

The May meeting of the Commissioners of the WEST COAST INLAND NAVIGATION DISTRICT was held May 12, 1967, at the Manatee County Court House.

Present were:

- A. L. Anderson, Vice Chairman, Pinellas County
- Mrs. Dorothy R. Flowers, Secretary, Charlotte County
- Robert C. Hutches, Treasurer, Manatee 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

Absent were:

- Ellsworth G. Simmons, Chairman, Hillsborough County

The Vice Chairman called the meeting to order at 10:30 a.m. Minutes of the April meeting were approved as presented. The Treasurer's Report was read and approved. Vouchers #4883 through #4915 were approved for payment.

HEARING OF INDIVIDUALS

The Director announced that RADM C. A. Keller of the Venice Area Chamber of Commerce had been scheduled to appear for the purpose of extending an invitation to the Board and staff to the George Kumpe Bridge dedication being held in Venice on May 19. Adm. Keller was unable to make the appearance due to illness and had requested the Director to extend the invitation for him. Commissioner Anderson was asked to deliver the principal address. A painting of the waterway in the Venice area was displayed. This will be presented to Adm. Keller in recognition of his outstanding

supervision and planning of the activities in Venice for the dedication of the waterway.

The Chair recognized Mr. J. K. Landis of Englewood (S/A's C-30 & C-31). Mr. Landis alleges silting and shoaling of a private channel in his property as a result of improper diking of spoil area C-31. When Parkhill-Goodloe Co. dredged the waterway, spoil overflowed the boundaries of the spoil area discharging material into the bay. Mr. Landis alleges this also filled his channel. The CE directed the contractor to clean the area, but Mr. Landis believes that the contractor did not complete the cleanup adequately. Mr. Landis claims "excessive" silting and shoaling of the area is a direct result of these operations.

Mr. Dye stated that the WCIND had no agreement with Mr. Landis except what is covered in the standard form spoil area easement. The WCIND acted only as an agent for the Corps of Engineers in accepting Mr. Landis' contribution to pay extra pumping cost to get spoil on his area. Mr. Anderson remarked that it appeared if there is a legitimate claim it is with the contractor and not the Navigation District. Mr. Landis was advised that WCIND denies responsibility in this matter.

#### PROGRESS REPORT

The Director announced that Conrad Weihnacht Construction Co., Inc. Has been awarded the contract for revetment work in the Venice area.

The Director reported on a trip to Tallahassee made with Mr. Gilbert Smith in which they met with legislators from the WCIND area to gain support for proposed bill amending present WCIND legislation. On May 6, Mr. Dye and the Director appeared before the Sarasota legislative delegation in support of the bill and to oppose Rep. Granville Crabtree's proposal to abolish the WCIND. The Director stated that much of the misunderstanding between the public, newspapers, legislators and the WCIND was, in his opinion, lack of communication. He stressed that he is available at all times to explain the functions and activities of WCIND and that the meetings of WCIND are public meetings. It was proposed that resolutions be adopted by all six counties in support of continuing the WCIND.

Mr. Dye announced that an amendment to Senate Bill 790 (the number given WCIND's proposed legislation) has been assigned to the committee that handles local bills. Several Senators requested this amendment which deletes the portion authorizing WCIND to expend funds for recreation projects. The Board approved the bill as amended, only if it is not acceptable to the legislature as it stands. A copy of the bill, with amendment, will be distributed to members of the Board and the staff.

The WCIND budget for the coming year was approved for presentation to the State Board of Conservation. Two resolutions were adopted for presentation to the Board of Conservation along with

the budget. Resolution No. 101<sup>nd</sup> requests State Board of Conservation disbursement of \$110,500.00 in matching funds for rights of way acquisition. Resolution No. 102 is a request for state matching funds during the ensuing fiscal year.

The Director spoke briefly on his May 4 visit to Florida Inland Navigation District. Any recommendations resulting from this visit would await completion of the present session of the legislature.

Mr. Dye reported that a claim had been received from Mr. C. H. Martin for erosion of his waterfront property since the waterway had been completed. He was informed that the District accepted no liability for this type of claim.

Mr. Dye announced that the District Court of Appeals had affirmed the lower court's decision in the amount of the jury award of \$59,400.00 on the litigation suit between the District and O. W. Caspersen. Mr. Caspersen has sixty days to take certiorari to the Supreme Court.

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

#### NEW BUSINESS

The Director announced that an appointment had been arranged with Mr. Simmons for immediately after adjournment of the meeting. All members and staff are invited to meet at Mr. Simmons' home for the presentation of an album, a resolution of appreciation, and a photograph depicting the dedication of the waterway.

The Director reported that Lawyers Title Service has offered WCIND the use of their microfilming equipment. This arrangement should prove less costly and more convenient than other methods which have been investigated. A contract will be drawn for presentation at the next meeting.

In connection with the upcoming National Rivers and Harbors Congress meeting, the Director announced that the Florida Caucus and Breakfast will be held in the Colonial Room, Mayflower Hotel at 7:30 a.m. on May 31. The Florida Luncheon will be held in the Capitol, Room S207, at 12:00 noon on May 31. A memorandum will be distributed to members and staff detailing arrangements for the National Rivers and Harbors Congress.

Mr. Dye announced that neither the CE or the TIIF has a fixed policy on the placement of sign boards in navigable waters. Permits must be requested and the cases are handled on their own merits as they are presented. The TIIF will try to fix a standard policy as to applications within the waterway right of way if requested to do so by WCIND. Although the WCIND will be consulted whenever a permit is requested, it has no jurisdiction unless the signs are posted in the waterway right of way.

