

The monthly board meeting of the Board of Commissioners, WEST COAST INLAND NAVIGATION DISTRICT, was held December 1, 1980, in Sarasota County Courthouse, Sarasota, Florida.

Present were:

Commissioner Joseph A. Tringali, Chairman, Charlotte County
 Commissioner Jerry L. Hente, Vice Chairman, Sarasota County
 Commissioner Ernest Averill, Secretary, Lee County
 Commissioner Westwood H. Fletcher, Jr., Treasurer, Manatee County
 Mr. J. D. Neville, Sarasota County Appointed Alternate

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

Guests: Dr. Elton J. Gissendanner, Executive Director,
 State of Florida, Dept. of Natural Resources;
 Mrs. Susan Coleman, Administrative Assistant

Attorney Tom R. Moore, Partner,
 Crystal Beach Cons. & Development Associates,
 Clearwater, Florida.

ADMINISTRATION

The meeting convened at 10:45 a.m., with WCIND Director presiding for the first order of business - election of officers serving for WCIND.

Dr. Gissendanner, Mrs. Coleman, and Mr. Neville were introduced to Board members and welcomed. This meeting is the first for four new WCIND Commissioners.

Mr. Neville addressed Director Furbee to state that he was appointed an Alternate and as an Alternate he should be on the mailing list and full recognition given for such. He then questioned whether or not there were reservations. Director Furbee noted that the State Enabling Act states that WCIND representatives should be County Commissioners from their own Counties. The question then was that each member County may designate an alternate member; the WCIND needs the alternates but would Mr Neville be serving in the capacity to vote on WCIND action in the absence of his County designated Board member?

Commr. Averill requested consideration whether WCIND has a stated legal opinion, to which the Director replied in the negative.

Counsel Dye stated that the intention of the Board is that it be so constituted by local Commissioners.

Mr. Neville replied that it is not up to WCIND Commissioners to decide - it is up to the County Board to decide; WCIND has no jurisdiction. He stated that alternates will include staff members and scientific people to be present on the Board and that his belief was that the WCIND Board was to be a more viable board for future action and that either the WCIND board accept, or throw him out, for him to report back to his Sarasota County Board of County Commissioners.

Counsel Dye stated that the legal question is interpretation of this

Board rather than any other; he then announced that he would like to discuss this question with Attorney Richard E. Nelson representing the Sarasota County Commission.

Commr. Tringali stated planned efforts to work along the same interests as stated by Mr. Neville for Sarasota County and he inquired as to the problem today, i.e. are there no other Commissioners in Sarasota County Commission to do the work -- likewise our former Charlotte County Commr. who served last year could be a valuable Alternate -- "but I am not sure of the legality of one who is not a County Commissioner; also, does an Alternate participate in a Board vote?"

Mr. Neville stated his understanding that the Alternate is not authorized to vote but may do so only when the County designated Board member is absent.

Commr. Tringali replied that then the other Counties could do likewise for the sake of all the WCIND members and that he would suggest, and moves that this question is held for the other Counties' decisions; motion was seconded and carried.

The Director stated that the WCIND Board should show its appreciation for Mr. Neville's interest in this Board.

ELECTION OF WCIND OFFICERS

Commr. Averill nominated Commr. Tringali as WCIND Board chairman; Commr. Tringali was elected same by acclamation. Commr. Fletcher nominated Commr. Hente as vice-chairman; Commr. Hente elected same by acclamation. Commr. Tringali nominated Commr. Fletcher as Treasurer; Commr. Fletcher elected same by acclamation. For Secretary, Commr. Averill was elected by acclamation.

STAFF EMPLOYMENT 1980-81

Chairman Tringali moved that the present staff members be employed for the coming year; motion was seconded and carried for the following staff: Charles E. Furbee, Executive Director; Dewey A. Dye, Jr., Counsel; and Esther C. Happich, office secretary and bookkeeper.

