

## **MINUTES**

REGULAR COMMISSION MEETING  
SOUTH PASADENA, FLORIDA

TUESDAY, DECEMBER 10, 2024  
COMMISSION CHAMBERS 7:00 P.M.

MAYOR PENNY CALLED THE MEETING TO ORDER AT 7:03 P.M. THE INVOCATION WAS GIVEN BY COMMISSIONER THOMAS. ALL PARTICIPATED IN THE PLEDGE TO THE FLAG.

ROLL CALL: COMMISSIONERS BEN THOMAS, LYNDY 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.

### **REPORTS**

Vice Mayor Neidinger spoke regarding holiday fire safety on behalf of the Public Safety Department.

Commissioner Thomas spoke regarding Finance Department activities including financial reports, storm expenditures, and year-end financial closeout processes.

Commissioner Thompson reported on Community Improvement Department activities including FEMA and Small Business Administration (SBA) events and storm recovery assistance programs.

Commissioner Reid spoke regarding Public Works Department activities including storm debris removal, the Bay View Park pavilion project, removal of sunken boats, and storm damage repairs to City facilities.

Mayor Penny reported on Administration Department activities including storm recovery, holiday event information, March 2025 election details, public information initiatives, and City office closures in observance of the Christmas and New Year's holidays.

### **PEOPLE'S FORUM**

Resident Susan Freeman, Grande Vista Way South, spoke regarding the need for additional storm recovery information from the City.

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Resident John Strauss, South Shore Drive South, questioned how pre-disaster construction costs are evaluated with regard to the FEMA 50% rule.

Mayor Penny advised Mr. Strauss to contact the Community Improvement Department for guidance.

Resident Dorothy Baker, South Shore Drive South, spoke regarding difficulty in getting questions answered following the recent hurricanes.

Resident Michelle Miller, Grande Vista Way South, questioned how substantial damage estimates were calculated.

Mayor Penny advised Ms. Miller to contact the Community Improvement Department for assistance.

Resident Amy Jensen-Chretien, South Shore Drive South, questioned if those with private insurance have to follow FEMA guidelines.

Resident Michael Keenan, Shore Drive South, spoke regarding expediting post-storm permitting processes.

Commissioner Thompson spoke regarding FEMA regulations. She stated that the City must follow the appropriate guidelines or risk being ineligible for federal support and insurance discounts.

Mr. Keenan continued to speak regarding repair costs and FEMA guidelines.

City Attorney Mandell spoke regarding the importance of following FEMA guidelines and the consequences to municipalities if the regulations are not followed. She stated that her firm has addressed these issues in other areas throughout the state. She further stated that if the guidelines are not followed, there is a significant risk that FEMA will suspend the City's opportunity to participate in the National Flood Insurance Program (NFIP). She said that City staff is doing what they are required to do under the appropriate state and federal regulations.

City Clerk Lewis explained that damage to property is being evaluated on a case by case basis so it is difficult to give broad answers and information. She explained that properties may

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look the same from the outside but their circumstances may be different so answers may vary. She also discussed the severity of the consequences the City may face if it does not operate in accordance with FEMA guidelines.

Mayor Penny suggested that Mr. Keenan contact state and federal representatives with his concerns.

Resident Luis Alatorre, South Shore Drive South, spoke regarding property damage from debris removal contractors.

Resident Ross Bennett, Shore Drive South, questioned the need to follow FEMA regulations.

Mayor Penny stated that noncompliance with FEMA regulations could result in ineligibility to receive federal funding and federal loans.

City Clerk Lewis stated that not following FEMA guidelines could result in residents not being able to get flood insurance.

Resident Logan Worthington, Park Street South, spoke regarding the need for more information from the City following the recent storm events.

Resident Josephine Figari, South Shore Drive South, spoke regarding increased rats in the area due to empty properties.

Guillermo Abadia, South Shore Drive South, spoke regarding contractor price gouging and violating contracts. He questioned what the process would be to address accusations of bribes.

City Attorney Mandell advised Mr. Abadia to contact the Pinellas County Construction Licensing Board with concerns about contractors.

Jennifer Kowalski, South Shore Drive South, spoke in favor of adjusting storm recovery policies to be more like neighboring beach communities.

Mayor Penny stated that City staff is doing what is necessary and he is concerned that other jurisdictions may be taking shortcuts. He spoke in favor of operating in line with FEMA regulations. He noted that the City has requested support to help the City's small staff.

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Resident Gloria Ehardt, Sun Island Drive, questioned if the City is allowing inspectors to come from other areas and who she could reach out to to help request assistance.

