

MINUTES OF THE REGULAR BOARD MEETING
of the
LAKE COUNTY WATER AUTHORITY
August 26, 2009

The regular meeting of the Board of Trustees of the Lake County Water Authority was held at 3:30 p.m. on Wednesday, August 26, 2009 in the Lake County Board of County Commissioners Chambers at 315 West Main Street, Tavares, Florida.

Members Present-District #

Charles Clark (#1)
Nancy Fullerton, Chair (#2)
Carolyn Dillon (#3)
Larry Everly, Jr. (#4)
Linda Bystrak (#5)
Keith Farner, Vice Chair (At Large)
John Harris (At Large)

Staff Present

Michael J. Perry, Executive Director
Patricia Burgos, Environ. Prog. Mgr.
Ben Garcia, GIS Manager
Ron Hart, Water Res. Prog. Mgr.
Lance Lumbard, Water Res. Proj. Mgr.
Carole Barice, LCWA Attorney
Linda Marino, Administrative Assistant
Linda Gavin, Recording Secretary

A list of others present that signed the attendance roster is filed in the permanent files of the Water Authority.

1. CALL TO ORDER / PLEDGE OF ALLEGIANCE

Chairman Fullerton called the meeting to order at 3:30 p.m. and everyone stood for a moment of silent meditation and then recited the Pledge of Allegiance.

2. APPROVAL OF MINUTES

- Budget Meeting – July 8, 2009

Ms. Bystrak mentioned on **page 4, 4th paragraph, 6th line** that “get” should be money and **page 9, 5th paragraph, 2nd sentence** should say “District would not continue auditing since all of their money...” The last sentence on that page should be “no oversight of the HCRC line item...” Mr. Clark stated on **page 12, 5th paragraph, 2nd sentence** “Lake Dora” should be Dora Canal. Chairman Fullerton mentioned on **page 10, 3rd paragraph, 3rd sentence** should end after “their keep”.

Ms. Dillon made a motion **TO ACCEPT THE JULY 8, 2009 BUDGET MEETING MINUTES AS CORRECTED.** Seconded by Mr. Everly, Jr., the motion carried 7 – 0.

- Regular Board Meeting – July 22, 2009

Mr. Harris stated **page 11, 1st paragraph, 3rd sentence** should read “Four Corners Charter School has 300-400 students that do reside in Lake County...” Chairman Fullerton stated at the beginning of the July 22, 2009 meeting she requested the Board

approve the Minutes by unanimous consent and requested that be included. Ms. Dillon mentioned **page 17, 3rd paragraph, 1st sentence** that Mr. Everly Jr. had said he had a “problem with this request because it was not a Board member agenda item”. Ms. Bystrak stated **page 5, last paragraph, 1st sentence** should read “...St. Johns River Water Management District (District) sent a report ...” She wanted be inserted before “included” on the **third line** on the same page and again instead of “against” on **page 17, last paragraph**.

The July 22, 2009, Regular Meeting Minutes were approved as corrected by unanimous consent of the Board.

3. EXECUTIVE DIRECTOR REPORT

Mr. Perry reported Lakes Eustis, Dora and Harris are above minimum desired and regulatory levels and Lakes Apopka and Griffin are slightly above minimum desired. Lake Minnehaha continues to respond to recent rains but remains 3.5’ below regulatory range. Chairman Fullerton stated residents continue to ask why the Water Authority does not stop Polk County from taking Lake County water. Mr. Perry replied that staff also receives such calls but it really has to do with where the rain falls.

Mr. Perry stated staff received notification the Legislative Delegation meeting will be held on September 30th but the notice was received too late to include on today’s agenda. This will be included on the September 23rd agenda and the Board, at that time, can let him know what they would like reported to the Delegation. The 2008 Annual Report draft and the Five-Year Plan will be sent electronically and if Board members have any issues or topics, to let him know.

Mr. Perry commented that a third grade teacher at Sawgrass Bay Elementary in Clermont gave the Water Authority \$6.10 collected during the Science Fair last school year. Chairman Fullerton suggested this contribution be mentioned on the WLBE Radio Show.

