



Lakes & Waterways Board Regular Meeting Minutes

December 10, 2024 at 12:00 PM

City Hall Commission Chambers
401 S. Park Avenue

Present

David F. March, George T. Vietor, Justin J. Vermuth (Virtual), William H. Swartz Sr., Matthew Johnson, Clark Sprinkel

Absent

Ed Webman

Staff Present

Director of Natural Resources and Sustainability Gloria Eby, Assistant Director of Public Works Don Marcotte, Public Works Engineer Shannon Monahan, Winter Park Police Sergeant Luke Hofer, Administrative Assistant Victoria Tabor

1. Call to Order

Mr. Vietor called the meeting to order at 3:30 p.m.

2. Consent Agenda

**Motion made by Mr. Vietor to approve the minutes, seconded by Mr. March.
Motion carried unanimously with a 4-0 vote.**

- a. Approve the minutes of September 10, 2024
- b. Approve the minutes of October 8, 2024
- c. Approve the minutes of November 12, 2024

3. Public Comments (for items not on the agenda)

4. Public Hearings (Public participation and comment on these matters must be in person.)

5. Action Items

- a. Establishing Boating Restrictions

Ms. Eby provided an update on the meeting with the Florida Fish and Wildlife Conservation Commission (FWC), the body that regulates boating restrictions such as slow speed/no wakes, with what is being proposed for the lakes within Winter Park.

Chapter 114 of the City of Winter Park's code of ordinances stipulates which lakes in Winter Park are prohibited for motorized vessels, slow speed, and certain recreational activities. Other than safety cases, the majority of these ordinances are unenforceable due to no permit registered with FWC. Staff's effort is to rectify the ordinances to

comply with FWC statutes and permits in order to make the proposed boating restriction ordinances enforceable and recreation safe. In order to do so, the FWC's Florida Uniform Waterway Marker (FUWM) permit process has to be followed. The flow chart of the permit process was displayed and it was advised that staff is at box one of the process. An ordinance stipulating slow speed, no wakes, and similar activities will need to be adopted by the City Commission first in order to move forward into the FUWM permit process. A series of public hearings would be required. Staff is looking for approval from the Lakes Board to move forward with this process as presented. The next step is to draft a revised ordinance for the City Commission to consider for approval and proceed with the FUWM permit application.

Florida Statute Section 327.46 conditions were displayed, which is the chapter where boating restrictions are regulated. Ms. Eby explained that the chart reflects all of the regulations and terminology available to apply for a boating restriction ordinance to be enforceable. Each regulation marker would need to match one of the boxes labeled in section 1a, 1b or 1c. Section 1a is the easiest to enact because it deals with specifics. Section 1c is the most difficult to enact because it requires unsafe boating documentation related to the reasoning; specifically, significant citations.

Ms. Eby explained that the current language of the city's code addresses certain lakes that are currently closed to motorboat activities, namely Lake Sylvan and Lake Baldwin. This language is not permitted under FWC's Florida Statute (F.S.) 327.46 therefore unenforceable at our local level. F.S. 327.46 (1)(b) regulates no boating activities only for lakes that are 10 acres or less. In an attempt to rectify current ordinance, FWC code 327.46 (1)(b) will be applied to all the lakes that are 10 acres or less and the amended ordinance would properly list these lakes. This would remove Lakes Sylvan and Baldwin, being greater than 10 acres, if approved by both City Commission and FWC.

Staff presented the specific no wake zone map previously approved by the Lakes Board. Each location was discussed and highlighted which section in F.S. 327.46 could be applied. Zones 6, 7 could apply to 327.46(1)(b)1a and 327.46(1)(b)1b; Zones 1, 2, 5 could apply to 327.46(1)(b)2c. Staff will include Genius canal after being pointed out missing by Mr. Sprinkel. Zones 3, 4 (the pinch points of Lakes Osceola and Mizell), would be removed from the ordinance because there is no demonstratable evidence of significant citations to apply for 327.46(1)(c)2b.

The lakes that are outside of the public chain of lakes and outside of 10 acres or less are: Lakes Bell, Killarney, Sylvan, Berry, Spier and Sue. For these lakes, only Lake Killarney had an applicable code that could be applied. This code would enact the 75 ft, shore-to-shore language found in 327.46(1)(b)2c. This would install uniform markers entering the canal, within the north cove, and entering the north cove, from the main waterbody of Lake Killarney. The Lake Killarney Board is in agreement with this proposal.

