

**FINAL**

**MINUTES OF THE MEETING  
of the  
HARRIS CHAIN OF LAKES RESTORATION COUNCIL**

**October 3, 2003**

The regular meeting of the Harris Chain of Lakes Restoration Council (Council) was held at 9:00 AM on October 3, 2003 at the Lake County Board of County Commissioners' Chambers, 315 West Main Street, Tavares, Florida.

**Members Present**

Skip Goerner, Chairman  
W. Thomas Brooks, Vice Chairman  
Hugh Davis II, Secretary  
Charles C. Clark  
Thomas A. Cook, MD  
Keith Farner  
Don Nicholson

**Members Absent**

Rick Powers

**1. CALL TO ORDER**

Chairman Goerner called the meeting to order at 9:05 AM.

**2. INVOCATION AND PLEDGE OF ALLEGIANCE**

The Invocation was given by Mr. Robert Kaiser (Ex-Officio), followed by the Pledge of Allegiance.

**3. ROLL CALL**

Chairman Skip Goerner called roll. All members were present except for Councilman Rick Powers.

**4. WELCOME AND OPENING REMARKS**

Chairman Goerner welcomed all Council members and members of the audience. He went on to thank the Council for their cards and support offered during the passing of his mother.

## **5. APPROVAL OF MINUTES**

Due to a variety of email and scheduling problems, the draft minutes from the June 6<sup>th</sup>, July 11<sup>th</sup>, and August 1<sup>st</sup> meetings had not been discussed or approved previously. Several changes were requested as discussed below:

### June 6, 2003

Page 2; Change “Resolution” to “Initiative”

Remove “Charles Clark...agreed with Chairman Goerner.”

Change “will” to “would”; “improvement” to “increase”, and; “would” to “could”

Change “hysteria” to “*Pfiesteria*”

Page 5; Correct the statement; “Additionally, the District has requested an additional \$500,000 in funding from the Council to move forward with canal dredging, as previously discussed.” to “Additionally, the Council has requested that the SJRWMD release \$500,000 in funding to the LCWA to move forward with...”

Change “Florida” to “U.S.”

Change “book” to “program”

Page 6; Change “succeed” to “survive”

Change “water quality” to “economic”

The June 6, 2003 minutes were unanimously approved with the above edits.

### July 11, 2003

Page 6; Change Catrali to Cutrale

Include “canal” when referring to the Lake Griffin dredging project

Page 7; Change “...to receive this material however, because of the wildlife habitat involved at the Knight-North location, along with the distance and the cost; that the Lake Eustis site is preferable.” to read “...to receive this material. Because of the wildlife habitat involved at the Knight-North location and the lower site preparation costs, the Lake Eustis site is preferable.”

Additionally, Councilman Keith Farner requested that his question regarding “genetic make-up and exposure” with respect to biotoxic disorders, be included in the minutes.

The Council agreed to not approve the July 11, 2003 minutes until the edits have been made.

### August 1, 2003

Page 2; Change “...presented by Dr. Thomas Cook at the July Council meeting.” to “...suggested by Dr. Thomas Cook and presented by Councilman Clark at the July Council meeting.”

Remove the formal name of the proposed resolution and replace with  
“which involves the reporting of biotoxic related illnesses,”  
Page 3; Change “...the report...” to “...operational limitations...”  
Remove “...provided by Dr. Larry Battoe (SJRWMD)...”

The August 1, 2003 minutes were unanimously approved with the above edits.

Gene Caputo (SJRWMD) made a few brief announcements regarding distribution of monthly packets of agenda items. He also provided the Council with an updated list of the Technical Advisory Group (TAG) members. The updated TAG list included Barbara Bess of the Florida Department of Environmental Protection (FDEP) Orlando office, who will be attending future Council meetings. No other changes to the TAG list were discussed.

## **6. DISCUSSION ITEMS**

### Consideration of Resolution 2003-2 (Option A or B)

A general discussion of Resolution 2003-2, which is proposed to require the reporting of toxic algae related illnesses by county health officials. The discussion included limiting the reporting requirement to Lake County health officials and the Lake County Medical Society, as opposed to proposing a statewide legislation. The Council also agreed to include the phrase “other waterborne biotoxins and pollutants” within the resolution. The consensus of the Council was to present Option B with the suggested edits.

