

LAKE ANNA ADVISORY COMMITTEE

Louisa County Administration Building
1 Woolfolk Avenue
Louisa, VA. 23093
MINUTES – August 23, 2017 MEETING

DETERMINATION AND CALL TO ORDER

Ms. Heidig called the meeting to order at 7:00 p.m.

ROLL CALL

Present: Ann Heidig, Chair; Chris McCotter, Vice-Chair; Richard “Dick” Shrum, Treasurer; Gary Bullis, Spotsylvania County; Greg Benton, Spotsylvania County; Jim White, Orange County; R.T. Williams, Louisa County; Christian Goodwin, Louisa County; Sarah Perkinson, Dominion Power.

Others Present: Doug Smith; Jean McCormick

CITIZEN’S INFORMATION PERIOD

There were no speakers.

APPROVAL OF MINUTES- March 22, 2017

Motion and vote: Mr. McCotter made a motion, seconded by Mr. Bullis to approve the minutes for the March 22, 2017 meeting. The motion passed 8-0.

BILLS FOR REIMBURSEMENT

A bill for \$310.81 for buoys was approved (as mentioned in the Treasurer’s Report).

Motion and vote: Mr. Williams made a motion, seconded by Mr. Bullis to approve the bill for reimbursement. The motion passed unanimously by a vote of 8-0.

TREASURER’S REPORT

Mr. Shrum gave an update on the total summary of the LAAC account from the first of the year through the current date. This included a check that was sent to Spotsylvania Water Rescue Team as a gift for their work on the old channel markers. Mr. Shrum discussed the checking and CD accounts and stated that a small amount of interest had accrued in the checking account since March. He stated that Louisa County paid their dues for the fourth quarter on April 18th and said that Louisa County had access to direct deposit into the ACH account. Mr. Shrum stated that on April 25th, various amounts of interest had accrued in the CD accounts. He stated that there was a glitch in the Fiscal Year 2017 Spotsylvania County funding so one check had been sent for the year in the amount of \$1,925. Mr. Shrum also stated that there were two buoy expenses in the amounts of \$1,870 and \$2,042.50 which were CD deposits. He stated that earlier in August, he had received a grant from Dominion Energy in the amount of \$2,000 for warm side buoys. He stated that the first quarter payment from Louisa County been received earlier in August and that he expected that Spotsylvania funding should start coming in quarterly as well. Mr. Shrum stated that the checking account had a net change since the first of the year. The CD account total increased to \$427 so the total balance for all accounts increased to \$85,960.

Mr. Shrum gave an update on balances on the back page of the Treasurer’s Report regarding the CD balance and checking account. He discussed the funding for possible hydrilla expenditures and if there was enough funding to cover the expenditures for the year. He stated that he thought the Committee needed to approve the additional expenditure because the \$2,000 that had been received from Dominion Energy was not enough to cover the expenditures.

Discussion ensued regarding buoy funds.

Motion and vote: Mr. Williams made a motion, seconded by Mr. Bullis to approve the \$310.81 bill for reimbursement. The motion passed unanimously by a vote of 8-0.

Mr. Shrum suggested that there be a hydrilla column and a buoy column as they were the two major expenditure items, and it would be easier to track.

Discussion ensued regarding how to allocate funding for expenditures, specific budgets versus a general fund.

Ms. Heidig stated that she wanted to officially establish a Finance Committee. She asked Mr. McCotter to chair the committee, with members as follows: two committee chairs, Mr. Shrum, Mr. Smith, Ms. McCormick, and Mr. Zemke. She stated that she would like the Finance Committee to prepare a recommended budget by the September 27th regular LAAC meeting. She stated that LAAC needed to be sure that the funding that was given from the General Assembly would be spent on hydrilla, which was its intended purpose.

Further discussion ensued regarding how much of the total budget was the original hydrilla funding that was received from the General Assembly. Ms. Heidig asked that the Finance Committee determine how much of the budget was comprised of the hydrilla funding.

