

**MINUTES OF THE REGULAR BOARD MEETING**  
**of the**  
**LAKE COUNTY WATER AUTHORITY**  
**February 28, 2018**

The Regular Hearing of the Board of Trustees of the Lake County Water Authority was held at 3:30 p.m. on Wednesday, February 28, 2018 in the Lake County Administration Building, County Commissioners Chambers at 315 West Main Street, Tavares, Florida.

**Members Present-District #**

Doug Bryant, Chairman (#4)  
Amy Stone, Vice-Chair (#5)  
Keith A. Farner, (At Large)  
Adam Dufresne (At Large)

**Staff Present**

Michael J. Perry, Executive Director  
Biagio Gugliotti, Land Resources Director  
Ron Hart, Water Resources Director.  
Jason Danaher, Water Resources Prog. Manager  
Ben Garcia, IT Manager  
Christina Rider, Executive Office Manager  
Anna Ely, Recording Secretary  
Carole J. Barice, LCWA Attorney

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

**1. CALL TO ORDER / PLEDGE OF ALLEGIANCE**

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

**2. APPROVAL OF MINUTES**

**MR. DUFRESNE MADE A MOTION TO APPROVE THE MINUTES OF THE LAKE COUNTY WATER AUTHORITY MEETING OF WEDNESDAY, JANUARY 24, 2018 REGULAR MEETING.** Mr. Farner 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 showed the graph of Lake Apopka and noted that the water stayed around maximum desirable for most of December and January. He stated that the flow through NuRF was 250 to 300 cfs from October until the President's Day holiday. He explained that St. Johns River Water Management had planned on opening the Apopka-Beauclair Lock and Dam and letting the water through without running it through NuRF, and did that for one morning, until Water Authority staff found out, and convinced them to send everything through the NuRF.

He noted that the water level on Lake Apopka began to drop quickly and staff asked the District to bring water flows down gradually rather than going from 250 cfs straight to 50 cfs because

that causes problems planning alum deliveries, as well as other issues. He stated that they were reluctant at first, but ultimately did and took it down to 150 cfs just after the holiday weekend, and then brought it on down to 75 cfs, 50 cfs and then to the 25 cfs that it is currently.

He stated that the lake level is dropping quickly and at times there is even a negative flow, if the wind is pushing the right way to push the water away from the canal. He noted that this is giving staff a chance to catch up with the floc in the ponds.

Mr. Perry noted that Board members had asked about alum use and expenditures, and what it might mean in the future. He showed a chart depicting the amount of alum use at different flow levels and the estimated cost. He stated that at 18 cfs, they would use 1.8 gallons of alum per minute, with an approximate cost of \$1,300 a day for alum, or \$40,000 a month. He stated that when they are peak capacity of 300 cfs, they are using \$21,000 a day in alum.

He noted that there is eight months left in the fiscal year and at 50 cfs average flow for that time, it would cost almost \$900,000, which would exceed the amount budgeted. He stated that if we get a really wet summer or there is a hurricane, we would be dipping into the alum reserves to cover the cost of alum. He stated that they would talk more about the implications to the budget and millage at the upcoming Chairman's workshop.

Chairman Bryant asked how much money is in alum reserve account and Mr. Perry stated that there is an additional two million dollars.

Mr. Perry reported that with the high flows coming out of Lake Apopka, it kept the water level of Lake Dora high until the flow was once again reduced, and the lake level dropped off. He explained that the Dora Canal bottlenecks the water and it cannot disperse out of Lake Dora as fast as the flow into the lake.

He pointed that at one point the District was releasing almost 900 cfs out of the Burrell Lock and Dam in order to bring the water level of Lake Dora and Lake Eustis. He noted that Lake Griffin flirted with the maximum desirable until Moss Bluff Lock and Dam was opened to 1200 cfs, which brought the lake level down fast.

Mr. Perry noted that rainfall as of January is at 9.24 inches, which is above normal at 119% of the average year-to-date rainfall.

He reported that the water level on the Clermont Chain of Lakes is currently 96.97 msl and declining. He explained that there will be a lot of evaporation between now and the rainy season, and the levels will continue to fall unless there is significant rainfall between now and the rainy season.

He stated that the combined flow through Big and Little Creeks is currenting at 9 cfs, compared to a combined 4 cfs in 2017, and 108 cfs in 2016.

Mr. Perry updated the Board regarding the Clermont Boat Ramp, informing them that a legal challenge has been issue in response to the District's permit for a boat ramp at Lake Hiawatha Preserve and the City of Clermont has asked for a 6-month delay. He noted that parking for existing boat ramp has been moved and is very small with very few parking spaces.

He informed the Board that staff has been operating NuRF 24 hours a day, in three shifts for over three weeks now, which is beginning to tax staff. He stated that they are making progress and making significant improvements in the quality of the water downstream.

He informed the Board that the Kid's Fishing Clinic will be held at Hickory Point on Saturday March 17<sup>th</sup>. He stated that Tracy Hauserman has worked hard putting the clinic together and finding sponsors.

He showed a copy of the plans for the Volleyball Fieldhouse and stated that the plans are 95% complete. He noted that on page C400 they are proposing to connect into the large water line that is only for the fire system for the Pavilion. He stated that they need to request that they use the use the 4-inch water line. He noted that Robert Chandler will no longer be spearheading the project, as he has gone to work for the Villages and is longer working at the County.

Mr. Perry updated that Board on the progress of the Lake Yale Tussock Project at Marsh Park and pointed out the areas that have been completed on a map.

