

.City of St. Petersburg  
**Public Services & Infrastructure Committee**  
Meeting of December 10, 2015 - 9:15 a.m.  
City Hall, Room 100

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Members: Chair Bill Dudley; Vice-Chair Steve Kornell  
Council Members: Jim Kennedy and Darden Rice

Alternate(s): Amy Foster

Support Staff: Mike Vineyard, Park Operations Manager and primary; John Norris, Stormwater & Traffic Operations Director and backup

- 1) Call to Order
- 2) Approval of Agenda
- 3) Approval of Minutes

November 19, 2015

- 4) New Business

Marijuana Civil Citation Program

- a. Councilmember Steve Kornell
- b. ACLU representative
- c. Sasha Lohn-McDermott, Police

- 5) Upcoming Meetings

December 17, 2015 – Landscaping lots of vacant homes  
Lot Clearing of Chronic Offenders

- 6) Adjournment

Attachments: Minutes of November 19, 2015 Committee Meeting  
Pending and Continuing Referral List

CITY OF ST. PETERSBURG  
Public Services and Infrastructure Committee Meeting  
November 19, 2015 @ 9:15 a.m.

**PRESENT:** Committee Chair Bill Dudley; Vice-Chair Steve Kornell, Councilmembers James R. Kennedy, Jr., Darden Rice and Amy Foster (alternate)

**ALSO PRESENT:** Councilmembers Charlie Gerdes and Karl Nurse; Jackie Kovilaritch, City Attorney; Rick Dunn, Manager – Building Official, Construction Services & Permitting; Tami Simms, The Simms Team, Urban Construction Task Force Co-Chair (Coastal Properties Group); Michael Van Butsel, Urban Construction Task Force Co-Chair (DPR Construction); Support Staff: Mika Nelson, Library Director and primary support staff; Michael Vineyard, Park Operations Manager and backup support staff; Chan Srinivasa, City Clerk.

Committee Chair Dudley opened the meeting with roll call. Councilmember Kennedy moved with the second of Councilmember Rice for approval of the Agenda. All were in favor of the motion. Councilmember Kennedy moved with the second of Councilmember Rice for approval of the September 24, 2015 PSI minutes. All were in favor of the motion.

In connection with new business, Urban Construction Task Force, Rick Dunn of the City's Construction Services & Permitting department provided information on the formation of the Urban Construction Task Force, co-chaired by Tami Simms of The Simms Team, Coastal Properties Group International, LLC and Michael Van Butsel of DPR Construction. Mr. Dunn summarized the task force's charge of reviewing and making recommendations for best practices in urban construction to improve construction site plans and procedures affecting neighboring residents and businesses in the City of St. Petersburg's downtown area.

Tami Simms, along with Michael Van Butsel, reported the task force's findings, including detailed information on their review of the industry's best practices and the group's resulting recommendations regarding construction hours, noise and traffic; location of deliveries and equipment; contractor parking; training opportunities; and communication between contractors, developers, the City, and neighboring residents.

Mr. Dunn and the co-chairs addressed the Council committee's questions and provided additional details on action items, including the implementation of a construction action plan worksheet, which consolidates information for a variety of City departments into a single document for contractors and developers. The success of the task force resulted in strengthened communication and collaboration, as the group will continue to meet quarterly to monitor the implementation of action items and to review and recommend best practices for future urban construction plans in St. Petersburg.

The next meeting is scheduled for December 10, 2015.

There being no further business, the meeting was adjourned at 10:30 a.m.

