

MINUTES OF THE REGULAR BOARD MEETING
of the
LAKE COUNTY WATER AUTHORITY
January 25, 2017

The Regular Hearing of the Board of Trustees of the Lake County Water Authority was held at 3:30 p.m. on Wednesday, January 25, 2017 in the Lake County Administration Building, County Commissioners Chambers at 315 West Main Street, Tavares, Florida.

Members Present-District #

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

Staff Present

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
Christina Rider, Executive Office Mgr.
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. APPROVAL OF MINUTES

MR. BRYANT MADE A MOTION TO APPROVE THE MINUTES OF THE LAKE COUNTY WATER AUTHORITY, MEETING OF WEDNESDAY, DECEMBER 14, 2016 – REGULAR MEETING. Ms. Mullins seconded the motion.

Motion approved 5-0.

3. EXECUTIVE DIRECTOR REPORT

Mr. Perry gave the water level report and stated that Lake Apopka water levels rose slightly after the area received about three quarters of an inch of rain a couple of nights ago. He stated that the water level is currently between minimum desirable and the regulatory schedule. He noted that the regulatory schedule for Lake Apopka would start coming down in March.

He stated that there has been no flow through the Apopka-Beauclair Canal and NuRF since May 17, 2016, but if the rain trends and water levels continue to rise as the regulatory schedule fall, there may be flow through the canal and NuRF sometime in the spring.

He noted that the Middle Lakes/Superpond (Lakes Eustis, Harris and Dora) have also had a slight rise in water levels but are slightly closer to the regulatory schedule than Lake Apopka. He stated that water is flowing from Lake Eustis to Lake Griffin, through the Burrell Lock and Dam at minimum flow at this time. He noted that water has flowing into Lake Griffin for at least the last two years.

He noted that conditions are similar on Lake Griffin, except that the flow out of Lake Griffin through the Moss Bluff Lock and Dam has been reduced to below minimum in order to keep a bit more water in the system.

He explained that the regulatory schedule for the Superpond and Lake Griffin doesn't start declining until around May.

He stated that average rainfall countywide closed out 2016 at approximately 5 inches below the average rainfall even with the rainfall from Hurricane Matthew and Hurricane Hermine. He noted that the year to date rainfall is currently at 90.5 % of the expected rainfall.

He stated that the Clermont Chain responded to the recent rainfall that fell with the recent cold front. He stated that the water in the Chain is currently at 96.8 feet msl. He noted that some of the depth could be attributed to the wind pushing the water.

Mr. Perry stated that although they have been able to keep the water level around 97 feet msl since 2015, before that time it was a lot drier. He stated that it is quite common to see periods of lower water levels over the period of record. He noted that the dry season typically begins around the middle of June.

He stated that currently the combined from through Big Creek and Little Creek is approximately 15 cfs with each one flow just slightly over 7 cfs. He explained that last year the flow was significantly higher during the early part of the winter.

Vice Chair Farner asked about a leakage from North Shore of Lake Apopka and stated that he understood that the City of Apopka was using the water as part of their reclaimed water service. He stated that if they are doing this, it goes against an agreement that they have with the Water Authority. He asked that staff look into what is actually going on.

Mr. Perry stated that staff would look into it and report any finding to the Board next month.

Mr. Perry informed the Board of the upcoming Lake County Legislative Days in Tallahassee on February 15 and 16. He stated that Chairman Dufresne and Ms. Mullins plan to attend stated that any other Board members wishing to attend should let him know if they wish to attend.

He also introduced Christina Rider to the Board and stated that she is taking over Linda Marino's position, now that Linda has retired.

He noted that Gail Goldberg would also be retiring and staff has taken applications and is starting to schedule interviews.

Mr. Perry also noted that Field Ranger, Marcia Robinson has accepted a position with Lake County. He stated that position had also been advertised and staff is setting up interviews at this time.

He reminded the Board of the upcoming Hickory Point Park 25th Anniversary Celebration and noted that this would also be Gail's last day. He stated that staff is planning a short ceremony at noon with a couple of short speeches and planting of a tree and/or time capsule. He noted that this is also the same day as the Annual Kids Fishing Clinic as well as the Sheriff's Fun Day and Fishing Tournament. He also noted that there would also be a Volleyball Tournament that weekend, so the park will be busy.

Mr. Perry also stated that the next Citizen's Lake Academy is planned for March 18th. He noted that instead of holding a two and a half day event, staff is planning a one-day event on a Saturday with a classroom setting in the morning and out on the water in the afternoon.

He noted that Ms. Cox is interested in a tour of the structures on the Palatlahaha and he stated that staff would like to open the invitation to any other board members that might have an interest in seeing the structures.

Mr. Perry stated that Chairman Dufresne had suggested having a retreat for the Board to discuss Water Authority Priorities. He stated that they should probably hold it before staff gets started on the budget.

4. CONSENT ITEMS

MS. COX MADE A MOTION TO APPROVE THE MINUTES OF THE LAKE COUNTY WATER AUTHORITY MEETING OF WEDNESDAY, DECEMBER 14, 2016 – REGULAR MEETING. Ms. Mullins seconded the motion.

Motion approved 5 -0.

- a. Memorandum of Understanding with Wildland Restoration International for Assistance with Land Management

AUTHORIZE THE EXECUTIVE DIRECTOR TO ENTER INTO AN AGREEMENT WITH WILDLAND RESTORATION INTERNATIONAL TO PROVIDE NO COST ASSISTANCE TO STAFF WITH LAND MANAGEMENT ACTIVITIES ON THE PRESERVES.

