

The December meeting of the Commissioners of the WEST COAST INLAND NAVIGATION DISTRICT was held December 12, 1966, at the Manatee County Office Building.

Present were:

- Ellsworth G. Simmons, Chairman, Hillsborough County
- A. L. Anderson, Vice President, Pinellas County
- Ralph S. Clark, Treasurer, Manatee County
- Mrs. Dorothy R. Flowers, Secretary, Charlotte County
- Kenneth W. Daniels, Lee County
- Robert M. Wright, Sarasota County

- Harlan T. Johnson, Executive Director
- Dewey A. Dye, Jr., General Counsel
- Joe K. Merrin, Engineer
- Gilbert A. Smith, Associate Counsel

ADMINISTRATION

The Chairman being delayed, the Vice Chairman called the meeting to order at 10:35 a.m. Minutes of the November 14, 1966, meeting were corrected on page 702 to read as follows, "Mr. Simmons was appointed Chairman of a finance committee...." The Treasurer's Report was read and accepted. Vouchers #4707 through #4734 were approved for payment. The Director reported that Check No. 4712 in the amount of \$2500.00, payable to the Florida Geological Survey, was included in these vouchers. This check covers one-half of additional expense incurred at the request of WCIND to investigate possible pollution of ground water during dredging of the canal. Estimated cost to District of services during 1967 were \$1500.00. The Board unanimously approved the expenditure and budget.

HEARING OF INDIVIDUALS

The Chair recognized RAdm. C. A. Keller, who introduced Richard Steiner, President of the Venice Area Chamber of Commerce, and Harry Schall, Chairman of the Completion Ceremony Committee of the Sarasota County Chamber of Commerce. Admiral Keller presented a written report on the completion ceremony, including a budget of \$2850.00.

Mr. Schall reported that all dignitaries will be met on their arrival and will be escorted to the Sarasota Motor-Hotel where accommodations have been arranged. He announced that the reception-dinner will cost approximately \$1600.00 and breakfast about \$500.00. The total cost for hotel accommodations, reception-dinner, and breakfast will be about \$2500.00. Transportation will be provided by private and official automobiles. Bus transportation will be avoided. Mr. Anderson complimented the delegation on a splendid job of planning and suggested coordination of details with the Director.

Mr. Simmons assumed the Chair. Dr. John W. Caspersen and his attorney, Mr. John Blair of Venice, were recognized. Dr. Caspersen thanked the Board for the opportunity to appear before them to present his views. He reported that a major item of contention is WCIND's request for easements to pump material to the beaches in future maintenance of canal. Although material pumped to the beaches in other areas provided excellent beach nourishment, the material

pumped from upper Lemon Bay would be silt or other fines. Since this would be harmful to beaches, it should be confined on an island mangrove swamp, which he had offered to provide. Dr. Caspersen contended that his family had suffered financially in previous litigation due to the skill of WCIND counsel and that regulatory power had been used against him in a punitive manner. He suggested that an appraisal be made of properties needed by WCIND by a disinterested party, perhaps an appraiser from the East Coast. He would be willing to meet with a committee of WCIND Commissioners and staff to try to reach a settlement that would be agreeable to both sides.

Mr. Simmons stated that in his opinion the Board must accept previous court decisions and could not possibly negotiate problems already decided in court. As to complaints of severance damages not adequately compensated for, these have all been handled by proper procedures, and the District cannot reopen past settlement unless there is a legal procedure for handling it. He stated that to the knowledge of the Board normal and proper procedures had been followed and if Dr. Caspersen had information to the contrary, it should be presented.

Mr. Clark asked if there were other requests the District was making of the Caspersens that could be settled by negotiation, other than those already litigated. Mr. Dye answered that we need 1,000' of canal frontage, two maintenance easements to the Gulf, an island spoil area, and one revetment easement. Dr. Caspersen

stated that if we pumped to the Gulf it would take five years to clean up the mess. Mr. Simmons stated that it was not the intention of the Board to do anything that would harm the beaches.

Dr. Caspersen criticized appraisers used by WCIND. Mr. Simmons replied that the District relies on competent and qualified professional appraisers and that he thought they were sufficiently professional that they would not give an appraisal that could not be professionally defended. He stated that appraisals are a matter of judgment and that there are honest differences in such areas.

Dr. Caspersen spoke of his troubles with the WCIND, that he offered an alternative to pumping to the Gulf, and stated that if no settlement was feasible he would continue through the courts.

Mr. Simmons alluded to the fact that Mr. O. W. Caspersen had long had the reputation as a friend and supporter of the WCIND and hoped such would remain the case. He expressed the desire of WCIND to save public funds while treating all people fairly.