PENDING / CONTINUING REFERRALS							
	TOPIC	DATE REFERRED	REFERRED BY	MEETING DATE(S)	RETURN DATE	STAFF	SPECIAL NOTES
1	Code Change	12/4/2014	Kennedy	12/11/2014	TBD	City Legal	Councilmember Kennedy to reach out to Edge District to gauge level of interest and bring back to committee at an unspecified time.
2	Policy or Program Change	10/1/2015	Kornell	12/10/2015	TBD	Police: Sasha Lohn-McDermott	Referring to the Public Services & Infrastructure Committee, a discussion regarding creation of a Marijuana Civil Citation Program.
3	Policy or Program Change	9/17/2015	Newton	12/17/2015	TBD	Sanitation: Ken Shirley and Codes Compliance: Rob Gerdes	Referring to the Public Services & Infrastructure Committee regarding the trimming of bushes & hedges at vacant houses. Currently, the City will mow the grass on overgrown lawns, however, not trim bushes & hedges.
4	Policy or Program Change	10/15/2015	Newton	12/17/2015	TBD	TBD	Referring to the Public Services & Infrastructure Committee to discuss ways to streamline the process for lot clearing of chronic offenders.

## MEMORANDUM

**TO:** The Honorable Mayor and City Council Members  
**FROM:** Sasha Lohn-McDermott, Police Legal Advisor  
**DATE:** November 23, 2015  
**RE:** Marijuana civil citation program

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**Overview:** Marijuana civil citation programs have been enacted in jurisdictions throughout Florida, including Miami Dade County, the City of Miami Beach, Miami Gardens, the City of Hallandale Beach, the City of Ferdinanda Beach, and Leon County. St. Petersburg Police Department staff collected available details on each program, located the relevant ordinances and secondary documents, and identified a knowledgeable contact within each jurisdiction. A brief telephone interview was conducted with each contact. The information available to gauge the progress and relative success of each program, detailed in the attached table, varies.

**Recommendation:** To ensure equitable treatment for all persons who may be charged with marijuana possession throughout Pinellas County, and to secure a consistent judicial process within the 6<sup>th</sup> Judicial Circuit, the Police Department recommends that this type of civil citation ordinance, if implemented, be adopted and managed on a countywide basis. The Department also recommends that the relevant legislative body include a provision to fund the cost associated with a managed program, including at least one designated administrator, to process and track citations, program compliance, and fine collection. Meaningful data is essential to gauge the impact of this type of program. Finally, the Department recommends that the relevant legislative body address the issue of "unenforceable" fines. These are fines which are essentially uncollectable because the cost of instituting a collection action would

surpass the value of the fine itself. A successful ordinance should include “teeth” other than simple fines.

*Jurisdictional overview:* The majority of the relevant jurisdictions which have adopted civil citation programs have done so very recently. Many are still in the process of implementing their ordinances. Miami Dade County adopted its ordinance on 6/30/2015, and the county is still in the process of implementing the ordinance. The City of Miami Beach adopted its ordinance on 7/8/2015, and it became effective on 7/18/2015. As of early October 2015, three fines have been issued and no hearings have been requested. Miami Gardens adopted its ordinance on 9/23/2015. The City of Hallandale Beach adopted its ordinance on 8/5/2015, however the city is still working on implementation.

Two jurisdictions have longer running programs. The most comprehensive program to date was adopted in Leon County in early 2013. This program is only available to first time (adult) offenders. Participation in the program is voluntary. The cited person has seven days from the citation date to contact the program office and schedule an appointment. Failure to contact the program office will result in a notice to appear. Participants must agree to fulfill all program sanctions, including targeted online interventions, drug screenings, community service, and a program fee. The City of Ferdinanda Beach adopted its ordinance on 12/5/2013. Very few citations have been issued, and it appears that no cases have come before the codes board.

