

WEST COAST INLAND NAVIGATION DISTRICT BOARD MEETING

FRIDAY, JANUARY 31, 1992

**SARASOTA COUNTY SOUTH COUNTY ANNEX
4000 SOUTH TAMiami TRAIL
ROOM 228
SOUTH VENICE, FLORIDA**

BOARD MEETING TO BEGIN AT 10:30 AM

ADMINISTRATION:

1. CALL TO ORDER AND ROLL CALL
2. APPROVAL OF THE MINUTES OF DECEMBER 6, 1991
3. APPROVAL OF BILLS TO BE PAID FOR DECEMBER 1991 AND JANUARY, 1992
4. APPROVAL OF THE TREASURER'S REPORTS FOR OCTOBER AND NOVEMBER, 1991
5. APPROVAL OF DELETIONS OR ADDITIONS TO AGENDA
6. REHIRE WCIND STAFF

DEPARTMENT OF NATURAL RESOURCES COMMENTS:

1. REPORT ON DNR DOCK REQUEST FOR DON PEDRO STATE PARK
2. REPORT ON WATERWAY DEVELOPMENT PROGRAM GUIDELINES
3. STUMP PASS FINAL ORDER REPORT

NEW BUSINESS:

1. REQUEST TO LEASE SPOIL AREA IN CHARLOTTE COUNTY
2. CONSIDER VEHICLE LEASE RENEWAL

NEXT MEETING DATE:

SUGGESTED: MARCH 27, 1992 AT 10:30 AM IN VENICE, FLORIDA

ADJOURNMENT

WEST COAST INLAND NAVIGATION DISTRICT

BOARD MEETING

JANUARY 31, 1992

SARASOTA COUNTY SOUTH COUNTY ANNEX

MINUTES OF JANUARY 31, 1992

A regular meeting of the West Coast Inland Navigation District was held on Friday, January 31, 1992, at 10:30 A.M. at the Sarasota County South County Annex, 4000 S. Tamiami Trail, Venice, Florida, in Room 228.

COMMISSIONERS PRESENT:

Kent G. Chetlain, Chairman
Ray Judah, Vice-Chairman
Wayne Derr, Secretary
Bill Burdick, Treasurer

STAFF PRESENT:

James M. Armstrong, Executive Director
Connie McLenna, Administrative Assistant
Philip Perrey, Counsel

GUESTS PRESENT:

Jeremy A. Craft, Director, Division of
Resource Management, DNR

ADMINISTRATION:

With Chairman Chetlain presiding, Commissioner Judah moved for approval of the minutes of the meeting of December 6, 1991. Seconded by Commissioner Derr. Motion carried unanimously. Commissioner Derr moved to approve bills to be paid for December 1991 and January 1992. Seconded by Commissioner Burdick. Motion carried unanimously. Commissioner Derr moved to approve the Treasurer's Reports for October and November of 1991. Seconded by Commissioner Judah. Motion carried unanimously. There were no deletions or additions to the Agenda. Commissioner Burdick moved to rehire the current WCIND staff. Commissioner Judah seconded the motion. Motion carried unanimously.

DEPARTMENT OF NATURAL RESOURCES COMMENTS:

Commissioner Chetlain introduced Jeremy A. Craft of DNR who took the floor. Mr. Craft said that F.I.N.D. (the east coast version of WCIND) has raised the possibility of holding a joint workshop with WCIND. He thought it might be beneficial. Legislatively, he has no knowledge of anything in the works that would impact on WCIND.

Report on DNR Dock Request for Don Pedro State Park: Mr. Armstrong said this was a carry-over item from the last meeting. Three maps are in each meeting book: one relates water depth, the second shows the specific area relative to its surrounding area, and the third shows the specific location of the proposed docks in relation to the existing docks. The Administrator of Charlotte County told Mr. Armstrong

that the county has spent roughly \$100,000 in this area for the state. Mr. Armstrong is having the specific plans looked at right now to get an impartial idea of what this is going to cost. He recommended a maximum funding up to \$40,000 by WCIND from operating funds. Commissioner Burdick asked for recognition of the \$100,000 that Charlotte County has already contributed to this project. When Commissioner Chetlain asked if anyone in the audience wished to speak, Jim Sweeney, the grant coordinator for Charlotte County, came forward. His information seems to indicate a total cost of \$43,000 or \$30 per sq. ft. Commissioner Judah moved to fund this project from WCIND operating reserves up to \$40,000 with the usual stipulation that the state be completely responsible for all maintenance and that WCIND incur no liability. Seconded by Commissioner Derr. Motion carried unanimously.