Dr. Larry Battoe (SJRWMD) told the Council about the death of a 17-year old man in Wisconsin that may be attributable to toxic algae. The autopsy report that was provided to him revealed that the young man was infected with the blue-green algae, Flos-aqua, and that he had died within 48 hours of infection he appears to have gotten after swimming in a golf course pond.

Chairman Goerner suggested that the autopsy be included with the proposed resolution as supporting documentation, but not to include any specific language about the death in the resolution. Councilman Charles Clark and the rest of the Council agreed and unanimously passed a motion for the submission to the Lake County delegation of Option B of Resolution 2003-2 with the modifications discussed.

### Nomination/Election of Officers for Two Year Term (2004 and 2005)

After a discussion of the date that the new officers would take over the position, a motion was made and unanimously passed such that the newly elected officers would assume their new positions beginning with the first meeting in January. Nominations for officers and elections then ensued:

Councilman Don Nicholson nominated Councilman Dave (Hugh) Davis as Chairman.

Councilman Farner nominated Councilman Clark as Chairman.

After discussion of the nomination, Councilman Davis was elected as Chairman.

Councilman Nicholson nominated Chairman Goerner as Vice Chairman. After discussion of the nomination, Chairman Goerner is elected Vice Chairman.

Councilman Nicholson then nominated Councilman Thomas Cook, M.D. as Secretary. After discussion of the nomination, Councilman Cook was elected Secretary

Chairman Goerner made a motion to appoint Councilman Thomas Brooks as the Council's budget and financial affairs advisor or liaison. The motion passed.

#### Review of Quarterly Budget Report

Chairman Goerner discussed his concerns about the “unencumbered funds” not being carried over into the new fiscal year. Mr. Caputo explained that at the end of the year allocated funds go back to the contributor of those funds to avoid carryovers from year to year. He said that this does not mean that the contributors can't reallocate those funds to the original recipient(s).

Councilman Brooks said that he would like to discuss the issue of unused allocated funds with the SJRWMD directly. Mr. Caputo agreed and said he would contact the proper people at the SJRWMD to discuss this matter with Councilman Brooks. No specific details of the quarterly budget were discussed.

This information will be presented and discussed at the November meeting.

#### Renewal of Berryman & Henigar, Inc. (BHI) Purchase Order Agreement for Services

The Council discussed the purchase order renewal of BHI to act as the Recording Secretary of the Council to record / write the monthly meeting minutes and to prepare the Annual report to the Florida State Legislature.

Councilman Cook made a motion to approve the BHI renewal as presented as opposed to putting the contract out to bid. He expressed concerns about the bidding process taking a long time and that the BHI contract expires in the month of November.

Councilman Clark expressed his concerns about the increased fees that BHI was proposing. Hans Zarbock, P.E., Water Resources Manager for BHI said that there were additional meetings included in the new proposed budget, as BHI did not take over the duties of the current contract until the March 2003 Council meeting. Mr. Kaiser explained that professional services may not be put out for bid but the Council could accept statements of qualifications and proposals. He suggested that the Council allow BHI to present a new proposal based on the discussions at the meeting, in an effort to conserve time. Mr. Zarbock requested that BHI be allowed to reconsider the amount proposed and come back to the Council with a decreased budget. After further discussion, Mr. Zarbock asked if the Council would accept a proposal in the cost range similar to those presented by other firms last year.

Chairman Goerner said that at this point, the Council should move forward with the bid process. A motion to accept the renewal proposal from BHI failed unanimously. Councilman Brooks then presented a motion that the Lake County Water Authority (LCWA) offer the contract for open bid, using the same format as last year. The motion passed unanimously.

Upper Ocklawaha River Basin State Funding Initiative (FY 2004 - 2005)

David Walker (LCWA) was not available for the presentation as scheduled. Chairman Goerner expressed his concern with the Initiative in the operation of the Harris Bayou marsh by allowing water from Lake Harris to flow through the marsh and discharge in Lake Griffin. Councilmen Clark and Farner expressed their concerns of contamination from the marsh being introduced in Lake Griffin. Chairman Goerner said that these are issues that need to be discussed with Mr. Walker, so they can be included in the annual report to the Legislature. The Council agreed that the water could be pumped via culverts between the two lakes but that running water through the marsh could cause increased nutrient loading to Lake Griffin. The Council also agreed that if the marsh were cleaned of contaminants and nutrients, then it would be beneficial to operate flow through the marsh, in an effort to restore historic flow.