Mr. Shrum discussed the locality funding. He discussed the CD that had expired since the March meeting and that it had automatically renewed. He stated that the Committee had missed the ten day grace period to make modifications to the CD. Mr. Shrum stated that the fourteen (14) month CD would be expiring on August 25th. He stated that a ten day grace period would occur which would give the Committee the opportunity to make modifications to the CD, otherwise the CD would simply renew.

Mr. Shrum stated that it seemed to him that there was enough funding on hand to be able to cover hydrilla expenditures for the year. He stated that they could go ahead and renew the CD under the assumption that there was enough in the checking account and hydrilla fund to cover the expenses.

Ms. Perkinson stated that she wanted to know how much of the checking account was allocated as hydrilla funding.

There was further discussion regarding the amount of funding that had been spent on hydrilla. Mr. Shrum stated that there was still a high balance of funds that was not considered to be hydrilla funding, but that the Finance Committee would verify that number before the next meeting.

Mr. Goodwin stated that he was not sure what the audit requirements were for quasi- governmental organizations but that it would take an official action by the Committee to set aside funds within the funds balance for a specific purpose. He suggested that at a future meeting, after the Treasurer had done the official accounting, that the Committee take an official action and designate that funding and then could budget on an annual basis accordingly.

It was asked how much money was going to be requested from each locality, if there were funds already readily available in the checking account and CDs. Ms. Heidig stated that that would be determined by the Finance Committee.

Mr. Shrum stated that multiple CDs gave the Committee flexibility if needed funding fluctuated from year to year. He stated that regarding requests for funds from localities, the budget presented was used to show what funding was needed each year in order to have the permanent fund readily available in the case of an emergency.

Ms. Heidig stated that there needed to be a more disciplined approach for managing funding and hoped that the Finance Committee would be able to provide that.

Motion: Mr. Williams made a motion, seconded by Mr. Bullis to allow the Treasurer to have the ability to choose to renew and modify CDs at his discretion. The motion passed by a vote of 7-1, with Mr. Benton objecting.

ELECTION OF OFFICERS

Ms. Heidig stated that the election of officers would take place at the first meeting in the calendar year, as previously discussed and approved in the new bylaws at the March meeting.

Ms. Heidig added Committee Reports to the agenda.

COMMITTEE REPORTS:

HYDRILLA REPORT

Mr. Smith stated that the Environmental sub-committee had been operating in accordance with an approved plan from November of 2015 that called for the management using carp and herbicide to control the hydrilla. He stated that August was typically the time for a survey to determine the status of the hydrilla in Lake Anna and that it should be treated by the end of August. He stated that there were large number of volunteers to help and that there were two coordinators for the cold and warm sides of Lake Anna. He stated that most of the work had been done, but that there were several reports not in. Mr. Smith stated that he did not anticipate the reports to find hydrilla.

Mr. Smith stated that regarding the hydrilla reports that had come back, the news was both good and bad. Whereas in 2016, the amount of hydrilla coverage in the lake was at 1.62 acres, there was 8.89 acres found in 2017. He stated that the good news was that most of the hydrilla was located in one area on the cold side of the lake, known as Freshwater Creek. He said that all sites were inspected and confirmed by the coordinators and that there was 8.89 acres. He stated that most was located on the Louisa County side with 8.31 acres and the warm side had only .17 acres of hydrilla located there.

Mr. Smith stated that sixteen (16) sites had hydrilla currently, and that according to the plan, they would be treating it with herbicide in the areas that had navigation issues or other issues that required action. He said there were four (4) problem areas this year. He stated that \$5,000 of funding that was approved at the March meeting would be enough to cover the treatment of herbicide for one day. He recommended that the funding be taken advantage of, and the treatment be done by the end of August. He stated that the total cost would be roughly \$4,300. Mr. Smith said that the current cost for two days of treatment would be \$8,300, but that one day's treatment would be enough to treat two sites in Freshwater Creek as well as one other site. He stated that the other site was off of Carr's Bridge Road. He proposed treating as much as possible in one day.

