

BIG SAND LAKE ADVISORY BOARD

October 29, 2020 5:30pm

3165 McCrory Place, Suite 200

Orlando, FL 32803

Via Webex, Orange Blossom Conference Room, and Panther Training Rooms

SPECIAL MEETING AGENDA

1. Call Meeting to Order
2. Approval of Meeting Minutes from September 30, 2020
3. Public Comment
4. EPD Report
5. Water Elevation Report
6. Development Liaison Report
7. Member Reports
8. Non-Agenda Items
9. Meeting Adjourned

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 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) 836-5631.

Para mayor información en español, por favor llame al (407) 836-5631.

**Big Sand Lake Advisory Board
Special Meeting
September 30, 2020 at 5:30 p.m.
3165 McCrory Place, Suite 200
Orlando, FL 32803
Orange Blossom Conference Room and Webex**

Board Members Present: John Jennings (Chair)*, Rick Barry (Vice-Chair)*, Christopher Scott*, Phil Morrill*, Alan Charron*, and Victor Jaworski*

Staff Present: Nidia Volpe, Melissa Lavigne, Tara Urbanik, Liz Johnson*, David Hansen*, and Tim Hull*- Orange County Environmental Protection Division (EPD)

Panelists Present: Mike Drozeck*, Grace Chua Corn*, Daniel Negron*- Orange County Public Works (PW); Bill Graf* and Richard Lott*- South Florida Water Management District (SFWMD); David Mahler* and George Flint*- Valencia Water Control District (VWCD); Su Hao* and Dustin Perkins*- Florida Department of Transportation (FDOT); Mark Ellard*- Geosyntec Consultants, Inc.

Guests Present at EPD Office: Tim Hay, Mary Goonen, Steve Goonen, Scott Crawford, Ray Pliska, Lawrence Lauer, Lois Gilbert, and Barbara Ellers

*denotes attended via Webex. Due to the amount of people joining as attendees to Webex Event, not all who attended the meeting are noted. Residents providing Public Comment are noted in the Public Comment section.

I. Call to Order:

With a quorum present, the meeting of the Big Sand Lake Advisory Board (Advisory Board) was called to order by John Jennings at 5:39 P.M.

II. Approval of the September 8, 2020 Meeting Minutes:

Upon a motion by Rick Barry, seconded by Christopher Scott, and carried with all present members voting AYE by voice vote; the Advisory Board approved the September 8, 2020 Meeting Minutes as presented.

III. Public Comment:

Note: The Public Comment Section is a combination of what was spoken by the resident and what was written in the Webex chat box:

Kurt Kotzin-7619 Pointe Venezia Drive: I appreciate having the meeting that I, and Steve Goonen, requested from Chris Testerman back in December of 2019. The detention facility has breached the berm at the Venezia subdivision. The Venezia subdivision is in an area

that is going to significantly affect the water quality if there is any more rain in this season. Could we pump into the rapid infiltration basins that are east of the south I-drive development. Can the community have a follow up meeting in 30 days?

Gary Noles: With all the rain we had few days, the water level has to be above 95.4%. Can the Public Works Dept representative come out and drain the water instead of waiting to measure it next week? Please put on record that Retention pond #7288 on Newington Drive is filled with water which never has had stagnant water in it until now. This is in Sand Lake Cove subdivision. What is the current measurement now of Big Sand Lake water level? Does the Public Works measure it monthly? If so, what is the maximum height till its allowed to be drained out? 94.83' was done in September, can they come out now because the water has risen more than that? Please let's get the ball rolling on this pumping permits to proceed now not later. We residents who live on Big Sand Lake need to get our voices heard, if we keep quiet nothing will be done. What happens if those retention ponds over fill if the valves are closed and water intrudes into the home?

Ron Chewning: I am the president of the Phillips Landing HOA. We have a number of homes that front Big Sand Lake and we have received a number of questions as to the seemingly very high level of the lake. Some residents have docks that are under water. What is being done to remediate?

Kathy Hoffman - 10114 Bayard Court: I am a fairly new boat owner. I have been able to get on the lake two times. The water is into the retention area. This is not the first time. I have lived here for 30 years. I have seen this happen during hurricane times. This is more of an issue because of development. At what point is it going to be that we can get back on our lake? The docks are under water. This is part of our HOA to be able to use the lake. Our lake is unusable for our residents. What are you going to do to make it better for us? What are you going to do resolve this problem in an expeditious manner? I am not talking about waiting three years until the development is done, I am talking about now. What are you going to do to get the lake level down so we can use the lake as we are supposed to be able to use per our HOA rules. Who is going to do something to rectify the situation by allowing the developers to develop the land that has caused this water to back up?

