

LAKE CONWAY WATER AND NAVIGATION CONTROL DISTRICT ADVISORY BOARD REGULAR MEETING AGENDA

June 6, 2020 at 6:30 P.M. at the Orange County Facilities Management Training Room

PLEDGE OF ALLEGIANCE

- I. Call Meeting to Order
- II. Approval of the Minutes
- III. Public Comment
- IV. Comments of the Chairman
- V. Orange County EPD Report
- VI. Marine Patrol Report
- VII. Advisory Board Member Report
- VIII. Lake Conway Water Elevation Report
- IX. Non - Agenda Items
- X. Meeting Adjourned

WHEN SPEAKING, PLEASE GIVE YOUR NAME AND ADDRESS

Section 286.0105, Florida Statutes states that if a person decides to appeal any decision made by a board, agency, or commission with respect to any matter considered at a meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act (ADA), if any person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, then not later than two business days prior to the proceeding, he or she should contact the Orange County Communications Division at (407) 836-3111.

Para mayor información en español, por favor llame al (407) 836-3111.

**Lake Conway Water and Navigation Control District
Advisory Board Regular Meeting
Orange County Facilities Management Training Room
March 10, 2020**

Board Members Present: Gary Meloon (Chair), Frances Guthrie (Vice Chair), Micky Blackton, and Elizabeth Nelson

Board Members Absent: Bobby Lance

Staff & Guests: Tara Urbanik, Orange County Environmental Protection Division (EPD); Mayra Uribe, District 3, Orange County Board of County Commissioners (BCC); Sergeant Fred Westerberg and Corporal Bim Lowers, Orange County Sheriff's Office (OCSO); Mayor Nick Fouraker and City Manager Bob Francis, City of Belle Isle (COBI); Chief Laura Houston, Belle Isle Police Department (BIPD)

Residents: Randy Holihan, John Hermann, Woody Johnson, Tony Carugno, Sara Dilmore, Sue Nielsen, and Ward Davis

I. Call to Order

With a quorum present, Gary Meloon called the meeting of the Lake Conway Water and Navigation Control District Advisory Board (Advisory Board) to order at 6:34 p.m.

II. Approval of the February 11, 2020 Meeting Minutes

Upon a motion by Micky Blackton, seconded by Elizabeth Nelson, and carried with all present members voting AYE by voice vote, with Bobby Lance being absent; the Advisory Board approved the February 11, 2020 meeting minutes.

III. Public Comment on Propositions before the Advisory Board

Chair Meloon received two public comment requests.

Woody Johnson, a resident on Lake Conway, stated his understanding of boating and water skiing regulations on waters of the state, and expressed his concerns if those laws were to be more stringent as it may adversely affect water skiing activities.

Sara Dilmore, a resident on the Willoughby Lane canal, requested information on how the canal can be dredged for maintenance. Chair Meloon explained the Advisory Board will be prioritizing future projects based on the results of the Lake Conway stormwater study. The Advisory Board requested Ms. Urbanik assess the canal for canal depth and maintenance concerns.

IV. Comments of the Chair

Chair Meloon offered Commissioner Uribe the opportunity to provide comments or updates related to the topics of discussion. Commissioner Uribe stated the boat ramp ordinance is scheduled for review at the March 24, 2020 BCC meeting. Commissioner Uribe also stated she participated in the City of Belle Isle (COBI) City Council meeting on March 3, 2020, and she is working with the County Attorney's Office to ensure the County is following the current regulations, and she will continue to be involved in topics related to Lake Conway.

Vice Chair Guthrie inquired if the Advisory Board can recommend regulations on a future speed restriction ordinance that would be reasonable for boaters and water skiers, and if supplemental information could be provided to substantiate this topic of concern. Commissioner Uribe stated these topics are under review by both the Orange County Sheriff's Office and the Orange County Attorney's Office, and the County will follow the current regulations.

V. Orange County EPD Report

Ms. Urbanik is expecting the Lake Conway stormwater study draft report in the upcoming weeks. The recent aquatic plant survey was discussed. A hydrilla treatment will be performed at two small locations on the south lobe of Lake Conway.

VI. Marine Patrol Report

Corporal Lowers presented the marine patrol report. For the month of January, the following activities were reported:

- 6 vessel citations
- 27 vessel warnings
- 20 vessel inspections

VII. Advisory Board Member Report

- Chair Gary Meloon: No comment.
- Vice Chair Frances Guthrie: No comment.
- Micky Blackton: No comment.
- Elizabeth Nelson: No comment.

VIII. Lake Conway Water Elevation Report

No report presented.

IX. Non-Agenda Items

Mr. Francis inquired what are the next steps the Advisory Board will take in regards to the discussion during the March 3, 2020 COBI Council meeting. Vice Chair Guthrie stated based on the information in the recent legal opinion by the Orange County Attorney's Office, and the discussion during the current Advisory Board meeting, there is nothing more she would recommend to the BCC. Chair Meloon agreed with Vice Chair Guthrie's statement. Ms. Urbanik also stated when Florida Statue 327 became a law, it preempted any local regulations on waters of the state, and that it is the current regulation the County adheres to for boating regulations. Mr. Meloon stated during the COBI City Council meeting, they adopted the County's Chapter 8 Boats and Water Safety ordinance, but the ordinance is not enforceable. Sergeant Westerberg confirmed that Orange County Code, Chapter 8 is not enforceable.

Mr. Francis stated he has confidence in the opinion provided by the COBI Attorney, and the statement within the 1957 law that established the Lake Conway Water and Navigation Control District is still in effect, and he disagrees with the Advisory Board on their opinion. Chair Meloon stated he can also respectfully disagree with the City, because the County Attorney's Office provided their opinion, and the Advisory Board reports to the BCC. Vice Chair Guthrie stated she wants to

emphasize she personally does not feel it is the Advisory Board's position to get in the middle of a debate between two legal office entities that are experts in administrative law. Discussion ensued. Chair Meloon and Vice Chair Guthrie agreed they would be adhering to the opinion of the County Attorney's Office.

Mr. Francis inquired if Orange County and elected officials could present the Orange County Code, Chapter 8 for approval by the Florida Fish and Wildlife Conservation Commission (FWC). Discussion ensued. Chair Meloon stated the resident's concerns are not falling on deaf ears, but the County cannot enforce additional regulations that are not under the County's jurisdiction. Ms. Urbanik stated that the Orange County Code, Chapter 8 was reviewed by FWC in 2016 when the County improved the Florida Uniform Waterway Markers on the Conway Chain. At that time, FWC stated Orange County Code, Chapter 8 did not meet the minimum criteria for FWC to approve the ordinance, and therefore could not modify or expand boating restricted areas or install additional markers that were recommended by the Orange County Sheriff's Office.

X. Meeting Adjourned

Chair Meloon adjourned the meeting at 8:11 p.m.

Gary Meloon, Chair

Date

Minutes prepared by Tara Urbanik

Date