

**CITY OF PALMETTO
CITY COMMISSION MEETING
March 2, 2015
7:00 PM**

Elected Officials Present

Shirley Groover Bryant, Mayor
Brian Williams, Vice Mayor, Commissioner, Ward 3
Tamara Cornwell, Commissioner-at-Large 2
Jonathan Davis, Commissioner-at-Large 1
Harold Smith, Commissioner, Ward 1
Tambra Varnadore, Commissioner, Ward 2

Staff Present

Mark Barnebey, City Attorney
Jim Freeman, City Clerk
Allen Tusing, Public Works Director
Scott Tyler, Deputy Chief of Police
Debra Woithe, City Planner
Amber Foley, Assistant City Clerk

Mayor Bryant called the meeting to order at 7:00 p.m., followed by a moment of silence and the Pledge of Allegiance.

All persons intending to address the City Commission were duly sworn.

RECOGNITION: Deputy Chief Scott Tyler and Colonel Rick Wells, Manatee County Sheriff's Office, recognized Popi's Place for their donations and contributions to the City and the Palmetto Police Department.

1. CITY COMMISSION AGENDA APPROVAL

Motion: Commissioner Williams moved, Commissioner Cornwell seconded, and the motion carried 5-0 to approve the March 2, 2015 Agenda.

2. PUBLIC COMMENT

None

3. APPOINTMENT OF DEPUTY CHIEF SCOTT TYLER AS CHIEF OF POLICE

Chief Richard Wells has resigned from the Palmetto Police Department effective March 1, 2015. Mayor Bryant has selected to appoint Deputy Chief Scott Tyler to serve as the City of Palmetto's Police Chief for a term to run concurrent with her office.

Motion: Commissioner Davis moved, Commissioner Williams seconded, and the motion carried 5-0 to approve the appointment of Deputy Chief Scott Tyler as Chief of Police for the City of Palmetto at a Grade 122S Step 5, for a term running concurrent with Mayor Bryant.

Mayor Bryant issued the Oath of Office to Scott Tyler for Chief of Police for the City of Palmetto.

Mayor Bryant recessed the City Commission meeting at 7:32 p.m. for a refreshment break and pictures of the new Chief of Police for the City of Palmetto.

Vice Mayor Williams resumed the City Commission meeting at 7:49 p.m.

4. CONSENT AGENDA APPROVAL

A. Clerk's Office

1. Minutes: February 9, 2015
2. Special Function Permits
 - a. Amended Love of Christ 5K Permit, New Date 4/4/2015

- b. SPBC Spring Classic 4/19/2015
- c. Historical Park Yearly Permits
 - 1. Heritage Festival 3/14/2015
 - 2. Family Fun Day 4/3/2015
 - 3. Bug Social 8/1/2015
 - 4. Halloween Social 10/17/2015
 - 5. Christmas in the Park 12/4 & 12/5/2015
 - 6. Community Yard Sale 2/20/2016
- 3. Blalock Walters Legal Bills

Motion: Commissioner Cornwell moved, Commissioner Varnadore seconded, and the motion carried 5-0 to approve the March 2, 2015 Consent Agenda.

5. PUBLIC HEARING ORDINANCE 2015-02 ALLEYWAY VACATION

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA; VACATING A PORTION OF A PLATTED EAST –WEST ORIENTED ALLEYWAY OF APPROXIMATELY 244.66 FEET IN LENGTH AND LOCATED NORTH OF 9TH STREET DRIVE WEST, LYING WEST OF 3RD AVENUE WEST AND SOUTH OF THE CSX RAILROAD RIGHT OF WAY, AS MORE PARTICULARLY DESCRIBED IN SECTION 2 OF THIS ORDINANCE; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bryant opened the public hearing.

Mayor Bryant exited the meeting at 7:15 p.m.

