

WEST COAST INLAND NAVIGATION DISTRICT  
BOARD MEETING MARCH 22, 1996  
MINUTES OF FRIDAY, MARCH 22, 1996  
SOUTH COUNTY ADMINISTRATION CENTER, VENICE, FLORIDA

MINUTES OF MARCH 22, 1996

A regular meeting of the West Coast Inland Navigation District was held on Friday, March 22, 1996, at 2:00 p.m. at the South County Administration Center, Room 228, Venice, Florida.

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

STAFF PRESENT:               Charles W. Listowski, Executive Director  
                                    Philip E. Perrey, Counsel

ADMINISTRATION

Commissioner McClash called the meeting to order. Mr. Listowski called the roll. Commissioner Judah moved to approve the minutes of January 26, 1996. Commissioner Cummings seconded. Motion approved unanimously. Commissioner Judah moved to approve the invoices paid for the months of January and February, 1996. Commissioner Cummings seconded. Motion approved unanimously. Commissioner Judah moved to approve the treasurer's report for December and January. Commissioner O'Neil seconded. Motion approved unanimously. Mr. Listowski wanted to add No. 7 under New Business: Resumption of the discussion concerning Mr. Perrey's legal services to the District. Commissioner O'Neil moved and Commissioner Judah seconded to add this item to the Agenda. Motion approved unanimously.

U.S. ARMY CORPS OF ENGINEERS - No one was present from the ACOE, but Mr. Listowski said we received a recent fax from Marlowe & Co, Washington, D.C. lobbyists, and a watch dog for local governments. The Corps' 1997 budget requests for construction-general stands at \$914 million and for operations and maintenance \$1 billion 663 million. It looks pretty good for the reimbursement request for the \$375,000 in emergency dredging funding for Matanzas Pass.

OLD BUSINESS

Status Report on Matanzas Emergency Dredge -Rep. Goss has made a plea to the Appropriations Committee at the end of February for reimbursement of that money to the District for the Fort Myers Beach area (Matanzas Pass). Lee County has submitted a supplemental funding request for \$300,000. Commissioner Judah took over the explanation. Funds from the Intrepid Waters project were redirected to this project, but it will not be enough. Unfortunately, because of bad weather some local companies working in the area did not bid the

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project. The low bid of five came in at another \$300,000 above the \$575,000 that has been set aside. Commissioner Judah has worked tirelessly on this project, but it has still taken five months to get the necessary Corps and state permits. Construction must be completed by May 1. Any unspent capital funds that Lee County has currently budgeted for other projects under WCIND funding will be used to replenish the contingency reserve. He has a letter from Rep. Goss' office saying that they will request reimbursement from the Corps for the \$375,000 originally committed and the extra \$300,000 if so approved today. This is a federal project that should have been done by them in the first place.

Commissioner McClash suggested that the District develop guidelines for the use of emergency reserve funds.

Commissioner O'Neil asked for comments from our counsel, Mr. Perrey. He agreed that it would be prudent to establish some sort of policy regarding reimbursement. A 50% number would still let a member county do some projects from year to year, but it would also recognize an obligation to replenish the funding to the prior level so that it will be there when some other county needs it.

Commissioner McClash framed the motion as follows: WCIND approves the emergency funding of \$300,000 for the Matanzas Pass project. The money will be repaid either through the unspent CIP funds for Lee County, or reimbursement from the ACOE, or the 50% of future years' appropriations or as may be determined by the District. Commissioner O'Neil moved the above motion. Commissioner Judah seconded. The motion was amended to include wording that approval by WCIND Board is contingent upon approval by the Lee County Board of County Commissioners.

Commissioner McClash said he would work with staff to draft guidelines for reimbursement of funds from the contingency reserve. We also need to work on a memorandum of understanding with the ACOE that when we have to do emergency dredging on one of their federally maintained passes or in the ICW we are going to get the funds back. Commissioner O'Neil suggested that the Lee County Commissioners send a letter to Rep. Goss, filling him in on what has occurred, and send a copy to the other three counties so they could put it on their letterheads and send it also to Rep. Goss as a show of support. It could also be sent to Rep. Dan Miller also. The point to make is that the federal government should be maintaining their passes.

The motion was approved unanimously.

Update on the Regional Spoil Management Plan - This team consists of representatives from all member counties, and a representative of Sarasota Bay N.E.P. has been involved. Strategies are being developed, and multi-county base map creation, including all potential public/ private parcels is underway.

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Report on the Regional Harbor Board - The RHB continues to meet regularly, and legal counsel from each participating entity attended the most recent meeting. It will be difficult to convince all local jurisdictions in the five-county pilot program area to discontinue regulation/management of anchorage areas. Counsel Perrey advises that we pursue "management agreements" between FDEP and WCIND. The SWFRPC will be asking for a \$10,000 appropriation for the next budget cycle. Mr. Listowski was directed to attend future meetings of the RHB and continue to report back to the WCIND Board.

Siesta Key Bridge Easement - In the fall the District entered into a license agreement for an area that we have an easement across. After the agreement had been approved and signed, it was determined that there was a mutual mistake of fact between the parties (what land was to be covered by the agreement). At a later Board Meeting we formally terminated the license agreement. Mr. Perrey wrote to the attorney for the licensee and sent him a written termination agreement that would undo the transaction. He has gotten nowhere with the opposite side in getting the issue resolved amicably. Mr. Perrey recommends that he write another letter and say that if we do not have the signed termination agreement within a certain period of time we will make an appropriate legal response, which may include filing a lawsuit. Commissioner O'Neil moved to direct counsel Perrey to send a letter (return receipt requested, certified mail) with a 10 day response time, and if no response is forthcoming, to file a lawsuit. Commissioner Cummings seconded. Motion carried unanimously.

