

The June meeting of the Commissioners, of the WEST COAST INLAND NAVIGATION DISTRICT, was held June 12, 1972, in the Commission Chambers, Manatee County Courthouse, Bradenton, Florida.

Present were: Ellsworth G. Simmons, Chairman, Hillsborough County
 Kenneth W. Daniels, Vice Chairman, Lee County
 Larry Rhodes, Secretary, Sarasota County
 Dan P. McClure, Treasurer, Manatee County
 H. William Thompson, Charlotte County
 A. Oliver McEachern, Pinellas County

Charles E. Furbee, Executive Director
 Dewey A. Dye, Jr., Counsel

ADMINISTRATION

The meeting convened at 10:30 a.m.

Minutes of the May 8, 1972 meeting were approved as presented.

The Treasurer's Report was approved as presented. Vouchers #6955 through #6980 were approved for payment.

The Director presented the proposed budget for WCIND FY 1972-73. WCIND Resolution No. 72-04, authorizing 0.03 mill tax levy for the six counties of the District, was submitted for the board's consideration.

The Chairman stated that the increase in FY 1972-73 milage tax levy from 1971-72 of 0.01 mill to 1972-73 of 0.03 mill is considered to be necessary to meet all environmental and pollution control requirements and that the proposed budget is being presented in order to derive the greatest benefit of the waterway use for the public and was in keeping with the new regulations presented for operation of the District. The Chairman suggested that the board consider that State participation should be sought for WCIND cost of projects requirements greater than the State has done in the past because he was of the opinion that in all other projects of this nature the State has participated generously with other waterways more so than with WCIND. Mr. Dye suggested that a delegation of the board arrange an appointment with officials in Tallahassee to discuss State participation in planned project requirements and that WCIND has a good basis this year to make a strong appeal for substantial assistance. Commr. McEachern moved that the board adopt the proposed budget for FY 1972-73 and that Resolution No. 72-04, authorizing the 0.03 mill tax levy for the six counties of the District, be adopted; the motion carried. Certified copies of Resolution 72-04 are to be furnished to the Chairman of Board of Commissioners in the six counties of the District.

The Director submitted Resolution No. 72-05 for board action. This resolution is a request to the State for matching funds, \$42,450, for last property needs acquired; two locations

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in Charlotte County and one location in Pinellas County for a total of \$84,900 expenditure for spoil area requirements. A similar request was submitted to the State two years ago which was denied with the State declaring that funds available had been apportioned for other projects. Commr. Daniels moved that the board adopt Resolution No. 72-05 requesting State matching funds, \$42,450 for land acquired in Charlotte and Pinellas Counties; motion carried.

HEARING OF INDIVIDUALS

George F. Gibbs, Jr. Application

Mr. John F. Burket, Jr., Attorney, representing Mr. Gibbs, owner of the property, appeared before the board in regard to this property, vicinity of Venice Inlet, which was subject to two old easements in favor of the U.S. acquired in the late '30's. The WCIND, with four conditions stated in the Resolution 69-14, did approve the application to the Corps of Engineers for disclaimer to certain rights of way and easements so that Mr. Gibbs may be in a position to develop his property. Mr. Dye reported that there is a long-term lease involved here by the Venice Landmark, Inc., on Gibbs Road - the sublessee; therefore, this tenant also should consent for WCIND to place spoil in the designated place as stipulated in the WCIND Resolution 69-14. A new deed will be given by Mr. Gibbs and his wife; another deed is now required of the sublessee. Mr. Dye stated that he wanted the WCIND board, if it feels so inclined, to affirmatively recommend this exchange to the U.S. on the condition that the four conditions proposed by WCIND Resolution 69-14 are met with additional provision that the sublessee, Venice Landmark, Inc. Condominium Association, also join in this consent of the beach spoil area.

Chairman: "Do you feel that this affirmative action would be in the best interest of the waterway project?"

Mr. Dye: "I do."

Director: "Yes sir, this will clear up the existing confusion; I recommend it."

Commr. Rhodes moved that the board accept the recommendations of Mr. Dye and the Executive Director; that WCIND advise the Corps of Engineers that affirmative action was approved; the motion carried.

ACTIVITIES REPORT

Charlotte County

SCL Railroad Bridge Site - Tampa Ship Repair & Drydock Company received the gear for the bridge on May 24. After installation of the gear and equipment, the bridge structure will be barged, on three barges, from Tampa area to the Placida bridge site as weather conditions permit according to the report received today.

