

The monthly board meeting of the Board of Commissioners, WEST COAST INLAND NAVIGATION DISTRICT, was held February 16, 1979, in the Lee County Commission Hearing Room, Fort Myers, Florida.

Present were: Larry Rhodes, Chairman, Sarasota County
R. Douglas Taylor, Secretary, Lee County
L. H. Fortson, Jr., Treasurer, Manatee County

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

Absent was: Arnold F. Schade, Vice Chairman, Charlotte County

ADMINISTRATION

The meeting convened at 10:40 a.m.

Minutes of January 15, 1979 regular monthly meeting were approved as presented. Treasurer's Report for January, 1979 was approved as presented. Commr. Fortson's recommendation that WCIND Director make inquiry for interest to be earned on funds in the Southeast National Bank, Bradenton, checking account, was presented; and approval requested for transfer from a savings account to the checking account once a month to cover current bills and the holding of balance of funds in the Bank savings account to earn interest. Commr. Fortson moved that transfer for holding these two accounts be approved; the motion was seconded and carried. Vouchers No. 1526 through No. 1556 were approved for payment.

WCIND Proposed Legislation - 1979:

Meetings were held before the Delegation representatives of Counties within the District for the review of this proposed legislation and no objections presented. Attorney Dye reported on his presentation to Sarasota County Commission re paragraph, Section 3, (g), as was previously requested by Commr. Neville, attending December meeting, which includes authorization for WCIND to participate in environmental restoration and enhancement projects, seeking to protect, restore and enhance water quality, aquatic habitat, and other marine oriented conservation and environmental values in the navigable waters in the District. The second amendment, requested by Commr. Saba, Sarasota County, states that WCIND is authorized as "Findings of fact: The Legislature of the State of Florida finds that the navigable waters within the District are an area of particular natural beauty, rich in marine and bird life and that protection and enhancement of such ecological values is in the public interest and that no project of the District, as hereinafter defined and authorized, shall be undertaken without due consideration of the public interest." With these two amendments offered, Sarasota County had no objections and so stated. All four Counties in the District at this date have approved. Senator Neal holds the final draft for processing the bill for consideration in Tallahassee. The Chairman stated that there had been a recommendation to offer other Counties membership in the District. Counsel Dye reported that only four Counties are presently involved in the District and the final draft for the new Enabling Act. Collier County, in the beginning, had

expressed interest in being a part of the IWW for expanding the District down through Collier County. It will be up to Collier County, since the problem had been salt-water intrusion and also locks must be considered. Commr. Fortson moved to approve the two amendments requested by Sarasota County and now incorporated in the final draft; motion was seconded and carried. Counsel Dye reported that Mr. John Thomas and Mr. W. J. Roberts had been recommended for assisting with this project in Tallahassee.

U.S. Army Corps of Engineers IWW Inspection Trip - The Director reported on the Corps' schedule for WCIND to participate in this annual inspection trip. March 27 and 28 (Tuesday and Wednesday) are the dates designated with this inspection starting from the Bradenton Pier at noon; the evening stop in Venice, and continuing to Ft. Myers for Wednesday afternoon terminus.

ACTIVITIES REPORT

Lee County

ICC DECISION FEBRUARY 12, 1979 re SCL Railroad Co.,/Port Boca Grande: Following the hearing re No. AB-55 (Sub-No. 13), the SCL Railroad Company is to return the Placida bridge span back to West Coast Inland Navigation District. Counsel Dye read for the WCIND record: "Applicant (SCL Railroad Company) now has title to the new North Gasparilla draw span over the IWW. The bridge was built in 1972, by W.C.I.N. District at a cost of \$1,032,383 in public tax funds based upon applicant's assurances that it planned to operate the Port Boca Grande terminal facilities indefinitely and for sufficient period to justify the public expenditure of funds. The bridge has a useful life of 70 years and that part of the bridge that is capable of being removed and used at another location represents 60 percent of its original cost. The District requests denial of abandonment or, alternatively refunding of a prorated portion, approximately, \$950,000." "...Here, it is considered appropriate to require that the Railroad relinquish title to the movable portions of the draw span; and that it, in effect, preserves the Navigation District's equity in the structure. If the parties should work out some other mutually acceptable solution, that would be accepted in lieu of the Commission's imposed conditions."

ORDER: "That title to the structure known as the North Gasparilla draw span shall be transferred to the West Coast Inland Navigation District upon its removal from support structures, that the parties shall coordinate removal of the structure, and that applicant shall enter into an agreement with the Navigation describing the provisions for the transfer and notify the Commission of the terms of that or any other alternative agreement at least 120 days prior to its scheduled removal;"

Counsel Dye stated that this decision may be appealed by the SCL.

Assistant County Attorney, Ms. Beverly Myers, addressed the Board to report that an appeal may be made re SCL Rockport facility needs since five and one-half million dollars improvement is to be spent by the SCL Railroad Company. Appeal date was stated as March 5. Also, Commr. Taylor reported that Lee County may appeal.

Charlotte County

Stump Pass: The Corps of Engineers public hearing was scheduled and the Director will attend on Monday, March 5.

Sarasota County

Big Sarasota Pass: The Corps of Engineers public hearing has been scheduled and the Director will attend on Tuesday, March 6.

Pinellas County

Special Assessment Taxes, Seaside Assembly: Taxes total \$10,253.16. The Director reported on the Pinellas County Clerk of Board's letter stating that WCIND is liable for the special assessment taxes due. Counsel Dye advised the Board last July that, if a lien is placed on WCIND for non-payment, the WCIND may have to pay. The WCIND check was submitted today for Board authorization to make payment before February 23, 1979. Counsel Dye reported there is a new statement (since the WCIND Enabling Act) about special assessments and the WCIND can not afford to challenge. Commr. Fortson moved that WCIND authorize payment; the motion was seconded and carried. Payment of the \$10,253.16 will be made at once.

Proposed Sale of Crystal Beach property, public bids: Three parties addressed the Board: Attorney Tom Moore, representing Crystal Beach Conservation and Development Associates, with purchase of \$800,000.00 or the Option to purchase, \$1,050,000; Douglas D. Roach, president, Premier Properties Inc., representing Frank C. Campbell, Tampa, for \$1,255,000; and W.H. Cowley, Trustee, representing Boca Investors Group, St. Petersburg, for \$1,000,000.00; all of whom presented a check for down payment, later returned by Counsel with Board approval. Discussion followed in order of the bids submitted with the variable discussed. Counsel Dye stated that discussions and study of bids are necessary. Commr. Fortson recommended no action be taken today. The Chairman announced that the study of these submitted bids will be made and a report made at the next regular board meeting in March; therefore, dates expressed will be extended for the meeting, March 19. The Chairman appointed Commr. Fortson, Counsel Dye, and Dir. Furbee to study these bids for the Crystal Beach property sale and present report at the March 19 meeting. Counsel Dye requested letters from the bidders stating their offers are extended to March 19. Counsel Dye will send a copy of each contract with summary to Board members.

The ACTIVITIES REPORT was accepted as presented.

The NEXT BOARD MEETING will be held in Sarasota County Courthouse, Courtroom "E", Monday, March 19, 1979.

The meeting adjourned at 12:00 Noon.


 Assistant Secretary


 Chairman