

**MINUTES OF THE REGULAR BOARD MEETING**  
**of the**  
**LAKE COUNTY WATER AUTHORITY**  
**October 28, 2009**

The regular meeting of the Board of Trustees of the Lake County Water Authority was held at 3:30 p.m. on Wednesday, October 28, 2009 in the Lake County Board of County Commissioners Chambers at 315 West Main Street, Tavares, Florida.

**Members Present-District #**

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  
Ben Garcia, GIS Manager  
Ron Hart, Water Res. Prog. Mgr.  
Lance Lumbard, Water Res. Proj. Mgr.  
Ben Gugliotti, Land Res. Proj. Coord.  
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**

- Final Budget Meeting Minutes – September 23, 2009

The Minutes stand as read.

- Regular Board Meeting Minutes – September 23, 2009

Ms. Bystrak referenced **page 15, 2<sup>nd</sup> paragraph, 1<sup>st</sup> sentence** stating she was at the B-Map meeting but Sgt. Hornsby and Capt. Luce were not there; and in the same paragraph, she requested the Minutes show 16,000 colonies per ml of E-Coli. **Page 17, 3<sup>rd</sup> paragraph, last sentence** should read “Leesburg and two other cities were selected to study water use”. She mentioned she had minor grammatical changes that she will pass to the Recording Secretary.

The Minutes were approved as corrected.

Chairman Fullerton stated Authorization to Enter into Agreements with Education Contractors – Tab 13 will be discussed first and the Executive Director Performance Evaluation will be postponed until the November Board meeting.

**3. ACTION ITEMS**

- a. Authorization to Enter into Agreements with Education Contractors

**Watershed Action Volunteer Coordinator**

Ms. Maryann Krisovitch reported WAV with 138 volunteers worked 4,000 hours this past year. Next year, the St. Johns River Water Management District (District) will require new recruits to volunteer 80 hours their first year to remain part of WAV. They attended sixteen special events including the County Fair Urban Day and Villages Government Day and they have 3 continuous displays at Lady Lake Town Hall, Fruitland Park City Hall and the County Administration Building. She reported WAV reached more than 5,000 people and the Youth Programs included four “Splash into Science” night programs. There were 192 in-classroom presentations; 21 schools visited, some multiple times; and the Adult Programs included stormwater education, water conservation, and a monthly 30-minute spot on Hawthorne’s TV channel. Last year the “Illicit Discharge Detection Elimination Program” was geared toward city and county staff training and will be expanded to include businesses and the public sector this coming year. 2,500 water conservation door hangers were distributed and an additional 2,500 will be delivered within the next few weeks to remind everyone to adjust the time on their irrigation system because of the time change. There were numerous mini-trips around the Harris Chain to point out Water Authority properties and other interesting sites and 400 volunteers cleaned up 11 sites and collected four tons of trash during the Ibini-Tera Clean-Up. The volunteers marked 350 storm drains throughout the county and cities and informed the public about what not to put in the storm drains. Twenty sites were water-quality monitored each month and volunteers took samples for 13 weeks on Haynes Creek and delivered the samples to the County Lab. WAV volunteers also worked with the County’s Adopt-a-Lake program on Silver Lake and Lake Winona and did two shoreline plantings on Silver Lake and Lake Joanna.

Ms. Krisovitch mentioned that the Preserve PAL volunteers assisted by picking up trash, restocking kiosk brochures, clearing trails, marking gopher tortoise burrows and monitored Wolf Branch Sink and Hidden Waters during times of water flow. She introduced and thanked Mr./Mrs. Beebe (Lake Joanna and Hidden Waters); Board member Ms. Bystrak (Haynes Creek and Splash Nights); Ms. Mary Remer (Preserve PAL and PEAR Park); Mr. Jeff White (Alexander Springs, Juniper Springs and North Grasshopper Lake); and Mr./Mrs. Raether and Ms. Bryant (Trout Lake Nature Center).

Ms. Bystrak thanked Mr. and Mrs. Raether for the use of their boat on Haynes Creek. She reported that Kathy with the County Lab placed fluorescent green dye in some area septic tanks so if anyone notices green dye in Haynes Creek, they need to call Kathy.

Chairman Fullerton inquired how WAV decides who receives a door hanger and did they place them in South Lake County. Ms. Krisovitch advised they distributed door hangers in that area because they were marking storm drains, as well. She stated that she contacted the cities and utility companies and those areas having high water usage received conservation hangers. She added in April, they covered Clermont's unincorporated area the same day they marked the storm drains.

### **Trout Lake Nature Center Naturalist**

Ms. Lavon Silvernell thanked the Water Authority Board for their financial assistance over the past ten years and said with this assistance, TLNC was able to hire their first paid Naturalist. TLNC has grown from just over 1,000 students and 2,560 visitors to 3,400 students and 7,240 visitors. She mentioned volunteers, members, and several agencies now financially help TLNC and include the Lake County Board of County Commissioners, Lake County School Board and Educational Foundation for Student Visits, City of Eustis, and the Water Authority has given \$5,000 to the Education Foundation for Student Visit programs. She reported TLNC recently earned a \$1,500 grant which will allow them to purchase microscopes to use on Trout Lake. She said she owes the Water Authority a personal debt of gratitude because without their support, she would not have been employed in the job she has loved for the last seven years. She mentioned she gets to participate in canoeing, kayaking, hiking, stargazing and many other fun activities and remind the public of the importance of Water Authority Preserves in water preservation. She feels water education is what brought TLNC and the Water Authority together and believes TLNC has grown to be an effective partner in educating the public about how important it is to make correct environmental choices. She thanked Ms. Bryant for the excellent job done on TLNC's Annual Report and said it is a good example of what volunteers can do in cooperation with public agencies.

