

The December meeting of the WEST COAST INLAND NAVIGATION DISTRICT COMMISSIONERS was held at the Manatee County Office Building December 13, 1963.

Present were:

Ellsworth G. Simmons, Chairman, Hillsborough County  
 H.H. Anger, Vice-Chairman, Charlotte County  
 Irwin Klemmer, Treasurer, Manatee County  
 Mack H. Jones, Lee County  
 Masel C. Huston, Sarasota County

George Kumpe, Executive Director  
 J. Hardin Peterson Sr., Special Counsel  
 Dewey A. Dye Jr., General Counsel  
 Joe K. Merrin, Engineer

Absent: A.L. Anderson, Secretary, Pinellas County (ill)

#### ADMINISTRATION

The Chairman called the meeting to order at 11 A.M. He introduced Commissioner Clarence Prevatte of Hillsborough County as an interested visitor to the meeting, and acknowledged the presence of Commissioner Johnson Warren of Sarasota County.

Minutes of the 8 November 1963 meeting were approved as presented. The Treasurer's Report was read and approved. Vouchers #3567 through #3589 covering November bills were approved for payment. Note was made of the payment made in Voucher #3581 in accordance with WCIND commitment of August 8, 1960 to reimburse limited engineering costs for areas subsequently deleted from spoil areas.

#### HEARING OF INDIVIDUALS

The Director stated that Mr. Eldred of Madeira Beach and Mr. Manthes of St. Petersburg Beach had appeared to discuss the Johns Pass and Pass-a-Grille Pass projects, but due to Commissioner Anderson's absence had asked that they be placed on the

agenda for the January meeting. Colonel Kumpe had questioned the delay from the Corps of Engineers viewpoint and had been told that an extension of time had been approved by Colonel Parfitt. Motion was made and carried that the request to appear at the January meeting be granted.

#### PROGRESS REPORT

The Director referred to the contract for removing excess material and grading spoil area S35-1, at no expense to the Navigation District. The contractor has only one week left in which to complete the grading. Navigation District must do as agreed with the owners in the area. An inspection of the area by Navigation District staff has shown that if no more material is removed and the area graded to the specified height the District will have complied with the wishes of the owners. Motion was made and carried that the attorney draw up some releases from these owners and that Commissioner Huston help him in getting the releases executed.

The Director reported that \$250,000 had been appropriated on Dec. 12 which will permit placing Section 2 under contract. The Corps of Engineers has again indicated that Section 3 requirements of local cooperation must be met before Section 2 is advertised. The Corps wishes to advertise Section 2 in mid-January and award the contract one month later. Mr. Huston asked what would happen in case some agency did not meet the dates set by the Corps and Mr. Simmons answered that it would delay the advertising. The Board directed that a telegram be sent to the proper authorities in the Internal Improvement Board urging completion of all Section 2 matters on the sale of submerged lands.

Another factor in the Section 2 contract is that several owners have agreed to contribute funds for additional pumping distance to obtain spoil or to eliminate islands. The Director reported that five letters had been sent during the past week asking for the contribution to be made so that an equivalent WCIND check could be transmitted to the Corps of Engineers when requested. One owner, Sunset Realty Corporation, has already sent their check in the amount of \$21,200. The Board directed that notices be sent with receipt requested to J.W. Landis; Venetia, Inc.; Mr. Walter van B. Roberts and Mr. W.E. Dunwody setting a deadline of Jan. 3 by which their contribution must be in the hands of the Navigation District for transmittal to the Corps of Engineers by January 10. Motion was made and carried that an escrow account be opened for depositing these funds and authorizing the Chairman and Treasurer to sign the WCIND check sending the contributions to the Corps of Engineers when requested.

Discussion was held on spoil island S3, for which Sarasota Board of Commissioners has considered contributing extra pumping costs to have the material placed on S4. If the County does not elect to make the contribution the District can either allow the island to exist or ask the owner of S5 for a decision on whether or not he would contribute to acquire the spoil. Commissioners Huston and Warren of Sarasota County said that their Board had verbally agreed to contribute the amount estimated by the Corps of Engineers and that they want the spoil. Mr. Huston made a motion that Sarasota County also be sent a notice of the deadline for getting the contribution in. The motion carried.