Mr. Perry said for the past several years, the State of Florida has been mandated by the Environmental Protection Agency (EPA) to establish numerical nutrient standards. He read that “discharge of nutrients will continue to be limited to violations of other standards and human-induced nutrient regiments shall be considered degradation”. The EPA is striving to ensure Florida establishes numerical standards and the Department of Environmental Protection (DEP) is trying to determine the cause and effect relationship between nutrients and ecological attributes such as nitrogen, phosphorous, water clarity, and dissolved oxygen. The DEP also wants to develop criteria consistent with the narrative nutrient criteria but it is data intensive and complicated. The Water Authority does not have much of a say because it is related more to the regulated community or those that have National Pollution Discharge Elimination System Permits. It concerns point source and non-point sources and since point source is not allowed in natural systems anymore, the County and local governments’ main concern is stormwater and they may have to do more projects than first planned. Staff will stay vigilant and even though the Water Authority does not have direct responsibility, we will assist local

governments in meeting their requirements. He said it is a complicated rule and even though numerical standards will soon be established, there will be a flood of legal activity until everything is settled. He stated he wanted the Board aware of this and if they have interest, he can send information to them or invite someone to speak on this issue. Chairman Fullerton asked if Ms. Bystrak's e-mails pertained to this issue and Mr. Perry said yes and that he will forward the actual numerical nutrient standards to the Board. Chairman Fullerton thought the e-mails had to do with the Total Maximum Daily Loads (TMDL) because the Water Authority would have some role. Ms. Bystrak reported this issue will be on the next B-Map agenda.

Mr. Perry reported that he and Chairman Fullerton spent a portion of the previous day on the Dora Canal which gave her an opportunity to see it for the first time.

4. DISCUSSION ITEMS

a. Review of 60% Beauclair Restoration Plans

Mr. Lumbard referenced the site map and aerial indicating Small Canals 1 & 2, the Golf Course Canal, and the Venetian Village Canal. He stated the pipe line will pump sediment past the Nutrient Reduction Facility (NuRF) and into F & G Cells. The inter-governmental agreement before the Board is a draft of what District staff plan to take to their Governing Board on September 8th and if approved, will be brought to this Board September 23rd. The Water Authority agrees F & G Cells need restoration because of pesticide contamination and the Lake Beauclair project will cap the contaminated sites with cleaner sediments.

Mr. Clark wanted to know if F & G Cells would always be wet and not dry out. Mr. Lumbard explained that the District plans to implement a restoration plan and make necessary assessments to determine what should be done once the Lake Beauclair dredging project is complete. Mr. Everly, Jr. interjected that the Board was told the F & G Cells would be a wetland but Mr. Lumbard reiterated the District will make that determination.

Mr. Lumbard referenced an aerial showing Lake Beauclair's original bathymetry and said after further analyses, it was decided the area had changed little over the years. The dredged footprint represents a 52' contour line and the DEP will not allow mineral sand to be removed and the sand island will be left for aquatic vegetation.

Ms. Bystrak asked if the area contains sinkholes and whether a hydraulic dredge would be used. Mr. Lumbard stated he does not know of any sinkholes and believes a hydraulic dredge will be used but options remain open. Vice Chair Farner stated the idea is to remove the sediment and he asked if enough would be removed to halt resuspension. Mr. Lumbard explained the contour line goes below the range of resuspension and that decision was reached based on dredging far enough down to stop resuspension but for the project to still be economically feasible. Ms. Bystrak asked the depth to reach sand and

Mr. Lumbard said in some places it is 20' down. Mr. Harris asked if there was any historic information about the muck in Lake Beauclair.

Mr. John Keifer with BCI Engineers and Sciences, Inc. said they evaluated the historic lake bed and found the Apopka-Beauclair Canal (AB Canal) very high in nutrients and organic material. He explained sediments differ in physical characteristics and are more easily resuspended, contain higher water content, and are almost jelly like in certain locations. BCI viewed the chemical and physical signatures in one-foot increments, took core samples, and used sensors to locate differences in material density. They referred to the District's report, used sediment tracers, and found sediment to be less than 5' deep. In targeting a 52' elevation, they believe dredging will be done deep enough to reach the more contaminated sediments.

Mr. Clark stated when he was part of the Harris Chain Restoration Council (HCRC); they discussed the probability of resuspension and determined it was a factor of wind speed and fetch. Dr. Canfield with the University of Florida wrote that Lake Beauclair's sediment is subject to resuspension and this project will remove a large portion.

Mr. Lumbard referenced Lake Beauclair's cross section drawings stating there are no cross section profiles of the residential canals and that Small Canal #1 will require a smaller dredge. Vice Chair Farner asked if it is considered maintenance dredging and Mr. Lumbard said it is so long as it goes no lower than 5' below ordinary low.

Ms. Bystrak said she read where dredging would take 270 days but that was the estimate before several canals were added. Mr. Lumbard said he is working with the District but believes it will be a two-shift operation and last six to eight months. He added dredging is not allowed between June and August due to the possibility for fish kills.

Mr. Lumbard stated the Golf Course Canal will be dredged forty feet wide throughout and the Venetian Village canal's width will be adjusted as needed. Booster pumps will move material to the disposal area and this project will be linked to the NuRF to get additional water quality benefits.