### **"In Your Backyard" Radio Show and Water Conservation Programs**

Chairman Fullerton advised that Ms. Teresa Watkins has not yet arrived because she would have expected this item to come up later in the meeting. The Board concurred that they had sufficient information to move forward with a motion.

Mr. Harris made a motion **TO AUTHORIZE THE EXECUTIVE DIRECTOR TO:**  
**1). EXECUTE A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN**  
**THE WATER AUTHORITY AND TROUT LAKE FOR AN AMOUNT NOT TO**  
**EXCEED \$5,000. 2) EXECUTE A PURCHASE ORDER TO THE ST. JOHNS**  
**RIVER WATER MANAGEMENT DISTRICT TO SUPPORT THE WATERSHED**  
**ACTION VOLUNTEER PROGRAM FOR AN AMOUNT NOT TO EXCEED**  
**\$5,000. 3) EXECUTE AN AGREEMENT WITH MS. TERESA WATKINS TO**  
**SUPPORT THE HOSTING DUTIES OF THE WEEKLY RADIO SHOW AND**  
**WATER CONSERVATION PROJECTS FOR AN AMOUNT NOT TO EXCEED**  
**\$5,000.** Seconded by Vice Chair Farner, the motion carried 5 – 0.

#### **4. EXECUTIVE DIRECTOR REPORT**

Mr. Perry reported due to the lack of rain, the Harris Chain of lakes is below regulatory schedule, Lake Apopka is below minimum desirable, and Lake Minnehaha continues to decline and is currently 3.75' below the bottom of its regulatory range. The Hooks Street appraisals are now complete and when completes their discussion with the partners, they will bring this item to the Board for further discussion. The Board of County Commissioners and the City of Tavares will host a Lake County Water Stakeholders Meeting at Lake Sumter Community College on November 4<sup>th</sup> from 10 a.m. until noon and if the Board is interested in attending to contact the Lake County Commissioner's office.

Mr. Perry indicated that the Florida Fish and Wildlife Conservation Commission sent a notice they will fund a local governmental project up to \$20,000 authorizing gopher tortoise habitat management on protected lands. The Water Authority has protected lands that qualify and because the application is due by November 17, staff is requesting authorization to submit a grant request. The Board concurred that staff should submit the grant request. Mr. Perry stated the County is considering the use of some of their properties as gopher tortoise relocation mitigation sites. He explained that in the past, the Board took the position they would not allow our properties used for relocation sites because a private entity was already doing gopher tortoise mitigation and we did not want to place ourselves in a position of competing against a private entity. However, now the County is talking about doing that so staff wondered if the Water Authority Board would like to reconsider their stance. Chairman Fullerton thought it would be a good idea to use our property as a mitigation site and Vice Chair Farner said he would like to hear a presentation in the future.

Mr. Perry said he sent an alert to the Board concerning City of Minneola's Consumptive Use Permit (CUP) request to withdraw .39 million gallons per day (mgd) of groundwater and surface water from Lake Apopka to supplement their reclaimed water. He added some time ago, the City submitted an application to withdraw 20 mgd so he recommends the Board send a Letter of Substantial Objection to the District much like what was sent concerning City of Apopka's CUP request and that will allow the Water Authority to stay up with that application.

Vice Chair Farner thought there was an agreement that surface withdrawals would not be allowed until the Minimum Flows and Levels (MFLs) are established but Mr. Perry said that had to do with the City of Apopka's CUP. Vice Chair Farner requested the City of Minneola also receive a copy of our Letter of Substantial Objection.

Ms. Bystrak asked if the Board wanted to expand on this because she believes it will take about 3 years to establish the MFLs and she questioned if there is some way for the Water Authority to get the District to set a moratorium on all major surface withdrawals from Lake Apopka. Mr. Everly, Jr. said the Water Authority would have to send a Letter on each CUP and Chairman Fullerton added the Board asked the District to include the Harris Chain on their priority list. Mr. Perry mentioned Mr. Walker with the District will speak to this issue later in this meeting.

Mr. Harris asked whether it would set a precedent if several cities submitted CUP requests and if we can discourage others from withdrawing from Lake Apopka. Attorney Barice said she believes the City of Minneola withdrew its application because the Water Authority challenged City of Apopka's CUP so cities are on notice that it is our intended action to challenge CUP requests and that may help. She said in terms of a legal precedent, the District seems like it is being very careful not to establish a precedent nor impose a moratorium because they do not feel they have legal authority to do so. Vice Chair Farner asked if the Board could suggest to Minneola they withdraw their surface water request from their CUP and Mr. Everly, Jr. added if they do, their CUP request could then move forward.