Commissioner Jones asked that Lee County also be sent a notice of WCIND's action in meeting today.

Regarding financing for Manasota bridge the Director presented a resolution providing that when the escrow accounts were set up in the banks for the construction of the Albee bridge the banks were instructed to hold the funds until requested by Chairman Phillips of the Road Board. When the Sarasota County bonds are sold for the Albee and Manasota bridges instead of the State Road Department refunding to WCIND the funds advanced for the Albee bridge the money will be left with the State Road Department for future use on the Manasota bridge, since such funds are invested by the Department and draw interest. Banks will be authorized to release the remaining \$150,000 in escrow to Mr. Phillips when required for the Manasota bridge. The Board adopted the resolution. /Chairman Simmons said he felt the District should require a closing statement of the costs of the Albee bridge as a matter of record for Sarasota County and the Navigation District.

Mr. Dye reported that the trial date for the condemnation case should be the week of January 24. It was noted that the southern 4000' of the condemnation strip is now in Section 2. With the new appropriation and desired advertising date of mid-January there was concern as to whether the trial date was too late. Mr. Peterson asked if the Corps would go ahead with the advertising of Section 2 with the assurance that if trial were delayed the District would obtain order of taking; then the Corps would know the rights could be obtained. The Director felt the best procedure would be to go back to the

District Engineer and outline the matter to him. Mr. Dye stated that the trial date was the first date available and that all parties are willing to go to trial, also that there are matters under the jurisdiction of the Road Department with regard to the access road which must be settled before the trial. The Board adopted a resolution <sup>Page 60 WCIND annex to minutes</sup> expressing appreciation to the State Road Department for all the help they have given and urging priority be given to completing the plans for the Venice By-Pass of highway US 41, especially the "South" bridge on US 41 in the vicinity of Center Road and the Venice Avenue bridge.

Mr. Merrin reported that dredging of the Furen fill at Cats Point had filled up the channel and changed the picture as far as the project was concerned. Instruments for right-of-way and spoil areas have been prepared but may be affected by this development.

Discussion was held on diking which will be required in Section 2 and who will pay for it. Mr. Merrin had been asked to make a survey of diking which will have to be done and estimated the cost would be in the neighborhood of \$30,000. The Corps of Engineers is studying the need for additional diking. Commissioner Anger felt that some of the cost should be borne by the owners and Mr. Merrin said the final responsibility would be WCIND's to see that the diking is performed. Mr. Simmons felt the Board should meet its obligations but not get into any time consuming procedures which would cause a delay in the project. Motion was made and carried that in cases where it becomes necessary and other arrangements

cannot be worked out satisfactorily that the District proceed with the diking to comply with the requirements.

Commissioners discussed possibility that some structures in the spoil areas, removed or damaged by construction, would have to be replaced or the owners compensated. This matter was carried over until the next meeting for investigation.

#### NEW BUSINESS

The Director reported that in the two-year audit of the District accounts no exceptions were found on the handling of finances. In the auditor's departure conference he had questioned the Director's opening bids as authorized at previous meetings and getting telephonic approval from a quorum of the Commissioners for award to be made by the Chairman. This procedure had been followed in the few instances where the Navigation District had had to contract for diking, grading, etc. Motion was made and carried that as this criticism had been called to the Board's attention by the State Auditing Department future handling of these matters would be in keeping with the recommendations of the auditor.

During the audit the District also learned of uniform State travel regulations which were adopted in 1963. The Director had sent to the Commissioners draft copies of the regulations to apply to the Navigation District. He proposed an additional provision that actual speedometer readings be used in allowance for mileage. The proposed regulations, as amended, were adopted. The Board did not feel that previous payments should be corrected retroactively.

The Board voted to apply for membership in the Mississippi Valley Association; it was felt that this would put the Board in an informed position on matters of waterborne commerce and

would aid in their being of assistance to community groups. Check for \$100 membership dues was approved. All Commissioners will be put on the mailing list.

