

The September Meeting of the Commissioners of the WEST COAST INLAND NAVIGATION DISTRICT was held September 11, 1967, at the Civil Defense Auditorium, Bradenton, Florida.

Present were:

- Ellsworth G. Simmons, Chairman, Hillsborough County
- A. L. Anderson, Vice Chairman, Pinellas County
- Mrs. Dorothy R. Flowers, Secretary, Charlotte County
- Robert C. Hutches, Treasurer, Manatee County
- Kenneth W. Daniels, Lee County
- Robert M. Wright, Sarasota County

- Harlan T. Johnson, Executive Director
- Dewey A. Dye, Jr., General Counsel

ADMINISTRATION:

The Chairman called the meeting to order at 10:30 a.m. Minutes of the August 14 meeting were approved as presented. The Treasurer's Report was read and accepted. Vouchers #5025 through #5057 were approved for payment.

PROGRESS REPORT:

Construction - The Conrad Weihnacht contract was reported as complete on August 30, 1967.

Bridges - The Director read a letter from J. E. Greiner Company, dated 9-1-67, regarding soil test borings for the SCL Bridge, which recommended acceptance of a proposal from the Law Engineering Testing Co. This proposal submits these unit prices:

- |                                      |            |
|--------------------------------------|------------|
| 1. Mobilization, lump sum            | \$1,100.00 |
| 2. Soil Test Borings, per linear ft. | 8.00       |
| 3. Rock Coring, per linear ft.       | 15.00      |

The cost, estimated by the Director: \$3,000 - \$4,000. Discussion followed regarding the propriety of accepting the proposal or of advertising

for bids. The Director read from three articles which emphasized the professional nature of the work and the impropriety of bids; 1) Article from the Journal of the Florida Engineering Society by Mr. James F. Shivler, Jr., President of the Florida State Board of Engineer Examiners; 2) Memo dated 2-24-67 from Mr. C. J. Schenck, Florida State Road Department; 3) Statement of 8-5-67 by the Florida Engineering Society. An opinion was requested from Mr. Dye regarding the professional category of test boring service. Mr. Dye informed the Board that a report of the findings resulting from the borings involves a professional service and, therefore, is not subject to competitive bidding.

Motion was duly made and carried that the proposal submitted by the Law Engineering Testing Company, Tampa, be accepted.

Claims - George McElmurray:- As requested, Commissioner Robert M. Wright and the Director investigated the claim on August 16. The claim did not appear to be justified and was again rejected.

Letters have been received from W. A. Davis and H. W. Trevey, adjoining owners on Holiday Drive in Sarasota. They requested dredging of their boat slips because their boat slips could not be used due to silt. One boat was in the slip at the time of investigation by Mr. Jack Van Norman and the Director. The last dredging done in the area by the Corps of Engineers was in 1963. No reasonable basis for a claim could be established and the claim was rejected.

In response to a query regarding the need for a motion, the Director responded that Mr. Dye had advised that the Director has the authority to reject routine small claims if action is discussed with

the appropriate Commissioners and reported to the Board. The claim must be presented to the Board for their consideration if substantial issues are involved or if the claimant persists in his claim.

Legislation - The Director reported that Chapt. 67-269 F.S. was redrafted to eliminate any possible requirement for the WCIND to transfer property to the Trustees (TIIF). The redraft passed the Legislature on September 1, 1967. The Bill is now in the Governor's Office for signature.

Artesian Well - Waterway - The Director reported that a recommendation had been received from Mr. H. J. Woodard, Geologist, Division of Water Resources, Board of Conservation, for the WCIND to fill the well. An attempt has been made to obtain proposals from three different well-drilling firms recommended as being capable of doing this work. Only one firm has submitted a proposal. The job is not a finite job since the amount to be pumped into the well to seal it can be anything between about five (5) bags and forty (40) bags of cement. The cost is estimated at approximately \$425. Chairman Simmons suggested that Commissioner Wright should be able to suggest reliable contractors in the local area and that the Director be authorized to contract for the required work.

Motion was duly made and carried that the Chairman's suggestion be approved that the recommended work be accomplished at a cost not to exceed \$500.