Ms. Eby presented the efforts of establishing a slow speed boating restriction within 150 ft from shoreline. This would address safety and environmental concerns; specifically,

shoreline erosion. This 150 ft buffer would apply to all lakes however after meeting with FWC, the city would need to provide demonstratable evidence (significance citations) for all shorelines in order be applicable. Given no supportive documentation exists, the 150 ft buffer proposed boating restriction zone will not move forward. When it comes to boating close to shorelines, the city's lakes patrol has the discretion for issuing safety citations that is enforceable. Example: If there is a person in shallow waters and a boater is operating close to the shore, there is enforcement capability due to the risk to the person in the water. Sergeant Hofer advised that starting from January 2023 until now, he had 111 citations for safety issues, but nothing significant as required by FWC for the operation of a vessel in-shore. Reiterating the 150 ft shoreline boating restriction proposal will be removed.

Mr. Sprinkel confirmed the proposed boating regulations as followed: adding in the Genius canal, removing zones 3 & 4, and removing the proposed 150 ft buffer. Discussion ensued regarding restrictions on lakes 10 acres or less.

Ms. Eby offered permitting for informational buoys with an offset at 150 ft from shore as a different permit process with FWC. The timeline for boating restrictions ordinance would be to present to the city commission for adoption, and then start the FWC FUWM permit process. The Lakes Board will be updated at every step.

Ms. Eby presented establishing an emergency management lake closure ordinance. This ordinance will provide clarity during a declared state of emergency with regards to the public's right to use public waterways. This has been problematic during periods of high water elevation and contaminants post-storm. This ordinance would also require city commission adoption and provides city management with the authority to enact during a declared state of emergency. Mr. Vietor summarized that the Lakes Board will take action on amending the city ordinance to comply with FWC in response to both safe zones and emergency management.

Discussion:

Suzan Shaw, 2040 St. George Ave. commented on a few concerns; FWC eliminated the aquatic plant control permits in small lakes causing neighbors to clear their shorelines; the drain well supporting our lake collapsed so we have a loud machine that pumps lake water out of our lake into Lake Baldwin; the majority of the homeowners have septic tanks; with Hurricane Ian, other Hurricanes and stormwater backflow from Lake Baldwin our lake is elevated; the jet skiers have no regard in constantly eroding our shoreline and causing backsplash into some of the septic tanks. Staff responded; informational buoys are an option; currently there is no access on the lake for the lakes patrol officers, residents can report the registration numbers of offenders; Staff is actively creating a Welcome to Your Lake guide to assist lake communities with lake-side stewardship.

Kirk Fetter, 1001 Osceola Ave. on Lake Mizell, asked what was causing the shoreline erosion. Ms. Eby answered environmental and boat speed.

Tom Lawton, 1208 N. Park Ave. concern about the large size of the boats causing the wake. Vessels went from 21 ft to 24 ft and boats are now modernized to be larger.

Mr. Vietor advised it is the weight of the boat. There is no limitation on the weight of boats.

Mr. Sprinkel suggested reports from WPPD and reducing the 500 ft requirement to 200 ft to assist the Lake Spier and Lake Maitland residents. Further discussion ensued on moving forward with the boating ordinance. Mr. Sprinkel suggested revisiting the restrictions at the January meeting encapsulating all the changes spoken about. Ms. Eby advised that the delay is not necessary as this is a process and that the Lakes Board will see a strike-through ordinance as the next phase. Clarification discussion ensued.

Motion made by Mr. Vietor to amend our existing ordinance to comply with FWC requirements with specifics such as the enforcement of emergency management and locations of markers to be determined and approved at a later date; seconded by Mr. March. Mr. Sprinkel made motion to amend the motion by removing the 150 ft buffer, sections 3 and 4 and adding the Genius canal. Mr. Vietor seconded the amended motion. The motion carried unanimously by a 6-0 vote.

6. Non-Action Items

7. Staff Updates

a. Winter Park Police Department

Sergeant Hofer reported 4 documented patrols, 9 safety inspections, 10 boats stopped, 1 tow, and 2 citations.

b. Lakes Management

Ms. Eby advised for time management, the water quality data can be reviewed in the packet and if there are any questions to please contact her. Leaf Traps at several lake outfalls damaged by Hurricane Ian are in the process of being fabricated for replacement.

c. Upcoming Events

Ms. Eby announced the upcoming events.

- Merry Tuba Christmas - 12/14 1pm @ Central Park - Main Stage
- Lakes Event - 12/14 9am @ Lake Wilbar

d. Stormwater Management

Ms. Monahan alerted that many projects are in the permitting stage. Once through permitting, projects will be brought to the board. The stormwater Best Management Practice (BMP) of the month is the baffle box located at Elizabeth Drive. Ms. Monahan explained how it functions, filters sediment, and provides nutrients reduction. At the

December 11, 2024 commission meeting, the approval for a new street sweeper may be completed.

8. Board Comments

- a. Discussion of Public Comments Received

9. Upcoming Agenda Items

- a. Discussion of Upcoming Agenda Items

10. Adjournment

The meeting adjourned at 1:40 p.m.

Approved by the board on January 14, 2025
/s/ Bahiyyah Layton, Board Coordinator