Mr. Smith stated that comparing the plan to execution, the first year it was expected to use \$7,500 in herbicide and \$5,100 in carp, but that they ended up spending \$7,700 on the herbicide and \$4,700 on the carp. In the second year, no treatment was used. He stated that according to the plan, this year called for \$5,000 for herbicide and \$1,200 worth of carp so they were still under budget.

Mr. Smith stated that he would like to wait to see how much hydrilla they were really going to have so that by October, they would have an idea. He stated that they would re-check the sixteen (16) sites and re-calculate the amount of hydrilla, and at that time they would make a decision to decide whether carp was needed.

There was further discussion regarding what factors allowed hydrilla to grow. Mr. Smith stated that very few carp were introduced in the areas where there was now a hydrilla issue, but that where the carp was introduced, there was currently very little hydrilla. He stated that he often received complaints from residents regarding hydrilla, but upon further inspection, the plant usually was skunk weed or another type of plant.

Further discussion ensued regarding the vegetation in Lake Anna and the effects of the carp on the fish counts.

Ms. Perkinson stated that it would be nice if there were a study that showed the effects that any lack of vegetation had on erosion. She stated that she would check to see if Dominion Energy had any data that included that information.

Mr. Smith stated that generally in lakes across Virginia, the procedure had been that the lake would become too overridden with hydrilla and then a lot of carp would be dumped in. He stated that they were trying to avoid that problem.

NAVIGATION SUB-COMMITTEE REPORT

Ms. McCormick explained why she went over-budget. She stated that she had to purchase an additional half a spool of cable as well as stainless steel cable clamps.

Ms. McCormick stated that the labels on the buoys had really started to pay off and were typically able to be returned to their original locations. She stated that there were currently four (4) buoys that needed to be put back on the public side of the lake, but that she hoped that by the week's end, they would be back up. She said that there were several that needed to go on the warm side and that she hoped to put those back up soon as well.

Ms. McCormick stated that Kelly's Landing sent in a no-wake surfing buoy application which was approved by VDGF.

There was discussion regarding whether the Committee was notified about no-wake surfing applications.

It was asked that the Committee be notified when these sorts of applications were being processed.

Ms. Perkinson stated that for clarification purposes, the reason the Committee was not notified prior of no-wake surfing buoys applications was because it was standard procedure, however, the reason that Dillard's Bridge no-wake buoy was being brought to the Committee's attention was because it required moving a buoy from the bridge further out.

Mr. Williams said that it seemed to him that LAAC was an advisory committee that was also providing funding for buoys that it had no jurisdiction over. He stated that DGIF was responsible for one side (the cold side) of the lake, and Dominion was responsible for the other side (the warm side).

It was clarified that DGIF did not own a single buoy but was only the agency responsible for approving buoys on the cold side of Lake Anna.

Ms. McCormick stated that the only buoys that LAAC paid for were the ones that they authorized such the Dillard's Bridge buoy and hazardous buoys.

It was stated that LAAC was involved in the process of approval of no-wake buoys.

Further discussion ensued regarding the process of approval for buoy applications.

Mr. Shrum inquired as to whether DGIF paid for any hazard buoys in any locations in Virginia. Ms. McCormick stated that DGIF approved them but that they also had an inventory and sent a crew out every year to inventory the buoys. If stray buoys were found to not have gone through the process, they would be removed.

It was asked whether the number of hazard or no-wake buoys changed over time. Ms. McCormick stated that since the time she became responsible, the numbers had not changed.

Mr. McCotter stated that LAAC needed to have the total number of buoys so that when Ms. McCormick was no longer in that position, the Committee would be aware of what they were responsible for. Ms. McCormick stated that she had all of that information and would provide it to the Committee.

It was stated that a transition plan should be in place by the end of the year.

It was stated that unless something happened legislatively in the fall at the state level, there would be an influx in interest for individuals to independently take action around Lake Anna regarding no-wake surfing. It was asked if it was known what the status of the legislation was.

