

HERNANDO COUNTY PORT AUTHORITY
September 5, 2007

The meeting of the Hernando County Port Authority was held at the Linda Pedersen Park Recreation Building, Wednesday, September 5, 2007, and was called to order at 7:00 p.m. by Chairman Capt. Susan Harman.

MEMBERS PRESENT: Chairman Capt. Susan, Vice-Chairman Chuck Morton, Mr. Roy Martin, and Capt. Dan McCann.

APPROVAL OF THE MINUTES: August 1, 2007

Mr. Martin: Motion to approve. **Capt. Morton:** Second. Motion carried 4-0.

OPERATIONS REVIEW - AUGUST 2007

Mr. Link - Trimmed trees along the Weeki Wachee River, yard and office work, cleaned the Hernando Beach Boat Ramp restrooms, truck and boat maintenance, miscellaneous navigational aid maintenance, got quotes to try and repair the barge, brought the pontoon boat to Gulf Cost Marina for repair, conducted the annual inventory with Finance in the Gulf of Mexico, installed the Link Rock base for a pole, attended the Hernando Beach Channel tour, got a Sheriff's report for DBN 5 in the Hernando Beach Channel that was knocked down, checked on a water quality complaint in the Weeki Wachee River, met with Capt. McCann regarding the barge, attended the annual employee benefits fair, removed a down tree from the Weeki Wachee River, and made and installed a No Wake sign near Pine Island. Staff completed a total of 21 service requests and reviewed 13 permit applications.

OLD BUSINESS - HERNANDO BEACH DREDGE

Mr. Fagan read an e-mail from Mr. Gregg Sutton, Engineer and Dredge Project Manager, regarding funding of the dredge project into the minutes (copy attached).

Capt. McCann stated that there is still open disagreement with the land for the spoil site and nothing has been decided about a public meeting and that requires 30 days notice. Capt. McCann stated that he does not see how Mr. Sutton expects to have the permits in October 2007 if this meeting has not yet been held. Mr. Weissinger verified that the DEP may not require a public meeting. Mr. Fagan advised that he will get with Mr. Sutton and check on the status of this.

WEEKI WACHEE TASK FORCE REQUEST FOR ASSISTANCE

Capt. Morton advised that the Task Force met yesterday, September 4, 2007 and four projects are being considered. Restoration of the habitat at Lake Lindsey, sand removal on the Weeki Wachee River, the restoration of Mountain Lake and at this meeting people from Hunters Lake attended and requested tussock removal be added to the list of projects. The Task Force voted to place this on the list for the entire lake. He advised that projects are listed in the order they should go and the University of Florida is currently using Lake Lindsey as a control project and nothing would happen to this lake until their project is complete. The issue of Weeki Wachee was the favorite project but it ended up being second because there would be problems logistically: "How do you dredge and where do you take the material and where do you place it." Mountain Lake is a problem because there is a sinkhole in it and that must be fixed first.

Capt. Morton advised that a project is prioritized on a list does not determine funding. The number of people showing up at Tallahassee and speaking up could determine funding.

BAY LAKE AND WEEKI WACHEE CANAL

Mr. Fagan stated that according to the Southwest Florida Water Management District (SWFWMD) the area of Bay Lake and the Weeki Wachee are private property and there is no funding available from Hernando County to do this work. Mr. Davidson asked if the County would still remove trees from this area. Mr. Fagan agreed that this is something staff can still handle. Mr. Weissinger advised that this can be done unless the private property owner indicates that this can not be done, which he doubts will happen. He advised that Waterways currently trims from the main river, which is State property.

Mr. Davidson indicated that he is very disappointed and it seems unfair. He stated that he is realistic that there is not funding at this time but he would like to think that this area would be placed behind the State

Road Canal project. Mr. Fagan advised that the State Road canal project is currently at a stand still. The permit has been received but funding is an issue.