Sarasota County

Sarasota County

WCIND - Morris Trading Corp. Agreement/Sarasota Marina, Inc.-
Sarasota Marina, Inc., new owner, has requested the same agreement that was held by Morris Trading Corporation with the WCIND. Mr. Dye is in the process of transferring the agreement terms WCIND has had with Morris Trading Corp. to Sarasota Marina, Inc.

Venice Marina Proposal - RYWELL CORP. - The Director reported that the request for storage of approximately 40,000 cu. yds. of excavated dirt on to the WCIND adjacent spoil area MSA S-29 was incorporated in the Permit instrument prepared by Mr. Dye and the stipulations for agreement will include a fee of \$225 for a period of six months storage. He recommended board approval. Commr. Rhodes moved that the Permit as prepared by Mr. Dye be granted and the motion carried.

Right-of-way Widener - South Venice - The joint ownership consists of three in the suit WCIND vs. Caspersen, South Venice Civic Association, and the W & A Construction Company. The lawsuit is pending from last year. SVCA legal relations chairman, Mr. Burtine Longacre, proposed that settlement be made out of court with payment of \$2,000 by WCIND and with SVCA waiver of their attorney fees and appraisal and survey expense. Mr. Dye recommended board approval of the out-of-court settlement. Commr. Rhodes moved that the board approve the settlement of \$2,000; the motion carried.

Harbor Lights Mobilsites Area - Request for Seawall - Mr. Herbert H. Hofmann, owner, reported to the board regarding his plans as presented to the board at the meeting on May 8 for erection of a permanent seawall on the waterway Right-of-way beyond his own property line. Photos were submitted to show the condition of the maintenance and appearance of his private property in comparison to that of the waterway property. Mr. Hofmann referred to his written proposal that, if the seawall were to be permitted on the waterway property, then at any time WCIND would call for its removal his agreement would be to remove at his own expense. He stated that a seawall would not only be an asset to the Park there but also to the surrounding area. Maximum depth at the WCIND area is 30 feet and the waterway line runs in a taper both ends, and wider at center. Mr. Dye was asked by the Chairman whether WCIND would be better off to prepare some kind of lease, rather than giving permission for the seawall erection. Mr. Dye advised the other possibility would be to sell to Harbor Lights Mobilsites a fee simple title and reserve navigation easement; then WCIND would not be concerned with collecting rent every year; also, the Corps of Engineers will have to approve or disapprove the seawall sticking out in the right-of-way for a distance of about 100 feet. Mr. Dye preferred a settlement of the property since someone will have to pay real estate taxes if the WCIND leases it. It was the consensus of opinion that the area as is represents an eye-sore; however, the erection of a permanent seawall on right-of-way property was questioned. Commr. Rhodes asked why the C.E. would object to the proposal if the C.E. allows the Marina to build a dock a couple hundred feet from a bridge and it

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sticking out into the waterway. Commr. Thompson questioned whether the Corps of Engineers will approve. Commr. Daniels stated that WCIND might arrange a plan, that will benefit the waterway and also to enhance the beauty of the area, which the Corps of Engineers would also approve. Commr. McEachern stated that he would be in favor of selling the property, reserving navigation rights. Commr. McClure stated his approval of Mr. Hofmann's request.

Chairman: "Mr Hofmann, with the board's willingness to do something if it can be worked out in keeping with good action on the part of this board and protection of the waterway, I believe that you, the Director, and Mr. Dye can get together and, if you bring in a recommendation that will reflect all these views and be acceptable, then this board can approve."

Mr. Dye stated that if Mr. Hofmann will want to approach the proposal on a sale basis then an appraisal will be necessary. The Corps of Engineers must first approve. Commr. McClure moved that WCIND first seek the C.E. decision on the proposal WCIND approves and recommends, the property in question be sold with the underlying fee with WCIND for navigation rights; the motion carried.

Pinellas County

Dredging Project - St. Joseph Sound - The Director reported that the County does not have sufficient area in St. John's Pass and War Memorial Park for all the spoil to be placed. Following a meeting, C.E. representative, Mr. Keith Hamilton; Mr. Dye, and the Director, with the owners of Mediterranean Manors, this location had to be withdrawn because of a building program. Later, Seaside property owner in Dunedin, Mr. Jack Kennedy, offered his location; this area will contain most of the material to be dredged. Diking will be required of WCIND where the material is to be placed. The Girl Scout Camp, Garden Island, was also inspected for location; the smallness of the area and mangrove consideration would not adapt to strong dikes so that it was decided to withdraw from consideration. Further, it is agreed that plans will be for going to the mainland at an industrial site and surveys are being made. Commr. McEachern stated that every possibility in the area has been explored for the placement of spoil. The Director recommended that the board agree to continue negotiation with Mr. Kennedy for the location of spoil; also to negotiate for Garden Island location for future spoil area.