Ms. Bystrak emphasized the District's deadline is November 7<sup>th</sup> so she suggested sending a copy of our Letter of Substantial Objection to the Lake County Board of County Commissioners because they will discuss alternative water supplies at their Water Stakeholders Meeting and it would be a good time to discuss this issue. Vice Chair Farner stated a letter also should be sent to the City of Minneola stating if they remove their request to withdraw surface water, the Water Authority will not file a Letter of Substantial Objection with the District. Mr. Harris emphasized the Letter should state why we do not want them taking water out of Lake Apopka. Vice Chair Farner said if the City of Minneola is aware the Water Authority plans to fight their CUP request, it is in their best interest to withdraw or modify their CUP. The Board requested that the Letter of Substantial Objection be immediately mailed to the District.

## **5. DISCUSSION ITEMS**

### **a. City of Tavares Annexation of Hickory Point**

Mr. Perry reported reviewing the history of this issue with Mr. John Drury, Tavares City Administrator and City Attorney Bob Williams. He mentioned Mr. Drury approached him saying one of the City's Council members asked for an update on the annexation of Hickory Point he asked if the Water Authority Board had any interest. Mr. Perry said one item discovered in our Utility Agreement with the City of Tavares was that we agreed to execute and deliver a covenant in support of annexation but it seems as though the document was never prepared or recorded. Mr. Perry stated Mr. Hochberg; owner of the parcel behind Hickory Point Park requested the Water Authority widen the 25' wide dirt road so trucks could get to his grove. Mr. Perry advised nothing was done about this request because we did not want to risk possible development of that property. He said he does not understand why the City is interested in annexing the Park because we pay a premium for water and sewer services because it is outside the City's service area but if the Park was annexed the cost would drop for the same service. He said that he does not see any benefit other than the Park is contiguous to the Royal Harbor development.

Mr. Harris said he personally does not want the Park annexed because we have a buffer between the Park and Hochberg property, and the City could rezone it at any time. He said Hickory Point is a natural area that connects with Lake Harris and unless the Water

Authority could save taxpayers a lot of money, he would like the Park to stay in its natural state.

Vice Chair Farner asked if the Legislature still requires the Water Authority to have an office within the city limits. Mr. Perry explained that used to be the case but once our codification was updated, it just requires that we have an office in Lake County. Vice Chair Farner said if the Park was annexed, every event would be subject to the City's restrictions and take a lot of discretion away from us. Mr. Perry noted that could be the case but he is unsure what Tavares requires with regard to permission for events, etc. He stated the Renaissance Faire made a significant request of the City to support the event but the City had a hard time agreeing to the request because the event is held outside the city limits. Vice Chair Farner said if an event wanted something special it looks like they would have to obtain permission from the City and the Water Authority and that could discourage someone from renting the pavilion so he would like more information police protection, etc. Mr. Perry stated that the City believes they can provide fire protection since the closest fire station just a few miles away on Lane Park Cutoff Road.

Mr. Everly, Jr. stated he wants to avoid annexation until we are forced into it and would like to have the new office built under County restrictions. Ms. Bystrak asked if the boardwalk extends into the Hochberg property and was told it is confined to our property.

Mr. Bob Kaiser, Tavares resident said the City liberalized a lot of their downtown area policies and thought the City would maintain the roads in and out of the Park if it was annexed. Mr. Perry said they may or may not maintain the internal roads but the only access into the Park is from S.R. 19.

Attorney Barice stated the Water Authority must comply with Lake County requirements with respect to Park utilization and that is what we do. If the Park is annexed, it would have to follow City requirements and that could be different than what is now in affect. She said if the Park is annexed, it could facilitate the development of the Hochberg property and she felt it would be advantageous to do otherwise. She said the roads would not become owned by the City. The Water Authority could offer the roads to the City but the City may decide they do not want to own and maintain them; and if the Hochberg property is developed, the internal road will remain private but the City may require it to be dedicated. She said another issue is if the new office is consistent with Lake County building requirements, it may not be consistent with the City's requirements, and that could create an issue. She said usually city services are more expensive than county services but if the Park is annexed, the Water Authority may get a price break. She said she reviewed the 1991 Utility Agreement and the Water Authority did not do a covenant to annex; however, this issue arose again in 2002 when Royal Harbor was annexed and that is why the City of Tavares tried to annex Hickory Point at that time. She said since the statue of limitations has run out on the agreement, she does not believe the City can force the Water Authority to annex.

Chairman Fullerton agreed she did not want the Park annexed unless it is possible to save a great deal of money on our utility bill. Mr. Harris stated he can think of only one

reason to annex and that would be if the City bought the Hochberg property and combined it with the Hickory Point Park to make one large park; however, he does not believe that will occur. Mr. Perry stated he will convey the message to Mr. Drury that the Water Authority Board does not want Hickory Point Park annexed into the City.

b. Harris Chain of Lakes Regulatory Schedule and Structure Operations

Mr. Dave Walker with the District gave a brief history of the Apopka-Beauclair Lock that controls water levels in Lake Apopka, the Burrell Lock that controls water levels in the “Super Pond” (Lakes Eustis, Dora, Beauclair and Harris) and the Harris Bayou structure completed in 2007 on Haynes Creek. He stated the Harris Bayou overflow will allow the District to change the way lake levels are managed in the future. He referenced the Apopka-Beauclair Lock graph that indicates actual flow out of the dam and the water that passed over the spillway from November 2008 - February 2009 and then began flowing through the Nutrient Reduction Facility (NuRF). The graph also indicated that amount of rainfall, the regulatory line used to regulate lake levels, maximum and minimum desirable levels (established in 1951) and the actual lake level. He said when Lake Apopka reaches its regulatory level, water was discharged to bring it down to 67 ¼’ from 67 ¾’.

