

WEST COAST INLAND NAVIGATION DISTRICT BOARD MEETING

FRIDAY, MARCH 25, 1994 AT 10:30 A.M.

SARASOTA COUNTY SOUTH COUNTY ADMINISTRATION CENTER

4000 S. TAMiami TRAIL, VENICE, FLORIDA

A G E N D A

ADMINISTRATION

1. Call to Order and Roll Call
2. Approval of the Minutes of January 28, 1994
3. Approval of Bills to be Paid for February, 1994
4. Approval of Treasurer's Reports for December, 1993 & January, 1994
5. Approval of Deletions or Additions to Agenda

DEPARTMENT OF NATURAL RESOURCES COMMENTS:

OLD BUSINESS

1. Review Spoil Area Restoration and Proposed Park Plans
2. Report on South Venice Civic Association Law Suit

NEW BUSINESS

1. Review License to Use R.O.W. by Property Owner at Summerwind Restaurant

NEXT MEETING TIME: 10:30 A.M.

SUGGESTED DATE: Friday, May 27, 1994

ADJOURNMENT:

WEST COAST INLAND NAVIGATION DISTRICT

BOARD MEETING

MARCH 25, 1994

SARASOTA COUNTY SOUTH COUNTY ADMINISTRATION CENTER

4000 SOUTH TAMiami TRAIL, VENICE, FLORIDA

MINUTES OF MARCH 25, 1994

A regular meeting of the West Coast Inland Navigation District was held on Friday, March 25, 1994, at 10:30 A.M. in Room 228 of the South County Administration Center, Venice, Florida.

COMMISSIONERS PRESENT: Ray Judah, Chairman
Wayne Derr, Secretary
Kent G. Chetlain, Treasurer
Sue Dudley, Charlotte County Alternate

STAFF PRESENT: James M. Armstrong, Executive Director
Charles W. Listowski, Asst. Exec. Director
Connie McLenna, Administrative Assistant
Philip E. Perrey, Counsel

ADMINISTRATION:

Commissioner Judah presided. Mr. Armstrong called the roll. Commissioner Dudley was welcomed to the meeting in place of Commissioner Leonard. Commissioner Derr moved to approve the Minutes of January 28, 1994. Commissioner Chetlain seconded. Motion carried unanimously. Commissioner Derr moved to approve the Bills to be Paid for February, 1994. Commissioner Chetlain seconded. Commissioner Chetlain moved to approve the Treasurer's Reports for December, 1993 and January, 1994. Commissioner Derr seconded. Motion carried unanimously. Mr. Armstrong received approval to add an item under New Business, i.e. Proposal to Vacate the Old Tamiami Trail (old Englewood Road) in Venice.

DEPARTMENT OF ENVIRONMENTAL PROTECTION COMMENTS: None

OLD BUSINESS:

Review Spoil Area Restoration and Proposed Park Plans. A meeting was held yesterday with the City of Venice and Sarasota County officials to go over some concerns. The City of Venice will provide the ordinances for no wake zones, hours of operation, length of stay at dock, police security, garbage pick-up, etc. We are also working with the city on questions of ingress and egress. The third item discussed was an interlocal agreement with the city and/or county or with whomever would operate and manage the park. The City Manager will go to work on an agreement so the Venice police can enforce the regulations. The City already has an agreement with the County of Sarasota to operate that park when it becomes a reality.

We have a draft contract from DEP which our counsel may look at. DEP has approved the restoration part of this project. They will do the planning and engineering for that. Mr. Driscoll will do the drawings. DEP has approved a \$10,000 grant to WCIND for the mangrove restoration area.

Mr. Doug Driscoll of Stevenson, Driscoll Associated Architects was asked to address the Board. He referred to the four component parts of this project: shoreline restoration project, open green space for recreation/picnicking, boat ramp, and an open green space and view corridor located directly in front of the Venice Train Depot. The site is approximately 18 acres.

The two open green space areas present no problems. Regarding the boat ramp, we hope to get an exemption from DEP for a permit. We hope to get a letter of consent which we should be able to if we excavate less than 25 cubic yards in state jurisdictional waters. We also have to keep the boat ramp 100 feet from the Intracoastal Waterway channel. Mr. Driscoll also pointed out the flow of boat and vehicular traffic and the parking areas. Mr. Driscoll was thanked for his presentation.

