

The regular monthly meeting of the WEST COAST INLAND NAVIGATION DISTRICT COMMISSIONERS was held January 11, 1963 at the Manatee County Office Building.

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
 Warren S. Henderson, Sarasota County

George Kumpe, Executive Director
 J. Hardin Peterson, Sr., Special Counsel
 Dewey A. Dye, Jr., General Counsel
 Joe K. Merrin, Engineer

Absent:

Mack H. Jones, Lee County

ADMINISTRATION

The Chairman called the meeting to order at 11:05 A.M. Minutes of the 20 December 1962 meeting, page 414, last paragraph were corrected to read:...."Chairman Simmons reminded that Sarasota County cooperated in every way and WCIND Board did everything they could to work this out, even to paying additional pumping costs, knowing of the objections to island spoil areas, but that the height of any spoil area was not discussed at any Board meeting because WCIND does not govern that. 'Unfortunately neither this Board nor Sarasota County can control it once it goes to contract'. The minutes were approved as corrected.

The Treasurer's Report was read by Mr. Bustle and adopted as read. Vouchers #3253 through #3281 covering current bills were approved for payment. Commissioner Anderson made a motion that the books of the District be audited for the protection of the outgoing and incoming Treasurer. The motion carried.

Mr. Bustle introduced the new representative from Manatee County, Mr. Irwin Klemmer. Mr. Peterson administered the oath of office.

The Director presided during the election of a Chairman for the coming year, Mr. Simmons being unanimously re-elected. In accepting, Mr. Simmons pointed out that the District was at a crucial time and expressed the hope that some of the problems which are keeping the Board from serving its purpose may be resolved. Officers elected to serve with Mr. Simmons during 1963 were:

Warren S. Henderson, Vice-Chairman

A.L. Anderson, Secretary

Irwin Klemmer, Treasurer

Chairman Simmons presented a resolution which he said "attempts to express our regret at the retirement of Mr. Elmer Bustle, who has served faithfully, enthusiastically, even in troubled times in his own County, and appreciation of his efforts." (Page 50, WCIND annex to Minutes) The resolution/was adopted unanimously, to be spread on the minutes of the District, a copy given to Mr. Bustle and one sent to Manatee County Commissioners.

PROGRESS REPORT

The Director read the report of progress of the dredges during December.

The State Road Department District Engineer had asked that the Navigation District's request, that work at Blackburn Point Bridge be included in the SRD contract for pier protection at that bridge, be put in the form of a resolution. This resolution/was presented (Page 51, WCIND annex to Minutes) and a motion made and carried authorizing proper signatures to the resolution.

The Director reported that during the month negotiations had been underway for the use of spoil area S 35-1; the contractor agreeing to utilize the spoil area if diking and removal of shoaling were done by others. Telephonic approval was received from four Commissioners that the Navigation District pay for the diking. The Board confirmed this action. Sarasota County agreed to remove shoaling. As this work must be completed by Feb. 15 authority was given to proceed immediately with advertisement for bids with Commissioners Henderson and Klemmer being appointed to review the bids with the legal department and the Director; Colonel Kumpe to get ratification of their action by telephone.

The Director described briefly work being done to acquire lands for the Sunshine Skyway borrow channel. Chairman Simmons recommended that Commissioner Anderson be authorized by the Board to work with the Congressman, the Corps of Engineers and the State Road Department in bringing this to a satisfactory conclusion. Motion was made that Mr. Anderson work with Colonel Kumpe and the Road Department in an effort to see if this legal technicality can be resolved. The motion carried.

The Director stated that Venice City Attorney Braswell had advised that the City desired that two changes be made in the four-way contract, one regarding crossings of utilities under the waterway. A resolution/confirming Board action at the 9 November 1962 meeting on the Turin Avenue pipeline crossing was adopted. The other change concerned navigation clearance of the Hatchett Creek bridge, a matter to be settled between the City and the State Road Department.

NEW BUSINESS

Mr. Dye stated that in negotiations with the City of Venice on land matters which require FAA approval there are certain minor differences in description, and that he believed it would be appropriate to return to the City their previous grant and receive a new grant. The Chairman was authorized to execute that instrument when it is prepared, signatures as authorized by the attorney. Mr. Dye said that the bridge matters were out of Board's hands but he felt progress was being made on land matters.

