

MINUTES OF THE REGULAR BOARD MEETING
of the
LAKE COUNTY WATER AUTHORITY
January 22, 2020

The Regular Hearing of the Board of Trustees of the Lake County Water Authority was held at 3:30 p.m. on Wednesday, January 22, 2020 in the Lake County Administration Building, County Commissioners Chambers at 315 West Main Street, Tavares, Florida.

Members Present-District #

Amy Stone, Chairman (#5)
Carolyn Maimone, Vice Chair (#3)
Trampis BonJorn (#2)
Peggy Cox (#1)
Keith Farner (At-Large)
Butch Hendrick (#4)
Courtney Stokes (At-Large)

Staff Present

Michael J. Perry, Executive Director
Ron Hart, Water Resources Director
Dr. Jason Danaher, Water Res. Project Manager
Biago Gugliotti, Land Resources Director
Ben Garcia, IT Manager
Brian Nagy, Field Services Manager
Tracy Hauserman, Land Management Ranger
Elizabeth Hyatt, Financial Coordinator
Anna Ely, Recording Secretary
Kevin Stone, Attorney

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

The meeting was called to order at 3:30 p.m. and everyone stood for the Pledge of Allegiance.

2. APPROVAL OF MINUTES

VICE CHAIR MAIMONE MADE A MOTION TO APPROVE THE MINUTES OF THE LAKE COUNTY WATER AUTHORITY WORKSHOP OF DECEMBER 12, 2019. Mr. BonJorn seconded the motion.

Motion approved 6-0. Ms. Cox was not in attendance at that time.

MR. BONJORN MADE A MOTION TO APPROVE THE MINUTES OF THE LAKE COUNTY WATER AUTHORITY MEETING OF DECEMBER 18, 2019 - REGULAR MEETING. Mr. Hendrick seconded the motion.

Motion approved 6-0. Ms. Cox was not in attendance at that time.

3. PUBLIC COMMENT

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Eileen Tramontana and Stan Napier from Trout Lake Nature Center addressed the Board. Mr. Napier read letter of thanks from a parent regarding the Lake County Water Authority's funding of field trips to Trout Lake for the students of Triangle Elementary.

4. EXECUTIVE DIRECTOR REPORT

Mr. Perry addressed the Board and gave the water level and rainfall report. He showed a graph of Lake Apopka water levels and stated that late last month Lake Apopka was above the Maximum Desirable and the St. Johns River Water Management District (the District) opened the flow not only through NuRF but also through the Spillway.

He stated that once the lake level returned to the Maximum Desirable, they then shut off the flow through both NuRF and the Spillway, as the Lake Dora water level had risen substantially. He noted that once Lake Dora levels came down the District again opened the flow through the Spillway and about 100 cfs through the NuRF.

He explained that as of this morning, there was 108 cfs coming through the NuRF and the Spillway has been closed so that there is no flow.

Mr. Perry stated that from what staff has heard, is that because Lake Apopka is back at Regulatory Schedule, that by the end of the week, the District is going to bring the flows back down to minimum through the NuRF at most. He stated that whatever happens with rainfall will determine future flows, but for now they are stating they will keep it at minimum discharge, with all of it going through the NuRF.

Mr. Perry stated that even though the Water Authority staff has asked and pleaded with the District to even out the flows, and not be hard on the gas and hard on the break, they continue to do so. He stated that the Water Authority staff will continue and try and work with the District to have them even the flow out.

He stated that Lake Eustis and Lake Harris are at Regulatory Schedule, but when they opened the flow from Lake Apopka, it drove up the water level of Lake Dora. He stated when they shut the flow the lake responded, but when the District resumed flow, the lake level then continued to rise.

Mr. Perry noted that early in January the District opened the flow through the Harris Bayou to allow some relief to Lake Dora.

He noted that at one point there was in excess of 1,000 cfs flowing through the Burrell Lock and Dam, but the flow is also being closed at this time.

He stated that toward the middle of December, Lake Griffin was nearing Maximum Desirable and the District opened Moss Bluff Lock and Dam up to 1200 cfs and now the lake is slightly below regulatory and the flows through Moss Bluff are on their way down.

