

MINUTES OF THE REGULAR BOARD MEETING
of the
LAKE COUNTY WATER AUTHORITY
January 27, 2016

The Regular Hearing of the Board of Trustees of the Lake County Water Authority was held at 3:30 p.m. on Wednesday, January 27, 2016 in the Lake County Administration Building, County Commissioners Chambers at 315 West Main Street, Tavares, Florida.

Members Present-District #

Staff Present

Peggy Cox, Chairwoman (#1)
Adam Dufresne, Vice Chair (At Large)
Doug Bryant (#4)
Charles Clark (#5)
Carolyn Maimone, (#3)

Michael J. Perry, Executive Director
Patricia Burgos, Environmental Prog. Mgr.
Ron Hart, Water Res. Prog. Mgr.
Sergio Duarte, Water Res. Proj. Mgr.
Ben Garcia, GIS Manager
Anna Ely, Recording Secretary
Carole Barice, LCWA Attorney
Maryann Krisovitch, Educational Prog. Contractor

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 3:35 p.m. and everyone stood and recited the Pledge of Allegiance.

Ms. Maimone temporarily left the meeting.

2. APPROVAL OF MINUTES

VICE CHAIR DUFRESNE MADE A MOTION TO APPROVE THE MINUTES OF THE LAKE COUNTY WATER AUTHORITY BOARD MEETING OF WEDNESDAY, DECEMBER 16, 2015 - REGULAR MEETING. Mr. Bryant seconded the motion.

Motion approved 4-0.

Ms. Maimone returned to the meeting.

3. EXECUTIVE DIRECTOR REPORT

Mr. Perry addressed the Board and gave the current water level reports and reported that Lake Apopka is above minimum desirable at this time.

He explained that the St. Johns River Management District allowed the release of water from Lake Apopka into the Harris Chain through the Apopka-Beauclair Lock and Dam from

September 2015 until December 22, 2015. He stated that at that time the water level of Lake Apopka fell below minimum desirable and the District had chosen to close the flow.

He explained that the water level of Lake Apopka is again above minimum desirable but because of the Water Authority is in the process of repairing the outflow slope we have asked the District to delay any release of water from Lake Apopka until the project is finished, which should be within the next couple of weeks.

He reported that the Middle Lakes/Superpond (Lake Dora, Lake Harris and Lake Eustis) were slightly below the regulatory schedule most of the fall and winter, and the District continues to operate the Burrell Lock and Dam at the minimum flow of 24 cubic feet per second (cfs).

He noted that Lake Griffin is above the regulatory schedule due to recent rainfall and the flow through the Moss Bluff Lock and Dam at minimum flow, which is 30 cfs. He explained that if the water levels were to get much higher the District is likely to increase the flow through Moss Bluff. He stated that the water level is midway between minimum and maximum desirable at this time. He noted that the District can move water through Moss Bluff at amounts up to 2000 cfs should they need to bring the lake level down quickly.

Mr. Perry reported on the water levels on the Clermont Chain and stated that each time it rains the water levels spike. He stated that with the recent rainfall, staff opened the structures to bring the water levels down. He stated that after the latest rainfall the water level had increased to approximately 97.2 feet mean sea level (msl) and staff increased the flow through the structures in anticipation of more rainfall. He noted that staff will be keeping a watch on the water levels overnight, as they may have to lessen the water flow slightly to prevent flooding downstream.

He explained that staff keeps track of the weather daily and sometimes hourly depending on weather conditions.

He showed the history of water levels for Lake Minnehaha over the last 15 years. He talked about the fluctuations in the water levels due to years of record drought followed by years of record rainfall. He stated that the worst period of drought was in 2002/2003 and was followed by a year of record rainfall in 2004 due to several hurricanes that crisscrossed Central Florida.

He noted that following the record rainfall of 2004 there has been another period of record drought lasting until 2014. He stated that 2014 was the first year with above average rainfall since that time, and that although there was quite a lot of rain in 2015, it still was less than the average rainfall amount.

Mr. Perry stated that as of that morning the combined flow from Big and Little Creeks was 65 cfs. He noted that in excess of 230 cfs is being released through the structures, so more water is being let out of the system at this time than is coming in.

He stated that the water level of Lake Minnehaha was at 97.12 feet that morning, which is the same level as last year at this time.

Mr. Perry also informed the Board that there has been problems with people shooting into Sawgrass Island Preserve. He passed around a Preserve Boundary Sign that had been shot several times with a large caliber gun.