Mr. Walker stated the Burrell Lock graph shows the Super Pond data and in July 2009, it reached its regulatory level. The District waited to discharge water because the rains did not continue; however, near the end of August, the level rose a little and water was released for a week to bring the Super Pond to its regulatory level.

Ms. Bystrak questioned why the District opened the lock for a week when the level of the Super Pond was just over its regulatory level. Mr. Walker explained the District operates the structures under flood control constraints because if water levels climb and they do not bring the level down, it may not be possible to get enough water out of the system. Ms. Bystrak pointed out that we are still in the hurricane season. Mr. Walker responded the District currently operates via the regulatory schedule even though, for many years, he has tried to change the way lakes are regulated. He stated it will be merged with the MFL development process. He said the first thing structurally changed was canal dredging done by the Water Authority on Lake Griffin, the next step was the completion of the Harris Bayou, and the final step will be the completion of the North Shore Restoration Area on Lake Apopka.

Vice Chair Farner referenced the Harris Bayou spillway and asked if it is fixed at a maximum desirable level. Mr. Walker said the District has control over the amount of water that passes into the Harris Bayou and they will not allow it to rise above maximum desirable level. Ms. Bystrak inquired if the water can be held a little longer now the Harris Bayou is complete and Mr. Walker said the District plans to do that but it will take some time.

Mr. Everly, Jr. said these are minimum flow spillways, and if a storm event occurs, it does not take much before the District has to release water. Mr. Walker added the Super

Pond has a lot of surface area and if they allow the water to rise without having a way to release it, there will be flooding during heavy rainfall. He stated the District has had a program in place since 1990 to revise the way lake levels are managed in the basin and have moved forward but ran into a road block because the schedule originally proposed would not let water levels go above where they are now which would have caused flooding issues. They decided to look at sub-basins and were able to address issues because of Lake Griffin's canal dredging project so now that lake fluctuates more like it used to. He added the Harris Bayou allows them to change the way the Super Pond fluctuates and they want to do the same on Lake Apopka.

*Ms. Carolyn Dillon arrived at 4:40 p.m.*

Ms. Bystrak wanted to know how long it will take before regulatory changes are in place. Mr. Walker advised that it will take as long as necessary to get the MFLs in place but probably by 2013.

Chairman Fullerton asked if the structures control flooding and Mr. Walker said the only lakes that sometimes get a little high are Lakes Beauclair and Dora. He said when the Apopka-Beauclair Lock is open and substantial water comes through, the Dora Canal is not large enough to let water pass quickly enough so that is why Lake Dora's maximum desirable level is kept 6" higher than Lakes Eustis and Harris. It is also one reason why the District believes there is no way to effectively alter the Dora Canal to increase flow enough to make a difference without significantly impacting the quality of that Canal.

Mr. Walker stated Moss Bluff is a major structure and that the downstream surface is 24" below the upstream surface. He said the Apopka-Beauclair Lock can convey up to 500 cubic feet per second (cfs), the Burrell Lock can convey 1400 cfs and with the Harris Bayou the District can convey another 1000 cfs out of the Super Pond, and Moss Bluff can convey 2250 cfs.

Ms. Bystrak stated the conveyance out of the Burrell Lock and Harris Bayou is about 2400 cfs and asked if conveyance could be increased out of Moss Bluff. Mr. Walker said something can be done with the actual Lock gate, but if it is open, conveyance can increase to 3000 cfs. He said part of the Harris Bayou allows the District to switch flows so not all of the flow has to pass through Haynes Creek but if the flow was increased another 1000 cfs, flooding would occur downstream in certain areas along Haynes Creek. However, by diverting some flow to the Harris Bayou, it reduces the flooding problem.

Mr. Walker referenced the graph showing changes in historic water levels for Lake Apopka and the Harris Chain. He said before the Apopka-Beauclair Canal was dug in the late 1880s; Lake Apopka was 3' – 4' higher than it is now and since the AB Canal was a basin diversion project, it took water out of the Apopka basin and moved it away. The Super Pond levels are near to what they used to be so the District believes they can hold the water back by using the Harris Bayou since they can let it out more quickly, if needed. Mr. Walker stated that the District is continuing to transect all lake basins and that effort should be complete by the end of this year. They will then develop a potential

revised schedule for the entire chain of lakes and that data will be included as part of the MFLs. The District will hold a number of workshops and he will make several presentations to the Water Authority Board as they move toward 2013 when the MFLs can be adopted.

He mentioned that years ago, the Vertical Datum Reference was called the mean Low Water at the Gulf of Mexico Datum, then changed to National Geodetic Vertical Datum 1929 (NGVD 1929) and now it is the North American Vertical Datum (NAVD 1988) and will represent all of North America and apply to everything. The District will begin showing new lake levels with the new datum, which will show the same elevation but the numbers will increase 1.1' until the Datum is converted in early 2010.

