

**MINUTES OF THE REGULAR BOARD MEETING**  
**of the**  
**LAKE COUNTY WATER AUTHORITY**  
**May 22, 2019**

The Regular Hearing of the Board of Trustees of the Lake County Water Authority was held at 3:30 p.m. on Wednesday, May 22, 2019, in the Lake County Administration Building, County Commissioners Chambers at 315 West Main Street, Tavares, Florida.

**Members Present-District #**

Amy Stone, Chairman (#5)  
Trampis BonJorn (#2)  
Peggy Cox (#1)  
Keith Farnar (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 - APRIL 24, 2019 - REGULAR MEETING**

**MR. FARNER MADE A MOTION TO APPROVE THE MINUTES OF THE LAKE COUNTY WATER AUTHORITY MEETING OF THE APRIL 24, 2019 - REGULAR MEETING.** Mr. BonJorn seconded the motion.

**Motion approved 6-0.**

**3. EXECUTIVE DIRECTOR REPORT**

Mr. Perry addressed the Board and gave the water level and rainfall reports. He stated that county-wide in April we averaged about 3.27 inches of rain which is a little more than a half inch about the historic average and puts us at 2.29 inches below the historic average or at 80% of the expected year-to-date rainfall. He stated that while May started out pretty good, it hasn't been a very strong rainfall month so far.

He noted that Lake Apopka is slightly below regulatory schedule with approximately 12 to 13 cfs flowing over the spillway and into the Apopka-Beauclair Canal.

He stated that Lake Eustis, Lake Harris and Lake Dora are right at regulatory schedule, while Lake Griffin is slightly below regulatory schedule. He reported that water is flowing through the Burrell Lock and Dam structure at 18 cfs and there is no flow through the Moss Bluff Lock and Dam at this time.

Mr. Perry stated that in the Clermont Chain the lakes do respond to the rainfall, but due to lack of continuous rainfall along with seepage and evaporation it is currently at the bottom end of the regulatory range. He stated that the combined flow from Big and Little Creek is approximately two cfs at this time.

Mr. Perry reported that currently Lake County staff is finishing up the hydrilla treatments that were funded by the Water Authority and the extra money from Fish and Wildlife over the last three weeks. He stated that he has provided them reports of the areas.

He stated that the State Legislature has provided 33 million dollars in next year's budget for aquatic and upland plant control for the whole state and Florida Fish and Wildlife will be discussing on how to divide it up between areas for the next budget year.

He noted that he is trying to find out the date, time and location of that meeting as he would like to be able to attend and participate in that meeting. Chairman Stone asked that Mr. Perry let all the Board Members know when that meeting is scheduled.

Mr. Perry stated that he wanted to recognize all the County staff who provided the labor to complete all the hydrilla treatments. He noted that the County provided the labor at no cost to the Water Authority.

My Perry also noted that he had a meeting with Commissioner Parks this week, his staff, Lake County Stormwater staff, the County Manager and Mr. Miklos. He explained that Commissioner Parks wanted to talk about long term residential canal maintenance.

He stated that Commissioner Parks is not confident about funding from State for that kind of thing and he doesn't think that a local government like the County or a special taxing district like the Water Authority should have to take on the cost.

Mr. Perry explained that they talked about some of the models that have been done around the state. He stated that Orange County has municipal special taxing benefit units with the county divided between lake watersheds and they accumulate funds for a particular watershed, rather than taxing the whole county for someone else's residential canal maintenance.

He stated that the Water Authority cannot establish the MST/MSB, it would have to be Lake County and the County is not sure if they can legally do that. He noted that the County does something similar for roads, but they have an ownership interest in the roads through a right-of-way and it was not clear whether they would need to have something an ownership interest in the residential canals and the many issues connected to doing that.

He stated that there are still lots of details to be worked out and Lake County Attorney Melanie County is going to do some research to see if can be legally done or not. He stated that he would

be participating in those meetings as they happen, but right now it is only conceptual and he is not sure what role the Water Authority will have or should have.

Mr. Perry reported that the Lake County Board of County Commissioners voted yesterday to deny Chuck Piper's request to amend the Future Land Use Map to change from Wellness Way for his proposed Evergreen Estates development.

