

DRAFT

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

The regular meeting of the Harris Chain of Lakes Restoration Council (Council) was held at 9:02 a.m. on August 2, 2019, at the Lake County Board of County Commissioner Chambers, 315 West Main Street, Tavares, Florida.

1. CALL TO ORDER

Chairman Grow called the meeting to order at 9:02 a.m.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Council Member Nicholson gave the invocation. The Pledge of Allegiance followed.

3. COUNCIL ROLL CALL

Chairman Grow called the roll.

Council Members present

Sid Grow, Chairman
Keith Truenow, Vice-Chairman
Stephanie Bishop
Joe Dunn
Skip Goerner
Don Nicholson

Council Members absent

Robert Johnson, Secretary
Wade Boyette
John Stump

Technical Advisory Group (TAG) Members present

Jason Danaher, Lake County Water Authority (LCWA)
Scott Bisping, Florida Fish and Wildlife Conservation Commission (FWC)

TAG Members absent

St. Johns River Water Management District (SJRWMD)
Mark Hoyer, UF
Kevin Coyne, Florida Department of Environmental Protection (FDEP)
Vacant, Florida Department of Transportation (FDOT)
Vacant, Army Corps of Engineers (ACOE)

4. **APPROVAL OF MINUTES**

A motion to approve the June 7, 2019, minutes was introduced by Council Member Dunn, seconded by Council Member Nicholson. **THE JUNE 2019 COUNCIL MINUTES WERE UNANIMOUSLY APPROVED.** A motion to approve the July 12, 2019, minutes was introduced by Vice-Chairman Truenow, seconded by Council Member Dunn. **THE JULY 2019 COUNCIL MINUTES WERE APPROVED by a vote of 5-1. Council Member Goerner was in opposition.**

5. **FOR INFORMATION**

Council Discussion on Revising the Council Meeting Schedule from Monthly to Every Other Month

Chairman Grow suggested the Council cannot fulfill its mission of Harris Chain restoration by reducing the number of meetings from 11 to 6. Council Member Nicholson observed many of the Council's comments to the legislature are redundant, therefore new information could be handled in fewer meetings. Council Member Bishop suggested the Council could function with half the scheduled meetings if it operated more efficiently. Council Member Dunn agreed with fewer meetings if the time was used more efficiently. Council Member Dunn also noted if something came up, additional meetings can always be called. Council Members Goerner and Bishop noted many meetings there is no quorum. Council Member Nicholson polled the Council on full-time job status. Five of six members indicated they had full-time jobs. Vice-Chairman Truenow indicated support for 6 meetings as summertime is difficult for members to attend meetings. Vice-Chairman Truenow also observed that if there is no quorum, then it would not be worth having a meeting. Chairman Grow queried the TAG members for comments. There were none.

6. **FOR CONSIDERATION**

Approval to Change the Council Meeting Schedule from Monthly to Every Other Month

A motion to approve changing the Council meeting schedule from monthly to every other Month was introduced by Council Member Goerner, seconded by Council Member Bishop. **THE MOTION WAS APPROVED BY A VOTE OF 5 TO 1 with Chairman Grow in opposition.**

Chairman Grow reported Council would discuss the new meeting schedule at the September 2019 meeting. Council Member Goerner noted the change will apply after the November 2019 meeting. Council Member Nicholson reiterated that Council will still retain the ability to call a meeting at any time.

7. **FOR INFORMATION**

Council Identification of Specific Questions for the Lake County Attorney to Address Regarding the Sunshine Law.

Chairman Grow discussed the apparent confusion about whether Council Members can contact TAG members outside of Council meetings, or must they wait until a noticed public meeting. Council Member suggested Council has always been prevented from speaking individually with TAG members. Council is therefore looking for direction on how the Sunshine Law applies to Council.

