

MINUTES

REGULAR COMMISSION MEETING
SOUTH PASADENA, FLORIDA

MONDAY, JULY 1, 2024
IMMEDIATELY FOLLOWING THE 5:01 P.M.
SPECIAL COMMISSION MEETING

MAYOR PENNY CALLED THE MEETING TO ORDER AT 5:27 P.M. THE INVOCATION WAS GIVEN BY COMMISSIONER THOMAS. ALL PARTICIPATED IN THE PLEDGE TO THE FLAG.

ROLL CALL: COMMISSIONERS BEN THOMAS, LYNDIA THOMPSON, THOMAS REID, VICE MAYOR GAIL NEIDINGER, AND MAYOR ARTHUR PENNY. ALSO PRESENT: CITY CLERK CARLEY LEWIS, CITY ATTORNEY JULIA MANDELL, FINANCE DIRECTOR JAMES GRAHAM, PUBLIC SAFETY DIRECTOR DAVID MIXSON, PUBLIC WORKS DIRECTOR SHAWN SHIMKO, COMMUNITY IMPROVEMENT DIRECTOR TERESA SULLIVAN, AND DEPUTY CITY CLERK MARY JO BOWMAN.

PEOPLE'S FORUM

Sandra Chiappetta, St. Petersburg, questioned if a public kayak would be permitted at the Causeway Village docks.

AGENDA COMMENT

NONE

DISCUSSION ITEMS

PUBLIC HEARING - LEGISLATIVE

City Attorney Mandell asked the City Commission to disclose all ex-parte communications and informed the participants about the record of hearing process for all three public hearing items.

City Clerk Lewis administered the oath of testimony to those intending to give testimony.

1. ORDINANCE NO. 2024-03 - AN ORDINANCE OF THE CITY OF SOUTH PASADENA, FLORIDA; AMENDING CHAPTER 130-10 AND CHAPTER 130-12 OF THE CITY CODE OF ORDINANCES PERTAINING TO PERMITTED USES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE - SECOND AND FINAL READING.

Mayor Penny opened the public hearing at 5:32 p.m. and asked City Attorney Mandell to present the subject item on behalf of staff.

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City Attorney Mandell read Ordinance No. 2024-03 by title and approved it as to form and content. She stated that case law she provided previously was to provide a basis for regulating land use rather than land ownership. She further stated that the specifics of the referenced case relating to kayak launches do not apply. She recommended that the City Commission proceed forward with the approval of Ordinance No. 2024-03. She further recommended that the evidence and testimony from the preceding Special Commission Meeting be adopted as part of the record for the current hearing.

MOTION WAS MADE BY COMMISSIONER THOMAS, SECONDED BY VICE MAYOR NEIDINGER, TO TAKE ALL EVIDENCE AND TESTIMONY THAT WAS SUBMITTED DURING THE PRECEDING SPECIAL COMMISSION MEETING AS PART OF THE RECORD FOR THE CURRENT MEETING.

VOTE:	VICE MAYOR NEIDINGER	AYE
	COMMISSIONER THOMAS	AYE
	COMMISSIONER THOMPSON	AYE
	COMMISSIONER REID	AYE
	MAYOR PENNY	AYE

UNANIMOUSLY APPROVED

Mayor Penny questioned what uses would be permitted for the residents.

In response to Mayor Penny, City Attorney Mandell stated that the property owner could add elements like a kayak launch but the facilities would only be for use by the residents.

Mayor Penny invited members of the public to comment on the item.

Sandra Chiappetta, St. Petersburg, questioned why case law referencing a public kayak launch was previously provided.

There being no further comments, Mayor Penny closed the public hearing at 5:41 p.m.

Commissioner Reid stated that the item specifically stipulates that facilities would be for use by the residents so a public facility would not be allowed.

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City Attorney Mandell stated that she has responded to previous questions and provided case law that relate to a governmental entity's ability to regulate property use and property ownership. She further stated that her priority is to protect the City and the security of the City Code.

MOTION WAS MADE BY COMMISSIONER REID, SECONDED BY COMMISSIONER THOMPSON, TO PASS AND ADOPT ORDINANCE NO. 2024-03 ON SECOND AND FINAL READING.

VOTE:	COMMISSIONER THOMAS	AYE
	COMMISSIONER THOMPSON	AYE
	COMMISSIONER REID	AYE
	VICE MAYOR NEIDINGER	AYE
	MAYOR PENNY	AYE

UNANIMOUSLY APPROVED

2. ORDINANCE NO. 2024-04 - AN ORDINANCE OF THE CITY OF SOUTH PASADENA, FLORIDA; AMENDING CHAPTER 130-46, CHAPTER 130-47, CHAPTER 130-48, CHAPTER 130-49, CHAPTER 130-50, AND CHAPTER 130-51 OF THE CITY CODE OF ORDINANCES PERTAINING TO REQUESTS FOR VARIANCES, SPECIAL EXCEPTION USE PERMITS, REZONING, AND SUBDIVISION APPROVAL; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE - SECOND AND FINAL READING.

