

# LAKE ANNA ADVISORY COMMITTEE

Louisa County Administration Building  
1 Woolfolk Avenue  
Louisa, VA. 23093

## MINUTES – March 22, 2017 MEETING

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### 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- January 25, 2017

Mr. McCotter noted a fragment sentence on the second page. In addition, he requested that the minutes be amended to state that “Mr. McCotter noted that the markers were not channel markers but positional location markers”.

Mr. McCotter stated that on the second page, under “Wake Surfing Update” item, in the second paragraph, that he was misquoted. Ms. Heidig suggested that the sentence be amended to say that “it was stated”.

Mr. Benton stated that the sentence on page two that stated that “he could always cut them off at the surface” was not accurate. Ms. Heidig stated that the sentence should state “cut them off at the bottom”.

**Motion and vote:** Mr. Benton made a motion, seconded by Ms. Heidig to approve the minutes for the January 25, 2017 meeting with the aforementioned changes. The motion passed 6-0, with two members abstaining due to their absence at the January meeting.

### BILLS FOR REIMBURSEMENT

Ms. Heidig asked that the “Bills for Reimbursement” item be combined with the “Treasurer’s Report” in all future meetings.

Mr. Shrum stated that he received no bills for payment and assumed that there were none outstanding.

### TREASURER’S REPORT

Mr. Shrum stated that he had circulated a copy of the report and had retained the format that displayed the overview of the four accounts. He provided a brief explanation of the format for the report.

It was asked whether the figure of \$2,000 under “Buoy Fund” was the amount promised by Dominion. Mr. Shrum stated that the item had the amount set aside for the buoy expenses.

Mr. Shrum stated that \$143 had been collected in CD interest. He also noted an error in the lower right corner that stated “as of 12-31-16”. He stated that the date should be “as of 2-28-17”. Mr. Shrum stated that the checking account’s total amount was \$24,508 which was set aside into two groups, one being the Hydrilla budget which had a total amount of \$8,346. He stated that the general fund contained \$16,000 which included the \$2,000 in the buoy budget. Mr. Shrum suggested changing the format of the buoy budget and placing it next to the hydrilla budget in future Treasurer’s reports. He stated that the total CD amount was over \$60,000 since

a CD was cashed in and half of the amount was put into the checking account while the other half was kept in the CD (as approved at a previous meeting).

Mr. Shrum mentioned that the next four lines in the report were intended to be just a summary. He stated that the committee was receiving enough money from Louisa County to be paid quarterly, with the next payment scheduled to be received in April 2017 in the amount of \$437.00. Mr. Shrum also stated that the request for funds to Spotsylvania was in the amount of \$1,925 but that he had received no indication as to when the amount would be received.

Ms. Heidig advised Mr. Shrum to call Spotsylvania to check on the whereabouts of the amount. Mr. Shrum stated that this was the same situation with the requested amount of \$500 from Orange County. There was further discussion on what amounts had been requested and when the amounts were expected to be received.

Mr. Shrum stated that Dominion had made available \$2,000 for warm-side buoy expenses. The total amount was expected to be received by April or May 2017. Brief discussion ensued as to who the authorizing agent would be in the future. Ms. Heidig stated that the item could be discussed in greater detail under "Old Business". Mr. Shrum stated that two of the CDs were maturing in 2017 and that previous LAAC minutes indicated that the status of these funds would be discussed at the current March meeting. Mr. Shrum stated that there was not a lot of money earmarked as expenditures. He stated that there was a large balance in the checking account and that he thought that some of the money could be put back into one year CDs. He also suggested getting more defined budget expense statements from various activities and proposed that at the next meeting, to look more precisely at the amount of money to be spent over the course of the next nine months in regard to the Hydrilla fund, etc. He stated that if he could have a more precise statement in the next six weeks, then he could come into the regular May meeting with a specific proposal.