He also introduced Dr. Jason Danaher, and stated that he had been hired to fill the position left by Sergio Duarte. He noted that Dr. Danaher has extensive experience in the aquaculture industry.

Mr. Perry reminded the Board of the changes in the agenda, explaining that agenda items were now divided into Consent Items, Action Items and Discussion Items.

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

None

#### **5. ACTION ITEMS**

##### **a. Approval of PO for Lumber for HP Boardwalk**

Mr. Nagy addressed the Board and stated that the Hickory Point Boardwalk was originally built in 1994 and has been repaired and patched many times over the years. He explained that some of the boards are beginning to rot and fall in and during Hurricane Irma, many trees fell on the boardwalk causing further damage.

He stated that because the boardwalk was built with quality lumber it has lasted almost 25 years and he suggests using the same type of lumber to replace and repair the boardwalk.

He explained that staff has obtained three quotes for #1 Contact Lumber with Outdoor Living having the lowest quote at \$10.25 per board. He stated that they are requesting a PO rather than a one-time purchase and he would rather purchase small amounts at a time. He explained that it will be a year-long project and staff will work on it a section at a time, rather than shutting down the entire boardwalk for an extended period.

**VICE CHAIR STONE MADE A MOTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO ISSUE A PURCHASE ORDER TO OUTDOOR LIVING IN THE**

**AMOUNT OF \$25,000 TO REPLACE THE HICKORY POINT BOARDWALK.** Mr. Dufresne seconded the motion.

**Motion approved 4-0.**

b. Approval of PO Changes for Alum and Polymer at NuRF

Mr. Hart addressed the Board and explained that explained that if Lake County were to experience heavy rainfall and high flows through the NuRF, alum purchases are likely to exceed the amounts approved by PO in September of 2017.

He stated that rather than having to buy from more expensive suppliers, staff requests to increase the amount allowed under the POs for C & S Chemical, Chemtrade and Fort Bend.

Vice Chair Stone asked what happened to the facility idea and Mr. Hart stated that with Mr. Duarte's retirement, it was put on hold until his replacement was hired. He noted that now that Dr. Danaher has been hired, staff will develop a bid document to release and will come back to the Board with that proposal.

**VICE CHAIR STONE MADE A MOTION TO:**

1. **AUTHORIZE THE EXECUTIVE DIRECTOR TO INCREASE THE PURCHASE ORDERS FOR C & S CHEMICALS FROM \$500,000 TO \$1,000,000 AND INCREASE CHEMTRADE FROM \$1,000,000 TO \$1,500,000.** Mr. Dufresne seconded the motion.

**Motion approved 4-0.**

**VICE CHAIR STONE MADE A MOTION TO:**

2. **AUTHORIZE THE EXECUTIVE DIRECTOR TO INCREASE THE PURCHASE ORDER FOR FORT BEND SERVICES FROM \$100,000 TO \$200,000.** Mr. Dufresne seconded the motion.

**Motion approved 4-0.**



c. Sawgrass Island Preserve Restroom Update

Mr. Gugliotti addressed the Board and stated that after their discussion last month, about the inactivity from the contractor, UBC Precast, the Board had instructed the attorney to draft a notice of intent to terminate.

He stated that Attorney Barice had drafted and sent the notice of intent to terminate to UBC Precast, giving them until February 8, 2018, to respond as to whether he intended to complete the contract.

Mr. Gugliotti explained that February 8 passed with no word from UBC Precast, so he drafted the memo included in the Board's paperwork. He then noted that around February 16, 2018 Attorney Barice had contacted him to let him know that she had just spoken with UBC Precast.

Attorney addressed the Board and stated that the owner of UBC Precast had indicated that he is out of pocket by over \$50,000 because they are custom restrooms. She stated that they had a long discussion about what the real issue was, because everything was moving along quite well until the Florida Department of Health had stated that they required a pressure test on the vaults, in order for the permits to be issued. She noted that there is a provision in the contract that states that Lake County Water Authority is to pull all the permits.

She explained that the owner of UBC Precast had stated that they had performed leak tests, which are appropriate, but he called the pressure test a silly requirement for that type of vault. She stated that he had explained that it is not a pressure sealed vault and is open to the top and has a vent as it is a restroom. He stated that in order for a pressure test to be done, they would have to figure out some way to seal the vault. He noted that he does have a Florida licensed and certified engineer that is willing to certify the vaults, if they can figure out how to seal them.

Attorney Barice stated that the owner of UBC Precast estimates that it will cost approximately \$1,000 and \$2,000 to manufacture a way to seal the vault and have it certified and he wants the Water Authority to pay these additional costs. She asked him if he would be willing to split the cost if the Board were to request that, and he stated that he would. She stated that she had asked how long it would take to get the unit tested so that it could be certified by the Florida licensed engineer and he had stated it take about two weeks. She stated that he explained that a cap would have to be designed and fabricated before the unit could be tested.

Attorney Barice explained that she then asked how long it would take for them to be installed once they are permitted and he had stated that he can get it out there within two weeks after that. He also reminded Attorney Barice that it is the Water Authority's responsibility to have the holes dug and ready for the unit to be put in the ground. She stated that he also advised her that he has an attorney, as well as a brother and sister who are attorneys and that if they were to get into litigation as it is part of the contract that the Water Authority has to pull the permits.

Attorney Barice stated that she has spoken to him again to confirm that he is committing to go along with the agreement that the Water Authority has with him and that is agreeable to splitting the costs of having the vault certified and he had stated that he was in agreement with completing the contract, if the Water Authority is in agreement with splitting the cost. She explained that if the Board agrees, she will send him a letter stating so.

