

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA**

PROTECT ST. PETE BEACH ADVOCACY
GROUP, a Florida not-for-profit corporation;
RUTA ANNE HANCE; LEANNE ELIZABETH
FARIS; JODY POWELL; CHARLES BOH;
CONNIE BOH; LISA ROBINSON; HARRY
METZ; EDWARD BARTON TEELE; and
WILLIAM RODRIGUES,

Plaintiffs,

V.

CASE NO. 24-000041-CI

CITY OF ST. PETE BEACH, a political
Subdivision of the State of Florida; KAREN
MARRIOTT; NICK FILTZ; BETTY
RZEWNICKI; and RICHARD LORENZEN,

Defendants.

INTERVENOR CP ST. PETE, LLC'S MOTION FOR SUMMARY JUDGMENT

COMES NOW Intervenor CP St. Pete, LLC ("CP St. Pete"), by and through its undersigned counsel and files this Motion for Summary Judgment and as grounds states:

I. INTRODUCTION

This is the Motion for Summary Judgment of Intervenor CP St. Pete. The Court should grant summary judgment and dismiss all Plaintiffs' claims because there is no genuine issue of material fact, and (assuming the Court reaches the merits at all, which it should not because *inter alia* Plaintiffs have no standing), the procedure followed by the St. Pete Beach City Commission at issue in this case was 100% appropriate, legal, and in direct conformity with the Florida Constitution, Florida statutes, the St. Pete Beach Municipal Charter, and controlling law.

At bottom, the facts of this case are not complicated. The St. Pete Beach City Commission consists of Commissioners from each of four (4) separate districts, plus the Mayor. Elections for Districts 1 and 3 are in even-numbered years; Districts 2 and 4 are in odd-numbered years. After the Legislature announced burdensome disclosure requirements for municipal officials, in December 2023 several Commissioners took umbrage, and announced their intention to resign. Sensing this could cause a crisis that could shut down the entire Commission, the City Attorney inquired as to whether the Supervisor of Elections would agree to hold a special election before the election for Districts 1 and 3 scheduled for March 19, 2024. Fla. Stat. Ann. § 100.151 precludes a municipality from holding a special election without the consent of the Supervisor of Elections.

The Supervisor of Elections refused to hold a special election before August 2024.¹ Thus, the four district Commissioners resigned on different days, and when each resigned, a new interim Commissioner was appointed as authorized expressly by (among other things) Section 3.09 of the Charter. As to the next scheduled March 19, 2024 election, the appointed Commissioners for Districts 1 and 3 ran unopposed, such that there was no need to even hold an election. An election for Districts 2 and 4 was moved from March 2025 to August 2024.

Plaintiffs have now sued the Commission and the appointed Commissioners, asserting in substance the Commission was legally required to hold an election rather than make interim appointments, and that the appointments violated the Constitutional requirement that municipal offices must be “elective.” The true intent behind these claims is not to ensure good government, but to reverse the Commission’s grant of a conditional use permit issued to the Sirata Resort

¹ All parties have stipulated to this fact. See Stipulation of Undisputed Facts for Purposes of Cross Motions for Summary Judgment on Liability (“Stipulation of Undisputed Facts”), Ex. “1,” ¶ 4]

(owned by CP St. Pete), and to block a different development project. As more fully set forth below, all Plaintiffs' claims fail as a matter of law, and must be dismissed, as follows:

- Summary judgment should be granted as to Plaintiffs' *quo warranto* claims because Plaintiffs lack standing to challenge the right of the interim Commissioners to hold office;
- Summary judgment should be granted as to Plaintiffs' *quo warranto* claims because Plaintiffs have another adequate remedy, and the claim that the Commissioners violated procedural rules is not an appropriate subject of a *quo warranto* claim;
- Summary judgment should be granted as to Plaintiffs' non-*quo warranto* claims because Plaintiffs have neither a common law nor a statutory right to challenge the appointments;
- Summary judgment should be granted as to Plaintiffs' non-*quo warranto* claims because Plaintiffs admit they sustained no "special harm, and therefore have no standing;
- Summary judgment should be granted as to Counts I and V of the Amended Complaint, because the fact that an office is "elective" does not prevent the filling of a vacancy by interim appointment;
- Summary judgment should be granted as to Count I of the Amended Complaint, because the appointment of interim Commissioners was authorized (and required) by the Constitution, the Legislature, the Charter, and case law, because the refusal by the Supervisor of Elections to hold a special election necessitated the appointments; and
- Summary judgment should be granted as to Count II of the Amended Complaint, because the Commission's interim appointment of District 2 and 4 Commissioners, with a special election for Districts 2 and 4 scheduled for August 2024, complied with both Section 3.06 (c) (1) of the Charter, and Section 3.06 (c) (2) of the Charter.

Accordingly, as set forth more fully below, the Court should now grant judgment against Plaintiffs as to all claims, with prejudice.

II. FACTS

A. THE ST. PETE BEACH CHARTER AND ITS CITY COMMISSION

St. Pete Beach was created through the adoption of its Municipal Charter (the "Charter"), pursuant to the Municipal Home Rule Powers Act, Fla. Stat. Ann. § 166.021. The Home Rule Powers Act provides generally that "municipalities shall have the governmental, corporate, and

proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except when expressly prohibited by law.” Fla. Stat. Ann. § 166.021 (a).

The Charter establishes a City Commission “with all legislative powers of the city vested therein ... consisting of four (4) commissioners and a mayor-commissioner.” Charter, § 3.01. The Charter provides there “shall be four (4) commissioners who shall be qualified electors of the city, shall reside in the district represented and shall be elected only by the district represented.” Charter, § 3.02 (b). The Charter sets forth, generally, the procedure for elections of the commissioners as follows:

Election for the office of commissioner from Districts 1 and 3 shall be held in even-numbered years, and elections for the office of commissioner from Districts 2 and 4 shall be held in odd-numbered years, in the manner prescribed by this charter and general Florida Law and shall be for a two-year term.

Charter, § 3.02 (c).² Thus, as of November 2023, the regular city election for Districts 1 and 3 was scheduled for March 2024, and the regular city election for Districts 2 and 4 was scheduled for March 2025. [Stipulation of Undisputed Facts, ¶ 2] The Mayor of St. Pete Beach, who also serves on the City Commission, has a three (3) year term. Charter, § 3.03.

The Charter sets forth a procedure for filling vacancies on the City Commission, as follows:

Sec. 3.06. - Vacancies; forfeiture of office; filling of vacancies.

² Also, St. Pete Beach Code of Ordinances, Chapter 38 (Elections), Section 38-7, provides “The regular election for the city commission shall be held on the second Tuesday of March, unless the city commission determines, by ordinance, pursuant to F.S. § 100.3605(2), that it is appropriate to schedule that election for some other date in March.”

(a) *Vacancies.* The office of a commissioner shall become vacant upon his death, resignation, or forfeiture of his office.

(b) *Forfeiture of office.* A commissioner shall forfeit his office if he (1) lacks at any time during his term of office any qualification for the office prescribed by this charter or by law, or (2) violates any standard of conduct or code of ethics established by law for public officials. Such forfeiture shall require the affirmative vote of four (4) members of the commission.

(c) *Filling of vacancies.* A vacancy on the commission shall be filled in one of the following ways:

(1) If there is less than six (6) months remaining in the unexpired term or if there are less than six (6) months before the next regular city election, the commission, by a majority vote of the remaining members shall choose a successor to serve until the newly elected commissioner is qualified. If one year remains in the term of the vacated seat at the time of the next election, that seat shall be filled by election for the remaining term;

(2) If there are more than six (6) months remaining in the unexpired term and no regular city election is scheduled within six (6) months, the commission shall fill the vacancy on an interim basis as provided in subsection (1), and ***shall schedule a special election to be held*** not sooner than sixty (60) days, nor more than one (1) year following the occurrence of the vacancy.

(d) *Extraordinary vacancies.* In the event that all members of the commission are removed by death, disability, or forfeiture of office, the governor shall appoint an interim commission that shall call a special election to fill all commission positions. Should two (2) or more vacancies occur simultaneously, on the commission, the remaining members shall, within fifteen (15) days, ***call*** a special election to fill the vacant commission positions; such election shall be ***held in the manner prescribed by the laws of the State of Florida.***

Charter, § 3.06. See also Plaintiff's Amended Complaint ("Compl."), Ex. "2," ¶ 24. As used in this provision, "***calling***" an election is different than "***holding***" an election. For example, the phrase to "***call*** an Election" means "when an authorized government authority ***proclaims*** that an election ***will take place at a particular time.***" [See U.S. Election Commission, Glossary of Election Terms, "call an election," Ex. "3," p. 16] By contrast, the phrase "***hold*** an Election"

is “the term used when a government authority *administers an election.*” [U.S. Election Commission, Glossary of Election Terms, “*hold* an election,” Ex. “3,” p. 48]

Section 3.08 of the Charter states in relevant part that (1) “The commission *shall determine its own rules of procedure* and the mayor-commissioner shall set the order of business for each meeting,” and (2) a “majority of the commission shall constitute a quorum; but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the commission. No action of the commission except as otherwise provided in the preceding sentence and in section 3.06 shall be valid or binding unless adopted by the affirmative vote of the majority of a quorum present.” Section 3.09 of the Charter, for “Commission appointments,” states:

Sec. 3.09. - Commission appointments.

The city commission shall appoint but not be limited to the following offices:

- (a) City clerk,
- (b) City manager,
- (c) City attorney,

and such other officials that they deem necessary; provided this power to appoint officials shall not be construed to authorize the city commission to make appointments of administrative officials³ or interfere with the powers granted to the city manager under sections 3.07(a), (b) and 4.04(a), (b) of this Charter. No person shall be appointed to more than one of the aforementioned offices. The duties of these officials shall be as prescribed by the commission.

As of December 12, 2023, the members of the City Commission were:

- Mayor Adrian Petrilia (“Petrilia”);

³ “Administrative officials” are officials described in Article IV of the Charter, titled “Administrative,” which officials include the City Manager, City Clerk, and City Attorney. Because Article III of the Charter, titled “City Commission,” implements the Commission as the *legislative* arm of the City, the City Commission is plainly not precluded from appointing City Commissioners; to the contrary, they are obviously empowered to do so.

- Commissioner Chris Graus (District 1) (“Graus”);
- Vice Mayor Commissioner Mark Grill (District 2) (“Grill”);
- Commissioner Ward Friszowlowski (District 3) (“Friszowlowski”), and
- Commissioner Chris Marone (District 4) (“Marone”).

[Compl., ¶ 27; see also Stipulation of Undisputed Facts, ¶ 1]

B. “SB 774” CAUSES CITY COMMISSIONERS TO CONSIDER RESIGNATION

In late 2023, the Florida Legislature enacted into law a bill known as “SB 774” titled “Ethics Requirements for Public Officials,” effective January 1, 2024. SB 774 imposed significant (some would say draconian) financial disclosure requirements on municipal officials, many of whom received little to no compensation for their service, and many of whom were precluded by confidentiality or fiduciary restraints from making such disclosures.

On December 12, 2023, the Commission convened for a meeting. [See Stipulation of Undisputed Facts, ¶ 5] Commissioner Grill began that meeting by stating:

I am announcing my resignation as Commissioner for District 2 and Vice Mayor effective December 31, 2023. I’ll submit a letter to the City Clerk’s office this week.

[See December 12, 2023 City Commission Meeting Transcript⁴ (“12/12/23 Tr.”), Ex. “1-A-3,” p.

1] Commissioner Grill advised he made this decision due to the new ethics requirements. Later in the meeting, Commissioner Marrone stated:

I will not be filling out Form 6. I talked to my wife about it and then I talked to the City Attorney to see if there was a workaround on maybe not filling it out

⁴ The Stipulation of Undisputed Facts references multiple Commission meeting agendas and meeting minutes, as well as hearing transcripts. CP St. Pete only received the meeting minutes two days ago, and still has yet to receive the meeting agendas. Therefore, although CP St. Pete has stipulated to those documents for purposes of this motion, it will not be attaching those documents to its Statement of Undisputed Facts in support of its Motion for Summary Judgment. Instead, it will only attach the transcripts that it references and relies upon.

until July of next year and then having to resign if they did not make some adjustments ...

And if there is any way I could work around it, I would because I feel like I have so much unfinished business, helping not only the city as a whole but my district. I feel like I've just gotten started here. We've just gotten the ball rolling, I got a lot of important stuff that I want to see to the end. This this is just -- it's crazy, and if the city can -- attorney can find me a workaround before 12/31/2023, I -- I -- I -- I -- I will do the workaround if I don't have to fill it out and it's not an ethics violation, but otherwise, I -- I don't -- I -- I don't have an option. I do not have an option. So by 12/31 if -- if -- if the City Attorney, Andrew, if you tell me there's nothing you can do, you have to fill it out by, you know, Jan 1, then -- then -- then I'll -- you'll have my resignation.

[12/12/23 Tr., pp. 12.1-5 and 13.19-14.9]

In light of these statements, a motion was put before the Commission to have an emergency session. The parties then discussed whether Commissioner Grill could vote on the motion in light of his previous statement. After Commissioner Petrilia stated “he hasn’t resigned yet,” Commissioner Grill voted “yes” on the motion, and added “You’re not rid of me just yet.”

[12/12/23 Tr., pp. 18.4] Thereafter, at the same meeting, City Attorney Andrew Dickman (“Dickman”) explained the Charter provisions relating to vacancies, and his belief that the Commission should be careful in how the resignations occur, because if the Commission lost members all at the same time, without replacements, it would be “very difficult to do business.”

[12/12/23 Tr., p. 21.15-23] It was also discussed that if there were “simultaneous vacancies,” the municipality may be required to call a special election, but Dickman stated “a lot of what we can and can’t do depends on whether the supervisor [of] election will, you know – will accommodate, your know, that special election.” [12/12/23 Tr., pp. 19.6-10]

The Commission reconvened on December 18, 2023. [See Stipulation of Undisputed Facts, ¶ 6] At that time, Dickman advised:

So, we also, from the Supervisor of Elections, we know that they will not hold the special election for us. That the next [available] election will be August, correct, Amber. They simply cannot just have an election for a special election for our municipality.

[See December 18, 2023 City Commission Meeting Transcript (“12/18/23 Tr.”), Ex. “1-B-3” p. 5.12-17] It is undisputed that “prior to December 18, 2023, the Supervisor of Elections advised that it would not hold a special election if one was necessary.” [Stipulation of Undisputed Facts, ¶ 4] Because the Supervisor of Elections refused to hold a special election, Dickman advised he wanted to “stagger” resignations to permit the then-Commissioners to appoint new Commissioners, to ensure that the Commission could continue to function. [12/18/23 Tr., p. 6.6.-16] Thereafter, during this meeting, four (4) of the five (5) Commissioners (except for Mayor Petrilia) discussed their intent to resign, and the manner in which interim successor Commissioners would be appointed. [See generally, 12/18/23 Tr.] Also on the same date, the City’s “public meetings” email list sent a notice to its subscribers stating in relevant part “the City of St. Pete Beach has a vacancy on the City Commission all District seats (Districts 1-4).” [Compl., ¶ 24]

C. FOUR CITY COMMISSIONERS RESIGN BETWEEN DECEMBER 21-30, 2024, INTERIM APPOINTMENTS ARE MADE, AND DISTRICTS 1 AND 3 RUN UNOPPOSED IN MARCH 2024

The next meeting of the Commission was on December 21, 2023. [See Stipulation of Undisputed Facts, ¶ 8] At that meeting, Commissioner Marone (District 4) formally announced his resignation.

So I’m going to go ahead and officially announce my resignation as District Four Commissioner, regrettably under these circumstances.

[See December 21, 2023 City Commission Meeting Transcript, (“12/21/23 Tr.”), Ex. “1-C-3,” p. 19.5-8] After various candidates were interviewed, a motion was made to appoint Richard Lorenzen as the Interim District 4 Commissioner [12/21/23 Tr., p. 65.23], which motion carried.

[12/21/23 Tr., p. 66.13] Thus, Richard Lorenzen was appointed to serve as Commissioner for District 4. [See Stipulation of Undisputed Facts, ¶ 14] All remaining Commissioners, except for Marone, who had resigned, voted on that appointment.

December 26, 2023 was the next meeting of the Commission. [See Stipulation of Undisputed Facts, ¶ 9] At that meeting, Commissioner Grill asked if Commissioner Graus intended to resign. Commissioner Graus (District 1) then formally announced his resignation from the Commission:

That's correct; I still – I still do feel that way. And before I do actually resign, I'd just like to say a couple of things real quick, if I could. ... So with that, I officially resign.

[See December 26, 2023 City Commission Meeting Transcript (“12/26/23 Tr.”), Ex. “1-D-3,” p. 6.1-8] Thereafter, the remaining Commission interviewed candidates, and ultimately appointed Karen Marriott to serve as Interim City Commissioner, District 1. [12/26/23 Tr., p. 54.13-55.2] Thus, Karen Marriott was appointed to serve as Commissioner for District 1. [See Stipulation of Undisputed Facts, ¶ 15]

The City Commission reconvened on December 27, 2023. [See Stipulation of Undisputed Facts, ¶ 9] On that date, Vice Mayor Commissioner Grill (District 2) announced his resignation:

So just for the record, I am submitting my resignation, as we had discussed. I won't go through everything I went through when I announced this previously, but just to thank everybody here on the Commission.

[See December 27, 2023 City Commission Meeting Transcript, (“12/27/23 Tr.”), Ex. “1-E-3” p. 5.24-6.3] After vigorous further debate, the Commission (then comprised of Commissioners Lorenzen, Marriott, Petrilina and Friszowlowski) appointed Nick Filtz as Interim District 2 Commissioner. [12/27/23 Tr., p. 63.10-12, 75.5; Stipulation of Undisputed Facts, ¶ 13] Thus,

Nick Filtz was appointed to serve as Commissioner for District 2. [See Stipulation of Undisputed Facts, ¶ 16]

Finally, on December 28, 2023, Commissioner Friszowlowski (District 3) announced that his resignation would be effective on December 30, 2023. [See December 28, 2023 City Commission Meeting Transcript, (“12/28/23 Tr.”), Ex. “1-F-3,” p. 9.25-10.1] After that December 30, 2023 resignation, Betty Rzewnicki was appointed as the Interim City Commissioner for District 3 on January 9, 2024. [See Stipulation of Undisputed Facts, ¶ 17] Thus, as of January 9, 2024, the City Commission was comprised of:

- Mayor Adrian Petrilia;
- Commissioner Karen Marriott (District 1);
- Commissioner Nick Filtz (District 2);
- Commissioner Betty Rzewnicki (District 3), and
- Commissioner Richard Lorenzen (District 4).

The election for Districts 1 (Karen Marriott) and 3 (Betty Rzewnicki) was scheduled for March 19, 2024. [See Stipulation of Undisputed Facts, ¶ 2] With respect to Marriott and Rzewnicki, the following facts are undisputed:

- On March 19, 2024, the Pinellas County Supervisor of Elections administered elections for municipal offices across Pinellas County. Those elections were to include elections of Commissioners for Districts 1 and 3 in the City.
- To stand for election for the office of City Commissioner, a candidate must qualify for office in the time and manner specified in the City’s Charter and Code of Ordinances. The qualifying period for the March 19, 2024 election for Commissioners for Districts 1 and 3 began on November 6, 2024 and ended on November 17, 2024.
- At the end of the qualifying period, two candidates had qualified to run for election for Commissioner for District 1 in the March 19, 2024 election. They were Karen Marriott and Lisa Reich. Ms. Reich withdrew her candidacy on January 16, 2024, which left Ms. Marriott as the sole candidate for election for Commissioner for District 1 in the March 19, 2024 election.

- At the end of the qualifying period, one candidate had qualified to run for election for Commissioner for District 3 in the March 19, 2024 election, Betty Rzewnicki. Ms. Rzewnicki was the sole candidate for election for Commissioner for District 3 in the March 19, 2024 election.
- Because there was only one candidate for each of Districts 1 and 3 in the March 19, 2024 election for those Districts, the election was cancelled. Ms. Marriott and Ms. Rzewnicki began terms of office as elected Commissioners on March 26, 2024.

[Stipulation of Undisputed Facts, ¶¶ 18-11] As a result of the appointments, the Commission moved the election for District 2 and 4 Commissioners from the regularly scheduled March 2025 election [Stipulation of Undisputed Facts, ¶¶ 2], to a special election now scheduled for August 20, 2024. [Stipulation of Undisputed Facts, ¶ 23] The election will be administered by the Pinellas County Supervisor of Elections concurrent with primary elections for various state and county offices. [Stipulation of Undisputed Facts, ¶ 23]

D. THE AMENDED COMPLAINT

The Amended Complaint argues in substance that the resignations above were, in effect, “simultaneous vacancies” [Compl., ¶¶ 53, 71-73], and that the Commission “knowingly evaded the Charter’s requirement based on ‘impracticability.’” [Compl., ¶ 54] The Amended Complaint also contends that even if there were no “simultaneous vacancies,” the Charter “provides no process by which Commissioners in Districts 2 and 4 may be appointed.” [Compl., ¶ 60] The Amended Complaint contends that the interim appointment of Commissioners “violates the Constitutional requirement that municipal legislative bodies be ‘elective.’” [Compl., ¶ 86] For all Counts of the Complaint, the asserted “injury” is that the Commissioners will be permitted to vote on, *inter alia*, the Sirata major conditional use permit. [E.g., Compl., ¶ 55] Plaintiffs admit “None of the Plaintiffs claim a ‘special injury’ that differs

in kind and degree from that sustained by other members of the community. [Stipulation of Undisputed Facts, ¶ 5]

E. THE CONDITIONAL USE DEVELOPMENT PERMIT, AND THE PETITION FOR CERTIORARI

On February 27, 2024, the City Commission voted 3-2 to approve the Sirata Conditional Use Permit referenced in the Amended Complaint, with conditions, and the City Commission issued a Conditional Use Permit Development Order officially recognizing that approval on March 5, 2024. [See City’s Conditional Use Permit Development Order, Ex. “4”] On April 3, 2024, Protect St. Pete Beach Advocacy Group, the Plaintiff in this case, filed a Petition for Writ of Certiorari asking the Court to quash the Conditional Use Permit Development Order. [See Petition for Writ of Certiorari, Ex. “5”] As to the Conditional Use Permit Development Order, the Commissioners who voted in favor of it were:

- Commissioner Karen Marriott (District 1);
- Commissioner Betty Rzewnicki (District 3), and
- Commissioner Richard Lorenzen (District 4).

[See Tampa Bay Times February 29 article, Ex. “6”] Mayor Petrilina and Commissioner Filtz (District 2) voted against it.

III. SUMMARY JUDGMENT STANDARD

In Rich v. Narog, 366 So. 3d 1111, 1117–19 (Fla. Dist. Ct. App. 2022), the Appeals Court explained:

In Florida it will no longer be plausible to maintain that the existence of *any* competent evidence creating an issue of fact, however credible or incredible, substantial or trivial, stops the inquiry and precludes summary judgment, so long as the ‘slightest doubt’ is raised. Under the federal summary judgment standard that is now applicable in Florida’s state courts, where the nonmoving party bears the burden of proof on a dispositive issue at trial, the moving party need only demonstrate that there is an absence of evidence to support the nonmoving party’s case.

Under the new standard, once the moving party satisfies this initial burden, the burden then shifts to the nonmoving party to make a showing sufficient to establish the existence of an element essential to that party's case, and on which that party will bear the burden of proof at trial. Specifically, it is incumbent upon the nonmoving party to come forward with evidentiary material demonstrating that a genuine issue of fact exists as to an element necessary for the non-movant to prevail at trial. Importantly, though, if the evidence presented by the nonmovant is merely colorable, or is not significantly probative, summary judgment may be granted.

The trial court, therefore, must determine – as is the case with a motion for a directed verdict – whether the nonmovant's evidence presents a sufficient disagreement to require submission to a jury or whether it is so one-sided that one party must prevail as a matter of law. That is to say, the nonmovant's evidence must be of sufficient weight and quality that reasonable jurors could find by a preponderance of the evidence that the nonmovant is entitled to a verdict. Where the record taken as a whole could not lead a rational trier of fact to find for the non-moving party, there is no genuine issue for trial.

Id. (Internal citations, quotations and parentheticals omitted).

IV. ARGUMENT

1. SUMMARY JUDGMENT SHOULD BE GRANTED AS TO COUNT III (*QUO WARRANTO*) AND COUNT IV (*QUO WARRANTO*): PLAINTIFFS LACK STANDING TO LODGE *QUO WARRANTO* CHALLENGES TO THE RIGHT OF COMMISSIONERS TO HOLD OFFICE

First, as to Plaintiffs' *quo warranto* challenges to the right of Commissioners Marriott, Filtz, Rzewnicki and Lorenzen to hold their office by interim appointment, none of the Plaintiffs have standing, because they are neither the Attorney General of Florida nor the (alleged) person rightfully entitled to the office.

With respect to *quo warranto* challenges to the authority to hold office, Fla. Stat. Ann. § 80.01 provides:

Any person claiming title to an office which is exercised by another has the right, on refusal by the Attorney General to commence an action in the name of the state upon the claimant's relation, or on the Attorney General's refusal to file a petition setting forth the claimant's name as the person rightfully entitled to the office, to file an action in the name of the state against the person exercising the office, setting up his or her own claim. The court shall determine the right of the claimant

to the office, if the claimant so desires. No person shall be adjudged entitled to hold an office except upon full proof of the person's title to the office in any action of this character.

Fla. Stat. Ann. § 80.01. Thus, where a *quo warranto* claim seeks an adjudication of the right to an office held by the defendant, Florida law is clear that ordinary “taxpayer, residency, and voter standing” is insufficient. Hall v. Cooks, 346 So. 3d 183, 188–89 (Fla. Dist. Ct. App. 2022), reh'g denied (Sept. 2, 2022). For example, in Hall, the Florida Appeals Court explained:

As to the second claim, the plaintiffs alleged that Madison's mayor, who voted for removal, is not a city resident, amounting to a violation of a municipal ordinance requiring her to reside in the district that she represents. Madison, Fla., Code of Ordinances art. III, § 9 (2020). They claimed to have “taxpayer, residency, and voter standing” to pursue an “inquiry in the nature of a *quo warranto* proceeding” to ensure the ordinance's requirements are met. The trial court correctly held, however, that only the Attorney General or a person claiming title to the office in question has standing to seek a writ of *quo warranto*, § 80.01, Fla. Stat. (2022); Butterworth v. Espey, 523 So. 2d 1278, 1278 (Fla. 2d DCA 1988) ...

Hall, 346 So. 3d at 188–89. Accord McGhee v. City of Frostproof, 289 So. 2d 751, 752 (Fla. Dist. Ct. App. 1974) (“with respect to *quo warranto*, while it is ordinarily the proper method to determine entitlement to an office, it may be instituted only by the Attorney General (who, it appears, declined to do so in this case) or by a person claiming title to the office. So that remedy doesn't lie here.”); Tobler v. Beckett, 297 So. 2d 59, 61 (Fla. Dist. Ct. App. 1974) (“In our view, appellant lacks standing to challenge the right of the office of municipal judge using the extraordinary remedy of *quo warranto*. Ordinarily, *quo warranto* is the proper remedy to determine the right of an individual to hold public office. It may be instituted only by the Attorney General of Florida, or by a person claiming title to the office. Here appellant seeks to oust the municipal judge; is not claiming entitlement to the office and did not request the attorney general to file the action in his behalf.”).

Here, Plaintiffs seek a *quo warranto* adjudication of the right of the Defendant Commissioners to hold those offices. [See, e.g., Amended Complaint, ¶ 69] (“Quo warranto is an available remedy to contest the right of an individual to hold a public office.”). However, because Plaintiffs are neither the Attorney General nor the (alleged) person rightfully entitled to the office, Plaintiffs have no standing to bring their *quo warranto* claims as a matter of law. While Plaintiffs assert “taxpayer, residency, and voter standing,” the law is clear that status as a taxpayer, resident and/or voter does not confer *quo warranto* standing to challenge the right of a Defendant to hold a public office. Accordingly, Plaintiffs’ *quo warranto* claims in Counts III and IV of the Complaint fail as a matter of law and must be dismissed.⁵

2. **SUMMARY JUDGMENT SHOULD BE GRANTED AS TO COUNT III (*QUO WARRANTO*) AND COUNT IV (*QUO WARRANTO*) BECAUSE EVEN IF PLAINTIFFS’ HAVE STANDING FOR A *QUO WARRANTO* CLAIM (THEY DO NOT), THE COURT SHOULD EXERCISE ITS DISCRETION TO REFUSE TO HEAR THE *QUO WARRANTO* CLAIMS BECAUSE PLAINTIFFS HAVE ANOTHER ADEQUATE REMEDY, AND THE CLAIM THAT THE COMMISSIONERS VIOLATED THEIR PROCEDURAL RULES IS NOT AN APPROPRIATE SUBJECT OF A *QUO WARRANTO* PROCEEDING**

Plaintiffs’ *quo warranto* claims in Counts III and IV contend the Commissioners failed to comply with the procedural requirements of the Charter. Also, as set forth above, Plaintiffs’ true motivation in filing this challenge is to render void the grant by the City Commission of the Sirata Conditional Use Development Permit. However, even if Plaintiffs could establish *quo*

⁵ Plaintiffs may argue in response (and in their own moving papers) that they have so-called “taxpayer, residency, and voter standing” to challenge the Commission’s alleged noncompliance with Constitutional provisions, in accordance with Boan v. Florida Fifth Dist. Court of Appeal Judicial Nominating Comm’n, 352 So. 3d 1249, 1252 (Fla. 2022) and cases cited therein. This argument fails, however, because Plaintiffs’ *quo warranto* claims in Counts III and IV **do not assert Constitutional violations**. Rather, Counts III and IV assert only that the Commissioners failed to comply with the procedural requirements of the Charter. Because Plaintiffs’ do not make a Constitutional *quo warranto* claim, Boan is inapposite. However, as set forth below, even if Plaintiffs did make a Constitutional *quo warranto* claim that the Commission violated the Fla. Const. art. VIII, § 2 by making interim “vacancy” appointments to “elective” offices, the Constitution sets forth no such prohibition, and any such claim would fail as a matter of law.

warranto standing (they cannot), Plaintiffs have not presented an appropriate claim for this Court to exercise its discretion and grant the extraordinary relief of *quo warranto*.

The issuance of a writ of *quo warranto* – an “extraordinary writ,” lies within the discretion of the Court, and is *never* an “absolute right.” Warren v. DeSantis, 365 So. 3d 1137, 1142 (Fla. 2023). “Given the nature of an extraordinary writ, there may be circumstances in which a court denies relief for ‘reasons other than the actual merits of the claim.’” Id. For example, it is “one of the fundamentals of procedure in *quo warranto* that the writ will not be issued *where there is another ample and sufficient remedy provided by law for the relief sought.*” Fuller v. Mortgage Elec. Registration Sys., Inc., 888 F. Supp. 2d 1257, 1271–72 (M.D. Fla. 2012) (quoting State v. Duval Cnty., 141 So. 173 (Fla.1932)). See also State ex rel. Gibbs v. Bloodworth, 184 So. 1, 2 (Fla. 1938) (“The writ of *quo warranto* will not be issued where there is another ample and sufficient remedy provided by law for the relief sought.”).

Additionally, as the Florida Supreme Court explained in Boan v. Florida Fifth Dist. Court of Appeal Judicial Nominating Comm'n, 352 So. 3d 1249, 1253 (Fla. 2022); the issue of whether a commission complied with its own procedural rules is not an appropriate subject for a *quo warranto* proceeding. In Boan, Plaintiffs brought a *quo warranto* challenge to the judicial nominating commission’s inclusion of non-residents, asserting *inter alia* that the nominations violated the commissions’ rules of procedure. As to this, the Court explained:

That leaves us with the petitioners’ claim that the judicial nominating commissions violated their own rules of procedure by nominating nonresident candidates ... We need not and do not decide the merits of the petitioners’ procedural-rule-based claim, because *we conclude that the commissions’ compliance with their procedural rules is not the proper subject of a quo warranto proceeding.* For starters, the petitioners have not identified any precedent where this Court exercised its discretionary *quo warranto* jurisdiction to review a comparable procedural-rule-based claim. On the contrary, our precedents in this area consistently involved claims that official action exceeded limits imposed by the constitution or by a statute.

Just as important, the uniform procedural rules themselves indicate that alleged violations are to be evaluated and dealt with by the governor rather than by a court. Indeed, the rules give the governor the sole authority to decide whether a rule violation of the kind alleged here has occurred, and if so, what to do about it. ... Given our *quo warranto* precedents and the rule provisions we have just described, we conclude that the petitioners' procedural-rule-based claim is not the proper subject of a *quo warranto* proceeding. In so holding, we reiterate that we take no position on whether the judicial nominating commissions here complied with their rules. Nor do we take up the respondents' argument that the constitution prohibits a procedural rule that disallows nominees who are nonresidents at the time of nomination. Finally, we note that this portion of our analysis is limited to the petitioners' claim that is based solely on alleged noncompliance with the nominating commissions' procedural rules, which we distinguish from the petitioners' constitutional claim.

Boan, 352 So. 3d at 1253–54.

Here, just like in Boan, Plaintiffs' *quo warranto* claims do not allege a violation of the Constitution or any statute. Rather, the *quo warranto* claims contend only that the City Commissioners failed to apply the appropriate procedure to fill vacant seats on the City Commission. Thus, just like in Boan, this is not an appropriate subject for the extraordinary relief of a writ of *quo warranto*, and the Court should grant summary judgment on this basis alone. This is particularly true because just like in Boan, Section 3.08 of the Charter states the Commission “*shall determine its own rules of procedure*,” and this Court should not sit in judgment of the procedure utilized by the Commission.

Just as importantly, there is no reason for this Court to grant the extraordinary relief of *quo warranto* because Plaintiffs have another, just as adequate, and far more appropriate, remedy at law. As set forth in Plaintiffs' Amended Complaint, the true motivation for this entire case is to stop the Sirata development project (for which CP St. Pete has obtained a Conditional Use Permit Development Order), because Plaintiff Protect St. Pete Beach Advocacy Group is an advocacy group with a goal to “ensure development projects on St. Pete Beach's infrastructure

are improvements that beautify the community for the mutual benefit of residents and visitors alike, without increasing traffic, congestion, demands on infrastructure, or threatening wildlife and natural resources.” [Amended Complaint, ¶ 11] None of the Plaintiffs are so-called “good government” watchdogs, election integrity experts, or slighted candidates that would actually have an interest in lodging a challenge to the interim Commission appointments at issue in this case. The only reason Plaintiffs have filed their claims in this case is to stop the Sirata and TradeWinds project through the back door.⁶

Because the true intent of Plaintiffs is to block the Sirata development as set forth in the Conditional Use Permit Development Order [Ex. “4”], Plaintiff Protect St. Pete Beach Advocacy Group has now filed a Petition for Writ of Certiorari, asking this Court to quash the Conditional Use Permit Development Order. [Ex. “5”] Quite simply, Plaintiff Protect St. Pete Beach Advocacy Group (and its affiliates) have a full, complete and adequate remedy at law to satisfy their true goals through the different proceeding they have filed in this Court. As a result, it is manifestly inappropriate for this Court to consider issuing the extraordinary relief of *quo warranto*. For this reason as well, the Court should now grant summary judgment.

3. SUMMARY JUDGMENT SHOULD BE GRANTED AS TO COUNTS I, II AND V BECAUSE PLAINTIFFS HAVE NEITHER A COMMON-LAW NOR A STATUTORY RIGHT TO CHALLENGE THE COMMISSIONERS’ APPOINTMENTS

Plaintiffs’ non-*quo warranto* claims (Counts I, II and V) also fail because Plaintiffs have neither a statutory nor a common law right to individually vindicate perceived violations of Florida election law and the Charter. Under Florida law, Courts “have little room to imply such

⁶ In the proceeding where CP St. Pete was pursuing the Conditional Use Permit Development Order, not only did Plaintiff Protect St. Pete Beach Advocacy Group oppose the permit, but it also introduced expert testimony to support its opposition. Notwithstanding the opposition of Protect St. Pete Beach Advocacy Group, the Conditional Use Permit Development Order was approved by the City Commission.

[common law] rights to bring a civil action; rather, statute-based private rights of action must be legislatively created and show textual support.” Torres v. Shaw, 345 So. 3d 970, 974 (Fla. 1st DCA 2022). Generally, “*there is no inherent power in the courts of this state to determine election contests and the right to hold legislative office.*” Norman v. Ambler, 46 So. 3d 178, 181 (Fla. Dist. Ct. App. 2010); Harden v. Garrett, 483 So. 2d 409, 411 (Fla. 1985).

Thus, there is no private right of action to challenge the failure to comply with election statutes; any such right of action must be explicitly set forth in a statute. See Greene v. Clemens, 98 So. 3d 791, 793 (Fla. Dist. Ct. App. 2012) (“Since there is no common law right to contest elections, any statutory grant must necessarily be construed to grant only such rights as are explicitly set out.”); Burns v. Tondreau, 139 So. 3d 481, 485–86 (Fla. Dist. Ct. App. 2014) (Because “there is no common law right to contest elections, any statutory grant must necessarily be construed to grant only such rights as are explicitly set out.”); McPherson v. Flynn, 397 So. 2d 665, 668 (Fla. 1981) (“Since there is no common law right to contest elections, any statutory grant must necessarily be construed to grant only such rights as are explicitly set out. ... the statutory election contest has been interpreted as referring only to consideration of the balloting and counting process.”). For example, Florida does not recognize a private right of action for a host of violations of Florida's election laws, including those pertaining to a candidate's qualifications. See, e.g., Goff v. Ehrlich, 776 So. 2d 1011 (Fla. 5th DCA 2001) (finding no private right of action under Chapter 106 of the Election Law); Schurr v. Sanchez-Gronlier, 937 So. 2d 1166 (Fla. 3d DCA 2006) (finding no private right of action to challenge whether a check had been “properly executed” under § 105.031(5)(a)); Torres, 345 So. 3d 974 (finding no private right of action to challenge qualifying paperwork under § 90.061(7)).

The statutory right to contest elections is set forth in Fla. Stat. Ann. § 102.168, which provides in relevant part:

(1) Except as provided in s. 102.171, the certification of election or nomination of any person to office, or of the result on any question submitted by referendum, may be contested in the circuit court by any unsuccessful candidate for such office or nomination thereto or by any elector qualified to vote in the election related to such candidacy, or by any taxpayer, respectively.

(2) Such contestant shall file a complaint, together with the fees prescribed in chapter 28, with the clerk of the circuit court within 10 days after midnight of the date the last board responsible for certifying the results officially certifies the results of the election being contested.

(3) The complaint shall set forth the grounds on which the contestant intends to establish his or her right to such office or set aside the result of the election on a submitted referendum. The grounds for contesting an election under this section are:

(a) Misconduct, fraud, or corruption on the part of any election official or any member of the canvassing board sufficient to change or place in doubt the result of the election.

(b) Ineligibility of the successful candidate for the nomination or office in dispute.

(c) Receipt of a number of illegal votes or rejection of a number of legal votes sufficient to change or place in doubt the result of the election.

(d) Proof that any elector, election official, or canvassing board member was given or offered a bribe or reward in money, property, or any other thing of value for the purpose of procuring the successful candidate's nomination or election or determining the result on any question submitted by referendum.

Fla. Stat. Ann. § 102.168.

Obviously, neither Fla. Stat. Ann. § 102.168, nor any other statute, give Plaintiffs a private right to challenge an interim appointment to a municipal office, and no such common law right exists. Accordingly, summary judgment should be granted as to Counts I, II and V of the Amended Complaint.

4. SUMMARY JUDGMENT SHOULD BE GRANTED AS TO COUNTS I, II AND V BECAUSE PLAINTIFFS HAVE NOT SUSTAINED “SPECIAL HARM,” AND THEY THEREFORE HAVE NO STANDING

Plaintiffs admit they have sustained no “special harm” from any of the events at issue in this case. [Stipulation of Undisputed Facts, ¶ 3] (“None of the Plaintiffs claim a ‘special injury’ that differs in kind and degree from that sustained by other members of the community.”). As a result, the law is crystal clear that as to Plaintiffs’ non-*quo warranto* claims (Counts I, II and V), Plaintiffs have no standing to bring those claims.

“[T]he Florida Supreme Court has repeatedly held that citizens and taxpayers lack standing to challenge a governmental action unless they demonstrate either a special injury, different from the injuries to other citizens and taxpayers, or unless the claim is based on the violation of a provision of the Constitution that governs the taxing and spending powers.”⁷ Herbits v. City of Miami, 207 So. 3d 274, 281 (Fla. Dist. Ct. App. 2016) (citing Solares v. City of Miami, 166 So.3d 887, 888 (Fla. 3d DCA 2015) and Sch. Bd. of Volusia Cty. v. Clayton, 691 So.2d 1066, 1068 (Fla.1997)). For example, in Smith v. City of Fort Myers, 944 So. 2d 1092, 1094 (Fla. Dist. Ct. App. 2006), plaintiff Smith sought a judicial declaration of the validity of the City's transfer to the County of its ownership of City of Palms Park, alleging the City violated the notice requirements of the city code. Like Plaintiffs here, Smith did not allege a special injury. The Court explained:

Smith acknowledges the continued validity of the special injury rule to taxpayer suits. He has not alleged any special injury in this case, and he does not argue that there is legislative authority for standing or that the case somehow involves a constitutional challenge to government action alleging a violation of the legislature's taxing and spending power”

⁷ An exception, not applicable here, applies when a statute confers standing.

Id. Accordingly, the Court explained “the special injury rule governs standing in this case.”

Because Smith failed to establish such a special injury, he lacked standing to file the declaratory judgment action.” Smith, 944 So. 2d at 1096.

Smith is on point. Plaintiffs do not allege violation of a provision of the Constitution that governs the taxing and spending powers, and no other statute confers standing upon them. As a result, only those that can allege a “special injury, different from the injuries to other citizens and taxpayers,” have standing as to Plaintiffs’ non-*quo warranto* claims (Counts I, II and V).

Because Plaintiffs *admit* they have no such injury, summary judgment should be granted as to Plaintiffs’ non-*quo warranto* claims (Counts I, II and V) on this basis as well.

5. **SUMMARY JUDGMENT SHOULD BE GRANTED AS TO COUNTS I AND V, BECAUSE THE FACT THAT AN OFFICE IS “ELECTIVE” DOES NOT PREVENT THE FILLING OF AN INTERIM VACANCY BY APPOINTMENT**

As to Counts I and V of the Amended Complaint, Plaintiff’s core argument is that the Florida Constitution, Article VII, Section 2, states “each municipal legislative body shall be *elective*.” [Amended Complaint, ¶¶ 16, 52 and 85] According to Plaintiffs, because the Charter authorizes interim appointments of Commissioners, it runs afoul of Article VII, Section 2, and the Charter provision authorizing interim appointments is therefore unconstitutional.

This is not correct. Merely because an office is characterized by the Constitution as “elective,” as opposed to “appointive,” it does not follow that a vacancy in the office cannot be filled on an interim basis by appointment. Perhaps the best evidence of this is the treatment of the term “elective office” elsewhere in the Constitution. For example, Article IV, Section 1 (f) of the Florida Constitution gives the Governor the right to fill vacancies by appointment, under certain circumstances, for both “elective” and “appointive” offices:

(f) When not otherwise provided for in this constitution, the governor shall *fill by appointment* any vacancy in state or county office for the remainder of the term

of an appointive office, and for the *remainder of the term of an elective office* if less than twenty-eight months, otherwise until the first Tuesday after the first Monday following the next general election.

Fla. Const. art. IV, § 1 (f). Significantly, this same construction was given to previous, now superseded, Constitutional provisions. In re Advisory Opinion to the Governor, 46 So. 2d 21, 21–22 (Fla. 1950) (explaining the “State Constitution further provides that ‘The term of office for all *appointees* to fill vacancies in any of the *elective offices* under this Constitution shall extend only to the first Tuesday after the first Monday in January next after the election and qualification of a successor.’”). The rationale for this is “*one appointed to fill an ad interim vacancy in an elective office does not become the holder of any part of a regular term of such office, for only the people can grant the holder a regular term or any part thereof.*” Gray v. Bryant, 125 So. 2d 846, 859 (Fla. 1960). Thus, permitting a body to fill a vacant elective position on an interim basis does not render the elective position “appointive.”

It is beyond cavil that different sections of the Florida Constitution must be construed *in pari materia*. As one court observed:

Where a constitutional provision will bear two constructions, one of which is consistent and the other which is inconsistent with another section of the constitution, the former must be adopted so that both provisions may stand and have effect. Construction of the constitution is favored which gives effect to every clause and every part thereof. Unless a different interest is clearly manifested, constitutional provisions are to be interpreted in reference to their relation to each other, that is *in pari materia*, since every provision was inserted with a definite purpose. [Further]:

The purpose of the people in adopting the Constitution should be deduced from the Constitution as an entirety. Therefore, in construing and applying provisions of the Constitution, such provisions should be considered, not separately, but in coordination with all other provisions.

Burnsed v. Seaboard Coastline R. Co., 290 So. 2d 13, 16 (Fla. 1974).

Plainly, in the Florida Constitution (and previous iterations of it), the fact that a referenced office is designated as “*elective*” (as opposed to “appointive”) does *not* preclude an interim appointment to fill a vacancy in advance of a scheduled election. To rule otherwise would be to give a different construction to the word “elective” in Article VII, Section 2 of the Florida Constitution, than in Article IV, Section 1 (f) of the same Constitution. All of which is consistent with the settled principle that *use of appointments to fill interim vacancies is not an improper subversion of the fundamental right to vote*. See State ex rel. Dawson v. Cuyahoga Cty. Bd. of Elections, 140 Ohio St. 3d 406, 407–08, 18 N.E.3d 1204, 1206 (2014) (holding “the fundamental right to vote is not implicated by laws providing for temporary appointments to fill vacancies,” and explaining “States have a legitimate interest in ensuring that governmental processes are not disrupted by vacancies and have wide latitude in devising a method to fill those vacancies promptly”); Rodriguez v. Popular Democratic Party, 457 U.S. 1 (1982) (rejecting a challenge to a statute that allowed a vacancy in the legislature to be filled by the departing representative's political party, rather than through a special election.”)

In fact, this specific issue – whether the statement in the Constitution that municipal offices shall be “elective” precludes an interim appointment to fill a vacancy – was confronted directly by the Attorney General in 1987. The Attorney General explained in relevant part:

It has been stated that *the fact that an office is elective does not prevent the filling of a vacancy thereon by appointment, absent some contrary provision of law*. 9 Fla.Jur.2d Civil Servants and Other Public Officers and Employees s. 53; 63A Am.Jur.2d Public Officers and Employees s. 136. Cf., 67 C.J.S. Officers and Public Employees s. 78 (law authorizing electors to elect a person to fill a certain office does not, by implication, authorize them at intermediate election to choose a person to fill out unexpired term of same office). Moreover, Florida judicial decisions dated prior to the adoption of s. 2(b), Art. VIII, State Const., and the 1968 Constitution (there being no provision in the 1885 Constitution analogous to s. 2(b), Art. VIII) also appear to *recognize the authority of municipal legislative bodies to fill vacancies thereon in accordance with such municipalities' charter acts*. See, e.g., Frix v. State ex rel. Lautz, 33 So.2d 854 (Fla.1947); Porter v.

Kraft, 116 So.2d 257 (2 D.C.A.Fla., 1959). Cf., In re Advisory Opinion to the Governor, 116 So.2d 425 (Fla.1959).

Accordingly, I am of the opinion, until and unless judicially determined to the contrary that s. 2(b), Art. VIII, State Const., does not prohibit municipal legislative bodies from filling vacancies thereon by appointment made by a majority vote of the remaining members, provided such authority is set forth in the municipal charter.

1987 Fla. Op. Atty. Gen. 71 (1987). In Florida, “although an opinion of the Attorney General is not binding on a court, it is entitled to careful consideration and generally should be regarded as highly persuasive. ... The official opinions of the Attorney General, the chief law officer of the state, are guides for state executive and administrative officers in performing their official duties until superseded by judicial decision.” State v. Family Bank of Hallandale, 623 So. 2d 474, 478 (Fla. 1993) (internal citations omitted). Here, the Attorney General’s direction on this specific issue is directly on point, and no court has ever rejected its reasoning or held to the contrary. It is therefore respectfully submitted that it should be applied by this Court.

The bottom line is that on the face of the Constitution and as reflected by applicable law, the fact that the Constitution designates municipal offices as “elective” does not prevent the filling of vacancies on an interim basis by appointment. As a result, Sections 3.06 and 3.09 of the Charter, permitting the Commission to fill vacancies on an interim basis by appointment until the next scheduled election, is wholly consistent with, and not contrary to, the Constitution. Thus, summary judgment should be granted as to Counts I and V of the Amended Complaint.

6. SUMMARY JUDGMENT SHOULD BE GRANTED AS TO COUNT I BECAUSE THE APPOINTMENT OF INTERIM COMMISSIONERS WAS AUTHORIZED (AND REQUIRED) BY THE CONSTITUTION, THE LEGISLATURE, THE CHARTER, AND CASE LAW, SINCE THE REFUSAL BY THE SUPERVISOR OF ELECTIONS TO HOLD A SPECIAL ELECTION NECESSITATED THE APPOINTMENTS

In Count I of the Amended Complaint, Plaintiffs argue that because there were, in effect, “simultaneous resignations,” St. Pete Beach was required to hold a special election within fifteen

(15) days (which according to them would have permitted an elected Commission to rule on the requested Sirata permit). This argument fails, however, because the *supervisor of elections refused to hold a special election* in the winter of 2024, the Commission was therefore precluded, as a matter of law, from attempting to call (or hold) such a special election, Fla. Stat. Ann. § 100.151, and as a result, the Charter authorized the Commissioners to make interim appointments of City Commissioners. Charter, Sec. 3.09. Based on the foregoing, Plaintiffs’ argument that the resignations were “simultaneous” rather than “staggered” is moot, because no special election could have been held in any event, and the Commission had every right to make interim appointments.

To begin, the Florida Constitution addresses primary, general, and special elections, as follows:

§ 5. Primary, general, and special elections

(a) A general election shall be held in each county on the first Tuesday after the first Monday in November of each even-numbered year to choose a successor to each elective state and county officer whose term will expire before the next general election and, except as provided herein, to fill each vacancy in elective office for the unexpired portion of the term. A general election may be suspended or delayed due to a state of emergency or impending emergency pursuant to general law. *Special elections and referenda shall be held as provided by law.*

(b) If all candidates for an office have the same party affiliation and the winner will have no opposition in the general election, all qualified electors, regardless of party affiliation, may vote in the primary elections for that office.

Fla. Const. art. VI, § 5. As to municipal elections:

§ 6. Municipal and district elections

Registration and elections in municipalities shall, and in other governmental entities created by statute may, *be provided by law.*

Fla. Const. art. VI, § 6. The phrase “*provided by law*” means passed by an act of the legislature. Holzendorf v. Bell, 606 So. 2d 645 (Fla. Dist. Ct. App. 1992). Accordingly, “special elections” must be held in a manner consistent with Florida Statutes.

The following Florida Statutes impact the ability of municipalities to hold special elections. Fla. Stat. Ann. § 100.3605 states that in the event of a conflict between Florida Statutes and local charter provisions, the Charter will control:

100.3605. Conduct of municipal elections

(1) The Florida Election Code, chapters 97-106, shall govern the conduct of a municipality's election *in the absence of an applicable special act, charter, or ordinance provision*. No charter or ordinance provision shall be adopted which conflicts with or exempts a municipality from any provision in the Florida Election Code that expressly applies to municipalities.

(2) The governing body of a municipality may, by ordinance, change the dates for qualifying and for the election of members of the governing body of the municipality and *provide for the orderly transition of office resulting from such date changes*.

Fla. Stat. Ann. § 100.3605. Accordingly, while the Florida Legislature has preempted to the state most matters involving state and local elections, this is not so for municipal elections.

Jackson v. Leon Cnty. Elections Canvassing Bd., 204 So. 3d 571, 575 (Fla. Dist. Ct. App. 2016).

Moreover, the Florida Election Code precludes a municipality from holding a “special election” without the consent of the Supervisor of Elections:

County commissioners or the governing authority of a municipality shall not call any special election until notice is given to the supervisor of elections and his or her consent obtained as to a date when the registration books can be available.

Fla. Stat. Ann. § 100.151. Any special election requires at least thirty (30) days’ notice:

In any special election or referendum not otherwise provided for, there must be at least 30 days’ notice of the election or referendum by publication in a newspaper of general circulation in the county, district, or municipality, or publication on the county’s website as provided in s. 50.0311, the municipality’s website, or the supervisor’s website, as applicable. The publication must be made at least twice,

once in the fifth week and once in the third week before the week in which the election or referendum is to be held. If the applicable website becomes unavailable or there is no newspaper of general circulation in the county, district, or municipality, the notice must be posted in no less than five places within the territorial limits of the county, district, or municipality.

Fla. Stat. Ann. § 100.342.

As noted above, the Charter states as follows:

Sec. 3.06. - Vacancies; forfeiture of office; filling of vacancies.

(a) *Vacancies.* The office of a commissioner shall become vacant upon his death, resignation, or forfeiture of his office.

(b) *Forfeiture of office.* A commissioner shall forfeit his office if he (1) lacks at any time during his term of office any qualification for the office prescribed by this charter or by law, or (2) violates any standard of conduct or code of ethics established by law for public officials. Such forfeiture shall require the affirmative vote of four (4) members of the commission.

(c) *Filling of vacancies.* A vacancy on the commission shall be filled in one of the following ways:

(1) If there is less than six (6) months remaining in the unexpired term or if there are less than six (6) months before the next regular city election, the commission, by a majority vote of the remaining members shall choose a successor to serve until the newly elected commissioner is qualified. If one year remains in the term of the vacated seat at the time of the next election, that seat shall be filled by election for the remaining term;

(2) If there are more than six (6) months remaining in the unexpired term and no regular city election is scheduled within six (6) months, the commission shall fill the vacancy on an interim basis as provided in subsection (1), and shall schedule a special election to be held not sooner than sixty (60) days, nor more than one (1) year following the occurrence of the vacancy.

(d) *Extraordinary vacancies.* In the event that all members of the commission are removed by death, disability, or forfeiture of office, the governor shall appoint an interim commission that shall call a special election to fill all commission positions. Should two (2) or more vacancies occur simultaneously, on the commission, the remaining members shall, within fifteen (15) days, *call a special election to fill the vacant commission positions; such election shall be held in the manner prescribed by the laws of the State of Florida.*

All of which must be considered in accordance with Florida law that if the elective process is available, it should be utilized to fill an available office, but “interim appointments need ... be made when there is no earlier, reasonably intervening elective process available.” Pincket v. Harris, 765 So. 2d 284, 286 (Fla. Dist. Ct. App. 2000). Also, as noted above, generally, municipalities have the power to fill vacancies by appointment, and this does not run afoul of the Constitution. 1987 Fla. Op. Atty. Gen. 71 (1987) (explaining the “fact that an office is elective does not prevent the filling of a vacancy thereon by appointment, absent some contrary provision of law,” and Florida recognizes “the authority of municipal legislative bodies to fill vacancies thereon in accordance with such municipalities' charter acts.”). Obviously, the Charter gives the Commission wide discretion to make appointments:

Sec. 3.09. - Commission appointments.

The city commission shall appoint but not be limited to the following offices:

- (a) City clerk,
- (b) City manager,
- (c) City attorney,

and such other officials that they deem necessary; provided this power to appoint officials shall not be construed to authorize the city commission to make appointments of administrative officials or interfere with the powers granted to the city manager under sections 3.07(a), (b) and 4.04(a), (b) of this Charter. No person shall be appointed to more than one of the aforementioned offices. The duties of these officials shall be as prescribed by the commission.

Importantly, the *only* restriction on the Commission’s power of appointment is that the Commission is precluded from appointing “administrative officials,” which are described in Article IV of the Charter, and include the City Manager, City Clerk, and City Attorney. Under settled principles of interpretation, because legislative officials such as the Commissioners are not subject to express preclusion, it is clear that Section 3.09 permits the Commission to appoint Commissioners “as they deem necessary.” See Miami-Dade Cnty. Expressway Auth. v. Elec.

Transaction Consultants Corp., 300 So. 3d 291, 294 (Fla. Dist. Ct. App. 2020) (citations omitted) (“The deficiency in this [interpretation] is plainly encapsulated within the maxim, *expressio unius est exclusio alterius*. If one subject is specifically named [in a contract], or if several subjects of a large class are specifically enumerated, and there are no general words to show that other subjects of that class are included, it may reasonably be inferred that the subjects not specifically named were intended to be excluded.”).

Here, it is undisputed that after certain of the Commissioners announced their intent to resign in the future due to the new disclosure requirements, the City Attorney contacted the Supervisor of Elections, and the Supervisor of Elections stated it would not hold a special election, prior to August 2024, due to the impending resignation of the Commissioners. [Stipulation of Undisputed Facts, ¶ 4; 12/18/23 Tr., p. 5.12-17] Fla. Const. art. VI, §§ 5 and 6, state that municipal elections and special elections must be held “*as provided by law*,” i.e., in accordance with statutes. Fla. Stat. Ann. § 100.151 unambiguously precludes a municipality from “calling” a special election without the consent of the Supervisor of Elections, Fla. Stat. Ann. § 100.151, and at least thirty (30) days’ notice must be provided to hold a special election. Fla. Stat. Ann. § 100.342.

