

The July meeting of the Commissioners, of the WEST COAST INLAND NAVIGATION DISTRICT, was held July 14, 1969, in the Commissioners Meeting Room, Manatee County Court House, Bradenton.

Present:

Ellsworth G. Simmons, Chairman, Hillsborough County
Kenneth W. Daniels, Secretary, Lee County
Dan P. McClure, Treasurer, Manatee County
Kenneth D. Brumbaugh, Sarasota County
Howard V. Barr, Charlotte County

Charles E. Furbee, Executive Director
Dewey A. Dye, Jr., Counsel

Absent: A. L. Anderson, Vice Chairman, Pinellas County

The meeting convened at 10:30 a.m.

Minutes of the June 9 meeting were approved as presented.

The Treasurer's Report was read and approved. Vouchers, #5955 through #5984, were approved for payment.

The Director reported on submission of the FY 1969-1970 budget. Colonel Bachman, Director of Waterways Development Division-Natural Resources, visited the WCIND office and presented the new format for budget submission to the State; there were no changes in millege levy or budgeted figures, only the manner of presentation. The new format did call for listing of spoil areas and maintenance pipelines for projected action during this fiscal year as described in Schedule C of the FY 1969-1970 budget. There are listed three spoil areas in Pinellas County and one in Sarasota County. There are listed fourteen right of way parcels for maintenance pipelines. The program projects \$140,000 for spoil areas and \$90,000 for the rights of way; for local sponsorship projects, Stump Pass in Charlotte County, \$42,000; for Longboat Pass in Manatee County, maximum of \$50,000; and for Venice Water Wells, \$20,000. Commissioner Daniels noted that the Corps of Engineers participates 50 to 60 per cent in the project cost as well as WCIND participation which was previously approved.

The Director referred to the Board of Conservation Director's letter of June 25, 1969, in which he stated that WCIND resolutions (69-11 and 69-12), requesting matching funds for 1968-69 projects, were denied since the account was over committed for that year. The Chairman inquired if information was available as to what match-

-2-

ing fund grants had been made and the Director reported that no such information was received. The Chairman suggested that funding information should be requested by WCIND and expressed his disappointment for the District's loss. Motion was duly made and carried that the Director be instructed to investigate and obtain official information as to the basis for selection of the grants made and what matching funds had been granted for the FY 1968-69. Commissioner McClure stated that if the Director does not receive the requested information, it may become available via the County Commissions.

HEARING OF INDIVIDUALS

Mr. Robert Rigby, Venice, submitted a proposal to lease Spoil Area S3-4 near Venice for recreational use. His plan calls for dune buggy race events, no more than four events per month on Sundays or holidays. He offered to lease this area for \$50 per event with adequate public liability insurance during each event. He submitted letters from Venice Police Chief John Shockey, Sheriff Ross Boyer of Sarasota County, and Senator Warren Henderson in support of holding these supervised sports events. He also presented a letter from Sarasota County Planning Commission which advised that should WCIND approve its property use, a request should be made for a re-zoning from M-2 with granting of an exception (Special Exception, "G-2" Public Lands District) under item (5). The Chairman suggested that Mr. Rigby submit his detailed proposal in writing to the Board.

The Chairman stated that WCIND may have an insurance liability. The Director reported that the Rigby proposal included insurance for each event. Commissioner Brumbaugh was asked how the proposed activities were effected by zoning and he stated that there were no controls. Mr. Rigby informed the Board that the area is now being used by individuals for this racing of buggies and motorcycles and other activities even though posted against trespassers. Commissioner Barr questioned what protection the District had.

Mr. Dye presented his recommendation to the Board in his letter dated July 14, 1969:

"The 1969 Legislature passed an act waiving immunity of all state and county governmental agencies for tort liability. Although navigation districts are not specifically mentioned, it is my opinion that this act probably also applies to such governmental agencies as this district. It is, therefore, my recommendation that the Board take steps at once to secure general public liability insurance coverage in some adequate amount to be determined by the Board."

(Copies were distributed to WCIND Board members and the Director.)

The Chairman requested that the Director, Mr. Dye, and Commissioner McClure procure proposals as to proper insurance coverage for WCIND. Motion was duly made and carried that this action be taken and that public liability insurance for WCIND be secured. Commissioner McClure reported that Manatee County is currently investigating proposals for such insurance.

