

## **MINUTES**

REGULAR COMMISSION MEETING  
SOUTH PASADENA, FLORIDA

TUESDAY, JUNE 13, 2023  
FOLLOWING THE 6:30 P.M.  
SPECIAL COMMISSION MEETING

MAYOR PENNY CALLED THE MEETING TO ORDER AT 10:03 P.M. THE INVOCATION WAS GIVEN BY MAYOR PENNY. ALL PARTICIPATED IN THE PLEDGE TO THE FLAG.

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

### **REPORTS**

Commissioner Thomas reported on Community Improvement Department activities including software configuration, local development, and employee training.

Commissioner Neidinger reported on Public Works Department activities including tree trimming, power pole maintenance, hurricane preparedness, and Hibiscus Hall rentals.

Commissioner Thompson reported on Finance Department activities including ad valorem tax collections, report filings, FY 2022 financials, and the annual budget process.

Vice Mayor Reid reported on Public Safety Department activities including hurricane preparedness and storm surge signage.

Mayor Penny reported on Administration Department activities including the annual budget process and design proposals for the City's dolphin statue. He announced that City offices will be closed on July 4 in observance of Independence Day.

### **PEOPLE'S FORUM**

None

### **AGENDA COMMENT**

None

**DISCUSSION ITEMS**

**PUBLIC HEARING - QUASI-JUDICIAL**

City Attorney Mandell asked the City Commission to disclose all ex-parte communications regarding the three pending cases before the board. She informed the participants about the record of hearing process.

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

1. CONSIDERATION OF APPLICATION FOR VARIANCE FROM JEFFREY LAMIGO - MORRIS & ASSOCIATES, LLC FOR 1198 PASADENA AVENUE SOUTH, SOUTH PASADENA, FL 33707.

Mayor Penny opened the public hearing at 10:12 p.m.

City Attorney Mandell introduced the item. She stated that the City Commission, sitting as the Planning and Zoning Board, just concluded its public hearing to consider the application for variance from Jeffrey Lamigo - Morris & Associates, LLC for 1198 Pasadena Avenue South, South Pasadena, FL 33707. She announced that after consideration of the evidence and public comment, the City Commission acting as the Planning and Zoning Board has recommended approval of the application. She said that this hearing is for the City Commission to consider the recommendation and any further evidence or testimony to either approve or deny the application. She recommended that the City Commission accept all the evidence and testimony from the previous Special Commission Meeting into the record for the current meeting.

In response to Mayor Penny, the applicant had no objection to accepting the record from the preceding Special Commission Meeting into the record for the current meeting.

MOTION WAS MADE BY COMMISSIONER NEIDINGER, SECONDED BY COMMISSIONER THOMPSON, 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 NEIDINGER	AYE
	COMMISSIONER THOMAS	AYE

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COMMISSIONER THOMPSON	AYE
VICE MAYOR REID	AYE
MAYOR PENNY	AYE

**UNANIMOUSLY APPROVED**

Mayor Penny invited members of the public who wished to speak in favor of the application to address the Commission.

There being no public comment in favor of the application, Mayor Penny invited members of the public who wished to speak in opposition of the application to address the Commission.

Resident Marj Lorand, Corey Way South, spoke in opposition of the application.

In response to Ms. Lorand, Commissioner Neidinger stated that the property in question has been vacant for approximately 15 years and it is not up to the Commission to determine what business goes there. She spoke in favor of filling an empty lot and collecting the tax revenue.

Ms. Lorand continued to speak in opposition of the application.

Hearing no further public comments, Mayor Penny invited the applicant to speak for rebuttal which was declined.

In response to Mayor Penny, Mr. Serna declined to give a closing statement on behalf of staff.

In response to Mayor Penny, the applicant declined to give a closing statement.

There being no further comments, Mayor Penny closed the public hearing at 10:20 p.m.

Commissioner Thompson stated that she does not believe this is the right business for the location based on the City's beautification efforts. She spoke regarding business development.

