



**Wekiva River Basin
Commission**

**Wekiva River Basin Commission Meeting Minutes
February 27, 2017
2:00 p.m.**

Wekiva Island
1000 Miami Springs Road
Longwood, FL 32779

1. Call to Order and General Business

The meeting was called to order by Chairman Constantine at 2:06 p.m. Ms. Pegge Parker called roll and announced there was a quorum. The following members were in attendance:

Chairman Lee Constantine – Chairman

Mr. William Battaglia – Battaglia Fruit Co.

Mr. Charles Lee – Senior Vice President, Florida Audubon Society

Commissioner Bryan Nelson – Orange County

Ms. Laura Kelley – Central Florida Expressway Authority

Mr. Jody Lee – Florida Department of Agriculture & Consumer Services

Mr. Bart Harriss – Florida Department of Health

Mr. Alan Hyman and Mr. Steve Martin – District Secretary, Florida Department of Transportation

Ms. Shannon Wright – Regional Director, Florida Fish and Wildlife Conservation Commission

Ms. Chris Ferraro for Mr. Jeff Prather – District Director, Florida Department of Environmental Protection

Dr. Ann Shortelle – Executive Director, St. John's River Water Management District

1. Call to Order and General Business

- Call to Order – Chair Lee Constantine
- Roll Call – Ms. Pegge Parker
- Announcements – Commissioner Constantine welcomed everyone to Wekiva Island and discussed their special event, the Wekiva PaintOut, which is a week-long dedication to nature and 29 artists who will capture the Wekiva River's beauty. Wekiva Island continues towards their goal of a zero carbon footprint and they have the only LEED Platinum building in Seminole County. The Commissioner also introduced Jeannie Morrow of First Green Bank in Altamonte Springs. She discussed their commitment to

the environment and the Wekiva River and will do a brief presentation later in the meeting. Mr. Charles Lee discussed the Land Acquisition through the Lake County Water Authority which is going forward because of a generous \$50k grant from First Green Bank Foundation.

- Approval of February 2017 Minutes - Mr. Jody Lee requested one change in the December 2016 minutes which was the addition of the word “survey” in front of the word “sampling” in his report. A motion to approve the December 2016 meeting minutes with this correction was made by Mr. Charles Lee and seconded by Ms. Laura Kelley. A vote was taken and passed unanimously.

2. Public Comments

There were no Public Comments at this time.

3. Agency Activities

Florida Department of Health, Rulemaking Activities on On-Site Disposal Systems Treatment Standards Pursuant to Recommendation 9 of the Final Report – *Mr. Bart Harriss for Mr. Ed Barranco*

Mr. Harriss provided an update regarding the December 9th Technical Review and Advisory Panel (TRAP) drafted rule language for the “liner system” which will go before the variance review board and then, if approved, drafted into rule language. This will allow technology to be used so they won’t have to go through the extensive process. The rule will allow media to go in under current rule if the technology is needed. If adopted, it would go into effect June 2017. The Florida Water Management Inventory, located at www.flhealth.gov/fwmi, is available to look at all parcels for septic tank and water supply.

Ms. Andrea Samson, representing JMI/homeowners in the Wekiva Study Area, asked in regards to the Department of Health presentation on the Bureau Inventory Program, is the inventory integrated into the county system so that if work is being done in the field, the information can be uploaded and permits can be issued for reconstruction or modification? Mr. Harriss responded that he was not sure if they are exactly integrated that way or that partial information can be pulled to issue a permit number at this point but will check on getting additional information for her.

Florida Department of Environmental Protection, Establishment of Total Maximum Daily Loads Pursuant to Recommendation 6 of the Final Report – *Ms. Christiane Ferraro for Mr. Jeff Prather*

Ms. Ferraro gave a brief update on the bi-monthly meeting held February 22nd of the On-Site Sewage Treatment and Disposal Systems (OSTDS) Advisory Council that is working on the Remediation Plan for on-site systems, followed by the first annual BMAP progress meeting. Discussions included the need for public education about springs and sources of impairment; an overview presentation by DOH regarding their jurisdiction and an update on rulemaking activities by DOH related to improved OSTDS; and, a presentation on decentralized cluster OSTDS.

Ms. Ferraro stated that the annual report for progress on the overall Wekiva BMAP covering the period November 2015 through October 31, 2016 will be available on their website mid-March. A lot of projects were completed and some are ongoing, as well as outreach programs with local governments, Friends of Wekiva, and the State Park and Aquatic Preserve.

Ms. Ferraro reminded about the Springs legislation passed last session, “The Florida Springs and Aquifer Protection Act Chapter 2016-1 Laws of Florida”, and a revised BMAP is due by July 1, 2018 along with the OSTDS Remediation Plan. Ms. Ferraro asked that if there were any specific questions regarding the BMAP, to please contact Ms. Moira Homann directly. The date of the next meeting will be around May 10 or 11, 2017.

