

MINUTES OF THE REGULAR BOARD MEETING
of the
LAKE COUNTY WATER AUTHORITY
March 27, 2019

The Regular Hearing of the Board of Trustees of the Lake County Water Authority was held at 3:30 p.m. on Wednesday, March 27, 2019, 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, Office/IT Manager
Patricia Burgos, Environmental Projects Director
Christina Rider, Administrative Services Manager
Anna Ely, Recording Secretary
Carole Barice, 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 and recited the Pledge of Allegiance.

2. APPROVAL OF MINUTES - FEBRUARY 27, 2019 - REGULAR MEETING

VICE CHAIR MAIMONE MADE A MOTION TO APPROVE THE MINUTES OF THE LAKE COUNTY WATER AUTHORITY MEETING OF THE FEBRUARY 27, 2019 - REGULAR MEETING. Mr. Farner seconded the motion.

Motion approved 7-0.

3. EXECUTIVE DIRECTOR REPORT

Mr. Perry addressed the Board and gave the water level and rainfall reports. He stated that the rainfall in February averaged about 1.33 inches which is about 1.45 inches below the historical average of 2.78 inches in Clermont.

He noted that Lake County is at 5.03 inches for year to date rainfall which is .21 inches below the historic average of 5.24 inches and 96 percent of the expected year to date rainfall. He stated that last month we were well over 100 percent year to date rainfall.

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He stated that Lake Apopka is slightly below regulatory schedule for this time of the year with approximately 13 cfs flowing over the spillway at this time and not through the NuRF.

He stated that Lake Eustis and Lake Harris are also slightly below the regulatory schedule and Lake Dora is right at regulatory schedule. He noted there is about 20 cfs moving through the Burrell Spillway at this time. He explained that it is a similar story on Lake Griffin with the lake being just below regulatory schedule and there has been very little flow going through Moss Bluff for the past week.

Mr. Perry reported on the Clermont Chain and stated that the flow from Big Creek and Little Creek as of this morning is about 43 cfs which is down from the 109 cfs last month. He noted that while the flow has slowed down substantially it is still considerably higher than it was the previous two years.

He stated that for the past month the Clermont Chain has been in a steady decline. He explained that the structure at Cherry Lake was open until about two days ago, but it is now closed with only about 3 cfs flowing moving through the structure, so the decline should level off.

He reported that Lake Minnehaha is currently .33 feet lower than this it was at the same time last year which is in the lower third of regulatory range of 96 feet msl to 97.5 feet msl. He noted that there is still a couple of months left in dry season.

Mr. Hendrick asked why the structure at Cherry Lake was left open so long, noting that he had received several calls regarding the water level. He asked if there was a particular reason that it was not closed when the water reach 97 feet msl.

Mr. Perry stated that because there had been a pretty substantial flow coming out of Big Creek and Little Creek that hadn't been seen in previous years, and he wasn't sure whether that trend was going to continue and wanted to make sure there was sufficient storage should it be needed. He noted that the water level is still within the regulatory range for the Clermont Chain.

He showed a graph of Lake Minnehaha water levels over the last five years and pointed out that the lake has stayed pretty much within the regulatory range for that period of time.

Ms. Cox noted that with the lesser rain this past month, a lot of residents on Lake Minnehaha and Lake Louisa are pulling water from the lake for private irrigation. She stated that if we do get a hurricane once the rainy season starts, there will be room for the rainfall.

Mr. Perry stated that just last year during June through August, which is the early part of the rainy season, the water was creeping over 97 feet msl and the concern what to do if there was a hurricane.

Mr. Perry also gave an update on the status of the centrifuge. He stated that Dr. Danaher has been informed that the old us the scroll is repairable, and currently the estimated cost is approximately \$200,000 and it will take about 16 weeks for the repairs to be completed.

Dr. Danaher stated that the company is still identifying a few parts that are needed for the repair and once they identify them they will be able to better estimate the time and cost.

Mr. Perry also reported that the roadwork around the NuRF ponds is about 25 to 30 percent completed and noted that the floc storage tank has been drained and prepped for its annual inside painting and sealing.

