

MINUTES OF THE REGULAR BOARD MEETING
of the
LAKE COUNTY WATER AUTHORITY
December 14, 2016

The Regular Hearing of the Board of Trustees of the Lake County Water Authority was held at 3:30 p.m. on Wednesday, December 14, 2016 in the Lake County Administration Building, County Commissioners Chambers at 315 West Main Street, Tavares, Florida.

Members Present-District #

Staff Present

Adam Dufresne, Chairman (At Large)
Keith Farner, Vice Chair (At Large)
Doug Bryant (#4)
Peggy Cox, Chairwoman (#1)
Diana Mullins (#3)
Amy Stone (#5)

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
Carole Barice, LCWA Attorney
Linda Marino, Administrative Assistant
Anna Ely, Recording Secretary

A list of others present that signed the attendance roster is filed in the permanent files of the Water Authority.

1. CALL TO ORDER / PLEDGE OF ALLEGIANCE

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

2. INVESTITURE

Neil Kelly, Clerk of the Courts, and Carey Baker, Property Appraiser were present for the investiture of the new Board members.

Peggy Cox was sworn in as Trustees of the Board of the Lake County Water Authority by Neil Kelly, Clerk of the Courts.

Keith Farner was sworn in as Trustees of the Board of the Lake County Water Authority by Carey Baker, Property Appraiser.

Diana Mullins and Amy Stone were sworn in as Trustees of the Board of the Lake County Water Authority by Neil Kelly, Clerk of the Courts.

3. ELECTION OF OFFICERS

Keith Farner nominated Adam Dufresne and Diana Mullins seconded the nomination. Doug Bryant nominated Peggy Cox and Amy Stone seconded the nomination.

There was a tie vote with Mr. Farner, Ms. Mullins and Mr. Dufresne voting for Adam Dufresne, and Mr. Bryant, Ms. Cox and Ms. Stone voting for Peggy Cox.

Votes were cast again, Mr. Bryant, Mr. Dufresne, Ms. Mullins and Mr. Farner voted for Adam Dufresne, and Ms. Stone and Ms. Cox voted for Peggy Cox

Adam Dufresne was appointed Chairman of the Board.

Doug Bryant nominated Peggy Cox for Vice Chair and Amy Stone seconded the nomination. Diana Mullins nominated Keith Farner and Adam Dufresne seconded the nomination.

There was a tie vote with Mr. Farner, Ms. Mullins and Mr. Dufresne voting for Mr. Farner and Mr. Bryant, Ms. Cox and Ms. Stone voting for Peggy Cox.

Votes were cast, which again ended in a tie with Mr. Farner, Ms. Mullins and Mr. Dufresne voting for Mr. Farner and Mr. Bryant, Ms. Cox and Ms. Stone voting for Peggy Cox.

MR. BRYANT MADE A MOTION THAT IN LIEU OF A FORMAL POLICY THAT THE BOARD DECIDE THE TIE VOTE WITH THE FLIP OF A COIN. Mr. Farner seconded the motion.

Motion approved 6-0.

Mr. Perry tossed the coin and Ms. Cox called Tails: the coin landed Heads making Keith Farner Vice Chairman.

Keith Farner was appointed Vice Chairman of the Board.

4. APPROVAL OF MINUTES

MR. BRYANT MADE A MOTION TO APPROVE THE MINUTES OF THE LAKE COUNTY WATER AUTHORITY MEETING OF WEDNESDAY, OCTOBER 27, 2016 – REGULAR MEETING. Ms. Cox seconded the motion.

Motion approved 6-0.

5. EXECUTIVE DIRECTOR REPORT

Mr. Perry explained the Board Meeting process for the benefit of the new Board Members.

He also informed Board Members that a former long-time Board Member, Joe Hill had passed away. He noted that Mr. Hill began as a Board member when the Governor was still appointing the positions, and continued as a Board member many years even after it became an elected board.

Mr. Perry stated that Mr. Hill was a long-time supporter of Trout Lake, and asked the Board if they were interested in making a donation to Trout Lake in Mr. Hill's name.

Mr. Bryant asked if there was any precedence of the Board doing such a thing and Mr. Perry stated that as far as he is aware, it had never been done before.

Vice Chair Farner stated that he was uncomfortable doing that, as the Water Authority helps fund Trout Lake already.

Mr. Bryant stated that although he volunteers at Trout Lake, he is in agreement with Vice Chair Farner that he felt it would be inappropriate.

MR. BRYANT MADE A MOTION TO CREATE A RESOLUTION IN MR. HILL'S NAME. Ms. Cox seconded the motion.

Motion approved 6-0.

Mr. Perry explained the regulatory schedule for the benefit of the new Board Members and gave the water level report.

He noted that rainfall this year is still below the historic average and stated that 2005 was the last time Lake County had above average rainfall. He explained that rainfall is measured at six separate rain gauges across Lake County and stated that not all areas receive the same amount of rainfall. He noted that while the rest of the county has been receiving some rainfall, it has been incredibly dry at Emerald Marsh and Lake Yale, and has been for the last ten years.