He explained that the laws prohibit anyone limiting a person's ability to shoot guns on their own property. He stated that they have to be responsible for what goes off their property but because the sign was placed on the outside of the boundary, he has to assume that the high caliber bullets used to shoot the sign are coming onto our property. He noted that a few years ago a law was also passed that limits any local governments ability to make any restrictions regarding firearm use.

Mr. Perry also noted that currently there is a Bill in making its way through the legislature that would limit firing from your own property onto another. He stated that if the Board is in agreement, staff would like work with the Lake County Delegation to add wording that would address shooting into a public facility.

Mr. Bryant asked if this a one-time occurrence and Ms. Burgos stated that this has been an on-going issue for many years and just a few years ago there were several incidents with another neighbor along that boundary.

She stated that in that instance they actually had a target on their property, and are were shooting and missing the target and the bullets were firing into the preserve. She explained that a Sheriff's Deputy had investigated and had verified that they had the appropriate type of target, and warned them about stray bullets going into the preserve.

Mr. Clark asked if the bullets go all the way through the sign, and Mr. Perry stated that they do.

Chairwoman Cox asked if the proposed legislation would help in this situation and Mr. Perry stated that hopefully it will, but it depends on whether it makes it through legislation.

MR. BRYANT MADE A MOTION TO AUTHORIZE STAFF TO DRAFT A LETTER EXPRESSING SUPPORT FOR ANY RESOLUTION OR LEGISLATION THAT WOULD DISCOURAGE OR PREVENT THE TYPE OF FIREARM USE BEING EXPERIENCED AT OUR PRESERVES. Ms. Maimone seconded the motion.

Mr. Bryant stated that he left the language intently vague as he is not sure of the wording of the legislation that is being drafted at this time, but wanted to make an expression of intent. He stated that there appears to be a problem and the problem needs to be addressed, and one way to do that is through stronger legislation from Tallahassee.

Motion approved 5-0.

4. CONSENT ITEMS

There were no consent items.

5. DISCUSSION ITEMS

a. Emerald Lakes MHP Request to Change Lake Levels in the Clermont Chain of Lakes

Mr. Perry showed a map of the area and pointed out Emerald lakes and stated that it was built on marsh. He stated that this is not the first time the Board had discussed the situation at Emerald Lakes. He noted that residents of Emerald Lakes had spoken to the Board about the high water levels about this same time last year, as well as several times in the past.

He explained that when the lake returns to a more desirable or target level, Emerald Lakes experiences high water conditions, with their boat ramp becoming unusable and the water coming over the seawall and into their streets and yards.

He gave a history of the area and stated that the first recorded water levels for Lake Minnehaha are from 1945. He showed a graph of the water levels since that time and pointed out the upper and lower ends of the regulatory range as well as the water levels over the years.

He explained that in the early 1950's a committee (Inland Water and Navigation Committee) was formed by the legislature to look at the lakes and provide a report back to the legislature. He stated that in preparation of that report they looked at the range, the average water level and the high and low water levels at that time. He explained that in their report back to the legislature the committee had recommended that the range should be from 96 feet to 97.5 feet msl (above mean sea level).

He stated that in 1956 the lakes were very low and the Lake County Water Authority was contacted by residents in the Clermont area regarding about the low water levels and asking that something be done about them. He explained that in response to those requests, the Water Authority built the Cherry Lake Dam.

He stated that after construction of the Cherry Lake Dam, the Water Authority went through a very exhaustive public process to establish a regulatory level for the Clermont Chain. He explained that based on the study that was done for the legislature the Water Authority set the regulatory range at 96 feet to 97.5 feet msl (above mean sea level).

He noted that in 1960 the rains brought by Hurricane Donna brought lakes up to over 99 feet msl, which was then followed in a couple of years with a long period of dry weather. He stated that at that time concern was voiced that more water needed to be kept in the system and available for the agricultural and citrus industry in order for them to irrigate their crops and for freeze protection during the cold winters. He explained that in response to those concerns, the Villa City Dam was built to help keep more water in the system.

Mr. Perry explained that in 1968 the developer of Emerald Lakes put in a permit application to Southwest Florida Water Management District to build the development. He stated that the developer had requested to fill and build the subdivision up to 99 feet msl.

He explained that the developer was advised that filling and building at 102.5 feet msl was more appropriate and desirable, and would provide more protection as the lake had already experienced a high water level of 99 feet msl during Hurricane Donna.

He stated that there is no record of the actual fill level for Emerald Lakes, but it is likely that the development was built much lower than 99 feet msl. He noted that if it had actually been built at 99 feet msl, there would be no need for this discussion.