Florida Department of Agriculture and Consumer Services – Mr. Jody Lee

Mr. Jody Lee stated the Implementation Verification Rule has been noticed and is in process and it will need to be adopted by July 2018. It allows for checking compliance of the enrolled producers of BMP. Ten new positions have been approved; eight in the field and two in Tallahassee to help with data base management and water supply planning which will help with BMP implementation and enrollment and cost share programs. Mr. Lee also provided information regarding their cost sharing programs. Projects in the Wekiva Basin are currently funded through the Marion and Putnam Soil and Water Conservation Districts.

St. Johns River Water Management District – Dr. Ann Shortelle

Dr. Shortelle gave an update on the Cost Share Program which will be going to the government board in January and will roll out in March or April. Applications are due April 13 for water quality, water supply, water conservation, habitat restoration, \$25 million, (1/3 from SJRWMD, 2/3 from application), water conservation (50/50), \$35 million last year in this area alone. Modest projects are ok.

Mr. Charles Lee discussed First Green Bank and Lake Norris, a multi-stage acquisition; options for larger prices, and can SJRWMD step in and help out on this land acquisition. Dr. Shortelle said they do work with Lake County and would look into it.

Florida Fish and Wildlife Conservation Commission – Ms. Shannon Wright

Ms. Shannon Wright gave an update on:

- Progress to date of the Wekiva Parkway sections:
 - Section 3a – Has been permitted with FDEP with no USACE involvement. Consultation with USFWS for sand skinks and the eastern indigo snake is complete. Payment has been made to The Nature Conservancy to satisfy sand skink mitigation. Gopher tortoise permit has been issued and construction letting date is 6/2017.
 - Section 3B – Has been permitted with FDEP with no USACE involvement. No sand skink surveys necessary. Gopher tortoise permit issued and construction letting date is 6/2017.

- Section 5 - Has been permitted with FDEP with no USACE involvement. Consultation with USFWS for sand skinks and the eastern indigo snake is complete. Payment has been made to The Nature Conservancy to satisfy sand skink mitigation. Gopher tortoise permit has been issued and construction letting date is 2/2017.
 - Section 6 – Permit issued with FDEP, USACE permit pending. FWC Bald Eagle Disturbance permit issued. USFWS Bald Eagle Disturbance permit pending. ARC approval received for both the FDOT project and the FGT project. Gopher tortoise surveys to be responsibility of Design Build firm. Contract awarded to Design Build March 2017.
 - Section 7a – FDEP and USACE permit issued. ARC approval received for both the FDOT project and the FGT project. Gopher tortoise surveys are to be completed in the spring of 2017 and construction letting date is 12/2017.
 - Section 4a/4b – Construction complete and road is open.
 - Section 8.0 – FDEP permit issued. USACE concurred that the project is still not jurisdictional. RFP development underway. This section will go Design Build.
- Bear Update – Calls have been down 956 calls from 2015 to 2016; of the top 16 counties to receive calls, Seminole County is the fifth highest; road kill bears are down to 4% from last year's 17%; bear population is up 48% statewide; and, specific to the central unit, the population is up 16%. Seminole County did receive \$150,000 from the state through FWC for the bear-wise funding, Orange County is also received funding.
 - Commissioner Constantine stated that since one of the counties has a delay in one of the ordinances, Seminole County is now receiving \$200,000 from the FWC. That money will be used for any organized neighborhood that is willing to do 100% of the cans. The neighborhood would receive \$100-\$120 per can which is about 2/3 of what the can costs. Individual citizens would receive \$40-\$60 toward a can which correlates to the charge by the haulers for the additional pick-up of the bear cans. Since the hauler contract is up in 2018, Seminole County will be sending out an RFP in 2017 with the provision that one price fits all, which would then eliminate the additional \$60. Calls currently have been reduced by half to approximately 300 from 600 and there have been no incidences of anyone being harmed in the last year. It seems the bears have moved on to the Apopka area and because of this, Orange County and Apopka are looking into doing even more.
 - Commissioner Nelson passed an ordinance but needs to wait until they have a trashcan that can be use with the automated truck pick-up system; the price per can to swap out their normal can should be between \$50-\$75 for the upgrade to the bear proof automated can; they have put together a video and hope to show it in the summer in the areas with the most bear activity and talk about all things that attract bears such as bird feeders, feeding animals on the back porch, pizza boxes, etc..., in addition to what the trash cans can do.
 - Virginia Oros discussed a grant received from the Humane Society with assistance from FWC, to provide 19 bear-proof cans to Markham Oaks last year to the Homeowner's Association which gave them 100% participation and it became a Bear-Wise Community. This Friday, the Humane Society, will be providing 20 donated bear-proof cans to Robinwood Subdivision, which gives it 95% participation.
 - Mr. Jody Lee asked about the possibility of a bear hunt this year and what the cost is to manage a bear hunt. Ms. Wright explained that it has not been placed on any agenda so she cannot speculate on when, or if, there will be one. There is no information at this

time available on the cost to manage a bear hunt. Mr. Jody Lee suggested it would be good to do a cost benefit to see the cost for possible solutions.