- b. Authorization to Surplus Inventory Items

AUTHORIZE EXECUTIVE DIRECTOR TO SURPLUS INVENTORY ITEMS 210 AND 240.

5. DISCUSSION ITEMS

- a. Rep. Metz Proposed Bill Related to the Water Authority

Mr. Perry explained that Representative Metz is considering a bill to tighten up the language in the Lake County Water Authority's enabling legislation. He stated that currently it is in a draft form and Representative Metz had met with him and Chairman Dufresne a couple of weeks ago to go over the bill. He noted that Representative Metz has made a couple of changes to the draft since then.

He stated that he would like to go over the bill with the Board and get some direction on how to proceed.

Ms. Cox asked if the draft would be presented at the delegation meeting at 6pm on Wednesday, February 1st and Mr. Perry stated that is usually when they would discuss any local bills they wish to present. He explained that the delegation would have to notice the proposed bill in the newspaper for a month before they could file the bill with the State. He explained that once the bill is filed it will make its way through the different committees.

Attorney Barice stated that she is under the impression that the delegation meeting would be the only chance for public comment before going to Session where it would become an introduced Bill.

Mr. Perry stated that one of the changes is regarding whether the Water Authority should be involved in the tourist business in Lake County. He explained that in 1953 when the Water Authority was created, there wasn't really any tourist business or tourist agency, but now that there is a Department of Tourism, Representative Metz he doesn't feel that promoting tourism is the Water Authority's job.

He noted that in the section stating that the Water Authority should assist cities in treating stormwater runoff, Representative Metz has stricken a poorly written sentence. He stated that Representative Metz had also clarified the language regarding Board Member residency requirements and stricken language that described process of the Board becoming an elected Board.

Mr. Perry noted that Representative Metz doesn't think that the Water Authority should be able to condemn or use eminent domain in any way in order to acquire property and had stricken any language giving the Water Authority that right. He stated that the Water Authority could still sell, own, use, control, operate and improve land owned by the Water Authority.

He noted that he had also stricken the language allowing the Water Authority to occupy (take) state lands. Ms. Cox asked if that would include overflowed lands and the bottom of navigable waters and Mr. Perry stated that he would assume that it does.

Mr. Perry stated that Representative Metz has added verbiage to page 8 to include the Water Authority's ability to do projects to improve navigation. He explained that the language is in line with the Board's current policy including specifically where the work can be done.

He stated Representative Metz has also stricken the section allowing the Water Authority to grant licenses or permits for construction. Mr. Perry noted that the Water Authority has never done permits, and he doesn't think the Agency wants to be in the permits business.

He noted that Attorney Barice had pointed out that Representative Metz had stricken the language allowing for the Water Authority to “the Water Authority is allowed do all thing authorized and required to be done, and may do all the things necessary in order to do our job.” He stated that they may want to talk about keeping that language in the legislation.

He stated that Representative Metz doesn't want the Water Authority to spend funds to actively promote recreation and tourism. He stated that he is okay with Hickory Point Park but doesn't want the Water Authority to build any recreational facilities on any other Water Authority properties.

Mr. Perry noted that Representative Metz had also included items that he felt should be included on the website such as the Water Authority's enabling legislation and the Water Authority's Five Year Plan.

Ms. Mullins asked if it is known what prompted Representative Metz and Mr. Perry stated that no one knows. He stated that Representative Metz stated that he wanted to remove archaic language and make sure we are not straying from our original mission.

Vice Chair Farner stated that he is not in favor of the proposed bill and feels the Water Authority should take action before the Agency loses some of our authority. He asked who else in Lake County would take on the responsibility of cleaning up our lakes. He stated that the Water Authority is getting the job done.

Ms. Mullins stated that if Representative Metz has a specific problem with the Water Authority, we should talk about it and see what we can do to correct it. She stated that the bill is kind of nebulous and hard to understand.

Ms. Cox stated that she feels strongly about keeping the public informed regarding the lakes and she is concerned that the proposed bill would not allow for that. She noted events such as the Wings and Wildflower Festival, where the Water Authority puts up table with information and staff informs the public and taxpayers about the lakes and what the Water Authority does.

She stated that the Water Authority is not engaged in eco-tourism, but are engaged in informing people about our local lakes.

Mr. Bryant stated that he agrees with Ms. Cox. He stated that usually when things like this happen, it is to clean up archaic language, but the proposed bill appears to be more than that.

He noted that a lot of tinkering could be done with the bill once it has been introduced and there is no way of knowing what is going to happen once it gets to Tallahassee. He suggested that they could try to convince Representative Metz not to present the bill, or they could go through the bill and make changes to his suggestions just in case.

Ms. Mullins suggested looking at each of the provisions of the proposed bill.

Vice Chair Farner would like to direct Mr. Perry to speak with each of legislative delegation members separately and stress to them that the Water Authority is not abusing its authority.

Ms. Cox noted that there is a problem with the current enabling legislation regarding member residency requirement, in that the legislation does not specify that no two members should reside in the same district, except when elected At-Large.

She also noted that once the bill has been filed, it is wide open for change.

Attorney Barice stated that there are a couple of items in the proposed bill that she has problems with, one of which is the Water Authority's the ability to exchange or do otherwise with our property, and this needed to be addressed. She stated that if the bill passes the delegation on Wednesday, it would be on its way, as most local bills are not challenged. She recommended getting a lobbyist to represent the Water Authority.

Vice Chair Farner stated that if she had a particular lobbyist in mind to get with Mr. Perry. Ms. Mullins stated that she felt they needed to do that right away as there is no time to delay.

