

**MINUTES OF THE REGULAR BOARD MEETING**  
**of the**  
**LAKE COUNTY WATER AUTHORITY**  
**June 28, 2017**

The Regular Hearing of the Board of Trustees of the Lake County Water Authority was held at 3:30 p.m. on Wednesday, June 28, 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. Farnar, (At Large)  
Peggy Cox, Chairwoman (#1)  
Doug Bryant (#4)

**Staff Present**

Michael J. Perry, Executive Director  
Patricia Burgos, Environmental Prog. Mgr.  
Ron Hart, Water Res. Prog. Mgr.  
Carole Barice, LCWA Attorney  
Christina Rider, Executive Office Manager  
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, MAY 24, 2017 – REGULAR MEETING.** Ms. Cox seconded the motion.

**Motion approved 4-0.**

**3. EXECUTIVE DIRECTOR REPORT**

Mr. Perry addressed the Board and gave the water level and rainfall report. He stated that unfortunately the St. Johns River Water Management District had not yet updated the current rainfall data for Lake Apopka. He noted that data is current up until the previous day, and does not reflect the most recent rainfall. He stated that water levels in Lake Apopka are responding to the increased rainfall.

He noted that the Middle Lakes/Superpond is now above minimum desirable but not yet at regulatory schedule. He stated that the Burrell Lock and Dam structure is letting water into Lake Griffin from Lake Eustis at a flow of about 24 cfs (cubic feet per second).

He reminded the Board that the St. Johns River Water Management District is working on the Moss Bluff Lock and Dam structure and has lowered the Lake Griffin water level minimum

desirable. He stated that District is looking to have the work completed sometime in July, at which time they will let the lake return to normal

He noted that Lake Eustis is about a tenth of a foot above minimum desirable, with the Superpond being about eight tenths of a foot below the regulatory range. He stated that currently Lake Apopka is at 64.95, which is .7 feet below the regulatory range and a half of a foot below minimum desirable.

Mr. Perry reported that even though the water level of Lake Minnehaha and the other lakes in the Clermont Chain has risen due to the recent heavy rainfall, it is still substantially lower than at this same time last year. He stated that the lake level is at 95.62 msl at this time, which is about half a foot below the bottom of regulatory range and 1.27 feet lower than this time last year.

He also noted that there is no flow coming out of Little Creek at this time and only about 2.81 cfs coming out of Big Creek. He noted that there has been no flow coming out of Little Creek since March 23, 2017 and Big Creek had no flow from May 1, 2017 to June 8, 2017.

Ms. Cox noted that the Sabal Trail Pipeline goes right through Big and Little Creek and although the contractors promised that installation of the pipeline would not interrupt the flow, any increment of change in the elevation, could affect the flow of Little Creek. She voiced concerns that the elevation of the land may make changes to the flow of Big and Little Creek.

Mr. Perry reported that rainfall through the end of May was still at a deficit. He noted that countywide, rainfall was 5.37 inches below average for that time of year. He stated that recent rainfall will probably bring the average closer to average by the end June.

He also noted that construction on M-6 should be complete by the end of June.

Mr. Perry informed the Board that the most of the Disc Golf Course equipment has been removed from Hidden Waters Preserve. He stated there are a few items the club still needs to remove.

He also noted that he and Ms. Mullins had met with Mr. Patrowicz about regarding the long-term protection of our preserves.

Mr. Perry also informed the Board regarding some issues with an adjacent property owner at the M-5 property. He stated that staff had always left the property wild and un-manicured.

He stated that a few years ago staff went out to the property and noticed that the adjacent property owner, Ms. Adragna had encroached on our property.

He explained that she had put fences on our property and there were horses, cattle and goats grazing on the property. He noted that she had also built structures for shade, food and water and removed trees and shrubs from the property and allowed the animals to graze on the wetland vegetation. He stated that there was also concrete debris and yard waste scattered on the property, and a boat dock had been constructed on our property.