Ms. Cox asked if Mr. Piper had asked for the property to be annexed into Clermont yet and Mr. Perry answered that he hasn't yet. Mr. Perry stated that Mr. Piper still wants to talk to the Water Authority to sort out the right-of-way and easements issues and noted that Lake County still has an issue with the condition of Hartwood Marsh Road and we haven't seen the last of Mr. Piper's request.

Ms. Cox noted that the Heritage Hills development also has back entrance that people are using that dumps out onto Hartwood Marsh Road.

Mr. Perry stated that he would like to recognize Water Authority staff for their work around the pavilion. He stated that they cleaned up and spruced up the landscaping and removed undergrowth and put down rubber mulch.

Mr. Farner stated that he thought he had read something about an issue with rubber mulch and it being toxic. He asked staff to look into it as he would rather have something more natural than something toxic. Mr. Hendrick stated that he thought it had to do with an after market dye that had been used on the rubber mulch that had been the problem.

Mr. Perry stated that he would have Brian Nagy look into it.

Mr. Perry stated that Lake County gets regular calls from people who live on the east side of Lake Joanna regarding the decline of water quality in the lake. He stated that the residents are convinced that it is all coming from Loch Leven through a canal or stream that discharges into the lake.

He noted that most of those around Lake Joanna are on well and septic, except those to the north of the lake that are on City of Eustis utilities and stated that it could be that the properties around the lake with septic tanks are the problem, but they are convinced it is coming from somewhere else.

He stated that there hasn't been an evaluation to see where the problem is coming from, so Lake County Stormwater staff have been instructed to come up with a study or contract with a consultant to have an evaluation of the area to determine where it is coming from.

Mr. Perry explained that Lake County approached the Water Authority and stated that they have \$20,000 in the budget that they can put toward the study and asked if the Water Authority could provide any additional funding. He stated that the County needs a total of approximately \$52,000 to hire a consultant.

Mr. Perry stated that if the Board was interested in pursuing this, it could be brought back as a future agenda item.

Ms. Cox asked if the \$52,000 was just for the consultant, but not for fixing the problem and Mr. Perry stated that it was.

Mr. Farner stated that the Water Authority dealt with this in the past when the lake was declining, and the residents came to the Water Authority and the Agency had done a study and determined that the flow was being cut off and the water was being held back at the Wolf Branch Sink. He stated that someone had built structures and holding the water back and it was backwashing into Lake Joanna.

Mr. Hart stated that a lot of changes have occurred in that basin including changes in flows, but the residents are particularly concerned about nutrient loading from other subdivisions in the surrounding areas.

Mr. Farner stated that all those houses have been around Lake Joanna for a long time and the Water Authority did something in the past about the back flow that was coming in from the development off 44 and Wolf Branch Creek and the sheer volume of water because the creek was obstructed.

Mr. Hart stated that the Water Authority didn't pay a consultant in that instance, but had the County go out and take water quality samples in the ditch and also sample some of the residential stormwater ponds in the Lock Leven area that overflow and found that they had some practices that they had in those subdivisions that was resulting in their ponds being very green. He stated that they met and talked with the homeowners and they made some changes to how they were managing their site and saw some great improvements in water quality.

Mr. Farner instructed staff to look into that past action and study and bring that information back to the Board next month. He stated that the Water Authority spent extensive amount of time on this issue in the past. Mr. Hart stated that Lake Watch also spent a lot of time on the issue.

Mr. Hendrick asked if the Lakes of Mt. Dora code violation that was recently shut down could also be part of the problem and Mr. Hart stated that samples that were taken from that area didn't show that nutrients coming from that area were high enough to cause the issue.

Mr. Perry stated that staff will investigate it and bring it back to the Board at next month's meeting.

He reminded the Board that the Budget Workshop would be held in the Lake County Water Authority Conference Room on July 17<sup>th</sup> at 11 am. He noted that they would be provided with a copy of the draft budget at next month's meeting, so they would have a chance to look at it before the workshop.

#### **4. CONSENT ITEMS**

Items d and e were removed from the Consent Agenda and placed first on the Regular Agenda.