Mr. Bryant asked about requesting Representative Metz to withdraw the bill for this year so that the Water Authority has time to look at it. Ms. Cox stated that she felt that was a valid suggestion.

The Board directed Mr. Perry to request that Mr. Metz withdraw his proposed bill, and if he does not, they directed him to get a lobbyist to speak for the Water Authority. Vice Chair Farner stated that he would like Mr. Perry to meet with each of the Delegation Members before the Delegation meeting to discuss the proposed bill.

Attorney Barice suggested that each of the Trustees also contact and address the Delegation Members.

Vice Chair Farner asked that staff email the list of the Delegation Members phone numbers and email addresses to the Water Authority Board Members. Attorney Barice suggested that they also speak with Jennifer Sullivan who is Chairman of the Delegation.

Mr. Perry stated that his spending authority goes to \$10,000 and he will do his best to keep it within that amount.

Attorney Barice stated that if the discussion with Representative Metz is not successful, Board members should be prepared to discuss the specifics of the bill at the delegation meeting.

Ms. Cox and Ms. Stone asked Mr. Perry to email the Board with key points they should discuss with the Delegation Members.

Susan Fetter, Leesburg resident, addressed the Board and stated that she would encourage the Board to continue to fight. She thinks that educating the public is important and to continue to do what they are doing.

Elizabeth Kapoor, Leesburg resident, also addressed the board and stated that she is glad to hear the Board's response, as she is as mystified to the purpose of the bill. She stated that she wished the public knew more about the Water Authority, and stated that the Water Authority is very well regarded by those who know of their work.

She stated that a fundamental aspect of the Water Authority is to preserve our water resources and the Water authority is doing great at educating the public. She noted that hikes led by the Water Authority are not eco-tourism, but are education based and a way to keep the public informed. She congratulated the Water Authority on doing a great job and she appreciated the work they do.

When asked if she would be at the Delegation meeting, both she and Susan Fetter stated they would be at next Wednesday's Delegation meeting.

b. Draft Agreement with Lake County BCC Regarding Volleyball Fieldhouse at Hickory Point

Mr. Perry addressed the Board and stated that staff had received a draft agreement from the County and that Robert Chandler was present to answer any questions.

Vice Chair Farner stated that he would like to make a motion. He stated that he had read the staff report and draft agreement and noted that the Volleyball Courts at Hickory Point had come about during a time that he was not on the Board. He stated that he does not want the Water Authority to be in volleyball business or subsidize the courts. He stated that he doesn't want them (Lake County) to build a clubhouse or concession stand on the property.

VICE CHAIR FARNER MADE A MOTION TO WITHDRAW FROM THE AGREEMENT WITH LAKE COUNTY.

He stated that he did not want the Water Authority to have the appearance of being in the volleyball business. He stated that the Water Authority already has the appearance of being in the soccer business and noted that even that may be questionable in the next couple of years. He stated that he does not want to have a private business operating on Water Authority property, as it falls far outside of the Water Authority's legal parameters and mission. He stated that things like this are what causes Representative Metz to become upset.

[VICE CHAIR FARNER MADE A MOTION TO WITHDRAW FROM THE AGREEMENT WITH LAKE COUNTY.]

Ms. Cox seconded the motion for the sake of discussion.

Ms. Cox stated that she wished Vice Chair Farner had been on the Board a couple of years ago. She noted that the Board had previously agreed on the volleyball courts, and in that agreement, they agreed to have them build a small bathroom, changing area and concession stand. She stated that suddenly it became a 4,000 square foot fieldhouse with most of the money coming from the Tourism Development Council Tax. She explained that this was in hopes of getting into the NCAA circuit.

Vice Chair Farner noted that the projected cost is 1.2 million dollars.

Vice Chair Farner does not want to withdraw his motion. He stated that he takes this very seriously. He noted that because of the impression that the people of Lake County gets of the

Water Authority, the Agency needs to stay focused on their mission of cleaning up our lakes, and not have the impression that we are in the volleyball or soccer business.

He stated that he can remember years ago when the Water Authority actually subsidized the Soccer Club by paying them to mow their own grass. He explained that this was one of the things that the Attorney General ruled on years ago and stated that it was not permitted.

He stated that he sees very little difference with this situation, as he sees it as a subsidy to a private enterprise and is not comfortable with it.

Mr. Bryant stated that whether he agrees or not with the original concept of the volleyball courts, the Water Authority has an agreement to have the volleyball courts that are in place. He noted that the County has made a significant investment and that the existing agreement provides for a 24 by 24 locker room and restroom facility. He stated that he felt the Water Authority is at least obligated to follow through with the existing agreement.

Attorney Barice clarified that the original agreement includes a restroom facility, which was to fit within perimeter area of their lease. She noted that no size was stated in the agreement.

Ms. Cox stated that the original agreement was for the County to lease a three-acre area, for which they would pay \$3,000 a year.

She stated that the draft agreement being presented at this time is premature, as we have no idea how much land they are going to actually need. She stated that the County has not done a survey, and to come to the Water Authority with an agreement about how much money they are going to pay before they know the exact amount of land needed strikes her as being premature.

She stated that she didn't think the draft agreement was acceptable because it is not specific enough for the Water Authority to even consider it. She noted that the agreement should be specific. She stated that the fieldhouse they are considering building would require a stormwater retention pond, as well as parking spaces. She stated that to have an agreement about money is premature when the amount of space needed is not even known.