Mr. Blair spoke briefly on some of the issues. He stated that he was sorry that he had not suggested to the Caspersens that they appear before the Board at an earlier date and he hoped it was not too late to bring about a negotiated settlement. He stated that the Caspersens were dissatisfied with representations of the CE regarding side sloping in their area. Mr. Simmons pointed out that the District has nothing to do with construction.

Mr. Wright reported on discussions with Mr. Finn Caspersen and his belief that a reasonable approach would permit solution of mutual problems without additional litigation. He suggested use of the real estate committee to review the matter and make recommendations.

Mr. Simmons and Mrs. Flowers supported negotiation of matters not yet in suit. Mr. Daniels concurred and expressed his desire for more time to study documents as well as his willingness to inspect the sites.

Mr. Dye suggested that Board members study Dr. Caspersen's memorandum and the WCIND staff reply and that the real estate committee visit the sites and secure additional facts so as to make some recommendation to the Board.

Dr. Caspersen repeated his plea that maintenance spoil in his area not be pumped to the Gulf. Mr. Simmons suggested obtaining advice from a beach replenishment expert. Mr. Daniels reported that the Lee County Engineer was the President of the Florida Beach Erosion Board and suggested that WCIND might wish to use his services. Mr. Clark stated that silt is generated by clearing and development and that this is a problem in all counties. Mr. Simmons announced that being a member of the Governor's Committee on Water Quality he knew that the CE is becoming acutely interested in these matters.

Mr. Dye stated that WCIND was pressed for time on only one of

the Caspersen interests. This is the need for a permanent easement 30' in width along the east side of S/A S3-3. The deadline for acquisition is in January with a contract for work scheduled to be awarded by CE on February 11. The easement is to provide for degrading side slopes, clearing, grading, and constructing a drainage ditch along the side of the spoil area. Dr. Caspersen suggested that an order of taking be filed for this parcel and leave the other matters open for discussion. Upon motion duly made and carried the attorney was instructed to so proceed with respect to the S3-3 easement.

It was decided that the Lands Committee will meet on December 22 in Venice to tour areas involved and further discuss the issues, the Director to arrange details with Commissioner Anderson.

#### PROGRESS REPORT

The Director reported progress through November.

A 100' lot had been purchased across the street from the Venice Yacht Club for use as S/A S3-10A. Mr. Dye reported that WCIND had an offer to purchase this lot, burdened with a permanent pipeline easement at the same price we had paid for the lot plus all expenditures by WCIND on the lot since acquisition. Thus WCIND would obtain a pipeline area from Bay to Gulf free of cost. He recommended that an appraisal be secured prior to sale. It was agreed that the property should be placed back on the tax rolls as soon as it could be done advantageously. Mr. Anderson

suggested that the property should not only be appraised, but it should be advertised locally and bids solicited. The high bid should be accepted if it exceeds the appraised value plus the costs of the appraisal, the advertisement and other expenses. Mr. Dye was instructed to obtain the appraisal and the bids and present them at the next meeting.

The Director announced that the CE has requested WCIND discontinue removal of spoil from S3-3 by February 11, 1967, in order that beautification work by CE contractor can begin.

Approximately 10,000 yds. of oyster shell, resulting from the removal of oyster bar in Roberts Bay has been deposited on the beach in S3-10. An offer has been received to purchase this shell from WCIND. The Board was unanimous that the shell should not be sold as it protects and replenishes the beach.

A hearing for change in bulkhead line in the Stickney Point area, requested by Morris Trading Co., is set for December 20. Although it appears that there will be more material excavated than originally anticipated, it will be a type material that may not be accepted by SRD. It may be necessary to use good material from a previously used spoil area. This should not change the basic plan but could require acquisition of an additional spoil area.

Mr. Smith reported that contract for modification of the Gasparilla bridge has been forwarded to SAL for execution.

The Director announced receipt of a resolution from SRD

advocating the dedication of the Venice Avenue Bridge in recognition of the late Colonel George Kumpe. The Director was instructed to contact the Sarasota County legislative delegation requesting them to introduce this bill.

The Director reported that the Venice Water Supply escrow account could become overexpended due to the \$2500.00 check issued to the Florida Geological Survey plus the estimated cost of continuing this service next year. The Commissioners directed the transfer of sufficient funds from demand deposits to the Venice Water Supply Escrow Account.

The Director recommended that a request from Venice for installation of a drop structure to replace a drainage ditch near Venice Avenue be rejected. During the construction of the Venice Avenue Bridge the SRB filled a portion of the ditch which they have since cleared. Later the City filled about 300' of the ditch. The WCIND and the CE have provided drainage structures where the canal has interfered with drainage previously provided; however, in the present case the canal did not interfere with the previous drainage arrangements. There appears to be no obligation by WCIND to provide the structure requested. This recommendation was approved by the Board.