**MR. FARNER MADE A MOTION TO APPROVE THE REMAINING CONSENT AGENDA ITEMS.** Mr. BonJorn seconded the motion.

**Motion approved 6-0.**

- a. Approval to add ICMA as a Second Deferred Compensation Provider

**AUTHORIZE THE EXECUTIVE DIRECTOR TO ADD ICMA AS A SECOND DEFERRED COMPENSATION PROVIDER.**

- b. Authorization to Move Investment Funds Between Accounts

**AUTHORIZE STAFF TO WIRE FUNDS FROM THE LCWA BANKUNITED MONEY MARKET ACCOUNT TO ONLY THE LCWA SUNTRUST CHECKING ACCOUNT AND VICE VERSA IN AN AMOUNT NOT TO EXCEED \$1,000,000 IN ANY ONE MONTH AND SUBSEQUENTLY BE REPORTED TO THE BOARD AT THE NEXT BOARD MEETING. IT IS RECOGNIZED BY STAFF AND BOARD MEMBERS THAT THE BANK REQUIRES THE SIGNATURE OF BOTH THE CHAIRMAN AND THE SECRETARY-TREASURER AND PHONE VERIFICATION WITH THE CHAIRMAN FOR ANY WIRE TRANSFER.**

- c. Authorization to Dispose of Damaged Property

**AUTHORIZE THE EXECUTIVE DIRECTOR TO DISPOSE OF THE 2007 FORD RANGER, PROPERTY ITEM # 314 AND THE RX-42 PRO SLOPE MOWER, PROPERTY ITEM # 398.**

**5. REGULAR AGENDA**

- a. Authorization to Transfer Funds for Centrifuge Repairs and NuRF Outflow Canal Excavation

**MS. COX MADE A MOTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO TRANSFER \$200,000 BUDGET FUNDS FROM 9898710-830340 OTHER CONTRACTUAL SERVICES TO 9898710-830460 REPAIRS AND MAINTENANCE FOR THE CENTRIFUGE SCROLL REPAIRS, THE OUTFALL CANAL CLEANING AND MISCELLANEOUS REPAIRS.** Mr. Farner seconded the motion.

**Motion approved 6-0.**

- b. Approval to Replace Fence at Hickory Point

Mr. Perry explained that in order to expend the funds for the new fence at Hickory Point Park the money needs to be transferred into the proper budget location.

**MS. STOKES MADE A MOTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO TRANSFER \$12,000 BUDGET FUNDS FROM 9898720-860620 BUILDINGS TO 9898720-860630 SITE IMPROVEMENTS FOR THE HICKORY POINT PARK FENCE REPLACEMENT.** Mr. Farner seconded the motion.

**Motion approved 6-0.**

**MS. COX AUTHORIZE THE EXECUTIVE DIRECTOR TO CONTRACT WITH KODIAK ENVIRONMENTAL CONTRACTING, LLC TO REPLACE THE HICKORY POINT PARK FENCE ALONG S.R. 19 FOR AN AMOUNT NOT TO EXCEED \$12,000.**

Mr. BonJorn seconded the motion.

Mr. Perry explained that the fence would only have boards on one side but would be in the same style as the two-sided fence shown in the staff report. He noted that the fence would be in a color that would coordinate with the office building rather than a black as shown in the picture. By painting the fence a different color it will help to differentiate it from a Lake County owned property.

**Motion approved 6-0.**

- c. Approval of Attorney Contract with Stone & Gerken, P.A

Mr. Perry

**MR. BONJORN MADE A MOTION TO APPROVE THE ATTORNEY CONTRACT WITH STONE & GERKEN, P.A.** Mr. Hendrick seconded the motion.

Ms. Cox asked why the line item listing the costs of an opinion letter was separated out from the rest of the charges.

Attorney Stone explained that while standard in their contract, it was probably something that won't be needed by the Water Authority as it deals mainly with the issuing of bonds.

Mr. Perry stated that previously the Board had requested that he speak with Mr. Stone regarding his fees and Mr. Stone had agreed to add an option for a paralegal that the Agency could go to for a much lower cost than using the higher cost attorneys at the firm.

**Motion approved 6-0.**

- d. Structure Operations for Clermont Chain of Lakes

Mr. Perry stated that last month the Board had requested that he explain how the Water Authority manages the structures on the Clermont Chain. He stated that staff had provided the Board with the Palatlahaha River Dam Operations Manual that was adopted in 2006 and noted that last month the Board had taken action to amend the manual to identify a target level of 97 feet msl (mean sea level) for the Clermont Chain.

