

WCIND convened a Board meeting on Friday, December 13, 1985 at WCIND 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
	Jerry L. Hente, Treasurer	Sarasota County

Commissioners Absent: None

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

Guest Present: Chris Kauffmann; Press, Venice Gondolier

ADMINISTRATION:

The meeting convened at 3:05 p.m. with Chairman Tringali presiding. The minutes of November 1, 1985, Treasurer's Report of October 31, 1985, November and December bills to be paid were moved for approval, seconded and carried unanimously.

INTRODUCTION OF GUESTS:

Director Armstrong introduced Chris Kauffmann of the Venice Gondolier.

OPEN TO PUBLIC:

There was no one from the public present.

DNR COMMENTS:

Director Armstrong stated no one from DNR was present at today's meeting.

ACTIVITIES REPORT:

Sarasota County

40 Acre Park Proposal

Counsel Perrey bringing the Board up to date stated he had talked to Dale Adams, Representative of DNR, in regards to the land exchange between WCIND and Sarasota County being the 40 acres and stated WCIND orally has the approval of DNR with nothing in writing as of yet.

Counsel stated 40 acres of the 78 acres has recently been conveyed to COE leaving approximately 37-38 acres which WCIND promised to Sarasota County years ago to be used as a park.

Counsel reported after completion of business with COE he then contacted Dale Adams of DNR to see if WCIND could get DNR's approval to release the property to Sarasota County. Mr. Perrey distributed what is called a fee simple terminable deed which has two reversion clauses in it. The reversion clauses are in paragraph one and two of the deed stating the way the deed is drawn the deed automatically reverts back if either one of the stated conditions are violated, i.e. if Sarasota County ceases to use the land for a park and recreation the land would revert back to WCIND or if Sarasota County

ceases to be a member or any successor entity which acts as local sponsor withdraws from WCIND the land would revert back to WCIND.

Commissioner Hente stated that if the property were ever used for anything other than what was intended, recreational park, it should revert back to the District.

Commissioner Hente questioned what would happen if WCIND dissolved?

With further discussion Counsel Perrey stated this deed was for review and contained the perimeters stated by DNR.

Director Armstrong stated the only way WCIND could be dissolved would be by legislature.

Chairman Tringali stated this property should be guaranteed to Sarasota County unless Sarasota County withdrew from WCIND.

Counsel suggested adding a unilateral withdrawal to the deed would guarantee this property to Sarasota County under any circumstance including the dissolution of WCIND.

Chairman Tringali stated before the Board acts on this subject, first it should go to Sarasota County Board of Commissioners for their approval with a unanimous consensus of the Board.

Director Armstrong reported the next item is not on the agenda and stated Counsel Perrey has a final payment on the Crystal Beach property. Counsel stated the final payment on the mortgage is \$210,570.45 in return Perrey has drawn a satisfaction of our mortgage- of which needs to be signed by Chairman Tringali, witnessed and notarized.

Commissioner Goss questioned if it was all in order.

Counsel Perrey stated he has contacted our CPA firm, Whitcomb, Christopher & Smith, which have serviced this loan since its beginning, calculating payments, interest, and stated the check is for \$.30 over the final payment amount due.

Commissioner Tringali stated for the record the check is the final payment meeting the dollar amount of the balance due, checked and verified by our CPA.

Counsel noted in the annual financial statement it is listed as a March 14, 1986 final payment date with the amount due at \$207,210.00 or a \$3,360.45 difference.

Counsel stated we still have two additional payments on a note that bears no interest in the amount of \$12,500.00 each or a total amount due being \$25,000.00 not secured by a mortgage, unsecured, no interest bearing note.

Chairman Tringali questioned if closing on the mortgage would terminate the unsecured, no interest note?

Counsel bringing the Board up to date on the events leading up to the unsecured note stated Pinellas County down-zoned WCIND's property from 1100 units to 40 units and WCIND sued Pinellas County for damages and the lawsuit against Pinellas County was settled by our buyer giving WCIND a note in the amount of \$50,000.00 in which the buyer has already paid \$25,000.00.

Commissioner Goss questioned if it is a stipulated settlement represented by the Court?

Counsel Perrey stated WCIND was suing the County of Pinellas and our buyer said they would deal with the County of Pinellas and if WCIND would drop their lawsuit the buyer would pay WCIND \$50,000.00 consequently WCIND withdrew the lawsuit.