Mr. Perry explained that a Regulatory Range of between 97 and 97.5 feet governs the water level in the Clermont Chain. He stated that while Hurricane Hermine and Hurricane Matthew brought the Chain close to the upper end of the Regulatory Range, the water level never went above 97.5 feet. He noted that also during that time, Big and Little Creeks experienced very high flow levels with an unprecedented maximum flow of 679 cfs (cubic feet per second).

He stated that with the recent drier weather over that last month; the water level has been declining. He noted that summer is when Lake County gets the majority of rainfall, with an occasional short rainy season in the spring.

He explained that up until 2014, Lake County and the Clermont Chain were having the second worst drought on record. He stated that the worst drought on record occurred in 2002, and was then followed by a year of record rainfall.

He explained the term Multi-Decadal Cyclonic Oscillation and showed a graph depicting the rainfall in the Clermont Chain since the 1940s. He pointed out the periods of high and low rainfall over the years. He noted that the southern area of Lake County generally has problems with low water levels.

Mr. Perry informed the Board that Lake County Legislative Days would be February 15 and 16, 2017 in Tallahassee. He stated that it is not necessary to attend, and some years Board Members have attended and some years they have not. He stated that should they be interested in going to let him know so an application, transportation and hotel could be arranged.

He also informed the Board that Linda Marino would be retiring at the end of the month. He stated that she had been with the Water Authority for 27 years, and staff would be having a celebration at the office the first week in January and Board Members would be invited to attend. He noted that details would be sent to them.

He noted that Christina Rider, who would be filling Linda's position, would be starting Monday, December 19. He also noted that Senior Office Associate Gail Goldberg would be retiring in February after 18 years with the Lake County Water Authority. He stated that the Agency would be advertising to fill the position sometime during the first part of January.

Mr. Perry also informed the Board of different topics and projects that would be coming up for discussion within the next few months.

He stated that one of the upcoming discussion topics would involve the floating tussocks/islands in Lake Yale. He noted that at this time the Marsh Park Boat Ramp at Lake Yale is closed due to low water levels and explained that the floating tussocks/islands are again blocking access to the lake. He stated that Agency staff would like to bring in a harvester to remove them, as they have done before, but Lake County will not let the Water Authority stage the project at Marsh Park as was done previously.

He stated that the Nutrient Assessment Study of Lake Yale would be complete in the next couple of months and staff would be bringing the information collected back to the Board. He noted that Trout Lake is included in the contract and that study would be finishing up at about the same time as the Lake Yale study.

He also noted that later during the meeting staff would be talking about a problem with floating vegetation and tussocks in the 9th Street Canal in Leesburg and explaining the current Board Policy regarding private canals.

He stated that approval of this year's Stormwater Grants would be coming before the Board in the next couple of months. He stated that the Water Authority awarded almost a million dollars in stormwater grants to local governments last year.

Mr. Perry noted the on-going Apopka-Beauclair Canal Nutrient Study and explained that the area needs a half-inch rainfall event before the study can be completed. He stated that once the study has been completed, staff would be reporting the results to the Board.

He stated that staff would also be bringing back discussion regarding the Lake Denham Sod Farm, as well the possibility of a cooperative effort with the City of Eustis regarding Lake Gracie.

He also noted the ongoing process of redoing the dams along the Palatlahaha River from operable dams to fixed weir structures.

6. CONSENT ITEMS

MS. COX MADE A MOTION TO APPROVE THE CONSENT AGENDA. Mr. Bryant seconded the motion.

Motion approved 6-0.

a. Reinvestment of Maturing CD's

At the November 16, 2016, Board meeting the following motion was made:

[Ms. Maimone made a motion that when the current CD and money market mature, allow the Executive Director to invest 2 million in a CD and 6.4 million in a money market account that best meets the needs of the Lake County Water Authority and statutory requirements, and report the results at the December 14 Board meeting.] Chairwoman Cox seconded the motion and the motion was approved 5 - 0.

A money market account was opened with Seaside Bank for \$6.4 million with an interest rate of 0.5%. The Water Authority's CD with CenterState Bank matured December 13, 2016, and \$2 million of the funds will be invested in a 12-month CD with TD Bank at a rate of 0.79%.

There were no changes in the interest rates to report to the Board.

b. Authorization to Surplus Inventory Items

AUTHORIZE EXECUTIVE DIRECTOR TO SURPLUS INVENTORY ITEMS 316, 395, 303, 292 AND 293.

7. **DISCUSSION ITEMS**

a. Resolutions Recognizing Outgoing Board Members

Mr. Perry read following resolutions into the minutes.