He stated that for the 2019 calendar year we had a 3.019-inch surplus of rainfall. He noted that this was the third consecutive year of three-plus inches of surplus rainfall and explained that for

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most of the preceding years we were in deficit conditions with rainfall much lower than the average normal rainfall of 50.49 inches.

Mr. Perry stated that the combined flow from Big and Little Creek is about 50 cfs lower this year than at the same time last year. He noted that last year, because of the heavy flows, there was some concern whether surplus water could be moved out to of the system fast enough.

He stated that currently the Clermont Chain is at 97.04 msl, which is a little bit less than the target amount of 97.1 msl. He stated that the Cherry Lake structure is closed, with the only flow being through the weep hole at about 4 cfs. He noted that the Clermont Chain is currently about .04 of a foot lower than it was at this time last year.

He stated that Mr. Hart and Dr. Danaher have been working hard to keep the lake levels as close to 97.1 as possible.

Mr. Perry reported to the Board that last week the Water Authority had received another \$55 thousand in FEMA reimbursement related to Hurricane Irma. He stated that this brings the total reimbursement close to \$1.2 million.

Mr. Perry stated that Tracy Hauserman, Mary Kock, Dan Kewharding and Travis Snow, along with Ben Garcia, worked with the HR Lady, Wendy Sellers, to create a set of Core Values for the Agency, values that each employee will hold themselves and each other to. He stated that this wasn't anything that was driven by management, and except for Ben Garcia, no management was involved.

Mr. Perry, Chairman Stone and Board Members gave recognition to and presented plaques to Brian Nagy for 10 Years of Service with the Water Authority, to Ben Gugliotti for 15 Years of Service, to Ben Garcia for 20 Years of Service. Tracy Hauserman and Ron Hart were also recognized for 20 Years of Service and it was noted that they each have worked for the Water Authority for 23 Years.

Chairman Stone thanked them all for their service and stated that it has been a pleasure working with them over the last 3 ½ years that she has been on the Board. She noted that each of the employees are consummate professionals.

Mr. Perry stated that the Ribbon Cutting for the new Clermont Boat Ramps was held on January 10. He stated that the Water Authority Board was prominently mentioned, and the City of Clermont thanked the Board for their contribution.

He noted Chairman Stone spoke on behalf of the Board and stated that the Board was very well presented with Chairman Stone, Vice Chair Maimone, Peggy Cox, Trampis BonJorn and Butch Hendrick in attendance.

5. CONSENT ITEMS

Item was pulled for discussion

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a. Authorization to Release Bid to Remove Floc Residual from NuRF Containment Area

Dr. Danaher explained that the purpose of this bid is to remove existing sediment at the NuRF site and try to get it off-site. He stated that since the sediment was removed last year, the site has accumulated more since that time, and with the current conditions of the ponds we will continue to process and create more, which will limit space.

He noted that there is a line item in the current budget for floc removal from the site and he is trying to use this time period when it's a little bit drier to remove it from the site and create a little bit more space.

VICE CHAIR MAIMONE MADE A MOTION TO AUTHORIZE STAFF TO RELEASE A BID FOR REMOVAL OF ACCUMULATED FLOC RESIDUAL FROM THE NURF CONTAINMENT AREA AND RETURN TO THE BOARD WITH A RECOMMENDATION FOR QUALIFIED CONTRACTORS IF FAVORABLE RESPONSES ARE RECEIVED. Mr. BonJorn seconded the motion.

Mr. Hendrick stated that he would like to pull this item for a couple of months as he doesn't see a reason to do it right now. He stated that he might have someone who will remove the floc residual for free, and so instead of putting it out to bid and wasting resources, he would rather wait and address it in another month or two.

Mr. Farner stated that he is okay either way, but he would rather use the \$120,000 to build another wet containment area a couple-hundred yards away on another portion of the property and return the existing wet containment area to a dry containment area.

He stated that there might be a different solution to this problem and that he had mixed emotions about hiring someone to remove the floc at this time. He did note that even if they put it out to bid, they don't have to accept any of the bids.