Commissioner Henderson reported that the bond issue agreement for the Albee and Manasota bridges had been received by the County but returned because of unacceptable wording. Mr. Simmons urged Mr. Henderson to follow through on this.

Mr. Peterson stated that he had alerted the FAA on the Venice matter and urged them to expedite it and they had outlined what they wanted. As soon as they receive the application they will move in high gear.

Mr. Simmons reminded that the Board was willing to meet, take any action necessary, anything, to try to get this matter coordinated.

Commissioner Anderson made a motion that Colonel Kumpe, Mr. Dye, Mr. Peterson, Mr. Merrin and Mrs. Smith be re-appointed to serve at the pleasure of the Board. The motion carried.

The meeting adjourned at 11:55 A.M.

Warren Henderson
Vice Chairman

W. L. Anderson

Secretary

PROGRESS REPORT

20 December 1962-11 January 1963

CONSTRUCTION

Progress - During the month of December:

a. In Section 5 the contract dredge left the job on Dec. 5. Draglines removed boulders and rehandled material. On December 31 the contract was 90% complete.

b. In Section 4 the contract dredges excavated 431,066 cubic yards of material and advanced 17,929 linear feet. On December 31 the contract was 46% complete.

Operations, Sec 4 - S/A S 27-2 - the owner was informed that the Hendry Corporation would not use this area.

S/A S-34 - As requested at the Dec. 20 meeting, the Corps of Engineers was asked to check the utilization of spoil area S-34. The District Engineer reported that except for minor shoaling on the northwest side the area had been used properly and that the minor excess would be removed. In this letter the District Engineer confirmed that a re-utilization of the area by the contractor was legally permissible.

Diking - S/A S-26 - Sarasota County diked this spoil area.

S/A S 35-8 - Mr. Albert Rasmussen was advised to undertake diking required by the terms of the spoil area easement and the contract entered into with the Navigation District. This diking was completed and was accepted by the Navigation District and the Corps of Engineers on Jan. 7.

Dredging at Bridges - State Road Department furnished the plans and specifications of Siesta Key bridge pier protection contract for use in preparation by the Navigation District of similar papers for a contract of dredging a 100' section of the waterway through the bridge. For the dredging at the Blackburn Point Bridge the Director advised the State Road Department District Engineer at Bartow that his offer to include, at Navigation District expense, necessary dredging in the plans and specifications for the protection of the piers was accepted. On January 7, Mr. Hector Johnson, SRD District Engineer, asked for a formal resolution on this request.

LANDS

Sarasota County, Sec 2 - The District Engineer furnished information on questions regarding the proposed construction contract. North of the Manasota Bridge, fill will be placed starting on the upland moving bayward. South of Manasota Bridge this requirement will not be included. A general requirement that upland areas be used in preference to spoil islands will not

be made; each case will be settled on its own merits. Borrow for the Manasota bridge abutments will be replaced under the waterway contract. Spoil area S-9 may be eliminated. These matters are under study by the staff.

S/A S-1 - Mr. C.L. Chapman visited the Director on Jan. 3 to determine feasibility of eliminating spoil island S-1. He was referred to Mr. Henderson.

S/A S-3 - Miss B. Rasmussen wrote regarding a composite spoil area including the adjacent Vanderbilt-McBridg-Rasmussen tracts in order to eliminate this spoil island. She was referred to Mr. Henderson with an offer for the District staff to attend any meeting if desired.

Section 4, S/A S 24-A - Mr. and Mrs. George Cardinal visited the Director on Jan. 4 regarding utilization of this spoil area.

S/A S 24-2 - Letters were sent to the Hendry Corp. and Huffman Construction Co. requesting release of the 60' channel and Lot 5 at the south end of the Spoil area, as had been agreed earlier in discussion with the Hendry Corp. The developer of the area requested this release so that a sale could be completed.

S/A S 27/PL3C - A revision in location of the pipeline easement within the same tract was approved by the District Engineer. This change was made at the request of the owner.