Capt. Morton advised that a part of the area in question had been turned over to the County and there might have been a glitch in the paperwork, but the only way to solve this would be to try and get this area turned over to the County. Mr. Weissinger stated that he does not believe this was a glitch in the paperwork. Each of the plats contains a dedication clause and each wording is different but the substance is that most dedicate public places to the County and in this particular part of the subdivision the language is simply different so he does not know if this is a glitch or a determination by the landowner to reserve some of the rights to these waterways. Capt. Morton advised that when Mr. Mussleman, SWFWMD, gave his report he indicated that in phase 3 the canals between Bass and Teresa were dedicated to the County but the others weren't along with the long Weeki Wachee Canal.

Mr. Davidson stated that he is not sure if the County has a handle on this issue because he is running into another issue with a piece of property in a different county and unless it was given to the County in the last 20 years they don't know. Mr. Weissinger advised that the GIS is not fool proof and the only way to definitively determine who owns a particular piece of property is to do a title search. You can look at plats and the GIS but none of these are absolute proof. If the occasion ever arises that we need to make that determination, we certainly could have a title search done. But our basic position unless submitted with evidence to the contrary is that the County will take the stance that waterways outside of state waters, Weeki Wachee and the Gulf, are dedicated to the County.

Mr. Martin asked if someone buys a piece of property is a title search done. Mr. Weissinger advised no, not in regards to the waterbody. Mr. Davidson asked what about a Deed. Mr. Martin asked if the deed says anything about the waterbody at all. Capt. Harman and Capt. Morton indicated no. Mr. Davidson stated that what it is going to come down to is that he is going to have to go down to the courthouse and check all of the documents because the County really does not have any interest in it.

HERNANDO BEACH WATER TOWER PAINTING

Mr. Fagan advised that staff is working with Sherwin Williams to determine the proper paint that needs to be used. Ms. Baird asked if a decision would be made within the next 30 days. Mr. Fagan advised no, not in the next 30 days. Mr. Fagan advised that this project is estimated at \$60,000 and we have to go out to bids since this is over \$25,000 and the Board of County Commissioners (BOCC) will have final approval.

Fran Baird stated she took a trip and there were water towers along the way and they had different writing. For example in the City it will say "City of Tallahassee" but she has not seen any tower that says Welcome. She stated that if you are driving around look at water towers because they are very interesting.

NEW BUSINESS - SUNKEN BOATS

Mr. Link advised that the contractor removed the hull of the Laura Lynn from the water and it is at a local marina. Some of the rigging is still in the water but it is not currently a hazard to navigation and it will be removed.

Mr. Link advised that there is currently a crab boat floating out in the Gulf and it is about 12 miles out. This vessel falls in International water and the responsibility of the United States Coast Guard (USCG). Mr. Link stated that after seven years experience with Waterways, trying to get assistance form the USCG is impossible. Mr. Link advised that Mrs. Estridge along with some of the Port Authority Board Members have called the USCG regarding this issue. He stated that the County just wants to make sure that if there are dangerous vessels in the area then we do what we can, but if it is out of county waters there is not much the County can do, but make calls. He advised that Mr. Fagan authorized and submitted a press release warning boaters of where this boat was last spotted and the USCG is broadcasting this on the LNM.

Mr. Link advised that another boat, an 18ft crab boat, was spotted in the Gulf. Mr. Bennett advised that this vessel was reported but the Florida Fish and Wildlife Conservation Commission (FWC) and Waterways could not find it. Capt. Morton advised that he picked up information on this vessel from Yankeetown and they advised that it was seen southeast of Middle Rock and it was an abandoned hull with no motor. Capt. Morton advised that he spoke with FWC and apparently they found this vessel.

Capt. McCann asked who paid for the removal of the Laura Lynn. Mr. Fagan advised the County and the removal cost was around \$15,000. Capt. Morton asked if a lien was placed on the property. Mr. Fagan advised that the County will proceed with a lien but it is his understanding that this won't be the first lien. Mr. Weissinger advised that there are some remedies under the code of ordinances to go after the owner of a vessel for costs. He stated that the County has the ability to go after these costs after the proper notice is given. Capt. Morton stated that it might take forever before the County can collect, but at least the lien is there.