**RESOLUTION 2016-03
RECOGNIZING CAROLYN M. MAIMONE**

WHEREAS, Carolyn M. Maimone's term will end as a Trustee of the Lake County Water Authority and,

WHEREAS, Carolyn M. Maimone was first elected in 2008 and re-elected in 2012 to a second term as a member of the Board of Trustees. Carolyn M. Maimone served diligently and expertly as Vice Chairman from 2009 to 2010, as Chairman from 2010 to 2011 and again as Vice Chairman from 2013 to 2014, and

WHEREAS, The Board of Trustees of the Lake County Water Authority on behalf of itself, and the general public, wishes to extend its sincere thanks and appreciation to Carolyn M. Maimone for the time and effort she so honorably gave to the citizens of Lake County, and,

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Lake County Water Authority that this resolution of appreciation be delivered to Carolyn M. Maimone and that a copy of this resolution be spread upon the minutes of the Lake County Water Authority.

DONE AND RESOLVED this 14th day of December, 2016.

**RESOLUTION 2016-04
RECOGNIZING CHARLES C. CLARK**

WHEREAS, Charles C. Clark's term will end as a Trustee of the Lake County Water Authority and,

WHEREAS, Charles C. Clark was first elected in 2008 to serve in District 1 and re-elected in 2012 to a second term to serve in District 5 where he served diligently and expertly as a member of the Board of Trustees, and

WHEREAS, The Board of Trustees of the Lake County Water Authority on behalf of itself, and the general public, wishes to extend its sincere thanks and appreciation to Charles C. Clark for the time and effort he so honorably gave to the citizens of Lake County, and,

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Lake County Water Authority that this resolution of appreciation be delivered to Charles C. Clark and that a copy of this resolution be spread upon the minutes of the Lake County Water Authority.

DONE AND RESOLVED this 14th day of December, 2016.

**RESOLUTION 2016-05
RECOGNIZING JOHN N. HARRIS**

WHEREAS, John N. Harris's term will end as a Trustee of the Lake County Water Authority and,

WHEREAS, John N. Harris was first elected in 2008 and re-elected in 2012 to a second term as a member of the Board of Trustees. John N. Harris served diligently and expertly as Vice Chairman from 2011 to 2012 and as Chairman from 2012 to 2013, and

WHEREAS, The Board of Trustees of the Lake County Water Authority on behalf of itself, and the general public, wishes to extend its sincere thanks and appreciation to John N. Harris for the time and effort he so honorably gave to the citizens of Lake County, and,

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Lake County Water Authority that this resolution of appreciation be delivered to John N. Harris and that a copy of this resolution be spread upon the minutes of the Lake County Water Authority.

DONE AND RESOLVED this 14th day of December, 2016.

MR. BRYANT MADE A MOTION TO ADOPT RESOLUTION 2016-03 RECOGNIZING THE SERVICE OF CAROLYN M. MAIMONE, RESOLUTION 2016-04 RECOGNIZING THE SERVICE OF CHARLES C. CLARK, AND RESOLUTION 2016-05 RECOGNIZING THE SERVICE OF JOHN N. HARRIS AND SPREAD COPIES OF THESE RESOLUTIONS UPON THE MINUTES OF THE LAKE COUNTY WATER AUTHORITY. Ms. Cox seconded the motion.

Motion approved 6-0.

b. Acceptance of Contract for Purchase of Old Office Building

Mr. Perry explained that since the last Board meeting, the Water Authority had received another contract for the purchase of the Old Office Building. He noted that each Board Member should have a copy of it at their table.

He stated that the action taken by the Board at the previous meeting was to accept the offer made by LifeStream to purchase the building at \$200,000. He stated that the new contract offer from Mr. and Mrs. Miner is for \$250,000.

He stated that he spoken with Attorney Barice on how to proceed, and explained that because the Board has taken some action regarding the offer from LifeStream, a member of the prevailing vote would have to ask that the vote be reconsidered, and if that passes, then they would be able to discuss either of the offers.

He stated that if they would prefer to continue with the contract with LifeStream they would not need to take any action for the contract to proceed.

Ms. Cox asked if they needed to make a motion to rescind acceptance of the offer from LifeStream to discuss the new offer.

Mr. Perry explained that someone from the prevailing party would have to make the motion, and someone from the prevailing party would have to second the motion in order to vote on rescinding the acceptance of the offer from LifeStream.

Attorney Barice explained that the Board is allowed to have a discussion regarding the offer before making a motion to consider the offer.

Ms. Cox stated, that as a tax funded agency, the Water Authority has a duty to the taxpayers to get the highest amount for the property, but she had questions regarding the fact that the new contract states that it is an assignable contract. She stated that personally she thought the Board should rescind the offer from LifeStream and discuss accepting offer from Miner.

Mr. Bryant asked Attorney Barice her opinion.

Attorney Barice stated that there were quite a few issues with the new contract, one of which is that the Water Authority's name is spelled incorrectly, and the offer is contingent on them obtaining financing. She explained that the offer from LifeStream is a cash offer, and not contingent on financing.