Vice Chair Farner stated that he is willing to stick with the original agreement and the Water Authority can let it live out its life span and reconsider it at that time. He stated that for the County to build a clubhouse for a private entity to come in and operate at the discretion of the County Commissioners is so far outside the scope of the Water Authority's legislative action.

He noted that this is the kind of thing that cause people like Representative Metz to be uncomfortable.

He stated that the County can have the volleyball courts and a bathroom facility as stated in the original agreement, but he does not want the Water Authority's credibility to be destroyed by the impression that we are supporting a private entity. He stated that he doesn't want the public to have that impression instead of seeing the water retention projects and joint projects the Water Authority does with the cities.

He stated that Lake County has ample property elsewhere and the fairgrounds are inadequate, and the County could build this facility elsewhere.

Ms. Cox noted that if the Board were to turn down the proposed agreement, the County would be free to bring another proposal back to the Board.

Robert Chandler, Director of Lake County Economic Growth, addressed the Board. He explained that the Volleyball Association is a non-profit organization and not a private business coming in and making a ton of money, and the County is not trying to take advantage of the Water Authority.

He explained that Steve Bishop's group is a national governing body for the sport of volleyball. He stated that USA Volleyball is a non-profit organization, whose mission is to promote the sport of volleyball and provide more exposure to the sport of sand volleyball.

He stated that the proposed agreement was brought back to the Water Authority at this time, in order to keep things moving forward. He stated that he fully understands that they need to provide a legal description for the stormwater retention area. He explained that they had thought that that would be the last thing that would be needed, and had thought by moving forward at this time with the agreement would make things easier at the next meeting.

He explained that Hickory Point was chosen because Beach Volleyball requires a water location and Hickory Point was the perfect location. He stated that the facility couldn't be built just anywhere as it is an amenity to the existing volleyball courts.

He explained that the benefit of the project is to Lake County and not to a specific person, and would be totally funded by the TDC (Tourism and Development Council). He stated that sand volleyball is a niche sport that is really taking off in Lake County and the County is just trying to put a little bit more resources behind that.

Mr. Bryant stated that two years ago the original motion was approved to allow the construction of the 21 courts and a small bathroom facility. He asked why that was adequate at that time, but is not adequate now. He asked was it not foreseen that a larger facility would be needed in the future.

Mr. Chandler explained that when the courts were originally built, it was not known whether they would be able to attract people to Central Florida. He stated that typically, Beach Volleyball is a beach sport and they historically like to go to the beaches.

He stated that what they found was the location, being near Orlando, being on the water, the quality of the sand and the quality of the organization behind it put them at a higher level than expected.

He explained that when they realized that, they attempted to attract the biggest event in the sport, which is the NCAA National Championship. He stated that they made the final three cut for the event, and one of the main reasons they were not awarded the event was because of the lack of a supporting facility.

He stated that originally the thought was to build a small bathroom facility to take the pressure off the Water Authority bathrooms.

He explained that with the opportunity to get the NCAA National Championship, they thought it would be a good idea to try to build a bigger facility.

Ms. Cox asked if they are hosting games on the NCAA circuit at this time.

Steve Bishop, with Florida Region USA Volleyball, explained they would be hosting the Stetson Invitational in March. He stated that there would be seven or eight colleges attending from across the United States and as far away as Hawaii.

Ms. Cox clarified that they are hosting NCAA College Level Events at this time and Mr. Bishop stated that they are.

There were no more questions from the Board and it was noted that there was one public comment request.

Susan Fetter, Leesburg, addressed the Board and stated that she is in agreement with Vice Chair Farner's comments that the volleyball facility seems outside of the scope of the Water Authority. She stated that she believed that our tax dollars are better spent keeping our lakes clean and our environment healthy. She noted that while it does promote eco-tourism opportunities, she felt they should be very careful how Water Authority properties are used. She stated that as a member of the public she felt the Water Authority should focus on water-based activities.

Ms. Cox stated that Hickory Point is the only full recreational facility the Water Authority owns, which is what it was intended to be, although the premiere reason for it was bass tournaments. It was noted that bass tournaments are a water-based activity.

Mr. Perry explained that the Water Authority has not provided any funding or support to the volleyball facility. He stated that it is totally funded by the TDC and stated that the only thing the Water Authority has done was provide the land.

Chairman Dufresne explained that when he and Mr. Perry met with Representative Metz, he (Chairman Dufresne) had explained to Representative Metz that the Water Authority had no money involved in the volleyball facility. Chairman Dufresne explained that Representative Metz had no problem with the volleyball facility at Hickory Point.

Mr. Perry stated that Representative Metz' main issue is that the Water Authority spending funds that are tourism related, and not related to the Water Authority's mission.

Chairman Dufresne stated that he took it from Representative Metz' reaction that he didn't know prior to their meeting that the Water Authority had no money invested in the volleyball facility.

Vice Chair Farner stated that the volleyball facility does use some of the Water Authority's property and there is a cost associated with that whether it is in actual monies or not. He noted that once the volleyball courts were developed, the area could no longer be used for other

activities. He stated that he just doesn't like the perception that the Water Authority is in the volleyball business, because USA Volleyball is a business even is a non-profit.

He stated that he is not comfortable with it and these are the kinds of things that get the Water Authority off-track. He stated the Water Authority should stay focused on what they do best, which is clean up our lakes.

Attorney Barice noted that Vice Chair Farner had modified his motion by clarifying that what is already there and agreed upon can remain.