As a result, in late December 2023, it was clear that as “provided by law,” the Commission would have interim vacancies for which they could neither “call” nor “hold” a special election until, at a minimum August 2024 (when the Supervisor of Elections stated it would agree to hold a special election). Fla. Stat. Ann. § 100.151. Under those circumstances, the then-existing Commissioners resigned one-by-one, and their successors were appointed. Because Section 3.09 of the Charter gives the Commission discretionary authority to make appointments “as they deem necessary,” municipalities are not precluded from filling interim

vacancies by appointment, 1987 Fla. Op. Atty. Gen. 71 (1987), and the law is clear that appointments may be made where, as here, the elective process is unavailable and in emergency cases, e.g., Pincket, 765 So. 2d at 286, the Commission had the clear and express authority to appoint interim successor Commissioners to continue to conduct the City’s business.

In this connection, it appears from Plaintiffs’ Amended Complaint that Plaintiffs are arguing that because a “simultaneous vacancy” occurred, the Commission was obligated to have the public vote through a special election within fifteen (15) days, such that there was no need for interim appointments. Not so. Even assuming *arguendo* that a “simultaneous vacancy” occurred, and even assuming *arguendo* that the Supervisor of Elections had agreed to hold a special election at any time prior to August 2024 (it did not), the Commission was only obligated to “*call*” a special election (i.e., to “proclaim” that an election will take place in the future), it was not obligated to “*hold*” a special election within fifteen days.⁸ Obviously, this is because by statute, the Commission has no authority to set the date of a special election; that power is instead vested in the Supervisor of Elections. Fla. Stat. Ann. § 100.151. Moreover, even if a special election could have been “*called*,” at least thirty (30) days’ notice was required before the election could be *held*. Fla. Stat. Ann. § 100.342. In all cases, there is no requirement, legislative or otherwise, for a special election to have been held at any specific time other than within one year of the vacancy. Accordingly, even if everything Plaintiffs argue is correct (it is not), the Commission was not obligated to *hold* a special election within fifteen days, it could not “*call*” a special election until the Supervisor of Elections consented, and therefore, summary judgment should be granted as to Plaintiffs’ claim in Count I of the Amended Complaint.

⁸ See U.S. Election Commission, Glossary of Election Terms, “*Hold an Election*,” Ex. “2,” pp. 16 and 48.

7. **SUMMARY JUDGMENT SHOULD BE GRANTED AS TO COUNT II OF THE AMENDED COMPLAINT, BECAUSE THE COMMISSION’S INTERIM APPOINTMENT OF DISTRICT 2 AND 4 COMMISSIONERS, WITH A SPECIAL ELECTION FOR DISTRICTS 2 AND 4 SCHEDULED FOR AUGUST 2024, COMPLIED WITH BOTH SECTION 3.06 (C) (1) OF THE CHARTER, AND SECTION 3.06 (C) (2) OF THE CHARTER**

Finally, in Count II of the Amended Complaint, Plaintiffs argue:

60. Current controversy exists because Charter Section 3.06 provides no process by which Commissioners in Districts 2 and 4 may be appointed. There are more than six months remaining in the terms of Districts 2 and 4 and more than six months before the next city election for Districts 2 and 4, thus these seats are not subject to the appointment process under Section 3.06(c)(1). (“If there is less than six (6) months remaining in the unexpired term or if there are less than six (6) months before the next regular city election, the commission, by a majority vote of the remaining members shall choose a successor to serve until the newly elected commissioner is qualified”). There was a regular city election scheduled for March 19, 2024, so Section 3.06(c)(2) does not apply. (“If there are more than six (6) months remaining in the unexpired term and **no regular city election is scheduled within six (6) months**, the commission shall fill the vacancy on an interim basis as provided in subsection (1)”).

61. Because one year remains in the term of the vacated seat at the time of the next election (District 2 and 4), that seat shall be filled by election for the remaining term. Section 3.06(c)(1).

62. The Charter provides no authority for District 2 and 4 Commission seats to be appointed. ...

However, because the Commission’s interim appointments and the scheduling of the August 2024 special election for Districts 2 and 4 comply with **both** Section 3.06 (c) (1) of the Charter and Section 3.06 (c) (2) of the Charter, as well as the applicable law, Plaintiffs’ arguments in Count II fail as a matter of law.

To begin, Charter Sections 3.06 (c) and (d) reference two kinds of elections, “regular city elections,” and “special elections.”

(c) *Filling of vacancies.* A vacancy on the commission shall be filled in one of the following ways:

(1) If there is less than six (6) months remaining in the unexpired term or if there are less than six (6) months before the next **regular city election**,

the commission, by a majority vote of the remaining members shall choose a successor to serve until the newly elected commissioner is qualified. If one year remains in the term of the vacated seat at the time of the next *election*, that seat shall be filled by *election* for the remaining term;

(2) If there are more than six (6) months remaining in the unexpired term and no *regular city election is scheduled* within six (6) months, the commission shall fill the vacancy on an interim basis as provided in subsection (1), and shall schedule a *special election* to be held not sooner than sixty (60) days, nor more than one (1) year following the occurrence of the vacancy.

(d) *Extraordinary vacancies.* In the event that all members of the commission are removed by death, disability, or forfeiture of office, the governor shall appoint an interim commission that shall call a *special election* to fill all commission positions. Should two (2) or more vacancies occur simultaneously, on the commission, the remaining members shall, within fifteen (15) days, call a special election to fill the vacant commission positions; such election shall be held in the manner prescribed by the laws of the State of Florida.

Charter, § 3.06 (emphasis supplied). Generally, the phrase “regular election” or “scheduled election” means:

Existing law that requires any federal, state, county, municipal, district, or other district election to be held on certain dates, usually on a reoccurring basis.

[See U.S. Election Commission, Glossary of Election Terms, “Scheduled Election,” Ex. “3,” p.

85] By contrast, the Florida Election Code defines “special election” as “a special election called for the purpose of voting on a party nominee to *fill a vacancy in the national, state, county, or district office.*” Fla. Stat. Ann. § 97.021. Thus, “regular elections” or “scheduled elections” are elections scheduled by statute or existing law, and “special elections” are not scheduled by existing law, but are necessitated by the need to fill a vacancy.

As to the City Commission, “regular elections” or “scheduled elections” are set forth in Section 3.02 (c) of the Charter.

Election for the office of commissioner from Districts 1 and 3 shall be held in even-numbered years, and elections for the office of commissioner from

Districts 2 and 4 shall be held in odd-numbered years, in the manner prescribed by this charter and general Florida Law and shall be for a two-year term.

Charter, § 3.02 (c). Thus, as of December 2023, and as to Districts 2 and 4, the next “regular election” or “scheduled election” would take place in March 2025. Any other election for Districts 2 and 4 would be a “special election.”

Because, as of December 2023, there were “more than six months remaining in the unexpired term(s)” of the Commissioners for Districts 2 and 4, and no “regular” or “scheduled” election would take place within six months⁹ (since under Section 3.02 (c) of the Charter, the next scheduled election for Districts 2 and 4 would take place in March 2025), Section 3.06 (c) (2) of the Charter applies. Accordingly, in direct conformity with Section 3.06 (c) (2) of the Charter, the Commission scheduled a special election for August 2024, within the time-period required under Section 3.06 (c) (2), and filled the vacancy in the interim.

However, even assuming *arguendo* that Section 3.06 (c) (1) of the Charter applies (as Plaintiffs appear to contend), Plaintiffs’ claims still fail. As of December 2023, Districts 2 and 4 had more than one year remaining on their terms. Accordingly, assuming Section 3.06 (c) (1) applies, the seats for Districts 2 and 4 “shall be filled by election for the remaining term.” As noted above, this election would, by definition, be a “*special election*,” because it is “called for the purpose of voting on a party nominee to fill a vacancy in the national, state, county, or district office.” Fla. Stat. Ann. § 97.021. Because it is a “special election,” it can only be held with the consent of the Supervisor of Elections. Fla. Stat. Ann. § 100.151. Accordingly, the

⁹ It bears repeating here that the flaw in Plaintiffs’ analysis is that it assumes the phrase “regular city election” means any election scheduled by St. Pete Beach, not the scheduled elections under the Charter for Districts 2 and 4. Quite simply, while St. Pete Beach had an election scheduled on its books for March 2024, this was *not* a “regular election” under Section 3.02 (c) of the Charter *as to Districts 2 and 4*. Rather, the only way Districts 2 and 4 could have participated in it is if St. Pete Beach called a “special election” as to Districts 2 and 4.

earliest date that a special election can be held for Districts 2 and 4 is August 2024 – the date when the election for Districts 2 and 4 is currently scheduled.

Moreover, Plaintiffs (assuming Section 3.06 (c) (1) of the Charter applies) also argue that even if the Commission acted correctly in scheduling the special election, the Commission had no authority in the Charter to make interim appointments. But this is simply not so, and it would be absurd, as it would *paralyze the entire municipal government*. As noted above, the Charter gives the Commission wide discretion to make appointments as they deem necessary:

Sec. 3.09. - Commission appointments.

The city commission shall appoint but not be limited to the following offices:

- (a) City clerk,
- (b) City manager,
- (c) City attorney,

and such other officials that they deem necessary ...

Because only exception to this broad power is that the Commission may not appoint “administrative officials,” which are the subject of Article IV of the St. Pete Beach Charter, settled principles of statutory interpretation confirm the Commission has full discretion to appoint Commissioners, which are the subject of Article III of the Charter. Transaction Consultants Corp., 300 So. 3d at 294.

As also noted above, Section 3.09’s grant of discretionary power to the Commission to make appointments is consistent with Florida law permitting municipalities to fill interim vacancies where there is no available intervening elective process. Pincket, 765 So. 2d at 286; 1987 Fla. Op. Atty. Gen. 71 (1987). The Commission properly exercised its discretionary authority to fill these vacancies until the Supervisor of Elections agreed to hold a special election.

In fact, while Section 3.06 (c) (1) makes appointments mandatory in certain cases (“If there is less than six (6) months remaining in the unexpired term or if there are less than six (6) months before the next regular city election, the commission ... *shall* choose a successor ...”), this (quite obviously) does *not* divest the Commission of its discretion to make interim appointment as the Commission “deems necessary” until a special election can be held. Any such argument would fail to give effect to Section 3.09, render it superfluous, and create a conflict between the two sections. See Todd v. Johnson, 965 So. 2d 255, 260 fn. 7 (Fla. Dist. Ct. App. 2007) (“Another rule of statutory construction counsels against deeming any portion of a statute superfluous.”); Smith v. Rodriguez, 269 So. 3d 645, 647 (Fla. Dist. Ct. App. 2019) (“[I]t is a cardinal rule of statutory construction that the entire statute under consideration must be considered in determining legislative intent, and effect must be given to every part of the section and every part of the statute as a whole.”); Barr v. Dep't of Health, Bd. of Dentistry, 954 So. 2d 668, 669 (Fla. Dist. Ct. App. 2007) (“The principles of statutory construction require reconciliation among seemingly disparate provisions of law in order to give effect to all parts of the law.”). It would also give rise to an absurd result – for several months the Commission would have only one member (which would not be a quorum) until the elections could take place. This would, quite obviously, violate accepted rules of statutory construction. M.D. v. State, 993 So. 2d 1061, 1063 (Fla. Dist. Ct. App. 2008) (“Another basic rule of statutory construction requires a court to avoid a literal interpretation that would result in an absurd or ridiculous conclusion.”).¹⁰

¹⁰ In this connection, Plaintiffs seek to void certain actions of the Commission in February and March, 2024, including the Sirata Conditional Permit Development Order. But even if the Court accepted Plaintiffs’ argument that Districts 2 and 4 should not have voted on that matter, the result would not change. After January 10, 2024, the Commission was comprised of:

In all, the law and the Charter are clear. Because the Supervisor of Elections would not hold a special election until August 2024 (such that the Commission could not hold a special election as to Districts 2 and 4 until that time), the Commission properly scheduled the special election for August 2024, and properly appointed Commissioners to fill the vacancies in the interim. This is true regardless of whether the Court believes that Section 3.06 (c) (1) of the Charter, or Section 3.06 (c) (2) of the Charter, applies. As a result, summary judgment should be granted against Plaintiffs, and Plaintiffs’ claims must now be dismissed.

-
- Mayor Adrian Petrilgia;
 - Commissioner Karen Marriott (District 1);
 - Commissioner Nick Filtz (District 2);
 - Commissioner Betty Rzewnicki (District 3), and
 - Commissioner Richard Lorenzen (District 4).

As also noted above, as to the Sirata Conditional Use Development Permit, Commissioners Marriott (District 1); Rzewnicki (District 3); and Lorenzen (District 4), voted in favor of the Sirata Conditional Use Development Order, and Mayor Petrilgia and Commissioner Filtz (District 2), voted against it. Accordingly, even if no appointments were made to Districts 2 and 4, the vote would still have been:

Voting in favor of the Sirata Conditional Use Development Permit	Voting against the Sirata Conditional Use Development Permit
Commissioner Karen Marriott (District 1); and Commissioner Betty Rzewnicki (District 3)	Mayor Adrian Petrilgia

Commissioners Marriott and Rzewnicki were the only persons qualified to run for the Districts 1 and 3 offices of City Commissioner, and because they ran unopposed, there was no need to even hold an election. [Stipulation of Undisputed Facts, ¶¶ 15-19] Accordingly, even if everything Plaintiffs argue is true, there would *still* have been a quorum on the Commission (described in Section 3.08 of the Charter as a “majority of the Commission” – Mayor Petrilgia and Commissioners Marriott and Rzewnicki would therefore constitute a “quorum”), and the vote *still* would have been 2-1 in favor of the issuance of the Sirata Development Order.

WHEREFORE, based on the foregoing, Intervenor CP St. Pete, LLC requests that this Court enter summary judgment as a matter of law against Plaintiffs as to all claims in Plaintiffs' Amended Complaint, and for such other relief as this Court deems appropriate.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this date, a true and correct copy of the forgoing has been sent via Electronic Mail to Samuel J. Salaro, Jr., samuel@lawsonhuckgonzalez.com, 1700 South MacDill Avenue, Suite 300, Tampa, Florida 33629, and Andy Bardos, andy.bardos@gray-robinson.com, 301 South Bronough Street, Suite 600, Tallahassee, Florida 32031.

By: /s/ George M. Vinci, Jr.
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Dated: April 25, 2024

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3. Burns v. Tondreau, 139 So. 3d 481 (Fla. Dist. Ct. App. 2014)
4. Burnsed v. Seaboard Coastline R. Co., 290 So. 2d 13, 16 (Fla. 1974).
5. Dawson v. Cuyahoga Cty. Bd. of Elections, 140 Ohio St. 3d 406, 18 N.E.3d 1204 (2014)
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31. Fla. Const. art. IV, § 1 (f)
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35. Fla. Stat. Ann. § 80.01
36. Fla. Stat. Ann. § 100.151
37. Fla. Stat. Ann. § 100.342
38. Fla. Stat. Ann. § 100.3605
39. Fla. Stat. Ann. § 101.75
40. Fla. Stat. Ann. § 102.168

TREATISES

41. U.S. Election Commission, Glossary of Election Terms (attached as Exhibit "2")

OTHER

42. Opinion from Attorney General Robert A. Butterworth, 1987 Fla. Op. Atty. Gen. 71 (Fla.A.G.), Fla. AGO 87-27, 1987 WL 269945

EXHIBIT 1

**IN THE CIRCUIT COURT FOR THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA**

PROTECT ST. PETE BEACH ADVOCACY GROUP, a Florida not-for profit corporation;
RUTA ANNE HANCE, an individual;
LEANNE ELIZABETH FARIS, an individual;
JODY POWELL, an individual; CHARLES BOH and CONNIE BOH, individuals; LISA ROBINSON, an individual; HARRY METZ, an individual; EDWARD BARTON TEELE, an individual; and WILLIAM RODRIGUES, an individual,

Plaintiffs,

Case No. 24-000041-CI

v.

CITY OF ST. PETE BEACH, a political subdivision of the State of Florida; KAREN MARRIOTT; NICK FILTZ; BETTY RZEWNICKI; and RICH LORENZEN,

Defendants.

**STIPULATION OF UNDISPUTED FACTS FOR PURPOSES OF
CROSS-MOTIONS FOR SUMMARY JUDGMENT ON LIABILITY**

Solely for purposes of proceedings on the upcoming cross-motions for summary judgment on liability set by the Court's Agreed Order on Joint Motion to Amend Scheduling Order, and without abridging, limiting, or precluding Plaintiffs, Defendants, or Intervenor CP St. Pete, LLC from offering or introducing additional facts or evidence in support of or opposition to those cross-motions, Plaintiffs, Defendants, and Intervenor stipulate that the following facts are undisputed:

1. As of December 18, 2013, the St. Pete Beach City Commission was composed of the following:
 - Mayor Adrian Petrila;

- Commissioner Chris Graus (District 1);
- Vice-Mayor Mark Grill (District 2);
- Commissioner Ward Friszolowski (District 3);
- Commissioner Chris Marone (District 4).

2. Pursuant to the Charter of St. Pete Beach, as of November 2023, an election for Commissioners for Districts 1 and 3 was scheduled for March 19, 2024, and an election for Commissioners for Districts 2 and 4 was scheduled for March 19, 2025.

3. As of December 2023, over one year remained in the terms of the Commissioners for Districts 2 and 4.

4. Prior to December 18, 2023, the Supervisor of Elections advised that it would not hold a special election if one was necessary.

5. None of the Plaintiffs claim a “special injury” that differs in kind and degree from that sustained by other members of the community.

6. The City Commission held a meeting on December 12, 2023. Attached as Exhibit A-1 is a true and correct copy of the meeting agenda. Attached as Exhibit A-2 is a true and correct copy of the meeting minutes. Attached as Exhibit A-3 is a true and correct copy of the meeting transcript.

7. The City Commission held a meeting on December 18, 2023. Attached as Exhibit B-1 is a true and correct copy of the meeting agenda. Attached as Exhibit B-2 is a true and correct copy of the meeting minutes. Attached as Exhibit B-3 is a true and correct copy of the meeting transcript.

8. The City Commission held a meeting on December 21, 2023. Attached as Exhibit C-1 is a true and correct copy of the meeting agenda. Attached as Exhibit C-2 is a true and correct

copy of the meeting minutes. Attached as Exhibit C-3 is a true and correct copy of the meeting transcript.

9. The City Commission held a meeting on December 26, 2023. Attached as Exhibit D-1 is a true and correct copy of the meeting agenda. Attached as Exhibit D-2 is a true and correct copy of the meeting minutes. Attached as Exhibit D-3 is a true and correct copy of the meeting transcript.

10. The City Commission held a meeting on December 27, 2023. Attached as Exhibit E-1 is a true and correct copy of the meeting agenda. Attached as Exhibit E-2 is a true and correct copy of the meeting minutes. Attached as Exhibit E-3 is a true and correct copy of the meeting transcript.

11. The City Commission held a meeting on December 28, 2023. Attached as Exhibit F-1 is a true and correct copy of the meeting agenda. Attached as Exhibit F-2 is a true and correct copy of the meeting minutes. Attached as Exhibit F-3 is a true and correct copy of the meeting transcript.

12. Attached as Exhibit G is a true and correct copy of an email sent by the City Clerk to a public meetings email list on December 18, 2023.

13. All documents produced by the parties in discovery are authentic copies of documents in their respective files.

14. On December 21, 2024, the City Commission appointed Richard Lorenzen to serve as Commissioner for District 4 until the next election for that office, scheduled for August 20, 2024.

15. On December 26, 2024, the City Commission appointed Karen Marriott to serve as Commissioner for District 1 until the next election for that office, scheduled for March 19, 2024.

16. On December 27, 2024, the City Commission appointed Nick Filtz to serve as Commissioner for District 2 until the next election for that office, scheduled for August 20, 2024.

17. On January 9, 2024, the City Commission appointed Betty Rzewnicki to serve as Commissioner for District 3 until the next election for that office, scheduled for March 19, 2024.

18. On March 19, 2024, the Pinellas County Supervisor of Elections administered elections for municipal offices across Pinellas County. Those elections were to include elections of Commissioners for Districts 1 and 3 in the City.

19. To stand for election for the office of City Commissioner, a candidate must qualify for office in the time and manner specified in the City's Charter and Code of Ordinances. The qualifying period for the March 19, 2024 election for Commissioners for Districts 1 and 3 began on November 6, 2024 and ended on November 17, 2024.

20. At the end of the qualifying period, two candidates had qualified to run for election for Commissioner for District 1 in the March 19, 2024 election. They were Karen Marriott and Lisa Reich. Ms. Reich withdrew her candidacy on January 16, 2024, which left Ms. Marriott as the sole candidate for election for Commissioner for District 1 in the March 19, 2024 election.

21. At the end of the qualifying period, one candidate had qualified to run for election for Commissioner for District 3 in the March 19, 2024 election, Betty Rzewnicki. Ms. Rzewnicki was the sole candidate for election for Commissioner for District 3 in the March 19, 2024 election.

22. Because there was only one candidate for each of Districts 1 and 3 in the March 19, 2024 election for those Districts, the election was cancelled. Ms. Marriott and Ms. Rzewnicki began terms of office as elected Commissioners on March 26, 2024.

23. An election for Commissioners for Districts 2 and 4 has been scheduled for August 20, 2024. The election will be administered by the Pinellas County Supervisor of Elections concurrent with primary elections for various state and county offices.

EXHIBIT 1-A-3

AUDIO TRANSCRIPTION OF
ST. PETE BEACH CITY COMMISSION MEETING
DECEMBER 12, 2023
3:34:15 - 4:09:25

CITY CLERK: Vice Mayor Grill.

VICE MAYOR GRILL: Yes.

CITY CLERK: Mayor Petrila.

MAYOR PETRILA: Yes.

CITY CLERK: Motion carries.

MAYOR PETRILA: Commissioner Grill, you
have the floor.

VICE MAYOR GRILL: Thank you. I appreciate
you giving me the time and I know it's late in the
evening, but I'll just cut to the chase here. And
it's a very difficult thing that I'm going to talk
about here, but I am announcing my resignation as
commissioner for District 2 and Vice Mayor,
effective December 31st of 2023. I'll submit a
letter to the City Clerk's Office this week. And as
I said it's not something I take lightly.

Audio Transcription
January 4, 2024

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1 It's probably one of the hardest decisions
2 I've ever had to make. And there's one primary
3 reason for my resignation, it's Florida Bill 774.
4 And it's called quote: The Ethics Requirements For
5 Public Officials. It was passed by the legislature
6 in April. Signed by the governor in May of this
7 year. And if you're not familiar with this, you
8 should be. Members of the public, I believe it's
9 going to have far reaching and lasting impacts on
10 local municipalities.
11 The Bill goes into effect January 1, 2024.
12 It requires certain local elected officials,
13 including the five commissioners, or four of us
14 sitting in front of you and the fifth commissioner
15 here in St. Pete Beach to submit a quote: Full and
16 Public Disclosure Financial Interests. This is
17 better known as Form 6.
18 And the form includes documenting and
19 disclosing personal financial information at a level
20 of detail that was not previously required. Let me
21 point out, this is not a totally new requirement.
22 The City Commission and some advisory board members
23 have to date, been required to fill a form called
24 Statement of Financial Interests. This is better
25 known as a Form 1.

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1 This is required disclosure, such as our
2 sources of income, assets and tangent of personal
3 property and liabilities. However, these are all
4 without specific dollar amounts. The new Form 6
5 requires similar information and in addition to
6 requiring specific dollar amounts for each category,
7 it adds a requirement for statement of actual net
8 worth in Part A on page 1.
9 You should know and I think many do know
10 that the completed Form 1's and Form 6's are public
11 records. We can all review them for any file across
12 the state at any time. And as you know commissioners
13 are subject, all of us are subject to the Sunshine
14 Law. This keeps our discussions and actions open for
15 public view. That's why you see many times, we have
16 conversations and people say, well haven't you
17 talked about that?
18 No, we haven't. We can only talk about in
19 these public forums. In addition, we're required to
20 complete at least four hours of ethics training
21 annually, with many of us exceeding the minimum
22 requirement. And I've been filing for to run without
23 issue since joining the City's Planning Board early
24 in 2019. However, this new intrusive financial
25 report requirement is to me over the line of

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1 reasonableness.
2 So it brings me the question that you've
3 heard me sit in this chair that I always like to
4 ask, what problem are we trying to solve? I can't
5 find an answer to that. And I see this new
6 requirement as a feeble attempt by the State to
7 counter flip it and often disrespectful comments
8 made particularly on social media that the
9 commission is corrupt and taking money from
10 developers.
11 Remember, anyone with facts can and should
12 contact the State Commission on ethics. So then it
13 leads to ask again, is this a solution looking for a
14 problem? And I think the answer is yes. Look I know
15 I'm sitting here in St. Pete Beach. I'm not sitting
16 in Tallahassee, so I didn't get a vote on this. But
17 I find the new legislation unnecessary.
18 It's an invasion of privacy and another
19 example of overreach by the State who continually
20 takes step to weaken powers and effectiveness of us
21 here and local government. It diminishes our home
22 rule. It also makes our local roles less attractive.
23 I know I'm not the only one in the area resigning
24 over this. If you look up and down the beach cities
25 and across the county and even the State, you'll see

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1 similar resignations.
2 We've had difficulty in St. Pete Beach
3 getting residents to step up and get involved. I
4 believe this new requirement will create another
5 barrier and exacerbate that problem. And then when
6 you add in the potential exposure, excuse me, the
7 potential expense required to accurately prepare the
8 new form, the problem will only get worse. Some
9 filers will need to engage an attorney and
10 accountant to prepare the information.
11 This summer some of you may know I was at
12 the Florida League of City Conference. In a
13 breakout session with the State Commission on
14 ethics, there was a question about completing the
15 form. The response, excuse me, their response was
16 we could always just staple our federal tax return
17 including all attachments and schedules to the form.
18 At the same meeting, they also said that
19 no one will be reviewing the information for
20 accuracy after submission. So again, I ask what
21 problem is this trying to solve? I could understand
22 if I held a national level office. And even though
23 I received e-mails recently asking me to take action
24 as an elected official to resolve the war in the
25 Middle East which I wish I could, I do realize my

Audio Transcription
January 4, 2024

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1 sphere of influence is right here in St. Pete Beach.
2 And someone also asked me recently what's
3 the problem, doesn't taxpayer money pay you to sit
4 on the dais? Well, it does. And just for the record,
5 so everyone is aware in St. Pete Beach, our gross
6 compensation is a \$100 a week and \$50 a month for
7 incidentals. And the Mayor receives a little bit
8 more.

9 While our counterparts in South Pasadena
10 and Gulf Port are compensated at 2 to 3 times more
11 compared to us. Some of our colleagues along the
12 beach communities and in other areas receive no
13 compensation at all. Look, you know I'm not doing
14 this for the money. This is a bit of public service
15 job for me and I believe it is for all of us.

16 And it is out of my desire to contribute
17 to the success of the city to continue to make St.
18 Pete Beach an even better place than it already is.
19 So, as I discuss this with friends, with family, I
20 was asked hey is there a way around this? And no the
21 law is the law and of course we follow the law. But
22 there's a loophole. By performing what I call
23 financial gymnastics, you could be in compliance.
24 And what does that mean? So basically, moving
25 assets, income streams in the like out of my name

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1 Although my wife did remind me earlier
2 today that I didn't miss a commission meeting for at
3 least a year and she suggest that I might take a
4 little bit longer than a two-week break and not have
5 to read 400 pages over a weekend as we go into 2024.
6 Before I end, I want to say a couple of things.
7 First, I really had the opportunity to work with
8 some great people here in the city. I'll miss
9 working with my fellow commissioners, our charter
10 officers, our city employees, our advisory board
11 members.

12 Thank you for all you do and all that you
13 contribute. You also have my thanks for supporting
14 me and helping me while I sat in this chair. I
15 apologize to anybody if my passion for the role ever
16 offended you. It was never my intent. It was never
17 meant to be personal. My biggest thanks of course go
18 to my wife who always supported me.

19 She stood by my side, who was patient,
20 listened to my ideas no matter how crazy they might
21 have sounded. I couldn't have had -- I couldn't
22 have done it without her support. I also want to
23 remind everybody, we really need to stop the
24 divisiveness that seems to be permeating the city.
25 We all live here.

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1 and into the name of others.

2 For example, my wife. This would my
3 disclosure simple, with small amounts or zeros and
4 that would be in compliance with the new
5 requirements. But I'm not going to do that. In
6 addition to costing me money, real money and making
7 the lawyers and accountants wealthy, it's not the
8 right thing to do. So remember that when you look at
9 these completed forms from across the state. Again,
10 they're public records.

11 You'll see them online and you could make
12 your own decisions on how these forms are completed.
13 I discussed this with my family and most importantly
14 my wife, who support my decision to resign. So it's
15 been my honor and privilege I must say to be a
16 member of this commission. To represent the resident
17 of District 2 and all city residents.

18 Know that I have always done my best to do
19 what's right for the residents and for the city. St.
20 Pete Beach is going through some difficult
21 discussions and potential transformation recently.
22 I'm disappointed, very disappointed that I'll no
23 longer be sitting up here helping to shape that
24 future. But I'll still be around. You won't be rid
25 of me that quickly.

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1 We want to make St. Pete Beach an even
2 better place. We need to find a way to work together
3 and to bring this together. Because if we lose or
4 they lose or whoever, we all lose. There's no side
5 in this. So, thank you all. This has been a great
6 experience and one I'll never forget. Thank you.

7 MAYOR PETRILA: Thank you Commissioner.
8 It's been an honor serving with you.

9 VICE MAYOR GRILL: Thank you.

10 MAYOR PETRILA: I've heard the comments in
11 the past but never once not just for you, but for
12 anyone here I don't doubt anyone's sincerity of
13 wanting to do what's best for the city. And I --
14 you could always tell you put in the homework. I
15 mean if I could ever say one person read every word
16 and every last -- I don't know how many times you
17 pointed out a comma out of place.

18 Seriously, you know comma out of place, a
19 dollar. Actually a dollar out of place. You're
20 commitment to the City is truly is a public service
21 and you're more than anyone have exemplified that.

22 VICE MAYOR GRILL: Thank you.

23 MAYOR PETRILA: And personally I can't
24 thank enough having known you these past two years,
25 and the amount of effort and time you put in, it

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1 goes well above and beyond the duty. So from me, you
2 have my thanks.
3 VICE MAYOR GRILL: Thank you.
4 COMMISSIONER FRISZOLOWSKI: I'd like to
5 echo the Mayors's sentiments. This is a big loss for
6 the City.
7 MAYOR PETRILA: It is.
8 COMMISSIONER FRISZOLOWSKI: You know, I
9 don't blame you for this because it's bewildering to
10 me what the State had in mind. From what I
11 understand, it was a bipartisan effort. It's not
12 about politics. From what I heard, I don't know
13 what the vote was, but there was very few that voted
14 against this.
15 VICE MAYOR GRILL: About 5 or 7.
16 COMMISSIONER FRISZOLOWSKI: Most everybody
17 voted for it. And to me it doesn't even get to the
18 root of the question. I think the bigger question if
19 someone had a question for us, would be do we have
20 any financial interest in the businesses of which we
21 regulate. That's the most important question. But
22 you could even hide it in that disclosure. And of
23 course, they made it really clear when the State
24 said no one's checking it. So, it's kind of like you
25 think the bad guys really, they're not being

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1 checked.
2 Only the good ones suffer through it. So
3 it's just bewildering. And time will tell because
4 we have time before the end of the year as to what
5 the real affect of this is going to be. And there's
6 been warnings signs out there and you know, we just
7 seeing it. So, I respect you. I respect your
8 decision. It's just a loss for the City and I still
9 don't understand the reasons behind it. Not yours.
10 VICE MAYOR GRILL: Yeah.
11 COMMISSIONER FRISZOLOWSKI: But the State's
12 reasons for doing this. It was a big discussion at
13 Florida League Cities. It's been a big discussion
14 among elected officials. Most of which we're not
15 doing it for the financial part of it.
16 VICE MAYOR GRILL: Right.
17 COMMISSIONER FRISZOLOWSKI: And so it's
18 unfortunate but I respect you.
19 VICE MAYOR GRILL: Thank you.
20 COMMISSIONER MARONE: So, I would echo the
21 sentiments the Mayor and Commissioner Friszolowski.
22 And I will also say this, I spent when a long time
23 yesterday watching the Zoom video that included the
24 instructions and how to fill out Form 6. I will not
25 be filling out Form 6.

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1 I talked to my wife about it and then I
2 talked to the City Attorney to see if there was a
3 work around maybe not filling it out until July of
4 next year. And then having to resign if they did
5 not make some adjustments to this from an
6 administrative standpoint and create some threshold
7 for requirements.
8 The City Attorney has told me that I would
9 have to fill it out and I would be in ethics
10 violation if I do not. I am not willing to be
11 subject to an ethics violation. The form
12 requirements are not only onerous, but they're so
13 personally intrusive and evasive -- invasive, that
14 it would require me to disclose financial
15 information that I wouldn't have for my kids.
16 Perhaps it's things that I have for them that they
17 can easily look at online and say oh, well now I
18 know you have that dad.
19 It's personal property that people will
20 know what I have in my house because it's personal
21 contents over a thousand dollars. And it's not
22 ballpark it, how much stuff do you have in your
23 house. Like you are doing a contents inventory for
24 your insurance company. It is each item that is
25 over a thousand dollars listed.

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1 You have a mutual fund, they don't want to
2 know about your mutual fund. They want to know
3 about every investment made by that fund on the date
4 that you have given them. This is incre- you -- how
5 much is your gross income? How much money do you
6 have in your bank account right now? How much do you
7 owe on your car?
8 COMMISSIONER FRISZOLOWSKI: You know
9 what's --
10 COMMISSIONER MARONE: How much of rent are
11 you collecting from your tenant?
12 COMMISSIONER FRISZOLOWSKI: Yeah.
13 COMMISSIONER MARONE: I mean it goes on
14 and on and on. I'm an honest guy. I don't fudge. I
15 don't fib. My whole life has been raise your hand,
16 take the oath. The only thing I've got is my word. I
17 can tell you if I filled it out, it would be true
18 and accurate down to the penny. But I've talked to
19 my wife and decided I'm not doing it. And if there's
20 any way I can work around it, I would. Because I
21 feel like I have so much unfinished business helping
22 not only the City as a whole, but my district. I
23 feel like I've just gotten started here. We just got
24 the ball rolling on a lot of important stuff that I
25 want to see to the end.

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1 This thing is just, it's crazy and if the
 2 City can -- the attorney can find me a workaround
 3 before 12/31/2023. I will do the workaround if I
 4 don't have to fill it out and it's not an ethics
 5 violation. But otherwise, I do not have an option.
 6 I do not have an option. So by 12/31, if the City
 7 Attorney Andrew, if you tell me there's nothing you
 8 can do. You have to fill it out by you know, Jan 1,
 9 then you'll have my resignation.

10 VICE MAYOR GRILL: I did call the
 11 commissioner on ethics. The filing periods starts
 12 January 1st. You have until September, excuse me,
 13 until July to file the form. After July, they will
 14 assess I think it's \$25 a day for being late. So.
 15 They do give you that leeway of time and even if you
 16 resign -- so right now, my resignation December 31st
 17 I will have to complete a Form 1F. Which is a final
 18 Form 1. But if you resign in 2024, you would have to
 19 do a Form 6F. Even if you resigned on January 1st.

20 COMMISSIONER FRISZOLOWSKI: Right.

21 VICE MAYOR GRILL: You'll have to still do
 22 that full financial disclosure down to the level of
 23 detail that I described and Commissioner Marone
 24 described. So, it's really unfortunately.

25 COMMISSIONER FRISZOLOWSKI: I think this

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1 personal view on it, right. You're listing it out
 2 so but as I said we sit here, not in Tallahassee.

3 We didn't get a vote on it and it's really
 4 having an impact and it's really unfortunate what
 5 and I call it the skill and people will not want to
 6 stand up and contribute to their local municipality.
 7 Which and we could talk some other time but the home
 8 rule discussions that we've had for many, many years
 9 and these preemptions that continue. Anyways, so
 10 Mr. Mayor that's what I had to say. Sorry to bring
 11 the bad news. As I said, it's very difficult for me
 12 and not something that I take very lightly. Thank
 13 you.

14 CITY ATTORNEY: Mayor.

15 MAYOR PETRILA: We may need to have a
 16 motion for extending because I think there's some
 17 discussion that needs to be had before go forward
 18 because we do not have any other meetings before
 19 January 1st. I don't think Commissioner Marone's
 20 31st is going to work either. If anything, he's
 21 going to need an answer maybe by the 20th. So then
 22 we can schedule maybe an emergency session before
 23 the Christmas holiday. So, should we have a motion
 24 to extend to 10:15, 10:30 just in case?

25 COMMISSIONER FRISZOLOWSKI: I'll make that

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1 has not been thought through. There are a lot of
 2 employee handbooks that don't allow you to disclose
 3 your salary.

4 People have to sign confidentiality
 5 agreements. There are all kinds of things. So now
 6 you're put in between two different issues. And
 7 ultimately, you know I was thinking about this what
 8 have they been thinking? Does it matter to you if I
 9 have a \$2 or if I'm a multimillionaire? Is that
 10 what you're going to either vote for me or not for
 11 me based on that? I'm not really sure what they
 12 were trying to get at. I mean if it's transparency,
 13 it's --

14 VICE MAYOR GRILL: I was at a class a few
 15 months ago and with our colleagues. It was, I think
 16 it was an institute for experienced managers or
 17 something Part 2. And there was a woman who said,
 18 look I'm a middle-aged, single, divorcee. I live by
 19 myself in a house. This is making me feel very
 20 unsafe.

21 COMMISSIONER FRISZOLOWSKI: Yeah.

22 VICE MAYOR GRILL: Because I'm basically
 23 telling the world come rob me.

24 COMMISSIONER FRISZOLOWSKI: Yeah.

25 VICE MAYOR GRILL: And that was her

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1 motion to extend to 10:15.

2 VICE MAYOR GRILL: Second.

3 MAYOR PETRILA: City Clerk, if you'll
 4 please do a role call.

5 CITY CLERK: Commissioner Friszolowski.
 6 COMMISSIONER FRISZOLOWSKI: Yes.
 7 CITY CLERK: Commissioner Marone.
 8 COMMISSIONER MARONE: Yes.
 9 CITY CLERK: Mayor Petrila.
 10 MAYOR PETRILA: Yes.
 11 CITY CLERK: Motion carries. Do I still
 12 include you?

13 VICE MAYOR GRILL: I didn't vote.

14 CITY CLERK: No, okay. Motion carries.

15 MAYOR PETRILA: He didn't vote. You didn't
 16 ask him.

17 CITY CLERK: Well, does he still vote
 18 since he --

19 MAYOR PETRILA: Yeah. He hasn't resigned
 20 yet.

21 VICE MAYOR GRILL: My resignation is
 22 effective December 31st.

23 CITY CLERK: Vice Mayor Grill?

24 VICE MAYOR GRILL: Yes.

25 CITY CLERK: Motion carries.

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1 VICE MAYOR GRILL: Thank you.
 2 MAYOR PETRILA: Thank you.
 3 VICE MAYOR GRILL: You're not rid of me
 4 just yet.
 5 MAYOR PETRILA: City Attorney.
 6 CITY ATTORNEY: Obviously, this is not
 7 easy for me because I developed relationships with
 8 all of you. And I value those relationships and
 9 having worked in government for over 20 something
 10 years, I know the efforts that you all go through.
 11 Especially at the local level. What you do
 12 everyday, the kind of pressure you're under. So,
 13 it's difficult. But I still have to advise you of
 14 you -- so under the Charter, it deals with
 15 vacancies.
 16 How do you fill vacancies? And so what
 17 comes to pass is that two vacancies occur
 18 simultaneously. There is a provision in the Charter,
 19 Section 3.06, which talks about extraordinary
 20 vacancies. It says should two or more vacancies
 21 occur simultaneously on the commission, the
 22 remaining members shall within 15 days call a
 23 special election to fill the vacant commission
 24 position. Such election shall be held in such a
 25 manner prescribed by the laws of the State of

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1 a quasi-judicial item.
 2 The attorney probably correctly wanted to
 3 have a full commission to in sit in front of. So
 4 you got a couple of big items that are coming up. So
 5 I would expect that maybe those things will get
 6 pushed out as well until there's a full, a fuller
 7 number. I don't know there's a whole -- just so you
 8 know, like, I just learned about this today. This
 9 afternoon, literally.
 10 And so, I mean I've known about Form 6 but
 11 I didn't -- I never in my wildest -- I never thought
 12 that you know, I heard about people resigning. And
 13 then I saw the news, the news articles and things
 14 like that. And it's just a little -- it's taking --
 15 I'm a little taken back I guess by the, you know,
 16 the relationships that I've developed with you all.
 17 And to have this kind of, you know, it
 18 takes a long time to learn, I think. People don't
 19 understand it takes a long time to learn what you
 20 guys have learned so fast. And to do these meetings
 21 and just to have you be, you know, I'm not going to
 22 comment on what I think about the law. It's not my
 23 job to do that. But it seems like this is an
 24 unintended consequence. I don't think there was a
 25 cleansing that was supposed to happen throughout

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1 Florida.
 2 Now, what I want to also advise you is,
 3 you know what's in the Charter was written when the
 4 City had it's own elections. And they weren't as
 5 synchronized with the county supervisor's election.
 6 So I have to have a discussion with our City Clerk's
 7 Office and find out. Because a lot of what we can
 8 and can't do, depends on whether the supervisor of
 9 election will, you know will accommodate, you know
 10 that special election.
 11 So I need to think through these things,
 12 but yeah so there's that provision. Should
 13 Commissioner Marone and Vice Mayor Grill both be
 14 gone at the end of the year, that's two seats that
 15 are vacant. That would leave the Mayor,
 16 Commissioner Friszolowski and Commissioner Graus
 17 left to call a meeting and setup a special election.
 18 And how that works, I'm not a hundred percent sure.
 19 Because we have to talk with the
 20 special -- we have to talk to the supervisor of
 21 elections about that. It also leaves a very short
 22 commission. Like three members that you do have.
 23 That's the exact number you need for a quorum to
 24 hold a meeting and to conduct business. So it may
 25 affect also -- you witnessed it here today there was

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1 Florida like this.
 2 You know. This going to happen all over
 3 the State. And it's going thro the governments in a
 4 wild, you know, tail spin I think a little bit. I
 5 mean I'll keep -- I need to talk with Amber and call
 6 some other folks. I'll get you an answer for sure
 7 that you can rely on. We didn't have time to do that
 8 today. But we will definitely get you that answer.
 9 VICE MAYOR GRILL: If I may ask, so the
 10 because it's two commissioners, I know when one
 11 commissioner leaves, the rest of the commission then
 12 can then can appoint somebody until an election can
 13 be held. That goes by the wayside when it becomes
 14 two.
 15 CITY ATTORNEY: Apparently, yes. That's
 16 what it says. Extraordinary vacancies. When the
 17 whole commission somehow disappears or two seats
 18 disappear, then there's a different -- because you
 19 have three members and that's very difficult to do
 20 business when you only have -- if you have a five
 21 member and you have a simple majority. But if it
 22 were just one, yes. In fact, that's how you started
 23 Vice Mayor was that --
 24 VICE MAYOR GRILL: Right.
 25 CITY ATTORNEY: -- you would -- the

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1 remaining commissioners would appoint someone and
2 that would last, I would assume to I don't think
3 there's time to get on the March ballot because they
4 probably already prepare that.
5 So, it would probably end up being either
6 the August date or the November date. You know,
7 because that's when the next general, the general
8 elections would be held. And that's sort of how we
9 synchronized ourselves with the rest, with the
10 county supervisor elections. So, but I have to you
11 know, this was -- Matthew and I were studying this
12 and we came across this other provision where it
13 says: When two or more vacancies occur
14 simultaneously. Now what does simultaneously mean?
15 One resigns one day before the other, I don't know.
16 This is all kind of new territory.
17 COMMISSIONER MARONE: That begs the
18 question of one resigned. Let's forget about the
19 effective date. Let's make sure -- let's make it up
20 as if it were today. The rest of the board could
21 then appoint someone to fill that vacancy if the
22 next person resigned a week after that. Would the
23 rest of the board --
24 CITY ATTORNEY: Yeah.
25 COMMISSIONER MARONE: -- fill that vacancy

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1 and avoid this --
2 CITY ATTORNEY: That's what I'm getting
3 at. I mean what does simultaneous really mean? I
4 mean it would be, is that a workaround to the
5 simultaneous situation? I think that's not a -- I
6 need time to give you guys a legal opinion on that.
7 And as the Mayor indicated, we're not meeting again
8 right until after the first of the year. So we're
9 going to have to schedule something.
10 MAYOR PETRILA: Can we -- would it be
11 unreasonably short period of time to schedule
12 something for Friday? Because that then will at
13 least give us time if we need to schedule one more
14 emergency session next week, we would have time.
15 Because I'm -- some of us maybe gone after the 25th
16 until the first. Speaking for myself.
17 COMMISSIONER MARONE: When are you going
18 to be out?
19 MAYOR PETRILA: 25th to the first.
20 CITY ATTORNEY: Yes. I mean --
21 COMMISSIONER MARONE: Can we do it early
22 in the morning by Zoom if you're not here?
23 COMMISSIONER FRISZOLOWSKI: The only time
24 I could do it Friday, it would have to be after
25 3:00 o'clock.

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1 VICE MAYOR GRILL: Okay. As long as I get
2 home to see the santa sirens come through the
3 neighborhood.
4 COMMISSIONER FRISZOLOWSKI: Yeah, I think
5 I -- 3:30. I could do it.
6 MAYOR PETRILA: Commissioner Marone.
7 COMMISSIONER MARONE: I can safely do it
8 by 4:00.
9 COMMISSIONER FRISZOLOWSKI: I can do it at
10 3:30 or after.
11 COMMISSIONER MARONE: Okay. I can do it at
12 four.
13 COMMISSIONER FRISZOLOWSKI: I just
14 couldn't do it before.
15 CITY ATTORNEY: How do you guys -- I mean
16 do you -- would Monday be better?
17 COMMISSIONER FRISZOLOWSKI: Let me take a
18 look at my schedule.
19 ASSISTANT CITY ATTORNEY: We could always
20 go back-to-back meetings as well that week cause
21 there's a planning board on the 18th and 20th. So,
22 we could do 18th in the morning, 19th if needed.
23 COMMISSIONER FRISZOLOWSKI: My schedule is
24 really set for this next week. Let me just take a
25 quick look.

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1 CITY ATTORNEY: I just would -- I mean I
2 absolutely need to reconvene with the Clerk's Office
3 and Amber and Ginny and then we also absolutely need
4 to talk to the commissioner on ethics. And just --
5 I want to give you guys like absolute. I mean this
6 is affecting your --
7 VICE MAYOR GRILL: So, should we - should
8 we in fairness, give the city attorneys a few days
9 to sort this out and then we could hold an emergency
10 Zoom? Or we can hold a Zoom, emergency Zoom and to
11 schedule a date?
12 CITY ATTORNEY: There would have to be
13 three peop- well to schedule a date?
14 COMMISSIONER FRISZOLOWSKI: We'd have to
15 have a quorum.
16 VICE MAYOR GRILL: Okay.
17 MAYOR PETRILA: I think we could set it
18 for Friday at 4:00 o'clock.
19 ASSISTANT CITY ATTORNEY: We all got an e-
20 I just finished watching. We all got an e-mail with
21 Amber's sickness as well. I'm just being realistic
22 on timing. I mean this is a huge question. I just
23 don't want to show up on the 15th and not have any
24 definitive answers.
25 COMMISSIONER MARONE: I have all afternoon

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1 on that Monday, the 18th.
2 ASSISTANT CITY ATTORNEY: I'm just being
3 honest.
4 VICE MAYOR GRILL: Then if you're not
5 ready, then we could cancel it. Just in fairness, we
6 get something scheduled. If you're not ready please
7 take the time, of course to do it right. Get what
8 you need and then we cancel it and reschedule it.
9 CITY ATTORNEY: So, you're talking about
10 Friday or Monday?
11 MAYOR PETRILA: Well, Monday is a planning
12 board so we have to have it after the planning board
13 meeting.
14 ASSISTANT CITY ATTORNEY: Or before.
15 MAYOR PETRILA: Well Commissioner Marone
16 is usually not available before 4:00 p.m., so.
17 COMMISSIONER MARONE: Yeah. I could do
18 all afternoon on Monday. I have a cancellation.]
19 MAYOR PETRILA: Any time after 12?
20 COMMISSIONER MARONE: Any time. Yeah, 12
21 o'clock on -- I could be here at 12:00.
22 MAYOR PETRILA: Okay.
23 VICE MAYOR GRILL: The 18th.
24 CITY ATTORNEY: That would just give me
25 the week and the weekend. Yeah because the weeks

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1 are so hectic and then I would have the weekend to
2 just concentrate on this and really like you know
3 get it solid.
4 COMMISSIONER FRISZOLOWSKI: I could move
5 some things around and do Monday afternoon.
6 MAYOR PETRILA: What time?
7 COMMISSIONER FRISZOLOWSKI: I could if I
8 have to just I'll cancel my stuff I'm going on
9 Monday afternoon.
10 ASSISTANT CITY ATTORNEY: Like noon?
11 COMMISSIONER FRISZOLOWSKI: Yeah. Well, no
12 I got something I can't get out of. I can do like 1
13 o'clock. 1:30 will actually give me a little more
14 time. If we could do 1:30.
15 ASSISTANT CITY ATTORNEY: That's fine.
16 The planning board starts at 2:00 but it can start
17 when you guys finish.
18 CITY CLERK: It starts at 4:00.
19 ASSISTANT CITY ATTORNEY: Oh, it starts at
20 four?
21 CITY CLERK: Yeah.
22 ASSISTANT CITY ATTORNEY: The planning
23 board?
24 CITY CLERK: Yes.
25 ASSISTANT CITY ATTORNEY: Oh it was on my

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1 calendar for 2:00. Oh. Perfect.
2 VICE MAYOR GRILL: Well there you go.
3 CITY ATTORNEY: What good are these
4 things?
5 MAYOR PETRILA: We could call it 2 o'clock
6 on Monday.
7 CITY ATTORNEY: Yeah.
8 ASSISTANT CITY ATTORNEY: This counter is
9 horrible.
10 COMMISSIONER FRISZOLOWSKI: Okay want make
11 it 2:00.
12 MAYOR PETRILA: Two clock on Monday.
13 VICE MAYOR GRILL: Monday the 18th.
14 CITY CLERK: 2:00.
15 MAYOR PETRILA: Monday the 18th.
16 CITY ATTORNEY: Okay.
17 MAYOR PETRILA: Sorry.
18 CITY ATTORNEY: No, I'm sorry for you
19 guys. Listen, I'm sorry for the City. This is just,
20 I think you could hear in my voice I'm a little
21 devastated. I mean, yeah. This is not -- this is --
22 I don't think this is what that law was meant to do.
23 But I understand exactly why you guys are making the
24 decision you're making.
25 MAYOR PETRILA: All right. So we are 2

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1 o'clock, Monday the 18th.
2 VICE MAYOR GRILL: Correct, December 18th.
3 MAYOR PETRILA: Sounds good.
4 VICE MAYOR GRILL: Okay.
5 MAYOR PETRILA: Should we do staff
6 reports?
7 CITY ATTORNEY: I really have nothing --
8 MAYOR PETRILA: Okay.
9 CITY ATTORNEY: -- more to add.
10 MAYOR PETRILA: City Manager.
11 COMMISSIONER MARONE: Bonfire Thursday
12 night, Pass-A-Grille.
13 MAYOR PETRILA: Yup.
14 COMMISSIONER MARONE: And that's -- and I
15 know if anybody's listening and they want to know
16 when the jetty is going to get worked on and be
17 done. Jennifer let me know, I think starting early
18 January. Maybe to be done by the end of January
19 maybe the early February. Thank you.
20 MAYOR PETRILA: Thank you.
21 COMMISSIONER FRISZOLOWSKI: Nothing from
22 me, thank you.
23 MAYOR PETRILA: Commissioner Grill.
24 VICE MAYOR GRILL: Yes, real quick. We
25 had a discussion a couple of meetings ago about

8 (Pages 26 to 29)

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CITY 0396

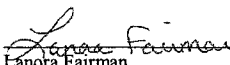
Audio Transcription
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1 virtual meetings.
2 And I followed up what I had to do to
3 contract the Florida League Cities. The input I got
4 back was exactly what City Attorney Dickman had told
5 us and basically contact your city attorney. So we
6 can't -- I played monopoly and I didn't get my 200
7 bucks but I came back to start. So but they - they
8 had the exact same view as City Attorney Dickman. So
9 that's all. Thank you.
10 MAYOR PETRILA: All right. Thank you
11 everyone. We are adjourned.
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Page 31

1 REPORTER'S CERTIFICATE
2 TRANSCRIPTION OF AUDIO RECORDING
3
4 I, Lanora Fairman, the undersigned
5 Certified Shorthand Reporter in and for the State of
6 Texas, do hereby certify that the above and
7 foregoing pages are a true and correct transcription
8 of the audio recording to the best of my ability to
9 understand and decipher the words and identify the
10 speakers based on information provided.
11 I further certify that I am neither
12 attorney or counsel for, related to, nor employed by
13 any parties to the action in which this testimony is
14 taken and further, that I am not a relative or
15 employee of any counsel employed by the parties
16 hereto or financially interested in the action.
17 SUBSCRIBED AND SWORN TO under my hand and
18 seal of office on this 5th day of January, 2024.
19
20
21
22
23
24
25


Lanora Fairman
Expiration: July 12, 2027
Array
Firm Registration No. 795
14615 Benfer Road
Houston, Texas 77069



9 (Pages 30 to 31)

Array
(844) 817-1080

CITY 0397

EXHIBIT 1-B-3

AUDIO TRANSCRIPTION OF
ST. PETE BEACH CITY COMMISSION MEETING
DECEMBER 18, 2023

MAYOR PETRILA: -- call to order this special meeting of the City of St. Pete Beach. It's Monday, December 18th at 2:00 p.m. So, please stand for the pledge of allegiance.

I pledge allegiance to the flag, of the United States of America. And to the republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

MAYOR PETRILA: City Clerk, if you'll please do the role call.

CITY CLERK: Vice Mayor Grill?

VICE MAYOR GRILL: Here.

CITY CLERK: Commissioner Friszolowski?

COMMISSIONER FRISZOLOWSKI: Here.

CITY CLERK: Commissioner Marone.

COMMISSIONER MARONE: Here.

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Page 2

1 CITY CLERK: Commissioner Graus.
2 COMMISSIONER GRAUS: Here.
3 CITY CLERK: Mayor Petrilá.
4 MAYOR PETRILÁ: Here.
5 CITY CLERK: We have a quorum.
6 MAYOR PETRILÁ: Thank you. All right. We
7 are here to discuss the potential resignation of
8 one, maybe two or more of our commissioners. And
9 City Attorney I think you may have a report for us
10 on what the next step should be.
11 CITY ATTORNEY: Yes, Mayor thank you. We
12 -- this came up at your last meeting. And you asked
13 myself and others here to research all possible
14 issues so that we can go into this fully informed.
15 So, I want to take a minute just to quickly tell you
16 some of the factual things that we know about Form
17 6. Which is really the issue here. The City Clerk;
18 Amber, Wayne; City Manager, Matthew; Assistant City
19 Attorney, myself all put a lot of work into this.
20 Looking into it, I can tell you that Form
21 6 which is the Form that is going to now going to be
22 applicable to mayors and local elected officials.
23 You -- if you don't want to be subject to that Form
24 6, you have to resign on or before December 30th. On
25 or before December 30th. Not 31st, but on or before

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1 December 30th.
2 The -- a couple of things that we have
3 done in the meantime. I've -- we've spoken to the
4 Commission on Ethics several times. We've spoken
5 with the Supervisor of Elections Office a couple
6 times. We've -- I've reached out to folks that I
7 know at the League of Cities. Also the Florida
8 Association of Counties and we've communicated with
9 the City's lobbyist as well.
10 And we have also reached out to the Senate
11 President's Office to speak with her about this
12 issue. Specifically an issue regarding some type of
13 grandfathering for individuals that were elected
14 under Form 1, were not elected under Form 6 and to
15 kind of see if there's any kind of movement or
16 discussion about that.
17 Now, of course, nothing's going to happen
18 between now and you know when this law goes into
19 affect on the first. But forms aren't due until
20 January -- until July 1st. Things can happen. Our
21 lobbyist did say he'd be happy to speak with members
22 of the delegation here locally. I think that one
23 thing that will be interesting is that after the
24 first of the year, how many other scenarios like
25 this around the state of Florida are happening.

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1 You know that we already had resignations
2 in the last month. And you know there could be a
3 whole bunch more. So you know I think it is a - I
4 think it is a compelling discussion to have with the
5 lawmakers about individuals who I think fairly
6 should be grant fathered in. Maybe under the old
7 rule because maybe that's not what they signed up
8 for. And if that were the case, if that were in the
9 law, then we wouldn't be here with such a problem.
10 With such a situation at the very end of
11 the year. Okay. So, we also from the Supervisor of
12 Elections we know that they will not hold a special
13 election for us. That the next election will be
14 August, correct Amber? They simply just cannot have
15 an election for, a special election for our
16 municipality. We can obviously, I don't recommend
17 it, but we can spend money going to the vendors who
18 run the electronic ballot box machines.
19 And there's state laws that are a lot more
20 complicated now about the election process than when
21 our Charter was originally written. The reason I
22 bring up our Charter is because there is a section
23 in the Charter that talks about filling vacancies.
24 Now, one is -- one such Section is under 3.06,
25 Subparagraph D; Extraordinary Vacancies.

