

M I N U T E S

REGULAR COMMISSION MEETING
SOUTH PASADENA, FLORIDA

WEDNESDAY, SEPTEMBER 10, 2014
COMMISSION CHAMBERS 7:00 P.M.

MAYOR CALABRIA CALLED THE MEETING TO ORDER AT 7:00 P.M. THE INVOCATION WAS GIVEN BY VICE MAYOR PENNY. MAYOR CALABRIA CALLED FOR A MOMENT OF SILENCE IN HONOR OF THE 13TH ANNIVERSARY OF 9/11. ALL PARTICIPATED IN THE PLEDGE TO THE FLAG.

ROLL CALL: COMMISSIONERS BRUCE HOWRY, GAIL NEIDINGER, VICE MAYOR ARTHUR PENNY AND MAYOR DAN CALABRIA. ABSENT: COMMISSIONER MAX ELSON. ALSO PRESENT: CITY CLERK CARLEY LEWIS, CITY ATTORNEY CAMPBELL MCLEAN, PUBLIC WORKS DIRECTOR GARRY ANDERSON, FINANCE DIRECTOR JAMES GRAHAM, COMMUNITY IMPROVEMENT DIRECTOR NEAL SCHWARTZ AND DEPUTY CITY CLERK BRIANNA WETHERWAX.

REPORTS

Commissioner Howry stated that all is well in the Public Works Department. He said that the sewers are working well and the landscape is pristine. He reported on the recent accident involving city employee Tony DeMars and wished him a speedy recovery.

Vice Mayor Penny reported that crime is down and emergency responses are up compared to last year. He stated that the lieutenant promotional assessment is next week and will be coordinated with the fire departments from Gulfport, St. Pete Beach, Madeira Beach, and Oldsmar. He noted that the city expects to promote a new lieutenant in October. He spoke regarding National Preparedness Month and provided preparedness steps.

Commissioner Neidinger stated that the Community Rating System certification required by FEMA has been completed. She reported that Taco Bell should be completed at the end of the week and a grand opening is expected by October 1st. She noted that a Pet Supermarket will be going in to the old Blockbuster location. She stated that all restaurants are in compliance with the grease management program and that all business tax renewals have been sent out. He spoke regarding staff training.

Mayor Calabria spoke regarding recent city events. He stated that Deputy City Clerk Wetherwax had been directed by her supervisor, City Clerk Lewis, to only speak with him by email.

Vice Mayor Penny objected to Mayor Calabria's comments. He suggested that Mayor Calabria discuss the subject at a workshop or put an item on a meeting agenda.

REGULAR COMMISSION MEETING
WEDNESDAY, SEPTEMBER 10, 2014 - 7:00 P.M.

Mayor Calabria stated that he is providing a report on behalf of the Administration Department.

Vice Mayor Penny stated that Mayor Calabria's comments are a personal attack on the City Clerk.

Mayor Calabria stated under the leadership of the City Attorney, the City Commission told the Administration Department staff that they should not communicate with him orally, only by mail or email. He stated that he has no problem with it and has honored it. He noted that no organization has a rule that applies to one group so every department has the same right.

Mayor Calabria spoke regarding a letter he was given by former-candidate Robert Small (attached to Minutes as Exhibit A). He stated that the letter is an assessment of a \$500 fine to Arthur Penny from the Florida Elections Commission.

In response to Mayor Calabria, Vice Mayor Penny stated that he had prepared campaign documents and had forgotten to put the disclaimer at the bottom of the page. He further stated that he admitted his mistake and paid his fine.

Commissioner Howry spoke regarding Mayor Calabria's retaliatory comments toward city staff. He suggested that Mayor Calabria address his complaints outside of a Regular Commission Meeting as they have nothing to do with city business on the agenda.

Vice Mayor Penny stated that it was the City Commission that directed the Administration Department staff to only have contact with Mayor Calabria by email or in person with a witness present. He suggested that Mayor Calabria stop making retaliatory comments toward the City Clerk.

Mayor Calabria stated that he has responded in writing to every issue that was raised. He further stated that the City Attorney has accused him of things of which he has no knowledge. He said that he does not know what he has been accused of. He noted that the last communication he received from City Attorney McLean was from the night before and he responded that he will be turning the issue over to his attorney. He stated that he will abide by the Commission's ruling and has no intention of speaking with the City Clerk, Deputy City Clerk or the Administrative Secretary.

REGULAR COMMISSION MEETING
WEDNESDAY, SEPTEMBER 10, 2014 - 7:00 P.M.