Mr. Armstrong said that this project interfaces with what is called in Venice the Linear Parks & Trails projects of the 20/20 Visions of Venice Task Force. He has letters of support from various legislators and civic leaders. We have cut down lots of pepper trees and pine trees along our property but now have to get rid of the tree stumps. Many groups have offered their services for free. USF will be consulted on the landscaping part. Commissioner Chetlain moved to approve spending up to \$20,000 for removal of tree stumps. Commissioner Derr seconded. Motion carried unanimously. Mr. Armstrong said we are approaching the end of the first 3 phases of the architect's contract. If we go into phases 4, 5, 6 and 7 with Stevenson & Driscoll, it would be at the rate of \$65 per hour plus 110% of the reimbursable costs (telephoning, copying, etc.). The architects would also coordinate the work of all the consultants. Commissioner Chetlain moved to approve a supplemental agreement with Stevenson & Driscoll, subject to our attorney's approval. Commissioner Dudley seconded. Motion carried unanimously.

We received a copy of a draft document from DEP covering our participation in this project. It is a fairly standard 16 page grant contract slanted in favor of DEP but nothing we cannot live with. Commissioner Derr moved to approve entering into the agreement with FDEP, subject to legal review and approval by our attorney, so we can move forward on this project. Commissioner Dudley seconded. Motion carried unanimously.

Report on South Venice Civic Association Law Suit: Mr. Perrey reported that the judge granted our motion to dismiss the law suit with prejudice, which means that it will not be refiled. Twenty-eight years ago we got a general release from the Civic Association

and paid them some money when the waterway was being established. Thus, we have no further interest in the case.

NEW BUSINESS:

Review License to Use R.O.W. by Property Owner at Summerwind Restaurant. This used to be the Fish Market Restaurant, and we had an agreement with the property owner that they could use our easement as long as they did not abridge our rights. This agreement was not transferable. Our counsel has drawn up an agreement for the new owners. This document says that should WCIND ever need the right of way, the property owner will remove anything that abridges our rights. This is a rent-free agreement because the restaurant owner owns the land. Commissioner Derr moved to approve the agreement. Commissioner Chetlain seconded. Motion carried unanimously.

Proposal to Vacate Old Tamiami Trail: We don't have a problem with this request, but we must be sure we have ingress and egress to our property. We must discuss this with Mr. Vogel who owns the largest share of the land and wants it vacated. This is a state road, and Mr. Vogel has petitioned the state to vacate, or technically, to disclaim that it has an interest. Mr. Vogel is a long-time client of Dye & Scott, and Mr. Perrey thinks they can work it out with Mr. Vogel so that he will give WCIND an easement to get to its two pieces of property. Mr. Vogel is hoping to sell or develop the property.

Overall, WCIND owns several hundred acres, all of it purchased for right-of-way pipeline easement or for spoil areas. Commissioner Chetlain moved to approve the vacation request with the stipulation that an easement be made available for ingress and egress. Commissioner Derr seconded. Motion approved unanimously.

Commissioner Chetlain brought up the subject of redistribution of funds for project M-33, Lake Manatee Boat Ramp, in the amount of \$43,386, and reviewed correspondence on this subject between WCIND and Manatee County. The original grant was for \$86,772 on the assumption that it would be matched, but nothing was done on the project for two years. Then the grant and application were rewritten for FY92/93 in the amount of \$43,386 and extended to 9-30-94. Nothing was said at that time about the remaining \$43,386, so it went back into the pool of funds available to all the counties. Mr. Armstrong said that Manatee County has gotten more than it has contributed for every year that he can remember.

NEXT MEETING TIME: Friday, May 27, 1993 at 10:30 A.M.

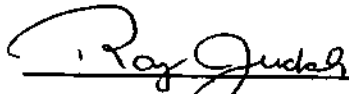
Mr. Armstrong announced his planned retirement date as June 1, 1994. Mr. Listowski has been involved in all district matters since his hiring and is well-qualified to take over Mr. Armstrong's job. Commissioner Derr suggested that Mr. Listowski conduct

MINUTES OF MARCH 25, 1994

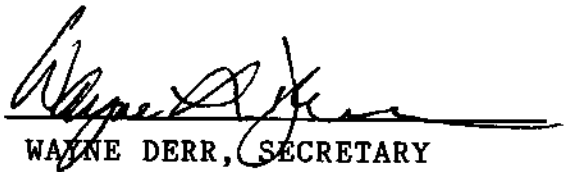
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the May meeting. Mr. Armstrong will probably take some time off in May.

ADJOURNMENT: 11:50 A.M.



RAY JUDAH, CHAIRMAN



WAYNE DERR, SECRETARY