

City of St. Petersburg
Public Services & Infrastructure Committee
Meeting of April 27, 2017 – 9:15 a.m.
City Hall, Room 100

Members: Chair Steve Kornell, Vice-Chair Ed Montanari, Council Members Charlie Gerdes and Amy Foster

Alternate(s): Council Member Jim Kennedy

Support Staff: Nina Mahmoudi, primary support staff; Judy Tenison, backup support staff

- 1) Call to Order
- 2) Approval of Agenda
- 3) Approval of Minutes - April 13, 2017
- 4) New Business –
 - a) Green Cart Initiative Amendment to regulations for Pushcart Vending – Dave Goodwin, Nikki Capehart
 - b) Capital Improvement Assessment (Maintenance and Hurricane/Tropical Storm preparedness) on Bridges – Brejesh Prayman
- 5) Upcoming meetings – May 11, 2017
 - a) A report on utilization of the Hard to Hire and Apprenticeship Ordinance – Claude Tankersley
 - b) Resolution declaring the City of St. Petersburg as an inclusive and welcoming city for all of its residents – Councilwoman Lisa Wheeler-Bowman
- 6) Adjournment

Attachments: Minutes of April 13, 2017 Committee Meeting
New Business Item Support Material
Pending and Continuing Referral List

City of St. Petersburg
Public Services & Infrastructure Committee
Meeting Minutes of April 13, 2017 – 9:15 a.m.
City Hall, Room 100

Members: Chair Steve Kornell, Vice-Chair Ed Montanari, Council Members Charlie Gerdes and Amy Foster

Alternate(s): Council Member Jim Kennedy

Support Staff: Nina Mahmoudi, primary support staff; Judy Tenison, backup support staff, Public Works Administrator Claude Tankersley, Economic Development Director Dave Goodwin, City Attorney Jacqueline Kovilaritch, Assistant City Attorney Michael Dema

- 1) Call to Order – 9:33 a.m.
- 2) Approval of Agenda – Motion for approval by CM Gerdes, all in favor
- 3) Approval of Minutes - March 23, 2017 - Motion for approval by CM Gerdes, all in favor
- 4) New Business – Private Laterals Pilot Rebate Program – Claude Tankersley
 - a) Mr. Tankersley reviewed a presentation about inflow and infiltration issues, challenges with private programs, different program options, sample programs from surrounding government jurisdictions, potential program roadblocks and a recommended path forward. He stated he hopes that the county-wide technical working group will have a plan in place for a program to start sometime in 2018. He stated that a grant request for a pilot lateral program has been modified to be a county-wide program and that the Tampa Bay Estuary Program has expressed interest in being the leading agency.
 - b) CM Nurse prefers that the program start with the worst affected areas and that we put together a bulk repair program where the city pays the costs up front and the citizens pay the City back. He stated that the first step for the program would be to write an ordinance that gives the City the right to inspect private property and asked Mr. Tankersley to speak to his recommended inspection techniques. Mr. Tankersley said he would like to consider using several inspection techniques. Legal stated that they need to research and have concerns about Fourth Amendment issues related to inspection techniques.
 - c) CM Foster inquired if Fourth Amendment concerns might be alleviated if the City opted to use a variety of inspection techniques, including less invasive options. Legal said they would have to review.
 - d) CM Kennedy asked Legal their thoughts on other local municipalities’ programs. Dema stated that they are comfortable generally with affirmative duty and enforceability language as well as punitive language, but where they see concern is in the inspection

process, not the duty to maintain. CM Kennedy asked if any of the ordinances have been challenged due to Fourth Amendment concerns. Dema stated that as it relates to these sorts of public works projects, Fourth Amendment issues are routinely at the top of the list of legal concerns around the nation, as well as if use of public money for these sorts of projects is appropriate. Dema stated he believes there is a strong argument that this is an appropriate use of public money but Legal advised they would have to review the public purpose issue for the specific ordinance being considered.