City Clerk Lewis stated that the City has been requesting help from other agencies since the storms occurred.

Mayor Penny advised Ms. Ehardt to contact the City Clerk's Office for the contact information to help the City request support. He spoke regarding permitting processes and noted that City staff has agreed to attend meetings throughout the community to help get information out.

Commissioner Reid encouraged people to attend Commission meetings and to share their input with the City.

Resident Lawrence Rose, South Shore Drive South, questioned why his home has to be rebuilt to new standards and spoke in favor of waiving permit fees.

Resident Michaela Strauss, South Shore Drive South, spoke regarding the need for more permitting information from the City and questioned the consequences for unpermitted work.

Discussion ensued regarding permitting requirements.

Resident Jared Green, Grande Vista Way, questioned the process and timeframe for permitting activity.

In response to Mr. Green, Commissioner Thompson commented that the permits are being processed as received.

An unidentified speaker questioned the need for speakers to identify themselves.

City Attorney Mandell explained the procedure for speaking during a public meeting.

City Clerk Lewis explained that the City asks speakers to identify themselves in order to differentiate between residents and non-residents.

Resident Donna Pietarinen, Shore Drive South, questioned the penalties for noncompliance with post-storm regulations.

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City Attorney Mandell explained that if the City fails to ensure the FEMA requirements are met there are a variety of penalties which include being suspended from the NFIP and no longer being eligible for grants or financial resources in the event of a disaster.

Resident Nancy Vallancourt, Shore Drive, questioned what is being done about unpermitted work.

City Attorney Mandell advised Ms. Vallancourt to report unpermitted work to the City in writing. She noted that complaints must be submitted with the complainant's name.

Resident Michael Boccuti, Corey Way South, spoke regarding transparency and concerns.

Resident Beth Alfonso, Grande Vista Way South, spoke regarding permitting requirements and the accessibility of information.

Resident Gloria Ehardt, Sun Island Drive, spoke in favor of hiring extra help to assist City staff.

Mayor Penny stated that the City has been actively seeking help for City staff.

Resident Robert Wilhelm, South Shore Drive, questioned the consequences of performing unpermitted work prior to being aware of permitting requirements.

Mayor Penny spoke in favor of complying with the appropriate permitting requirements.

#### **AGENDA COMMENT**

Resident Marj Lorand, Corey Way South, spoke in favor of the proposed resolution waiving permit fees.

#### **DISCUSSION ITEMS**

#### **PUBLIC HEARING - QUASI-JUDICIAL**

1. CONSIDERATION OF APPLICATION FOR SPECIAL EXCEPTION FROM MICHAEL MITTLER/GIBSON MARINE CONSTRUCTION FOR 7060 SOUTH SHORE DRIVE SOUTH, SOUTH PASADENA, FL 33707.

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City Attorney Mandell asked the City Commission to disclose all ex-parte communications regarding the subject application for a special exception.

Hearing none, Ms. Mandell informed the participants about the record of hearing process.

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

Mayor Penny opened the public hearing at 8:42 p.m.

Mayor Penny called for the staff report to be presented.

Community Improvement Director Sullivan presented the staff report (attached to Minutes as Exhibit A). She stated the request is for a special exception use permit to replace an existing seawall cap 12 inches higher than the existing seawall cap. She reviewed the applicable code requirements and appropriate review criteria. She reported that staff is not recommending approval of the subject special exception use permit application.

In response to Commissioner Thomas, Ms. Sullivan responded that king tides could affect the seawall.

Mayor Penny invited the applicant to make a presentation.

Amy Jensen-Chretien, applicant, spoke about wanting to raise the elevation of a new seawall cap due to the seawall for the property on their left being substantially higher and adversely affecting their property during storms. Ms. Jensen-Chretien added that the new cap would soften the slope from the new pool to the water.

Michael Mittler, Gibson Marine Construction, presented the application (attached to Minutes as Exhibit B). Mr. Mittler discussed raising the elevation of the seawall cap including details about the water flow and the riprap placement.

Discussion ensued with regard to the elevation of the new seawall cap.

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

Resident Lawrence Rose, South Shore Drive South, spoke in favor of the application for special exception.

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

Hearing no comments, Mayor Penny invited the applicant to speak for rebuttal.

In response to Mayor Penny, Mr. Mittler declined to give a rebuttal on behalf of the applicant.

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

In response to Mayor Penny, Mr. Mittler declined to give a closing statement on behalf of the applicant.

Mayor Penny closed the public hearing at 9:04 p.m.