Mayor Penny opened the public hearing at 5:45 p.m. and asked City Attorney Mandell to present the subject item on behalf of staff.

City Attorney Mandell read Ordinance No. 2024-04 by title and approved it as to form and content. She recommended that the Commission include the evidence and testimony from the previous Special Commission Meeting as part of the record for this current hearing.

MOTION WAS MADE BY VICE MAYOR NEIDINGER, SECONDED BY COMMISSIONER THOMAS, TO TAKE ALL EVIDENCE AND TESTIMONY THAT WAS SUBMITTED DURING THE PRECEDING SPECIAL COMMISSION MEETING AS PART OF THE RECORD FOR THE CURRENT MEETING.

VOTE:	COMMISSIONER THOMPSON	AYE
	COMMISSIONER REID	AYE
	VICE MAYOR NEIDINGER	AYE
	COMMISSIONER THOMAS	AYE

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MAYOR PENNY

AYE

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Mayor Penny invited members of the public to comment on the item.

There being no comments, Mayor Penny closed the public hearing at 5:48 p.m.

MOTION WAS MADE BY COMMISSIONER THOMPSON, SECONDED BY COMMISSIONER REID, TO PASS AND ADOPT ORDINANCE NO. 2024-04 ON SECOND AND FINAL READING.

VOTE:	COMMISSIONER REID	AYE
	VICE MAYOR NEIDINGER	AYE
	COMMISSIONER THOMAS	AYE
	COMMISSIONER THOMPSON	AYE
	MAYOR PENNY	AYE

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PUBLIC HEARING - QUASI-JUDICIAL

3. CONSIDERATION OF APPLICATION FOR AN AMENDMENT TO PREVIOUSLY APPROVED SPECIAL EXCEPTION FROM CAUSEWAY VILLAGE MHC, LLC FOR 1375 PASADENA AVENUE SOUTH, SOUTH PASADENA, FL 33707, AND ASSOCIATED SPECIAL MAGISTRATE RECOMMENDATION.

Mayor Penny opened the public hearing at 5:48 p.m. and asked City Attorney Mandell to present the subject item on behalf of staff.

City Attorney Mandell introduced and presented the item on behalf of staff. She discussed the history of the previously approved special exception. She reported that the applicant applied for an amendment to the special exception which was denied by the City Commission. She said that the issue was brought before a Special Magistrate and concerns were raised relating to the City Code provisions requiring nonprofit status and reviewed a previously distributed handout (attached to Minutes as Exhibit A). She recommended approval of the item in light of the recent City Code amendment.

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At this time Mayor Penny invited the applicant to make a presentation.

Mark Ebelini, Knott, Ebelini, Hart, Attorneys at Law, presented the application (attached to Minutes as Exhibit B). He stated that the applicant accepts the proposed conditions as explained by City Attorney Mandell.

In response to Mayor Penny, City Attorney Mandell stated that she does not have additional comments.

There being no comments, Mayor Penny invited those wishing to speak in favor of the application to address the Commission.

There being no comments, Mayor Penny invited those wishing to speak against the application to address the Commission.

Sandra Chiappetta, St. Petersburg, spoke against the application and submitted a handout (attached to Minutes as Exhibit C).

There being no further public comments, Mayor Penny invited the applicant to speak for rebuttal.

In response to Mayor Penny, Mr. Ebelini declined to give a rebuttal.

Mayor Penny called for any closing statements from the applicant.

Mr. Ebelini stated that he feels the conditions are clear and that the facilities will be for accessory use.

Mayor Penny called for any closing statements from Staff.

City Attorney Mandell stated that a public kayak facility could not be added because it would no longer then be an accessory use.

There being no further comments, Mayor Penny closed the public hearing at 6:10 p.m.

Commissioner Reid reviewed the Special Magistrate's recommendations (Exhibit A). He spoke in favor of moving forward with the proposed action.

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MOTION WAS MADE BY COMMISSIONER THOMPSON, SECONDED BY COMMISSIONER REID TO APPROVE THE APPLICATION FOR AN AMENDMENT TO PREVIOUSLY APPROVED SPECIAL EXCEPTION FROM CAUSEWAY VILLAGE MHC, LLC FOR 1375 PASADENA AVENUE SOUTH, SOUTH PASADENA, FL 33707, AND ASSOCIATED SPECIAL MAGISTRATE RECOMMENDATION.