Commissioner Brumbaugh stated that due to the newness of the Rigby proposal it should be placed on a trial basis only. The Chairman suggested that the proposal be considered on a 30-day basis if a satisfactory arrangement can be made with proper insurance coverage and if agreed to by Commissioner Brumbaugh, the Attorney, and the Director. Motion was duly made and carried that the Director request of each of the six Counties' Planning Commissions that all designated spoil areas be zoned for governmental proprietary use.

Motion was duly made and carried that Commissioner Brumbaugh, the Director, and Attorney be authorized to act on behalf of the Board on Mr. Rigby's proposal which is to include a 30-day cancellation notice and insurance coverage.

ACTIVITIES REPORT

Charlotte County

Mr. Dye reported on a request from Cape Haze Corporation for release of a portion of Lots 2 and 3, Block B, Cape Haze Subdivision (Plat Book 2, Page 93, Public Records of Charlotte County). An easement was purchased in 1957 from Cape Haze Corporation crossing the westerly half of Lot 2. At that time, the right of way did not touch Lot 3 as it was then surveyed by Joe K. Merrin. A recent survey by Archie Brown for the upland owners indicates an encroachment of Lot 3 into the right of way. The Director and Mr. Dye met with Mr. Brown and Mr. Costigan, representing the upland owners, and recommended that, if the owners want some portion of the property released, request should be made to the Corps of Engineers through WCIND for a release. The upland owner of Lot 2 is Cape Haze Corporation; the upland owner of Lot 3 is Mr. Davis White, and both are represented by attorney Leo Wotitzky of Punta Gorda. The official request for release has now been received from Mr. Wotitzky and is being processed by WCIND staff. WCIND will order an appraisal to be made at applicants' expense to determine proper consideration to be paid by upland owners for release of easement. This report to the Board is for information only.

Sarasota County

The Director reported on two proposals from the Venice area: one for a boat basin by Mr. H. L. Tomlinson and the other for a boat

ramp by the City of Venice; these two locations are almost in the same vicinity. A recommendation is that their plans include no conflict in access to the waterway. Engineering plans are progressing and will be presented at later dates.

Record Maps Status - Thirty-seven pages remain to be completed. The Lee County Binder with its maps were on display for Board members' examination.

Pinellas County

The Director reported that S/A P-33 had presented problems and it was now necessary to relocate the area directly north of the original designated area. A survey is now in process for the ten-acre site and upon receipt an appraisal will be ordered.

FY 1969-1970 Budget

The Director reported that the budget in the new format for FY 1969-1970 was formally approved July 9, 1969. Copies of the approved budget are being forwarded to the six counties. The Director presented a comparative financial brief which covered the period, June 30, 1968 - June 30, 1969:

	<u>1968</u>	<u>1969</u>
Lands Purchased:	<u>\$172,710</u>	<u>\$186,654</u>
Costs:		
Engineering	14,677	14,320
Legal	16,187	10,368
Administration	17,040	16,411
Bridges	39,949	-0-
Construction	20,000	-0-

The Activities Report was accepted as presented.

NEW BUSINESS

A letter dated June 17, 1969, was received from the State Comptroller's Office stating: "...effective July 1, 1969, each county, county agency and county board of public instruction shall fully match the Retirement and Social Security contributions made by its employees as members of the State and County Officers and Employees Retirement System and the Teachers' Retirement System."

Motion was duly made and carried that the FY 1969-70 budget be amended to provide such matching funds as of July 1, 1969.

-5-

Next Meeting Date - It was agreed that the next Board meeting will be held on Monday, August 11, 1969, Manatee County Court House.

SCL Bridge - Commissioner Daniels reported on his attendance at a meeting in Fort Myers at which Mr. W. Thomas Rice, President of SCL Railroad Company, stated that the SCL was definitely going to stay in Boca Grande and it contemplates spending one half million dollars on port repairs. Mr. John F. Nicholson, President of Florida Waterways Association, has requested Commissioner Daniels to represent WCIND in Jacksonville July 21.

Motion was duly made and carried that Commissioner Daniels be authorized to attend the FWA meeting in Jacksonville at District expense.

Commissioner Brumbaugh suggested that because of increase in costs, the WCIND should report in definite amount its allocation of funds for SCL Bridge. The Chairman noted that interest derived on the reserved fund may offset the increase in cost while WCIND is awaiting the SCL decision. The Director reported that of the allocated \$581,000, \$4,000 had been spent on an engineering survey and the fund then was increased back up to \$581,000. Interest earned on these funds was going into general revenue and not being added to the fund.

