

**WEST COAST INLAND NAVIGATION DISTRICT**  
**BOARD MEETING**  
**MINUTES OF SEPTEMBER 10, 1999**  
**SOUTH COUNTY ADMINISTRATION CENTER, VENICE FLORIDA**

**MINUTES OF SEPTEMBER 10, 1999:**

COMMISSIONERS PRESENT:     Ray Judah, Chairman  
                                      Joe McClash, Vice Chairman  
                                      Nora Patterson, Treasurer

COMMISSIONERS ABSENT:     Donald Coppola, Secretary

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

Chairman Judah opened the meeting at 4:00 p.m., noted a quorum was present, with Commissioner Donald Coppola being absent. Mr. Listowski reported there were three additional items under the Consent Agenda.

PUBLIC COMMENT: Janet Newton, 1224 Columbine Rd., Venice, presented a petition signed by the Columbine neighbors explaining their concern over the installation of fencing on WCIND property located behind their homes and the future use of the property for spoil dredged from the Intracoastal Waterway. Mr. Listowski had promised the residents that he would not install fencing without prior notification by letter to the area residents, but this was not done. She voiced concerns over maintenance of the ditch, increased traffic in the area, and disturbing wildlife. A petition from the neighbors was submitted.

Sarasota County Commissioner Shannon Staub stated her concerns about the process that is followed by WCIND in carrying out the Board's directives. She has received numerous complaints about the fence from the residents in south Venice who are in the district she represents. She wants to be notified in advance when decisions will effect neighborhoods in an effort to minimize the conflicts and wishes that neighborhood forums be set up to inform and explain decisions to residents.

Commissioner Mac Horton from Charlotte County praised WCIND for all its efforts and the support given in the past to dredging Stump Pass. Another dredging program is scheduled for November, and Commissioner Horton is looking for a commitment from WCIND before a long-anticipated meeting with DEP in Tallahassee on September 21.

Chairman Judah reminded the Board that WCIND has already committed \$100,000 in match funds with DEP for dredging Stump Pass. Mr. Listowski said that DEP's commitment will take longer to nail down. He also said that the DEP has not come through with cost-sharing funding for nearby projects (Manasota Key and Little Gasparilla Island) in the current fiscal year. A minimally funded project for interim dredging would be \$350,000. Mr. Listowski said that the Board could comfortably afford to commit \$200,000 right now. Commissioner McClash suggested advancing Charlotte County the \$200,000 but with the understanding that anything

over \$100,000 would have to be repaid. Mr. Listowski said we got into a situation last year with a sub-fund called State-Federal Required Match Projects. It would be a Board decision to deviate for an amount of money equal to what the county needs for Stump Pass – money already available and will be carried over in October. Commissioner McClash spoke about the Corps' own survey which indicates serious shoaling in the Intracoastal Waterway, a situation he considers an emergency. He wants to be sure that money is available to supplement what the Corps should be doing in the ICW.

Commissioner Patterson asked about the Corps' intent to dredge the ICW and when that might occur. Commissioner McClash said the nature of Mr. Listowski's proposal has changed from one of cost-sharing to one totally funded by WCIND, a policy decision changed since the budget was formulated. Commissioner Patterson would like to wait until the legislature meets in March to see if funds would be available for this project. Commissioner McClash feels comfortable staying with the current repayment policy.

Commissioner Horton would be happy to take a commitment back to his Board that included the \$100,000 already promised and a commitment to repay anything above that amount. He reminded the WCIND Board that the only access to the Gulf of Mexico between Venice and Boca Grande is through Stump Pass. Commissioner McClash moved to allow the District to fund \$100,00 for Stump Pass as budgeted without payback and up to \$150,000 which must be repaid within three years, that could begin in "out years" subsequent to the present payback schedule for Stump Pass. Commissioner Patterson seconded. Motion approved unanimously.

The Chairman returned to the fence issue. Commissioner McClash emphasized that the public should be informed through public forums. Mr. Listowski agreed to withhold any further fence work until after the November meeting at which time he would provide the Board with pictures. Commissioner Patterson wanted to have more information at the next meeting.

Mrs. Kennedy, a neighbor on Columbine Road in Venice, complained that the storm water ditch along the fence line is filled with water and sludge and is a breeding ground for mosquitoes. Mr. Listowski has talked with Mosquito Control in Sarasota County. Commissioner Patterson volunteered to talk to the Sarasota County Stormwater Dept.

DEPARTMENT OF ENVIRONMENTAL PROTECTION - No one was present to speak.