Dr. Danaher stated that he knows what the Agency experienced with Hurricane Irma and having full ponds of settlement and where it put the Agency in terms of limitations in the containment area. He noted the ponds are full capacity now, and they are looking at having to put staff on 24/7 shifts through the spring. He explained that he is looking into the future and that fact that the space is going to be required and he would like to get a bid out to see if there are options to move the floc off-site.

Dr. Danaher also noted that Phase I of the Pegasus Reports recommends improvements to the containment area with a roadway-based system where things could be moved more smoothly and if we do move forward with Pegasus' plan in 2020, removing the floc off-site would be a benefit, rather than leaving it there for construction workers to work around it.

Mr. Farner stated that he would vote in favor of the motion, but he has some reservations about approving a contract without a lot more studies being done about the possibilities of building a new wet containment area.

Mr. BonJorn stated that it wouldn't hurt to go out to bid, but they wouldn't have to make up their minds just yet.

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Chairman Stone stated that it is her opinion that she wouldn't want to sit in a holding pattern and then we end up with a hurricane at the first of June and we have too much floc still sitting there. She stated that she is not a big fan of stopping normal operations over something that might or might not happen in the future.

Mr. Hendrick asked why spend resources to put the bid out if we are going to sit out there a while and he doesn't see any reason that we can't wait another month.

Chairman Stone stated that they need to make sure they are doing the best thing for the Water Authority.

[VICE CHAIR MAIMONE MADE A MOTION TO AUTHORIZE STAFF TO RELEASE A BID FOR REMOVAL OF ACCUMULATED FLOC RESIDUAL FROM THE NURF CONTAINMENT AREA AND RETURN TO THE BOARD WITH A RECOMMENDATION FOR QUALIFIED CONTRACTORS IF FAVORABLE RESPONSES ARE RECEIVED. Mr. BonJorn seconded the motion.]

Motion approved 5 - 1 with Mr. Hendrick in opposition. Ms. Cox was not in attendance at that time.

6. REGULAR AGENDA

a. FWC Hydrilla Funding Reimbursement

Mr. Perry stated that this agenda item is the continuation of a discussion related to Mr. Farner's request to seek reimbursement for the funds given to the Florida Fish and Wildlife for spraying of hydrilla.

Mr. Farner stated that although it wasn't our responsibility, the issue the hydrilla was an urgent need and the Water Authority acted while others were still debating funding.

He explained that he looks at it like the Water Authority did them a big favor because hydrilla doesn't just grow 8% to 10% a year, it doubles in growth. He stated that he thinks the Water Authority did the right thing and would hope that the Fish and Wildlife Board of Directors does the right thing as well and considers us for reimbursement of all or part of the money the Water Authority expended.

Mr. Hendrick stated that he agreed with Mr. Farner to a certain extent, but this is something that should have been done before we gave them the money. He stated that going forward maybe we can learn something from this, and if we want something in return, we should request it before we lend or give out money.

Mr. Farner stated that if the Water Authority had asked them (FWC) at that time, they probably would have said no, and they still may say no, but we (the Water Authority Board) have a duty to the taxpayers and are obligated to at least ask for it, and if they (Florida Fish and Wildlife) tell us no, they tell us no, but at least the taxpayers of Lake County will know that we are looking out for their dollars.

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He stated that this is not as simple as a letter, they need to get the Legislative Delegation on-board and send letters to the Directors and Board Members of Florida Fish and Wildlife, as well as the Governor's office, and he expects good results. He stated that he thinks they would be supportive.

Chairman Stone stated that her concern is we made the motion and passed and agreed to put this money forward without a request for payback and she thinks from a partnership standpoint with FWC, everything that was discussed during those budget hearings, and the discussions with the public regarding the millage, the public was willing for us to do that.

She stated that the money was spent in Lake County and we used Lake County taxpayer money to benefit those in Lake County and while it would be great if FWC would be able to pay us back, she felt like it would not be in the best interest of the Water Authority for future partnerships to go and ask them to give something back that we gave them as an assistance.

She stated that we (the Water Authority Board) knew there was a budget gap and we made the decision as a Board to go forward and raise our budget so that we could cover that gap. She explained that is a State Legislative determined budget that is then is passed down to FWC from the state level and then down to the different counties in the state. She stated that Lake County is only one of 86 counties in the state and we (Water Authority) determined as a board that there was a need there and we wanted Lake County's waters to be clear of hydrilla as much as possible, knowing that we understand the science behind how hydrilla grows, and the expectation of what would happen if there was no additional treatment.