Council Member Bishop recalled the in-depth discussion of Sunshine Law presented at the April 24, 2018, meeting called by the SJRWMD Governing Board chair. Information at this meeting was presented by the SJRWMD's General Counsel Bill Abrams. The Council requested a more simplified presentation by the Lake County Attorney.

Council Member Goerner reiterated his desire to have the Lake County Attorney review the Council's legislation and interpret how the Sunshine Law applies to Council. Council Member Goerner wanted to ascertain as to which individuals Council Members could communicate with.

Council Member Nicholson inquired as to the scope of the Sunshine Law. Council Member Goerner suggested SJRWMD had changed the communication narrative pertaining to the TAG and wanted an official record denoting Council communication.

Council Member Bishop inquired as to how will Lake County Attorney comments differ from SJRWMD comments provided at the April 28th, 2018 meeting. Council Member Goerner inquired whether that meeting was recorded. Lisa Kelley, SJRWMD Assistant Executive Director reported there was an audio recording in which Mr. Bill Abrams, SJRWMD General Counsel, reviewed Council legislation documents, and the Sunshine Law. Ms. Kelley noted individual members can talk to district staff, however, it would be improper if a member was requesting to speak to an individual (who also serves on the TAG) with the purpose of gaining the position/information of the entire TAG (as a group). Additionally, meetings can be public noticed to keep the conversations in the sunshine.

Council Member Goerner inquired as to the availability of the audio recording. Mr. Jim Troiano reported the recording is posted and accessible on the Harris Council website.

Council Member Bishop returned to the issue as to what Council was requesting from the Lake County Attorney for further discussion. Chairman Grow indicated that discussion would continue as the next agenda item.

8. **FOR CONSIDERATION**

Approval of a List of Specific Questions for the Lake County Attorney to Address Regarding the Sunshine Law

After further discussion, Council agreed on two main questions for the Lake County Attorney to address:

1. Review of Sunshine Law as it pertains to Council legislation.
2. Are Council Members allowed to, or able to contact Tag Members individually?

A motion to approve the list of specific questions for the Lake County Attorney to address regarding the Sunshine Law was introduced by Council Member Goerner, seconded by Vice-Chairman Truenow. **THE MOTION WAS UNANIMOUSLY APPROVED.**

Council Member Dunn suggested sending the audio recording of the District meeting to the Lake County Attorney for review. Council Administrative Support Frazel noted he would provide links to both the Council meeting video and District audio to the County Attorney.

9. **FOR INFORMATION**

Harris Chain of Lakes Restoration Council Annual Report Schedule, Denis Frazel, Harris Council Administrative Support

Denis Frazel, Harris Council Administrative Support, presented the 2019 annual report development schedule and review dates to Council, noting the report would include Council activities from November 2018 through October 2019. Mr. Frazel requested input from Council on cover art for the report. Mr. Frazel noted the first draft of the report would be presented at the September 6th Council meeting. Any comments or edits received by Mr. Frazel by the 3rd of September would be included as tracked changes in the document to be discussed on September 6th.

10. **FOR INFORMATION**

Council Discussion of Recommendations to be Included in the Harris Chain of Lakes Restoration Council Annual Report

Chairman Grow presented an overhead detailing 2 recommendations to the 2019 Council report, as follows:

- Request the Florida State Legislature to pass legislation that provides for inspection and correction of home septic systems that do not function correctly.

Chairman Grow noted currently there is no requirement for inspections, and it is estimated that 10-20% of the 2,500,00 individual systems in the state of Florida have failed.

- Provide additional funding for hydrilla in the Harris Chain.

Chairman Grow noted current funding levels control hydrilla, however additional funding can help keep hydrilla growth to a minimum but cannot eradicate hydrilla in the Harris Chain of Lakes. Chairman Grow also recommended TAG provide advance funding to identify a new herbicide to eradicate hydrilla, as hydrilla may become immune to current herbicides.

