

JUNE 20, 1989

(Cont'd)

2. Contract with Hunt Truck Sales & Service, Inc., Bid 895019 for North, Southeast & Southwest Wastewater Facilities Hydraulic Sewer Cleaner, Truck Mounted, \$62,958.00 (approved 5/30/89). RECORD S39-71
3. Contract with Roose Contracting, Co., Bid 894003 for North Wastewater Facilities Improvements, Rocky Bluff Collection System, \$696,341.50 (approved 5/9/89 Performance and Payment Bonds, Hartford Fire Insurance Company, surety; Certificate of Insurance). RECORD S39-72
4. Satisfaction of Judgment with Lydia Garcia, Case No. 88-2836F. RECORD S39-72

Authorization for Payment of Taxable Costs:

Pratt, Rhyne & Lipinski - State of FL vs. Gaston Innocent 90.00

APPROVE, RATIFY & CONFIRM:

P & R Special Interest Classes Instructor's Agreements:

<u>Nancy Trawick - Tennis Instruction</u>	S39-73
<u>Diane Wilson - Tennis Instruction</u>	S39-74
<u>Bob Stock - Tennis Instruction</u>	S39-75
<u>Marlene Thomas - Shuri-Ryu Karate</u>	S39-76
<u>Kay Thayer - Tennis Instruction</u>	S39-77
<u>Chandra Howard - Tennis Instruction</u>	S39-78
<u>Laura Francis - Tennis Instruction</u>	S39-79
<u>Sergio Rivas - Tennis Instruction</u>	S39-80
<u>Tony Boothby - Dramatic Arts (Blast Camp)</u>	S39-81
<u>Greg Elie - Tennis Instruction</u>	S39-82

RECORD

Transit Advertising Renewal Applications:

1. Kentucky Fried Chicken, (6/15/89-6/15/90)
2. S & S Heating & AC Contractors, (6/15/89-6/15/90)

RECORD S39-83
S39-84

Bus Ticket Sales Agreement:

Eckerd's - 5904 Marina Drive, Holmes Beach

RECORD S39-85

ACCEPT:

1. Updated Certificate of Insurance with Roose Contracting Co. for EPA Proj. No. C120540150 (Step 3) - North Rubonia Collection System, Bid 88-01.
2. Resumes - Gary J. Montin, Environmental Affairs Consultants, Inc.
3. Letter from Rosemary Carlson of Paragon Cable, urging the County Commission to reject any request for support of repeal of the telco cross-ownership restrictions by U.S. Telephone Association.

FEDERAL EMERGENCY MANAGEMENT AGENCY UPDATE

Michael Latessa, FEMA Coordinator, gave an update on the Federal Emergency Management Agency (FEMA) matter stating that the County has a deadline of June 23, 1989 for meeting provisions set forth in Ordinance 89-10, Floodplain Management Code.

Staff has been working with residents of Tidy Island to resolve alleged violations and to mitigate problems associated therewith.

He stated that an action plan is in the final stage of revision, in addition to a monthly report, retroactive to May 1, 1989, providing information on construction permits issued in the floodplain, which will be transmitted to FEMA this week. He also noted that a workshop with staff and local construction industry organizations is scheduled.

RECESS

The Chairman declared the meeting recessed until Thursday, June 22, 1989, at 1:30 p.m., at which time action on applications for Fireworks Displays at the DeSoto Speedway and DeSoto Memorial Drag Strip will be taken.

* * * * *

JUNE 22, 1989

RECONVENE

The meeting was reconvened at 1:37 p.m. All members present except Mr. Chetlain.

JUNE 22, 1989

(Cont'd)

(Terry Remijio, Court Reporter, present)

FIREWORKS DISPLAYS - DESOTO SPEEDWAY & DESOTO MEMORIAL DRAG STRIP

Steve Logan, Assistant County Administrator, stated that representatives of the Braden River Fire Department, area homeowners and Tom Stimus were present to discuss fireworks displays at DeSoto Speedway and DeSoto Memorial Drag Strip.