Further discussion ensued regarding the legislative language for the General Assembly. Ms. McCormick stated that it was important that the Committee start thinking about how to make an impact in the direction they would like to go.

There was further discussion on no-wake surfing and its regulations.

Ms. Heidig advised turning to the localities and asking them how they would like to handle the issue. She asked the counties' board representatives to remember Lake Anna on the following year's legislative agenda, specifically regarding DGIF's recommendation of 150' no-wake-surfing.

DISCUSSION ITEMS:

LAAC WEBSITE UPDATE/STATUS REPORT

There was none. It was stated that Louisa County had added information to their website regarding buoy applications. Mr. Goodwin gave an update on Louisa County's new website and stated that a stand-alone page specifically for LAAC could be added if deemed necessary.

COOLING LAGOON HAZARD BUOY UPDATE

Ms. Perkinson stated that with a lot of work and research conducted by Dominion Energy, they had discussed with the Navigation Committee as well as Dominion Energy, North Anna, to keep the maintenance of the buoys as is with the Navigation Committee doing the maintenance and updates to the buoys. She stated that the difference would be for the maintenance of the current hazard and bridge buoys for the waste heat side, and that Dominion would determine a funding amount that LAAC could request from Dominion each year. The reasons she stated were:

1. Because it was private; and
2. So that Dominion could also budget it into their finances.

She stated that regarding the approval process, there was zero process to have a buoy formally approved or requested to be approved on the waste heat side. She stated that what Dominion was proposing was that they provide guidelines to LAAC, specifically the Navigation sub-committee for use of approval of hazard buoys on the waste heat side, with the condition that if there was a request that was not clearly defined in the guidelines, that the request would come back to Dominion and its designee for approval. She stated that the most specific thing that has not gone through Dominion's legal department would be not including any new no-wake buoys on the waste heat side. She stated that they would potentially grandfather in the current buoys or possibly remove them. She stated that it would have to go through legal before this process became finalized. Ms. Perkinson stated that Dominion wanted to make it so that they were in accordance with Virginia law and if there ever were a Louisa County law regarding a buoy application process. She said that currently, there is no legal way that the County or DGIF could enforce buoys on the private side of Lake Anna.

Ms. Perkinson stated that Dominion would provide the guidelines for hazard buoys to LAAC for approval, unusual cases would go before Dominion, bridge cases would continue as they were, and no addition of no-wake buoys would be added to the waste heat side with the current no-wake buoys either being grandfathered in or having to be removed. She stated that moving forward, no-wake rules on the waste heat side would be dictated by Virginia and Louisa County law(s).

It was asked whether there was a meaningful role that LAAC could play in the process. Mr. Shrum stated that the role for LAAC was to help support Dominion Energy.

Ms. Heidig asked whether the sub-committees saw any issue with the request from Dominion.

Ms. McCormick stated that they had met with Dominion a few weeks prior and that she was comfortable maintaining what was already on the lake, however, she was not comfortable being the authorizing body for approval for putting in new ones.

Ms. Perkinson stated that Dominion's legal team would not review the proposed idea until LAAC agreed to the idea of it.

Ms. Heidig stated that she did not feel comfortable making a decision presently and would like to review the guidelines and would like to hear what the lawyers had to say regarding the proposal. She stated that because LAAC was a body that was established by the counties, the counties (Louisa, Orange, and Spotsylvania) would have to agree to the arrangement of LAAC taking that role on.

Ms. Perkinson stated that Dominion was bringing it before the Committee as discussion in order to find out whether there was any strong resistance to the idea. She stated that no resolution was needed from LAAC presently.

Mr. Williams gave the opinion that as a Louisa County Board of Supervisors member, that Louisa would not feel comfortable making those decisions at the county level and that they would want LAAC to provide oversight and their expertise, but that he would communicate the proposal to the Louisa County Board of Supervisors during their next meeting scheduled for September 5, 2017.

