

WEST COAST INLAND NAVIGATION DISTRICT
BOARD MEETING
MINUTES OF NOVEMBER 14, 1997
SOUTH COUNTY ADMINISTRATION CENTER, VENICE, FLORIDA

MINUTES OF NOVEMBER 14, 1997:

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

COMMISSIONERS ABSENT: Adam Cummings, Charlotte County

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

ADMINISTRATION:

Chairman McClash called the meeting to order at 10:40 a.m. Mr. Listowski called the roll. Commissioner Cummings and alternate Commissioner Horton were absent. Commissioner O'Neil moved and Commissioner Judah seconded to approve the minutes of September 12 and September 19, 1997. Motion passed unanimously. Commissioner Judah moved and Commissioner O'Neil seconded to approve the invoices paid for September and October, 1997. Motion passed unanimously. Commissioner O'Neil moved and Commissioner Judah seconded to approve the treasurer's reports for August and September, 1997. Motion approved unanimously. Mr. Listowski stated that the agenda had had three new items added to new business, making it a total of 10.

PUBLIC COMMENT: - No one wished to speak from the audience.

DEPARTMENT OF ENVIRONMENTAL PROTECTION'S COMMENTS: - Mr. Listowski reported that DEP comments would be covered under reports of meetings that have been held with the DEP.

U. S. ARMY CORPS OF ENGINEERS' COMMENTS: - Mr. Listowski stated that he and Counsel Perrey would be meeting in Jacksonville with Mr. Bonner of the Corps on December 3 to discuss District matters and operation and maintenance issues.

OLD BUSINESS

1. **Suncoast Foundation License Agreement - By-Pass Park Property in Venice:** Counsel Perrey reported that he had met with the assistant county attorney and had worked out a Lease Agreement. He recommended approval by the Board. Mr. Listowski stated that the Suncoast

Foundation is proposing use of approximately 16.5 acres of the 40 acre parcel owned by the District to be used for a special olympics facility. Counsel Perrey said as a point of information W.C.I.N.D. is entering into a license agreement with Sarasota County and then Sarasota County would enter into a license agreement with Suncoast Foundation.

Commissioner O'Neil interjected that this project shows a great example of partnership between agencies. Commissioner O'Neil moved and Commissioner Judah seconded to accept this license agreement. Motion carried unanimously.

2. Fisherman's Wharf Lease Agreement: - Commissioner Judah moved to accept staff recommendation that the present lease agreement not be extended. Commissioner O'Neil seconded. Motion carried unanimously.

3. Economic Study - Fishing Industry on San Carlos Island: - Mr. Listowski reported that the University of Florida will begin the project in January, 1998 and it is to be completed by August, 1998, to be able to take in all the seasonal changes involving the industry. A copy of the completed study will be distributed to the Board. The cost of the project will be \$9,700. Mr. Listowski will be giving progress reports on the study as it goes along.

NEW BUSINESS

1. Codification of Special Acts of the District: - Counsel Terry Lewis reported that the general law changes would occur in Chapters 403 which is the state Environmental Protection Act and Chapter 374 which is the statute that regulates the Inland Navigation Districts. The four changes that we are suggesting are: (1) provides our District with the authority to enter into interlocal agreements with the Dept. of Environmental Protection for regional waterway management. The intention is to adopt a single process that will allow comprehensive dealing with permitting issues rather than on a permit by permit basis. (2) deals with Chapter 374.976, Sec. 2, clarifies the ability of this District to cooperate with all levels of government in dealing with regional anchorage management issues. (3) gives the District authority to enter into ecosystem management agreements with the Dept. of Environmental Protection. (4) is a technical section which involves two provisions in Chapter 373 which seemingly contradict each other so far as requiring matching funds. This clarifies that, except as provided by section 374.976, a match is not required.

Mr. Lewis said that DEP has been consulted about these changes, and they have no objections. Representative Gay has offered to sponsor the bill in the House and has prefiled it. It is hoped that Senator Harris will be the other sponsor. Most of what is in the codification document is required by last year's changes in the special districts accountability act. It requires all special districts to go back and codify all their past laws and put them in one piece of legislation, and repeal all old bills. Existing law has been reorganized and restated. He has eliminated some language and added provisions that broaden the powers of the District. In reviewing the proposed language, Mr. Lewis pointed out that Section I preserves the right to continue to levy .2 mills. Section II is a technical section that states comprehensively all the acts of this District that

