



GOVERNING BOARD MEETING
TUESDAY, NOVEMBER 16, 2021 – 9:00 A.M.
7601 US 301 NORTH, TAMPA, FL 33637
(813) 985-7481

MINUTES

Board Members Present

Joel Schleicher, Vice Chair*
Ed Armstrong, Treasurer (Acting Chair)
Michelle Williamson, Secretary
Jack Bispham, Member
Seth Weightman, Member
John Mitten, Member
Ashley Bell Barnett, Member
William Hogarth, Member

*Attended via electronic media

Board Members Absent

Kelly Rice, Chair
John E. Hall, Member

Staff Members

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

Board Administrative Support

Virginia Singer, Board & Executive Services Manager
Lori Manuel, Administrative Coordinator

1. 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 16, 2021, at the Tampa Office, 7601 U.S. Highway 301 North, Tampa, FL 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

Acting 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. Acting 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. To assure that all participants have an opportunity to speak, members of the public may submit a Request to Speak card to comment on agenda items only during the meeting. If someone wishes to address the Board on an issue not on the agenda, a Request to Speak card may be

submitted for comment during "Public Input." Acting 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.

Acting 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

Secretary Michelle Williamson offered the invocation and led the Pledge of Allegiance.

1.3 Employee Recognition

Acting Chair Armstrong recognized staff member Darrin Herbst for 20 years of service.

1.4 Additions/Deletions to Agenda

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

Acting Chair Armstrong stated a Request to Speak Card was received for the following agenda item:

2.9 Authorization to Issue Administrative Complaint and Order - Unauthorized Activities - Lincolnshire Maximo, LLC - CT No. 412806 - Pinellas County

1.5 Public Input for Issues Not Listed on the Published Agenda

Mr. David Ballard Geddes spoke against the use of reclaimed water.

CONSENT AGENDA

Finance Committee

2.1 Approval of the District's Investment Policy

Staff recommended the Board Approve and accept the recommended updates to the District's Policy.

Resource Management Committee

2.2 Approve Use of the Pearce Drain/Gap Creek Watershed Management Plan Floodplain Information to Update Flood Insurance Rate Maps in Manatee County (N759)

Staff recommended the Board approve use of the Pearce Drain/Gap Creek Watershed Management Plan floodplain information to update Flood Insurance Rate Maps in Manatee County.

2.3 Seminole Stormwater Master Plan Update and Infrastructure Assessment Project – Cooperator Lead Change

Staff recommended the approval of the City taking the lead on this project which will change the risk level from a Type 4 to a Type 3 contract.

2.4 Approve Use of the Bowlees Creek Watershed Management Plan Floodplain Information to Update Flood Insurance Rate Maps in Manatee County (N809)

Staff recommended the Board approve use of the Bowlees Creek Watershed Management Plan floodplain information to update Flood Insurance Rate Maps in Manatee County.

Operations, Land and Resource Monitoring Committee

2.5 Sale of Easement to Duke Energy, Lake Tarpon Outfall Canal, SWF Parcel 16-001-157X

Staff recommended the Board:

- Accept the offer of \$510.00; and
- Approve the Purchase/Sale Agreement and authorize the Executive Director to execute on behalf of the District; and
- Approve the Non-Exclusive Perpetual Easement and authorize the Chair and Secretary to Execute on behalf of the District; and
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

2.6 Offer for Surplus Lands – Annutteliga Hammock (AH-4), SWF Parcel No. 15-228-2068S

Staff recommended the Board:

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

2.7 Green Swamp West Resident Security Lease, SWF Parcel No. 19-706-116X

Staff recommended the Board approve, accept, and authorize the Governing Board Chair to sign the Lease Agreement for Green Swamp – West Tract - SWF Parcel No. 19-706-116X on behalf of the District.

2.8 Easement for Lake Wales Ridge Monitoring Sites – SWF Parcel No. 20-020-101

Staff recommended the Board approve the Easement Agreement and authorize the Executive Director to sign on behalf of the District.