Council Member Dunn inquired whether Council was making general recommendations or trying to influence legislature. Specifically, is Council asking the legislature to increase the FWC budget in general or ask that FWC get an increased budget for the Harris Chain. Council Member Dunn suggested providing a specific recommendation for funding. Denis Frazel, Council Administrative Support, displayed the 2018 Annual Report recommendations, which included a hydrilla recommendation, with a specific funding request.

Council Member Goerner noted prior Council recommendations had yielded millions of dollars and helped to recover Lake Griffin and other lakes.

Council Member Goerner recommended requesting a study of Double Run Swamp, specifically requesting SJRWMD to include funding in their budget to hire an engineering firm to investigate Double Run Swamp as an alternative conveyance from Lake Apopka. Council Member Goerner suggested a review of the elevations in the area would enable engineers to determine the feasibility of such a conveyance.

Council Member Bishop suggested reviewing the planning list of topics identified back in January. Chairman Grow reviewed the list, as follows:

1. Anuvia Plant: Discussion of the Anuvia Plant Nutrient facility.
2. Septic systems: Identify septic systems around Lake Apopka with the potential of the systems to release harmful effluents into Lake Apopka.
3. Hydrilla control
4. Doctors Lake project: Update Council on the Doctors lake projects presented by the SJRWMD in Aug. 2018, that improves water quality entering the Doctors lake from septic systems, etc.
5. P removal project: SJRWMD to make a presentation on the Lake Apopka Innovative Total Phosphorus Removal Project for \$1.16 million. Update Council on how the P will be removed.
6. Update on Water Quality Memorandum: Make a presentation to Council on the SJRWMD's issuance of a new memorandum on Water Quality (Update to Memorandum 56 authored by Roland Fulton).
7. Dredging updates: SJRWMD to brief Council on Lake Apopka dredging activities.
8. Lake level control: Control of lake levels during hurricanes, including alternative conveyance systems.

Chairman Grow indicated all topics had been reviewed except for the presentation to Council on the SJRWMD's issuance of a new memorandum on Water Quality, and the Clay County Utility Authority Doctor's Lake project. Chairman Grow requested Clay County be re-invited to discuss the Doctor's Lake project with Council.

Council Member Dunn suggested changing septic tank policy would be expensive but repairing damage from failing septic systems would be even more expensive. Council Member Goerner agreed. Council Member Goerner discussed septic tanks from an engineering perspective with Council Member Bishop noting Lake County does not have a water and wastewater engineer. Council Member Goerner inquired how to increase capacities, and sewer pipelines. Chairman Grow noted the Mike Perry presentation in June reported that every central (municipal) system in Harris Chain of Lakes reuses all wastewater.

Council Member Dunn discussed dredging on Lake Apopka, and suggested if Council supports sump dredging, it should be included as a recommendation. Council discussed private canal dredging and suggested such funding was limited to LCWA. Council Member Dunn provided written recommendations as follows:

- Septic systems
 - support legislation for monitoring septic systems
 - support Orange & Lake County septic system inventory efforts
- Continue to support aggressive treatment for hydrilla & increased funding for same
- Encourage SJRWMD to accelerate Lake Apopka MFL (minimum flows and levels) update

Council Member Goerner agreed that Council needs to include MFLs for Lake Apopka as a recommendation. Council Member Bishop requested the Chair to re-list the recommendations. Chairman Grow noted the first item was to discuss the feasibility of a secondary conveyance system. Council Member Bishop inquired whether Council was going to use the 2018 recommendations and if so, what was the outcome. Council Member Bishop suggested developing more specific recommendations. Denis Frazel noted in the previous report he had collated the information provided at the Council meeting and developed draft recommendations based on Council discussion. Those draft recommendations could then be reviewed and changed as needed as part of the review of the first draft of the Annual Report. Council agreed to review discuss the recommendations in the first draft of the Annual Report once it was released.

11. FOR CONSIDERATION

Approval of Recommendations to be Included in the Harris Chain of Lakes Restoration Council Annual Report

Withdrawn by Chairman Grow.