Mr. Link advised that a 22 foot cobia also recently sank but the vessel has since been brought in.

BOARD AND STAFF COMMENTS

Capt. Morton advised that there was a meeting with the residents of Pine Island and he mentioned to them that since we have had to close the area in Pine Island Park for Ecoli in the water then maybe there is funding via the State through the Task Force if they ever decided to put a sewer in. He stated that this is not dealing with the drainage problem but this issue also came up. He stated that after speaking with the FWC, Ecoli does not hurt fish and no, this would not be a viable event. He stated that in the event anything wanted to be pursued along this line, because the county has a park out there and citizens all throughout Florida use this park, then another procedure would be for the Commissioners to lobby the Legislature with our own Representatives and maybe there would be state funding available because of public health. He advised that the fisheries angle would not work. Mr. Fagan advised that Utilities has been trying to get grant funding for this issue for years. He stated that the estimate for this project is over \$1 million. Mr. Fagan advised that the Bayport Improvement Project will tie the Bayport area into sewer.

Capt. McCann stated that a couple of months ago the issue was brought up about the Port Authority having input on permit issues in Hernando Beach. He asked whatever came out of this. Mr. Weissinger advised that he discussed this issue in the past and it was essentially to put the Port Authority in an advisory role but the Development Department has not indicated the desire to push forward with this. Capt. McCann stated that we need to push the Development Department then. Mr. Weissinger stated that this may be a matter of getting with the Development Department. Capt. Harman advised that the Port Authority used to have a role with permitting and they used to have a Board member with a liaison for permitting.

Capt. McCann advised that the issue of raising the boat registration fees was also dropped. Capt. Morton advised that this issue got dropped after looking into what the fee would be. You would have to raise this fee by 50% and there is no option of setting a different fee. Mr. Fagan advised that the option of boat ramp fees will be looked into again in the future. Capt. McCann advised that it was previously discussed about the dishonesty with people paying the fee and he watched people at the Pasco Boat Ramps and they pay the fee at the box and no one skipped paying the fee.

Mr. Fagan advised that at Pine Island this type of system will not work because staff is currently able to control the parking and if staff was not there people would be parking all over. Ms. Baird indicated that at the Hernando Beach Boat Ramp people are also parking all over.

Mr. Link advised that this Sunday, September 9, 2007, will be the last day of charging at Rogers Park for the season.

Mr. Fagan advised that the pre-bid meeting was held last month for the Bayport Improvement Project and over 15 contractors attended this meeting. Bids will be opened Wednesday, September 12, 2007.

Capt. Morton advised that just before you get to Mystic Cove the oak tree that people jump out of is dead. He stated that he is not sure if we need to look into removal during the slow season.

Capt. McCann stated that a citizen asked him if there is a down tree in the Weeki Wachee River is he allowed to go and cut it up. Mr. Link stated sure.

PUBLIC COMMENTS

Mrs. Cecilia Lindsey stated that she has never seen so many projects that don't get completed. She stated that she thinks the County gets so many projects going and that is why they run out of money. She stated that people cannot afford to live here because taxes have gone up. Commissioner Rocco asked what

projects she is speaking about. Ms. Lindsey advised that tonight alone, a lot of projects are being held up. She stated that Mr. Fagan even mentioned that certain project can't be done because money is needed. She stated that people are paying enough taxes and they should not be charged to use a ramp. She stated that her taxes have gone up over 300% since she has lived in Hernando County and what has she got for it? Commissioner Rocco stated that if the appraisal of your property has gone up then your taxes have gone up. Mr. Lindsey advised that people don't want to sell their houses, they want to live here. Commissioner Rocco stated that what she is saying is that property values have gone up extremely and the County Commissioners cannot control this issue. She stated that property values are done through the Property Appraiser's office and the formula they use is developed by the State of Florida. She stated that if you have a issue with those kinds of things then you need to contact the Legislatures. She stated that projects cannot be done because of the money restraints being imposed by the Legislature. It's not that the County does not want to do certain projects it's that every time we talk about raising fees we have opposition coming in with the same explanation. She stated that we all have issues; The east side of the county has flooding issues and in the middle of the County there are other projects that need to be dealt with and everything involves money. She stated that if the Super Homestead goes through Hernando County will lose additional revenue. As a County, we need to plan what it is we need to do and structure it.