Report on Waterway Development Program Guidelines: Mr. Armstrong said there had been a problem of disposing of assets acquired with WCIND funds. This addition to the guidelines addresses this issue. Counsel Perrey told how he researched federal guidelines to come up with this wording. Assets currently worth less than \$5,000 could be disposed of with no obligation to WCIND. Above \$5,000 there would be a refund pro-rata based on WCIND's contribution to the purchase price. Commissioner Burdick moved to add this wording to the WCIND Waterway Development Program Project Agreement. Seconded by Commissioner Derr. Motion carried unanimously.

Stump Pass Final Order Report: Mr. Armstrong began by reviewing the creation of the Gulf Coast Pass Maintenance Fund in September, 1988 for \$525,000. Inlet/pass maintenance problems were to be considered as of a "regional" or "district" nature. The reason for budgeting ahead of time was to ensure that the funds would be available to each county by application as the need arose. Mr. Armstrong also read the figures for funding distribution per the approved budgets for FY88/89 through FY91/92, showing the breakdown between Waterway Development Projects and the Gulf Coast Passes Maintenance Fund. He also read the carry-over balances as of 9/30/91 for each county in each category of funding. \$989,835.00 is currently left in the District/Pass Maintenance Fund (not including FY91/92) which can be used for gulf coast passes maintenance. If you add in the carry-over balance from Charlotte County of \$541,254 and the \$21,962 from Lee County in the G.C.P.M.F., there is roughly \$1.5 million that can be spent on inlets.

Mr. Armstrong reviewed the finding of the Administrative Hearing on Stump Pass that the dispute was of a political nature. DNR recommended that the permit be issued under certain conditions. Commissioner Burdick and Mr. Armstrong went to Tallahassee to meet with Cabinet aides to answer any questions about Stump Pass. Questions about where the sand was going to come from, would the sand being dredged be paid for as sovereign sand to the state, and the additional 40,000 yds. of sand to be pumped on the county beach at Englewood appeared to be resolved in follow-up conversations. Mr. Armstrong was led to believe that the Governor and Cabinet would likely pass the Final Order as recommended. At the cabinet meeting on

January 22nd, Mr. Armstrong was presented with a letter from Commissioner Leonard of Charlotte County that was sent to a cabinet aide and typed on official Charlotte County letterhead, stating that Commissioner Leonard could find no recorded public access and that he could find no record of WCIND's 100 foot license-to-use agreement given the county in 1982. Essentially, he was saying there was no access by the public, so the sand can't be pumped from Stump Pass to the beach without being paid for. DNR officials and cabinet aides were now totally confused, and the matter would have to be deferred again until the access issue was cleared up. The county needed to get its act together and completely clarify the Board's position. Mr. Armstrong had met extensively with county staff, attorneys, and consultants, and it is his understanding that all questions regarding public access have been or are being resolved. He resolved the issue of the 100 foot access by giving the county a copy of the 1982 agreement.

In a letter to Commissioner Burdick before this meeting, Mr. Armstrong suggested that Charlotte County Board of Commissioners clarify their position on Stump Pass completely, by letter or by resolution, so he can advise the WCIND Board and receive direction from it. Commissioner Burdick assured him this matter would be addressed at the February 4th Charlotte County Board Meeting. The Chairman of the Charlotte County Board telephoned Mr. Armstrong and asked him to state by letter WCIND's position regarding future maintenance of the pass. Mr. Armstrong read from his proposed letter to Chairman Ross that WCIND has \$989,835 remaining in the Gulf Coast Passes Maintenance Fund, and some of these funds will be used along with state funding that the county must apply for. The county must realize that it is the sponsor of this project, it is the permittee, and it must seek state funds as well as WCIND funds. A copy of the agreement between Charlotte County and WCIND on the management plan that will produce the plan will be attached to the letter. Commissioner Judah moved to give Mr. Armstrong permission to send this letter to Charlotte County. Seconded by Commissioner Derr. Motion carried unanimously.

NEW BUSINESS:

Request to Lease Spoil Area in Charlotte County: Mr. Armstrong said that a Dr. Vassar wants to lease a part of the 20-acre spoil area right near Stump Pass. He explained the color-coded drawing in each Commissioner's meeting folder and recommended that this request be denied. Commissioner Burdick moved to deny this request. Seconded by Commissioner Derr. Motion carried unanimously.