Venice Marine Park - We are still awaiting final approval by the ACOE on this project. All other agency permits have been secured.

Section 1135 - The 1135 program is an ACOE funding mechanism for projects that are designed to alleviate problems resulting from the original construction of the waterway. The Sarasota Bay N.E.P. has requested that the WCIND Board allow staff to cooperatively apply for funds from this federal source as a local sponsor. The N.E.P. has not finalized the project scope but will submit an application before the next Board Meeting in May. Staff recommends Board direction to cooperate with the application process and to implement a letter of intent to be signed by the WCIND Board Chairman, which says that if it is feasible and advisable to implement an ecosystem restoration at Sarasota Bay WCIND is willing and able to provide 25% of the total cost, provide necessary lands and easements, and maintain and operate the project after completion. As local sponsor we would have several opportunities to withdraw from the project. Commissioner O'Neil moved to cooperate in the application process. Commissioner Judah seconded. Motion carried unanimously.

## NEW BUSINESS

Coastal Restoration Meeting/Lee County - Mr. Listowski attended a meeting with Lee County officials and the ACOE relative to beach renourishment projects that are funded by the Corps.

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The navigation projects and shore protection projects may continue to receive some funding according to the budget just submitted. The Corps was encouraging Lee County officials to lobby congress in favor of such continued funding. Commissioner O'Neil moved to send a letter to the congressional delegation supporting the authorization bill for federal shore protection projects. Commissioner Judah seconded.

Motion carried unanimously.

Charlotte County Marine Resources Workshop - This was very informative for the participants. Consult summary of meeting notes in the folders.

Public Interest Environmental Conference/U. of Florida College of Law -

Staff made a presentation as part of the waterway management panel of this conference. Jeremy Craft of F.D.E.P. made some interesting comments concerning demographic population projections to the year 2010. It is quite scary to consider that the state of Florida land mass might have to support 91 million people. Specific reference was made relative to Charlotte County having 30,000 undeveloped waterfront lots. Current registered boat population in Charlotte County is 13,000, but by 2010 they are projected to have 43,000 boats registered in that county.

Waterway Management System - Dr. Antonini made this presentation. Planning on the water is woefully behind land use planning. We have added miles and miles to our shoreline by the dredge and fill method. These canals were not developed as a system for boat traffic. They were designed to maximize waterfront access. There are now 53 miles of canals and waterways between Cortez Bridge and Siesta Bridge. Charlotte County has over 250 miles of navigable waterways, 90% of which are manmade. There are all kinds of problems associated with these waterways: official and unofficial signs, charted and uncharted signs, coastal management, habitat restoration because of the traffic, water quality, water depth, etc. These canals have become extensions of residents' backyards.

He has prepared a pilot evaluation of the Sarasota Bay area as a whole as well as for 47 source areas. He conducted a field census of 5,000 boats, up and down the canals, about 2300 shore facilities, docks etc., and about 900 signs. Water depth studies were done, boat locations were plotted, seagrasses and mangroves are shown, all of which is evaluated and shown on maps to indicate the accessibility of boats in the area to open water.

Mr. Listowski said that the Sarasota County Board of County Commissioners recently approved the expansion of this kind of data base project from the Siesta Key Bridge south to the end of the county. We are helping them work out ways to pay for the project. State agencies which make regulatory decisions have shown enthusiasm for these kinds of projects. Staff recommends direction from the Board to set up a meeting with FDEP to present Professor Antonini's work for future consideration in their funding and permitting guidelines and also to pursue the analysis of

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the scope and cost of the study to expand this project from the Siesta Key Bridge south to the county line. Commissioner O'Neil moved the above recommendation as a motion. Commissioner Cummings seconded. Motion carried unanimously.

Bay Isles Initiative - Mr. Sam Britton of the Bay Isles Neighborhood Association was given permission to address the Board. The developer had turned the Bay Isles area over to the homeowners in January, 1991. The channel area around Bay Isles is about 10% of what Sarasota Bay encompasses - 680 acres, 6 miles of channels, and 594 docks, including the marina. Dr. Antonini's studies have helped these homeowners immensely by putting them in touch with the right people. They take care of their channels themselves. They are trying to reestablish the perimeter of mangroves that had been destroyed over the years through neglect and boat traffic. Having the information from Dr. Antonini's work has proved to be invaluable.

Sarasota County Navigation Projects - Mr. John McCarthy of Sarasota County presented three different applications for projects: one for the City of Sarasota Police Department, and two for Sarasota County Natural Resources Dept. Commissioner Judah recommended approving these three CIP projects for a total of \$135,400. Commissioner Cummings seconded. Motion approved unanimously. They will be designated CIP-17, CIP-18, and CIP-19.

Legal Agreement with Philip E. Perrey - Mr. Listowski read Resolution 96-1 pertaining to private attorney services into the record. This provides for retaining the legal services of Philip E. Perrey, Esquire, and establishes the fee schedule for billing purposes. Commissioner Judah suggested that the ending date of this agreement be changed to coincide with the end of our fiscal year, September 30, 1996. This was agreed to. Commissioner Cummings moved to approve the resolution and to have it signed by Chairman McClash. Commissioner O'Neil seconded. Motion approved unanimously.

**NEXT MEETING TIME AND DATE:** 10:30 on Friday, May 24, 1996, in Venice.

**ADJOURNMENT:** 3:55 p.m.