- e) CM Kennedy made a motion for Council to support the City taking a countywide approach to the pilot program. He also requested that Legal coordinate with the technical working group throughout the process of the pilot program conceptualization so the program proposal is viable by the time it makes it back to Council for further consideration. He also asked about the potential benefit of requesting an opinion from the Attorney General's office. Legal stated they would participate in working groups as necessary to provide input on legal issues associated with various approaches and stated that requesting an Attorney General opinion is an option that warrants further consideration.
- f) CM Montanari asked how other municipalities handle inspections. Tankersley stated that past the general information provided in the report, they do not have specific information. CM Montanari asked how some of the fees in some of the case studies were so low. Tankersley stated he didn't have specific answers to the fee structures of other cities. CM Montanari asked if any other professionals were attending the technical group meetings regularly. Tankersley stated no, but that the City staff routinely meet with other stakeholders and share their progress and informally receive feedback.
- g) CM Foster asked if there is a database of homes that need attention. Tankersley stated there are several logs and that staff is currently working on aggregating those logs into one central database. CM Foster asked for a status update on the phase two project. Tankersley stated they were due to receive data results next week from the past six months of data collection.
- h) CM Gerdes asked if we would be obligated to have the same funding mechanism as other cities and counties if we take this county-wide approach. Tankersley stated no, and that there will be flexibility in the funding method for individual jurisdictions. CM Gerdes asked if we can implement a rate increase before the project begins. Legal said they would look into it. CM Gerdes asked if we can use Penny for Pinellas to fund the project. Legal said they would research it. CM Gerdes asked when the anticipated start date would be. Tankersley stated he would have to review their timeline, but he recalls that creating an ordinance, the first step in the process, would take an estimated three to four months. CM Gerdes inquired about the cost of an inspection. Pinellas County Utilities staff stated approximately \$300. CM Gerdes asked if we consider paying for the more critical areas to get the inspections.
- i) CM Nurse stated that if we cannot work out the inspection process, the rest of the project is virtually null. He stated we should consider an opt-out process for mandatory inspections.

- j) CM Kornell stated he thinks that if we pay for the inspections, we also need to make some of the repairs. He stated he thinks the City should stay out of the process as much as possible, and we should consider making inspections mandatory and give some guidelines, and let the rest of the process be handled privately. He stated he is not in favor of raising water rates and that they may need to consider a reprioritization of the capital budget. CM Kennedy stated that was an item for discussion in an upcoming BF&T committee meeting.
 - k) All in favor of CM Kennedy's motion, passes unanimously.
- 5) New Business - Update on zoning for marijuana dispensaries – Dave Goodwin and Michael Dema
- a) Mr. Goodwin presented an interactive dispensary location analysis using different scenarios discussed by the committee at the previous PS&I meeting.
 - b) Mr. Dema stated he researched the six state bills related to marijuana dispensaries. He found that only two bills have school distance requirements, one with a requirement of 500 ft and another with the requirement of 1,000 ft. The bill with the 500 ft requirement has made it through the appropriations committee. He stated that there are a range requirements in the bills, including a bill which would allow cities to ban the dispensaries all together and a different bill that would state that you cannot ban dispensaries or zone in a manner that effectively bans or unreasonably interferes with the use. There is one bill that has signage requirements that ban certain marketing logos/iconography. There are some bills with permitting caps per county, and some bills that state that dispensaries' distance from one another will be the same as the requirements for businesses permitted to sell alcohol. He stated that preemption is generally light in comparison to bills on other topics. He stated there are no grandfathering provisions for local zoning in the proposed legislation.
 - c) CM Montanari asked if businesses could apply for a variance should the city enact an ordinance. Goodwin stated it would depend on how the code language is written. Dema stated that if a state bill passes that addresses variances, the City would adopt that language.
 - d) CM Montanari motioned that the City adopt an ordinance with the strictest distance requirements.
 - e) Dema stated that we shouldn't have any expectations that anything we pass at the local level will stick if one of the state bills passes.
 - f) CM Gerdes motioned that the issue be brought back to PS&I once the legislative session is over. CM Montanari withdrew his motion. All in favor of the motion by CM Gerdes.
- 6) Adjournment – 11:15 a.m.

PUBLIC SERVICES & INFRASTRUCTURE COMMITTEE**April 27, 2017**

Topic	Return Date	Referral Date	Prior meeting	Referred by	Staff	Notes
Green Cart Initiative Amendment to regulations for Pushcart Vending	4/27/2017	6/16/2016		Rice	Goodwin Nikki Capehart	
Capital Improvement Assessment (Maintenance and Hurricane/Tropical Storm preparedness) a. Bridges b. Seawalls c. Roads d. Sidewalks e. Sewers f. Potable Water g. Stormwater h. Wastewater i. Reclaimed Water j. Buildings	a. 4/27/2017	2/2/2017		Kennedy	a. Prayman	
A report on utilization of the Hard to Hire and Apprenticeship Ordinance	5/11/2017	9/22/2016	3/23/2017	Foster	Tankersley	Staff to report back on penalties, lower thresholds, pre-certification programs, Davis Bacon Act and streamlining, and the compliance program
Resolution declaring the City of St. Petersburg as an inclusive and welcoming city for all of its residents	5/11/2017	3/16/2017		Wheeler- Bowman		