Mr. Clark asked who made the recommendation of 102.5 feet msl and Mr. Perry answered that the recommendation was made by the Water Authority. Mr. Perry explained that because the Water Authority has no regulatory authority they could not enforce that recommendation.

Chairwoman Cox asked what level had been recommended by Southwest Florida Water Management District (SWFMD) and Mr. Perry explained that SWFMD has included the Water Authority's recommendation of 102.5 feet msl into the permit, but the actual elevation that was permitted was 99 feet msl. He stated that there are no records showing at what elevation the development was actually built.

Mr. Perry explained that there was continuing concern from the community that water was leaving the lake system and that something needed to be done and more dams were built to keep the water in the system. He stated that much of the system was channelized to allow more water to move through the system faster as well as allowing for navigation.

He pointed out the fluctuations of Lake Minnehaha prior to the construction of Cherry Lake Dam and stated that after Cherry Lake Dam was built the lakes fluctuated differently at a much lower water level. He stated that with the ability to move water through the system they were able to carve off the top end of the fluctuations.

He stated that during 1998 there was an extremely wet winter followed by an extremely wet summer which brought concerns regarding the high water levels.

He explained that after that extremely wet year, it just quit raining for several years and the water levels dropped to an unprecedented low. He stated that people at that time were sure someone had done something to avert the water and Polk County was stealing water from Lake County, when the only reason for the low water levels was the lack of rain.

He stated that this period of drought was again followed by a year of record rainfall and in 2004/2005 there were several hurricanes and tropical storms which brought a tremendous amount of rain to the area. He noted that this was the last time any tropical activity was seen in our area and the lock and dam structures remained closed until 2015 due to the low lake levels.

Mr. Perry explained that Climatologist call this cycle of higher and lower conditions that span several years Multi-Decadal Oscillation. He stated that there is no pipeline to Polk or Pinellas County. He noted that just six months ago, after almost 15 years with lake levels at historically low levels, people were talking about having a study done to look for blockages and to look for ways to get more water back in the system.

He stated that he understands that the residents of Emerald Lakes aren't concerned about the history of the area, they are concerned with the current high water levels and conditions and how it is affecting their community. He noted that over the years many people have contacted the Water Authority with concerns that the Water Authority was letting too much water out of the lakes.

Mr. Perry explained that in 2008, he and Mr. Hart became concerned that as staff and Board members leave the Water Authority, the knowledge of how and why the structures are operated would be lost and a manual was created that explains how to regulate the structures and hold water at 97 feet. He noted that it is as much of an art as it is a science, to balance the flow of water.

He explained that historically the structures have been operated to keep the water at 97.5 feet msl, but at this time the Water Authority is being conservative and is keeping the water lower at 97 feet msl.

Mr. Perry stated that residents of Emerald Lakes had approached the Board last year regarding the high water levels in the Clermont Chain and flooding of their property. He explained that they had requested that the Board lower the water level of Lake Minnehaha by a half of a foot to one foot.

Mr. Perry also explained that not only was the community build low, it is also continually sinking as it was built on mucky and marshy material. He stated that Mr. Hart had visited Emerald Lakes in the last week and had taken measurements at their boat ramp and found that the area is half a foot lower than when it was last measured in 1998.

He noted that the residents of Emerald Lakes had invited the Water Authority staff to a meeting where they had explained that they have been working hard to try and improve their property and have spent slightly less than a million dollars to improve their seawalls and other things to protect their community.

He explained that they are still asking for the water level to be lowered and stated that they are asking that it be lowered by at least a half of a foot to 96.5 feet msl. He stated that from their perspective the desirable regulatory range should be from 95 feet to 96.5 feet msl. He stated that if the Water Authority were to have lowered the water levels by half a foot when they made their request last year, the water level in the whole area would have come dropped by that amount and the water levels would be a lot lower through the whole system at this time.

He stated that while that would be of benefit to the Emerald Lakes Community, it would not be of benefit to the rest of the area. He also explained that they were to take the Regulatory Range and drop it down by a foot and a half, you would see impacts to the wetlands and impediments to navigational and recreational use.

He stated that while it is inconvenient to those with waterfront property, the fluctuating water levels have positive impacts and it is highly desirable for the lakes to have periods of high water level and periods of low water level. He explained that during the times of high water levels the wetlands get inundated with water and in times of lower water levels, the shoreline has a chance to dry up and any accumulated mud and muck dries up and is broken down. He stated that this fluctuation helps to create a more desirable fish and wildlife habitat.