Mr. Clark asked about return flow rate and Mr. Lumbard said it depends on what the District requires but the NuRF can pump a maximum of 5,000 gallons per minute. It also has the ability to dewater enough to keep a hydrologic gradient so water moves north; however, if there is additional rainfall; the return pump will have to be upsized. In flood situations, the District will require the dredge to stop because positive flow out of the system has to be maintained to keep nutrients and water from moving south.

Mr. Harris asked if staff thought about raising the existing levee. Mr. Lumbard said one advantage of using this area is little modification has to be done but if there is heavy rain; staff will have to be able to deal with it.

Ms. Bystrak stated there will be four diesel pumps moving sediment toward F & G Cells and one pumping water away so she thought that it would be very noisy. Mr. Everly, Jr. mentioned there are other technologies available.

Mr. Lumbard said one critical detail is the return line entering the NuRF because it will require flapper valves to prevent return water from moving down the AB Canal. There will also be a need for silt fences and turbidity barriers. The District has imposed a maximum target elevation of 65' and once F & G Cells reach that elevation, the contractor will need to relocate his dredge line.

Vice Chair Farner asked when staff plans to go out to bid. Mr. Lumbard reported BCI is in the final stage of their design. It will accompany the 60% Plans and the District's biological assessment will be sent to the DEP and the U. S. Army Corps of Engineers. Staff will respond to Requests for Additional Information and after the permit is received, the Board will review the 100% Plans. If approved, the project will go out to bid.

Ms. Dillon said it seems as though Lake Beauclair's water level is not measured but that Lakes Eustis, Dora and Harris water levels are and last year the low was 60.5'; however, Lake Beauclair's dredging will be down to 52'. Mr. Lumbard explained restoration dredging differs from maintenance dredging in that the normal low for Lake Beauclair is 62' but canal target elevation is 57'. Florida Fish and Wildlife Conservation Commission will look at the disposal site as part of the District's involvement. Mr. Perry stated project cost is approx. \$9 million, there is \$9.5 million in the bank but the true cost will not be known until all bids are in and that can take up to 45 days and then another two months to mobilize.

Mr. Clark thought the dredging project on Lake Griffin totaled three times the original estimate of \$2.5 million. Mr. Perry explained that project required the contractor to move his dredge frequently because of the numerous canals but the Lake Beauclair project will allow the contractor to leave the large dredge in place and use a smaller one in the canals.

Mr. Perry stated staff has been working closely with District staff, they have been great, and seem interested in the Lake Beauclair project. The Water Authority will have to take care when working in and near Lake Apopka.

Mr. Dennis Hanley, Mount Dora resident, came forward and asked if the AB Canal will be navigable during dredging. Mr. Lumbard said staff expects it to be but it may be more difficult when the smaller dredge moves into residential canals. Mr. Hanley stated water at the boat ramp in Lake Jem Park is quite shallow and asked whether dredging would occur there and he was informed that it would not.

Mr. Skip Goerner, Vice Chair of the HCRC asked Mr. Clark if he remembers the amount of sediment expected to resuspend in Lake Beauclair and Mr. Clark said he would have to look at Dr. Canfield's graphs. Mr. Clark said Mr. Lumbard explained the area he is concerned about is within the dredged footprint so he is satisfied the contractor can

remove a lot of the muck. Mr. Goerner added Mr. Clark is correct in that the initial estimate to dredge Lake Griffin was \$2.5 million.

5. PUBLIC COMMENT

No one came forward to speak.

The meeting adjourned for a short recess at 4:55 pm and reconvened at 5:10 p.m.

6. DISCUSSION ITEMS (Continued)

b. Conceptual Dora Canal Dredging Project

Mr. Hart said originally this channel was part of a wetland swamp connecting Lake Eustis to Lake Dora but in 1893, it was dredged and became known as the Dora Canal. In 1958, the Water Authority hired a contractor to dredge it deeper and wider. Staff continues to receive complaints about cypress tree bases and sand accumulation which limits navigability so they are recommending that the Board consider including money in the FY 2009/2010 budget to dredge the Dora Canal. Mr. Clark asked if the stumps had grown nearer the surface and Mr. Hart said they had not.

Ms. Bystrak said last month she requested staff e-mail a District report to each Board member and invited Mr. Dave Walker with the District to explain the report. Mr. Walker came forward and said the District's overall approach five or six years ago was to look at how water conveyance could be increased through the Dora Canal. The engineers understood that one side effect would be damage to wetlands upstream from Lake Dora because of higher water levels. The District considered alternatives such as dredging approx. 4000' of the Dora Canal toward Lake Eustis but decided in order to protect the character of the Dora Canal; it needed to be dredged 16' wide instead of 30' wide in certain areas and care taken when underwater obstructions are removed.