Mr. Perry stated that the Water Authority had sent Ms. Adragna notice to remove everything from our property, at which time she demanded access to the dock and threatened to sue the Water Authority if we did not give her access to the river. He explained that the Board at that time, entered into an agreement with Ms. Adragna giving her a 30-foot easement to the river.

He stated that Ms. Adragna now calls Mr. Hart on a regular basis to complain about the height of the grass on our property, and expecting the Water Authority to mow it each time she requests. He stated that the Board has never wanted the property to be mowed or manicured on a regular basis. He explained that the only reason the area along the fence gets mowed is to have access to keep an eye on the property and unless the Board instructs staff otherwise, they do not intend to keep the property mowed.

He stated that just this morning Ms. Adragna had called to complain that her cows are damaging her fence trying to get to our grass and that she wants staff to mow our property.

Ms. Cox asked where Ms. Adragna grazes her cattle and Mr. Hart that she normally uses the northern part of her property, which is now planted in pine, and they graze around the southern area near her house.

She asked who owns the fence and Mr. Hart explained that Ms. Adragna owns the fence. Ms. Cox stated that the Water Authority could install a strong metal fence on the property to deter the cattle, and Mr. Hart stated that it wasn't the Agency's responsibility to build a fence to keep her cattle off our property.

Vice Chair Farner stated that staff should keep managing M-5 as they have been, until they are told otherwise. Mr. Perry noted that she may decide to complain to the Board, and Vice Chair Farner stated that she was welcome to come speak to the Board.

Mr. Bryant asked whether the access to the dock is a fee title or an easement, and Mr. Hart explained that she has fee title at the dock, and the Water Authority gave her an easement to get to the dock across the southern boundary of the M-5 site.

Attorney Barice explained that at that time, Ms. Adragna had an attorney, and it was proven that she had a right to get to the dock; so the Water Authority had entered into an agreement to allow her access to the river. She stated that she would need to look at the agreement in order to see the exact terms.

The Board agreed that the Ms. Adragna's cows and fence are her own responsibility and that staff should keep managing the M-5 site in the way they have been until they (the Board) tells them otherwise.

Chairman Dufresne requested that staff and Attorney Barice review the agreement and refresh the Board on its details.

Mr. Perry stated that he had spoken at the recent Water School, held at the Lake County Agricultural Center. He noted that Vice Chair Farner had also attended. He stated that there were about 60 people there, with many of them coming from The Villages. He explained that is

was an all-day event, with representatives from the St. Johns River Water Management District, USGS and other government agencies.

Mr. Perry stated that the Chairman's Retreat at Trout Lake was a good session. He stated that several Board members toured Lake Yale by boat and looked at the muck in the lake and viewed the floating tussocks near Marsh Park. He noted that they also looked at Trout Lake and then held a workshop and discussion session there at the Trout Lake Nature Center.

Mr. Perry noted that the upcoming Budget Workshop would be held on July 12, 2017. The Board requested that it be held in the afternoon from 1 pm to 5 pm.

Mr. Perry also reported that Water Authority staff member, Linda Richardson graduated from the most recent Leadership Lake County Class of 2017. He stated that the Water Authority would probably put someone else through the class for the upcoming 2018 session. He noted that applications are in due in August.

He stated that he was honored and humbled to be inducted into the Leadership Hall of Fame this past year.

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

**MR. BRYANT MADE A MOTION TO APPROVE THE CONSENT ITEMS.** Vice Chair Farner seconded the motion.

**Motion approved 4-0.**

- a. Authorization to Release Bid for Land Resources Management Services

**AUTHORIZE STAFF TO RELEASE A LAND MANAGEMENT SERVICES PROPOSAL REQUEST.**

- b. Authorization to Release Bid for Prescribed Fire Services

**AUTHORIZE STAFF TO RELEASE A REQUEST FOR PROPOSAL FOR PRESCRIBED FIRE SERVICES.**

- c. No-Cost Time Extension for Construction Contract for M-5 and M-6

**AUTHORIZE THE EXECUTIVE DIRECTOR TO EXECUTE A NO-COST TIME EXTENSION OF THE M-5 AND M-6 CONTRACT WITH ESTEP CONSTRUCTION UNTIL JULY 6, 2017.**

#### **5. DISCUSSION ITEMS**

- a. Duke Energy Power Line - Sabal Bluff Preserve

Ms. Burgos addressed the Board and showed a map of Sabal Bluff Preserve. She stated that Duke Energy currently has a utility line and easement just outside the eastern property line. She

explained that Duke Energy is requesting to move the utility line and easement onto the eastern edge of the Sabal Bluff property.