Vice Chair Farner said Mr. Walker had mentioned the District did a study on the Dora Canal and he requested a copy. He was informed the study was received and he would receive a digital copy.

c. Crooked River Tree Removal Bid

The Board thought there was a wide range between the lowest and highest bidder. Mr. Hart said the lowest bidder is located in Deerfield Beach and he is concerned they may back out of their \$4,292 bid once they realize the work involved. Therefore, staff is requesting Board authorization if the lowest bidder backs out, staff will have the ability to immediately proceed with a contract for the second lowest and if that bidder becomes nonresponsive, staff can go to the third lowest bidder. He said all three bids are extremely low. He said he calculated that the lowest bidder is quoting a price of \$160/tree so staff has some concern with their ability to do the job.

Chairman Fullerton asked if those that bid went to the job site and Ms. Bystrak asked if they have to have liability insurance. Mr. Hart responded some did go to the site and with Board permission; staff will send a copy of the contract and also request they sign and provide proof of insurance. If they meet all of our insurance requirements, staff will complete the contract and send a Notice to Proceed stipulating that the job is to be completed in 30-45 days.

Vice Chair Farner made a motion that **THE BOARD AUTHORIZES THE EXECUTIVE DIRECTOR TO EXECUTE A CONTRACT FOR THE CROOKED RIVER TREE REMOVAL BID WITH NATIVE TECHNOLOGIES FOR AN AMOUNT NOT TO EXCEED \$4,292 AND AUTHORIZE THE EXECUTION OF CONTRACTS WITH THE SECOND THEN THIRD LOWEST BIDDER IF THE LOW BIDDER BECOMES NONRESPONSIVE.** Seconded by Mr. Everly, Jr.; there was no vote at this time. Vice Chair Farner asked what happens if Native Technologies gets half way through the job and decides to quit. Mr. Hart stated what usually occurs is if the first contractor completes a portion of the work, and the second contractor completes the project, the remaining balance left on the lowest bidder's contract is paid to the company that completes the work. **The motion carried 6 – 0.**

Mr. Everly, Jr. said he realizes some of the Board members are keen on promoting local contractors but it is a slippery slope so staff will need to proceed cautiously and have a straight, very clear contract.

d. Benthic Invertebrate Monitoring Contract

Mr. Hart stated Ms. Breuer sampled the Clermont Chain last year and she will present the results at a future Board meeting. In the coming year, staff proposes that Ms. Breuer work on the Harris Chain samples previously collected but not analyzed and prepare a report. He said he also would like her to re-sample Lake Beauclair since it is sampled every year; the following year she can get all new samples on the Harris Chain, resample Lake Beauclair and Lakes Dora and Eustis, and the year after that sample Lakes Harris, Yale and Griffin.

Chairman Fullerton reported she spoke to Mr. Perry about the language shown in the Executive Director's Recommendation in terms of collection and analysis and she asked if it should be two separate motions. Mr. Hart stated the \$11,850 covers the actual work that Ms. Breuer will do and includes sampling of East and West Lake Beauclair, processing and analysis, and her Workman's Comp Insurance for \$1,605 per site. Chairman Fullerton referenced the statement above the table in the Board book that says the contract includes annual samples of Lake Beauclair, and the analysis of samples previously collected, and she asked if the word "collection" should be removed. Mr. Hart clarified it is still a sample collection on Lake Beauclair and he suggested if she wants more precise verbiage it could say collection and analysis on Lake Beauclair and the analysis on the other lakes.

Ms. Dillon made a motion **TO AUTHORIZE THE EXECUTIVE DIRECTOR TO EXECUTE A CONTRACT WITH MS. BREUER FOR THE COLLECTION OF DATA AND ANALYSIS FOR BOTH EAST AND WEST LAKE BEAUCLAIR AND ANALYSIS OF BENTHIC INVERTEBRATES ON THE REST OF THE LAKES ON THE HARRIS CHAIN FOR AN AMOUNT NOT TO EXCEED \$11,850.** Seconded by Mr. Everly, Jr.; the motion carried 6 – 0.

5. PUBLIC COMMENT

No one came forward at this time.

6. DISCUSSION ITEMS (Continued)

e. Approval of NuRF Letter of Credit Increase and CD Purchase

Mr. Lumbard said this pertains to the Water Authority's lease agreement with the District for the CC Ranch and the operation of NuRF on that property. As part of the agreement, the Water Authority is to continue placing money in a fund so when the NuRF is decommissioned, the District is assured there is sufficient money to complete the process. It is time to add \$175,000 to the current \$675,000, bringing the total to \$850,000 and we

will have an additional two years to add money beyond this date. Staff recently surveyed area banks to find the best Certificate of Deposit (CD) rate and found it to be quite low compared to last year. Two local banks gave a range of 1.25% to 1.5% on a one-year CD but would not commit to a commission rate other than to say it could be as high as 1.3%. There is very little leeway between the other banks and SunTrust, which is our current bank so staff discussed a longer term CD with a SunTrust representative and they quoted a 2-year CD rate of 1.15%. Therefore, staff recommends purchasing a SunTrust 2-year CD because the rate is higher than the commission rate charged on our Letter of Credit.

