

The monthly board meeting of the Board of Commissioners, WEST COAST INLAND NAVIGATION DISTRICT, was held April 27, 1979, in the Manatee County Courthouse, Bradenton, Florida.

Present were: Larry Rhodes, Chairman, Sarasota County
Arnold F. Schade, Vice Chairman, Charlotte County
R. Douglas Taylor, Secretary, Lee County
L. H. Fortson, Jr., Treasurer, Manatee County

Charles E. Furbee, Executive Director
Dewey A. Dye, Jr., Counsel
and Mr. Philip E. Perrey, Associate Counsel

GUEST: Mr. H. Jack Woodard, Assistant Director,
Water Resources Division, D.N.R., Tallahassee, Fla.

ADMINISTRATION

The meeting convened at 10:40 a.m.

Chairman Rhodes welcomed Mr. Woodard to the board meeting today.

Minutes of March 19, 1979 regular monthly board meeting were approved as presented and with this statement added per Counsel Dye's notes: Sheet (2), beginning:

"For the five-year period, the Crystal Beach Conservation & Development Associates' bid offered the most money."

Treasurer's Report, March 31, 1979, was approved as presented. Vouchers No. 1585 through No. 1615 were approved for payment.

WCIND Proposed Legislation - 1979, Amendment

The Director reported that further study, re the WCIND Enabling Act, was being held pending receipt of copies of Hillsborough and Pinellas County resolutions adopted for County member withdrawal from WCIND. These copies are being delivered in Tallahassee today by Mr. Woodard. Information noted was 1), Mr. Dunlap, Pinellas County Attorney, has stated of the legislative proposals last year from Tom Moore, Attorney, that if Pinellas County withdrew the County can recoup assets from the sale of Crystal Beach area property via a pro rata share of assets and liabilities. The Act did not pass. 2), A proposed amendment, leaving out incorporation of Pinellas County. Another meeting is scheduled in Tallahassee for the pending questions.

ACTIVITIES REPORT

Pinellas County

WCIND Crystal Beach Property - Attending the meeting today were two of the bidders: Attorney Tom Moore, representing Crystal Beach Conservation & Development Associates; and Mr. W. H. Cowley, representing the Boca Investors Group. Pinellas County Commission met March 20 for a public hearing on the down zoning of this property from R-2, R-6 and unzoned to A-1. WCIND received notice from Mr. Roach, Premier Properties (3rd bidder) that his re-submitted proposal pends on the lawsuit by the owner of Lot 5, Crystal Beach Area.

Counsel Dye stated that there is a question on the Pinellas County's proposed action in the future.

Commr. Fortson stated that it might be well not to consider the sale at this time - WCIND may sell the Crystal Beach property at a higher price in time and recuperate WCIND costs.

The Director referred to Mr. Woodard's letter dated April 11, 1979, from the Department of Natural Resources, for a value-for-value as appraised for state owned uplands, with submerged lands in question by DNR for a possible exchange.

Commr. Schade questioned re a lands exchange; can the WCIND sell it?

The Director replied yes, if it is surplus as decided by C.E. for IWW.

Mr. Woodard addressed the Board to note the DNR letter's awkward wording re a possible lands exchange and he stated that the TIIF staff will work with the WCIND for presenting a proposed exchange to the State for consideration. There are about 120-125 parcels involved and a print-out will be made available. It will take time to examine the titles and adjusted appraisal value for equating exchange -- and with no cash proposal.

Attorney Tom Moore stated that Pinellas County permitted platting of submerged lands, and that the A-1 Zoning should be challenged. He described the northern half of the property as all lots, then the lake, then the bayou and platted roadways; he also stated that a two-acre lot in wetlands is only a possible one-half acre lot on which to build.

Counsel Dye questioned if now, does Mr. Moore have a new offer to WCIND?

Mr. Moore replied that he did but putting together some language re the A-1, or getting the property off A-1 zoning.

Chairman Rhodes then advised the Board that the question now is re additional offers to date.

Attorney Tom Moore stated that the Crystal Beach Conservation & Development Associates' offer is clearly above the other offers re a zoning question and will be a benefit to WCIND.

