

M I N U T E S

REGULAR COMMISSION MEETING  
SOUTH PASADENA, FLORIDA

WEDNESDAY, NOVEMBER 12, 2014  
COMMISSION CHAMBERS 7:00 P.M.

MAYOR CALABRIA CALLED THE MEETING TO ORDER AT 7:01 P.M. THE INVOCATION WAS GIVEN BY COMMISSIONER HOWRY. ALL PARTICIPATED IN THE PLEDGE TO THE FLAG.

ROLL CALL: COMMISSIONERS BRUCE HOWRY, MAX ELSON, GAIL NEIDINGER, VICE MAYOR ARTHUR PENNY, AND MAYOR DAN CALABRIA. ALSO PRESENT: CITY CLERK CARLEY LEWIS, CITY ATTORNEY DAVID OTTINGER, PUBLIC WORKS DIRECTOR GARRY ANDERSON, PUBLIC SAFETY DIRECTOR DAYTON SALTSMAN, COMMUNITY IMPROVEMENT DIRECTOR NEAL SCHWARTZ, AND DEPUTY CITY CLERK BRIANNA WETHERWAX.

REPORTS

Commissioner Howry reported that the Beautification Committee has several ideas for a spring block party. He requested that the topic be added to the agenda for the next Administrative Workshop for Commission discussion. He spoke regarding the boat parade and encouraged participation and attendance.

Commissioner Elson reported that the Finance Department is working on the quarter end and fiscal year end processes. He noted that the city's TRIM package was submitted to the Florida Department of Revenue and the city has been notified of its acceptance.

Commissioner Neidinger spoke regarding training and operations in the Community Improvement Department. She noted that the department will be notifying contractors that they will be able to apply for permits on the city's website and email in the applications.

Vice Mayor Penny reported that Deputy Chief Mark Maddalena is retiring effective December 4, 2014 and there will be an open house at the fire station on November 19, 2014 from 1:30-3:30 P.M. in his honor. He noted that Lieutenant Emery Culverhouse is being promoted to Deputy Chief and Firefighter/Paramedic Paul Whitehead is being promoted to Lieutenant. He stated that Adam Stacy and James McCafferty will be joining the Fire Department as firefighter/paramedics.

Vice Mayor Penny spoke regarding the status city's red light camera program. He stated that based on recommendations from the Public Safety Department and the Pinellas County Sheriff's

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Office, the Commission suspended issuance of red light camera violations until there is a court decision regarding the recent ruling.

City Attorney Ottinger reported that he has been in contact with American Traffic Solutions (ATS), the City of Oldsmar, and the Pinellas County Sheriff's Office legal counsel regarding the issuance of red light camera violations. He stated that there has been a motion for rehearing regarding the Arem decision. He spoke regarding the issuance of violations and noted that the topic would be revisited at the next Administrative Workshop.

In response to Mayor Calabria, City Attorney Ottinger stated that the Commission decided to temporarily suspend issuing violations at the last Administrative Workshop.

Vice Mayor Penny stated that the system is still documenting infractions but violations are not being sent out. He noted that violations that occur during this time could still be sent out later.

In response to Vice Mayor Penny, City Attorney Ottinger stated that violations must be issued within 30 days of the infraction.

Mayor Calabria spoke regarding the red light camera violation review process. He stated that if Sheriff's deputies assume full responsibility for issuing citations the process will take longer which will keep the deputies from patrolling. He noted that it is the overnight deputies that review violations.

In response to Mayor Calabria, City Attorney Ottinger stated that the recent ruling did not state that fines would be reimbursed to those who have paid. He noted that the ruling was regarding an improper delegation of authority to ATS.

Mayor Calabria spoke regarding the March 10, 2015 election. He reported that the qualifying period began on November 3<sup>rd</sup> and ends on November 17<sup>th</sup>. He reported on city closures in observance of Thanksgiving and the city's holiday events schedule.

Mayor Calabria spoke regarding Greenlight Pinellas. He stated that Greenlight Pinellas was defeated 62% to 38% and discussed voter statistics.

Mayor Calabria spoke regarding the South Pasadena Business and Professional Directory. He stated that the directory has been distributed and is available to residents free of charge. He

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thanked resident June Fruland and encouraged citizens to contribute thoughts and ideas to improve the city. He spoke regarding distribution of the directory and thanked Community Improvement Director Neal Schwartz, Deputy City Clerk Brianna Wetherwax, Administrative Secretary Virginia Alvarado, Public Works Director Garry Anderson, and Public Works Assistant Director Shawn Shimko for their assistance with the project.

Mayor Calabria spoke regarding the city's contract with Custom Directories and distributed a handout (attached to Minutes as Exhibit A). He stated that the Commission voted last week to cancel the city's contract with the publisher.

City Attorney Ottinger suggested that this topic be discussed at the next Administrative Workshop.