12. FOR INFORMATION

District Water Quality Committee meeting minutes for Apr. 2019 had an agenda item #16: Approval of a work order to Four Waters for interconnecting a pumping system on the LANS to reduce total phosphorous discharge in Lake Apopka. District/Council discussion.

Bob Naleway, P.E., SJRWMD Project Manager, provided an update on the Lake Apopka North Shore Interconnect Pumping System, noting he had made a similar presentation to the SJRWMD Governing Board in April 2019. Mr. Naleway presented a map of the North Shore, focusing on the Duda and Zellwin farms areas, which currently have only one discharge point.

The purpose of the Interconnect Project is to provide improved water management on the North Shore, and to provide water quality benefits to Lake Apopka. The project includes the design and construct a pumping system to better utilize existing storage on the north shore rather than discharging to the lake, and the installation of a 50 cubic foot per second pumping system to move water across lake level canal to take advantage of additional storage areas.

The project provides access to an additional 640 million gallons of storage. The current SJRWMD Board-approved action provides \$121,674.53 for design services with Four Waters

Engineering. The construction project will be bid separately and presented to the SJRWMD Governing Board for consideration. Construction is anticipated to occur around November 2020 with completion around summer 2021.

Chairman Grow noted the project will allow for water storage. Mr. Naleway concurred, noting in the past SJRWMD was forced to pump excess water from the Duda property back into Lake Apopka.

Council Member Goerner suggested such a project should not be completed until MFL assessments are made for Lake Apopka. Council Member Goerner was concerned about maintaining high water levels in Lake Apopka. Mr. Naleway reiterated the project does not remove water from Lake Apopka therefore any MFLs would be unaffected.

Chairman Grow inquired how nutrient loads would be reduced. Mr. Naleway reported that by keeping nutrient-loaded water on the North Shore, nutrients will not be able to enter the lake. Chairman Grow inquired as to how much water was being pumped from the north shore for irrigation. Mr. Naleway reported no irrigation was being pumped from the North Shore, though the city of Apopka does withdraw irrigation water from the lake under an SJRWMD consumptive use permit (CUP). Mr. Naleway was not aware of any other pending CUP applications.

Vice-Chairman Truenow inquired about the July Governing Board item for approval to regrade cell 2 of the Marsh Flow-way. Mr. Naleway reported the purpose of the project is to restore elevations in the cell by moving material internally within the cell using amphibious track hoes.

13. AGENCY UPDATES

a. LCWA

Jason Danaher, Ph.D., LCWA, reported Lake Apopka discharges currently running through the Nutrient Reduction Facility (NuRF) and are being treated to full capability. Chairman Grow inquired as to the what will be the anticipate flow. Dr. Danaher noted Lake Apopka was within the regulatory range so the NuRF would likely be receiving range approximately 50 cubic feet per second of flow into the facility.

b. SJRWMD

Jim Troiano, SJRWMD, updated Council on SJRWMD activities, reporting Harris Council related expenses for the previous month, including Florida Administrative Register notification, and administrative support payments. Mr. Troiano discussed the upcoming SJRWMD Governing Board meeting, noting it was to be held August 13, 2019, at District headquarters. Mr. Troiano will provide the Governing Board agenda to Council once it is posted. Mr. Troiano advised the Council could watch the meetings live or could review the meeting at their convenience in recorded format. Mr. Troiano noted agenda item #30, Approval of the bid and award of a fixed price multi-year contract to the sole bidder for the District's navigational locks and dams services was relevant to Council

Mr. Troiano updated Council on SJRWMD projects, reporting the Lake Apopka Marsh Flow Way remains closed to allow for maintenance. As noted previously, SJRWMD is undertaking levee improvements along the North Shore. The project is expected to re-open in late August or early September.

Mr. Troiano noted the SJRWMD had also provided an email to Council in reference to an article about west Orange home given access to reclaimed water. The complete SJRWMD update is included as backup material to the minutes.