Mr. Perry explained that the Harris Chain doesn't have the same fluctuation of water levels as the Clermont Chain. He stated that there has only been seven inches of fluctuation within the Harris Chain over the last 40 years and this has caused water quality issues in the Harris Chain. He explained that for lakes to remain healthy they need significant fluctuations in the water levels. He stated that when the community had come before the Board last year, they had discussed the

situation and the Board had decided to continue with what had been done for the last 50 or 60 years.

He noted that Emerald Lakes request is to lower the Target Level of 97.10 feet msl and to lower the Regulation Range to 95 feet to 96.5 feet msl.

Mr. Perry also noted that Emerald Lakes makes up less than 1% of the shoreline and property values on the Clermont Chain. He stated that the Staff recommendation based on historic conditions and fluctuating water levels is to leave the Regulatory Range and Target Level as they are at this time.

Chairwoman Cox stated that making any changes to the Regulatory Range would involve studies, permitting and changes in the regulation of the MFLs.

Mr. Clark stated that he had recently visited Emerald Lakes and driven through the whole community and noted that it is a beautiful community. He stated that he felt for them as he is sure that many people had put their life saving into to their homes. He stated that unfortunately the water levels have become an adversarial issue.

He stated that he would like for the Water Authority staff and the Emerald Lakes Home Owners Association to get together and find an impartial person to evaluate the bad effects of lowering the lake and determine what damage it would cause to the wetlands. He suggested that they might consider a fluctuating schedule during the year. He stated that it is within the Water Authority's power to change the Target Level by six inches and still stay within the Regulatory Range.

Mr. Bryant stated that in response to Mr. Clark, he feels that the Water Authority is the impartial party. He stated that the Water Authority is not an advocate for agriculture, recreation or birders. He stated that it is a public authority and should be the forum where these decisions are made, rather than putting it in the hands of an arbitrator or third party. He noted that would hate to put the decision into someone else's hands.

Ms. Maimone stated she understands why Mr. Clark wants an impartial party to do the evaluation, as that the Water Authority does not have the staff that to do a study.

She explained that she had lived in Venetian Village at one time, and that community was also built too low and on dredged material. She stated that during the period of record rainfalls from 2002 to 2004 everyone in the community had to use sandbags to help keep the water out of their yards and homes. She stated that she had to install French drains and pumps to deal with the water. She noted that some residents in the community had up to four inches of water in their homes.

She stated that she understands the residents' concerns and that she feels bad that this situation is happening, but also understands why the water levels are allowed to fluctuate as they do. She stated that Emerald Lakes was built too low and that is not everyone else's fault. She stated that everyone who built their docks and house where they should so they won't flood shouldn't be penalized because of a subdivision that wasn't built properly.

She noted that because the subdivision is also sinking, in five to ten years, the residents are going to be asking for the water levels to be lowered even more. She stated that she feels the same way this year as she did last year.

Chairwoman Cox stated that she, Mr. Perry and Mr. Hart had attended a meeting with residents of Emerald Lakes, their hired lobbyists and geotechnical experts, and the City of Clermont's Engineer, along with representatives from Representative Metz' office and Commissioner Park's office. She stated that the most important thing to her as a member of the Board is the health of the lake systems and the ability of the lakes to provide all the advantages of recreation, fishing, swimming they do to the citizens who live in this county. She stated that it is also important to protect the environmental importance of these lakes and the protection of the habitats they provide.

She explained that the Regulatory Range was set for the lake after many studies and she stated that all the large lakes in the county have a Regulatory Range that is set by the St. Johns River Water Management District. She stated this Regulatory Range as well as all the others are looked at periodically to see if they can be adjusted and noted that this system is working as it should.

Chairwoman Cox stated that unfortunately these properties are going to continue to have problems due to the where and how they were built. She stated that one of the things she has been working on is the restoration of the marsh that Emerald Lakes is built on. She stated that she understand why everyone wants to keep their home on the lakefront, but there is the possibility of that there will be money in the future to buy out the property and restore the property to marsh.

She stated that unfortunately for the property owners, the property is going to continue to suffer damage due to the fact that it was built on dredge material and not built high enough. She stated that the remedy for that whether it be a buy-out or serious and expensive engineering and rebuilding of the community is going to cost the Federal government or the residents a lot of money to fix the issue.

She noted that even if they were to lower the Target level by half a foot to a foot, she felt that property values are going to continue to decline because the weather and the future fluctuations of the lake cannot be predicted.

Chairwoman Cox stated the Board was there to hear the citizen's comments and concerns before voting to make any changes to the water level. She noted that before the meeting she had received a couple of personal emails in favor of maintaining the system as it is and also noted that Mr. Perry had received 15 emails in favor of keeping the water levels in the Clermont Chain as it is.

