

The regular monthly meeting of the WEST COAST INLAND NAVIGATION DISTRICT COMMISSIONERS was held at the Manatee County Office Building October 12, 1962.

Present were:

Ellsworth G. Simmons, Chairman, Hillsborough County
 H.H. Anger, Vice-chairman, Charlotte County
 A.L. Anderson, Secretary, Pinellas County
 Elmer Bustle, Treasurer, Manatee County
 Mack H. Jones, Lee County
 Warren S. Henderson, Sarasota County

Geo. Kumpe, Exec.Dir.
 Joe K. Merrin, Engineer
 Dewey A. Dye, Jr.,
 General Counsel

Absent:

J. Hardin Peterson, Sr., Special Counsel

ADMINISTRATION

The Chairman called the meeting to order at 11 A.M. Minutes of the September 14, 1962 meeting were approved as presented. The Treasurer's Report was read by Mr. Bustle and adopted. Vouchers #3176 through #3196 covering current bills were approved for payment.

The financial report for the District for the year ending Sept. 30, 1962 was approved by the Commissioners who directed that it be advertised in compliance with law. Each Commissioner named the newspaper in his area to be used.

HEARING OF INDIVIDUALS

Mr. A. Bradford Smith of Venice appeared in accordance with his previous request and began reading from a 17-page speech citing the fact that it was Columbus day and that Columbus' ships might possibly have never discovered America had they tried to navigate through the proposed 9' depth of the C-1 alternate route of the Inland Waterway through Venice. He further referred to a letter in the Venice Gondolier of

Aug. 23, 1962 and the accusation that his appearance and statement before the Venice Council were politically inspired.

Chairman Simmons interrupted to ask Mr. Smith if his remarks dealt with a subject which is a responsibility of this Board.

Mr. Smith said he thought the Waterway was the responsibility of the Board. Silence now on his part would prevent redress through appropriation committees and the route would have been agreed upon and an accomplished fact. He continued that on Sept. 2 Reverend Sydney J. Browne had suggested to the City Council president that Council defer all action until after the election; that he regretted the Mayor and City Council compromised the whole issue for their personal gains; that thereafter political connotation was placed upon everything said and done about the Inland Waterway.

Chairman Simmons told Mr. Smith, "If you wish to bring something before this Board that we deal with..."

Commissioner Anderson made a motion "that the floor be denied this gentleman because the matter is not on the agenda."

Chairman Simmons said Mr. Smith was on the agenda but must present matters pertaining to the Board's responsibilities.

Mr. Smith assured him it would be to the interest of the Board.

Commissioner Anderson amended his motion "to state that the matter being presented is not one which this Board has jurisdiction of or is required to take action on."

Chairman Simmons told Mr. Smith, "We want to hear you but it must be a matter over which we have jurisdiction."

Commissioner Anderson stated that as Chairman of the Pinellas County Board of Commissioners he had on several occasions denied the floor to persons wishing to express opinions on matters not before the Board.

Mr. Smith started reading again that it would be morally, geographically and economically wrong to inflict the multi-million dollar "big ditch" on the city which does not desire it, never has wanted it, has fought against it in the past and will continue to fight against it in the future.

Chairman Simmons told Mr. Smith, "This Board does not establish the route."

Mr. Smith replied, "I can show you that this Board does establish the route."

Chairman Simmons told Mr. Smith he must get the subject matter before the Board, that the things he had mentioned are not matters the Board has to consider.

Mr. Smith read on from the report mentioning a proposed two mill increase of taxes in Sarasota County for roads and flood control.

Commissioner Anderson made a motion that Mr. Smith be permitted to file his statement for consideration by the Board at such time as they see fit.

Mr. Smith cited two resolutions passed by WCIND Board urging the C-1 route (one dated Nov. 21, 1955 "that the West Coast Inland Navigation District requests that the Intra-coastal Waterway be constructed along route C-1") and stated that "the entire responsibility for the canal route through Venice is the responsibility of this Board."

Commissioner Anderson interrupted to ask Mr. Smith to state what he was asking this Board to do.