The Chairman stated that maintenance in certain sections of this waterway has and will continue to be a maintenance problem; the areas for spoil placement will become scarcer and with greater regulatory effects. The WCIND should proceed as cautiously and as quietly as possible. Commr. McEachern reported that the Department of Transportation will be underway soon with a large project in the Bay Pines area which may be a place for possible spoil placement.

Commr. Rhodes moved that the board accept the Director's recommendation for spoil placement in Pinellas County; motion carried.

Condemnation Trial

WCIND vs Kane - property is owned by Dr. Boben and wife and the maintenance spoil area is in the Narrows. To get to the upland property one must go by boat. Commr. McEachern stated re a study made in the area that there is a scarcity of spoil areas and it is his hope that WCIND can acquire the area designated. Mr. Dye reported that WCIND is in the process of acquiring the land outright, Travatine Island. Trial date is scheduled for July 10.

GENERALWCIND ACCOUNTS

The Florida Inland Navigation District monthly meeting in Miami on May 12 was attended by the Director. He reported that the implementation of some procedures are being considered for WCIND reports of financial statements. The Director and Mr. Dye met with Mr. Bob Austin, District Deputy Auditor-General of Florida, on May 30 to determine the procedures and establish a Capital Assets Account, "Lands Owned" for property owned in fee simple by WCIND. The Director requested board approval to rescind the WCIND Rules and Regulations for Travel dated October 16, 1967. Commr. McEachern moved that the board approve this request to rescind the WCIND Rules and Regulations for Travel dated October 16, 1967; the motion carried. The Director referred to the WCIND current budget and the 1971-72 salary scale which was still unchanged; he requested the following increases to begin June 1, 1972; \$100 per month for the Executive Director, \$50 per month for the Secretary-Bookkeeper, and \$50 per month increase in retainer fee for WCIND Counsel, Mr. Dye. Commr. Daniels moved that the board approve these increases as budgeted to take effect June 1, 1972; the motion carried.

The Activities Report was accepted as presented.

NEXT MEETING DATE

Monday, July 10, 1972 was recommended as the scheduled monthly meeting date. Because of conflicting date requirements, it was agreed to plan the meeting for a later date and that all the members will be poled for a to-be-confirmed meeting date in July.

The Eleventh Annual Conference on Water Resources Development in Florida is scheduled for June 29 in Tallahassee. The Director proposed that the board request from the State additional participation in WCIND projects during the Annual Conference. The Chairman stated that it is understood that local governments and this District are to make up lists of requirements for presentation on June 29. Commr. Daniels moved that the Director be authorized to prepare the list and present the WCIND Resolution No. 72-05 for Matching Funds on behalf of the board at the Annual Conference; the motion carried.

Mr. Dye, WCIND Counsel, reported that as a replacement for Mr. Gilbert A. Smith, Attorney, and formerly Assistant Counsel for WCIND, that Mr. Dale L. Price, Attorney and Associate of Counsel, be approved and authorized by the board. The board concurred and Mr. Price is now authorized to represent WCIND as Associate with Mr. Dye, WCIND Counsel.

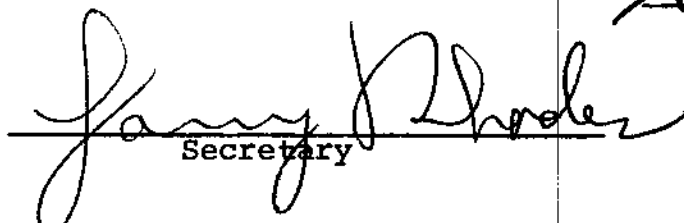
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The Director reported on recent correspondence from the Corps of Engineers regarding reported illegal fills. Commr. Rhodes moved that WCIND work with the Corps of Engineers in verifying ownership records and actual history required as to information on developments within the District; the motion carried.

The meeting adjourned at 11:40 a.m.



Chairman



Secretary

ACTIVITIES REPORT

May 8, 1972 - June 12, 1972

I.

A.

CHARLOTTE COUNTY1. Placida, Florida, SCL Railroad Bridge Status -

a) There has been no change in the bridge status as far as construction is concerned and as far as payments made on the project.

b) Tampa Ship Repair & Drydock Company received the gear for the bridge on May 24. It is anticipated that they will finish installing the gear and equipment and then move the bridge structure from Tampa area within another two weeks.

B.