Mr. Everly, Jr. stated the District looks at this as more of a water conveyance vs. boat traffic issue but he believes the Board sees it as a boat traffic hindrance issue.

Vice Chair Farner stated the railroad trestle has been identified as the number one water conveyance problem. Mr. Walker reported the flow is affected only 15% - 20% and most of the problem is the 4,000' stretch toward Lake Eustis. If one focuses on the District's engineering report, there is a lot of information on what needs to be done to protect the Dora Canal. Chairman Fullerton thought Mr. Walker had said the natural area is the most difficult because of cypress stumps. Mr. Walker responded if dredging width was increased to 30', it could deepen the banks. Mr. Hart clarified dredging width will be decided at each location since 16' wide may be unreasonable due to sloughing but narrower areas would have to be dredged 16' wide.

Chairman Fullerton asked if the Dora Canal was successfully cleared in 1958. Mr. Hart said it was but times have changed and now larger and more powerful boats pass through

the Dora Canal resulting in increased sediment accumulation. She asked how the Dora Canal was cleared fifty years ago and Mr. Everly, Jr. thought it probably was done by a drag line. She said it does not seem to have damaged the trees; however, Mr. Hart explained sometimes it takes years before trees die and in the past ten years or so probably a hundred trees have had to be removed. He said the Water Authority will have to be careful and keep impact to the cypress trees to a minimum yet still allow navigation. He said the Dora Canal should be dredged deeper and wider than previously but may not be feasible.

Vice Chair Farner said he does not mind the expense of removing the logs and stumps but really does not like the idea of dredging the Dora Canal. He thought everything could be cleared for \$120,000 instead of using that money on a study. Mr. Clark agreed boats traveling through the Dora Canal are larger and more powerful but most boaters navigate through without a problem. Vice Chair Farner stated the railroad trestle is what regulates boat size and he does not believe sediment is accumulating there. He reiterated it is okay to remove the obstacles but he does not want the Dora Canal dredged.

Ms. Bystrak said over 50 logs have been located by sonar and she asked staff if they found anyone willing to remove them. Mr. Hart said he spoke to several companies but they had no interest since it would require removal of brush, debris, roots and stumps. Ms. Bystrak stated there is approx. \$1 million in the FY 2009/2010 budget to dredge the Dora Canal and she believes it would be less expensive to hire a company to remove the logs and asked if Mr. Hart had spoken to the lumber companies. Mr. Hart said that he had not because their cost would be fairly high to do something that may be out of their scope of what they usually do. Ms. Bystrak requested Col. Beebe share his experience as a tour boat captain.

Col. Beebe came forward and said he ran a tour boat service for 14 years but stopped a year ago and he does not know of any large tour boats having trouble getting through; however, it would help if shallower areas were cleared of debris on the Lake Dora side. He mentioned the railroad trestle is not square with the entrance to the Dora Canal so tour boats have to hug the seawall on one side since most are 32' to 34' in length, 14' wide, and have a 3' draft. He stated the City of Tavares has a problem with their new water taxis since they create a big wake, have a deeper draft, and a problem with the trestle. He said the tour boat operators are very concerned about the obstructions in the bottom of the Dora Canal and the depth of the water under the trestle.

Mr. Hart said during high flow, there are numerous complaints because inexperienced boaters have accidents because a strong current can push them into the trestle and do damage. He stated the railroad owner submitted a plan to replace the trestle, and if funded, would widen the space between the columns by six feet but the height would remain the same.

Ms. Bystrak referenced the bridge drawing and said it indicates an extra 8" in height. The track cannot be altered but the structure under the trestle could be removed allowing Tavares' water taxis under the new bridge and one reason why the City of Tavares

submitted a grant application for \$1.3 million. She said her concern has to do with other boaters getting past the water taxies in the narrower parts. Mr. Hart stated the bottom elevation will remain the same and when he spoke to the railroad owner about possibly raising the trestle, he was told it would be too costly. Ms. Bystrak read in the City of Tavares minutes the only issue they had with the water taxies was they are unable to navigate under the narrow trestle. Mr. Hart stated he and Mr. Perry met with Mr. Neron a month ago and the City told them that they had no plans to increase the trestle height.

Mr. Kaiser, engineer and member of the Advisory Council to the Redevelopment of Tavares came forward and said the City has talked about this issue many times. He said inexperienced boaters are part of the problem but it would help if obstructions were removed and he agreed rerouting of the rails would be very expensive. The City has a sizeable investment in water taxies and they were purchased to transport passengers through the Dora Canal to Mount Dora and Eustis.