Florida Department of Economic Opportunity – James Stansbury

Report submitted by James Stansbury (attached, pages 8-9).

Florida Department of Transportation – Secretary Steven W. Martin

Secretary Martin stated that all sections of the Wekiva Parkway are on schedule and provided an updated on individual sections:

- Section 3a/3b – Production is 3/1/2017; letting date is 6/14/2017.
- Section 5 – Production is 11/1/2016; Bid Opening 2/22/2017; Apparent low bidder Halifax Paving at \$9.8 million, approximately \$5 million below our engineers estimate; Notice to Proceed construction should be in a few months.
- Section 6 – Public announcing of Technical Scores and opening of Price Proposes 3/22/2017.
- Section 7a – Production is 8/1/2017; letting date is 12/6/2017.
- Section 7b – Production is 12/3/2018; letting date is 3/27/2018.
- Section 8.0 – Advertisement for Design/Build Contract is 11/2017; Letting 08/2018.

Mr. Charles Lee discussed safety concerns that may arise in the years between completions of all the segments. He asked about possible solutions such as: not opening the SR46 connection; moving the schedule up; traffic/speed modifications. He discussed the \$150 million payment from OCEA and asked for the status.

Secretary Martin explained that this is a funding issue, not additional money, and that it's not an infusion. The dollars were already obligated and doesn't cover everything. They are looking for additional funding from Washington to continue the progress as quickly as possible for Seminole and toward the attractions. Osceola and South of I-4 Ultimate are the top priorities now.

Alan Hyman explained that Section 6 is being let in March but, unfortunately, because of the construction, they are not sure it can be advanced as far as finishing it quicker than the current schedule. Moving the schedule up can be looked into but it would have to have additional funding to give the contractor an incentive.

Commissioner Constantine agreed that completing this road as quickly as possible should be a priority.

Laura Kelly stated the timeline, as it stands today, is Kelly Park Road Interchange in June and beyond that, SR 46 is to be opened in February/March 2018, which gives a year to see how development goes in District 5 in regards to their sections and mitigating the impacts of what's being doing to open in early 2018. They are committed to working with DOT to minimize adverse impacts while building.

Mr. Alan Hyman discussed the follow-up to the air sampling research in the rest area. Additional "no parking" signs have been added to the rest areas; DEP was contacted but there is no program, at this time, to do spot air sampling in that area. One area they have been doing ambient air sampling of hot spots is at I-4/408. They are working with UF-EPA on that one but,

even at that location that has the most congestion, it does not trigger concerns on allowable particulates; they are looking into vendors for additional sampling.

Commissioner Constantine stated that a very big concern is that they at least want to know if the air quality is ok.

Alan Hyman stated that this has become a statewide issue not just locally. Central Florida MPO has done a motion and a letter to the Secretary requesting DOT do a freight study along corridors statewide and what is intruding into the suburban areas. Statewide Freight Coordinators are involved and looking into the big picture.

Central Florida Expressway Authority – Ms. Laura Kelley

Ms. Mary Brooks provided a presentation by request of Ms. Laura Kelley. She showed a drone video of the most recent construction activities of the CFX sections of the Wekiva Parkway. The video shows construction occurring throughout the corridor. A link to the drone video will be sent to the Commission as well as added to the Wekiva Parkway website.

Ms. Kelley added there will be a ribbon cutting in June of the Wekiva Parkway from Connector Road to Kelly Park Road.

MetroPlan – Mr. Harold Barley

Mr. Barley was not available to report today.

4. Other Business

Legislative update:

Commissioner Constantine introduced Commissioner Cushman, who was attending as an observer, and has recently taken over Commissioner Wolfram's position since his retirement. He has also applied for a position on the Wekiva River Basin Commission.

Ms. Jeannie Morrow gave a presentation on First Green Bank and the location in Altamonte Springs. Their mission statement is to do the right thing for the people, the planet, our community, and our shareholders. They do a lot for the community including sponsorships. Their banks cater to the green companies. The Altamonte Springs location is doing a big grand opening event May 19th and wanted to tie it into Earth Day in April. They want to do something local and chose the Wekiva River. They met with the Owners of Wekiva Island and they introduced her to Friends of the Wekiva and DEP. She received proposals from them concerning what they thought would be meaningful and helpful. They also have a foundation, The First Green Foundation, which is made up of some of the profits from the bank and they use it for solar financing and scholarships, helping acquiring land around Lake Norris and the Ocala corridor. They are looking for partnerships to acquire the land and are looking for suggestions and direction for next steps.