SARASOTA COUNTY

1. WCIND - Morris Trading Corp. Agreement/Sarasota Marina - WCIND has received a request from Sarasota Marina, Inc., asking that they be granted the same conditions as existed when the property was under the ownership of Morris Trading Corporation. It is recommended to approve the request as an interim measure with the understanding that a release of this property can be made to Sarasota Marina, Inc., when details can be finalized.

2. Venice Marina Proposal: Storage of Excavated Dirt - Mr. Dye has prepared the articles of stipulation for Venice Marina to store approximately 40,000 cubic yards of excavated dirt on WCIND adjacent spoil area MSA S-29. Upon the acceptance by Venice Marina, the board will be advised of the stipulations.

3. Right-of-Way Widener - South Venice Area - Mr. Keith Hamilton of the Corps of Engineers office, Jacksonville, and the Director met with officers of the South Venice Civic Association on June 2 to inspect the ferryboat operation area and also to discuss the right-of-way widener. In discussion with Mr. B. Longacre, chairman of legal relations, S.V.C.A., concerning their portion of the widener which is in a state of pending litigation, Mr. Longacre advised that he felt a settlement of \$2,000 would be acceptable to the South Venice Civic Association. It is recommended that the WCIND Attorney be authorized to submit this settlement figure.

After leaving the officials of S.V.C.A., Mr. Hamilton and the Director visited S/A S3-3 and S/A S3-4 and also the

Venice Marina area for inspection. Mr. Hamilton was well pleased that WCIND was removing spoil from these areas so that the locations would be ready to accept more material if the need arises.

4. Harbor Lights Mobilsites Request to Erect a Seawall - At the last board meeting on May 8, Mr. Dye presented the plan to excavate the right-of-way in front of a permanent seawall by the owner, Mr. Herbert H. Hofmann. The suggestion was then presented to Mr. Hofmann via telephone by the Director. Mr. Hofmann requested permission to appear before the Board of Commissioners of WCIND on June 12.

C. PINELLAS COUNTY

1. Status Report on Dredging Project, St. Joseph Sound - On June 1, the Director and Mr. Dye met with Mr. Joe Vaughn who is the owner of Mediterranean Manors in regards to the placement of spoil on his property. They were joined by Mr. Keith Hamilton of the Corps of Engineers office, Jacksonville, and the engineer for Mediterranean Manors. It was determined that, due to the building program there and lack of space, there would not be enough room for the placement of spoil from the dredging project on this property. Mr. Dye, Mr. Hamilton, and the Director then met with Mr. Jack Kennedy, owner of the Seaside property, on this property and inspected it. It was Mr. Hamilton's opinion that this property could accommodate all of the dredged material; WCIND has Mr. Kennedy's permission for placement of dredged material on his property. Engineering details are to be finalized. This is the area which WCIND will have to dike for containment of the spoil material. Following this, a visit was then made to the Girl Scout Camp area in the vicinity of Garden Island. After inspection, it was determined that the area would be too restrictive for placement of spoil.

2. Condemnation Trial at Pinellas County Courthouse - Trial date is July 10 with pretrial hearing on July 5. This condemnation suit is concerned with the property called Travatine Island and pending for quite some time.

II. GENERAL

A. F.I.N.D. Visit - The Director attended the monthly meeting of FIND at Dade County Courthouse, Miami, on May 12 to observe operations of this board; also, to discuss with the General Manager methods of operation and review their book-keeping system in order to determine if any parts of the FIND system can be incorporated into the WCIND which will improve WCIND's method of presentation of a complete financial statement at the end of the year.

- B. Conference with District Auditor-General - On Tuesday, May 30, the Director and Mr. Dye met with Mr. Bob Austin, District Deputy Auditor-General of the State of Florida, to discuss the recent Audit Report and how WCIND can, with the least amount of expense, comply with the Auditor's recommendations to present a complete financial condition report for the fiscal year. It was agreed at this meeting that the Director will research WCIND records and establish a cost figure to be placed in a Capital Assets Account, entitled "Lands Owned" and which will reflect as accurately as possible the associated cost in addition to the basic cost of each parcel of property owned in fee simple by the WCIND.
- C. Eleventh Annual Conference on Water Resources Development in Florida - This conference has been called by Department of Natural Resources and will take place on June 29, 1972 in Tallahassee.
- D. Corps of Engineers Request for Waterway Pictures - The Director received a telephone request from Mr. Gene Brown, Public Relations, for current pictures of waterway activity. WCIND wrote to WATERWAY GUIDE and the GONDOLIER publications, and requested certain pictures be provided.