Debra Woithe, City Planner, explained that this is a request by Bank of the Ozarks for a vacation of the platted twenty foot easement of the East Palmetto Plat, which was platted in 1913. The address is 301 10th Street West. A building was constructed over the easement in 1958. There are adjacent allies that were vacated in 1975. The Bank is in progress of selling the property and is respectfully requesting the Commission grant the vacation of the easement. Florida Power and Light, Tampa Electric Company, Bright House, Verizon, the City's Public Works Department, and North River Fire District have no objections to the proposed vacation.

The proposed vacation does not violate individual property rights and is in accordance with the City's ordinances, Comprehensive Plan, administrative policies; including applicable sections of Policy 04-04 and applicable State Law and regulations. The easement vacation may be granted by the City Commission under Policy 2.10.3.4 where it is determined that granting the vacation is necessary to resolve an illegality or inequity created by some action or inaction of the City.

Janelle Esposito, representing the applicant, was in attendance for questions from Commission.

Vice Mayor Williams closed the public hearing after hearing no public comment.

Motion: Commissioner Varnadore moved, Commissioner Cornwell seconded, and the motion carried 5-0 to adopt Ordinance 2015-02.

6. PUBLIC HEARING ORDINANCE 2015-01 SOLICITATION

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING THE PALMETTO CODE OF ORDINANCES; PROVIDING FOR THE REGULATION OF SOLICITATION AND PANHANDLING; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Vice Mayor Williams opened the public hearing.

Mayor Bryant returned to the meeting at 7:19 p.m.

Motion: Commissioner Davis moved, Commissioner Cornwell seconded, and the motion carried 5-0 to continue the Public Hearing on Ordinance 2015-01 to March 16, 2015 at 7:00 pm or as soon thereafter as same can be heard in these Chambers.

7. PUBLIC HEARING ORDINANCE 2014-14 COMPREHENSIVE PLAN AMENDMENT

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, AMENDING THE 2030 PALMETTO COMPREHENSIVE PLAN, ORDINANCE 2010-01, AS AMENDED; AMENDING AND ADDING DEFINITIONS; AMENDING THE FUTURE LAND USE ELEMENT, THE TRANSPORTATION ELEMENT, THE COASTAL MANAGEMENT ELEMENT, THE CONSERVATION ELEMENT, THE PARKLAND, OPEN SPACE, AND RECREATION ELEMENT, THE INTERGOVERNMENTAL COORDINATION ELEMENT, THE CAPITAL IMPROVEMENT ELEMENT AND THE PUBLIC SCHOOL FACILITIES ELEMENT; PROVIDING FOR AMENDMENTS RELATED TO THE COMMUNITY REDEVELOPMENT AREA; PROVIDING FOR UPDATES; PROVIDING FOR A CODIFIED COMPREHENSIVE PLAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bryant opened the public hearing.

Debra Woithe, City Planner, explained that this amendment to the Comprehensive Plan was initiated by the Community Redevelopment Agency (CRA) in order for the Comprehensive Plan and the CRA Plan to blend. Both the Planning and Zoning Board and the City Commission recommended transmittal of the Comprehensive Plan Amendment last year. Reviewing agency comments indicate that no important state resources or facilities will be adversely impacted by the amendment and staff therefore concludes that no changes are needed in order to adopt the Comprehensive Plan Text Amendment. Responses from the reviewing agencies are included in the agenda packet.

The Manatee County School District did recommend updates to the City's Comprehensive Plan; however, the recommendations were not related to the proposed amendment. Staff intends to address the School District's comments in the next Comprehensive Plan updates; the School District agreed.