Ms. Heidig asked the subcommittees if the requested information could be provided to Mr. Shrum in six weeks. Ms. McCormick and Mr. Smith agreed that it could be done. There was further discussion regarding the buoy budget. Mr. Shrum clarified that it was a new item and did not reflect the amount that was to be given by Dominion.

## **PLANNING SESSION**

### **HYDRILLA UPDATE**

Ms. Heidig requested that in the future, the Hydrilla Update and Wake/Surf Update be discussed under Old Business.

Mr. Smith stated that the Hydrilla process for the summer of 2017 was expected to go as planned as approved in November 2015 by LAAC. He stated that the plan called for the review and reassessment of the hydrilla problem and that he expected the assessment and review to happen in late August of 2017. Mr. Smith stated that the problem had been combatted by both grass carp and herbicide. He mentioned that in accordance with the plan, in subsequent years, the use of herbicide should only be used where there was a specific problem with navigation or people accessing their facilities. He stated that his plan was to pursue the use of herbicide only if it was necessary. He stated that it would cost \$4,000 per day to apply herbicide. He requested that the Committee approve the use of herbicide for one day and up to a maximum of \$5,000 in 2017. He stated that it could only be used as necessary.

Mr. Shrum asked if both sides of Lake Anna could be sprayed in one day. Mr. Smith stated that that it had been done in one day in previous years. Mr. Smith stated that the contract would not have to be rewritten since the contract was extended in 2016 with the anticipation that there would be subsequent years.

**Motion and vote:** Mr. White made a motion, seconded by Mr. Benton to approve the allocation of \$5,000 for the treatment of hydrilla with the use of herbicide. The motion passed unanimously.

Mr. Smith added that if there was a need to add to or replace the herbicide with grass carp, it would not occur until April of 2018, therefore funding could happen at any time. He stated that this could be determined in the fall of 2017 when the hydrilla growth rate was more specifically known.

Ms. Heidig inquired as to whether Dominion was able to give an estimate on the number of carp in the lake. She asked that Mr. Smith check on the likelihood of this request. There was further discussion regarding the number of carp in the lake.

Ms. Perkinson stated that she would see if obtaining carp numbers from Dominion was a possibility. There was brief discussion on when the highest rate of hydrilla complaints were received each year. Mr. Smith stated that the number went up exponentially in August.

Mr. Smith stated that there were several mistakes in the January 25, 2017, minutes that he wanted to clarify, the first being that there were 45 acres of hydrilla in the lake. He stated that the sentence was found under the item Planning Session, "Hydrilla". He also stated that for the record, in regard to the statement that, "Thirty times more carp than needed were placed in the lake", that that number had been approved by LAAC and DGIF. Mr. Smith clarified that in regard to the statement made that "too many amateurs were involved and a lot of what was thought to be hydrilla was actually skunkweed", that there was a training session with DGIF participation and survey teams who had gone out and brought back information that was verified by team leaders, one by the warm site and one by the cold side. He stated that thereafter, that information was verified by DGIF who also went out and looked at the size of the hydrilla infestation and that the department verified that it was in fact hydrilla. Mr. Smith stated that he believed that the "amateur" statement also stemmed from the fact that LAAC solicited input from homeowners, and that many of those requests turned out to be various other aquatic plants that were not hydrilla.

Ms. Heidig stated that these comments would be noted in the minutes. There was further discussion regarding the aforementioned statements and the number of carp per acre. Mr. Shrum asked if it was factual that only 1.6 acres of hydrilla was observed the following year. Mr. Smith stated that in the summary review, 1.6 acres was observed in the summer.

#### **WAKE/SURF UPDATE**

There was no update at the time.

Ms. McCormick asked if there was any update with the legislation in Spotsylvania County. It was stated that currently, they were still waiting on DGIF and that Mr. Cebula, who was still working on the issue, anticipated to pass the legislation.

It was stated that Mr. Cebula would be following up with the Spotsylvania County Attorney to get in contact with DGIF in order to see if any sort of official response had been given to what had been passed by Spotsylvania, particularly the approval of the submission. It was stated that no response had been given yet.