Purchase of Hardin Island Property - Commissioner McClure reported on his recommendation to the Board for the purchase of the Hardin island property, approximately 7.08 acres including submerged land, located within the WCIND right of way. The purchase price was \$6,500 for the total island. The Chairman noted that although all of this property is not needed now, the island property should be a good acquisition for WCIND, would resolve a right of way acquisition problem, provide a spoil area for future use, and could be used for public recreation in the future. Motion was duly made and carried that the purchase price of \$6,500 for the property be approved.

The meeting was adjourned at 11:25 a.m.


Chairman


Secretary

ACTIVITIES REPORT
June 9, 1969 - July 14, 1969

I.

A. CHARLOTTE COUNTY

1. Request for quitclaim deed covering Lots #2 and #3 in Cape Haze was received. Mr. Dye will process same for forwarding to U.S. Army Corps of Engineers.
2. MPL C-17A - This was sent to the CE for approval; a request was made for corrective instrument on part of MSA C-25; the TIIIF authorized the corrective instrument on July 1, 1969. MSA C-10A, C-11, and C-12, together with the title insurance, were accepted by the Corps of Engineers. C-21 and C-29A - The Circuit Court for the Twentieth Judicial Circuit has granted an Order of Taking and these have been forwarded to the Corps of Engineers for approval. Trial has been set for the dates of November 17, 18, and 19 for all unsettled parcels, Charlotte Co.

B. SARASOTA COUNTY

1. A meeting with Mr. Robert Rigby concerned his proposal to lease part or all of Spoil Area S3-4 in Venice Area for recreational use. The Director referred him to the Sarasota Zoning Board and Sarasota County Commissioners.
2. A meeting on June 8, 1969, with Mr. H. L. Tomlinson concerned his lease proposal for boat basin in area at Venice Avenue Bridge, Venice. WCIND December 9, 1968, minutes reflect original proposal was for purchase of WCIND property and as a sale Mr. Tomlinson would pay the appraisal cost. The present plan is for a lease of the WCIND property. Mr. Tomlinson is preparing engineering plans.
3. The Director advised Mr. Paul A. Youngberg to submit the engineering plans for boat ramp and recreational use of the Spoil Area (S-32) in Venice Bridge area, east of the waterway.
4. Seven tracings of record maps have been received from Mr. Darrell L. Cole, Tampa. Thirty-seven remain to be completed. Binders have been received from Bowen Supply Company. The Lee County Binder and maps are on display for the Board members.
5. MPL S-37 - has been conveyed and forwarded with title insurance to the Corps of Engineers. Tract "4", right of way at the South Bridge, Section 3 - Venice, has been conveyed with title insurance to the CE. Conferences have been held with

-2-

the County Attorney of Sarasota County concerning the R/W of the Intracoastal Waterway at Stickney Point Bridge in relation to the condemnation suit in progress acquiring the R/W at Stickney Point road and bridge approaches. The County was advised that the District has conveyed a perpetual easement to the Corps of Engineers for canal purposes. Tarpon Center - Venice South Jetty - A request was received from the Corps of Engineers on the history of various easements that are impressed upon part of the Tarpon Center property. Information was furnished the CE concerning the acquisition of these easements.

C. PINELLAS COUNTY

1. The new P-33 Spoil Area has been identified by an O & E report. A survey has been ordered. Upon receipt of survey, an appraisal will be ordered, then coordination processing.

NEW BUSINESS

II.

- A. Colonel Roger M. Bachman, Director of Waterways Development Division - Natural Resources, visited WCIND office on June 26 to offer guidance on FY 1969-1970 budget format. The new format was completed and submitted June 27, 1969. WCIND has received notice, via telephone message from Col. Bachman July 9, that the budget had been approved. Also, during his visit here June 26, Colonel Bachman advised that WCIND did not receive requested matching funds of \$58,600. A letter from Florida Board of Conservation Director Hodges confirmed.
- B. State Comptroller Office letter, June 17, 1969, announces that 1969 Legislature did not change Chapter 122.35 Florida Statutes (the funding law) enacted by the 1967 Legislature. This means each County, County Agency, and County Board of Instruction shall fully match the Retirement and Social Security Contributions made by its employees as members of the State and County Officers and Employees Retirement System. A letter to the Comptroller will be written asking the status of W.C.I.N.D.
- C. Comparative Financial Brief by the Director covers the period June 30, 1968 - June 30, 1969.