Kelly Pitcher, Groveland, stated that she has been a lifelong resident of South Lake County and a former Board of the Lake County Water Authority. She explained that while she served on the Board, the water levels were low and citizens were concerned that water was being diverted. She stated that she and the Board had worked diligently to assure that water was not being diverted.

She stated that over the years she has seen the water level rise and fall and she feels for the residents of Emerald Lakes. She noted as a Board member they had to consider what was best for all the lakes and the whole system and not what is best for just one area. She stated that the

amount of damage that was done during the drought had impacted the lakes and MFLs and still is affecting everything today.

James Pirino, President of the Board at Emerald Lakes, stated that they are not asking for a change in the Regulatory Range, but they are asking to Board to consider lowering the Target Level from 97.1 feet to 96.5 feet to add a small buffer to allow the water level to rise without flooding their community. He stated that he didn't think that would cause much of an impact on the rest of the lakes. Ray Pirino stated that he was in agreement with James Pirino.

Mike Schaefer, Clermont, addressed the Board and stated that as a property owner who lives on Lake Minnehaha, he does not want to see the lake levels changed. He stated that dropping the lake level by just six inches would adversely affect navigation of the lakes.

Others in favor of leaving lake levels as they are were Jon Jones, Cindy Davis, Christina Rider, George Simek, Steve Piotraczk, Robert Jones, Don Tracy, Frances Richards, Alex Cooke, Bret Jones and Charles DiNello.

Ray Pirino of Emerald Lakes stated that he agrees with Mr. Clark and didn't see any reason they needed to rush and make decision today. He stated that he felt a study should be done before any decision is made. He stated that he is a bass fisherman, and that bass like to bed at this time of year on hard sand bottoms. He noted that all the water across from Emerald Lakes is all back in the cypress trees and the bass fishing has been lousy.

He stated that it is obvious how the Board feels, and noted that Emerald Lakes' residents are also outnumbered by the other resident of South Lake County. He stated that the residents are retired and one and fixed income and there should be an independent study and dropping the water six inches would make very little difference if any difference to the rest of the chain, either ecologically or functionally for recreation.

Randall Rainey, Government Consultant for Emerald Lakes, stated that the community has been flooded out for a number of years now and stated that he recommends a private study to determine whether lowering the water level would be detrimental to the system. He stated that the discussions look to be one-sided to him and that he agrees with Mr. Clark that there should be an independent study to make it fair for all bodies involved.

He stated there is nobody to take to court except the Water Authority and the City of Clermont. He stated that the building contractor is deceased and that when the community was built there were illegal agreements made between the builder, the County Commissioners and the City Council.

Ms. Maimone noted that the lakes in the Clermont Chain are different than Lake Harris and stated that a six inch drop in the water level doesn't seem like a big deal along a seawall but along a lake shore it can make a big difference. She asked Mr. Hart if there was any way to tell how much it would affect the shoreline.

Mr. Hart stated that staff is working on mapping the area. He showed map of Lake Louisa and stated that there are a lot of deep depression areas. He explained that these deeper areas are sinkholes in the bottom of the lakes and they don't have a hard bottom, and act like a colander

leaking water to the aquifer. He stated that flows from Big and Little Creeks are what keep the water levels in the area up. He noted that when the water flows from Big and Little Creeks are low, the seepage into the sinkhole areas cause the lake levels to drain down.

Mr. Hart stated that starting with a water level that is six inches lower at the start of a drought would increase the overall drop in water levels during the drought. He explained that areas marshes would begin to encroach into areas that are normally open water. He stated that 100 feet of open water along the shoreline would become 100 feet of deep marsh.

He stated that as a Limnologist he has a hard time recommending something that would harm the ecology of the lakes. He noted that any time you change something like the water levels, you will affect the whole makeup of the system.

Vice Chair Dufresne stated that they also need to think about the people downstream. He stated that the water would have to go somewhere and asked what impact lowering the lake level by six inches have on the people downstream.

Mr. Hart stated that the Water Authority has to think also think of and protect the people living downstream and stated that there would most likely be an issue downstream if they were to set the water level in the Clermont Chain any lower. He noted that the impact it will have is also dependent on where we are in relation to any upcoming rain event or lack of rain.

Mr. Hart spoke about managing storage space for water from heavy rainfall events and managing water levels. He explained that when the water levels is at 97.1 feet msl it will accommodate a five-year event and without going over the regulatory levels. He stated that the Clermont Chain does not typically flood from a single large rainfall event, but rather multiple rainfall events over a time period of days or weeks.

