

City of St. Petersburg

PUBLIC SERVICES AND INFRASTRUCTURE COMMITTEE

Meeting of July 30, 2009 – 9:15 a.m.

City Hall, Room 100

Members and Alternates: Chair Karl Nurse, Council Member Jeff Danner, Council Member Leslie Curran, and alternate, Council Member Jim Kennedy. Vice Chair Herbert Polson was absent.

Others present: Dave Metz, Tish Elston, Rick Mussett, Amelia Preston, Rick Craft, Mark Winn, John Wolfe, Todd Yost, George Cassady, Joe Kubicki, Michael Fredrick, Major Sharon Carron

Call to Order

Approval of Agenda: *Review of Water Rates for Extreme Users was added to the agenda then agenda was approved.*

Approval of Minutes: *Minutes of July 16, 2009 were approved*

1. New Business

- a. ***Renaming of the Albert Whitted Airport Terminal to the "John and Rosemary Galbraith Terminal"*** – Rick Mussett brought forth a recommendation to name the Albert Whitted Airport Terminal Building in honor of John and Rosemary Galbraith. Mr. and Mrs. Galbraith showed generous support by providing a \$3,200,00 interest free loan to the City and a \$400,000 contribution to enable construction of the structure.

Action Item: The Committee moved approval of forwarding to full Council for consideration and approval.

- b. ***Review Water Rates for Extreme Users*** – George Cassady proposed two drought surge charge rate options to the committee for an added 5th tier water usage rate, one at 50% above the previous tier and the other at 100% above the previous tier.

Action Item: The Committee moved approval in favor of the 100% rate above the previous tier.

- c. ***CityTrails Update Report*** – Joe Kubicki provided the Committee with an update of the CityTrails master plan. The report detailed improvement in the five key areas of the plan: bicycle and pedestrian trails, new and expanded sidewalks, new and improved crosswalks, bicycle and pedestrian safety education and expanded enforcement of traffic laws.

Action Item: None

- d. **Review Policy regarding repeat Code Violators** – Todd Yost presented a proposal to change current policy and procedure with regards to repeat code violators. The proposed changes for repeat violations include 1) The owner being notified that the case is scheduled for the next Code Enforcement Board Hearing, 2) Lien accrual rates will be doubled over recommended amounts for first violators, 3) Code Enforcement Board and Special Magistrate Hearings will be separated between first time violators and repeat offenders, 4) Repeat violators will appear at the Code Enforcement Board and at Special Magistrate Hearings after first time violators and 5) Repeat violations of overgrowth will be given five days to comply after notice is given. Two ordinance changes were requested. The first is to change the overgrowth compliance time for repeat offenders from 10 to 5 days. The second is to change the ordinance to reflect the current definition of the state statute regarding repeat offenders with multiple premises.

Action Item: The Committee moved to recommend approval of each of the recommendations suggested by Mr. Yost.

2. Continued/Deferred Business

- a. **Update on Downtown Ordinance Enforcement** – Major Carron briefed the committee giving statistics of frequently enforced City Ordinances in the downtown area such as alcohol in parks, open container, panhandling, prohibitive sleeping, public urination, and outdoor storage. The committee expressed concerns regarding individuals with numerous arrests for ordinance violations with seemingly no deterrent. John Wolfe explained that jail time is not sought for Municipal ordinance violations due to the expense of the Public Defender. Further discussion was held regarding the lack of a deterrent for repeat ordinance violators.

Action Item: The Committee requested staff discuss the issues with other involved agencies within the judicial system and report back to the Committee.

3. Next Meeting – August 20, 2009, 9:15 a.m., Meeting in Room 100.

- a. **Nuisance Abatement** (referred by Council Member Nurse)

4. Adjournment

AN ORDINANCE AMENDING SECTION
2-370 OF THE CITY CODE TO ADD A
NEW SUBSECTION (b)(6); NAMING
THE NEW TERMINAL BUILDING AT
THE ALBERT WHITTED AIRPORT;
AND PROVIDING AN EFFECTIVE
DATE.

