



GOVERNING BOARD MEETING
TUESDAY, NOVEMBER 14, 2023 – 9:00 AM
7601 US 301 NORTH, TAMPA, FL 33637
(813) 985-7481

MINUTES

Board Members Present

Ed Armstrong, Chair
Michelle Williamson, Vice Chair
John Mitten, Secretary
Jack Bispham, Treasurer
Joel Schleicher, Member
Kelly Rice, Member
Ashley Bell Barnett, Member
John Hall, Member
James Holton, Member
Dustin Rowland, Member
Robert Stern, Member
Nancy H. Watkins, Member

Staff Members

Brian J. Armstrong, Executive Director
Amanda Rice, Assistant Executive Director
Chris Tumminia, General Counsel
Brian Werthmiller, Inspector General
Michael Molligan, Division Director
Jennette Seachrist, Division Director
Michelle Hopkins, Division Director
Brian Starford, Division Director
Brandon Baldwin, Division Director

Board Administrative Support

Virginia Singer, Manager
Lori Manuel, Lead Administrative Coordinator

Convene Public Meeting

The Governing Board of the Southwest Florida Water Management District (District) met for its regular meeting at 9:00 a.m., November 14, 2023, at the Tampa Office, 7601 U.S. Highway 301 North, Tampa, Florida 33637. This meeting was available for live viewing through Internet streaming. An attendance roster is archived in the District's permanent records. Approved minutes from meetings can be found on the District's website at WaterMatters.org.

1.1 Call to Order

Chair Ed Armstrong called the meeting to order. He noted that the Board meeting was being recorded for broadcast on government access channels, and public input would be provided in person. Chair Armstrong stated that anyone wishing to address the Governing Board concerning any item listed on the agenda or any item that does not appear on the agenda should complete and submit a "Request to Speak" card. Chair Armstrong stated that comments would be limited to three minutes per speaker, and when appropriate, exceptions to the three-minute limit may be granted by the Chair. He also requested that several individuals wishing to speak on the same topic designate a spokesperson. Chair Armstrong introduced each member of the Governing Board and staff present at the dais (this served as roll call). A quorum was confirmed.

1.2 Invocation and Pledge of Allegiance

Vice Chair Michelle Williamson offered the invocation and led the Pledge of Allegiance.

1.3 Employee Recognition

None were presented.

1.4 Additions/Deletions to Agenda

Mr. Brian Armstrong, Executive Director, stated there were no additions or deletions to the agenda.

Board Member Joel Schleicher requested the following item be moved to Discussion. In addition, Chair Armstrong stated a Request to Speak card was received for this item. This item was moved to Discussion:

Consent Agenda

General Counsel's Report

2.3 General Counsel's Report: Authorization to Issue Administrative Complaint and Order – Well Construction Violations – Gary Stoner – CT No. 427660 – Pinellas County

There was good cause to approve the amended agenda as allowed by Section 120.525, Florida Statutes.

1.5 Public Input for Issues Not Listed on the Published Agenda

Mr. Ray Westbrook spoke regarding environmental concerns involving dewatering related to a Florida Department of Transportation (FDOT) project in Venice, Florida. Ms. Mary Westbrook spoke regarding environmental concerns involving the same project. Board Member Joel Schleicher asked for staff clarification regarding this issue. Ms. Michelle Hopkins, Regulation Division Director, stated that there is an on-going compliance investigation. She stated that FDOT is operating within the terms of their permit, and they also have a dewatering permit. Ms. Hopkins stated that the permit did not contemplate impacts. Staff has notified FDOT of the complaint investigation. Staff are continuing to investigate, and the Board will be kept apprised. Ms. Hopkins responded to questions.

Mr. David Ballard Geddis spoke regarding Maloney's Water Code.

Ms. Sherilyn Young spoke regarding environmental concerns related to the Weeki Wachee Springs.

Consent Agenda

Resource Management Committee

2.1 Bradenton Beach BMPs Avenues B and C - Reduction of Scope and Budget (W639)

Staff recommended the Board amend the Bradenton Beach BMPs Avenues B and C (W639) cooperative funding agreement to:

- a) Remove design and construction of Avenue B from the scope of work;
- b) Decrease the treatment area to 14.8 acres, the TSS removal to 10,485 lbs./yr., and the TN removal to 294 lbs./yr.; and
- c) Revise the project budget from \$530,930 to \$232,824 with the District and the City each contributing \$116,412.

Regulation Committee

2.2 Water Use Permit No. 20 010420.013, Peace River/Manasota Regional WSA / Peace River Water Treatment Plant Facility (DeSoto, Sarasota Counties)

Staff recommended the Board approve the proposed permit attached as an exhibit.

General Counsel's Report

~~2.3 General Counsel's Report: Authorization to Issue Administrative Complaint and Order – Well Construction Violations – Gary Stoner – CT No. 427660 – Pinellas County~~

~~Staff recommended the Board:~~

- ~~1. Authorize District staff to issue an Administrative Complaint and Order to Gary Stoner to obtain compliance, recover an administrative fine/civil penalty, and recover any District costs and fees, if appropriate.~~
- ~~2. Authorize District staff to obtain compliance with the terms of the Administrative Complaint and Order in Circuit Court, if necessary.~~

2.4 Approve Governing Board Minutes – October 24, 2023

Staff recommended the Board approve minutes as presented.

