

**WEST COAST INLAND NAVIGATION DISTRICT  
MINUTES OF MAY 30, 2003 BOARD MEETING  
VENICE CITY HALL – COUNCIL CHAMBERS  
VENICE, FLORIDA**

Commissioners Present:

Nora Patterson, Chair  
Ray Judah, Vice Chair  
Joe McClash, Treasurer  
Mac Horton, Secretary

Staff Present:

Charles W. Listowski, Executive Director  
Philip E. Perrey, Counsel

Chair Nora Patterson opened the meeting at 10:30 a.m. at Council Chambers – Venice City Hall, Venice, FL. Mr. Listowski called the roll and determined that a quorum was present.

PUBLIC COMMENT – Patrick McCarthy from the “Snake Island Republic” lauded the conditions that prevail on public use of Snake Island for recreational purposes. Although the conditions are not designed to facilitate public recreation, Mr. McCarthy said he and other users of the Island appreciate the District’s efforts to have safe conditions on the Island. Mr. John Ryan, of the Venice Area Chamber of Commerce, echoed the comments of Mr. McCarthy regarding public recreational use of Snake Island and the District’s efforts to work with the public and the community on these issues.

DEPARTMENT OF ENVIRONMENTAL PROTECTION’S COMMENTS - Mr. Listowski reported to the Board that staff is working diligently with FDEP staff and Lee County on the Lee County general permit initiative for waterway improvement. Current activities include computer instruction on the database to take full advantage of the data presented.

U. S. ARMY CORPS OF ENGINEERS’ COMMENTS –Rick McMillen, from the ACOE, was available to discuss various issues with the Board, including the issue of encroachments and negotiated settlements of same in the South Venice area of Sarasota County.

Mr. McMillen reported on Section 1135 initiatives in the region and also on the funding deficiency for the Sarasota Bay study, which has become an initiative for Representative Harris of the Southwest Florida Congressional Delegation. Commissioner McClash requested clarification on the congressional funding required to do the Sarasota Bay feasibility study, and it was reported that the federal government normally pays 100% of a \$100,000 estimated cost for the study.

Commissioner McClash further suggested that there are several deficiencies in the condition of the ICW, and that Mr. Listowski is overdue in assessing the costs of these deficiencies in order to allow the WCIND Board to strategize methods of alleviating the deficiencies. Commissioner McClash made a motion for staff to identify, characterize, and provide cost estimates for “hot spots” encroaching on the design footprint of the ICW thereby precluding safe navigation. This report will be available for Board review at a future meeting. The motion was seconded by Commissioner Judah and passed unanimously.

Commissioner Judah inquired of Mr. McMillen about cost sharing associated with a Section 1135 restoration project under consideration for the Caloosahatchee River oxbow project.

Commissioner Patterson called Sarasota County Deputy County Administrator, Dave Bulloch, to the podium to address the Board regarding WCIND property in South Venice, and its potential use as a site for a non-profit agency building. Mr. Bulloch reported on a May 14, 2003 meeting with staff and ACOE staff to discuss the potential for use of dedicated lands controlled by the federal government, to facilitate the local needs associated with two non-profit organizations (Special Olympics of Sarasota County and Big Brothers/Big Sisters of Sarasota County). Mr. Bulloch showed the Board and public an aerial graphic representation of an agreed upon configuration of said property that would satisfy needs associated with the operation and maintenance of the ICW by the ACOE/WCIND and the local community needs associated with said entities. After much discussion, the draft letter by Chair Patterson and associated graphic describing a negotiated strategy for the various uses of said property was approved for submittal to the ACOE for final approval. Motion was made by Commissioner Judah to approve sending the letter, seconded by Commissioner Horton, and motion passed unanimously.

CONSENT AGENDA – Commissioner Patterson, in reviewing the minutes, pulled for discussion administrative item #1 and #4. Administrative item #1 was discussed and, via consensus of the Board, remained unchanged, and #4 was amended to read “negotiation” versus “lobbying.” Motion by Commissioner Judah to approve the consent agenda, seconded by Commissioner Horton, and motion passed unanimously.