William Edmond - 10213 Cove Lake Drive: The water levels are so high that I have a matter of few inches before I will not be able to get my boat out of the dock under the roof. If a storm was to come, it could raise the water level several feet. What are we supposed to do at that point?

Christopher Scott - I want to make sure that the concern is raised that with water running into the retention ponds and concern for buried septic tanks as well as the infringement of the water beyond the boundary on berms poses a threat to the water quality.

John Jennings - I have seen the water come up like this before. We are well above the normal high. We are well above the swales, septic tanks and drain fields are compromised.

We have all the retention and detention ponds overflowing into the lake. We have compromised our water quality. We need a study to decide if we need to pump like we have done two times before and we need to decide if we can do it again.

Darius Payman: The residents of Bay Vista Estates and the surrounding community who live on lakefront are paying premium taxes to enjoy lake front living. At what point does the EPA and Orange County and FDOT put the residents of the community ahead of expansion of big business? Historic limitation is at 91.7 feet. Why is FDOT building at 92.8 feet? The design of the drainwells is inadequate, it needs to be redesigned! How about public works starting pumping now, or credit the lakefront owners on their property taxes for inaccessible real estate and danger to property of individual residence septic systems.

Alex Abraham - Vizcaya subdivision: I have been living here over 12 years. When I moved in it was considered lake front and now it is considered lake view. While everyone else is having problems with flooding, we have been having the opposite effect. We have been seeing the water receding. Is there any idea or plan to dredge the area in order to pull back water, which would alleviate all of the flooding that the other residents seem to be having and bring water back to the other side of the lake?

Hai Chu - 7636 Pointe Venezia: I would like to understand if a portion of our homeowner's property tax is intended to maintain acceptable lake levels, and if so then delayed maintenance hopefully has financial benefits that should also benefit the homeowners?

Tim Hay: President of the Sand Lake Pointe HOA: I represent 436 homeowners that pay into the MSTU. We have a community boat ramp and community dock. During the last 4 years, I can only pick out about 6 months when we had usable facilities. I know that at the last meeting the Advisory Board agreed to spend up to \$500,000 for pumping. I strongly urge the Advisory Board and the County stormwater management to get their act together and get that pumping going as soon as possible. To FDOT- new outfall. Level 3 flash flood report, take it over 5 feet. Will open gates back up. There is opportunity to open water. Public Works- encourage people at EPD, swale imminent threat to property. Why can't we. Should be pumping now when we don't have an imminent threat. Don't wait until it's an emergency.

Maggie Lakshmi - 7522 Pointe Venezia Drive: I would like to go on record to state that the significantly increased lake levels has caused significant property damage. We pay taxes to have maintenance and lake levels.

IV. Presentation on Big Sand Lake Water Levels:

A link to the presentation slides can be found under Program Links on the Big Sand Lake Water Atlas page: <https://www.orange.wateratlas.usf.edu/waterbodies/lakes/140008/>

Panelists:

- OC Environmental Protection Division (EPD): Liz Johnson, Tim Hull, Melissa Lavigne, David Hansen, and Nidia Volpe
- OC Public Works (PW): Mike Drozeck, PE; Jeff Charles; Grace Chua Corn; and Daniel Negron, PE
- South Florida Water Management District (SFWMD): Bill Graf and Richard Lott, PE
- Valencia Water Control District (VWCD): David Mahler, PE and George Flint
- Florida Department of Transportation (FDOT): Su Hao, PE and Dustin Perkins, PE
- Geosyntec Consultants: Mark Ellard, PE

Presentation Agenda:

- Big Sand Lake Overview
- Big Sand Lake MSTU & Advisory Board
- Lake Water Levels & Long Term Trends
- Lake Water Level Drainage Projects
- Resident Concerns
- Potential Actions
- Panelist Remarks
- Open Discussion

Panelist Remarks:

Alan Charron: There has been a substantial of water flowing into the lake since the September 16, 2020 measurement. Orange County Public Works has done a great job of keeping the area where the water will ultimately flow mowed and maintained. However, the area at the shoreline, has a lot of overgrown vegetation (possibly Brazilian pepper and some other trees) right at the end of where the connection is. Could the area at the shoreline be tended to?