Mr. Goerner stepped forward and agreed something needs to be done but most of the problem is related to inexperienced boaters and the bottom obstructions have to be removed. He added the trestle is not the Water Authority's responsibility since most shallow draft boats can pass through without a problem. He emphasized the Dora Canal is a beautiful natural resource that must be protected and \$120,000 would go a long way toward removing underwater obstructions.

Mr. Kaiser thought clean up of the Canal bottom was a maintenance issue but Mr. Hart said whenever sediment is disturbed, the State considers it dredging and requires a permit. He stated there are a couple of areas where boaters have a problem and one is the sandbar at the curve of the Canal.

Mr. Perry stated staff understands the Board does not want to dredge the entire Dora Canal but work on the worst places and now the issue is whether they want money left in the FY 2009/2010 budget. Staff's recommendation is to leave money in and allow them to develop a scope of work that reflects the Board's concerns and bring it back for further discussion after the beginning of next fiscal year. He said the important point is even if there are large obstructions, it is still a dredge and fill project and requires permitting and design work.

Ms. Bystrak questioned if \$120,000 has to stay in the budget and Mr. Perry responded staff can include any dollar amount the Board wants but it will be contingent upon the scope of work, and consultant's recommendation. The Board can limit the dollar amount but the Water Authority would not get much for \$100,000. Vice Chair Farner asked if a motion was needed and Mr. Everly, Jr. clarified Ms. Bystrak is the one that was concerned about money and this project. Mr. Hart stated staff requested the Board allow them to include money in the budget to cover the dredging cost and that occurred during the July Budget Workshop.

Vice Chair Farner indicated he wanted specific information and Chairman Fullerton thought a motion would clarify that the Board voted to leave the \$120,000 in the budget

to pursue the maintenance dredging of the Dora Canal. Mr. Perry explained the Board does not have to make a motion until they take final action in September on the FY 2009/2010 budget. Ms. Dillon clarified when staff is ready to begin work, plans will be brought to the Board and then they can decide exactly what they want to do.

Mr. Harris stated that he would like to travel the Dora Canal with Mr. Hart so he could explain what needs to be done.

c. Resolution of Fencing Issue on M-5

Mr. Perry stated this issue began when staff found the adjacent landowner had animals, structures, gates and fencing on Water Authority property. The discussion evolved into how to secure our property and whether the Board wanted to give Ms. Adragna access to the Palatlahaha River. Staff considered various fencing scenarios and it is difficult to determine who owns the property; however, the Water Authority believes they do. Attorney Barice spoke to Ms. Adragna's attorney and he believes Ms. Adragna has some claim to ownership because the deed says her thirty foot strip of land goes down to the River. He stated Attorney Barice has done some research and believes it could go either way; and the only way to determine ownership is to go to court and incur legal expense. The Water Authority could claim ownership and fence and gate the section thus allowing Ms. Adragna access if she agrees to hold the Water Authority harmless and waives all liability. The other option is to agree to a boundary determination, which means we agree one side belongs to the Water Authority and the other side belongs to Ms. Adragna. If it is determined that the thirty foot strip of land is her property or if the Water Authority is willing to concede that it is, the Water Authority would abandon any claim of ownership, thereby eliminating the need to go to court and any legal action to determine final boundaries.

Mr. Perry stated he does not like to give up anything owned by the Water Authority but there is a 50-50 chance we may not so the direction from the Board was for staff to find a way to provide Ms. Adragna access to the River. He said Attorney Barice felt the most expeditious way would be to obtain a Boundary and Release and Hold Harmless Agreement, then the Water Authority owns one side and Ms. Adragna owns the other. However, Ms. Adragna would be required to install and maintain a fence and release the Water Authority of all liability and damage. He referenced the draft agreement and said it ensures the Water Authority would be able to maintain the structure on the River and Ms. Adragna would assume all liability for injury and hold the Water Authority harmless. He believes if the Board wants to provide Ms. Adragna with access to the River, the agreement would be the most effective way. He stated that the Water Authority has received numerous concessions from Ms. Adragna.

Ms. Dillon thought the dog leg portion of the property already belonged to Ms. Adragna and she had to install a fence to the River. She asked about the dock and was informed the dock was another issue.

Attorney Barice stated there is case law which says when there is a conflict between a Meets and Bounds and a Natural Monument in the legal description, the Natural Monument prevails. The Meets and Bounds description says the property goes 150' more or less, but the question is, does it go just 150' or all the way to the River. She said it is not consistent because it depends upon the facts; however, there is case law that recognizes the Natural Monument, which means the waters of the River will prevail over the 150'. Opposing arguments and valid arguments can be made but it is the valid argument the Water Authority is resting on. Chairman Fullerton thought it would be decided in court and Attorney Barice stated the Water Authority could require Ms. Adragna to go to court or we can recognize it and say it makes sense in this case. She stated it is up to the Board as to how to proceed but the Water Authority would not be giving away property; it would be recognizing the boundary between the two properties as established by the deeds. Ms. Bystrak asked which option she would select and Attorney Barice responded it does not matter because she does not make policy decisions, she just implements them.