Chairman Stone stated that because of that, we raised the millage and were very vocal about the fact that we were raising the millage to take care of this problem in our county, so their taxpayer money was going back into the county to help them directly.

She noted that she would be more inclined to go back to FWC if we were somehow paying for something in another county. She stated that should they face the same type of problem in the future, maybe they should consider going a different direction, but she and Mr. Perry worked hours and hours working with all the legislative groups that service our county, trying to get funding and it was a lost cause, so the decision was made to do what was right for Lake County.

Chairman Stone stated that she appreciates the request and understands where its coming from, but she also feels that Chairman Stone stated that requesting a refund of the money would not be good for future cooperative projects with FWC and other entities.

Mr. Farner reiterated that it was their responsibility by statute and the Water Authority picked up the slack when they were still questioning what to do, and he is asking for them to refund our money, but if they so no, he can live with that.

Mr. Hendrick noted that the FWC didn't ask for that money from the Water Authority.

Vice Chair Maimone stated that she agreed with Chairman Stone, and that while she felt that Mr. Farner's heart was in the right place and looking out for the citizens of Lake County, but we (the Water Authority) offered because we saw a need. She stated that she doesn't like the idea of

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asking for it back. It was used for what we wanted it to be used for, and our taxpayers got the benefit of having the lakes taken care of much sooner that they would have, had we (Water Authority) not provided the funding. She stated that she doesn't think we should ask for the money back.

Mr. Farner asked what was going to stop them from saying they don't have to pay for Lake County anymore since they (Water Authority) paid for it last time.

Chairman Stone explained that in every conversation, she and Mr. Perry were very vocal in explaining that the funding was a one-time thing and the Water Authority would not be providing any additional monies and they know we are not going to do this again. She stated that she stood in front of the whole Legislative Delegation and told them that the Water Authority was doing this, and it was a one-time only thing and that the Water Authority could not be taking care of this in perpetuity, that they had to be able to step up to the plate.

She stated that they all understood and were thankful that we were able to make the budget gap work. She noted that funding is part of the huge state budget and it got sliced and diced based on the needs of the entire state. She stated that while we have a vested interest in our own county, there are several other counties that also have these same or similar problems that had to be addressed and they didn't have a surplus of funding and couldn't cover all their projects.

Chairman Stone stated that because of this, the Water Authority made that decision. She stated that they all know that we are not willing to do this again. She stated that it would be hard to have any partnerships with them in the future if we were to ask for the money back.

MR. FARNER MADE A MOTION TO ASK FWC FOR REIMBURSEMENT, EITHER FULL OR PARTIAL, OF THE MONEY THE WATER AUTHORITY EXPENDED ON BEHALF OF THE LAKE COUNTY TAXPAYERS, IN DEALING WITH THE HYDRILLA ISSUE.

Attorning Stone suggested that the motion needed to be more specific as to where any letters or requests needed to be directed.

Mr. Farner revised his motion to state: **THAT THE WATER AUTHORITY GO TO THE STATE LEGISLATURE, WRITE A LETTER TO FWC AND KINDLY ASK THEM FOR REIMBURSEMENT OF ALL OR PART OF OUR EXPENDITURES IN DEALING WITH THEIR MANDATED STATE LEGISLATION DEALING WITH INVASIVE PLANTS/HYDRILLA. THE LETTER IS TO ALSO GO TO THE LEGISLATIVE DELEGATION, FWC BOARD MEMBERS AND DIRECTOR, AND THE GOVERNOR'S OFFICE SO THEY ARE WELL AWARE OF WHAT WE ARE PURSUING AND THE REASONS FOR IT.**

Motion died for lack of second.

Ms. Cox joined the meeting

- b. Authorization to Open Scrub Point Preserve

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Ben Gugliotti addressed the Board and stated that although they have been talking about opening Scrub Point for a couple of years, but the Board hasn't taken any official action, so he wanted to come to the Board to get official approval to open the preserve to the public.