Christopher Scott: The water level measurement is static and does not take into account kinetic wave energy, which easily adds three feet.

Bill Graf - SFWMD: Generally, in the past the SFWMD has followed the lead of Orange County Stormwater. There are downstream concerns such as Valencia Water Control District and they should be part of the discussion as well. The SFWMD is available to hear the concerns and go through the process with Orange County.

John Jennings: A tremendous amount of money was spent during the last pumping event, maybe \$500,000 each time and it did not bring the water level down that much. The area in front of the box culvert needs to be cleaned, there is a lot of obstruction (plants, woody material and sand).

Su Hao - FDOT: The outfall improvements will be constructed as part of the Daryl Carter Interchange Project, which is going into construction in late 2021. The entire project is estimated to take 2-2.5 years to complete. These improvements are being done as a request from Orange County.

Dustin Perkins - FDOT Design Consultant: The Daryl Carter Interchange Project has previously been permitted by the SFWMD. They are in the process of getting their Environmental Resource Permit through SFWMD, which includes replacement of the Big Sand Lake outfall. They are lowering the invert of the crest elevation of the historic outfall. One of the structures being installed has an operable gate and that is to improve lake levels and brings down the crest elevation, not just during rainfall events but prior brings the lake to a lower level and after it helps the recovery of the lake.

Open Discussion:

Darius Payman: It is clearly a miraculous event that we have not had a hurricane or two hurricanes this year. If the lake is flooded and the septic tanks are flooded, how would you explain to the residents of Orange County and the surrounding residents that live on the lake that you did not plan adequately to prepare for such event to occur? Why in the world would FDOT build the outfall to be 92.7 feet? Does that make any sense? If you're going to do something and fix it, fix it right the first time so we don't have to go through this over and over again. The lake level is increasing because of development. How about bringing in the Army Corps of Engineers who may have some expertise in this problem?

Mike Drozeck: Regarding the drainwell, that was based on the historical information from the Florida Department of Environmental Protection (FDEP). FDEP requires that replacement wells be built at the same invert and the same size. Regarding the outfall system, they are trying to maximize and lower as much as possible so that it can drain the roadway and also provide relief to Big Sand Lake.

Mark Ellard: The outfall is at the absolute lowest elevation that it could be engineered because of the constraints of the elevations of the downstream system that it ties into.

Alan Charron: Can we look at the drainwells to find out if they are working most efficiently? The entities that were concerned downstream effects when the topic of pumping came up in the past. Is the gate going to be open for us to pump downstream? Can we start the pumping today? If the permit has already been obtained for the outfall project, why can't we use that to pump today? Ask that Public Works inspect the retention ponds that they are doing what they need to be doing.

John Jennings: John has been out with Jeff Charles of OC Stormwater and the drainwells are working the way they were designed to work. If the Advisory Board allocated the funds, could we get a permit to pump into Shingle Creek right now?

Mike Drozeck: Public Works will not pump unless there is an imminent threat to houses. It would take a coordinated effort between the Advisory Board and the SFWMD to pump Big Sand Lake. Public Works goes out every two weeks to check the drain wells or sooner if there is a major event or concern. Public Works regularly inspects the retention ponds to ensure that they are functioning properly.

Nidia Volpe: Public Works has performed a site visit since the last meeting on September 8, 2020 and the drainwells are cleared of vegetation and operational.

Bill Graf: The limiting factor when reviewing the permit is going to be the Valencia Water Control District. Valencia did sustain damage to their system from the previous pumping events in the early 2000s. When Big Sand Lake levels are high, other lake levels are high. The SFWMD is concerned with Osceola County, which is susceptible to flooding. The SFWMD does not have a permit in house. A permit to pump Big Sand Lake would have to be submitted for their review. Until they see a specific plan, they cannot say that the SFWMD will approve a permit. They cannot blanket say yes to the question of will you approve a permit.

Nidia Volpe: In the past the Advisory Board has been provided with proposals that would provide what the requirements would be for a pumping effort and the Advisory Board rejected all of the proposals submitted.