Extensive discussion continued regarding the specific issues within the Initiative. Councilman Farner presented a motion for the Council to support the Initiative in general terms, but to maintain reservations on specific issues within the Initiative. The motion passed unanimously.

Flow-way Operational Limitations

Dr. Battoe discussed the efforts being made to initiate operations at the Lake Apopka flow-way.

Various Council members expressed their concerns with increasing nutrients loadings into the Chain of Lakes. Dr. Battoe assured the Council that the Lake Apopka flow-way has been constructed to operate based on pilot studies and projects. He went on to say that the flow-way would be shut down if it proved to be detrimental to the lake.

Chairman Goerner expressed his strong concerns that operation of the Lake Apopka flow-way may increase the phosphorus load entering Lake Griffin and this could diminish water quality and create financial hardships for the Harris Chain of Lakes. He felt that water discharged into Lake Griffin from the flow-way should meet standards as outlined in the Clean Water Act, such that they do not add pollutants to the receiving waters.

Dr. Battoe discussed several of the efforts that have been made to improve the effectiveness of flow-way treatment. He explained that although flow-way operations in the past have not been as successful as they may have hoped, all the efforts produced knowledge and experience in their operation. Dr. Battoe also said that much more effort and research has gone into understanding the operation of flow-ways and they have much

greater experience in their operation. He felt confident that the experience they have gained and the design of the Lake Apopka flow-way will make it successful in meeting water quality goals.

The Council, in general, agreed that there should be limitations on the operation of this flow-way. Councilman Clark expressed his opinion to trust the work and judgment of the SJRWMD, and to allow them to operate the flow-way believing that they would shut it down if it proved to either increase nutrients to the lake or it no longer provided a benefit to the lake.

After extensive discussions among the Council, Councilman Davis made a motion to impose operational limitations, as a reasonable standard, on the SJRWMD and to stop the operation of the flow-way if there is an increase in phosphorus or other nutrients to Lake Griffin. The motion passed.

## **7. PRESENTATIONS**

### **SJRWMD – Elizabeth Thomas, Re: Water Supply Planning Initiative and Surface Water Withdrawal from lakes Harris and Apopka**

Elizabeth Thomas (SJRWMD) gave a PowerPoint® Presentation and provided a handout to the Council. Ms. Thomas explained that the region will need to find an additional 200 million gallons per day (MGD) of potable water for public supply by the year 2025. Her presentation outlined various facts and issues facing the region caused by an increased demand for potable and reuse water. The existing water sources include groundwater, the St. Johns River, and the Lower Ocklawaha River. Future sources may include desalinated seawater, with the understanding that this is an expensive source of potable water. Beginning with Lake County, water conservation efforts will include the adoption of a Landscape Ordinance because it is believed that at least 40% of the public water supply is used outdoors and that over-irrigating is a common practice. The model Landscape Ordinance is currently in review and a final committee meeting on the language will be in November.

Ms. Thomas also discussed the use of reclaimed water for irrigation. She explained that there is no countywide reclaimed water planning efforts at this time. She said that the SJRWMD has studied the use of surface water to supplement the needs of reclaimed water to be used for irrigation. The SJRWMD has investigated the use of water from Lake Apopka to provide supplemental reuse water to the City of Apopka and the use of water from Lake Harris to supplement the reuse water of the City of Leesburg. Ms. Thomas assured the Council that these are issues that are still under consideration and the final decisions have not been made.

Chairman Goerner asked if the SJRWMD is considering the use of Aquifer Storage Recovery (ASR) by injecting stormwater into the surficial aquifer. Ms. Thomas stated that they are considering the option but that many concerns about water quality needed to be addressed.