Mr. Gugliotti clarified that the Lake County Water Authority is pulling the permits, but the certification is part of the vault manufacturing process.

Mr. Farner stated that he would rather go with the proposal to split the cost of certification, than to lose money.

Vice Chair Stone asked if the contract was written by the Water Authority and it was noted that it was. She asked whether staff was unaware that we were pulling the permit.

Mr. Perry indicated that the intent of having the Water Authority pull the permit was to save money. He stated that because the supplier was out of state, staff thought it would be easier and more effective for the Water Authority to pull the permit. He noted, that as it turns out, you have to be a licensed contractor to pull the permit.

Mr. Dufresne stated that he thought the hold-up was at the State level and Attorney Barice noted that it is being held up at the State of Florida Department of Health level.

Mr. Dufresne stated that he thought everything was working out fine until they hit that roadblock, and Vice Chair Stone clarified that the issue was with the certification and not the permitting.

Mr. Gugliotti clarified that he has already pulled the Zoning Clearance for the site plan, and then he submitted the application for the Health Department permit, and the only thing the Health Department is waiting on is the certification of the vault.

He stated that once the Health Department is obtained, then the Building Permit can be applied for. He explained that this is the permit that requires a licensed contractor to pull the permit. He stated that staff had lined up a General Contractor (Sammy Hart) to pull the Building Permit, but we haven't moved forward with that because we haven't received the certification, and he doesn't want to incur any additional costs with Mr. Hart until they are ready to move forward.

Ms. Stone reiterated that the issue is that the vault is not certified, as per the requirement of the Health Department. Mr. Gugliotti stated that the vault must be certified or you have to get a variance. He stated that there is only one vault that is pre-certified with the State, and it is manufactured by Leesburg Concrete.

Mr. Farner stated that maybe the guy is right, and the pressure test is ridiculous and whoever made this decision at the State Health Department can be convinced that it is kind of ridiculous test. He asked if it was one person's decision and Mr. Gugliotti stated that he did not think so.

Mr. Gugliotti explained that when he talked to staff at the State Health Department, they had sent him a copy of the requirements. He stated that the only other avenue would be to get a variance. He stated that since the vault is out of state, the Health Department wouldn't be able to inspect the vault, and it would be very hard to do a variance.

Mr. Farner asked Mr. Gugliotti to double check with the State Health Department to verify that the pressure test is actually needed, as the vault is an open vault, and not something that can be easily pressure tested.

Mr. Perry clarified that the Board is asking staff to double check with the State Health Department to make sure that the pressure test is an absolute requirement. He stated that if it can be avoided, that will resolve the issue.

He stated that the question is, if the pressure test is needed, are they willing to split the cost of the test in order to proceed. He stated that he would recommend that, should the pressure test be required, the Board give staff the authorization to split the cost with UBC.

Vice Chair Stone noted that the agreement needs to be in writing. Chairman Bryant asked if such an agreement had been followed up with any kind of commitment with UBC and Attorney Barice stated that she had informed staff at UBC that she would follow up with them, in writing, once the Board had made their decision.

Vice Chair stated that when it is put in writing, it needs to state, “not to exceed” and specify a dollar amount.

**VICE CHAIR STONE MADE A MOTION TO AUTHORIZE STAFF TO WORK DIRECTLY WITH UBC PRECAST TO DETERMINE IF A PRESSURE TEST IS REQUIRED; AND IF REQUIRED, HAVE A DOCUMENT WRITTEN STATING THAT THE LAKE COUNTY WATER AUTHORITY AGREES TO PAY ONE HALF OF THE COST OF THE PRESSURE TEST, NOT TO EXCEED \$1,000 AND MOVE FORWARD FROM THERE.** Mr. Farner seconded the motion.

**Motion Approved 4-0**

**6. DISCUSSION ITEMS**

a. FWC - Aquatic Plant Control

Mr. Perry introduced Nathalie Visscher with the Florida Fish and Wildlife Commission. Ms. Visscher addressed the Board and gave a PowerPoint presentation and report on Invasion Plant Management in Lake County.

She stated that their budget to treat invasive plants for 2016-2017 was \$20,000,000, but was cut by almost two million dollars to \$18,297,000 for 2017-2018. She noted that for 2018-2019 is just now being discussed and it will probably be around May when they know what the budget will be for 2018-2019.

She stated that many factors influence where, when and how quickly Hydrilla and other invasive plants grow, including nutrient levels, drought or excessive rain, and temperature.

She explained that Hurricane Irma delayed Hydrilla management due to the weather and high flows throughout the Harris Chain. She stated that because locks were open to allow flow throughout the chain, from Lake Apopka all the way through to the Ocklawaha River, which further dispersed the Hydrilla into the open deep water. She stated that because of Hurricane Irma, treatment had to be delayed until December.

She stated that Winter cold fronts and wind also delayed treatment, as well as Duck Season from the end of December through the month of January, followed by major fishing tournaments in February.

She noted that there are a lot of hurdles to go through in order to manage the Hydrilla, with the biggest hurdle being the budget. She explained that Hurricane Irma increased their costs statewide and they are maxed out on their budget and have to prioritize their treatment.

Ms. Visscher stated that the Harris Chain is one of the Agencies top priorities and treatment would be starting again in March with treatment of Lake Harris and Lake Griffin. She noted that they will be treating Lake Harris by helicopter in order to cover the large areas of Hydrilla there, and are just waiting for the weather to be cooperative and the helicopter to be available. She stated that they will also Lake Denham and Little Lake Harris is March.