we are amending, repealing, or codifying. Commissioner Judah wondered if the legislature would misconstrue the purpose of our District by restating our taxing authority. Mr. Lewis assured the Board that that would not happen. Section III allows for District services and projects to be provided within neighboring counties by interlocal agreement on the condition that while the agreement is in effect an outside county that chooses to participate would have to contribute to our budget an equivalent amount of ad valorem taxes. Mr. Listowski said that the interest within Collier County to join our District seems to be limited to municipalities within the county rather than the county itself. Section IV does clarify that the "inland waterway" definition is limited to inland waterways within the four-county area. Section V clarifies our ability to carry out District projects within District boundaries, eliminates some unnecessary language, and slightly enlarges our authority to engage in navigation projects on both a local and regional nature. Section VI allows for the expansion of the Board if outside parties do participate for as long as the agreement is in effect. Mr. Listowski wondered if the outside Board members' voting privilege should be limited to issues affecting their area since they would be joining the Board in response to a specific project required by the Corps. Commissioner O'Neil asked how readily identifiable is our bank balance per the member counties' contribution. Mr. Listowski said that before the FY96/97 budget was approved, he made a lengthy presentation that showed that each county received much more money than they contributed since 1947. Mr. Lewis suggested that there could be limitations incorporated within the interlocal agreement to take care of these issues. Mr. Listowski suggested doing a workshop that would indicate the differences between WCIND and FIND. Chairman McClash does not want to have to automatically offer Board membership to an outside county. Mr. Lewis said it would make sense to recognize the fact that the District can enter into interlocal agreements with adjoining counties, and leave it at that. He will take out all references to expanding the Board. Section VIII includes one small technical change. Section IX includes the eminent domain language which is in our law now (no changes). Section X updates the provision for paying interest on borrowed funds. Section 11 - no changes. Section X11 - small change. Section X111 - changes in the TRIM requirements.

Mr. Perrey has put WCIND changes on the agendas of the four legislative delegations' meeting which will be held in December and January. Staff would like each commissioner to be present at his county's legislative delegation meeting. Commissioner Judah moved to approve and Commissioner O'Neil seconded to approve the codification of special acts of the district as presented and amended.

2. Report on 9-26-97 Tallahassee Meeting Regarding Regional Waterway Management - Mr. Lewis said he was surprised that Mr. Listowski got the D.E.P. to approve the interlocal agreement, but the executive director was very forceful and persuasive. Mr. Lewis is hopeful that within the next three or four months we can have a process-based agreement between WCIND and D.E.P. that will allow for the consideration of clumps of comprehensive waterway management issues in a single purpose. Shakett Creek would be a good example, but that project seems to be sidetracked by low level staff people at D.E.P. Commissioner O'Neil said he was going to present a resolution to his Board of County Commissioners recommending the Shakett Creek plan. Mr. Lewis said there is no legal requirement that D.E.P. can impose related to local

land development regulations as a basis for denying our permit. Mr. Lewis said that it is a permissible project.

3. Approval of Low Bid Contractor for Venice Marine Park - The contract will be awarded to Custom Dock & Davit for a bid of \$350,390. Commissioner Judah moved and Commissioner O'Neil seconded to approve this bid. Mr. Perrey reported that we have struck a verbal agreement with the railroad to get a temporary construction easement to cross their property to work on this project. The railroad will give us a letter to this effect. Mr. Perrey is going to recommend that we investigate adding to our liability coverage a rider that covers railroad-type accidents. Mr. Listowski reminded the Board that at a previous meeting it approved spending \$50,000 to be part of the acquisition package which will give us fee simple title to two right-of-ways for vehicular access plus a pedestrian access linking the railroad property, thereby creating a much safer situation. The increased liability insurance for the railroad property was added to the motion. Motion approved unanimously.

4/5. Approval of License to Use Agreements for District-Owned Property and District Right-of-Way for Waterway Inn, Venice - Commissioner Judah moved to approve and Commissioner O'Neil seconded. Motion passed unanimously.

6. Request for Funding of Regional Waterway Management Project in Manatee County - Commissioner Judah moved and Commissioner O'Neil seconded to approve the U. of Florida Sea Grant Program survey for a cost of \$105,748. Motion passed unanimously.

7. Approval of Project Extensions for CAP 9, 10, and 11 - Commissioner Judah moved and Commissioner O'Neil seconded to approve the extensions. Motion passed unanimously.

8. Manatee County Funding Request of \$150,000 for Key Royale Pass Dredging Project - Commissioner O'Neil moved and Commissioner Judah seconded to approve the project. Motion passed unanimously.

9. Lee County Project L-99 - Commissioner Judah moved and Commissioner O'Neil seconded to amend the project description to allow for reprinting Lee County Boaters Guide emphasizing marked channels and boat speed zones. Motion passed unanimously.

10. Approval of Palm Island Lease Renewal - Commissioner Judah moved and Commissioner O'Neil seconded to approve a Palm Island lease renewal for \$6,980 per year for five years. Motion passed unanimously.

Commissioner O'Neil brought up the problem area of Curry Creek which Sarasota County has been promising to address for five years. Natural Resources Department is willing to cooperate and formulate the project description and strategy. Chairman McClash summarized by saying that Sarasota County has the money and will have to manage the project.

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Chairman McClash asked if Mr. Listowski received a copy of a federal law he sent to him which Manatee County is using to manage beach projects. The Chairman wondered if the law would be applicable to dredging projects, such as the Venice Inlet. Mr. Listowski said Counsel Perrey and he would be talking to Richard Bonner about it.

NEXT MEETING DATE AND TIME: Friday, January 23, 1998 at 10:30 in Venice.

ADJOURNMENT: 11:50 A.M.