

City of St. Petersburg  
**Public Services & Infrastructure Committee**  
Meeting of June 09, 2016 - 9:15 a.m.  
City Hall, Room 100

---

Members: Chair Steve Kornell, Vice-Chair Ed Montanari, Council Members Jim Kennedy, Jr., Charlie Gerdes

Alternate(s): Council Chair Amy Foster

Support Staff: John C. Norris, primary support staff; Nina Mahmoudi, backup support staff

- 1) Call to Order
- 2) Approval of Agenda
- 3) Approval of Minutes
  - a) May 26, 2016
- 4) New Business
  - a) Discussion on banning fracking, wastewater injection wells and storage pits associated with this process. – Legal draft ordinance.
  - b) Minority and Female membership on city appointed boards and committees. – Gary Cornwell.
- 5) Upcoming Meetings
  - a) June 16, 2016 **at 9:45 A.M.**
- 6) Adjournment

Attachments: Minutes of May 26, 2016 Committee Meeting  
An Ordinance Amending City Code Section 16.60.040.2  
Pending and Continuing Referral List

City of St. Petersburg  
**Public Services & Infrastructure Committee**  
Meeting of May 26, 2016 - 9:15 a.m.  
City Hall, Room 100

---

**Members and Alternates:** Chair Steve Kornell, Councilmember Charlie Gerdes, Jim Kennedy, Councilmember Ed Montanari

**Others present:** Councilmembers Karl Nurse; Support Staff: : John C. Norris, Stormwater, Pavement and Traffic Operations Director, Nina Mahmoudi, Manager of Creative Services (Marketing), Jacqueline Kovilaritch, City Attorney, Mark Winn, Legal, and Paul Mac, Systems/PC Analyst.

- 1) Call to Order 9:20 A.M.
- 2) Approval of Agenda
  - a) Motion for approval; Motion for approval by CM Gerdes. Unanimously Passed: 4-0.
- 3) Approval of Minutes:
  - a) May12, 2016 – Motion for approval by CM Gerdes. Unanimously Passed: 4-0
- 4) New Business
  - a) Consideration of a revision to the sign ordinance to allow an ad to be placed on bus shelters that are constructed with private sector funds.
    - i. CM Nurse stated that in the “non-city” there are 65 shelters that were effectively built by a private funder that only asks for a 3x5 sign be placed on the end. PSTA-only 10% of bus stops have shelters (current plans replace only 7% of shelters)-use private sector help to build shelters-using solar panels for the roof.
    - ii. CM Kennedy asked if we did this how would it effect the PSTA stations having the signs & advertising where the money would go? Mark Winn did not know the PSTA’s policies or limitations. We would be able to control the size and placement of the signs but not the content. CM Kennedy stated that that was something we would need to fully understand before finalizing. He would also like to understand what the most aggressive stance would be as to where the signs would show up if we followed through as well as who would take care of the maintenance.
    - iii. CM Nurse stated that all current PSTA advertisements are placed on the inside of the shelter facing the road. PSTA also has a contractor who currently maintains the bus shelters. PSTA representative Mr. Stanton explained that PSTA has a program where they com and put in the pad and the rebar and you put up the shelter. He explained that if you pay for the shelter and you sell the advertising then you would keep the proceeds from it. Then we would have to pay \$2,000.00 a year to maintain the shelter and they would identify where the most money can be made. He also stated that there

are contracted rules limiting what can be placed in the shelter for advertisement. Chair Kornell asked that if we moved forward would we be able to see that contract and review what is on it. PSTA representative Mr. Stanton stated that Chris Cochran at PSTA is the contact to speak with about the bus shelters.

- iv. CM Gerdes – Stated his frustration that we always try to slow things down, we need to encourage and do whatever we can to increase ridership. Gerdes moves for approval for legal to put together a written authorization to get the project moving forward with LEMA construction.
- v. CM Montanari agrees with CM Gerdes and supports his motion and wants to move aggressively forward with this issue.
- vi. Chair Kornell stated that he does not support the ads in the bus shelters and would like more history from Mark Winn on why we have not done this in the past. Mark Winn stated that historically in the past with signs the city has tried to reduce them or make them smaller and more attractive in the rite of ways. The city's goal has always been to reduce the signage.
- vii. CM Gerdes stated the motion to - ask legal to meet with Mr. Stanton to work on a written contract that complies with the state statue authorizing written agreements being written in. This would then come back to PSI. Motions passes 3-1 (Chair Kornell Opposed)

5) Review of the pending and continued referrals list and any needed updates.

6) Upcoming Meetings

a) June 9, 2016

i. Discussion on banning fracking, wastewater injection wells and storage pits associated with this process.

b) June 16, 2016 (At 9:45 a.m.) –

i. Urban Construction (Mechanical Noise Concerns) – Construction Services & Permitting, Rick Dunn

7) Adjournment 10:03 A.M.