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1 Should two or more vacancies occur
2 simultaneously on the commission, the remaining
3 members within 15 days shall call a special election
4 to fill the vacant commission positions. As opposed
5 to Subsection C1 which talks about the remaining
6 commissioners appointing member, you know to fill
7 that.
8 So, because the Supervisor of Election has
9 said we cannot have a special -- they will not
10 facilitate a special election for us. You know, I
11 think that language where it says: Shall call a
12 special election to fill the vacant commission, I
13 think that meant that you know, not to leave a
14 minority of commissioners to appoint the majority of
15 commissioners. But it just an impracticality. You
16 know, impossibility to have a special election
17 before August.
18 So, I think we are looking at a situation
19 where we have to find a method for the remaining
20 commissioners to appoint the vacancies. So, there
21 has to be a vacancy before the appointments happen.
22 Because it says two or more vacancies occur
23 simultaneously. I see that has at the same time, on
24 the same date. So, I think that if you -- we know
25 that Vice Mayor you have said that you are -- you

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Page 6

1 want to resign.
2 You mention the 31st, so I imagine you
3 want to amend your date. So, I think that one of
4 the things that we want to - we want to ascertain
5 here today is you know, one; we want to reset that
6 date so that you're not affected by it. Because if
7 your resignation's on the 31st, then you are
8 affected by Form 6. So, we probably want to pick a
9 different date but I want to stagger.
10 If anyone else is thinking about it, I
11 think this is the time that we need to talk about
12 it. And say okay well when are we gonna -- how --
13 when is that date going to happen so that we don't
14 have simultaneous resignations. And within the next
15 two weeks, we'll have to schedule special meetings
16 to do the vacancy filling.
17 Now, I will tell you that so to call a
18 meeting of the Commission, you need three
19 commissioners to have a quorum. At that time,
20 business can be conducted on a vote of three. You
21 know, 2 to 1. So it's the majority of the
22 commissioners present, okay. It's not the majority
23 of the commissioner's seats. So, I want to be clear
24 about that. However, understand that there are some
25 circumstances.

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1 For example, City Manager, to hire a City
2 Manager which we're in the process of doing
3 recruitment and so forth and so on. It's not
4 imminent but it's something for you to know about
5 requires a super majority. You need four votes to
6 hire a City Manager, okay. With regard to that, I
7 also want you to know that Treasure Island's got's a
8 City Manager that's resigning and I think also
9 Tarpon Springs. So there's going to be, you know,
10 there's going to be some competition there.
11 I feel like the city's got a lot to offer
12 too. So, yeah that's something to think about. I
13 don't foresee this issue getting as far as the
14 budget time, but once we get to the budget you know
15 there are some provision in the law that require you
16 know more than just a simple majority. But the other
17 thing that we have, one of the things -- well with
18 that, I just want to leave it with that.
19 We know that we have elections coming up
20 in March for District 1 and District 3. There are
21 two people on the ballot in District 1. There's only
22 one person on the ballot in District 3 and you know
23 that seems to be obvious. So, with that, I'm open to
24 answering any questions. Again, this has been a team
25 effort and a very fast-pace effort to try to get as

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1 much information as possible to you.
2 I've provided you all with examples of
3 from you could go online and download what other
4 people have filed. So, you could see the variety of
5 ways that people have filed these with the
6 Commission on Ethics. One other idea that I had that
7 I would like to have considered, is that given the
8 fact that Form 6 is now going to be the form used
9 going forward and it is new. And what's being sent
10 out is a video which I think is slightly more
11 terrifying than what I saw was being filed.
12 But nevertheless, the law is the law and
13 I've read the law. And you know, it might be worth
14 looking into. Do we hire - do we hire someone like
15 an accountant or special attorney trained in this
16 area to assist with, you know, just filling out
17 these forms through the first of year. To assist
18 myself and the Clerk to make sure that, you know,
19 our officials here are comfortable with filing and
20 have that.
21 So, that's not something that has to be
22 decided today but it was an idea that I had since
23 this is a change. It's important. Something to think
24 about. But I think we're gonna -- we should know
25 more as we start talking to elected officials. We

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1 should know more after the first of the year about
2 how prevalent this scenario is playing out
3 throughout the State.
4 So, that's where we are at this point. So,
5 I think that we need to just open it up for
6 questions and I think we need to find out who else,
7 if any, other than the Vice Mayor is considering
8 this decision. So that we know how many meetings we
9 have to set up and how many seats we have to deal
10 with.
11 MAYOR PETRILA: Vice Mayor are you still
12 on the mind to resign?
13 VICE MAYOR GRILL: Absolutely. I
14 appreciate and I spoke with the City Attorney, I
15 appreciate the work and the information. I had done
16 my own research. If anything what was sent only
17 reinforced my view on the disclosures required. I
18 don't think it has -- I know the Commission on
19 Ethics and some people are hung up on the physical
20 process. I've never been hung up on the physical
21 process. Maybe because I have a financial background
22 and anybody who does their own taxes and/or watches
23 their own finances, it's really not that difficult
24 to pull the information together. It's tedious.
25 Okay, work is work.

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1 So, I don't think -- so, no. The short
2 answer is no. I will change what I mentioned in the
3 last meeting and yes my resignation will be
4 effective no later than December 30th. I'll work
5 with certainly with the Commission and the rest of
6 the City Staff to make sure that we can drum around
7 to help work through this process as smooth as we
8 can. And you know, it's really unfortunate. I don't
9 think there should have been a surprise.
10 At the state level, I'm extremely -- for
11 people to say they're surprised, is just suits an
12 agenda. This has been in the papers. This has been
13 discussed for many, many months. And I've discussed
14 it here and I know you know, certainly those of us
15 sitting up here have been familiar with this now for
16 some time. So, for the State to say that it's
17 surprising to them, I find that surprising.
18 The Florida League of Cities have
19 estimated. So, we went to the FLC Conference in was
20 it summertime, August? And they at that time were
21 talking 30 to 40% across the state. That was their
22 estimate. Of course, we'll in two weeks time we'll
23 get a better view of that. So, nobody should be
24 surprised. I was a little dismayed and I know I'm
25 giving a long answer to, what was you're looking for

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1 binary?
2 But I only get the microphone for a little
3 bit longer, so. The -- now I forgot. See I told a
4 joke and I forgot what I was going to say. But no, I
5 dismayed to see the way it went and the
6 reinforcement. I do think that and as I said before
7 that this is an attack on home rule. And it pulls
8 away the ability for local municipalities to be in
9 charge of their own future. It's certainly and we'll
10 talk about how we -- our goal, next steps, I should
11 say to move forward process.
12 I've talked to some people and as soon as
13 we get to Form 6, no, it becomes a very binary
14 discussion. I'm not going to do that form. So,
15 anyway. My short answer Mayor to your question is no
16 I haven't reconsidered. I will amend it
17 December 30th and work through the exact day. I
18 have not supplied a letter to the Clerk yet.
19 MAYOR PETRILA: Okay.
20 COMMISSIONER FRISZOLOWSKI: Mayor, I have
21 a couple of comments and a couple of thought as to
22 how we can proceed here. You know --
23 MAYOR PETRILA: Do mind if we just answer
24 the City Attorney's question whether any other
25 commissioners are --

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1 COMMISSIONER FRISZOLOWSKI: That's
2 where --
3 MAYOR PETRILA: Oh that's where you're
4 going?
5 COMMISSIONER FRISZOLOWSKI: That's where
6 I'm going.
7 MAYOR PETRILA: Okay.
8 COMMISSIONER FRISZOLOWSKI: So,
9 Commissioner Grill is correct. We, the three of us
10 attended the Florida League Cities. That was one of
11 the seminars. I don't think this is a new issue. The
12 only thing that's kind of new for me, is that I know
13 the way I was thinking. But I'm not sure the way
14 all of you were thinking. And we department talking
15 about individually, so when it came up six days ago,
16 maybe I was a little bit surprised. But I wasn't
17 shocked about any of this.
18 And I respect, you know, each and every
19 one of your positions. Because I think it's all
20 individual as to whether you think it's good or bad
21 or indifferent. What's kind of interesting is I
22 talked to different elected officials at the
23 conference. I talked to a lot of them. This was a
24 big issue going on. Some didn't seem bothered by it,
25 others did.

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1 And you know so for me personally, you
2 know first thing I want to do is talk to my wife
3 because we share all our finances. We don't separate
4 everything out. So now all of a sudden, she didn't
5 run for office. You know, she appreciates what I
6 do, but why should she have all of her finances out
7 in the public? I mean, it makes no sense. So she
8 wasn't really happy about that. And then on the
9 corporate level, I'm the President of my
10 corporation.
11 And we have different corporate rules and
12 this directly conflicts with corporate rules. So, I
13 don't really have a choice. This is just one of
14 those things that has taken out of my hands. Of
15 course, I was thinking when's the right time? Was
16 there maybe some way, some magical way this is going
17 to get changed? As time went on, that became
18 unclear.
19 Then on Tuesday, I was purposefully quite
20 because after two of you announced it, you know,
21 three of us take down the government. I mean, when
22 there's only two sitting up here, you can't do
23 anything.
24 MAYOR PETRILA: Yup.
25 COMMISSIONER FRISZOLOWSKI: And I suppose

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1 then the governor got's to step in. So, I was
2 purposefully quite because I've obviously been
3 talking with our City Attorney along the way.
4 And so, my mind goes right into okay how
5 do we solve this thing? So, I'm probably in the
6 most unique position I think up here because as you
7 know I've decided not to run for election. We know
8 whose going to be sitting in this seat. Res Niki is
9 sitting right in the audience, so I've talked with
10 her. And by the way maybe I'll just say this kind of
11 on the side. Some people asked me why didn't I run
12 that?
13 I actually was thinking about not running
14 two years ago. Although I love doing this and you
15 know, I feel like I can do it for a lifetime. Just
16 a point in time, you know, where it's kind of good
17 to step away. Back in 2008, after I did it for
18 14 years, I stepped away and felt good. I was away
19 for 8 years. Although I was on city boards, and you
20 know loved it so much.
21 Thought eight years went by quickly, so I
22 thought I'd do it again. And now another eight
23 years have gone by. But Betty knows because I
24 didn't really talk about too many people about this.
25 But two years ago I asked her if she was ready to

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1 run.
2 She said she wasn't ready to run at that
3 time. So, I said maybe would you be willing to do it
4 at some point in time? So, she said I'll be
5 thinking about it. So, you know, I've always really
6 respected her. Got to work closely with her. You
7 know, as president of the property's owner's
8 corporation and she's smart, she's dedicated, she's
9 hard working. You know, she's the kind of person I
10 think, you know, good to have people like that
11 without any hidden agenda. So, I talked to Betty on
12 Friday I think it was.
13 And I asked her if she would be so kind as
14 to be willing if I stepped down to be appointed
15 early and she said she would. So, I thought okay.
16 Maybe here is a solution to start the process
17 because the City Attorney said we can't -- we
18 shouldn't all do this simultaneously because that
19 would really cripple us.
20 So, we have a way of solving this. And for
21 me, not that I want to, but I'll resign effective
22 today so that if you see it fit. So, it's not up to
23 me at this point in time, but it's for you we can
24 consider appointing Betty. She could step in
25 immediately. Then one at a time, this could be

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1 solved. So that's what I'm proposing for today. I
2 don't know if I need to just say it and step down
3 or.
4 CITY ATTORNEY: No. Let's just wait and
5 hear how we do this. But I also want you to
6 understand that so in order to -- so, in situations
7 like this, that would be one vacancy. The remainder
8 of the commissioners would then -- there would have
9 to be a vacancy in order to pick the successor. And
10 then in order to conduct business, the new
11 commissioner only needs to take the oath of office
12 from the City Clerk.
13 It doesn't have to be done at a meeting.
14 You can -- it's done ceremonial at meetings for that
15 purpose the community can see who is being put into
16 office. But legally, it just requires if you were to
17 select someone, that has to be done at a meeting.
18 But for that person that's been selected and accepts
19 the selection, then they simply need to coordinate
20 with the Clerk and take the oath of office and go
21 from there; is that correct Amber?
22 CITY CLERK: That's correct.
23 CITY ATTORNEY: Okay.
24 MAYOR PETRILA: Is that -- and I'm just
25 thinking in terms of how much time we have left, is

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1 that something that can be done today?
2 CITY ATTORNEY: Well if --
3 MAYOR PETRILA: I'm we'll finish the
4 discussion but just so that we --
5 CITY ATTORNEY: Yeah. Hypothetically, if
6 Commissioner Friszolowski says I resign effective
7 immediately, leaves the dais and the Commissioner
8 Elect Res Niki is here and she says she wants the
9 job and you four vote to put her in place, she can
10 take the oath right now.
11 MAYOR PETRILA: And that's --
12 CITY ATTORNEY: Or afterwards. Yeah.
13 Sorry. Right. She'd have to type it up.
14 COMMISSIONER FRISZOLOWSKI: I'd like to
15 make it clear that's what I'm prepared to do in the
16 best interest of the City. Cause I think, you know,
17 we're all here because we love this city and want to
18 do the right thing. And I mean that's what I've
19 been thinking about. And that's what I talked to the
20 City Attorney about doing because we have to move
21 quick. I mean this is just one step and then it's
22 what's the next step?
23 CITY ATTORNEY: So, then that secures at
24 least we know two seats for sure. And then we know
25 we also have another, maybe Commissioner Graus, I

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1 mean we also know that there are two candidates on
2 the ballot for March.
3 And I guess, you know, not to put you on
4 the hot seat, but whatever your thoughts and
5 feelings are on that because then that gives us --
6 because finding people to fill seats is a, is
7 difficult but like when you know you have someone
8 that's on the ballot, it makes it infinitely easier
9 because there are people on the ballot that are
10 going to take office in March.
11 COMMISSIONER FRISZOLOWSKI: Right, right.
12 CITY MANAGER SAUDERS: I'm sorry you can
13 take care of Ward first or --
14 MAYOR PETRILA: And what's -- I'm sorry,
15 is Commissioner Graus, are you also?
16 COMMISSIONER GRAUS: No, I came to this
17 meeting to listen to what the City Attorney said and
18 everybody else. I have not made a decision yet so I
19 you know.
20 MAYOR PETRILA: Okay.
21 COMMISSIONER GRAUS: I was waiting.
22 MAYOR PETRILA: Okay. I just didn't know
23 if that was --
24 CITY ATTORNEY: Well, we knew -- here's
25 one thing we know for sure. We know Commissioner

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1 Friszolowski is wanting to resign. We know Betty's
2 here. Betty wants to say or I'm sorry, Commissioner
3 Elect Res Niki if she's willing to step in now.
4 We could do that. You could do that now.
5 And then know that you have, once the oath is
6 administered later, you know that you have those.
7 You know, you know you have that taken care of.
8 MAYOR PETRILA: Commissioner Marone.
9 COMMISSIONER MARONE: And I think we need
10 to plan the whole thing out. I mean we could move in
11 piecemeals but let's --
12 CITY ATTORNEY: Okay.
13 COMMISSIONER MARONE: Let's get the whole
14 thing here on the record what's happening, what's
15 going down. I have not changed my position from last
16 Tuesday night when I announced my concerns about
17 Form 6 and that I was not willing to fill out
18 Form 6. But at least based on the knowledge I had
19 with regards to the timeframes it was due and what
20 the sanctions would be. And then defer to our City
21 Attorney to provide whatever additional information
22 you could provide us, the City Clerk with the
23 Commission on Ethics. Everything I've heard
24 supports exactly what I thought last Tuesday night,
25 what's been articulated by Vice Mayor Grill both

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1 last Tuesday night and today, I have not changed my
2 position.
3 I am not filling out Form 6 and I have
4 talked to the City Attorney about this. I have
5 reached out to several people that I thought in my
6 district would be good candidates to take my place.
7 Both of those candidates I identify for the City
8 Attorney. Both candidates, at least one for sure has
9 told me because of Form 6, that person will not
10 agree to be a candidate for consideration by the
11 remaining board members.
12 The other potential candidate is
13 considering it but has suggested that it's likely
14 it's a no because of Form 6. So, I don't have
15 anybody to -- that I could recommend to fill my
16 spot. But I'm willing not resign until we can
17 reconcile the -- our strategy and how we're going to
18 move forward and make sure that we have as close to
19 a full commission as possible before 12/31.
20 VICE MAYOR GRILL: City Attorney, if I
21 remember correctly, I mean I and for those who don't
22 know, I came on the Commission through a similar
23 process. Although, it was only one resignation. We
24 went through a public hearing, some sort of public
25 hearing process where myself and another person that

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1 was interested in the role came to a meeting such as
2 this and basically were interviewed in public by the
3 Commission.
4 And then a decision was made to the
5 interim appointment until such time is -- it was a
6 similar process. I think it was January, too late
7 for an election. So the first election could be was
8 in August of that year. So just to put everything
9 on the table from Commissioner Marone's point, I
10 would think that we and I know time is tight, but we
11 need to have a form of government. And I think we
12 all agree, you know, thank goodness we didn't have
13 to come together for any sort of emergency actions
14 over the last -- over the weekend or the last couple
15 of days but we could have.
16 So we need to make sure that the city's
17 got a functioning form of government to keep the
18 City running. And the proponent to say that we ought
19 to do that here and not have anybody, if we don't
20 have to get anybody outside of our City come in at
21 the county or State level to do it for us. To
22 Commissioner Friszolowski's point, let's figure out
23 and make this work. But I would -- I know time is
24 tight, but I'd like us also to if we do two
25 potentially three, although the third position we

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<p style="text-align: right;">Page 22</p> <p>1 have candidates, some sort of public vetting to make 2 sure – it's important to have roles filled. 3 But it's also important I think the 4 onerous in us to make sure we have the right people 5 as best we can. Again, it's a compressed timeline. 6 The right people in the roles to keep the City 7 functioning. 8 CITY ATTORNEY: Okay. Then what we did was 9 we made an announcement and we requested letters of 10 interest from anybody. They have to be from the 11 District to be appointed to that chair. It can't be 12 citywide. So, we did letters of interest and then as 13 you said, we had that discussion at a public 14 meeting. And you know, kind of interview type 15 process and that's how that selection happened. 16 Obviously, we have a very short turn around. 17 We have the ability to have meetings this 18 week. Next week is Christmas, so you know we do 19 have the ability to have meetings next week, it just 20 depends on travel plans and the ability to get a 21 quorum. So, you absolutely need to have three 22 people present to have a quorum. 23 COMMISSIONER MARONE: I'm here through the 24 end of the year. 25 MAYOR PETRILA: I'm out of the country all</p>	<p style="text-align: right;">Page 24</p> <p>1 and setup the procedure of taking in letters of 2 interest for the various districts. Which are going 3 to be vacated. And it sounds like it's going to be 4 all of them except for the ones – it would be two 5 of them for sure. 6 CITY MANAGER SAUDERS: That changes what 7 you have to do if you have two or more. 8 CITY ATTORNEY: Right. But we're not 9 going to – the resignation -- the vacancy isn't 10 going to cure simultaneously. 11 CITY MANAGER SAUDERS: Okay. 12 CITY ATTORNEY: So talking about the 13 announcement. 14 CITY MANAGER SAUDERS: Oh, okay. 15 CITY ATTORNEY: You know, so when it would 16 start is different but we need to stagger the – 17 CITY MANAGER SAUDERS: Right. 18 CITY ATTORNEY: – we need to stagger the 19 resignations so that by the 30th, you know, it's all 20 you know, you can sign – you could say I'm 21 resigning. I don't know about anyone here but 22 basically, your resignations need to be effective at 23 different times. Like for example, if we took care 24 of District 3 today, then that's done. Then we 25 figure out how do we stagger the other districts.</p>
<p style="text-align: right;">Page 23</p> <p>1 of next week. 2 CITY ATTORNEY: All next week. 3 MAYOR PETRILA: Yeah. 4 CITY ATTORNEY: Okay. 5 VICE MAYOR GRILL: I'm tied up to the end 6 of this week. Next week's good. 7 COMMISSIONER GRAUS: I'm here. 8 CITY ATTORNEY: You're here. So -- 9 COMMISSIONER FRISZOLOWSKI: That's getting 10 close. 11 MAYOR PETRILA: So this week we can -- 12 CITY ATTORNEY: So maybe the goal ought to 13 be to make sure we have a functioning government 14 after this, you know three people. Yeah, three 15 seats. Because it sounds like the schedules are so 16 tight, at a minimum at an absolute minimum, we need 17 to have three people seated legally for the City by 18 December 31st. So that come next year, we can 19 reconvene and get the process started if we can't -- 20 if we don't have time to solicit. 21 COMMISSIONER MARONE: Can we solicit 22 today? Make a solicitation for those folks who would 23 be interested in the representative districts? 24 CITY ATTORNEY: I see no reason why not, 25 why you can't make that announcement and go ahead</p>	<p style="text-align: right;">Page 25</p> <p>1 MAYOR PETRILA: Would it be impossible to 2 -- 3 CITY MANAGER SAUDERS: We could have a 4 special meeting later this week. 5 CITY ATTORNEY: Yeah, we can have a 6 meeting this week. 7 MAYOR PETRILA: That's what I was going to 8 say. Would it be possible to get letters, the 9 request publicized today? And then have a special 10 session on Thursday? Or Friday. 11 CITY ATTORNEY: Yeah. 12 COMMISSIONER MARONE: Friday would be the 13 day I can do it. 14 MAYOR PETRILA: And then that way we could 15 have however many districts we end up having and 16 then we can have those individuals here. They can 17 come speak. We can interview them, and then we can 18 set it up in a staggered way so we don't end up with 19 two vacancies at the same time. Yes, sir. 20 VICE MAYOR GRILL: No, it's just before we 21 put a plan in place, I don't want to put 22 Commissioner Elect Res Niki on the the spot, but are 23 we sure she's ready to step in this afternoon or 24 tomorrow morning? And since she's here maybe we 25 could ask her.</p>

7 (Pages 22 to 25)

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1 MAYOR PETRILA: Would you be available to
2 come tell us real quick? Just so we have you on the
3 microphone and on the record. Hi.
4 RES NIKI: Hi. Good afternoon. I know how
5 you all feel. I respect it. I am willing to fill out
6 the form just so I have that on the record. My issue
7 and I did speak to Commissioner Friszolowski as well
8 as the City Attorney because I wanted to give him a
9 heads up, I still need secondary employment approval
10 from my job in order to take this position. Most
11 people don't know this, only people you know I've
12 spoken to Amber and the whole process and it's been
13 taking a long time.
14 Because this position is a public position
15 and I work for education. For some reason, it's
16 unknown and up to the very moment I walked into the
17 door I was waiting for a response and that's what
18 they told me. It still has not been approved. In my
19 mind, I thought I had plenty of time until March to
20 get all this straightened out but I know it's
21 throwing a wrench. But I do not want to say yes
22 today and risk my employment because of that.
23 So I did speak with my supervisor on that
24 before coming in. So I just needed to be able to
25 tell y'all when I spoke to Mr. Friszolowski --

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1 Commissioner Friszolowski on Friday, I was between
2 planes. Okay. So, I just landed yesterday.
3 Landed in a flood, been dealing with you
4 know car issues and a lot of other things going on
5 as y'all well know in the City. So, I need to be
6 able to tell y'all that before you start making
7 moves.
8 MAYOR PETRILA: Do you think it would be
9 possible to find out by Friday?
10 RES NIKI: I did talk to her today. You
11 know, I can keep calling is all I can say.
12 MAYOR PETRILA: Right.
13 RES NIKI: I am off this week, so it is
14 possible to know. So, you know I'll keep
15 communicating you know with commissioner and with
16 the City Attorney. As soon as I know, I can tell
17 you.
18 MAYOR PETRILA: Right.
19 RES NIKI: So, I will be willing to when I
20 get the approval.
21 MAYOR PETRILA: Of course.
22 RES NIKI: Okay.
23 MAYOR PETRILA: Thank you.
24 COMMISSIONER FRISZOLOWSKI: Thank you.
25 CITY ATTORNEY: Okay. What I think -- all

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1 right so I think one of the things we may need to do
2 is take a quick five-minute recess. So that Amber
3 and the City Manager and I and Matthew, we can look
4 at our calendars and try to like map this out a
5 little bit. And if we could do that, that would be
6 helpful.
7 MAYOR PETRILA: Commissioner Grill, you
8 mentioned this week was tied up for you?
9 VICE MAYOR GRILL: Correct. I could be
10 available Thursday until about 11:00 a.m. The rest
11 of Thursday, Friday I'm out-of-pocket. And then
12 from Saturday, crack of dawn forward I'm available
13 for the rest of the year.
14 CITY ATTORNEY: Are you available via Zoom
15 on Friday?
16 VICE MAYOR GRILL: No.
17 CITY ATTORNEY: No, okay.
18 CITY MANAGER SAUDERS: Okay.
19 VICE MAYOR GRILL: I mean, these are prior
20 commitments and --
21 CITY ATTORNEY: I understand.
22 VICE MAYOR GRILL: -- I just can't break
23 them.
24 CITY ATTORNEY: All right.
25 MAYOR PETRILA: If, just so we can work it

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1 out, so we don't need Commissioner Grill necessarily
2 for them to resign, to be present? If on Friday
3 Commissioner Friszolowski resigns, if Ms. Res Niki
4 says I am available, can the other three
5 commissioners, we would have a quorum, make that
6 appointment at that time?
7 CITY ATTORNEY: Yes.
8 MAYOR PETRILA: Okay. I'm just trying to
9 see if we could make it work without -- if we wait
10 until next week, if something happens between now
11 and next week, then it really eliminates all of our
12 options.
13 CITY ATTORNEY: Yeah.
14 MAYOR PETRILA: So, if we have a meeting
15 this week, at least there's a possibility for
16 another emergency meeting next week.
17 CITY ATTORNEY: Okay.
18 VICE MAYOR GRILL: And I'll just say that
19 for the record, I'd like to be part of this process.
20 MAYOR PETRILA: Of course.
21 VICE MAYOR GRILL: As best I can.
22 CITY MANAGER SAUDERS: You won't be
23 available Thursday for a special meeting?
24 COMMISSIONER MARONE: Not unless it's at
25 8:00 clock in the morning. 8 to 8:45, something like

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1 that.
2 CITY MANAGER SAUDERS: Thursday morning?
3 COMMISSIONER MARONE: Yeah. It has to be
4 super early.
5 CITY MANAGER SAUDERS: Is that –
6 COMMISSIONER FRISZOLOWSKI: I could do
7 that early, yes.
8 CITY MANAGER SAUDERS: That's a
9 possibility.
10 VICE MAYOR GRILL: Earlier to me.
11 MAYOR PETRILA: Earlier.
12 VICE MAYOR GRILL: Yeah, I mean.
13 MAYOR PETRILA: Whatever it takes at this
14 point.
15 COMMISSIONER GRAUS: Yeah.
16 MAYOR PETRILA: All right. Let's take
17 a --
18 (RECESS)
19 MAYOR PETRILA: Back in session.
20 CITY ATTORNEY: Thank you. First of all,
21 we definitely we understand Commissioner Elect Res
22 Niki's situation and you know, we can't – you know,
23 that kind of threw us a little bit of an issue into
24 it. We think we should have this meeting on Thursday
25 morning at 8:00 o'clock, 8:30 something like that to

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1 deal with – hopefully she'll have an answer by
2 then. But I also want, you know, we have new
3 information now from Commissioner Graus so.
4 COMMISSIONER GRAUS: Just because I think
5 it's going to be in the best interest of this City,
6 I am going to resign.
7 CITY ATTORNEY: Okay.
8 COMMISSIONER GRAUS: I will not fill out
9 Form 6.
10 CITY ATTORNEY: Okay. So what we now know
11 that we're dealing with is four districts are in
12 play, so to speak. Not so much District 3, but it's
13 just a matter of timing on her employment approval.
14 So what we're going to suggest is again have the
15 meeting on Thursday. One way or the other, we can
16 deal with District 1 or District 3.
17 But I think we need to go ahead and number
18 one; just announce and do whatever we can on our
19 website and other ways to have folks either send in
20 letters of interest or e-mails of interest. Or show
21 up at the meeting or something on Thursday. So, if
22 we have to if we have to deal with District 1 at
23 that time, we could deal with District 1 or District
24 3. One or the other and that would be set. And we
25 set meetings for next week.

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1 CITY MANAGER SAUDERS: That's all we can
2 do.
3 CITY ATTORNEY: That's all we can do.
4 COMMISSIONER FRISZOLOWSKI: But if we
5 could solve Districts 3 and 1, with the Mayor
6 staying, that would at least stabilize our
7 government?
8 CITY ATTORNEY: Yes.
9 COMMISSIONER FRISZOLOWSKI: So that's the
10 most important thing we have to do.
11 CITY ATTORNEY: Yeah.
12 CITY MANAGER SAUDERS: We could do both
13 those Thursday possibly.
14 CITY ATTORNEY: Yeah, possibly.
15 COMMISSIONER FRISZOLOWSKI: And then the
16 other issue just to be clear is that Districts 2 and
17 3, whoever serves, has to be willing to serve until
18 August.
19 CITY ATTORNEY: August, that's right.
20 VICE MAYOR GRILL: 2 and 4.
21 COMMISSIONER FRISZOLOWSKI: I mean 2 and
22 4, I'm sorry. Right.
23 COMMISSIONER MARONE: So we could start at
24 eight because I'm going to need to be out by 9:00.
25 CITY ATTORNEY: Okay.

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1 COMMISSIONER MARONE: So, get right to
2 business.
3 COMMISSIONER FRISZOLOWSKI: I agree. I
4 was going to ask that question. So, I've got
5 scheduled at 9:30 that I probably could reschedule
6 if I had to but --
7 VICE MAYOR GRILL: I'll just throw it out
8 there that we could start earlier.
9 COMMISSIONER MARONE: I could start
10 earlier.
11 VICE MAYOR GRILL: I know it's early.
12 MAYOR PETRILA: That's fine by me.
13 COMMISSIONER FRISZOLOWSKI: That's okay by
14 me. What are we talking, 7:30?
15 CITY CLERK: I'm here at 7:00. So, 6:45
16 --
17 COMMISSIONER MARONE: 7:30 if we have
18 potential candidates obviously.
19 VICE MAYOR GRILL: Just to give us room
20 even if we don't but just --
21 COMMISSIONER MARONE: Yeah.
22 VICE MAYOR GRILL: If something comes up.
23 COMMISSIONER MARONE: 7:30, I would --
24 MAYOR PETRILA: Is there a reason we're
25 not discussing 2 and 4? You just mentioned 3 and 1

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1 for Thursday.
2 CITY ATTORNEY: The reason I'm saying that
3 is we know that we have two candidates on the
4 ballot. I guess we'll also take in letters of
5 interest if somebody wants to serve just -- it's
6 gonna -- so you can't, if it's your district you
7 have to vacate it. You won't be part of that
8 decision-making process. The remaining commissioners
9 will. We, as far as selecting somebody for District
10 2 and District 3, you can't really select anyone
11 until there's a vacancy.
12 So there has to be a vacancy to fill the
13 vacancy. So, you can't prematurely select somebody
14 with the knowledge -- I mean it's tricky. Like if
15 someone said, like if Vice Mayor said well I'm gonna
16 effective -- I'm resigning effective 12/30. You
17 can't take that as a vacancy because he's it's not
18 vacant. So, you can't make the appointment
19 proactively. So, in other words you can't vote on
20 Thursday for a vacancy that's happening on the 30th.
21 COMMISSIONER MARONE: Here's the thing, if
22 we know that we have a level of interest by
23 Thursday, it's going to be easier for us to plan our
24 vacancies. So, that's what I was suggesting is that
25 we solicit interest and folks can write letters or

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1 letter e-mails to the City Clerk, who can announce
2 on Thursday morning who has responded and who has
3 interest for the particular districts.
4 So, we know whether or not number one;
5 there is interest in potential vacancies other than
6 three. And we know that there's interest from two
7 candidates in District 1. So at least once we know
8 that there's interest -- right now, I don't know if
9 there's any interest in District 4. But if we could
10 know that there's interest by Thursday regardless of
11 whether that person gets selected, then at least we
12 know how to organize the vacancies and appointments.
13 CITY ATTORNEY: Okay. And they have to be
14 qualified as well. We have to make sure they meet
15 the qualifications which is six months residency --
16 one year residency in the district.
17 CITY CLERK: Correct.
18 CITY ATTORNEY: And so I mean, what we're
19 going to have -- they're going to have to
20 demonstrate that. So, whatever we put out there as
21 far as like soliciting interest, it has to cite
22 that.
23 CITY CLERK: I have it in the letter.
24 VICE MAYOR GRILL: Okay, so just
25 procedurally though for District 1, the person would

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1 only have to serve until March when we have the
2 election?
3 CITY ATTORNEY: That's correct. Unless
4 you pick one of the two candidates that are on the
5 ballot for March, then they would serve to March and
6 then you know there would be an election. And
7 whoever wins that election would serve.
8 VICE MAYOR GRILL: Understood and then
9 we're assuming and as we should, that Commissioner
10 Elect Res Niki sorts out what she needs to sort out
11 in the next few days. Otherwise, we'll have to go
12 through a similar process through District 3 if
13 she's not able to step up before December 30th.
14 CITY ATTORNEY: Correct.
15 COMMISSIONER MARONE: Correct. That's why
16 I think the messaging from the Clerk needs to
17 include District 3 in the event that Betty may never
18 prior to December 31st know because she's at the
19 mercy of those that are telling her. She's waiting
20 for that word. So, I think it wouldn't hurt to
21 include District 3 and those folks who have interest
22 and meet the following requirements.
23 VICE MAYOR GRILL: Although, it's
24 interesting for District 3, we know that
25 Commissioner Elect Res Niki was the only one to come

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1 forward. Now with the extra Form 6, Let's see but
2 I'm not optimistic, unfortunately. But okay that's
3 what we need to do.
4 CITY ATTORNEY: Mayor if we have to have
5 the meetings take place next -- if you're out of
6 town, it's my understanding you're traveling; right?
7 MAYOR PETRILA: Mm-hm.
8 CITY ATTORNEY: As long as we have a
9 quorum here, I don't have an objection of you
10 attending virtually, if you can.
11 MAYOR PETRILA: Attending or just
12 attending in building?
13 CITY ATTORNEY: No. Yeah, attending and
14 participating in voting.
15 MAYOR PETRILA: Yeah, that's fine. I mean
16 I'm able to do that.
17 CITY ATTORNEY: Okay.
18 COMMISSIONER MARONE: So, I just want to
19 make sure that the City Clerk is clear on what we're
20 tasking.
21 CITY CLERK: Yeah, I already had it
22 written down to do D1 through D4. Qualifications.
23 I would prefer to have a resume. Have to be a voting
24 person that has registered to vote in Pinellas
25 County and lived in the district for at least one

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1 year from.
2 I'm using the November qualifications.
3 That's what I did when we did for District 2 with
4 Mark Grill in January of 2021. I went back to the
5 qualification date which that person would have
6 qualified for. So I'm going to use the November
7 date.
8 COMMISSIONER MARONE: Excellent.
9 CITY ATTORNEY: Matthew, did you have
10 something?
11 ASSISTANT CITY ATTORNEY: I was going to
12 confirm dates but I think just the message to people
13 watching, Districts 1, 2, 3, and 4; what we
14 discussed is having the letter of interest period
15 from now until the 26th of December, okay. With the
16 understanding that, the sooner the better because
17 decisions maybe made before the 26th which will
18 render your letter of interest inapplicable. All
19 right. So, if you're interested, send them in now
20 but we got to keep it open at least for I would say
21 a week for the holiday to allow people -- to know
22 that they can supply past Thursday in case we need
23 to continue filling seats. And I think everyone
24 needs to look at their calendar for the 26th, 27th,
25 28th and 29th for potential special meetings.

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1 CITY MANAGER SAUDERS: We need to make it
2 clear, I think you said it could be before because
3 there may be appoints made this Thursday.
4 ASSISTANT CITY ATTORNEY: Correct.
5 Correct. So, the sooner the better. However, the
6 letters of interest period, we will take them up
7 until the 26th. But know if you're watching, those
8 rules and districts maybe filled prior to that date.
9 So, the sooner you issue your letters of interest
10 and resume, and provide your availability for you
11 know, in-person interviews or even Zoom if Andrew's
12 okay with that, the better.
13 VICE MAYOR GRILL: If I may ask Assistant
14 City Attorney, why would we fill a position before
15 the 26th? If I'm someone who's applying, if I --
16 I'll work on it but wait a minute you already
17 decided but I didn't have a chance to submit, what
18 happened?
19 ASSISTANT CITY ATTORNEY: For example, if
20 District 3, if someone applies for District 3 and
21 Betty on Thursday says she can go, then District 3
22 is appointed, potentially.
23 MAYOR PETRILA: Why don't we leave the
24 qualification period open until let's say end of
25 business on Thurs- on Wednesday? If we then don't

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1 have anyone that's submitted a letter of interest
2 and there's an empty district, then we could reopen
3 it again to the 26th or some other date.
4 I think to Commissioner Grill's point, I
5 think it gets confusing if we say you have until the
6 26th, but we're making a decision two days from now.
7 So, it probably makes more sense to just say end of
8 business on Wednesday. We'll look it an on Thursday
9 morning if we end up with no one applying for
10 District 4 for example, then we'll reopen District 4
11 until next week.
12 VICE MAYOR GRILL: Okay.
13 CITY ATTORNEY: Do you all want to look at
14 your calendars for next --
15 COMMISSIONER FRISZOLOWSKI: Yeah, I can
16 make myself available 26, 27, 28, 29th.
17 COMMISSIONER MARONE: I'm available on the
18 26th.
19 VICE MAYOR GRILL: I can be available that
20 week. Maybe if we start a little bit later if we go
21 for the 26th. Or a little later in the day.
22 MAYOR PETRILA: Yeah, if we do the 26th it
23 at leasts give us an opportunity if for some reason
24 we need to have one more meeting.
25 CITY ATTORNEY: Okay.

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1 MAYOR PETRILA: On the 28th or 29th. At
2 least we'll have that opportunity.
3 VICE MAYOR GRILL: And maybe the afternoon
4 or something.
5 COMMISSIONER MARONE: Thread the needle.
6 COMMISSIONER GRAUS: I'm available.
7 VICE MAYOR GRILL: Okay.
8 MAYOR PETRILA: Do we want to set a time
9 for the 26th then?
10 CITY ATTORNEY: Yes. I think I heard the
11 afternoon is better, right?
12 VICE MAYOR GRILL: Just coming off the
13 holiday might give people some -- just thinking. 25
14 might be a little --
15 MAYOR PETRILA: Now, if we have people
16 that submitted letters of interest by Wednesday, do
17 we then want to invite those people on Thursday
18 morning? So, we could have those conversations with
19 them since all five of us will be here?
20 CITY ATTORNEY: I think that they should
21 try to be here.
22 MAYOR PETRILA: Okay.
23 CITY ATTORNEY: I mean.
24 VICE MAYOR GRILL: Yeah, I think we would
25 want them -- we would want to have some sort of

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1 interview process.
2 CITY ATTORNEY: Yeah.
3 VICE MAYOR GRILL: And do we need -- is it
4 technically a public hearing? The public has the
5 opportunity to ask?
6 CITY ATTORNEY: It is public hearing,
7 yeah.
8 VICE MAYOR GRILL: So then do we have a
9 time for notice?
10 CITY ATTORNEY: For Thursday, yeah. We
11 could call them. You know, we could have time to
12 call a meeting for Thursday.
13 VICE MAYOR GRILL: Okay. Just.
14 CITY ATTORNEY: Yeah.
15 VICE MAYOR GRILL: So the public knows
16 they have the opportunity for Q and A or for
17 questions as we've had in the past. And I think
18 it's good that they're here so we can have, of
19 course.
20 CITY ATTORNEY: Okay. So do you want to
21 take any public comment today at all?
22 CITY CLERK: Did we establish a time for
23 Tuesday the 26th?
24 COMMISSIONER GRAUS: Yeah, do we have a
25 time for Thursday?

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1 VICE MAYOR GRILL: Tuesday.
2 COMMISSIONER GRAUS: I mean Tuesday.
3 CITY ATTORNEY: 26th in the afternoon.
4 What time is good for you gentlemen?
5 MAYOR PETRILA: Any time for me.
6 COMMISSIONER FRISZOLOWSKI: Any time.
7 COMMISSIONER GRAUS: I could do anything.
8 COMMISSIONER MARONE: Any time. I could do
9 the whole day. I mean I got the whole day.
10 CITY CLERK: 2:00 p.m. fine?
11 CITY ATTORNEY: 2:00 p.m.
12 CITY CLERK: And if you plan to hold a
13 meeting on the -- I would need to advertise now for
14 the 27th. Or we could talk about it Thursday but if
15 we meet on the 26th, then you determine you need
16 another meeting, I cannot hold a meeting on the
17 27th. We have to have at least 24 hours of
18 notification.
19 MAYOR PETRILA: So we could do the 28th or
20 29th.
21 CITY MANAGER SAUDERS: Well, we could go
22 ahead and advertise them now.
23 CITY CLERK: Yeah, that's what I was going
24 to do was advertise all of them.
25 COMMISSIONER GRAUS: I would do that just

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1 to be safe.
2 COMMISSIONER MARONE: Yeah I can't do the
3 29th, not the 28th, unless it's at 7:30 in the
4 morning.
5 CITY MANAGER SAUDERS: What about the
6 27th?
7 COMMISSIONER MARONE: 27th is the same
8 thing. I would do it early in the morning.
9 VICE MAYOR GRILL: I think if we advertise
10 it we need a time, right.
11 COMMISSIONER MARONE: It's a Friday. Or we
12 can do really early. You know 7:30 on one of those
13 other two days.
14 VICE MAYOR GRILL: And just if we don't
15 get it done then, we still do have technically the
16 weekend. We only have the 30th. Well the 31st if
17 nec --
18 MAYOR PETRILA: We have the 29th and the
19 30th. So 29th would still be 24 notice. A 48 hours
20 notice if we have a meeting at 7:00 a.m. on the
21 27th, we could schedule any meeting after let's say
22 9:00 a.m. on the 29th. By 9:00 a.m. on the 29th.
23 VICE MAYOR GRILL: I was just thinking we
24 just do what we got to do to make it work.
25 MAYOR PETRILA: Yup.

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1 COMMISSIONER FRISZOLOWSKI: So what days
2 are we -- can we just go back over the 26th?
3 CITY ATTORNEY: The 26th at 2:00 clock.
4 COMMISSIONER FRISZOLOWSKI: Right.
5 CITY ATTORNEY: And then what other day
6 did we pick?
7 CITY MANAGER SAUDERS: The 27th through
8 the 28th would have to be 7:30 in the morning.
9 COMMISSIONER MARONE: In the morning again
10 and I can do all day on the 29th.
11 CITY MANAGER SAUDERS: 29th, any day.
12 ASSISTANT CITY ATTORNEY: May I just make
13 a point? Thank you. I think we should schedule a
14 meeting everyday because the person resigning is not
15 involved in the interview process of the person
16 being appointed. So for example, if all of you are
17 available on the 27th and we have three people
18 interested in District 4, then the 27th is when you
19 approve the commissioner for District 4 because
20 Commissioner Marone can't be here anyways. And he
21 would make his resignation effective that date.
22 VICE MAYOR GRILL: Good point.
23 COMMISSIONER FRISZOLOWSKI: Okay. We
24 could always cancel them if we don't need them. So
25 on the 27th, we're talking about 7:30 to start?

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1 CITY ATTORNEY: Let's do all of them at
2 7:00 except for the 26th but the 27, 28, 29th.
3 CITY MANAGER SAUDERS: The 29th was any
4 time I think.
5 VICE MAYOR GRILL: Yeah.
6 COMMISSIONER MARONE: I think people just
7 want to get on with it.
8 CITY ATTORNEY: Just make them all in the
9 morning and if we need to cancel them, we will.
10 CITY CLERK: 7:00 a.m.?
11 COMMISSIONER GRAUS: 7:30 on the 29th
12 also.
13 VICE MAYOR GRILL: Yes.
14 COMMISSIONER FRISZOLOWSKI: Run the whole,
15 the 27th, 28th and 29th. All three of those.
16 CITY MANAGER SAUDERS: So 2:00 p.m. on the
17 26th. 7:30 a.m. on the 27, 28, 29.
18 COMMISSIONER GRAUS: And 21st. And 21st.
19 MAYOR PETRILA: Thursday at 7:00 p.m.
20 COMMISSIONER GRAUS: We're meeting for
21 sure Thursday.
22 VICE MAYOR GRILL: Yeah at 7:30.
23 COMMISSIONER GRAUS: 7:30?
24 VICE MAYOR GRILL: Yeah.
25 COMMISSIONER FRISZOLOWSKI: I was thinking

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1 I was only going to miss out on five meetings so
2 just make them up now.
3 MAYOR PETRILA: It's going to be 5:30
4 where I'm at.
5 CITY CLERK: I don't know if you made this
6 clear, but if you're not elected and you're just
7 appointed, you still have to do a Form 6. So, just
8 anybody who does apply, will be required to do a
9 Form 6 and/or a Form 6F. So, I want everyone to know
10 that when you are applying, you will be doing a Form
11 6.
12 COMMISSIONER FRISZOLOWSKI: For the
13 elected officials.
14 CITY CLERK: Even when you appoint. Let's
15 say it was me, I was applying for your seat but I
16 only wanted to serve and I didn't want to run for
17 the election in August. So I come, I sit until
18 August, when I exit I'll have to do a 6F.
19 COMMISSIONER FRISZOLOWSKI: Yes. I was
20 thinking that might be clear --
21 CITY CLERK: So I just wanted to make that
22 very clear.
23 COMMISSIONER FRISZOLOWSKI: I think we
24 need to make that clear that they have to fill out
25 Form 6.

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1 CITY CLERK: It will be required to
2 complete a Form 6.
3 COMMISSIONER FRISZOLOWSKI: But just to
4 clarify, board members though bipartisan's do not
5 have to do that. I just want to make clear board
6 members know that. So it doesn't domino to board
7 members too.
8 CITY CLERK: Yeah, board members don't.
9 COMMISSIONER FRISZOLOWSKI: Yeah.
10 VICE MAYOR GRILL: And for the board
11 members that are watching, I have not heard any
12 discussion to bring it down to the board level at
13 this time. But who knows what the future may hold.
14 Unless the City Attorney heard something different.
15 CITY ATTORNEY: No, I have not.
16 VICE MAYOR GRILL: That's good.
17 CITY ATTORNEY: They've created enough
18 pain for one year.
19 MAYOR PETRILA: All right. Do we need to
20 take any audience comments?
21 CITY ATTORNEY: I think you should.
22 MAYOR PETRILA: Okay let's open up for
23 audience comments please. City Clerk, I believe we
24 have Res Niki who would like to say a word.
25 RES NIKI: Thank you. And this is for the

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1 public. First, I do think Andrew's -- City Attorney
2 Dickman's suggestion of having somebody on staff, is
3 a good idea.
4 Whether it's legal, accountant, for people
5 to be able to talk to them and know truly what it is
6 you need to fill out. Because all of you sitting up
7 there wanting to step -- well not saying all, but a
8 good four that want to step down is not giving
9 people a desire to want to serve up here. I for one
10 believe that people need to take a stand. If you
11 want to call it against the State for what they're
12 trying to do or what we think is what they're trying
13 to do.
14 It's not for us to step down. There has to
15 be a way for us to be able to fill out this form.
16 I'm not sure exactly what it entails. I'm willing to
17 do it. But it's because I believe when there is a
18 reach, that people do need to step in. Because you
19 know things will look really different and we don't
20 want it to be different. We want it to stay in our
21 city, not at the State level.
22 And I want people to hear that. Don't be
23 scared to want to do something for the people here.
24 Maybe what we need is somebody professional to come
25 in here and explain to the people exactly what it is

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1 that we have to fill out because I also saw those
2 trainings.
3 Maybe we could ask the future potential
4 candidates what they've had to fill out. What it
5 entailed. I haven't had to fill it out yet. So, I
6 don't really know. And there's too much hearsay
7 verses what really truly knowing what is that we're
8 disclosing. So, I do believe in having things
9 personal, personal. I have a personal life. I have a
10 husband too. And I don't think it's everybody's
11 business and I'll be blunt about it what I own. So
12 again, don't fear it because we should be more
13 fearful of losing what we have. And that's all I
14 wanted to say. Thank you.
15 COMMISSIONER FRISZOLOWSKI: Thank you
16 Betty. I would like to and I respect what she just
17 said I want to be kind of clear about my position. I
18 don't have a choice. So I've seen elected officials
19 resign before. I always thought that's not me. I'll
20 never resign. I mean I -- people that know me, I'm
21 more of a fighter. When things get tough, I get
22 tougher. I do things based on my principals. This
23 is not my principals. This is not me being scared.
24 This is not me backing down. This is not giving me a
25 chance. And you know my wife was pretty clear that

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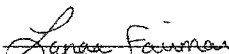
1 she's not happy about this.
2 But it's more my corporation. And I'm the
3 president of my corporation. So, this, I don't know
4 if this just wasn't thought through at State level
5 or not, but I do not have a choice. So, I just
6 wanted to make that clear. It's not personal
7 decision. This was a decision that was made for me.
8 And I'm not real happy about it in case you can kind
9 of tell many my voice. You know, I've served
10 32 years.
11 32 years continuously with the City. More
12 than half my life. And all I wanted to do was serve
13 until March. This is five meetings. And I'll have a
14 whole lot more to say before I step down. But I
15 don't want to kind of make this -- we have a lot of
16 people to thank. The citizens and a lot of people.
17 Ten elections, you know I love this place. I'll
18 continue to love this place.
19 I'll continue to be a resident. The family
20 goes four generations. It's just kind of sad to tell
21 you the truth. But my mindset was more really kind
22 of starting last Tuesday was kind of how to solve
23 the issue to keep this government running for the
24 City that we love. And so, to me that's where my
25 energy is going right now and all of us seem to be

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1 at the lockstep about. So, which I appreciate.
2 MAYOR PETRILA: Thank you commissioner.
3 All right. Do we have any other questions,
4 comments, discussion? In that case, we are
5 adjourned.
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1 REPORTER'S CERTIFICATE
2 TRANSCRIPTION OF AUDIO RECORDING
3
4 I, Lanora Fairman, the undersigned
5 Certified Shorthand Reporter in and for the State of
6 Texas, do hereby certify that the above and
7 foregoing pages are a true and correct transcription
8 of the audio recording to the best of my ability to
9 understand and decipher the words and identify the
10 speakers based on information provided.
11 I further certify that I am neither
12 attorney or counsel for, related to, nor employed by
13 any parties to the action in which this testimony is
14 taken and further, that I am not a relative or
15 employee of any counsel employed by the parties
16 hereto or financially interested in the action.
17 SUBSCRIBED AND SWORN TO under my hand and
18 seal of office on this 7th day of January, 2024.
19
20
21
22
23
24
25


Lanora Fairman
Expiration: July 12, 2027
Array
Firm Registration No. 795
14615 Benfer Road
Houston, Texas 77069




EXHIBIT 1-C-3

AUDIO TRANSCRIPTION OF
ST. PETE BEACH COMMISSION MEETING
DECEMBER 21, 2023

MAYOR PETRILA: -- to the City of St. Pete Beach City Commission. Today's December 21, 2023, at 7:30 a.m. Stand for the pledge of allegiance.

I pledge allegiance to the flag of the United States of America. And to the republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

MAYOR PETRILA: City Clerk, if you'll please do the role call.

CITY CLERK: Vice Mayor Grill.

VICE MAYOR GRILL: Here.

CITY CLERK: Commissioner Friszolowski.

COMMISSIONER FRISZOLOWSKI: Here.

CITY CLERK: Commissioner Marone.

COMMISSIONER MARONE: Here.

CITY CLERK: Commissioner Graus.

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1 COMMISSIONER GRAUS: Here.
2 CITY CLERK: Mayor Petrila.
3 MAYOR PETRILA: Here.
4 CITY CLERK: We have a quorum.
5 MAYOR PETRILA: All right. Good morning
6 everyone. Commissioners, I have to say I'm
7 encouraged by the responses that we've seen over the
8 last 48 hours or so. I think we have a lot of great
9 candidates. I'm encouraged by the out pouring of
10 support from residents. And so we, I think the next
11 step was for the City Attorney to give us kind of a
12 maybe roadmap of how to best approach this. Andrew,
13 if you'd like.
14 CITY ATTORNEY: Yes, thank you. Mayor,
15 Commissioners, first let me just say that I appear
16 this morning with an unprecedented situation. Four
17 out of the five members of the Commission have
18 announced their intention to resign. And the Charter
19 doesn't really address this situation.
20 It tells us that if two or more seats
21 simultaneously resign, the remaining Commission
22 shall hold a special election within 15 days. So
23 what we have effectively done is try to arrange for
24 a staggering of resignations between now and
25 December 30th. So, that the remaining commissioners

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1 can appoint the successors to the vacant seat.
2 The reason for this is that there's no way
3 to have a special election until August. Because
4 after the Charter was written this way, we remain
5 ourselves like rely on the government in Pinellas
6 County and the State with Supervisor Elections
7 schedule. Because the technology used for elections
8 and required to use for elections, is very
9 expensive.
10 It's trickier than it used to be. Let's
11 put it that way. So with that, what will happen over
12 the next two weeks before the 30th is that this
13 Commission will be become with the exception of the
14 Bill be an appointed Commission and not an elected
15 Commission. That's what is unprecedented here. There
16 are a lot of things that have to be done in the next
17 month or two.
18 In which hiring a City Manager, dealing
19 relevance, dealing with the (unintelligible). So I
20 ask you to think carefully about your decisions and
21 also think carefully about who you believe would
22 serve best in the vacant seats. My recommendation
23 would be to handle one. Unless there's a change in
24 anybody's mind on doing this, resigning which they
25 should state so today, I would suggest that you

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1 handle one seat this morning.
2 And have that individual seated for the
3 meeting, the meetings that are scheduled next week
4 and do it in that manner. I do want to tell you that
5 I can't guarantee that somebody might challenge
6 this. I told you that the language says that when
7 two or more seats are simultaneously vacated that to
8 hold a special election. We're interpreting
9 simultaneous to mean, at the same time, on the same
10 date.
11 So if we stagger it out over the next nine
12 days, then we could at least avoid that
13 simultaneously. I can't guarantee you and I have an
14 obligation to tell you this, I can't guarantee you
15 that it won't be challenged. It may. Who knows.
16 That's the best I could do. The best that we could
17 do. These are unusual circumstances, very
18 unprecedented. So this is the best we could do is
19 stagger it out over the course of a couple of days.
20 MAYOR PETRILA: Thank you City Attorney.
21 So we appreciate what you said about staggering over
22 a couple of days. I did want to ask the
23 Commissioners since we seem to have a lot of the
24 individuals that have submitted letters of interest
25 here present today, if we want to take the time to

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1 interview as many of them as we can in preparation
2 of the meetings next week? Or if you would prefer to
3 wait have those individuals come back once we
4 established an order.
5 ASSISTANT CITY ATTORNEY: If I may Mayor,
6 the only issue with that is that commissioners that
7 are vacating their seat interviewing potential
8 replacements. Right. Because they should not be
9 involved in the process at all. So, I think it is
10 important to pick a District. Based upon the
11 letters of support, I think District 4 kind of in my
12 mind makes sense today.
13 Just because of the fact that there are
14 people in the community. It almost feels kind of
15 like a quasi-election where there's people in the
16 community that have issued letters of support. So,
17 you understand that the community's involved. But I
18 would just worried of interviewing everyone because
19 you could be potentially be interviewing someone
20 from your district.
21 MAYOR PETRILA: Okay. Yes.
22 VICE MAYOR GRILL: Can I ask a question to
23 the City Attorney for some clarity?
24 MAYOR PETRILA: Of course.
25 VICE MAYOR GRILL: So, the question I have

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<p style="text-align: center;">Page 6</p> <p>1 for the City Attorney and just to make sure it's 2 clear, I received some questions from residents as 3 well as my own reading of the statute. 4 And I guess to be blunt, are we sure that 5 interim appointed officials are required to fill 6 Form 6? And the reason I ask that is if we read the 7 statute, it only refers to quote: Elected 8 Officials, multiple times. Interim officials are not 9 elected officials. As we know, they're appointed. 10 Second is and if anyone wants to take a look on the 11 Commission on Ethics homepage, there's information. 12 Of course, one of their, about the middle of the 13 page there's a file. 14 There's a link to what they call their 15 quote: 24 Legislative Recommendations. And in those 16 legislative recommendations and I think they do this 17 every year. These are things they would propose to 18 the legislature from the ethics standpoint. On the 19 second page, there is -- let me get my glasses and 20 I'll read it. There's a section called Individuals 21 Appointed to Fill an Elected Office. The Commission 22 should consider a recommendation that this section 23 be amended to clarify that individuals appointed to 24 complete the remainder of the term of office for a 25 Form 6 office, are required to complete a Form 6</p>	<p style="text-align: center;">Page 8</p> <p>1 so the disclosure requirements are found in Florida 2 Statute 1.12.3144, right. In the Subparagraph 1D is 3 what requires mayors and elected members of the 4 governing body to file this disclosure. 5 Now, when you go down to the end of 6 Subparagraph 10, it specifically says for this 7 scenario. When an elected local officers specified 8 in Paragraph 1D, which is the mayor elected 9 official, leaves office before the expiration of his 10 or her term. Any individual appointed to replace 11 such officer for the remainder of that term must 12 file a full and public disclosure of financial 13 interests annually thereafter for the remainder of 14 his or her term. So, it is our position that anyone 15 appointed would have to file a full disclosure if 16 they are appointed in office as of December 31st. 17 VICE MAYOR GRILL: But if I may, the 18 remainder of the term we would be appointing for 19 Districts 1 and 3, not for 2 and 4. For the 20 remainder of the term. 2 and 4 don't expire for 21 another year and a quarter. And we'll have a special 22 election in August. 23 ASSISTANT CITY ATTORNEY: Everything that 24 I've heard and I know of the Clerk has reached out 25 to the Commission on Ethics too. People appointed</p>
<p style="text-align: center;">Page 7</p> <p>1 disclosure. 2 So, my conclusion from reading that and 3 again I'm not a lawyer so I turn this to the City 4 Attorney's office is to say, it would seem that the 5 Ethics Committee realized or recognizes there's 6 ambiguity in the law. And they're asking for 7 clarity. It's clear that their intent is for 8 everybody but at this point, we're only talking 9 about interim officials, not elected officials. So, 10 if they need to go clarify the law, is there room? 11 And yes, I am looking for a loophole. Is 12 there room in the law to say that interim officials 13 do not need to complete Form 6. And I'll take it to 14 the next step and where I'm headed is our Charter 15 allows any of us to stepdown of course, but then we 16 could be named by the Commission as an interim 17 official. Because one of my concerns is we are 18 running at the speed of light to get this done. 19 And we need to get this done. We're 20 running at the speed of light. If we're -- how can 21 we get more time so we could take a breath, slow 22 down to make sure that we have everything? All the 23 I's dotted and T's crossed. We come back in January 24 and figure this out. Thank you. 25 ASSISTANT CITY ATTORNEY: If I may Andrew,</p>	<p style="text-align: center;">Page 9</p> <p>1 before December 31st actually will be required to 2 file 2 Form 6's. 3 So they'd be required to file the Form 6 4 for 2023 and then once they are in office after 5 December 31st, even if they are only in office until 6 March, they'll be required to file a Form 6 for 7 2024. 8 VICE MAYOR GRILL: Okay. 9 COMMISSIONER FRISZOŁOWSKI: Because 10 they're appointed in 2023. 11 CITY ATTORNEY: Also, and I've said it 12 before, I'm willing to put whatever energy and 13 resources I have into trying -- I mean I think 14 probably the biggest unfairness here is applying the 15 law to someone that didn't have to file under this 16 Bill when they were elected. 17 So, I think there's, there should have 18 been argument and I don't know why it wasn't made 19 stronger of grandfathering locally elected officials 20 and letting them finish out their terms under the 21 same rules that they were elected under. And I'm 22 willing to fight as hard as I can between now and 23 when that due next year. This is happening in many 24 communities, Naples, all over the place on the other 25 side of the State in this county.</p>

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1 You know, if you want to fight this, I'll
2 fight it with you. But I hope knowing that having
3 you having you -- having someone who is an elected
4 official resign and then turn around and having them
5 appointed makes -- I think the exposure there is a
6 lot greater. As well as criticism.
7 MAYOR PETRILA: Thank you. All right. So
8 we have, for District 1 we have the two individuals
9 running for office and one additional person that
10 has submitted letter of interest. District 2, we
11 have one individual. District 3, we have a
12 commissioner elect.
13 And two other individuals submitted
14 letters. A fourth has withdrawn their application
15 and for District 4, we have three individuals that
16 have submitted letters of interest to serve. Do the
17 commissioners have any preference in which order we
18 tackle these today? Is there anyone in particular
19 who would like to say today is my last day or do we
20 take the Assistant City Attorney's recommendation
21 and start with District 4 today?
22 COMMISSIONER FRISZOLOWSKI: I have a
23 couple of comments.
24 MAYOR PETRILA: Sure.
25 COMMISSIONER FRISZOLOWSKI: Quick

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1 comments.
2 My understanding is that there are three
3 applicants from District 4 but not all three of them
4 are here today. One could not make it. That's my
5 understanding. So although I respect with the City
6 Attorney's recommending, we have next week. I know
7 nobody wants to go into next week but it seems to me
8 in fairness, might be better to wait until all three
9 to be here.
10 District 3, I talked with City Clerk today
11 and the Commissioner Elect still is not absolutely
12 solid with her issue with her employment. So I would
13 say we hold off on that one. District 2, there's
14 only one applicant. I would like to see more than
15 one applicant before we do that. So, I mean that's
16 kind of my just general thoughts for today.
17 ASSISTANT CITY ATTORNEY: And just keep in
18 mind, any District that we don't fill, I think it
19 would be our advice to reopen the interest period.
20 Right. To allow -- so if we fill 1 or 4 someone
21 today, the other Districts will be reopen to allow
22 more applicants to come in, correct?
23 COMMISSIONER FRISZOLOWSKI: Okay. Okay.
24 ASSISTANT CITY ATTORNEY: Just in
25 fundamental fairness.

