

The monthly board meeting of the Board of Commissioners, WEST COAST INLAND NAVIGATION DISTRICT, was held October 27, 1980, in Lee County Courthouse, Fort Myers, Florida.

Present were: Larry Rhodes, Chairman, Sarasota County  
Arnold F. Schade, Vice Chairman, Charlotte County  
R. Douglas Taylor, Secretary, Lee County  
J. A. Tringali, Charlotte County, Alternate

Charles E. Furbee, Executive Director  
Attorney Dewey A. Dye, Jr., Counsel  
Attorney Philip E. Perrey, Associate Counsel

Absent was: L. H. Fortson, Treasurer, Manatee County

Guest: Mr. Michael F. Stephen, Vice President  
Coastal Engineering Consultants, Inc.,  
Naples, Florida.

#### ADMINISTRATION

The meeting convened at 10:58 a.m.  
Minutes of August 25, 1980 monthly board meeting were approved as presented. There was no board meeting for the month of September.

Treasurer's Reports, August 31 and September 30, 1980 were approved as presented. Vouchers, September #2081 - 2107, and for October, #2108 - 2137, were approved for payment.

#### WCIND Public Hearings September 25 and October 9, 1980, TRIM BILL.

These hearings were held with Board members in attendance in the Sarasota County Courthouse re the tentative budget for FY 1980-81. No public attended. Commr. Schade moved that the Board adopt the Resolution No. 80-03 in accordance with Florida Law, Chapter 61-1590, and in compliance with Chapter 80-274 and Chapter 80-261; motion was seconded and carried. The millage established by WCIND for 1980-81 is 00.01 mill. Prior to June 30, 1980 (effective date of TRIM BILL - truth in millage), the WCIND budget was approved and the millage rate of 00.01 mill was approved by the State Cabinet. State Resources Management, DNR, will be advised with copy of Resolution No. 80-03 for the State Comptroller.

WCIND COUNSEL REQUEST for Attorney General's Opinion: The Director reported that members are furnished with a copy of Counsel's letter dated October 14, 1980 for Board consideration on a WCIND request for State Attorney General's opinion on Florida Statute 374.761 as it concerns the West Coast Inland Navigation District.

#### ACTIVITIES REPORT

##### Charlotte County

Stump Pass Project - Completion Report: Funds paid to date were reported to be \$62,497.84 and these monies are held in the Charlotte County General Fund for certificate of deposit investment until the final time when the State DNR requires accounting of all these funds. With completion of project, criticism is being received re the lack of markers; three or more markers are suggested by the Coast Guard Aux. and these additional markers' locations are now established according

to Mr. M. F. Stephen, Coastal Engineering Consultants, Inc. firm. The monitoring is complete this week and a report will be submitted to DNR, re the estimated cost, \$365,000 and actual cost, \$301,000. The additional markers are estimated at \$6,000 or less, for which a change-order to current contract is planned. Also, the DER requires restoration against any damages due to the dredging/pumping. Repair work is estimated at \$30,000 - \$80,000 - re the planting of mangroves, and so forth. The final decision depends on the Contractor and DER to approve or to mitigate for the withholding of payment. A report was given on the barrier island re-vegetation: DER had inspected the site in July re the turbidity damage the last two days. Commissioner Tringali reported on a request for investigation re the July 31 findings at this location and he suggested that WCIND should keep its option open - also, for the additional markers and C.G. approval. The Director suggested that WCIND seek support of Congressmen Bafalis, Ireland, and Senator Chiles after the up-coming election re a request to Congress to include Stump Pass in the IWW since no funds are now available; then, thereafter the Federal Government be responsible for stabilization of the Pass. Counsel Dye referred to the related amendment as was done by the Venice Waterway. Commr. Schade stated that this past record could be used as information for Stump Pass request.

Right-of-Way Wideners: Tract #1605E, #1616E - These are located at the SCL Railroad bridge location at Placida. The Corps of Engineers wants an easement prepared for both, south and north of the Bridge. Director Furbee presented the two documents, Perpetual Easements, to be signed. Commr. Schade moved that the Chairman sign these two with Board approval. the motion was seconded and carried.

#### Sarasota County

City of Venice - Storm Water Outflow Request - The Corps of Engineers report was read for record; the City of Venice has supplied the C.E. with new drawing and same should be submitted to DER for its approval. Members concurred to give a "letter of no Objection", subject to the DER and Corps of Engineers approval.

