

**Butler Chain of Lakes Advisory Board
Windermere Water and Navigation Control District (WWNCD)
Regular Meeting
Orange County - Windermere Library
October 21, 2013**

Board Members Present: Cheryl Miller (Chair), Ann Connolly (Vice Chairperson)
Jason Fulmer, Ijaz Ahmed and Robert Binkley

Board Members Absent: none

Staff & Guests: Sergio Duarte, Orange County Environmental Protection Division (EPD)

Residents: Lori Bradford, Thelli Roper, Molly Rose, Tara Tedrow, Russ Blackwell
Richard Drake, and Philip Sutherland

I. Call to Order:

With a quorum present, Cheryl Miller called the meeting of the Butler Chain of Lakes Advisory Board (BCLAB) to order at 6:00 p.m.

II. Approval of the August 19, 2013 Meeting Minutes:

Upon a motion by Ijaz Ahmed, seconded by Jason Fulmer, with Robert Binkley being absent, and carried with all present members voting AYE by voice vote; the Advisory Board approved the August 19, 2013 meeting minutes as presented.

Mr. Duarte stated that no quorum was achieved at the BCLAB meeting on September 16, 2013, and that a short meeting summary was produced in lieu of formal minutes.

III. Public Comment on Propositions Before the Advisory Board

1. Russ Blackwell, Board President of the Keene's Point (KP) Community Association, stated that he is attending the meeting because several issues at KP have come out in front of BCLAB; like the concerns with high water levels at Lake Burden, and the proposed zoning changes to bring the KP property management back to the recreational building next to Private Lake.
2. Lori Bradford, resident at Lake Butler, stated that she is concerned with the land use change that is being proposed for the KP HOA office site. Mrs. Bradford stated that KP is proposing to change this particular office building from a rural settlement 1/1 designation (1 home per acre) to a PD-Office/Park and Recreation/Open space/Rural Settlement. Mrs. Bradford stated that this change would open the doors to commercial office use, and future commercialization of the Butler Chain of Lakes. Mrs. Bradford recommended discussing this topic under non-agenda items or old business.
3. Thelli Roper, resident at Lake Butler, stated that she is in opposition of the Keene's Pointe PD Land Use Plan (Case CDR-13-07-190) that will allow commercial office use next to the Butler Chain. Mrs. Roper stated that this change is creating a negative precedent by opening the door for commercial activities all over waterfront parcels around the Butler Chain. Mrs. Roper suggested that the BCLAB write a letter of opposition to the proposed KP Land Use Plan (Case CDR-13-07-190).

Mr. Blackwell encouraged the BCLAB to read the Orange County staff recommendations for the KP land use plan changes; prior to making a recommendation to the Orange County Board of County Commissioners (BCC).

IV. Butler Marine Patrol Report:

Monthly Marine Patrol Report

Lt. Hudson presented the following report for September 2013:

Total Patrol Hours	165
Uniform Boating Citations	131
Warnings Issued	64
Vessels inspected	9
Disabled Vessels Assisted	9

Lt. Hudson reported that the adult private party (Whiteout Event) at Lake Sheen was conducted as planned and without incidents. Mr. Duarte indicated that the party organizers contacted Orange County / Town of Windermere, and that additional law enforcement officers were deployed to assist with the boat traffic.

V. EPD Report:

- 1) **Lake Burden Water Levels Update:** Mr. Duarte stated that the WWNCD has no regulatory control over “water control structures / lake water levels” around the Butler Chain, and added that since 1976, the South Florida Water Management District (SFWMD) is the government agency with authority to address, permit or mandate structural changes on local lake outfalls to address high water level problems.

The Advisory Board discussed the concerns expressed by Dick Radkewich on the high water levels at Lake Burden, the modifications done to the Keene’s Pointe HOA dock/ lunch ramp and the issues with the opening or closing of the ramp during high water level periods. Russ Blackwell, President of the Keene’s Pointe HOA, stated that the outfalls at Lake Burden were inspected & cleaned and are functioning properly. Mr. Blackwell stated that the existing outfall appears to be small for Lake Burden and is not conveying a lot of water into the Butler Chain (Lake Tibet). Mr. Blackwell stated that EPD has been encouraging floating docks at Lake Burden to overcome the water level changes, and that this resulted in the modification to their HOA dock at the boat ramp. Mr. Blackwell stated that the Orange County Sheriff inspected their HOA boat ramp and stated that it was not creating any type of hazard by allowing boaters into Lake Burden.

Russ Blackwell stated that he is not sure if the high water levels are getting worse at Lake Burden, and added that the Keene’s Pointe HOA will be glad to receive contacts, assistance or guidelines on how to revise with the SFWMD the outfall performance.