DNR Executive Director, Dr. Elton J. Gissendanner addressed the Board and staff to note his appointment in 1979 along with the re-organization of waterways in the State of Florida. As DNR Executive Director, he is responsible for these relationships and purposes, to help in problems. By statute, under Resources Management, work programs and budgets are received and then finally submitted to Governor and Cabinet for review. Re land transactions, WCIND has the same relationship as Canal Authority; "under the Constitution, WCIND is a special tax district; under the State re-organization, WCIND has to be assigned under one of State departments." The FIND (Florida Inland Navigation District) was so advised and under the same 72-255 Florida Statute, to follow the spirit of the law. Since WCIND is under DNR; re purchases, to get two appraisals to submit to the State for State approval of same, is a requirement. In the matter of spoil, one-half of sales revenue goes to the TIIF. Land, if leased more than 20 years, the same applies; the State will be looking for such transactions. The DNR wants to know what WCIND is doing re permitting, water quality, beach restoration, etc; WCIND to contact the DNR. Re the

WCIND property in Pinellas County, the described plan of sale has been noted. If WCIND wants to relate to another agency, Dr. Gissendanner stated that he would suggest DOT; and that WCIND, in that agency, will answer to the Governor. WCIND is to let DNR know.

Counsel Dye referred to CHAPT. 374, considered to be a pretty miserably written document and asked that clarification be given for relationship between DNR and WCIND. As to the DOT, he stated that this was explored but the DOT has no experience with water districts. The DNR is the best of the two. He then referred to the question of WCIND property lease.

Dr. Gissendanner stated that the sale of property and/or leases should be offered first to the public agencies to clarify the legality intent then to others which can be included. DNR wants the same relationship as with other Districts.

Counsel Dye referred back to an inter-governmental amendment question and Dr. Gissendanner stated that re DNR statutes a new District can be created; no problem known as now.

Counsel Dye referred to the State's opinion for WCIND leases and giving options to purchase an upland property to adjacent owner... Dr. Gissendanner replied that this action should be done via public bid. The State suggested public bids and appraisals of same, re dollar value, for a good public policy.

Chairman Tringali stated that the WCIND, as it learns, will get along with the State requirements and thanked Dr. Gissendanner for attendance at this meeting today. The Director was instructed to brief the new members on the proposed plan for activities of the WCIND. Members were referred to the "Goals and Objectives of 1980-81, copy of which was in each member's folder today.

Minutes of October 27, 1980 regular monthly board meeting were approved as presented; motion made by Commr. E. Averill, seconded and carried.
There was no board meeting for November.

Treasurer's Report, October 31, 1980, was approved as presented; motion made by Commr. Fletcher, seconded and carried. Commr. Hente moved that the Board continue the checking account and C/Deposits locally; motion was seconded and carried. Vouchers November 10, 1980 #2108 - #2166, and December 1, 1980 #2167 - #2194 were approved for payment; motion by Commr. Fletcher, seconded and carried.

ACTIVITIES REPORT

WCIND "Goals and Objectives, 1980-81" statement was reported by Director for the new members' information and he requested that subjects therein be reviewed.

WCIND Real Property Report: WCIND is in receipt of the State's request for a land ownership list - this is quite a detailed request - just for fee simple ownership. The questionnaire is on cost of properties and this is past history. The Director requests the Board's authority for WCIND TO OBTAIN A CERTIFIED SURVEYOR FOR VERIFICATION OF WCIND PROPERTY;

also, to establish a firm monetary value - with tax rolls as a source. Property history goes back for some years and in Charlotte County, some property not located on the WCIND Record Maps. At this date, there are four Manasota Key lots (in Sarasota County) sold but not deleted from the Record Maps; and, WCIND retains the pipeline easements. By the next audit 1981, this can be a verifiable audit as approved by WCIND Board. This request will require a ground survey for a question of who actually owns all the properties and water-return drainage ditches.

Dr. Gissendanner stated that the law does require this information and DNR appreciates the WCIND efforts.

Chairman Tringali questioned the costs, re money available in the budget?

Director stated that there was none.

Mr. Neville (from the audience) "Does not each County have a surveyor?"

Chairman Tringali replied that each County does have its surveyor but each seems to be overloaded. He then suggested that each County inquire via the computer information and WCIND members bring that County's own report back to the Board.

Commr. Hente inquired re how and why did WCIND get into the land business?

The Director reported that land requirements are predicated by the Corps of Engineers for the maintenance of the IWW. At one time WCIND had ample spoil areas; since then the conditions prohibit their use because of environmental reasons, etc; also, there is no dredging except for the Passes. Other material is not acceptable and can be placed via ocean dumping. There has been no WCIND purchase since 1975, Seaside Assembly property (Crystal Beach, Pinellas County) which is now being sold to Crystal Beach Con. & Development Associates. About six spots in the IWW area do not meet the design of the 9-foot depth; to have a 12-foot depth it will be necessary to find a placement for spoil.