Mrs. Lindsey asked where all of the additional money the County has been bringing in has gone. Mr. Lindsey stated that they are paying 300% more and they are not receiving 300% more services. He asked what is being done with the money. Commissioner Rocco advised that the County budget will be discussed on September 13, 2007. Commissioner Rocco advised that the Dredge is a good example. This project was not put off because Hernando County chose to. The County has different guidelines that must be followed and certain things that must be done to make things happen and certain things are out of the County's control.

Mr. Lindsey stated that the citizens tried to request a letter be written to the Governor regarding the Hernando Beach Dredge project, which should have been done 14 years ago. Commissioner Rocco advised that she suggested writing this letter at the last Port Authority meeting. She stated that she has been a Commissioner for eight months and she has seen other Commissioners work very hard as well as Capt. Saittis and the Port Authority to work towards accomplishing this project. She stated that there are issues that need to be addressed and it is not an easy fix. She stated that it is not a question of anybody having to push or shove someone in a direction to make it happen, but you have to follow a process and a procedure in order to get from the beginning to the end.

Mr. Fagan advised that the reason the County has not charged for boat ramps in the past is because the County gets a portion of money from vessel registration fees. Mr. Fagan advised that in the past it was decided that if boaters paid this registration fee then they were paying their fair share, but things are getting to the point that fees may need to be charged. Mr. Fagan stated that once you start talking about raising fees, people get upset. Mr. Fagan also advised that a lot of residents in Weeki Wachee want their canals dug out and that is not the County's responsibility. Mr. Davidson asked why this is not the County's responsibility to take care of its citizens who pay taxes. Mr. Fagan stated that there has never been a time that Waterways has turned him down by doing work in the Weeki Wachee Canal/Bay Lake Area. Mr. Davidson stated that he understands that but for the amount of taxes paid his area should be maintained.

There was additional discussion about the taxes charged in Hernando County and Capt. Harman brought the meeting back to order.

Mr. Griffin McRanie asked if the other communities, like Hudson who have gone through a channel dredge, had to go through 14 years of permitting. Capt. Harman advised that the Hernando Beach Dredge project originally started with her and Capt. Saittis figuring out that Bayport was a federal channel and it fell under federal maintenance but this goes back to commercial use. When the ACOE came and took a tour of Bayport there was not enough commercial business so Capt. Saittis directed them to the Hernando Beach Channel. She stated that this project got hung up in the system and she lobbied the State of Florida and got funding for this project. She stated that many people have worked on this project but about 1 year ago the ACOE said that if this project is going to occur then it needs to be a County project. She stated that we are fortunate that the County will carry on with this project. She advised that Pasco did have problems with permitting and they did not start off as a Federal channel. Mr. Martin advised that Pasco County had eel grass problems that needed to be negotiated and their system is different than Hernando County's. He

stated that if you look at the bureaucracy that we have to go through, and we all have to pay taxes to this bureaucracy (which he understands), we have too many elements in Hernando County and you have to go through so many steps to get something approved. He stated that if you really want to see bureaucracy at work go visit the Southwest Florida Water Management District headquarters and you tell him what all those little offices do. He stated that this is part of the big problem. He stated that you should see the 5 pages of questions Hernando County got back that needed to be addressed again to get this dredge project off of the ground. He stated that these questions are ludicrous.