She noted that in Paragraph 6c it states that the seller (Lake County Water Authority) would have to have certified survey, while the offer from LifeStream does not require a survey. She also noted that the Miner's contract states that the seller will pay the broker's fee, but does not state the amount of the broker's fee, whereas the contract with LifeStream does not have a broker or broker's fee.

She explained that it also appears that the payment of a 2% commission would be required whether the deal goes through or not. She stated that all this needs to be taken into consideration before making a decision. She stated that the cost of the survey is unknown at this time, as well as how much it would cost in broker's fees.

Attorney Barice noted that both contracts require acceptance by December 16, 2016.

Ms. Cox stated that contract includes a commitment letter from BBT stating that the Miner's are approved for \$175,000 in financing if there is a clear title and satisfactory appraisal.

Attorney Barice noted that the contract with LifeStream does not require an appraisal.

It was also noted that last appraisal was done just over a year ago, and the appraised amount at that time was \$331,000.

Ms. Stone asked if the Board could counteroffer and Mr. Perry stated that the Board has the ability to accept, decline or counteroffer. Attorney Barice explained that while countering one offer, they might lose the other offer, or end up losing both offers.

Ms. Cox noted that the 2% commission is substantially lower than the standard commission amount.

Vice Chair Farner stated that the way the contract reads, if the Water Authority were to sign the contract and the purchase doesn't go through, the Agency would still owe \$5,000 in fees, and he has a problem with that. He stated that if part of the deposit were to be non-refundable if the deal doesn't go through, so that it would cover the broker's fees and commission, then he would be agreeable.

Attorney Barice stated that the broker's commission amount is not clear in the contract, and she noted that it appears that there would be a 2% realtor's commission on the top of the broker's commission, and the Water Authority would be responsible for both commissions.

Vice Chair Farner stated that he would like to forgo any decision at this time and let staff take a closer look at both offers and bring it back to the Board in January.

Ms. Cox noted that both contracts have an acceptance date of December 16, 2016. She stated that as LifeStream has been agreeable to moving the acceptance date one time, they are likely to be acceptable to moving it again.

Chairman Dufresne stated that the Board does not have to accept the new offer; they could choose to walk away from it and continue with the acceptance of the offer from LifeStream.

Vice Chair Farner stated that he is not comfortable with accepting either offer at this time. He stated that he would rather give staff time to look at both contracts and come back the Board with a recommendation.

Ms. Cox asked if the Board would have counteroffer on each of the contracts to extend the contract acceptance date until after the January meeting.

Attorney Barice explained that counteroffering the offer from LifeStream with only a change of date would be an acceptance of that offer, if LifeStream were to sign in acceptance of the new date.

She explained that if the Board chooses to rescind the Board's prior action and state that they are not going to act on LifeStream's offer in the time given, then the deal just falls through. She stated that they would then have to come back to the Board with another offer should they choose.

Nova Fuller with Dave Lowe Realty addressed the Board and apologized for misspellings in the contract. She explained that the purchase offer is for the Tavares Community Theater, and stated that the 2% commission would only be in effect if the contract goes through. She noted that if the 2% commission would jeopardize the sale, she would be willing to forgo the commission.

She explained that they are only requesting surveys if the Water Authority has them, otherwise the buyers will have it done at their own expense.

Mr. Bryant stated that having voted on the prevailing side at the previous meeting that he would like to make a motion.

MR. BRYANT STATED THAT HAVING VOTED ON THE PREVAILING SIDE, TO MAKE A MOTION TO RECONSIDER THE ACCEPTANCE OF THE OFFER FROM LIFESTREAM FROM THE PRIOR MEETING. Ms. Cox seconded the motion for discussion purposes. She noted that this motion is in reference to LifeStream \$200,000 offer.

Mr. Bryant stated that he wasn't comfortable with approving the offer at the last meeting as he felt that the amount was too low, considering the appraisal amount. He further stated that considering the Board did approve the acceptance of the offer; he wasn't really comfortable in backing out of the offer either. He noted that, as the monetary difference in the two offers is quite significant, he felt the Board had an ethical duty to reconsider their offer and look into the potential offer of significantly more.

It was clarified that this motion is only to bring the subject of the offer from LifeStream back to the Board for discussion.

Motion approved 5 - 1 with Chairman Dufresne in objection.

Ms. Cox clarified that the Board could now make a motion to rescind the motion to accept the offer from LifeStream. She asked Attorney Barice if LifeStream would then have to come back to the Board with another offer should they still wish to purchase the property.

Attorney Barice explained that the current offer would be canceled after December 16, 2016 as the contract is written. She stated that staff needs to inform LifeStream that the Water Authority has received another offer.

MS. COX MADE A MOTION TO RESCIND THE APPROVAL OF THE PREVIOUS OFFER FROM LIFESTREAM, FOR THE PURCHASE OF THE OLD OFFICE BUILDING. Vice Chair Farner seconded it.

Ms. Cox stated that by rescinding the acceptance of the offer, the offer would become canceled as of December 17, 2016.

Motion approved 5 - 1 with Chairman Dufresne in opposition.