In reporting on maintenance spoil areas the Director stated that an effort is being made to change the CE requirements to one MSA about every 5,000' in lieu of one every 2,000'. Representa-



tives of CE have been receptive to this suggestion and a detailed study is being made. Mr. Wright asked that it be made clear to the public that the purchase of maintenance spoil areas does not necessarily mean that they will be used. Mr. Simmons stated that requests for fill in other areas are granted when it is cheaper or more desirable to the CE. Mr. Smith announced that a study is being made of the use of pipeline easements acquired by FIND a number of years ago and the affect, if any, of such easements on property values.

The Director reported a complaint from residents of Venice Bay Trailer Park that installation of the North Bridge fender system was blocking their access to Hatchett Creek. The owner of the trailer park has elected to dredge a new channel at his own expense. A permit has been requested from the CE.

It was announced that the CE has supported the WCIND request to SRD that Sunshine Skyway borrow channel be dredged next to the existing channel, thus eliminating a dangerous shoal between channels and providing greater navigation capacity.

Upon motion duly made and carried the Progress Report was accepted.

#### NEW BUSINESS

A notice has been received from the Coast Guard that channel markers will be installed in Roberts Bay and Venice Inlet by January 5, 1967. Although permits have been granted to move some

heavy equipment through the canal it is not known when the waterway will be officially open to navigation.

The Director presented each member with a copy of CE criteria regarding Corps participation in recreational development areas along the waterway. The staff was directed to check on the legality of expenditure of WCIND funds for such development.


Mr. Anderson announced that Pinellas County has initiated plans for Cross Bayou Canal which will connect interior properties with the waterway. He requested WCIND support of the project at no expense to the District. Mr. Dye was instructed to prepare a resolution to this effect for approval at the next meeting.

Mr. Daniels requested WCIND support for a proposal to the CE by Captain Carey Johnson, Harbor Master, for deepening the entrance channel at Boca Grande Harbor. This project will make port facilities available to larger ships. The recommendation of Mr. Daniels was unanimously approved by the Board.

The Director was instructed to contact all Boards of County Commissioners before the January meeting to verify Commissioners to serve on WCIND Board in 1967.

The next meeting was set for January 9, 1967, at 10:30 a.m. at the usual place.

The meeting adjourned at 12:45 p.m.

  
Secretary

  
Chairman

PROGRESS REPORT

4 November - 5 December 1966

CONSTRUCTION

Construction Progress - During November the Section 3 contractor excavated 172,700 cu. yds. of earth and advanced 6315 linear feet. At the end of the month the contract was 100% complete, based on distance excavated.

Canal Completion - At 8:07 a.m. on November 28 the dredge CHARLESTON completed initial dredging of the waterway channel. Work remaining includes: clean up minor shoals in the channel caused by silting since the dredge passed, dredging the by-passed area under Venice Avenue Bridge to project depth, grading and grassing side slopes and construction of bridge fenders. Navigation aids will be installed commencing January 5, 1967. No date has been set by CE for opening the waterway to navigation.

Side Slopes - Contractor continued work on seeding, fertilizing and watering side slopes in Venice area. A new consent letter has been signed by Dr. John W. Caspersen which has been accepted by CE.

S/A S3-3 - The 30' easement requested from Caspersen interests to permit grading, drainage and cleanup has been made part of a settlement proposal by Dr. Caspersen. This will be considered at the December meeting. Letter received from CE suggesting a new plan for removal of spoil from this area. Information passed to Morrison Trucking Co. requesting compliance. Blackburn Paving Co. has orally requested permission to remove spoil from one of our spoil areas. They were informed to submit official request and were advised as to information desired. When received, this may require a basic change in WCIND spoil disposition plans.

S/A S3-9 - A breakout on the northwest corner of this spoil area caused several complaints. On November 27, Norfolk was requested to cease spreading this spoil by using the propeller of a boat. They complied with this request. Subsequently, they used a dragline to partially rectify the condition, and on the weekend of December 3, the dredge CHARLESTON proceeded in the area for a major cleanup. Additional spoil to bring this area more nearly up to planned size was obtained by removing a shoal from the right of way in Cut S-15 and from a channel cut into the property in order to clean out silting in Curry Creek. The area now approximates planned size.

S/A S3-10 & 10A - Spoil Area S10A was filled to the approximate height of the adjoining property. A general agreement has been reached with Mr. Elferdink concerning the grading of the property; however, no operations are to be started until Mr. Elferdink has cleared the level of his property at the south boundary with the adjoining owner. At present, approximately the north ten feet of WCIND property in S10A cannot be developed due to the need of a drainage ditch leading from the property to the north, which is, in part, below sea level. Either the large open ditch must remain or approximately \$600 must be spent for drain pipe. Mrs. Mabley, the property owner to the north, has given her consent to filling her property up to the level of WCIND property; thus eliminating the need for the large drainage ditch, or drain pipe. Norfolk Dredging Co. has been requested to provide the required spoil; however, it is probably too late to obtain it.