He explained that historically the biggest issue has been the access road from Hartwood Marsh Road to the gate of the preserve. He stated that in 2016 the Board approved the St. Johns River Water Management District to install some monitoring wells and as part of the project the District had reinforced the road with lime rock up to their wells and created a 100 ft. by 100 ft. pad for the well equipment while they were doing the drilling.

He explained that once the wells were completed the pad was reduced to 20 ft. by 20 ft. and the District left the remainder of the material for the Water Authority to do with as we wished, and the idea was to complete the road. He also explained the easement agreement with Mr. Piper and noted that Mr. Piper plans for a housing development on the property adjoining the preserve.

MR. BONJORN MADE A MOTION TO AUTHORIZE STAFF TO OPEN SCRUB POINT PRESERVE TO THE PUBLIC WITH ACCESS FROM HARTWOOD MARSH ROAD WITH A TARGET OPENING DATE IN JUNE 2020. Ms. Stokes seconded the motion.

Mr. Hendrick asked what kind of expenses would be involved and Mr. Gugliotti stated that there is already public access from the point for boaters and they would add a kiosk at the gate plus a picnic table at the preserve, so additional costs would be less than \$2,000, as there is already \$10,000 in the budget to finish the road and parking area.

Ms. Cox stated that she is afraid of opening the property to the public as it is the only undisturbed property in that area. She stated that she was concerned about possible damage to the property and the sensitive plant species. She noted that if they are going to open the property to the public, she would suggest opening the preserve only part of the week such as only on weekends.

It was asked if dogs would be allowed and Mr. Gugliotti explained that dogs aren't allowed on any of the Water Authority owned preserves and generally, we don't have a problem with people in the preserves.

Chairman Stone stated that she thinks that it will be a while before homes are built in that area. She stated that if some time in the future there is a problem, they would close the preserve. She noted that staff is already maintaining the property.

Mr. Farner stated that he has some concerns about some of the rare and indigenous plant species that are located on the preserve and what impact opening the preserve to the public would have on them.

Mr. Perry stated that there is no real rush, it wasn't something that they had to vote on at this time and noted that staff is just looking for some direction on how to proceed.

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Ms. Cox stated that she personally feels there should be a graduated opening and suggested locking the gate every day at dusk.

Concern was expressed that there wouldn't be a site resident and Mr. Gugliotti explained that neither Hidden Waters nor Sabal Bluff have site residents. He stated that the preserves with site residents already had houses on them when the property was acquired. He stated that Ms. Eddy's son had recently built a house next to the gate on a piece of property that he owns, and staff communicates with Mr. Eddy quite often.

He noted that it is ultimately the Board's decision as to when and how the preserve is opened to the public.

[MR. BONJORN MADE A MOTION TO AUTHORIZE STAFF TO OPEN SCRUB POINT PRESERVE TO THE PUBLIC WITH ACCESS FROM HARTWOOD MARSH ROAD WITH A TARGET OPENING DATE IN JUNE 2020. Ms. Stokes seconded the motion.]

Motion approved 5-2 with Mr. Farner and Mr. Hendrick in opposition.

c. Tree Removal Bids

Jason Danaher reported that six responses were received to RFB 2020-02 for Emergency Waterway Tree Removal and he was like the Board to approve executing contracts with the three lowest bidders.

VICE CHAIR MAIMONE MADE A MOTION TO AUTHORIZE EXECUTIVE DIRECTOR TO EXECUTE CONTRACTS WITH THE THREE (3) LOWEST BIDDERS FOR THE EMERGENCY WATERWAY TREE REMOVAL SERVICE:

1) ARBOR TREE & LAND, 2) C&M DREDGING AND 3) TIP TOP TREE

Mr. Hendrick seconded the motion.

Motion approved 7-0.

d. Executive Director Interviews

VICE CHAIR MAIMONE MADE A MOTION TO WORK TO GET A CONTRACT TOGETHER WITH RON HART TO HIRE HIM AS OUR EXECUTIVE DIRECTOR.

Ms. Cox seconded the motion.

Mr. Farner asked if he could make another motion and Chairman Stone stated that there was an existing motion that had to be voted on prior to another motion being made. She stated that if this motion fails there will be the opportunity for a second motion.