Mr. Perry also informed the Board that he had been contacted regarding a piece of property adjacent to Flowing Water Preserve. He stated that the property is mostly timber along with some agriculture use, a home site and a little bit of wetlands with a value of approximately \$169,000.

He stated that he had also been contacted by another resident with property near Lake Yale known as the Dads for Boys Ranch. He explained that according to the Property Appraiser's website the value for the entire property is approximately \$689,000. He noted that the owner doesn't want to sell the entire piece of property but wants to keep the good part and sell us the wetlands which are directly adjacent to the Sawgrass Island Preserve.

Mr. Perry explained that the only reason he is bringing them before the Board is that both properties are directly adjacent to property that the Water Authority currently owns, and he is obligated to inform the Board.

He stated that his recommendation would be to inform them that the Water Authority does have any money in the budget for acquisitions at this time. He stated that in his opinion the Agency has all the property that it can maintain at this time.

He also noted that someone had spoken to Mr. Hendrick regarding a piece of property, that Mr. Hendrick thinks might be a good park for somebody, but they haven't investigated it any further as it isn't adjacent to any Water Authority property. He stated that if the Board wished, he could, but the same scenario applies, as currently there is no money in the budget for land acquisition.

Ms. Cox asked if there were any structures on the portion of the Dads for Boys Ranch the owner was planning to keep, and Mr. Gugliotti stated that there is a small camp on the property. She also asked if the property adjacent to Flowing Waters had structures and Mr. Gugliotti stated that from the aerial there appears to be two structures which are probably sheds.

Ms. Cox stated that she is not in favor of acquiring more land and Mr. Farner stated that if the properties are wetlands and the owners can find someone to purchase the properties for mitigation, the Water Authority would be glad to hold the land.

Mr. Perry noted that the Board's direction was that they didn't want to purchase the properties, but if the owners wish to donate their property, or they have a buyer willing to purchase it for mitigation, the Water Authority would be willing to accept the property or hold the mitigation.

4. CONSENT ITEMS

VICE CHAIR MAIMONE MADE A MOTION TO APPROVE THE CONSENT AGENDA. Mr. Farner seconded the motion.

Motion approved 7-0.

- a. Amend the Fire and Land Management Agreements to Include Additional Line Items

AUTHORIZE STAFF TO AMEND THE ALSHOUSE & ASSOCIATES, GREEN ISLES GARDENS, HABITAT RESTORATION & WILDLIFE PROTECTION SERVICES AND PROMISE HABITAT SERVICES LAND MANAGEMENT SERVICES AGREEMENTS TO INCLUDE ADDITIONAL LINE ITEMS WITH NO CHANGE IN BUDGET EXPENDITURE AMOUNTS.

5. REGULAR AGENDA

- a. Approval of Audit Report

Ms. Rider stated that she had provided each of them with a copy of the 2018 Audit Report and noted that the electronic version had been included in the monthly Agenda-Memos they all should have received.

She stated that Mark White of the auditing company Purvis and Gray is going to present the Audit Report. She noted that the management letter stated that there were no finding and that the audit firm did not have any recommendations.

Ms. Rider stated that she and staff would like to thank our Secretary Treasurer Mr. Cooney and Kristie Mullane and her staff for their effort and helping the Water Authority have a successful audit.

Mark White addressed that Board and introduced his associate Mary Burns. He stated that they are there to conclude the audit process by presenting and reviewing their Auditor's Report with the Board. He stated that they would be glad to take any comments and answer any questions from the Board. He stated that Ms. Burns would be presenting the reporting the results of the audit.

Ms. Burns addressed the Board and presented the final results of the audit. She explained that Florida statutes require that the Water Authority has a final statement audit by an independent auditor each year. She stated that as a part of that audit they look through the Agency's internal controls and balances. She stated that the reports that they have been provided describes those procedures in a more detail.