Citizen Advisor – Robert Kaiser, Re: City of Leesburg Wastewater Treatment with Ray Sharpe

Robert Kaiser (Citizen Advisor) introduced Ray Sharpe, Executive Director of Environmental Services for the City of Leesburg. Mr. Sharpe discussed the East Central Water Supply Planning Initiative saying that there is a lack of additional permittable water that can be drawn from the Floridan aquifer, beginning in 2004. He explained that the water utilities in the area have been discussing reclaimed water sources to preserve the potable water supply. He also explained that reuse water is much less costly to treat than water for potable use. Mr. Sharpe told the Council that the current 10-Year Capital Improvement Plan (CIP) Budget does not include funds for the withdrawal of water from Lake Harris. He also discussed the costs associated with treating various water sources per 1,000 gallons and several of the future water planning issues that they are considering currently. Mr. Sharp went on to say that the City of Leesburg is currently modifying their Canal Street Wastewater Treatment Plant to provide reclaimed water for irrigation.

Commissioner Debbie Stivender, Vice Chairperson of the Lake County Board of County Commissioners (BOCC) then offered the Council copies of a U.S. Geological Survey (USGS) book of water resources information that the BOCC had obtained. The Council accepted her offer.

LCWA – Mike Perry, Re: Lake Beauclair Enhancement Project

Ron Hart (LCWA) and John Kiefer, a consultant with BCI Engineers & Scientists, Inc. (BCI) discussed the Lake Beauclair Enhancement Project and gave a PowerPoint® Presentation. He explained that the primary reasons for the enhancement are to improve navigability of the lake, to reduce the number of Marine Patrol responses to aide stranded boaters, and to improve aquatic habitat which would also lead to improved water quality. He said that BCI recommends dredging 1.2 million cubic yards of sediments from the western side of the lake over a 12-month period. Mr. Keefer explained that the proposed disposal site is Cell G within the Apopka-Beauclair flow-way. He said that the dredged material is suitable for wetland restoration in a flow-way because it would provide fill for subsidence, improve sediment chemistry for pesticides by capping them, and that the levels of naturally occurring arsenic and nutrients are similar to that of the flow-way. BCI estimated that the disposal costs and the costs of decanting and treating the runoff from the dredged material would be \$5,350,000 - \$9,400,000 with a 15% contingency. Mr. Keefer also discussed the drawdown schedule being coordinated with the revegetation of the lake. Those costs were estimated at \$813,000 - \$990,000 with a 15% contingency. A 60-day drawdown was proposed, which would expose lake bed elevations of 58 feet NGVD - a drawdown of 3 to 5 feet below average water levels. He explained that this would allow for planting to the elevation of 56 feet NGVD because plantings can be placed in up to 2 feet of water.

After extended discussion between Council members and Mr. Kiefer, Chairman Goerner discussed his concerns with the appearance of Lake Dora after discharges from Lake Apopka after heavy rainfalls. His concerns were that algae blooms would cause the lake to turn green. It was explained that it is not financially feasible to provide alum treatment to

all of the high flows that are released from Lake Apopka, and that these flows are infrequent.

Berryman & Henigar – Patrick Hunter, Re: Review of First Draft of the Legislative Report.

Several of the Council members commented that they thought that the draft report to the Florida State Legislature was very well written and that it read well. Other Council members felt that there should be a workshop scheduled to discuss the draft report, due to the length of the meeting and the late hour of the day.

Chairman Goerner discussed including additional funding requests in the Annual Report in addition to the one outlined in the report for the Lake Griffin canal dredging efforts. A motion was made to include the funding as requested in the previous report (2001 – 2002), but not to include the amount requested for the UORB Initiative. The motion passed.

The remaining Council members then requested that a workshop be scheduled to discuss the draft Annual Report. After checking on the availability of the BOCC Chambers, Mr. Caputo scheduled the workshop for October 15<sup>th</sup> at 9:00 AM.

**8. COUNCIL MEMBER COMMENTS**

Due to the length of the meeting, no Council member comments were requested.

**9. PUBLIC COMMENTS**

Due to the length of the meeting, no Public comments were requested.

**10. ADJOURNMENT**

Chairman Goerner called for meeting adjournment. A motion to adjourn was made, seconded, and passed. The meeting was adjourned at 4:35 PM.

Respectfully submitted by:

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Skip Goerner, Chairman

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Hugh Davis II, Secretary