

WEST COAST INLAND NAVIGATION DISTRICT BOARD MEETING

**FRIDAY, NOVEMBER 3, 1995 AT 10:30 A.M.
SENIOR FRIENDSHIP CENTER
2350 SCENIC DRIVE, VENICE, FLORIDA**

AGENDA

ADMINISTRATION

1. Call to Order and Roll Call
2. Approval of the Minutes of September 8 and September 15, 1995
3. Approval of Invoices Paid for the Months of September and October, 1995
4. Approval of Treasurer's Report for August and September, 1995
5. Approval of Deletions or Additions to Agenda

PUBLIC COMMENT

DEPARTMENT OF ENVIRONMENTAL PROTECTION'S COMMENTS

U.S. ARMY CORPS OF ENGINEERS' COMMENTS

OLD BUSINESS

1. Marina at the Landings/Boatyard Lease Agreement - Supplemental Agreement and Resolution
2. Venice Marine Park - Report
3. Pilot Project for Anchorage Management - Report
4. Spoil Management Plan - Report on County Liaison Discussion

NEW BUSINESS

1. Project Agreement Language Amendment - Counsel Perrey
2. Manatee Protection Signage - Report on Results of 10-24-95 U.S.C.G. Meeting
3. Matanzas Pass Emergency Dredge Project - Funding Request Meeting
4. Adoption of Standard Operating Procedure for Emergency Interim District Administration
5. District Administration - Personnel Report
6. D.E.P. Letter from Secretary Wetherell Approving FY95-96 WCIND Budget and Work Plan
7. Project C-18 (Navigational Signage) - Weather-Related Emergency Extension

**NEXT MEETING TIME AND DATE: 10:30 A.M. ON FRIDAY, JANUARY 26, 1996
SOUTH COUNTY ADMINISTRATION CENTER, VENICE, FLORIDA**

ADJOURNMENT

WEST COAST INLAND NAVIGATION DISTRICT
BOARD MEETING
FRIDAY, NOVEMBER 3, 1995
SENIOR FRIENDSHIP CENTER, VENICE, FLORIDA

MINUTES OF NOVEMBER 3, 1995

A regular meeting of the West Coast Inland Navigation District was held on Friday, November 3, 1995 at 10:30 A.M. at the Senior Friendship Center, 2350 Scenic Drive, Venice Florida.

COMMISSIONERS PRESENT:

Ray Judah, Chairman
Joe McClash, Vice-Chairman
Adam Cummings, Treasurer
Jack O'Neil, Secretary

STAFF PRESENT:

Charles W. Listowski, Executive Director
Philip E. Perrey, Counsel

ADMINISTRATION

Commissioner Judah opened the meeting. Mr. Listowski called the roll. Commissioner McClash moved to approve the Minutes of September 8 and September 15, 1995. Commissioner O'Neil seconded. Motion carried unanimously. Commissioner Cummings moved to approve invoices paid for September and October, 1995. Commissioner O'Neil seconded. Motion carried unanimously. Commissioner McClash moved to approve the Treasurer's Reports for August and September, 1995. Commissioner Cummings seconded. Motion carried unanimously. Mr. Listowski asked to add #5 under Old Business: Discussion of Longboat Pass Dredging, and under #7 New Business: Extension for S-38 and extension for CAP-5 (SWFRPC project). Commissioner Cummings moved to add these items. Commissioner O'Neil seconded. Motion carried unanimously.

PUBLIC COMMENT - None

DEPARTMENT OF ENVIRONMENTAL PROTECTION'S COMMENTS - None

U.S. ARMY CORPS OF ENGINEERS' COMMENTS - Ms. Patricia Hanson was introduced from the Jacksonville Office of the Corps. She said it has been a terrible year for storms in their area. Since their funding has not been approved for the current year, they have been operating on continuing authority for six weeks at a time.