The Director announced that coming editions of CRUISE TIPS will include the West Coast Intracoastal Waterway.

An announcement was made of the temporary closing of the Moorehaven Lock in the Okeechobee Waterway from June 12 through July 17.

The Board approved conveyance of maintenance pipeline easements MPL S-14 and MPL S-15 to the United States and authorized Commissioner Anderson to sign conveyance instruments as Vice Chairman. The Horton easement on Manasota Key (MPL S-10) was closed during the month at a cost of \$5,300.00, the appraised value. On May 15 a pipeline easement in Charlotte County, consisting of a series of three lots obtained from the Gill property in Palm Island Estates will be closed at a cost of \$15,000.00, the appraised value. The Gault easement, immediately south of Palm Island Estates, has been negotiated and will be closed in the near future. One other pipeline easement is being negotiated but has not been located as yet. Cape Haze Island (MSA C-13) was closed during the month. It is a 23.29 acre island immediately south of Cape Haze subdivision at Placida and was purchased for the appraised value of \$13,000.00.

The Board approved agreement as presented by Mr. Dye to be entered into with Mr. & Mrs. Newton. The agreement would allow the Newtons to use, as part of their yard, a section of WCIND right of way; in return the Newtons would allow the WCIND access rights to the waterway via their property. The agreement stipulates that a \$2.00 per month fee be collected for this permit, payable in advance on an annual basis. The permit can be revoked with a five day notice.

The next meeting will be held at 8:30 a.m. on June 10 at the

Bradenton-Sarasota Holiday Inn. This will be the beginning of the second day of the official tour of the waterway. The subject of transportation to Fort Myers and from Tarpon Springs was discussed at length. The Director will complete all arrangements and notify the Board and staff of final schedule as soon as possible.

The meeting adjourned at 12:15 p.m.

W. L. Anderson  
Chairman

Dorothy R. Flowers  
Secretary

PROGRESS REPORT

April 7 - May 6, 1967

CONSTRUCTION

Initial construction was completed on April 6, 1967.

On April 27, 1967 a contract for \$57,450.00 was awarded to Conrad Weihnacht Construction Co., Inc. for revetment work in the Venice area. Work is to start in about 45 days.

BRIDGES

SAL Bridge, Placida - The SAL and J. E. Greiner Co. were informed that the Board of Commissioners, WCIND had approved a silicon rectifier control system. Dredging permit has been requested. Hearing will be held in Jacksonville on May 17.

UTILITIES

Turin Street Waterline - Suit was filed on April 28, 1967, by the City of Venice against Norfolk Dredging Co., J. R. Vann and Porter Richards (Norfolk employees), for damages to the city's Turin Street water main. The suit was filed by Mr. M. A. Braswell as regular City Attorney and Mr. Dye as special counsel. The suit claims damages in excess of \$75,000.00 and has been assigned to Judge Silvertooth in Sarasota.

ADMINISTRATION

Commissioner Simmons - On April 8th Commissioner Simmons was released from the hospital and is convalescing at home.

Tour of Waterway - Dates changed to June 9 & 10.

Legislation - Advertising of "An Act Amending Chapter 61-1590, Laws of Florida" was completed on April 6, and the bill has been presented to the legislative delegations of the WCIND counties. Mr. Gilbert Smith and the Director were in Tallahassee on April 24 and 25 to discuss the bill with legislators from the WCIND area. On May 6, Mr. Dewey Dye, Jr. and the Director appeared before the Legislative Delegation of Sarasota County in support of the bill and also to oppose a proposal by Mr. Crabtree that WCIND be disestablished. Mr. Wright spoke in support of the WCIND position.



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On April 24 a proposed bill entitled "Gulf Intracoastal Waterway Authority Act" was discussed by Mr. Gilbert Smith and the Director with Mr. W. F. Grey of the Suwannee-Anclote District and with Mr. Randolph Hodges of the Board of Conservation. It was decided not to present the bill in this session of the legislature.

Budget - The budget for FY 1968, tentatively approved at the April meeting, was forwarded to Board of Conservation for informal comment. The Director has been advised by telephone that it appears acceptable; no changes are recommended.

Obstruction to Navigation - On April 21 a report was received from Mr. Merrin's office that a channel had been dug from Pete's Marina, Charlotte County, into the waterway. The spoil had been piled to one side of the unauthorized channel forming a promontory extending 75' into WCIND right of way. This was reported to Mr. Broadfoot, CE Clewiston, who stated that he would have the matter corrected.

Trip to FIND - The Director visited FIND on May 4.

Claims - Mr. C. H. Martin of North Manasota Key claims loss of bay front property from erosion since completion of the waterway. Mr. Dye advised Mr. Martin by letter that WCIND was not liable in such cases.

Litigation - In the case of WCIND v O. W. Caspersen for right of way south of Venice the District Court of Appeals in Lakeland announced its decision affirming the jury award of \$59,400.00.

S/A C31-A - Mr. Landis continues to press his claim for damages as a result of silting in his private channel. On April 27 he reported an offer by General Dredging of Bradenton to complete the dredging of his channel, 582' long and 70' wide to 5', at a cost of \$1,800.00. This price was offered since the contractor was between jobs; the normal price would be \$2,400.00. The Director denied liability and rejected the offer.