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Mayor Penny stated that the new business may attract people traveling through the city to stop and patronize other businesses.

MOTION WAS MADE BY COMMISSIONER THOMPSON TO DENY THE APPLICATION FOR VARIANCE FROM JEFFREY LAMIGO - MORRIS & ASSOCIATES, LLC FOR 1198 PASADENA AVENUE SOUTH, SOUTH PASADENA, FL 33707.

**MOTION FAILED DUE TO LACK OF SECOND**

MOTION WAS MADE BY COMMISSIONER NEIDINGER, SECONDED BY COMMISSIONER THOMAS, TO APPROVE THE APPLICATION FOR VARIANCE FROM JEFFREY LAMIGO - MORRIS & ASSOCIATES, LLC FOR 1198 PASADENA AVENUE SOUTH, SOUTH PASADENA, FL 33707.

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

**DISPOSITION: PASSED**

2. CONSIDERATION OF APPLICATION FOR SPECIAL EXCEPTION FROM JEFFREY LAMIGO - MORRIS & ASSOCIATES, LLC FOR 1198 PASADENA AVENUE SOUTH, SOUTH PASADENA, FL 33707.

Mayor Penny opened the public hearing at 10:25 p.m.

City Attorney Mandell introduced Item 2. She stated that the City Commission, sitting as the Planning and Zoning Board, just concluded its public hearing to consider the application for special exception from Jeffrey Lamigo - Morris & Associates, LLC for 1198 Pasadena Avenue South, South Pasadena, FL 33707. She announced that after consideration of the evidence and public comment, the City Commission acting as the Planning and Zoning Board has recommended approval of the application with conditions. She said that this hearing is for the City Commission to consider the recommendation and any further evidence or testimony to either approve or deny the application. She recommended that the City Commission accept all the evidence and testimony from the previous Special Commission Meeting into the record for the current meeting.

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MOTION WAS MADE BY COMMISSIONER THOMAS, SECONDED BY COMMISSIONER 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:	COMMISSIONER THOMPSON	AYE
	VICE MAYOR REID	AYE
	COMMISSIONER NEIDINGER	AYE
	COMMISSIONER THOMAS	AYE
	MAYOR PENNY	AYE

**UNANIMOUSLY APPROVED**

Mayor Penny invited members of the public who wished to speak in favor of the application to address the Commission.

There being no public comment in favor of the application, Mayor Penny invited members of the public who wished to speak in opposition of the application to address the Commission.

Hearing no public comments, Mayor Penny invited the applicant to speak for rebuttal which was declined.

In response to Mayor Penny, Mr. Serna declined to give a closing statement on behalf of staff.

In response to Mayor Penny, the applicant declined to give a closing statement.

There being no further comments, Mayor Penny closed the public hearing at 10:28 p.m.

MOTION WAS MADE BY COMMISSIONER THOMAS, SECONDED BY COMMISSIONER NEIDINGER, TO APPROVE THE APPLICATION FOR SPECIAL EXCEPTION FROM JEFFREY LAMIGO - MORRIS & ASSOCIATES, LLC FOR 1198 PASADENA AVENUE SOUTH, SOUTH PASADENA, FL 33707.

City Attorney Mandell announced that approval would include the previously agreed-upon conditions.

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

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COMMISSIONER THOMPSON	NAY
MAYOR PENNY	AYE

**DISPOSITION: PASSED**

3. CONSIDERATION OF APPLICATION FOR SPECIAL EXCEPTION FROM GULFPORT MARINA LLC FOR 6810 GULFPORT BOULEVARD SOUTH, SOUTH PASADENA, FL 33707.

Mayor Penny opened the public hearing at 10:29 p.m.