He stated that during that meeting Mr. BonJorn had requested to revise the level to 97.1 feet msl as a target level and Mr. Farner had asked for a presentation on how the Chain is managed. He noted that he would give his presentation and then they could talk about any changes they wished to make to the Operations Manual.

He stated that, of the current structures, the only ones that are still operational and can be adjusted are the Villa City Dam and the Cherry Lake Dam. He explained that all other structures are fixed crest weirs that can no longer be adjusted. He stated that the fixed crest weirs hold the

water at a certain level and when the water is higher than the weir it spills over the structure until the water is no longer higher than the weir.

Mr. Perry explained that for the Harris Chain the St. Johns River Water Management uses a Regulatory Schedule with a minimum desirable and maximum desirable water level that changes during certain times of the year whereas the Water Authority uses a Regulatory Range to set water levels on the Clermont Chain. He noted that each of our structures have their own range with Lake Minnehaha's range being between 96 and 97.5 msl.

He explained that because all the structures except Villa City and Cherry Lake have been changed to fixed crest weirs, the Operation Manuel needs to be changed to reflect those changes.

Ms. Cox stated that the flow into the Clermont Chain begins with Big and Little Creeks which comes from the Floridan Aquifer just south of the Polk County line which has an elevation of 102 feet. She explained that as the water flows north it gradually loses elevation so by the time it gets to Okahumpka the elevation is at 68-73 msl. She also noted that the water level of Lake Louisa is naturally higher than Lake Minnehaha.

She explained that the parameters were set over the years because of the agricultural interest to hold the water in the system to provide warmth and if the water got to high and started flooding they would open the dams to let water out of the system. She noted that there is no way to keep everyone happy when it comes to the water levels. She stated that looking at the history of the water levels on Lake Minnehaha you can see that it is a fluctuating system.

Mr. Perry talked about the natural fluctuation of the water levels and explained that this is called multi-decadal oscillation and noted that there are many studies that say fluctuation of the water level is good and that it not good for the water level to not fluctuate at all.

Mr. Perry stated that before the dams were built there was a lot more fluctuation to the system, but once the system was channelized there was concern about how much water would move out of the system, so the dams were used to cap the high flows with the target range being between 96 feet msl and 97.5 feet msl.

He noted the 2002 and 2012 droughts and stated that there was nothing that could be done to control that as it was totally due to the lack of rainfall.

Mr. Perry stated that during the last six months of 2018 there was significant rainfall and the combined flow of Big and Little Creeks was over 100 cfs during that time and water levels were at or over the top of Regulatory Range. He explained that he had been concerned due to amount of rainfall the area had received, the height of the groundwater, and the standing water, so he made the decision to move some of the water out of the system. He stated that the forecasted rain didn't occur, and the water level dropped below 96.5. He noted that the dams were closed in mid-March and have been closed since that time. He stated that at the end of May and beginning of June the rain chances will be going back up as we enter the rainy season so hopefully we would be receiving more rain soon.

Mr. BonJorn asked if there had ever been a situation where we couldn't let water out of the system fast enough and Mr. Perry stated that there is very limited ability to let water out of the system as it was built to hold water in the system.

He stated that during and after Hurricane Irma the water was at or above many of the regulatory levels along the Palatlahaha River and there was flooding in some areas along the side of the river. He noted that there is a mobile home park downstream that starts flooding as soon as we start moving any water through the system.

Ms. Cox noted that on the Clermont Chain the measurement is taken at the 561 bridge and depending on the weather some areas could measure higher or lower.

Mr. Farner asked when will the revised manual would be ready and Mr. Perry stated that staff would bring the revised Operations Manual back to the Board within a month or two.

e. Status of Lake Denham - Phase II Environmental Assessment

Mr. Hart stated that although they had made some progress this past month, it was not as much as he would have liked to have made, as our consultant was on vacation and DEP staff were also unavailable.

He noted that based on prior comments from DEP and conversations with our consultants, he thinks that it would be advisable to place a covenant restricting any residential use or any groundwater withdrawals on the property. He explained that residential use is the most restrictive for any pesticides that are on the property, and by putting a residential restriction on the property the contaminations thresholds are much higher and they wouldn't have to address the issues that residential properties require.

He explained that putting a restriction against residential uses will eliminate some of the testing that would normally be required and reduce our costs. He stated that he would be working with the attorney on that recommendation as they move forward to try and reduce some of the cost associated with the property.