Mr. Farner suggested that, as a Board, they could possibly do a letter of recommendation to out Legislative Delegation, as there is a genuine need it Lake County for funding for Hydrilla Management.

Chairman Bryant directed Mr. Perry to prepare a letter regarding adequate funding for Hydrilla Management to send to the Lake County Delegation Committee and the Appropriations Committee.

Ms. Visscher stated that she appreciates the Water Authority's support.

b. Eddy Groves and Scrub Point Preserve Road

Mr. Gugliotti updated the Board regarding the Eddy Groves/Scrub Point access road issue. He stated the Mr. Piper did get approval from the Clermont City Council for the annexation of the development, the large scale comprehensive amendment and to also amend the zoning map to allow the development.

He explained that staff had received the preliminary survey from BESH. He showed the copy of the preliminary survey and pointed out the three concrete corner monuments that are physically there and another that was projected by the Jones Gentry survey crew. He noted that BESH believes this particular survey point is the most accurate for that survey point. He explained that BESH went back through surveyor's notes from the 1800s and stated that he believes this location to be the most accurate.

He explained that BESH's final opinion was that the Jones Gentry survey point is probably the correct corner, but the Water Authority fences and most things out there are based off the Herrick line. He stated that although the Jones Bentry survey point is probably the most accurate, BESH recommends doing a lot line agreement with neighbors in order to continue using the Herrick location, so that all the property owner don't end up having to move a lot of fences.

He explained that after BESH completed the preliminary survey, staff completed a tree survey, which was provided to Board members in their Board Memo. He stated that they identified the all the tree species and the diameter at breast height, and created a location map for the section where the road goes outside of the Water Authority boundary, as well as to the power line. He noted that if they are going to realign the road they would want to keep the roadway between the power line and the western boundary.

He presented a Table showing the general size and number of trees that would have to be removed. He stated that is involves quite a few trees, although most of them are smaller than six to nine inches. He stated that there are a few larger live oaks on the list, one being a 28-inch oak that is about 37 feet from the telephone pole in the middle of the run. He stated that because of

how it is located, they may be able to squeeze a road through there without having to remove the tree.

Mr. Gugliottis explained that he had contracted the Lake County Right-of-Way Office and they had stated that if the road is a dirt road there is no requirement as far as the width of the road. He stated that the road is a limestone road approximately a 15-foot wide at this time and the Water Authority would probably clear about 25-foot path so there be a 50-foot wide easement with about five feet on each side. He noted that the County Right-of-Way Department had stated that would be appropriate.

He also noted that the Right-of-Way Department had stated that if we wanted to pave the road in the future, then we might have to meet certain requirements, but for a dirt access road similar to the one at Sawgrass Preserve, it would be adequate.

Mr. Gugliotti explained that the 70-foot strip from Hartwood Marsh Road to Scrub Point Preserve is also a public easement. Mr. Eddy dedicated it to Lake County as dedicated easement many years ago. He stated the County could decide to put a road there sometime in the future, although they don't have any plans to pave the road at this time.

Mr. Perry reminded the Board that they had asked staff to get the survey and to conduct a tree inventory, and that the next step is for them to let staff know how they would like to proceed. He stated that Mr. Piper is interested in resolving the issue with the road. He noted that Mr. Piper has mentioned in the past, that perhaps when that portion of the development is being constructed, he would be willing to have his contractors relocate the road at that time.

He stated that there is no agreement with Mr. Piper at this time, but he has indicated in the past that he would be willing to relocate the road at his expense. He noted that there are trees that would be affected by relocating the road, and asked the Board if they are in agreement with staff continuing the discussion Mr. Piper to relocate the road and minimize impact on the larger trees.

Mr. Farner stated that he felt staff should move forward with the discussions with Mr. Piper.

Chuck Piper addressed the Board and stated that Mr. Perry summarized what had been discussed, but he doesn't remember saying who would be paying for the cost of relocating the road, only that he had suggested that it would save a lot of money having his contractor move the road. He stated that he is willing to have a discussion with staff as to what would best benefit everyone.

He stated that the Eddy property was approved for 323 homes. He showed a map and stated that the Eddy property used to be part of the Wellness Way Area Plan, with up to 15 units per acre allowed. He explained that he decided that it didn't make sense having commercial and retail uses on the property with that density, so he asked the City of Clermont to annex the piece of property at the City's lowest density allowable, which is 3 units per acre.

He stated that because of a lot of public opposition, they compromised at a lower than 3 units per acre density, and the property was approved for 323 units. He explained that the lots will be 50 to 60 feet wide, with a few larger lakefront lots on Johns Lake.

He pointed out the location of the public easement owned by the Water Authority and stated back in the 1950s there was an access easement granted so that all four property owners could traverse up and down and across the easement.

He stated that in the 1990s there was a land swap and an additional 45 feet was provided to the Ackerman's who were the previous owners of the Water Authority property (Scrub Point), which made a total of 70 feet. He noted there was also 25 feet to the east which made a total of 95 feet. He stated that there were certain obligations that the successive owners of each property have to follow.

He stated that as use of Scrub Point will probably remain passive, it would make sense to provide a pedestrian access from the community to the easement, rather than people having to come out of the community, down Hartwood Marsh Road and back down the easement.

Mr. Piper also informed the Board that he has put in contract for the Extreme Groves property. He showed a previous site plan for the property for 122 homes which didn't move forward due to the fact that the Wellness Way hadn't been finalized and a lot of traffic would have been accessing through Flynn Court and the opposition to that.