#### ADMINISTRATIVE AGENDA

1. **Phillippi Creek Project – Status/Update** – Mr. Listowski reported to the Board on the current activity planned to resume the Phillippi Creek dredging project. Discussion ensued regarding the use of WCIND permitted spoil land versus Sarasota County landfill for disposal of dredged materials. Commissioner McClash viewed the use of the dredged material at the County landfill as entirely beneficial versus use of WCIND property as a second alternative. Commissioner Patterson directed WCIND and County staff to explore beneficial uses of this material at the County landfill versus WCIND property.
2. **Summary of Regional Permits Acquired by the District – Report** – Mr. Listowski reported to the Board on several projects that have been authorized for improvements, including water bodies in Sarasota and Manatee Counties, such as the Cortez commercial channel for the fishing fleet, the Stickney Point entrance channel to a public marina, Turtle Beach boat ramp channel, etc. Mr. Listowski suggested to the Board the key to utilizing authorizations to accomplish construction of these projects requires close collaboration with county staffs.
3. **FFWCC Boating Advisory Council Report** – Mr. Listowski reported to the Board on his attendance at the Boating Advisory Council meeting held by the FFWCC. Items discussed included a list of legislative initiatives by the FFWCC, which Mr. Listowski found worthy of support by the WCIND Board. The discussion and letter of support for these initiatives will be discussed at the next meeting.
4. **County Preliminary Projects Priority Lists for WWDP FY03/04** – Mr. Listowski outlined funding requests for projects from the four-member counties for the Waterway Development Program and briefly discussed the millage rate needs for FY03/04. Mr. Listowski requested Board approval for budget formulation purposes for .04 mills to maintain level of service for existing services. Motion by Commissioner Judah, seconded by Commissioner Horton to direct staff to develop a budget for FY03/04 using .04 mills for basis for that budget. Motion approved unanimously.
5. **Set Preliminary Millage for FY03/04** – Discussed in #4.

6. **NGP Initiative in Lee County – Report** – Mr. Listowski reported to the Board on progress with the Lee County NGP formulation process. 69 water bodies are under consideration for approval under this new NGP.
7. **ACOE Correspondence – Waterway Improvements** – Mr. Listowski reported to the Board of the response from Colonel James May, of the Jacksonville District of the ACOE, indicating a lack of funding to Senator Graham’s office, thereby setting up the need for a congressional funding request via the “add” process. Mr. Listowski also reported success on the part of the Florida Inland Navigation District (east coast district) in securing funding for operation and maintenance of the Atlantic Intracoastal Waterway by virtue of successful legal lobbying efforts in Washington, D.C. Mr. Listowski requested Board direction to utilize existing administrative funds for legislative lobbying efforts not to exceed \$25,000 in this fiscal year, in order to secure operation and maintenance funds for the Gulf Intracoastal Waterway. It is hoped that the east coast effort could be used as a springboard for the west coast’s benefit through Congress. Commissioner McClash made a motion to direct staff to explore legislative lobbying for WCIND waterway needs in Washington, D.C. in collaboration with other efforts underway by FIND, and not to exceed \$25,000 in FY02/03. Commissioner Horton seconded motion. Under discussion, Commissioner Judah requested clarification on the methodology of expenditure of the \$25,000. Commissioner Judah then requested comment from Rick McMillen on the issue of Washington lobbying for ACOE funds. Mr. McMillen strongly suggested that having a regular voice in Washington, lobbying for local interests in the southwest Florida region, is the only truly successful manner to approach Congress for funds. Mr. McMillen has become familiar with the issues on the east coast of Florida and how they are being addressed in a meaningful fashion via this type of lobbying effort. Motion passed unanimously.
8. **CN Process Results for Professional Services (Environmental and Project Management Consultation)** – Mr. Listowski reported to the Board the result of the competitive negotiation process for a list of companies serving the District involving environmental issues and permitting. Commissioner Judah made a motion to accept the list of six professional services firms, seconded by Commissioner Horton. Motion passed unanimously.

COMMISSIONERS’ ITEMS – Commissioner Horton reported on the new condition of Stump Pass and described the results and apparent benefits to the bay waters from the opening of Stump Pass in the 1980 alignment. Commissioner Horton invited the Board and the public to a Stump Pass celebration scheduled for June 20 at 2:00 p.m. Commissioner Horton reiterated his desire to explore creation of a MSTU for long-term maintenance of Stump Pass involving Charlotte and Sarasota counties as primary funding source, but also introduce the concept of administration of this MSTU by the WCIND. Mr. Listowski introduced Counsel Perrey’s recent analysis of District capabilities involving coastal management issues involving passes and inlets. Commissioner Patterson stated that the issue of Stump Pass and any other issues relative to cooperative agreements between Charlotte and Sarasota counties could be discussed at the upcoming joint county meeting.

WCIND COUNSEL’S REPORT – Counsel Perrey related to the Board recent difficulties experienced by the District in maintaining their general liability insurance policy. The long-standing insurance policy was cancelled abruptly due to two injury claims that occurred on two District properties. Mr. Listowski related that a new insurance policy has been issued with the Florida League of Cities.

EXECUTIVE DIRECTOR’S REPORT – Mr. Listowski reported to the Board that he was interviewed by a media reporter regarding the future of navigation markers at Big Sarasota Pass. Conditions at that inlet have dramatically changed and shoaling has increased to the point where the U.S. Coast Guard can no longer maintain the markers at that location. After some discussion, the WCIND staff was discouraged

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from exploring any action involving condition surveys, but was encouraged to discuss the County's current plan with Mr. Cliff Truitt, coastal engineering consultant under contract with Sarasota County.

The meeting adjourned at 12:00 p.m.