Commissioner Goss questioned Counsel what kind of leverage does WCIND have in collecting the \$25,000.00 due of the \$50,000.00?

Counsel stated the buyer owns a mortgage on the property directly behind WCIND's and if they did not pay us the balance of \$25,000.00 WCIND can get a judgement against the buyer and levy on their existing mortgage.

Counsel stated by contract WCIND is obligated to give satisfaction of mortgage within sixty days and this is the end of the one million two hundred fifty-five thousand collected on this property.

Commissioner Fletcher moved acceptance and deposit of check of Point Seaside in the amount of \$210,570.45 and authorize Chairman to execute satisfaction of mortgage this 13th day of December, 1985, seconded by Commissioner Hente, motion carried.

Charlotte County

Request of Funding for Boating Safety

Director Armstrong stated he has contacted Dr. Gissendanner and Dr. Gissendanner stated he wants to review the contract agreement and work plan. Director Armstrong stated he has taken this information requested by DNR to Commissioner Tringali which Commissioner Tringali has brought to the Board today consists of two original drafts of an enforcement agreement between Charlotte County and WCIND and the Waterway Law Enforcement for the FY85/86. Director Armstrong stated this should suffice DNR for the reason that it was essentially drafted from Dr. Gissendanner's agreement with Lee County. Commissioner Fletcher moved that the Vice Chairman of WCIND sign the Agreement between Charlotte County and WCIND, seconded by Commissioner Goss, motion carried.

Director Armstrong stated for the Board's information that on September 13, 1985 WCIND approved replacing the channel marker at the end of Stump Pass that was removed by hurricane Elena.

Director stated the Coast Guard is insisting that the Marine Advisory Committee expedite this project in which the Marine Advisory Committee has had a hard time getting anyone to fix the marker due to the location. Finally they have found the person that initially installed the marker which will be replacing it at a cost to WCIND in the amount of \$3,500.00 plus a cost to Charlotte County of \$2,500.00 or a total cost of \$6,000.00.

Lee County

Commissioner Goss stated he has talked to the people working on the lighthouse at Boca Grande and has been informed they have been responding to the requirements set by WCIND's Board. G.I.C.I.A. have in the interim received monies from the State of Florida and been endorsed from organizations that do historical registry and it is a going project. WCIND would be one of many contributors as a public benefit and an aid to navigation and Commissioner Goss asked G.I.C.I.A. to send all facts and at that time he would suggest a \$10,000.00 to \$15,000.00 contribution from WCIND.

Commissioner Goss stated the Lee County Attorneys and budgeting staff said that under the new budgeting laws Lee County will start their capital budgeting process the first of January in order to phase into the new requirements and would like formally to direct a motion to direct the Executive Director to contact each County Manager and request any projects forseen that each county may have for WCIND to consider for WCIND's budget of FY86/87, seconded by Commissioner Hente, motion carried.

EXECUTIVE DIRECTORS REPORT:

Director Armstrong stated WCIND has received only one bid for the purchase and installation of 16 VHF marine radios and this Company actually does work for the State of Florida. The package of 16 radios, 16 antennas, 16 power supplies and installation is at a cost of \$8,864.00. Director Armstrong informed the radios list at \$599.00 each and WCIND would be paying \$359.00 per radio.

Commissioner Goss stated that this is a real good price and questioned if WCIND went through a formal bidding procedure.

Director Armstrong stated WCIND placed a notice in the newspaper stating a deadline to receive bids.

Commissioner Goss questioned Counsel if this was an appropriate and adequate because the cost being over \$5,000.00 and Counsel stated he would check and report back.

Director Armstrong stated in addition he has written a letter of understanding for each County, the State of Florida and Gaspar, Inc.

Commissioner Goss questioned if WCIND would charge Gaspar, owner-operator of the Placida drawspan?

Commissioner Goss stated Charlotte County should take a position on this due to the fact it is a private owned bridge.

Commissioner Tringali stated WCIND is providing the VHF radio to a private owner with the benefit going to the boating public.

Counsel Perrey stated the benefit to Gaspar would be incidental with the benefit going to the public.

Commissioner Fletcher said to state in the letter of understanding that the VHF radio was the property of WCIND and Gaspar had the responsibility of operating it.