Mr. Clark asked Mr. Hart if he knew anybody that could do an impartial evaluation of the ecological effects of lowering the lake level by six inches, and what the approximate cost would be. Mr. Hart stated that there are companies that can do an evaluation and he estimated that the cost would be around \$150,000. He stated that modelling is expensive as the area to modeling would be large. He explained that they would have to look at the entire Clermont Chain and the effects it would have on the entire chain and associated connected wetlands.

Mr. Clark stated that is a lot of money and even if the study should come back saying there would be no ecological repercussions, the expense would be too great. He stated that he would prefer not to put it to vote at this time, so the subject could be brought back at some later date.

Mr. Bryant stated they have been discussing a very difficult issue and he would not be introducing a motion at this time. He stated that there have been many studies done over the years and he would like to look at some of the studies that have been done over the years.

He stated that the only thing that can be done at this time is to look at what can be done to protect the community, and he hasn't heard anyone come up with a good solution yet. He noted that there are other governmental agencies and groups from which they may obtain possible grants, but it isn't something that the Water Authority can do.

Mr. Perry stated that the Water Authority staff will do what they can to help Emerald Lakes come up with a solution to their problem other than dropping water levels.

Chairwoman Cox stated that no changes are going to be made to the water levels at this time and she instructed Mr. Perry and Mr. Hart to get in touch with Emerald Lakes to discuss options.

The Board took a short break at 5:20 pm and returned at 5:43 pm.

b. Approval to Award 2015-2016 Mini-Grants

Ms. Krisovitch addressed the Board and stated that over the past twelve years the Board has provided funds that has made it possible to numerous community groups and schools to lean about improving and appreciating out water resources through the Drop-by-Drop Mini-Grant program. She stated that the grants provide up the \$2,000 in reimbursable funds.

She explained that this year, the grants committee had made some modifications to the guidelines in order to streamline the process. She stated that Middle and High School teachers could request educational fieldtrips and/or water resource equipment as long as they submitted a lesson plan on how they would be using that equipment. Elementary teachers were not permitted to request equipment this year, but were allowed to request field trips using a pre-approved fieldtrip list which highlighted Water Authority properties and Education Programs by the staff and contractors. She noted that the Community Grant Guidelines did not change.

She stated that the Grants Committee had met early in January and reviewed ten School Grant and three Community Grant requests, and the recommendations have been provided in the Board's information packets.

VICE CHAIR DUFRESNE MADE A MOTION TO APPROVE GRANT RECIPIENTS AND DISBURSEMENT OF \$4,726.09 FOR THE FY 2015-16 EDUCATION MINI-GRANTS AND \$3,700 FOR THE COMMUNITY MINI-GRANT FOR A TOTAL "DROP-BY-DROP: YOU MAKE A DIFFERENCE!" MINI-GRANT PROGRAM TOTALING \$8,426.09. Ms. Maimone seconded the motion.

Mr. Bryant asked who was on the committee. Ms. Krisovitch replied that she, along with Marc. Crail, Naturalist, Mike Perry, Chairwoman Cox, Gail Goldberg and Jeff Nordoff from the School District's Grant Committee made up the committee.

Motion approved 5-0.

c. Status of Bourlay House

Mr. Perry passed around a piece of slate tile from the 1st floor bathroom and talked about the poor workmanship of the modifications made by the prior site resident.

He stated that Dunstan Plumbing had inspected the house and stated that the leak in the ceiling was not from a leak from within the walls, but rather from water overflowing or splashing over the sides of the upstairs bathtub and seeping into the wooden floor and leaking to the floor below. He

noted that Dunstan Plumbing had also serviced all the handles in the shower. He stated that besides re-glazing the tub, all the work that is needed in the upstairs bathroom is cosmetic.

He also informed the Board that Mr. Tamsett of Tamsett Electric had looked at the house and stated that it would most likely cost around \$1,500 to \$2,000 to make the electrical portion of the house safe. He noted that a lot of the outlets just need to have GFCI plugs and the whole house does not need to be rewired to make it safe. He stated that Mr. Tamsett is going to have someone come out and check out each switch, outlet and fixture to see what needs to be repaired.

Mr. Perry stated that staff had contacted the City of Leesburg to find out if the house can be connected to the city water and sewer, but they haven't received an answer back at this time. He stated that he would continue to update the Board as there if more information.

Vice Chair Dufresne stated that even if the house is hooked up to city water, he doesn't want to get rid of the well, as it could be used for irrigation.

d. Appraisal of Old Office Building

Mr. Perry informed the Board that he had received the appraisal of the old office building and had sent it to them earlier in the week. He noted that it appraised for approximately the same amount it appraised for eight to ten years ago.