The Director requested each Commissioner to notify the District office as soon as possible after the County Commissions reorganize in January if there is a change in County representation on WCIND.

Commissioner Huston cited the fact that the District was going to need some assistance in engineering, inspection, etc. for the Venice access road. The Navigation District is committed to provide a  $1\frac{1}{4}$  mile road as good as the private road cut by the Waterway. Chairman Simmons reaffirmed that the District wanted to do the right thing in the matter. Mr. Youngberg, City Planning Director of the City of Venice, was present as was Mr. Archie Brown engineer. After much discussion the Board authorized Mr. Merrin and Mr. Brown to work with the City in coordinating the plans; and that the City be reimbursed at their rate of pay for the time their engineer spends with Mr. Merrin to be sure that the work is all in accordance with City standards and, if necessary, to pay them for the inspection when a construction contract is awarded.


Mr. Peterson reminded the Commissioners of the hard work done by the delegation in getting the additional \$250,000 appropriation and urged that they express their appreciation. Hearings on the new USFY 1965 budget will start within a few weeks.

Chairman Simmons expressed his pleasure at attending the dedication of Section 5 and of the Albee bridge and that the Board was in the last stages of getting the Project completed.

Commissioner Jones told Board members that Ft. Myers now has a Port Authority and has chosen him Chairman. He asked the help of all interested parties in building up any information on shipping lines.

The meeting adjourned at 12:35 P.M.

  
Chairman

  
Secretary



Progress Report

8 November 1963-13 December 1963

CONSTRUCTION

Grading S/A S35-1 - Contractor was notified that his progress was unsatisfactory and was directed to take action to assure completion on time. A review on December 9 indicated that while probably excess material had been removed no appreciable grading had been performed.

Diking Section 2 - On December 9 and 10 Mr. Keith Hamilton, Corps of Engineers, inspected proposed spoil areas to determine diking to be required.

Channel Conditions, Section 5 - The Corps of Engineers advised that a complaint of damage to shoreline in Redington Shores due to dredging of the Waterway was not justified.

Section 4 - Report of shoaling in Section 4 was submitted to the Corps of Engineers for investigation.

LANDS

Lee County - It was determined that Lee County will make a cash contribution to assure additional spoil for the proposed air-strip on Gasparilla Island. A description of the desired spoil area was submitted but must be modified.

Charlotte County - Sunset Realty Corp. has decided that it will not make contribution for additional pumping costs to fill two spoil areas in submerged land the corporation owns.

S/A C25 - The Trustees approved modification of this spoil area.

Sarasota County, Section 2 - As a result of letters to prospective purchasers of submerged land, tracts in spoil areas only one of such tracts had to be deleted. Necessary papers were presented to the staff of the Trustees of the Internal Improvement Fund on Dec. 6. Legal notice of sale will be advertised on December 17th.

S/A S1 - The Trustees approved modification of this spoil area.

S/A S1 Alt. - Mr. G.E. Goodwin met with the Director on Nov. 29 and Dec. 4 to discuss the proposed spoil area. The reduction in the area was discussed with Mr. Hamilton on Dec. 9. The Corps of Engineers will propose a reduced area and new estimate of contribution, by Dec. 23rd, if possible. The time factor of required bulkhead line changes and submerged land purchases may be controlling.

S/A S6 South and S8 - The proposed sale of submerged lands in these spoil areas was advertised by the Trustees.

Section 3 - The District Engineer wrote to stress the need for showing maximum specific progress on lands and bridge construction in time to have these developments reported in the testimony on USFY 1965 appropriations in the spring of 1964.

The Corps of Engineers asked for right of entry to right-of-way in proposed spoil areas. Permission is being sought for those lands not under Navigation District control.

Colonel Richmond asked for information on obtaining spoil on Kentucky Military Institute property. He will discuss this matter in mid-December.

S/A S3-9 - The Corps of Engineers was asked to estimate additional pumping costs required on the submerged portion of the spoil area where not enlarged by additional purchase. Answer is expected about Dec. 20.