In response to Vice Mayor Penny, City Clerk Lewis stated that there is an error on the agenda. She said that there should be a People's Forum and Agenda Comment listed on the agenda and it is a typo. She apologized for the mistake.

PEOPLE'S FORUM

Resident Billie Williams, Pasadena Isle, spoke against insults among the City Commission.

Resident June Fruland, Pasadena Isle, spoke regarding interaction amongst the Commission and Mayor Calabria's election.

Resident Pauline Pappas, Durling Drive, spoke against limited communication with Mayor Calabria.

AGENDA COMMENT

In response to resident Gisela Laubitz, Durling Drive South, City Clerk Lewis stated this portion of the meeting is for comments on items that are not Public Hearings. She stated that items 1 and 2 on the agenda are Public Hearings and comments regarding those items should be saved for when their Public Hearings are opened.

In response to Ms. Laubitz, City Attorney McLean stated that it is at the discretion of the Commission as to whether or not to allow others to give her their speaking time. He questioned if Ms. Laubitz has any comments on the format of the agenda. He stated that comments regarding agenda content should be saved for the Public Hearings.

DISCUSSION ITEMS

PUBLIC HEARING - LEGISLATIVE

1. RESOLUTION NO. 2014-14 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SOUTH PASADENA, FLORIDA, ADOPTING A TENTATIVE MILLAGE RATE FOR AD VALOREM TAXES FOR THE CITY OF SOUTH PASADENA FOR FISCAL YEAR 2014-2015, PROVIDING FOR AN EFFECTIVE DATE.

Mayor Calabria stated the purpose of the public hearing is to receive input to the budget process from the public and

REGULAR COMMISSION MEETING
WEDNESDAY, SEPTEMBER 10, 2014 - 7:00 P.M.

the City Commissioners. This meeting will accomplish the following in accordance with State Statutes:

- a. Announce the proposed millage rate adopted by the City Commission on July 1, 2014.
- b. Receive comments and questions from the public on both the budget and the millage rate and answer the public's questions.
- c. Adopt a tentative millage rate.
- d. Adopt a tentative budget.

City Attorney McLean read Resolution No. 2014-14 by title and approved it as to form and content.

Finance Director Graham announced that a 2.0105 proposed millage rate was adopted on July 1, 2014, which is a 25.39% increase over the roll-back rate. He noted that the current roll-back rate is 1.6034. He explained that the roll-back rate is the true millage rate necessary to collect the same total revenue as collected in the previous year on the same properties. He said that if last year's millage rate of 1.6985 was maintained, the city would have generated \$46,672 in revenues because of a 6.3% increase in taxable values.

Mr. Graham spoke regarding the proposed millage increase. He stated that there is a 2.3% increase in the budget and that the millage increase is to cover most of the budget the increase. He further stated that the Commission had decided that 6-9 months in reserves is adequate. He said that without the millage increase he believes the city would fall below the 6 month reserve threshold.

Mayor Calabria opened the public hearing at 7:27 p.m.

Ms. Laubitz spoke regarding the tentative millage rate. She stated that she understands the reason for increasing revenue but a 25% increase is excessive. She suggested that the Commission cut back the overall budget and not increase the millage so drastically. She encouraged the Commission not to approve Resolution No. 2014-14.

REGULAR COMMISSION MEETING
WEDNESDAY, SEPTEMBER 10, 2014 - 7:00 P.M.

There being no further public comment, Mayor Calabria closed the public hearing at 7:29 p.m.

MOTION WAS MADE BY COMMISSIONER HOWRY, SECONDED BY COMMISSIONER NEIDINGER, TO PASS RESOLUTION NO. 2014-14.

In response to Mayor Calabria, Mr. Graham spoke regarding the Employee Expense Reduction Incentive Program. He stated that it is effective October 1, 2014. He said that it offers a bonus up to \$2,500 based on employee suggestions that save the city money and that the bonus is calculated as 10% of the savings. He noted that the Commission did not budget any specific amount and budget amendments would be made.

Mayor Calabria spoke regarding the budget. He stated that there were no specific proposals to reduce expenses during the budget process. He further stated that he hopes that savings ideas will be introduced before the budget is finalized to eliminate or reduce the budget increase.

Commissioner Neidinger spoke regarding the budget process. She stated that the Commission went through every item on every budget in every department. She said that every Department head cut back on expenses and that she feels the Commission did a thorough job of trying to reduce expenses. She noted that the city's utility expenses have gone up but the Commission has not raised the millage in recent years.

Vice Mayor Penny spoke regarding the Employee Expense Reduction Incentive Program. He stated that the Commission did not budget any money to cover it so budget amendments would have to be done.