A motion was made and seconded to approve the Consent Agenda. The motion carried unanimously. (Audio – 00:23:37)

Finance/Outreach and Planning Committee

Treasurer Jack Bispham called the committee to order.

3.1 Consent Item(s) Moved to Discussion - None

3.2 Budget Transfer Report

This item is for the Board's information only, and no action is required.

Resource Management Committee

Board Member Ashley Bell Barnett called the committee to order.

4.1 Consent Item(s) Moved to Discussion - None

4.2 Tampa Bay Water Update

Mr. Charles Carden, Tampa Bay Water (TBW) General Manager, stated that due to current hydrologic conditions because of lack of rainfall, demand for water has increased. He stated that TBW has declared a stage one drought alert plan. He outlined information regarding management, enforcement, and outreach. Mr. Carden stated that TBW supports the District's recommendation of modified stage one water restrictions.

Mr. Carden addressed TBW's long term plan for the Southern Hillsborough County area. He provided an overview of the project, benefits, funding information, and a timeline. Mr. Carden responded to questions.

Mr. Carden addressed TBW's development alternatives plan that was approved by their Board which includes the development of regional reclaim projects.

This item was for information only. No action was required.

Operations, Lands and Resource Monitoring Committee

Board Member John Hall called the committee to order.

5.1 Consent Item(s) Moved to Discussion – None

5.2 Offer for Surplus Lands – Tampa Bypass Canal (TBC-14), SWF Parcel No. 13-004-317S

Ms. Ellen Morrison, Land Resources Bureau Chief, presented information regarding the TBC-14 parcel. She provided a history and summary of the project. Ms. Morrison also outlined the

criteria used to determine the surplus of this property. She provided information regarding the offer to purchase.

Staff recommended the Board:

- Accept the offer of \$407,000;
- Approve the Contract for Sale and Purchase and authorize the Executive Director to sign on the behalf of the District;
- Authorize the Chairman and Secretary of the Governing Board to execute the Quit Claim Deed;
- Authorize the conveyance of the District's interest in all phosphate, minerals, metals, and petroleum in or on or under the land upon the request of the buyer;
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (Audio – 00:40:20)

Regulation Committee

Board Member Robert Stern called the committee to order.

6.1 Consent Item(s) Moved to Discussion - None

6.2 Denials Referred to the Governing Board

No denials were presented.

6.3 Consider Water Shortage Order(s) as Necessary

Mr. Darrin Herbst, Water Use Permitting Manager, presented information that included hydrologic conditions, and the statutes and rules related to the District's required water shortage plans. He also summarized water shortage phase options and the indicators that determine the appropriate phase. Mr. Herbst outlined the current conditions in support of the District's recommendation to implement modified phase one water shortage restrictions. He provided an overview of the proposed water shortage order.

Staff recommended the Board approve implementation of modified phase one water shortage restrictions.

A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (Audio – 00:46:55)

General Counsel's Report

7.1 Consent Item(s) Moved to Discussion

2.3 General Counsel's Report: Authorization to Issue Administrative Complaint and Order – Well Construction Violations – Gary Stoner – CT No. 427660 – Pinellas County

A Request to Speak card was submitted for this item.

Mr. Chris Tumminia, General Counsel, stated this is an on-going enforcement matter regarding unlicensed water well contracting. He explained that staff has been negotiating with Mr. Stoner but have been unable agree upon a resolution.

Mr. Gary Stoner addressed the Board regarding this item. He expressed concerns regarding the amount of the monetary penalties assigned to this violation. Mr. Tumminia and Ms. Taylor Greenan, Staff Attorney, responded to questions.

Staff recommended the Board:

1. Authorize District staff to issue an Administrative Complaint and Order to Gary Stoner to compliance, recover an administrative fine/civil penalty, and recover any District costs and fees, if appropriate.
2. Authorize District staff to obtain compliance with the terms of the Administrative Complaint and Order in Circuit Court, if necessary.

A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (Audio – 00:59:10)

Committee/Liaison Reports

8.1 Environmental Advisory Committee

Mr. Michael Molligan provided a summary of the October 10 meeting. A written summary of the meeting was provided.

Executive Director's Report

9.1 Executive Director's Report

Mr. Brian Armstrong, Executive Director, wished everyone a happy Thanksgiving.

Chair's Report

10.1 Chair's Report

Board Member Joel Schleicher addressed a letter that the District received from the Sarasota County Tax Collector regarding the remittance of excess fees to the District as required by Florida law. Board Member Schleicher asked staff to provide information regarding the budgeting of excess fees received for the District and how the amounts are verified to be appropriate. Discussion ensued.

Board Chair Ed Armstrong asked that staff research the matter and provide a response as a follow up item after the Governing Board.

Chair Armstrong stated the Governing Board Workshop following this meeting will begin at 10:20 a.m.

Chair Armstrong stated the next Governing Board meeting is scheduled on Tuesday, December 12 at 9:00 a.m., in the Tampa office.

10.2 Employee Milestones

A written summary was provided.

Adjournment

The Board meeting recessed at 10:04 a.m.