Mr. Farner stated that if this motion succeeds, we basically have a new Director and Chairman Stone stated that this was correct.

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Mr. Farner stated that we don't have to decide on the new Director at this time and Chairman Stone reiterated that there is a motion and a second.

Mr. Hendrick stated that he thought everyone's vote needed to be heard so Chairman Stone stated that if there was no other discussion, they could go ahead and take a vote.

[VICE CHAIR MAIMONE MADE A MOTION TO WORK TO GET A CONTRACT TOGETHER WITH RON HART TO HIRE HIM AS OUR EXECUTIVE DIRECTOR. Ms. Cox seconded the motion.]

Motion approved 5 – 2 with Mr. Farner and Mr. Hendrick in opposition.

7. LEGAL COUNSEL REPORT

Attorney Stone reminded the Board that stated restructuring of the Water Authority caused Ms. Burgos' position to be eliminated and so she she was terminated from her employment. He stated that at time she was offered a severance that she did not accept, but instead hired an attorney who then entered into a negotiation with us/our insurance carrier, as her attorney did assert some claims that triggered insurance coverage.

He stated that he received a letter from our insurance company that was dated January 9, that the matter has been fully resolved. He stated that the settlement amount is \$32,979. He stated that there are also some fees and costs associated with that, but he thinks that staff and insurance defence thought that was reasonable in light of the circumstances, as Ms. Burgos' salary was close to \$90,000.

Attorney Stone stated that the next item he wanted to report back to them on was something that that Mr. Hart has been working on for a long time, which is the Slow Speed Zone for the canal/waterway south of Lake Minneola.

He noted that at the last Board Meeting he was instructed to look into the matter, but wasn't given any specific instructions or actions to take, so he is bringing it back to the Board.

He stated that he and Trustee Farner had a conversation, as he had done some legwork on his own and had given him some contact information for Florida Fish and Wildlife.

Attorney Stone explained that there are two distinct ways to something establishing a boat regulation zone gets in from of the Commission. He stated that one is if their own (FWC) staff initiates it, the Commission, under the Administrative procedures, can create one of these zones.

He stated that the other way is if it is done by Ordinance by the local government, city or county. He explained that the Water Authority Board doesn't have the authority to enact an ordinance, we can only ask other people to do it.

He stated that Mr. Hart has spent a lot of time trying to get the FWC staff to initiate it, but despite good intentions and reasonable argument the FWC has refused to do so.

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Mr. Hart stated that he would like to give an update to the Board, as there has been some movement on the request. He explained that he's had the opportunity to speak with Lamont Nelson with FWC and he has indicated that they are willing to send out an officer, or for him to come down from Tallahassee, and observe the waterway on a weekend. He stated that Mr. Nelson's preference is to wait until we hit the summer months when use would be at its peak.

Mr. Hart suggested getting with Mr. BonJorn regarding when there might be a very busy weekend and try to schedule their visit for that weekend to monitor the waterway. He explained that then based on whatever they see for that day, reevaluate whether it would be worthy of placing a permit.

He stated that he wanted to make sure that the Board is aware of that before they take any other action.

Attorney Stone stated that was a helpful update, and that he also wanted to make sure that the Board is aware that there is another avenue for getting something in front of the commission, is if there is a local government ordinance. He noted that Mr. Hart has worked through this process with local governments. He stated that the canal is bordered by Groveland and Clermont and the lake is bordered by Lake County. He stated that it might be a big awkward to sort that out, but we could ask one of the local governments to get it placed in front of the Commission if they are interested in doing so.

He stated that there are different channels to do this and what Trustee Farner and Mr. Hart had been looking at was going through FWC staff, and that is the way to do it, if it is possible. He stated that at this point, it sounds like perhaps there is some light at the end of the tunnel that may just want to wait and see.

Mr. Hart stated that even if we can get local ordinance passed, then would have to get a authority from FWC to post the sign, and that may be where we come to an impasse. He stated that he needs to talk with Attorney Stone, to see if there is any other avenue they can persue.