5. Public Comments and Announcements

Commissioner Constantine discussed the opening of the Legislative session which starts the next week and a few of the issues that will be discussed. One of the ways to get the legislative to listen in regards to funding is when the request comes from elected officials. The request needs to fund Amendment #1 and other programs. Next week with the opening of the session, issues about Visit and Enterprise Florida and others, and along with Everglades, it will be a difficult session.

Mr. Scott Taylor discussed a Resolution by all county commissioners to increase funding for water and water legacy projects.

Mr. David Bottomley discussed the fertilizer ordinance with Seminole and Orange Counties; including enforcement and watering during wet periods, as well as working with sellers.

Commissioner Constantine discussed working through education and enforcement. Discussion continued.

6. Future Meeting Dates – *Chairman Constantine*

The next meeting will be scheduled for late July or early August 2017 at the ECFRPC offices in the Lynx building in downtown Orlando.

7. Adjournment

Chairman Constantine adjourned the Wekiva River Basin Commission Meeting at 3:45 p.m.

Wekiva River Study Area
Comprehensive Plan Amendments
November 29, 2016 to February 27, 2017
(Submitted by James Stansbury)

Summary

The amendments proposed or adopted within the Wekiva River Study Area since November 29, 2016 include five adopted amendments and no proposed amendments. The amendments change or propose to change the land use for 95.42 cumulative acres and contain two text amendments. The plan amendments result in an increase of 125 potential residential dwelling units and an increase of non-residential uses by 2,492,938.2 square feet. All of the amendments are currently under review. Greater detail on each plan amendment is provided below.

Proposed Comprehensive Plan Amendments

There were no proposed amendments received for the Wekiva Protection Area or the Wekiva Study Area for the current timeframe.

Adopted Comprehensive Plan Amendments

Apopka 16-1 ESR

The adopted Apopka 16-1ESR amendment was received by DEO on February 21, 2017. The amendment consisted of one Future Land Use Map amendment to redesignate approximately 44 acres from Rural (1 du/10ac) to Mixed Use (15 du/ac & 1.00 FAR), an increase of 656 potential dwelling units and 1,927,965sq. ft. commercial land use. The property is located within the Wekiva Study Area.

Apopka 16-2 ESR

The adopted Apopka 16-2ESR amendment was received by DEO on February 21, 2017. The amendment consisted of one Future Land Use Map amendment affecting 30.5 acres located within the Wekiva Study Area. The amendment changed the land use from Orange County Low Density Residential (4 du/ac) to Apopka Residential Low Suburban (3.5 du/ac), a decrease of 15 potential dwelling units.

Apopka 16-3 ESR

The Apopka 16-3ESR amendment was received by on February 21, 2017. The amendment consisted of one Future Land Use Map amendment affecting a 51.88 acre site that is located within the Wekiva Study Area. The amendment changed the land use from Orange County Medium Density Residential (10 du/ac) to City of Apopka Commercial (.25 F.A.R.). The site is adjacent to a proposed S.R. 414 half interchange which was the subject of the executed 2015 Marden Road Interchange Cost Sharing Agreement between the property owner and the City. The property is located within the Western Conceptual Master Plan, a joint planning area. Approval of the amendment reduced the site's residential use by 518 residential units and added 564,973.20 sq. ft. of commercial land uses.

Apopka 16-4 ESR

The Apopka 16-4ESR amendment was received by DEO on February 21, 2017. The amendment consisted of one Future Land Use Map amendment concerning 15.04 acres located adjacent to the Wekiva Parkway Interchange Vision Plan Area. The previous land use was Orange County Rural (1 du/10ac) and the new land use is City of Apopka Rural Settlement (1 du/5 acres). The subject site is located within the Wekiva Study Area but is not located within the Wekiva River Protection Area. Approval of the amendment allowed an additional two residential dwelling units.

Winter Garden 16-1 ESR

The Winter Garden 16-ESR amendment was received by DEO on January 31, 2017. The amendment consisted of two text amendments to the Multimodal Transportation Element. The changes amended Policy 2-1.1.5 to require the City to plan for the implementation of multimodal road realignment along Dillard Street to improve pedestrian and bicycle connections. The subject site is located within the Wekiva Study Area. New Policy 2-1.1.15 requires certain pedestrian and bicycle improvement to the Dillard Street corridor. The new policy also requires the City to engage in continued analysis and detailed design, procure right-of-way, and explore funding opportunities.