In response to Ms. Laubitz, City Attorney McLean stated that the Public Hearing has ended.

Commissioner Howry spoke regarding the budget process. He stated that the Commission was actively involved in reduce the budget where they could. He further stated that the city lost over \$400,000 in funding from Pinellas County for EMS services. He noted that the Commission can decrease the millage rate before the final vote and the city has one of the lowest millage rates in the county.

REGULAR COMMISSION MEETING
WEDNESDAY, SEPTEMBER 10, 2014 - 7:00 P.M.

VOTE:	COMMISSIONER HOWRY	AYE
	VICE MAYOR PENNY	AYE
	COMMISSIONER NEIDINGER	AYE
	MAYOR CALABRIA	NO

DISPOSITION: APPROVED

2. ORDINANCE NO. 2014-01 - AN ORDINANCE OF THE CITY OF SOUTH PASADENA, FLORIDA, ADOPTING FISCAL YEAR 2014-2015 BUDGET; PROVIDING AN EFFECTIVE DATE - SECOND READING.

City Attorney McLean read Ordinance No. 2014-01 by title and approved it as to form and content.

Mayor Calabria opened the public hearing 7:37 p.m. There being no public comment, Mayor Calabria closed the public hearing at 7:38 p.m.

MOTION WAS MADE BY COMMISSIONER NEIDINGER, SECONDED BY VICE MAYOR PENNY TO PASS ORDINANCE NO. 2014-01 ON SECOND READING.

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

UNANIMOUSLY APPROVED

UNFINISHED BUSINESS

NONE

CONSENT AGENDA

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

3. APPROVAL OF COMMISSION MEETING MINUTES FOR MONTH OF AUGUST 2014 ON FILE IN CITY CLERK'S OFFICE
AGENDA MEETING, AUGUST 21, 2014; ADMINISTRATIVE WORKSHOP MEETING, AUGUST 21, 2014; REGULAR COMMISSION MEETING, AUGUST 26, 2014.

UNANIMOUS APPROVAL BY ACCLAMATION

NEW BUSINESS

4. ORDINANCE NO. 2014-02 - AN ORDINANCE OF THE CITY OF SOUTH PASADENA, FLORIDA, AMENDING ORDINANCE NO. 2013-02, THE CITY'S FISCAL 2013/2014 BUDGET, ADJUSTING CERTAIN GENERAL FUND REVENUES RESULTING IN NET REVENUE BUDGET REDUCTIONS OF \$45,650 INCLUDING DECREASING PROJECTED RED LIGHT CAMERA REVENUES AND INCREASING BUILDING PERMIT REVENUES, ELECTRIC UTILITY TAX REVENUES, RECYCLING GRANT REVENUES AND FIRE INSURANCE PREMIUM TAXES; ADJUSTING CERTAIN GENERAL FUND APPROPRIATIONS RESULTING IN A NET REDUCTION TO EXPENDITURES TOTALING \$32,215 INCLUDING INCREASING THE LEGISLATIVE BUDGET FOR LEGAL SERVICES BY \$20,000, PROVIDING A NET DECREASE IN FIRE DEPARTMENT PENSION, HEALTH AND RETIREMENT CONTINGENCY APPROPRIATIONS TOTALING \$61,990, PROVIDING A NET INCREASE IN PUBLIC WORKS APPROPRIATIONS TOTALING \$5,275 FOR NPDES CONSULTANT FEES AND TELEPHONE BUDGET SHORTAGE AND PROVIDING FOR AN INCREASE IN FUNDING FOR CULTURE SERVICES FOR CITIZEN LIBRARY CARD REBATES IN THE AMOUNT OF \$4,500; DECREASING THE PUBLIC SAFETY CAPITAL IMPROVEMENTS BUDGET BY \$615,000 FOR FIRE TRUCK REFURBISHING AND FIRE STATION IMPROVEMENTS WHICH HAVE BEEN MOVED TO THE 2014/2015 FISCAL YEAR; DECREASING THE TRANSPORTATION CAPITAL IMPROVEMENTS BUDGET BY \$500,000 TO REFLECT THE CARDNO TBE PROJECT OPTION APPROVED BY THE CITY COMMISSION FOR THE PASADENA ISLE PAVING PROJECT; INCREASING CAPITAL IMPROVEMENTS MISCELLANEOUS REVENUE BY \$10,100 FOR ESTIMATED INSURANCE RECOVERY ON DAMAGE TO TWO PUBLIC WORKS VEHICLES; PROVIDING FOR AN EFFECTIVE DATE - FIRST READING.