**Marijuana Civil Citation Programs in the State**

	<b>When Adopted</b>	<b>When Became Effective</b>	<b>Summary of outcome to date</b>
<b>City of Miami Beach</b>	Ordinance adopted 7/8/15	7/18/15	<p><b>MIAMI BEACH CITY CLERK</b></p> <p>No hearings have been requested yet but the ordinance has only been in effect for 5 months. The City Clerk's office has not received any requests for appeals before their Special Hearing Master related to the civil citation program. They were unaware if any civil citations having been issued to date. They were unaware what measures had been put into place regarding the collection of those fines either. They recommended calling the police department to see if they have implemented procedures regarding these two items. Information received from Lillian Beauchamp of City Clerk's Office and Isabel Satchell from Special Hearing Master's Office. (305-673-7411)</p> <p><b>MIAMI BEACH POLICE DEPARTMENT</b></p> <p><b>CONTACT:LT Jed Burger 305-673-7776 ext. 5681</b></p> <p>Fines are \$100.00, 3 have been written so far, hearing has not been requested. Codes collect the fines and handles all hearing requests. There is no time frame in place for compliance. Lt. Burger stated there is nothing in place to keep track of prior citations or enforce compliance.</p>
<b>Miami-Dade County</b>	Amended and adopted 6/30/15	7/15/15	<p><b>BOARD OF COMMISSIONERS CLERK</b></p> <p>Ordinance 15-47 adopted on 6/30/15. They have no other information since its adoption. He believes the Criminal/Misdemeanor Division of the County would have the numbers regarding hearings. Contact information is Frances Petit at 305-548-5520. He believes the fines are collected by Codes Enforcement. Contact information is Frank Gonzalez at 305-375-3549. Nelson Diaz, Ordinance Division, 305-375-5126, x4233</p> <p><b>MIAMI-DADE POLICE DEPARTMENT</b></p> <p>Per Public Information Officer Robin Pinkard (305-471-1900): Since its implementation on 7/10/15, there have been 580 civil citations issued. The tracking of community service and appeals to the citations are handled in-house by their legal division.</p> <p>Det. Linda Dohring (305-596-3850, x239, e-mail: <a href="mailto:l.dohring@mdpd.com">l.dohring@mdpd.com</a>): The 580 are the ones that are in the system so far. She has another 300 sitting on</p>

	When Adopted	When Became Effective	Summary of outcome to date
<p><b>Miami-Dade County cont.</b></p>			<p>her desk awaiting processing. There are two detective currently; their sergeant is out on maternity leave and they are hiring a civilian to assist with data processing. This is why they are backed up. Most of those that have been processed so far have paid the \$100 fine. Only 5 - 6 have requested community service (8 hrs per citation) and only one has appealed the citation. They are working to schedule the hearing at this time. This will be heard by a magistrate who is a retired judge and has been appointed by the Board of County Commissioners. They previously had a civil citation program for other offenses so it was relatively easy to implement the additional criteria such as misdemeanor marijuana possession, possession of paraphernalia, etc. One interaction with an individual could lead to multiple citations. Example: Subject in park after closing found to be in possession of marijuana and a grinder. They could be issued 3 citations at a fine, \$300 fine or 24 hrs of community service.</p>
<p><b>City of Hallandale Beach</b></p>	<p>Resolution adopted 8/5/2015</p>	<p>Training of officers continue. Estimate full implementation by December.</p>	<p><b>HALLANDALE BEACH CITY CLERK</b>  City Council passed a resolution which expanded Section 1-8 rather than create or modify an ordinance. They referred me to Code Enforcement to collect information regarding fines and success of program. I spoke to Kimberly Bruce the new Police Liaison officer for the civil citation program. She used to work codes but they transferred her to police. They have not issued any citations yet because she is still in the training phase. She has met with the sergeants and will begin attending roll calls over the next month to educate the officers (90) about the program. She will be the one collecting the fines. She has not created the protocol of appeals or requests for hearing. She will figure out how to deal with these when she gets her first request. Kimberly Bruce's contact information is 954-457-1435.  <b>HALLANDALE BEACH POLICE DEPARTMENT</b>  <b>CONTACT: Sgt. Paul Heiser or Major Sonia Quiñones 954-457-1400</b>  The program has not been implemented yet. They are still approximately 1 month from implementation. The fines are \$100.00 for first two citations and \$250.00 for the third and fourth citation. They have 10 days to comply.  <b>CONTACT: Major Stewart Shook, 954-457-1440.</b> He advised that the</p>



