

W.C.I.N.D. convened a Board meeting on Friday, July 12, 1985 at 2:30 p.m. at W.C.I.N.D. Headquarters, 200 East Miami Avenue, Venice, Florida.

Commissioners Present: Joseph A. Tringali, Chairman Charlotte County
Westwood H. Fletcher, Vice Chairman Manatee County
Porter J. Goss, Secretary Lee County

Commissioners Absent: Jerry L. Hente, Treasurer Sarasota County

Staff Present: James M. Armstrong, Executive Director
Philip E. Perrey, Counsel
Connie S. Lindsay, Administrative Asst.

Guest Present: Shirley Platt, Key Agency, Inc.
Chris Kauffmann, Press; Venice Gondolier

ADMINISTRATION

The meeting convened at 2:30 p.m. with Chairman Joseph Tringali presiding. The minutes of June 24, 1985 Board meeting were approved as amended by Commissioner Goss and Commissioner Fletcher. Amendments related to clarification of local sponsor (Charlotte County) of Stump Pass dredging and identifying a dredging project (involving public waters) in Manatee County. Also correcting the spelling of (replys) to (replies) relating to Three Sisters Island permitting off Boca Grande. Motion by Commissioner Goss, seconded by Commissioner Fletcher, carried with the understanding last page of the minutes would be retyped showing all amendments and corrections. July bills to be paid were approved as presented.

INTRODUCTION OF GUESTS

Director Armstrong introduced Shirley Platt of Key Agency and Chris Kauffmann of the Venice Gondolier.

OPEN TO PUBLIC

The Chairman asked Director Armstrong to present the Key Realty item on the Agenda at which time the Director reviewed the action taken at the June 24th meeting when an offer was made to purchase the Manasota Key lot and WCIND's Counsel was asked to entertain any offer that would "net" WCIND \$230,000. and to be certain we could in fact sell the lot in this manner and report back, the Director asked Counsel Perrey for his report. Counsel Perrey indicated that the offer had been studied but before getting into the offer, that as a point of order the Board should first decide if they want to sell the lot, and if so, he advised that it would take three votes, or all the Commissioners present to make that decision, further then the Board would have to make a decision as to "how" the lot was to be sold. At this point Counsel Perrey reviewed WCIND legislation and Florida Statutes of the Florida Law that indeed says WCIND can sell real estate. Also, under Chapter 374.761 indicates WCIND acts in conjunction with and under supervision of DNR, Chapter 270.08 & .09 indicates that unless we were selling at least a half section of land that we would not have to advertise. Counsel Perrey said WCIND has two options, if we are going to sell the property. 1. Re-advertise and ask for bids. 2. Negotiate the offer as made and accept it. Counsel Perrey indicated the safest way to avoid criticism of any type would be to re-advertise. Commissioner Tringali asked if we had gotten DNR permission previously, Counsel Perrey indicated that the offer to be presented today allowed thirty days for acceptance which would allow ample time to get written confirmation from DNR if the Board was inclined to accept the offer on that basis.

OPEN TO PUBLIC-CONTINUED

Commissioner Goss indicated his concern of accepting \$230,000. for property that was very scarce these days and also that with new legislation, we should review our purpose to see if the property may be utilized in some manner under WCIND's new purpose. Counsel Perrey indicated that this was the reason for his request to the Board to first make a decision to sell the lot.