Mr. Smith replied that he would like the Board to adopt a resolution requesting Congressman Haley or Senator Smathers to introduce a request for a resurvey of the canal route in the Venice area.

At this point Commissioner Anderson added to his last motion that a committee be appointed to consider the subject matter.

Commissioner Henderson urged the Board to bear with Mr. Smith, to bend over backwards if necessary, that he did represent a segment of the citizens of Venice. Commissioner Anderson withdrew his motion out of respect to Mr. Henderson's request.

Mr. Smith gave copies of his statement to the Commissioners and was told by Chairman Simmons, "You may proceed but if you start to rambling I am going to stop you."

Mr. Smith read on about Secretary of State Adams and the package plan. He was again stopped by Mr. Simmons, "You are making charges against people who are not present."

Mr. Smith said, "This Board is a party to the contract which has been placed before City Council members as a package plan."

Commissioner Anderson declared, "I am not going to sit here and let somebody malign this Board. This gentleman is out of order."

Commissioner Jones agreed that all the personal interjections were indeed out of order.

Mr. Smith asked if Board was going to refuse Sarasota County the opportunity of being heard. Mr. Simmons answered that Sarasota County was well represented.

Mr. Simmons said that he wished to yield to Mr. Henderson's request that Mr. Smith be heard, and asked Mr. Smith to make any appropriate requests to the Board.

Mr. Smith said that his specific request was to ask the Board to pass the resolution.

Mr. Simmons said the Board might ask Mr. Peterson to consider the request and advise the Board of his findings on such action.

Commissioner Anderson moved the matter be taken under advisement.

Mr. Henderson said he appreciated the fact that the Board of County Commissioners of Sarasota County had in the past requested a re-study of the route, that he was not sure the present Board would make such a request and that apparently all the citizens of the City of Venice do not have the same feelings as they did in the past, that perhaps Mr. Smith should present the matter to the Sarasota Board before coming to WCIND.

Mr. Anderson amended the motion that the matter be taken under advisement to read, "that the matter be referred to Mr. Henderson."

Motion by Mr. Anderson that the matter be referred to Mr. Henderson and Mr. Peterson for consideration carried.

Mr. Smith questioned the voting on the motion, saying the vote should be polled. He demanded the opportunity to

finish reading the report as a lawyer and representative of clients in Venice.

Mr. Dye asked that the clients be named. Mr. Smith answered he was representing all of the interested citizens of Venice, that the specific client's name is "The Very Reverend Sydney J. Browne."

Commissioner Anger regretted that accusations were being made against people who are not on the present Board.

Mr. Anderson made a motion that Mr. Smith's report be received and filed. Mr. Smith asked that it be made a part of the minutes and was told it was too lengthy. The motion carried, with Mr. Henderson voting "no".

Mr. Smith requested that the records show "that this lawyer was denied the opportunity to be heard by this Board today even though this particular lawyer was on the agenda."

Commissioner Anderson said, "I take exception to this gentleman's remarks, as a lawyer. Let the records show as one member of this Board, the statements made by this gentleman are absolutely incorrect and not in accord with action taken heretofore."

Chairman Simmons told Mr. Smith, "You have filed the statement and we will review it."

Mr. Smith said he resented the incident very deeply, that the Board had refused the opportunity to be heard and had failed to assume the responsibility which the law gives it.

Mr. Henderson suggested Mr. Smith appear before the Sarasota Board.

PROGRESS REPORT

The Director gave the report on construction progress during the past month.

As the work on the piers at Siesta Key Bridge had not progressed far enough to permit dredging to project depth through the bridge when the waterway contract dredge reached the bridge this dredging now becomes the responsibility of the Navigation District. The District Engineer has notified the Navigation District of this...but has offered to negotiate with the contractor to perform the work. Motion was made to ask the Corps of Engineers to negotiate with the contractor for this work and present the negotiated price to the Navigation District Board for approval before obligating the Board in any way. The motion carried.