OLD BUSINESS

Marina at the Landings / Boatyard Lease Agreement - At the last Board Meeting we entered into a License to Use Agreement, effective 10-1-95, with a business owner operating in the Boatyard complex in Sarasota, adjacent to the Stickney Point Bridge. However, another business owner in

the same complex suggests that our agreement might negatively impact their operation. The District did some research and ordered a survey of the area; the result indicates that the District right-of-way has been encroached upon by an adjacent property owner and the existing License to Use Agreement cannot be fulfilled due to the encroachments. Staff recommends approval of an agreement to rescind the existing agreement with "Marina at the Landings" in order to address the encroachment issues with another business owner (Coasters Restaurant). Staff also recommends approval of a resolution requesting conveyance of a dedicated right-of-way adjacent to the Stickney Point Bridge from DOT to WCIND exclusively. Presently there may be the potential for user conflict between DOT and WCIND involving the nature of this shared easement. Counsel Perrey explained that there was a mutual mistake of fact about the property described in the License to Use Agreement and an adjacent small piece of land. The other problem is that right in the middle of our easement are big wooden decks covered with canvas as part of the restaurant facility. They should not be there. Resolution 95-8 requests that DOT convey a small piece of disputed property to WCIND. Then we can go to the COE and say that no one can use the restaurant property for waterway purposes, but the other piece of property is better suited for waterway purposes. Ultimately we can go to the restaurant owner and sell our easement to them, thereby clearing up the encroachment problem.

Commissioner O'Neil moved to rescind the License to Use Agreement with Marina at the Landings. Commissioner McClash seconded. Motion carried unanimously. Commissioner McClash moved to approve Resolution 95-8 regarding the requested conveyance from DOT. Commissioner O'Neil seconded. Motion carried unanimously.

Venice Marine Park - Mr. Listowski said we have switched consultants on this project, and the design/engineering company of record is now the project manager as well. We are very close to obtaining the SFWMD permits to construct the project. The next phase would be an RFP for a construction contract. One piece of good news we came across recently is a 1971 easement agreement between the city and Seaboard Railroad that may give us the opportunity to enhance our access to and from the property. This area will again be used as a staging area for Phase II of the Venice Beach Renourishment plan.

Pilot Project for Anchorage Management - Staff has made presentation to the Manatee County Commission Chairman and the City of Sarasota Parks and Recreation Advisory Board. The first meeting of the newly-created Regional Harbor Board will be on November 27, 1995 in Fort Myers. A video introducing the project will be distributed to all governmental entities within the five-county region. Inter-local agreements will be developed to facilitate this five-year project.

Spoil Management Plan - We have the names of county staff liaisons for this cooperative project with the District and will schedule a workshop soon.

Longboat Pass Dredging - Counsel Perrey explained that New Pass is the base bid, with Longboat Pass an option. New Pass dredging is definitely on the schedule. The soonest Longboat could be done would be October of 1966, and there is still some controversy about the disposal site.

Because of the delay, some of the easement work will have to be redone. Big Sarasota Pass is very dangerous, but it is not a federal pass. Mr. Listowski said the District is ready to assist the county in an effort to improve navigational safety at Big Pass. One way could be to do an inlet management plan on Big Pass to serve as a guide and as a prerequisite for any permit Sarasota County would need to get from DEP or any other agency. Commissioner O'Neil has a list of items to go over with his staff. Commissioner O'Neil suggested that New Pass and Big Pass should be switched regarding the oversight authority (federal or local). Ms. Hanson said that would be extremely difficult to accomplish.

Commissioner O'Neil moved to bring back a provision to see what WCIND can do about funding a study to determine whether Big Pass is in actuality, considered a federally designated pass, whereas New Pass is not. Motion was amended to authorize up to \$10,000 for an outside consultant, if needed. Commissioner O'Neil seconded the amended motion. Motion carried unanimously.

Ms. Hanson referred to the proposed dredging of the Venice Inlet. Snake Island was proposed as the disposal site, but the state objected because of the wildlife in the area. The Corps will set up a meeting with state officials and discuss with them the possibility of using the dredged material to stabilize the island and prevent erosion of historical and cultural artifacts which have been found there.

NEW BUSINESS

Project Agreement Language Amendment - An assistant county attorney in Charlotte County has requested a change in an indemnification clause in our project agreement, which has not been changed since 1990. We have also had another request for some changes to our application relative to Chapter 287, Florida Statutes, from Sarasota County. Counsel Perrey explained that the current indemnification clause is no longer valid because of a change in state law. A form change amounts to a rule change under the Florida Administrative Code. There are some other innocuous changes that should be made at the same time. Staff recommends updating our rule and our forms, with input from county staff. Commissioner McClash moved to direct staff to revisit the existing project agreement and make appropriate changes. Commissioner O'Neil seconded. Motion carried unanimously.