Much discussion between all the Commissioners ensued as to what use the property may be to WCIND under new legislation. The Director pointed out the zoning was very strict, single family, one home per lot with thirty foot height restriction, residential only. After much discussion Commissioner Fletcher indicated he felt WCIND had satisfied all requirements needed to sell the lot by advertisement. He suggested a letter to DNR stating all history of previous sales attempts with references to WCIND legislation and Florida Statutes as they relate to the sale of the property. Commissioner Goss questioned the status of the latest appraisal, Director Armstrong stated the latest appraisal was made in the later part of 1984. Commissioner Goss felt WCIND should make certain we are "clean" and be in no rush and take the time to cover all the bases as he felt the property was very valuable and would increase. Director Armstrong indicated lots adjacent to WCIND lot were being offered for \$230,000. and that originally WCIND had asked for bids with the minimum of \$176,000. two years ago and none were received. The Director further related that each time WCIND advertised for bids that it had been costly and produced no results. The Director further stated that he was sure that "new" coastal construction set back line would be established very soon since State personnel were working Saturday and Sunday at present. The Director said that he had discussed the sale of the lot with Commissioner Hente due to the Commissioner being from Sarasota Co. and the lot being in Sarasota County and Commissioner Hente is in favor of disposing of the lot. The Director indicated that WCIND had two additional residential lots approximately ¼ of a mile from this lot and that both were un-buildable according to coastal set back line. Also, that property not too far from this lot, was denied permits by DNR because of the set back line and was presently going before the Cabinet for ruling. Commissioner Tringali questioned why we should write for permission to sell again after all the previous activity. Commissioner Goss again stated that we had to be absolutely sure that everything possible was done in the case of selling public property to determine that it is saleable and nobody's rights had been violated. Commissioner Tringali stated the offer was made a month previously, now again and that we should take action. Commissioner Goss stated the action taken today as to study and discussion and writing to DNR was the proper action that we could live with. Counsel Perrey suggested prior to further action that the real estate representative, Ms. Platt be allowed to speak. Ms. Shirley Platt indicated changes had been made in her original proposal indicating thirty days to accept and that time is of the essence due to the prospective buyers desire to build a home immediately. Commissioner Goss, for the record, asked Ms. Platt if she had ever discussed the proposal with any Commissioner on the Board, she stated, "no." Commissioner Tringali asked Counsel Perrey to review the proposal and action to take. Counsel indicated he would be going on vacation from this meeting and asked the Director if he would be comfortable in writing a letter to Dr. Gissendanner on the proposal; the Director said he could and would take it to Dye Law Firm for perusal. Commissioner Goss started a motion to state that the contract as presented would net WCIND \$230,000. then Counsel Perrey and Ms. Platt entered into a discussion as to the title fees, doc stamps, etc. Ms. Platt indicated that these items were negotiable and felt there would be no problems in modification of the contract to assure WCIND a \$230,000. net. Commissioner Goss indicated we had to get to \$230,000. regardless as to how we got there and rephrased his motion to state a motion that WCIND sell the property under following conditions:

1. Sale be researched in the eyes of WCIND Attorney to be sure title is clear
2. WCIND net \$230,000. out of the sale

OPEN TO PUBLIC-CONTINUED

3. Circumstance of the sale to be made known to D.N.R. giving D.N.R. the opportunity to cast a negative vote under the procedures we have
 4. Circumstance the Director to spell out all the historical background of the sale to D.N.R. in a letter
 5. That the D.N.R. letter indicate D.N.R.'s presence and knowledge of all sales activity previously with no objection
 6. That the W.C.I.N.D. Board had reviewed all possible uses of the property and W.C.I.N.D.'s new legislation and had found the best use for the property for W.C.I.N.D. would be to sell it. Second by Commissioner Fletcher for discussion.
- Commissioner Goss stated that circumstance of the sale would cover the thirty day contract acceptance. General discussion then resulted in that the letter cover all the facts as known with reference to "time of essence." Motion carried. Director agreed to write the letter, carry to attorney and Commissioner Tringali asked if the letter should have his signature, Commissioner Goss indicated he felt this should be a Staff function.

DEPARTMENT OF NATURAL RESOURCES COMMENTS

Director Armstrong informed the W.C.I.N.D. Board of his conversation with Dale Adams, D.N.R.'s Representative, regarding State Agency Comprehensive Plan. Commissioner Tringali indicated we should start thinking of the future and various projects. Director Armstrong indicated that State Planning Agency was to prepare a format for use by various agencies and until it was received little could be done.

Commissioner Tringali read for the record a letter from Chairman of the Board of Commissioners, Charlotte County Mr. Paul Monroe, stating that it was the unanimous opinion of that County Commission that W.C.I.N.D. should not become involved in funding the salary of state employees with specific reference to the D.N.R. proposal regarding the marine patrol. Commissioner Tringali stated he therefore had his direction from his County and wanted it known for the record.

Commissioner Fletcher stated his Board verbally indicated that they too had no desire to have W.C.I.N.D. support funding the marine patrol.

Commissioner Tringali added that during budget discussions and surveys taken that it was very likely that Charlotte County would look into funding a County Sheriff's marine patrol deputy. Commissioner Goss stated that his County looked at the problem somewhat differently due to the Lee County Sheriff's budget showing support for Sheriff's marine patrol however, the amount to be spent compared to coverage the County needed was not adequate compared to needs, therefore, his Commission asked him to get all the support he could from W.C.I.N.D. to support D.N.R. and the boating safety problems. Commissioner Goss cited the numerous islands and enormous amount of waterway waterfront existing in Lee County as problems for boating safety and cause for the need in additional support.