Commissioner Goss directed Director Armstrong to go to Gaspar and find out if they would pay for the radio explaining the price of \$359.00, that they might be willing to.

Commissioner Tringali motioned the purchase of the VHF radios be approved providing that DNR approves the project and expenditure of funds and providing that Gaspar will execute the necessary agreements and will fund the maintenance even though it will remain the property of WCIND and be responsible for the proper operation and replacement there of should something happen to the radio, seconded by Commissioner Hente, motion carried unanimously.

Director Armstrong stated there is a rough draft summary of the DNR's Navigation Committee's meeting held on November 10, 1985 in Tallahassee in each folder along with another summary of both meetings he has attended and what the Directors interpretation of what the Navigation Committee was trying to do.

Commissioner Goss stated he would like copies of both meetings to be distributed to each Commissioner and Counsel so they can draw their own conclusions of just what is going on.

Commissioner Goss stated he feels WCIND should meet prior to the next Navigation Committee meeting of January 24, 1985 and WCIND's Board should get to work on this.

Commissioner Goss stated he feels the purpose of this Committee the State has identified in its growth management package a number of things the State has to accomplish in problem areas, No. 1 being beach renourishment, a big dollar item.

Commissioner Goss stated DNR is the instrument of the State to cope with these problems and feels Dr. Gissendanner has reviewed the legislation and seen the opportunity to go ahead and carve out navigation districts that would operate state wide the same as water management districts with broad powers, taxing authority and appointed governing boards.

Commissioner Goss outlined options discussed with the Committee were 1) continue to do what navigation districts are presently doing 2) disband the present districts with elected officials and reorganize them 3) set-up a state wide district and bring everyone of the state into one type of district membership.

Commissioner Goss stated home rule power is home rule power and the only reason the State should intervene is if home rule people are not doing their job properly and ask for it.

Commissioner Tringali stated he would ask the Board of Directors of the State Association to take this up as an agenda subject, investigate it and report to WCIND their interpretation.

Commissioner Goss informed it would be important to alert the State Association due to the fact they have been invited to participate.

Director Armstrong stated he feels what Dr. Gissendanner is trying to say is he is either going to run navigation districts or he is not going to run them and he wants his authority clarified as well as possibly expanded.

Commissioner Hente made the point that alot of policies including many that affect WCIND could be changing in the very near future because of the upcoming elections for Governor and Director of DNR.

Commissioner Tringali stated he feels Commissioner Hente is absolutely right. Commissioner Tringali stated his concerns and the thought that first struck him when he first learned of the meeting that this maybe a move to get it done before a change in the Governor and Executive Director of DNR and stated WCIND needs to get moving and organized and that before WCIND's next meeting to get copies of the minutes of the previous meetings and WCIND get a fixed position and report to each of the respective Boards of County Commissioners and get them to take a position.

Commissioner Goss stated he was unsure if WCIND will be able to take a position as a Board because no votes have been taken by this Committee and its advisory. Commissioner Goss recommends very strongly to collect all information available prior to the next Navigation Committee meeting and ask officially from the staff what information they have generated and what their feelings on the subject are and bring to the Board and last to have Commissioner Tringali attend the Committee meeting on behalf of WCIND as directed by the Board.

Commissioner Goss stated the reason he agreed to go along and do this is because he feels something good can come out of it, that WCIND's Board will understand a little better what it is we are doing when it is over.

Commissioner Goss stated he is not saying one course is better than the other that the best way may very well be to parallel the water management districts and on the other hand maybe the best way would be to pear down the navigation districts to what they are and let them do their thing and get DNR out of this situation of approving their budgets and sending them back and forth to each other and feels we should clear this matter up.

Commissioner Tringali stated WCIND has to have the information of what is going on and get it to our respective governments.

Commissioner Fletcher moved to authorize travel and attendance expenditure by all members of this Board and Attorney, seconded by Commissioner Goss, motion carried.

NEXT MEETING DATE:

The next tentatively scheduled meeting date is set for Thursday, January 23, 1985 at 1:30 p.m.

ADJOURNMENT:

The Board meeting was adjourned at 4:52 p.m.



JOSEPH A. TRINGALI, CHAIRMAN



PORTER J. GOSS, SECRETARY