Vice Chair Farner stated sometimes a bank will give an individual with a CD the option of adjusting their rate up and Ms. Bystrak interjected that is known as a hybrid CD. Mr. Lumbard stated the Water Authority does not have that option because our CD is collateralized and tied to our Letter of Credit. Ms. Bystrak said she recently heard on the news that SunTrust is failing and staff may want to check on this. Mr. Lumbard noted that he recently spoke to SunTrust and they did not say anything that issue.

Mr. Everly, Jr. asked why staff did not obtain bids and prepare a handout for the Board. Mr. Lumbard responded staff researched local banks we deal with on a regular basis and determined the rate would really not be much better; however, if a decision is made to change banks, the District will have to release the existing Letter of Credit. Mr. Everly, Jr. asked if staff talked to SunTrust and Mr. Lumbard replied that he did and he also spoke with USB and BB&T. Mr. Everly, Jr. stated when he reviewed his Board book last week, he did not question it because he assumed the Board would receive last minute paperwork but if he had known they would not receive anything, he would have called.

Ms. Bystrak asked if the reason the Water Authority wants to go with SunTrust is the Water Authority already has a CD with them and Mr. Lumbard said the Letter of Credit is with SunTrust and so is our checking account. Ms. Bystrak again mentioned her concern about their financial condition. Vice Chair Farner said he did not have a problem with SunTrust but wants to see written bids from other banks in the future so the Board has more information.

Vice Chair Farner made a motion **TO AUTHORIZE THE EXECUTIVE DIRECTOR TO PURCHASE AN APPROPRIATE TWO-YEAR CD FROM SUNTRUST FOR A TOTAL OF \$850,000 AND TO INCREASE THE AMOUNT OF THE EXISTING LETTER OF CREDIT TO \$850,000.** There was no second and no vote at this time.

Mr. Everly, Jr. asked if this item could wait until next month and Mr. Perry advised the CD has expired and he was not sure it could continue much longer. He emphasized he understands the Board's concern about not seeing written quotes or information from other banks and said that will not occur again, they will receive information ahead of time. He said staff has been negotiating almost daily with various banks to get the best CD rate above the commission rate for the Letter of Credit. Mr. Lumbard added each bank has to review our credit status and finances in order to develop a commission rate. Mr. Perry suggested putting a limit on the CD rate of no less than 1.15%.

Vice Chair Farner added to his motion **THE CD RATE WILL NOT BE LOWER THAN 1.15%.** Seconded by Ms. Dillon; the motion carried 6 – 0.

*Vice Chair Farner left the meeting at 5:20 p.m. The meeting recessed at 5:20 p.m. and reconvened at 5:40 p.m.*

f. Board Meeting Decorum and Role of the Chairman

Chairman Fullerton stated this item will be delayed until the November meeting because two Board members had to leave the meeting early.

g. NuRF Alum Price Increase

Mr. Lumbard said according to General Chemical's contract, they can propose an annual price increase and their proposed increase is 6.5% or \$286/dry ton. Currently the Water Authority pays \$268.50/dry ton and that price is good through January 31, 2010. Ms. Bystrak asked if General Chemical is a local company and Mr. Lumbard noted they have plants throughout Florida, however, the alum is trucked in from Jacksonville.

Mr. Harris made a motion **TO AUTHORIZE THE EXECUTIVE DIRECTOR TO AMEND THE CURRENT ALUM PURCHASE CONTRACT WITH GENERAL CHEMICAL ALLOWING AN EXTENSION OF THE CURRENT \$268.50 PER DRY TON PRICE THROUGH JANUARY 31, 2010 AND UPDATE THIS PRICE TO \$286.00 PER DRY TON BEGINNING FEBRUARY 1, 2010 AND ENDING DECEMBER 19, 2010.** Seconded by Ms. Dillon; the motion passed by unanimous consent. Mr. Everly, Jr. mentioned that he prefers to vote on issues and does not like a unanimous consent. Chairman Fullerton responded that action hastens the meeting.

7. **LEGAL STAFF REPORT**

Attorney Barice referenced the Flat Island property donation and reported the quitclaim deed and Resolution (2009-04) were executed by the Chairman and forwarded to the City of Leesburg. The City Administrator indicated the deed will be recorded and placed on their future Council agenda and Attorney Barice mentioned she requested the City notify the Water Authority of the meeting date so staff can be present to answer questions.

Attorney Barice reported a letter demand was mailed to the insurance provider attorney for Environmental Research and Design in reference to NuRF claims but she has not heard from them. She stated the Gibbs and Register contract is closed and a letter was sent to their insurance company saying the Water Authority will no longer pursue that company. She noted staff wants to settle this short of litigation, if possible.