He explained that now that the Wellness Way has been finalized the property has land rights up to 20 units per acre with commercial and retail uses. He stated that he doesn't think that is the best use of the property so what he is proposing is to have a density of less than four units per acre.

He pointed out a section of 60-foot wide lots and stated they would become the 3<sup>rd</sup> and 4<sup>th</sup> phase of the Eddy property project, and that the traffic would go across the access easement between the Extreme Groves portion and Eddy Property portion.

He stated that asking for the larger lots of the property to be divided into lots that are the minimum size required to allow well and septic.

He noted that by redoing the lot size and number of homes, the total homes that would cause traffic on Flynn court would be four or five homes instead of the 90 homes that had been proposed by the previous developer.

He stated that it has been approximately three months since he met with Water Authority staff regarding concerns about buffering between the Eddy Property and Scrub Point and the encroachment of the limestone access road. He noted that the two surveys are similar, both showing that the road encroaches on the Eddy Property and the Scrub Point property.

He said it doesn't make sense to do anything now and he would rather the Water Authority wait until he is ready to develop the 2<sup>nd</sup> phase of the Eddy Property, which is the portion closest to the easement. He stated that when his site contractor is out there he will just have him include the cost of taking out the trees needed and realigning the limestone road.

He stated that he would like to understand how to move forward. He stated that he doesn't want another 90 days to go by without knowing where they stand in working with him and whether or not there are any issues in connection of the two properties across the access road.

Chairman Bryant asked about the access road on west side of the Extreme Groves property and Mr. Piper stated that it would go across the easement/access road and into the Eddy property.

Vice Chair Stone noted that it can be expected that people would be driving up and down the easement/access road and Mr. Piper agreed. Chairman Bryant asked if the easement/access road would be paved at that point and Mr. Piper stated that would be a question for the County and what they require. He stated that is why he thinks this should be a coordinated effort. He stated that it would be years before this portion is developed.

Mr. Piper asked what expectations the Water Authority has for Scrub Point when they open the preserve to the public and what type of road the County engineers are going to require.

Chairman Bryant stated that he assumed that once the road is realigned that it would still have the same gravel/limestone base that it has now. He stated that once Mr. Piper develops that portion, the first portion of the road would have to be paved up to the access point for the subdivision and the remaining portion to Scrub Point would most likely remain be gravel.

Mr. Piper stated, that recommends that the Board and staff make themselves familiar with all the agreements made between the property owners since the 1950s and what each property owner is responsible for. He stated that he'd be happy to work with the Water Authority, and would like a park to move forward, whether it be passive or not. He stated that he thought that the Water Authority would like the future residents that would be using the park

Chairman Bryant stated that they appreciate Mr. Piper working with the Water Authority as to coordinating the construction equipment to move road over. He stated that it still sounds like it is a matter of discussion as to payment, and if that is an issue, then that is something he and the Water Authority staff can discuss.

Mr. Piper asked Chairman Bryant if he could have Mr. Perry and Attorney Barice review the agreements, so that they could have an open table discussion to make sure everyone understands what the issues are and stated, "that way, we can move forward as a group, and that's what I'd like to see happen."

Mr. Perry stated that its not eminent, and they are not talking about moving that part of the road until that portion of the development occurs. He stated that he understands that the particular portion in question would be during Phase 2 or Phase 3 of the development.

Mr. Piper stated that if Mr. Perry is talking about the Eddy property and the road encroachment, it is not eminent and he wouldn't recommend doing anything now, other than acknowledging that the Water Authority will cooperate and there is not an issue and the road will be moved at such time as they are working on Phase 2, which could be years from now.

Attorney Barice asked for a hard copy of the survey and tree study from Mr. Gugliotti.

## **7. PUBLIC COMMENT**

Dennis Bayne, City of Leesburg resident, addressed the Board to speak about the 9<sup>th</sup> Street Canal in Leesburg. He stated that while the area is referred to as a canal, it opens into a large lagoon area, and fishermen come from all over to fish in that area.

He stated that over the years the canal has been plagued with stormwater runoff from the highway and trash entering the canal from a nearby gas station/convenience store. He stated that the canal/lagoon area is also being taken over by vegetation and tussocks, and what was once large open water is now clogged with vegetation and residents are asking for help.

He questioned whether the canal/lagoon should be considered private or public, stated that fisherman have always fished this area during tournaments and they are no longer able to do so because of the vegetation. He stated that because of its use by the public and not just those living on the canal, the residents consider the canal/lagoon as a public area. He stated they have met with Ron Hart, and that Mr. Hart had explained the Water Authority's position.

He also stated that they have spoken to the St. Johns River Water Management District and Lake County Aquatic Plants Division and those agencies have sprayed the invasive vegetation. He noted that this only compounds the issue as they dying plants just create more silt and muck. He stated that what it needs is for someone to bring in harvesters to remove the vegetation.

Mr. Bayne stated that the Department of Transportation (DOT) has long been one of the worst offenders, with the runoff from the highway flowing into their canal/lagoon. He noted that they have just recently learned that DOT has plans to put in a couple skimmer ponds to catch the trash and stormwater runoff. He stated this will help keep the trash out of the canal/lagoon, but will not help with the existing vegetation.

He stated that every agency that they speak to tells them they need to speak to the Lake County Water Authority. He stated that someone needs to take responsibility for cleaning up and removing the vegetation from the lagoon.

Fred Murray, City of Leesburg resident, addressed the Board and stated that the 9<sup>th</sup> Street Canal is not a canal, but rather a lagoon that is part of Lake Harris.