Mr. Perry suggested that the Board direct staff to work with Attorney Barice and to look at both contracts and communicate with LifeStream and the Miners and bring the topic back to the Board in January.

It was noted that both LifeStream and the Miners would need to provide the Board with a new contract should they still wish to purchase the property.

Ms. Mullins stated that she felt that staff should take look at the contracts, and that the Board needs to have a contract that they feel is acceptable.

VICE CHAIR FARNER MADE A MOTION TO SEND THE CONTRACTS BACK TO STAFF TO HAVE THEM REVIEWED AND UPDATED AND BROUGHT BACK TO THE BOARD IN JANUARY, AND THE CONTRACTS BE EXTENDED FOR ANOTHER MONTH, IF THE PARTIES INVOLVED ARE IN AGREEMENT TO DO SO. Ms. Mullins seconded the motion.

Motion approved 6 – 0.

8. PUBLIC COMMENT

Harold Miner addressed the Board and stated that he had no problem with extending the acceptance date on the contract. He explained that they are looking at purchasing the building for the Tavares Community Theater.

He stated that in answer to one of Attorney Barice's question, they have found out that if the building is in the name of the theater, which is a non-profit 501c-3, that there would be no property tax. He explained that he and his wife are paying for the building and are looking into how to put the theater's name on the contract, so that the Theater doesn't have to pay property taxes.

The Board took a short break at 5:06 pm and returned at 5:26 pm.

CONTINUATION OF DISCUSSION ITEMS

d. SJRWMD Scrub Point Monitoring Well Agreement

Ms. Burgos gave the history of Scrub Point and explained the Agency's plans for the property in the future. She explained the District's request to place monitoring wells on the property and stated that the Natural Parks Service is okay with the agreement.

Mr. Bryant noted that the purpose of the wells is for monitoring, and asked if the Water Authority were to develop the property, would they be able to utilize the wells for water.

Ms. Burgos stated that the wells are not the type of well for withdrawing water.

Representatives of St. John's River Water Management District (SJRWMD) Stan Williams, hydrologist, and Lance Hart were there to address any concerns the Board should have.

Vice Chair Farnar asked what the District would be monitoring, and Mr. Williams explained that they would use the wells to measure the lower, upper and superficial aquifer, which will help to gauge the effects of water withdrawals by the Center Florida Water Initiative and how the aquifers are impacted by water usage in the greater Orlando area. He noted that they are also doing long term monitoring of the wetlands along with the wells.

MR. BRYANT MADE A MOTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO EXECUTE THE SJRWMD SCRUB POINT PRESERVE MONITORING WELL AGREEMENT. Ms. Cox seconded the motion.

Motion approved 6-0.

c. Approval to Modify Sick Leave Policy to Be Consistent with Lake County BCC Policy

Mr. Perry explained that staff had presented the topic of the inconsistencies of Annual and Sick Leave policies between the other government agencies. There was not a full Board present

during that discussion and the Board had instructed staff to return to the Board to continue the discussion.

He stated that with the impending retirement of some long-term employees the topic is now timely. He explained that the Water Authority usually tries to follow the County's policies, but this one has been different and does not follow the County's policies. He explained that this will affect a few upcoming retirements.

He stated that the Water Authority's policy regarding Sick Leave Payout Eligibility is as follows:

5. *Upon termination of employment, regardless of reason, a management or regular part time or full time employee is entitled to be paid for one-fourth (1/4) of any accrued sick leave. However, no more than 480 hours will be paid for this purpose.*

He explained that the Lake County BCC's policy regarding Sick Leave is a tiered system and states:

"Upon separation from employment, employees may elect to receive payment for accrued, but not used, sick leave subject to the following criteria:

- a. *Employees hired on or after July 5, 2009 are eligible for sick leave payout upon completion of five (5) years of continuous service with the County. Payouts shall be limited to twenty five (25) percent of the employee's accrued sick leave balance, and shall not exceed 480 hours.*
- b. *Employees hired between July 2, 1999 and July 4, 2009 are eligible for sick leave payout upon completion of twelve (12) months of continuous service with the County. Payouts shall be limited to twenty five (25) percent of the employee's accrued sick leave balance, and shall not exceed 480 hours.*
- c. *Employees hired on or before July 1, 1999 are eligible for sick leave payout upon completion of twelve (12) months of continuous service with the County. Payouts shall be limited to fifty (50) percent of the employee's accrued sick leave balance, and shall not exceed 960 hours."*

When asked the significance of the different dates, Mr. Perry stated that no one with the County has been there long enough to remember.

He showed a chart of employee hire dates and explained that changing the policy to align with the County policy would affect Linda Marino, Tracy Hauserman, Ron Hart, Gail Goldberg and Ben Garcia. He noted that Patricia Burgos missed the cut off date by just a few months.