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1 COMMISSIONER MARONE: So my thought is --
2 okay --
3 CITY ATTORNEY: I would say that it would
4 be -- like I said yesterday because I wanted to find
5 out if she has resolved her approval process with
6 her employer. I did encourage her to send in her
7 name just to validate that she's still interested.
8 She just needs to get that. So, I agree with
9 Commissioner Friszolowski to give her as much time
10 as possible to get that approval in place. It's a
11 good thing. She is the, you know, obviously elected
12 expected elected person in March. So, we must have
13 her appointed at all possible. So giving her a
14 little bit more time would be appropriate.
15 MAYOR PETRILA: Thank you.
16 COMMISSIONER FRISZOLOWSKI: Could I also
17 just make one -- kind of get one clarification? I
18 heard our City Attorney talk earlier about obviously
19 when somebody resigns, they do not have an option to
20 vote on who the replacement is. I understand that
21 part of it. But are you discouraging anyone voicing
22 their opinion on that issue? I mean could there be
23 discussion? Or are you also saying there shouldn't
24 be any discussion related to that decision?
25 CITY ATTORNEY: Discussion on what topic

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1 sir?
2 COMMISSIONER FRISZOLOWSKI: Each one of
3 our seats. I mean I know we can't vote on our seat
4 because we have to resign in order for there to be
5 an appointment. But is there a --
6 CITY ATTORNEY: I think you can if you
7 have -- if you want to make a recommendation, I
8 wouldn't -- I agree with Matthew that being involved
9 in an interview process for your seat, I think you
10 should not do. But if you already know somebody that
11 you think you would recommend that they appoint and
12 then you vacate your seat. Just remember that none
13 of this can happen until there's a vacant --
14 COMMISSIONER FRISZOLOWSKI: Right.
15 CITY ATTORNEY: -- by vacancy but I see no
16 problem with the interview who are planning to
17 resigning stating for the record before you resign
18 who you believe would be best suited to fill your
19 chair.
20 COMMISSIONER FRISZOLOWSKI: Okay, okay
21 thank you. I appreciate that clarification.
22 VICE MAYOR GRILL: Mayor, I may?
23 MAYOR PETRILA: Yes.
24 VICE MAYOR GRILL: Excuse me City Attorney,
25 to follow on to that and I assume of course as at

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1 the moment we resign from our seat and stepdown from
2 the dais, we become a citizen.
3 A regular citizen which we are already but
4 that gives us, the Sunshine Rules are no longer
5 applicable and that gives us our opportunity to
6 stand at the podium during the public comment
7 section to provide our three minutes of opinion or
8 views. Am I correct?
9 CITY ATTORNEY: Well let me just say that
10 there is a two-year window where you can't be hired
11 as a lobbyist to lobby yourself. That's that.
12 VICE MAYOR GRILL: Right.
13 CITY ATTORNEY: But if you want, yes. If
14 you resign and you say I resign effective
15 immediately and you vacate your seat, you are a
16 citizen at that point. And then yes you can speak at
17 any public meeting as a private citizen.
18 VICE MAYOR GRILL: Understood. Thank you.
19 COMMISSIONER FRISZOLOWSKI: So kind of
20 having said what I said earlier and I don't have a
21 preference as to which way this goes in. I'm just
22 trying to think what is logical and the best
23 interest of the City. There are three applicants for
24 District 1. Are all three of those applicants here
25 this morning? It sounds like no.

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1 MAYOR PETRILA: I think 1, 2. I see 2. And
2 is Deborah Edney here? She's not. Okay. Maybe what
3 we can do is kind of establish an order and kind of
4 let people know what day we're going to be tackling
5 which seat. So that they can be prepared in 3 or
6 4 days.
7 VICE MAYOR GRILL: Great.
8 MAYOR PETRILA: So with that in mind since
9 we to not confirmation from District 3, and we don't
10 have everyone here from District 4 or 1, that really
11 only leaves District 2. I think we could very
12 easily tackle today.
13 COMMISSIONER FRISZOLOWSKI: I would as I
14 mentioned earlier, I think we have an option to
15 still allow that opening. I would rather, I would
16 rather not be forced to have one choice.
17 COMMISSIONER GRAUS: Absolutely.
18 COMMISSIONER FRISZOLOWSKI: I don't know
19 how the others commissioners feel but.
20 MAYOR PETRILA: I think based on the 50
21 some odd e-mails we received, maybe more there's
22 been notification on the City website. There's been
23 notifications on the City's social media. I know I
24 put it out to everybody. I think we need to move
25 forward today. I do not want to leave this with only

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1 four meetings left for next week. If we do that,
2 then we have 0 options. And so we need to tackle at
3 least one seat today.
4 COMMISSIONER FRISZOLOWSKI: I do not
5 agree.
6 VICE MAYOR GRILL: Yeah.
7 COMMISSIONER FRISZOLOWSKI: I feel strong.
8 This is an important decision. We're putting
9 someone in an elected position.
10 MAYOR PETRILA: Yeah.
11 COMMISSIONER FRISZOLOWSKI: 10,000 people
12 in this City. 50 people make a difference but not
13 to elect somebody. Or appoint somebody effectively.
14 COMMISSIONER MARONE: So we have two of
15 the three people from District 4. I'm willing to
16 resign right now and you can interview those two
17 people. Interview the third tomorrow if they're
18 willing to show up for an interview, make a decision
19 and then move forward right after that decision with
20 the next seat.
21 COMMISSIONER GRAUS: I will echo that.
22 I'm willing to stepdown today also. Two of the
23 applicants are here, so I'm willing to do that also.
24 VICE MAYOR GRILL: I'd rather see. We
25 have four Districts, we have four meetings

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1 scheduled. We still have a few extra days that we
2 didn't schedule a meeting next week.
3 We can do this on 30 and 31 if necessary.
4 Well, on 30, excuse me. That gives us five days.
5 It's one a day. I echo Commissioner Friszolowski's
6 comments. I would not like to see us split it up. I
7 think it's good to get one whole piece done as we
8 compare candidates. Cause then we don't remember
9 and what did so and so say on Thursday? I don't
10 remember because our next meeting is Tuesday.
11 So we're four days now and I'd rather -- I
12 think we can just take a piece-by-piece and move
13 forward. So to echo, I think yes we've got -- we
14 seem to have a number of letters of support that
15 came out very quickly. But really we only put this
16 out, it's been 48 hours even that the it's been out
17 for the public asking for letters of interest. So,
18 if we push it to next week we also open that up and
19 get a broader view.
20 MAYOR PETRILA: City Clerk.
21 CITY CLERK: So this morning I spoke with
22 Amy Bonzle who sent in her letter of interest for
23 District 4. She is available. She didn't know which
24 day she would have to be here. Right. It is kind of
25 short notice. I don't blame her. But she is

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1 available Zoom right now.
2 So, I could put her on Zoom. That is an
3 option. And then we would have all three candidates
4 at least for District 4 today. I'm speaking to her
5 right now.
6 MAYOR PETRILA: Okay. Do you have any
7 objections to that?
8 COMMISSIONER FRISZOLOWSKI: I think that
9 sounds reasonable.
10 VICE MAYOR GRILL: The only question I
11 have is what is our cutoff time today?
12 MAYOR PETRILA: 8:45, I believe. Is that
13 Commissioner --
14 COMMISSIONER MARONE: I was going to leave
15 at nine. If I resign I'll be leaving before nine.
16 So I won't be -- I'll defer to Commissioner
17 Friszolowski because I know he had a meeting at
18 9:30.
19 COMMISSIONER FRISZOLOWSKI: Yeah, I have a
20 meeting at 9:30.
21 VICE MAYOR GRILL: So you need to leave
22 what time? The reason I'm asking --
23 COMMISSIONER FRISZOLOWSKI: I could do it
24 virtually. So I need to leave at probably 9:25.
25 VICE MAYOR GRILL: I just want to be sure

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1 that we provide enough time for all the candidates
2 and for questions and public comment.
3 MAYOR PETRILA: Okay. So, it looks like
4 we have an hour and 30 minutes.
5 COMMISSIONER MARONE: So I'm going to go
6 ahead and officially announce my resignation as
7 District 4 Commissioner regrettably under these
8 circumstances. I'm not going to say too much right
9 now because I don't want to waste the rest of this
10 Commission's valuable time and these folks out here.
11 I will say it was a pleasure, honor to
12 serve with this Commission. I think this is an
13 incredibly strong Commission. We've had really,
14 really robust conversations and discussions. We've
15 done a lot of heavy lifting and what I think is a
16 short amount of time. I'm really disappointed that I
17 can't close this out with the rest of my term.
18 I am committed to both District 4 and the
19 City, greater city at large. To assist wherever I
20 can. Whether it's the person who's filling my seat.
21 Whether it's advisory board. Whatever it is. City
22 Manager. City Attorneys, wherever I could be of
23 service. I want to thank the City Attorneys
24 including Andrew. Thank you for all of your
25 guidance. Wayne, thank you for stepping in and

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1 putting your hands on the wheel and riding the ship.
2 We appreciate it. That's all I'm going to
3 say for now, I look forward to speaking with you
4 guys some day where I could actually talk to y'all
5 and I definitely will be supporting the Mayor as he
6 move the -- as he drives this forward. So thank you
7 all.
8 COMMISSIONER FRISZOLOWSKI: Thank you.
9 MAYOR PETRILA: And we appreciate your
10 service very much.
11 COMMISSIONER MARONE: Thank you.
12 CITY ATTORNEY: Okay Mayor, now you have a
13 vacancy. And the remainder of the Commission has to
14 deal with the vacancy.
15 MAYOR PETRILA: Okay, thank you. Shall we
16 start with the applicants in alphabetical order?
17 Okay. All right. Good morning Amy. I think you are
18 muted.
19 VICE MAYOR GRILL: No, I think she heard
20 you.
21 MS. BONZLE: Sorry. Are you addressing me?
22 I didn't hear the question.
23 MAYOR PETRILA: We just said good morning.
24 MS. BONZLE: Good morning.
25 MAYOR PETRILA: Great. So we'll open up

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1 for questions from the Commissioners. I think maybe
2 the very first question I would have which probably
3 everyone is asking what is prompting you to want to
4 fill this position?
5 MS. BONZLE: Just so we're clear, is the
6 public hearing this comment?
7 MAYOR PETRILA: They are.
8 MS. BONZLE: Yes, got it. Thank you. I
9 missed the first few minutes so I wasn't sure. Amy
10 Bonzle. What is prompting me to put my hand forward
11 right now is I recently engaged in counsel meetings
12 and we're at a critical juncture in St. Pete Beach
13 and St. Pete Beach's growth. I have a background in
14 human center design which simply puts the process
15 and understanding and addressing what people and
16 business needs.
17 I spent my career supporting the world's
18 biggest companies in pursuing growth plans. I helped
19 John Deere expand its impact. Google involved in one
20 of its core businesses. It was always a process for
21 deep understanding of all the needs of all
22 constituents and I impact for and supported all
23 needs. And it's great to see that some of these
24 growth questions presented from that expertise and
25 now it feels I can incorporate and help.

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1 MAYOR PETRILA: Thank you. Commissioners
2 what questions do you have?
3 COMMISSIONER FRISZOLOWSKI: What -- can
4 you let us know how you've been active in the
5 community of St. Pete Beach?
6 MS. BONZLE: Yeah. So I just moved here to
7 St. Pete Beach. I've been here over a year.
8 COMMISSIONER FRISZOLOWSKI: Okay.
9 MS. BONZLE: I have been recently
10 attending the counsel meetings.
11 COMMISSIONER FRISZOLOWSKI: Recently
12 meaning, how long?
13 MS. BONZLE: In the past month.
14 COMMISSIONER FRISZOLOWSKI: Okay. Thank
15 you.
16 COMMISSIONER GRAUS: And how long have you
17 been --
18 MS. BONZLE: I do want to flag you know,
19 I'm present when I can. I think -- I also travel.
20 I'm traveling now. I'm working technically out of
21 state. So, I just wanted to say that in case that's
22 a concern. And to understand what would be the
23 issues of that.
24 COMMISSIONER GRAUS: How long have you
25 been a resident?

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1 MS. BONZLE: Yes.
2 COMMISSIONER GRAUS: How long have you
3 been a resident?
4 MS. BONZLE: Oh sorry, since early
5 November of 2022.
6 COMMISSIONER GRAUS: November of 2022.
7 MS. BONZLE: I'm not hearing all the
8 questions. I apologize. So what happened?
9 MAYOR PETRILA: Go ahead Vice Mayor.
10 VICE MAYOR GRILL: No, I don't think there
11 was a question. I think he was just repeating what
12 you had said.
13 MS. BONZLE: Okay thank you.
14 VICE MAYOR GRILL: So, Amy this is
15 Commissioner Grill. The question I have is from
16 your perspective in wanting to get involved, what do
17 you think would be our top priorities that you would
18 want to see us work on if you join the Commission?
19 MS. BONZLE: Absolutely. You know the key
20 things for me on how do we find a path forward for
21 the redevelopment that is, you know, set to be
22 happening. Challenging and I believe that there's an
23 opportunity for us to move pass forward. That would
24 be my primary reservation.
25 MAYOR PETRILA: Any further questions?

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1 VICE MAYOR GRILL: Yes --
2 CITY ATTORNEY: I'm sorry Mayor, if I
3 could also just point out that just like we've asked
4 board members, advisory board members that under the
5 City Ethics Code and other State ethics code that if
6 anybody is maybe a question to ask if anybody's
7 actively involved in or part of a specialty advocacy
8 group. That they would be willing to resign from
9 that group. Just to give the upmost appearance of
10 impartially up there on the dais.
11 COMMISSIONER FRISZOLOWSKI: So as a
12 followup to that, this is Ward Friszolowski, City
13 Commissioner, are you a member of any special
14 advocacy group?
15 MS. BONZLE: So I have spent time with the
16 St. Pete Beach Protect team but I don't know if I'm
17 an officially a member of them. I'm on the mailing
18 list. I'm happy to do what I would need to create
19 clarity about my interest.
20 COMMISSIONER FRISZOLOWSKI: Did you
21 understand the City Attorney's point?
22 MS. BONZLE: Sorry, can you repeat that
23 question? I'm (unintelligible).
24 COMMISSIONER FRISZOLOWSKI: Did you
25 understand what the City Attorney just mentioned?

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1 MS. BONZLE: I did, yes. I disclosed the
2 one potential conflict. I don't know no others.
3 COMMISSIONER FRISZOLOWSKI: Okay. Thank
4 you.
5 MS. BONZLE: Yeah.
6 ASSISTANT CITY ATTORNEY: Vice Mayor as
7 you're aware of this, it also includes potential
8 homeowners association groups. You know, anything
9 that's involved in the City that you may need to
10 step down from.
11 MS. BONZLE: Got it. I'm not in other
12 groups.
13 VICE MAYOR GRILL: Amy, this is
14 Commissioner Grill. Can you expand a little bit on
15 why you put -- why did you apply for this? Why did
16 you put up your hand and want to join the commission
17 if you could?
18 MS. BONZLE: Yeah, absolutely. You know I
19 believe that the most impactful way to serve our
20 communities and our country is by getting involved
21 at a community level. As I said, I am new to the
22 City but it really -- I guess I spent a lot of my
23 career traveling around the world. And I felt
24 really at home when I got here. And I am invested
25 in the City and it's growth. And I recognize I'm

7 (Pages 22 to 25)

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1 new and I have things to learn.
2 So I'll be willing to be transparent with
3 that. But I would like to support the City in its
4 time of need.
5 VICE MAYOR GRILL: Thank you for that.
6 MAYOR PETRILA: Any further questions? All
7 right Amy, thank you so much.
8 VICE MAYOR GRILL: Yes.
9 MAYOR PETRILA: Okay. One more from Vice
10 Mayor Grill.
11 VICE MAYOR GRILL: I think we need to put
12 all of our candidates through their paces. So can
13 you tell us a bit more about your background and
14 you've had a lot of good diverse experiences but why
15 to you -- how do you see those experiences helping
16 you and how would they help you if you became
17 Commissioner?
18 MS. BONZLE: Absolutely. So little bit
19 about my background. I started my career as an
20 engineer. I spent several years as an engineer.
21 Went to business school overseas. Worked as a
22 strategy consultant to top companies in London for a
23 few years and then I joined one of the predominate
24 introducing consulting firms and they took me around
25 the world where I consulted with Fortune 500

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1 companies on their worth plans. A big part of -- I
2 never owned my own business.
3 But a big part of my career has always
4 been working with people and finding another way of
5 understanding. And then a variety of perspectives
6 and needs and really bringing people together.
7 Another big part of that has really been recognizing
8 and identifying paths forward when it feels like
9 we're in a suck position. Part of my expertise is
10 identifying new paths forward. So it's this
11 background that makes me feel I have something to
12 contribute at City level.
13 I've also spent the past three years
14 volunteering with the community association in Maine
15 and helping to grow and preserve Maine lakes and
16 waterways. A big part of that has been working at
17 State-level and bringing together communities across
18 the State. So I do have community experience that
19 feels applicable as well. Does that answer your
20 question?
21 VICE MAYOR GRILL: Yes, thank you.
22 MAYOR PETRILA: Thank you.
23 COMMISSIONER FRISZOLOWSKI: I may have,
24 just hold on a second. I'm just looking at her
25 resume here.

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1 VICE MAYOR GRILL: I actually have a
2 comment on the process that I should have maybe
3 brought up earlier. But I just remembered it and
4 the process that I went through very similar to this
5 at the beginning of that in 2021, when I was named
6 and interviewed as interim candidate. We typically
7 would have the other applicants for the position in
8 the City Clerk Office not listening or watching the
9 proceedings in fairness because and I'm wondering if
10 we should not be doing that now.
11 MAYOR PETRILA: Might be a little late for
12 that.
13 VICE MAYOR GRILL: I know. It might be a
14 little late but we need to be fair and transparent
15 in what we do.
16 MAYOR PETRILA: I think the only fair way
17 now is to move forward. Because if we ask, you
18 know, Amy to stepoff or if we ask one of the other
19 applicants the leave, they've already heard her
20 response.
21 VICE MAYOR GRILL: I understand. My
22 question is then to the City Attorney is do we move
23 forward? What do we do with this situation at this
24 juncture? Certainly we can do it for Districts 2,
25 3, and 4. I'm assuming maybe we'll have a process

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1 for District 2 but.
2 CITY ATTORNEY: Mr. Vice Mayor there's
3 really no whistles for what's happening here. Other
4 than the fact that I'm trying to stagger the
5 availability of these seats in order to avoid a
6 simultaneously vacancy. So, if the Commission feels
7 they don't want the other candidates from District 4
8 in the room on the TV while they interview the other
9 one, that's completely up to you. But I would say
10 that time is of the essence here.
11 MAYOR PETRILA: I'm alright to move forward
12 as is.
13 COMMISSIONER FRISZOLOWSKI: I think we
14 need to move forward here.
15 MAYOR PETRILA: Yeah.
16 COMMISSIONER FRISZOLOWSKI: I appreciate
17 the comments but I think we're in an unusual
18 situation here.
19 MAYOR PETRILA: All right. Do we have
20 Richard Lorenzen here?
21 COMMISSIONER FRISZOLOWSKI: I would like
22 to say just thank you to Amy for putting her name
23 in. It's nice to see people stepping up in a time
24 of need. So I appreciate that. I'm sure we all
25 appreciate that.

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1 MAYORE PETRILA: Absolutely
2 MS. BONZLE: Thank you for your time.
3 COMMISSIONER FRISZOLOWSKI: Thank you.
4 MS. BONZLE: So, would you like to get out
5 now from the Zoom room?
6 MAYOR PETRILA: You're okay. You can stay
7 on if you like or you can sign off if you'd like.
8 MS. BONZLE: Okay. Thank you.
9 MAYOR PETRILA: Thank you. All right.
10 Good morning.
11 MR. LORENZEN: Good morning Mayor and
12 Commissioners.
13 MAYOR PETRILA: Maybe we start with the
14 same question. What's prompting you wanting to serve
15 in this capacity?
16 MR. LORENZEN: All right. Well I kind of
17 had a lifetime to stepping into the reach. You know,
18 I don't know if you had a chance to read my resume
19 or my letter of intent. So I won't go overall that
20 stuff. But I've been a public servant for 33 years
21 in the military. And everything from army infantry
22 officer to coast guard rescue pilot to commanding
23 officer and all those types of things. So, I kind of
24 got a life history of stepping in and solving
25 problems.

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1 And I kind of watched what's been
2 transpiring here in the last year or so and
3 especially in the last week or so with all the
4 resignations being posted, and quite frankly I
5 thought well I guess nobody else is going to do
6 this, so I'm the guy that usually steps in and goes
7 I'll tackle it. But now I see I've got some others
8 and that's a good thing. I think more is better.
9 But anyway I saw this opening, I saw a problem and
10 I'm just one of those guys that likes to fix things.
11 So, that's why I'm here.
12 MAYOR PETRILA: Thank you. Commissioners.
13 COMMISSIONER FRISZOLOWSKI: How long have
14 you lived at St. Pete Beach and how long have you
15 been involved in the community?
16 MR. LORENZEN: Sure. 32 years. So moved
17 here in 91 and I was in the coast guard. So I came
18 and went and had the same home here the whole time.
19 And lived here ten years straight now since I
20 retired from the coast guard. As far as involvement
21 in the community, I've been to a lot of these
22 meetings. You probably don't recognize my face. But
23 I've sat in on many of these to kind of keeping
24 abreast of what's going on. Always instrumental with
25 other folks.

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1 If anybody remembers the speed bumps on
2 22nd Avenue and Sunset, I worked with Melinda on
3 putting those in gosh 20 years ago. Because we had
4 a bunch of kids like 20 in that neighborhood at that
5 time. Also, was worked with some other folks from
6 the infamous dog beach down on 1st Avenue and 2nd
7 Avenue when we had the big crew of dogs running wild
8 and we kind of help meet, compromise to make a dog
9 beach down end of Pass-A-Grille. So I was kind of
10 the leader of that movement. So but a lot of things
11 like that and just have a lot of interest in our
12 wonderful city.
13 COMMISSIONER FRISZOLOWSKI: Have you been
14 -- are you a member in Pass-A-Grille?
15 MR. LORENZEN: I'm sorry, can you repeat
16 that?
17 COMMISSIONER FRISZOLOWSKI: Are you a
18 member of the local community association?
19 MR. LORENZEN: Yes, I am yeah.
20 COMMISSIONER FRISZOLOWSKI: Have you
21 attended meetings?
22 MR. LORENZEN: I've got the card to prove
23 it.
24 COMMISSIONER FRISZOLOWSKI: Okay. Thank
25 you.

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1 MR. LORENZEN: Sure.
2 COMMISSIONER GRAUS: Have you served on
3 any of the city boards or are you a member of any of
4 the other citywide?
5 MR. LORENZEN: No, I have not served on
6 any board. Funny enough, I actually thought about
7 running for District 4 when it was up. And I heard
8 Chris Marone was in. I haven't really given a lot
9 of thought back then. So, I kind of bowed out. But
10 no, I mean there's a couple of things where I sign
11 petitions once in a while but I'm no former member
12 of any committee board or organization.
13 COMMISSIONER GRAUS: Organization, okay.
14 Thanks.
15 VICE MAYOR GRILL: So Mr. Lorenzen, let me
16 ask you the same question that I asked the previous
17 candidate. What's your views as our top 2 or 3
18 items that we need to address at this City and how
19 would you address those?
20 MR. LORENZEN: Absolutely. I think the
21 elephant in the room is clearly the conditional use
22 permits for the Sirata and the Tradewinds. So I've
23 been kind of following that with interest. I have no
24 opinion on it yet but I've obviously been following
25 that. I think beach renourishments have been one

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1 with the Army Core of Engineers getting that fixed.
2 My compliments to the folk that is put the
3 dunes in down south of the end of the Grille to the
4 end of Pass-A-Grille. I think that was a great move
5 forward. But uh, and while I mention that in my
6 capacity as coast guard also when I was stationed
7 out in San Diego, I actually worked with the Army
8 Core of Engineers to do dredging and filling and
9 that type of thing.
10 So I'm no stranger to how to get that
11 done. But those to me are two of the bigger issues
12 and I just would say a third just overall that
13 balance between residents and businesses. You know,
14 the growth factor. That's something has me extremely
15 interested to see where we're going with that.
16 VICE MAYOR GRILL: Okay.
17 MAYOR PETRILA: So can you, from your
18 background then and it's quite extensive, how do you
19 feel your experiences will help you as a
20 commissioner?
21 MR. LORENZEN: Sure. Yeah it's
22 interesting. Over the long military career I've
23 had, I've worked with all sorts of government. I
24 mean I used the work with the Mayor of Clearwater. I
25 work with Pinellas County Commissioners on some

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1 issues.
2 Or related when I was a commanding officer
3 over at the Air Station over at Clearwater St. Pete
4 Airport. It was a huge enterprise. We had 550
5 people. So believe it or not, I had to get involved
6 in politics and working with folks and to solve
7 issues and get to port on things we're trying to get
8 done with the coast guard budget. So a lot of those
9 types of things and I'm sorry can you repeat the
10 opening question again?
11 MAYOR PETRILA: Sure. From your
12 perspective, you've had a lot of good experience.
13 MR. LORENZEN: Got it. I just wanted to
14 make sure I gave you an accurate answer. Thank you.
15 So all that kind of working with those folks, I was
16 also sort of a pseudo judge in the military. So, I
17 had to sit down and listen to cases. I was holding
18 onto judicial punishment types of things but I had
19 to sit down, listen to folks and you know, it was a
20 balance of their career in my hands.
21 And I took that very seriously. So, I feel
22 like I'm a very good listener. And I could kind of
23 see both sides of an argument and then at the end of
24 the day make decisions that affect people's lives.
25 In this case it would be directly related to issues

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1 that face all the resident and the business owners
2 of St. Pete Beach.
3 So I feel like I'm a balance guy. I don't
4 come in with a lot of bias. I'm very good at
5 listening to both sides of an issue, on multiple
6 sides of an issue and make a decision. I also enjoy
7 working as a team. I've had to do that my entire
8 career. I mean, I've been on you know, \$150 million
9 projects for the military. Where I had to form a
10 team and I had to luckily surround myself with
11 really smart folks and learn how to listen to those
12 folks.
13 And sometimes I had an idea and this is
14 where we're going to go and boy after listening to
15 the rest of the team, you're like I'm wrong. They
16 got the right answer and that's what we're going
17 with.
18 MAYOR PETRILA: Thank you.
19 COMMISSIONER GRAUS: You are retired?
20 MR. LORENZEN: Yes.
21 VICE MAYOR GRILL: So you're familiar in
22 something maybe I don't know if Ms. Bonzle is still
23 on the line. I'm not sure if we clarified 100% on
24 her question on time requirements. So, we might
25 want to bring that on because she did say she

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1 traveled but we never actually told her the time
2 requirements. But for Mr. Lorenzen, are you
3 familiar with the time requirements in what we do
4 and in our volunteer service here?
5 MR. LORENZEN: Well Exhibit A you're here
6 on 7:00 third on a Monday. So, or whatever day of
7 the week it is. I lost track of this week.
8 COMMISSIONER FRISZOLOWSKI: You are
9 retired.
10 VICE MAYOR GRILL: Everyday is Saturday.
11 MR. LORENZEN: That's part of it. I have a
12 wide open calendar. Now, I will say and I've seen
13 some other candidates that are interested as well.
14 And I'm all about clarity, my wife and I do travel.
15 One of the perks being a retiree, so come easy July
16 through probably September, we jump in the RV and
17 we're a goner for a while. Now, I'm not completely
18 disconnected. Unless, I'm hiking up in the
19 mountains or something like that. But uh so, if
20 that's going to be a major issue, I'm all about
21 clarity and being honest and upfront, so. But other
22 than that I'm -- when you need me, I'm here.
23 COMMISSIONER FRISZOLOWSKI: I mean I would
24 hope that anybody applying under the circumstance
25 that we meet two times a month at a minimum. And

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1 it's on the second and fourth Tuesdays at 6:00 p.m.
2 Your position it's a little bit different. 2 and 4
3 would be until August until the primary in August.
4 So that's.
5 VICE MAYOR GRILL: Yeah. I mean we've had
6 discussions on people participating remotely and if
7 we had a quorum, it doesn't count towards the quorum
8 but people could still participate via Zoom. And I
9 know the -- I guess the conclusion at this point is
10 it can be voting member. I'm looking at the
11 Assistant City Attorney and the Assistant City
12 Attorney's picture just to be sure so we're clear
13 for Mr. Lorenzen. And I appreciate you being upfront
14 because if everyone has the right understanding,
15 then we avoid disappointment --
16 MR. LORENZEN: Absolutely.
17 VICE MAYOR GRILL: -- in the future so.
18 CITY CLERK: Vice Mayor, I just want to
19 clarify. I brought that forward to you all and no
20 decision was ever made to amend your rules. So as
21 far as I'm operating, I'm not authorizing people to
22 attend remotely unless that's brought forward to the
23 Commission. So, if that's something you want me to
24 bring back to you all again for a decision, I'll be
25 happy to do so but as of today that's not the

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1 direction that I've been given.
2 COMMISSIONER FRISZOLOWSKI: I agree. I
3 was going clarify but I think we -- that's a whole
4 other -- I appreciate the clarification but I think
5 we need to concentrate today on --
6 CITY CLERK: I don't want this information
7 to be --
8 COMMISSIONER FRISZOLOWSKI: I agree.
9 VICE MAYOR GRILL: No, no thank you for
10 the clarity. And as I said now, we have two
11 candidates back-to-back who have potentially have
12 some restrictions. Of course it's up to you in how
13 you handle that. So, just wanted to get that out
14 there and thank you City Clerk for clarifying that
15 and knowing that is something I brought up several
16 times. And that's for another meeting and not
17 today. I'm just going through my questions in my
18 head.
19 MAYOR PETRILA: Sure.
20 VICE MAYOR GRILL: So Mr. Lorenzen,
21 anything else you'd like to tell us in why you think
22 you're the best candidate and why we should select
23 you?
24 COMMISSIONER LORENZEN: Well, I'm not the
25 cat's meow. I mean, this whole thing dropped pretty

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1 quick to be honest with you. And I had given it
2 zero consideration until about three days ago when I
3 -- somebody sent out an e-mail from the City.
4 Thank goodness I'm on that e-mail list and
5 I was like wow I had no idea this was happening. So,
6 it was kind of a quick thing. Like should I do
7 this? You know, talk to the wife. Talk to my kids
8 and I quite honestly thought I'll be the only one
9 throwing my hat in the ring. But like I said, I'm
10 glad to see other folks that are applying as well.
11 But no, I just -- I'm here to help. I have a wide
12 open schedule until late summer.
13 I'm available all the time. I love the
14 City of St. Pete Beach. I love Pass-A-Grille in
15 particular. And I just feel like I'm that guy that
16 will be here when you need me, can sit down and
17 listen impartially and come to rational decisions
18 for the resident and the businesses of St. Pete, the
19 City of St. Pete. Sorry, I didn't have time to do a
20 campaign speech.
21 COMMISSIONER FRISZOLOWSKI: Thank you. We
22 appreciate you stepping forward.
23 VICE MAYOR GRILL: Nothing more from me.
24 MAYOR PETRILA: Any further questions?
25 COMMISSIONER FRISZOLOWSKI: No, thank you.

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1 MAYOR PETRILA: All right, thank you sir.
2 MR. LORENZEN: Thank you, good luck.
3 VICE MAYOR GRILL: Thank you.
4 MAYOR PETRILA: All right. Next we have
5 Mr. Joe Maholland. Good morning, sir. We'll start
6 you with the same question as the other applicants.
7 Give us an idea why you would like to fill this
8 vacancy. What's motivating you?
9 MR. MAHOLLAND: Well, first of all I'd
10 like to say that we're I am still in many of your
11 shoes and still active in my businesses, I would
12 find it very difficult to fill out a Form 6 because
13 of all the complications involved. I will say that
14 I'm not particularly crazy about disclosing my net
15 worth and every stock and bond et cetera, et cetera
16 that I own.
17 However, I've observed this Commission for
18 many months now and I feel like there's a lot of
19 momentum going on in the City. And for that reason,
20 I'm willing to sacrifice my own personal interest
21 for the benefits of this City and that I love and
22 that I've own a home in since 2007. So, as far as
23 the reasons for it, I would say the reason changed
24 most recently as a result of all these resignations.
25 I think it's critical that we maintain our

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1 independence.
2 I think it's very important that we don't
3 get annexed by St. Pete, or excuse me, St.
4 Petersburg. I think it's very important that we
5 don't have the State making decisions for us. So for
6 that reason, I think it's absolutely critical that
7 we maintain that home rule. We have a number of
8 major decisions coming up in the near future.
9 Comprehensive plan, City Manager, obviously the
10 Sirata and the Tradewinds et cetera, et cetera. So
11 this is a critical time in our City and we don't
12 need a void in our leadership.
13 So for all of those reasons, I decided
14 that I would step forward. That was never my plan.
15 I've certainly had a number of people since I
16 started participating in the meeting and recent
17 months, that have asked me if I would ever consider
18 running for political office. That was never really
19 ever, ever part of my plan. But I want what's best
20 for the City that I love and the City that I live in
21 and that I have decided to die in. So, that's my
22 reasoning for putting my name forward.
23 MAYOR PETRILA: Thank you, sir.
24 MR. MAHOLLAND: Also, I might add that my
25 number one priority is to protect the interest of

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1 the citizens of St. Pete Beach.
2 MAYOR PETRILA: Commissioner.
3 COMMISSIONER GRAUS: What is your
4 professional background and are you retired? Are
5 you retired?
6 MR. MAHOLLAND: I am retired. My
7 professional background is that I was born and
8 raised in Maine. I joined the United States Marine
9 Core out of high school. I spent 11 years in the
10 Marie core. I was meritoriously promoted to every
11 rank up to gun sergeant. I served as an infantry
12 unit leader. I served as a drill instructor, senior
13 drill instructor, instructor of drill instructors in
14 San Diego, California.
15 A presidential security for Ronald Reagan
16 in Washington DC. I chose to start my own business
17 after I cobbled together a bachelor degree and was
18 too old to be commissioned in the Marie core.
19 However, I was accepted for the commission in coast
20 guard but I turned that commission down to start my
21 own business from a pickup truck and a few hundred
22 dollars. I grew that business to be a \$30 million a
23 year business that employed over 200 employees,
24 180,000 square feet of warehouse space and over a
25 hundred pieces of equipment.

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1 That after 34 years I sold that business.
2 I was approached by Berkshire Hathaway to purchase
3 my company. I think anybody that knows who Berkshire
4 Hathaway is, know they don't buy rag tie outfits.
5 And once I sold my business to Berkshire Hathaway, I
6 ultimately fully retired and I've been retired since
7 December of 2021. And I've been involved in any
8 ameroid of decisions that a business owner of the
9 scope and scale of the business that I owned, and
10 founded.
11 You know, everything from legal, to HR to
12 procurement, to you know commercial contracts,
13 government contracts, et cetera, et cetera. I've
14 been a high level decision maker. I've been
15 involved in high level negotiations in the private
16 sector where there's no SOP or any particular
17 guidance or legacy structure that exist to support
18 you while you're making those decisions. So that's
19 my background. A no nonsense guy. I do what -- I
20 make the decisions that I think is fair and best for
21 everybody involved.
22 COMMISSIONER GRAUS: Thank you.
23 VICE MAYOR GRILL: Thank you for sharing
24 that. Can you expand a bit on how you fell your
25 background or first, sorry let me ask a different

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1 way. Top 2 or 3 issues that you see that we have
2 here in the City and your views and how we could
3 approach them.
4 MR. MAHOLLAND: Well, as I previously
5 stated I think the number one issue that most -- I'm
6 sure everybody on the Commission has thought of this
7 as well as the attorneys and the City Manager. You
8 know based on the chaos that we have going on right
9 now with Form 6, we have a real threat as it relates
10 to our, the independence of our City.
11 You know, St. Petersburg I'm certain, I
12 own a condo or I still own a condo in Tierra Verde
13 that I rent out. I purchased one about 20 years ago
14 in Tierra Verde and St. Petersburg's been trying to
15 annex Tierra Verde for as long as I've owned over
16 there. I can't imagine that they're not going to use
17 this moment of weakness to try to annex our City.
18 So to me, the chaos has been created by
19 Form 6, creates the opportunity for whether it be
20 St. Petersburg or the State or whatever to take over
21 our City. So to me, that has jumped to number one on
22 our list. The complan is number two, I would say.
23 And protecting the residents of St. Pete Beach while
24 dub tails into the previous two is probably number
25 three with me.

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1 And I know beech replenishment, sun
2 runner, all those items that you folks have been
3 waiting through now for months and months. And you
4 know, I've messed maybe one meeting in the last
5 seven months, so I'm well aware of what you folks
6 have been dealing with.
7 MAYOR PETRILA: Okay, thank you. Yes, sir.
8 COMMISSIONER FRISZOLOWSKI: Thank you.
9 How -- remember I think you said you've been in St.
10 Pete Beach resident since 2007?
11 MR. MAHOLLAND: Yes. I owned a home on
12 Aloha Drive from 2007 until 2014. And I've owned a
13 home in Vina Del Mar since 2014.
14 COMMISSIONER FRISZOLOWSKI: Okay. Thank
15 you. And how have you been involved in the
16 community?
17 MR. MAHOLLAND: To be honest with you I
18 haven't been that involved because I trusted my city
19 officials. However, in recent months and you know
20 the Mayor could attest to this, I've attended a
21 number of his Mayor meetings or Mayoral meetings at
22 the library. And I have attended numerous, I think
23 I maybe missed one counsel meeting since, or
24 commission meeting I should say since April. So I've
25 been highly involved.

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1 Before that, I was perfectly happy to be
2 retired and keep getting along and getting along
3 because I kind of did my time. I served my country
4 for 34 years. I ran a highly successful business and
5 I just kind of wanted to be left alone but
6 unfortunately the world doesn't allow me to be left
7 alone. And for that reason, I've decided to step up
8 and I started getting engaged 7 or 8 months ago and
9 for that reason, I've been pretty involved.
10 I haven't volunteered for any boards
11 because I didn't really know how that process
12 worked. But what I do know is, I've been a
13 decision-maker. I've been involved in high leverage
14 negotiations numerous times in my life. Quiet
15 frankly, I'm highly qualified to be a commission
16 member. I don't want to seem arrogant or anything
17 like that but I'm not afraid to make tough
18 decisions.
19 I'm not afraid to piss people off. I'm
20 not worried about the slings and arrows from next
21 door. I'm just going to do, if selected, I'm just
22 going to do what's in the the best interest of the
23 City of St. Pete Beach and I will commit that during
24 this interim period that I will attend every single
25 commission meeting until special election in August

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1 barring, obviously a family emergency.
2 COMMISSIONER FRISZOLOWSKI: Good. Thank
3 you.
4 MAYOR PETRILA: So do you have any
5 conflicts with travel or time away or any issues
6 meetings be at all? I know I've seen you at
7 virtually every meeting but going forward from now
8 until August, are there any conflicts?
9 MR. MAHOLLAND: No. I, excuse me, I was
10 born and raised in Maine. My father is 87. My
11 mother's 81. I recently bought a home in Maine, in
12 Washington County, Maine that needs some work et
13 cetera, et cetera.
14 However, if I am selected for this
15 position, I will coordinate any trips that I have to
16 Maine barring a death or family emergency clearly.
17 I will coordinate any of those trips between any of
18 the commission meetings or any commitments that
19 would be necessary for this position. I just want
20 what's best for our City during this critical time.
21 MAYOR PETRILA: Thank you, sir. Any
22 further questions?
23 VICE MAYOR GRILL: Yes. I'll ask the same
24 question that was asked of the other candidates. And
25 it's really a two-part question. So, are you a

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1 member of any advocacy group or any other
2 organization in the City?
3 My second question is if you can speak a
4 little bit about how if we select you as
5 commissioner, you'll be representative of all the
6 residents within the district within your
7 constituency? I did look at the public records. I
8 did see that you made a financial contribution to
9 the Mayor's campaign.
10 So, we do know there's an agenda on the
11 platform was a no development platform. So, can you
12 talk about that a little bit and how you in this
13 role would be representative of all the views of all
14 the residents. I didn't say we have to agree on it
15 all but we represent as all of us do, people across
16 our districts and across the City.
17 MR. MAHOLLAND: Well, first of all Vice
18 Mayor Grill, my mind does not work as fast as yours.
19 And that's a complement. That's not a shot.
20 VICE MAYOR GRILL: Sure.
21 MR. MAHOLLAND: So I'll try to unpack that
22 one step at a time.
23 VICE MAYOR GRILL: Okay.
24 MR. MAHOLLAND: But if I miss something,
25 please double back on me.

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1 VICE MAYOR GRILL: No problem.
 2 MR. MAHOLLAND: I did commit -- I had no
 3 particular agendas in mind in March. When some of
 4 the Mayor's canvases reached out to me, excuse me,
 5 while I was outside working in my yard. I had a
 6 husband and a wife that approached me and said are
 7 you aware of Mayor Petrila or Adrian Petrila was
 8 running for Mayor. I said, yeah I don't know a lot
 9 about him. I'm not super crazy about Al Johnson and
 10 what he's done. But I don't really have an opinion.
 11 So those canvass sold me on what the
 12 mayor's direction was. I did a little research and
 13 said well you know I kind of like what this guy is
 14 putting forth. He seems aligned with where I'm at.
 15 Politically, I don't know. I think he's a democrat.
 16 I've generally been a moderate to conservative
 17 republican. But I want what's best for St. Pete
 18 Beach.
 19 So, when I started drilling down on it a
 20 little bit, I said you know what I kind of like
 21 where this guy's head is at compared to our current
 22 Mayor. So, for that reason I made a donation to him.
 23 And I will say, I donated to Donald Trump twice but
 24 I pray to God he's not our option for the next
 25 presidential election. So you know, I'm fair minded,

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1 the Commissioner Grill, no offense that was an
 2 incredibly unfair question. Because there was
 3 several commissioners sitting at this dais right now
 4 who have made contributions.
 5 But I did want to hear his response
 6 because I wanted to see how he responded under
 7 pressure and how he would respond under maybe
 8 unfriendly fire. So, I do understand where your
 9 question is coming from. But I don't think it was a
 10 fair question. We didn't ask the other ones about
 11 their political affiliations and donations --
 12 VICE MAYOR GRILL: Excuse me, Mr. Mayor.
 13 If I may.
 14 MAYOR PETRILA: I think it was important
 15 for him to show us exactly how he would respond
 16 under serious pressure and so I do appreciate that.
 17 VICE MAYOR GRILL: So, if I could clarify
 18 please. I think it was a fair question. I did not
 19 ask for political affiliation. I asked about -- the
 20 question was asked based on public record, which we
 21 all have access to. Those campaign records, so the
 22 public knows our public record that are available.
 23 They were available actually, they were public
 24 records request made by certain citizens. They're
 25 available on the City Clerk's public information

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1 I'm a no nonsense guy and I evaluate the situation
 2 and I make my decisions based on the situation.
 3 So, that's how I handled or turned out
 4 that I donated to the Mayor. I also recently donated
 5 once to Protect St. Pete Beach for just a general
 6 fund. Because it seemed like what they were
 7 supporting was aligned with my thought process.
 8 Didn't mean I was in total lockstep with them. I
 9 just meant that I liked what they were putting
 10 forward and I thought it was important that we have
 11 a voice in the community.
 12 So, I made a donation to St. Pete Beach or
 13 excuse me, Protect St. Pete Beach. And I
 14 subsequently and I'm going to follow this up, I
 15 subsequently made a donation for them to bring an
 16 expert in for this Sirata situation. Or I shouldn't
 17 say situation. That's not appropriate. For their
 18 cut. I have never attended a Protect St. Pete Beach
 19 function. I know a couple of the representatives
 20 well enough to say hi Joe Smith. How you doing. But
 21 I've never attended any of their functions.
 22 MAYOR PETRILA: I would like to say --
 23 sorry, go ahead.
 24 MR. MAHOLLAND: No, go ahead Mr. Mayor.
 25 MAYOR PETRILA: I would like to say and

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1 website.
 2 That's where I found the information. I've
 3 looked up all the candidates and Mr. Maholland and
 4 all residents are free to make political campaign
 5 donations as they see fit. I wasn't questioning
 6 that. And I don't know why you would interrupt that
 7 I questioned that. My question was, how will he be
 8 fair if he's shown that he has an affiliation to a
 9 certain thought process.
 10 That's fine. But it's important that our
 11 representatives represent all the residents, not
 12 just those that we agree with. I can tell you in my
 13 district, I have people that I disagree with from
 14 time-to-time. We don't always see eye-to-eye. I did
 15 not ask what his political party was. And those of
 16 you who know me, I've said many times, partisan
 17 politics have nothing to do with St. Pete Beach.
 18 And I'm dismayed that people continue to
 19 bring national level and State level politics and
 20 partisan politics into St. Pete Beach. It's not
 21 healthy for us. It won't help us. And it doesn't
 22 matter. What matters is that candidates that I'm
 23 going to vote on represent and I feel comfortable
 24 that they represent all the residents of their
 25 district.

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1 And you know, we don't have, I guess
2 someone has called it a, we don't stack the deck in
3 one particular way. We need to have people who are
4 fair, willing to stand up and willing to take a
5 difficult approach if necessary as I have. I hope
6 that clarifies.

7 MR. MAHOLLAND: I don't have a problem
8 with any of these questions to be perfectly honest
9 with you. It doesn't matter who I've donated to. It
10 doesn't matter who I've supported in the past. I'm
11 going make decision based upon the information that
12 is provided to me that I feel is in the best
13 interest of this City.

14 And certainly as I say, as a general
15 statement, I believe I'm aligned with the goals of
16 Protect St. Pete Beach but that does not mean and I
17 will look them in the eye because I know a number of
18 them are here now that does not mean I'm going to
19 rubber stamp whatever they want.

20 Will I absolutely appreciate and consider
21 anything that they put forward? Of course. I will
22 do that for any resident. I want what's best for
23 this City. As I say, I've been a pretty high level
24 decision-maker in some highly successful businesses
25 for many, many, many years. I've served in

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1 I was a highly successful business owner
2 and started a company from nothing and turned it
3 into a highly successful enterprise that Berkshire
4 Hathaway found interesting enough to purchase.

5 VICE MAYOR GRILL: Thank you. You
6 understood my question perfectly.

7 MAYOR PETRILA: Any further questions?
8 Thank you sir. Should we open up for audience
9 comments next?

10 COMMISSIONER FRISZOLOWSKI: I could use a
11 restroom break and just looking at the clock I
12 probably need to leave about a quarter after nine.

13 MAYOR PETRILA: Okay.

14 COMMISSIONER FRISZOLOWSKI: I just want to
15 make sure I can get my technology working for my
16 meeting.

17 MAYOR PETRILA: How many audience comments
18 do we have?

19 CITY CLERK: No one has submitted a card
20 to me. If anyone does desire to speak, I recommend
21 that they get a card and bring it up on the podium.

22 MAYOR PETRILA: All right. Five minute
23 recess. We'll be back at 8:46.

24 COMMISSIONER FRISZOLOWSKI: Thank you.
25 (Recess)

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1 government in the U.S. Marie core.
2 I've dealt with the U.S. State department.
3 I know how politics works. I know how the government
4 works. I don't necessarily respect how a lot of the
5 government works but I'm my own man. I'm going to
6 make my own decisions. And I'm going to do at the
7 end of the day, after I get all the facts, I'm going
8 to do what I believe is in the best interest of this
9 City.

10 I have no desire or I shouldn't say no
11 desire, I've obviously passed that threshold. I'm
12 not particularly motivated about putting my net
13 worth and every stock and bond that I own out in the
14 world for everybody to know what my assets are and
15 what I'm about. However, I'm willing to do that
16 because I want what's best for this City and what's
17 best overall for the residents of this City.

18 And that's who you all, as I know you
19 know, represent and that's if chosen who I'll
20 represent. And my decisions will be based on what I
21 feel is best and I have a long demonstrated history
22 of doing that in the private sector. I can talk
23 about the military and the marine core and all that
24 and I am a veteran. I'm not going to play that
25 card.

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1 MAYOR PETRILA: If we could please have
2 quite in the room. Excuse me, we are back in
3 session. Thank you. City Clerk, do we have any
4 audience comments?

5 CITY CLERK: We do, Deborah Sheckner.

6 MAYOR PETRILA: If you'll please state
7 your name and address for the record.

8 MS. SHECKNER: Good morning. Deborah
9 Sheckner. Boca Ciega Isle Drive in St. Pete Beach.
10 Number one; we cannot open this up because the City
11 Clerk stated after five clock yesterday, no more
12 resumes will be accepted. Number two; you're already
13 grabbing a replacement for that seat. So, then it's
14 unfair to everybody else. It was well advertised. I
15 sent out e-mails. It was on Nextdoor, on the City
16 website. Other people sent out e-mails. There's no
17 legal reason to open it up and that's improper and
18 inappropriate. Think about that. Also, I'd like to
19 mention, I hope everybody had a great Hanukkah,
20 Merry Christmas and happy new year.