Commissioner Fletcher stated each County had different problems and indicated Manatee was fortunate enough to have a large boat mfg. company in the County willing to give the County watercraft for use in the area of inspecting fishing reefs and also boating safety.

Commissioner Tringali stated he felt that W.C.I.N.D. by supporting each County in boating safety needs will be doing what was requested by Dr. Gissendanner, that he would suggest to his fellow Commissioners to provide some sort of funding to D.N.R. or entertain the request, buy a boat or equipment or whatever, but with stipulation that Charlotte Co. receive full-time use of the boat, the officer or whatever.

DEPARTMENT OF NATURAL RESOURCES COMMENTS--CONTINUED

Commissioner Goss stated each County would likely have a different method or arrangement with D.N.R. and the specifics would have to be tailored to each County, that he was not interested in paying state employees salaries anymore than anyone else. Commissioner Tringali stated the point of all this is that W.C.I.N.D. is taking the interest and providing the funding for boating safety and that was what Dr. Gissendanner was asking for.

ACTIVITIES REPORT(1) Proposed Budget

Director Armstrong started with first item which was the proposed budget. (a copy of the budget is attached)

Director Armstrong reviewed the budget by line item, Commissioner Goss suggested we label "capital expenditures" "project expenditures." Director Armstrong made reference to boating safety funds of \$70,000. for each County, to \$25,000. for water quality (Mote Marine) and \$35,000. navigation aids, VHF radios for bridges. The Director made specific reference on the contingency of \$25,000. with suggestion that the Board consider the purchase or rental of a boat due to W.C.I.N.D.'s potential of becoming more involved in many "new" projects due to the new legislation. The Director offered an example of possible utilization of a boat by informing the Board of an inspection he recently made of a spoil area reachable only by boat adjacent to a large development that could be encroached upon. Commissioner Tringali made favorable comments regarding possible use of a boat and referred to land being deeded to Charlotte County on Palm Island for use by the public for beach recreation with reference to the use of W.C.I.N.D.'s spoil area for ferry landing, etc. Commissioner Tringali then referred to the \$25,000. proposed at request of Mote Marine and suggested further study. The Board members then discussed the Mote Marine request at length and consensus of opinion was that their work was needed, appreciated, had the Boards respect, but for the present we should re-label the item "environmental study" until further discussion was held. The Board agreed that at some point and time under our new legislation that we may well utilize Mote services in other areas than the red tide study. The Director informed the Board that he had discussed the Mote request with Commissioner Hente knowing he would not be at this Board meeting and Commissioner Hente also had great respect for Mote Labs but felt possibly funding maybe once and then look for performance and accomplishment. Also, the subject of "other" contributions to match W.C.I.N.D.'s was discussed such as chambers, tourism councils, resorts and those that will receive the greatest benefit should positive results come from Motes study. Commissioner Goss asked if W.C.I.N.D. had "posted" spoil areas or had signs on spoil areas indicating W.C.I.N.D. ownership. The Director indicated that only upland spoil areas had been posted to prevent "dumping" and that island property was not posted. Commissioner Goss indicated problems in Lee County where trash was placed on public lands and this was one reason he was looking for more enforcement and police work to protect the property. Commissioner Tringali cautioned that W.C.I.N.D. did not want to get involved in a situation that required larger staff to support. Commissioner Goss stated, no, his suggestion was that the Director could make good use of a boat to look into the situation of marking spoil areas and identifying problems on them.

Director then referred to "operation or administrative" portion of the budget, the increase in litigation expense along with salary increase for the Director and secretary with associated fringe benefit increase. Commissioner Goss asked was the salary increase associated with the cost of living, merit increase or what method was used to determine. The Director indicated that generally each year the Board considered the salary increases for the Staff compared to that which is given to County employees, i.e. one

ACTIVITIES REPORT-CONTINUED

county gives 5%, one 7% or whatever the case maybe and that while he was not complaining he felt an increase should be based on what the person does and that comparing the Directors position, as an example, with that of a County Administrator, for salary increase of 5%, was not a good comparison as 5% of \$70,000. is far more than 5% of \$19,000. Commissioner Tringali said that this type of comparison should not be made as the positions are totally different. Commissioner Goss stated he was only concerned that the Directors increase was fair to him and that the Director should make the decision on the secretary increase. Commissioner Fletcher indicated he felt the increase in the budget was fair. Commissioner Tringali stated we have in the budget money to cover salary increases considered at time any increase is to take place.

