

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 9:03 a.m. on September 6, 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
Wade Boyette
Joe Dunn
Skip Goerner
Don Nicholson
John Stump

Council Members absent

Robert Johnson, Secretary

Chairman Grow requested Council Administrative Support to send a letter to Secretary Johnson to verify his continued participation on the Council or to submit his resignation.

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 August 2, 2019, minutes was introduced by Council Member Nicholson, seconded by Council Member Dunn. **THE AUGUST 2019 COUNCIL MINUTES WERE UNANIMOUSLY APPROVED.**

5. **FOR INFORMATION**

Resignation of Council Chairman and Appointment of Vice-Chairman to Serve as Chairman until the term ending April 2020.

Chairman Grow announced his resignation as Chairman and notified Council that Vice-Chairman Keith Truenow would assume the Chair. Keith Truenow assumed Chairmanship.

Chairman Truenow discussed new election dates indicating the Council bylaws were not clear. Council Member Goerner noted elections had generally been held the first meeting after the Christmas holiday. Chairman Truenow suggested holding new elections in February 2020. Council Members agreed. Council Member Goerner noted the Vice-Chair vacancy and suggested electing an interim Vice-Chair, and Council agreed. Council Member Goerner was nominated by Council Member Nicholson for the position; however, Council Member Goerner declined the nomination. Council Member Stump nominated Council Member Bishop for Vice-Chairman, seconded by Council Member Dunn seconded. **COUNCIL MEMBER BISHOP'S INTERIM APPOINTMENT WAS UNANIMOUSLY APPROVED.**

6. **FOR INFORMATION**

Discussion of Florida Sunshine Law as it Pertains to the Harris Chain of Lakes Restoration Council, Lake County Attorney.

Ms. Melanie Marsh, Lake County Attorney, briefed the Council on the Florida Sunshine Law. Ms. Marsh noted she was not the attorney for the Council. Council should therefore defer to their own Counsel for guidance. Ms. Marsh discussed the Sunshine Law Manual called "Government in the Sunshine". The manual is available online at [http://myfloridalegal.com/webfiles.nsf/WF/MNOS-B9QQ79/\\$file/SunshineManual.pdf](http://myfloridalegal.com/webfiles.nsf/WF/MNOS-B9QQ79/$file/SunshineManual.pdf)

Ms. Marsh reported the Sunshine Law operates under the concept that everything a public body does needs to be in the public.

Public bodies must operate under three basic tenets:

1. Public meetings must open to the public; when one or more Council Members meet to discuss Council items, it must be in a public forum.
2. Public meetings must be reasonably noticed.
3. Public meetings must minutes.

Regarding meeting minutes, Ms. Marsh noted minutes are not necessarily a verbatim record, therefore, when bodies vote to approve minutes, they can be detailed but do not have to be a complete record.

Council Member Goerner inquired as to who decides how minutes are taken. Ms. Marsh noted it is up to individual boards to work with staff to determine how minutes are completed.

Ms. Marsh discussed penalties under the Sunshine Law, noting the Florida Attorney General has a public crimes section that investigates wrongdoing not only from direct contact, but from social media and other outlets. Ms. Marsh cautioned Council about using social media. Inappropriate electronic communications can be in violation of Sunshine Laws. Council Members need to be cognizant of who they are talking to. Violations can result in a up to a \$500 fine and up to 60 days in prison.

Ms. Marsh also noted if two Council Members discuss something that will occur in the future it is a violation. In addition, recusing oneself from voting from something that was inappropriately discussed would still be a Sunshine Law violation. Council Members are required to vote on motions unless directly involve private gain or impropriety.

Council Member Goerner requested clarification about whether Council Members can communicate individually with TAG Members. Ms. Marsh reported Council Members can communicate individually with TAG Members, but Tag Members cannot be used as a liaison to communicate information between Council Members. Council Members can communicate with TAG members individually.

7. **FOR INFORMATION**

Harris Chain of Lakes Restoration Council First Draft of 2019 Annual Report, Denis Frazel, Harris Council Administrative Support.

Denis Frazel, Harris Council Administrative Support, presented the first draft of the 2019 annual report, including Council activities from November 2018 through October 2019. Mr. Frazel reviewed all sections of the draft report, including major comments provided by Council on the initial draft. Under annual report sections on Harris Chain of Lakes Restoration and Fishery Research Mr. Frazel noted no recommendations had yet been provided by Council. Council deferred action on new recommendations until review of the second draft of the report

Council specifically discussed alternative forms of conveyance from Lake Apopka under the annual report section on Lake Level Management. Council revised the 2019 recommendation regarding alternative conveyance as follows:

- Request dedicated legislative funding of up to \$250,000 to retain an engineering firm to investigate or study the feasibility of creating a secondary form of conveyance for water from Lake Apopka, to include Double Run Swamp (shown in Figure 1), an assessment of increasing the drainage capacity under the railway trestle at the Lake Dora outfall, and dredging of the Dora Canal.

Council Member Dunn suggested that if an engineering study of Double Run had been completed, to remove that section from the recommendation.