S/A S-10 Sale of - The Venice Condominiums, Inc. submitted the only bid, \$26,000 for a valid bid accompanied by a certified check for

\$1,300.00. The appraised value of this property is \$24,300.00 and the previous bid, which WCIND had to reject, was for \$23,000.00. The Director recommended that the \$26,000 bid be accepted.

Motion was duly made and carried that the bid, \$26,000, submitted by the Venice Condominiums, Inc. be accepted.

Surveying - As recommended at the previous meeting, the Director reported that he had corresponded with a surveyor in each of the three counties where we expect to have work done: Sarasota County, Charlotte County, and Pinellas County. He also received a report from the American Society of Civil Engineers concerning the fees that should be charged for surveying and mapping. These are quite general, approximately \$3.50 to \$10.00/man hour plus other fees. Although the proposals were not identical, they were representative of fees in the various counties and were in the lowest part of the price range suggested by the ASCE. The Director recommended that WCIND accept the three proposals.

Motion was duly made and carried that the proposals for survey work be accepted: Hansgen & Associates in Sarasota County, William H. Martin & Associates in Charlotte County, and Geo. F. Young, Inc. in Pinellas County. The Director is authorized to contract with these organizations for survey work required by the WCIND.

Encroachment on Right of Way, Siesta Key - On August 25, copies of applications for change of bulkhead line in Gulf View Manor, lots 4 and 5, Siesta Key, were received, as submitted by Mr. Hugh Gregg and by Halton Properties Inc. These propose an encroachment of approximately 69 feet on a right of way only 350 feet wide. These properties already

extend beyond the bulkhead line, which corresponds with the right of way line in this area. The Director reported that it is WCIND's responsibility to provide unencumbered right of way; if these parties establish a title to property in the right of way, it probably would be WCIND's responsibility to buy an easement for transfer to the Corps of Engineers. In reply to a question, Mr. Dye stated that if these parties establish title to part of the right of way then the responsibility would come back to WCIND to get them out, under the WCIND's existing obligations to deliver all the right of way to the Corps of Engineers. This holds true for all new encroachments; however, Mr. Dye advised that these encroachments are much older and in existence at or before the time that WCIND received an easement from the TIIF and gave it to the Corps of Engineers. Mr. Dye advised that it will be WCIND's responsibility to prove that these parties do not have ownership since the Corps of Engineers is going to look to WCIND for security against encroachment in the right of way.

Motion was duly made and carried that the WCIND attorney appear during consideration of the applications by Hugh ~~Gregg~~ and Halton Properties, Inc. for change of bulkhead line, to protect West Coast Inland Navigation District rights.

Drainage Structure, S/A S3-6 - The Corps of Engineers proposed that the WCIND pay for the drainage structure necessary at S/A S3-6. The WCIND reply pointed out that the action requested was contrary to CE policy and requested consultation if the Corps of Engineers wished to persist in the request for funds from the WCIND. No further information has been received.

Matching Funds - C.O.E.R. - Recent revisions to Sections 236.075 and 122.35 FS provide for deductions to be made from the intangible tax allocation of each County to pay employer matching contributions. As this Act is applied, we are a Manatee County Agency. Mr. Buford, Director of Retirement, Comptroller's Office, provided information that Manatee County will not be required to provide any funds on behalf of the WCIND. WCIND will be required to provide about \$400 in matching funds near the end of the State fiscal year (April, May and June).

Time Deposits - The Director reported that many of our Time Deposits mature in September. These Time Deposits have been adjusted in period of time to provide a steady flow of funds available and to increase the interest rate.

Motion was duly made and carried that the Treasurer and the Director be authorized to transfer Time Deposits as necessary, in accordance with previous policy, keeping the Board informed of action taken.