In accordance with instructions at the Sept. 14 meeting the Director obtained a price from the contractor for diking on S/A S 35-4 to modify the northern section of the dike. The bid price of the contractor was reported reasonable by Mr. Merrin and was approved by four Commissioners by telephone. This action was ratified and confirmed.

On spoil area S 24-X across from S/A S 24-A three owners of uplands have indicated an interest in obtaining fill. S/A S 24-A includes S/A 24 P/L 13 and the contract requires that for a specified section of dredging all material must be placed in the Gulf except for 20,000 cubic yards to be placed in S/A S 24-A. The Navigation District contributed \$13,000 to have spoil deposited in the Gulf rather than on the beach. The District Engineer is willing to amend the

contract, if requested by WCIND, to permit use of S/A S 24-X but there is no way of getting back any part of the contribution. Even using both S/A S 24-A and X there should be a requirement for Gulf spoiling. Discussion indicated that changed circumstances may make it in the public interest to acquire the additional spoil area. The Director was instructed to work with the Commissioner from Sarasota County on working this out with no additional financial obligation on the District.

NEW BUSINESS

The Annual Report on District activities for the year ending Sept. 30, 1962 was given to each Commissioner. They were asked to examine it for consideration of approval at the next meeting. Distribution will be held up pending their approval.

Mr. Dye discussed a possible formal resolution which would hold the government harmless from any damages from beach spoiling, saying the possibilities were very remote as the contractor is responsible for any damages, that the government wants the District to back the contractor up. He had received signed consents from some of the owners. Mr. Dye was directed to forward the consents he has obtained and to review the matter so if possible by the next meeting it can be decided whether this a compulsory matter or not.

The Director reported that the plywood skiff belonging to the District was no longer in use. He was authorized to dispose of it at the best financial advantage and make a report at the next meeting.

The Board authorized an increase of \$600 per annum for Colonel Kumpe starting Oct. 1.

The meeting adjourned at 12 o'clock.

W. L. Anderson

Secretary

H. H. Aniger

Chairman

PROGRESS REPORT

14 September 1962 - 12 October 1962

CONSTRUCTION PROGRESS

During the month of September:

a. In Section 5 the contract dredge excavated 140,554 cubic yards of material and advanced 5,433 linear feet. On Sept. 30 the contract was 80% complete.

b. In Section 4 the contract dredge excavated 143,630 cubic yards of material and advanced 13,215 linear feet. On Sept. 30 the contract was 12% complete.

On Sept. 27 the Huffman dredge passed through the Siesta Key bridge, without performing necessary dredging as pier protection had not been completed. On October 5 the District Engineer notified the Navigation District of its responsibility to provide project depth through the bridge. The Corps of Engineers offered to negotiate with Huffman to perform this work, at WCIND expense, if desired, or WCIND may elect to accomplish the work by other means.

The Hendry Corporation dredge cut its way through Midnight Pass and started dredging in the Waterway on Sept. 27, on its sub-contract with R.C. Huffman Company. Captain F.M. Hendry met with the staff on Sept. 26 and was furnished detailed information to form the basis of a later conference.

Upland spoil area S-38 and S-30 were staked for the sub-contractor on Sept. 15.

Diking by the Navigation District on spoil area S 40-1, S 37-1 and S 35-4 was accepted by the dredging contractor. At spoil area S 35-4 agreement was reached with the diking contractor to modify the northern dike for \$550. An agreement with the same contractor to move the western dike was made by Mr. Merrin. This work was accepted on October 3rd.

LANDS

Sarasota County, Sec. 2 - Mr. Dye visited the staff of the Trustees of the Internal Improvement Fund on Sept. 25 and discussed action required to complete acquisition of composite spoil areas. He reminded the staff of an agreement that sale of submerged lands would be preceded by the granting to the Navigation District of a temporary spoil easement.

The Corps of Engineers informed the Board of County Commissioners of Sarasota County that the waterway contractor in Section 2 will be required to replace material removed from Lot 38, Manasota Land & Timber Co. Subdivision, for the east abutment of the new Manasota Bridge.

