

WEST COAST INLAND NAVIGATION DISTRICT
BOARD MEETING
MINUTES OF JANUARY 17, 1997
SENIOR FRIENDSHIP CENTER, VENICE, FLORIDA

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COMMISSIONERS PRESENT:

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

STAFF PRESENT:

Charles W. Listowski, Executive Director
Evan Brown, Information Specialist
Philip E. Perrey, Counsel

ADMINISTRATION

Chairman McClash called the meeting to order at 1:30 p.m. Mr. Listowski called the roll. All commissioners were present. Commissioner Judah moved and Commissioner Cummings seconded to approve the Minutes of November 1, 1996, to approve the Invoices Paid for November and December, 1996, and to approve the Treasurer's Reports for October and November, 1996. Motion passed unanimously.

Mr. Listowski would like to have Mr. Leonard present the audit report after the Army Corps of Engineers Comments. Mr. Listowski recommended postponing the Harbor Lights Update to the March 21, 1997 Board Meeting to give the residents time to digest the new lease agreement. The Board voted to approve the new fee structure at its November 1, 1996 meeting. Lee County would like to expand the scope of L-102, and this would be discussed under No. 7 of New Business. Commissioner Judah moved to defer the Harbor Lights discussion to the March 21 Board Meeting. Commissioner O'Neil seconded. Motion passed unanimously.

PUBLIC COMMENT

Mr. Tom Ford, manager of Harbor Lights, asked to be notified if the next meeting time or date was changed. The park was cautioned to get a reputable company experienced in this type of real estate if it wanted to do another appraisal. The chairman explained that it was WCIND's policy to base the fees upon a fair market appraisal. Mr. Listowski hopes to update WCIND's property records, but the situation is complicated by lack of surveys, indeterminate boundaries, very old records in some cases, and differing circumstances of certain lands when the waterway was created.

Dr. D. W. Cummings talked about sea lice, a parasite which affects swimmers by getting into their tight swimwear. The local health department recommends not wearing any swim suits. As

a resident of Harbor Lights, all he is asking is that the mobile home park receive fair and comparable treatment. He asked about the part of the lease saying that "neither this agreement nor any notice thereof shall be recorded in any public record". Counsel Perrey responded by saying that the questioned phrase affected the marketability of the title, and it was to the homeowners' advantage to have this phrase in the lease.

Mr. John Davison spoke about Gottfried Creek, a condominium association of 59 homeowners. Down stream is Deer Creek Mobile Home Park with 99 homeowners. Together they have boat docks for about 40 boats. All the single family and condo-type homeowners reside in Sarasota County, but just before the creek gets to the Rt. 776 bridge it becomes Charlotte County. There is a very narrow pass which they cannot get through in some days with their boats. He requested that WCIND look at the pass to see if it can be kept open in all kinds of weather. About 100 boats must use this pass to get out to the intracoastal waterway.

Commissioner Judah suggested investigating whether Florida Boating Improvement Program funds could be used in this case. Mr. Listowski said that FBIP has consolidated with other programs with an emphasis now on beach renourishment. He will continue to monitor the situation.

DEPARTMENT OF ENVIRONMENTAL PROTECTION'S COMMENTS: Mr. Listowski and Counsel Perrey met in Tampa last week with a DEP contingent regarding comprehensive regional permitting for dredging projects and a waterway management system approach. The consensus seems to be that the Dr. Antonini approach, with the data base we are working on, will provide the regulators with about 90%-100% of what they need to make a positive approval on a project when it is brought to them. We are not sure we can believe them, but it is a good sign that we are on the right track. This approach should eliminate a lot of time lag involved in going back and forth.

At this same meeting Mr. Listowski presented the recently-completed environmental site assessment and feasibility report for Shakett Creek, a project requested by Sarasota County. The report reflects the fact that minor dredging is called for (5,000 cu. yds. approximately). Once Dr. Antonini's study is completed in March, we will know better the amount of definitive material for each hot spot. This will be presented to the Sarasota County Board of County Commissioners for their action next week.

U. S. ARMY CORPS OF ENGINEERS' COMMENTS: There will be a bid opening on January 30th for New Pass. Maintenance dredging work should start in February on Charlotte Harbor/Boca Grande and be completed by May 15th.