Attorney Stone noted that Mr. Hart is correct in stating that all waterway signs require permitting by FWC. He noted that there are some kinds of regulations that don't even have to go through FWC, but they still regulate the signage, such as when you are close to a bridge or boat ramp, and he doesn't think this location qualifies. He stated that with Mr. Nelson's agree, we might have a crack in the door.

Chairman Stone stated that is better than what we had before.

Mr. Farner clarified with Mr. Hart that he's been trying for a year and stated that he has been stonewalled by their (FWC) staff all along, so what makes him thinkg he's going to have success now, other than the fact that we now know the legal way to do this process through the forms and our legas staff.

Mr. Hart stated that the probability is very low and Mr. Farner stated that he is okay with giving him some time, but the last time he (Mr. Hart) said he would handle it and you didn't, and you didn't come back and tell the Board that it didn't get done, and they had to find out from the

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public, who were calling them (Board Members). He stated that he is okay giving him another opportunity to get this done but there has got to be some type of a timeframe in which they see positive results or we need to go through our legal staff and do it a different way. He asked Mr. Hart how long he needed and stated he wanted to know.

Chairman Stone thanked Mr. Farner for his opinion.

Mr. Hart stated that he cannot commit to how long it will take for them to issue a permit and noted that they may never issue a permit.

Mr. Farner stated that that was unacceptable, and if they needed to go through legal staff, where they get a rejection as a whole Board and a city that agrees manage that waterway or least the way the law reads, it has to be enforceable by any agency.

Attorney Stone clarified that is has to be enforceable by any government authority with police power.

Ms. Cox stated that she has spoken to the residents at Waterside Pointe along the canal, and they are very upset, and asked if they have contacted FWC or the City of Clermont on their own. She noted that the City of Groveland can barely handle what they have now, and this would have to go to the City of Clermont if we are going to get another government agency involved.

Mr. Hart stated that all calls from residents have ceawsed and he hasn't heard anything from them for the past year. He stated that the residents haven't been active in pursuing it, although they have had meetings about another canal that borders the community.

Ms. Cox noted that that particular canal is along the back of the community and is technically in the County, with Waterside Pointe actually being in the City of Groveland, where the the canal in question is either in the City of Clermont or shared by the City of Groveland and the City of Clermont. She stated that the cities don't usually do much until some of their citizens complain to them.

Mr. Farner stated that this is one of those times when we go through the legal process with Florida Fish and Wildlife we have to ask the cities to support this, and nobody has gone through the process this way. He stated that this is the way it had been suggested from the Florida Fish and Wildlife Director's office.

Mr. Hart stated that he respectfully disagreed, that he has tried his best to keep the Board informed of what actions he was doing to proceed with the matter, and he has done his best to make sure that the Agency has taken every possible action to try to permit that zone, but we have just not been able to get the results they would like to have.

He stated that this is not from a lack of effort or lack of notifying the Board. He stated that he has kept the Board informed that staff was having trouble and have not been able to permit that zone, and the Board has repeatedly told him to go back and keep trying. He noted that he has gone back and repetitely tried and it has always ended in an impasse. He explained that it has

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reached the point, that regardless how many times he knocks on the door, their answer it no, unless they get something from higher up.

Mr. Farner stated that if he thinks they are going to get a “no” this time, they have another avenue to take, but he doesn’t want to be waiting another six months. He stated with the new boat ramp open there is going a couple-hundred more bass boats on that chain of lakes every weekend and somebody ends up getting hurt.

He stated that he’s okay if Mr. Hart wants to try again, but he wants to hear it in a timely manner whether he is having positive feedback or not, so we can take a different direction if we have to.

Mr. Hart stated that it might be wise to go ahead with a letter from Attorney Stone backing it up. He stated that he can work through the front door, and he can work through a side channel.

Attorney Stone stated that his recommendation would be to let Mr. Hart continue the normal route, but to also look at who has jurisdiction in that location and have them initiate that process using that alternative channel. He stated that they will work with that and if it comes from a local ordinance, it would get put in front of the Florida Fish and Wildlife Commission. He stated they could still deny it, but it’s the other way of getting it.

He stated that the way Mr. Hart has been doing it, is not incorrect, there’s just two ways to get to the Commission and Mr. Hart’s way has been a frustrating one, but he’s got a crack in the door, and there is the other way, which he doesn’t see a reason not to pursue now.