[VICE CHAIR FARNER MADE A MOTION TO WITHDRAW FROM FURTHER DEVELOPMENT AT HICKORY POINT PER THE PROPOSED AGREEMENT WITH LAKE COUNTY. (MOTION CLARIFIED TO ALLOW WHAT IS ALREADY THERE AND TO HONOR THE PREVIOUS AGREEMENT AS WRITTEN). Ms. Cox seconded the motion.]

Vice Chair Farner stated that he felt they needed to vote on the issue at this time and that he felt this would have future impact in their Legislative Delegation efforts in the near future.

Mr. Bryant stated that he is going to vote in opposition of the motion, as he would prefer to table any further discussion until the Board sees the final proposal detailing how much land is going to be needed for the facility and retention pond. He stated that he would like to see everything presented and then vote on whether or not to allow it.

Ms. Mullins agreed with Mr. Bryant that she would prefer to see the full agreement before making a final decision.

VICE CHAIR FARNER MADE A MOTION TO WITHDRAW FROM FURTHER DEVELOPMENT AT HICKORY POINT PER THE PROPOSED AGREEMENT WITH LAKE COUNTY. (MOTION CLARIFIED TO ALLOW WHAT IS ALREADY THERE AND TO HONOR THE PREVIOUS AGREEMENT AS WRITTEN). Ms. Cox seconded the motion.]

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

Mr. Perry stated that as Mr. Chandler is present, they could choose to ask questions if they wish, or they could set it all aside until a future meeting when all the details are written in the agreement.

Ms. Cox stated that she would prefer to have a full and complete proposal before they bring it back to the Board, including the amount of acreage needed, and a completed survey. She stated that the current proposal contains too many unanswered questions.

Mr. Perry asked Chairman Dufresne whether staff should continue to talk to Lake County and negotiate some of the language while the County is working on creating the rest of the details.

Chairman Dufresne stated that after speaking to Representative Metz regarding the volleyball facility, he didn't see a problem with the agreement, but after listening to Vice Chair Farner he could see where there might be issues in the future.

Mr. Chandler stated that there is a lot of cost and time involved in continuing with creating the complete agreement, and as he is "kind of seeing the writing on the wall". He stated that if there is no hope of approval, he doesn't want to spend the time and money just to come back and be turned down.

He stated that Lake County believes in the project, but doesn't want to put in wasted time and money to finish the engineering if there is no light at the end of the tunnel. He stated that the only part left is whether they are going to need a small additional piece of land to the north of the building. He explained that the building would be tucked down next to the volleyball courts. He stated that the worst case scenario would be that they would need a small portion of land to the north and the best case scenario would be that they wouldn't need any additional land.

Ms. Cox stated that they are proposing a building costing over a million dollars. She stated that she thought that Lake County's due diligence would require finding out the specifics for the retention needed as well as a survey to know exactly how much extra land they need before coming to the Water Authority with a proposal on how much they are going to pay for leasing the land. She stated that for that size of project, to come in without finishing an agreement is not done commercially, so she is hoping that Lake County can come to us with the specifics filled out.

She stated that the Water Authority needs to know exactly what is going to happen and if Lake County was in the same position, they would want the same.

Mr. Chandler asked if there was possibility that the Board would say yes, if they were to come back with specifics on how much land would be needed.

Vice-Chair Farner reminded Mr. Chandler that there had been a 4 - 2 vote in favor of continuing and Ms. Cox stated that she felt things were in the County's favor.

Ms. Cox told Mr. Chandler, that he needs to bring the Board complete detailed specifics, before the Board can vote to approve anything.

Vice Chair Farner noted that if they are going to run a business out of the facility, it becomes a taxable piece of property. He asked if staff could get with the Property Appraiser to see what effect it might have.

In response a stated by Ms. Cox regarding the lease, Mr. Chandler explained that Lake County has a lease with the Water Authority and Lake County in turn has a licensing agreement with USA Volleyball to manage the facility.

Attorney Barice stated that it would be appropriate to check with the Property Appraiser to make sure it is not something that would render the property taxable.

Ms. Mullins stated that she agrees that this is something the Board should know before making a final decision.

(Water Authority staff should talk to the Property Appraiser to clarify whether it would render the property taxable.)

Mr. Bryant asked if members of the Board are satisfied with the amount of money being proposed for the yearly lease and whether they want to make changes. He also noted the proposed permanent signage and asked why they couldn't utilize the new signage at the entrance of the Park instead of putting up another large sign promoting the volleyball facility.

He stated that he is also a little uncomfortable with coordinating and scheduling of events, as well as parking issues. He stated that he understood that this facility might put the park over a threshold with St. Johns.

Mr. Perry stated that it would all depend on St. John's review of the project. He noted the size of the retention pond that was required for the 4,500 square foot Water Authority office building. He noted that it is near an existing retention pond and St. John's would have to determine whether any additional retention would be needed.

MR. BRYANT MADE MOTION TO TABLE THIS DISCUSSION UNTIL THE NEXT BOARD MEETING. Vice Chair Farner seconded the motion.

Attorney Barice stated that some of the things the Board and staff will be looking for in the completed agreement would be the exhibits such as the conceptual site plan with actual dimension, a legal description, etc.

She asked if the Board would just table the discussion until the following month, should the County not have those items prepared in time for the next meeting. Mr. Bryant clarified that it can be continued to a later meeting if they are not ready by the next Board meeting.

Motion approved 6-0.

Mr. Perry clarified that staff should continue to work with the County to clarify the language in the agreement and the Board instructed him to do so.