He noted that fishing tournaments bring in a lot of revenue for Lake County and stated that fishermen have been commenting on how bad that area has become for fishing. He stated that the lagoon has been inundated with vegetation coming in from the lake and canals as well as trash from the nearby businesses and highway. He stated that hopefully the upcoming DOT project will help to control the trash entering the lagoon.

Mr. Farner noted that the Board had spoken to the City of Leesburg and to DOT about this issue about a year and a half ago, and it was good to hear about the upcoming DOT project. He stated that he would like to keep informed regarding that project.

Dennis Bain, City of Leesburg resident, stated that DOT is now planning to construct more than the original skimmer basket that was planned. He stated that they plan on creating a drainage canal that will feed into a stormwater pond, and then into another pond with skimmers at the outfall, to collect any trash before the water feeds into the lagoon/canal. He stated that DOT

plans on starting on the project at the end of 2019 and will be asking the City of Leesburg to participate in the funding of the project.

Mr. Hart stated that it is probable that DOT will be asking the Water Authority for matching funds later in the year.

Mr. Perry explained that the lagoon area is not a natural feature of the lake. He stated that in 1941 the area was a wetland area and the canal/lagoon area began to be constructed about 1958, with additional feeder canals being built about 1972.

Chairman Bryant stated that the Lake County Water Authority has had the same policy for many years. He explained that Water Authority resources are not used for canals that do not connect two or more public bodies of water or connect to a public boat ramp. He stated that the policy had been in place long before the current Board members were part of the Board.

It was noted that the Herlong Canal was dredged in cooperation with the City of Leesburg as Herlong Canal connects to Lake Griffin and has a public boat ramp.

It was noted that there are 160 linear miles of canals in the county, with over 50 % having an issue and Chairman Bryant stated that the cost for clearing all the private canals in Lake County far exceeds what the Water Authority can afford now or in the foreseeable future. He apologized for the false hope when everyone says go see the Water Authority.

Mr. Farner stated that the Water Authority is not going to be able to help them out with the tussocks. He stated that he looks forward to the City of Leesburg and DOT coming to the Board with a Stormwater Grant funding request.

Mr. Bain stated that he didn't feel that it was just an issue for homeowners.

Mr. Dufresne stated that the Water Authority would eventually need to take care of it, as there is no one else. He suggested that the Agency do something about the tussocks. He stated that he knows he is probably in the minority, but he thinks they could do something to help the situation and that they need to talk about it more as a Board.

Vice Chair Stone stated that the reality is that it was a wetland that got turned into a canal and as much she would love to help, she doesn't think the Board should be involved.

Mr. Dufresne stated that he is not suggesting that they dredge the area, just to help with the removal of the tussocks sitting on the top of the water.

*Mr. Dufresne left the meeting.*

Mr. Murray stated that the canal/lagoon area is not just utilized by homeowners, it is also used by fisherman.

Mr. Hart explained that prior to the Clean Water Act, which prevents the clearing of the wetlands, landowners would clear wetlands and fill adjoining properties to make them buildable lots. He noted that these manmade canals are now beginning to fill back in.

Chairman Bryant stated that for the time being the Water Authority's policy remains the same.

*The Board took a break at 5:40 pm and resumed again at 6:03 pm.*

Chairman Bryant noted that the Board is back in session, but there is no longer a quorum as Mr. Dufresne had to leave to go to work. He noted that the items on the agenda were only for discussion.

c. NuRF Flocculation Alternatives

Mr. Hart addressed the Board and reminded them that the NuRF was designed to treat 300 cfs (cubic feet per second), however the capacity of the ponds does not allow for 300 cfs over an extended length of time.

He explained that during Hurricane Irma the settling ponds were completely filled, but in January there was a period of lesser flows and staff was able to recover some of the volume and capacity in the ponds.

He stated that soon the flow picked up again as the St. Johns River Water Management District requested to increase the flow from 18 cfs to 75 cfs and then 150 cfs. He explained that once flow hits 150 cfs they don't have the storage capacity in the ponds and staff can't remove floc as fast as it accumulates. He stated that once they decided to go up to 250 cfs and then on up to 272 cfs, it exceeded any ability to keep the floc within the ponds and the NuRF was discharging aluminum sulfate particulates downstream into the canal.

Mr. Hart stated that staff knows how important it is to not have the particulates going downstream, not so much because of an environmental impact, but because of it filling in other waterways, residential canals as well as the sandbar in Lake Beauclair, and the costs that would be associated with removing those sediments.

He stated that emergency action was required and staff was scheduled to work 24/7 in order to keep the dredge working. He explained that they also looked at other options in order to move the sediment and floc out the ponds as quickly as possible.

He stated that there were several alternatives, one being that the Water Authority could have Jahna come and operate and dredge in one of the ponds to move material very quickly, as Jahna currently has a contract with St. Johns River Water Management District and are dredging at the mouth of Lake Apopka. He noted that in doing so, the Water Authority could also ask for permission to move the floc to cells F and G as they did when dredging Lake Beauclair, but permitting for that option would be time prohibitive.

He stated that another option would be on-site disposal, which would also be the cheapest. He explained that it would involve fusing a secondary pipe and have Jahna running a dredge at the same time and doing disposal on-site.

He explained that Jahna is pumping from the West Pond to an on-site wet disposal site and the material will be allowed to settle, the clear water will be discharged out to the wetlands, leaving

the sludge behind. He stated that Water Authority staff is using the dry disposal area to dispose of the material from the East Pond.