She stated that they do not have any sufficient deficiencies or material weaknesses to report and that the Water Authority had received another year of Unmodified Opinion, which is the highest opinion that you can achieve. She noted that a lot of credit goes to the staff and that both Ms. Rider and Mr. Perry at the Water Authority and Ms. Mullane and Ms. DiVenanzo at the Clerk's office make it an easy process for the auditors. She stated that they are very easy to work with and very efficient when they are on-site, as well as being very prompt with any follow-up information.

She noted that due to the hurricane some of the Agency's expenditures were up and they are hoping that a significant portion of that will be recouped.

Ms. Burns stated that the next audit will focus on the holding of reporting of the closing funds for the NuRF facility as well as reporting FEMA reimbursements.

She noted that Ms. Rider has been very much on top of everything that needs to be done.

MR. BONJORN MADE A MOTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO ACCEPT THE FY 2017-2018 AUDIT FROM PURVIS GRAY & COMPANY. Vice Chair Maimone seconded the motion.

Ms. Cox thanked the Lake County Clerk's Office staff and Water Authority staff.

Motion approved 7 -0.

- b. Authorization to Expend Budgeted Funds for Hydrilla Control in the Harris Chain of Lakes

Mr. Perry noted that this topic is something the Board has been talking about quite often and at the last Board meeting he had reported on the public meetings he had attended and the imposed pause on invasive aquatic plant removal treatments while Fish and Wildlife considered how to proceed.

He stated that on March 12th the pause was lifted for Lake County and we now can resume discussion and decide on what role the Water Authority is going to take in the treatment of hydrilla. He noted that Nathalie Visscher was present to talk to the Board about the areas in need of treatment and to discuss how things are going to move forward.

Mr. Perry stated that he had talked to Mary Hamilton with Lake County Public Works and she had stated that the County would be glad to handle the application of the herbicide. He explained that the Water Authority would need to purchase and provide the chemicals to the County.

Nathalie Visscher addressed the Board and gave an update on the public meetings that had been held over the last month. She stated that waterfront owners, businesses, fishermen, etc. all had differing opinions for how hydrillas should be treated and to what extent. She noted that they have to try to manage aquatic resources to keep the largest number of people happy.

She explained that FWC plans to create management plans for individual lakes in order to accelerate treatment. She stated they would also be carrying out some pilot projects and trying different methods of invasive plant management.

She noted that Lake County has been given the go-ahead to resume their plant management duties but have not yet applied any herbicides since the pause was lifted. She stated that they are still on a tight budget for the rest of the fiscal year.

Ms. Visscher explained that the current priority is treatment of new infestations where there hasn't been hydrilla infestation before, such as Lake Dora.

She stated that if the Board approves the expenditure, she will then schedule a stakeholder meeting for Tuesday, April 2nd. She stated that she didn't think there would be any opposition from the public and noted that the Water Authority is one of their largest stakeholders in the Harris Chain.

Mr. Farner asked how much funding would be coming from the state and Ms. Visscher explained that the Legislature is still in session, but funding has yet to be approved. She noted that she understands that this is a one-time thing and she is not expecting the Water Authority to provide funding each year.

Chairman Stone noted that she and Mr. Perry have had talked with Fish and Wildlife and they understand that this is a one-time supplement and it is not going to happen every year.

Ms. Visscher explained that FWC has requested \$30 million dollars in funding from the State for invasive plant management for the whole state, for the next fiscal year.

Mr. Farner asked if they could see a copy of her budget request and Ms. Visscher stated that she could provide Mr. Perry with the information on her budget for Lake County.

VICE CHAIR MAIMONE MADE A MOTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO TRANSFER FROM THE LCWA MONEY MARKET ACCOUNTY WITH BANK UNITED AN AMOUNT NOT TO EXCEED \$1,500,000 TO THE LCWA SUNTRUST CHECKING ACCOUNT TO BE EXPENDED ON HYDRILLA CONTROL IN THE HARRIS CHAIN OF LAKES. Ms. Cox seconded the motion.

Motion approved 7-0.