U. S. ARMY CORPS OF ENGINEERS – Mr. Don Fore, Project Manager for the Jacksonville District, addressed the Board and said he is working on three areas: agreements, funding (appropriations), and a long-term dredging plan. By the end of this year he will have spent about \$450,000 on a long-term dredge material management plan, including survey, sampling of the waterway, especially where the shoals are, and particle materials. He will have a real estate team come to our District and inventory all our real estate holdings. He has submitted a couple of funding packages for FY2001 when there will be an increase in operations and maintenance funding for his district. The dredge material management plan will identify the disposal requirements, and it will be the sponsor's requirement to provide the land, easements, and rights-of-way. However, land may not be needed. He is working on a blanket-type agreement with WCIND so we can be the umbrella organization for all the counties. Commissioner McClash

reported that the Corps' own survey indicated 4 ½ feet of water in Phillippi Creek, a very serious situation. Mr. Fore was asked to give a formal response at the next meeting.

Commissioner Patterson asked Mr. Fore about New Pass, which is shoaling in again. Mr. Fore said that the issue would be addressed next year or the following year.

### CONSENT AGENDA

Commissioner McClash moved and Commissioner Patterson seconded to approve items 1-9 on the Consent Agenda. Motion approved unanimously.

### ADMINISTRATIVE AGENDA

1. ACOE Contributed Funds Agreement – Counsel Perrey has submitted a draft agreement to the Corps for review.
2. Access Easement Agreement for Laguna Veneta in Venice – Counsel Perrey said an agreement has been worked out with the developers for a 50 foot easement at both ends of their property to give us access to our property. They will give us an improved roadway to our property. Counsel Perrey recommended Board approval of this agreement. Commissioner McClash moved and Commissioner Patterson seconded to sign the agreement. Motion approved unanimously.
3. Linear Park Update – Mr. Listowski met with representatives of the Linear Park project yesterday. Some progress has been made. Counsel Perrey has performed a preliminary property search and that will indicate whether we need to do a massive ownership and encumbrance report. Mr. Listowski asked the Board for permission to get into that type of research project where we determine how many ownership reports we need to do covering all the parcels along the route. Commissioner McClash said that would be a very extensive task and wondered if our commitment included such work. He thought the Linear Park committee should do that work. Ms. Maggie Turner, spokesperson for this project, said that a rough first draft for the design of the east side starting at the Venice Train Depot and heading south is expected by September 30, 1999.

Mr. Pat Collins from the City of Venice reported on a fact-finding trip to Chattanooga to view its Linear Park. Venice Area Beautification, Inc. has contracted with the Boone Law Firm to do the ownership and encumbrances research work. Work has already been started. A survey firm has also been hired. Mr. Collins reported on a meeting local officials had with the Corps' representatives in Jacksonville. The City of Venice agreed to take the first step – laying out the pathway 10 foot wide, serpentine in nature. Initial parameters have been agreed upon.

4. Regional Beach/Inlet Issues – Mr. Listowski and Mr. Perrey attended the FSBPA meeting on beach renourishment. A workshop tried to explain the state's position regarding funding projects with the Erosion Control Assistance Fund set up by the legislature with \$30 million. Counsel Perrey did an analysis of the proposed rulemaking and found that the state was reluctant to fund anything that had the word "navigation" closely associated with it. We need

to develop a new nomenclature for the work we can do with the state, perhaps something like “regional sand management”. He is meeting with the DEP in Tallahassee on September 21<sup>st</sup> and will be talking about inlets, navigation, beaches, what we do, and what we want, i.e. a general permit for certain types of dredging projects. Counsel Perrey felt that the proposed rule would be amended to address some of our concerns. As the rule is presently proposed, WCIND would be taken out of the process because by their definition process, a navigation project wouldn’t qualify for funding, and our statute doesn’t allow us to do beach renourishment unless it has a navigation component. The DEP said it doesn’t want to shut us out of this program, it wants to work with us and partner with us, but the proposed rule will have to be changed. Counsel Perrey has addressed these issues in a letter to Dr. Devereaux. Commissioner Patterson moved and Commissioner McClash seconded to have Mr. Listowski present to DEP at the September 21, 1999 the idea of regional sand management including issues such as beach renourishment and navigation as a means for WCIND to continue working in partnership with the DEP and the Army Corps of Engineers. Motion passed unanimously.

5. Stump Pass Update – Nothing further to report.
6. 1996 District Comprehensive Five Year Plan Review – This item was deferred until the next meeting.

COMMISSIONERS’ ITEMS – Nothing to report.