Henry Sheffield, Fire Marshal of the Braden River Fire Department, noted that the Drag Strip and Speedway lie within its jurisdiction.

He responded to question as to factors considered in approving both fireworks permit applications and addressed concerns:

1. Fire Hazard - A professional, licensed/bonded person would handle the fireworks. The fire district has a contract with Mr. Stimus to be on site during the demonstration.
2. Drought Condition - In ranking the type of day from 1 (minimal danger) to 5 (extreme danger), the present status is a Class 2. There is risk involved; however, it is a manageable risk.

Discussion: If fire occurs on private property, person who started fire is liable; permit requires person setting off fireworks be licensed; types of fireworks used; fire department has equipment to handle forest fire; fireworks event taken place since 1986 at the Drag Strip and approximately six years at the Speedway.

Recess/Reconvene. All members present except Mr. Chetlain.

William Young, representing area homeowners, submitted a packet titled "Why the Board of County Commissioners Should Not Approve the Request for Fireworks Displays at the Racetrack".

(Enter Mr. Chetlain)

Attorney Steven Masterson stated the validity of the fireworks permit depends upon the validity of the Special Permit granted in 1971.

H. Hamilton Rice, Jr., County Attorney, addressed Chapter 791, Florida Statutes and read Section V., Public Displays of Fireworks Ordinance 86-14 stating the Ordinance does not establish criteria for the location of displays. He addressed Article VIII, Drought Restrictions or Emergency Conditions.

(Depart Mr. Chance)

Discussion: Board can grant/deny permit; interpretation of \$500 bond/requirements; Southwest Florida Water Management District regulations; times of day proposed for two displays at the Speedway; conduct fireworks display on July 4 only at reasonable time.

(Enter Mr. Chance)

Bruce Douglas, Operations Director for Tom Stimus, asked that no further action be taken until he has had an opportunity to request the presence of counsel for Mr. Stimus.

(NOTE: Further action later in the meeting.)

Recess/Reconvene. All members present except Mrs. Glass; Mr. Chance presiding.

FEE SCHEDULE - COMPREHENSIVE ZONING/LAND DEVELOPMENT CODE

(Continued from earlier in meeting 6/20/89)

Motion was made by Ms. Snell, seconded by Mr. Chetlain and carried unanimously, to adopt

R-89-134 A RESOLUTION OF THE MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS ESTABLISHING CERTAIN NEW FEES AND REPEALING THE ADOPTED FEE SCHEDULE FOR PERMITS AND FEES FOR THE MANATEE COUNTY COMPREHENSIVE ZONING AND LAND DEVELOPMENT CODE (R-88-90).

RECORD S39-86

LAWSUITS - WENGERD, ET AL

Motion was made by Mr. Chetlain, seconded by Ms. Snell and carried unanimously, to accept the written offer of settlement from defendants Bruce Simes and Samuel Sutton, in the aggregate amount of \$33,162.40 in the Eminent Domain suit regarding 63rd Avenue East.

ZIP CODE BOUNDARY CHANGE

Mr. Ellis advised that the County is being asked to respond to House of Representatives Bill 2380 providing for the redrawing of Zip Code boundaries so that there is no crossing of boundaries of any unit of general local government. He requested that staff be instructed to develop a response for the Chairman's signature.

(Enter Mrs. Glass)

Motion to Approve

Mrs. Glass moved approval of the request. Motion was seconded by Mr. Chetlain.

Discussion: Opposition in Whitfield area; responding within specific time frame would effect sales tax proceeds; sales tax representing a Sarasota address presently being turned over to Sarasota County; Congress requesting response from effected counties.

Motion to Approve Withdrawn

Motion to approve was **withdrawn**.

Motion to Approve

Motion was made by Mr. Chetlain and seconded by Mrs. Hooper to approve the request.