Council also discussed septic systems under the annual report section on Water Quality. Council agreed to add two additional recommendations for 2019 as follows:

- Encourage replacement of septic systems near lakes and canals with municipal central sewer where feasible.
- Encourage local governments to revise local codes regarding replacement of failing septic systems near lakes and canals.

Mr. Frazel requested input from Council on three cover art options for the report. Mr. Frazel noted the second draft of the report would be presented at the October 4th Council meeting. Any comments or edits received by Mr. Frazel by the 1st of October would be included as tracked changes in the document to be discussed on October 4th.

8. FOR INFORMATION

Following the Council's vote to begin meeting every other month, a discussion is required to determine when to begin the new meeting schedule.

Chairman Truenow discussed options for the 2019-2020 Council meeting schedule, recommending meetings in November 2019, February 2020, April 2020, June 2020, August 2020, October 2020 and November 2020. Chairman Truenow also recommended holding elections in February 2020.

9. FOR CONSIDERATION

Approval of a new meeting schedule

A motion to adopt the 2019-2020 meeting schedule was introduced by Council Member Dunn, seconded by Vice-Chairwoman Bishop. **THE MOTION TO ADOPT THE 2019-2020 MEETING SCHEDULE WAS APPROVED BY A VOTE OF 7, WITH COUNCIL MEMBER GROW ABSTAINING.**

A motion to hold Council elections in February 2020 was introduced by Council Member Goerner, seconded by Council Member Dunn. **THE MOTION TO HOLD COUNCIL ELECTIONS IN FEBRUARY 2020 WAS UNANIMOUSLY APPROVED.**

10. FOR INFORMATION

Discussion on the replacement of old or failing septic tanks with individual distributed sewer systems.

Council Member Grow noted SJRWMD has a project to utilize new technology to provide onsite nutrient reduction with \$1.5 million for the legislature. Mr. Adam Lovejoy, Governmental Affairs Director, SJRWMD, described a series of video links on the SJRWMD website at sjrwmd.com/facts/doctors-lake discussing the projects in the Doctors Lake area. Mr. Lovejoy noted the City of Apopka has a similar project and has expressed a willingness to present to the council in the future, schedule permitting. Mr. Lovejoy also offered an alternative and explained Apopka's selected vendor is also willing to present to the council in the future, schedule permitting.

Council expressed interest in such a presentation during the upcoming year meeting. Vice-Chairwoman Bishop suggested discussing the issue again at the October meeting to formally set a presentation date.

11. **AGENCY UPDATES**

a. LCWA

Jason Danaher, Ph.D., LCWA, updated Council on nutrient reduction facility (NuRF) activities with Hurricane Dorian. Dr. Danaher reported the NuRF processed 175-250 cfs of effluent in preparation for the storm. There were reports of some downed trees but damage.

Chairman Truenow inquired about discussions of canal dredging or maintenance during recent Lake County meetings. Dr. Danaher noted he was unaware of any discussions.

Council Member Goerner suggested LCWA had some prior involvement with studies of Double Run Swamp conveyance and requested any information LCWA might have available. Council Member Goerner indicated LCWA has easements for Double Run swamp and requested that information be provided as well. Dr. Danaher noted he would look for the information requested.

b. SJRWMD

Mr. Lovejoy updated Council on SJRWMD activities, reporting Harris Council related expenses for the previous month, including Florida Administrative Register notification, and administrative support payments. Mr. Lovejoy discussed the upcoming SJRWMD Governing Board meeting, noting it was to be held Sept. 10, 2019, at District headquarters. It is the annual budget meeting. Mr. Lovejoy advised the Council could watch the meetings live online.

Mr. Lovejoy 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 September. Beginning later in the month dredging will be re-started to remove material from the Lake Apopka sump. **Council Member Stump requested an update on sump dredging from SJRWMD.**

Mr. Lovejoy noted the SJRWMD had provided a number of emails to Council, including one on August 6th in reference to a media release about planting leafy burritos in Lake Apopka to help protect water quality, as well as several releases on hurricane preparedness. The complete SJRWMD update is included as backup material to the minutes.

Mr. Lovejoy announced that the Wildlife Drive was back open and that an MFLs workshop to discuss the priority list was scheduled for 3pm Sept. 11 at district headquarters.

Council Member Stump expressed interest in a comparison of flows between Hurricane Irma in 2017 and Hurricane Dorian between August 30th and Sept. 4th. It could be a concise presentation of how flood staging worked, possibly in October.

Ms. Lisa Kelley, Assistant Executive Director, SJRWMD, noted she could work with the SJRWMD crew who were monitoring water flows in Lake Apopka over that 6-day period. Council Member Stump was interested in seeing the weeklong effect on the Beauclair Canal.

Council Member Nicholson inquired as to how data is transmitted back to District headquarters during extreme weather events. Ms. Kelley notes data is transmitted by cell tower, but if they are inoperable, then data is retrieved physically by District staff.