MOTION WAS MADE BY COMMISSIONER THOMPSON, SECONDED BY VICE MAYOR NEIDINGER, TO APPROVE THE APPLICATION FOR SPECIAL EXCEPTION FROM MICHAEL MITTLER/GIBSON MARINE CONSTRUCTION FOR 7060 SOUTH SHORE DRIVE SOUTH, SOUTH PASADENA, FL 33707.

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

**UNANIMOUSLY APPROVED**

**PUBLIC HEARING - LEGISLATIVE**

2. ORDINANCE NO. 2024-06 - AN ORDINANCE OF THE CITY OF SOUTH PASADENA, FLORIDA, AMENDING APPENDIX CHAPTER A198 FEES OF THE CODE OF ORDINANCES RELATING TO RATES AND CHARGES FOR SEWAGE USAGE; TO INCREASE THE BASE MINIMUM MONTHLY SEWER RATES AND SEWER FLOW CHARGE RATE BY 8%; PROVIDING AN EFFECTIVE DATE - SECOND AND FINAL READING.

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City Attorney Mandell read Ordinance No. 2024-06 by title and approved it as to form and content.

Mayor Penny opened the public hearing at 9:06 p.m. There being no public comment, Mayor Penny closed the public hearing at 9:06 p.m.

MOTION WAS MADE BY COMMISSIONER THOMAS, SECONDED BY COMMISSIONER THOMPSON, TO PASS AND ADOPT ORDINANCE NO. 2024-06 ON SECOND AND FINAL READING.

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

**UNANIMOUSLY APPROVED**

3. ORDINANCE NO. 2024-07 - AN ORDINANCE OF THE CITY OF SOUTH PASADENA, FLORIDA, AMENDING APPENDIX CHAPTER A198 FEES OF THE CODE OF ORDINANCES RELATING TO RATES AND CHARGES FOR RECLAIMED WATER; TO INCREASE THE MINIMUM MONTHLY RECLAIMED WATER SERVICE CHARGE FOR SINGLE FAMILY RESIDENTIAL CUSTOMERS TO \$10.87 AND TO INCREASE COMMERCIAL AND MUNICIPAL USER SERVICE CHARGES TO \$310.58 PER PERVIOUS ACRE; PROVIDING AN EFFECTIVE DATE - SECOND AND FINAL READING.

City Attorney Mandell read Ordinance No. 2024-07 by title and approved it as to form and content.

Mayor Penny opened the public hearing at 9:08 p.m. There being no public comment, Mayor Penny closed the public hearing at 9:08 p.m.

MOTION WAS MADE BY COMMISSIONER REID, SECONDED BY VICE MAYOR NEIDINGER, TO PASS AND ADOPT ORDINANCE NO. 2024-07 ON SECOND AND FINAL READING.

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

**UNANIMOUSLY APPROVED**



**UNFINISHED BUSINESS**

NONE

**CONSENT AGENDA**

4. APPROVAL OF COMMISSION MEETING MINUTES FOR THE MONTH OF NOVEMBER 2024 ON FILE IN CITY CLERK'S OFFICE  
AGENDA MEETING, NOVEMBER 5, 2024; ADMINISTRATIVE WORKSHOP, NOVEMBER 5, 2024; REGULAR COMMISSION MEETING, NOVEMBER 12, 2024; AND ADMINISTRATIVE WORKSHOP, NOVEMBER 19, 2024.

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

**UNANIMOUS APPROVAL BY ACCLAMATION**

**NEW BUSINESS**

5. RESOLUTION NO. 2024-10 - A RESOLUTION OF THE CITY OF SOUTH PASADENA TO TEMPORARILY WAIVE LOCAL BUILDING PERMIT FEES BEGINNING OCTOBER 1, 2024, THROUGH AND INCLUDING MARCH 31, 2025, FOR REPAIR AND DEMOLITION OF HURRICANE DAMAGED RESIDENTIAL AND COMMERCIAL STRUCTURES; INSTALLATION OF MATERIALS AND EQUIPMENT WITHIN AND ATTACHED TO DAMAGED STRUCTURES; AND PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Mandell read Resolution No. 2024-10 by title and approved it as to form and content.

MOTION WAS MADE BY COMMISSIONER THOMAS, SECONDED BY COMMISSIONER THOMPSON TO PASS AND ADOPT RESOLUTION NO. 2024-10.

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

**UNANIMOUSLY APPROVED**

Mayor Penny thanked City Attorney Mandell for her commitment and dedication during her time with the City.

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There being no further discussion, the meeting was adjourned at  
9:12 p.m.

*Arthur Penny*

Arthur Penny, Mayor

ATTEST:

*Carley Lewis*

Carley Lewis, City Clerk  
12-10.24RCM

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