VICE CHAIR MAIMONE MADE A MOTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO TRANSFER ALREADY BUDGETED FUNDS FOR HYDRILLA CONTROL IN THE AMOUNT NOT TO EXCEED \$1,500,000 FROM BUDGET LINE ITEM NUMBER 9898710-880810 AID TO GOVERNMENT AGENCIES TO 9898710-830520 OPERATING SUPPLIES FOR CHEMICALS TO BE PURCHASED AND 9898710-830340 OTHER CONTRACTRACTURAL SERVICES FOR THE APPLICATORS. THE EXECUTIVE DIRECTOR WILL HAVE THE AUTHORITY TO DETERMINE THE AMOUNT OF BUDGETED FUNDS TO BE TRANSFERRED TO EACH ACCOUNT BASED ON THE YET TO BE COMPLETED FWC ESTIMATE. Mr. Hendrick seconded the motion.

Motion approved 7-0

c. Lake Denham - Phase II Environmental Assessment Results

Mr. Hart stated that he wanted to recognize the St. Johns River Water Management District as they were instrumental in funding the half the cost of this environmental assessment.

He explained that while staff knew there would be some problems with the site, but not to what level of contamination might be present. He noted that 22 soil borings were collected from the farm fields and analyzed and in 20 of those 22 there was elevated arsenic. He stated that he

didn't want the Board to be too concerned over the arsenic, as it is found naturally in wetland soils. He stated that while it was above the residential target cleanup level, it was below the commercial cleanup level.

He explained that once the area is flooded the accepted level of arsenic is considerably higher. He noted that the current levels of arsenic in the area is are all below the threshold for a flooded area, so the arsenic issue will go away once the area is flooded.

Mr. Hart stated that one element sample showed that there were elevated amounts of copper, and while it was also above the residential target cleanup level, it was below the commercial cleanup. He stated that there were three samples that showed traces of dieldrin that was also above the residential target, but below the commercial target cleanup level.

He explained that there was a screened area where an above ground petroleum storage tank was located and while they could smell the petroleum fumes, it was not enough to pick up on their vapor analyzer. He noted that they have been advised that this small area is one where we would have to remove some of the contaminated soil.

Mr. Hart explained that another area of concern was at the Western Pump with above ground storage tank which has traces of benzopyrene that are above typical cleanup level, and they are recommending the removal of soil in the where the tank is located. He stated that it is estimated to cost slightly less than \$15,000 to clean up those two sites.

Mr. Hart explained that in the upland area there is a storage barn where they found traces of toxaphene in the soil samples. He noted that while the amount of toxaphene is above level the normal amount, it is below the commercial cleanup level.

He stated that there was also another barn with aldrin and toxaphene and dissolved arsenic that were above level the normal amount, it is below the commercial cleanup level. He noted that all other locations came out clean and reminded the Board that the property was not going to be used for residential development.

Mr. Hart explained that overall, pesticide levels were found to be very low. He noted that Aerostar is recommending additional sampling at the locations where they have concerns as well as an environmental attorney assessment to analyze the liabilities associated with the site and a wildlife assessment and literature search on what the possible impacts are to the aquatic animals on the site when you have pesticides at a very low level.

He stated that such a study would cost \$75,000 and stated that the question is whether we need to take it to that level and he recommended that the Board not take any action at this time and give him time to speak with DEP, so they can look at the test results and recommend what action needs to be taken on the site.

Ms. Cox stated that she thought that was a good idea. She stated if the area that we would be flooding would be just the sod farm portion and wetland areas, but not the upland areas where the barns are located would not be flooded, then that area would not be contributing anything.

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Mr. Hart noted that although it wouldn't be contributing to the flooded area, it would still be there on the site.

Mr. Hendrick asked if there were any plans for the barns and Mr. Hart explained that the northern barn is in very poor condition and other than storage there wasn't much use for it. He noted the southern barn is in much better condition.

Mr. Hendrick asked about taking that portion out of the purchase. Mr. Hart stated while they could potentially do that, there is a value to that area and he and Mr. Perry had met with FWC and explained that they are considering managing the site and there is the potential for constructing a public boat ramp on that portion.