Counsel Dye noted that there is one price, if present zoning; and then another price if Attorney Moore got it re-zoned from A-1; and a question of the Tallahassee action as is pending for Pinellas County re the C.B. property sale. It appears that it may be better to hold off anything today pending Tallahassee's action from the Pinellas County delegation proposed action. The Hearing scheduled for next Wednesday (May 2) may clear some questions here.

Commr. Fortson questioned, if Pinellas County is successful in getting a lien on WCIND re the sale of Crystal Beach property, if expected proceeds are to be shared with Pinellas County.

Counsel Dye advised that a lawsuit is surely to be considered by WCIND and also by proposed buyer. Pending action may affect price.

Chairman Rhodes stated that Commr. Fortson's earlier suggestion today should be considered. (His suggestion "to not consider at this time.")

Counsel Dye requested the Board receive Tom Moore's new proposal.

Attorney Tom Moore stated that the C.B. Conservation & Development Associates proposal is for the most property and, re the contract, there are some places "to give and take."

Mr. W. H. Cowley, representing the Boca Investors Group, addressed the Board to state that his proposal is still good for consideration and he does not want to buy a lawsuit. There may be an injunction against Pinellas County re the Crystal Beach property for an option to build. Mr. Cowley stated that the WCIND should table this question until the State has settled; that his offer submitted is still good and there is no difficulty with the question of the people living in the Crystal Beach area.

Counsel Dye referred the Board to the State re-acquiring property in the St. Joseph Sound and an exchange of other property with the WCIND. This property should be preserved as the plats include submerged lands.

Commr. Fortson questioned Mr. Moore as to his being agreeable to wait until the State Legislature adjourns?

Attorney Tom Moore replied that the questions have been pending in the four months re the offer for these platted lands; the original question was concerning the A-1 zoning but he still believed that the A-1 zoning will be changed. In the meantime, WCIND has a sale either way re the re-zoning period. Whatever the contract is written, per WCIND Counsel's approval, it will be done accordingly. Pinellas County can not do this to WCIND or to a property owner without a fight. The Crystal Beach C & D Associates can not do this without WCIND; he then referred to like cases i.e., Dade County (re an intermediate zoning was allowed). The Crystal Beach C & D Associates will take the property at \$1,150,000 as is, re the zoning. He again stated his opinion that Pinellas County will change the zoning to R.R.; and that will be a proposed price of \$1,450,000; or, with an E-1 zoning, for the price of \$1,350,000. His clients want to encourage WCIND to go to Court for the Zoning change. His clients have the best offer to WCIND for A-1 zoning and E-1 zoning and also for additional zoning to be. (A summary was given to the Chairman re foregoing statements.)

Mr. Tim Johnson, attorney for the owner of Lot 5, sent Mr. Moore a copy of the one-page answer from Pinellas County re its not having joined with WCIND and a question if the WCIND should be a party.

Commr. Fortson questioned Mr. Moore if for the R.R. zoning, a price of \$1,450,000 is the top dollar and Mr. Moore replied that the price was for all perspectives and a price for the WCIND to shoot for in a sale. If a lawsuit, then WCIND should join to protect its property as to its value; or WCIND should sue for its own interest as seller of property.

Chairman Rhodes requested WCIND Counsel Dye's opinion.

Counsel Dye stated that his concern is the question of litigation as it could hold up any WCIND action for perhaps eighteen months. He recommended that he should have some direction from WCIND today.

Director Furbee reported his question as to the A-1 zoning, why cannot the WCIND go for re-zoning lawsuit for the Pinellas County damage to WCIND property since as of right now the WCIND may be property owners for some time.

Attorney Tom Moore: Crystal Beach C&D Associates can get a petition even before a closing.

Commr. Fortson noted that with R-1, \$1,450,000, the WCIND is now establishing value without a current appraisal and there is a question of value. If the WCIND accepts, or if it goes to Court, the Board and the Attorney will like to review this latest offer.

Attorney Tom Moore stated that the price is based on appraised value.

Director Furbee declared that the appraised value was given in 1976 when the property was purchased and that the WCIND did not pay for the submerged land.