Attorney Tom Moore arrived to address this meeting re the Crystal Beach sales contract for property owned in partnership. He reviewed for the benefit of new members the history, geographical location and description of property (with chart exhibit); this land acquired by WCIND for a disposal site required by the Corps of Engineers for dredged material.

Dr. Gissendanner stated that for land value, WCIND should check with the Auditor General for the correct set-up of dollar value of lands.

Counsel Dye reported that in each of the WCIND Counties there is on file in Clerk of Circuit Court office a set of Record Maps for that County's record of WCIND property when it was acquired, location, etc. These were completed in 1969. A request was then made for rules from the State for review; a special Act last year, and this now should be re-passed. The TRIM law is being in question.

Dr Gissendanner stated that an amendment via to the General Act can be considered.

Counsel Dye requested WCIND Director to get all the information to the new members.

Attorney Perrey referred members to the Crystal Beach contract sale and stated at present three acres could be released to the new owners; now, they request today a new release document of a smaller parcel, only one-acre, and site plan submitted, instead of the three acres. The property is north of Dunedin and terms of sale noted.

Counsel Dye informed the new members that the sales contract had been approved in May '79 and contract closing took place in March, 1980.

Attorney Tom Moore, Crystal Beach property partner, presented details: the property was first platted in 1892. By 1978 efforts were made to put together State and County money for a public bid. Property was zoned for 110 units then it was down-zoned to Agriculture A-1, and this right on the Gulf of Mexico. Sales price was \$1,350,000 plus interest, total of 145 acres, 72 acres being upland property. The Audubon Society recommended development of the site.

WCIND sued Pinellas County for funds owing and due WCIND. Duenas property owners of a small parcel here also entered suit against the County zoning. The one-acre release today takes in the (2) lots that embrace Duenas property and Duenas will drop the suit against Pinellas County. For the release today, there will be no money involved; purpose being for filing of record on mortgage. If the County meeting is scheduled by Pinellas County for December as hoped, plans can proceed; otherwise, a 2-year period from January with interest payment one year later.

Attorney Perrey stated that the new release of one-acre only is proper. The released schedule submitted, re amount of obligations and also the categorical releases, set forth the total of the three notes being held by WCIND plus interest during the tolling period from closing, March '80 through January 15, 1981, date of end of tolling period; if the Pinellas County delays decision on vacating the plat in December, then timetable will be pushed forward to one more month with interest added. Also is added, the \$50,000 because of upzoning of property. Total obligations to WCIND as of January 15, 1981 are \$1,247,970.00. Contract for sale and purchase calls for a lot release schedule based upon 125% of indebtedness to WCIND, or \$1,559,963.00. Categorical Releases of the lots listed are for total of \$1,559,963.00.

Attorney Perrey recommended that WCIND approve the release change to the one-acre and stated that WCIND is protected in contract closed March '80.

Commr. Averill moved that the transfer release from three acres to one be approved; motion was seconded and carried with Chairman Tringali to execute the document for WCIND.

Counsel Dye reported the purposes of previous Board action for Crystal Beach property in Pinellas County was 1) get all the WCIND money back and 2) get out of Pinellas County Commission suit.


The ACTIVITIES REPORT was accepted as presented.

ANNOUNCEMENTS

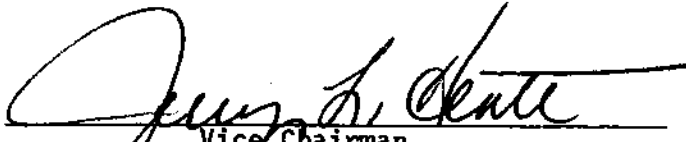
NEXT MEETING DATE: Chairman Tringali suggested that future meetings have a meeting place rotation within the four member Counties. For meeting dates, Board members concurred to have future Board meetings

scheduled for the FOURTH FRIDAY of the month. The January, 1981 regular monthly board meeting will be held Friday, January 23, 1981, 10:30 a.m. This meeting will be held in Venice, South Sarasota County. Members also request Director Furbee to mail his agendas to them prior to the scheduled meetings.

The meeting adjourned at 1:00 p.m.


Secretary
Commissioner Ernest Averill, Jr.
LEE COUNTY

Chairman
Commissioner Joseph A. Tringali
CHARLOTTE COUNTY


Vice Chairman
Commissioner Jerry L. Hente
SARASOTA COUNTY