Liz Johnson: EPD is providing full support to the Advisory Board. If pumping is something the Advisory Board would like to proceed with, EPD will move forward. The SFWMD has precise requirements about sending water downstream.

Upon a Motion by John Jennings, seconded by Rick Barry and carried with all present members voting AYE by voice vote; the Advisory Board approved a motion to allocate up to \$500,000 to pump Big Sand Lake.

Kurt Kotzin: Was there an outfall structure previously permitted? It is shameful on the part of EPD and Public Works to have stalled the outfall project and not communicated with the residents. People are suffering now and looking at significant property damage because of the delay. There is no guarantee that the outfall project will be worked on right away.

Dustin Perkins: FDOT partnered with Orange County to permit the outfall project as part of the Daryl Carter project. The project is fairly current and has not been on the shelf for very long. The outfall project was given priority in the construction schedule.

Mark Ellard: The stormwater criteria that is required by the County and the SFWMD would control the peak rate of discharge to meet pre-development rates.

Tim Hay: The way the outfall is designed is that it will close when the Campbell gauge on Shingle Creek reaches 59 feet and will reopen if the level at that gauge is 59 feet or lower. There is opportunity right now for the SFWMD to accept water. The only time it has gone

above the 59 feet in the last 5 years is during the storm in 2017. The high water levels in the swales and septic tank drain fields is an imminent threat to the water quality. By the time we get a permit, it will be past the hurricane season. If we can pump the lake down two feet over the off season, we'll be ahead of the curve for the next summer. Don't wait until it's an emergency.

David Winslow, 10072 Brandon Circle: Please have the drain wells cleaned out regularly. They get clogged, which reduces their effectiveness. We need to get the pumps started now before there is an imminent threat.

Larry Singleton: FDOT project begins in Sept 2021, with total project to take 2.5 years. How long after start before outfall portion is reduced? The entire 2.5 years or something quicker? Will new pipes be larger than current pipes to increase flow levels out of the outfall?

Dustin Perkins: The exact schedule will need to be discussed with the contractor. However, 9 months could be a reasonable timeline. The same pipe size will be maintained but at a lower elevation.

Donald Baarman: My name is Don Baarman and I live in Sand Lake Point. We have enormous retention ponds in the development but rain water is not retained in the ponds. The valve in the pond near my home is wide open allowing the water to flow directly into Big Sand Lake. This makes no sense given the current lake level and the problems that it has caused. Why is Water Management not holding the water in the retention ponds? This makes no sense given the current lake level and the problems that it has caused. Why is Water Management not holding the water in the retention ponds?

Mark Hagan: As a previous resident pointed out, the trend line is rising over time since '85. How are we planning for the future?

Brent Dauback: What is the criteria to be on the Advisory Board? Is there an opportunity for development to bypass Big Sand Lake?

Nidia Volpe: You have to be a resident within the Big Sand Lake MSTU and apply with the Commissioner. I would have to research and get back to you.

Mark Kessler: What is the quality of water in Big Sand Lake?

Nidia Volpe: The water quality is considered to be good for Big Sand Lake. The trend of nitrogen and phosphorus in the lake has either trended as stable or decreasing. A water assessment has been approved by the Advisory Board and more detailed information on the water quality will be available once the study has been completed.

Kurt Kotzin: Can the community have a follow up meeting with the Board in 30 days or less? I think the community is owed a special meeting.

Upon a Motion by John Jennings, seconded by Rick Barry and carried with all present members voting AYE by voice vote; the Advisory Board approved scheduling another Special Meeting within 30 days as a follow up meeting to provide an update on the permit and pumping effort.

Phil Morrill: I have been on the board for a year and it was made clear to us that pumping was outside our resolution. I don't appreciate the Board being thrown under the bus. The concern for future development is very apparent.

V. Meeting Schedule:

The next regularly scheduled meeting falls on November 10, 2020 at 5:30 p.m. However, a Special Meeting will be scheduled within 30 days.

VI. Meeting Adjournment:

Upon a motion by Rick Barry, seconded by Phil Morrill, and carried with all present members voting AYE by voice vote; with Alan Charron and Victor Jaworski absent; the Advisory Board approved to adjourn the meeting.

John Jennings adjourned the Big Sand Lake Advisory Board meeting at 7:51 p.m.

John Jennings, Chairman

Date

Nidia Volpe, Minute Preparer

Date