WCIND COUNSEL’S REPORT – Counsel Perrey reported that we have been named as a defendant in a new eminent domain lawsuit filed by the State of Florida Department of Transportation which involves the improvement of Business 41 through Venice. The Venice Chamber of Commerce property and building is being condemned, and we have an easement on the property. Thus, we are named as a party in the lawsuit, which says the DOT is going to wipe out our easement. There is a legal doctrine called “prior public use” which says one governmental entity with condemning authority cannot take away the property rights of another governmental entity with condemning authority. He hopes to work out this problem so our easement rights are not condemned and continue to exist. Under that scenario we would not be entitled to any money since our easement rights would be emerging unaffected. However, our right-of-way easement might be subordinated to the DOT road easement. Both parties need to coexist in this situation. This issue will come up at an Order of Taking Hearing on October 17<sup>th</sup>. Commissioner McClash moved and Commissioner Patterson seconded to give Counsel Perrey authority to represent us at this hearing and to secure the best possible deal for us which will preserve our easement rights. Motion passed unanimously.

EXECUTIVE DIRECTOR’S REPORT – Mr. Listowski reported that there is local consternation at the planned removal of the “Point Countess” Coast Guard cutter from Nokomis next year. Mr. Listowski requested permission to draft a resolution requesting continued support by the Coast Guard in this area and specifically requesting a response time analysis. The Coast Guard plans to respond from either Tampa or Fort Myers after the cutter leaves. Commissioner McClash moved and Commissioner Patterson seconded to have Mr. Listowski draft this resolution. Motion passed unanimously.

Commissioner Patterson offered to have WCIND included in a meeting in the near future with Deborah Getzoff from the DEP who will be meeting with representatives from the Sarasota Chamber of Commerce on local issues. Commissioner Patterson will coordinate with all parties.

The Board Meeting was adjourned at 5:10 p.m.

#### FIRST TRIM HEARING ON THE 1999-2000 BUDGET

Chairman Judah announced the opening of the public hearing on WCIND's proposed millage rate and tentative budget for FY 1999-2000. He publicly announced the proposed millage rate of .04 mill. He publicly announced that the percentage increase in millage over the rolled back rate necessary to fund the tentative budget is 3.90%.

Mr. Listowski, Executive Director, said that tax revenues will be increased by about \$200,000, even with the same millage rate, primarily because of growth in the four-county area. The WCIND operating reserve will be increased to \$1.2 million, and state/federal required match projects budgeted for \$500,000. A minor decrease in interest income will be experienced. We will have a \$250,000 regional Cooperative Assistance Program that can be drawn upon by any county.

In response to a question from Commissioner Patterson about habitat restoration projects and feedback to the Sarasota County Commission and county staff, Mr. Listowski assured her that the property holdings that the District owns fee simple, like Snake Island, will be coming before the WCIND Board for input and direction. Commissioner Patterson wants her county to be informed before anything is done. A meeting is planned in October with county staff and the Corps of Engineers. Commissioner McClash said that elected officials must have information before a project is started so they can handle the questions and complaints from the public.

The Chairman opened the meeting to the public for comment.

Mr. Dan Kixmiller from the Venice Area Audubon Society said the organization has been surveying birds on the Carleton Preserve and publishing the results through Sarasota County, which has given the society a commendation for its volunteer efforts. He spoke about the scrub jay population between the Senior Friendship Center and Shamrock Drive, the general area where the fence has been erected, and said that there are colonies of scrub jays at Caspersen Beach in Venice. He wants to be assured of having access to these properties to continue monitoring the bird population.

Mr. Listowski said WCIND is in dialogue with the Fish & Wildlife Service, the Archibald Biological Research Station, and the Corps' biological staff about the birds. We have evidence that in addition to trespassing, there is illegal feeding and watering of endangered species. Some could interpret these activities as endangering and harassment of wildlife. Only recently has this property become such a hot bed of endangered species use, and our work on removal of exotic vegetation has been removed. Serious issues have to be addressed, first with federal agencies, and then with the local communities. Mr. Listowski will always welcome scheduled visits to the site by Audubon Society members.

The Chairman closed the public hearing portion of the meeting.

Commissioner McClash moved to approve the proposed millage rate for FY1999-2000 of .04 mill. Commissioner Patterson seconded the motion. She would like to see more detail in the future. Motion approved unanimously.

Commissioner McClash moved to approve the FY1999-2000 Budget. Commissioner Patterson seconded. Motion approved unanimously.

The Chairman announced that a hearing to finalize the budget and adopt a final millage rate will be held at 5:01 p.m. on Friday, September 17, 1999 at the South County Administration Center in Venice, Florida.

Commissioner Patterson moved to adjourn. Commissioner McClash seconded. Motion approved unanimously.

The FIRST PUBLIC HEARING on the 1999-2000 Budget was adjourned at 5:38 p.m.