(2) Set Millage Rate

The Director then reviewed the Certification of Taxable Values from each County and 100% rollback rate for each County along with proposed millage rate. (see schedule attached) After a thorough discussion on rollback rate and proposed millage remaining the same as last year (.004) which constitutes an 8% increase in taxes though individual taxes would not increase unless property assessments were increased, the Board agreed even though it would be very hard to explain, that proposed millage would remain .004. Commissioner Fletcher motioned adoption of tentative budget, seconded by Commissioner Goss, motion carried.

Commissioner Fletcher motioned setting of .004 as the millage rate, second by Commissioner Goss with the understanding that the difference between revenue generated by .004 mills and that shown in tentative budget would be adjusted out of other expense such as contingency. Motion carried with the message being there will be no property tax increase by W.C.I.N.D.

The first public hearing date proposed by the Director of September 20th or 27th motion by Commissioner Fletcher for the first public hearing date be set for September 20, 1985 at the W.C.I.N.D. office to begin at 5:01 p.m., seconded by Commissioner Goss, motion carried.

EXECUTIVE DIRECTORS REPORTSouthwest Florida Water Management District

The Director outlined a request received from S.W.F.W.M.D. whereby they were requesting an easement to be used to install a monitoring well. Further that the spoil area MSA-S-28 (chart shown on wall) was East of the Venice Airport and conveyed to the Corps of Engineers. Director Armstrong explained certain deed restrictions on the property whereby should the Corps of Engineers and W.C.I.N.D. declare the property "surplus" to their needs that ownership would revert back to the City of Venice. The Director also informed the Board that during completion of the I.W.W. that W.C.I.N.D. had to reimburse the City of Venice \$85,000. for wells that were damaged due to spoil being placed near them. All Commissioners felt W.C.I.N.D. should do all they could to help S.W.F.W.M.D. but it appeared that S.W.F.W.M.D. had to deal with the C.O.E. Commissioner Goss motioned that we inform S.W.F.W.M.D. that W.C.I.N.D. has no objection to their use of the spoil area providing W.C.I.N.D. is held harmless, that appropriate approvals be acquired from C.O.E., all other appropriate agencies, that should the spoil area ever be needed for spoil that W.C.I.N.D. could do so without liability towards any construction or use that S.W.F.W.M.D. may have installed on the site, with final location of well being approved by W.C.I.N.D., seconded by Commissioner Fletcher, motion carried.

EXECUTIVE DIRECTORS REPORT-CONTINUED

Counsel Perrey asked if the motion to approve acceptance of the contract to sell the Manasota Key lot gave W.C.I.N.D.'s Chairman the power to sign and execute all documents to conclude the transaction. Commissioner Fletcher motioned that if all the conditions in the previous motion regarding the sale of the lot were met and that \$230,000. was on the table that Chairman Tringali should have approval to sign all documents required to execute, Commissioner Goss seconded, motion carried.

The Director questioned the Board as to direction regarding expenses to the Coastal Zone 85 Symposium requiring \$12.50 for luncheon. Commissioner Goss suggested that the \$12.50 be deducted from per diem and the luncheon lecture be considered a "working luncheon."

Commissioner Tringali asked for further business, Counsel Perrey advised Director Armstrong that he should call the person from S.C.L. that wrote the letter stating that S.C.L. would "consider" application for an easement and ask him to change the word consider, in some manner, that would infer "grant" to the requested application. Commissioner Fletcher questioned Director and Counsel if W.C.I.N.D. required any further information on "financial disclosure" for W.C.I.N.D. files. Director Armstrong stated he filled out the forms requested by the Ethics Commission that included the names of all Commissioners. After discussion by all Board members it was agreed that disclosure each had already made was sufficient to the Ethics Commission needs and anything else would be redundant.

Commissioner Fletcher and Commissioner Goss indicated that their County Administrator would be forwarding a request by letter for the remaining funds allocated to each County.

Commissioner Tringali asked for further business, none, motion to adjourn the meeting, passed, meeting adjourned at 5:00 p.m.


JOSEPH A. TRINGALI, CHAIRMAN


PORTER J. GOSS, SECRETARY