Sec. 4 - Shanaberger Inc., an excavation contractor, informed the Board of County Commissioners that he would remove any spoil stock-piled from construction of the Waterway.

The Corps of Engineers advised Mr. Dye that the spoil area extensions for the south end of the job previously requested would not be required due to the arrival of the second dredge on the contract. Easements so far received were requested, however.

Three adjacent tracts centered on the mainland across from spoil area S 24-A were surveyed and spoil area easement forms prepared.

The attorney for Mr. F.J. Meyer wrote the contractor offering a spoil area on Casey Key 1.1 mile north of Albee Road.

Spoil area 24 4-C - Revised sketch was prepared.

Spoil area S-26 - The Corps of Engineers indicated that a request to place additional spoil in this area would be approved if submitted. The Board of County Commissioners indicated this area might receive all the fill it could hold feasibly and that the County would provide the additional diking.

Spoil area S-31 - The additional tract received from Mr. Graetz was conveyed to the federal government.

Spoil area S-34 - The Corps of Engineers furnished recent information on soundings in the spoil area and indicated keeping all spoil below mean low water would be infeasible.

Spoil areas S 35-3 and -3A - Revised sketches were prepared for these spoil areas to include submerged land in Sarasota Bay recently acquired.

A request from the Field Club as to the location of spoil areas was answered that there would be no island spoil areas east of the Waterway between Siesta Key and Stickney Point Bridges.

Spoil area S-38 - Mr. E.S. Boyd asked the status of his property as a spoil area. He was informed that the County comprehensive bulkhead line had not been established at the time the contract was advertised so his property did not show on the contract plans; that the Navigation District was willing to convey to the federal government that portion of the spoil area requiring no further County action. It was determined that a dredge and fill permit for the entire spoil area had been approved. On Oct. 2 Mr. Ralph Davis, Mr. Art Huffman and the Director examined this area with Mr. Boyd. Mr. Huffman indicated that the location and limited area of the tract made it improbable that it could be used by the contractor economically.

Spoil area S 38-A and B - The primary owner, Mr. Ed C. Wright, informed the Director that he would negotiate with the contractor to obtain spoil and eliminate island spoil area S-39. Mr. Wright directed his attorney to negotiate this matter with the contractor. On Oct. 2 Mr. Wright met with the Board of County Commissioners and agreed to accepting less than the total yardage previously discussed. The contractor stated on Oct. 8 that the nature of the material to be moved was such that he was unwilling to pump it the distance to S/A's S 38 A & B. He suggested placing the material in S/A S-39, and later, after the waterway contract is completed, moving material on S/A S-39 to S/A S-38 A & B. The District Engineer indicated cooperation in removing material from S/A S-39 provided the Trustees approve.

Pinellas County, Spoil area P-36 - Mr. A.J. Rienzo, City Manager of Indian Rocks Beach, reported to the District Engineer a renewed complaint that spoil from this area was flowing into the private channel north of the spoil area. The Corps of Engineers has directed an investigation to be made.

BRIDGES

The Siesta Key Bridge was closed to automobile traffic during working hours on Sept. 28 and from Oct. 1 to 4 to permit placement of sheet piling on the channel face of the channel piers.

Bids for pier protection at the Stickney Point bridge were opened by the State Road Department on Sept. 26. The apparent low bidder was Meisener & McEvoy of St. Petersburg with a bid of \$50,623.

ADMINISTRATION

Draft of the annual report was prepared.

Information was given the attorney for Hegel's Boat Yard, Inc., to assist the purchase request for submerged land. Mr. Merrin and the attorney for Riegel are attempting to reconcile engineering data to permit the sale.

Lobby report for the third quarter was mailed on October 1.

Mr. Merrin and the Director attended a meeting of the Sarasota County Water & Navigation Control Authority on October 4 to discuss S/A's S-38, 38-A & B.

Mr. Peterson and Mr. Dye visited the Federal Aviation Agency office in Miami on Oct. 3rd in connection with the suit against the City of Venice.

The Director spoke before the Exchange Club of South Manatee County on Sept. 18.