Mayor Calabria reported that a Commissioner has claimed to have fired Custom Directories from working with a local condominium. He spoke regarding a letter sent by Custom Directories and stated that Custom Directories was not fired but withdrew.

**PEOPLE'S FORUM**

Resident June Fruland, Pasadena Isle, spoke regarding a no wake zone from the Corey Avenue Bridge to the end of Pasadena Isle. She spoke in favor of the idea and questioned if any of the Commissioners knew anything about the issue.

Resident Gisela Laubitz, Durling Drive South, spoke regarding the defeat of Greenlight Pinellas. She stated that she attended a recent MPO meeting to ensure that Greenlight Pinellas is removed from their 2040 plan. She suggested that the Commission postpone Resolution No. 2014-22. She spoke in favor of continuing to produce the South Pasadena Business and Professional Directory.

Resident Billie Williams, Pasadena Isle, spoke in favor of a no wake zone around Pasadena Isle and discussed boating safety.

Mayor Calabria stated that Representative Kathleen Peters is working on the no wake zone issue. He further stated that the idea is to extend the no wake zone from Bay Islands and Harbourside through all of South Pasadena and to the end of St. Pete Beach.

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AGENDA COMMENT

NONE

DISCUSSION ITEMS

PUBLIC HEARING - LEGISLATIVE

NONE

UNFINISHED BUSINESS

NONE

CONSENT AGENDA

MOTION WAS MADE BY VICE MAYOR PENNY, SECONDED BY COMMISSIONER NEIDINGER TO PASS THE ENTIRE CONSENT AGENDA.

1. APPROVAL OF COMMISSION MEETING MINUTES FOR MONTH OF OCTOBER, 2014 ON FILE IN CITY CLERK'S OFFICE AGENDA MEETING, OCTOBER 7, 2014; ADMINISTRATIVE WORKSHOP MEETING, OCTOBER 7, 2014; REGULAR COMMISSION MEETING, OCTOBER 14, 2014; ADMINISTRATIVE WORKSHOP MEETING, OCTOBER 21, 2014.
2. ACCEPTANCE OF FINANCIAL REPORTS FOR THE MONTHS OF JULY AND AUGUST 2014 (ON FILE IN THE FINANCE DEPARTMENT).

**UNANIMOUS APPROVAL BY ACCLAMATION**

NEW BUSINESS

3. RESOLUTION NO. 2014-20 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SOUTH PASADENA, FLORIDA, REQUESTING THAT THE PASADENA AVENUE CORRIDOR REDEVELOPMENT PLAN AS EMBODIED IN THE ACCOMPANYING PLAN AND IMPLEMENTING RESOLUTIONS AND ORDINANCES BE RECOGNIZED AS A MULTIMODAL PRIMARY CORRIDOR UPON ADOPTION OF THE UPDATED COUNTYWIDE PLAN AND CORRESPONDING RULES.

City Attorney Ottinger read Resolution No. 2014-20 by title and approved it as to form and content.

MOTION WAS MADE BY COMMISSIONER HOWRY, SECONDED BY VICE MAYOR PENNY TO PASS RESOLUTION NO. 2014-20.

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VOTE:	COMMISSIONER HOWRY	AYE
	COMMISSIONER ELSON	AYE
	VICE MAYOR PENNY	AYE
	COMMISSIONER NEIDINGER	AYE
	MAYOR CALABRIA	AYE

**UNANIMOUSLY APPROVED**

4. RESOLUTION NO. 2014-21 - A RESOLUTION OF THE CITY OF SOUTH PASADENA, FLORIDA, PROVIDING FOR THE HOLDING OF A GENERAL ELECTION FOR THE ELECTION OF TWO COMMISSIONERS.

City Attorney Ottinger read Resolution No. 2014-21 by title and approved it as to form and content.

MOTION WAS MADE BY COMMISSIONER ELSON, SECONDED BY COMMISSIONER HOWRY TO PASS RESOLUTION NO. 2014-21.

VOTE:	COMMISSIONER ELSON	AYE
	VICE MAYOR PENNY	AYE
	COMMISSIONER NEIDINGER	AYE
	COMMISSIONER HOWRY	AYE
	MAYOR CALABRIA	AYE

**UNANIMOUSLY APPROVED**

5. RESOLUTION NO. 2014-22 - A RESOLUTION OF THE CITY OF SOUTH PASADENA, FLORIDA, AMENDING THE CITY CODE OF ORDINANCES PART III, APPENDIX CHAPTER A198 FEES; AMENDING CERTAIN FEES FOR BUILDING CONSTRUCTION PERMITS AND INSPECTION FEES.

City Attorney Ottinger read Resolution No. 2014-22 by title and approved it as to form and content.

MOTION WAS MADE BY COMMISSIONER NEIDINGER, SECONDED BY COMMISSIONER ELSON TO PASS RESOLUTION NO. 2014-22.