Mr. Hart explained that he hasn’t been working on it alone, he stated that has also been working on it with Sean Parks with Lake County Commissioners and he has also been attending the meetings to discuss the issue with them. He noted they have been hitting the same roadblock and FWC is telling each of them that they are not going to approve a speed zone and they are not willing to discuss it anymore.

Attorney Stone asked the Board to give him some direction on proceeding with the local governments, while Mr. Hart is also working on it. He stated that he and Mr. Hart would be working together and he would be happy to do it.

Chairman Stone stated that she thought a multi-pronged approach would be a very good and instructed Attorney Stone to proceed.

8. BOARD MEMBER COMMENTS

Mr. Hendrick stated that he was curious as to when they will discuss Mr. Hart’s employment package and salary.

Attorney Stone stated that Mr. Hart’s engagement will not begin until a contract has been brought back to the Board for approval. He explained that it would be negotiated initially by staff to put together a preliminary package, subject to the Board’s approval at a future meeting.

Mr. Farner asked to put St. Johns’ use of the Spillway, and policies and practices at the NuRF on a future agenda. He stated that they are undoing all our progress in the lakes when they take it

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from minimum flows to 300 cfs in an instant. He stated that our water quality has gone straight down hill and he holds them directly responsible for that.

He stated that the Water Authority has spent millions of dollars to build the NuRF, with the help of DEP to meet targeted goals and the District is not working with us. He stated that he sees legal recourse and damages. He asked to put this topic on an upcoming agenda so they can talk about an MOU with the District with some teeth in it.

Mr. Farner stated that not only are they not working with us (Water Authority), he gets the impression they are working against us and are destroying the benefits of months of treating the water going into the lakes.

Chairman Stone stated that it could be put on a future agenda and she would commit to meeting with Mr. Hart and Mr. Perry and meeting with the District prior to the Board taking any action. hopefully within the next month to look at different options, before putting it on the agenda.

Mr. Farner stated that it may mean that the Water Authority has to go through the court system to get their attention and Chairman Stone stated that she understand what he is saying, but thought they should meet with the District to discuss the matter prior to the Board looking at different options.

Ms. Cox asked if there was an agreement with the District when NuRF was built and Mr. Perry explained that there is no written operational agreement with the District on how the NuRF should be operated.

Chairman Stone reiterated that she would meet with the District to determine what steps can be taken and try to come to an agreement. She stated that if it appears there is no way to do that, then we will look at what our options are.

Mr. Hendrick asked if she thought they would be able to get any further than what we've gotten so far.

Mr. Farner noted that a representative from the District had attended one of the Water Authority's recent meetings and had heard our requests and nothing has been done. He stated that the District knows exactly what they are doing and stated that if Chairman Stone can't come back with some kind of agreement, they (the Water Authority) need to take another direction.

Vice Chair Maimone stated that they have all been assuming he (the District representative) passed that information down at the agency. It was noted that he had informed them at that meeting that he was retiring.

Chairman Stone stated that she completely understands but would like a chance to talk with the District first.

Vice Chair Maimone stated that she agreed with Mr. Farner, that even after years and years of discussions, the District still does the opposite of what we need them to do. She stated that she lived in that area when it was dredged, and the District has trashed all that with the way they

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handled the flows during Hurricane Irma. Mr. BonJorn stated that he agreed with Vice Chair Maimone.

Mr. BonJorn stated that it would be very easy for the District to crack it open (flow through NuRF) a bit earlier and Chairman Stone stated that the District would continue to do it like that because there are no repercussions when they do.

Mr. Farner suggested getting they also get DEP involved if they have too, since they helped pay for it.

9. BOARD MEMBER ITEMS FOR FUTURE AGENDA

Discussion regarding the District and their operation of NuRF.

10. INFORMATION ITEMS

- a. Staff Reports
- b. Monthly Financial Reports – October, November and December 2019

11. ANNOUNCEMENT OF UPCOMING MEETINGS AND EVENTS

- Board Meeting - Wednesday, February 26, 2020 (3:30 pm)
BCC Chambers/Admin. Building

13. ADJOURNMENT

The meeting was adjourned at 4:55