Shangri-Isle, Inc. - Mr. Bruce Harting, representing the Shangri-Isle, Inc., requested information from the Director concerning the availability of spoil from the right of way and the spoil areas in the vicinity of Sister Key. Since this would facilitate maintenance of the waterway without other apparent disadvantages, no opposition was expressed. Procedures were explained and cooperation offered by the Director. Mr. Dye reported that he had been requested by Shangri-Isle, Inc. to represent them in matters of some interest to, but not in conflict with the interests of, WCIND; namely, in securing a bulkhead line change, submerged land purchase, and dredge and fill permit. This corporation

proposes the development of Sister Key lying just east of the waterway, easterly from the north end of Longboat Key in Manatee County. Mr. Dye submitted his written report of this matter stating that there is no conflict of interest; and, in the unlikely event that any should arise, he would withdraw from his representation of Shangri-Isle, Inc.

Motion was duly made and carried that the WCIND finds that there is no conflict of interest involved so far as the Board is able to determine at this time, and that the Board has no objections to the employment of Mr. Dye by Shangri-Isle, Inc.

The Director announced that Mr. Dye had written a letter to the Attorney General in regard to Johns Pass, copy of which was enclosed in Commissioners' folders. The Director read extracts from a letter of appreciation from Colonel Tabb, Jacksonville District, Corps of Engineers.

Motion was duly made and carried that the Progress Report be accepted as presented.

NEW BUSINESS:

Financial Report Change - Copies of the current report were submitted to members. The Director called attention to Land Purchases. We have a negative land purchase under expenditures, which is a receipt from Matching Funds. It really should be accounted for as a Receipt. In accordance with recommendation received from Mr. Bruce Cox, the Director proposes to revise this Financial Report form at the end of the WCIND fiscal year, adding columns for: 1) Matching Funds, 2) Sale of Real Estate, and 3) Sale of Spoil. If other changes are desired they should be adopted now. The Director reported that he was unable to de-

termine if this form was ever approved by the Board and asked for recommendations regarding change. The annual financial report and subsequent reports will reflect recommended changes.

Meeting, Gulf Intracoastal Waterway Ass'n - This meeting is scheduled for October 29 and 30, at Jacksonville, Florida, and includes a meeting of the Directors of the Florida Water Ways Association. The attorney is a director of the Gulf Intracoastal Waterway Ass'n as well as the Florida Water Ways Association. The Executive Director is a director of the Florida Water Ways Association. The annual convention of the Florida Water Ways Association is scheduled for December 7 - 10, Hollywood, Florida.

Motion was duly made and carried that the Commissioners, the Attorney, and the Executive Director be authorized to attend these meetings at District expense.

Next Meeting date - October Board Meeting will be on Monday, October 16, 1967, at 10:30 a.m. in the Civil Defense Auditorium, Bradenton, Florida.

Commissioner Anderson stated that he wished to compliment Mr. Dye on his excellent letter to the Attorney General about Johns Pass.

Commissioner Wright reported on information received concerning the problem of the drawbridge at Blackburn Point. Chairman Simmons stated that the requests for motorizing the drawbridge should be sent to the State Road Department. Locally, this was a matter of concern primarily to Sarasota County. The Chairman suggested that the Di-



rector assist Commissioner Wright in taking appropriate action.

The meeting adjourned at 11:45 a.m.

W. L. Anderson  
Vice Chairman

Scotty B. Flowers  
Secretary

PROGRESS REPORT

August 5 - September 5, 1967

CONSTRUCTION

The Conrad Weihnacht contract for placing bank protection material in Venice area was reported as complete on August 30.

BRIDGES

SCL Bridge at Placida: The J. E. Greiner Company reported that the design and surveys were ten per cent complete on August 31, 1967. They presented and recommended acceptance of a proposal from the LAW Engineering Testing Company for necessary Soil Test Borings.

CLAIMS

George McElmurray: As requested, Commissioner Wright and the Director appeared to investigate the claim on August 16. The claim did not appear to be justified and was again rejected.

Mr. W. A. Davis and Mr. Howard W. Trevey: These adjoining owners, at 7794 and 7793 Holiday Drive, Sarasota, Florida, have boat slips about ten feet apart. They presented claims requesting dredging of their boat slips because their boat slips could not be used due to silt. Mr. Jack Van Norman and the Director investigated on September 1. One boat was in the slip at the time of the investigation. The last dredging done in the area by the Corps of Engineers was in 1963. No reasonable basis for a claim could be established.