	<b>When Adopted</b>	<b>When Became Effective</b>	<b>Summary of outcome to date</b>
<b>City of Hallandale Beach cont.</b>			<p>program is just getting underway. Their city is not very large so they are not sure how many times the civil citation would be used. For example, they gave 4 NTAs all of last week. However, they have not contemplated an appeals process as of yet because when an officer is making the determination of whether to give a civil citation he will ask the subject if they are willing to pay the fine. If the subject says no, then they issue them a notice to appear. The issuance of a civil citation is wholly discretionary and is not designed to replace NTAs.</p>
<b>City of Miami Gardens</b>	Ordinance adopted 9/23/2015	9/23/2015	<p><b>CITY OF MIAMI GARDENS CLERK</b>  Ordinance adopted very recently. Has no other information.  Information received from Ronetta Taylor, City Clerk, 305-914-9129.  Their ordinance was drafted to follow the ordinance enacted in City of Miami Beach. Information provided by Monica Barnes, Assistant City Attorney, 305-914-9010, x2811.  <b>CITY OF MIAMI GARDENS POLICE DEPARTMENT</b>  Policy and procedure regarding the new ordinance is still being worked on.  Nicole Dixon Scott – 305-474-1410</p>
<b>City of Ferdinand Beach</b>	Ordinance adopted 12/3/2013		<p><b>CITY OF FERDINANDA BEACH CLERK</b>  City Clerk advises that according to the ordinance, offenders can pay fine or request Adversarial Preliminary Hearing before Codes enforcement. If appealed from Codes, it goes before a Special Magistrate. She has been there for 11 years and is not aware of any cases being heard before the Codes Board. She states that the ordinance has not been onerous on the city or the police but that their population is only ~11,000 and they really weren't facing that much of a problem to begin with. The only pushback they had at the time was from convenience store owners because the ordinance also eliminated their right to sell the paraphernalia for use with marijuana and synthetic drugs. Of course, she said that they only have 3 convenience stores in their jurisdiction. She provided me with the phone number for Suzanne Bass, Chief of Police Jim Hurley's assistant.  Information provided by Caroline Best, City Clerk (904-310-3115).</p>



	When Adopted	When Became Effective	Summary of outcome to date
<p><b>City of Ferdinand Beach cont.</b></p>			<p><b>CITY OF FERDINANDA BEACH POLICE DEPARTMENT</b>  I spoke with Suzanne Bass, assistant to Chief of Police Jim Hurley (904-310-3206). She states that they have only given a few civil citations out since the ordinance was adopted. She added that civil citations have only been given to persons who violate the leash laws which is a rather violation that qualify for civil citations. They issue NTAs to persons for misdemeanor drug violations and it is all handled through the county courts. They do not decide the fines nor do they collect them.</p>
<p><b>Leon County</b></p>			<p>I was advised that the program has been underway since early 2013. She said that they have a very low failure rate as most of the offenders pay the citation and adhere to all of the requirements of the program. The program is slow moving because they are working closely with the offenders to make sure there is no recidivism via drug testing and reminder letters in counseling appointments. She views the program as successful however, they have a whole rehabilitation program set up which lasts for one year. The civil citation program is only for first-time offenders.  Information provided by Pat Jacobsen, Administrative Assistant to the Director of the Adult Civil Citation Program Office (1-850-487-0432).  Coordinator of Services, Terry Giles (1-850-575-4388, x9803)  Director, Jordan Cowart (1-850-575-4388)  Leon County Sheriff's Office General Order for arrest procedures contains officer procedures for the adult civil citation.  <b>CIVIL CITATION NETWORK</b>  Implementation Guide of Leon County's Pilot Adult Civil Citation Program and the 2013 Year End Report are provided online. The pilot program is reportedly 80% complete. The pilot program takes the civil citation authorized in F.S. §985.12 and expands it to adults. There is no ordinance yet as it is still in the pilot phase.</p>