Mr. Troiano reviewed the responses to the three action items identified since the June 7, 2019 Council meeting and noted all action items were complete.

Vice-Chairman Truenow had several questions about the marsh flow-way and inquired whether a project manager could speak specifically on the \$6 million cost and the scope of work.

c. FWC

Scott Bisping, FWC, reported the planning for vegetation mapping on the Harris Chain of Lakes is set to begin. Council Member Goerner noted water clarity was greatly diminished on Lake Griffin, somewhat similar to the bad algae blooms in the 1980s. Mr. Bisping reported part of reason for those water clarity reductions was due whole lake aquatic vegetation treatments. Targeted treatments are now more standard and overall trends show water quality is improving and nutrient levels are decreasing.

Council Member Nicholson noted Council had not seen any recent fish count data from FWC and requested an update. Mr. Bisping Scott reported FWC was compiling reports for this year and would try to prepare a presentation for the October Council meeting.

Council Member Nicholson also inquired about the status of invasive species in the Harris Chain, in particular Burmese pythons, and requested an update on invasive species. Mr. Bisping had not heard of reports Burmese pythons this far north but would report on that as well. Mr. Bisping noted FWC has a hotline to report invasive species. The invasive fish species he is aware of include armored catfish and walking catfish.

Council Member Goerner requested any information, studies, or elevation information SJRWMD may have pertaining to conveyance through the Double Run Swamp.

14. PUBLIC COMMENTS

Linda Moss, private citizen affiliated with the Lake Gem Clean Water Project, discussed septic tanks funding possibilities. Council Member Dunn was invited to her home to view muck. Council Member Dunn clarified he discussed dredging by SJRWMD not private dredging. Ms. Moss discussed dredging possibilities, and the use of geotubes to retain dredged sediments. Ms. Moss has proposed dredging of the AB Canal. Ms. Moss did state that Lake County Commissioner Parks and John Miklos were planning to make a presentation at the Aug. 27 Lake County Commission meeting regarding the dredging of her canal.

Ms. Moss discussed whether Council Member Boyette was still on the Council, and the possibility of letting Lake Apopka flood through Double Run Swamp. Ms. Moss inquired who keeps records of the lock and dam, and who is on the Lake County delegation.

15. COUNCIL MEMBER COMMENTS

a. Chairman Grow

No comments.

b. Vice-Chairman Truenow

Vice-Chairman Truenow noted Council should identify a fixed funding amount to request for an additional Lake Apopka conveyance study, as well as funding request for projects providing more water clarity.

c. Council Member Dunn

No comments

d. Council Member Goerner

Council Member Goerner

e. Council Member Nicholson

No comments

16. REVIEW OF ACTION ITEMS* REQUESTED DURING MEETING

*New Action Items are highlighted in bold in the text

Chairman Grow directed administrative staff to contact CCUA to see if they would come to the Sept. 2019 Council meeting to discuss the project at Doctors lake in Clay County.

Vice-Chairman Truenow had several questions about the marsh flow-way and inquired whether a project manager could speak specifically on the \$6 million cost and the scope of work.

Council Member Nicholson noted Council had not seen any recent fish count data from FWC and requested an update.

Council Member Nicholson also inquired of the FWC about the status of invasive species in the Harris Chain, in particular Burmese pythons, and requested an update on invasive species.

Council Member Goerner requested any information, studies, or elevation information SJRWMD may have pertaining to conveyance through the Double Run Swamp.

17. DISCUSSION OF NEXT SCHEDULED MEETING.

Chairman Grow announced he would be resigning as Chairman at the Sept. 2019 meeting, so nominations and an election of a new chairperson should be scheduled on the September agenda. Chairman Grow noted the Sunshine Law and the first draft of the Council Annual Report would

be discussed. Chairman Grow requested that Clay County Utility Authority be re-invited to speak to Council about an advanced bioretention system project.

18. ADJOURNMENT

Meeting adjourned at 11:19 a.m.

DRAFT