Commr. Fortson questioned Counsel Dye as to should the WCIND join with the petition for Pinellas County re-zoning.

Chairman Rhodes questioned should the Board have a current appraisal for the Crystal Beach property.

Counsel Dye advised that the WCIND should do so if the R R zoning is considered.

Attorney Tom Moore declared that the zoning is all-important for the values to be considered.

Commr. Schade stated that it could be possible to accept \$1,450,000 bid and then immediately sue for re-zoning; or for E-1 at \$1,350,000.

Commr. Fortson stated belief that maybe the WCIND can go to Court.

Counsel Dye requests to discuss the proposal bids with the Board for the new changes which will affect the WCIND, then to present report to Mr. Moore's clients for consideration of contract at the next Board meeting. Another question he raises, in fairness to all parties, the WCIND should consider going in to the Pinellas County Court.

Chairman Rhodes stated that the Board can only receive and consider offers for WCIND.

Attorney Tom Moore stated that his is a proposal to County Commission to state what he actually believed under the contract.

Commr. Taylor noted that if the R R zoning is granted then the contract offered by Attorney Moore's clients will be questioned.

Mr. W. H. Cowley addressed the Board to refer back to Tom Moore's proposal and his wording of Crystal Beach C&D Associates statement, "...after a year, we may build A-1".

Mr. Cowley's contract statements read: "...We will build on A-1".

The WCIND should note the re-zoning hearing on March 20 with Commr. Rainey's statement that "this is not a holding zoning, this is a zoning." The R R zoning will not be allowed. Mr. Cowley also stated that Boca Investors Group plans are for building on A-1, and this has been all the time.

Chairman Rhodes noted that the question the Board wants to end, is for the re-zoning request before the Pinellas County?

Commr. Fortson stated that he agreed with Mr. Moore that we should have a platting exhibit. The WCIND does not plan to develop, but to just sell it; and the WCIND has been damaged.

Counsel Dye recommended that the WCIND must enter a conceptual proposal and stated that it concerns him that the WCIND should be limiting only to the Crystal Beach C&D Associates group.

Chairman Rhodes "This Board's Commissioners need to know how this land is to be developed. The Board ought to make a decision re an equitable proposal from Mr. Moore; and it should be considered with the WCIND Counsel's review."

Commr. Fortson stated that it might be well to receive Crystal Beach C&D Associates new proposal and examine same; also, that anyone can come in with like proposals. Commr. Fortson moved to accept proposal from Attorney Tom Moore's clients for the Board's review without obligation by WCIND; the motion was seconded and carried for a report to be submitted at the next board meeting in May.

Attorney Dye stated that his question now is the control of litigation and this will be discussed with Attorney Tom Moore.

Charlotte County

Stump Pass The project concerns the removal of 140,000 cubic yards from the silted-in pass. WCIND funds of \$4,600, as projected funds for engineering, have been paid to date.

Sarasota County

Request of WCIND Property for Parking Use This request is made by a Seafood Company re plans for needed parking use next to a future restaurant property location. This parcel has been used on another occasion without any Corps of Engineers objection. A Permit, on an annual basis, is recommended by the Director for the parking use only. Commr. Fortson moved to authorize a Permit; motion seconded and carried.


IWW Dock Litigation Ramco, owners of Fisherman's Wharf Restaurant in Venice, have sued Captain L.L. Stewart and the WCIND re the WCIND/STEWART lease agreement for dock use on WCIND right-of-way. Attorney Philip E. Perrey, WCIND Associate Counsel, reported on the two-count complaint: re the prior use by former owners, Ramco asks a declaratory judgment against WCIND; also, that the WCIND lease to Captain Stewart is illegal. The WCIND is the owner of the property on which the dock is located and, as the same as any other party, is leasing its own property. The WCIND has a motion to dismiss, for date of May 10. It is hopeful for dismissal.


The ACTIVITIES REPORT was accepted as presented.

NEXT MEETING DATE

The next WCIND Board meeting date is to be decided by the Chairman at a later date in May.

The meeting adjourned at 12:05 p.m.


Secretary


Chairman