Consider Vehicle Lease Renewal: Mr. Armstrong explained that the lease on the 1989 Chevrolet Blazer which he drives expires on March 1. He would like Board approval to seek a new lease that will not exceed the present lease of \$300 per month for a term of three years. Commissioner Burdick moved to give Mr. Armstrong this approval. Seconded by Commissioner Judah. Motion carried unanimously.

Chairman Chetlain opened the meeting to anyone in the audience.

Mr. Dick Loftas, President of the Charlotte County Tax Watch, stepped forward. He expressed concern over the costs of Stump Pass, possible litigation costs, and possible damage to the Lemon Bay Aquatic Preserve. Where are all the state funds coming from? Everyone seems to be cutting back. The citizens of Charlotte County appreciate Commissioner Leonard going to the state and letting them know that the citizens are against the project. A referendum would defeat the project 9 to 1.

Commissioner Judah had questions about money previously allocated and approved by WCIND for Stump Pass. The Board has always been concerned about funding maintenance programs for inlets/passes over which we have had no opportunity to be involved in the overall management plan.

Mr. Armstrong reviewed the Charlotte County budget requests for Stump Pass, starting with the \$310,025 in 1985, even before the start of the Gulf Coast Passes Maintenance Fund. That balance is still there. In 1988/89 the county asked for an additional \$300,000; we gave them \$175,000. That is still there. In 1990/91 they asked for additional funds of \$100,000, of which there is \$55,000 left. This adds up to \$541,000. These funds are specifically allocated for Stump Pass, and they are a part of our allocation to the Gulf Coast Passes Maintenance Fund.

Commissioner Chetlain asked if there was any movement afoot to put this issue on the ballot this year. Mr. Loftas said he would like to have a referendum.

Mr. Armstrong said nobody knows what an inlet management plan will cost. Based on the best judgment of some coastal engineers, we can move that sand annually for \$3.00 per yard. Say, \$100,000 a year, based on 30,000 yds? If we get state participation, they pay \$75,000; we pay \$25,000. Charlotte County is spending nothing. They are going to get every dime they put into this project back from a MSTU, and we're going to pay for the rest of it. Since 1984 Charlotte County has contributed \$634,916 to WCIND. They've gotten over \$1.4 million back if they get the job done. Hundreds of thousands of dollars are being wasted by arguing about what we should do. This is frustrating to him.

Mr. Loftas said the people in Charlotte County do not feel this is the right course to take. They think we should work with mother nature by following the channel as it moves, spot dredging when necessary, and use movable markers. Actually, it is a beach renourishment project.

Commissioner Burdick vehemently disputed he ever said this was a beach renourishment project. The Final Order said it was a navigation project, number one, with a side benefit of beach renourishment. Also in the Final Order, leaving the channel in its natural state would further erode Knight Island. This was proved by experts.

Richard Leonard, Commissioner from Charlotte County, stepped forward. He is an alternate to the WCIND Board and never receives notification of the meetings or the information packet. Commissioner Chetlain said he would receive this information.

Commissioner Leonard was requested by many organizations to go to Tallahassee to voice opposition to Stump Pass. At no time did he ever represent that he was there representing the Charlotte County Board. The opposition in Charlotte County is very deep and widespread. They have requested referendums, but they have not been able to get the support of the rest of the Board. Commissioner Chetlain offered advice on how to get support for Commissioner Leonard's position. Commissioner Chetlain saw no problem in submitting this question to the public. Whether a resolution passes or not, Commissioner Leonard will be in Tallahassee voicing opposition as requested by his constituency base.

Mr. Armstrong said he was not suggesting that anyone pass a resolution saying only one person can go. He is asking that Charlotte County pass a current resolution outlining its present position.

Mr. John S. Moorehead of Englewood stepped forward. He addressed the distribution of WCIND funds. This would always be a tough problem because of the matter of equitable distribution to the counties. Since DNR is going to regard the entire west coast as a regional project, the matter of equitable distribution is going to be a terrible problem. He hoped that decisions can be made more on the regional approach rather than where the funds came from.

Mr. Armstrong said this is happening right now. Most of WCIND money is being spent in Charlotte County. All four counties are paying for that. It depends on where the work is being done. In some years some counties have had very low budget requests. The idea of an inlet management plan was to budget for this work for years ahead of time.

NEXT MEETING DATE: March 27, 1992 at 1:00 P. M. in Venice, Florida.

ADJOURNMENT: 11:53 A.M.



WAYNE L. DERR, SECRETARY



RAY JUDAH, VICE-CHAIRMAN