

The monthly board meeting of the Board of Commissioners, WEST COAST INLAND NAVIGATION DISTRICT, was held February 25, 1980, in the Charlotte County Courthouse, Punta Gorda, Florida.

Present were: Larry Rhodes, Chairman, Sarasota County  
 Arnold F. Schade, Vice Chairman, Charlotte County  
 R. Douglas Taylor, Secretary, Lee County  
 L. H. Fortson, Jr., Treasurer, Manatee County  
 Joseph A. Tringali, Charlotte County Alternate

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

#### ADMINISTRATION

The meeting convened at 10:35 a.m.

Minutes of January 28, 1980 monthly board meeting were approved as presented. Treasurer's Report, January 31, was approved and the Vouchers No. 1878 through 1908 were approved for payment.

#### ACTIVITIES REPORT

##### Charlotte County

Stump Pass Project - Director Furbee reported on the progress being made and presented the following Permits to Commr. Schade: State DNR, DER, Bureau of Beaches & Shores; U.S. Army Corps of Engineers and U.S. Coast Guard for Charlotte County & WCIND sponsored project.

##### Sarasota County

IWW - Dock Litigation (BAMCO, INC.) - Counsel Dye reported on the landowner's appeal made to a higher Court and decision is awaited. WCIND may file a brief at a later time and, if possible, the State of Florida may be included to resolve this litigation.

Request for Dock - J. Booth and Company Realtors, Venice, submitted their clients' request. This calls for a wooden walkway parallel along with a boat slip for the Four-Bays subdivision property landward of the IWW, Venice area. The Director furnished a map of area. The Board concurred for "no objection" letter to the Corps of Engineers for the boat slip but expressed objection to the walkway over the rip rap along the IWW since the C.E. would not approve the plan. Ms. Zambelli, for her client owner, addressed the Board and stated that no mangroves or pilings exist; that the client wishes a walkway but that he would be satisfied with the boat slip only. Commr. Schade moved that the WCIND approve the plan for boat slip and also for the walkway with no interference to the IWW in Four-Bays area; motion was seconded and passed.

##### Pinellas County

Zoning Hearing - re Crystal Beach Property - Mr. Philip Perrey, WCIND Associate Counsel, reported to the Director about the County Zoning Division hearing held February 19; the Zoning request by Crystal Beach property purchasers has now been temporarily deferred for ninety days and rescheduled before the Board of Commissioners on May 20 re

the WCIND & Duenas - applicants/Pinellas County Land Use Case 5-1-80, Zoning #2287. The May schedule may carry this question on Zoning into the State Legislative Session.

Option to Purchase: - at Bottom Price Now - Mr. Tom Moore, Attorney, and partner, Crystal Beach Conservation and Development Associates, has notified WCIND by letter of February 20, 1980 that the C.B. Cons. & Dev. Associates formally exercises its Option to Purchase under the contract, as amended. Closing date details will be worked out with WCIND Attorney Perrey. In reply to Commr. Taylor's inquiry, Counsel Dye stated that WCIND should close this sale now with the order for abstract for the Crystal Beach property. Counsel Dye addressed the Board in reference to another WCIND property in Pinellas County; this parcel is about 30 acres near Indian Rocks and this is to be considered by the Board. The Director received a telephoned offer last week from a developer interested in the Crystal Beach property; no Board action was taken since the property is under option to purchase.

Status of Litigation: WCIND vs Pinellas County is a suit against the County Commission, Tax Collector and the Property Appraiser for tax revenue \$60,000 due WCIND along with the County's share of last installment payment \$14,700 for the Crystal Beach property. WCIND states "doubt of the legal aspect of No. 77-494, 1977, allowing Hillsborough County to withdraw" and requests a declaratory judgment for a written order as to WCIND rights. Attorney Moore made the suggestion that this WCIND lawsuit being filed should be reflected in the Board's record. Counsel Dye reported that this action was planned prior to the latest Pinellas County action and that Counsel is not sure that the WCIND should sue at this time. He advised that the WCIND position in the Legislature is stronger - to show that Pinellas County withdrew without asking a settlement; and to limit claim to any taxes owed the WCIND at the time Pinellas County withdrew. Commr. Fortson stated that WCIND should hold in abeyance any action - re the Legislative Session action - and have no suit pending at this time. Members concurred that each Legislative delegation within the IWW District be given WCIND position and be requested to assist the WCIND. Counsel Dye advised that he will research for the WCIND position and report at the next Board meeting.

The ACTIVITIES REPORT was accepted as presented.

#### NEW BUSINESS

Corps of Engineers Study - IWW Passes - The Director reported that the two designated Passes for Study, in Pinellas County, has failed the Corps of Engineers Feasibility Study.


Florida State Department of Natural Resources - DNR Executive Director: Dr. Gissendanner has confirmed the appointment in his office to be on Thursday, February 28, 10:00 a.m., for Director Furbee to meet with him in Tallahassee. The WCIND Director reported that Chapter 120, for Administration Procedure Act, will be a question as to whether or not the WCIND complies. Counsel Dye advised the Board members that prior years' study has stated that WCIND is not a district.

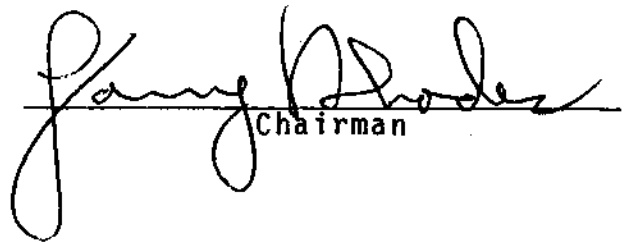
ANNOUNCEMENTS

NEXT BOARD MEETING DATE - The Director reported that the Corps of Engineers has designated March 26 and 27 (Wednesday and Thursday) for the IWW annual inspection trip. The Corps of Engineers boat will leave Ft. Myers March 26; then an overnight stop in Venice area with the March monthly Board meeting Thursday morning; and the IWW boat trip terminating in Bradenton.

Notices for March Board Meeting with the IWW Inspection trip schedule will be sent to Board members and staff at a later date.

The meeting adjourned at 11:15 a.m.

  
Assistant Secretary  
for  
Commissioner R. Douglas Taylor,  
Secretary

  
Chairman