Mr. Hart explained that although the restriction against residential uses would eliminate some of the testing there are some areas that will still require some additional testing to delineate the areas where we do have some low-level pesticide contamination. He stated that DEP's reasoning for the additional testing is to ensure that the previous tests were not just hitting the edge of the contamination and to ensure that the concentration is not greater another ten or fifteen feet away.

He noted that because they are potentially reducing the overall testing that will be needed the cost should be less than what was previously estimated.

Ms. Cox asked if the covenants would go with the land and Mr. Hart answered that they would. He also stated that the cost of the final survey will depend on how in depth of a survey is needed.

Mr. Hendrick asked who the closing agent would be, and Mr. Hart stated that the owners want to use their own attorney.



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Mr. Hart stated that he would give the Board another update next month, with an update on costs, etc. He explained that since the Board had previously approved the expenditure, there shouldn't be any delay.

Attorney Barice stated that she would urge the Water Authority to proceed with caution and to hire an independent environmental assessor to review the studies. She reminded the staff and Board of the bird kills on Lake Apopka and suggested that the Agency take a very careful approach moving ahead as farming operations occurred in both the Lake Apopka and Lake Denham locations about the same time.

Mr. Hendrick stated that the pesticide levels still might not be low enough, even though they are lower than the levels at Lake Apopka after the bird kill.

Attorney Barice explained that the hot spot was determined to be in the middle of the field and they missed it as they were doing most of their testing around structures. She stated that there had been three separate assessments as well as some remediation and the hot spot was still missed. She suggested that the Water Authority get another independent opinion to evaluate the environmental findings.

Mr. Farner stated that he thought that was a good idea and that he would like to recommend that they follow Attorney Barice's advice.

Mr. Hendrick noted that you might have several different assessments completed and none of them may find anything, or several of them might. He asked what plans the Water Authority has for the property and whether the end use would be similar to the use of the property on Lake Apopka.

Mr. Hart stated that the Water Authority's plans are to turn the property over to FWC to manage and it would be us the FWC as to how it would be used.

Mr. Perry stated that the current consultant evaluating the property is an independent firm. He stated that staff would be happy to provide the information from Attorney Barice to them.

Mr. Farner stated that he doesn't want to place the Water Authority in a liable position just wants the Agency to do their due diligence.

Mr. Hart stated that they can never say that there is absolutely nothing harmful out there. He noted that more delays could cause the Water Authority to lose the purchase of the property and Mr. Farner stated that this is why he thinks they we should hire someone to evaluate the completed studies and look over the data from Lake Apopka and Lake Denham now.

Ms. Cox asked Mr. Hart if he could he have a conversation with the current assessors regarding what happened on Lake Apopka. She stated that we need to insure they have covered every area that they think they will find stuff. She felt staff should talk with them before they start talking about hiring another group and make sure that they have done a very thorough job.

Mr. Hart explained that in asking them to do a more thorough job, such as doubling the number of areas where they are testing, but it would raise the cost of the assessment. He stated that at

this time they are following the recommendations made by the consultants and DEP (Department of Environmental Protection).

He noted that they can still go back to consultant's original assessment proposal which would cost close to \$80,000.

Mr. Hart noted that the areas with petroleum spills can be remediated for less than the cost to do more studies.

Chairman Stone stated that if that would make Mr. Farner and others happy and the request is just to have another agency read the report it would be okay. She stated that they do not need another two to four companies to do more testing and costing the taxpayers more money.

Ms. Cox stated that staff should sure any other recommendations are given to the consultants along with the survey and any other pertinent information.

Mr. Hart stated that all three of the current parties are sharing all the information obtained.

**MR. FARNER MADE A MOTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO HIRE A THIRD PARTY TO LOOK OVER THE STUDIES AND GIVE OPINIONS AND RECOMMENDATIONS WITH COST NOT TO EXCEED \$10,000.** Mr. Hendrick seconded the motion.

Attorney Barice asked if that would include the Lake Apopka information as she didn't think \$10,000 would be enough. Mr. Farner stated that Lake Apopka information could be made available to them.

Chairman Stone noted that Mr. Hart had already informed them that he is expecting this to cost at least \$20,000. Mr. Hendrick stated that he can't imagine it being more than \$10,000.