Chairman Dufresne turned the meeting over the Vice Chair Farner and left the meeting for a prior commitment.

c. Status of Old Office Building

Mr. Perry explained that the Board had previously received a contract for the old office building from Mr. and Mrs. Miner on behalf of the Tavares Theater Group. He noted that the Board had directed staff to work with the Miners to tighten up the language on the contract.

He stated that the Miners have returned with a revised contract, with the amount being the same at \$250,000 with the addition of a 2% commission and with the stipulation that the Water Authority would pay for title work.

He stated that one of the issues on the original contract was concerning the assignability of the contract. He explained that in the new contract, Mr. and Ms. Miner, and the Tavares Theater group would be the purchasing entity. He noted that part of the purchase price would be paid in cash and the rest would be financed. He stated that they have been pre-qualified with their lender and staff has a letter in that regard. He stated that all the details should be in the packet provided to the Board.

Mr. Perry explained that the Board could choose to accept or reject the offer or make a counter offer. He also stated that should they decide to reject the offer, they could choose to hire a realtor to market and list the building. He noted that the offer is significantly lower than the appraised value of \$330,000.

Ms. Cox noted that the Board has previously rejected three lower offers and stated that this is the highest offer the Water Authority has received. She stated that the property has been on the market for almost a year.

Mr. Perry explained that the Water Authority hasn't used a realtor to market the property, choosing instead to advertise it with signs on the property.

Ms. Mullins stated that she felt they might want to go ahead and accept the offer.

Mr. Perry noted that the current offer would net less than the \$250,000 offered, as there is a 2% commission and cost of title work that would be coming out of the proceeds. Attorney Barice stated that could also counteroffer and request that the purchases handle the commission and title insurance.

MS. COX MADE A MOTION TO ACCEPT THE OFFER AS PRESENTED FROM THE MINERS AND THE THEATER GROUP. Ms. Mullins seconded the motion.

Motion approved 5 -0.

6. PUBLIC COMMENT

No public comment.

The Board took a break at 5:15 pm. and returned from break at 5:25 pm.

CONTINUATION OF DISCUSSION ITEMS

- d. Inspirations at Unity Lakes – Comprehensive Transitional Education Facility Rezoning Request

Ms. Burgos stated that all that is known about the proposed project was contained in the Staff Memo. She explained that she has not received any additional information regarding the request.

She stated that she had spoken to the staff at Lake County and was informed that they also didn't have any additional information at this time.

She explained that the Lake County Planning and Zoning Department had questions on how the proposed project fit into the area and the proposed development slated for the surrounding area.

She stated that she had inquired about the lack of parking and Lake County had stated that they were told that residents of the facility would not have any vehicles and would be transported to and from the facility by bus.

She explained that Lake County Planning staff also had more questions regarding the project and the applicant had withdrawn their request at this time. She noted that the applicant would be meeting with the County to discuss the project the next day.

Ms. Burgos stated that she would be writing a letter to the County to request that they postpone taking the project to their Planning and Zoning Board, until she has had a chance to bring any additional information back the Water Authority Board.

Vice Chair Farner asked the zoning classification of the property at this time and Ms. Burgos stated that it is zoned Community Facility. Vice Chair Farner asked if there was public transportation in that area and Ms. Burgos stated that there was not.

Vice Chair Farner stated that as he has worked in corrections for 25 years and he has concerns about the facility, as he does not want a drug rehab center near the preserve, and for the Water Authority to have to deal with someone who is mentally disturbed on Water Authority property should they decide to leave the facility. He stated that he fears the Water Authority would end up with having to deal with the homeless living on the property. He stated that such a facility should be located near a major roadway with public transportation available.

Ms. Burgos noted that staff has had issues with one homeless person living on the property, even without the facility being there. She explained that staff had found their campsite and left a note asking them to vacate the property, which they did.

Ms. Cox stated that the location is in an odd location for that type of facility and asked if the land had been donated for the project. Ms. Burgos explained that the property is owned by a church in Orlando, and someone is trying to purchase the property and rezone it for the facility.

Mr. Bryant stated that the Water Authority is not the Planning and Zoning Board. He noted that the Water Authority just happens to own a natural preserve in the area. He explained that the only time the Water Authority really has any input, is if something is built within 1000 feet of our property and will cause issues with the hydrology and water quality of our property.

He stated that it is the Planning and Zoning Board's job to hear from the people in the neighborhood and the Water Authority doesn't really have any input.

Vice Chair Farner stated that the direct impact to our preserve would be the increased chance of homeless people living in the preserve.

Ms. Cox asked if the project would be coming back to the Planning and Zoning Board. Ms. Burgos stated that she would be following up with Lake County Planning the next day to see if there is any new information. She explained that if it does go back before the Planning and Zoning Board, the Water Authority would receive notification.

Nicole Trunzo, adjacent property owner, addressed the Board and stated that there are all different kinds of scenarios that could happen if the proposed facility is built. She noted that they are hiring new attorneys and land planners to aid in getting approval from Lake County. She stated that she does not want this type of facility in her neighborhood.

Mark Farner, adjacent property owner, addressed the Board and stated that the road that he lives on would be the primary access road for the proposed facility. He stated that although it sounds like a low-key facility at this time, there is no guarantee that it will stay that way, as its mission could change in the future.

Mr. Farner stated that as an adjacent property owner the Water Authority would have some sway with Lake County. He stated that the residents are trying to protect their neighborhood from the unknown.

Ms. Mullins explained that the final decision is with Lake County and asked what effects it would have on the Water Authority should Lake County approve the facility.