AN ORDINANCE AMENDING CITY CODE SECTION 16.60.040.2 USES NOT LISTED; MAKING FINDINGS; FURTHER PROHIBITING OIL AND GAS WELLS INCLUDING THOSE USING FRACKING OR OTHER WELL STIMULATION; PROHIBITING THE STORAGE OF WASTEWATER GENERATED FROM CERTAIN OIL AND GAS WELLS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City has a commitment to protection of our natural resources with a focus on local and regional water resources that are found throughout the City; and

WHEREAS, the City is under laid by highly permeable limestone formations which are vulnerable to contamination from hydraulic rock-fracturing activities designed to extract hydrocarbons; and

WHEREAS, high intensity petroleum operations often involve the storage, use, and disposal of chemicals, some of which are listed as immediately dangerous to life or health by the Center for Disease Control, others of which the chemical composition is unknown due to their classification as trade secrets; and

WHEREAS, hydraulic fracturing is the process of pumping a complex mix of fluids and chemicals, including large volumes of water, under very high pressure to create fractures in underground oil or gas bearing geologic formations for the purpose of producing or recovering oil or gas; and

WHEREAS, such high pressure injection used to fracture may result in fracturing rock formations beyond the extraction site, potentially allowing harmful chemicals to migrate into the aquifer; and

WHEREAS, such well stimulation treatments may involve the use of many different types of chemicals, of which many have been documented to have adverse effects on human health and the environment; and

WHEREAS, exposure to the chemicals used in well stimulation may pose a widespread and significant risk to public health and to the State of Florida's most precious natural resources; and

WHEREAS, well stimulation treatments involve the use of substantial amounts of freshwater at a time when many Florida municipalities are struggling with the impacts that water scarcity has in the State of Florida; and

WHEREAS, well stimulation produces wastewater containing numerous toxic chemicals, some of which may be hazardous; and

WHEREAS, leaks and spills of such chemicals as well as releases of toxic and dangerous gases, particulates, and other substances have been reported in several states at sites engaged in high intensity petroleum operations; and,

WHEREAS, an FDEP permit is required for drilling oil and gas wells; and

WHEREAS, specialized emergency equipment and training is needed to respond to emergencies involving oil and gas wells engaged in high intensity petroleum operations; and,

WHEREAS, there is limited local emergency response training and equipment available to respond to an emergency situation involving a high intensity petroleum operation, should one occur within the City; and,

WHEREAS, in the absence of comprehensive Florida and City-specific peer reviewed scientific studies demonstrating the safety and efficacy of high intensity petroleum operations, including hydraulic fracturing for the purposes of extracting oil and gas, the City opposes the use of such high intensity petroleum operations within the City given the potentially irreversible threat they pose to the City's economy and environment, as well as the health, safety, and welfare of the citizens of the City; and,

WHEREAS, the City is a built out urban environment with insufficient vacant land for these uses and the negative impacts that these uses would have on abutting properties makes it inappropriate to allow this use in St. Petersburg; and

WHEREAS, the City Code currently prohibits this use, and mining in general, but City Council wishes to adopt these findings in order to more effectively support the prohibition; and

WHEREAS, the adoption of this additional language shall not be interpreted to allow any other prohibited use which is not specifically mentioned in the City Code as prohibited; and

WHEREAS, in order to protect the health, safety, and welfare of the citizens of the City, the City Council is hereby making these findings and prohibiting this use.

CITY OF ST. PETERSBURG DOES ORDAIN:

SECTION 1. The City Council hereby specifically approves and makes the findings set forth in the foregoing 'whereas' paragraphs of this ordinance.

SECTION 2. Section 16.60.040.2 of the St. Petersburg City Code is hereby amended to read as follows:

A. Any use not listed as a permitted, special exception or accessory use in the use matrix is presumed to be prohibited within the zoning district. In addition to this general

prohibition against the following uses, the City Council has made findings concerning reasons why the following uses are prohibited:

1. oil or natural gas wells including those that use hydraulic fracturing, acid fracturing, or any other type of well stimulation;

2. the storage of any wastewater generated from a use using hydraulic fracturing, acid fracturing, or any other type of well stimulation;

The listing of specific uses herein is not intended to, nor shall it, suggest or be interpreted to mean that any other use not specifically listed here is, in any way, permitted or allowable. As clearly stated in this subsection, any use not listed in the use matrix is presumed to be prohibited. The doctrine of 'expressio unius est exclusio alterius' shall not apply to this list.