Mr. Hart reminded the Board that the Lake Apopka report is hundreds of pages of documents to review and they could be looking at a lot more money.

Mr. Farner stated that he wanted the cost to limited to \$10,000 and Chairman Stone stated that they wouldn't be able to get anyone to do it for that amount. Mr. Farner stated that they would just look for another company that would.

Mr. Hendrick stated that they are professionals and should be able to look at the results of the Lake Denham testing and determine if anything is needed. He stated that there was no need to include the Lake Apopka reports.

Ms. Cox asked Mr. Farner if he would be willing to amend his motion to \$20,000 and Mr. Farner stated that he would rather stay with \$10,000, as they would only be looking at data that is being provided to them.

**[MR. FARNER MADE A MOTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO HIRE A THIRD PARTY TO LOOK OVER THE STUDIES AND GIVE OPINIONS AND**

RECOMMENDATIONS WITH COST NOT TO EXCEED \$10,000. Mr. Hendrick seconded the motion.]

**Motion approved 4-2 with Chairman Stone and Ms. Stokes in opposition.**

## **6. PUBLIC COMMENT**

Mr. Tully Patrowicz addressed the Board and stated that he and others are concerned about a proposed 38-acre development on East Crooked Lake. He stated that the proposed development is in a karst area and could potentially cause contamination of the Floridan Aquifer.

He stated that he has been proactive in protecting the lake from the effects of over development since moving to Lake County in 1973 and has concerns regarding the density of the proposed development and its affect on the lake and aquifer.

He stated that one of the Water Authority's missions has been to conserve and protect the fresh water in our area that land issues are not within the Water Authority's purview but asked if the Board could please review the proposed development and advise them as to who would have the permitting authority regarding this development. He noted that the current proposal is a 38-acre development with 22 homes directly on the waterfront with a total of 55 to 65 homes.

Mr. Patrowicz stated that although the full reach of the karst area within the proposed development area is not known, it is believed to be a significant.

Mr. Hendrick asked Mr. Patrowicz if the proposed zoning was four houses to one acre and Mr. Patrowicz said that he didn't think it was that high as the owner has supposedly decreased the density, but he has not seen a copy of the final proposal to be able to confirm that.

Mr. Patrowicz noted that the owner of the property is also requesting annexation of the property into the City of Eustis and he stated that he is concerned that the proposed density could be higher if the property is annexed into the city.

Mr. Hendrick asked staff to assist Mr. Patrowicz in contacting the correct agency to voice his concerns.

Nancy Baker also voiced her concerns to the Board regarding the proposed development. She talked about a study of the area that included maps by the Wekiva Study Area. She stated that these maps are included in the City of Eustis Comprehensive Plan and Eustis is required to follow this plan.

She stated that residents are concerned about the tree line, wetland and the karst area and noted that area is connected to the (Floridan) Aquifer. She explained that they are concerned about the 61 to 91 homes that are proposed when the adjacent property and properties to the south are zoned R1 which is one house per acre. She stated that concerned residents feel that the whole western shoreline should be preserved and kept at a lower density.

Ms. Baker stated that whatever the Water Authority could do to help keep would be greatly appreciated.

**CONTINUATION OF REGULAR AGENDA:**

f. Review of Hickory Rental Alcohol and Cleaning Deposit Policy

Mr. Garcia gave a PowerPoint presentation regarding the policies and fees for renting the Hickory Point Pavilion.

He stated that in 2017 the Board increased the alcohol deposit and explained that since that time there have been some problem with renters having alcohol at their event after they have noted on their application that they were not.

He stated that once they purchase the liquor liability insurance policy, pay for the rental, the rental deposit and the liquor deposit it becomes quite expensive. He suggested to still require the liquor liability insurance but instead of having two different deposits, to make it one deposit of \$250.

He stated that another issue is getting the rental deposit before the event, so he is suggesting that they require that the liquor liability insurance and liquor deposit be due within thirty days of placing the rental.

Mr. Garcia stated that another issue is that there are too many deposit amounts related to the rental with it ranging from \$45 to \$315 and suggested making the deposit for rental \$100 for all non-alcohol rentals. He noted that it has also been suggested to increase the deposit to \$150, but it is up to the Board to decide. He also suggested that the cancellation/change fee be increased from \$10 to \$25.