She stated that Duke Energy has accepted the terms requested by the Board during the Chairman's Board Workshop which is a payment of \$275,000 plus and additional \$17,500 for landscaping along the eastern side. She explained that the public would be informed and the property will be closed while utility lines are being moved.

Mr. Bryant asked about the Bourlay Board's request for trees to be replaced and Ms. Burgos explained that the largest trees they can use for replacement are 12 feet high. She noted that landscaping along the power line would be lower canopy island of vegetation. She explained that she is hoping to place trees in the interior of the preserve to replace some of those lost on the boundary.

Ms. Burgos noted in order for more trees to my planted in the interior of the preserve, the soil needs to be made healthier before trees can thrive. She stated that she would like permission to use 50% of the compensation received from Duke Energy to improve the property.

Mr. Bryant asked the width of the easement and Ms. Burgos stated that the easement would be 32 feet by 1218 feet.

Mr. Bryant asked if plans for landscaping on the rest of the property, always part of the management plan, or if plans were put into place when funds became evident.

Ms. Burgos stated that planting of trees and plants has always part of the plan, but money, time and condition of the soil have been hold ups to getting it done.

Vice Chair Farner asked if the Bourlay Board was okay with the plans to move the easement onto the property, and Ms. Burgos stated that staff has received approval from their Board.

Attorney Barice requested a copy of the deed so that she could insure there were no restrictions on the deed that would prohibit the agreement.

**MS. COX MADE A MOTION TO AUTHORIZE THE CHAIRMAN TO ENTER INTO AN EASEMENT AGREEMENT WITH DUKE ENERGY FOR A 1.35 ACRE UTILITY EASEMENT ON THE EASTERN BOUNDARY OF SABAL BLUFF PRESERVE IN RETURN FOR THE AGREED UPON FINANCIAL COMPENSATION, OF WHICH 50% CAN BE USED TO CONTINUE RESTORATION AND MAINTENANCE ACTIVITIES ON SABAL BLUFF PRESERVE, SUBJECT TO REVIEW OF THE DEED.**

Vice Chair Farner seconded the motion.

**Motion approved 4-0.**

- b. Request from City of Leesburg to Assist in the Cost of Removal of Contaminated Soil from Stormwater Site

Mr. Hart showed map of the location of the Lake Griffin Stormwater Project and explained that on April 15, 2015, the Lake County Water Authority entered a contract with the City of Leesburg

to fund 25% of the water quality related cost to construct a stormwater pond in the Lake Griffin basin. The project was intended to treat a 42 acre highly impervious area of Downtown Leesburg. The proposed stormwater pond location is at the end of Herlong Canal on the south side of Highway 441.

He stated that shortly after beginning excavation of the storm pond, they discovered buried drums and other potentially contaminated waste. He explained that the cost of disposal of the contaminated sediments is estimated at \$1,100,000.

He noted that the City has decided to move forward with the project in spite of the additional unexpected cost and have requested a modification to our Stormwater Contract to include a 25% match for this additional expense. He explained that this proposed increase would change the Water Authority's contract obligation an additional \$275,000 from the original \$100,500 to a total of \$375,500.

Mr. Hart stated that funds are available in the 2017 Stormwater Grant line item.

When asked about the area surrounding the stormwater pond, D. C. Maudlin with City of Leesburg, Public Works stated that at this time they are only concerned with the contamination within the stormwater pond itself.

Mr. Hart showed aerials of the area, noting changes in the topography over the years from the 1940's until present day.

Ms. Cox asked if there used to be a wetland area where the canal used to be and it was noted that the Herlong canal originally extended into the area of the stormwater pond.