VOTE:	VICE MAYOR NEIDINGER	AYE
	COMMISSIONER THOMAS	AYE
	COMMISSIONER THOMPSON	AYE
	COMMISSIONER REID	AYE
	MAYOR PENNY	AYE

UNANIMOUSLY APPROVED

UNFINISHED BUSINESS

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NONE

CONSENT AGENDA

NONE

NEW BUSINESS

4. RESOLUTION NO. 2024-02 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SOUTH PASADENA, FLORIDA, CERTIFYING THE PROPOSED MILLAGE RATE TO THE COUNTY PROPERTY APPRAISER FOR FISCAL YEAR 2024-2025.

City Attorney Mandell read Resolution No. 2024-02 by title.

Mayor Penny reported that the proposed tentative millage rate listed in the item is 5.1750.

MOTION WAS MADE BY COMMISSIONER THOMAS, SECONDED BY COMMISSIONER THOMPSON, TO PASS RESOLUTION NO. 2024-02.

VOTE:	COMMISSIONER THOMAS	AYE
	COMMISSIONER THOMPSON	AYE
	COMMISSIONER REID	AYE
	VICE MAYOR NEIDINGER	AYE
	MAYOR PENNY	AYE

UNANIMOUSLY APPROVED

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5. MOTION - TO APPROVE AN AGREEMENT FOR THE OPERATION AND MAINTENANCE OF CAUSEWAY VILLAGE PRIVATE DOCKS BETWEEN THE CITY OF SOUTH PASADENA AND CAUSEWAY VILLAGE MHC, LLC.

MOTION WAS MADE BY VICE MAYOR NEIDINGER, SECONDED BY COMMISSIONER THOMAS, TO APPROVE AN AGREEMENT FOR THE OPERATION AND MAINTENANCE OF CAUSEWAY VILLAGE PRIVATE DOCKS BETWEEN THE CITY OF SOUTH PASADENA AND CAUSEWAY VILLAGE MHC, LLC.

VOTE:	COMMISSIONER THOMPSON	AYE
	COMMISSIONER REID	AYE
	VICE MAYOR NEIDINGER	AYE
	COMMISSIONER THOMAS	AYE
	MAYOR PENNY	AYE

UNANIMOUSLY APPROVED

6. MOTION - TO APPOINT MAYOR ARTHUR PENNY TO SERVE AS THE CITY'S VOTING DELEGATE AT THE ANNUAL FLORIDA LEAGUE OF CITIES CONFERENCE TO BE HELD AUGUST 15-17, 2024 IN HOLLYWOOD, FLORIDA.

MOTION WAS MADE BY COMMISSIONER REID, SECONDED BY COMMISSIONER THOMPSON, TO APPOINT MAYOR ARTHUR PENNY TO SERVE AS THE CITY'S VOTING DELEGATE AT THE ANNUAL FLORIDA LEAGUE OF CITIES CONFERENCE TO BE HELD AUGUST 15-17, 2024 IN HOLLYWOOD, FLORIDA.

VOTE:	COMMISSIONER REID	AYE
	VICE MAYOR NEIDINGER	AYE
	COMMISSIONER THOMAS	AYE
	COMMISSIONER THOMPSON	AYE
	MAYOR PENNY	AYE

UNANIMOUSLY APPROVED

7. MOTION - TO APPROVE SPECIAL PLANNING PROJECT AGREEMENT BETWEEN THE CITY OF SOUTH PASADENA AND FORWARD PINELLAS.

MOTION WAS MADE BY COMMISSIONER THOMPSON, SECONDED BY VICE MAYOR NEIDINGER, TO APPROVE SPECIAL PLANNING PROJECT AGREEMENT BETWEEN THE CITY OF SOUTH PASADENA AND FORWARD PINELLAS.

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VOTE:	VICE MAYOR NEIDINGER	AYE
	COMMISSIONER THOMAS	AYE
	COMMISSIONER THOMPSON	AYE
	COMMISSIONER REID	AYE
	MAYOR PENNY	AYE

UNANIMOUSLY APPROVED

There being no further discussion, the meeting was adjourned at 6:15 p.m.

Arthur Penny

Arthur Penny, Mayor

ATTEST:

Carley Lewis

Carley Lewis, City Clerk
07-01.24 RCM

**DIGITALLY SIGNED COPY.
TO VIEW ORIGINAL SIGNED MINUTES,
PLEASE CONTACT THE CITY CLERK'S OFFICE.**