B. If a proposed use is not listed in the use matrix, and is not prohibited by these regulations (these regulations allow some uses in some districts or locations but prohibit them, or some variation of the use, in others) or by law, a property owner may apply to the POD for a determination that the proposed use is materially similar to a use that is listed. The uses specifically listed in subsection A are not materially similar to any use listed in the use matrix. Should the POD determine that a proposed use is materially similar to a use that is listed, such determination shall be reduced to writing and copies shall be transmitted to the property owner and filed with the City Clerk. In such event, the regulations governing the proposed use shall be the same as the regulations governing the use determined to be materially similar. Should the POD determine that a proposed use is not materially similar to a use that is listed in the use matrix, the proposed use will be deemed a prohibited use.

B.C. The POD may determine that a use is materially similar if:

1. The use is listed as within the same structure or function classification as a use specifically enumerated in the use matrix, as determined by the Land Based Classification Standards (LBCS) of the American Planning Association.

2. If the use cannot be located within one of the LBCS structure or function classifications, the POD shall refer to the North American Industry Classification Manual (Executive Office of the President, Office of Management and Budget, 1997 or current edition) (NAICS). The use may be considered materially similar if it falls within the same industry classification of the NAICS.

3. In order to assist in interpretation of the use matrix, the LBCS and NAICS numbers are identified for some uses in the use matrix. In interpreting the use matrix, the following rules of construction apply:

a. If a use is listed for a specific classification, while a more general classification within the same industry classification is also listed for another use, the specific classification governs. The specific use is not necessarily

allowable in all districts where the uses coded to the general classification are allowable simply because they share a similar LBCS or NAICS code number.

b. Some uses are listed separately, but fall within the same LBCS or NAICS classification. The uses within one such classification are not necessarily allowable in all of the zoning districts as the others simply because they fall within the same LBCS or NAICS classification.

4. The proposed use shall not generate average daily trips exceeding other uses allowed in the zoning district by more than ten percent, as determined by the Institute of Transportation Engineers, Trip Generation (6th edition, 1997, or current edition) (the ITE manual). The POD may also refer to similar local traffic studies.

DC. Decisions of the POD may be appealed to the Community Planning and Preservation Commission.

SECTION 3. As used in this ordinance, language appearing in struck-through type is language to be deleted from the City Code, and underlined language is language to be added to the City Code, in the section, subsection, or other location where indicated. Language in the City Code not appearing in this ordinance continues in full force and effect unless the context clearly indicates otherwise. Sections of this ordinance that amend the City Code to add new sections or subsections are generally not underlined.

SECTION 4. The provisions of this Ordinance shall be deemed severable. The unconstitutionality or invalidity of any word, sentence or portion of this ordinance shall not affect the validity of the remaining portions.

SECTION 5. In the event that 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 take effect 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)

## PENDING / CONTINUING REFERRALS

	TOPIC	DATE REFERRED	REFERRED BY	MEETING DATE(S)	RETURN DATE	STAFF	SPECIAL NOTES
1	Code Change  Modification of existing ordinance to allow for wet zone(s) on particular days and specific hours and to include the opportunity for fundraising for the Arts endowment.	12/4/2014	Kennedy	12/11/2014 03/10/2016	07/14/2016	Legal, Michael Dema	Councilmember Kennedy to reach out to Edge District to gauge level of interest and bring back to committee at an unspecified time. 03/10/2016 - Referred back to Legal for DRAFT ordinance. <b>05/05/2016-</b> Draft Ordinance will be to the SPPD by next week. <b>5/26/2016-</b> Micheal Dema has drafted an ordinance. The EDGE District board will be reviewing the draft ordinance on 06/08/2016.
2	Policy or Program Change  Police Athletic League Building	12/03/2015	Kennedy	12/17/2015	TBD	Real Estate, Bruce Grimes	Referring to Public Services & Infrastructure Committee a report on the PAL Building condition, repairs and costs. <b>05/05/2016-</b> Sent an Email and left a voice mail With Bruce Grimes <b>5/17/2016-</b> Referred to Gary Cornwell <b>5/26/2016-</b> Still need an assessment of the building and what work needs to be done. <b>06/01/2016-</b> Gary Cornwell stated on 5/26/2016 that he would get into contact with Bruce Grimes to see where they were at with the condition of the building, what was needed for repair and the history of money put into the building by the city already.
3	Policy or Program Change  Air BnB Discussion	01/14/2016	Kennedy	TBD	TBD	Codes, Robert Gerdes,	Referring to Public Services & Infrastructure Committee a policy discussion regarding regulation of vacation rentals. <b>5/26/2016-</b> Steve Kornell requested more information (a report from Rob & legal) about the San Francisco air BnB lawsuit. Someone from the tax collector's office will be invited to the