Ms. Burgos stated that the only concerns the Water Authority would have would most likely be trespassers, homeless people camping on the property, and the potential for littering and wildfires. She noted that Water Authority staff and the Water Authority Marine Patrol Deputies monitor all the Water Authority properties for those type of instances.

Ms. Mullins asked if Water Authority staff has had a discussion with Lake County Planning regarding the project and Ms. Burgos stated that the only communication has been through emails. She explained that staff sends letters to the County Planners when we have concerns with a proposed project and stated that Mr. Perry has also attended some rezoning committee meetings when it has been needed.

The Board directed staff to provide the following concerns to the County as part of your department's deliberation regarding this project:

Size of the facility and the number of residents that the facility will attract;

The transportation of the residents to and from the site;

Condition of the unpaved road to handle increased traffic;

The prospect of homeless individuals trespassing onto the Water Authority's preserve; and

The applicant's responsibility to provide the Water Authority with an evaluation for potential impacts to the preserve from this project as per LDR 6.07.02.

Vice Chair Farner stated that staff should monitor the situation and make sure to keep in touch with Lake County regarding the proposed project. He stated that Water Authority staff should send a letter to the Lake County Planner handling the request, asking that they keep the Water Authority informed and request that the County provide the Agency with a copy of the staff report once it is written.

e. 9th Street Canal and Maintenance of Waterways

Mr. Hart gave an update regarding the 9th Street Canal. He stated that he had met with DOT and the residents regarding the submerged aquatic plants and floating cattails in the canal. He explained that the floating islands are breaking loose and floating around in the canals and blocking navigation and clogging boat motors.

He explained that there is an unbelievable amount of trash in the area and along the canal. He stated that some of the trash is coming from the outfall, but a majority is coming from the nearby Circle K. He noted that Homeowner's Association had hired a couple of people to come out and remove trash along the canal, but there is still a lot of trash being washed into the area.

Mr. Hart explained that he met with DOT (Department of Transportation) and they had stated that they would like to put in a screen to catch the trash before it gets into the outfall, but they don't own the property.

He noted that Lake County has used herbicides on the invasive plants in the canal and some of the plants are beginning to brown and die.

He showed images of retention pond behind the Circle K and the trash in the area. He explained that it becomes a stormwater issue once the trash gets into the water.

Vice Chair Farner asked if DOT was trying to work with the Water Authority and Mr. Hart stated that they are, but they don't own the property where the retention pond is located.

Vice Chair Farner stated that the Water Authority should pursue it as a water retention project and Mr. Hart explained that DOT is not willing to do a water retention project at this time. He explained that the most they would do at this time is install a screen to catch the litter.

Mr. Hart stated that Board Policy that states that the Water Authority cannot make improvements to areas that do not connect our waterways, so staff cannot do anything to clear the canal of floating islands and invasive plants unless instructed otherwise by the Board.

Ms. Cox asked where the canal goes, and Mr. Hart stated that it goes to Lake Harris. He explained that staff could only expend funds on public waterways without the Board's express approval. He explained that as this canal doesn't connect two public waterbodies the Board can choose to do something, but staff cannot without Board approval.

Vice Chair Farner stated that this canal doesn't connect to two lakes together, and it is not the Water Authority's responsibility. He asked if the Water Authority has a list of licensed contractors the Agency recommends, that we can give to residents.

Ms. Stone stated that the Water Authority should not be recommending anyone but they could give the residents in a list of contractors in the area.

Mr. Perry stated that Chairman Dufresne had directed him to speak to Leesburg City Manager, Al Minner, regarding the water quality issues. He noted that Mr. Minner had stated that Leesburg wouldn't take the lead unless that had a guaranteed committed (money) partnership.

Mr. Bryant stated that the City of Leesburg should take the lead on the water treatment part of the issue. He noted that they could apply for a Stormwater Grant.

Mr. Perry stated that staff hasn't talked to the city about the trash related issues, only the Coontail, Cattail and floating island issues.

Vice Chair Farner stated that staff should stay focused on the water quality issues and not get involved in clearing canals that do not connect public waterways.

Mr. Hart stated that staff would stick with the Board Policy.

Ms. Cox left the meeting.

f. Lake Yales Issues – Marsh Park Tussocks

Mr. Duarte gave a PowerPoint presentation to inform the Board of the issues regarding the low water levels and the Water Authority's efforts to remove the floating tussocks on the south side of Lake Yale. He explained that tussocks are clusters of floating grass and woody plants.

He stated that the water level in Lake Yale has been relatively low over the past six years, with the decline in rainfall, but that in August 2015, the water level of Lake Yale rose for a time and there were a lot of drifting tussocks. He stated that one of the floating tussocks had blocked the Marsh Park Ramp and boaters were unable to use the ramp.

He explained that at the time, the Water Authority completed a project in cooperation with Lake County that was limited to removing the tussock and restoring the access to the boat ramp at Marsh Park. He stated that as of summer 2016 the tussocks were back but Lake County did not want to allow the use of the park and boat for staging a removal project. He explained that this created many difficulties for the Water Authority, as there was no nearby location to launch the harvester or store the plant material that would be removed. He stated that in recent months, the water levels have also fallen so low as to restrict any access of a harvester.

He stated that there is approximately 16 acres of tussocks on the south side of Lake Yale at this time.

Mr. Duarte explained that the only source of water to Lake Yale is rainwater and since the 2004 hurricanes, the rainfall in that area, as well the water level in Lake Yale has been declining.

He stated that the water level in Lake Yale is lower than that of Lake Griffin at this time. He noted that normally Lake Yale would discharge water into Lake Griffin, but there has been no discharge into Lake Griffin since 2011.