ADMINISTRATION

Legislation - Mr. Gilbert Smith and the Director participated in a conference in Tallahassee on August 17 at which the recently revised Chapter 67-269 Florida Statutes was redrafted. The redraft would eliminate any possible requirement for the WCIND to transfer property to the Trustees. The redraft, substantially as recommended, passed the Legislature on September 1. No report has been received concerning the signature of the Governor.

Artesian Well - Waterway - A recommendation has been received from Mr. H. J. Woodward, Div. of Water Resources, Florida Board of Conservation, that the WCIND well in the Waterway be filled. Bids have been requested.

S/A S-10 Sale of - Area was advertised for sale on August 24, 1967, for bid opening on September 7, 1967.

Surveying - Proposals were requested from Mr. William H. Martin, Surveyor, Charlotte County, and Anderson Bruce Henry Johnson Parrish & Bodo Architects - Engineers Associated, Pinellas County.

Encroachment on Right of Way, Siesta Key - On August 25, copies of two applications for Change of Bulkhead Line in Gulf View Manor, lots 4 and 5, Siesta Key, were received. These applications, submitted by Mr. Hugh Gregg and by Halton Properties Inc., propose an encroachment of approximately 69 feet on a right of way only 350 feet wide. These properties already extend beyond the bulkhead line, which corresponds with the right of way boundary in this point. Several other properties in the area also intrude. Information is being compiled regarding the status of titles and easements in the area. Pertinent information will be presented at the hearing before the Sarasota County Water and Navigation Control Authority on September 26, 1967.

Budget FY-1969 - A letter was submitted to the Corps of Engineers requesting information on their plans and requirements for further work on the waterway. The information requested is desired by the Board of Conservation for budget planning. The Corps of Engineers will provide information requested at a later date.

Drainage Structure, S/A S3 - 6 - A letter was received from the Corps of Engineers proposing that the WCIND pay for the drainage structure necessary at S/A S3 - 6. The WCIND reply pointed out that the action requested was contrary to policy and requested consultation if the Corps of Engineers wished to persist in the request for funds from the WCIND.

Matching Funds - C.O.E.R. - Recent revisions to Sections 236.075 and 122.35 FS provide for deductions to be made from the intangible tax allocation of each County to pay employer matching contributions. As this Act is applied, we are a Manatee County Agency. Mr. Buford, Director of Retirement, Comptroller's Office, provided information that Manatee County will not be required to provide any funds on behalf of the WCIND. WCIND will be required to provide about \$400 in matching funds.

Time Deposits -

- 1. Bank of Palmetto: \$50,000 8-17-67, 4 months, 4% interest.
- 2. First National Bank:
  - \$50,000 8-15-67, 5 months, 4% interest.
  - \$60,921.91 8-28-67 6 mo., 4% interest.
- 3. Inter City Nat'l: \$50,000 8-17-67, 5 months, 4% interest.  
\$50,000 8-17-67, 9 months, 4% interest.
- 4. Island Bank: \$50,000 8-17-67, 8 months, 4% interest.
- 5. Manatee National: \$50,000 8-17-67, 3 months, 4% interest.  
\$50,000 8-17-67, 9 months, 4% interest.

Haul Route from S/A S - 3 - A letter was received from Sarasota County, Public Works Department, establishing Haul Route requested by WCIND. Mr. Hartley P. Dermond, Chairman, S. Venice Road and Bridge District No. 2, objects to the haul route and has been invited to call a conference and propose an alternate.

Shangri Isles - Mr. Bruce Harting, representing the Shangri Isles Club Inc., requested information concerning the availability of spoil from the right of way and spoil areas in the vicinity of Sister Key. Since this would facilitate maintenance of the Waterway without other apparent disadvantages, no opposition was expressed. Procedures were explained and cooperation offered.

Caspersen Settlement - Mr. Blair, attorney for the Caspersen interests, requested that the WCIND withhold action on the condemnation of the pipeline easements until after a conference to settle mutual real estate problems. This was agreed to. Information is being requested from the Corps of Engineers on which to base a settlement proposal.

Report on Services by Professional People - As requested, a report was submitted to the Governor on August 30, 1967, regarding services rendered by accountants, auditors, consultants, attorneys and engineers.