## PENDING / CONTINUING REFERRALS

	TOPIC	DATE REFERRED	REFERRED BY	MEETING DATE(S)	RETURN DATE	STAFF	SPECIAL NOTES
4	Policy or Program Change  Education campaign regarding potential sources of lead contamination in houses	03/03/2016	Kornell	TBD	TBD	Water Resources, Steve Leavitt	Referring to Public Services & Infrastructure a discussion and possible implementation of an education campaign regarding potential sources of lead contamination in houses. <b>3/31/2016</b> - Presentation given by Steve Leavitt and Claude Tankersley <b>04/28/2016</b> - Steve Kornell requested more education to citizens with a marketing plan as well as running a newsletter for neighborhoods, schools etc. <b>5/26/2016</b> - Will go to full council on June 2, 2016.
5	Policy or Program Change  Minority and Female membership on city appointed boards and committees	03/03/2016	Kornell	06/09/2016	TBD	Gary Cornwell	Referring to Public Services & Infrastructure a discussion on increasing minority and female membership on city appointed boards and committees. <b>5/26/2016</b> - More outreach to get more volunteers.

## PENDING / CONTINUING REFERRALS

	TOPIC	DATE REFERRED	REFERRED BY	MEETING DATE(S)	RETURN DATE	STAFF	SPECIAL NOTES
6	Policy or Program Change  St. Petersburg Downtown Partnership Looper Funding and Possible Expansion	03/10/2016	Kennedy Nurse	TBD	Nov. 2016	Parking & Transportation, Evan Mory	Referring to Public Services & Infrastructure a discussion on Looper funding and possible expansion. <b>05/05/2016</b> – Waiting on PSTA for a downtown circulation study. <b>05/26/2016</b> - PSTA is doing a study for the downtown transportation now that the grid system is there. The report is due back before the end of the year around November.
7	Code Change  Discussion on banning fracking, wastewater injection wells and storage pits associated with this process.	04/07/2016	Kornell	06/09/2016	TBD	Legal	Referring to Public Services & Infrastructure a discussion to request Legal draft ordinance banning fracking, wastewater injection wells and storage pits associated with fracking in St. Petersburg. <b>05/05/2016</b> – There will be an update on timing in two weeks.
8	Code Change  Continuing discussion on Vehicle for Hire Ordinance	04/21/2016	Kennedy	07/14/2016	TBD	Legal	Referring to Public Services & Infrastructure a continuing discussion on Vehicle for Hire Ordinance with focus on Transportation Network Companies, including background checks, insurance, and handicapped accessibility requirements. <b>05/26/2016</b> - The Mayor is working with administration on putting together a draft ordinance. Expecting something within the next month.
9	Code Change  Consideration of a revision to sign ordinance to allow an ad be placed on bus shelters that are constructed with private sector funds.	04/21/2016	Nurse	05/26/2016	TBD	Legal	Referring to Public Services & Infrastructure Committee consideration of a revision to sign ordinance to allow an ad be placed on bus shelters that are constructed with private sector funds. <b>05/05/2016</b> – Legal is ready to proceed <b>05/26/2016</b> - A motion was made by Gerdes for legal to meet with LEMA

## PENDING / CONTINUING REFERRALS

	TOPIC	DATE REFERRED	REFERRED BY	MEETING DATE(S)	RETURN DATE	STAFF	SPECIAL NOTES
10	Policy or Program Change  <b>Marijuana Civil Citation Program</b>	10/1/2015	Kornell	12/11/2014, 03/10/2016, 04/28/2016	07/28/2016	Legal, Mark Winn	Referring to the Public Services & Infrastructure Committee, a discussion regarding creation of a Marijuana Civil Citation Program. Ordinance will be presented at. <b>05/26/2016</b> - There is a tentative meeting date with the Sherriff and stakeholders for 07/28/2016. This is the closest meeting date from the 90 days given at the 04/28/2016 meeting.
11	Policy or Program Change  <b>Potential for expanding our reclaimed water system</b>	05/12/2016	Gerdes	TBD	TBD	Steve Leavitt, PE	Refer to PS&I a report from staff regarding the reclaimed water system
12	Policy or Program Change  <b>Enhancing the Enforcement Traffic Unit of the SPPD</b>	5/19/2016	Foster	TBD	TBD	Police Chief, Anthony Holloway	Increasing the Police budget to have more traffic enforcement. <b>05/26/2016</b> - CM Nurse wants to know, what the fiscal impact of enforcement is.

**PENDING / CONTINUING REFERRALS**

	TOPIC	DATE REFERRED	REFERRED BY	MEETING DATE(S)	RETURN DATE	STAFF	SPECIAL NOTES
13	Code Change Urban Construction (Mechanical Noise Concerns)	10/13/2015	Nurse	11/19/2015	06/16/2016	Construction Services & Permitting, Rick Dunn	Urban Construction Taskforce Report presented by co-chairs Michael Van Butsel and Tami Simms.