Ms. Dillon said her main concern is Ms. Adragna's livestock on Water Authority property and she wants to ensure that whatever decision is reached, the initial problem is corrected and all of her possessions, including livestock, are removed from our property. Attorney Barice said that has been corrected in many ways since Ms. Adragna will have to fence her property to the River, she has removed her structures, and incurred legal expenses. Mr. Hart confirmed Ms. Adragna had removed her structures and fence that was previously on Water Authority property.

Mr. Clark felt that nothing had been done about Ms. Adragna's cattle going through her gates. Mr. Hart said the Board has taken no action regarding the fencing since it is a completely different issue.

Chairman Fullerton thought the agreement would be equally protective but did not see anything in the draft agreement about keeping livestock off Water Authority property or any mention of the gates. Ms. Dillon emphasized her only concern is with the livestock and Chairman Fullerton asked if Attorney Barice could include something in the agreement and Attorney Barice said that she could.

Mr. Hart stated Attorney Barice has proposed in the settlement agreement that Ms. Adragna install the fence to the River. Mr. Everly, Jr. said the Water Authority has had previous issues with adjacent landowners we have installed fence and it has resolved the problem so he felt that would occur in this instance, as well. Vice Chair Farnier suggested the Board accept the agreement that says Ms. Adragna will install a fence, and if she does not, the Water Authority will pursue it further.

Attorney Barice said she understands the Board wants her to include a provision in the agreement that states Ms. Adragna will keep her livestock on her property and off of Water Authority property and the Board concurred. Mr. Clark noted if that provision is not included, he will not vote for the motion because that is what it has been all about from the beginning. He asked if a decision could be delayed until Attorney Barice

determines if she can include the livestock issue in the agreement. Attorney Barice responded that she will include that statement and inform Ms. Adragna's attorney that is the way it is to be. Mr. Clark wanted to delay the vote until he knew whether Ms. Adragna will accept the provision but Attorney Barice said it could delay the resolution of this issue another month and that might mess up the deal.

Mr. Everly, Jr. made a motion **TO ENTER INTO THE BOUNDARY RELEASE AND HOLD HARMLESS AGREEMENT BETWEEN MS. ADRAGNA AND THE WATER AUTHORITY AND TO ADD IN THE AGREEMENT THAT MS. ADRAGNA MUST KEEP HER LIVESTOCK OFF WATER AUTHORITY PROPERTY.** Seconded by Vice Chair Farner, there was no vote at this time.

Mr. Clark said if Ms. Adragna's attorney refuses to include the livestock provision, what happens? Attorney Barice responded if they agree to this inclusion then this issue will not come back but if they do not for whatever reason it will have to be discussed again by this Board. Mr. Clark said then a "Yes" vote is contingent up their acceptance of the inclusion of the statement concerning the livestock and Attorney Barice stated it is.

The motion carried 7 – 0.

Mr. Perry mentioned the only issue remaining is Ms. Adragna's non-conforming dock built without a permit. Options are not to worry about it because it is located on Ms. Adragna's property or continue with an enforcement case concerning the non-conforming dock. The Board agreed to take no further action on the dock. Attorney Barice clarified that the Water Authority is not agreeing to do or not do anything.

d. FY 2009/2010 Budget

Mr. Perry stated changes made to the budget are consistent with actions taken by the Board at their last meeting. However, there is one area that needs their attention which is Account 500-480 under Education related to the Radio Show (\$6,000). The Water Authority expected the County to match our contribution but the County has said they will limit their contribution to what they have done in the past which is \$2,400 but now the Water Authority is short \$4,000. Staff does not believe it is possible to find additional sponsors or financial assistance and has determined the actual cost to put on the Radio Show is \$10,000 instead of \$12,000. Mr. Perry stated if the Board wants to continue the Radio Show, he will have to reduce other line items within that account.

Chairman Fullerton said \$5,000 in the FY 2009/2010 budget for the Radio Show would pay for Ms. Watkins's time. Mr. Perry indicated that if the Radio Show were to continue it requires an additional \$4,000 and the Board can give him direction on where he should get the money or allow him to find the money and make the change.