VOTE:	VICE MAYOR PENNY	AYE
	COMMISSIONER NEIDINGER	AYE
	COMMISSIONER HOWRY	AYE
	COMMISSIONER ELSON	AYE
	MAYOR CALABRIA	AYE

**UNANIMOUSLY APPROVED**

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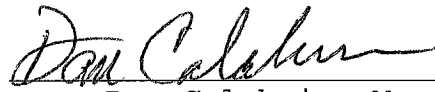
6. MOTION - TO APPROVE THE AGREEMENT WITH CALVIN, GIORDANO & ASSOCIATES, INC. FOR PROFESSIONAL PLANNING AND PLANNING-RELATED SERVICES.

MOTION WAS MADE BY VICE MAYOR PENNY, SECONDED BY COMMISSIONER ELSON TO APPROVE THE AGREEMENT WITH CALVIN, GIORDANO & ASSOCIATES, INC. FOR PROFESSIONAL PLANNING AND PLANNING-RELATED SERVICES.

VOTE:	COMMISSIONER NEIDINGER	AYE
	COMMISSIONER HOWRY	AYE
	COMMISSIONER ELSON	AYE
	VICE MAYOR PENNY	AYE
	MAYOR CALABRIA	AYE

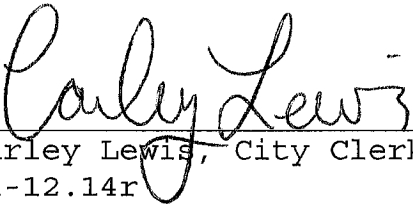
**UNANIMOUSLY APPROVED**

There being no further discussion, the meeting was adjourned at 7:33 p.m.



\_\_\_\_\_  
Dan Calabria, Mayor

ATTEST:



\_\_\_\_\_  
Carley Lewis, City Clerk  
11-12.14r

## Dan Calabria

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**From:** Dan Calabria [dcala@verizon.net]  
**ent:** Wednesday, November 12, 2014 3:59 PM  
**fo:** 'Max Elson'; 'Bruce Howry'; 'Gail Neidinger'; 'Arthur Penny'; 'Gary Anderson'; 'Jim Graham'; 'Carley Lewis'; 'Dayton Saltsman'; 'Neal Schwartz'; 'david.Ottinger@gray-robinson.com'  
**Subject:** Arthur Penny, Sea Towers Condominium Associations & Custom Directories  
**Importance:** High

### **PLEASE DO NOT RESPOND.**

#### **Correcting the record.**

This is written to correct the record and the facts relative to comments made about Custom Directories and the Directory they recently delivered to us in accordance with our contract with them. In light of actions recently taken by the Commission it is important that each of you be familiar with the copy of the **March 22, 2013** letter that I recently obtained, which is reprinted below with highlighting and emphasis that I added.

I had wondered why Mr. Penny reacted so negatively to the publisher Custom Directories and Mr. Norman Orr.

You recall that Mr. Penny is on record twice in the Minutes of meetings at which he claimed "We fired him."

Clearly that is not true.

For the record, you may not find this in the version of the Minutes of these meetings, but they are in a verbatim transcript of the Minutes, which are not edited or based on what someone thinks they may have heard.

Of course, Mr. Penny, who led the move to cancel the contract for the next edition of the "South Pasadena Business & Professional Guide," can celebrate what appears to be some form of revenge for Custom Directories having withdrawn and canceled their contract with Mr. Penny and his employer, Sea Towers Owner's Association last year.

As you read this letter you will find that Custom Directories tried to accommodate Mr. Penny, but to no avail. Accepting two changes to a signed contract is very unusual, while three changes that increase the cost of a publication is rare if not unheard of.

That left no other choice but for them to withdraw and cancel their contract, which is what any business person would have done under the circumstances.

Nevertheless, in our meetings, Mr. Penny, on two occasions claimed to have "fired him (them)," which is clearly **NOT** the case.

On behalf of the residents of the City, I thought you might find this information important relative to dealing with vendors in the future.

**Dan Calabria**  
**Mayor, South Pasadena**

\*\*\*Please note: Florida has very broad public records laws. Most written communications to or from local officials regarding city business are public records available to the public and media upon request. Your e-mail communications (including your e-mail address) may therefore be subject to public disclosure.

#### **Note: Highlighting and Emphasis Added**

March 22, 2013

Arthur Penny, Community Manager  
Sea Towers Owner's Associations  
1570 Cove Circle  
St. Petersburg, FL. 33708

Arthur,

This is not a short letter, but I feel it is important to cover all the known facts that have led to you receiving this.

After talking with you on the phone in April of 2009, we agreed to produce your free annual community directory. At that time, you mentioned to me that you were not certain we could attract enough advertisers to support the cost of doing so. I told you that had never been a problem and we entered into a contract on May 4, 2009.