- 2) **Update: Lake Down Sub-basin 9 Study:** Mr. Duarte discussed the study that AMEC is conducting at Lake Down - Sub-basin 9, and stated that the SFWMD will provide a grant for \$165,000 to treat the pollutant inflows to Lake Down from Sub-basin 9.
- 3) **Revised: Butler Chain of Lakes Newsletter & Refrigerator Magnet:** Mr. Duarte presented a revised draft of the WWNCD / Butler Chain of Lakes Newsletter and Refrigerator Magnet, and stated that “Orange County Graphics” will match the quote submitted by Pride Enterprises to print 9,420 newsletters in the amount ~ \$8K including mailing expenditures.

Upon a motion by Jason Fulmer, seconded by Ijaz Ahmed, and carried with all present members voting AYE by voice vote; the Advisory Board approved the WWNCD / Butler Chain of Lakes Newsletter with the following additions: (1) WWNCD map in front page, (2) Diagram & picture of Hydrilla growing in the water, and (3) Yellow letters instead of red letters in the refrigerator magnet, along with a larger font size for the emergency numbers.

- 4) **Update: Lake Down Alum Treatment Facility:** Mr. Duarte stated that Orange County Real Estate Management is still closing on the purchase of two drainage easements in the amount of \$15K for the Lake Down Alum Treatment Facility. Mr. Duarte stated that the delay is being caused by the bank that holds the mortgage of Mr. Levin's parcel (the bank has been delaying the release of the "subordination document" for the easement sale transaction).

VI. New Business:

Mr. Duarte stated that OARS (Orlando Area Rowing Society at Lake Down) is looking for "community service projects" for its 140+ club members. Mr. Duarte proposed to use the volunteers to accomplish a cleaning/planting project for Bird Island (Lake Butler) or a shoreline restoration in partnership with OUC at their parcel at Lake Down (Windermere Pines). Mr. Duarte stated that he will bring a proposal for the Advisory Board review at the next meeting on November 18, 2013.

VII. Old Business:

Mr. Duarte stated that the tussock removal at Fish Lake and the repair of the inlet filter baskets at Bay Hill (Lake Tibet) were completed at the beginning of October 2013.

VIII. Non-Agenda Items/Public Comment:

Discussion on the Future Land Use Map Amendment and Land Use Plan for the Keene's Pointe Community Association:

The Advisory Board discussed the Keene's Pointe PD Land Use Plan (Case CDR-13-07-190) that will allow a change from a rural settlement 1/1 designation (1 home per acre) to a PD-Office/Park and Recreation/Open space/Rural Settlement; and the writing of a letter to the BCC stating the BCLAB position on this issue.

Ijaz Ahmed stated that he needs more information to vote on this case, and that he is not sure why the KP case will affect the "future land use plans" around the Butler Chain.

Russ Blackwell stated that seven out of nine P & Z Board Members voted to move forward with the land use change plan for KP. Mr. Blackwell stated that this particular building in question was built two years ago for the property management office / ancillary space use, and occupied by the property management office and used for HOA activities, until the law suit came along with court decision giving the option of a land use change /comp plan adoption to the return the property management office to the original site. Mr. Blackwell stated that the building will only be used for the HOA property management and HOA activities.

Lori Bradford stated that she is against to an "after the fact land use change for the KP site" and added that she is concerned with opening the door to commercial uses as part of a comprehensive future land use plan around the Butler Chain.

The Advisory Board concluded that an approval of the KP land use change would set a precedent for future proposals for the rezoning of properties from residential to commercial. This would put the “Outstanding Florida Water”, Butler Chain of lakes in jeopardy as the Butler Chain of Lakes is not spring fed, depending on ground and storm water. A change from residential to commercial land use would potentially lead to an increase in environmental degradation.

Jason Fulmer stated that BCC is already scheduled to discuss the “Future Land Use Map Amendment and Land Use Plan for the Keene’s Pointe Community Association” on November 19, 2013, and that under this time constraint, the BCLAB recommendation cannot wait until the next BCLAB meeting.

The Advisory Board made the following motion:

Upon a motion by Jason Fulmer, seconded by Robert Binkley, and carried with all present members voting AYE by voice; Ijaz abstained from voting, the Advisory Board recommended that Chair Miller write a letter of opposition to BCC on the proposed land use change (Case CDR-13-07-190) for the Keene’s Point Community Association office services, and activities and community recreation.

IX. Meeting Schedule:

Upon a motion by Ijaz Ahmed, seconded by Jason Fulmer, and carried with all present members voting AYE by voice; the Advisory Board approved the next meeting for Monday, November 18, 2013 at Orange County Library in Windermere.

X. Meeting Adjournment: The meeting adjourned at 8:19 p.m.

Cheryl Miller, Chairman

Date

Sergio Duarte, Minute Preparer

Date