Mr. Perry stated that the Board could choose to:

- 1) Not modify the existing Water Authority policy regarding Sick Leave Payout Eligibility and keep it as it is currently.
- 2) Modify the Water Authority's policy regarding Sick Leave Payout Eligibility to be the same as the tiered Lake County Board of County Commissioner's policy; or they could set their own date so that it would also include Patricia Burgos.
- 3) Modify the Water Authority's policy regarding Sick Leave Payout Eligibility to be the same for all Water Authority employees regardless of date of hire.

He stated that staff's recommendation is to modify the Water Authority's policy regarding Sick Leave Payout Eligibility to be the same as the tiered Lake County Board of County Commissioner's policy.

Mr. Farner stated that he would be agreeable to making the Water Authority policy the same as the County policy.

MS. COX MADE A MOTION THAT THE WATER AUTHORITY'S POLICY REGARDING SICK LEAVE PAY OUT ELIGIBILITY STAY THE SAME AS IT IS NOW. Mr. Bryant seconded the motion.

Mr. Bryant stated that he would like to be convinced as to why we should change the policy. He stated he feels a bit uneasy about changing the policy, as Sick Leave is not a benefit, it is a privilege extended to the employees. He stated that he doesn't have a problem changing over to the match with the County's policy, and doesn't want to do anything to hurt our employees, but it is basically a bonus and they have to be careful about what they do with public funds.

Ms. Mullins stated that she would be more comfortable if the Agency's policy followed the County's policy.

MS. COX MADE A MOVE TO CALL THE QUESTION.

It was noted that Mr. Farner was calculating the monetary impact.

Ms. Cox withdrew her Call the Question.

Vice Chair Farner stated that whatever is decided is going to have impact one of the Agency's loyal employees of the past 28 years. He stated that she has done a wonderful job and as a valued member of the Water Authority; it is something they could do that would greatly benefit her. He noted that he is leaning with making the Water Authority policy consistent with the County.

It was noted that there is a motion on the floor.

[MS. COX MADE A MOTION THAT THE WATER AUTHORITY'S POLICY REGARDING SICK LEAVE PAY OUT ELIGIBILITY STAY THE SAME AS IT IS NOW. Mr. Bryant seconded the motion.]

Motion failed 2-4 with Chairman Dufresne, Vice Chair Farner, Ms. Stone and Ms. Mullins in opposition.

MR. FARNER MADE A MOTION TO MODIFY THE WATER AUTHORITY'S POLICY REGARDING SICK LEAVE PAYOUT ELIGIBILITY TO BE THE SAME AS THE TIERED LAKE COUNTY BOARD OF COUNTY COMMISSIONER'S POLICY.

Ms. Stone seconded the motion.

Motion approved 4-2, with Mr. Bryant and Ms. Cox opposition.

e. Approval to Award Replacement Dock at Hickory Point Bid

Mr. Duarte addressed the Board and explained that the project involves the replacement of three floating docks at the east launch ramp with larger and more stable structures.

He explained that the existing structures are not compatible with open water and are unstable for docking during windy days. He also noted that the plastic coating on the surface of the docks is starting to bubble and they are becoming slippery and dangerous. He stated that the new floating docks would be 60% larger and have a more stable aluminum frame with pontoons. He explained that each dock would be anchored with heavy pilings with pile rollers.

He stated that staff is recommending Fortress Marine as the lowest and most responsible bidder for the Floating Docks Replacements at Hickory Point. He explained that Fortress Marine has been in business 11 years and has done jobs at Disney, and Universal, as well as many projects in Windermere in Orange County. He noted that currently they are working on the remodel and repair of the marina in Tavares.

Mr. Duarte stated that the objective to have the docks finished before the Water Authority celebrates Hickory Points 25th anniversary on February 25, 2017.

He also noted that staff is planning to resurface the old floating docks and use them at Crooked River Preserve, where the docks will not be exposed to high wind and waves.

MR. FARNER MADE A MOTION TO AUTHORIZE EXECUTIVE DIRECTOR TO EXECUTE A CONTRACT WITH FLECK CONSTRUCTION INC. DBA FORTRESS MARINE FOR AN AMOUNT NOT TO EXCEED \$28,450 TO ACCOMPLISH THE FLOATING DOCKS REPLACEMENT AT HICKORY POINT PARK. Ms. Mullins

seconded the motion.

Motion approved 6-0.

f. Approval to Award M-5 and M-6 Construction Bid

Mr. Hart stated that the Lake County Water Authority owns, maintains, and operates 6 small dams on the Palatlahaha River. He explained that Palatlahaha River system covers 280 square miles from Polk County through the Green Swamp and into Cherry Lake, then through six dams and into Lake Harris.

He explained the operation of the existing dams and spoke of the dangers of sending employees out in the middle of a hurricane to adjust the gates or to dislodge floating debris.

He also explained that the public has long expressed their displeasure with the Water Authority controlling the flow of the water. He stated that the public's preference is for nature to determine when, where, and how much flooding occurs.