**8. ACTION ITEMS – (Continued)**

Ms. Dillon made a motion **TO ACCEPT THE EXECUTIVE DIRECTOR'S RECOMMENDATION ON TABS 11, 12 AND 14.** Seconded by Mr. Everly, Jr.; the motion carried 5 – 0.

b. Authorization to Release 2010 Stormwater Grant – Tab 11

{Executive Director Recommendation: Authorize staff to release the 2010 Stormwater Grant Application to the appropriate public agencies.}

c. Approval of 2010 Board Calendar – Tab 12

{Executive Director Recommendation: Authorize staff to file the meeting schedule as presented.}

d. Authorization to Enter into Agreement for the Water Atlas – Tab 14

{Executive Director Recommendation: Authorize the Executive Director to enter into an agreement with the Lake County BCC to match their cash contribution up to an amount not to exceed \$17,733 to share in the cost of maintenance and upgrade support of the Water Resource Atlas for FY 2009-2010.}

e. Authorization to Purchase Replacement Truck under State Contract - Tab 10

Chairman Fullerton inquired if this normally would be something that would go out to bid. Mr. Hart explained it would under State contract because they have a long list of vehicles and agencies use the list when purchasing a vehicle. He explained the Water Authority piggybacks with other cities, the County and governmental agencies so they can buy a vehicle at the same rate because State bids come in much lower than what a dealership would quote. She asked how staff decides the kind and type of truck to buy. Mr. Hart said there is some uncertainty because the present truck pulls the barge and hauls the water tank but has been having transmission problems. He noted after we get the new truck, the old Ford Explorer with over 174,000 miles, will be surplus to a company in Zellwood that takes government vehicles and holds a public auction.

Mr. Everly, Jr. said replacing the Explorer with a one-ton truck is a change in usage and there is no difference between the F-250 and F-350. Mr. Hart reported the Water Authority owns two F-250s and transmissions have been replaced in both, adding he was told a one-ton truck had a larger engine and a heavier-duty transmission. Mr. Everly, Jr. asked if staff had considered buying a diesel. Mr. Hart said they did but that it would cost at least \$2,000 more but if the Board would prefer a diesel, staff needs authorization to increase the money they are allowed to spend. Mr. Everly, Jr. stated he does the purchasing for his company and there is no difference between the transmission or

transmission cooler on a ¾ ton and one-ton truck. He added the ¾ ton can haul more and the tow ratings are higher than a one-ton unless you buy a dually. He said staff needs to make sure they get the correct information because he does not want to see staff daily using a one-ton to check on our properties because it would get poor gas mileage and a smaller truck can do the same thing as a one-ton. He said everyone needs to be more aware of the environment and buy just what is needed and nothing more. The Board discussed the various Water Authority vehicles and how they are used.

Mr. Perry reported the agency seems to be going through transmissions on the bigger trucks that staff thought would be sufficient to tow heavier equipment. He said that is one reason why they are looking at purchasing a larger truck. Mr. Everly, Jr. asked if staff considered buying a diesel since they last much longer, get better fuel mileage, and the huge transmission comes with a 100,000 mile warranty. Mr. Hart said that he did look at a diesel because is highly recommended; however, it costs more and he was not sure if the Board wanted the agency to spend several thousand dollars more.

Mr. Everly, Jr. made a motion **TO AUTHORIZE THE PURCHASE OF A ¾ TON OR ONE-TON, 4-WHEEL DRIVE, EXTENDED OR CREW CAB PICKUP TRUCK UNDER THE STATE CONTRACT FOR AN AMOUNT NOT TO EXCEED \$30,000 AND AUTHORIZE THE SURPLUS THE OLD FORD EXPLORER.**

Seconded by Mr. Harris; there was no vote at this time. A question was asked as to why the motion did not specify a diesel truck. Mr. Everly, Jr. stated his motion would allow staff to review and compare the specifications and make the best decision. Mr. Hart noted that staff will buy a diesel truck. **The motion carried 5 – 0.**

## **9. BOARD MEMBER COMMENTS**

Mr. Harris reported during the NuRF Grand Opening, he spoke with Mr. Larry Metz, a member of the Lake County School Board who expressed an interest in partnering with the Water Authority on school field trips to the NuRF. Mr. Harris said he believes this would be great to do since the School Board seems supportive so he discussed it with Mr. Perry who indicated possibly a staff person could lead the tours. Mr. Harris said he also thought once a year high school teachers could take a staff-guided tour so they understand how it works and whether it could be included in their curriculum. He reported he spoke to South Lake High teachers who are interested in their classes touring NuRF but because classes change in January, something would need to be done quickly. He requested a discussion of this item during the November Board meeting.

Chairman Fullerton said at a past Water Authority Board meeting, they discussed the Clermont Yacht Club's request to have a 48-slip marina on Lake Minneola. She said she requested at that time the Board send a letter to the City of Clermont requesting they reject this request; however, it was not approved by the rest of the Board. She said the Clermont Yacht Club marina permit recently signed by the District's Executive Director will have to go before the Clermont Council and she thought they might reject the Club's request. She said this is another example of the power of Senate Bill 2080 that allows the District to sign anything. On another matter, she thought it would be very considerate of

the Water Authority to send a sympathy card to the family of Mr. Scott Strong (former School Board member).

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

Ms. Bystrak reported she asked Mr. Garcia, GIS Manager to find out how many lakefront homeowners irrigate their lawn from Lake Harris. She referenced water budgeting and thought it included to the number of lakefront owners and the amount of lake water they use. She reported there are approx. 669 lakefront homeowners on Lake Harris but no one knows if the four mobile home parks use lake water. She said she would like staff to determine how many residents use lake water on the Harris and Clermont Chains of Lakes because that would give us an idea of the total surface water consumed. She said this data is especially important now MFLs are being established and would also help put large withdrawals in perspective (City of Minneola's request for .39 mgd) and see how it compares to the amount of water lakefront homeowners use from Lake Apopka.