Mr. Farner asked if Lake Griffin has been discharging into Lake Yale now that the water level in Lake Griffin is higher than Lake Yale. Mr. Duarte explained that there is no way for water to move from Lake Griffin to Lake Yale as the culvert connected to the water control structure between the two lakes is in disrepair. He explained that staff is waiting for the St. Johns River Water Management District to set the minimum flow levels for Lake Yale, in order to determine if the structure is doing what it was designed to do, or if it needs to be constructed at another elevation.

Mr. Duarte explained that during the November 2015 project, they removed four acres of tussocks and removed over 2000 cubic yards of plant material. He stated that currently the water level is so low that many of the floating islands are sitting on just inches of water. He stated that most of the tussocks are made up of Primrose Willow which will grow tall on the floating islands and act as sails, causing the floating islands to drift around the lake. He noted that this would restrict navigation in the lake, as well as block access to boat ramps, canals and marinas.

He stated although there are 16 acres of floating islands at this time, the water level is not sufficient in the lake to attempt removal, and staff is recommending putting any project on hold until there are higher water levels.

Vice Chair Farner asked, why the Water Authority would consider this project but not the 9th St. Canal in Leesburg and Mr. Duarte replied that Marsh Park is a public boat ramp, and is the only public ramp located on the south side of Lake Yale.

Ms. Stone noted that the ramp and canal at Marsh Park is for public access to the lake, whereas the 9th Street Canal is a private canal.

Mr. Perry explained that while Lake County cooperated with the Water Authority the last time the canal had been cleared and floating islands removed, and allowed the removed plants to be staged at the park during removal. He stated that since then, Lake County has improved the park and redone the parking lot, and doesn't want to the park to be messed up by allowing the Water Authority to use the park to stage the project.

g. M-6 Dam Temporary Construction Easement

Mr. Hart explained that the Board had recently approved the reconstruction of M-5 and M-6. He stated that when preparing paperwork, it was found that the Water Authority did not have a legal access to the property. He noted that the Agency has legal access to the original proposed location, but the dam was built in a different location.

He stated that staff is asking for approval to execute a temporary construction easement to access the M-6 dam for the purpose of construction.

MR. BRYANT MADE A MOTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO EXECUTE A TEMPORARY CONSTRUCTION EASEMENT FOR ACCESS TO THE M-6 DAM. Ms. Stone seconded the motion.

Motion approved 4 -0.

7. LEGAL STAFF REPORT

Attorney Barice stated that she hasn't heard anything more from the Salem Group.

8. BOARD MEMBER COMMENTS

Ms. Stone stated that she would not be able to attend the next meeting as she has some legislative commitments.

Mr. Bryant welcomed Christina to the Water Authority. He asked that staff keep all Board members in the loop regarding any upcoming training opportunities.

9. BOARD MEMBER ITEMS FOR FUTURE AGENDA

Vice Chair Farner stated that he was interested in hearing about what is happening on the Lake Apopka North Shore and asked that the topic be put on the agenda for the following month if possible. Mr. Perry stated that staff would bring the information back to the Board as soon as possible.

Vice Chair Farner asked when the budgeting process would start and Mr. Perry stated that staff will start working on the budget within the next month, and the Board would get their first look at it during the Budget Workshop in June.

10. INFORMATION ITEMS

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

11. ANNOUNCEMENT OF UPCOMING MEETINGS AND EVENTS

- Career Day booth at Spring Creek Elementary, Thursday, Jan 26, 2017 (10 am to 2 pm)
- Wolf Branch Sink Preserve Open House, Saturday, Feb. 11, 2017 (8:30 am to 3:00 pm)
- Hawthorne HOA Community Expo, Tuesday, Feb. 14, 2017 (10 am to 1 pm)
- Fruitland Park 5th grade at Hickory Point, Thursday, Feb. 16, 2017 (10 am to 1 pm)
- Freshwater Master Naturalist class at Hickory Point & Hidden Waters, Friday, Feb. 17, 2017 (9 am to 3 pm)
- Fruitland Park 5th grade at Hickory Point, Tuesday, Feb. 21, 2017 (10 am to 1 pm)
- Board Meeting - Wednesday, February 22, 2017 (3:30 pm)
BCC Chambers/Admin. Building
- Mascotte Elementary K-5th STEM night, Thursday, Feb. 23, 2017 (6 pm to 8 pm)
- Hickory Point Park 25th Anniversary Celebration, Saturday, Feb. 25, 2017

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- Freshwater Master Naturalist class at NuRF & Lake Apopka, Friday, March 3, 2017 (9 am to 3 pm)
- Umatilla 1st grade at Hickory Point, Thursday, March 9, 2017 (9 am to 1 pm)
- Round Lake 5th grade at Gilbert Park, Friday, March 10, 2017 (9 am to 1 pm)
- Flat Island Preserve, Firefly & Bats, Friday, March 10, 2017 (6:30 pm to 8:30 pm)
- Trout Lake Spring Break Campers at Hickory Point, Wednesday, March 15, 2017 (9 am to 3 pm)
- Umatilla 5th grade at Hickory Point, Friday, March 24, 2017 (9 am to 1 pm)
- Lake Envirothon at Hickory Point, Thursday, March 30, 2017 (9 am to 1 pm)

12. ADJOURNMENT

The meeting was adjourned at 6:40 p.m.

Respectfully submitted,

Anna Leisa Ely, Recording Secretary

Neil Kelly, Secretary-Treasurer

Adam Dufresne, Chairwoman