The following changes were made to the Comprehensive Plan:

- **Definitions:**
 - a) Deletion of bicycle and pedestrian pathways and Segway
 - b) Addition of blighted area, Commercial Core Zoning District, CRA Area, multi-modal, personal transport, and slum area
 - c) Modifications made to Community Redevelopment or Redevelopment, mixed or multiple use, small town atmosphere, and tax increment financing
- **1.0 Future Land Use Element:**
 - a) 1.2-Encourage redevelopment and renewal of CRA Area
 - b) 1.3-Commercial land use categories
 - c) 1.8-Discourage the proliferation of urban sprawl
 - d) 1.14-Compatibility (small town atmosphere, historic preservation)
- **2.0 Transportation Element:**
 - a) 2.6-Safe and effective multi-modal transportation
 - b) 2.9-Protect environmentally sensitive resources except where no reasonable alternative is available.
- **3.0 Housing Element:**
 - a) 3.7-Housing incentives (mixed use, energy efficient, low income)
- **9.0 Conservation Element:**
 - a) 9.1-Restriction of development that results in reduction of fish and wildlife for rare, threatened and endangered species.
- **10.0 Parkland, Open Space, and Recreation Element:**
 - a) 10.3.1-A joint public/private approach to park needs by 2012
- **12.0 Intergovernmental Coordination Element:**
 - a) 12.3-Public school facility planning

- **13.0 Capital Improvements Element:**
 - a) 13.1-Correct existing deficiencies-“provide capacity or enhancements.....”

Staff recommends adoption of Ordinance 2014-14.

Mayor Bryant closed the public hearing after hearing no public comment.

Motion: Commissioner Varnadore moved, Commissioner Davis seconded, and the motion carried 5-0 to adopt Ordinance 2014-14.

8. SOLID WASTE SERVICE RFP RECOMMENDATION

Mayor Bryant exited the meeting at 7:50 p.m.

Mr. Tusing explained that the City went out to RFP for solid waste services. Four bids were received and reviewed by a Committee made up of two employees from the City of Palmetto, one employee from the City of Bradenton, Manatee County and Longboat Key. After the Committee's first ranking of the proposers, Waste Management and Progressive Waste Solutions were the top two vendors separated by .05 with Waste Management being ranked number one. With this, the Committee requested that both Waste Management and Progressive Waste Solutions make individual presentations to the Committee. After those presentations were made, Waste Management was ranked number one by .01. Since the final ranking, both vendors had formal protests that were answered by both the City Clerk and the Mayor. Waste Management then appealed to the City Commission who overturned both the City Clerk and the Mayor's decision.

With this decision by City Commission, the Committee is presenting their recommendation that the Mayor begin negotiations with Waste Management and if a successful negotiation is not made, then the Mayor can negotiate with Progressive Waste Solutions.

Mr. Freeman informed Commission that a request was made by one of the vendors to be allowed 15 minutes to speak to Commission. It is up to Commission to make that decision or not. A motion would need to be made.

Commission discussed the allowance of more than 2 minutes as allotted for public speaking.

Motion: Commissioner Davis moved, Commissioner Varnadore seconded the motion to allow each vendor 5 minutes to speak to Commission.

Mr. Freeman noted that is the policy of Commission to allow 10 minutes of time for a representative of an organization or company.

Commissioner Davis withdrew his motion on the floor, the second agreed.

Brennan Donnelly, representing Waste Management, respectfully requested that the Commission honor the Committee's recommendation and allow the Mayor to begin negotiations with Waste Management.

Bill Gresham, representing Waste Management, discussed the different rates of Waste Management versus Progressive Waste Solutions.

Ian Boyle, representing Progressive Waste Solutions, provided a price comparison handout to Commission. A copy of the comparison is attached to and made a part of these minutes.

Fred Olson, representing Progressive Waste Solutions, discussed the use of a side loader truck for the removal of solid waste in the City. He discussed the different benefits of using this type of truck.

Dean Divalerio, representing Progressive Waste Solutions, discussed the benefits of the automated trucks that will be used by Progressive for solid waste removal.

Denise Devirgillis, representing Progressive Waste Solutions, stated that she works in the office located in the City of Palmetto and indicated that, if chosen, there will be a dedicated line in their office for the City of Palmetto only.