When your office finally submitted the community information to me, you included a second listing of residents by address. This was a surprise addition and was not agreed to in our contract. (Item#4)

After explaining to your office that this was not agreed to and that we have only provided that service to two other communities who had requested it from the beginning, I added the second listing as a favor.

Imagine my surprise when a short time later I was advised that you also wanted eleven pages of your rules and regulations to be a part of the new directory. I explained to your office that we have never, in all the years of producing community directories included more than a single page synopsis for this purpose. I also reminded you that this was not part of our contract, but I did include them in the book as a service favor.

These two additions were included in the book strictly as a service favor and did not in any way alter our contract. Adding these thirty plus pages doubles the cost of production.

When we started marketing the book you just received, several of our advertisers did not renew. We discovered you were selling advertising in your monthly newsletter and our advertisers had been solicited by you to pay for your newsletter. We have never agreed to produce a directory for any community that includes advertising in their newsletters for that very reason. This year, none of your owners/residents who own or manage a business were willing to advertise in their own directory. This has never happened to us before. Normally, business owners/managers insist on taking advantage of the huge discounts our contract provides them to support their own community directory and keep competition in their community to a minimum.

When we discovered there was not enough income generated to pay all the costs of producing this year's book, we sent you an email stating that we would exclude that section this year. We did manage to include the eleven pages of rules and regulations. You sent us an email stating you would discuss my message with the boards and then went on vacation. This matter did not require any discussion with the boards. I was not asking permission. I was informing you of our decision. Your office also made an email comment about our failure to change the rules and regulations to match the revised copy you sent us in February. You included in your email another copy of that revision for our benefit.

Unfortunately, your two copies of the revision did not match. I sent you a reply email with both copies attached and showed you the error was not ours.

As of this date, you have not responded to that email. Upon my request, the printing company stopped work on the printing process and allowed me time to have the graphics company rework the directory to change the rules and regulations to comply with your second copy of the revisions and to even at this late date, make new resident changes, which affected several pages. Our graphics company made an error that neither you nor I caught when the book was being proofed for printing. They forgot to change the page numbers for the rules and regulations index. I am sorry for this error,



but Section #4 of our contract plainly states that is your responsibility and we are not liable. That single error, although regrettable, does not have a major impact on the directory.

On March 19, while working in the Naples area, I received notice from the printer the directory was completed. I immediately made the trip to St Petersburg and picked them up. By the time we finished our other business and had an early dinner, we arrived at your security gate after 5 pm. I was not concerned with the time because I knew we could either get access to the office or we could leave the books with the security guard. He informed me that he could do neither. I explained to him that I had come up from Naples to deliver them and was returning back that same evening and that I would not be back in the St Petersburg area for a couple of weeks. He called your onsite office manager and when he explained they were the new directories, she immediately gave him permission to have them delivered.

We produced and delivered these directories exactly as our contract requires. In addition, even though the advertising revenue in your directory was down 80%, we included the eleven pages of rules and regulations. I advised you of this in an email and your response was that, basically, you did not care.

On March 20, you sent a "to whom it may concern" certified letter to C&D Printing making all kinds of charges, and perceived threats. C&D Printing is not involved in your community in any way. We contracted them to print the directory as supplied by us. They have no agreement contract with you. Your letter mentions being unprofessional.

**Ignoring your contract, sending an erroneous letter to the printer, and threatening to contact advertisers announcing a refusal to distribute the books is extremely unprofessional, especially for someone in your capacity.**

Your letter creates several potential liabilities for your Associations. The printer could possibly claim defamation. I would strongly suggest a phone call or letter of apology is in order. The advertisers could individually claim you failed to distribute the directories their dollars paid for. Also, failing to distribute violates your contract with us. (Item #7)

In the spirit of wanting to be of service and to go the extra mile we will upon written agreement from you, have the graphics company totally rebuild the book at our expense.

We will get a quote from the printer to reprint the directory with the second resident listing and have the book reprinted providing you agree to pay us, in advance, upon request, the cost of the printing. I feel certain that the printer would be helpful because they have always provided us with unequalled service.

Otherwise, this is a direct request that you honor your contract, distribute the directories immediately, and send us confirmation of same.

Your failure to comply with either option is acknowledgement that you accept responsibility for any and all liabilities in this matter, (section #4 of our contract) **and as a result, you may then consider this letter to be a cancellation of our contract.**

If you select one of the above options, we would only be willing to continue producing your directory if you first consent to a meeting at our convenience in order that we can get all questions answered and all issues resolved.

Sincerely,

Norman Orr, Marketing Mgr.  
Custom Directories

Cc: Mary Jenkins, Robert Ipri, Domenic Venezia, Linda Arseneau, Bob Owen, Dane Clark & Carolyn Race