It was stated that DGIF had offered in meetings to help in the writing of the legislation to be submitted by November 2017. It was suggested that LAAC take DGIF up on the offer for assistance. Brief discussion ensued.

#### **BYLAWS**

Mr. White discussed the most significant changes that he made to the bylaws. The first change was under Section 2 entitled "Meetings" in regard to the organizational meeting scheduled to be held in July 2017. There was further discussion regarding the most appropriate date of the annual organizational meeting. It was agreed that the organizational meeting should be delayed until appointments had been made.

Mr. White stated that major changes had been made to Article 4 entitled "Committees". He stated that the language was confusing and suggested that subcommittees could only be chaired by members of LAAC which was not the case. Mr. White stated that the language now stated that the LAAC chairman could appoint the subcommittee chairman. There was further discussion regarding the misinterpretation of the language and the MOU that preceded the bylaws and contained conflicting language. Mr. White stated that the bylaws needed to defer back to the original MOU and that the two documents should not be conflicting. Ms. Heidig concurred.

Mr. Williams stated that after reading Sections 1-6 of the bylaws and the language that was included, he interpreted the purpose of the Committee to be a cooperative and that its purpose was to do what was best for the entire lake and community surrounding it. He inquired if the bylaws did not empower the Committee to

spend money, then why the Committee had money and why it requested more money from Louisa, Spotsylvania, and Orange Counties. He referred to the most recent request made to Louisa County for \$5,000 for the upcoming fiscal year.

**Motion and vote:** Mr. McCotter made a motion, seconded by Mr. White to continue further discussion.

Ms. Perkinson stated that the title of Dominion would most likely change from "Dominion Power" to "Dominion Energy" by May 2017. She stated that she would let the Committee know as soon as the title officially changed. Mr. White stated that for the time being, he would change the title in the bylaws to "Dominion".

Mr. White stated that he had a concern with Article 3, in the section listed as "Quorums". He stated that the quorums should be five voting members, but that the bylaws then said that one voting member from each jurisdiction (county) must be present. He stated that later in the document, it required a two-thirds majority and at least one voting member from each jurisdiction (county) be present. Mr. White suggested deleting the very last sentence under "Quorum". He stated that there was enough protection under the Article 5 clause that required a member from each organization to be present.

There was further discussion regarding the suggestion. Mr. White stated that he would verify that the suggestion was not in conflict with the cooperative agreement.

Ms. Heidig stated her concern with not having all three counties represented at each meeting. She stated that she would rather postpone a meeting in order to have all three counties present rather than have a meeting just because a quorum was met. She stated that because LAAC was established by all three counties, she wanted to make sure that at least one member from each county was present at all meetings. There was further discussion regarding county representation and quorums.

Mr. Shrum suggested making a change to page 4, Article 4 entitled "Committees". He inquired as to whether the phrase "to carry out LAAC's buoy program" could be included in order to be more explicit. He stated that as the bylaws were in currently, he did not see any wording that gave the Committee authority to carry the buoy program out.

Mr. White stated that on page one, item 4 entitled "Purpose", there a specific purpose was listed. There was further discussion regarding the original marker program, and Mr. Shrum inquired as to whether the original marker program was being phased out.

Ms. Heidig stated that one of the purposes of LAAC when it was first established was to administer the buoy program. She stated that this occurred since LAAC was established by government entities and thus had sovereign immunity. There was further discussion regarding the original marker system and incorporation of the buoy program and the Committee's responsibility for it.

It was suggested that the phrase under number two be added to state, "and administer the Lake Anna buoy program". The Committee agreed with the suggested addition.

**Motion and vote:** Mr. Williams made a motion, seconded by Mr. White to make the two aforementioned amendments to the bylaws. The motion passed unanimously.

Mr. White stated that it would be beneficial for the LAAC secretary, Ms. Mann, to have a finalized copy of the amended bylaws. Ms. Heidig concurred.