Chairwoman Cox, asked if Mr. Perry was going to notify the two interested parties, now that we have the appraisal. Ms. Maimone asked if they had to advertise the sale, or could they talk to the interested parties without advertising it.

Attorney Barice stated that she thought they would just talk to the interested parties, but she would check the statutes and let Mr. Perry know.

Ms. Maimone noted that a lender is not going to loan more than the appraised value, so unless someone is going to pay cash for the building, they would not get more than that amount.

e. Status of Lake Norris Acres Appraisal

Mr. Perry updated the Board regarding the status of the Lake Norris Acres appraisal. He stated that the District's Land Management have been busy the last few months and it has taken a while for him to be able to get with Dr. Shortelle, who is the Executive Director in order to move things forward. He stated that the District has agreed to move forward with the appraisal and the District will do all the legwork and will use an appraiser from their list of approved appraisers. He explained that the District's staff knows that the cap on the cost of the appraisal is \$7,000 with the Water Authority paying half of the cost (\$3,500). He noted that the District's staff has stated that the cost of the appraisal will most likely be lower.

f. Approval of No-Cost Time Extension for City of Tavares Downtown Stormwater Project

Mr. Hart stated that the City of Tavares has requested a no-cost time extension for their Downtown Stormwater Treatment Project. He noted that although the city has taken a long time

to complete this project, they are just to the point of finalizing their bids. City of Tavares staff predicts that they will begin construction around the beginning of March.

MS. MAIMONE MADE A MOTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO PROVIDE A NO-COST TIME EXTENSION FOR THE CITY OF TAVARES DOWNTOWN STORMWATER TREATMENT PROJECT BY EXTENDING THE CONTRACT DEADLINE TO SEPTEMBER 30, 2017. Vice Chair Dufresne seconded the motion.

Motion approved 5-0.

- g. Approval of No-Cost Time Extension with DMC for the Permitting of the M-5 and M-6 Structure Replacement Project

Mr. Hart explained that permitting has taken longer than expected for the project and staff is recommending a no-cost time extension for the project.

MS. MAIMONE MADE A MOTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO PROVIDE A NO-COST TIME EXTENSION TO DREDGING MARINE CONSULTANTS FOR THE M-5 AND M-6 MODIFICATION PROJECT BY EXTENDING THE CONTRACT DEADLINE TO JULY 1, 2016. Vice Chair Dufresne seconded the motion.

Motion approved 5-0.

- h. Replacement of Hart Lake Culvert

Mr. Hart stated that at the Villa City Dam there is a levee and a 30 inch corrugated metal culvert that runs under the levee and feeds water to Hart Lake. He explained that the culvert has been there since 1963 and has recently begun to fail. He stated that the culvert is beginning to collapse and fall in on itself, which has created holes in the top of the levee.

He explained that at the connection to the river, there is an aluminum headwall with a sliding gate, so that the flow of water to the lake and around the dam can be controlled. He noted that the water is bypassing the gated headwall and is flowing uncontrolled into the side of the pipe.

He stated that staff is proposing to have a contractor excavate the corrugated metal pipe and replace it with a high density polyethylene pipe (HDPE). He stated that the prices are the same, but the HDPE should last much longer.

He explained that staff has contacted four contractors and has received quotes from two of the contractors at this time. He stated that Estep Construction was the highest quoted price at \$27,878.68. He explained that their price is higher due to the use of sheet pile to stop water from entering the work site. He noted that Dawson Excavation had quoted a price of \$9,985 and they propose to use riprap to stop the flow of water while working on the site. He explained that the price is based on a 30" pipe, but if a 36" pipe is necessary, the cost will be an additional \$600 for a total of \$10,585.

He stated that at least one more contractor would be visiting the site and it is possible that staff may get a lower quote. He stated that staff recommends that the Board authorize the Director to execute a contract for the replacement of the Hart Lake pipe for an amount not to exceed \$10,585, which will give staff the option of selecting another contractor should they receive a lower quote.

MS. MAIMONE MADE A MOTION TO AUTHORIZE THE DIRECTOR TO EXECUTE A CONTRACT FOR THE REPLACEMENT OF THE HART LAKE PIPE FOR AN AMOUNT NOT TO EXCEED \$10,585. Vice Chair Dufresne seconded the motion.

Motion approved 5-0.