21 MAYOR PETRILA: Thank you. Next comment.

22 CITY CLERK: Lisa Robinson.

23 MAYOR PETRILA: Good morning. If you'll
24 please state your name and address for the record.

25 MS. ROBINSON: Lisa Robinson. 7100 Boca

15 (Pages 54 to 57)

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1 Ciega Drive.
 2 As you know, I'm the only candidate for
 3 District 2 and I just want to say I have a problem
 4 with the process as far as opening it back up. I'm
 5 sorry that I was the only one that stepped up. It
 6 was well advertised. It was told by the City Clerk,
 7 it was 5 o'clock yesterday. And it's not my fault
 8 that nobody else decided to put it in. And not only
 9 that, you all chose the process for District 4 to
 10 stepdown. I find that unfair. Just stating for the
 11 record.
 12 MAYOR PETRILA: Thank you. Any other
 13 comments?
 14 CITY CLERK: Claudine Reece.
 15 MAYOR PETRILA: If you'll please state
 16 your name and address for the record.
 17 MS. REECE: Hello. Claudine Reece. 3120
 18 East Vina. So I would like to just correct the
 19 record perhaps is what I would like to do with
 20 Mr. Vice Mayor Mark Grill. As a representative of
 21 Protect St. Pete Beach, I would think that you would
 22 know because I know you do your research, we are not
 23 anti-development. We are pro checks and balances. We
 24 are pro representative of the community as well as
 25 the businesses. There should be a win, win and I

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1 lived here for close to 30 years.
 2 I've been involved in my community almost
 3 the whole time but I haven't always been attending
 4 all of the commission meetings. So, I am fairly new
 5 to this and I appreciate everybody, no matter your
 6 opinion, I appreciate your time and your dedication.
 7 So, this is not an attack on anyone and your
 8 performance. This is us trying to work together. So,
 9 yes I suppose I should have said that I'm here as a
 10 lobbyist.
 11 VICE MAYOR GRILL: And I just want to
 12 clarify, I never asked anybody's political
 13 affiliation. It was Mr. Maholland who decided to
 14 share that. Share which candidates he supports. I
 15 have gone on the record and you know multiple times,
 16 at my dismay that partisan politics are being driven
 17 down to this City.
 18 It adds to the dividedness and that's just
 19 my personal opinion. This is not meant and I don't
 20 think I ever mentioned Protect St. Pete Beach in any
 21 donation. That was Mr. Maholland who mentioned that.
 22 As the City Attorney had said earlier, we need to
 23 understand from all the candidates what, if they
 24 have any affiliation with any advocacy groups.
 25 MS. REECE: I completely --

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1 know we've stated this before.
 2 I know that probably many of the
 3 candidates have donated to past Mayors, to this
 4 Mayor. I understand that you want to understand
 5 their affiliation and where their mindset is, but I
 6 feel that was an unfair representation. And I also
 7 would like to add that in our group, Protect St.
 8 Pete Beach, we have every party.
 9 We have democrats. We have republicans.
 10 We have the green party. We all work together. This
 11 is not about national politics. This is about the
 12 best thing that's for our City and for the residents
 13 as well as for a flourishing tourist industry. So, I
 14 just wanted to make myself clear so that you
 15 understand and that everybody listening understands
 16 that's our mindset. We want a win, win situation
 17 with everyone. Thank you.
 18 MAYOR PETRILA: Thank you.
 19 VICE MAYOR GRILL: Mr. Mayor, can I ask
 20 one question for clarity? Are you speaking today as
 21 a registered lobbyist on behalf of an organization
 22 or as an individual?
 23 MS. REECE: I didn't think to put myself
 24 as a lobbyist on the card but I suppose that's how I
 25 should have done it. I'm very new at this. I've

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1 VICE MAYOR GRILL: That was the purpose of
 2 my question. If it was interpreted by you as
 3 speaking on behalf of the organization that I was
 4 some how attacking for the organization, I'll state
 5 for the record that was wrong.
 6 MS. REECE: Okay.
 7 VICE MAYOR GRILL: I just wanted to get it
 8 out there so we --
 9 MS. REECE: Okay.
 10 VICE MAYOR GRILL: -- understand what the
 11 candidates frame of reference is. Thank you.
 12 MS. REECE: Thank you.
 13 MAYOR PETRILA: Thank you. Do we have any
 14 further audience comments? Okay. We'll close the
 15 audience comments. So, I mean I think we have, we
 16 have three candidates. I'll speak for myself
 17 personally. If I had to narrow it down based on
 18 experience, based on the answers to the questions,
 19 based on the longevity of residents and more
 20 importantly, community involvement, I would feel
 21 more personally with Mr. Lorenzen and Mr. Maholland.
 22 Between those two individuals, I think
 23 they both have admirable public service qualities
 24 and experience serving in our nation. So we
 25 certainly appreciate their service in that. You

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1 know, it would be hard press to really have two
2 better highly qualified individuals and then we're
3 certainly grateful of them stepping up.
4 My recommendation and based on two
5 criteria would be to nominate Mr. Maholland. First
6 criteria, being the ability to be at the meetings
7 without any reservation. And the second reason over
8 Mr. Lorenzen, which again I cannot state how any
9 other day, you know, my vote would be for you. But
10 the other reason is because of Mr. Maholland's
11 continuous involvement in the City Commission
12 meetings in the last 7 to 8 months.
13 You know, I've personally have noticed
14 him, you know, in the audience. We really not have
15 any other interactions. I haven't talked to him this
16 week at all or any other time other than when he's
17 been to the mayors. But because of the number of
18 conflict issues that we have been dealing with, that
19 we are going to be dealing with, I personally feel
20 more comfortable with Mr. Maholland being up to
21 speed as to where we are today. And not having to
22 be caught up and going back and watching meetings.
23 Again, please do not take this you know
24 other than to say you know Mr. Lorenzen, for
25 example, didn't know about the meeting we had just

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1 these past couple of days. And so you know because
2 of that, my recommendation would be and so I would
3 nominate Mr. Joe Maholland for District 4. I'll
4 make that motion.
5 COMMISSIONER FRISZOLOWSKI: While I
6 appreciate your comments Mayor, I do echo a few
7 things that it's great to see that we have three
8 people, three qualified people that want to step up.
9 When I've listened to everything, I would prefer to
10 appoint Richard Lorenzen. He's been more active in
11 the community over a longer period of time. And so
12 that would be the direction that I would like to go
13 in.
14 VICE MAYOR GRILL: Thank you. First, I
15 would -- is this on?
16 MAYOR PETRILA: Yeah.
17 VICE MAYOR GRILL: I would first like to
18 thank all the candidates for stepping up. It's good
19 to see that we have three candidates even though as
20 we've discussed it wasn't in a compressed time. We
21 always appreciate people standing up and you know,
22 as we move forward. And I've been through this
23 process on the other side. There's also plenty of
24 opportunities. So, we're always looking for good
25 people at the city level to get involved with the

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1 city with our advisory boards and or commission
2 seats.
3 Or just being involved in the City, not in
4 a formal manner but just being involved in sharing
5 thoughts and comments. I would echo that you know I
6 believe Mr. Lorenzen and Mr. Maholland have
7 excellent -- both have very good backgrounds and
8 excellent experiences. A little bit different and a
9 little bit of a different approach. Or different
10 experiences it would give them a different approach
11 should say to the commission seat.
12 I think Ms. Bonzle, I appreciate her
13 stepping up and I thank the opportunity for her in
14 the future. I'm going to continue to think a little
15 bit and I'd like to hear colleague, excuse me,
16 comments from my colleague before I cast my final
17 vote.
18 COMMISSIONER GRAUS: Just real quick, I'd
19 like to say thank you to all the applicants. Also,
20 I appreciate everybody stepping up. I think we have
21 three great options and Ms. Bonzle, I think the only
22 downside is maybe the opportunity of not being here
23 all the time. That was my mainly only downside to
24 that. And of the other two candidates, again thank
25 you both again to our service to our country. I

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1 appreciate that but I have a tendency to lean
2 towards nominating or looking to appoint
3 Mr. Lorenzen.
4 CITY CLERK: We do have a motion on the
5 floor. We have a motion on the floor so we can't
6 have another motion until that one dies or is
7 amended.
8 COMMISSIONER FRISZOLOWSKI: I would like
9 to hear a little bit more from Commissioner Grill.
10 VICE MAYOR GRILL: Sure. Look, I think
11 both candidates have good experiences but as I
12 listen through. I mean, this is a tough decision and
13 that's a good thing because we've got two good
14 candidates. But listening through I think I would --
15 I think the background from Mr. Lorenzen and his
16 involvement, I would cast my vote for him.
17 COMMISSIONER FRISZOLOWSKI: So having said
18 that I would prefer if the Mayor would be so
19 inclined to withdraw your motion because I'd rather
20 this be positive thing instead of a negative thing.
21 So respectfully.
22 MAYOR PETRILA: I will withdraw my motion.
23 COMMISSIONER FRISZOLOWSKI: Thank you,
24 sir. I will make a motion to appoint Richard
25 Lorenzen to District 4 Commissioner.

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1 COMMISSIONER GRAUS: Second.
2 MAYOR PETRILA: City Clerk, if you'll
3 please do a role call.
4 CITY CLERK: Commissioner Friszolowski.
5 COMMISSIONER FRISZOLOWSKI: Yes.
6 CITY CLERK: Commissioner Graus.
7 COMMISSIONER GRAUS: Yes.
8 CITY CLERK: Vice Mayor Grill.
9 VICE MAYOR GRILL: Yes.
10 CITY CLERK: Mayor Petrla.
11 MAYOR PETRILA: For the reasons stated
12 previously, no.
13 CITY CLERK: Motion carries.
14 MAYOR PETRILA: Thank you. I think we have
15 two things we need to clarify really quick before we
16 adjourn.
17 CITY CLERK: Please. That would be
18 helpful.
19 MAYOR PETRILA: I'm not sure which two
20 things you're referring to.
21 CITY CLERK: I'm talking about the
22 reopening because I have to do a whole new
23 advertising and the schedule.
24 MAYOR PETRILA: So, first is the
25 attendance via Zoom. As we discussed that the

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1 meeting on Monday, I will not be no town next week.
2 So, I would be attending via Zoom and per the
3 decision we made on Monday, was that I will be
4 allowed to vote while I may not count towards the
5 quorum.
6 And so, I just wanted to clarify that
7 because we had that conversation earlier. So while I
8 understand what you said for general meetings for
9 these coming meetings next week, we made that
10 decision this past Monday. So, I just wanted to
11 clarify that. The second part is about reopening. In
12 the normal process of you know, putting your name
13 forward to being a commissioner mayor, we have a
14 declaration period. Which is any number of days.
15 Your responsibility is to put your name in the hat
16 during that period.
17 If you do not do so, so we had you know
18 our qualifying period last November. It was open
19 for a week. People knew about it. Those who wanted
20 to. Again, there were several, you know there was
21 one that ran unopposed. If somebody now wanted to
22 come and say hey I would like to put my name in the
23 hat for the March election, that window has closed.
24 And so, my recommendation would be that we do not
25 reopen the qualifying period for the remaining three

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1 seats.
2 That period was open, everybody had the
3 opportunity based on the number. I mean we had four
4 people apply for 1st District and three for the
5 other. Obviously, people were aware of it. People
6 you know notified of it. I do not see any reason to
7 reopen that. We already have a lot in front of us to
8 do. And this will just unnecessarily burden the
9 process. So, my recommendation is that we leave it
10 closed as we had previously decided.
11 Because the conversation we had was
12 because if we did not have any candidates applying,
13 then we might reopen it. But that's not been the
14 case. We've had candidates for every -- for all four
15 districts. If anybody else had been interested in
16 District 2, I'm certain that they would have stepped
17 forward.
18 COMMISSIONER FRISZOLOWSKI: So, I
19 respectfully disagree. I think that you know Mike
20 got in late. We've heard it sort of time and time
21 again. He heard from potential commissioners is
22 let's do what's in the best interest of the City.
23 This is a unique situation. This is not a regular
24 election. This is totally different than that.
25 Someone could have been on vacation. Someone could

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1 have had personal issues.
2 And so why not in the best interest of the
3 City and we heard it from our City Attorney that it
4 would be perfectly legal, I think it's not only a
5 good idea, I think it's a great idea to open it up.
6 It's not more complicated. How long did it take us
7 to look at these resumes? I think we're all smart
8 enough to be able to do that pretty quickly and I
9 would rather do that and open it up for next week.
10 COMMISSIONER GRAUS: I agree with
11 Commissioner Friszolowski. I would like to see it
12 opened up again just in case we have more
13 applicants. Like you said, there could have been
14 emergency situations and just to try to get as much
15 input we can I think is a good thing.
16 VICE MAYOR GRILL: I would echo that. I
17 raise the concern question at the beginning of the
18 meeting about whether we could be as considered
19 interim only to buy us basically extend the clock.
20 Is there a way that -- I mean we're running at the
21 speed of light here. Our qualifying period is
22 usually longer. I know people are familiar with the
23 elections. People are aware when the positions will
24 be opening and we did this in I think 48 hours. So,
25 I think that's extremely fast.

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1 And we, no criticism on anybody, we went
2 out and put out as many feelers and as many e-mails
3 and telephone calls et cetera as we could. But did
4 it reach everybody? And we know that even despite
5 our best efforts, there's still some people I'm sure
6 today some residents going I didn't know this was
7 happening. So and they might have put up their
8 hands. So, I leave it at that. I guess can we hear
9 from the City Attorney on this?

10 CITY ATTORNEY: Yes. This is part of, one
11 part of the problem with this the new law. Is that
12 I don't think they took into consideration the
13 difficulty it is to find people that want to serve
14 in this capacity. It's hard enough getting people
15 on board and committees. And so I would take
16 whatever steps are necessary to keep -- to open the
17 field as much as possible, for as long as possible
18 with the understanding we're going into a Christmas
19 weekend.

20 All of us are planning Christmas might
21 have Christmas plans. But I see no reason why we
22 can't and you talked about it at the last meeting
23 reopening it. So, obviously the people that have
24 already submitted their names thank you. It would
25 be great if we have more to choose from. That at

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1 those meetings. I've made every allowance to make
2 sure that we address this.

3 I think it's unfair to the candidates for
4 all three remaining districts that we reopen it. The
5 qualifying period was opened, it was closed, we had
6 people submitting stuff. The last one I saw was at
7 4:58. Clearly, people knew and there was several
8 that it seems they waited until the last minute
9 until they saw who else put their names in and they
10 get in just in by the deadline.

11 I think it is unfair to those candidates.
12 Just like the regular election, you wouldn't reopen
13 it just because only Res Niki put her name in for
14 District 3, she's commissioner elect. Now, somebody
15 else wants come in, sorry that window has closed. We
16 have to have a fair process for everyone. We've had
17 a fair process. To reopen it now, opens a can of
18 worms and now the process is no longer fair. And so
19 again, my recommendation is we move forward as is.

20 I think we should set a schedule for which
21 districts we want to tackle on which day. So we have
22 that in the next five minutes since Commissioner
23 Friszolowski needs to -- so I would say which
24 commissioners do we want to tackling on Tuesday?
25 Which on Wednesday, which on Thursday and then

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1 least some how, softens the blow of having almost
2 nearly a complete appointed commission.

3 So, I would stick to our recommendation
4 that we reopen it and see if anybody else who may
5 not have heard of it or at least on the verge of
6 thinking or at least on the fence. And how has had
7 the opportunity to watch this process and maybe
8 interested in getting involved. I think that's the
9 fairest thing.

10 VICE MAYOR GRILL: So we do reopen then?

11 COMMISSIONER GRAUS: Do we need a motion
12 to reopen the process?

13 MAYOR PETRILA: Again, I think it's unfair
14 to reopen it. We had a qualifying period. Everybody
15 had the opportunity. And the challenge we're having
16 is that we're scrambling at the last minute to make
17 these decisions. We knew about Form 6 and if y'all
18 want to take offense to this, I apologize in
19 advance. We knew about Form 6 months and months in
20 advance.

21 There's no reason to leave this to the
22 very last commission meeting of the year for us then
23 to have seven emergency commission meetings in a
24 seven, in a two-week period. Where I've committed to
25 while I'm out of the country on vacation to attend

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1 leaving Friday for the emergency.

2 COMMISSIONER FRISZOLOWSKI: Let's clarify
3 District 2. We've heard from all of us. We've heard
4 from our City Attorney. I guess I would like to
5 clarify what's it going to take to make sure that
6 district is opened up?

7 MAYOR PETRILA: Why only that district?

8 COMMISSIONER FRISZOLOWSKI: All three of
9 them. I think.

10 MAYOR PETRILA: What does it serve? We had
11 the qualifying period.

12 COMMISSIONER FRISZOLOWSKI: Mayor, I have
13 about four minutes now.

14 MAYOR PETRILA: Sure.

15 COMMISSIONER FRISZOLOWSKI: And I think
16 we've all made our positions clear. It's in the best
17 interest of the City.

18 COMMISSIONER GRAUS: Do we need to make a
19 motion to open?

20 CITY CLERK: Yes.

21 COMMISSIONER FRISZOLOWSKI: I'll settle
22 with that.

23 COMMISSIONER GRASU: Second.

24 CITY CLERK: Commissioner Graus.

25 COMMISSIONER GRAUS: Yes.

19 (Pages 70 to 73)

Array
(844) 817-1080

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1 CITY CLERK: Vice Mayor Grill.
2 VICE MAYOR GRILL: Yes.
3 CITY CLERK: Commissioner Friszolowski.
4 COMMISSIONER FRISZOLOWSKI: Yes.
5 CITY CLERK: Mayor Petrila.
6 MAYOR PETRILA: No.
7 CITY CLERK: Motion carries.
8 MAYOR PETRILA: What does the motion open?
9 CITY CLERK: I can't hear, I'm sorry
10 Mayor.
11 MAYOR PETRILA: What was the motion
12 please? Can you please read it for us?
13 CITY CLERK: Did you say reopen all of
14 them?
15 COMMISSIONER FRISZOLOWSKI: Yes.
16 CITY CLERK: That was the last thing that
17 was stated, right?
18 COMMISSIONER FRISZOLOWSKI: Except for 4.
19 CITY CLERK: Right. Well yeah 4, right.
20 Because you voted on that.
21 MAYOR PETRILA: That's my understanding.
22 CITY CLERK: That's what I understood the
23 motion to be. Reopen all three.
24 VICE MAYOR GRILL: And for the record
25 Mr. Mayor I do take offense at your comment. I

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1 didn't sit on this until the last minute. This is
2 one of the most difficult decisions in my life that
3 I had to make. I don't look at this lightly.
4 I didn't do this personally to cause chaos
5 in the City. Yes, we knew this was coming. I looked
6 at every opportunity to try to find a way to stay in
7 this seat. And in my personal – the way my
8 finances are structured, I'll be very blunt, I have
9 a lot to put on that form. I'm proud of that fact.
10 I'm not hiding anything from anybody, as I've been
11 accused of. I haven't structured my finances in a
12 way that I don't have a lot to put on there. I'll
13 just say that for the record. Let's move on please.
14 ASSISTANT CITY ATTORNEY: Can we just get
15 a point of clarity, when is the deadline?
16 CITY MANAGER SAUDERS: It should be to
17 open.
18 CITY CLERK: All of this does fall on me.
19 Just so that we're clear. I have to redo everything
20 that I've already done. So I do need some direction
21 because --
22 VICE MAYOR GRILL: It's Tuesday at
23 2:00 p.m. is the scheduled meeting.
24 CITY CLERK: Okay. Well last time all you
25 said was December 20th. So, I came up with 5:00 p.m.

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1 MAYOR PETRILA: No, I said end of business
2 December 20th.
3 CITY CLERK: Okay. Well end of business
4 would have been 4:30. But I decided 5:00 clock just
5 to be in the business regular for regular people. So
6 yes if I could have better clarity please.
7 COMMISSIONER GRAUS: Next meeting is
8 Tuesday, 2 o'clock. Noon on Tuesday.
9 VICE MAYOR GRILL: I would agree with the
10 holiday weekend to give people until noon.
11 MAYOR PETRILA: Yup I would agree. Is
12 that feasible? Is that just for the person that
13 we're nominating on Tuesday or is that for all of
14 them?
15 CITY CLERK: Yeah because I don't want to
16 be doing this every time. It is a lot of work and
17 I'm not saying that I won't do it or can't do it. I
18 will do it and I'll make it happen but I would like
19 some consideration for the effort that is --
20 ASSISTANT CITY ATTORNEY: So, if I may
21 make a recommendation and it's up to the Commission
22 but why don't you keep it open, okay, until the
23 position's filled.
24 CITY CLERK: Okay.
25 ASSISTANT CITY ATTORNEY: And that's

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1 just --
2 MAYOR PETRILA: So if somebody --
3 ASSISTANT CITY ATTORNEY: Okay but the
4 deadline for -- and you're about to layout what
5 district is it. So the deadline for the district
6 will be an hour before the meeting.
7 MAYOR PETRILA: Noon.
8 ASSISTANT CITY ATTORNEY: Okay or noon
9 before the meeting. So, if we're doing District 2
10 on Tuesday, then submissions are open until noon and
11 at that point no more submissions but then 3 and 1
12 are still open.
13 VICE MAYOR GRILL: Well, if the meetings
14 are at 7:30 in the morning, it would have to be the
15 day before.
16 ASSISTANT CITY ATTORNEY: Well that was
17 based on Commissioner Marone's availability who's no
18 longer here. So, we can also move those meetings.
19 Sorry Amber, I'll help you with notices.
20 MAYOR PETRILA: No. We're not moving the
21 meetings. I think at this point we've notified them.
22 I made special arrangements to be available for the
23 meetings.
24 VICE MAYOR GRILL: Yeah, no moving.
25 ASSISTANT CITY ATTORNEY: It's just a

20 (Pages 74 to 77)

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1 suggestion. I'm not the decision-maker here.
2 VICE MAYOR GRILL: So, we leave the
3 meetings as scheduled.
4 COMMISSIONER GRAUS: Are we going make a
5 decision on which districts we're going to do at
6 each meetings? I know Commissioner Friszolowski
7 needs to move on.
8 COMMISSIONER FRISZOLOWSKI: Yes.
9 VICE MAYOR GRILL: We started with 4 and
10 go 3, 2, 1.
11 COMMISSIONER FRISZOLOWSKI: I um, just
12 trying to think this thing through. Out of respect
13 for the commissioner elect and District 3, I don't
14 know how much time she needs and I think it would be
15 best to leave that one last only because the more
16 time that's available for that, just kind of my
17 thinking, so.
18 COMMISSIONER GRAUS: I think 1 should be
19 ready to go.
20 MAYOR PETRILA: So, we can do one on
21 Tuesday. Two on Wednesday. Three on Thursday.
22 VICE MAYOR GRILL: Yes.
23 COMMISSIONER FRISZOLOWSKI: 1, 2, 3?
24 MAYOR PETRILA: Yes.
25 COMMISSIONER FRISZOLOWSKI: Okay.

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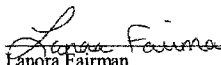
1 MAYOR PETRILA: Yeah.
2 COMMISSIONER FRISZOLOWSKI: Okay.
3 CITY CLERK: So then, applications for
4 District 1 will close noon on the 26th. What about
5 for Districts 2 that starts at 7:30 and District 3
6 at 7:30? Do you want it 5:00 clock the day before
7 you know before I forward them to you?
8 MAYOR PETRILA: What time do you normally
9 leave if you don't mind me asking? I know next week
10 is a holiday weekend so maybe 2 or 3 o'clock to make
11 sure you have plenty of time to post them.
12 CITY CLERK: Yeah.
13 MAYOR PETRILA: If it's 5 o'clock it will
14 be past your --
15 CITY CLERK: It would be helpful. Yeah it
16 is more time consuming to post to the website than
17 it is to forward. But I understand we need to be
18 doing that for public. So, it would be helpful at
19 noon Mayor, yes.
20 MAYOR PETRILA: Okay.
21 VICE MAYOR GRILL: So noon the previous
22 day?
23 CITY CLERK: Correct. So Tuesday would be
24 noon Tuesday. Because I'm not working on Christmas,
25 I'm sorry.

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1 VICE MAYOR GRILL: No.
2 CITY CLERK: So, noon Tuesday but then
3 Tuesday would be noon for 1 and 2 and then noon
4 Wednesday for District 3.
5 MAYOR PETRILA: Okay. Thank you. Any
6 further discussion or comments? All right. We are
7 adjourned.
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1 REPORTER'S CERTIFICATE
2 TRANSCRIPTION OF AUDIO RECORDING
3
4 I, Lanora Fairman, the undersigned
5 Certified Shorthand Reporter in and for the State of
6 Texas, do hereby certify that the above and
7 foregoing pages are a true and correct transcription
8 of the audio recording to the best of my ability to
9 understand and decipher the words and identify the
10 speakers based on information provided.
11 I further certify that I am neither
12 attorney or counsel for, related to, nor employed by
13 any parties to the action in which this testimony is
14 taken and further, that I am not a relative or
15 employee of any counsel employed by the parties
16 hereto or financially interested in the action.
17 SUBSCRIBED AND SWORN TO under my hand and
18 seal of office on this 7th day of January, 2024.
19
20
21
22
23
24
25


Lanora Fairman
Expiration: July 12, 2027
Array
Firm Registration No. 795
14615 Benfer Road
Houston, Texas 77069




EXHIBIT 1-D-3

AUDIO TRANSCRIPTION OF
ST. PETE BEACH CITY COMMISSION MEETING
DECEMBER 26, 2023

VICE MAYOR GRILL: These on? Hello.
Hello. Okay. Hello. Okay. Good. All right. Good
afternoon. I'd like to call this meeting to order.
It is December 26, 2023. It is 2:01 a.m. This is a
special meeting of the City Commission of St. Pete
Beach. I'd like to remind everybody to please
silence your phones and any electronic devices and
please maintain proper decorum through the meeting.
And please let's all stand and do the pledge of
allegiance.

I pledge allegiance to the flag of the
United States of America and to the republic for
which it stands, one nation, under God, indivisible,
with liberty and justice for all.

VICE MAYOR GRILL: And since I forgot, I
will gavel the meeting open. City Clerk, can you do

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1 role call please.
2 CITY CLERK: Vice Mayor Grill.
3 VICE MAYOR GRILL: Here.
4 CITY CLERK: Commissioner Friszolowski.
5 COMMISSIONER FRISZOLOWSKI: Here.
6 CITY CLERK: Commissioner Lorenzen.
7 COMMISSIONER LORENZEN: Here.
8 CITY CLERK: Commissioner Graus.
9 COMMISSIONER GRAUS: Here.
10 CITY CLERK: Mayor Pettila.
11 MAYOR PETRILA: Here.
12 CITY CLERK: We have a quorum.
13 VICE MAYOR GRILL: Very good. Thank you.
14 So, I'd just like to state that today's agenda has
15 one item and that's to address the previously
16 announced resignation of the District 1
17 commissioner. Commissioner Graus, and if that
18 happens well then we'll continue with an interview
19 process with perspective candidates and select an
20 interim commissioner. Do we have any changes to the
21 agenda, if not, can I have a motion?
22 COMMISSIONER FRISZOLOWSKI: So moved.
23 COMMISSIONER GRAUS: Second.
24 VICE MAYOR GRILL: City Clerk, can we have
25 a role call vote please.

Page 3

1 CITY CLERK: Commissioner Friszolowski.
2 COMMISSIONER FRISZOLOWSKI: Yes.
3 CITY CLERK: Commissioner Lorenzen.
4 COMMISSIONER LORENZEN: Yes.
5 CITY CLERK: Commissioner Graus.
6 COMMISSIONER GRAUS: Yes.
7 CITY CLERK: Vice Mayor Grill.
8 VICE MAYOR GRILL: Yes.
9 CITY CLERK: Mayor Pettila.
10 MAYOR PETRILA: Yes.
11 CITY CLERK: Motion carries.
12 VICE MAYOR GRILL: Okay. So, before we get
13 started, I also wanted to have a quick discussion
14 with the commission members on just some ground
15 rules for the process. And these are either things
16 that we've done in the past as a commission in
17 similar situation. And the first one is should all
18 the candidates be in the room at the same time, or
19 should they sit in the City Clerk, excuse me, the
20 City Clerk's office until we have the deliberation
21 by the Commission?
22 And the reason being so that one
23 candidate -- we will go in alphabetical order as we
24 did for District 4. So, one candidate certainly the
25 second and third candidates don't hear the

Page 4

1 questions. I just wanted to have that discussion and
2 see what anyone else thought.
3 COMMISSIONER GRAUS: Well, the fact that
4 we had everybody in the same room when we did
5 District 4, I don't know if that has any bearing on
6 the situation or not.
7 COMMISSIONER FRISZOLOWSKI: I tend to
8 agree. I think had we started it over again, we
9 might consider you know having people out of the
10 room but we didn't do it last time. I'm not really
11 sure it made much of a difference. So, I mean I'm
12 okay with doing it the way we did the first time.
13 COMMISSIONER LORENZEN: Yeah, I agree as
14 well. I think to be consistent and fair since that's
15 how it happened last time.
16 VICE MAYOR GRILL: Okay. And Mayor, any
17 comment?
18 MAYOR PETRILA: Let's stay consistent.
19 VICE MAYOR GRILL: Okay, very good. I also
20 just wanted to ask if we should set a time limit for
21 each candidate? Does anyone have any feelings on
22 that or do we just see how it goes?
23 COMMISSIONER FRISZOLOWSKI: Well, I think
24 as the Chair if you just control it so that people
25 aren't repeating themselves. I think this is mainly

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1 controlled by us asking questions. So, I kind of
2 hate to put a time limit on it when -- I mean we're
3 really going to be in control of that by the kind of
4 questions.
5 At least that's the way we did it last
6 time. We have their resumes. In some cases, cover
7 letters, and if we're going to be consistent with
8 last time, we didn't really allow them to open up
9 with any comments. We just started up right away
10 with questions.
11 VICE MAYOR GRILL: Okay. I just wanted to
12 put it out there and make sure.
13 COMMISSIONER GRAUS: Okay.
14 VICE MAYOR GRILL: And then the last item
15 is I've received some questions what happens --
16 you'll have four commissioners, what happens if
17 there's a tie? What's the process when there's a
18 tie? If the vote comes down to a tie, I should say
19 and we will continue to deliberate until we come to
20 a conclusion. And/or if it gets, excuse me, if the
21 time runs too long, we will leave the position
22 vacant and come back to it. But I don't anticipate
23 that happening but those have been some questions
24 that I've been asked in the last few days. So, let's
25 move forward.

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1 I guess now is the time Commissioner
2 Graus, you had expressed your intent to resign at
3 this meeting. And I just wanted to double check if
4 that's still your intent.
5 COMMISSIONER GRAUS: That's correct. I
6 still - I still do feel that way. And before I do
7 actually resign, I'd just like to say a couple of
8 things real quick if I could. First of all, it's
9 been an honor and a pleasure to serve the residents
10 of St. Pete Beach for these last four years. I was
11 elected the first time on March 17, 2020. And then
12 on March 20th of 2020, the world shutdown. So that
13 is not how I envisioned starting this situation here
14 and this is not how I envisioned ending it.
15 I'd just like to say thanks to everybody;
16 City Staff, all the city employees, past and present
17 that I've worked with. You've all been a tremendous
18 help to me and I really appreciate that. I have to
19 say thanks to my wife. This sometimes can be a time
20 consuming and a little stressful job, and she put up
21 with me for four years. So I have to say thank you
22 to her for that. And then just lastly, myself and
23 Commissioner Friszolowski who I have to say thank
24 you too also for 32 years of service for this City.
25 You've made a tremendous impact on this City.

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1 We weren't running for reelection but the
2 fact that because of Form 6 that we have lost
3 Commissioner Marone and going to be losing
4 Commissioner Grill, I think is a huge loss to the
5 City. And I just wish it didn't have to happen that
6 way. So with that, I officially resign.
7 VICE MAYOR GRILL: Well, thank you very
8 much for your service. It's very much appreciated.
9 Don't be a stranger.
10 MR. GRAUS: It's been my pleasure.
11 VICE MAYOR GRILL: Okay. So moving
12 forward now that we have a vacancy in the
13 commission, I will proceed with the agenda item to
14 interview the three candidates who submitted their
15 interest to be the Interim Commissioner for District
16 1. I will proceed in alphabetical order.
17 CITY CLERK: I did receive --
18 MAYOR PETRILA: Before we proceed I would
19 like to make a comment.
20 VICE MAYOR GRILL: Sure.
21 MAYOR PETRILA: So it seems that we have
22 three willing to step in to fill the temporary
23 vacancy until the election in March. Two of the
24 individuals who put their names forward are the
25 candidates who are going to be on the ballot.

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1 I would recommend to the Commission that
2 we do not interview Karen Marriott and Lisa Reich.
3 That decision should be put to the voters in March.
4 They're both candidates. If we were to select one of
5 those two individuals, one who will be getting an
6 unfair advantage in the upcoming election. And be
7 making them essentially be incumbent and second you
8 perceive that as interfering with the election.
9 Because those are the two candidate who
10 put their their names on the ballot and if the
11 Commission steps in and decides to pick one of those
12 over the other, essentially the Commission will be
13 making the decision rather than the voters. Now, any
14 other districts will have the luxury of having the
15 vote coming up in two and half months. So that's a
16 different situation. But in this particular district
17 having two candidates on the ballot, I think we
18 should eliminate both Karen and Lisa from this
19 discussion today.
20 COMMISSIONER FRISZOLOWSKI: Mr. Vice
21 Mayor.
22 VICE MAYOR GRILL: Yes.
23 COMMISSIONER FRISZOLOWSKI: Thank you
24 Mayor. I appreciate that but maybe I'll give a
25 little different view on that. First of all, I think

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1 at the last minute it's we're about to select
2 someone.
3 I'm kind of surprised this is brought up
4 at the last second though. Then you're effectively
5 not giving the Commission a choice, which I think is
6 not good. That's one thing. Another thing is, this
7 has been done in the past. There was a vacancy for
8 mayor, someone selected, that person ran for office.
9 And you know you, may think that someone's going to
10 have an unfair advantage, that, that goes both ways.
11 Whoever is, if we select one of those two,
12 and they do a good job, they might be elected. It
13 may work the opposite way too. So I think there's
14 just a little bit way of thinking about that. So,
15 I'd like to proceed as we had outlined a couple of
16 days ago. Listen to all three and make a decision.
17 MAYOR PETRILA: I'd like to hear from the
18 Commission from District 4, please.
19 VICE MAYOR GRILL: Yes, I'll chair the
20 meeting and I'll get comments from everybody
21 appropriately. So, Commissioner Lorenzen.
22 COMMISSIONER LORENZEN: Yeah. Absolutely.
23 Thank you. I tend to side with Commissioner
24 Friszolowski. I guess I could look at it this way
25 I'm running for reelection if I choose to do it in

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1 August. So, that would give me five months of an
2 advantage. So I kind of think it's even, even. And
3 I think we should keep it the way we have it setup
4 for now.
5 VICE MAYOR GRILL: Thank you. I'll give my
6 view and then I will ask the City Attorney for his
7 comments and I'll ask the question for the City
8 Attorney. But I can tell you that I was -- I
9 believe I was the last candidate until recently to
10 be appointed on an interim bases. I had the pleasure
11 of sitting in the room, just as our candidates are
12 sitting today and interviewing in public and being
13 named as the interim commissioner.
14 And it is both sides. You do a good job,
15 then people get to see that you do a good job. On
16 the other hand, if you don't do a good job, things
17 will come out that maybe if you ran a campaign, they
18 might not have not come out. So, I think it's the
19 right process. It's unfortunate that we are where
20 we are in these unprecedented times. But I think
21 this is the fairest way to move it forward. And to
22 the City Attorney --
23 MAYOR PETRILA: It isn't the fairest way.
24 The fairest way is let the voters to decide in two
25 and half months, you know. We have plenty of time

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1 for people to put their name forward back in
2 November. We had two candidates.
3 Those two candidates should be decided by
4 the voters, not by us. The Commission shouldn't be
5 making the decisions on behalf of the voters. If we
6 did have a situation where the voters would get an
7 opportunity in some point in the future, that's
8 fine. And I do take both of your points that if you
9 come do a terrible job, you know, you're just in
10 much in jeopardy as putting another person if they
11 come and do a good job.
12 But the question here is whether the
13 Commission should be making the decision on behalf
14 of the voters.
15 VICE MAYOR GRILL: Well if --
16 MAYOR PETRILA: That's really the issue
17 because now we're going to be directly interfering
18 in the election that's already scheduled on the
19 books. That's exactly what's going to happen if we
20 pick any one of those two candidates.
21 COMMISSIONER FRISZOLOWSKI: Wait, wait, I
22 got to say something. Mayor, interference, that's
23 just wrong. The voters will decide in March. We're
24 following the Charter.
25 VICE MAYOR GRILL: Correct.

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1 COMMISSIONER FRISZOLOWSKI: The Charter is
2 by the People. It's basically our Constitution.
3 We're following our own Constitution. We're not
4 interfering. And it's not helpful for you to use
5 those type of words. That's interference. With all
6 due respect, but I think that's let's just proceed.
7 I think we heard from.
8 VICE MAYOR GRILL: Yeah, so I'd like to
9 ask the City Attorney to the Mayor's accusation of
10 interfering in the election by following the
11 Charter, would you have a view on that?
12 CITY ATTORNEY: The three folks that have
13 qualified are qualified candidates to elect from.
14 There's no law preventing you from picking somebody
15 that's on a ballot in the future election.
16 VICE MAYOR GRILL: Okay. So, then I think
17 the consensus is that we proceed as we had
18 advertised as we have planned; is that correct? Do
19 we want to put it through a vote so that's crystal
20 clear?
21 COMMISSIONER FRISZOLOWSKI: I mean it's
22 pretty clear to me. We don't have a no motion on the
23 floor so I think we just proceed as we've previously
24 discussed.
25 VICE MAYOR GRILL: Okay. Then let us

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1 proceed and we'll start in alphabetical order --
2 CITY CLERK: I had one --
3 VICE MAYOR GRILL: I'm sorry, yes. I'm
4 sorry.
5 CITY CLERK: It's okay. I received two
6 comment cards. Can you just let me know when you
7 think you're going to do public comments. Do you
8 want to wait until after all the interviews or each
9 interview? I think we did it after each interview
10 last time, we gave the opportunity. I can't quite
11 remember. It's been a long time, four days. It's
12 been a long four days.
13 COMMISSIONER FRISZOLOWSKI: I think we
14 ought to wait to the end.
15 VICE MAYOR GRILL: Yeah.
16 COMMISSIONER FRISZOLOWSKI: I don't think
17 we ought to interrupt in between the three.
18 VICE MAYOR GRILL: Right.
19 COMMISSIONER FRISZOLOWSKI: That's fine.
20 VICE MAYOR GRILL: I think we'll have
21 audience comments at the end as we go through.
22 CITY CLERK: Okay.
23 VICE MAYOR GRILL: Okay. Then let's
24 proceed then with the first candidate. Okay. So our
25 first candidate we have is Deborah Edney.

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1 MS. EDNEY: Hello. My name is Deborah
2 Edney. I live at 181 73rd Avenue, St. Pete Beach
3 and I'm welcomed to be -- I'm excited to be here.
4 VICE MAYOR GRILL: Great. Well --
5 MS. EDNEY: Happy holidays everybody.
6 VICE MAYOR GRILL: So let me just, we'll
7 start off the questions and tell us why you're here
8 today and what brings you to stand before us.
9 MS. EDNEY: I'm here because my parents
10 brought us, my family here since I we were -- since
11 I was a child. And I moved here permanently in
12 July 5, 2004, and I think this is a great
13 opportunity because there's only like maybe 10 to
14 12 weeks to serve. So that way it would give me an
15 idea if I want -- if this is something I would be
16 interested in a full-time bases in the future.
17 VICE MAYOR GRILL: Okay, thank you.
18 Commissioner.
19 COMMISSIONER FRISZOLOWSKI: Can you tell
20 us a little bit about how you've been involved in
21 the community?
22 MS. EDNEY: Well I -- from the time I
23 moved in there's a drug center across the street
24 from me. And I have other than the time I've been
25 gone recently cause my son was very, very ill.

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1 Other than that timeframe, I've always worked with
2 them in the community.
3 With you know, many people go there to,
4 they say to get off drugs. But a lot of people
5 don't get off the drugs. So, because I'm directly
6 across the street from them, I've worked
7 hand-in-hand with them and gone to meetings. That's
8 basically what I have done. And I'm a cooker, so I
9 feed people in the neighborhood that you know, are
10 done on their luck.
11 COMMISSIONER FRISZOLOWSKI: Thank you.
12 VICE MAYOR GRILL: Do you have any
13 particular issues that are really germane to
14 District 1 that you think are high priority?
15 MS. EDNEY: I'm glad you asked that
16 question. There's a house, a colonial right on the
17 corner of Mangrove and 73rd. Now, they moved in I
18 think maybe like four years ago. It is, it's a
19 hoarder's house. It's, they've got 1800 square feet
20 of garage and they have it literally, and I have
21 pictures from floor to ceiling, 12 feet through the
22 entire thing. They added on the top where you could
23 see through the rails, they put up metal or
24 something so you can't see, and that's all stacked.
25 But my goodness, if anybody would just go there and

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1 walk around that house, it is so unsafe.
2 There's rats and since I've been gone from
3 my son, oh my goodness, it's gotten so bad. It's
4 gotten so -- it's a hoarder's house. And I was so
5 shocked. I'd be willing -- I'm excited to work with
6 the Commission and the City Attorney to find out
7 exactly what the rules are and the laws that govern
8 that. Because we can't some -- a dangerous
9 situation like that. It's really gotten that bad.
10 So, that would be something that would be of great
11 interest to me in the very short 10 or 12 weeks that
12 I would have.
13 VICE MAYOR GRILL: How about broader
14 issues across all four districts of St. Pete Beach
15 wide or City of St. Pete Beach, excuse me?
16 MS. EDNEY: Well, I'd like to see a
17 consensus. I mean my goodness, they've been arguing
18 about you know, high-rises as opposed to not
19 high-rises. I would like to see the City move
20 forward, get developed in a reasonable way. Because
21 when you figure that 15% are the hotels, that's
22 great. You know and we love that in our City. But
23 there's 85% of the residents that I feel that it's,
24 we should be looking at them and making them happy.
25 Because the City is not getting better and

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1 especially District 1.
2 I mean it's really getting rundown. I mean
3 the months that I've been gone with taking care of
4 my son, the house that I lived in was broken into
5 and ransacked. I've only been here two days. It's
6 heartening, disheartening. Stole all of my parent's
7 gold and diamonds and jewels. It's just terrifying.
8 So, that's what I would like to work on. Getting
9 District 1 looking like the rest of the districts.
10 VICE MAYOR GRILL: Okay. Mr. Mayor, do you
11 have anything, any questions you'd like to ask?
12 MAYOR PETRILA: I do not.
13 VICE MAYOR GRILL: Okay. So Ms. Edney, can
14 you tell us with your background and what you sent
15 us, how do you feel and think that that information
16 can or your background, excuse me, your experiences
17 will help you as a commissioner?
18 MS. EDNEY: Well, I am very proud to say
19 that I'm a retired critical care nurse and I think
20 that has prepared for many, many positions. When you
21 have somebody's life literally in your hand and the
22 decision that you make split second, you have to
23 rely on your knowledge, to make that decision. And
24 I am proud to say that I know I have saved lives.
25 And I think that same, you know, get to the problem,

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1 listen to everybody and make a decision. That's
2 going to be good for the most - the most of the
3 people.
4 VICE MAYOR GRILL: Okay. Thank you for
5 that. Excuse me. Looking backwards since you've --
6 I'm sorry how long have you lived in St. Pete Beach?
7 MS. EDNEY: Permanently July 5, 2004.
8 VICE MAYOR GRILL: Okay. So, in that time
9 that you've lived here, what are you -- what has
10 been your view on the City and what has the City not
11 done better? Done well, excuse me. What do you
12 hope to bring to the City, to this position so that
13 the City can improve and do better moving forward?
14 We understood about the house and the house has a
15 long history that we don't get into today. The code
16 enforcement's got a -- we've got a book on it and
17 that needs to be addressed. There's no doubt it's
18 an eyesore.
19 MS. EDNEY: To bridge the divide. If it's
20 possible to bridge the divide in the City. I mean
21 you're divided. The City is divided and has been
22 divided as long as that I've been here. Some people,
23 half the City wants the City -- their vision to is
24 to build higher. And you could understand it. You
25 got the property. The property's expensive and you

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1 want to build up.
2 But to what -- how will that impact the
3 other the 70 -- you know the residents in St. Pete
4 Beach? How are they impacted by that? I would like
5 to come up and have a -- come to a decision on what
6 we're going to do. We've been fighting about it for
7 so many years and the City is definitely falling by
8 the wayside as the result of the it. The project
9 that was going to be at the end of Corey Avenue, I
10 honestly don't how that could have ever worked.
11 That amount of cars alone in this small
12 city that only has, you know, just to go out to --
13 get out of Mangrove to get out of here, I just don't
14 know. To me it's an impossibility. It could have
15 never happened without just having cars stacked up
16 on the streets. So that's what I would like to do is
17 to realize that we're going nowhere unless we can
18 get a consensus. A fair consensus of where is this
19 City going.
20 People have lived here for decades and
21 decades. Many people in St. Pete Beach have lived
22 here for decades and decades. We have come got to
23 together and quit the fighting. What do you want,
24 what do you want and what are we going to come
25 together to do for this City. So we could move

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1 forward and clean up our City.
2 VICE MAYOR GRILL: Okay. Thank you. And
3 just to followup on that, so what would you propose
4 we do as a City? Because --
5 MS. EDNEY: Have more meetings. Present
6 an atmosphere where people really want to talk. You
7 know, and give them their views. People that I
8 talked to said they're very intimidated to come up
9 to City Hall. I think we have to make it a more
10 friendlier place. Where we encourage not just the
11 people, the livers that are in St. Pete Beach but
12 for everybody in St. Pete Beach. And I think I
13 would be the perfect candidate for that.
14 VICE MAYOR GRILL: Okay. Thank you.
15 Commissioner Friszolowski.
16 COMMISSIONER FRISZOLOWSKI: Thank you. So
17 what would be your top three priorities in the next
18 two and half months?
19 MS. EDNEY: Well like I said the number
20 one priority will find out what's the problem with
21 that person that lived here. With that house that
22 lived here for four years and yet is not getting
23 better. It's getting worse. Four years. I cannot
24 comprehend that why we can't -- what laws do we need
25 to change?

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1 What do we need to do to solve that
2 problem? And it's been four years that I know of
3 that it's been there. So that's a very important
4 thing. District 1 is unique in my opinion from the
5 rest of the districts in the respect that you have a
6 lot of different people in District 1. And it's
7 been allowed to erode. It used to be if you were on
8 the side of Gulf Boulevard, that's where the
9 nightclubs were, the music was and if anybody was
10 doing anything illegal, a lot of it happened over
11 there.
12 But I can see that it's come over right
13 into my own neighborhood. I mean, I can see that.
14 So, that's an important thing. Especially since
15 they stole everything of value that I had. So I
16 think that's important and having meetings where you
17 promote people. New people, the people that are
18 going to be here when we're gone because we're
19 old.
20 Well I mean, you know, we're not real old.
21 You're not real old but I'm just saying you know,
22 none of us are spring chickens here. So, I'm just
23 saying that's what I'm saying, is that we have to
24 promote an atmosphere where the young want to come
25 up here. Where they're not worried about whether --

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1 you know when I heard you say Mr. Grill about your
2 business and things like that.
3 I mean I would be interested in knowing
4 the financials of people because how do they make
5 their money? I mean that is really something that
6 you can open a business and make it thrive. I mean
7 I'm impressed by that. Maybe I can learn how to do
8 that. Other people too. You're a v- your knowledge
9 is -- Mr. Friszolowski you've been here. Like you
10 said for 32 years. You know, use the knowledge that
11 you people have for the young people to come up. And
12 the old one like me. I'm ready to learn new things.
13 It's exciting. It's very, very exciting.
14 VICE MAYOR GRILL: Okay.
15 COMMISSIONER FRISZOLOWSKI: Thank you.
16 VICE MAYOR GRILL: Commissioner Lorenzen.
17 COMMISSIONER LORENZEN: I don't have
18 anymore questions. Thank you.
19 VICE MAYOR GRILL: Okay. Mr. Mayor,
20 anything?
21 MAYOR PETRILA: Not at this time.
22 VICE MAYOR GRILL: Okay. So, so Ms. Edney,
23 I think two questions I have and this is consistent.
24 The first question is consistent with questions that
25 were asked the candidates last week at the City

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1 Attorney's suggestion is that can you tell us if
2 you're a member of any advocacy group in the City?
3 Any civic organizations or the like?
4 MS. EDNEY: No. I'm only involved outside
5 of the City but with the military.
6 VICE MAYOR GRILL: Okay.
7 MS. EDNEY: But like I said I haven't done
8 anything recently cause I've been taking care of my
9 son.
10 VICE MAYOR GRILL: Okay and one more
11 question. You have, I mean it's public record, you
12 have been to speak with us here at the Commission.
13 This is not your first time at the podium and we
14 always appreciate people coming in and speaking with
15 us. But you have had concerns on support from the
16 Commission, I think a couple discussions got a
17 little bit heated.
18 There's some history. You called out some
19 current and former city officials with your personal
20 situation and I don't want to get into the details
21 of that, but the reason I ask is I just want to
22 understand how if at all, that might affect your
23 ability and your acting as commissioner for District
24 1.
25 MS. EDNEY: Well, I can say when you're

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1 dealing -- when you're making decisions for
2 yourself, that's one thing. Just like at the
3 hospital, when you're making decisions that's going
4 to affect other people, that is very important that
5 you need to do your homework.
6 You have to listen to everybody and
7 whatever I feel personally, comes second. I want to
8 do what the majority want me to do. I want to open
9 the Commission up in a way like I said young people
10 can come and be involved and not be intimidated. A
11 lot of people get intimidated. I just haven't had
12 that problem.
13 VICE MAYOR GRILL: Okay. All right, thank
14 you.
15 MS. EDNEY: I'm a lot older. You know,
16 things happen when you get older.
17 VICE MAYOR GRILL: Anything else?
18 COMMISSIONER FRISZOLOWSKI: I'm good,
19 thank you.
20 COMMISSIONER LORENZEN: I'm good.
21 VICE MAYOR GRILL: Okay, well if no other
22 questions, then thank you very much.
23 MS. EDNEY: Thank you very much for the
24 opportunity. I appreciate it. Have a blessed day.
25 VICE MAYOR GRILL: Okay. Thank you. We'll

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1 move to and again in alphabetical order, we'll move
2 to the second candidate and that is Karen Marriott,
3 so. Karen, if you could just again introduce
4 yourself and say like the opening question and why
5 you're standing here today.
6 MS. MARRIOTT: Good afternoon. My name is
7 is Karen Marriott. I lived here in District 1 on
8 St. Pete Beach and I have a business here in
9 District 1 as well. I am one of the candidates who's
10 announced my intent to run for election in March.
11 And so I'm here because if there's an opening, it
12 seems like it needs to be filled. So, I would be
13 honored to be chosen. I feel like I have a bit of a
14 unique perspective to bring as a resident. I've
15 been here since 2009.
16 My husband and I also have, you know,
17 grown a small business from a very small business to
18 a reasonable medium size small business I guess.
19 We're still owner operators. And also have purchased
20 commercial property here on the beach. And I'm
21 still in the final stages of redeveloping that
22 property for our business to use. And so, I think
23 that gives me a unique perspective on a kind of a
24 lot of different aspects of working with the City
25 and a lot of the perspectives that different

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1 stakeholders in the City have.
2 VICE MAYOR GRILL: Okay. One moment and as
3 I asked at the beginning of the meeting, please
4 silence your electronic devices. If you really need
5 to use your phone, please step out into the lobby.
6 That's out of respect for everyone in the room. So,
7 thank you. Commissioner Friszolowski.
8 COMMISSIONER FRISZOLOWSKI: Thank you. Can
9 you tell us a little bit about your community
10 involvement?
11 MS. MARRIOTT: Yeah. So I've been a member
12 of the Tampa Bay Beaches Chamber of Commerce or so
13 my business has a member of the Tampa Bay Beaches of
14 Chamber of Commerce for a number of years. About a
15 year ago I was appointed to the Library Advisory
16 Committee. And then when there was a vacancy on the
17 Beach Storage Ship Committee, I was appointed to the
18 Beach Storage Ship Committee last June.
19 COMMISSIONER FRISZOLOWSKI: Okay.
20 MS. MARRIOTT: And it's something, it's
21 funny Ms. Edney was talking about you know making
22 the City more accessible. And for a long time I had
23 thought of serving on a board but it took me a long
24 time of being in the City to kind of figure out how
25 to do that. Or to meet the right people to figure

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1 out how to get involved.
2 COMMISSIONER FRISZOLOWSKI: Thank you.
3 VICE MAYOR GRILL: Commissioner Lorenzen.
4 COMMISSIONER LORENZEN: Thank you. The
5 same questions I had earlier. I'm kind of curious
6 if there's any local issues, again District 1 first
7 of all that really kind of got you going that you
8 think we need to address or going to need to
9 address?
10 MS. MARRIOTT: So, I don't know if that's
11 real specific to District 1. I mean I think District
12 1 has some unique things about it that are, you
13 know, you could call them issues or opportunities.
14 And you know, the redevelopment of both ends of
15 Corey Avenue, the east end and the west end. That
16 the City has plans for the west end of Corey Avenue
17 and a park and better fishing pier and that sort of
18 thing. And making sure that we can have you know,
19 some real viable businesses on Corey Avenue.
20 Cause I think that's a real gem, as we've
21 seen with the Sunday market over the last year or so
22 that Corey Avenue can definitely be a draw. And then
23 I think that there's just some real opportunities
24 for the City to improve services to all residents in
25 the ease and expediency of being able to handle

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1 building permits and you know some transparency to
2 make things easier for residents with the planning
3 and zoning and that sort of thing.
4 The people in those department here at the
5 City are nothing but short of fantastic. But I
6 think the process could be clarified some to make it
7 easier for residents.
8 COMMISSIONER FRISZOLOWSKI: I think you
9 kind of answered the leading question that was
10 citywide. But I think you kind of answered that
11 unless you have --
12 MS. MARRIOTT: Yeah. And I think
13 citywide, you know, there's clearly, you know,
14 there's three big issues facing the City, citywide
15 right now. There's the hiring of the new City
16 Manager and then there's the conditional use permits
17 for the Sirata and the Tradewinds. And those are
18 all big issues that are going to require a lot of
19 time to get it right.
20 And there are three issues that we can't
21 afford to get wrong you know. And I think it's going
22 to take you know, it's going to take a lot of people
23 doing their homework and people being involved and
24 listening to all the sides and helping people come
25 to some kind of agreement or at least something

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1 that's tolerable, you now, to the parties that are
2 involved.
3 COMMISSIONER LORENZEN: Okay.
4 VICE MAYOR GRILL: Mr. Mayor, do you have
5 any questions for the candidate?
6 MAYOR PETRILA: Ms. Marriott what is your
7 business?
8 MS. MARRIOTT: My business is North Beach
9 Windsurfing.
10 MAYOR PETRILA: What does it do?
11 MS. MARRIOTT: So we're a retail store
12 predominantly. We're both a brick and mortar retail
13 store and an e-commerce business. We also teach
14 windsurfing lessons. You know, my husband started
15 the business in about 2002. You know, on a very
16 small scale level. We moved -- we opened our first
17 retail location right there at the entrance to Bella
18 Vista, right across from the Bonaire Hotel about
19 11 years ago. And then for the past year, we've been
20 remodelling and fixing up the old Nette's Garage on
21 76th Avenue, where we'll be reopening our retail
22 store in that facility.
23 MAYOR PETRILA: Okay. So if you were to
24 serve on the Commission, what conflicts would you
25 have?

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1 MS. MARRIOTT: You know, that's a good
 2 question. I mean, I think that there could always be
 3 issues that could arise where you could have a
 4 conflict. I think that's true of any of us. I don't
 5 see me having any specific conflicts. You know, my
 6 business is located in St. Pete Beach and I have a
 7 number of customers who live in the City, you know,
 8 who are customers. But we're not, you know, we're
 9 not -- I don't think -- I mean I think - I think you
 10 know -- I maybe reading too much into it, but I
 11 think what you're getting at is are you too
 12 tourist-focused -- is your business so tourist
 13 focused that it would be a conflict. And our
 14 business isn't. You know 80% of our business is our
 15 e-commerce business which is nationwide.

16 MAYOR PETRILA: So, if you were a
 17 commissioner and we had a discussion earlier today,
 18 why should this Commission take it upon itself to
 19 pick you or even the other candidates running for
 20 District 1, rather than letting the voters decide in
 21 March?

22 MS. MARRIOTT: Sure. So I think the
 23 voters are going to decide in March, right. We're
 24 going to still have an election. And when I was
 25 considering whether or not I wanted to put my name

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1 in to be the Interim Commissioner, I was thinking to
 2 myself that I could probably come up with even pros
 3 and cons of how it could benefit me as somebody
 4 who's campaigning to be elected or it could be a
 5 detriment.

6 And so, I think that you know the
 7 Commission should always be trying to pick the
 8 person who's the best person for the job. And I
 9 think that's true whether you're trying --

10 MAYOR PETRILA: (Unintelligible).

11 MS. MARRIOTT: Well, but right now it's
 12 the Commission's job to pick an Interim Commissioner
 13 and so that's no different than when it's the
 14 Commission's job to pick a City Manager. So if the
 15 job -- if your job is to pick someone to fill a
 16 position, your job should be to do the best job you
 17 can to pick the best person.

18 And if the Commission were to decide
 19 that's me, I would be honored. If they don't decide
 20 I'm the best person for the job, I will still be
 21 running for an election where the voters will then
 22 decide. Because for an elected position, the voters
 23 do decide.

24 MAYOR PETRILA: But you don't think the
 25 Commission should stay out of and it remain unbias

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1 and uninvolved in the election?

2 MS. MARRIOTT: I don't see it as the
 3 Commission being involved in the election. I - I --
 4 like I said before that - that for - for either of
 5 us, either Lisa or I who are running for election,
 6 we could very easily have the appointment as Interim
 7 Commissioner be a huge detriment to our campaign as
 8 much as it could be a benefit. I think it is even
 9 money. And so I don't see it as the Commission
 10 getting involved in an election because the election
 11 has yet to happen.

12 MAYOR PETRILA: So, you see even money as
 13 you doing a poor job for the next two and half
 14 months?

15 VICE MAYOR GRILL: I don't think she said
 16 --

17 MS. MARRIOTT: My intent is not to do a
 18 poor job. I think that it's even money that
 19 something that a decision could be made that people
 20 don't like or that you could say something that is
 21 being recorded in a meeting that somebody will use
 22 against you in a campaign. I think all those things
 23 are strong possibilities. But it's not, you know, if
 24 I thought it was the wrong thing to do, I would not
 25 have put my name in for Interim Commissioner.

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1 MAYOR PETRILA: So as a hypothetical,
 2 haven't spoken to you and the other candidate about
 3 this, if the other candidate would withdraw their
 4 name on the principal saying that you know I think
 5 the voters should decide not the commission, would
 6 you leave your name in the hat?

7 MS. MARRIOTT: I would.

8 MAYOR PETRILA: Okay. Thank you.

9 MS. MARRIOTT: Yup.

10 VICE MAYOR GRILL: So Karen I'd like to
 11 ask on priorities for the City and as being in the
 12 commercial having some ownership of commercial real
 13 estate, what in your view as we as a City need to do
 14 differently to fill the lots that we have around the
 15 city? We -- I've stated before I feel we have too
 16 many empty lots. I think it tells a story that
 17 commercial property, people don't want to make an
 18 investment in that commercial property. I'm not sure
 19 why. Just in your view, what do you think we need --
 20 we can do differently to fill those lots cause we
 21 have -- we don't want to continue to pay for
 22 paradise and put up parking lots.

23 MS. MARRIOTT: Fair. Yeah there's a
 24 number of them. So, I'm -- I certainly do not claim
 25 to have the magic bullet answer to that question. I

9 (Pages 30 to 33)

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1 wish I did. I would be a wealthy woman. But you know
2 I think there are hurdles to people that are trying
3 to do small scale developments and a lot of those
4 hurdles are federally mandated regulations and FEMA
5 regulations that we don't have any control over,
6 right.

7 But in my experience and in the experience
8 of some other folks that I've spoken to in the city,
9 the City of St. Pete Beach has a bit of a reputation
10 as being difficult to getting building permits in.
11 And difficult to work through the process with. And
12 so, it seems to me that has put the City in a bit of
13 a position of the people that is most willing to
14 fight through the process, are the biggest firms
15 that hire outside permitting company to get through
16 the process, that have the biggest contractors and
17 then when they've invested that amount of time and
18 money into the process, what they want is the
19 biggest possible development, right.

