

City of St. Petersburg
Public Services & Infrastructure Committee
Meeting of October 26, 2017, 9:15 am
City Hall, Room 100

Members: Chair Steve Kornell, Vice Chair Ed Montanari, Charlie Gerdes, Amy Foster,
Jim Kennedy (alternate)

Support Staff: Judy Tenison, City Council Administrative Aide

1) Call to Order

2) Approval of Agenda

3) Approval of September 28, 2017 Minutes

4) New Business – October 26, 2017

- a) Consideration of regulating and limiting the use of commercial sized wood burning grills in residential zoning districts, L. Abernathy, H. Judd
- b) Seeking the committee's input on whether or not Legal should move forward with drafting an agreement with PSTA to permit the construction of 23 proposed additional bus shelters with advertising, B. Pettigrew

5) Upcoming meeting dates with tentative agenda items

November 9, 2017, 8:00 am

- a) Capital Improvement Assessment - Roads/Sidewalks/Pedestrian Bridges,
C. Tankersley, B. Prayman

Attachments:

Minutes of the September 28, 2017 PS&I Committee Meeting
New Business Item Support Material
Pending and Continuing Referral List

City of St. Petersburg
Public Services & Infrastructure Committee
MEETING MINUTES OF SEPTEMBER 28, 2017
City Hall, Room 100

Present: Committee Members – Chair Steve Kornell, Charlie Gerdes, Jim Kennedy (alternate)

Also Present: City Attorney Jackie Kovilaritch, Assistant City Attorney Kim Streeter, Claude Tankersley, John Palenchar, Wayne Atherholt, Lance Rogers, Terri Hall

Support Staff: Judy Tenison, City Council Administrative Aide

1. Call to order – 9:39 am

2. Approval of Agenda – CM Gerdes moved to approve, all in favor.

3. Approval of August 24, 2017 Minutes – CM Gerdes moved to approve, all in favor.

4. New Business

a) Inflow and Infiltration Agreement, Claude Tankersley, John Palenchar

C. Tankersley briefly reviewed the proposed amendment to wholesale agreements. The amendment sets up definitions of what I&I is, reporting requirements, and definitions of flows to be maintained. Three different flows were highlighted; Annual Average (daily) flow, Maximum Day and Peak Hour. The amendment would require wholesale customers to put in appropriate effort to meet those flows. Wholesale customers would be required to annually report on how they met peak flows. If there is a violation the customer has 30 days to provide a Flow Rate Exceedance Report. A copy of the draft amendment has been provided to our wholesale customers. We would like to add this to the agreements as soon as possible; if not, then the appropriate time would be when the agreements come to their end. CM Kennedy moved to request Administration to move forward with negotiations with wholesale customers on Inflow and Infiltration Agreement. Motion passed unanimously.

b) Sculpture Walk St. Pete, Wayne Atherholt, Lance Rogers, Terri Hall

W. Atherholt introduced Lance Rogers who showed a power point presentation introducing the Sculpture Walk St. Pete project. As an outdoor gallery, this project would grow the city's position as a major arts destination. The artwork would be attractive to but not distracting from the City's waterfront. Each year half the artwork would rotate out and new artwork installed, making it always look fresh to citizens. They are a 501(c)3 and the artwork would be funded by sponsorships, grants and fundraisers. This would be near existing sidewalks; not taking up any park space. In the power point was funding - individual sponsorships; education - apprentice/scholarship opportunities for high school and college students and in-depth hands-on educational opportunities; benefits - minimal City overhead and a valuable asset for residents and tourists. The committee responded favorably to the presentation and would like to incorporate rules and regulations. J. Kovilaritch stated that we would have license agreements through the Real Estate Department for use of City property and as part of that we can address size, location placement, right of removal, establish some guidelines, and indemnity insurance. Legal would also look at first Amendment issues in general. CM Kennedy moved to request Administration to work with Mr. Rodgers to develop a plan and bring it back to the PS&I committee. Motion passed unanimously.

Meeting adjourned at 10:38 am.

**PROPOSED ADDITION TO CHAPTER 16, WOULD REQUIRE DRC APPROVAL
BEFORE A FIRST READING**

SECTION 16.50.170. - HOBBIES

16.50.170.1. - Applicability.

This section applies to any hobby.

16.50.170.2. - Use restrictions.