Mr. Hart explained that the City of Leesburg has already began work on the project, but the cost is much more than they had planned.

Attorney Barice asked when the City of Leesburg acquired the property and Mr. Maudlin stated that they didn't go back to pull the deed to check.

John Minton, Design Engineer stated that to the best of there knowledge it appears that the contamination was in the material that was brought in to fill the canal.

Vice Chair Farner asked what would happen to the contaminated material and Mr. Dinton explained that it would be disposed of at an approved landfill. It was noted that there would be a third-party Engineer on site to insure that they adhere to the DEP approved disposal plan.

Vice Chair Farner asked if there was money available for the grant and Mr. Hart that there are enough funds remaining in the budget.

Mr. Bryant asked about other funding and whether DEP or St Johns are providing any funding.

Mr. Maudlin stated that the City of Leesburg is receiving \$195,000 from DEP and \$126,000 from St. Johns River Water Management District. He stated that neither agency was able to provide any additional funding.

Mr. Bryant asked if the pond would be fenced for safety purposes and to prevent dumping and it was noted that it would be.

**VICE CHAIR FARNER MADE A MOTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO INCREASE THE TOTAL AMOUNT OF THE EXISTING CITY OF LEESBURG'S STORMWATER CONTRACT FOR THE LAKE GRIFFIN PROJECT TO AN AMOUNT NOT TO EXCEED \$375,500.** Ms. Cox seconded the motion.

Ms. Cox noted that the Water Authority has the funds available, and the request is for a 25% match, which is less than the percentage normally funded.

Mr. Maudlin stated that the project is over halfway completed at this time.

**Motion approved 4-0.**

Vice Chair Farner requested that the City Of Leesburg look into doing a stormwater project at the corner of Dixie and 27 sometime in the near future.

c. Discussion of Fracking

Mr. Duarte gave a report on fracking at the request of the Board. He explained that Hydraulic Fracturing, also known as Fracking, is a method of oil and natural gas extraction.

He explained that the process involves injecting fluid into subterranean rock formations at high pressure and stated that the high pressure fluid produces a fracture network that allows crude oil & natural gas inside dense rocks to flow into a wellbore and be extracted at the surface. He noted that there are over 100 chemicals are used in fracking, but the companies won't disclose them.

He showed a map and stated that Florida has approximately 165 crude oil and natural gas wells. He stated that of that total, 64 wells (39%) are wells capable of producing oil or gas. He noted that the only well in Lake County is a dry hole. He explained that a dry hole is a non-producing well where the cost of extraction is too expensive. He noted that a dry hole, may or may not have petroleum.

He stated that there are 64 permitted and active wells in Florida which produce a total of 2,000,000 barrels per year. He noted that there are no big wells in Florida, as the majority of the wells in the Gulf belong to Alabama, Louisiana and Texas.

Mr. Duarte explained that there are two main environmental impacts of concern in Florida, groundwater contamination and water usage.

He stated that there is the potential for residential and municipal water wells contamination if the boreholes are not properly sealed during the fracking process; as well as contamination that may occur from chemicals and surface storage pits around fracking areas.

He stated that 30,000 to 7.2 million gallons of water are used per well, and noted that some wells can be fracked more than one time. He explained that a large percentage of the water will remain underground and a portion will be used or reused in another well or discharge.

He explained that the type of fracking that is more conducive to Florida soils is acid fracking also causes more contamination.

Mr. Duarte stated that there have been several attempts to legislate fracking over the past few years and several counties and cities have passed resolutions banning or regulating fracking.

He stated that SB 138 was approved by the Florida House of Representatives in February 2016 to permit and regulate fracking, but was voted against by the Florida Senate of Appropriations Committee in March 2016. This proposed bill would have nullified local fracking bans by giving the state the sole authority to ban fracking.

He stated that during the 2017 legislative session, Senator Young filed SB 442 to ban fracking and acid fracking, but it died in Appropriations Subcommittee on Environment and Natural Resources.

He also noted that on January 5, 2016, the Lake County Commissioners adopted Resolution 2016-5, opposing legislation SB138 that would prevent local communities from regulating fracking.