Mr. Hart showed photograph of the set up of the pipeline and dredge, and explained that Water Authority staff not only have to operate the dredges, they also have to operate the centrifuge at the same time. He noted that Jahna's staff only have to operate their dredge, so they were asked to dredge the West Pond, as it is the toughest pond to dredge at this time.

He explained that they are collecting water samples of the water being discharged and the quality has been very good.

Mr. Hart explained this step was taken as an emergency measure and was only meant to be temporary. He stated that the District has now reduced the flows and instead of a full three months they plan to reduce the flow on Friday March 9<sup>th</sup>.

He explained that after that, Water Authority staff will continue both wet and dry disposal as long as it is needed. He stated that Jahna will rent the Agency the pipeline until we inform them it is no longer needed and the pipeline will be stored on-site until they (Jahna) need it again, which would also give Water Authority staff access to it, should it be needed.

He also informed the Board that the Light Trees were provided by Sheriff's office, which allowed Water Authority staff to see to work the dredges at night.

Mr. Hart stated that as the Board is unable to take a vote on the topic at this time, staff will bring it back to the Board at the March Regular Meeting/Chairman's Workshop for approval.

Chairman Bryant stated that there will only be about 3 more days after the March meeting before Jahna leaves, and Mr. Hart noted that staff will continue to rent the pipeline until needed and then it will be stored on site.

Vice Chair Stone asked staff if they had thought about purchasing the pipeline from Jahna, and how much it might be to buy it from them or someone else, so it would be on-site in case of another hurricane. Mr. Hart stated that he would try to have costs by the March meeting.

Mr. Hart reported that the East Pond is halfway dredged at this time and the West Pond is only about 25% completed. He stated that the easiest areas were being completed first, and once those are completed they will work on the harder sections.

Vice Chair Stone asked if they will have everything dredged and ready before the hurricane season and Mr. Hart stated that they would, if the flow through the NuRF remains low.

Mr. Perry noted that they could still explore the idea of using Cells F and G for disposal, as that would be a long-term solution to the problem.

Attorney Barice requested a copy of SJRWMD's contract with Jahna and stated that the Water Authority needed to create a contract to piggy back off SJRWMD's contract with Jahna. She stated that they also needed a contract for the rental of the equipment.

Chairman Bryant asked if there were any additional areas at the NuRF site that could be utilized as an on-site disposal and Mr. Hart stated that there are, but the District would need to be approve the use of any other areas.

Chairman Bryant stated that he understood that this was an emergency situation and they would revisit the topic at the March meeting.

d. Bear Track Preserve/Lake Norris Acres – Easement Issue Update

Mr. Gugliotti updated the Board on the Bear Track/Lake Norris easement issues. He stated that staff spoke with the County Attorney's office, Public Works and the Property Appraiser's office, and each one stated that they don't track conservation easements and don't have record of any encumbrances on the property. He explained, that even though they had no record of encumbrances, they stated that they couldn't put anything in writing to verify that.

He stated that Chairman Bryant went back to the County Attorney's Office and asked again for some kind of documentation, and although they stated that they couldn't say that there is nothing there, but under Section 704 of the Florida Statutes, the holder of an easement can release the easement.

He explained that the County Attorney's Office instructed Chairman Bryant that the Water Authority could draft a resolution to take before the Lake County Board of County Commissioners (LCBCC) requesting that they release any easements the County has on the property.

Chairman Bryant thanked Mr. Gugliotti and Attorney Barice for their work and stated that the County Attorney seems to be relatively okay with the resolution as it has been written, and the County Attorney's Office is willing to take it before the County Commissioners for their vote. He stated that presumably that will clear up the issue with the conservation easement.

Chairman Bryant stated that as there isn't a quorum, the Board would vote on this topic at the March meeting on Tuesday. Mr. Gugliotti noted that they would be cutting it close to the deadline for the next LCBCC meeting which is at the end of March.

Chairman Bryant noted that the State did free up some funds, and noted that Mr. Gugliotti had spoken with Stephen McKeough, Acquisition Agent with the Florida Department of Environmental Protection/Division of State Lands, so there is a possibility that they may be able to come through with funding this fiscal year, which would be terrific.

Mr. Gugliotti stated that Mr. McKeough had original informed him that the funding that had been earmarked for the purchase was no longer available because of the TDR and Easement issues, but if the issues could be resolved, then the funds could be re-proposed. He explained that he then received a phone call from Mr. McKeough at the end of last week and he had informed him that something else had gotten knocked out and there is funding available if they can act on it quickly.

Mr. Gugliotti stated that explained the County's time schedule and he said that would work. He stated that Mr. McKeough had seemed comfortable with the recorded document negating the

conservation easement, but was okay with the Water Authority following through with the resolution. He noted that Mr. McKeough is still hoping to get some kind of resolution on the TDRs.

Mr. Gugliotti also informed the Board that he had noted that the TDR paperwork was completed by Cecelia Bonifay, (Mark Carson's attorney), so both Mr. Richards and Chairman Bryant had contacted her independently to see if she had any recollection or direction regarding the TDRs.

He noted that Mr. Richards is in the audience and had received some additional information from Cecelia Bonifay, which he had shared with he and Chairman Bryant during the break.

He explained that when they changed the rules in the Wekiva Development Area, they lowered the building density, but allowed for a Transfer of Development Rights out of the Sending Area into a Receiving Area somewhere else. He stated that Mr. Carson sold 2 Development Rights so that out of 85 allowable on a 621-acre area, there were only 83 remaining.

He explained that the Water Authority is only dealing with the purchase of 83 of the 621 acres, plus the 15 acres that the Water Authority purchased previously, and stated the loss of two buildable lots shouldn't affect the appraisal greatly.