Gerry Devirgillis, representing Progressive Waste Solutions, respectfully requested that Commission vote to keep business local and vote to negotiate with Progressive.

Commissioner Williams asked what Progressive does when there is more than one garbage can at a residence; how does it get picked up if using the automated truck? Mr. Olson stated that the driver will empty the first can with the automated truck, then will exit the vehicle, dump the remaining cans into the automated can, get back in the truck, and dump the automated can.

Commissioner Williams asked Mr. Gresham about the rates for commercial and residential for Waste Management versus that shown on the handout that was provided by Progressive Waste Solutions. Mr. Gresham stated that the financial proposals between the two companies are very close. When you add the residential collection, the mobile home collection, and the small cart for small businesses, that is where the reduction in rates are.

Motion: Commissioner Davis moved, Commissioner Smith seconded, and the motion carried 5-0 to approve the RFP Committee's recommendation to authorize the Mayor to negotiate with the number one ranked service provider, Waste Management, and if a reasonable negotiation is not obtained, to authorize the Mayor to negotiate with the number two ranked, Progressive Waste Solutions.

9. ASR WELL UPDATE

No update.

10. TRAFFIC UPDATE

Mr. Tusing stated that Manatee County has been monitoring the traffic on the Green Bridge. He receives email reports every day. There has been some slight tweaking to the timing of the lights in Bradenton, which has prompted a study by the Florida Department of Transportation (FDOT).

Mayor Bryant returned to the meeting at 8:21 p.m.

Commissioner Varnadore questioned what the camera was for that is located on the north side of 3rd Avenue's signal, near the Southwest Florida Museum. She wanted to know if that is the camera that Manatee County is using to monitor the traffic or if it is part of the red light camera. Mr. Tusing will find out and provide her with more information. Mr. Tusing stated that Manatee County uses a "fish eye" camera that sits on the corners of traffic signals that they can use to remotely turn to look around at the intersections.

Mayor Bryant recently spoke to Manatee County Commissioner Smith regarding the traffic and he stated he will continue to bring the issue forward to the other County Commissioners during their meetings. He is also working on the red light camera that is located at that intersection as well.[3rd Avenue and Green Bridge light]

11. DEPARTMENT HEADS' COMMENTS

Mr. Freeman—congratulated Scott Tyler for being elected as the new Chief of Police for the City.

Attorney Barnebey—congratulated Chief Tyler.

He also stated that after further review of the Solicitation Ordinance, lemonade stands and Girl Scouts selling cookies on private property will not need a Permit unless they are going door to door.

12. MAYOR'S REPORT

Mayor Bryant was pleased with all that was accomplished this evening. She is looking forward with moving along with negotiations for solid waste services.

13. COMMISSIONERS' COMMENTS

Commissioner Williams—congratulated Chief Tyler.

Mr. Williams clarified that the recent article on the front page of the Bradenton Herald stated that detectives were working on a murder in Palmetto. Upon further research, the homicide took place in unincorporated Manatee County; not the City limits of Palmetto.

He recently provided a list of things he wanted the Department Heads to review. The Mayor brought the list to the recent Department Head meeting and he thanked everyone for completing the tasks mentioned on his list. He opined that the other Commissioners may want to do the same thing if they have questions about projects going on.

Commissioner Williams discussed the barbed wire fencing located around the Manatee Aluminum Company off 8th Avenue. He asked if we could require that they have an opaque fence surrounding their property instead of this barbed wire that exists. Mr. Tusing was asked to review the permitting and the zoning to see if this is allowed and bring some information back to Commission.

Commissioner Varnadore—congratulated Chief Tyler.

Commissioner Davis—congratulated Chief Tyler.

Mayor Bryant thanked Vice Mayor Williams for covering the last Commission meeting in her absence.

Mayor Bryant adjourned the meeting at 8:45 p.m.

Minutes approved: March 16, 2015

James R. Freeman

James R. Freeman
City Clerk