ANNUAL AUDIT REPORT: Mr. Ed Leonard was invited to present the audit report which received the highest level of opinion that can be given by a CPA firm. The District is in an excellent financial position, the general fund is still very liquid, and the accounts payable figure represents some large projects which were just completed and the liability for which was accrued. The fund equity in the general fund is \$3,694,060, more than half of which is listed as reserve for encumbrances (already spoken for in projects). The District spent less than budgeted,

and many old projects were completed, more than ever before in Mr. Leonard's memory. Expenditures also included the emergency dredging in Lee County. All the District's investments are very safe and complied with state law.

Regarding the three required statements for an audit, there were no material weaknesses in our internal control system, there were no compliance deviations from the Auditor General's rules, and the management letter did mention a few required forms were missing from the project files. These forms were available from the counties and were placed in the proper files. None of the missing forms were of a significant nature. The District is not in a state of financial emergency. It was a very clean audit report. Mr. Leonard was thanked for his presentation.

OLD BUSINESS

Waterway Management System Project Update - Mr. Listowski believes Sarasota County will be requesting assistance from WCIND for a feasibility report on Philippi Creek similar to the one on Shakett Creek. Residents from Gottfried Creek have approached our office requesting assistance on a dredging project in Charlotte County waters. Staff recommends board direction to coordinate a regional benefit project for Gottfried Creek using data compiled by the Antonini study. We will try to create an interlocal agreement to be developed with WCIND counsel and counsel of both counties to make it a workable plan. Perhaps there can be a sub-fund created for these kinds of projects similar to the CIP fund. Commissioner Judah moved and Commissioner Cummings seconded to approve staff's recommendations. Motion passed unanimously.

Sarasota County has recently passed a motion to request WCIND's assistance to develop a feasibility report for the dredging of Philippi Creek. Commissioner Judah moved and Commissioner O'Neil seconded to support this request when the paperwork is forwarded to us. Motion passed unanimously.

Regional Harbor Board Update - Recent action by the RHB supports the concept of a sites specific management plan as the implementation instrument for regional anchorage supervision monitoring under a nonregulatory approach. There is a meeting in Tallahassee on February 5th which Mr. Listowski may attend. Secretary Wetherell or one of her representatives will attend.

Counsel Perrey reported that the RHB wanted to go for a nonregulatory approach which will involve boater education of the public. Coupled with that has been a request to the local governing jurisdictions that they would suspend the enforcement of their regulations for a period of time to give this approach a chance to work. In some jurisdictions there is a reluctance to sign a written waiver giving up the right to enforce one's rules and regulations. In some communities the RHB thinks there is a better chance to go with some form of regulation that may involve a management agreement or a memorandum of understanding which would not involve a written waiver of the local government's right to enforce their own regulations.

Venice Marine Park Update - Permits have been secured from the Corps of Engineers and the Water Management District for the project. Staff recommends negotiation on extension to the existing agreement with Tignor & Associates for drafting construction documents for the bidding

process, not to exceed \$10,000. Commissioner Judah moved and Commissioner Cummings seconded to approve staff's recommendation. Motion passed unanimously. Counsel Perrey and Mr. Listowski have met with Mr. Gordon Faye, owner of Seminole Gulf Railroad, and came up with the idea of improving safety for the public by enhancing our access to the site via a License to Use Agreement with the railroad. Mr. Listowski is confident that details can be worked out. Counsel Perrey said we will have to pay some money to cross the railroad easement.

Waterway Guides and Information Update - Mr. Evan Brown of the WCIND staff was introduced by Mr. Listowski. He explained our distribution policy and assured everyone that we had more than enough copies to handle current needs. To date we have distributed 26,707 copies out of 50,000 copies printed. We are instituting a quarterly newsletter program, and the first issue will be mailed next week. Commissioners will be receiving copies. We are talking to companies about microfiche and electronic scanning for the permanent storage of our property records. Our e-mail address is wcind@gate.net.

Blue Seas Lease - Commissioner Judah moved and Commissioner Cummings seconded to approve a 60-day lease extension to May 20, 1997 as requested by Blue Seas, Inc. Motion passed unanimously.

Tampa Bay RPC Presentation - Counsel Perrey and Mr. Listowski met with the "Agency on Bay Management" in an attempt to resolve the issues of Pinellas and Hillsborough Counties. Mr. Listowski is hopeful that a meaningful dialogue and relationship can be established with them.

Florida Association of Special Districts Seminar - Counsel Perrey and Mr. Listowski attended a seminar that was targeted at special district board members in an attempt to educate them about their duties and responsibilities. They met the attorney for the association who has expertise and contacts which we would like to take advantage of. We might enter into an arrangement with that attorney to consult with him on an "as needed" basis, subject to the same hourly rate of \$125 established by the Florida Administrative Code and reimbursement of expenses according to Chapter 112 of Florida Statutes. Staff was directed to report at the next Board Meeting on a master plan including budget and scope of services for consulting with Mr. Terry Lewis of the Florida Association of Special Districts.