- A. A hobby shall be conducted inside the principal building or any accessory building or garage, or at any location behind the front facade of the principal building.
- B. The use of the dwelling unit for a hobby shall be clearly incidental and secondary to its use for residential purposes.
- C. If a hobby is conducted inside the principal building, no more than 25 percent of the total living area of the building shall be used to conduct the hobby.
- D. Outdoor display and outdoor storage of materials, tools and equipment is prohibited.
- E. Hobbies which create noise not usual to a residential district or which involve the use of power tools are prohibited between the hours of 9:00 p.m. and 7:00 a.m.
- F. Mechanical equipment shall not create vibration, glare, fumes, odors or electrical interference reasonably detectable to a person outside of the building. In the case of electrical interference, no equipment or process shall be used that creates visual or audible interference in any radio or television reception off the premises or causes fluctuations in line voltage.
- G. Retail or wholesale sales on the premises are prohibited.
- H. The use of metal fabrication, welding or cutting torches is prohibited. Any activity prohibited by federal, state or local law or regulation is prohibited.
- I. Where a hobby includes the repair (which term shall, for the purposes of this section, include rebuilding) of a motor vehicle in a residential district, such hobby shall also be subject to the following requirements:
 - 1. For the purposes of this section, a motor vehicle shall have its commonly accepted definition and shall also include all forms of domestic equipment and commercial equipment as defined in this chapter, boats and other watercraft.
 - 2. Motor vehicles repaired within a residential zoning district must be owned by the owner or occupant of the property on which they are being repaired, or must be owned by a family member of the owner or occupant of the property on which they are being repaired.
 - 3. Upon request by a City inspector or police officer, a person making a motor vehicle repair in a residential zoning district shall demonstrate that he resides at the property where the repair is being made and that the motor vehicle belongs to such person or a family or household member. Should the person be unable or unwilling for any reason to

demonstrate residency or ownership of the motor vehicle being repaired, the person shall be in violation of this section.

J. Where a hobby includes the usage of outdoor wood burning devices, such hobby shall also be subject to the following requirements:

1. Within a residential zoning district an outdoor wood burning device may not be used between the hours of 11 p.m. and 5 a.m. Monday through Thursday.
2. Within a residential zoning district an outdoor wood burning device may not be used for more than three consecutive days.
3. Within a residential zoning district an outdoor wood burning device with greater than 3 square feet of operable area may not be operated within 10 feet of any property line abutting a residential dwelling.

16.50.170.3. - Violations.

Each property owner or occupant of the property where activities violate this section, each motor vehicle owner or person in possession or control of a motor vehicle being repaired or rebuilt in violation of this section, and each person engaging in an activity which violates this section may be cited for each violation.

PROPOSED NEW DEFINITION:

16.90.020.3.3 Definitions

“Outdoor wood burning device” means a device which uses wood, or wood-based charcoal as fuel for burning and is located outside of a fully enclosed structure. Outdoor wood burning devices include, but are not limited to the following: grills, smokers, chiminea, fire pits, fireplaces, ovens, barrels, kilns, and any other devices or apparatus which burn wood or charcoal for cooking, heating or aesthetics.

IN THE COUNTY COURT IN AND FOR PINELLAS COUNTY, FLORIDA
UCN NO. 522014CC004142XXCOCO/REF. NO. 14004142CO 040

SUZANNE F. GODFIRNON,
Plaintiff,

vs.

CHRISTOPHER MATT AND DWAYNE E. MATT,
Defendants.

CIVIL DIVISION

KEN BURKE
CLERK OF CIRCUIT COURT
AND COMPTROLLER

2017 OCT 16 AM 11:39

FILED
ST. PETERSBURG BRANCH

ORDER

This nuisance action between neighbors requesting injunctive relief was before the Court. Plaintiff claims that Defendants regularly use, all times day and night, large wood burning commercial size grills on their property that cause an intolerable amount of smoke and odor to enter into her house. A field inspector with the Pinellas County Air Quality Department testified that he observed an excessive amount of smoke emitting from Defendants' grills that would violate county ordinances related to open burning. Plaintiff's medical expert testified that the toxic levels of air pollution found in Plaintiff's car, garage and house, originating from Defendants' grill smoke, were exceedingly high, and put Plaintiff at serious risk to various sickness and disease. On the evidence presented, the Court could find that the smoke coming from Defendants' property constitutes a nuisance as it relates to Plaintiff. An injunction, however, is an extraordinary remedy. The Court therefore will allow Defendants an opportunity to find a reasonable resolution to the problem. Accordingly, it is ORDERED AND ADJUDGED that: (1) Defendants shall have 30 days from the date of this Order to voluntarily ABATE the nuisance; (2) alternatively, the Court will reserve jurisdiction to conduct a further hearing to determine a means of abatement; (3) in all other respects, Plaintiff's petition is DENIED.

ORDERED in St. Petersburg, Pinellas County, Florida, on October 13, 2017.