S/A S27/PL3B - The owner of this pipeline easement wrote regarding fill to be placed upon his uplands west of the private road. Due to the limited area available it was determined that such filling was infeasible.

S/A S-26 - With the consent of Sarasota County the District Engineer removed height limitation of fill in this area.

S-31 - The owner of a tract immediately north of this spoil area complained of shoaling in Sarasota Bay in front of his property, contending that the efforts of the contractor to remove the shoaling were slow. The District Engineer was informed of this complaint.

S/A S 35-1 - The contractor gave verbal assurance that this area would be used to the allowed extent if diking and the elimination of possible shoaling in the channel to the south of the spoil area were performed by others. Based upon telephonic approval of 4 Commissioners the Director on Jan. 2 informed Huffman and the Board of County Commissioners of Sarasota County that the Navigation District would bear the cost of diking. On Jan. 3 Board of County Commissioners of Sarasota County agreed to assume responsibility for any shealing in the canal and so informed the contractor. On Jan. 4 the contractor wrote the Board of County Commissioners and the Navigation District that the spoil

area would be utilized to maximum allowed by contract, and that further use of S/A S-34 seemed improbable. Preparation of plans and specifications for the diking is underway.

S/A S 35-8 - Proposal by the owner of this tract at the Dec. 20 meeting that the area be expanded to the west in Sarasota Bay was determined to be infeasible due to administrative difficulties and the fact that the capacity of the spoil area would not be increased enough to affect materially a proposed re-utilization by the contractor of spoil area S-34.

S/A S-35, -3A and -3 - The District Engineer has approved the expansions of these spoil areas to include newly purchased submerged lands east to the right-of-way.

S/A S-40 and S 40-1 - The owner of this area was informed that the entire spoil areas would be released upon expiration of the temporary easement and that while no surveying was expected to be done in these areas by the Navigation District, if any were done the owner would be furnished with copies of the results.

Manatee County, S/A M-12 - Owner of this spoil area again asked when the area would be released for other purposes. The Corps of Engineers reported that shoaling existed in this contract acceptance section and that no spoil area would be released until the section had been completed. The contractor could not estimate when he would perform this "clean-up" dredging and the owner of the spoil area was so informed.

Pinellas County, Skyway - The District Engineer advised that before the initial construction contract would be awarded the federal government must have received necessary perpetual spoil area easements. The Corps of Engineers furnished prints showing requirements for right-of-way, temporary and permanent spoil area easements. Legal descriptions of these areas were prepared and a meeting held with the State Road Department District Engineer in Bartow on Jan. 7. The granting to the federal government of rights in the right-of-way superior to any other presents a legal question on the rights of bond holders and the Assistant Attorney of the SRD has rendered an opinion that no superior right-of-way may be granted to the U.S. This matter is being studied.

Venice - Based upon the expected date of Appropriation Hearings it was decided to place most urgency on the preparation of transfer of lands of the City of Venice to the Navigation District which require FAA approval. Descriptions were prepared and at a conference held with the Planning Director of the City of Venice on Jan. 7 agreement was reached on the descriptions.

The City of Venice was again asked to provide a description of the easement required for a new pipeline across the canal

right-of-way at Turin Street extended; decision by the City Council is expected at their January 8 meeting.

A letter was sent to Secretary of State Adams informing him of the apparent need for amending the 4-way contract to meet desires of the City of Venice with respect to utility crossings of the waterway and descriptions of the Hatchett Creek Bridge.

BRIDGES

Mr. Richard E. Nelson, attorney for the Board of County Commissioners, Sarasota County, reported that the revised agreement necessary for the Albee-Manasota bond issue had not yet been signed due to objections raised by the Commissioners on the wording of the agreement.

ADMINISTRATION

Mandamus suit on Pinellas County tax receipt was returned by Court in Lakeland without prejudice for filing in Clearwater.

At the request of the First National Bank of Bradenton authority was granted to exchange securities safe-guarding Navigation District time deposits.

On January 7 Mr. Dye, Mr. Merrin and the Director met with Mr. Johnson at the SRD office in Bartow on Sunshine Skyway and other WCIND matters.