He explained that Miami-Dade County has banned fracking due to global warming and the chemicals it would release into the atmosphere.

It was noted that because fracking is a noisy and messy process, any fracking in Florida would not likely happen in any tourist area, it would be most likely to happen in secluded areas.

Ms. Cox stated that acid fracking is so hard on the karst that it would allow upper water from the upper Floridan into the middle or lower Floridan.

Vice Chair Farner stated that he didn't know if he was over-reacting, but he is very concerned about contamination of the aquifer and Florida's drinking water.

Mr. Bryant stated that although there is not a lot of oil production potential, exploration and drilling of wells can do a lot of damage.

Vice Chair Farner noted that Lake County Commissioners never actually stated that they were against fracking, instead they stated that they do not want the State of Florida to have jurisdiction over fracking, and would rather have local governments handle their own regulations.

Ms. Cox requested that staff get copies of any other Florida resolutions against fracking.

Vice Chair Farner requested that staff speak with Florida Department of Environmental Protection (FDEP) to find out how their agency's position regarding fracking.

Members of the Board and Attorney Barice stated that they would be curious to hear the views of surrounding counties, plus those of the Miami-Dade area as well as Collier County.

d. Duke Energy Power Line - Sabal Bluff Preserve Update

Attorney Barice stated that she had been provided copy of the deed. She stated that after reviewing the deed, she noted that there is a reverter provision that states that all future utilities must be underground or ownership of the property would revert to St. Johns River Water Management District.

She explained that staff needed to request the Trustees for the Sabal Bluff property to amend the deed to strike that provision. She stated that as staff has already received approval from the Trustees to allow the utility easement on the property, it shouldn't take but a couple of weeks for the deed to be amended.

She stated that once that is completed, the project could move forward.

*The Board took a short break at 5:13 pm. They returned at 5:29 pm and the meeting was continued.*

e. Abandoned Pilings in Lake Harris

Mr. Perry showed maps of a location on Lake Harris and explained that the resident is asking the Water Authority to removed old piling from the lake that they don't feel are aesthetically pleasing.

He stated that he feels that removing the pilings could cause a liability issue, and if the Water Authority we were to start removing pilings, the Agency is likely to have to start removing them throughout the county.

He noted that staff would do what Board instructs them to do regarding the removal of the pilings.

Mr. Bryant stated that he is not terribly concerned about this property. He noted that there are newly constructed docks to each side of the pilings and no one is going to be speeding between the docks.

He stated that the Board needed more guidance and speculated that this might be something they ought to pursue and look into, as someone will need to assume responsibility to remove pilings at some point.

Ms. Cox noted that the pilings would have been visible when they purchased the property and they knew what they were buying.

Mr. Bryant asked if there was other guidance they should be looking at and Attorney Barice stated that the Boards jurisdiction and duties are incorporated in their statute. She noted that whether it is the Board's responsibility can be argued in many ways, such as whether or not it is economically feasible, etc.

Vice Chair Farner stated that he didn't want to open up a can of worms where everyone would be wanting the Water Authority to come and remove pilings.

Chairman Dufresne stated that he felt it was the home owners responsibility. He stated that if they want them removed, they can pay someone to remove them.

There were questions and discussion as to who owns or has jurisdiction over the land beneath the water along the shore.

Attorney Barice noted that it's hard to establish who owns or has jurisdiction as there is conflicting legislation.

Ms. Cox, stated that if the property owners wanted them removed, they (the property owners) need to remove them.

Mr. Perry noted that it is understood that the Board is instructing staff not to remove the pilings, as they did not feel that it was the Water Authority's responsibility.

f. Pavilion Rental Issues at Hickory Point

**Issue 1 - Security Requirements for Pavilion Rentals Wanting to Serve Beer and Wine**

Mr. Perry stated that this item is a continuation of discussion regarding the serving of beer and wine during rental events at the Hickory Point Pavilion.

He explained the Sheriff's Office has informed staff they off-duty deputies should not have been, and will not in the future, provide off-duty deputies for private events.