General Counsel's Report

~~2.9 Authorization to Issue Administrative Complaint and Order – Unauthorized Activities – Lincolnshire Maximo, LLC – CT No. 412806 – Pinellas County~~

~~Staff recommended the Board:~~

- ~~• Authorize District staff to issue an Administrative Complaint and Order to Lincolnshire Maximo, LLC, to obtain compliance with District rules.~~
- ~~• Authorize District staff to initiate an action in Circuit Court against Lincolnshire Maximo, LLC, and any other necessary party, to recover a civil penalty or administrative fine, enforcement costs, litigation costs, and attorneys' fees, if appropriate.~~
- ~~• Authorize District staff to initiate an action in Circuit Court to enforce the terms of the Administrative Complaint and Order, if necessary.~~

2.10 Approval of Consent Order between SWFWMD and Adamo-Orient Properties, LLC - Permit Condition Violations - Environmental Resource Permit No. 43007457.003 - CT No. 392513 - Hillsborough County

Staff recommended the Board:

- Approve the Consent Order.
- Authorize District staff to pursue additional enforcement measures to obtain compliance with the terms and conditions of the Consent Order, including filing any appropriate actions in circuit court, if necessary.

2.11 Approval of Consent Order between SWFWMD and Waterside Recycling, LLC – Permit Condition Violations – Water Use Permit No. 20020900.000 – CT No. 414677 & 16200 – Charlotte County

Staff recommended the Board:

- Approve the Consent Order.
- Authorize District staff to pursue additional enforcement measures to obtain compliance with the terms and conditions of the Consent Order, including filing any appropriate actions in circuit court, if necessary.

Executive Director's Report

2.12 Approve Governing Board Minutes - October 19, 2021

Staff recommended the Board approve the minutes as presented.

A motion was made and seconded to approve the Consent Agenda. The motion passed unanimously. (Audio - 00:11:12)

Recognition of Former Governing Board Member

3.1 Recognition of Former Governing Board Member Jeffery M. Adams

Former Board Member Jeffrey M. Adams was recognized for his service on the Governing Board.

Finance/Outreach and Planning Committee

Acting Chair/Treasurer Ed Armstrong called the Committee meeting to order. (Audio - 00:14:56)

4.1 Consent Item(s) Moved to Discussion - None

4.2 Budget Transfer Report

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

Resource Management Committee

Board Member Seth Weightman called the Committee meeting to order. (Audio - 00:15:21)

5.1 Consent Item(s) Moved to Discussion - None

5.2 Citrus County Cambridge Green Septic to Sewer – Third Party Review (W432)

Mr. Jay Hoecker, Water Supply Manager, presented information that included the project location, description, benefits, and costs. He provided an overview of the conclusions from the third-party review. Mr. Hoecker outlined the proposed project changes and additional costs. He explained the current cost estimates and a breakdown of the cost-share funding.

Board Member Jack Bispham asked if the District anticipates receiving future requests for additional project modifications with cost increases. Ms. Jennette Seachrist, Division Director, responded both the District and the Cooperator are aware of increasing construction costs. She stated this will be a topic for discussion at the January Board Workshop. Ms. Seachrist stated that there are approximately 30 ongoing third-party review projects, but some may not be considered feasible. She stated the cooperative funding agreement does state the cooperator is responsible for any additional non-budgeted costs associated with the project. Secretary Williamson asked for clarification of the third-party review timeline. Ms. Seachrist explained the process and cost increase guidelines.

Staff recommended the Board authorize continuation of the project and approve modification of the Cooperative Funding Agreement for the Citrus County Cambridge Greens Septic to Sewer Project (W432) to include:

- Increase of the Measurable Benefit from 240 septic tanks to 312 septic tanks.
- Increase of the Project Benefit from 2,370 lbs/yr TN removed to 3,211 lbs/yr TN removed.
- Increase in the total project cost from \$6,500,000 to \$10,243,000, with the District's share to remain \$1,450,500.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio - 00:29:50)

5.3 Pasco County Hidden Lake/Yellow Lake Flood Protection Project (N967) – Approve Reducing the Project Scope and Budget to Eliminate the Third-Party Review

Ms. Terese Power, Engineering and Watershed Management Manager, provided information which included background, project description, and preliminary design information. She provided a current status of the project and an explanation of increased costs and reduced project benefits.

Staff recommended the Board authorize staff to amend the project cooperative funding agreement to eliminate the third-party review and additional design tasks and reduce the total project budget to \$300,000 (District Share of \$150,000).

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio - 00:34:49)

5.4 Tsala Apopka Golf Course Water Control Structure Modification Project - Funding Request for Construction Cost Increase

Dr. Mark Fulkerson, Chief Professional Engineer, provided historical background that included information regarding the Withlacoochee River Watershed Initiative. He provided an overview of the Tsala Apopka Chain of Lakes and how the Withlacoochee River interacts with it. Dr. Fulkerson explained the operation of structures for the Chain of Lakes, focusing on the golf course structure, which is the main structure that controls flow between the chain of lakes. He explained the construction bid history and cost increase information.

