agenda so it can be presented to the Counties for consideration.

Edgar Tuck made a motion to recommend the approval of the application from CPT Buoys to install two No Wake Surfing Zone buoys in Merriman Run to the Department of Wildlife Resources, seconded by Bob Camicia.

Voting yes: Ms. Smith, Mr. Whitlow, Mr. Camicia, Mr. Hiss, Mr. Tuck, Mr. Wells, Mr. Monday

Voting no: Mr. Vidovich, Mr. Dalton

Motion passed.

Edgar Tuck made a motion to suspend the acceptance of NWSZ applications until June 1, 2023, seconded by John Vidovich.

Voting yes: Ms. Smith, Mr. Whitlow, Mr. Hiss, Mr. Tuck, Mr. Wells, Mr. Monday, Mr. Vidovich, Mr. Dalton.

Voting no: Mr. Camicia

Motion passed.

Edgar Tuck made a motion to create a task force to spearhead a concerted education effort specifically geared towards the wake surfing community and other towed water sports to be administered through the TLAC Board in conjunction with the TLAC Navigation Committee, and for it to be ready prior to Spring 2023.

Ms. Smith made an amendment that the education task force be comprised of a cross section of the community; and that a report with goals, objectives and outcomes be completed by July 1, 2023.

David Wells seconded the motion. The motion carried unanimously.

b. Approve the Aquatic Vegetation Management Plan for SML-Environmental Committee: Mr. Camicia explained to the Board members that many years ago TLAC created a plan to address aquatic vegetation that was approved by AEP and the Virginia Department of

Wildlife Resources, and that TLAC reissues the Plan every year. He explained that no changes have been made except to change the date to extend the current Plan to next year.

Bob Camicia made a motion to approve the Aquatic Vegetation Management Plan, seconded by Chris Whitlow. The motion carried unanimously.

c. Approve the Invasive Aquatic Vegetation Management Program for SML-Environmental Committee:
Mr. Camicia informed the Board members that the Program outlines what steps will be taken to address invasive vegetation. He explained that no invasive vegetation has been found in the lake since the introduction of grass carp, but the grass carp are nearing the end of their life. This year the Environmental Committee completed a survey and AEP completed a survey and no aquatic vegetation was found, therefore; there is not a need to address aquatic vegetation this year.

Bob Camicia made a motion to approve the Invasive Aquatic Vegetation Management Program, seconded by John Vidovich. The motion carried unanimously.

10. Calendars and Reminders:

Ms. Smith advised the Board members that a calendar was provided as a reminder of the remaining meetings in 2022. The next Boarding meeting is scheduled for October 11, 2022.

11. Adjournment:

John Vidovich made a motion to adjourn the meeting. David Wells seconded the motion. The motion carried unanimously, and the meeting adjourned at 5:15PM.

Respectfully submitted,

Tiffany Miller