Ms. Bystrak reported B-Maps are giving credits toward TMDLs to those that have a full-time Florida Friendly individual on staff and Ms. Watkins is only part-time so it will not help the B-Map unless Ms. Watkins worked full time in Lake County. Ms. Watkins

stated the Board could say the Radio Show is a full time position since the State wants to ensure education and Florida programs are funded.

Chairman Fullerton questioned what happens if there is a shortfall of \$4,000. Ms. Watkins advised she would have insufficient time before the end of this fiscal year to get sponsors or advertisers. She said her plan next year is to add product or business commercials to the Radio Show which was not included this year. She reported the Water Authority gets sponsorships or promotional every 15 minutes and Lake County Environmental Utilities Department has the same amount of time for promotions. Chairman Fullerton again asked what happens if Ms. Watkins does not receive \$4,000 for the Radio Show and Ms. Watkins responded that it would stop.

Vice Chair Farner wanted Mr. Perry to begin looking for funds and to bring it back to the Board. Mr. Perry asked if he meant advertising dollars or something other than contributions and Vice Chair Farner responded it would be at Mr. Perry's discretion. Mr. Everly, Jr. suggested adding commercials and Vice Chair Farner felt Mr. Perry should work out the details. Ms. Dillon said we need to vote to see if the Board wants the Radio Show to continue and Mr. Everly, Jr. indicated he did at least one more year so Ms. Watkins has sufficient time to find other sponsors. Mr. Perry said he understands the Board wants him to find a way to fund the additional deficit without increasing the Education component and the Board gave their unanimous consent.

Chairman Fullerton asked about the \$5,000 for a cistern and Mr. Perry explained the Board made a commitment to install a cistern on the new office building. Chairman Fullerton asked if the company was still in business and said she would like to take that money out since the Board continues to cut the budget. Vice Chair Farner stated he believes the cistern falls in line with the Water Authority's purpose of water conservation. Chairman Fullerton wondered if the cistern design would be out of date and whether someone should contact the company to see if they are still in business. Ms. Bystrak pointed out the Water Authority is closer than ever to building the new office and to needing the cistern.

e. Menzi Muck Remover

Mr. John Kiefer with BCI gave a brief report on an all-terrain walking excavator called the Menzi Muck Remover. He stated that it can operate in 6' of water, climbs steep inclines of up to 60°, go into tight places, is 14' wide and 19' long, and needs 8.5' clearance. He said it would be perfect for clearing the Dora Canal because it will reach out 30', dig down 20' and still remain within a 10' radius. The equipment can move, cut, dig, mow, pound or drill just about anything and has a number of attachments and accessories. The equipment costs from \$175,000 to \$300,000 depending upon the accessories and model or it can be leased for \$6,400/month including maintenance. The equipment requires skilled operators, is sold in Lakeland, and Corporate Headquarters is located in Tampa. The Board asked if there is equipment operating in Lake County and Mr. Kiefer said there isn't but he knows of a number of counties and cities in Florida that use the equipment. He said it is a versatile machine, commonly used for canal and stream

maintenance, and can eliminate the need for bank and fence clearing. It will fit into tight places and work in water and soft sediments where other equipment cannot go. One disadvantage is that it is costly to maintain because of sophisticated hydraulics requiring highly trained mechanics and operators. A question was asked about monthly maintenance costs and Mr. Kiefer said he does not have an exact figure.

Mr. Goerner stated the HCRC visited the City of Lakeland and they have a Menzi. He stated a used machine can be purchased for considerably less money and during the dredging of the Lake Griffin canals; a Menzi was brought in to deal with the hard substance in the bottom of one of the canals. He said it is an incredible machine, and with extensions, can be used in water as deep as fourteen feet.

Chairman Fullerton asked if the Water Authority could use the Menzi and Mr. Kaiser said it could clear the Dora Canal and clear retention ponds.

f. Crooked River Tree Removal

Mr. Perry stated last month Mr. Harris mentioned downed trees in Crooked River. Staff knew about them but wanted to take a closer look and decide if there was a way to accommodate his request to remove them. Staff marked the trees that had the potential to impede navigation, and based on the cost per tree under the emergency tree removal contract with Dimensional Contracting, would cost approx. \$18,000. If the Board wants to do this it may be more appropriate for staff not to use the existing contract but go out to bid and get a more favorable price. It is estimated that it will cost \$11,000-\$14,000 to remove the marked trees and it is staff's recommendation the Board include that amount in the FY 2009/2010 budget so they can prepare a bid.

Mr. Clark inquired if going out to bid would be cheaper than treating it as an emergency situation, which obviously it is not. Mr. Perry stated staff believes the Water Authority would be able to receive a more favorable bid if it was a separate bid instead of using the existing contract. Mr. Hart felt it would be less expensive to lump all of the trees together instead of taking out a few trees at a time. He advised the cost to remove trees with a diameter over 24" would be \$2,000, between 12" – 24" would cost \$700, and less than 12" would cost \$400. Dimensional Contracting has a mobilization cost of \$700.