Ms. Dillon asked how much time was spent arriving at the number of Lake Harris lakefront homeowners and she was told about four hours. Chairman Fullerton said Mr. Walker told her it is impossible to measure the amount of water that is taken from Lake Apopka. Mr. Everly, Jr. noted that Niagara Bottling Company withdraws from that lake and then trucks it away, adding it has been determined that there is at least 3,000 lakefront homeowners throughout Lake County. Ms. Bystrak said there are questions about alternative water supplies and no one knows how much water is being taken. Chairman Fullerton said lakefront property owners have to follow the same restrictions and she inquired if Mr. Perry had heard the District talking about residential surface water usage. He said that he had not but the issue lately has been domestic self supply and how that affects the lakes. Chairman Fullerton noted the Alliance to Protect Water Resources has an interest in waterway peril and she wondered if it would help to identify stripped Clermont Chain beaches needing remediation. Ms. Bystrak said when the Water Authority argued down the City of Apopka's CUP, we could have included the fact that homeowners are withdrawing a specific amount of water and that we do not want big companies withdrawing more in our letter to the District. Ms. Dillon pointed out even if we knew the number of lakefront owners we, do not know how much surface water they use; however, Ms. Bystrak said an average or estimate would help.

Mr. Perry indicated the District did their last water budget for the Surface Water Improvement and Management Act (SWIM) in 1999 or 2000. Ms. Bystrak wanted staff to ask the District when they plan to update their SWIM plan. Ms. Dillon pointed out that the Water Authority has a small staff and the Board cannot ask them to spend time working on this. Ms. Bystrak said she attended a Department of Environmental Protection meeting recently and a comment was made that the average evaporation is 70% to 75% statewide.

Ms. Bystrak referenced the discussion last month concerning Toys for Tots request to waive the Hickory Point pavilion rental fee and the Board at that time wanted to know how many non-profit groups ask for a waiver. The Board requested that staff develop a

list and there are less than 50 groups, mostly church groups or boat clubs; however, the Renaissance Faire along with reunions and other groups is listed in another category. She stated the second page of the list shows the rental fee was waived for the Lake Soil and Water Environthon, Early Learning Coalition, LAKEWATCH, Tavares High School Senior Class and Lake County Board of Education. Mr. Perry explained the fee was waived for those five groups because the Board established a policy that education related activity fees would be waived. The only exception was LAKEWATCH because the Water Authority funds that program. Mr. Perry said it is important to remember the list is a continuum of those groups that meet the charitable group criteria and falls under the 501C3. He said there are probably many more groups that have requested a waiver but once the Board decided the Water Authority would not waive the fee, the groups went elsewhere. Ms. Bystrak said she wants to know where Toys for Tots fits in. Mr. Perry explained the reason Toys for Tots was an issue is that in the past the Board was willing to waive their fee because it initially was the Sheriff that made the request to rent the pavilion. However, with the policy change, the Water Authority no longer gave cart blanche to any law enforcement party wanting a waiver and explains why Toys for Tots had to come before the Board with their request. Ms. Dillon asked why Toys for Tots was not on the list and Mr. Perry said he was not sure why it was not included under the fees waived column.

Ms. Bystrak said she is concerned about the cypress trees that are dying along the Dora Canal, the Dead River, and at Crooked River. She found pictures of the Dora Canal in the library which showed cypress trees lined each side of the Canal but now it is just mostly hardwoods. She said it takes hundreds of years for cypress trees to grow and because so many have been lost, it may be time after the downed trees at Crooked River are removed, to think about developing a cypress tree replanting program. She asked if staff can determine the number of cypress trees left, how often they fall, and determine if cypress trees would survive if we planted some.

Mr. Perry stated the Harris Chain Restoration Council wanted to plant cypress trees but they found it difficult to find a company that would plant them. He added it would be quite difficult to determine the number of cypress trees there are and how often they fall. Mr. Hart mentioned the Water Authority does not own the land along the Dora Canal so we cannot go on that property and plant cypress trees without owner authorization. He said he has seen cypress tree saplings along the Dora Canal but if the conditions are not right during the year, they die. He said if we plant containerized cypress trees and the water rises or falls, they will not survive because they are used to growing in a natural setting. He emphasized there is natural replacement occurring on the waterways.

Mr. Everly, Jr. said plantings work well in conservation areas because the water level is highly controlled allowing the cypress trees to grow.

#### **10. BOARD MEMBER ITEMS FOR FUTURE AGENDA**

No further items were added.

**11. INFORMATION ITEMS**

a. Staff Report

No comments were made.

b. Monthly Financial Reports – September 2009

No comments were made.

**12. ANNOUNCEMENT OF UPCOMING MEETINGS AND EVENTS**

- Board Meeting – Wednesday, November 18, 2009 (3:30 p.m.) BCC  
Chambers/Admin. Building

**13. ADJOURNMENT**

The meeting was adjourned at approx. 6:35 p.m.

---

Linda Gavin, Recording Secretary

---

Neil Kelly, Secretary-Treasurer

---

Nancy H. Fullerton, Chairman