BRIDGES

SAL Bridge - The District approved and executed the contract for modification of the SAL Bridge across to Gasparilla Island, Section 2, and it has been forwarded to SAL for execution. J. E. Greiner Co., consulting engineers, are now designing the bridge and have submitted to SAL application for submission to CE for permit.

Stickney Point Bridge - Morris Trading Co. has requested a change in bulkhead line and fill permit. Hearing has been set for December 20. WCIND has filed letter in support of the application with Sarasota County.

LANDS

Section 2 MSA's, Charlotte County - Basic plan received from CE with copies being sent to conservation agencies for comment. Plan is incomplete and correction is necessary. Copies forwarded to interested Commissioners.

Section 4 MSA's - Dewey Dye and the Director visited CE office in Jacksonville on November 23, primarily to discuss the problem of maintenance spoil areas. In addition, letters were written requesting the comments of the CE concerning the use of underground pipelines, the barging of spoil, and the reduction of the number of pipeline easements required. The representatives of CE were receptive to reducing the number of pipeline easements required only if the WCIND would agree to pay the extra pumping costs occasioned thereby. A written request has been made to reduce the requirement

for pipeline easements from one per 2,000 ft. to approximately one every 5,000 ft. The CE has been requested to provide information on the actual cost involved. No replies have been received on any of the foregoing subjects. An effort has been made to expedite replies both orally and in writing.

The Director and Jack VanNorman inspected Manasota Key and determined that none of the areas purchased by the WCIND are involved in areas being used for picnicing by residents from off the Key. There are no "turn outs" at any of the lots owned by the WCIND and it appears that these locations are not used by the public. It was determined that it would be to the best interest of WCIND and of the residents of the Key not to call attention to these locations. The President of the Manasota Key Association, Mr. Fowler, was informed of this position, and requested to advise the Director if any revision was considered necessary. No information has been received indicating the need for a change in this policy.

UTILITIES

Turin Street Waterline - Installation of Turin St. waterline was accepted by the City of Venice on December 1, 1966. The line has been purified, tested and placed in service.

ADMINISTRATION

Completion Ceremony - Preparation of invitation list continues. Progress has been slow due to the press of other events.

Public Relations - The Director spoke to the Bradenton Civitan Club on November 29. Dewey Dye spoke to the Mens Club of the Palma Sola Presbyterian Church of Bradenton on November 28.

Photographs were taken of S/A S10 both before and after the spoiling operation. Mr. VanNorman was in Venice on November 26 in response to complaints regarding the breakout of S/A S3-9. The Director made a similar trip on November 27.

Roberts Bay Shoal - In response to a request from the City of Venice, the Coast Guard Auxiliary and the Chamber of Commerce the Director obtained permission from the CE for removal of a shoal in the right of way of Cut S-15 between Stations 13+00 and 15+00. This shoal and oyster bar constituted a hazard to navigation created, in part, by the construction of the waterway. The construction of the waterway had obscured the fact that this was a continuation of

a point, which experienced navigators would naturally avoid. Approval was obtained on November 28, from all members of the WCIND Board for this project, including an appropriation of \$1200. The remainder of the required money will be provided as follows: \$1200 by Eagle Point, Inc. and \$1200 by organizations sponsored by the Venice Area Chamber of Commerce. The Director of the Chamber of Commerce assumed responsibility for this money. Norfolk Dredging Co. was advised to bill each organization for 1/3 of the cost, \$1200 each. Mr. Leroy Burger of the Coast Guard Auxiliary, one of the original sponsors of this shoal removal, was requested to inspect the shoal removal and reported on December 3 that the shoal had been properly removed.

Groundings, Venice Inlet - Reports were received from RAdm. C. E. Keller and from Mr. Leroy Burger of the U.S. Coast Guard Auxiliary concerning additional groundings at Venice Inlet. These reports were forwarded to the CE office in Jacksonville.

Hatchett Creek Channel - The Director appeared before a group of citizens headed by Mr. George Blanchard, in Venice on November 15. They requested that access to the waterway from Hatchett Creek be improved. The contractor installing fenders on the North Bridge for the SRD was restricting their access. Arrangements were made for Bay Dredging Co., SRD contractor, to cut a channel as a modification to the SRD contract. This proposal was rejected by Mr. DeRoach, owner of Venice Bay Trailer Park. He proposed to cut a channel further to the east at his own expense. This infringed on a permanent WCIND spoil area and was adjusted back to approximately the alinement originally proposed, as suggested by the WCIND. The request of Mr. DeRoach has been forwarded to the CE. It is supported by the WCIND.

Waterway to Naples - The Director and attorney discussed this proposed project with CE staff during the November 23 visit to Jacksonville. CE will send any information they have concerning the project.