Mr. Farner asked if it would cost less than \$100,000 to clean up the entire property and Mr. Hart stated that it would cost approximately \$15,000 for cleanup of the petroleum issues, but the results are still too preliminary to know how much it will cost to clean the other areas.

When questions were asked about the contract it was noted that the contract was signed in October of 2018 and is good for a year and allows for extensions

Vice Chair Maimone and Ms. Cox both stated that they didn't want to proceed with anything until staff has talked to DEP.

Attorney Barice advised the Board and staff to proceed very cautiously and to remember what happened on the North Shore of Lake Apopka. She stated she would recommend further testing and that the Agency do as much as they can to ensure the safety of the wildlife in the area.

Mr. Hart stated that Lake Denham isn't Lake Apopka and the current contaminant levels aren't anywhere near Lake Apopka levels and noted that by talking to DEP who they would be talking to the Agency that would issue whatever permits would be needed for the site. Mr. Hart stated that he hopes to have more information by next month.

Mr. BonJorn noted that even if they just purchased the property and didn't flood it, it would be a good option, as it would stop the current nutrient loading and Mr. Hart stated that although it would stop the nutrient loading, the toxins would still be in the soils.

Mr. Hendrick asked if the owners are currently pumping water and Mr. Hart stated that they are. He explained that the farm is below the ground water level and the excess water is being pumped into Lake Denham.

Ms. Cox stated that she though it was essential that staff talk with DEP regarding any issues with the property.

Attorney Barice stated that if the Water Authority acquires the property the Agency would assume all the liabilities and responsibilities associated with the property. She noted that even though there would be an Indemnification Clause in the contract, the property is held as a private family owned company and there may not be anything to recover from them should there be an issue.

PUBLIC COMMENT

None

CONTINUATION OF REGULAR AGENDA:

d. Revision of Board Personnel Manual Regarding Firearms

Mr. Perry stated that Section One of policy states that nobody, anytime or anywhere will have weapons in their possession on any of our properties or in any of our buildings.

He explained that Lake County recently changed their policy to allow employees that are properly licensed would be able to have firearms on county properties, while still prohibiting the public.

He stated that he has been asked by some employees if our policy could be amended to make it consistent with the county policy, especially pertaining to NuRF due to the wildlife issues as well as the fact that employees are sometimes out there 24/7. He also noted he and staff are also concerned about field personnel who are often out on our properties away from their vehicles.

Mr. Perry explained that the request is to amend the Agency's policy to more consistent with Lake County's policy, with one exception, to restrict any weapons within the office, and anywhere there is a meeting of the Board.

Vice Chair Maimone noted that final language of the policy would be brought back to the Board for approval.

MR. BONJORN MADE A MOTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO AMEND SECTION 5 OF THE POLICIES AND PRACTICES EMPLOYEE MANUAL TO INCLUDE LANGUAGE SIMILAR TO THE COUNTY POLICY REGARDING POSSESSION OF WEAPONS OR FIREARMS. Vice Chair Maimone seconded the motion.

Mr. Farner, Vice Chair Maimone each stated that they felt that employees should be able to have firearms in the office.

Vice Chair Maimone stated that she felt that if they have a Conceal Carry permit they should be able to take it into the office and not have to leave it in their vehicle. Mr. Hendrick stated that he agreed with Vice Chair Maimone.

Chairman Stone asked if it would be restricted to staff and Board Members only, and it was noted that you wouldn't even know if someone from the public had a firearm.

Mr. Perry stated that the original idea was that everybody (the public, Board Members, employees) would be restricted from carrying a firearm into the office, but what he is hearing from the Board is to amend the policy similar to the County policy, but without any restrictions regarding where firearms can be carried if they are properly licensed.

Ms. Cox noted that Lake County restricts guns from being carried into their public buildings and in public meetings and she personally doesn't like the idea of them being carried into public places. She stated that she does understand the need for employees to be able to carry when they go out in the field. She noted that she would prefer to see the Agency's language follow Lake County's language.