City Attorney McLean read Ordinance No. 2014-02 by title and approved it as to form and content.

MOTION WAS MADE BY VICE MAYOR PENNY, SECONDED BY COMMISSIONER HOWRY TO PASS ORDINANCE NO. 2014-02 ON FIRST READING.

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

UNANIMOUSLY APPROVED

5. RESOLUTION NO. 2014-15 - A RESOLUTION OF THE CITY OF SOUTH PASADENA, FLORIDA, AMENDING THE 2013/2014 12 STEP PAY PLAN

REGULAR COMMISSION MEETING
WEDNESDAY, SEPTEMBER 10, 2014 - 7:00 P.M.

FOR GENERAL EMPLOYEES HIRED AFTER APRIL 13, 2010 TO ESTABLISH A NEW PAY RANGE FOR THE POSITION OF ADMINISTRATIVE SECRETARY; AND APPROVING THE 2014/2015 STEP PAY PLAN REFLECTING GENERAL EMPLOYEE SALARY INCREASES.

City Attorney McLean read Resolution No. 2014-15 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. 2014-15.

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

UNANIMOUSLY APPROVED

6. MOTION - TO APPROVE RENEWAL OF CONTRACT FOR LEGAL SERVICES WITH GRAYROBINSON, P.A. FOR SERVICE AS CITY ATTORNEY FOR THE PERIOD OF OCTOBER 1, 2014 THROUGH SEPTEMBER 30, 2015.

MOTION WAS MADE BY VICE MAYOR PENNY, SECONDED BY COMMISSIONER NEIDINGER TO APPROVE RENEWAL OF CONTRACT FOR LEGAL SERVICES WITH GRAYROBINSON, P.A. FOR SERVICE AS CITY ATTORNEY FOR THE PERIOD OF OCTOBER 1, 2014 THROUGH SEPTEMBER 30, 2015.

Mayor Calabria spoke regarding a September 4th Beach Beacon article about St. Pete Beach's city attorney contract. He spoke regarding the contract fees and noted that St. Pete Beach is larger than South Pasadena but has gotten a better deal.

Mayor Calabria spoke regarding the Halliburton Deepwater settlement. He stated that GrayRobinson will get a contingency fee for sending a letter. He spoke against renewing the city's contract with GrayRobinson.

VOTE:	VICE MAYOR PENNY	AYE
	COMMISSIONER NEIDINGER	AYE
	COMMISSIONER HOWRY	AYE
	MAYOR CALABRIA	NO

DISPOSITION: APPROVED

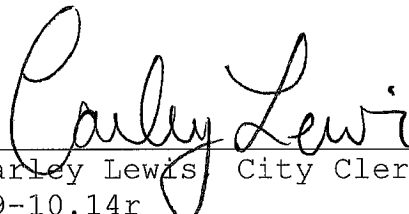
REGULAR COMMISSION MEETING
WEDNESDAY, SEPTEMBER 10, 2014 - 7:00 P.M.

There being no further discussion, the meeting was adjourned at
7:47 p.m.



Dan Calabria, Mayor

ATTEST:



Carley Lewis City Clerk
09-10.14r



ATTACH TO MINUTES
OF
REGULAR COMMISSION
MEETING, SEPT. 10, 2014
Dan Calabrese
9/10/14

FLORIDA ELECTIONS COMMISSION
107 W. Gaines Street
Collins Building, Suite 224
Tallahassee, Florida 32399-1050
(850) 922-4539

August 13, 2014

Robert F. Small
1819 Shore Drive South, # 217
South Pasadena, FL 33707

RE: Case No.: FEC 14-073; Respondent: Robert F. Small

Dear Mr. Small:

The Florida Elections Commission at its last regularly scheduled meeting reviewed and voted to approve the Consent Order agreed to by Respondent and Commission staff.

I have enclosed for your records a copy the Consent Order signed by the Chairman. The Commission appreciates your cooperation and now considers this case closed.

I would also like to add my appreciation for the cooperative manner in which this case was resolved. Please let me know if you have any questions or if I can be of any further assistance.

Sincerely,

/s/Amy McKeever Toman
Executive Director

AMT/dm
Enclosure: Consent Order
cc: Penny Arthur, Complainant

Reg Comm Mtg
09/10/14
Exhibit A-1

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

2014
FEB 20 10 41 AM '14
14-135W

In Re: Arthur Penny

Case No.: FEC 14-047
F.O. No.: FOFEC 14-135W

CONSENT ORDER

Respondent, Arthur Penny, and the Florida Elections Commission (Commission) agree that this Consent Order resolves all pending issues between the parties in this case. The parties jointly stipulate to the following facts, conclusions of law, and order.