He stated that the biggest issue is that Stephen McKeough wants to see some kind of resolution before he bumps it back up for approval, so it doesn't get bumped out again.

Chairman Bryant stated that he thinks it is going to be fine, just need to complete everything with the County and send that on to state.

## **8. LEGAL STAFF REPORT**

Attorney Barice addressed the Board and stated that she everyone should be aware by now that there has been a workplace complaint. She explained that the complaint is only internal and is going to remain internal. She stated, "*we've contacted our attorney, who recommended an independent investigator and that individual has been retained and has determined that there are certain issues that can be resolved.*"

She stated, "*He has made recommendations for a resolution of it. He has suggested that it be advantageous if this can be wrapped up quickly and as discreetly as possible.*" She stated that with that, it would involve a buy-in from both parties and if that occurs, then maybe the Board won't have to have a discussion about it.

She stated that the documents that we are dealing with are all exempt from the public records law at this time, pursuant to 119 of the Florida Statutes.

She stated that if this matter is ultimately resolved, and a complaint is not filed, the complainant can request that all the materials related to it, remain confidential and exempt and not be released.

Attorney Barice stated that with that, her advice to the Board is that currently it is confidential and exempt.

She stated, *“that is the status at this time, and looking toward the interest to the Agency, to hopefully getting this thing resolved as quickly as possible without having it go into any kind of prolonged action in Court or anything else.”*

She stated that she would be happy to answer questions, and she was sure Chairman Bryant has more to add.

Chairman Bryant stated that this is certainly the most difficult issue that has arisen in his three years on the Board and beside the fact that there is a legal issue with the complaint, there is the human issue, and that is what has made it particularly difficult. He stated that it is his view that the Board should be informed, as it has been only him representing the Board, up until this time. He stated that he wished Mr. Dufresne and Ms. Cox were at the meeting, but all five members of the Board would be at the March Meeting/Chairman’s Workshop next Tuesday, and they will discuss this further at that time.

He stated that he thought it would be helpful for all the Board Members to have at least a copy of the complaint and the evaluation that’s been made. He explained that an independent attorney was contacted to do an independent investigation, and he thought the attorney had followed through and did what he was asked to do. He stated that he knows that the attorney visited with a number of people in this room and as a result he put some recommendations together.

He asked Attorney Barice, Mr. Perry and Ms. Ely if they had copies of the three documents so that they could transmit them electronically to Board members. Ms. Ely answered that she did not have copies of any of the documents. Mr. Perry indicated that he has copies of the complaint and investigation, but nothing from the attorney. Chairman Bryant stated that he understood that Attorney Barice has a copy of the recommendations.

He asked Board Members to read the documents that will be transmitted to them between now and next Tuesday and to please understand that he is the one asking to have the documents distributed, as he thinks Board Members need to see them, but he asked that they please be extremely discreet and keep it as confidential.

Chairman Bryant asked Vice Chair Stone and Mr. Farner if they had any questions at this point. He stated that he really hopes they can come to a resolution.

Mr. Hart addressed the Board and stated that he *“would encourage Board Members to sit down and talk to staff before they decide anything, and let them describe to you the issues that are going on in the workplace, so that they have a full understanding of what you are deciding and how it is going to impact the whole agency.”*

Attorney Barice stated that she thinks they need to deal with this as discreetly and quickly as possible. She stated that *“it has been fully investigated and that investigator has spoken with all the people and staff, and he’s come up with these recommendations made and so that is what we have for the possibility of going forward. She stated that certainly not to bind anybody’s hands, that’s where we are in the process. She asked that they not release any of these documents outside of the Agency.”*

Neither Vice Chair Stone or Mr. Farner had any comments at this time.

There was no other Legal Discussion.

**9. BOARD MEMBER COMMENTS**

Mr. Farner stated that he is glad to hear that the City of Leesburg and DOT are moving forward with addressing the run-off of pollutants and trash into the 9<sup>th</sup> Street Canal.

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

None

**11. INFORMATION ITEMS**

- a. Staff Reports
- b. Monthly Financial Reports – January 2018

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

- Lakes clean up Hickory Point, Saturday, February 24, 2018 (9:00 am to 12:00 pm)
- Hawthorne Environmental Expo, Tuesday, February 27, 2018 (10:00 am to 1:00 pm)
- Board Meeting/Chairman’s Workshop - Tuesday, March 6, 2018 (11:00 am)  
LCWA Offices
- Flat Island Preserve Bat Hike, Saturday, March 10, 2018 (5 pm to 10 pm)
- Master Naturalists at NuRF & Hickory Point, Monday, March 12, 2018 (9:00 am to 4:00 pm)
- Hickory Point Fishing Clinic, Saturday, March 17, 2018 (8:00 am to 12:00 pm)
- Lake Envirothon - Hickory Point, Thursday, March 29, 2018 (9:00 am to 1:00 pm)
- Round Lake Elementary 5th at Gilbert Park, Friday, March 30, 2018 (9:00 am to 1:00 pm)
- Mascotte Elementary STEM Night, Tuesday, April 3, 2018 (5:30 pm to 7:00 pm)
- Hidden Water Preserve Nature and Fitness Hike, Saturday, April 14, 2008 (8 am to 11:30 am)
- Leadership Lake Environmental Day @ NuRF & Hickory Point, Wednesday, May 9, 2008 (9:00 am to 2 pm)

**13. ADJOURNMENT**

The meeting was adjourned at 6:51 p.m.