Mr. McRanie stated that at the BOCC meeting a citizen asked Gregg Sutton what the County's turn around time was when he received a letter requesting additional information from the DEP and Gregg Sutton advised 5 to 6 weeks. Mr. McRanie stated that this seems a little excessive. Mr. Fagan advised that a couple years ago a volunteer Mr. Frank Santos put together a mitigation plan and DEP and ACOE would not approve because there was disagreement between the two agencies. He stated that no matter what the County did a permit would not be issued. He stated that the County is not to blame for this project; it has been DEP and ACOE.

Capt. Morton advised that the ACOE said that they could do this project and they had a \$4 million cap on it and Hernando County could do like kind contributions. One of the problems was that all of the data for this project was on the personal computer of an ACOE employee and he took it with him when he left and this information had to be regenerated and submitted, this was a classic screw up. The report by Mr. Santo was submitted many times and they lost it and now the mitigation plan is not much different.

Capt. Morton stated that in all fairness to the County he would like to respond to Mrs. Lindsey's comment. He advised that many projects have been completed by Hernando County. The Hernando Beach Boat Ramp and Bayport docks were replaced, a new ramp and seawall was installed at Rogers Park, the bridge was installed at Linda Pedersen Park, new pavilions at Pine Island were installed, the Big Cypress Dredge was permitted and completed, and the weirs were removed, which took about 6 years to get removed. Capt. Morton advised that a big project has been hung up but a lot of smaller projects that have been planned by the County have been completed as money becomes available. Mr. Weissinger advised that any project the County does has to follow proper procedures, which are proposed by the State Legislature. He stated that all County departments must go through a long process, which is mandated by the laws of public money. You can't just say lets do this project and finish it. Sometimes you have to spread a project over a period of years. Mrs. Lindsey stated that that there is so much red tape to get projects done it makes the expense go so high and that falls back on the taxpayers. Mr. Weissinger advised that most of the red tape comes down from the Legislature in Tallahassee or Congress in Washington DC.

Ms. Baird stated that she heard someone new at DEP has taken over the Hernando Beach Dredge project. She asked what is his name and e-mail? The County agreed to get this information and pass it along.

Ms. Baird asked Capt. Morton if e-mails should be sent to the DEP. Capt. Morton stated that e-mails should be sent so they know we want this project. Ms. Baird stated that maybe someone should stand at the Tax Collector's office and get petitions signed supporting this project. Capt. McCann stated that he has found that in the past if you stand there with a petition most people will sign without even reading it.

Mr. McRanie asked if anyone has responsibility for enforcing navigation? He stated that he saw people anchored in the channel and people swimming in and across the channel. The Board advised that the Sheriff's Marine Patrol is responsible for enforcement along with the USCG. Mr. McRanie stated that someone needs to request the Sheriff's Department conduct enforcement of common sense rules. Mr. Link advised that Waterways has an excellent working relationship with the Marine Patrol and there are 4 marine deputies, one being the supervisor, and they have the entire Weeki Wachee River, Withlacoochee River, and over 300 miles of waterways to patrol. He advised that all 4 of these deputies cannot work at the same time because they have to break their shifts up. He advised that the Sheriff can be contacted to see if the Marine Division can get additional help. Mr. Link and Mr. Bennett agreed that the Marine Deputies do a wonderful job.

Mr. Link advised that in the last two years Hernando County has been working on the Hernando Beach Dredge Project they have accomplished more than the ACOE did in 12 ½ years. Mr. Fagan advised that he is tired of Hernando County and staff being accused of not doing their job with this project. He stated that

this project has gone to State Legislature, Congress, and the Governor. Everything the County can possibly do has been done and Mr. Sutton has done everything he can do as well. Mr. Fagan advised that the consultant hired has been doing his job. He stated that it has not been the County dropping the ball; it has been DEP and the ACOE. He stated that there have been many public meetings and the head of ACOE came down and he said that the ACOE has not been doing their job. He asked Ms. Baird if she remembered this and she indicated yes. Mr. Fagan advised that Hernando County has provided the required information and now they are providing information all over again. He advised that all of Hernando County is not bad and we are trying to do our best. Mr. Lindsey stated that the DEP, SWFWMD, and ACOE make the County look bad. He stated that the citizens are frustrated and they do not know a way to get to them. Mrs. Lindsey stated that she has been told that nobody controls the DEP. Mr. Weissinger advised that the State Legislature writes the laws that DEP administers and they control the DEP's budget.