## **OLD BUSINESS**

Ms. Heidig stated that LAAC had received a letter from Dominion requesting that LAAC maintain and process the buoys on the private side of the lake. Ms. Perkinson clarified that the request was specifically for the hazard buoys. Ms. Heidig stated that Dominion had agreed to pay a one-time fee of \$2,000. She stated that there were some other issues regarding the request that needed to be discussed.

Ms. McCormick discussed the buoy application process and mentioned that homeowners had to go through the same process that LAAC had to go through. She stated that the authorizing authority on the public side of the

lake ultimately was DGIF. She inquired as to whether the request from Dominion was only in regard to the approved DGIF buoys or if it would also be for any subsequent buoys that were requested. Ms. McCormick stated that she did not see any issues with LAAC installing previously approved buoys, but that an issue could arise with who the authorizing authority would be for new buoy installation requests.

Ms. Heidig requested that Ms. Perkinson verify who the point-of-contact was for Dominion's authorizing authority. Ms. Perkinson stated that Dominion had given LAAC responsibility for two types of buoys, the first being hazard buoys that were strictly for safety purposes (adding, maintaining, or removing unnecessary hazard buoys). She stated that in regard to no-wake buoys, Dominion would not be the authorizing agent but would be willing to work with the county or LAAC in order to determine who would be responsible for those requests.

Ms. McCormick stated that if a new request for a hazard buoy was made, the same application process would still apply and an authorizing authority would need to receive the request. It was stated that there would have to be a paper trail and system in place for any requests made.

Ms. Heidig stated that LAAC was not necessarily comfortable being the authorizing authority.

Ms. McCormick stated that the Committee would be responsible for the eleven buoys that were already approved. There was further discussion regarding the legal responsibility.

Mr. Shrum suggested that LAAC take responsibility as requested by Dominion. He reiterated that as Chairman of the Safety Committee of LACA, they had reviewed the need for no-wake buoys on the warm-side based on LAAC's recommendation.

It was asked whether no-wake buoys were considered hazardous buoys, and it was stated by several members that they were not considered to be.

Ms. McCormick recommended that LAAC order the new buoys for the eleven approved buoys and discuss the issue of new requests at a following meeting.

Mr. Shrum suggested that Dominion have a paragraph in its policy manual that it gave to home-owners that discussed buoy information, and that homeowners were at their own risk, and not a DGIF state-approved mechanism.

Ms. Heidig asked if there were any other items under "Old Business" that still needed to be discussed.

Ms. McCormick stated that there was an application to move buoys and that she wanted to refresh the Committee regarding the issue. She stated that there had been several serious accidents near the bridges, and that in 2001, using boating safety, the seven bridges on the lake had lighted buoys installed. Ms. McCormick stated that the new application request was that the buoys be moved back 200 feet on the south side of Dillard's Bridge. She stated that there was some frustration on the other side of the lake regarding this request. Ms. McCormick stated that officers from Spotsylvania had looked at the location on the lake and had recommended that the buoys be moved back 600 feet to the area where the lake widened. Ms. McCormick stated that times had changed since when the buoys were installed in 2001 and that there were many more boats traveling through the area that were much larger. She stressed the importance of taking the safety of the residents in the narrow channel into consideration. Ms. McCormick advised moving the buoys all the way back 600 feet. She stated that she was not asking for a finalized decision from the Committee at the current meeting and that if a setback of 600 feet was advised, that a new application would have to be submitted.

There was discussion regarding the setback and a linear diagram of the visual was requested by the Committee. There was further discussion regarding the need for a new application and the location of the request.

Mr. Williams stated that a request to move one lighted buoy would cause the need to move all lighted buoys. He requested that the lighted buoy at Dillard's Bridge remain at the 100 feet setback and suggested adding a no-wake buoy instead. There was further discussion regarding the potential approval of the buoy.

Ms. Perkinson asked what was considered to be narrow footage and that its interpretation was subjective.

Ms. Heidig stated that it was important to have an overall recommendation and rationale especially going forward since the particular request would set a precedent for all future requests.