Bird Island - Owner of this island at the east end of Venice Inlet proposed the island as a spoil area. On examination by Mr. Hamilton on Dec. 9 it was determined that the area could be shown on contract drawings, if the owner will dike it, but that use of the area is at the contractor's election.

Venice - State Road Department furnished the proposed siting of the South (Center Road) bridge. It appears that the most practical method of connecting the proposed access road on the east side of the airport to present U.S. 41 would be for the access road to pass under the proposed bridge. Letter was sent to the State Road Department District Engineer asking that a study of this matter be made. It was also discussed with Mr. Jennings, State Road Department Bridge Engineer in Tallahassee.

Pinellas County, Cats Point - The Corps of Engineers provided detailed requirements for right-of-way and spoil area asking that lands be provided in time to meet the advertisement on Feb. 3, 1964, with bids to be opened on March 3, and award made in the middle of March.

UTILITIES

Turin Street Crossing - Necessary monuments were reestablished to permit checking that the crossing under the waterway will be at the desired grade.

BRIDGES

Manasota Bridge - The State Road Department advised the Navigation District that the siting of the bridge had been changed from that originally proposed. Instead of constructing the new bridge 45' south of the old bridge the new bridge will be built on the alignment of the existing bridge. This change was made at the request of Sarasota County in order to hold the bridge within existing right-of-way.

Albee-Manasota Bonds - These Sarasota County bonds were validated on Nov. 12. The County asked, however, that only bonds for the

Albee bridge be sold. The Director met with the Board of County Commissioners on Nov. 19 soliciting their approval of the sale of the Manasota bonds also. On Nov. 21 Commissioner Huston, County Attorney Nelson, Mr. Dye and the Director met in Tallahassee with officials of the State Road Department, the Florida Development Commission, the State Board of Administration, the State Board of Conservation and the Corps of Engineers to develop a procedure whereby bonds for the Manasota bridge also would be sold, but the County would be assured that construction of the bridge would not be undertaken until the Corps of Engineers had advised the State Road Department that funds for the prosecution of Section 2 of the Waterway were available. Procedures agreed to at the meeting were approved by the District Engineer on Nov. 26 and on that day the Board of County Commissioners authorized the sale of the Manasota bonds and passed a resolution that if required by the construction of the Waterway, Manasota bridge would be removed by the County. The Manasota and Albee bridge bonds were advertised for sale on Dec. 2.

Footbridge - Copies of the correspondence from the Corps of Engineers on the legality of the bridge were furnished to the State Board of Conservation.

ADMINISTRATION

The accounts of the Navigation District from Oct. 1, 1961 to Sept. 30, 1963 were audited by the office of the State Auditor. Based upon conference with the auditors draft travel regulations for the Navigation District were prepared.

Mr. Simmons, Mr. Merrin and the Director attended the dedication of the Section 5 portion of the Waterway on Nov. 16. Guests of honor were Congressman William C. Cramer and Major General A.C. Welling, Division Engineer, South Atlantic Division. On November 20 Mr. Simmons and the Director attended dedication of the Albee bridge. Guests of honor included Honorable Warren Cason, State Road Board member.

Aids to Navigation - The Coast Guard furnished information that an announcement on proposed marking of Section 4 north of Siesta Key bridge would be made early in December. The Coast Guard also furnished their criteria in locating markers with respect to the center line of the channel.

On Nov. 29 the Director attended a public hearing in Ft. Myers at the request of the Corps of Engineers. He introduced a statement proposing that when bridge clearances were established for the Atlantic Intracoastal, the Okeechobee Waterway, or the Gulf Intracoastal Waterway that such criteria be applied to the other two waterways also.

The Corps of Engineers refunded to the Navigation District \$3,109.29 resulting from reduced construction costs in the Skyway Borrow Channel project.

On Nov. 13th the Director spoke on the Waterway to the West Coast Association of Appraisers in Tampa.

Appropriation - On Dec. 5th the Senate Appropriation Committee approved the budget item of \$950,000 for the West Coast Waterway and an additional \$250,000 sponsored by Senator Holland. The measure passed the Senate on Dec. 9, now goes to Conference. Congressmen in the Navigation District area were urged to support the Senate version of the Appropriation bill.