Capt. Morton asked if the price of a navigational light is around \$2500. Mr. Link stated yes. Capt. Morton advised that people use these lights as target practice. Mr. Bennett verified that this happens all the time; if you look at the signs in the channel they are full of bullet holes. Capt. Morton stated that the public toilets at the boat ramps are torn up and vandalized throughout the year and he advised that the bill for vandalism in Hernando County will amaze you. He stated that Waterways does an amazing job with maintenance. Mrs. Lindsey stated that with all of the money the Sheriff gets he should have deputies out looking and finding people causing this damage.

Ms. Baird asked how to get more "No Wake" signs installed. Mr. McCann stated that the Marine Patrol has advised that extra signs won't do the job. Mr. Link stated that anytime someone requests a sign staff goes to the Marine Patrol to see if they agree a new sign is needed. If they say a sign is needed then we will proceed with the permit.

Mr. Knotts stated that the Port Authority works for nothing; they are a group of volunteers. He stated that there used to not be a County Attorney attending the meetings and he asked if one is really necessary and is he paid overtime. Mr. Weissinger advised that he is salary and does not get overtime pay. Mr. Fagan advised that there has been more accomplished since legal council has started attending these meetings than has been done in the last 3 or 4 years.

ADJOURNMENT

Mr. Martin: Motion to Adjourn. **Capt. Morton:** Second. Motion carried 4-0.

The meeting of the Hernando County Port Authority ended at 8:18 p.m.

From: Gregg Sutton
Sent: Monday, August 27, 2007 4:22 PM
To: Gary Kuhl; Larry Jennings; Charles Mixson; Pat Fagan; 'Captinjon@aol.com'
Cc: Verkerk, Hugh; 'Jason Evert'
Subject: Hernando Beach Dredge Project Funding --- GOOD NEWS!!

Today I participated in a teleconference of the Florida Seaports Transportation and Economic Development (FSTED) Council's Project Review Group. For your information and as background, FSTED is comprised of the Department of Transportation (FDOT), the Department of Community Affairs, and the Governor's Office of Tourism, Trade, and Economic Development. FSTED is the overall funding and approval authority for port development projects in the State of Florida (including the Small County Dredging Project Program). The Florida Ports Council is the administrative arm of FSTED and does day to day program execution including administration of the Small County Dredging Project Program. We have previously submitted funding applications for our project via the Florida Ports Council.

The cost estimate of the Hernando Beach Channel Dredging Project is \$9,000,000. Hernando County can provide \$3,000,000 and we requested the remaining \$6,000,000 from the State via the Small County Dredging Project Program.

In May 2007, the FSTED Project Review Group allocated \$5,000,000 of Program funds and we (Hernando County) received \$2,475,000 of the \$5,000,000 for our project.

Today, the FSTED Project Review Group met to allocate an additional \$4,200,000 of Program funds. I'm pleased to report that we (Hernando County) received \$3,525,000 of the \$4,200,000 for our project. This means that we will receive a total of \$6,000,000 in funds from the Small County Dredging Project Program and we should have sufficient funds to accomplish the project. The State funds will be available for transfer to Hernando County in October 2007. The funds are contingent upon us obtaining all necessary permits and providing them a current cost estimate. Since we expect to obtain both the Corps of Engineers and FDEP permits in October, the timing should work out nicely.

We owe our legislators, FSTED, and the Florida Ports Council considerable thanks for their support of our project. If you'd like, I'll draft a letter to the various entities for signature by either the BOCC Chair or the County Administrator.

Gregg