He explained that at the April meeting, staff offered two alternatives to the Board to address this issue, which were to either utilize a licensed, private security firm; or amend the policy to not require security for events that intend to serve beer and wine.

He noted that the City of Tavares requires the renter to hire a caterer if beer or wine is to served, whereas the City of Eustis requires an additional \$275 security deposit for renters wishing to serve beer and wine. He stated that the City of Clermont prohibits alcohol unless an alcohol request form is submitted and approved prior to the event.

Mr. Perry stated that his recommendation is to:

Suspend the policy to require security guards for Hickory Point pavilion rentals that intend to serve beer and wine.

Continue to require that a Certificate of Insurance must be provided indicating host liquor liability with the Lake County Water Authority named as an additional insured.

Require an additional deposit of \$100.00 for any portion of a single floor and an additional deposit of \$200.00 for the entire pavilion for renters that desire to serve beer and wine during their events.

Chairman Dufresne stated that he is okay with alcohol, bumping up the fees, and requirement for liability insurance. He stated that they just need to make the rules stringent and reiterate with the hosts of the events tht it is their responsibility.

Chairman Dufresne stated that he, Attorney Barice and the Executive Director would get together to discuss the alcohol provisions for the pavilion, and return to the Board next month with a recommendation.

## **Issue 2 - Use of Credit Cards for Rental Payments and Online Reservations**

Mr. Perry explained that the rental fees for the rental of the pavilion at Hickory Point Pavilion have remained the same since 2005.

He noted that staff had recently completed a survey of the rental of similar facilities and has determined that credit card reservations and payments online are part of the process when renting and that the public has come to expect this option when renting a facility.

He explained that the Water Authority does not accept credit cards, online payments or reservations, and anyone interested in renting the pavilion must come into the office.

Mr. Perry stated that staff has obtained quotes for different credit card processing companies and would recommend using with a well-recognized company such as PayPal. He explained that PayPal does charge a \$30 monthly fee for processing unlimited transactions. Similar companies charge about the same fees for unlimited transactions or a percentage of the transaction amount. He noted that if the Water Authority were to increase fees at the park, it would help offset the cost and fees of taking credit cards and reservations on-line.

He stated that staff proposes to increase daily pavilion rental fees for Lake County residents by \$10.00 for each rental option and increase daily pavilion rental fees by \$20.00 for each rental option for out-of-county residents.

**MS. COX MADE A MOTION TO AMEND THE HICKORY POINT PAVILION RENTAL FEE SCHEDULE FOR LAKE COUNTY RESIDENTS BY \$10.00 FOR EACH RENTAL OPTION AND INCREASE FOR DAILY PAVILION RENTAL FEES BY \$20.00 FOR EACH RENTAL OPTION FOR OUT-OF-COUNTY RESIDENTS TO FUND THE COSTS OF ACCEPTING CREDIT CARDS.** Mr. Bryant seconded the motion.

**Motion approved 4-0.**

### **6. PUBLIC COMMENT**

None

### **7. LEGAL STAFF REPORT**

Attorney Barice noted that she would not be able to attend the July Regular Board Meeting, but would send her partner in her place. She stated that she would attend the Budget Workshop on July 12, 2017.

**8. BOARD MEMBER COMMENTS**

Vice Chair Farner thanked Mr. Duarte for presenting the information on fracking.

Chairman Dufresne stated that the Chairman’s Workshop was very informative and he thanked staff for all the hard work they do.

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

None

**10. INFORMATION ITEMS**

- a. Staff Reports
- b. Monthly Financial Reports – May 2017

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

- Budget Workshop - Wednesday, July 12, 2017 (1:00 pm - 5:00 pm)  
LCWA Conference Room
- Board Meeting - Wednesday, July 26, 2017 (3:30 pm)  
BCC Chambers/Admin. Building

**12. ADJOURNMENT**

The meeting was adjourned at 6:16 p.m.

Respectfully submitted,

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Anna Ely, Recording Secretary

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Neil Kelly, Secretary-Treasurer

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Adam Dufresne, Chairman