20 Which isn't necessarily the development
21 that the citizens want, that the residents want. As
22 a resident, it's not the developments that I want.
23 And so, I think that there are some steps that could
24 be taken that can be helpful to small-scale
25 developers and investors to make the process more

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1 limited amount of time.

2 MS. MARRIOTT: Yes.

3 COMMISSIONER FRISZOLOWSKI: So what would
4 be your top three?

5 MS. MARRIOTT: I mean I think, I think
6 really number one is the hiring of the City Manager
7 which is at least that process I'm hoping is likely
8 to get started ready quickly. Because I think it's
9 important for the City to get us a permanent City
10 Manager in place. Not that Wayne is doing a bad job
11 at all, but I know he'd like to go back to being
12 retired. And so I think you know, I think that is
13 such a big important thing, that it kind of
14 supersedes any other wishes any of us might have of
15 what's happening in the City.

16 COMMISSIONER FRISZOLOWSKI: Okay.

17 VICE MAYOR GRILL: Okay. Commissioner
18 Lorenzen. Mr. Mayor, anything else? Okay. Okay
19 Karen thank you very much. We appreciate it.

20 MS. MARRIOTT: Okay. Thank you.

21 COMMISSIONER LORENZEN: Thank you.

22 VICE MAYOR GRILL: Okay. Let's move onto
23 the third candidate, Lisa Reich. Hi Lisa, welcome.
24 And we'll ask you to start off and just start off
25 telling us who you are and why you're here.

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1 transparent.

2 And to make it more clear what the steps
3 are that you have to get through and what things the
4 City will work with people on, and exactly how to
5 fight your way through to do a small-scale
6 development that just didn't the biggest guys with
7 the biggest architecture firm.

8 VICE MAYOR GRILL: Okay. Thank you for
9 that. And my last question is the same one I'm
10 asking every candidate, are you a member of any
11 organization HOA, advocacy group et cetera in the
12 city?

13 MS. MARRIOTT: So, other than my business
14 being a member of the Chamber of Commerce, no.

15 VICE MAYOR GRILL: Okay. Thank you.
16 Commissioners, anything else for this candidate?

17 COMMISSIONER FRISZOLOWSKI: Yeah. One,
18 you may have already answered this but I'll ask as I
19 asked the previous person. What -- now you're going
20 to be a little bit different because you will be
21 until August where as --

22 MS. MARRIOTT: March.

23 VICE MAYOR GRILL: March.

24 COMMISSIONER FRISZOLOWSKI: I mean, no you
25 are on until March. Okay so you are in for a

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1 MS. REICH: I'm Lisa Reich and I'm one of
2 the qualified candidates. And I'm struggling with
3 the process. I do feel that it is not fair. I'm in
4 the mist of campaigning and this has come and I know
5 it's uncharted territory. But I don't feel that it
6 is fair and I feel that, it's been brought up by
7 multiple people that it could be unfavorable or
8 favorable for the Commission to select either one of
9 us that have qualified for the election in March. So
10 having said that, I am going to withdraw my
11 application of interest, my letter of interest at
12 this time.

13 VICE MAYOR GRILL: Okay. Thank you very
14 much. You are familiar though with our Charter and
15 what our City Charter which is as Commissioner
16 Friszolowski pointed out, our Constitution for the
17 City. You are familiar with what that says --

18 MS. REICH: I feel.

19 VICE MAYOR GRILL: -- and why that process
20 is in place?

21 MS. REICH: Yes and I feel that this is
22 unprecedented and I feel that it's unfair if you
23 select one of us over the other, even for the
24 interim, I feel that it's unfair and it creates
25 bias.

10 (Pages 34 to 37)

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1 VICE MAYOR GRILL: Okay. Thank you very
2 much.
3 COMMISSIONER FRISZOLOWSKI: Thank you. I
4 would like to just say something, if I might.
5 VICE MAYOR GRILL: Yes, please.
6 COMMISSIONER FRISZOLOWSKI: Only because
7 although this might be unprecedented, it really has
8 precedence. So Commissioner Grill was appointed and
9 he was elected afterwards and I think he's done an
10 excellent job. There have been people before him and
11 people after him. I was appoint temporarily when
12 there was a commissioner that wasn't in place and I
13 was happy to step in. As I mentioned as a previous
14 mayor that had been appointed and chose to run. So,
15 I just wanted to kind of make that clear that for
16 the public because we have people watching. You
17 don't have to come here and respond to it. I just
18 feel like I need to say so because we do have people
19 watching, so.
20 MS. REICH: Was that during a campaign?
21 Were any of those times during a campaign?
22 COMMISSIONER FRISZOLOWSKI: Well,
23 Commissioner Grill decided to run again. I can't
24 remember if when he was being appointed, he was even
25 asked about that.

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1 VICE MAYOR GRILL: Oh, I can, if I may I
2 can assure you I was asked; do you run, are you not
3 going to run? Because this debate happened again.
4 Well, if you run it's unfair and my feeling is --
5 you know my actions are history. I did take the
6 position and I did not state my intent whether I
7 would run or not run. Because we -- again, this was
8 in my personal situation it was through until August
9 of that year. It ws January.
10 Again, because the Supervisor of Elections
11 could not -- it was similar timing. They couldn't
12 get us on the March ballot. We had a March election
13 and it was pushed down to August. So I put my hand
14 up. I was asked by commissioner and I think maybe
15 it was in the meeting of the interview process as
16 we're in today. And I did not commit because quite
17 frankly I wasn't sure right then.
18 So, okay. So, at this point so at this
19 point should we open it up for public comment or
20 deliberations?
21 COMMISSIONER FRISZOLOWSKI: I'd like to
22 hear from the public before we make a motion, if
23 that's okay.
24 VICE MAYOR GRILL: I'm fine with that.
25 COMMISSIONER FRISZOLOWSKI: Okay.

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1 VICE MAYOR GRILL: Okay. So City Clerk,
2 let's open the public comment section please.
3 CITY CLERK: Deborah Sheckner.
4 MS. SHECKNER: This time I get to say good
5 day instead of good evening. Deborah Sheckner, Boca
6 Ciega Drive, St. Pete Beach. We unfortunately
7 skipped over agenda Item 1. And I don't know why we
8 did that but I had my name for audience comments as
9 well on some other things. I want to welcome
10 District 4 Commissioner and I really, really want to
11 thank our City Clerk who has four children?
12 CITY CLERK: Three.
13 MS. SHECKNER: Three. Wanting their mom
14 at home doing the crafts and the baking and having
15 fun, she was burdened, burdened I am sure. By
16 people on the Commission who just decided to change
17 the rules of the game at the last minute. And I
18 really feel bad about that. I don't think maybe up
19 there, you quite understood that situation nor did
20 you maybe consider it. Didn't cross your mind and I
21 think the whole community should thank her for that.
22 And I am upset that even happened because that
23 shouldn't happen to somebody who works for the City.
24 Everybody else had off those days. Everybody else
25 didn't have to do anything.

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1 But anyway having said that, you only have
2 two people to choose from. I have known Deb Edney
3 for quite a lot of years. She's always had a good
4 heart. Helped out in the community. You don't have
5 to be part of a board to do good work in your
6 community. You really don't. It's the soul of a good
7 person that feeds other people, that gives away
8 plants, that watches over the neighborhood that has
9 helped many.
10 I am sure the other candidate is also very
11 good. You know, she has good points as well. So you
12 do have a tough decision and I would say, I would
13 not put what happened during one of the meetings as
14 against either candidate in any way shape or form.
15 And again, happy new year to everyone and I wish we
16 didn't skip agenda Item 1. Thank you.
17 CITY CLERK: Dana Richardson.
18 MS. RICHARDSON: Hello and happy holidays.
19 My name is DanaRichardson. 5835 Bahama Way south. I
20 just have a couple of comments to say. I appreciate
21 everyone's service, especially Ward, 32 years. I
22 just want to have it on the record that I have an
23 issue that the board knew about this Form 6 months
24 and months in advance and yet you all decided to
25 step down last minute right in the mist of the

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1 holiday season where everybody is traveling, having
2 family in and it's a very business time.
3 Number two; you created a set of rules for
4 all the resident to submit letters of intent to be
5 appointed by a specific date and time and you all
6 chose to change it for all districts except District
7 4. Why not all districts? Why not a clean playing
8 field to do it for all or for none? And the third
9 and last thing is I take offense because I think I
10 know what market you're talking about asking about
11 who belongs to any advocacy groups et cetera.
12 Protect St. Pete Beach is a not a negative
13 organization. It is a group of concerned residents
14 that are busy. They're raising families, they are
15 running businesses, they're working. They don't have
16 the time to go to all the meetings that are ten
17 clock during the day or late night when they're
18 doing homework and cooking for their children.
19 All it is, Protect St. Pete Beach just is
20 a way to keep residents informed and then everybody
21 can make their own decision when they vote. So it's
22 not a negative. So I don't like the fact that you
23 are pulling out and specifically asking for people's
24 stance on different groups and organizations. And
25 that's all I have to say. Thank you.

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1 VICE MAYOR GRILL: Thank you. City Clerk?
2 CITY CLERK: I have no other cards.
3 (Unintelligible) oh, okay, typical.
4 VICE MAYOR GRILL: I just wanted to make
5 the -- actually two comments just so that it's
6 clear. When we had on the process, we had a
7 discussion we the Commission, that we would close on
8 the timeline and we also said that if the Commission
9 felt that there was not enough interest and enough
10 resume's etcerta submitted, that we would reopened
11 that. And we voted on that and then we voted again
12 to reopen it the other day.
13 So this wasn't done to ruin anybody's
14 holidays. I can assure you our City Clerk works very
15 hard, our entire staff works very hard. I know I had
16 e-mails over the holiday weekend. I'm sure my
17 colleagues may have from others I received a
18 petition yesterday on Christmas thank you very much.
19 So life goes on.
20 I mean this is something, we sign up for
21 public service, we know we make a sacrifice. And I
22 think the second point and I apologize if you are
23 taking this negatively, and I said it at the last
24 meeting I am not casting dispersion on Protect St.
25 Pete Beach. Our legal City Attorney asked for all

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1 candidates to make a statement on what organizations
2 they belong to outside.
3 So that potentially, if there's a conflict
4 of interest, potentially are you a member of HOA or
5 any other type of organization in the City. It's
6 happened last week and has happened again, it's
7 viewed as a negative question. It's not meant to be
8 a negative question. It's a statement of fact. So, I
9 just wanted to clarify that. Commissioner
10 Friszolowski you had something?
11 COMMISSIONER FRISZOLOWSKI: Yes, thank you
12 Vice Mayor. I just think it's good to want to talk
13 about the process since it was brought up and the
14 Mayor brought it up last time. For those of you that
15 don't know, we're under Sunshine Law so we can't
16 talk to one another. I was very hopeful that State
17 legislature would find some way of exempting
18 existing elected officials. We asked them to do
19 that.
20 If you have an issue with this law, it's a
21 State law. So you should talk with your State
22 legislators. I don't know if you've talked to your
23 representative or senator. But right up until last
24 minute, there were many of us including our own City
25 Attorney as well as Florida Legal Cities to try and

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1 get some reprieved. You know truthfully I thought
2 I'd be the only one.
3 I didn't -- I was sort of shocked to find
4 out when -- you know Commissioner Grill when his --
5 to Vice Mayor Grill to his credit. He brought this
6 up multiple different times during meetings. And I
7 thought to myself am I the only one? I don't know
8 how they're feeling and I couldn't talk to them
9 about it. So when Commissioner Grill brought it up,
10 I wasn't totally shocked but then when -- Vice Mayor
11 Grill, I'm sorry.
12 VICE MAYOR GRILL: It's okay.
13 COMMISSIONER FRISZOLOWSKI: But then when
14 Commissioner Marone brought it up, I thought holy
15 cow and I was quite because I care about the City. I
16 do not want to see a collapse of our government. So
17 what did I do? I was quite because I didn't want to
18 make a big deal out of it and then I talked to our
19 City Attorney, as we can do one-on-one. So, this is
20 as much of a shock to me as anybody else. This was
21 not planned.
22 I have family in town right now and I
23 can't spend it with my brother who I get to see
24 maybe once a year. My nieces and nephews. I kind of
25 had to explain to them, sorry I got to work everyday

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1 this week.
2 So, this was not something planned. But I
3 just felt compelled to say that only because now
4 it's been brought up multiple times. This was not
5 orchestrated. I thought about myself, I thought hey
6 one person you know, life's gonna go on. So, this is
7 is surprise. Not the way I planned this week.
8 VICE MAYOR GRILL: Absolutely and just to
9 reiterate, and we talked about it in the last
10 meeting. We don't need to go through, I refer it to
11 as victim shaming. Okay. This law changed, yes it's
12 been -- it was there. We have tried as Commissioner
13 Friszolowski said I, worked for a long time trying
14 to figure out a way to be able to comply with the
15 law. Because the law is the law and the law needs
16 to be complied with and meet the spirit and the
17 intent of the law.
18 It didn't work. My plans didn't work. And
19 that's why we're moving forward here. So nobody
20 waited until the last minute. Nobody is trying to
21 create chaos for the City. The si- and as
22 Commissioner Friszolowski said, the transparency is
23 in local municipal government. One of those items is
24 the Sunshine Law. So we don't talk to each other. We
25 can't talk to each other. We don't know what the

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1 others are thinking until we're sitting in these
2 chairs in a formal meeting.
3 So that's just a little bit of clarity and
4 why we are where we are. No one's happy with this
5 situation and we fault to our Charter and our
6 Charter tells when you see these type of extenuating
7 circumstances come up, this is how we need to act.
8 And we're acting accordingly. So with that, let us
9 have some deliberations.
10 CITY CLERK: I have one more public
11 comment, I'm sorry.
12 VICE MAYOR GRILL: Oh, I'm sorry, okay. We
13 have one more public comment.
14 CITY CLERK: Mr. Maholland.
15 MR. MAHOLLAND: My name is Joe Maholland.
16 I live at 199 21st Avenue. As you all know I was
17 here at the last meeting. I had to plans on speaking
18 today. All though there have been some comments
19 about advocacy groups and the like and I get that. I
20 was asked extensively about that and I was extremely
21 candid about it. The one thing I haven't heard
22 anybody mention or be asked is in respect to
23 donations to other officials. I was asked that
24 question. Maybe I missed it. I heard anybody else.
25 Maybe I'm the only other person in St. Pete Beach

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1 that's donate to the mayor or anybody else.
2 But like I said, I hadn't planned on
3 commenting but it, you know, that was a question I
4 hadn't heard anyone else be asked. Thank you.
5 VICE MAYOR GRILL: Anymore public comment?
6 CITY CLERK: No.
7 VICE MAYOR GRILL: Okay. Thank you for
8 that and we'll close the public comment section.
9 Commissioners, Mayor.
10 COMMISSIONER FRISZOLOWSKI: I, well first
11 of all I appreciate all three stepping up and as
12 well as any other districts. By opening it up by
13 the way we did get a few other applicants which I'm
14 happy to see. I can support Karen Marriott for an
15 appointment. I think she's -- I've known her. She
16 had her business in my district, District 3 for a
17 number of years before he moved it up north.
18 I don't know her personally. I did talk
19 with her a little bit when she had an application,
20 an idea to do something in District 3. I kind of
21 got to see her talk to residents and all that I was
22 very impressed with her. I like her business
23 personally because not only do I do windsurfing or
24 used to do windsurfing, I think it's a nice, clean,
25 healthy business. And so at the appropriate time

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1 I'll make a motion but I'd like to hear from my
2 colleagues also.
3 VICE MAYOR GRILL: Sure. Commissioner
4 Lorenzen.
5 COMMISSIONER LORENZEN: Yeah, I'd like to
6 thank both of you or three of you. But down to the
7 two of you now for stepping forward and Deborah as a
8 husband of a retired nurse, I appreciate your
9 service in that field. Thank you very much. I think
10 everybody's made some excellent comments today.
11 Independently, I've kind of leaning toward Karen
12 myself as a good candidate based on you said and
13 what you've got in writing.
14 VICE MAYOR GRILL: Okay. Thank you.
15 Mr. Mayor.
16 MAYOR PETRILA: I think my position very
17 clear. I don't think we should have selected either
18 Karen Marriott or Lisa Reich. I applaud Lisa for
19 doing the honorable thing and stepping away from it.
20 You know it's really -- I've had some time to
21 reflect on the last two weeks here and I find it
22 ironic that we're having a conversation about
23 upholding the laws. Because that is what we're
24 tasked with here, right. Let's be clear that we
25 remember as Mayor and you, Commissioners this is

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1 what we were tasked with.
2 In fact, we're not going to be watched by
3 the oval office. I want you remember what exactly
4 was it we swore on oath to, right. Swearing on oath
5 and it started with the Constitution and the laws in
6 the State of Florida. And the irony is, the reason
7 that we're here today and having the discussion, is
8 because we have four individuals who do not want to
9 uphold the laws of the State of Florida.
10 But rather, they want to remove themselves
11 from that law. We had multiple months since at least
12 June or July that we've known about this. And I'm
13 not saying that we shouldn't change the laws. I
14 mean that's one of the reasons I ran because I feel
15 like the City was aligned of where the residents
16 wanted to go.
17 So I applaud you Commissioners for
18 employing look I tried everything I could to make
19 changes and talking with, you know, the City
20 Attorney. But at the end of the day you know, the
21 law is what the law is. And it's our responsibility
22 to uphold that no matter what latitudes we may want
23 to wrap that in. And so, for us now to look at it
24 now and say well you know the Charter stuff, can do
25 XYZ.

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1 The Charter doesn't dictate that we to do
2 XYZ. It Charter doesn't say if there is an election
3 between the candidates running then you should pick
4 one of them, if there's a vacancy, right. We have
5 this discretion just like you all told me and told
6 me the resident just made the comment a few minutes
7 ago that you know, even though we set up a time for
8 when with we'll be taking applicants for the
9 different districts.
10 And to correct you the comment at the
11 previous Commission interview was if we did not have
12 applicants. Now if we didn't have applicants we
13 didn't like or not enough applicants, or applicants
14 that we felt suited, it's if we did not have
15 applicants, we'll reopen it. But, again the
16 Commission decided their discretion will make that
17 change.
18 And so again, the charter doesn't say you
19 must pick 1 of 2 candidates when there's an election
20 in two and half months. It says you can pick anyone
21 that's qualified and the right thing would be to
22 remove the two individuals that are qualified. And
23 so, you know I look at -- I don't you know never met
24 Karen Marriott. I never spoken with her outside of
25 the conversation today other than saying hi in

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1 passing.
2 I applaud Lisa again, for stepping away.
3 I wish Ms. Marriott would do the same. I think that
4 would be the right thing for the voters and
5 remembering that you know the other part of the oval
6 office is that you are a representative of the
7 voters. Right. And you should be doing things that
8 is in the best interest of the voters. And you
9 putting your name forward is not the best interest
10 of the voters. And quite the contrary, right.
11 And so you know, I'm sitting here and I'm
12 having a hard time with this because you know we're
13 at the 11th hour and now we're scrambling to make
14 decisions over the Christmas holiday. Some of you
15 said we had the City Clerk and staff working nonstop
16 to make this happen and frankly I am troubled and
17 beyond disappointed with this process.
18 VICE MAYOR GRILL: Well Mr. Mayor thank
19 you for that. I need to clarify one thing and I'm
20 speaking for myself. And I'll give time to the other
21 commissioners if they or Commissioners Friszolowski
22 since he's resigning. And in the window that we're
23 not upholding the laws of the State of Florida. Far
24 from it. And please don't disparage my character or
25 how I approach this job.

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1 That is not what is happening here. And in
2 fact I've had residents tell me you know what just
3 go through, don't do the form. Pay the penalty.
4 Ignore the law. Well, that's not who I am and that's
5 not how I operate. And for there to be a window of
6 that's what is happening is highly offensive.
7 Second, we're not -- we did not decide to reopen it
8 and look for and for additional candidates because
9 as you said we didn't like particular candidates or
10 we didn't like the quality of particular candidates.
11 Our job is to ensure that we cast the net
12 as far and as wide as possible to get the best
13 candidate in these roles. That's our job. Not, it
14 has nothing to do with a particular person or
15 persons. And I don't think we should be here in our
16 deliberations disparaging people's characters
17 because they decided to act one way or another in
18 this meeting and withdraw or not withdraw because
19 that was a suggestion. I think we're here to
20 deliberate and find the best candidate for this
21 role. So with that, I'll ask if there's a motion?
22 COMMISSIONER FRISZOLOWSKI: I will but I
23 just one more thing if you don't mind Vice Mayor.
24 VICE MAYOR GRILL: Yes.
25 COMMISSIONER FRISZOLOWSKI: I just think

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1 it's kind of ironic Mayor you talk about changing
2 the rules at the last minute, and yet the first
3 thing I heard today is you wanted to change the
4 rules.
5 That we didn't say that in District 1 any
6 candidates that had already put their name to be
7 elected couldn't apply for this position. So that by
8 default would have left one choice. It would have
9 been totally different when we first started talking
10 about this if that was the rule from the beginning.
11 And I would venture to say we probably would have
12 had other people apply. So, it works both ways. So I
13 will make a motion to appoint Karen Marriott to City
14 Commissioner, District 1.
15 VICE MAYOR GRILL: Do I have a second?
16 COMMISSIONER LORENZEN: Second.
17 VICE MAYOR GRILL: We have a motion to
18 second. City Clerk, can you do a role call please?
19 CITY CLERK: Commissioner Lorenzen.
20 COMMISSIONER LORENZEN: Yes.
21 CITY CLERK: Vice Mayor Grill?
22 VICE MAYOR GRILL: Yes.
23 CITY CLERK: Commissioner Friszolowski.
24 COMMISSIONER FRISZOLOWSKI: Yes.
25 CITY CLERK: Mayor Petrila?

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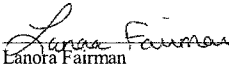
1 MAYOR PETRILA: No.
2 CITY CLERK: Motion carries, 3 to 1.
3 VICE MAYOR GRILL: Okay. Thank you very
4 much. Again, I want to thank all the candidates for
5 stepping up, for applying. Congratulations to Karen
6 Marriott. Our next meeting for to go through the
7 process for District 3 is tomorrow morning at
8 7:30 a.m.
9 COMMISSIONER FRISZOLOWSKI: For District
10 2.
11 VICE MAYOR GRILL: For District 2, excuse
12 me. District 2 here in Commission Chambers. This
13 meeting is adjourned. Thank you.
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1 REPORTER'S CERTIFICATE
2 TRANSCRIPTION OF AUDIO RECORDING
3

4 I, Lanora Fairman, the undersigned
5 Certified Shorthand Reporter in and for the State of
6 Texas, do hereby certify that the above and
7 foregoing pages are a true and correct transcription
8 of the audio recording to the best of my ability to
9 understand and decipher the words and identify the
10 speakers based on information provided.

11 I further certify that I am neither
12 attorney or counsel for, related to, nor employed by
13 any parties to the action in which this testimony is
14 taken and further, that I am not a relative or
15 employee of any counsel employed by the parties
16 hereto or financially interested in the action.
17 SUBSCRIBED AND SWORN TO under my hand and
18 seal of office on this 7th day of January, 2024.
19

20
21
22 
Lanora Fairman
23 Expiration: July 12, 2027
Array
24 Firm Registration No. 795
14615 Benfer Road
Houston, Texas 77069
25

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EXHIBIT 1-E-3

AUDIO TRANSCRIPTION OF
ST. PETE BEACH CITY COMMISSION MEETING
DECEMBER 27, 2023

VICE MAYOR GRILL: Sorry was that a yes?

COMMISSIONER FRISZOLOWSKI: It doesn't
sound like he can hear us.

VICE MAYOR GRILL: Mayor Petrila can you
hear us?

MAYOR PETRILA: I can hear you.

VICE MAYOR GRILL: Okay. All right just
making sure the AV's working. Okay. I'd like to call
the meeting the order. This is a special meeting of
the City Commission of the City of St. Pete Beach.
It is December 27, 2023, at 7:30 a.m. Please rise
for the pledge of allegiance.

I pledge allegiance to the flag of the
United States of America and to the republic for
which it stands, one nation, under God, indivisible,
with liberty and justice for all.

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1 VICE MAYOR GRILL: City Clerk, can you do
2 role call please.
3 CITY CLERK: Vice Mayor Grill?
4 VICE MAYOR GRILL: Here.
5 CITY CLERK: Commissioner Friszolowski.
6 COMMISSIONER FRISZOLOWSKI: Here.
7 CITY CLERK: Commissioner Lorenzen.
8 COMMISSIONER LORENZEN: Here.
9 CITY CLERK: Commissioner Marriott.
10 COMMISSIONER MARRIOTT: Here.
11 CITY CLERK: Mayor Petril
12 MAYOR PETRILA: Here.
13 CITY CLERK: We are a quorum.
14 VICE MAYOR GRILL: Thank you. I'd just
15 like to remind everybody to please science all of
16 your electronic devices and maintain proper decorum
17 through the meeting. So today, in today's meeting we
18 have one item on the agenda and that is to address
19 the previously announced resignation of myself, the
20 District 2 Commissioner. And as that happens, then
21 to move to an interview process for perspective
22 candidates and to select an Interim Commissioner.
23 Are there any suggested changes to the agenda? I
24 have one item that I'd like to add, I think we need
25 to add.

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1 COMMISSIONER FRISZOLOWSKI: Yeah, we maybe
2 thinking along the same lines. Since you're on the
3 Vice Mayor we need to appoint a new Vice Mayor among
4 the --
5 VICE MAYOR GRILL: Okay.
6 COMMISSIONER FRISZOLOWSKI: -- among the
7 three of us.
8 VICE MAYOR GRILL: I agree. So we'll add
9 that as the first item on the agenda and then move
10 into the agenda. So any other changes for the
11 agenda? With that, can we have a motion please? Is
12 there a motion for the agenda?
13 COMMISSIONER MARRIOTT: I move to approve
14 the agenda as discussed. Would that be.
15 VICE MAYOR GRILL: Yeah.
16 COMMISSIONER MARRIOTT: Okay.
17 COMMISSIONER FRISZOLOWSKI: Second.
18 VICE MAYOR GRILL: We have a motion to
19 second. City Clerk, can we have a role call please.
20 CITY CLERK: Commissioner Friszolowski.
21 COMMISSIONER FRISZOLOWSKI: Yes.
22 CITY CLERK: Commissioner Lorenzen.
23 COMMISSIONER LORENZEN: Yes.
24 CITY CLERK: Commissioner Marriott.
25 COMMISSIONER MARRIOTT: Yes.

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1 CITY CLERK: Vice Mayor Grill.
2 VICE MAYOR GRILL: Yes.
3 CITY CLERK: Mayor Petril
4 MAYOR PETRILA: Yes.
5 CITY CLERK: Motion carries.
6 VICE MAYOR GRILL: Thank you. So I guess
7 the first item is naming of a City Manager, excuse
8 me, City Manager. You see where my head's at. Good
9 morning, can I have some more coffee? A Vice Mayor
10 before we move onto the second step. I would propose
11 that Vice Mayorship move to Commissioner
12 Friszolowski based on his years of experience and
13 having run meetings before. So, he would be my
14 suggestion. And I'll open that up for other comments
15 or suggestions.
16 COMMISSIONER LORENZEN: I think that's a
17 sound way to do it. Especially with the other two
18 fairly new here. It maybe a bit chaotic until we
19 learn the ropes, so I think that's a great idea.
20 COMMISSIONER MARRIOTT: Yeah, absolutely.
21 VICE MAYOR GRILL: Okay. Yes, we need a
22 motion.
23 COMMISSIONER LORENZEN: Motion to nominate
24 Commissioner Friszolowski as Vice Mayor.
25 COMMISSIONER MARRIOTT: Second.

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1 VICE MAYOR GRILL: City Clerk, we have a
2 motion to a second, can we have a role call please.
3 CITY CLERK: Commissioner Lorenzen.
4 COMMISSIONER LORENZEN: Yes.
5 CITY CLERK: Commissioner Marriott.
6 COMMISSIONER MARRIOTT: Yes.
7 CITY CLERK: Vice Mayor Grill.
8 VICE MAYOR GRILL: Yes.
9 CITY CLERK: Commissioner Friszolowski.
10 COMMISSIONER FRISZOLOWSKI: Yes.
11 CITY CLERK: Mayor Petril
12 MAYOR PETRILA: Yes.
13 CITY CLERK: Motion carries.
14 MR. GRILL: And I would ceremoniously pass
15 the gavel over to Commissioner Friszolowski. Thank
16 you, sir.
17 VICE MAYOR FRISZOLOWSKI: Thank you.
18 MR. GRILL: Over to you. The Chair is
19 yours.
20 VICE MAYOR FRISZOLOWSKI: Okay, well, that
21 was sort of unexpected but I think things are
22 happening pretty rapidly. But I would like to turn
23 the floor over to you Vice Mayor Commissioner.
24 MR. GRILL: Thank you. So just for the
25 record I am submitting my resignation as we have

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1 discussed. I won't go through everything I went
2 through when I announced this previously. But just
3 to thank everybody here on the Commission.
4 It's been a privilege and a pleasure to
5 sit in this chair. I think we've accomplished quite
6 a bit. Always more to do. Always more to look
7 forward to. But I just want to thank everybody for
8 their support. As I mentioned the city staff, our
9 advisory board members, the city employees, because
10 it really takes a team effort. So, it's really been
11 a privilege to represent the citizens and all the
12 residents of District 2 as well as across the city.
13 And it's been a lot of fun, also
14 representing the city at many different functions
15 and et cetera. So, I wish the City all the best. I
16 also before I forget, of course, want to again thank
17 my wife for all of her support. Because it takes a
18 team effort not only in this building but also at
19 home to make this happen. So, thank you all very
20 much. I won't be going far. You'll see me around.
21 So thank you very much.
22 VICE MAYOR FRISZOLOWSKI: We appreciate
23 your service.
24 MR. GRILL: Thank you.
25 VICE MAYOR FRISZOLOWSKI: Thank you.

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1 COMMISSIONER LORENZEN: Thank you.
2 VICE MAYOR FRISZOLOWSKI: Well, I could
3 tell you it's difficult you know seeing this happen.
4 We're losing some great people. Now, three of my
5 colleagues that I think have done a tremendous job
6 you know with the City and I think as a resident,
7 you thank all three of them for unbelievable
8 service. I think we probably have one of the best
9 commissions I've seen here, you know, in many years.
10 So anyway, it's just difficult but it's what we have
11 to do. So, so the agenda for this morning is to
12 appoint a new commissioner to District 2. We have
13 four applicants. We would typically go through these
14 alphabetical order but we did receive an e-mail this
15 morning from Mr. Andrew Tunis.
16 CITY CLERK: He just e-mailed and said
17 that he is not able to access. He has no cell
18 service. He is on a cruise. He's tried several times
19 but has not been able to successfully sign on.
20 VICE MAYOR FRISZOLOWSKI: Okay. Well,
21 okay. That's unfortunate. Sent a really good resume.
22 I don't know him. I've never talked to him. Don't
23 know him personally but I was impressed with his
24 resume, so. I think for now we just move on. So,
25 the order then would be Nick Fritz first. Shaun Rey

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1 second and Lisa Robinson third. So let me just ask
2 my colleagues first. I would assume we would do this
3 the similar way we've done it as for the last ones,
4 any objections?
5 COMMISSIONER MARRIOTT: No.
6 COMMISSIONER LORENZEN: None from me.
7 VICE MAYOR FRISZOLOWSKI: Mayor, any
8 objections?
9 MAYOR PETRILA: Stay consistent.
10 VICE MAYOR FRISZOLOWSKI: Okay, good.
11 Thank you. Nick if you want to come up first.
12 MR. FRITZ: Good morning.
13 VICE MAYOR FRISZOLOWSKI: Good morning.
14 Thank you for submitting your resume and cover
15 letter. We've all received that. So maybe we'll just
16 start with any questions. Maybe I'll start with
17 Commissioner Marriott first.
18 COMMISSIONER MARRIOTT: Sure. Can you can
19 you talk a little bit about what you think the
20 strengths of the City are, particularly your
21 district?
22 MR. FRITZ: Strengths of the City. You
23 know I think, can I start by telling you a little
24 bit about my background and myself?
25 COMMISSIONER MARRIOTT: Yeah.

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1 MR. FRITZ: And then get into that. So I'm
2 a business person in the community. I'm a real
3 estate agent. I have an office in the community. I
4 obviously live in the community. My family, my
5 father's been on St. Pete Beach for over 65 years.
6 Went to St. Johns. I grew up here for a large
7 portion of my life. My parents actually purchased my
8 great grandmother's house and then I moved out here
9 with them in 2003. So, you know I have seen some
10 changes on St. Pete Beach.
11 I think there's been some good small
12 businesses that have come into the community that
13 have done a really good job. You know, I like seeing
14 local coffee shops come in and succeed. Local retail
15 stores and I'd like to see more of that as well. Not
16 necessarily in my district but you know Corey Ave,
17 just as an example we currently have a locker set
18 that was a Staples for many years. A restaurant,
19 new owners came in and did a great job with that.
20 So I think the City has done a pretty good
21 job helping small businesses come in. So, I'd like
22 to see more of that. Like y'all spoke about
23 yesterday. There are a lot of vacant parcels and
24 vacant commercial buildings. And then beach cleanup,
25 you know, I think there has been efforts for that

3 (Pages 6 to 9)

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1 over the years.
2 At least my time being here and then
3 another thing I'd say transportation. I think
4 Freebee is a pretty big deal and a great service
5 that, you know, runs through my district now.
6 Initially it didn't, so.
7 COMMISSIONER MARRIOTT: Thanks.
8 VICE MAYOR FRISZOLOWSKI: Okay.
9 Commissioner Lorenzen.
10 COMMISSIONER LORENZEN: Yeah, I feel like
11 we didn't give you the softball question up first.
12 So I think you sort of elaborated on it but why in
13 particular are you running for District?
14 MR. FRITZ: Yeah, so again it ties to St.
15 Pete Beach. Like I said, immediate family has been
16 here over 65 years and extended family has been here
17 since the 1930s. So I grew up here. I played sports
18 out here. I was playing basketball at St. Pete Rec
19 Center when I was eight years old.
20 I know Commissioner Friszolowski through
21 my business and I had told him years ago you know I
22 might be interested in a position here. And my wife
23 and I recently just had a son two weeks ago and with
24 what's going on with people leaving, it just seemed
25 like the push I needed to submit my name. And I

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1 love the community and I want to continue to grow
2 it. I want to grow with it and I want it to be a
3 place that when my son goes away to college, he
4 wants to come back and live here.
5 COMMISSIONER LORENZEN: Thank you.
6 VICE MAYOR FRISZOLOWSKI: Mayor.
7 MAYOR PETRILA: Yeah. How many Commission
8 meetings have you attended in the past year?
9 MR. FRITZ: I haven't attended any. My
10 wife has attended a couple but I haven't attended
11 any.
12 MAYOR PETRILA: So how many have you
13 attended ever?
14 MR. FRITZ: I've attended none in person
15 but I have viewed multiple online.
16 MAYOR PETRILA: Okay. Multiple times
17 falls in workshops to the last year. Some pretty
18 important ones dealing with the you know, the City's
19 future. Have you attended any of those?
20 MR. FRITZ: I have not attended those in
21 person.
22 MAYOR PETRILA: Okay. Thank you.
23 VICE MAYOR FRISZOLOWSKI: Thank you for
24 submitting your credentials Nick. I know you
25 answered it partially but can you tell us a little

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1 bit more about your involvement in St. Pete Beach. I
2 know you said you participated in things in the
3 recreation center.
4 MR. FRITZ: Yeah. So growing up things
5 like I mentioned, you know by nature of my job, I
6 speak to homeowners often. I door knock in
7 neighborhoods. I'm constantly networking with other
8 realtors who live and work in our community as well.
9 Whether that be in open houses or pitch sessions.
10 In addition to that as far as community
11 outreach, during COVID the peek of the pandemic, I
12 posted on Nextdoor offering to pick up groceries for
13 anyone who was in need and didn't feel comfortable
14 going out. And then I had a couple of people reach
15 out to me who I did that for. I actually ended up on
16 the local news which obviously weren't my intentions
17 but that's something community outreach that I've
18 done. And I certainly want to get more involved and
19 that's why I'm here.
20 VICE MAYOR FRISZOLOWSKI: Good. Thank you.
21 COMMISSIONER LORENZEN: I'm sorry. Okay. I
22 was reading through your letter of interest and a
23 couple of lines jumped out to me. And I'd just kind
24 of like you to expand on them a little bit, if you
25 could. One of them was to restore some of the old

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1 traditions and the other was thought about what
2 could improve our community.
3 MR. FRITZ: Yeah. So, like I said just
4 going back to my history and my father growing up
5 here and always telling me stories about all of the
6 families that used to live on St. Pete Beach.
7 Particular, younger families. And quite frankly I
8 don't feel we see that anymore. Again, I went to
9 high school here. I went to St. Petersburg Catholic
10 High School. Went to college in part Atlantic
11 University south Florida and then finished it in
12 University South Florida in Tampa.
13 Lived in New York City for a bit and what
14 I'm getting at is when I came – when I decided I
15 want to move back to this area and wanted to
16 purchase a home and start a family, I decided I want
17 to move to St. Pete Beach, despite all of my other
18 friends and all of the young families moving to
19 northeast St. Pete Beach. And you know, I'd like to
20 see more families on St. Pete Beach. If that answers
21 the question.
22 COMMISSIONER LORENZEN: Yeah. And as far
23 as of things that would improve the community or
24 generate new opportunities for making our community
25 a more wonderful, just -- I guess what I'm getting

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1 at are the big three things in your mind that the
2 City needs to tackle.
3 MR. FRITZ: Yeah. So some of the roads I
4 think particularly on Gulfwinds Drive is a pretty
5 high traffic roads, especially locals taking that
6 road. I think there's some areas that need to be
7 cleaned up and I understand will be cleaned up.
8 Something that might seem minor but has always been
9 a sticking point to me, and to answer the first
10 question about things I've seen that have improved
11 are the pedestrian crosswalks. I think that's a
12 pretty big deal and something that we implemented
13 that wasn't always there.
14 And I actually think they could be better.
15 A lot of tourist people visiting here, they don't
16 know to press the button. They assume cars are just
17 going to stop. I see close calls everyday driving
18 down Gulf Boulevard. And it seems like nearly every
19 year someone does get hit. So, I think improving
20 those, especially at nighttime with lights so
21 they're more visible. But you know, when we're
22 talking about saving lives, it's important.
23 And then general beach cleanup. You know,
24 especially after holiday weekends. I think that's
25 something that could be improved and also with Sand

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1 renourishment which I understand is a hot topic as
2 well.
3 COMMISSIONER LORENZEN: Thank you.
4 VICE MAYOR FRISZOLOWSKI: Commissioner
5 Marriott.
6 COMMISSIONER MARRIOTT: No further
7 questions.
8 VICE MAYOR FRISZOLOWSKI: Okay. Mayor.
9 MAYOR PETRILA: Sure. There are a couple
10 of items we have been working on the Commission for
11 the last year. How would you improve Gulf Boulevard
12 starting with Gulfwinds Drive and how would you fix
13 the clean beach (unintelligible)?
14 MR. FRITZ: Well standing here today, I
15 certainly don't have a clear answer for those. I
16 want to learn more. If I'm selected, I can tell you
17 I'm going to give it my 100% and I will learn more.
18 And I have a lot of respect for the individuals that
19 are here today, for you Mayor and I look forward to
20 learning from all of you. And you know, as far as
21 Gulfwinds Drive, you know, the roads in general.
22 Sidewalk and then as far as sand renourishment, you
23 know, I don't have a clear answer for that today.
24 VICE MAYOR FRISZOLOWSKI: That's good
25 because none of us do but we're working on it. Okay.

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1 Any other further questions? Any other questions
2 Mayor?
3 I do have a couple of questions only
4 because they were asked of previous candidates and
5 yesterday there was someone from the public that
6 stepped up and said how come nobody else is asking
7 these questions. So maybe just for consistency, a
8 couple of questions. Have you donated to any local
9 political campaigns? Have you donated to any packs
10 and/or do you have any -- have you been involved in
11 any advocacy groups?
12 MR. FRITZ: No, I have not.
13 VICE MAYOR FRISZOLOWSKI: No, for all
14 three?
15 MR. FRITZ: No, for all three.
16 VICE MAYOR FRISZOLOWSKI: Okay, thank you.
17 Okay. Thank you very much.
18 MR. FRITZ: Thank you.
19 VICE MAYOR FRISZOLOWSKI: Shaun Rey. Good
20 morning.
21 MR. REY: Good morning.
22 VICE MAYOR FRISZOLOWSKI: Thank you for
23 submitting your name and your credentials.
24 MR. REY: Thank you for the opportunity
25 for being here this morning. Mr. Mayor,

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1 Commissioners, City staff.
2 VICE MAYOR FRISZOLOWSKI: So why don't we
3 -- we'll start right again with Commissioner of
4 District 1.
5 COMMISSIONER MARRIOTT: Sure. Let me try
6 to get in the swing of things a little bit better
7 myself.
8 MR. REY: It's new to all of us.
9 COMMISSIONER MARRIOTT: Yeah. Can you tell
10 us why this is something you're interested in?
11 MR. REY: Sure. I've been a resident of
12 St. Pete Beach since 2010. St. Pete Beach is a small
13 community really surrounded by a densely populated
14 county in the state of Florida. I think it's
15 important to maintain that small town community, but
16 also we have to dress the gross that's evident with
17 the St. Pete Beach and really Pinellas County.
18 If you look outside there's a Trip Advisor
19 that says St. Pete Beach is rated one of the top
20 beaches in the world. And that means people are
21 going to want to come here. So, we need to be able
22 to provide an experience, the infrastructure to
23 support those people. As well as the community to
24 lower the impact of tourism on the community. So, I
25 feel that I have a skill set that can help the

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1 Commission and the City find a balance between that.
2 VICE MAYOR FRISZOLOWSKI: Commissioner
3 Lorenzen.
4 COMMISSIONER LORENZEN: Yeah. Again, just
5 keeping things fair across the board. Are there –
6 are you a member of any associations or any
7 advocacy, excuse me, any advocacy groups that we
8 should know about?
9 MR. REY: I am not a member of any
10 associations or advocacy groups. And I also have
11 not made any political contributions to any
12 candidates.
13 COMMISSIONER LORENZEN: Thank you.
14 VICE MAYOR FRISZOLOWSKI: Mayor.
15 MAYOR PETRILA: Mayor Petrila.
16 MR. REY: Good morning.
17 MAYOR PETRILA: So, how many Commission
18 meetings have you attended in the last 12 months?
19 MR. REY: I have not attended any
20 Commission meetings in the passed 12 months.
21 MAYOR PETRILA: How many have you ever
22 attended?
23 MR. REY: I attended three and it was
24 during the time when Commissioner Izzo resigned and
25 Commissioner Grill was appointed.

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1 MAYOR PETRILA: Okay and then how many
2 town hall meetings or workshops of district and
3 we've had multiple this year, have you attended?
4 MR. REY: I have not attended any.
5 MAYOR PETRILA: I'm sorry?
6 MR. REY: I have not attended any.
7 MAYOR PETRILA: Okay. And then can you
8 tell me a little bit about you know, what's prompted
9 you in the last four days since we reopened District
10 2 for applicants to submit your names since you
11 didn't submit previously?
12 MR. REY: Sure. I was out of town
13 previously. And I was not aware of the
14 resignations. Upon the announcement of the opening,
15 I was in town and decided that I would enter. I've
16 previously considered entering when Commissioner
17 Grill was appointed. I had a health issues at that
18 time that prevented it from happening. Afterwards,
19 Commissioner Grill I thought was doing an excellent
20 job so no need to muck the waters from there.
21 MAYOR PETRILA: Okay. So we have a lot of
22 really big decisions that are upcoming in the next
23 -- in a couple of months. We have a few
24 applications before us. We have a City Manager
25 opening. So between the (unintelligible) the

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1 Commission meetings, I mean how many of those have
2 you watched in the last month, if at all?
3 MR. REY: None.
4 MAYOR PETRILA: Okay. Can you tell me the
5 difference between the comprehensive plan and the
6 (unintelligible). The difference between the two?
7 MR. REY: No, I cannot.
8 MAYOR PETRILA: Okay. Can you tell me any
9 conversation we've had with current or former
10 commissioners or any other members in the past week
11 about this opening?
12 MR. REY: I'm sorry, could you clarify
13 that question? I have not spoken with any
14 commissioners or any planning boards in regards to
15 this. I did speak –
16 MAYOR PETRILA: Any member.
17 MR. REY: I'm sorry, say again.
18 MAYOR PETRILA: I said of any member of
19 any board.
20 MR. REY: I did speak with Melinda
21 Fletcher in regards to the responsibilities and the
22 time commitment to make sure that I would be able to
23 meet the time commitment and the requirements to be
24 a member of the Commission.
25 MAYOR PETRILA: Okay. What are some of the

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1 biggest issues facing St. Pete Beach that you could
2 help us with?
3 MR. REY: So I think the initial issue
4 that needs to be addressed in St. Pete Beach is the
5 hiring of a full-time City Manager. We don't want to
6 –
7 MAYOR PETRILA: Let me rephrase the
8 question. How would your specific skill sets and
9 your experiences how would it contribute to helping
10 the City in the specifics?
11 MR. REY: Sure. Absolutely. Thank you. So
12 I have experience in the military handling large
13 scale projects that involve timelines, budgets and
14 interactions between federal, state and local
15 agencies. That experience has allowed me to manage
16 businesses with sales teams, operations teams and
17 logistics support of over 200 employees.
18 And my experience as a financial advisor
19 has taught me that it's not necessarily – in a
20 decision, where we're making decisions for people in
21 our community, it's not necessarily about the money
22 the decisions that we're making. It's more about
23 the motions that the residents have. I think this is
24 an emotionally charged decisions that we have before
25 us.

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1 And I think my experience in handling
2 decisions taking emotion out of it, would allow me
3 to contribute to the board.
4 MAYOR PETRILA: Okay and what are those
5 type of issues?
6 MR. REY: So, I'd say the top number one
7 issue is the hiring of the City Manager and then
8 also the support staff to be able to have him
9 facilitate his job properly. Additionally we know
10 the condition to use permits, it's out there. Again,
11 that's one of the emotionally charge items that we
12 need to address. As far as the top third, there's
13 probably 5 to 10 things. Off the top of my head
14 relationships with small businesses.
15 We don't want a wawa to fill one of these
16 vacant spots coming into our town. I think we need
17 to figure out how to engage smaller businesses and
18 make it easier for them. Lower the barrier of
19 entry, stop spending money on defending lawsuits and
20 start working with people who want to develop
21 businesses in our community.
22 MAYOR PETRILA: And how would you do that?
23 MR. REY: Well, I think I would need to
24 spend some time with the board, have a better
25 understanding of things. But first it would be

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1 engagement of the community.
2 MAYOR PETRILA: What does that mean?
3 MR. REY: Well, we have --
4 MAYOR PETRILA: Let me be clear. I have
5 107 point of views with what you're saying about
6 small businesses. And so I would love to and I
7 agree with you and I'd love to hear a solution.
8 MR. REY: I don't know if there's a
9 solution that could be presented at this time. But
10 with my experience with collaboration with
11 businesses in the past, I'm sure I could assist the
12 board in coming up with a solution that benefits the
13 community and the business owners of the community.
14 MAYOR PETRILA: Okay. Thank you.
15 MR. REY: Thank you.
16 VICE MAYOR FRISZOLOWSKI: I think I
17 allowed the Mayor to go on for a little bit more
18 than just a question. But that's fine. Thank you
19 Mayor. Can you tell us a little bit about your
20 community involvement?
21 MR. REY: Sure, absolutely. I currently
22 sit on the board for the Tampa Bay Beaches of
23 Commerce. I'm a member of American League 305 here
24 in St. Pete Beach. I have a small business in South
25 Pasadena that affords me the opportunity to work

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1 with several charities in the area, including Tampa
2 Bay watch, Heaven on Earth for veterans and various
3 other charities.
4 VICE MAYOR FRISZOLOWSKI: Okay, good.
5 Thank you. Commissioner Marriott.
6 COMMISSIONER MARRIOTT: Could -- I'm sure
7 you've said but can you remind me, how long you
8 lived in St. Pete Beach?
9 MR. REY: Since 2010.
10 COMMISSIONER MARRIOTT: Since 2010 okay.
11 And so in that time that you've been here since
12 2010, can you talk about some positive things that
13 have happened in that time or changes that you see
14 as positive or things that are going in the right
15 direction in the City?
16 MR. REY: So, I do see some positive
17 changes that maybe have met some resistance since
18 that time. Or more recently we're thinking about
19 things. We started to make progress on Corey Avenue.
20 The market brings business into the communities.
21 I'd like to see greater engagement from business in
22 the or businesses in our community involved in that
23 market. The, you know, I think to maintain that
24 small feel, small town feel that we want, we would
25 -- we need more events like our concerts in the

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1 park. And opportunities to engage in the community
2 on a social level, not just an a business level.
3 COMMISSIONER LORENZEN: Well, you
4 certainly seem like a busy man and I have no purpose
5 behind this question other than I notice you're COO
6 of it looks like an investigated service, financial
7 advisor and of course you're a Vino Simpatico if I'm
8 saying that right.
9 MR. REY: Sure. It's Vino Simpatico.
10 COMMISSIONER LORENZEN: That sounds a lot
11 better. So the reason I ask that question, there's a
12 lot going on with you. Sometimes that's a good
13 thing. I think most commissioners have a lot going
14 on in their lives except for maybe me right now but
15 time commitment.
16 MR. REY: Sure.
17 COMMISSIONER LORENZEN: Do you see any
18 obstacles with all you got going on?
19 MR. REY: I don't. With Vino Simpatico,
20 I'm essentially a silent partner. I attend events
21 there and help them in marketing but I have no
22 active participation in the management or day-to-day
23 operations of that. From the perspective of Marina
24 Investigated group and Pinnacle Wealth Management,
25 those businesses are run side-by-side daily. So,

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1 it's essentially a 9 to 5 job, if there is such a
2 thing as a 9 to 5 job.
3 COMMISSIONER LORENZEN: Thank you.
4 VICE MAYOR FRISZOLOWSKI: Mayor?
5 MAYOR PETRILA: I think I asked far too
6 many. Thank you.
7 VICE MAYOR FRISZOLOWSKI: Okay. Thank you.
8 Any other questions?
9 COMMISSIONER MARRIOTT: Nothing further.
10 VICE MAYOR FRISZOLOWSKI: Okay.
11 COMMISSIONER LORENZEN: I'm good.
12 VICE MAYOR FRISZOLOWSKI: Okay, thank you.
13 MR. REY: Thank you for the opportunity.
14 VICE MAYOR FRISZOLOWSKI: Thank you. Lisa
15 Robinson. Good morning.
16 MS. ROBINSON: Good morning. I'm excited
17 about this. I get more than three minutes.
18 VICE MAYOR FRISZOLOWSKI: Good. Yeah. Okay
19 Commissioner Marriott.
20 COMMISSIONER MARRIOTT: Sure. So, I think
21 a lot of us who have been here for a while know that
22 you have been actively engaged in coming to
23 Commission meetings.
24 MS. ROBINSON: Yes.
25 COMMISSIONER MARRIOTT: But could you

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1 speak a little bit how you think your background
2 will help you if you were to become a commissioner?
3 MS. ROBINSON: Yes. I'm a broadcast
4 professional. I do basically strategic planning and
5 logistics planning in a technical aspect for live
6 television production. So, I've managed anywhere
7 from 30-person crews to a hundred person crews.
8 Hired vendors. We're under timeframe, it's all
9 logistics. It's get the job done. I'm a no nonsense
10 in regards to that. I look at the facts. I look at
11 the plan. I plan it out and you know, make sure we
12 have all the info we need to get the job done. I'm
13 not afraid of doing the work, doing the research.
14 COMMISSIONER MARRIOTT: Thanks.
15 VICE MAYOR FRISZOLOWSKI: Thank you.
16 Commissioner.
17 COMMISSIONER LORENZEN: Good morning.
18 MS. ROBINSON: Good morning.
19 COMMISSIONER LORENZEN: Your same question
20 that we've asked of everybody. You're top three if
21 you want to go to four --
22 MS. ROBINSON: Oh, I could go on.
23 COMMISSIONER LORENZEN: We'll limit to
24 four then. How's that?
25 MS. ROBINSON: Okay, we'll go to four. Sea

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1 level rise. Huge, huge in this community. There's
2 so much there you know it encompasses so much. Storm
3 water, impervious surfaces.
4 We've got of course the City Manager. We
5 have beach renourishment which is huge and with the
6 Army Core of Engineers. I grew up here. I grew up
7 on actually on Treasure Island since 1970. My
8 father was in the service. And but my parents went
9 to St. Pete High. My father is a declared or was a
10 declared Lieutenant Colonel in the Air Force and
11 he brought the family here in 1970.
12 So, I grew up there but I've lived here on
13 St. Pete Beach most of my life. I seen beach
14 renourishment all the time and all of a sudden it's
15 stopping, is just amazing. And the Army Core of
16 Engineers, the problem with that, with you know, the
17 property rights and people are afraid of losing that
18 because of the Army Core of Engineers of how stuff
19 is written. You know, that's an issue. That has to
20 be solved.
21 We've got the conditional use
22 applications, that's big. There's been the divide
23 between the community on that. There's got to be a
24 happy medium on that and I'm looking forward to
25 helping in those areas.

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1 VICE MAYOR FRISZOLOWSKI: Mayor.
2 MAYOR PETRILA: Okay. I'll ask the same
3 questions for you. How many meetings have you been
4 in the passed 12 months?
5 MS. ROBINSON: I didn't count them but more
6 than six.
7 MAYOR PETRILA: Okay. What about workshops
8 and town hall meetings you've been to?
9 MS. ROBINSON: I've been to everyone of the
10 District 2's except I missed one because I didn't
11 get notification. I've been to District 1's as well
12 for Gulf -- Boca Ciega Drive and also I was active
13 in 2002 with the Glatting Jackson Master Plan
14 Envisioning workshops. I was active in 1999 with the
15 homeowner association in Bayside area, or
16 neighborhood association. We got the stop signs put
17 on both Blind Pass cause at that point there was no
18 stop signs on Blind Pass on 73rd and 71st. It was a
19 freeway. You couldn't walk across the street. We
20 also got extra stop signs on Gulfwinds Drive.
21 MAYOR PETRILA: Okay. And then the topic
22 CUP has come up multiple times and I asked the last
23 applicant as well. We five and a half hour meeting
24 planning board, we have a nine-hour meeting for the
25 Commission, did you watch any of this --

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1 MS. ROBINSON: I was present for both.
2 MAYOR PETRILA: Okay. And out of the
3 2500 pages that they submitted for us to review, how
4 many would you say you actually read and reviewed?
5 MS. ROBINSON: I've watched both meetings
6 so, I saw both of the presentations which a lot of
7 that was the presentation work. I read the reports
8 on both the planning board and the technical review.
9 I don't know if I did all 2500. I'd say I probably
10 did 2,000 of those pages maybe.
11 MAYOR PETRILA: Okay. How can you describe
12 the familiarity with the comprehensive plan and
13 development code generally the code ordinances of
14 St. Pete Beach?
15 MS. ROBINSON: Well the land development
16 code regulates it the comp plans. So I'm familiar
17 with that and also with the land use map. And some
18 of our articles. I do my research. I do a lot of
19 public info request because I'm involved. I want to
20 be involved. I love this community. I want to be
21 apart of it. I am apart of it. I was absent for a
22 little bit because my work took me out of town. I
23 traveled for work. I'm back now. I've been back
24 since you know 2019. And I'm going to stay involved
25 one way or another.

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1 I thought this was the perfect
2 opportunity. There was a mass exodus of resignations
3 and I stepped up. I figured it was time. I'm not
4 afraid to do the work and I'm not afraid to do the
5 research. And I'm fact-based. I'm not hearse and
6 everything else that people want to say. I look for
7 the facts. I like how Mark Grill had commissioner in
8 District 2, I liked what he was doing.
9 I thought it was great. He asked the hard
10 questions. You know he was looking, you know, what
11 problem is this and I would like to carry in that
12 vein as well. I think there's a lot to be said for
13 that, instead of just being lambs and passing things
14 through. I think hard questions need to be asked.
15 This is our community and we can make it what we
16 want to make it. My father was in the service and he
17 taught me a couple of things, well he taught me a
18 lot of things and he's a decorated Vietnam veteran.
19 He was awarded the flying cross. He was
20 awarded quite a few medals and he taught me honesty,
21 integrity, and honor. And that's what I would bring
22 to this Commission.
23 MAYOR PETRILA: Thank you. And then
24 staying consistent with the others, any part of you
25 a member of any community HOA groups anything else?

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1 MS. ROBINSON: I was a member in 1999 when
2 we had our community neighborhood association over
3 on Bay Street. That is defunct. We aren't no longer.
4 So, other than than that I'm a frequent flyer miles.
5 I have my Delta Club, my American Club and National
6 Rental Car but that's the only memberships I have.
7 MAYOR PETRILA: Thank you. I do not have
8 any further questions.
9 VICE MAYOR FRISZOLOWSKI: Okay. Thank you
10 Mayor. To followup on some of the Mayor's questions
11 from previous candidates. You mentioned your top
12 priorities but I didn't hear how you were going to
13 solve them.
14 MS. ROBINSON: Well, do the research on
15 them. Listen to the research. You know, there's
16 research on all of this. It's a fact-finding
17 mission. Same thing with traffic studies, with other
18 studies that have been done. I mean we can't jump
19 into stuff without having fact-base behind it. I'm,
20 you know, I believe in science and I believe in
21 facts. And the facts will support which way you're
22 going to go on things.
23 VICE MAYOR FRISZOLOWSKI: Okay but you
24 named three specific or four specific --
25 MS. ROBINSON: What sea level rise?