Board Member Weightman asked how many other structures will be requiring repairs. Mr. Brian Starford, Division Director, responded that a capital improvement plan is being developed and will be discussed at the Board Workshop in January.

Staff recommended the Board approve the transfer of \$115,858 from the revised Indian Waters Septic to Sewer Phase 2 Project with the City of Crystal River (W430) to the Tsala Apopka Golf Course Water Control Structure Modification Project (C680).

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio - 00:47:53)

Operations, Lands and Resource Monitoring Committee

Board Member Jack Bispham called the Committee meeting to order. (Audio – 00:53:36)

6.1 Consent Item(s) Moved to Discussion – None

Regulation Committee

Acting Chair Armstrong called the Committee meeting to order. (Audio – 00:53:52)

7.1 Consent Item(s) Moved to Discussion - None

7.2.1 Denials Referred to the Governing Board

No denials were presented.

General Counsel's Report

8.1 Consent Item(s) Moved to Discussion

2.9 Authorization to Issue Administrative Complaint and Order - Unauthorized Activities - Lincolnshire Maximo, LLC - CT No. 412806 - Pinellas County

Ms. Allison Dhand, Staff Attorney, provided a timeline and background regarding an Administrative Complaint concerning flooding associated with the capping of an underground reinforced concrete pipe. She explained that in 2017, Lincolnshire Maximo (Maximo) conducted renovations to the marina and an existing seawall. During the renovations, Maximo located the pipe which ran from the upstream adjacent property owner, Marina Walk LLC., to the Maximo marina basin.

Mr. Larry Curtin, Holland & Knight, stated he is representing Lincolnshire Maximo, LLC., provided information and communications with the District. He disputed the notice of violation.

Mr. Chris Tumminia advised the Board that Maximo and Marina Walk are currently in litigation.

Board Member Weightman requested the Board be updated prior to initiation of any proposed litigation by the District. Mr. Tumminia responded in the affirmative.

Staff recommended the Board:

- Authorize District staff to issue an Administrative Complaint and Order to Lincolnshire Maximo, LLC, to obtain compliance with District rules.
- Authorize District staff to initiate an action in Circuit Court against Lincolnshire Maximo, LLC, and any other necessary party, to recover a civil penalty or administrative fine, enforcement costs, litigation costs, and attorneys' fees, if appropriate.
- Authorize District staff to initiate an action in Circuit Court to enforce the terms of the Administrative Complaint and Order, if necessary.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio - 01:02:43)

8.2 2021 Sunshine Law Presentation

Ms. Rachel Peterkin, Senior Attorney, provided background concerning the creation of the Sunshine Law. She defined the law and provided an overview of requirements that must be observed. Ms. Peterkin stated that Board members are subject to this law and outlined the requirements that Board members must adhere to in order to maintain compliance. She stated that meetings must be open to the public and reasonably noticed. She provided examples of the types of communications that are considered meetings. Ms. Peterkin outlined what may be considered violations, penalties, and provided hypothetical examples. She explained the process of curing violations. She addressed violations of the law as related to social media and provided hypothetical examples.

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

Committee/Liaison Reports

9.1 Environmental Advisory Committee

Board Member Mitten provided highlights from the October 12 meeting. A written summary was provided.

9.2 Well Drillers Advisory Committee

Board Member Weightman provided highlights from the October 6 meeting. A written summary was provided.

Executive Director's Report

10.1 Executive Director's Report

Mr. Brian Armstrong, Executive Director, stated the previously scheduled December Governing Board Workshop has been moved to the January 25 Board meeting.

Mr. Armstrong informed the Board that he and Board Member Mitten attended a press release conference with Governor DeSantis on November 9 at Weeki Wachee Springs. The State was awarded \$481 million for water quality improvement projects. Mr. Armstrong stated approximately \$144 million will be used to benefit water quality and springs within this District.

Chair's Report

11.1 Chair's Report

Acting Chair Armstrong stated the next meetings are scheduled for December 14 in the Brooksville Office and January 25 in the Tampa Office.

Board Member Weightman expressed his appreciation for the Veteran's Day video that the District produced and posted on its website.

11.2 Milestones

A monthly summary of employee milestones was provided.

ADJOURNMENT

The meeting adjourned at 10:25 a.m.