He stated that St. Johns River Management District would not allow the dams to be completely removed, which would restore the system to a natural condition, but they will allow the construction of fixed weirs that allow for a more natural flow.

Mr. Hart explained that Dredging and Marine Consultants (DMC) have previously completed the design and permitting, and had provided construction oversight for the construction of fixed weirs at Dams M-1 and M-4.

He stated that DMC has designed similar structures at Dams M-5 and M-6, but rather than broad crested weirs, M-5 and M-6 will have sharp crested weirs, which will provide the higher rate of discharge needed at those locations.

He stated that fixed weirs are safer and give the public what they want, which is not having a person or Agency determining the flow of the water.

He stated that DMC has also provided the staff with their combined estimated construction costs for the project. He noted that the lowest bid was from Estep Construction, with their bid coming in just \$400 over the engineers estimate.

He stated that staff has experience in working with Estep as they have previously completed the modifications of M-1 and M-4. He noted that they kept the project on time and in budget, with no overages or time extensions. He stated that because of this and the fact that their price of \$547,750 is within \$400 of the engineers estimate, staff is recommending awarding the contract for the construction at M-5 and M-6 to Estep Construction.

He noted that staff is also recommending that DMC provide the Construction Management portion at a cost of \$36,460.

MS. COX MADE A MOTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO AWARD THE BID FOR THE MODIFICATIONS TO STRUCTURES M-5 AND M-6 TO ESTEP CONSTRUCTION INC. FOR AN AMOUNT NOT TO EXCEED \$547,750. Mr. Farner seconded the motion.

Motion approved 6-0.

MS. COX MADE A MOTION AUTHORIZE THE EXECUTIVE DIRECTOR TO CONTINUE UTILIZING THE PROPOSAL FROM DREDGING & MARINE CONSULTANTS FOR TASK 2, CONSTRUCTION MANAGEMENT, FOR AN AMOUNT NOT TO EXCEED \$36,460. Mr. Farner seconded the motion.

Motion approved 6-0.

11. LEGAL STAFF REPORT

Attorney Barice explained for the benefit of the new Board Members, that recently she had been contacted by the Salem Law Group regarding the possibility of bringing suit against General Chemical for price fixing.

She stated that previous Board members had requested that the Salem Law Firm come and address the Board in person in regards to their proposal and noted that at this time they are requesting to attend the January meeting.

Chairman Dufresne stated that he did not see a problem with them coming to address the Board in January

Attorney Baric reported that the Water Authority had closed on the purchase of the Lake Norris Acquisition, and explained that the Agency has an option for two years to purchase the balance of the property at \$550,000.

She also addressed the new Board Members regarding Sunshine Law and the Public Records Law and their implications. She noted that she had provided each of them with a pamphlet on the Sunshine Law. She stated that if they had any questions to feel free to give her a call.

12. BOARD MEMBER COMMENTS

Chairman Dufresne asked Mr. Hart to talk about the 9th Street Canal in Leesburg off Lake Harris. He explained he and staff had received numerous calls regarding floating islands and vegetation blocking the 9th Street Canal.

He stated that he and Deputy Kurt Niemann had taken a boat ride to check out the situation. He explained that there is vegetation and cattails creating floating islands and blocking access to the lake for residents along the canal. He stated that they had to use the boat to push and move, and break up the vegetation in order to get the boat through.

He stated that he does not want the Board to take any action at this time, as he just wanted to bring it to the Board's attention and ask that they think about what the Agency can do to help the residents that live along the canal.

Mr. Hart showed a map of the area as well as pictures of the canal (*included as an exhibit in the backup documentation*) and pointed out that the floating islands are not at the mouth of the canal where you would expect. He pointed out an area at the back of the circle and stated that there are several floating islands of Cattails and Primrose Willows along with other vegetation growing in a buoyant bog area.

He noted that the stormwater from US 27 flows into the area, and the residents believe that the stormwater runoff over the years has created a layer of sediment in the canal.

Mr. Hart explained that floating islands move with the wind and can be in the way one day, and out of the way of navigation the next day. He stated that when Chairman Dufresne had visited the site, the islands were blocking navigation. He noted that they stayed in that location for approximately four days and then the winds shifted and moved the islands off to the side of the canal.

He stated that residents along a different section of the canal are also complaining about the Coontail growing in the canal. He explained that Coontail is a native submerged plant growing up from the bottom of the canal. He noted that it is growing very thickly and when it reaches the surface, algae starts to grow on the Coontail at the surface. He explained that the Coontail makes the water in the canal crystal clear.

He explained that the residents are claiming there is too much Coontail and it is clogging up their boat motors. He stated that those residents want something done about the Coontail. He stated that he is not comfortable recommending doing anything about the Coontail because of the water quality benefit it provides, along with the habitat it provides for the fisheries in the canal.

He explained that it is the responsibility of Lake County to herbicide the canals in Lake County, but they only herbicide to maintain navigation and to spray nuisance and exotics plants (water Hyacinths and Hydrilla) and they are funded to spray by the State. He noted that Coontail is a native plant and the County would only deal with Coontail if it were in the navigation channel in the center of the canal blocking navigation of the canal.