Ms. Cox asked if the \$100 was for any portion no matter how much of the pavilion they rented, and Mr. Garcia stated that it was.

Mr. Garcia stated that another issue is the acceptance of checks, cash and money orders versus payments through PayPal. He stated that since the Water Authority started taking payments through PayPal it has become very popular and quite convenient and simplifies the process. He suggested that he would recommend eliminating checks, cash and money order and require all rentals through PayPal.

Mr. Farner asked out refunds would be issued, and Mr. Garcia stated that it is a simple process to do refunds through PayPal.

Chairman Stone noted that there are companies that do not allow the use of PayPal and they need to have a backup plan should that be an issue, so they can make exceptions on a case by case basis.

Mr. Garcia stated when there have been issues, Mr. Perry has always evaluated the situation and made exceptions should they be needed.

Mr. Perry stated that there is a program called MunicIPAY that several municipalities and government agencies use, that might be an option, should they need to look into it.

Ms. Cox suggested consolidating the rental fees so that there weren't as many fees, but after some discussion it was decided to leave them as they are at this time.

Attorney Barice suggested making a notation on the application that the \$150 deposit would be forfeited should they have alcohol without the proper paperwork, deposit and insurance.

**MR. FARNER MADE A MOTION TO APPROVE THE EXECUTIVE DIRECTORS RECOMMENDATIONS TO MAKE THE FOLLOWING CHANGES REGARDING THE RENTAL OF THE HICKORY POINT PAVILION POLICY:**

- 1) **ALL REFUNDABLE DEPOSITS DUE WITHIN 30 DAYS AFTER THE APPLICATION AND RENTAL FEE IS TURNED IN; OTHERWISE THE EVENT IS SUBJECT TO CANCELLATION.**
- 2) **IF ALCOHOL WILL BE PART OF THE EVENT, REQUIRE THE CERTIFICATE OF INSURANCE WITH THE LIQUOR LIABILITY AND THE \$250 REFUNDABLE DEPOSIT DUE WITHIN 30 DAYS AFTER THE APPLICATION IS TURN IN; OTHERWISE THE EVENT IS SUBJECT TO CANCELLATION.**
- 3) **MAKE THE REFUNDABLE DEPOSIT FOR NON-ALCOHOL EVENTS \$150 FOR EITHER A PORTION OF OR ENTIRE PAVILION; NONREFUNDABLE IF ALCOHOL IS PRESENT.**
- 4) **INCREASE THE INITIAL CANCELLATION/CHANGING FEE FROM \$10 TO \$25, THEN FOLLOW THE CANCELLATION SCHEDULE.**
- 5) **REQUIRE PAYPAL PAYMENTS FOR ALL RENTALS, INCLUDING CANOE AND KAYAKS. CHECKS, MONEY ORDERS NOR CASH WILL NO LONGER BE ACCEPTED.**

Ms. Stokes seconded the motion.

**Motion approved 6-0.**

**7. LEGAL STAFF REPORT**

Attorney Barice stated that it has been a pleasure to the serve the Board for the last 12 years. She stated that now that the Board has approved the contract with Stone and Gherkin she would be glad stay on until the end of June, as per the notice, or step down and let the new attorney take over, whichever the Board desires. She stated that she was willing to do whatever is needed to insure a smooth transition.

It was noted that whatever their decision, there would most likely be some continued communication over the last month.

The Board agreed that Attorney Barice’s contract with the Agency would terminate at the end of May and that Attorney Stone would take over and represent the Board beginning the first of June.

**8. BOARD MEMBER COMMENTS**

Chairman Stone informed the Board that she would not be at June meeting, but Vice Chair Maimone would be there to lead the meeting.

Mr. Perry reminded the Board that the meeting in August would be on the third Wednesday instead of the fourth Wednesday and asked that they make sure they have the 21<sup>st</sup> marked in their calendars.

He noted that both Mr. Farner and Mr. Hendrick are having birthdays this week and wished them a Happy Birthday.

**9. BOARD MEMBER ITEMS FOR FUTURE AGENDA**

None

**10. INFORMATION ITEMS**

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

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

- Board Meeting - Wednesday, June 26, 2019 (3:30 pm)  
BCC Chambers/Admin. Building

**13. ADJOURNMENT**

The meeting was adjourned at 5:40 p.m.