Further discussion ensued regarding the proposed idea.

Ms. McCormick suggested that Mr. Shrum take on the responsibility of viewing buoy requests on the warm side of Lake Anna as he was a resident on that side of the lake. Mr. Shrum agreed that he could take on that responsibility.

Further discussion ensued regarding whether LAAC should take on that responsibility.

Ms. Heidig stated that from LAAC's standpoint, she was uncomfortable taking on an approval role in the process, but asked that if Louisa County and/or Spotsylvania and Orange Counties supported the idea and asked that LAAC take on the role, that perhaps they could look at taking on the responsibility.

Mr. Williams stated that from what he understood, Dominion was requesting that LAAC take on the responsibility and that they would pay LAAC for it.

Mr. Smith stated that it did not appear to him that the responsibility should be separated out between the two sides of the lake and that there should be consistency between the rules and guidelines of buoy requests throughout Lake Anna. He stated that Dominion was stating that they simply wanted to delegate the responsibility to LAAC to look into the requests and that it seemed like a reasonable request.

Mr. Goodwin concurred, and suggested that the guidelines be made available to the LAAC members for review.

Ms. Perkinson stated that there were guidelines that the request was based off of that were from the Buoy Implementation Strategy from 2010.

It was stated that the guidelines were probably not far off from the guidelines used by DGIF on the cold side of Lake Anna.

Ms. Heidig stated that she would like the Louisa County Board of Supervisors to review the request and that she would like it to be reviewed from a legal standpoint by the County Attorney's office to make sure that there were no concerns from a government standpoint of the request.

Mr. Williams stated that he would speak with Ms. Robinson, the Louisa County Attorney.

EXPIRATION OF CD'S

This item was discussed previously in the Treasurer's Report.

ACCIDENT RATES AND RELATED SAFETY ISSUES

It was stated that there were ten (10) total accidents in 2016 whereas there had been at least ten (10) accidents on Lake Anna by July 4, 2017. An article published in the Free Lance Star was mentioned which had interviewed Mr. Smith. In the article, he had voiced concerns over the lack of law enforcement on Lake Anna. Mr. Smith clarified that he was referring to the law enforcement on the lake from all three counties.

It was asked whether LAAC was exercising its due diligence to communicate with Louisa County to know what law enforcement presence on Lake Anna was.

Further discussion ensued regarding the presence of all three counties' law enforcement on the lake.

It was stated that a meeting had taken place between all first responders on Lake Anna in the beginning of August 2017. The group that was formed was called the Lake Anna Rescue Group which had the goal of improving communication, coordination, and cooperation among all major counties, DGIF and the United States Coast Guard Auxiliary. The meeting had been well attended and all were in agreement that Lake Anna's safety

had changed recently. At the meeting, it was decided that Spotsylvania's old marine unit and additional marine unit had the goal to be out patrolling the lake on Saturdays and Sundays, one unit patrolling on Fridays, and both units patrolling sporadically throughout the week. This was a commitment made by the Spotsylvania County Sheriff's Department. DGIF had three boats on Lake Anna and was running two (2) to three (3) shifts during weekends. They already had a strong commitment which would continue into the following year. It was stated that they were hoping that Louisa County would step up regarding law enforcement presence on the lake. Representatives from Louisa County's Fire and EMS Department which included the Assistant Fire Chief Kris Hawk attended the Lake Anna Rescue Group meeting. Gary Jacobs with Tow-Boat U.S. also attended the meeting who was a wealth of knowledge. At the meeting, there was discussion regarding interagency training sessions among the counties' law enforcement. The meeting had been sincere and constructive in order to improve the effort on promoting safety on Lake Anna.

It was asked of Mr. Williams that he advocate that there be a stronger law enforcement presence from Louisa County on Lake Anna.