Mr. Hart explained that the Board policy is that a canal must interconnect lakes, and the lakes must have a public boat ramp, in order for staff to be authorized to provide maintenance of the

canals. He noted that authorized canals include the Apopka-Beauclair Canal, Dora Canal, Haynes Creek, Dead River, the navigable portions of the Palatlahaha River, and portions of the Clermont Chain. He stated that staff is not authorized to maintain any of the side channels and canals into residential areas.

He noted that there are over one hundred miles of private canals in Lake County that were dredged from the 40's through the 60's that haven't been maintained since they were dredged. He explained that over the years the canals have been filling with sediment and are beginning to become impassable.

Ms. Cox asked who owned the canal, and Mr. Hart explained that every canal is different, with some being owned by the private property owners and others will be owned by the State as part of the Waters of the State.

Mr. Hart explained that the State would look at the history and characteristics of the canal and make the determination as to whether it is Sovereign Submerged Lands. He stated that the State does not maintain canals, as they would rather see the land returned to its original wetland state.

He explained that for someone to come in and dredge the canal, it would be deemed a taking of state lands. He noted that if the Water Authority were to dredge the canal and put the spoils on Agency lands they would most likely allow the dredging; but if the Water Authority were to put the spoils on private land, the state would make the Water Authority pay per yard of material removed.

Vice Chair Farner asked if anyone had talked to Aquatic Plant Management about the floating islands and vegetation in the 9th Street Canal and Mr. Hart explained that Aquatic Plant Management has sprayed herbicide on the islands and the vegetation is dying and turning brown.

He stated that the vegetation would continue to float and move around until it decomposes and falls to the bottom, which in turn would cause its own set of problems.

Vice Chair Farner asked about the runoff from US 27 into the area and Mr. Hart explained that he had previously tried to work with DOT (Department of Transportation) regarding the runoff, but he had found that DOT is not interested in retrofitting, and will only provide for runoff with new construction, where they are required by legislation.

Vice Chair Farner stated that the Water Authority should see what could be done about the runoff from the highway and suggested collaborating with the City of Leesburg.

Mr. Perry stated that staff would bring back more details, options and the implications of any actions in January.

Chairman Dufresne informed the new Board Members that they should get with staff if they would like to take a tour of the lakes and see what is out there.

Ms. Mullins stated that she had already spoken to Mr. Perry about going out after the first of the year.

Mr. Bryant welcomed the new Board Members. He wished Linda Marino the best and stated that he is very grateful for all she has done for the Agency. He informed Ms. Cox that the Board couldn't have asked for a better Chairman for the last couple of years.

Ms. Stone stated that she was happy to be on the Board and noted that she has twenty years of experience working with water.

Vice Chair Farner stated that he is glad to be back on the Board and noted that the Agency has done a wonderful job over the years.

Ms. Cox stated that she is happy to be back and hopes that everyone appreciates how much staff does for the Agency and just how much the Water Authority accomplishes with what they have.

13. BOARD MEMBER ITEMS FOR FUTURE AGENDA

14. INFORMATION ITEMS

- a. Staff Reports
- b. Monthly Financial Reports – November 2016

15. ANNOUNCEMENT OF UPCOMING MEETINGS AND EVENTS

- Minneola Elementary 4th & 5th grade STEM night, Thursday, Dec. 8, 2016 (6:00 - 7:30 pm)
- Love Our Lakes clean up, Hickory Point & Wooton Park, Saturday, Dec. 10, 2016 (8:30am to noon)
- Sawgrass Island Preserve, Long 4-5 mile Hike, Sunday, Dec. 18, 2016 (9 am – Noon)
- Lake Norris Conservation Area, Dog & Owner Hike, Saturday, Jan. 7, 2017 (9am – Noon)
- Water Resource Jeopardy, 10am, Poinsettia Garden Club, Tuesday, Jan. 10, 2017 (10:00am)
- Water Resource Jeopardy, 10am, Azalea Garden Club, Wednesday, Jan. 11, 2017 (10:00am)
- Board Meeting - Wednesday, January 25, 2017 (3:30 pm)
BCC Chambers/Admin. Building
- Wolf Branch Sink Preserve Open House, Saturday, Feb. 11, 2017 (8:30 am to 3:00 pm)
- Hickory Point Park 25th Anniversary Celebration, Saturday, Feb. 25, 2017
- Freshwater Master Naturalist class at Hickory Point & Hidden Waters, Friday, Feb. 17, 2017 (9am – 3pm)
- Flat Island Preserve, Firefly & Bats, Friday, March 10, 2017 (6:30 pm to 8:30 pm)

14. ADJOURNMENT

The meeting was adjourned at 6:49 p.m.

Respectfully submitted,

Anna Ely, Recording Secretary

Neil Kelly, Secretary-Treasurer

Adam Dufresne, Chairman