EDWIN B. JAGGER, COUNTY JUDGE

Copies to:
Suzanne F. Godfirnon
Christopher/Dwayne Matt

PUBLIC SERVICES & INFRASTRUCTURE COMMITTEE

Oct. 26, 2017

Topic	Return Date	Referral Date	Prior Meeting	Referred By	Staff	Notes
1 Consideration of regulating & limiting the use of commercial sized wood burning grills in residential zoning districts.	10/26/17	5/4/17		Nurse	L. Abernathy H. Judd	
2 Consideration of an ordinance to allow PSTA to enter into an agreement to permit the construction of 23 proposed additional bus shelters with advertising.	10/26/17	5/18/17		Nurse	B. Pettigrew	NBI was a result of 5/11/17 PSI.
3 Capital Improvement Assessment (Maintenance & Hurricane/Tropical Storm Preparedness) a. Bridges b. Reclaimed Water & possible expansion c. Roads / Sidewalks / Pedestrian Bridges d. Seawalls e. Stormwater f. Potable Water g. Buildings h. Sewers / Wastewater	a. 11/09/17 b. 01/11/18 c. 02/08/18 d. 03/08/18 e. 04/12/18 f. 05/10/18 g. (if needed)	2/2/17	a. 04/27/17 a. 07/20/17 b. 08/24/17 c. d. e. f. g. h.	Kennedy b. Gerdes	a. Prayman b. Palenchar c. Prayman d. e. f. g. h.	4/27/17 a) Bridges -Staff to bring back analysis of long-term and pedestrian bridge funding. a) 7/20/17-power point by B. Prayman. CM Kennedy asked to have noted that between 2021 and 2025 there is a \$50 million shortage on funding for bridges. b) 8/24/17-report provided by J. Palenchar. Items b), e), f) & h) are part of the Integrated Master Plan.
4 Discussion regarding the City's ability to regulate drones.	12/14/17	8/24/17		Montanari	D. Mcateer	
5 A discussion in regards to our preparedness to respond to a natural disaster such as a hurricane.	12/14/17	9/14/17		Kornell		
6 Sculpture Walk St. Pete		2/7/17	9/28/17	Public Arts Commission	W. Atherholt J. Kovilaritch	2/7/17-verbally referred by CM Kornell during Public Arts Commission report at Council meeting. 9/28/17-moved to ask Adm. to work with Mr. Rodgers to develop a plan and bring back to PS&I.

Topic	Return Date	Referral Date	Prior Meeting	Referred By	Staff	Notes
7 Mechanical Noise / Downtown Noise Urban Construction (mechanical noise concerns)		10/13/15	11/19/15 6/16/16 12/15/16* (ENRS)	Nurse Kornell	K. Dunn	6/16/16 -Urban Construction Task Force Report; C. 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. 1/27/17 -Per R. 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.
8 Green Cart Initiative Amendment to regulations for Pushcart Vending		6/16/16		Rice	D. Goodwin N. Capehart	4/27/17 -Deferred to later date. 8/23/17 -Check w/Rice in a month.
9 Private Laterals Pilot Rebate Program		3/2/17	4/13/17	Kornell	C. Tankersley M. Dema	1) What has been discussed at 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 in need of repair in study area 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 -Tankersley stated we will f/u on timing for the next PSI report 5/3/17 -Waiting for County program
10 Dashboard Cameras, Body Cameras, Shot Spotters report		5/18/17	6/15/17	Council	A. Holloway	6/15/17 -CM Gerdes made a motion to move forward with \$87,000 allocation for Dash Cams. 7/13/17 -Council approved purchase of dashboard cameras & accessories for \$87,000. 8/24/17 -leave on list for Chief Holloway to come back with grant info for Shot Spotter.
11 Report on proposed South St. Petersburg Master Plan with a potential 2050 plan		8/4/16		Kornell	K. King	9/28/17 -Per Dr. Cornwell this is on the schedule to be kicked off at the start of the year.

Topic	Return Date	Referral Date	Prior Meeting	Referred By	Staff	Notes
12 Report on utilization of the Hard to Hire and Apprenticeship Ordinance		9/22/16	3/23/17 5/25/17	Foster	C. Tankersley	<p>5/1/17-Not ready for 5/11, per Tankersley & Prayman. Staff to report back on penalties, lower thresholds, pre-certification programs, Davis Bacon Act and streamlining, and the compliance program.</p> <p>5/25/17-approved w/Legal to develop language that the penalty provision covers principles of a company and not just the corporate entity. CM Kornell suggested for future iteration to add provision giving an extra bonus if person is both disadvantaged worker and an apprentice; and dollar threshold for triggering ordinance.</p> <p>9/28/17-Per Dr. Cornwell: will see how this works and report in June 2018 as per annual reporting requirement.</p>

PS&I Dates: 2017 - 5/11, 5/25, 6/8, 6/15, 7/20, 7/27, 8/3, 8/10, 8/17, 8/24, 9/7, 9/14, 9/21, 9/28, 10/5, 10/12, 10/19, 10/26, 11/2, 11/9, 11/16, 11/23, 11/30, 12/7, 12/14, 12/21, 12/28, 1/4, 1/11, 1/18, 1/25