Mr. Perry stated that they are proposing to follow the language of the County policy, but without any restrictions pertaining to the office.

Mr. Hendrick stated that he agrees with Vice Chaim Maimone that if you have a Conceal Carry Permit you should be able to carry it in the office. Mr. Farner agreed, stating that staff should be able to protect themselves.

Attorney Barice explained that the statues do not pre-empt an entity from prohibiting the carrying of firearms and ammunition by an employee of the entity during and in the course of the employee's official duties. She noted that outside in a locked car, they would still be allowed to have a firearm. She noted that the decision to prohibit firearms or not is a policy decision.

It was noted that the policy once written would be brought back to the Board for approval.

[MR. BONJORN MADE A MOTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO AMEND SECTION 5 OF THE POLICIES AND PRACTICES EMPLOYEE MANUAL TO INCLUDE LANGUAGE SIMILAR TO THE COUNTY POLICY REGARDING POSSESSION OF WEAPONS OR FIREARMS. Vice Chair Maimone seconded the motion.]

Motion approved 7-0.

Mr. Perry stated that staff would bring the actual written policy back to the Board next month for approval.

The Board took a short break at 5:16 pm and returned at 5:36 pm.

e. Cooperative Project with FWC for Tussock Removal in Lake Yale

Mr. Hart stated that originally the request was going to be to participate in a cooperative project with FWC to remove tussocks near the Yale-Griffin Canal.

He noted that previously the Water Authority has participated in two other cooperative projects with FWC to removed tussocks in different locations on the lake.

He explained that he recently received a message from FWC stating that they have been given permission to apply money left over from another project to this project and they were no longer in need of funding from the Water Authority.

He stated that no action is needed as FWC is going to be able to complete the project without our participation.

f. Attorney RFQ Short List

Mr. Perry updated that Board on the responses that the Water Authority received to our RFP 2019-08 for Attorney Services. He noted that copies of each response had been previously distributed to Board members and they had been asked to rate the firms in order of their preference.

He explained the scoring and noted that the top four firms favored by the Board and asked the Board to provide further direction on proceeding with the selection of Attorney Services. He noted that three of the top four firms were local firms.

After discussion of the different firms' ratings it was suggested having the top three firms Bowen, Schroth, Mazenko and Broome, P.A. of Eustis, Crawford, Modica & Holt of Clermont and Stone & Gerken, P.A. of Tavares come to the April Board Meeting and give a ten-minute presentation. It was stated that it didn't need to long, and no PowerPoints, but rather more of an introduction to the firm. It was noted that the attorney who would be representing the Water Authority should be the one making the presentation.

7. LEGAL STAFF REPORT

Attorney Barice stated that she had nothing new to report.

8. BOARD MEMBER COMMENTS

Mr. Farner stated that he would like to have a location on the Water Authority website where the public could submit pictures and videos of Lake County and the lakes.

It was noted that the website is in the middle of being redesigned and once it is complete, that could be checked into.

9. BOARD MEMBER ITEMS FOR FUTURE AGENDA

Mr. Hendrick asked about the Board's per diem and stated that he would like to see if they could bring that up to 2019 standards.

Mr. Perry explained that they amount was established in 1953 as part of the Water Authority's enabling legislation. He stated that the Board has tried several times over the years and have not been successful. He also noted that Representative Metz has personally stated to him that he would not entertain raising any constitutional officers per diem.

Ms. Cox stated that she agrees with Mr. Hendrick.

Mr. Hendrick stated that if they didn't mind he would like to make some calls.

Chairman Stone noted that they could be opening up a Pandora's box to try and make any changes at this time.

10. INFORMATION ITEMS

- a. Staff Reports
- b. Monthly Financial Reports – February 2019

11. ANNOUNCEMENT OF UPCOMING MEETINGS AND EVENTS

- Board Meeting - Wednesday, April 24, 2019 (3:30 pm)
BCC Chambers/Admin. Building

13. ADJOURNMENT

The meeting was adjourned at 5:57 p.m.