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

c. FWC

Scott Bisping, FWC, reported aquatic plant mapping of Harris Lakes complete as of September 6, 2019, and data is now being ground-truthed. The data in the final maps will be used to assess the need for additional herbicide treatments in the fall. Mr. Bisping noted there were signs of aquatic plant reduction in Lake Harris, and all other lakes. Mr. Bisping reported the occurrence of more native vegetation in Lake Beauclair.

Mr. Bisping noted at the August meeting there was a request for information on exotic species in the Harris Chain of Lakes. Mr. Bisping reported FWC maintains a fisheries database, started in 2006, that lists four different species of invasive fish in the area. These include two species of tilapia, the armored catfish, and the sailfin catfish. Mr. Bisping showed a graph of tilapia showing population numbers dropping dramatically in 2008 in response to cold weather. The graph also showed very little recovery in these populations since that time.

Mr. Bisping presented a table identifying 18 different species of plants regarded as invasive in the Harris Chain. **Mr. Bisping agreed to provide pictures of all 18 species of invasive plants in a packet for Council.**

Chairman Truenow inquired when mapping areas, does FWC color code areas? Mr. Bisping noted once sonar data is ground-truthed by physical examination of vegetation, color-coded maps are prepared. The FWC website at <https://ipm-myfwc.shinyapps.io/whom/> shows vegetated areas.

In response to a question regarding pythons, Mr. Bisping reported the seven ball pythons and boas in Lake County. HE noted according to FWC the only species reproducing in Florida is the Burmese python and none have been reported in Lake County. There are currently no reproducing populations of constrictors outside of south Florida.

Mr. Bisping reported he would provide an in-depth presentation on Harris Chain of Lakes fisheries next month, including sampling results, creel survey results.

12. PUBLIC COMMENTS

Mr. Vance Jochim. FiscalRangers.com, discussed his observations about Harris Council activities. Mr. Jochim approved of the website, and the publication of Council meeting videos. Mr. Jochim suggested posting the draft Annual Report in the website.

Mr. Jochim discussed dredging issues at the last LCWA meeting, noting the discussion of a method for people on private canals to assess themselves for dredging, similar to a process for private assessment for treating roads.

Regarding septic tanks, Mr. Jochim noted problems in Tavares with sewage overflows from mobile home parks.

Ms. Linda Moss, private citizen affiliated with the Lake Gem Clean Water Project, discussed secondary conveyance. Be sure to understand problem is muck filling up canals, not amount of water. Discussed muck buildup in her canal.

Ms. Moss requested funds from the Council for dredging. Council Member Grow noted Council does not have funds. Council Member Grow reiterated his suggestion for Ms. Moss to seek legislative money for dredging.

13. COUNCIL MEMBER COMMENTS

a. **Chairman Truenow**

Chairman Truenow requested an update on the total maximum daily load water quality data for the Harris Chain of Lakes in October, so the information can be included in the Annual Report.

b. **Vice-Chairwoman Bishop**

Vice-Chairwoman Bishop noted a request for proposals (RFP) by LCWA for P removal on Lake Yale. **Vice-Chairwoman Bishop requested an update on the Lake Yale treatment RFP.**

c. **Council Member Boyette**

No comments.

d. **Council Member Dunn**

No comments.

e. **Council Member Goerner**

No comments.

f. **Council Member Chairman Grow**

No comments.

g. **Council Member Nicholson**

No comments.

h. Council Member Stump

No comments.

14. REVIEW OF ACTION ITEMS* REQUESTED DURING MEETING

*New Action Items are highlighted in bold in the text

- Chairman Grow requested Council Administrative Support to send a letter to Secretary Johnson to verify his continued participation on the Council or to submit his resignation.
- Council Member Stump requested an update on sump dredging from SJRWMD.
- Mr. Bisping agreed to provide pictures of all 18 species of invasive plants in a packet for Council.
- Council Member Goerner suggested LCWA had some prior involvement with studies of Double Run Swamp conveyance and requested any information LCWA might have available. Council Member Goerner indicated LCWA has easements for Double Run swamp and requested that information be provided as well.
- Council Member Stump expressed interest in a comparison of flows between Hurricane Irma in 2017 and Hurricane Dorian between August 30th and Sept. 4th. It could be a concise presentation of how flood staging worked, possibly in October.
- Council Member Goerner reiterated his request for any information, studies, or elevation information SJRWMD may have pertaining to conveyance through the Double Run Swamp.
- Chairman Truenow requested an update on the total maximum daily load water quality data for the Harris Chain of Lakes
- Vice-Chairwoman Bishop requested an update on the Lake Yale treatment RFP.

15. DISCUSSION OF NEXT SCHEDULED MEETING.

Chairman Truenow reported Scott Bisping, FWC, would provide an update on fisheries surveys in the Harris Chain of Lakes, and Denis Frazel, Harris Council Administrative Support would discuss the second draft of the 2019 Annual Report.

Council Members Grow and Nicholson reported they would both not be able to attend the October Council meeting.

18. ADJOURNMENT

Meeting adjourned at 12:01 p.m.