WHEREAS, the City Council has received a recommendation from the Public Service and Infrastructure Committee to name the new terminal building at the Albert Whitted Airport the "John and Rosemary Galbraith Terminal"; and

WHEREAS, in 2005 the City secured a Florida Department of Transportation ("FDOT") Grant in the amount of \$3,200,000 that provided 80% of the construction funding for a new airport terminal which is being disbursed to the City over a six (6) year period; and

WHEREAS, Mr. John Galbraith provided the City with an interest free loan in the amount of \$3,200,000 and a one time contribution of \$400,000 to provide half (½) of the City's 20% match requirement for the FDOT, so that construction of the terminal building could proceed immediately; and

WHEREAS, as a result of the loan and contribution, in 2007 the City built a new City-owned terminal building at the Albert Whitted Airport; and

WHEREAS, Mr. John Galbraith was instrumental in establishing Franklin Templeton Funds presence in St. Petersburg; and

WHEREAS, because of his love of aviation and the Albert Whitted Airport, former Marine pilot and Commercial Airline pilot John Galbraith found the perfect location for his own personal aircraft; and

WHEREAS, John and Rosemary Galbraith's generous philanthropy has expanded the cultural and educational opportunities to the St. Petersburg community including Eckerd College, Florida International Museum, Mayor's Mentors and More Program, and the Pinellas Education Program; and

WHEREAS, John and Rosemary Galbraith have embodied the spirit of generous corporate citizenship, philanthropy and community service since they became citizens of St. Petersburg in 1978.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

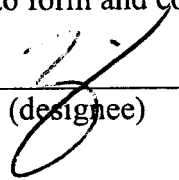
Section 1. The property described in Section 2 of this Ordinance is hereby named the "John and Rosemary Galbraith Terminal."

Section 2. The St. Petersburg City Code is hereby amended by adding a new Section 2-370(b)(6), to read as follows:


(6) The terminal building located at the Albert Whitted Airport, 540 1st Street Southeast, is named the "John and Rosemary Galbraith Terminal."

Section 3. In the event this Ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective after the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the Ordinance, in which case the Ordinance shall become effective immediately upon filing such written notice with the City Clerk. In the event this Ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

Approved as to form and content:



City Attorney (designee)



Downtown Enterprise Facilities Director

AN ORDINANCE RELATING TO LOT CLEARING REQUIRED BY OVERGROWTH OF VEGETATION, AND APPEALS FROM NOTICES OF VIOLATION FOR SUCH OVERGROWTH; AMENDING SECTIONS 16.40.060.4.1.B, 16.40.060.4.2.A and B, AND 16.70.010.6.A OF THE ST. PETERSBURG CODE, PROVIDING FOR A SHORTENED APPEAL PERIOD FOR NOTICE GIVEN TO REPEAT VIOLATORS; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

Section 1. Sections 16.40.060.4.1.B, 16.40.060.4.2.A and B, and 16.70.010.6.A of the St. Petersburg City Code are amended to read:

Section 16.40.060.4.1. Notice of violation

A. If the POD finds and determines that vegetation which violates the maintenance standards in this Section exists and determines that the City should correct the violation if the owner(s) do not cause the violation to be corrected, the POD shall notify the owner(s) of record of the property in writing and demand that such owner(s) ~~owner~~ cause the violation to be remedied.

(1) The notice shall be given by first class mail, addressed to the owner(s) of record of the property described, as their name(s) and address are shown upon the records of the County Property Appraiser. Service of the notice shall be deemed complete and sufficient when so addressed and deposited in the United States mail with proper postage prepaid. Notice shall also be posted upon the property on which the violation exists. Notice may be served by hand delivery to the owner(s) of record of the property in lieu of mailing.