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1 VICE MAYOR FRISZOLOWSKI: Yes.
2 MS. ROBINSON: Yes. Sea level rise, I
3 would say little less of the impervious surface
4 would go long ways. Especially for areas that are
5 already seeing flooding. Anything that we can do. I
6 know that we've done things in the Marianna area
7 with the baffles and everything. And so, I know that
8 there's work in the Dawn Vista area that needs to be
9 done. It's a Florida-wide, it's a nationwide
10 problem. It's a worldwide problem, sea level rise.
11 It's not going to be combatted right away.
12 It's going to take some time and you know,
13 really you know, it's not going to be solved over
14 night. But there are ways to work with it. I've
15 seen impervious surface being poured like right out
16 here on the curb line. I've seen it on Bay Street.
17 So there are ways to do that.
18 VICE MAYOR FRISZOLOWSKI: Pervious
19 surface.
20 MS. ROBINSON: Pervious, sorry, yes.
21 VICE MAYOR FRISZOLOWSKI: Okay.
22 MS. ROBINSON: You know what I meant.
23 VICE MAYOR FRISZOLOWSKI: Yeah. Thank you.
24 Commissioner Marriott.
25 COMMISSIONER MARRIOTT: Yeah. A couple of

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1 questions for you. The first one is you have been
2 very involved in the city in various ways. Is there
3 a reason why up until now you've not ever run for
4 Commission or asked to be appointed to any of the
5 advisory boards?
6 MS. ROBINSON: It's probably easier to be a
7 cheerleader. You know, you get the right people up,
8 you could be a cheerleader for them.
9 COMMISSIONER MARRIOTT: Sure.
10 MS. ROBINSON: Yup. So yeah, it's a tough
11 job. And I was traveling a lot more before. I have
12 flexibility in my schedule now that I can be here
13 for everything.
14 COMMISSIONER MARRIOTT: And then secondly,
15 what do you see, you've been in St. Pete Beach for a
16 long time, what do you see as some positive changes
17 that have happened in that time? Or what are some
18 areas where you think the City is moving in a
19 positive direction?
20 MS. ROBINSON: Well, I've seen a little
21 bit more parks. You know, they did the pocket
22 parks. I still don't think that's necessarily
23 enough for beautification here. Blind Pass, when
24 they redid Blind Pass, that comes from a nice little
25 design and it looks pretty. It looks really pretty.

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1 There's been you know, us getting the
2 designation of the Sunset Capital of Florida is
3 awesome. There are some, still more work that needs
4 to be done but I think the beautification has
5 started a bit. But it still needs to continue.
6 COMMISSIONER MARRIOTT: And then in --
7 when you were talking about your background about
8 the logistics and the having a job and getting it
9 done, which I very much appreciate. But in that
10 experience have you had to work in many situations
11 where you have to get a bunch of people on board
12 with you in those situations or are you mostly
13 working independently?
14 MS. ROBINSON: No. Absolutely, I'm working
15 with a full team. I mean, we go in for a show and it
16 can be a set shoot and strike day. So it's one day
17 to get a show on television. I work in where
18 primarily all live sporting events, so it can be a
19 basketball game. You walk in a venue, you got a
20 crew, we start off talking about what we're going to
21 do, how we're going to do it. It's a team effort to
22 get it done.
23 COMMISSIONER MARRIOTT: Thanks.
24 MS. ROBINSON: And the only time I get to
25 rest is when we hit air.

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1 VICE MAYOR FRISZOLOWSKI: Commissioner.
2 COMMISSIONER LORENZEN: Yeah. Along that
3 same line, since you worked in that kind of world,
4 can you give us an example of a conflict that kind
5 of came up in a small group, that something you had
6 your mind made up it was going to go one way. And
7 you kind of listen to the rest of the folks and you
8 say hey maybe there's a better way, or?
9 MS. ROBINSON: You kind of always have to
10 have a little bit of a plan B. Because in live
11 sports, nothing goes exactly how you plan it
12 necessarily. We start off with our game plan and
13 when we hit, you know, we could go to any venue and
14 something could change within the venue. Access may
15 not be here. It might be over here, so you've got
16 to change your cable plans. You've got to change --
17 so you got to be fluid. And everybody on the team
18 typically works within that realm. And they realize
19 that it has to be a bit fluid.
20 COMMISSIONER LORENZEN: Can you give an
21 example of, you know, a good concrete example of
22 where there was conflict, you listened to both sides
23 and you kind of changed your mind on it?
24 MS. ROBINSON: Let's see I'm trying to
25 think of a particular event. We've done quite a few

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1 events over safety issues probably. Or probably a
2 bigger one where you have to work within a safety
3 realm.
4 And working between the venue saying this
5 meets an OSHA complaint and working a free tech
6 person who doesn't want to work in that environment
7 and find a happy medium to make that work so you
8 could get that position taken care of.
9 COMMISSIONER LORENZEN: Okay. Thank you.
10 VICE MAYOR FRISZOLOWSKI: Have you donated
11 to any political campaigns?
12 MS. ROBINSON: Well with all due respect,
13 have you donated to any political campaigns?
14 VICE MAYOR FRISZOLOWSKI: I believe today
15 we're asking you the questions.
16 MS. ROBINSON: No, I understand.
17 VICE MAYOR FRISZOLOWSKI: I mean local
18 campaigns. I don't mean anything on up, City.
19 MS. ROBINSON: Local campaigns being?
20 VICE MAYOR FRISZOLOWSKI: City of St. Pete
21 Beach.
22 MS. ROBINSON: City of St. Pete Beach?
23 VICE MAYOR FRISZOLOWSKI: Yes.
24 MS. ROBINSON: Well, I'm a little confused
25 because you didn't want to fill out the form the

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1 Form 6 and now you're asking me about my personal.
2 VICE MAYOR FRISZOLOWSKI: You could choose
3 not to answer it. You could choose not to answer the
4 question.
5 MS. ROBINSON: No. I'm happy to say I
6 donated to Adrian Petril's campaign.
7 VICE MAYOR FRISZOLOWSKI: Okay.
8 MS. ROBINSON: And I've donated to others
9 and I do know that you donated to Al Johnson's.
10 VICE MAYOR FRISZOLOWSKI: Okay. Yeah.
11 MS. ROBINSON: Yeah. And your wife did too.
12 VICE MAYOR FRISZOLOWSKI: Let me just be
13 clear here. This was asked of other candidates.
14 MS. ROBINSON: No, no. It was asked one
15 time --
16 VICE MAYOR FRISZOLOWSKI: Ma'am, this is
17 time for me to talk.
18 MS. ROBINSON: It was asked yesterday as
19 well.
20 VICE MAYOR FRISZOLOWSKI: Ma'am. First
21 thing, you need to understand the rules, right.
22 You've been here plenty of times. You heard Adrian
23 Petril's say don't interrupt people, correct?
24 MS. ROBINSON: Correct.
25 VICE MAYOR FRISZOLOWSKI: Have you heard

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1 him say that before?
2 MS. ROBINSON: Yes, I have.
3 VICE MAYOR FRISZOLOWSKI: Okay, good.
4 Thank you. So, if I could just have a minute to
5 talk. This was asked of other candidates. Yesterday
6 there was someone from the public who came up and
7 said why don't you ask other people that. I --
8 MS. ROBINSON: You didn't ask all the
9 candidates.
10 VICE MAYOR FRISZOLOWSKI: Ma'am, ma'am.
11 Could I have the floor?
12 MS. ROBINSON: Yes, you can.
13 VICE MAYOR FRISZOLOWSKI: Thank you.
14 MS. ROBINSON: You're welcome.
15 VICE MAYOR FRISZOLOWSKI: And so residents
16 asked me to ask this question. So, we've asked it of
17 everybody else. So in fairness, we're just asking
18 the same thing. How about any political action
19 committees?
20 MS. ROBINSON: No.
21 VICE MAYOR FRISZOLOWSKI: No donations of
22 any kind?
23 MS. ROBINSON: No.
24 VICE MAYOR FRISZOLOWSKI: Okay. And are
25 you a member of any advocacy groups?

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1 MS. ROBINSON: No, I am not.
2 VICE MAYOR FRISZOLOWSKI: Okay. Thank you.
3 MS. ROBINSON: You're welcome.
4 VICE MAYOR FRISZOLOWSKI: Thank you.
5 Commissioner.
6 MAYOR PETRILA: We didn't ask Ms. Marriott
7 that question yesterday. So we were in fact not
8 consistent.
9 VICE MAYOR FRISZOLOWSKI: Yes, you're
10 correct but there was a gentlemen who came up as you
11 remember afterwards and asked why not. And then last
12 night I was asked by a resident, can you please ask
13 these questions. So, that's why I'm following up.
14 You're correct. And you could ask those questions
15 too. Commissioner.
16 COMMISSIONER MARRIOTT: I have no further
17 questions.
18 VICE MAYOR FRISZOLOWSKI: Okay. Thank
19 you.
20 COMMISSIONER LORENZEN: The same, I'm
21 good.
22 VICE MAYOR FRISZOLOWSKI: Okay. Mayor, any
23 further questions?
24 MAYOR PETRILA: I do not.
25 VICE MAYOR FRISZOLOWSKI: Thank you. Thank

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1 you.
2 MS. ROBINSON: Thank you.
3 VICE MAYOR FRISZOLOWSKI: Okay. So maybe
4 I'll jump in and tell you my thoughts and then open
5 it up to any other discussion.
6 CITY CLERK: Do you want to take public
7 comment first or do --
8 VICE MAYOR FRISZOLOWSKI: Oh yeah, yeah
9 please. Thank you.
10 CITY CLERK: Deborah Sheckner.
11 MS. SHECKNER: Good morning. Deborah
12 Sheckner. Boca Ciega Isle Drive in St. Pete Beach.
13 With all due respect to the other candidates,
14 there's only one person who could sit in Mark
15 Grill's seat that has been to Commission meetings,
16 that has participated up to date, understands the
17 innings working of the City of St. Pete Beach, has
18 cared about our beach forever.
19 I do understand that she should have been
20 appointed at the first time because she was the only
21 candidate in my opinion, you chose to go out and get
22 others. I think it's very important that somebody
23 who sits in this seat at this very, very crucial
24 time in development issues, the cup issues, we have
25 so much coming up. We need somebody who can step in,

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1 be up to date, understand what's going on and
2 there's only one candidate and that's Lisa Robinson.
3 I know Mayor, you may have some misgivings
4 about that because there's been some conflict with
5 you and I really employ you to do the right thing
6 for the City. You cannot have people up here on a
7 learning curve. Time is too crucial. Our City is at
8 a turning point and we need people up there who not
9 only understand what's going on but has
10 participated, attended meetings, has done research,
11 has been involved in our City for all this time.
12 To do appoint anyone else that has to
13 catch up that hasn't attended any meetings would be
14 a travesty in our City and it would be very
15 difficult for anybody to catch up to what's going
16 on. And I know that because I've done all this
17 research. I've attended pretty much every single
18 meeting and it's imperative and you all know that
19 that somebody must know what's going on to fill Mark
20 Grill's place.
21 And I have known Lisa to be an excellent
22 researcher because there have been times that I've
23 asked her do you know such and such. And she's
24 giving me the answer. Not only the answer but where
25 that came from. So to me, with all due respect, the

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1 other gentlemen are not involved.
2 They don't understand what's going on in
3 the City. They haven't read the documents and it's
4 way too late to catch up. Thank you.
5 CITY CLERK: Deborah Edney.
6 MS. EDNEY: Deborah Edney, 181 73rd
7 Avenue, St. Pete Beach. Just a moment. Sir, how do
8 you pronounce your name?
9 VICE MAYOR FRISZOLOWSKI: Ma'am, ma'am,
10 ma'am you need to address the Chair please.
11 MS. EDNEY: I know. I just want to ask
12 him how to pronounce his name so I get it right to
13 elect him.
14 VICE MAYOR FRISZOLOWSKI: Okay.
15 MS. EDNEY: Is it Lauder? Anyway, I'm
16 going to refer to him as the marine. It's not true
17 when you say Ward, that you ask Karen the same
18 questions. You didn't ask me the same question that
19 you asked the marine. And here you stand, you have a
20 United States marine in front of you guys and you
21 disrespect him like that. When I was watching the
22 meeting, it was absolute disrespect. You guys are
23 like cabal. This City is divided in two places.
24 You've been in here for 32 years. What have you
25 done? This place is a mess.

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1 We need term limits in here. It's a good
2 old boy network running this place and anybody
3 that's been here for any length of time knows it. I
4 read a book you guy might want to read. It's How to
5 Tell Deception by the FBI. You guys exhibited every
6 trait that I read in that book. When Karen got up
7 there, Mark was like I mean he looked like he was in
8 love. He had this smile on his face he was all
9 happy.
10 All you guys were up. I only looking at
11 Richard but you guys we knew before anything who you
12 were going to choose. It's not fair. I feel very
13 sorry for the Mayor. I had never heard him speak
14 because of the situation I was in taking care of my
15 son but you can tell that man is an honest fair man.
16 It doesn't mean for one part of the City or the
17 other part of the City.
18 He's going to be stuck for the next two
19 years with this cabal you guys got up here. And
20 what you did about opening it for more people,
21 that's wrong. You might have the lawyer said well
22 it's nothing against the law. Well, it may not
23 against the law, but it doesn't look right and it
24 doesn't smell right. You a made decide, Ward, that
25 I'm going to be here for the rest of the time.

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1 That I'm in St. Pete, that I'm alive. I'm
2 going to be here. Because this is a corrupt place
3 and in about another month I'm going have a meeting
4 and I'm gonna for all the people of St. Pete Beach
5 Paul Skipper Ward Friszolowski, all you guys show up
6 because I'm going to show you proof that you covered
7 up my nephew Joey Turner's death. And you were the
8 mayor when he was killed. And I'm going to prove
9 it. Not talk, I'm going to prove it. Thank you very
10 much.
11 CITY CLERK: Mark Grill.
12 MR. GRILL: Good morning. Mark Grill, 2nd
13 Palm Point. Since the discussion point on
14 contributions seems to be a recurring theme. Since I
15 was the one that's been asking the questions, I
16 wanted to clarify where that information came from.
17 It came from the city's public's request portal.
18 Nowhere else. The reason candidates were asked
19 yesterday by me, I'll speak for myself, is their
20 names did not show up on those forms. The other
21 candidates their names show up on the form. The
22 candidate who withdrew yesterday, her name was on
23 the form. She would have been asked the same
24 question. If I was still sitting there, Ms.
25 Robinson's name is on the form, I would have asked

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1 the same question.
2 This is all public records. And I know you
3 all do your work. I know some of you are new. This
4 is all public information. So there were
5 contributions to the pack. There were contributions
6 to the campaign. Just wanted to clarify that. And
7 that's why certain people were asked the questions,
8 certain people weren't. Should everyone been asked
9 the same question? You know, we were in a time
10 constraint. Maybe yes, maybe no. But just to
11 clarify, that's the reason. So, thank you very much.
12 VICE MAYOR FRISZOLOWSKI: Thank you.
13 CITY CLERK: BJ Lawson.
14 MR. LAWSON: Good morning. BJ Lawson.
15 Lelani Drive, District 2. I would first like to
16 thank our newly appointed commissioners for your
17 willingness to serve our City in it's moment of
18 need. As a District 2 resident, the events of the
19 past few days have given me a strong opinion on the
20 appointment of our District 2 Interim Commissioner.
21 I watched original emergency session where the
22 Commission unanimously agreed to close the entrance
23 window before the holiday and considered reopening
24 the window only if the district had no volunteers
25 for a position.

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1 Then I watched amazement as the Commission
2 reversed course on 12/21. Raw politics, overwhelm
3 process and the decision to reopen the notice period
4 when all districts except District 2 had multiple
5 candidates and District 2 had one well qualified
6 candidate. I'm here to speak in favor of Lisa
7 Robinson. The one candidate who turned in her
8 application to serve during the original interest
9 period. The following remarks are intended solely
10 for consideration by our newly appointed
11 commissioners.
12 You have a critical decision to make
13 today. There's a clear difference between Lisa
14 Robinson and every other candidate before you. Lisa
15 is a resident who has been involved and volunteered
16 on the same schedule that you did to serve in this
17 capacity. However, departing commissioners and they
18 are predecessors worked over the holidays to recruit
19 additional candidates who now present themselves
20 today.
21 Why, you might ask? I have heard Lisa
22 referred to as the queen of public records request.
23 Some might consider that derogatory. However, after
24 seeing what we've seen over the past year I consider
25 that a high complement. With the election of Mayor

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1 Petrila, we finally have leadership willing to ask
2 tough questions and look into concerns raised by
3 employees regarded by our former City Manager.
4 What did the rest of the Commission do
5 this summer when Mayor Petrila made efforts to hold
6 Mr. Rey accountable? I sat here and I watched as our
7 departing commissioners minimize concerns and
8 obstructed his efforts. It was only when the drum
9 beat of resignations became too loud to ignore, that
10 the Commission finally authorized the special
11 investigation.
12 What did relearn from this special
13 investigation? Well we paid over \$73,000 in legal
14 fees for this investigation but we learned nothing
15 since Alex Rey resigned to prevent this
16 investigation from becoming public. This obstruction
17 and cover up is the unfortunate legacy of our
18 departing commissioners along with their
19 predecessors, Allen Johnson and Melinda Fletcher.
20 Lisa Robinson is an honest person who
21 wants to serve our community. Transparency and
22 accountability have never been more important to the
23 future of our City. The late comers to this process
24 while I respect their coming forward, have been
25 recruited because the departing commissioners want

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1 to extend their influence beyond their departure.
2 So, much so they change the rules to allow
3 them to be here today. So here's the question, do
4 you want to appoint and serve alongside a ghost of
5 commissioners passed, or do you want to serve
6 alongside a resident who cares as much about the
7 future of St. Pete Beach as I hope you do. That's a
8 rhetorical question. The answer is clear. Please
9 support Lisa Robinson.
10 CITY CLERK: Joe Maholland.
11 MR. MAHOLLAND: Excuse me if I look like a
12 Jackelant (sic) but I broke a tooth last night. My
13 name is Joe Maholland. I live at 199 21st Avenue.
14 For the second day in a row, I'm speaking when I
15 didn't plan on speaking. The one thing I just want
16 to add as it relates to political contributions to
17 local officials or campaigning local officials, I
18 know former Commissioner Grill just clarified it and
19 I appreciate him doing that.
20 And I anticipated that if it came up today
21 that would be the clarification. But honestly
22 there's many ways to contribute to campaigns, not
23 just financially. There's people that knock on
24 doors. There's people that hold seminars and
25 meetings in the like. So, to point it out that I was

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1 only asked because I donated when other people
2 contributed time to different elected officials.
3 Once again, I'll say what I said
4 yesterday, and you know please don't take this as
5 sour grapes. Rich I think is absolute – I don't
6 think, I know he's an absolute qualified
7 Commissioner. Don't really know where we stand
8 politically but that really shouldn't matter. But I
9 do feel that it was highly inappropriate for this
10 Commission to only ask me until today about
11 political contributions to campaigns.
12 And that's not just monetary, that's any
13 type of contribution. And for the lady that made the
14 fine comments about me, I certainly appreciate that.
15 But my name was Joe Maholland but yes I was a United
16 States Marine. Thank you.
17 VICE MAYOR FRISZOLOWSKI: Thank you. No
18 other further comments. Okay. We'll close the
19 public comment period. Maybe I'll like to say a few
20 things certainly based on some of the audience
21 comments. I did talk to Nick about applying for this
22 position. I've known Nick for about five years.
23 Mainly through he's a realtor and he worked with –
24 I had no direct involvement with him. But he helped
25 my mom out when she was selling a house and helped

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1 my mom out when she was buying a condo.
2 Subsequently more recently my brother and
3 sister-in-law were looking for a house and he helped
4 him out. I wasn't involved in any of those
5 transactions. But I did hear a lot of great things
6 you know about him and learned a little bit about
7 his character. About how he followed through on
8 everything.
9 I know that he knocks door to door because
10 he's left literature at my house multiple different
11 times. He's a hard worker. He's a young guy who has
12 been spent a lot of years here on St. Pete Beach.
13 And when I'm looking for people to fill an office or
14 my appointees, and you could verify this with
15 everyone including my two colleagues up here, I
16 never ask about a policy question.
17 Any of my appointees, are all based on
18 character. So I'm looking for people that are
19 honest, sincere, hard working and number one is they
20 care about this community. Not one single policy. So
21 to accuse any of my myself or others about a shadow
22 government, doctor is really insulting but I
23 probably understand that you haven't been here that
24 long to understand or know me. You've never talked
25 to me before and I understand that.

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1 So I've known Nick as I mentioned. I have
2 never met Shaun Rey. All though, very impressed
3 with you today and thank you for stepping up. I have
4 known Lisa for probably 20 years or so plus. So, you
5 know my decision today is more based on character
6 than anything else. You know one thing that I
7 thought was interesting with the Mayor, I think we
8 were talking about selecting a firm for a
9 comprehensive plan.
10 And I thought one of the interesting
11 things I remember you saying Mayor was that maybe we
12 should pick someone without experience because
13 experience is a bad thing. And it kind of stuck in
14 my mind because it's a different way of thinking. So
15 I mean you could always keep --
16 MAYOR PETRILA: That's not what I said. I
17 said we should pick someone with different types of
18 experience than what we're generally accustomed to
19 --
20 VICE MAYOR FRISZOLOWSKI: Okay.
21 MAYOR PETRILA: -- and it sounds like they
22 would make a great appointee for a board member.
23 Where he could actually get his feet wet and get
24 some experience in. And so that when actually, when
25 the time comes, I think you're probably right. I've

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1 seen that multiple times.
2 VICE MAYOR FRISZOLOWSKI: Yeah.
3 MAYOR PETRILA: I think I talked to him
4 once or twice even though I'm a (unintelligible)
5 worker myself. You know, I don't mind talking to the
6 competition even though I don't do business in St.
7 Pete Beach myself. And I do that specifically
8 because I don't want to avoid having any conflicts.
9 But I think you're absolutely right. His character
10 is hard working, being a young father.
11 He's honing his responsibilities and I
12 think he would make a great asset to the City as an
13 appointee. Either actually where he could get some
14 experience because you know we're in a position
15 right now and all due respect to your point
16 Commission numbers, you know you're coming in with
17 very little experience and very little knowledge of
18 the issue that we're facing.
19 And I found that you know rather
20 concerning when I asked the three applicants any
21 they admitted they haven't attended any Commission
22 meetings. They haven't participated in any district
23 or town halls. They weren't involved in any way in
24 the community other than to say, I have business in
25 the community. Well, that's great and I applaud you.

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1 And I'm glad that you're contributing to
2 the community in a meaningful way, in a business
3 tense. But from public service sense, the first two
4 candidates personally haven't contributed in any
5 way. Haven't participated. We have huge meeting
6 coming two weeks from today and two of the
7 candidates haven't even looked at the information.
8 It took me months, an entire months reading
9 200 pages to get familiar with the information.
10 And now there's a decision that they have
11 to make in a two weeks time and they haven't been to
12 the meetings, they haven't watched either of the two
13 meetings. We're talking 15 hours minimum of just
14 watching Commission meetings, plus 2500 pages of
15 reports and data that has been reported. This is not
16 easy. These are traffic studies and other studies
17 and reports and all single space. Not a 17 point
18 font double space, right.
19 So this is going to be a lot of
20 information that needs to be processed and my
21 concern is moving forward that if we end up with
22 four commissioners that have not been involved with
23 the issues and not familiar with the issues. They
24 haven't watched the commission meetings. They
25 haven't participated. They don't understand the

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1 history in the last year or two and how we got to
2 this point.
3 You know I appreciate one candidate saying
4 I worry about beach cleanup. Well, for one thing who
5 is responsible for beach cleanup? Right. Maybe if
6 you look and say it's (unintelligible) a solution.
7 No, just say general things that I care about beach
8 cleanup or I care about this or that. You got to be
9 able to come to the podium with solutions. So, to
10 me one of the things, you know, and it's now
11 (unintelligible) Commissioner Grill at the podium
12 and I you know we haven't always seen eye-to-eye.
13 Even in that situation (unintelligible)
14 right. He is the one candidate, the one commissioner
15 that can only always count on to be completely
16 analytical. To look at the issues, read all 25 -- I
17 have no doubt he read all 2500 pages forwards and
18 backwards probably. And probably found every
19 spelling mistake, every comma that was out of space
20 and evert typo, right.
21 I've always counted on him for that. I
22 certainly always appreciated that. And from the
23 three applicants that we have today, we only have
24 one that came in that fits that bill. There's only
25 one candidate that can bring that same level of

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1 research and that same level of consideration to the
2 Commission.
3 Because the other two candidates frankly,
4 they haven't been involved. They don't even know
5 what the issues are other than to say well looking
6 at the community this is what I think without
7 actually being involved. Without actually having any
8 knowledge of the issues. And my concern is that if
9 we pick any of the first few candidates we're going
10 to put the Commission a position where we're going
11 to handicap ourselves. Where we go ask people of
12 inadequate information, we don't have enough people
13 who are aware of the issues, that are aware of the
14 history of the issues and don't have a plan going
15 forward.
16 I mean that is a huge concern. And so for
17 me that seems very clear that we have one candidate
18 that has been involved actively as you said
19 Commissioner Friszolowski for 20 years, have been an
20 active member of the community and of the
21 Commission. She participated in the town halls. I've
22 seen her and, you're right she's always filling out
23 a lot of public records information because all the
24 research that she do. That's the kind of analytical
25 find that we need to bring to the Commission.

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1 That is the kind of you know dedication.
2 This is someone that is dedicating their time even
3 though they are paid, even though they are not
4 appointed and they're still doing the work. That's
5 the level of commitment that we need on this
6 Commission. So for me you know, with all due respect
7 with the first two candidates, I think they need to
8 get some experience. I think maybe they don't fit
9 in the Commission. And the new commissioners out
10 there I would love to (unintelligible) decision to
11 make in the next couple of weeks, right. So, and for
12 the other two commissioners it's a second job,
13 right.
14 This is an amazing resume and even said
15 look I'm involved in this and this and this. I've
16 been participating in the community and coming to
17 the Commission meeting. (Unintelligible) how do you
18 make decisions on that document when you don't even
19 know what it is? That's a huge red flag for me but
20 at the same time looking at the new commissioners,
21 here is a great opportunity, right.
22 You don't even have to pick a District 2
23 commissioners. You can pick from any district for
24 your appointees. You have two excellent candidates
25 who want to express their desire and be involved in

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1 the community and I will take them up on that. I
2 would say look, you say you want to be involved?
3 Here's a great opportunity. I have this floor seat
4 open. I got this (unintelligible) the second
5 gentlemen. For me --
6 VICE MAYOR FRISZOLOWSKI: Mayor. Mayor.
7 MAYOR PETRILA: -- I would vote Lisa
8 Robinson is the candidate that I would select.
9 VICE MAYOR FRISZOLOWSKI: Thank you. Thank
10 you. Okay well I appreciate your confidence in all
11 three of them. You know, I don't -- I've learned a
12 long time --
13 MAYOR PETRILA: (Unintelligible).
14 VICE MAYOR FRISZOLOWSKI: Yes, yes. I
15 understand that. It's kind of ironic though, I
16 don't believe you served on board before you were
17 Mayor. So I don't --
18 MAYOR PETRILA: (Unintelligible) that was
19 not appointed. That was for people to decide.
20 VICE MAYOR FRISZOLOWSKI: Yes, sir. Yeah,
21 no I --
22 MAYOR PETRILA: (Unintelligible) for lack
23 of experience. (Unintelligible).
24 VICE MAYOR FRISZOLOWSKI: Exactly. And
25 we're in the same position here. So, again, I

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1 applaud all three, actually all four for submitting.
2 Unfortunately, there was one person that
3 couldn't find internet connection which is
4 unfortunate because it seemed like he tried. So, I
5 want to mention there were 4. 4 good qualified
6 candidates. You know I hear what you're saying Mayor
7 but you know, at the same time I've got confidence
8 in any one of the other two that they can be quick
9 to get up to speed. I appreciate their open
10 mindedness. You know, I think they are going to look
11 at things in an open minded way. So, at some point
12 we're going to need to make a motion --
13 MAYOR PETRILA: Can you tell us why
14 Ms. Robinson can't be a good candidate?
15 VICE MAYOR FRISZOLOWSKI: I've known her
16 for -- I rather not be negative Mayor. I've known
17 her for many, many years. I've seen her character as
18 she's come up here and I would rather go with one of
19 the other two for that reason. But I rather not be
20 negative Mayor. Maybe I'll just tell you my position
21 if I were ranking them. I would rank Nick Fritz
22 number one. Mainly because I know him and I could
23 vouch for his character, his hard work, his caring
24 in the community and his family history now being
25 three generations on St. Pete Beach.

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1 Mr. Rey, very impressed with. I think
2 he'd be very qualified so I would rank them
3 Mr. Fritz, Mr. Rey and Ms. Robinson if we were
4 ranking 1, 2, and 3 for voting through a numerical
5 system. So, with that, let me just open it to other
6 commissioners. Commissioner Marriott.
7 COMMISSIONER MARRIOTT: Sure. So I'd like
8 to address something the Mayor said having a bunch
9 of new commissioners, none of whom are familiar with
10 the history and what's going on. And I would like
11 to reassure him that though he might not have seen
12 my face standing in the back of the room of every
13 Commission meeting, I've watched every single one of
14 them.
15 I've read every single page of the 2500.
16 I'm very well informed. So, you're not going to have
17 four people sitting up with you, no matter who we
18 pick today or who gets picked in the future that are
19 not aware of the situation or know what's going on.
20 Or familiar with the applications that are going to
21 be before the Commission. I think that there's no
22 doubt that Lisa Robinson knows very, very well all
23 of the issues that are facing the City. I'm - I'm a
24 little bit concerned about appointing somebody who
25 already has a very clear opinion on decisions that

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1 are going to be coming before the board in the
2 future.
3 And who may not be open to seeing another
4 side of things. And that maybe misplaced. It could
5 be you know if presented with other information, you
6 know she would - she would, you know, or wouldn't
7 change her mind. I'm not saying she has to change
8 her mind. I think that - that all of us who are
9 sitting up here, it's very important that we be able
10 to look at things pretty objectively and relatively
11 unemotionally.
12 And so I would be a little bit concerned
13 about that she's so close to the issue that on a
14 couple of the immediate things coming up, that would
15 be difficult. But other than that, I don't think I
16 have anything else to say about that.
17 VICE MAYOR FRISZOLOWSKI: Mr. Lorenzen.
18 COMMISSIONER LORENZEN: Yeah. I like to
19 address a couple of comments that were made. First
20 of all, I've only been on here a couple of days
21 obviously, but from what I've seen of my fellow
22 commissioners, they seem to be a bunch of honest
23 good folks. And I'm not a member of cabal and first
24 of all, I certainly have absolute respect for any
25 former, I can't say former marine. You're always a

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1 marine, right and anybody that served in the armed
2 forces.
3 So let's just put that out there. I'm one
4 of those folks you're going to find, I'm straying
5 off topic a bit, that's very honest, I'm going to
6 listen to both sides. I have no agenda. So what I
7 want -- how that relates to the topic of new
8 commissioners, maybe inexperienced commissioner in
9 the city, verses folks that have been doing this for
10 20, 30 years, I think the vast majority of this by
11 the time we end this up tomorrow or Thursday are all
12 going to be new except for maybe one. I don't know.
13 I don't know what District 3 has in store.
14 So, you know, I find newness to something or
15 somebody that's done something a long time, doesn't
16 always equal wisdom. And it doesn't always equal
17 that liability to listen and really think through an
18 issue in depth. So, I don't see that has a major
19 roadblock. I'll tell you, this is a tough one for
20 me.
21 The other ones were I think a little bit
22 easier for me. I think that both Mr. Fritz and
23 Mr. Rey bring a lot to the table. I have some issues
24 with the go between I heard between certain
25 candidates in dealing with the Commission. And that

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1 kind of concerns me in how that would transfer
2 itself to sitting up here. But I'm really torn
3 between the other two. You both bring a lot to the
4 table. That's where I'm at.
5 COMMISSIONER MARRIOTT: I --
6 MAYOR PETRILA: I make a motion to
7 nominate Lisa Robinson.
8 VICE MAYOR FRISZOLOWSKI: Okay. Is there
9 a second? I do not hear a second, so that motion
10 will die for a lack of a second. I will make a
11 motion to appoint Nick Fritz as Commissioner
12 District 2. Is there a second?
13 COMMISSIONER LORENZEN: I'll second that
14 but I'll like to hear the two veterans on the
15 Commission speak before I make my decision.
16 MAYOR PETRILA: Of the two I think Nick is
17 the most qualified and possibly the most conflicted
18 of the two candidates.
19 COMMISSIONER MARRIOTT: Mayor, could you
20 clarify what you mean by conflicted?
21 MAYOR PETRILA: I mean it's pretty obvious
22 that all of his businesses are in St. Pete Beach
23 with real estate. And so that was one of the
24 concerns that was brought up when I was campaigning.
25 That was one of the concerns with former

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1 Commissioner Fletcher and because of that, I
2 personally have a great personal financial expense
3 and cost have seized doing any business in the city
4 of St. Pete Beach since I was elected.
5 So, if Nick is willing to make that same
6 commitment then fine, between the two can he's the
7 least qualified with the least amount of experience
8 and also because of his family business, the most
9 conflicted.
10 VICE MAYOR FRISZOLOWSKI: So, I'd like to
11 clarify that. Mayor, I have chosen not to do any
12 work on St. Pete Beach. Certainly, the only conflict
13 would be for the City of St. Pete Beach in my case.
14 And so, I want to make it clear to everyone so that
15 it's not confusing is that there is not a conflict
16 to be a business person on St. Pete Beach and be a
17 Commissioner. Do you --
18 MAYOR PETRILA: That's what I'm talking
19 about. And you personally decided not to do business
20 and I personally decided and it probably cost you as
21 much financially as much as it cost me not to do
22 base.
23 VICE MAYOR FRISZOLOWSKI: No.
24 MAYOR PETRILA: I've had people ask me all
25 the time, so.

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1 VICE MAYOR FRISZOLOWSKI: No. Mayor, no no
2 it hasn't. And I'll tell you why. My business we
3 design hospitals. There are no hospitals on St.
4 Pete Beach. We design schools and Universities. So
5 the only conflict would be if the Pinellas County
6 School Board were to do redo Gulf Beach's elementary
7 school, we would not apply for that project. I don't
8 design retail. I don't design hospitality or
9 anything else.
10 I have not applied for anything for the
11 City of St. Pete Beach. So you're correct, I could
12 probably designing new fire station down by
13 Pass-A-Grille but we didn't apply for it. I didn't
14 apply for city hall when we did city hall. I didn't
15 apply for the recreation center when we did that. So
16 yeah, the there were decisions I made but other than
17 that, I want to make it clear that I think it's
18 personally.
19 I think it's good to have business people
20 involved and not just retired people or people that
21 don't have any business. I think there's a value in
22 business people being on this Commission and the
23 reason I want to stress that is because I don't want
24 anybody to think now or in the future they have a
25 conflict just because they have a business.

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1 So what I -- maybe to clarify things
2 better and I'll ask you to answer this and then
3 maybe I'll ask our City Attorney to step in. Since
4 you brought this up as a potential conflict, name us
5 something specifically that you think as a realtor
6 that you think would be a conflict.
7 MAYOR PETRILA: Again, as I stated before
8 this is a matter of public perception and our
9 responsibility is to remove even the thought of
10 perception of (unintelligible) --
11 VICE MAYOR FRISZOLOWSKI: Okay but by
12 bringing this up, you're bringing up the perception
13 Mayor.
14 MAYOR PETRILA: I'm asking -- well I'm
15 answering. So, will you afford me the same courtesy
16 you asked Lisa Robinson?
17 VICE MAYOR FRISZOLOWSKI: I'm sorry. I
18 thought you stopped talking. Go ahead. When you're
19 finish, I'll jump in.
20 MAYOR PETRILA: Okay. So, again, it is our
21 responsibility to be above the approach and to
22 eliminate any potential of, even the appearance of a
23 conflict. And so that is why for me as a personal
24 decision, just like you said for yourself, I'll just
25 removed myself from doing business all together.

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1 And yet I think it's individuals like
2 Ms. Marriott who is a business owner. Like the
3 second gentlemen who is also a small business owner
4 (unintelligible) Chamber of Commerce involved here.
5 I don't see a problem but I think it's great we have
6 all and should have more small business owners
7 involved in the community and running that, you
8 know, being apart of running the City.
9 Specifically, mentioning this is something
10 that we heard for years, right. About Commission
11 Fletcher, about myself and about others. There is
12 the appearance of a conflict and I think it's our
13 responsibility to remove that appearance. And I
14 think it's also our responsibility as commissioners
15 to pick the most qualified commissioners. And it
16 seems like we're picking two incredibly unqualified
17 candidates who told you themselves that they are
18 unqualified.
19 And Commissioner Lorenzen to your point,
20 you know when you ordered, you know, in your
21 previous career in the military. You know, you
22 wouldn't appoint somebody to a position that is a
23 private to position that a colonel should be in.
24 They would have to go through the steps and actually
25 get promoted to get the experience.

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1 So, to say that you're not going to pick
2 somebody because they have all the experience to
3 someone that doesn't have any experience at all.
4 (Unintelligible) be the basic information about the
5 land development code or the comprehensive plan,
6 that's seems like you're doing the City a huge
7 disservice. And it's our responsibility to pick the
8 most qualified person and by not picking the most
9 qualified person, we are now letting our own
10 personal biases get in the way.
11 And say oh, we're going the pick somebody
12 else because I just don't like this person. Even
13 though they're fully qualified, even though they are
14 the best qualified by a hundred miles. And this is
15 something, this meeting is something that you will
16 all remember. This is something that residents will
17 see and see the decisions that we've made.
18 If you want to go back to the election,
19 hey we have multiple residents that can speak in
20 favor of Lisa Robinson. Nobody's spoken in favor of
21 the other ones. Right. If you want to
22 (unintelligible) to legal. If you want to be
23 representatives of the residents (unintelligible) of
24 St. Pete Beach, which last I checked the vote is to
25 go to the public.

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1 And that's our responsibilities as Mayor,
2 (unintelligible) I think that's what we should be
3 doing. We shouldn't let our personal biases get in
4 the way. The other thing I said about the other two
5 candidates is nothing personal. All I have to say, I
6 don't think they're qualified based on their own
7 words. They told me they have done and haven't
8 done. (Unintelligible) has qualified, has been
9 involved, has participated and know the issues. And
10 actually know our city the land development code and
11 comprehensive land intimate.
12 VICE MAYOR FRISZOLOWSKI: Thank you Mayor.
13 So to put it in perspective I started doing this
14 when I was 30 years old. Probably somebody couldn't
15 give me a chance. But I was given a shot at it. And
16 I would like to thank colonel Michael Herran who did
17 that. Who saw a young guy, who didn't have any
18 experience, who appointed me and then I got elected
19 based on mainly, on my character.
20 And that's what I see in Nick Fritz. I
21 see a young man. I see a little bit of me. A hard
22 worker who deeply cares about this community. Third
23 generation. He's got a young son who he wants to
24 see grow up in St. Pete Beach. He wants to see his
25 young son be a young man who wants to choose St.

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1 Pete Beach instead of any other place in the world
2 that he could live.
3 And you know I thank God that my
4 grandparents found St. Pete Beach way back decades
5 and decades ago. And it became our family place that
6 my parents came to and I came to. And now, no I
7 don't have children. My nephew is here. So we're
8 in our fourth generation. And I thank god that I was
9 given a shot when I was a young man. All of those
10 things that were said could have been me at that
11 time. And so we have a motion on the floor. We
12 have a second I believe. So the Clerk --
13 MAYOR PETRILA: (Unintelligible)--
14 VICE MAYOR FRISZOLOWSKI: We have a motion
15 and a second.
16 MAYOR PETRILA: (Unintelligible) --
17 VICE MAYOR FRISZOLOWSKI: Mayor, I'm going
18 to give some others a chance to talk if that's okay
19 with you. Commissioner Lorenzen.
20 MAYOR PETRILA: I'm asking Commissioner
21 Lorenzen a question so that he can answer and as a
22 discussion as we're required to.
23 COMMISSIONER LORENZEN: Just a point of
24 clarification. So when we second something, does
25 that mean we will not go to vote on another member

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1 or is that just for the first motion?
2 VICE MAYOR FRISZOLOWSKI: So there's a
3 motion and a second. There could be an amended
4 motion for someone else. And if someone chooses to
5 do that, that's perfectly fine.
6 COMMISSIONER LORENZEN: Okay. I want to
7 make sure I'm clear on the procedures being the new
8 guy here.
9 VICE MAYOR FRISZOLOWSKI: Yup.
10 COMMISSIONER LORENZEN: I would also like
11 to put the other candidate Mr. Rey up for a motion
12 for a vote. So I want to make sure if I need to
13 amend my second motion, excuse me, my second then
14 I'd like to do so.
15 CITY CLERK: So the process would be
16 either I put it to a vote. And then the current
17 motion to a vote or we have a motion to amend the
18 motion and then there would be an amended motion on
19 the floor in which we will call for a vote. You're
20 the second, so you cannot amend the motion, the main
21 motion on the floor.
22 COMMISSIONER LORENZEN: Okay.
23 VICE MAYOR FRISZOLOWSKI: So just to
24 clarify that. There's a motion, there's a second
25 you could offer up an amended motion if you'd like.

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1 MAYOR PETRILA: You could also call for a
2 vote and vote no and then the motion dies and then
3 you could make a new motion.
4 VICE MAYOR FRISZOLOWSKI: Correct.
5 COMMISSIONER LORENZEN: Before we go to a
6 vote whether I amend or not, would it be proper at
7 this point to ask the other commissioner how she's
8 thinking?
9 COMMISSIONER MARRIOTT: So I think that I
10 agree with Commissioner Friszolowski that direct
11 experience in the City is not necessarily what makes
12 somebody qualified or unqualified for this position.
13 You know, I know that in my business and for a lot
14 of people you're often hiring someone that doesn't
15 have direct experience in what you're doing. But
16 you hire somebody based on what you could determine
17 about them, about their character and their
18 abilities and their willingness to learn and any
19 number of things.
20 So, I think that the Mr. Fritz and the
21 other candidate both have a lot of strong qualities
22 that they bring to the table. It's a really tough --
23 that is a really tough decision. Because I think
24 that you know there's a little bit of a decision
25 here to be made between some years of experience in

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1 a broad variety of capacities verses somebody who a
2 little bit of younger and but who very clearly
3 has large concerns for the future of our town.
4 And that counts for a lot you know. I
5 mean, he's very personally invested in the success
6 of the City. You know I'm not sure if there's
7 anything compares to raising a kid some where, so.
8 VICE MAYOR FRISZOLOWSKI: Thank you.
9 MAYOR PETRILA: I still have a question
10 for Commissioner Lorenzen.
11 COMMISSIONER LORENZEN: Go ahead.
12 VICE MAYOR FRISZOLOWSKI: Go ahead Mayor.
13 COMMISSIONER LORENZEN: Sorry.
14 MAYOR PETRILA: Sir, when you were in
15 command and were in active combat situation and your
16 commanding officer underneath you passed away, who
17 would you promote next for a short duration until
18 the conflict was over which is what we're looking at
19 here?
20 COMMISSIONER LORENZEN: Well that's --
21 MAYOR PETRILA: I mean we have a short
22 window of a couple of months. So this is not a
23 permanent appointment but rather a short term,
24 right. And we want the person stepping in to be the
25 most qualified person. (Unintelligible) on day one,

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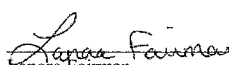
1 not have to play catch up. Someone that has
2 experience in the field. Somebody that has
3 experience in the subject matter.
4 COMMISSIONER LORENZEN: Yeah. Well, I
5 appreciate the question Mayor. That's really not
6 applicable in this situation. I'm in the military
7 that's pretty simple the next man in the chain of
8 command steps up. Which would be an executive
9 officer. So that one is not really relevant to this
10 particular situation.
11 MAYOR PETRILA: It's the next most
12 qualified person.
13 COMMISSIONER LORENZEN: We're not in the
14 military. Not necessarily.
15 VICE MAYOR FRISZOLOWSKI: Okay. We have a
16 motion and a second on the floor. There is no other
17 further discussion. I'll call for the vote.
18 CITY CLERK: Commissioner Lorenzen.
19 COMMISSIONER LORENZEN: Yes.
20 MAYOR PETRILA: I vote no (unintelligible)
21 yes.
22 CITY CLERK: Commissioner Marriott.
23 COMMISSIONER MARRIOTT: Yes.
24 CITY CLERK: Commissioner Vice Mayor
25 Friszolowski.

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1 VICE MAYOR FRISZOLOWSKI: Yes.
2 CITY CLERK: Mayor Petrila.
3 MAYOR PETRILA: For the good of People of
4 St. Pete Beach, absolutely not.
5 CITY CLERK: Motion carries, 3 to 1.
6 VICE MAYOR FRISZOLOWSKI: Okay thank you
7 again to all four candidates. Congratulations
8 Commissioner Fritz and thank you to the others.
9 Meeting adjourned.
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1 REPORTER'S CERTIFICATE
2 TRANSCRIPTION OF AUDIO RECORDING
3
4 I, Lanora Fairman, the undersigned
5 Certified Shorthand Reporter in and for the State of
6 Texas, do hereby certify that the above and
7 foregoing pages are a true and correct transcription
8 of the audio recording to the best of my ability to
9 understand and decipher the words and identify the
10 speakers based on information provided.
11 I further certify that I am neither
12 attorney or counsel for, related to, nor employed by
13 any parties to the action in which this testimony is
14 taken and further, that I am not a relative or
15 employee of any counsel employed by the parties
16 hereto or financially interested in the action.
17 SUBSCRIBED AND SWORN TO under my hand and
18 seal of office on this 7th day of January, 2024.
19
20
21
22
23
24
25


Lanora Fairman
Expiration: July 12, 2027
Array
Firm Registration No. 795
14615 Benfer Road
Houston, Texas 77069




EXHIBIT 1-F-3

AUDIO TRANSCRIPTION OF
ST. PETE BEACH CITY COMMISSION MEETING
DECEMBER 28, 2023

VICE MAYOR FRISZOLOWSKI: -- the clock.
I see everyone is present including the Mayor
virtually and our City Attorney Andrew Dickman
virtually. So we'll call this meeting to order. This
is the City of St. Pete Beach, Special Meeting,
December 28, 2023, at 7:30 p.m. Please stand for the
pledge of allegiance.

I pledge allegiance to the flag and the
United States of America and to the republic for
which it stands, one nation, under God, invisible,
with liberty and justice for all.

VICE MAYOR FRISZOLOWSKI: Role call please.

CITY CLERK: Vice Mayor Friszolowski.

VICE MAYOR FRISZOLOWSKI: Here.

CITY CLERK: Commissioner Lorenzen.

COMMISSIONER LORENZEN: Here.

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1 CITY CLERK: Commissioner Marriott.
2 COMMISSIONER MARRIOTT: Here.
3 CITY CLERK: Commissioner Fritz.
4 COMMISSIONER FRITZ: Here.
5 CITY CLERK: Mayor Petrilá.
6 MAYOR PETRILA: Here.
7 CITY CLERK: We have a quorum.
8 VICE MAYOR FRISZOŁOWSKI: Thank you. So on
9 the agenda for today is number one audience
10 comments. Number two, discussion of commission
11 vacancy and possible appointments and then three is
12 ajournement. We do have our City Attorney that I
13 believe wants to address an issue before we get
14 started.
15 CITY ATTORNEY: Thank you. Commissioner
16 Friszolowski and members of the Commission and
17 Mayor, last night I received an e-mail from attorney
18 Ken Wise. I've asked Matthew to provide you with a
19 hard copy of it because I don't have everyone's
20 e-mail right now. And I am traveling for the
21 holidays. Mayor, I did ask Matthew to e-mail you a
22 copy of it. I don't know if you received that or
23 not. Basically, he's essentially alleging that this
24 has to do with the District 2, reopening District 2
25 for other candidates.

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1 He's alleging that it was illegal. He's
2 not giving any legal precedent or any other legal
3 argument other than it was unfair. You know, I do
4 respond to him and asked who his client is because
5 that's always the first thing that you normally do
6 as a lawyer is you say I represent blank. He's
7 arguing on behalf of Lisa Robinson.
8 I don't know if he's representing Lisa
9 Robinson. I know that he has represented Lisa
10 Robinson in the past against the query mandate
11 development. But I cannot tell you right now
12 whether or not who he's representing. Now, I want to
13 remind you that at the start of this process, back
14 in December 12th at our regular city commission
15 meeting, when we first -- when I say first I mean
16 the administration.
17 We first learned that there was going to
18 be at least two resignations and then later we found
19 out that there were going to be more between the
20 12th and the 18th. Monday, the 18th we had a
21 special commission meeting between the 12th and 18th
22 the administration, not just the City Attorney's
23 Office but the clerks office, the managers office,
24 we all scrambled to try to understand what we can
25 and can't do and the processes that we have

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1 available to us.
2 Now for situations for vacancies, you move
3 to the Charter for guidance. And there's a section
4 in the Charter for the City on filling vacancy.
5 There is a section in the Charter that also
6 addresses situations where you have simultaneous
7 vacancies. And in that case you, the Commission has
8 to call an election within 15 days. Obviously, and I
9 told you this before, the Supervisor of Elections
10 said well you have until the 19th to get people on
11 the ballot and qualify people for the ballot on the
12 March election which is just an impossibility.
13 So, that's when we decided the best route
14 would be to stagger the resignations between the --
15 between that date and the 30th. We were told that
16 once it went passed the 30th, then anyone still in
17 office on the 31st will be subject to Form 6. So, in
18 this case you know, we have no other option than to
19 trying to affect to our Charter.
20 And what we're going is by staggering them
21 is that the Charter says that the remaining
22 commissioners will appoint the vacancies. And the
23 under problem that we have to be mindful of is to
24 being able to call a meeting. So you have to have
25 three present commissioners at, present, not

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1 virtual, present to have a meeting.
2 And so we've done a lot of work with this.
3 You know I don't, you know, I'm just -- I have an
4 obligation to let you know when an attorney is
5 threatening a lawsuit against the City. I like Ken
6 Wise a lot. He's never been a hostile attorney
7 towards me whatsoever, but he tends to from time to
8 time he will insinuate or threaten litigation and
9 not really follow through with it and not really
10 provide case law or anything. In any opinion, I
11 think that this all falls within the jurisdiction of
12 the Commission. This is not an election. And I told
13 you that before --
14 VICE MAYOR FRISZOŁOWSKI: Right.
15 CITY ATTORNEY: -- that when we first
16 started this that except for the Mayor, once this is
17 over with, this is going to be an appointed
18 Commission. Meaning that, it was not an election. It
19 did not go to the citizens for an election. I still
20 believe that you the Commission, has the authority
21 to set the rules and the procedures for appointing
22 people to the Chairs. It's under that the
23 commissions jurisdiction. You know, the guidance of
24 trying to be as consistent as possible. Trying to be
25 as fair as possible.

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1 Trying to get as many people who are
2 qualified to be on the Commission in front of the
3 seat and select. And I just wanted to point out we
4 started -- again we started on the 12th. We found
5 out that Vice Mayor Grill was going to resign and
6 then we found out that Commissioner Marone was going
7 to resign and then it went further from there.
8 We've had meetings on the 18th and the
9 21st, on the 26th and then today and then on the
10 27th and today. So, we have to do the best we can
11 under the Charter. I'm not saying change anything,
12 stop anything because Mr. Wise's e-mail. But I am
13 as your attorney wanting to let you know that he is
14 making a legal argument and suggesting he's going to
15 file, initiate litigation because of reopening of
16 what he saw was reopening it for other candidates as
17 being illegal.
18 And I can't find any legal precedent for
19 that. In fact we found case law that suggest that in
20 situations like this, you look to the Charter. Which
21 is what we're doing. This is not an election. This
22 is not being done under Florida statute election
23 law. This is being done under City Charter Law. So
24 with that, I just I'm happy to answer any questions.
25 It's my obligation to let you know when things are

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1 happening, as quickly it's happening, as they're
2 happening.
3 I, unfortunately I don't have everyone's
4 e-mails yet. So, I just now can't be there in the
5 morning to give you hard copies and bring it to your
6 attention. So with that, I'll be happy to answer any
7 questions. I see no reason to change course at this
8 time with regard to the process that - that we're
9 going towards.
10 VICE MAYOR FRISZOLOWSKI: Okay. Thank you.
11 Let me see if we have any questions. Mayor, do you
12 have any questions?
13 MAYOR PETRILA: I do not.
14 VICE MAYOR FRISZOLOWSKI: Okay, thank you.
15 Any questions from the Commission members? Okay.
16 Well, thank you. Let's proceed for now. So for today
17 District 3 is the one in question which is my seat.
18 As I mentioned, for those of you that have been
19 watching, I think it was the first meeting where
20 this all came up. I felt like I was in the unique
21 situation because I had decided not to file for
22 reelection in November. There was only as one filed
23 and was qualified. We have a Commissioner Elect Res
24 Niki. I see that she's here virtually with us. So
25 I'd offer to be the first one to resign just because

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1 it seemed like it was the logical thing to me was
2 for the Commission to consider appointing Betty.
3 She then, I believe she was here in the
4 audience and she came up and explained that she had
5 a unique situation where she had only expected to
6 take the seat in March. And her employer like most
7 employers have had a stipulation that you have to
8 get permission before you take a second job. It's
9 pretty typical. I think they just to make sure
10 there's no conflicts and that the second job doesn't
11 overwhelm you in your first job.
12 I know at my company we have that also. So
13 that kind of affected that whole way things came
14 about since then. Which is why I'm here and now kind
15 of put the last one because now we said well let's
16 give Commissioner Elect Res Niki some time and maybe
17 it will get resolved by the time we got to today
18 like today. So I talked with Commissioner Elect Res
19 Niki yesterday. I didn't tell her I'd ask her but I
20 think if you're willing -- can you share with us
21 where you're at in that situation? Mrs. Niki. Good
22 morning.
23 RES NIKI: Good morning Vice Mayor. Good
24 morning Commission. Congratulations on all your
25 appointments. I appreciate the opportunity to speak.

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1 Under the circumstance, I still apologize for not
2 being able to take the seat at the moment.
3 Unfortunately, in the line of work that
4 I'm in, the office is closed until January 8th. So I
5 have not been able to receive approval for taking
6 this position. So at the moment I'm still not able
7 to take the position.
8 VICE MAYOR FRISZOLOWSKI: Okay. Thank you
9 for that clarification. So here is my thought for
10 today. Our main concern was having some stability
11 with our city government. And we needed at least
12 three to have a stable government to have a quorum
13 to be able to move forward. We've now achieved that,
14 so I'm really happy.
15 I appreciate everyone stepping up. My
16 three colleagues who appear today and the
17 overwhelming amount of people that have now
18 submitted for District 3 seat. I'm kind of shocked.
19 I believe it's up to eight people now that would
20 want to sit in the seat.
21 The reality is Res Niki barring any issues
22 is going to be sitting in this seat as of March and
23 we're only, unless we have any special meetings
24 we're only 4 or 5 meetings away from that. So what
25 I'd like to propose is that I hold off on my

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1 resignation still the 30th.
2 That works for me personally. And that the
3 commissions first meeting which would be on
4 January 9th, would give Res Niki time to make it
5 official. It seems logical to me that she would be
6 the best person for the seat. I appreciate everyone
7 stepping up but the reality is I'm not sure what you
8 could effectuate four meetings, being a brand new
9 commissioner.
10 Most of you, if not all of you I never
11 even met before. I'm very involved in the community
12 and I appreciate everybody stepping up but it does
13 take a little bit of time to kind of get on the
14 ground. And so, that's what I would like to do. I
15 don't know if there are any comments first from my
16 own Commission members. The next meeting would be,
17 if someone took the seat today, the first meeting
18 would be January 8th anyway.
19 CITY ATTORNEY: Vice Mayor, I could also
20 like you -- if you were to resign effective the 30th
21 and you work effectively giving Res Niki until the
22 9th. Which she said her office is open on the 8th. I
23 mean this whole process has occurred during the time
24 that her offices are closed. Then, there would be no
25 reason to pick another Vice Mayor.