Topic	Return Date	Referral Date	Prior meeting	Referred by	Staff	Notes
A discussion of the first quarterly report in regard to the diversion program for several misdemeanor crimes which is being implemented by the Sheriff's dept	5/25/2017	Quarterly		Kornell	PCSO	2/6/16 Spoke to Sherriff's Dept. They are working on the report and will distribute as soon as complete
Vehicle for Hire Ordinance		4/21/2016	8/25/16 9/22/16 10/13/16 11/21/16 PH	Kennedy	Legal - Judd	Discussion of Vehicle for Hire Ordinance with focus on Transportation Network Companies, inc. background checks, insurance and handicap accessibility requirements; 5/26/16 - Mayor's office is working with legal on draft ordinance, expect something within next month 11/21/16 - 1st Public Hearing; second PH in future
Mechanical Noise/Downtown Noise		6/16/2016	7/28/2016	Kornell	Goodwin	Direct request to CM Kornell
Urban Construction (Mechanical Noise Concerns)		10/13/2015	11/19/15 6/16/16 12/15/16* *(ENRS)	Nurse	Rick Dunn	6/16/16 - Urban Construction Task Force Report; Claude Tankersley to return with a report on cooling systems. Rick Dunn to return with a report on how other cities handle noise/recommended changes 12/16/16 - Preliminary District Cooler Plant Analysis report at ENRS 01/27/17 - Per Rick Dunn: Planning & Eco Dev is including mechanical noise issues as a component of a proposed change to existing noise ordinance. Not sure when it will be ready to return to PSI

Topic	Return Date	Referral Date	Prior meeting	Referred by	Staff	Notes
St. Petersburg Downtown Partnership Looper Funding and Possible Expansion		3/10/2016		Kennedy Nurse	Evan Mory	5/5/16 - waiting on PSTA for a downtown circulation study 5/25/16 PSTA is doing study for the downtown transportation now that the grid system is in place. Report due before endo of year - November
Agreement to allow advertisement on bus shelters that are constructed with private sector funds		4/21/2016	5/26/2016 10/27/16		Legal - Winn	Discussion on revising sign ordinance to allow advertisement on bus shelters constructed with private sector funds 5/5/16 - legal is ready to proceed 5/26/16 - Motion made for legal to meet with LEMA Construction for the purpose of putting together a document that would comply with the written authorization requirement in the Florida Statutes inc. discussions with PSTA. 6/16/16 - Legal to bring back in July 10/27/16 - Winn is waiting to hear back from PSTA
Potential for expanding reclaimed water system		5/12/2016		Gerdes	John Palenchar	Report from staff regarding reclaimed water system
Discussion of Brownfields & the incentives for developers		8/4/2016		Kornell	Legal - Kovilaritch	legal to provide a report regarding FL Statutes and how to apply the state reg brownfield area
Report on Proposed South St. Petersburg Master Plan with a potential 2050 plan		8/4/2016		Kornell	Kevin King	
Presentation in regard to the Best Management Practices (BMP) concerning reduction of nitrogen loading to Tampa Bay from community gardening activities		9/8/2016		Kornell	Pinellas County Cooperative Extension	

Topic	Return Date	Referral Date	Prior meeting	Referred by	Staff	Notes
Discussion re making the Manhattan Casino the new home of the Dr. Carter G. Woodson African American Museum		10/20/2016		Kornell		
Discussion of requiring our wholesale sewer customers to make certain budget commitments on an annual basis to reduce the amount of infiltration/inflow in their sewer collection s systems		1/19/2017		Kornell		
A report on flooding specified areas and along Dr. MLK, Jr. St S near Lake Maggiore		9/22/2016		Kornell	Stormwater John Norris	2/28/17 - to be a part of the stormwater master plan
Local ordinance banning Conversion or Reparative Therapy		4/6/2017		Kornell		Kornell requested City's Legal department research the issue and prepare a draft ordinance for the committees consideration.

Topic	Return Date	Referral Date	Prior meeting	Referred by	Staff	Notes
Private Laterals Pilot Rebate Program		3/2/2017	4/13/2017	Kornell	Tankersley	<ol style="list-style-type: none"> 1. What has been discussed at the County level 2. Pros/Cons on programs they have seen 3. Issues that have to be dealt with from both perception level and policy level 4. Ideas of what next steps can be made 5. How many manholes have been repaired and how many are need of repair in the area of the study 6. How do we fund a program 7. Legal - Is there a basis in the law if we are faced with a health safety issue, what rights do we have going on private property and inspecting (pipes). 4/13/17- Claude stated he will f/u on timing for the next PSI report