City Attorney Mandell introduced Item 3. She stated that the City Commission, sitting as the Planning and Zoning Board, just concluded its public hearing to consider the application for special exception from Gulfport Marina LLC for 6810 Gulfport Boulevard South, South Pasadena, FL 33707. She announced that after consideration of the evidence and public comment, the City Commission acting as the Planning and Zoning Board has recommended approval of the application with conditions. She said that this hearing is for the City Commission to consider the recommendation and any further evidence or testimony to either approve or deny the application. She recommended that the City Commission accept all the evidence and testimony from the previous Special Commission Meeting into the record for the current meeting.

In response to Mayor Penny, the applicant had no objection to accepting the record from the preceding Special Commission Meeting into the record for the current meeting.

MOTION WAS MADE BY COMMISSIONER NEIDINGER, SECONDED BY COMMISSIONER THOMPSON, 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 NEIDINGER	AYE
	COMMISSIONER THOMAS	AYE
	COMMISSIONER THOMPSON	AYE
	VICE MAYOR REID	AYE
	MAYOR PENNY	AYE

**UNANIMOUSLY APPROVED**

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Mayor Penny invited members of the public who wished to speak in favor of the application to address the Commission.

Ms. Lorand, spoke in favor of the application for special exception.

In response to Ms. Lorand, City Attorney Mandell stated that a requirement to obtain a Clean Marina designation could be included as a condition if the applicant agrees. She stated that she does not feel the City could require that they maintain the designation into the future.

Brian Aungst, MacFarlane Ferguson & McMullen, spoke on behalf of the applicant. He stated that MarineMax expected to obtain the Clean Marina designation in September. He stated that they can accept a requirement to obtain the designation but he does not feel comfortable with a requirement to maintain it into the future because the program could change.

City Attorney Mandell stated that a condition will be added to require that the Clean Marina designation be obtained before a certificate of occupancy can be issued.

Mayor Penny invited members of the public who wished to speak in opposition of the application to address the Commission.

Hearing no further public comments, Mayor Penny invited the applicant to speak for rebuttal which was declined.

In response to Mayor Penny, Mr. Serna declined to give a closing statement on behalf of staff.

In response to Mayor Penny, the applicant declined to give a closing statement.

There being no further comments, Mayor Penny closed the public hearing at 10:34 p.m.

MOTION WAS MADE BY COMMISSIONER THOMPSON, SECONDED BY COMMISSIONER NEIDINGER, TO APPROVE THE APPLICATION FOR SPECIAL EXCEPTION FROM GULFPORT MARINA LLC FOR 6810 GULFPORT BOULEVARD SOUTH, SOUTH PASADENA, FL 33707.

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

**UNANIMOUSLY APPROVED**

**PUBLIC HEARING**

4. ORDINANCE NO. 2023-02 - AN ORDINANCE OF THE CITY OF SOUTH PASADENA, FLORIDA AMENDING ORDINANCE NO. 2022-02 THE CITY'S 2022/2023 FISCAL BUDGET, TO REFLECT FINANCING TERMS IN CONFORMITY WITH THE CAPITAL IMPROVEMENTS REVENUE BOND SERIES 2023 AND THE ESTIMATED FIRE STATION CONSTRUCTION AND LAND PURCHASE COSTS, AND CONTRACTED COSTS ON RESURFACING AND RECLAIMED WATER TRANSMISSION MAIN REPLACEMENT; PROVIDING FOR AN EFFECTIVE DATE - SECOND AND FINAL READING.

City Attorney Mandell read Ordinance No. 2023-02 by title and approved it as to form and content.

This Ordinance has been properly noticed.

Mayor Penny opened the public hearing at 10:36 p.m.

There being no public comment, Mayor Penny closed the public hearing at 10:36 p.m.

MOTION WAS MADE BY VICE MAYOR REID, SECONDED BY COMMISSIONER THOMPSON TO PASS AND ADOPT ORDINANCE NO. 2023-02 ON SECOND AND FINAL READING.