FINDINGS OF FACT

1. Respondent is a member of the South Pasadena City Commission. He was re-elected in the 2014 election.

2. On February 20, 2014, the Commission received a sworn complaint alleging that Respondent violated the following section of The Florida Election Code on two occasions:

Section 106.143(1)(a), Florida Statutes: Arthur Penny, candidate for the South Pasadena City Commission in 2014, failed to include the statutorily required disclaimer on one or more political advertisements, as alleged in the complaint. While he may not have paid an outside entity to produce the fliers at issue, Respondent paid for them through in-kind contributions from himself to his campaign and, therefore, proper disclaimers were required.

3. No other legally sufficient violation of Chapter 104 or 106, Florida Statutes, was alleged in the complaint.

4. Respondent against whom the complaint was filed has not been notified of an allegation of the same violation before the conduct about which the complaint was filed.

5. If the alleged violation occurred less than 14 days before the election in which the Respondent is participating, the complainant did not allege that the political advertisement was

either deceptive or influenced the outcome of the election.

6. Respondent used his name in the political advertisement.

CONCLUSIONS OF LAW

7. The Commission has jurisdiction over the parties to and subject matter of this cause, pursuant to Section 106.26, Florida Statutes.

8. The Commission considers the allegation(s) contained in the complaint a minor violation, pursuant to Rule 2B-1.003, Florida Administrative Code.

9. Respondent neither admits nor denies that he violated Section(s) 106.143(1)(a), Florida Statutes, on two occasions.

ORDER

10. Respondent and the staff of the Commission have entered into this Consent Order voluntarily and upon advice of counsel.

11. Respondent shall bear his own attorney fees and costs that are in anyway associated with this case.

12. Respondent understands that before the Consent Order is final agency action, it must be approved by the Commission. The Commission will consider the Consent Order at its next available meeting.

13. Respondent voluntarily waives the right to any further proceedings under Chapters 106, and 120, Florida Statutes, and the right to appeal the Consent Order.

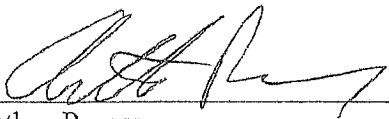
14. Respondent will carefully review Chapter 106, Florida Statutes, and avoid any future violation of the chapter.

15. Respondent agrees to correct immediately, if feasible, the violations alleged in the complaint.

16. If the Commission does not receive the signed Consent Order and payment within 20 days of the date Respondent or his attorney received this order, the staff withdraws this offer of settlement and will proceed with an investigation of the allegations in the complaint.

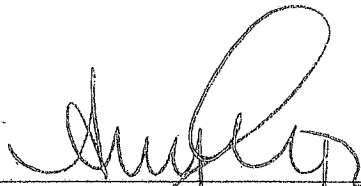
17. Respondent shall remit to the Commission a civil penalty in the amount of \$500. The civil penalty shall be paid by money order, cashier's check, or attorney trust account check and be valid for 120 days from the date of its issuance. The civil penalty shall be made payable to the Florida Elections Commission and sent to 107 West Gaines Street, Collins Building, Suite 224, Tallahassee, Florida 32399-1050, as a condition precedent to the Commission's execution of this Consent Order.

Respondent hereby agrees and consents to the terms of this Consent Order on May 23, 2014.




Arthur Penny
7700 Sun Island Drive, #708
South Pasadena, FL 33707

The Commission staff hereby agrees and consents to the terms of this Consent Order on May 27, 2014.



Amy McKeever Toman, Executive Director
Florida Elections Commission
107 West Gaines Street
Collins Building, Suite 224
Tallahassee, FL 32399-1050

Approved by the Florida Elections Commission at its regularly scheduled meeting on August 5-6, 2014.



Tim Holladay, Chairman
Florida Elections Commission

Copies furnished to:
Amy McKeever Toman, Executive Director
Arthur Penny, Respondent
Harris Blair, Complainant

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11.24

PERSONAL MONEY ORDER

6637101630

Office AU #

1210(8)

Operator I.D.: a324021

a324021

May 23, 2014

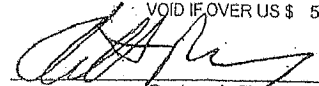
PAY TO THE ORDER OF ***FLORIDA ELECTIONS COMMISSION ***
FOR FEC 14-046 FEC14-047

Five hundred dollars and no cents

\$500.00

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