Ms. Bystrak said the FY 2009/2010 budget is short \$13,000 for tree removal and \$4,000 for the Radio Show and asked if it was too late to reduce the Dora Canal dredging project from \$120,000 to \$100,000. Mr. Perry said it is not too late but Mr. Everly, Jr. stated that Mr. Perry has balanced the budget in the past and the Board has not told him how to do it.

Mr. Clark made a motion **TO ACCEPT THE EXECUTIVE DIRECTOR'S RECOMMENDATION.** Seconded by Vice Chair Farner, the motion carried 7 – 0.

{Executive Director's Recommendation: Direct the Executive Director to increase the FY 2009/2010 waterway tree budget to \$43,000 and authorize staff to release

a bid to remove 26 potentially hazardous trees in Crooked River contingent upon the final approval of the FY 2009/2010 budget. }

7. LEGAL STAFF REPORT

Attorney Barice had no report.

8. ACTION ITEMS

a. Approval to Surplus Inventory Items

Mr. Perry stated when equipment is no longer serviceable; staff seeks Board approval to send it to the auction house. Chairman Fullerton stated if there are no objections, the Executive Director's Recommendation is approved by unanimous consent of the Board.

{Executive Director's Recommendation: Authorize the Executive Director to surplus inventory items 36, 54, 61, 82, 104, 105, 246, 249, 267, and 297A. }

b. Approval to Process Post-Audit Budget Transfers

Ms. Marino said when staff prepares the Cash Brought Forward each year; it is based on projected revenue and expenditures but they do not know the true cost until the end of October. Once the prior year's audit is finalized, the exact amount is known and may require a budget adjustment. She explained this year there was a large amount of unplanned revenue received from the DEP in October 2008 and Finance backed that money into last year. She stated she does the best she can to arrive at exact figures and that Finance wants the budget balance, so this seemed the most accurate way to do it.

Mr. Everly, Jr. made a motion **TO ACCEPT THE EXECUTIVE DIRECTOR'S RECOMMENDATION.** Seconded by Mr. Harris, the motion carried 7 – 0.

{Executive Director's Recommendation: Authorize the Executive Director to process the following budget transfers: Decrease Acct. 9898100-361110 by \$190,009 (Reduce Interest); Decrease Acct. 9898400-347201 by \$10,500 (Reduce Hickory Point Revenue); Decrease Acct. 9898700-335393 by \$1,718,514 (Reduce the DEP NuRF Grant); Increase Acct. 9898100-389999 by \$1,919,023 (Increase Beginning Fund Balance)}.

9. BOARD MEMBER COMMENTS

Mr. Harris thanked Mr. Hart for looking into the downed trees at Crooked River.

Vice Chair Farner thanked staff for their work.

Chairman Fullerton thanked Ms. Bystrak for her e-mails pertaining to the DEP and the information about fertilizers. She added that she had a wonderful time on her vacation.

Ms. Dillon, Mr. Clark and Mr. Everly, Jr. had no Board member comments.

Ms. Bystrak reported Commissioner Renick accompanied her on the last boat ride of the Haynes Creek water monitoring project. She mentioned apparently the State has noticed their work because the group has been asked to give a 20-minute presentation at the next B-Map meeting. She said they could possibly be the prototype for a big study on nutrient values. She said they believe they should be given credit for cleaning up the sewage and it seems as though it actually is being considered. She said she believes Mr. Lumbard could help calculate the numbers and how many credits it is worth.

10. BOARD MEMBER ITEMS FOR FUTURE AGENDA

No additional items were mentioned.

11. INFORMATION ITEMS

a. Staff Report

No comments were made.

b. Monthly Financial Reports – July 2009

No comments were made.

12. ANNOUNCEMENT OF UPCOMING MEETINGS AND EVENTS

- Tentative Budget Hearing – Wednesday, September 9, 2009 (5:05 pm) BCC Chambers/Admin. Building
- Board Meeting – Wednesday, September 23, 2009 (3:30 pm) BCC Chambers/Admin. Building
- Final Budget Hearing – Wednesday, September 23, 2009 (5:05 pm) BCC Chambers/Admin. Building
- Legislative Delegation meeting – Wednesday, September 30, 2009 (1:00 pm) Lake-Sumter Community College, Paul P. Williams Auditorium

13. ADJOURNMENT

The meeting was adjourned at approx. 7:30 pm.

Linda Gavin, Recording Secretary

Neil Kelly, Sec. Treasurer

Nancy H. Fullerton, Chairman