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

**UNANIMOUSLY APPROVED**

**UNFINISHED BUSINESS**

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NONE



**CONSENT AGENDA**

5. APPROVAL OF COMMISSION MEETING MINUTES FOR THE MONTH OF MAY 2023 ON FILE IN CITY CLERK'S OFFICE  
AGENDA MEETING, MAY 2, 2023; ADMINISTRATIVE WORKSHOP, MAY 2, 2023; SPECIAL COMMISSION MEETING, MAY 9, 2023; REGULAR COMMISSION MEETING, MAY 9, 2023; ADMINISTRATIVE WORKSHOP, MAY 16, 2023.

MOTION WAS MADE BY COMMISSIONER THOMAS, SECONDED BY COMMISSIONER THOMPSON, TO PASS THE ENTIRE CONSENT AGENDA.

**UNANIMOUS APPROVAL BY ACCLAMATION**

**NEW BUSINESS**

6. MOTION - TO AUTHORIZE MAYOR PENNY TO EXECUTE AMENDMENT TO TRAFFIC SIGNAL MAINTENANCE AND COMPENSATION AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION.

MOTION WAS MADE BY COMMISSIONER THOMPSON, SECONDED BY COMMISSIONER VICE MAYOR REID, TO AUTHORIZE MAYOR PENNY TO EXECUTE THE AMENDMENT TO TRAFFIC SIGNAL MAINTENANCE AND COMPENSATION AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION.

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

**UNANIMOUSLY APPROVED**

7. MOTION - TO AUTHORIZE MAYOR PENNY TO EXECUTE EMERGENCY MEDICAL SERVICES PROGRAM FIELD INTERNSHIP AGREEMENT WITH ST. PETERSBURG COLLEGE.

MOTION WAS MADE BY COMMISSIONER THOMAS, SECONDED BY COMMISSIONER THOMPSON, TO AUTHORIZE MAYOR PENNY TO EXECUTE EMERGENCY MEDICAL SERVICES PROGRAM FIELD INTERNSHIP AGREEMENT WITH ST. PETERSBURG COLLEGE.

VOTE:	COMMISSIONER NEIDINGER	AYE
	COMMISSIONER THOMAS	AYE
	COMMISSIONER THOMPSON	AYE

VICE MAYOR REID	AYE
MAYOR PENNY	AYE

**UNANIMOUSLY APPROVED**

8. ORDINANCE NO. 2023-03 - AN ORDINANCE OF THE CITY OF SOUTH PASADENA, FLORIDA AMENDING THE CITY'S COMPREHENSIVE PLAN CONSERVATION ELEMENT, RECREATION AND OPEN SPACE ELEMENT, INTERGOVERNMENTAL COORDINATION ELEMENT, AND CAPITAL IMPROVEMENTS ELEMENT, ADDING A PROPERTY RIGHTS ELEMENT, ELIMINATING EXHIBIT A - EXISTING LAND USE MAP, RENUMBERING AND UPDATING EXHIBIT B - COASTAL HIGH HAZARD AREA MAP, RENUMBERING AND UPDATING EXHIBIT C - FUTURE LAND USE MAP PURSUANT TO THE CITY OF SOUTH PASADENA EVALUATION AND APPRAISAL REVIEW (EAR) UNDER THE PROCEDURES ESTABLISHED IN SECTIONS 163.3184(2) AND (4), FLORIDA STATUTES; PROVIDING AUTHORITY; PROVIDING PURPOSE AND INTENT; PROVIDING FOR ADOPTION OF AMENDMENTS TO CERTAIN ELEMENTS OF THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE - FIRST READING.

City Attorney Mandell read Ordinance No. 2023-03 by title approved it as to form and content.

MOTION WAS MADE BY COMMISSIONER NEIDINGER, SECONDED BY COMMISSIONER THOMAS, TO PASS ORDINANCE NO. 2023-03 ON FIRST READING.

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

**UNANIMOUSLY APPROVED**

There being no further discussion, the meeting was adjourned at 10:41 p.m.



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Arthur Penny, Mayor

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ATTEST:

*Carley Lewis*

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Carley Lewis, City Clerk  
06-13.23r

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