Manatee Protection Signage/Coast Guard Meeting on 10-24-95 - Mr. Listowski said there were some oversights in the permitting and maintenance programs required for the Sarasota County signs which he hopes to avoid in the upcoming Lee County plan. Many agencies were represented at this meeting, and a new piece of legislation to be introduced at the next session should address some of our concerns relative to permitting, conflicting state rules and maintenance responsibilities.

Matanzas Pass Emergency Dredge Project - Lee County is requesting emergency funding to assist in opening up a swiftly-closing Matanzas Channel, hopefully in the near future, to accommodate the commercial fishing fleet, tour boats, gambling boats, etc. This is a \$375,000 request which will come out of our \$1,500,000 District Operating Reserve funds. Material will

be removed from the accreting northerly portion of Bowditch Point on Estero Island. This portion of the island has migrated into the federal channel to a large extent. Commissioner McClash moved to approve an emergency request for dredging the Matanzas Pass federally-authorized channel in Lee County in the amount of \$375,000, and to send a letter to the Corp of Engineers requesting reimbursement. Commissioner O'Neil seconded. Motion carried unanimously.

Adoption of Standard Operating Procedure for Emergency Interim District Administration - Mr. Listowski presented a plan whereby a six-person committee would conduct the district's business in the event of a death or other emergency event in the position of Executive Director (one county liaison staff from each county, the District's accountant, and the District's attorney). Questions arose as to who would be in charge and how long would this committee function. Commissioner Cummings moved to adopt the plan and to appoint the District's attorney as acting Executive Director. Commissioner McClash seconded. Motion carried unanimously.

District Administration - Personnel Report - The District has a full time opening for a secretary, but Mr. Listowski wants to take his time filling this position and will possibly consider someone with technical experience as well as clerical. Commissioner Cummings commented that now is an appropriate time to implement staff reorganization plans. Commissioner O'Neil moved to not exceed \$25,000 when filling this position. Commissioner McClash seconded. Motion carried unanimously.

D.E.P. Letter from Secretary Wetherell - We received a letter from DEP approving the FY95-96 WCIND Budget and Work Plan. Mr. Listowski said that the latest F.A.W. edition was noticeably thicker because of a major effort by state government to repeal many environmental and navigation regulations. We are anxiously awaiting the substitute guidelines for these regulations.

Project C-18 (Navigation Signage) - Staff recommends extending this project to 12-31-95 because severe weather prevented the contractor from completing this project within the three-year limit. Commissioner McClash moved to approve the extension. Commissioner Cummings seconded. Motion carried unanimously. Staff recommends extension for S-38, Venice Marine Patrol, to 12-31-95. Commissioner McClash moved to extend S-38. Commissioner Cummings seconded. Motion carried unanimously. Staff recommends an extension for CAP-5, a project of the Southwest Florida Regional Planning Council. Project has been completed within the required time, but the paperwork just arrived in our office. Commissioner McClash moved to extend until 12-31-95. Commissioner Cummings seconded. Motion carried unanimously.

R.O.W. Easement Use Requests

The local Moose Lodge in the City of Venice wants to put horseshoe pits adjacent to the waterway and behind their building. Staff recommends approval. Commissioner McClash moved to approve. Commissioner O'Neil seconded. Motion carried unanimously.

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Staff recommends approval of a homeowner's request to fill a small, manmade basin and install an overhead lift system at 745 N. Manasota Key Road (Sarasota permit 95-072). All necessary permits have been secured. Commissioner O'Neil moved to approve. Commissioner Cummings seconded. Motion carried unanimously.

NEXT MEETING TIME AND PLACE - Friday, January 26, 1996 at 10:30 A.M. South County Administration Center, Venice, Florida.

ADJOURNMENT - 12:10 P.M.


RAY JUDAH, CHAIRMAN


JACK O'NEIL, SECRETARY