NEW BUSINESS

Election of District Officers - Commissioner O'Neil moved and Commissioner Cummings seconded to keep the same elected officers for another calendar year. Motion passed unanimously. Congratulations all around!

District Property Management Update - Staff recommends Board direction to survey appropriate parcels relative to future uses, vegetation, and the Army Corps of Engineers' disposition. Sarasota County, through Commissioner O'Neil, may want to speak about a project that may be appropriate for an agency that has contacted him for some support from us.

Commissioner O'Neil said the request has come from the Suncoast Foundation for Handicapped Children. They are the prime sponsors of the July 4th offshore races and over the years have provided approximately \$3 million worth of construction. They are not in the land business, only bricks and mortar. Other agencies provide the interior details. WCIND has about 38 acres adjacent to By Pass Park in Venice. Commissioner Cummings moved and Commissioner Judah seconded to evaluate the proposal and bring back recommendations at the next meeting. Motion approved unanimously.

Commissioner O'Neil moved and Commissioner Judah seconded to have Mr. Listowski look into the details of all WCIND's property, including surveying appropriate parcels relative to future uses, vegetation, and A.C.O.E. disposition. Motion passed unanimously.

District Safety Deposit Box - Staff recommends approval of an updated resolution, No. 97-1, authorizing entry to the box by Mr. Listowski and Mr. Perrey. Commissioner O'Neil moved and Commissioner Judah seconded to approve the recommendation. Motion passed unanimously.

Stump Pass Update - We received a letter from the Chairman of the Charlotte County Board requesting assistance. Mr. Listowski has made contact with a consulting engineer who is going to be in the area surveying conditions for a private entity doing beach renourishment adjacent to the pass. Staff recommends direction to staff consistent with the Charlotte County request for assistance and also approval of the concept of hiring Humiston & Moore, Engineers to provide a condition survey as a foundation document to feature plans for the pass. The survey will monitor conditions in the pass from 1993 to the present, how they have deteriorated, what the acceleration rate might be, and make some recommendations on how to correct the conditions. Commissioner Cummings moved and Commissioner Judah seconded to approve the staff recommendation to proceed with the study not to exceed \$10,000. Motion approved unanimously. Results should be available within 60-90 days.

Legislative Overview/Rule Change Proposal - About a year ago Mr. Listowski and Mr. Perrey got together and decided that the F.A.C. 16S-2 needed to be brought up-to-date. They started to do that and got sidetracked. They began to look at the FBIP model, but that program has changed dramatically. They also consulted with the Florida Association for Special Districts and the Regional Harbor Board and looked at the waterway management system approach and the sundown process. We may be looking to amend our legislation even more dramatically than just changing the F.A.C. We may need to get some enhancement to our enabling legislation in order to move forward on some issues so we can be partners with the state. Counsel Perrey said we might want to codify all our special acts since 1947 into one easy to read document. Staff was directed to come back with a proposal, budget, and scope of changes we may wish to make.

Lee County Request for Expanded Scope of L-102 - The original obstruction in the City of Fort Myers waters was removed for much less than projected. Since the unspent funds could be readily used to remove more submerged piles and other unidentified objects in the river, the city is asking through Lee County to expand the scope of the grant agreement to allow for the additional navigational improvements in the Caloosahatchee River. Commissioner Judah moved

and Commissioner Cummings seconded to allow the expanded scope of L-102. Motion carried unanimously.

PUBLIC COMMENT - Mr. Ralph Strubel asked about the status of Curry Creek. Mr. Listowski had no information to impart except to say that it is a stormwater problem and that Sarasota County has not asked for any assistance. Chairman McClash suggested that Mr. Listowski get together with Commissioner O'Neil who offered to make a formal request at the next Sarasota County Commission for direction.

Mr. Listowski said he would like to check with Dr. Antonini to see if there is a navigation impairment at Curry Creek. Chairman McClash promised to have something to report at the next meeting. Dr. Antonini's study down to the Charlotte County line is due in March. Areas like Shakett Creek and Gottfried Creek will require special attention.

NEXT MEETING TIME AND PLACE - 10:30 A.M. on March 21, 1997 at the South County Administration Center, Venice, FL.

ADJOURNMENT - 3:05 P.M.