Upon discussion, second to the motion was **withdrawn**. There being no second, the motion **died**.

No action taken.

(Mrs. Glass presiding)

Recess/Reconvene. All members present except Mrs. Hooper.

FIREWORKS DISPLAYS - DESOTO SPEEDWAY & DESOTO MEMORIAL DRAG STRIP

(Continued from earlier in the meeting)

Ms. Gildersleeve advised that counsel for Mr. Stimus was unable to attend the meeting; however, he was apprised of the situation.

(Enter Mrs. Hooper)

She pointed out that the length of the fireworks displays listed on the applications were approximate.

Ms. Gildersleeve had been advised by Risk Management of two alternatives regarding bond requirements: 1) Post a bond or 2) Have the insuring agency submit a letter (attached to agenda memorandum back up) stating that the insurance policy issued, meets or exceeds requirements of the bond required by Sections 791, Florida Statutes.

As to the complaint of noise, she stated Chapter 17 of the Deed Restrictions set forth:

"...that all lot purchasers are herewith put on notice that a motor speedway does exist near the subdivision, which speedway may cause noise from time to time..."

Mr. Douglas offered to compromise on the time of the display.

Paul Koltrerra, area resident, stated the Braden River Fire District is capable of supervising the safety of the event, but expressed concern as to the potential for fire, not the fireworks.

Motion - Approve DeSoto Speedway Application

Mr. Chance moved the application for a fireworks display, approving said fireworks display on July 1 and 3, 1989 at Tom Stimus' DeSoto Speedway on State Road 64 East at dusk. Motion was seconded by Mr. Chetlain and carried unanimously.

JUNE 22, 1989

(Cont'd)

Motion - Approve DeSoto Memorial Drag Strip Application

Mr. Chance moved approval and execution of the application for fireworks display on July 4, 1989, at DeSoto Memorial Drag Strip on State Road 64 East with stipulation added that the Braden River Fire Department will be available at the location. Motion was seconded by Mr. Chetlain and carried unanimously.

LAWUIT - NATIONAL CASUALTY COMPANY

Based on the memo (6/22/89) from the County Attorney, Mr. Chance moved that the Board of County Commissioners notify Attorney Cheves that it cannot accept \$500,000 in settlement of any claim other than the claim of Manatee County for attorney fees and costs incurred to date, not including fees and costs that may be incurred upon retrial, and that the County Attorney be instructed to notify the attorney for the insurance company that it has no authority, actual, real or apparent, to settle any other claims of the individual plaintiffs in this action and that the \$500,000 draft of National Casualty be forthwith returned to Mr. Cheves by certified mail. Motion was seconded by Ms. Snell and carried unanimously.

PROPOSED GROWTH MANAGEMENT - SENATE BILL 1347

Mrs. Glass referred to the Florida Association of Counties Legislative Update newsletter (6/14/89) summarizing major County issues of Senate Bill 1347.

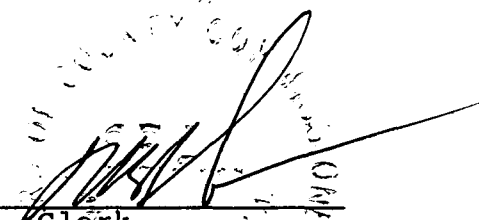
She requested the County Administrator to report on issues of the bill regarding the one cent local option sales tax and impact fees.

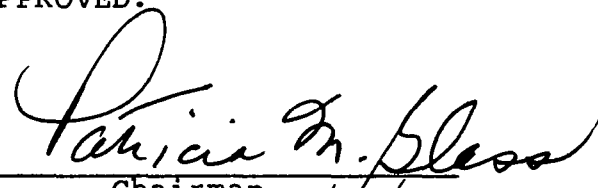
MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:


Clerk
Adj: 3:56 p.m.
/rll


Chairman 8/22/89