(2) As used in this section, a "repeat violation" is a violation which is alleged to occur on property which was the site of the same violation within the preceding 12 months, at a time when the property was under the same ownership, and the preceding violation was not corrected by the owner but required the City to take corrective action

B. The notice shall be substantially in the following form:

NOTICE OF VIOLATION (OR, NOTICE OF REPEAT VIOLATION)

Date: _____

I inspected your property (describe property) on or about (date) and found the following conditions (describe conditions) that are a violation of City Code Chapter 16. You are hereby notified that

you must correct these violations by (date). If all conditions are not corrected by this date, the City will cut, trim, edge and/or clear the property to correct the violations of the City Code. To properly perform this maintenance, the City will also remove any junk, rubbish or other material from the property. The cost of this work, advertising costs, administrative costs and other expenses will be imposed as a special assessment lien on the property described. You can appeal the finding that there is a violation by filing a written appeal to the City Clerk within _____ ~~ten (10)~~ days of the date of this notice.

City of St. Petersburg

By: _____
POD

Section 16.40.060.4.2. Appeals

A. Within ten calendar days after the date service of the notice, the owner or the designated agent of the owner may file an appeal to show that the violation alleged in the notice does not exist. However, if the violation is a repeat violation, the time in which to file an appeal shall be five calendar days from the date of receipt of the notice by the owner or designated agent of the owner. The appeal shall be in writing and must be filed with the City Clerk.

B. The appeal shall be heard by the City Administrator or by a department director or other senior management official not having direct supervisory authority over the POD who has been designated by the City Administrator for the purpose of conducting the hearing. The hearing shall be conducted at a reasonable time and place, following notice of the hearing to the appellant. If the alleged violation is a repeat violation, the hearing shall be conducted not more than 10 calendar days from the date of filing of the appeal. The hearing shall be informal and the strict rules of evidence shall not be applicable, but the minimal requirements of due process shall be observed. The objective of the hearing shall be to render a decision which is fair and just under the circumstances. At the hearing, the POD and the owner or the designated agent of the owner may introduce such evidence as is deemed necessary. The decision of the city administrator or city administrator's designee shall be final and the owner shall be deemed to have exhausted all administrative remedies.

Section 16.70.010.6. Appeals

A. Applicability. This section establishes procedures that shall apply to any appeal which is expressly authorized by this Chapter. This section shall not apply to any request for judicial review which may be available as and to the extent permitted by Florida or federal law. This section shall not apply to any action initiated by the City Council which is referred to any Commission for review and recommendation to City Council. This section shall not apply to any notice of violation for which review by the

City Administrator or a designee of the City Administrator or by the Code Enforcement Board is expressly authorized by this Chapter.

Section 2. In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective at the end of the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the ordinance, in which case the ordinance shall take effect immediately upon filing such notice with the City Clerk. In the event this ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

LEGAL:

DEPARTMENT:

Assistant City Attorney

AN ORDINANCE RELATING TO CODE ENFORCEMENT; AMENDING SECTION 9-20 OF THE ST. PETERSBURG CODE TO DEFINE "REPEAT VIOLATION;" AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature has amended the general law authorizing the creation of code enforcement boards by amending the definition of "repeat violation," and the City Council desires to amend Section 9-20 of the City Code to be consistent with Florida law, as set forth in this ordinance; now therefore

THE CITY OF ST. PETERSBURG DOES ORDAIN:

Section 1. Section 9-20 of the St. Petersburg City Code is hereby amended to read as follows:

Sec. 9-20. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

* * * * *

Repeat violation means a violation of a provision provisions of a code or ordinance by a person who has been previously found through a code enforcement board or any other quasi-judicial or judicial process, to have violated or who has admitted violating the same provision whom the Board or Special Magistrate has previously found to have violated the same provision on the same premises within five years prior to the violation, notwithstanding the violations occur at different locations.

* * * * *

Section 2. In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective at the end of the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the ordinance, in which case the ordinance shall take effect immediately upon filing such notice with the City Clerk. In the event this ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

REVIEWED AND APPROVED AS TO FORM AND CORRECTNESS:

DEPARTMENT:

City Attorney/Designee