

ENVIRONMENTAL PROTECTION COMMISSION
3165 McCrory Place, Suite 200
Orlando, FL 32803
Panther Training Rooms I and II
June 26, 2019

**ENVIRONMENTAL PROTECTION
COMMISSION (EPC)**

MEMBERS PRESENT:

Jonathan Huels - Chairman
Flormari Blackburn - Member
Perry Bamasi - Member
Mark Corbett - Member
Mark Ausley - Vice Chairman
Oscar Anderson - Member

ABSENT MEMBERS:

Ted Geltz - Member

**ENVIRONMENTAL PROTECTION
DIVISION (EPD)**

STAFF PRESENT:

David Jones - Manager, EPD
Liz Johnson - Assistant Manager, EPD
Aleas Koos - OC Attorney's Office (OCAO)
Melessia Lofgren - OCAO
Tim Hull - EPD
Neal Thomas - EPD
Ed Rysak - EPD
Godfrey Dickson - EPD
Ruth Armstrong - EPD
Aimee Krivan - EPD
Ryan Lallbeharry - EPD
Jennifer Gooch - EPD
Majorie Anderson - EPD
Alexis Clark - EPD

GUESTS:

Jim Pounds
Vivien Monaco
Jeff Teague
Howard Marks

I. Call to Order:

Chairman Huels called the meeting to order at 8:32 a.m. in Panther Training Rooms I & II.

II. Public Comment(s) (Resolution No. 2013-M-41)

None.

III. Approval of Meeting Minutes – May 27, 2019

Upon a motion by Mark Corbett; with a second by Mark Ausley; with Ted Geltz being absent, all other members being present voting AYE by voice vote; the May 27, 2019 Meeting Minutes were approved.

IV. Public Hearings

1. Hunt Family V, LLC, BD-12-05-036; Request for after-the-fact variance to Section 15-342(a) (water depth); District 1 (Continued from the May 29, 2019 EPC Meeting)

Neal Thomas gave a presentation. Attorney Vivien Monaco of Burr and Forman representing the applicant, provided a summary of the list of speakers that would come forward to speak on behalf of the applicant:

Mr. Jeff Teague spoke about how the dock got to be where it is and why the terminal platform is deeper than allowed. He said that there was not enough water when dock was being built. They shot elevations during construction and said the dock was compliant at that time. He said that the "big hole" was not known about and that's why the elevations at the terminal platform are deeper. A large format bathymetric survey was distributed to the board. Mr. Teague said that EPD often allows for permit modifications and that they made the dock more narrow and a smaller terminal platform to make up for the additional length. Mr. Jim Pounds stated that hole in the bottom of the lake was done in the 1960s and the sand was used to fill some wetlands. Ms. Monaco reviewed the litigation issues between the Hunts, Pounds, and Feeses.

No members of the public were present. The Chairman closed the public hearing. Discussion ensued.

Oscar Anderson asked if a dock could be built between the Hunt and Feese docks. Several graphics were shown indicating that the Pounds could construct a dock.

Ms. Johnson spoke in regards to Mr. Teague's statement that EPD issues permit modifications all the time. She clarified that if a dock is within the allowable dock review parameters, and does not require a variance or waiver, then EPD can issue a minor modification.

Mr. Hull spoke to the review criteria in Chapter 15, Article IX, Section 15-342(a) of the dock code, which states, "The dock shall extend only to the point where reasonable water depth for vessel mooring is achieved. The maximum water depth allowed for mooring areas is five feet, as measured from the NHWE, unless the natural conditions of the water body necessitate a greater water depth to allow reasonable mooring conditions. The dock shall not adversely affect the rights of other persons and property owners' use of, and access to, the water body." He stated that EPD doesn't consider high or low lake levels to be a reason for extending a dock out farther. He also stated that staff evaluated the "hole" and noted that the dock terminal platform ends before the bathymetry shows that the contours dive deeper. Mr. Hull stated that based on water level data provided by OC Public Works, the water level at the time the dock was constructed was only 0.5 feet lower than the Normal High Water Elevation.

Mark Ausley asked about the navigation assessment. Staff replied that when and if Mr. Pounds requests a dock, a navigation assessment would be conducted at that time.

Chairman Huels stated that he did not like that fact that they did not stop the work and request approval from EPD when the issue was noticed. He was considering his decision based on the fact that the only criteria they exceeded was the mooring depth. The fact that all of the property owners were in agreement was helpful. He urged staff to look at riparian lines versus projected property lines when making changes to the Dock Code.

Perry Bamasi requested confirmation that there were no letters of objection. Staff confirmed that there were no letters of objection.

Mark Ausley said he had no issue with the increased water depth. The fact that all of the property owners were in agreement was helpful.

Flormari Blackburn said although the navigation assessment was acceptable, she had concerns with the ability for the Pounds to construct a dock.

Motion:

Upon a motion by Mark Ausley; seconded by Perry Bamasi; and Mark Corbett and Jonathan Huels voting aye and Flormari Blackburn and Oscar Anderson voting nay, with Ted Geltz being absent, EPC voted to overturn EPD's recommendation and approve the Hunt Family V, LLC, BD-12-05-036; Request for after-the-fact variance to Section 15-342(a) (water depth). Motion passes 4-2.

V. Environmental Protection Division Report

The Wellfield Protection Areas presentation by EPD staff was cancelled.

VI. Open Discussion

Next EPC Meeting – July 31, 2019

VII. Non-Agenda Items

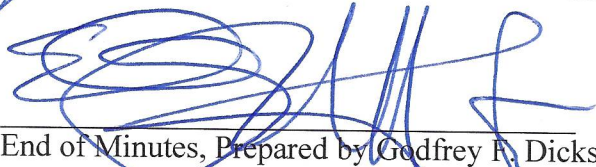
None.

VIII. Adjournment

The June 26, 2019 meeting adjourned at 9:25 a.m.



Chairman, Environmental Protection Commission



End of Minutes, Prepared by Godfrey F. Dickson, Jr.

7/31/19

Date