Mr. Goodwin stated that he had spoken with Major Lowe, Louisa County Sheriff's Office, and that regarding patrol and response data, Louisa County had been out on the lake part of nine (9) out of the eleven (11) weekends since Memorial Day weekend and had responded to some sixty (60) plus calls or enforcements on the lake. He stated that the Louisa County fire rigid boat and the sheriff's rigid patrol boat were stationed on the cold side of the lake and could be deployed more quickly than a trailer in the water. He stated that from a Louisa County standpoint, one of the challenges that they faced was getting enforcement officials out on the water during the weekends. Mr. Goodwin stated that this issue would hopefully be resolved by the following year. He stated that the Louisa County Sheriff, Ashland Fortune, made the final decision regarding marine units but seemed interested in having more patrol on Lake Anna.

Ms. Heidig asked if there was anything that LAAC could do to support and encourage the effort. She suggested that LAAC submit a resolution to each of the counties' board of supervisors, requesting their attention to the law enforcement efforts needed on Lake Anna. She asked the Supervisors if a resolution would be helpful.

Mr. Williams stated that it would not hurt anything to put together a resolution, but reminded the Committee that the sheriffs were constitutional officers and would run their departments how they saw fit. He also stated that the Louisa County Sheriff's Office was currently experiencing a staffing shortage.

Ms. Heidig asked Mr. Goodwin that a resolution be prepared in support of the Lake Anna Rescue Group to be created for LAAC's review at their next meeting. Mr. Goodwin stated that Louisa County would be glad to work on creating a resolution but that it should be a joint effort but that the resolution should also be sent to DGIF.

Ms. Heidig concurred.

Motion and vote: Mr. Williams made a motion, seconded by Mr. Benton to approve moving forward with creating a resolution supporting the efforts of the Lake Anna Rescue Group. The motion passed unanimously by a vote of 8-0.

DILLARD'S BRIDGE NO WAKE BUOY DECISION/VOTE

Ms. McCormick stated that until a valid application was presented to LAAC, there was nothing to discuss or vote on.

OLD BUSINESS

There was none.

NEW BUSINESS

Ms. Heidig requested that a thank you letter be put together to be sent to Chief Grubb for his efforts on the removal of the old location markers.

Motion and vote: Mr. Williams made a motion, seconded by Mr. McCotter, to approve the thank you letter, based on the recommended wording, to be sent to Chief Grubb for his efforts on the removal of the old location markers. The motion passed unanimously by a vote of 8-0.

Mr. Williams stated that members should be dedicated to attending LAAC meetings and that a poll for a quorum should not have to occur in order to hold regular LAAC meetings. Ms. Heidig concurred.

Mr. Williams stated that if individuals were not committed to attending LAAC meetings, then they should be replaced.

Mr. Goodwin inquired as to whether the Finance Committee formation required a vote by the Committee.

Ms. Heidig stated that it did not require a vote, and that the LAAC Chairman could form the committee. The members on the Finance Committee were stated as follows:

Mr. Chris McCotter as Chairman
Mr. Dick Shrum, Finance Committee member
Mr. Doug Smith, Finance Committee member
Ms. Jean McCormick, Finance Committee member
Mr. Larry Zemke, a possible member

Ms. Perkinson asked whether LAAC would advise the setback regarding Dillard's Bridge, as stated that they would (referenced in the previous meeting's minutes). She asked if the Committee would vote at the present meeting to advise on the setback.

Ms. McCormick stated that the sub-committee's recommendation was not to move the buoys at Dillard's Bridge.

Mr. Williams asked if this decision should be formalized by a vote, supporting the sub-committee's recommendation.

Ms. Perkinson stated that this was a good discussion and vote to have for the future.

Motion and vote: Mr. Benton made a motion, seconded by Mr. Williams to support the Navigation sub-committee's recommendation not to move the buoys at Dillard's Bridge. The motion passed unanimously by a vote of 8-0.

NEXT MEETING

The next LAAC Meeting will be held in Orange County on September 27, 2017.

ADJOURNMENT

The meeting adjourned at 9:36 p.m.

Lauren Compton, Louisa County Secretary

Date