New Pass Maintenance - The Corps of Engineers will let bids Nov. 15 for this project with plans for maintenance beginning about Feb., 1981. Dredged material is to go on public owned beach first, then on to the private-owned beach properties, because of beach erosion in the area.

Venice Area - Scenic Drive Property Owners' Complaints - A review was made re the past complaints of conditions of area along the Venice Cut. The Corps of Engineers from Clewiston have mowed about four miles each side and then sprayed the rip rap with weed killer with a plan next year to include periodic maintenance as part of another maintenance contract.

#### Manatee County

Longboat Pass Maintenance - The C.E. will let bids November 15 for this project at the same time as for the Sarasota County New Pass area, with plans for maintenance beginning about February, 1981. The dredged material is to go on public owned beach first, then on to the private-owned beach properties, because of beach erosion in the area.

W.C.I.N.D. Counsel Reports:

Status of Property Dispute Case (Fisherman's Wharf Restaurant Area) - Attorney Perrey reported that WCIND has won the latest action on appeal. The present owners of this location have potential plans to go on into Court against Captain Stewart's "Miss Venice" boat's use of dock there. Counsel Dye stated that WCIND should pursue Captain Stewart to pay the WCIND for past rental due WCIND and that Captain Stewart interplea to the former owners back as far as the statute of limitations. The letter of trespassing on WCIND property should be written by the WCIND Counsel. The Board concurred for Counsel action.

Crystal Beach Property Sales Contract (Pinellas County) - On November 1 the re-zoning is complete and the sight plan will be submitted for approval early in November. Conservation & Development Associates, Partnership, is buying the Duenas lot property and the site plan to be filed by November 10. Closing as scheduled was March 14, 1980 - about eight to nine months past and payments scheduled two years after closing. December interest payment is to be added to the Note; also, the amount from lawsuit by WCIND. The first major payment will be due November - December, 1982, which action comes much sooner than earlier estimated. Chairman Rhodes questioned Counsel that, if the WCIND should ever be dissolved, what about disposition of assets? Counsel stated that the question of assets would depend on what type State legislation would be passed.

Attorney General's Opinion: re CHAPT 374 F.S. Counsel stated that he questioned whether the DNR has supervisory control over the WCIND in view of the vague and unspecific language of Florida Statute 374.761; (six specific questions were put to the Attorney General in the letter as submitted today to Board members). He also added that perhaps WCIND should ignore this question and await DNR decisions on WCIND action; it may not be necessary to ask for Attorney General's opinion and that perhaps Chapt 374 should be amended. Counsel reported that Florida Inland Navigation District's lands had been given by the State while the WCIND lands had to be purchased. Commr. Schade suggested that a letter be written re the DNR prerogative to interfere in WCIND business; also, to try and get the Chapt 374 amended. Commr. Tringali suggested that WCIND plan a meeting soon with our local Legislative delegation.

SEABOARD COAST LINE Railroad Company/Interstate Commerce Commission Suit - Attorney Perrey advised the Board of the discontinuance Order by ICC re the Port Boca Grande facility in Charlotte County; then, later, will come the abandonment order. ICC has stated that Certificates can be issued at that time; the WCIND has not objection. He reported also that no reply is received to date from the Seaboard Coast Line Railroad Company in acknowledgment of the WCIND's earlier letter.

The ACTIVITIES REPORT was accepted as presented.

PRESENTATIONS

Chairman Larry Rhodes, Sarasota County's WCIND board member and Vice-chairman Arnold F. Schade, Charlotte County's WCIND board member, received the WCIND Board and Staff acknowledgment and appreciation for their services as they leave the WCIND Board in November. Counsel Dye made the following presentations with plaques for the officers' service:

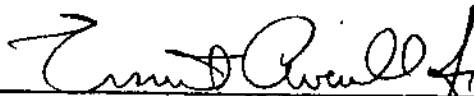
For Chairman Larry Rhodes: serving as chairman, 1978 - 1980; and  
Vice Chairman Arnold F. Schade: serving as vice-chairman, 1976 - 1980.


Board members and staff personally expressed appreciation for the services rendered by Commissioners Rhodes and Schade.

ANNOUNCEMENTS

NEXT MEETING DATE: The meeting date for the regular monthly board meeting for November will be announced when board members are poled.

The meeting adjourned at 12:05 P.M.

  
Secretary  
Commissioner Ernest Averill, Jr.  
LEE COUNTY

  
Chairman  
Commissioner Joseph A. Tringali  
CHARLOTTE COUNTY