It was asked whether there were written rules as to the distance that boats had to pass each other on the lake. Ms. Heidig stated that unfortunately, there were no written rules. There was further discussion regarding the value of no-wake buoys.

Ms. Heidig stated that it would be beneficial to have recommended criteria and to include information such as amount of traffic and distances. She stated that she did not want the Committee to make arbitrary decisions. She also requested a schematic. Ms. McCormick stated that she would provide information at the next meeting.

Ms. McCormick discussed the removal of channel markers. She stated that Mike Grubb with Spotsylvania Emergency Services and the dive team had agreed to remove the markers if LAAC donated \$300 to the dive team.

**Motion and vote:** Mr. Shrum made a motion, seconded by Mr. White to make a \$300 donation to the dive team in order to have the channel markers removed. The motion passed unanimously.

A brief update was given regarding the Dike 3 issue and that it was on the way to resolution and that no letter was needed.

### **NEW BUSINESS**

Mr. Williams discussed the Treasurer's Report and inquired as to what the total hydrilla budget was.

Mr. Shrum specified that about \$50,000 was in the budget for hydrilla.

Mr. Williams inquired as to why LAAC was requesting additional funds from the counties when the total amount was already so high.

Ms. Heidig stated that when she first became a member of LAAC, she was under the impression that about \$80,000 was in the budget for hydrilla. She stated that that money came from the General Assembly.

Mr. White stated that the money was originally ear-marked for hydrilla. It was stated that the money no longer was just for hydrilla, but that the inquiry could be followed up on.

Ms. Heidig stated that for the most part, the budget was considered a safety net in the case that if the requested amounts from the counties were not received, that there would be money available for continued operation.

Mr. Williams stated that it was important to foster a good relationship between counties based on a true need for the requested amount. He stated that he would do his part to make sure that Louisa did not give the requested amount to LAAC for the upcoming fiscal year as he did not see that it was needed.

Ms. Heidig stated that the requested amount was based on an estimate from the Safety Committee of what it would cost to maintain the buoys over time.

Mr. Shrum stated that it was his understanding that there was still about \$50,000 from the original grant and there had been an approval for LAAC to spend its money on anything above that amount so that LAAC had access to that money. However, he had been led to believe that the Committee would not be receiving any other grants for hydrilla; therefore it was crucial that the current amount balance be kept for a "rainy day fund" and that the Committee spend what it needed to on buoy installation/maintenance and other expenses. Mr. Shrum believed that the budget request reflected an annual average expense.

Ms. Perkinson asked if there was documentation from the state that stated that the grant money given for hydrilla no longer had to be necessarily used on hydrilla.

Mr. White stated that the original amount was given when interest rates were very high. It was stated that when the money was originally granted, hydrilla was running rampant but that interest accrued from the amount given

could be used on other expenses that were not related to hydrilla. There was further discussion regarding the resurgence of hydrilla in the past two years and the expending of money on hydrilla over the next ten years.

Mr. Shrum stated that he would check on the budget request of \$5,000 and the actual need for that amount from Louisa County.

Ms. Heidig stated that the Committee would like to see consistent funding to pay for the buoys.

Mr. Williams stated that a more accurate budget request would be needed before the Louisa budget was approved.

Mr. Goodwin stated that Louisa County's budget would be adopted at the April 17, 2017, meeting.

Ms. McCormick stated that it cost roughly \$3,000 in annual expenses. It was suggested that a designated LAAC member write the budget requests for the counties in the future rather than an individual from LACA.

**Motion and vote:** Mr. Shrum made a motion, seconded by Mr. White to designate a LAAC member to write all budget requests to be submitted to counties in the future. The motion passed unanimously.

Mr. Shrum stated that he had circulated an item via email for "New Business".

**NEXT MEETING**

The next LAAC Meeting will be held in Orange County on May 24, 2017.

**ADJOURNMENT**

*The meeting adjourned at 8:50 p.m.*

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Paulette Mann, Spotsylvania County Secretary

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Date