- i. Replacement Approval to Allow the Executive Director to Sell Back Annual Leave Prior to entering DROP

Mr. Perry explained that Water Authority follows the State Retirement System and stated that if you reach a certain age or have enough years, one of the options is to enter into DROP (Deferred Retirement Option Program). He stated that this allows you to retire and the agency no longer provides a contribution to the FRS on your behalf and you no longer accumulate any additional years in the Florida Retirement System.

He explained that they calculate a retirement benefit based on your high five salary years times the number of years you've been employed with the state, times a multiplier depending on your job class.

He stated that he is intending to enter the DROP program in February and one of the things you can do is sell back any unused annual leave and that gets included in the calculation as part of your high five income. He explained that there is a bit of an inconsistency in that FRS allows up to 500 hours of unused annual leave to be cashed in, and his contract states that he can sell back all unused annual leave, but there is a Water Authority policy that says the allowable maximum is 300 hours. He stated that he has accumulated 432.44 hours, and there may be other staff members that may end up in the same scenario and they might want to look at making it consistent with FRS.

Chairwoman Cox asked how much it would cost and Mr. Perry stated that he doesn't have the exact dollar amount, but the funds are in the budget, as all unused annual leave is accounted for when preparing the budget each year.

Attorney Barice explained that when a contract and policy are in conflict, the contract would prevail.

Ms. Maimone asked if the policy is for all employees, or just the Executive Director, and Mr. Perry stated that the policy is for all employees. Mr. Perry explained that there is also a conflict regarding sick leave, in that the County allows for up to 50% of sick leave to be bought back, where the Water Authority limits it to 25%.

VICE CHAIR DUFRESNE MADE A MOTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO SELL BACK 432.44 HOURS OF ANNUAL LEAVE IN ADVANCE OF ENTERING INTO DROP. Ms. Maimone seconded the motion.

Mr. Bryant asked if other Water Authority employees had similar contracts and Mr. Perry explained that he is the only contracted employee. He asked if there were very many employees with annual leave exceeding 300 hours and Mr. Perry stated that several close, but over.

It was noted that they might want to look at making Water Authority policy consistent with the FRS policy.

Ms. Maimone stated that she doesn't want to discourage staff from taking their vacation, as she felt everyone should take time off for themselves.

Motion approved 5-0.

6. PUBLIC COMMENT

There was no additional public comment.

7. LEGAL STAFF REPORT

Attorney Barice informed the Board of a Bill that seems to be gaining traction regarding public records requests and any suits regarding non-compliance of public records laws. She explained that the Bill is suggesting a change of wording from "the court *shall* award attorney's fees and costs" to "the court *may* award attorney's fees and cost" when awarding damages.

She noted that she had received a phone from a law firm out of Miami, who also wanted the Lake County Water Authority to the class representative in a suit against General Chemical. She stated that she explained a New York firm had also contacted the Agency and the Board had stated that while they would be fine with being a participant, they did not want to act as a class representative. She also noted that she had informed them that the Florida Attorney General's office is going to prosecute and the Agency has been requested to maintain all records.

She also informed the Board that the St. Johns River Water Management is seeking public input on the development of Minimum Flows and Levels and is having a public meeting on February 3rd and 4th in Maitland.

8. BOARD MEMBER COMMENTS

9. BOARD MEMBER ITEMS FOR FUTURE AGENDA

10. INFORMATION ITEMS

- a. Staff Reports
- b. Monthly Financial Reports – December 2015

11. ANNOUNCEMENT OF UPCOMING MEETINGS AND EVENTS

- Water WONDERS at Leesburg Library, Wednesday, February 3, 2016 (3:00 pm)
- Water WONDERS at Cooper Library, Wednesday, February 3, 2016 (3:00 pm)
- Lake Envirothon at Hickory Point, Thursday, February 11, 2016 (8:30 am to noon)
- Water WONDERS at Cooper Library February 17, 2016 (3:00 pm)
- Board Meeting - Wednesday, February 24, 2016 (3:30 pm)
BCC Chambers/Admin. Building
- Fishing Clinic at Hickory Point, February 27, 2016 (8:00 am to noon)
- Love Our Lakes clean up - Clermont, March 5, 2016 (8:30 am to noon)
- Umatilla 5gth grade at Hickory Point, March 10, 2016 (10:00 am to 1 pm)
- Citizen's Lakes Academy - Clermont Chain, March 3, 10 and 12, 2016
- Grassy Lake Elementary Science Night, May 5, 2016 (5:30 pm - 7:30 pm)
- Minneola Elementary K-3 Science Fair, May 10, 2016 (5:30 pm - 7:30 pm)

12. ADJOURNMENT

The meeting was adjourned at 6:21 p.m.