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1 And so if you resign today and among the
2 three that are left, there would have to be a
3 selection of vice mayor to run the meeting. As you
4 resign as you stated effective the 30th then there's
5 no reason to select a vice mayor. That could wait
6 until the 9th.
7 VICE MAYOR FRISZOLOWSKI: So let me first
8 ask if we have any -- I'll open this up to audience
9 comments but I'd like to hear if there are any
10 thoughts from any of the current commissioners.
11 COMMISSIONER MARRIOTT: I, Ward, I
12 appreciate all of your service clearly and I really
13 appreciate your comments today. Because I think
14 that what you've presented is a really nice way to
15 move forward with kind of the most consistency and
16 continuity as possible. And there's also been a lot
17 of disruption you know, on the Commission from the
18 City at this time. And that seems like a good way
19 to kind of help ease everybody into, something
20 that's a little bit more stable. So I feel like
21 that's a really good idea.
22 VICE MAYOR FRISZOLOWSKI: Okay.
23 COMMISSIONER LORENZEN: I guess I'd like
24 to hear your thoughts how this of differs from the
25 first district. Because I believe we had two

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1 qualified and then a third. So how is this scenario
2 different?
3 VICE MAYOR FRISZOLOWSKI: Thank you that's
4 a good question. Well there is what is unique about
5 this is there is only one person that applied for
6 district three and that's Ms. Res Niki. And so she
7 is, she is now considered Commissioner Elect Res
8 Niki. And so she will be taking the seat in March
9 barring any foreseen conditions.
10 COMMISSIONER LORENZEN: As opposed the
11 district when we had two qualifying --
12 VICE MAYOR FRISZOLOWSKI: Exactly.
13 COMMISSIONER LORENZEN: And a third that
14 was not qualified.
15 VICE MAYOR FRISZOLOWSKI: Yes, sir.
16 COMMISSIONER LORENZEN: According with the
17 process anyway.
18 VICE MAYOR FRISZOLOWSKI: Yes, sir. So, I
19 mean it just seems to me I mean it's what I said
20 back a week or so ago. Where it just seemed logical
21 to me it. We had a different Commission at that
22 time. But what I said to them seemed to make sense
23 to me to step out, have you appoint Betty instead of
24 someone who is going to sit in a seat for four
25 meetings, five meetings and then have her come and

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1 sit in the seat anyway. It's just my thought.
2 COMMISSIONER LORENZEN: I think I'll be
3 interested in hearing the Mayor's thoughts as well
4 when we get to there.
5 COMMISSIONER FRITZ: I'd like to hear the
6 Mayor's thoughts as well.
7 VICE MAYOR FRISZOLOWSKI: Okay. Mayor.
8 MAYOR PETRILA: We can start
9 (unintelligible) the agenda. So if we're going to
10 have the discussion we should probably move the
11 agenda, make the amendment if you want to have this
12 discussion. (Unintelligible) have the discussion.
13 VICE MAYOR FRISZOLOWSKI: Okay just a
14 point of order Mayor, is not on the agenda.
15 Approval of the agenda is not on the agenda. So I'm
16 just following the agenda. So let me --
17 MAYOR PETRILA: So it's not on the agenda,
18 okay.
19 VICE MAYOR FRISZOLOWSKI: Yeah. Okay. Well
20 let me open it up to audience comments then. Anyone
21 have any audience comments?
22 CITY CLERK: Deborah Sheckner.
23 MS. SHECKNER: Deborah Sheckner. Boca
24 Ciega Isle Drive in St. Pete Beach. If per chance
25 that Res Niki's employment does not allow her to

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1 come up here and we have extremely difficult votes
2 coming up. First, second week, the 9th and the
3 10th. I think somebody should sit in that seat and
4 perhaps they could resign, excuse me, if when and
5 Betty gets to be here.
6 I think if of all of this, if she gets
7 permission. Not guaranteed and I don't want to see
8 that seat left open for possibly the 9th and the
9 10th which are some of the biggest votes you would
10 have to make. And I will suggest that you look at
11 planning board meeting regarding Sirata. Hundreds of
12 residents showed up. There were so many residents
13 here to speak against it, that they had to have
14 somebody at the door and not let anybody else in
15 because it was a fire hazard. Hundred of residents
16 came to protest it.
17 If you do nothing else, I'm asking you to
18 go back to the planning board and listen to what the
19 residents said. Research on your own. I understand
20 but listen, even a colonel in our community spoke
21 out against it. These people researched. They know
22 what they're doing. Very, very important that we get
23 this right. You know, if Betty said she thinks
24 that'll happen. I don't know if she's still there or
25 not. Then that would be great. But we can't leave

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1 that seat open during a very tough time.
2 So, I think it's either going to be Betty
3 which I hope it is because she's worked in our
4 community. Smart, research, she's done all the work.
5 Where will we be? We'll be back here again in the
6 beginning of January during our most crucial time
7 trying to find a candidate. Thank you.
8 CITY CLERK: Sharon Cavanaugh.
9 MS. CAVANAUGH: Sharon Cavanaugh, 210
10 south Julia Circle St. Pete Beach. I agree with
11 Deborah. I don't think that seat should be left
12 open. I think in hearing all of you speak, most of
13 you have not attended a Commission meeting, planning
14 board meeting or workshops, or been involved in the
15 community.
16 I don't think any of these big decisions
17 coming up should be made in January or February. I
18 think the elections need to come up. I think
19 permanent people need to be in these seats. We the
20 people the residents are going to choose on a
21 permanent bases. We don't know if Betty Res Niki is
22 going to be able to do this. It's started when
23 school was open and they weren't giving her an
24 answer. So, there's a possibility she will not be
25 elected or be able to even be in the election.

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1 I think these are such big decisions and
2 you all represent the residents but you were not
3 chosen by the residents. You were chosen by 2 or 3
4 or 4 people. I think that needs to be made really
5 clear. I appreciate everything that you've done.
6 Stepped up or we wouldn't be here today. I don't
7 know where we would be honestly. But I think you
8 need to realize there's a lot of catching up to do.
9 2500 pages to be read.
10 Meetings to be held. You don't even know
11 the people in your, the residents in your district.
12 You haven't had the e-mails coming in. You haven't
13 had meetings with them. I don't see how you could
14 possibly vote on anything when you have 2500 pages
15 to catch up on and hours and hours of video. So, I
16 just think all of these big decisions need to be
17 able in front of people that we know.
18 Two years from now we're going to be there
19 to take responsibility for your decisions. I don't
20 you should be making decisions if we don't know if
21 you're going to be here in March or after the
22 special elections. I don't think that's fair to the
23 residents or the entire City of St. Pete Beach.
24 Thank you.
25 VICE MAYOR FRISZOLOWSKI: Thank you.

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1 CITY CLERK: Will Lawson.
2 MR. LAWSON: Good morning. My name is Will
3 Lawson. I live on Lelani Drive. And I'm speaking
4 with y'all today as a frustrated observer. This is
5 my fourth city Commission meeting and it's
6 unfortunate realization that the distasteful quality
7 that permanent national politics are also seen at
8 the local level. Please do not mistake my concerns
9 for blame. Everyone on the new Commission stepped up
10 when the opportunity presented itself.
11 And that is by itself a good thing.
12 However the dangerous nature of politics persists.
13 That's why the checks within the system are so
14 important and where do these checks come from? The
15 way to judge the health of the republic is by
16 looking at the nature in which those that have the
17 power are selected.
18 So how do we choose? Our City
19 Commissioners are called to be elected
20 representative because it's a foundational principal
21 of our government. And the best way to combat the
22 ambition of the politician is to constrain them to
23 the will of the people. Now, there are exceptions in
24 each case. I recognize the value of having the
25 flexibility of appointing an Interim Commissioner

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1 when the appropriate situation arises.
2 After all that is one of the most powerful
3 advantages of an elected representative over a
4 direct democracy. The ability to use discretion to
5 combat the unpredictable nature of life. The phrase
6 has been thrown around this week is that we are in
7 unprecedented times. Yes, this is unprecedented but
8 that means it's exponentially more important to
9 adhere the principals that ground us.
10 It takes a profound level of humility in
11 the true leader to recognize that just because you
12 can do something, doesn't mean that you should.
13 Unfortunately, the previous Commission failed to
14 recognize this. Straight from our governing
15 principals and committed political malpractice. As I
16 listen to the applicants answer questions in past
17 week about the problem facing the city and their
18 solutions, I wonder what truly endangers the city
19 the most.
20 The truth is the most dangerous threat to
21 the city is you. You're able to effect the daily
22 lives of everyone in our community and virtually
23 every resident has had zero say if you should be
24 commissioner or not. Simply put a group of unelected
25 administrators, should not have as much power as you

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1 hold today.
2 Our governing principals tell this and the
3 Charter even agrees when it calls for a special
4 election that if two or more vacancies happen within
5 the Commission. There should be a special election.
6 Sure the previous commission found their way around
7 this with emergency meetings and daily resignations.
8 But that just furthers my point those commissioners
9 did not care about the nature of our governing
10 principals.
11 Nonetheless, I do not want to end on such
12 a bleak note because life goes on and the sun will
13 come up tomorrow at beautiful St. Pete Beach. Even
14 placing the power in a dangerous time. History shows
15 that strength higher ruling of body chosen is the
16 first step to nepotism. However, you all have the
17 opportunity to leave a different legacy than the
18 previous commissioners. Shady politics and
19 disengenuous loopholes do not need to define you.
20 You are not an elected official but you could still
21 be a public servant.
22 But that is only possible if you recognize
23 your responsibilities and subsequent dangers
24 potential. Your call to serve the will of people you
25 represent and I hope you answer that call because

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1 the City is counting on you. Thank you.
2 VICE MAYOR FRISZOLOWSKI: Thank you.
3 CITY CLERK: Dana Richardson. I'm sorry?
4 MS. RICHARDSON: Withdraw.
5 CITY CLERK: Oh, okay. That's all the
6 cards I've received.
7 VICE MAYOR FRISZOLOWSKI: Okay. Thank you.
8 So maybe I'll explain my thoughts a little bit
9 further. The seat doesn't have to be empty. In a
10 worse case situation if Commission Niki still does
11 not have authority to accept this spot, you would
12 then be in a position to appoint someone on
13 January 9th. So my intention is not to leave this
14 seat empty.
15 My thought is that doesn't make a lot of
16 sense to appoint someone for a couple of meetings
17 ultimately having the person that's the Commissioner
18 Elect sit in this seat in March anyway. So that's my
19 thought, not leave the seat empty.
20 COMMISSIONER MARRIOTT: Can I ask a
21 question of perhaps Matthew and the City Clerk what
22 is the process or the procedure if Ms. Res Niki
23 doesn't get permission from her employer? What
24 happens with the March election? Where she was the
25 only person who qualified, if then she were to

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1 withdraw from the election. Does the election get
2 postponed or what, what happens?
3 CITY CLERK: District 3 will then be added
4 to this special election that we're having to do for
5 Districts 2 and 4. My proposal on the January 9th
6 would be for August special election. So in August
7 we would also include District 3 to the Supervisor
8 of Elections.
9 COMMISSIONER MARRIOTT: Okay.
10 CITY CLERK: That's the only thing we can
11 do.
12 COMMISSIONER MARRIOTT: Thank you.
13 COMMISSIONER LORENZEN: Could you clarify
14 that? I had trouble hearing all that. So you're
15 saying if, if Res Niki had to step out, then am I
16 understanding that would be vacant until August?
17 CITY CLERK: No. You would still doing
18 what you're doing today.
19 COMMISSIONER LORENZEN: Okay.
20 CITY CLERK: For that but it would be
21 included on the --
22 COMMISSIONER LORENZEN: On the 9th.
23 CITY CLERK: -- August ballot.
24 COMMISSIONER LORENZEN: Got it.
25 CITY CLERK: If she can't serve -- be

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1 elected in March.
2 VICE MAYOR FRISZOLOWSKI: Yeah. So for
3 example, anyone that will still want to have their
4 name in would potentially be serving until August.
5 Just like Districts 2 and 4. And we would still have
6 an election for District 1.
7 COMMISSIONER MARRIOTT: Right.
8 VICE MAYOR FRISZOLOWSKI: That appointment
9 would be just a little bit different because it
10 would be a longer appointment. Mayor?
11 MAYOR PETRILA: I'll say this is a moot
12 point unless you resign today. And if you do not,
13 then there's no seats vacant, right?
14 VICE MAYOR FRISZOLOWSKI: Correct.
15 MAYOR PETRILA: That's the situation that
16 we witnessed. It's now in your hands. So if you
17 wish not to resign today and resign on the 31st
18 there's no ability for the Commission to put anyone
19 on the 9th unless we call a special session again.
20 So it's in your hands Commissioner.
21 VICE MAYOR FRISZOLOWSKI: Well, actually
22 it's not in my hands. It's in the State
23 legislature's hands. So I made that --
24 MAYOR PETRILA: If you don't resign then
25 there's no appointment necessary.

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1 VICE MAYOR FRISZOLOWSKI: Well, I guess
2 it's only in my hands that you would still then
3 appoint someone on or before the 9th.
4 MAYOR PETRILA: Correct.
5 VICE MAYOR FRISZOLOWSKI: Yeah. So I'm
6 not sure what you mean in my hands. It's not really.
7 There's not much in my hands here I would say. I do
8 apologize for all the people that showed up today. I
9 appreciate everyone stepping up. This isn't to take
10 away anything from anybody and there would still be
11 an opportunity on January 9th unless the Commission
12 decides that at another time.
13 CITY CLERK: I have a question because
14 this really is in my purview. I'm having to
15 coordinate contact --
16 VICE MAYOR FRISZOLOWSKI: Yes.
17 CITY CLERK: Review, educate.
18 VICE MAYOR FRISZOLOWSKI: Yes.
19 CITY CLERK: You know, all of these things
20 are me.
21 VICE MAYOR FRISZOLOWSKI: Right.
22 CITY CLERK: Having to coordinate all the
23 new commissioners. Having to coordinate all this,
24 right. And I'm not complaining. I understand. If we
25 get to the 9th which is the city Commission meeting

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1 which starts at 6:00 p.m. and we learn that Betty
2 still doesn't have word, what am I supposed to do?
3 Can you help me understand how I'm
4 supposed to coordinate eight people to come here for
5 interviews at 6:00 p.m. and still do city business?
6 Because I need another direction that I'm supposed
7 to take and inform these individuals on what next
8 steps are in that scenario. Because it could very
9 well be that scenario. Betty has been faced with
10 this since November qualifications. I mean she
11 hasn't heard anything since then.
12 VICE MAYOR FRISZOLOWSKI: Yeah. Yeah I
13 think it would just have to be added to the agenda.
14 MAYOR PETRILA: I don't think there's very
15 much on the agenda for the 9th but maybe the manager
16 or Matthew knows that. There's a lot scheduled for a
17 special meeting on the 10th and quite frankly it may
18 have to get continued because I have trepidations
19 about quasi-judges who never heard any of the
20 evidence voting on something. So, they may have to
21 start that process over again. Do we know what's on
22 the agenda on the 10th, on the 9th?
23 CITY CLERK: Yeah. I mean I have that
24 draft published and I mean there are few things.
25 There's no ordinances. There's a couple action

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1 items. There's about ten items on the agenda at this
2 time.
3 Any of those can be pulled for further
4 discussion and you all have the opportunity to bring
5 stuff up. So I can't predict how late it will go. I
6 can tell you the interviews based on my minutes and
7 timing take about 30 minutes a piece. So if you have
8 eight people to interview, that's four hours in of
9 itself. I want to give you guys a fair perspective
10 and understanding going into what that's going to
11 look, so I have the right direction and can
12 communicate that.
13 ASSISTANT CITY ATTORNEY: Yeah, I would
14 just like to point out when it comes to city
15 business, you can still move forward with making
16 decision with four people. So it's not ideal but I
17 just wanted to point out you'll have a quorum. You
18 do need a majority vote of the quorum present. So
19 you do need three votes out of four. But you could
20 still without this seat filled, move forward with
21 contracts and everything else that's on the agenda,
22 so.
23 CITY MANAGER SAUDERS: I would just like
24 to add we haven't even, excuse me, reviewing the
25 agenda and purposefully been trying to keep that

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1 agenda light because obviously we have 4 people.
2 You three new people on the agenda. So we're only
3 bringing four things that needed to be addressed on
4 the 9th.
5 It is as the City Clerk said, it is a
6 fairly short agenda. So I think the process we would
7 have going forward the way I see it, we would have
8 to add to that agenda to the first item the
9 appointment for seat three. That could be the first
10 item on that agenda.
11 ASSISTANT CITY ATTORNEY: Considering this
12 hadn't been advertised, we could I hate to say this
13 but we can start it early.
14 CITY MANAGER SAUDERS: Yeah you could.
15 ASSISTANT CITY ATTORNEY: The agenda?
16 CITY CLERK: No. So statute requires --
17 the agenda is not part of the notification. Statute
18 requires notification of date, time and location and
19 that was done in October when the commissioners
20 approved the agenda or the calendar for 2024. So it
21 has been noticed however, you still have 48 to
22 72 hours to change that. So I can amend the time.
23 ASSISTANT CITY ATTORNEY: Okay.
24 CITY CLERK: But it has been noticed.
25 CITY MANAGER SAUDERS: So you could start

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1 earlier on that day if the commission wanted to.
2 But as far as agenda like I said it's a light agenda
3 and you could place that seat for appointment as the
4 first item on that agenda. And as Matthew said you
5 could move forward with four to make decisions that
6 are on that if that was necessary.
7 CITY CLERK: I did get one more card since
8 we didn't close public comment.
9 VICE MAYOR FRISZOLOWSKI: Okay.
10 CITY CLERK: Mike Sequin.
11 MR. SEQUIN: Good morning. I'm Mike
12 Sequin, 3215 Bayson. So down there in the flood
13 zone. I'm just trying to listen and understand
14 everything that's going on here and for Betty it
15 seems like it sounds like she was the only qualified
16 person that originally applied for District 3.
17 I myself applied recently. I don't know
18 what it takes to be qualified and I'm not trained to
19 serp (sic) anybody but my thought is if Betty not
20 qualified and you guys are trying to jump through
21 hoops to understand what you're going to do if she's
22 not there on the 9th, and you have eight more people
23 applying right now. Why would you not take the
24 time, people are missing work or whatever situations
25 to come down here to interview.

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1 Why would you send us all away and then
2 say let's come back and figure out what we're going
3 to do on a later day which isn't today. So I'm just
4 confused of the whole process. It does feel like
5 politics. I haven't been involved in a lot of
6 decisions like this and I don't know what goes into
7 it for you guys but it seems like today was the date
8 and time that we were all supposed to be here and
9 you have applicants and so here we are and yet
10 you're going send us away. And then see what
11 happens potentially on the 9th because you guys
12 really want to stick with Betty. So it doesn't sound
13 like she's qualified if she's not available to me.
14 VICE MAYOR FRISZOLOWSKI: Let me -- thank
15 you.
16 MR. SEQUIN: Thank you.
17 VICE MAYOR FRISZOLOWSKI: So let me
18 clarify. Betty is qualified. She is the
19 Commissioner Elect. The only thing that will prevent
20 her from being the commissioner elect was if her
21 employer would say we don't want you to take --
22 we're not going to give you authority to take a
23 second job. And obviously that she doesn't want to
24 jeopardize her current job. Which I don't blame her.
25 This is typical in almost all businesses.

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1 I have it in my business. I have never
2 said to an employee that we wouldn't let them have a
3 second job. I'll give you a few examples of it. So I
4 find it hard to believe that would happen all though
5 I'm not saying it wouldn't. We have employees that
6 choose to be teachers. So I have several employee
7 that teach at St. Pete College that teach art
8 school. That's not a conflict for us. They're good
9 people. They're willing to do some work just like
10 Betty has stepped up.
11 So from an employer standpoint, I don't
12 see how or why they would say no, but she can't
13 jeopardize that right now. You know. It's a school
14 district from what I understand. It takes time to
15 go through the bureaucracy of getting through the
16 right people to do it. It's very difficult in the
17 middle of the holidays to get that done.
18 So my thought is and I apologize for all
19 of you that has stepped up. I think it's
20 unbelievable to me that we have eight people
21 stepping up when only one applied for the real job.
22 And she has that job. That's not going to open back
23 up again. The only way that would change is if her
24 employer said no we're not going -- you know
25 terminate you if you take this other job.

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1 Then obviously she's going to say no. But
2 that's the only thing that would s- you know I've
3 been doing this for a long time. I know it's hard to
4 get anything done in four meetings. I appreciate you
5 stepping up, again. But it's going to be very
6 difficult for you to effectuate change. The reality
7 is in four meetings. Basically, you would be in for
8 two meetings in January, two meetings in February
9 and maybe one meeting in March. So that's my only
10 reason for you know for saying that.
11 MR. SEQUIN: Just to reply to that -
12 VICE MAYOR FRISZOLOWSKI: You're going to
13 - have to we have this on TV. Yeah.
14 MR. SEQUIN: Just to reply. It's not about
15 effectuating change guys. It's about a contingency
16 plan. So if you have people available and ready and
17 in the event that Betty is not able to take the seat
18 until March, if she's not available to take the seat
19 at all. You don't want to be sitting through August.
20 So it's all about the continuity of the situation
21 and the position and the concern of the citizens.
22 VICE MAYOR FRISZOLOWSKI: Yes.
23 MR. SEQUIN: So that was my only
24 statement. Not about effecting change in four
25 meetings.

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1 VICE MAYOR FRISZOLOWSKI: Okay. Good.
2 Thank you. And you know I've thank you for that.
3 I've got to believe that out of eight of you, I
4 would hope that not all majority would be willing to
5 come back in January to go through this again. But
6 you know I can't say that you know again I
7 apologize. Like you, I'm taking time off of work.
8 Time away from my family right now. I did not expect
9 to have a meeting everyday this week. But I'm
10 willing to do whatever it takes to make this city a
11 great city, so.
12 COMMISSIONER FRITZ: I have a question for
13 clarification. In order for us to interview the
14 eight individuals here today, vice mayor do you need
15 to resign first?
16 VICE MAYOR FRISZOLOWSKI: I would need to
17 resign.
18 CITY ATTORNEY: I could answer that. The
19 Mayor was correct. That a vacancy is what triggers
20 filling a vacancy. So there's no reason or there's
21 no foundation for interviewing candidates if there
22 isn't a vacancy. So if what - if the vacancy
23 doesn't happen today, then there's no reason you
24 can't interview potential appointees unless there's
25 a vacancy.

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1 COMMISSIONER FRITZ: Understood. My
2 thought process was just at least narrowing it down
3 from eight people to maybe two people. But it
4 doesn't seem possible though -
5 ASSISTANT CITY ATTORNEY: One things
6 you're going to learn in government under the
7 Sunshine Law is that it's tricky. Because you, not
8 like private business you have to do all of your
9 business in public. So, all of the discussions have
10 to take place with a few exceptions in the public.
11 So these discussions do get slowed down and I know
12 sometimes it seems inconvenient but all of it has to
13 be done in the public realm and to interview people
14 now for a seat that's not vacant yet, I think would
15 be out of order.
16 COMMISSIONER LORENZEN: Here are my
17 thoughts. I'm sitting here looking at everybody
18 sitting out there and I think this is a good
19 possibility we're going to create a perception this
20 is kind of a done deal. And I - what harm would be
21 I guess would be my question in opening it up to all
22 the other eight candidates? Because as I understand
23 we could still vote and Ms. Res Niki is still on one
24 of those eight; is that correct? Would be my
25 question. Granted that would require you to resign.

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1 CITY ATTORNEY: I didn't hear the
2 question.
3 ASSISTANT CITY ATTORNEY: I can answer
4 Andrew. If I heard you correctly, Betty would not be
5 someone you could vote on today because she hasn't
6 gotten her approval from the employer but from
7 commissioners Friszolowski's point she's the only
8 one that qualified. So come election, there would
9 be no election there's no one to run against. So
10 she's essentially all already in the seat until the
11 election occurs and she gets sworn in.
12 COMMISSIONER LORENZEN: Okay and for
13 clarification for the folks sitting out there,
14 qualification basically means that you met a certain
15 deadline and filled out certain forms, correct? It
16 doesn't mean you qualified or better than anybody
17 else. So, some of us had to look into that ourselves
18 yesterday so just to clarify that.
19 COMMISSIONER FRITZ: Thank you
20 commissioner. That was it.
21 COMMISSIONER LORENZEN: Mayor, do you got
22 anymore thoughts on this?
23 MAYOR PETRILA: I don't have any further
24 comments.
25 COMMISSIONER MARRIOTT: So I guess another

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1 way of looking at that or is or something that I'm
2 thinking is that if anybody that we appoint is
3 appointed just like the rest of us are.
4 And I take to heart the comments about
5 about the Commission being appointed and not elected
6 and I agree that's a problem. And a short term
7 problem until elections happen but absolutely a
8 problem. So, I think one of the things that Ward
9 might be thinking and that has crossed my mind is
10 that though there won't be an election for District
11 3 in that there won't be multiple people on the
12 ballot that is chosen from because Betty is the run
13 to file to run for that seat, no one chose to run
14 against her.
15 So technically she is an elected official.
16 It would give us somebody else sitting up here who
17 is essentially is elected. Because if all of this
18 hadn't happened there wouldn't be eight other people
19 saying wait I want to do it. Cause you would have
20 done it in November. Although I think this has been
21 a great kind of civics lesson for all of us about
22 the process. And so I'm personally am very torn
23 about, you know, there's a lot of people here who
24 took time off and are willing to participate. And
25 then also the - the - the thought that the sooner

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1 you know, if and it's a big if, but if and when
2 Betty gets permission then you do have somebody
3 sitting up here who is essentially an elected
4 official instead of everyone just being appointed.
5 You know, for whatever that's worth.
6 VICE MAYOR FRISZOLOWSKI: So I know this
7 is unusual it seems like the whole land two weeks
8 have been unusual but I also think a little bit of
9 time is on our side or on your side because I won't
10 be making this decision. But I'll give you an
11 example of it and you know you can do whatever you
12 want.
13 But one of the applicants contacted me and
14 I sat with him for probably an hour and a half.
15 There's only so much you're going to learn by
16 reading these resumes and talking with people, so.
17 Time is on your side. I don't think it's against
18 us.
19 CITY ATTORNEY: I don't think that, I mean
20 if for some reason Betty Res Niki can't get
21 authorization by the 9th, I wouldn't go passed that.
22 I think the City has four elected officials now. If
23 you - well they had five really. Or after the 30th
24 it will be 4 at the end of business. If there's an
25 emergency or something happens, but I certainly

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1 wouldn't recommend rolling it further passed the
2 9th.
3 I think that even you know you don't know
4 what's going to pop up. But I do think that it's a
5 shame that all of this has happened while her
6 employer has been I mean I think it's a virtual
7 school board or something like that. They've been
8 out this whole process. So, she has not been able to
9 reach anybody during this entire process. And her
10 thought process was I have until March to work this
11 out through my employer. But I wouldn't push out
12 passed the 9th.
13 VICE MAYOR FRISZOLOWSKI: Thank you. Any
14 other further thoughts? Yes, sir.
15 COMMISSIONER LORENZEN: Yeah, I appreciate
16 the comments from Commissioner Marriott. I just want
17 to say from the folks that put your submissions in,
18 as I look through a lot of them. A lot of the folks
19 were kind of newer to the area, have not been
20 long-term residents. I think there was 1 or 2 that
21 was long-term residents. But I hope regardless on
22 how this goes right now, that you all don't get
23 discouraged. And there's more possibilities coming
24 up. There's boards to sit on, committees, that type
25 of thing.

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1 And I know there's an appearance you could
2 take and go out. It seems like it's a closed door
3 thing. I don't think it is now that I kind of sat
4 and listened to everybody. I know it appears that
5 way. But please have confidence in the system. I
6 think it's going to work out in the long run and
7 don't be discouraged I guess is my message, please.
8 VICE MAYOR FRISZOLOWSKI: Thank you
9 commissioner, I appreciate that. And just to be
10 clear I'm not part of this decision because I'll
11 resign and I'll step away. So, I did read through
12 the resume just because I was curious. So, it's my
13 seat so you'll be my representative and so I love
14 the City. So with that before I adjourn the meeting
15 because this wasn't likely my last meeting, I would
16 like to have a few comments if you would endure me
17 for at least a few minutes.
18 I'm sorry? Is there somebody in the
19 audience? I think we're getting feedback. So I've
20 had the honor and the pleasure of serving this City
21 now for 32 years straight. It's a place that I love.
22 It's sort of have been a passion of mine. I think
23 for anybody whose moved here in the last 32 years,
24 there's been a lot of good leadership in the past. A
25 lot of great mayors that I've served with.

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1 A lot of great commissioners that I've
2 served with. A lot of great people and you'll find
3 out it's totally sitting up here than it is sitting
4 down there. It's very easy to be a critic. I've
5 learned that. Not everyone has to run for elect
6 office, I know it's not for everyone. But as the
7 commissioner mentioned there's boards and
8 committees. I never thought I would do this.

9 I was a young guy who moved here because
10 my grandparents were here and I have a family
11 history since the 60s of being here. My goal in
12 life was to get through college, I did that. My next
13 goal was to become a registered architect here in
14 the state of Florida. I did that. And then all of a
15 sudden I found a lot of time and I thought maybe how
16 I could give back. It just so happened at that time
17 the city was forming a new board.

18 The Historic Preservation Board and they
19 were advertising for that and they said the ideal
20 candidate will be architecture and engineers. And
21 I thought wow maybe I should do that. And I talk to
22 my employer and got permission to do that. I thought
23 I could handle this. It's once a month meetings on
24 on Thursdays at 4:00 o'clock. I went to that board
25 as the youngest guy on that board.

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1 Never had a fundraiser to this day after
2 ten elections, never had a fundraiser. The only
3 campaign contributions I would accept were
4 unsolicited ones from residents. No businesses, I
5 didn't accept any business contributions. I didn't
6 have any packs at that time. I didn't have a -- I
7 was my own treasurer. I didn't have a political
8 consultant, none of those things. I just ran on
9 grass roots. Just wanted to be honest and sincere
10 and serve the public.

11 And so I served as city commissioner for
12 six years. Then at that time Ron McKinny was the
13 mayor. One day he said to me I'm thinking of
14 running for mayor because I was not going to do it
15 next time. At that time I had served my uh, had a
16 great relationship with my colleagues. I served as
17 vice mayor for five years.

18 So I was commissioner for one year and
19 then I was elected among my peers as vice mayor for
20 five years in a row. So I served as vice mayor from
21 1995 to 2000. I ran for mayor. Never thought I'd
22 run for mayor. Won that election and was elected
23 for three terms. So I served as mayor for from 2000
24 to 2008. At that point in time, I had been in that
25 elected office for 14 years.

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1 I sat with people like Frank Hurly, Amy
2 Lowery and Paul Skipper and other people I kind of
3 heard of but didn't really know them well. I was
4 shocked in the first meeting that it was a brand new
5 board and so we had to elect a Chair. I wasn't maybe
6 smart enough or ready for it. Someone appointed for
7 me to be Chair. And so now I was the Chair of that
8 board. I really enjoyed that because it was a new
9 board and the city Commission was very concerned
10 about how much authority you would give to a
11 Historic preservation board.

12 With issues of property rights and trying
13 balance that with preservation, so they had me
14 reporting to the Commission once month. So I started
15 come to go the Commission meetings as a Chair of the
16 board to report to the board about our board. And
17 just loved the city.

18 Never thought I'll run for political
19 office but two years later my commissioner that was
20 running for mayor and I thought for myself if you're
21 ever going to run it was best to run not against an
22 incumbent. So I ran for office in 1994, first
23 election. Had really no one to help me out except
24 my wife and parents. I did it all myself. Did not
25 accept any campaign contributions.

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1 Again, never thought I would do that. It
2 was the right time for me to accept away. So, I
3 thought it was interesting we don't have term limits
4 here. But typically term limits are eight-years.
5 So, I served six years and then eight years. So I
6 never would have been term limit out even if we had
7 term limits. But in 2008 it was healthy for me and I
8 thought it was good for the City. And I never wanted
9 to be a career politician.

10 So I stepped out. It was a little bit
11 easier for me to step out because there were three
12 people. Three out of the five of us were up for
13 election and felt very comfortable with the three
14 that took office at that time. I was really
15 determined to step back and step away because I
16 didn't want to be seen as the a mayor who would --
17 former mayor that will influence anything. But one
18 of the commissioners came to me and wanted to
19 appoint me to a board but I declined.

20 Because I didn't want to be a board and I
21 didn't want to be seen as a former mayor being
22 involved. But then he was pretty persistent. He
23 said how about the library board. So I said okay, I
24 can handle library board. That's not really
25 political. Out of all the boards that's probably

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1 the least political board.
2 So I served on that board. Then
3 subsequently got appointed to the planning board.
4 So I stayed on boards. Then eight years later, I
5 went by quick. Eight years went by quick and
6 commissioner from my seat Greg Premier at that time
7 was not going to run for reelection. And so went to
8 my wife and went to my partners at work and kind of
9 surprised all of them said you ought to do it.
10 So, I got back in in 2016 and then went
11 through reelection in 2018, 20, 22. So here I am
12 another eight years. I was not going to run two
13 years ago but and I talked with Betty Res Niki. She
14 said she wasn't ready to run at that time. So I was
15 very -- got to know her really well as president of
16 Don Star Property Corporation. A lot of respect for
17 her.
18 She's a hard worker, smart and so when she
19 decided to run this time it was a lot easier for me
20 to say okay I've been in for eight more years and
21 it's time for me to allow somebody else to take over
22 and get some you know, fresh blood here. So I
23 enjoyed every minute of it. I don't regret it. I
24 feel really good right now after a rough last two
25 weeks, I feel really good about my three fellow

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1 commissioners stepping up.
2 I didn't know anyone of you really well at
3 all. Commissioner Lorezen we don't really talk. We
4 might have met before I don't know but I know you've
5 been in the community for a long time. I know
6 you're going to be a great commissioner. I could
7 tell just by, you know, sitting next to you and I
8 feel really good about that.
9 And the same for my other colleagues,
10 Commissioner Marriott. I've been impressed with you
11 already sitting here and commissioner Fritz your
12 going to do a great job. As I mentioned yesterday,
13 I see a little bit of me in you. I don't know how
14 old you are but I was young and didn't have a lot of
15 qualifications you could say at that time. But I
16 know you're going to do a great job because I know
17 you're a hard worker, you're smart and you have your
18 heart it and you care.
19 And that's what I think it takes to do the
20 best job here. So you know I've been thinking about
21 this and kind of just going back over you know my
22 somewhat political career here. Although my career
23 as an architect is my career and passion also and I
24 stay busy that way thankfully. But I was just
25 thinking, you know about the years and how

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1 challenging it is to be the elected official and the
2 hard decisions never come easy.
3 And so I think back at some big, big
4 decisions that I was put in a position to and I have
5 an example and a small one too where it's never
6 easy. You know, in my business we can do things
7 really quickly. Me and my partners, we decide on
8 something, boom we make it done. You have to have a
9 lot of patience up here, the way government runs.
10 You need to get a lot of public input. You
11 get a lot of input from your own colleagues and I
12 think the best decision-makers, are the ones that
13 don't make decisions until you have all the facts
14 and make-decision based. Not even hearing from your
15 own colleagues. It always amazes me even the things
16 in the last couple of days I'm hearing from all of
17 you who are brand new.
18 You know, we influence each other. Public
19 influences our decisions, staff influence our
20 decisions, our own colleague influence our
21 decisions. So, it's important to keep on open mind
22 right up until the end. But I wanted to kind of
23 bring up two examples that I was thinking of. If
24 for nothing else, to tell you a little bit about the
25 process that goes through.

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1 One is the Bayway bridge. And remember the
2 Bayway bridge was a bascule bridge in the mid 90s.
3 The DOT was looking at how to change that bridge.
4 Make a change to the bridge. Obviously they wanted
5 input from St. Pete Beach and St. Petersburg because
6 it was incorporated by the city of Saint Petersburg.
7 And these decisions are never easy. It's easy
8 looking back but I remember how volatile that
9 decision was.
10 DOT had three options. One was a low
11 level bascule bridge, a drawbridge. Another option
12 was a mid level bascule bridge and then the third
13 option was a high level bridge with a 66-foot
14 clearance. And the community was really divided on
15 that. There were people that said you know it needs
16 to be a low level bascule bridge.
17 We don't want to change the character of
18 the community. You know, all kind of things. The
19 City of St. Petersburg came out really hard against
20 the high level bridge because they were concerned
21 with Isla losing views. As I looked at it and got
22 all the information from the public and everything
23 else, I'm thinking to myself high level bridge seems
24 to make sense. Boats can through it. Cars can go
25 through it unimpeded.

12 (Pages 42 to 45)

Array
(844) 817-1080

CITY 0841

Audio Transcription
January 4, 2024

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1 It's probably going to affect a few
2 people's view. In Isla there was one, the condo was
3 right next to the bridge. But they didn't have to
4 get any right-of-way. That right-of-way has always
5 been acquired. So, whoever developed this condo
6 right to the south of that bridge knew or always
7 know that was always a possibility to happen there.
8 So decision making needed to happen
9 towards the end of 1999. Ron McKinny was the mayor
10 and I was the vice mayor. And I was asked to attend
11 and have a spoke person with Isla Del Sol. For some
12 reason, DOT had it over Isla. They were really
13 against the high level bridge. So mayor McKinny
14 appointed me to be the spoke person for the City of
15 St. Pete Beach. There were a thousand people over
16 there.
17 I thought they were going the hang me when
18 I spoke in favor of the high level bridge because
19 that's what our city commission wanted at that time.
20 Low and behold we went through years of discussion.
21 The DOT finally made the decision to go with the
22 high level bridge. The funding didn't come through
23 and it got delayed and it wasn't until I was long
24 out of office at that time and I can't remember now.
25 But I think in 2014 they opened up the new bridge.

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1 I always thought that the high level I
2 always thought it got a lot of boat traffic to go
3 through and cars to cross over, but when you get to
4 the top you could see (unintelligible) for the first
5 time ever you could see the Gulf of Mexico. It's
6 going to be a really super view. And it's going to
7 be the aha I've arrived moment. And after all of
8 that confirmation and all of that stuff with the
9 people from St. Pete Beach against the high level
10 bridge, I don't think there was a single person that
11 doesn't think that was a good decision, you know,
12 at this time.
13 And probably one of the proudest things I
14 was really proud was I really took a backstage to
15 all of that when it came time to cut the ribbon for
16 the bridge I was long out of office. Let's say this
17 was 2014 and I was out of office since 2008. Two
18 people reached out to me for that ribbon cutting to
19 make sure I was there.
20 It wasn't the city of St. Pete Beach it
21 was the DOT and it was the people from Isla and the
22 same people from Isla that were ready to hang me,
23 they said you know what this is one of the best
24 things we ever did and you know sorry for all the
25 issues we caused.

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1 And you know, I didn't need that but it
2 made me feel good that was a good decision. Another
3 one was the city hall. I remember city hall used to
4 be across the street to the north used to be where
5 our community center and Rec center currently is.
6 And it was built in 1958, 57, 58 cause the city was
7 incorporated in 1957. And we were looking at
8 renovating that. We had a blue ribbon committee,
9 building committee that was taking a look at how
10 should we do that.
11 They were looking at renovating that
12 building. And it was my first year or two as mayor,
13 it didn't make a lot of since to renovating that
14 building. I mean we were up against a floodplain and
15 FEMA issues and there came the opportunity to
16 purchase a piece of land.
17 This was a Put-Put Golf Course here and we
18 had the opportunity to purchase this land and move
19 city hall over here. I thought to myself you know if
20 we did that, that would free that water front land
21 up. I never thought why have city hall and water
22 front land. It doesn't make a lot of sense to me.
23 So if we move city hall over here that frees that
24 land up to use it for a higher and better use,
25 public use of that land.

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1 It was very controversial. The St. Pete
2 Times wrote articles specifically against me and
3 against this as a decision. Low and behold, I stuck
4 to my guns because I thought it was the right
5 decision. We ended up spending \$3.1 million for the
6 land and building here. We paid it off in less than
7 ten years through our penny for Pinellas dollars.
8 Which is paid for by 30 to 40% of tourist.
9 It freed that land up to allow us to build
10 a community rec center over there. And built a pool
11 which was half donated by Best Marian. Uh, and
12 turned Horan Park into Horan Park. And for those of
13 you that remember what that looked like, this was a
14 terrible view coming into the city that was public
15 works. We had rented to the army core of engineer
16 with the landing barges. I don't know if any of you
17 remember the landing barges that is were there at
18 that time.
19 It was all paved over. And the only reason
20 why I bring this up is because these decisions are
21 not easy decisions. You have to get all the input
22 from the public. At the end you also have to be a
23 leader. And so I look back at these proudly. I don't
24 need a pat on the back. I can drive around and I
25 drive over that bridge and think I was apart of that

13 (Pages 46 to 49)

Array
(844) 817-1080

CITY 0842

Audio Transcription

January 4, 2024

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1 decision.
2 I commute to the city from Corey and I
3 look that and I know what it used to look like and
4 what it looks like now. I see people that are moving
5 here for a reason because they love this place. And
6 it doesn't happen by happenstance. There's a lot of
7 work, not by me but you're one person out of five
8 here. So, you know, you have an influence but
9 there's been a lot of great leadership. A lot of
10 great people they served with over time.
11 I see Commissioner Graus is here in the
12 audience and another little small one is right down
13 the street here. It was controversial. It was
14 doing a bump out on Corey Avenue, our main street.
15 It can remember, I think it might have come down to
16 a 3 to 2 vote. I can't remember exactly but I
17 always thought boy this is a great way to improve
18 Corey Avenue.
19 It's going to bring life to the street.
20 It's going to make a difference. Now all I have to
21 do is go by there lunchtime or dinner time and you
22 see how it's added to the life on the street. So,
23 they can be big issues, they can be small issues,
24 they're controversial. But you my at the end of the
25 day, and believe me I've taken heat from my wife.

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1 My wife has watched every single
2 commission meeting in the last 32 years. So after
3 meetings I have to go home and talk to her. And
4 there are times she agrees with me and there are
5 times she doesn't agree with me. And she questioned
6 the Corey Avenue thing. So, you know, it's not easy
7 making these decisions and you are going to get
8 questioned no matter what. But in the end I'm
9 really proud of this city.
10 And I've really cherished the time I've
11 been able to serve here. I think my grandparents
12 would be proud. If it wasn't for them, I wouldn't
13 be here. And we got our best years ahead of us.
14 This is a great city. There are so many things we
15 have to look forward to. And a lot of it is our
16 staff. I want to thank a lot of people I'm sure.
17 Amber LaRowe, our City Clerk. She's one
18 of our appointed constitutional officers, Charter
19 officers. I was privileged to have been on the
20 selection committee to select her. I knew she would
21 do a good job and she's done a wonderful job and
22 great job and we appreciate everything that you do
23 and your staff. I know you mentor to your staff too
24 and that's an important thing for the future. Our
25 City Manager, Wayne Sauders, I've had the privilege

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1 of working with him for years.
2 And I'm really appreciative of you coming
3 back in the time of need and he's had decades of
4 experience as City Manager. You're not going to
5 find anybody in the state of Florida that wouldn't
6 be better for this spot. He's a perfect person at
7 the right time, right place and really smart. Has a
8 financial background. We're really good shape
9 financially which is always important to be, so.
10 So our City Managers are really important
11 position and that is going to be a decision that
12 will be coming up and you're leadership, we really
13 appreciate Wayne. And our City Attorneys have been
14 great to work with. Andrew, I've had the pleasure of
15 working with you now for eight years. And it was
16 the previous Commission that appointed Andrew and
17 the Dickman Law Firm.
18 But you'll learn you'll have conversations
19 with Andrew not only in Commission meetings but he
20 makes himself available, you know before commission
21 agendas. Talking about things at any time. It's
22 really important to have great city attorney, very
23 experienced and it's been a pleasure Andrew working
24 with you. And Matthew, you've done a great job. You,
25 I've gotten really impressed with you.

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1 You stepped up at a time when Andrew
2 needed you and the depth of the thrown between
3 Andrew and Bodey and you. It's really been a
4 pleasure. I can't say enough about how proud I am
5 of you and you have a great, great future ahead of
6 yourself.
7 ASSISTANT CITY ATTORNEY: Thank you.
8 VICE MAYOR FRISZOLOWSKI: And I hope
9 that's with St. Pete Beach and other municipalities
10 that you really do a great job with this specialized
11 city government service. Yeah, I could name all of
12 the department directors but I'll probably miss
13 somebody but I would like to thank the sheriff's
14 office. The sheriff's office does a great job with
15 public safety. That's something that's really
16 important. Obviously, if you don't have a safe
17 community, you really don't have a community.
18 We have our fire chief General Patrick who
19 happens to also be a neighbor of mine who does a
20 great job and if you've ever had to call 911 and you
21 need them in a moment's notice, which unfortunately
22 I've had to do a few times in the past for neighbors
23 or friends. And they're amazingly good. They are
24 really great. The response time is unbelievable.
25 They're trained. So proud of them and what they

14 (Pages 50 to 53)

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CITY 0843

Audio Transcription
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1 offer.
2 I see Mike Clark is in the audience and
3 Mike and his team with Public Works. We've kept
4 them busy in the last eight years. And Mike you've
5 done a great job and I know it's not easy. Really
6 stretched thin with so many things to do. But
7 appreciate everything that you've done over the
8 years. I don't want to leave anybody else out.
9 So, Jennifer McMan is the COO. She's
10 incredible. For anybody that knows Jennifer, I
11 don't know that no is in her vocabulary she kind of
12 figures out a way of getting things done in a
13 creative way. She's really phenomenal. I hope she
14 stays with the City of St. Pete Beach for a long
15 time. Mandy Evans with the recreation departement
16 and parks with recreation does a phenomenal job.
17 Linda Kettles with the library. I'm proud of the
18 library and how we invigorated that library in the
19 last few years to make it shine again.
20 I'm sure I'm missing others but there's a
21 lot of great team work that I'm proud of and I know
22 you're proud of and this city is going to move on.
23 And it's been an unusual 2 weeks but I think you're
24 going to enjoy being in this position, it's very
25 rewarding and we have a bright future ahead of us.

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1 So, I appreciate your indulgence. I
2 didn't really plan on saying all of that. And I'll
3 be around. My wife and I area a resident and
4 obviously I'm going to be respectful of the current
5 elected and appointed officials. Because you know
6 I'm here to help but I do not want to be seen as
7 meddling. So anybody that wants to ever contact me,
8 I would help in any way I could. But I'm not going
9 to contact anyone or just because I want to be
10 respectful of everybody. So anything else for the
11 good of the order?
12 COMMISSIONER LORENZEN: No, I was just
13 about to say the Oscar award music was about to
14 start. They were gonna get you.
15 VICE MAYOR FRISZOLOWSKI: You know, it's a
16 passion of mine. Really I didn't want this to be
17 about me. It's more of me thanking everyone else.
18 And the only reason why I brought up a few examples,
19 is because -- and actually I was thinking about it
20 last night. It's never been easy. You know, I think
21 back at you know, I could have maybe just said you
22 know and I don't want to fight the fight on the
23 bridge. You know, just go with the drawbridge but
24 that's not in me. I wanted to kind of, you know,
25 understand and make decisions.

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1 Same thing with city hall. That one was
2 probably even tougher when I had the times writing
3 articles. And you'll find articles are written
4 about you and you could tell they weren't in the
5 meeting and they don't even necessarily even talk to
6 you. So you have to have a little bit of a thick
7 skin too. So, that's the only reason I brought up
8 examples.
9 COMMISSIONER LORENZEN: You said but I
10 want to thank you on behalf of everybody else unless
11 someone has comments as well. It is tough being up
12 here. I found that out in the last week or so.
13 VICE MAYOR FRISZOLOWSKI: Yeah.
14 COMMISSIONER LORENZEN: And I think you're
15 dedication and commitment to the city has been
16 wonderful and I think you've been everything. Let's
17 see, Commissioner, vice mayor, on boards. It think
18 you haven't been city clerk, I think that's the only
19 one.
20 VICE MAYOR FRISZOLOWSKI: We've got a good
21 city clerk. I don't want to do that.
22 COMMISSIONER LORENZEN: From my behalf,
23 than you very much.
24 VICE MAYOR FRISZOLOWSKI: Thank you.
25 COMMISSIONER LORENZEN: You're not out of

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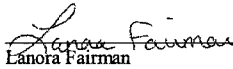
1 the woods yet. We still have another couple of
2 weeks, so.
3 VICE MAYOR FRISZOLOWSKI: Yeah. Thank you.
4 Yes, ma'am.
5 CITY CLERK: I just want to put it
6 forward. Thank you for everything that you said and
7 thank you for your service here. And I do appreciate
8 you hiring me, obviously, because I like my job.
9 But I did have a couple of things that I wanted to
10 know about tomorrow. There's a meeting scheduled so
11 we do need to deal with that. And then I need to
12 know what you want to do for the 9th. Do you want
13 to continue this at 6 o'clock to put this on for the
14 first item or move it sooner or earlier in the day.
15 VICE MAYOR FRISZOLOWSKI: Okay. So for the
16 meeting for tomorrow, that meeting was scheduled
17 because we didn't know we would need another
18 meeting. So unless someone has a reason to have a
19 meeting tomorrow, I don't know that we need to have
20 a meeting tomorrow. Does anyone on the Commission
21 that --
22 COMMISSIONER LORENZEN: It's my birthday
23 I'm not coming in.
24 VICE MAYOR FRISZOLOWSKI: Oh good. Well,
25 happy birthday.

Audio Transcription
January 4, 2024

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1 COMMISSIONER LORENZEN: I'm kidding.
2 VICE MAYOR FRISZOLOWSKI: Mayor, is there
3 why reason you want to meet tomorrow?
4 MAYOR PETRILA: Not that I could think of.
5 VICE MAYOR FRISZOLOWSKI: Okay. Okay.
6 Thank you. So then perhaps --
7 MAYOR PETRILA: I should have said I won't
8 be there any earlier on the 9th.
9 VICE MAYOR FRISZOLOWSKI: Okay so the
10 Mayor is not available any earlier on the 9th. Any
11 earlier than 6:00 p.m.; is that correct?
12 MAYOR PETRILA: Correct.
13 VICE MAYOR FRISZOLOWSKI: Okay. So I think
14 that sets that.
15 CITY CLERK: Yup.
16 VICE MAYOR FRISZOLOWSKI: Okay. Meeting
17 adjourned. Thank you.
18
19
20
21
22
23
24
25

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1 REPORTER'S CERTIFICATE
2 TRANSCRIPTION OF AUDIO RECORDING
3
4 I, Lanora Fairman, the undersigned
5 Certified Shorthand Reporter in and for the State of
6 Texas, do hereby certify that the above and
7 foregoing pages are a true and correct transcription
8 of the audio recording to the best of my ability to
9 understand and decipher the words and identify the
10 speakers based on information provided.
11 I further certify that I am neither
12 attorney or counsel for, related to, nor employed by
13 any parties to the action in which this testimony is
14 taken and further, that I am not a relative or
15 employee of any counsel employed by the parties
16 hereto or financially interested in the action.
17 SUBSCRIBED AND SWORN TO under my hand and
18 seal of office on this 7th day of January, 2024.
19
20
21
22 
Lanora Fairman
23 Expiration: July 12, 2027
Array
24 Firm Registration No. 795
14615 Benfer Road
Houston, Texas 77069
25



16 (Pages 58 to 59)

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CITY 0845

EXHIBIT 2

**IN THE CIRCUIT COURT FOR THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA**

PROTECT ST. PETE BEACH ADVOCACY GROUP, a Florida not-for profit corporation; RUTA ANNE HANCE, an individual; LEANNE ELIZABETH FARIS, an individual; JODY POWELL, an individual; CHARLES BOH and CONNIE BOH, individuals; LISA ROBINSON, an individual; HARRY METZ, an individual; EDWARD BARTON TEELE, an individual; and WILLIAM RODRIGUES, an individual,

Plaintiffs,

Case No. 24-000041-CI

v.

CITY OF ST. PETE BEACH, a political subdivision of the State of Florida; KAREN MARRIOTT; NICK FILTZ; BETTY RZEWNICKI; and RICHARD LORENZEN,

Defendants.

**AMENDED COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF AND FOR WRIT OF QUO WARRANTO**

Plaintiffs Protect St. Pete Beach Advocacy Group (“Protect St. Pete Beach”) and St. Pete Beach registered voters Ruta Anne Hance, Leanne Elizabeth Faris, Jody Powell, Charles Boh and Connie Boh, Lisa Robinson, Harry Metz, Edward Barton Teele, and William Rodrigues (“Individual Plaintiffs”), by and through undersigned counsel, file this Amended Complaint for Declaratory Judgment and Injunctive Relief and for Writ of Quo Warranto against the City of St. Pete Beach (“City”), a municipal corporation, and Karen Marriott, Nick Filtz, Betty Rzewnicki, and Richard Lorenzen, and in support thereof state as follows:

BACKGROUND

At the St. Pete Beach City Commission meeting on December 12, 2023, two members of the City Commission (“Commission”), Mark Grill and Chris Marone, announced they were resigning as of December 31, 2023 because they did not want to comply with the new requirement under Fla. Stat. § 112.3144(1)(d) to submit financial disclosures under Form 6. The City held a special meeting on December 18, 2023 where two other commissioners, Ward Friszolowski and Chris Graus, announced their impending resignations for the same reason.

The City’s Charter (“Charter”) requires the remaining members of the Commission to call a special election within fifteen days when there are simultaneous vacancies of two or more commissioners. Section 3.06(d), Charter. However, the City Attorney deemed compliance with this provision an “impracticability” and evaded the Charter’s mandate for a timely special election by devising a plan for the Commissioners to hand-select appointed commissioners through a “staggered” process, thereby bypassing the democratic process. The City Attorney admitted to the Commission that the result would be an appointed Commission in the place of an elected Commission and may be subject to a legal challenge. The appointees for District 1 and 3 would serve until the March 2024 general election, and the appointees for District 2 and 4 would serve until a special election to be scheduled for August 2024.

Even if the vacancies were not simultaneous, no authority exists under the Charter to allow the Commission to appoint instead of elect Commission seats 2 and 4, even in the interim. Moreover, a five-member Commission that includes only one elected member and

otherwise consists of unelected appointees does not comply with the Florida Constitution, which requires all municipal legislative bodies to be “elective.”

In the backdrop of this political chaos, the City Commission is scheduled to vote on several critical issues for the City before and soon after the scheduled regular election on March 19, 2024, including a major conditional use permit for the Sirata Resort on February 21, 2024, another large resort development, appointment of a new city manager, and a vote on beach nourishment strategy.

Municipal commissions are democratically elected to represent the will of the people they represent. Fla. Const. art. VIII, § 2 provides that “[e]ach municipal legislative body shall be elective.” Implementing a staggered process that results in the appointment of four out of five commissioners because of the alleged “impracticability” of calling a timely special election violates fundamental rights guaranteed by state and local laws. While the resigning commissioners may have had their reasons to resign in protest of the new financial disclosure requirements, the consequence should not be to deprive the citizens of St. Pete Beach of a democratically elected representative commission, especially on the cusp of upcoming controversial votes.

THE PARTIES, JURISDICTION, VENUE, AND STANDING

1. This is an action for declaratory relief and for writ of quo warranto to enforce the terms of the Florida Constitution and the City of St. Pete Beach Charter, and to enjoin commissioners unlawfully appointed from serving on the City of St. Pete Beach Commission.

2. Plaintiff Protect St. Pete Beach is a Florida not-for-profit corporation.

3. Plaintiff Ruta Anne Hance is a citizen and taxpayer, a St. Pete Beach resident, a registered voter in District 1, and a property owner at 7711 Coquina Way, St. Pete Beach, FL 33706.

4. Plaintiff Leanne Elizabeth Faris is a citizen and taxpayer, a St. Pete Beach resident, a registered voter in District 1, and a property owner at 645 78th Avenue, St. Pete Beach, FL 33706.

5. Plaintiff Jody Powell is a citizen and taxpayer, a St. Pete Beach resident, a registered voter in District 2, and a property owner at 5930 Bahama Way N., St. Pete Beach, FL 33706.

6. Plaintiffs Charles Boh and Connie Boh are citizens and taxpayers, residents of St. Pete Beach, registered voters in District 2, and property owners at 426 55th Ave, St. Pete Beach, FL 33706.

7. Plaintiff Lisa Robinson is a citizen and taxpayer, a St. Pete Beach resident, a registered voter in District 2, and a property owner at 7100 Boca Ciega Drive, St. Pete Beach, FL 33706. Robinson was the only applicant who timely submitted an application for the District 2 seat. After she submitted it, the Commission reopened the application process and appointed another candidate instead.

8. Plaintiff Harry Metz is a citizen and taxpayer, a St. Pete Beach resident, a registered voter in District 3, and a property owner at 490 Belle Point Drive, St. Pete Beach, FL 33706.

9. Plaintiff Edward Barton Teele is a citizen and taxpayer, a St. Pete Beach resident, a registered voter in District 4, and a property owner at 2871 Alton Drive, St. Pete Beach, FL 33706.

10. William Rodrigues is a citizen and taxpayer, a St. Pete Beach resident, a registered voter in District 4, and a property owner at 351 S. Julia Circle, St. Pete Beach, FL 33706.

11. Plaintiff Protect St. Pete Beach is a non-profit based in St. Pete Beach composed of residents and property owners in close proximity to the Sirata Beach Resort and TradeWinds Island Resorts. Its goal is to ensure development projects on St. Pete Beach's infrastructure are improvements that beautify the community for the mutual benefit of residents and visitors alike, without increasing traffic, congestion, demands on infrastructure, or threatening wildlife and natural resources.

12. St. Pete Beach residents make up Protect St. Pete Beach. Some have lived in the City for several decades, raised children, owned businesses, served on city boards and committees and others are new to the community. Membership is open to residents of St. Pete Beach who live in close vicinity to Gulf Boulevard between 60th and 52nd Avenues who are directly impacted by the potential transformation of the beauty, hotelscape and infrastructure on Gulf Boulevard. Protect St. Pete Beach has actively participated in public meetings regarding the Sirata development approval by lodging objections and presenting expert testimony and personal observations from its members. Protect St. Pete Beach has widespread support for its efforts throughout the St. Pete Beach community.

13. Protect St. Pete Beach will be impacted because an unelected Commission which does not represent the will of the people will cast the deciding vote on the Sirata and TradeWinds projects, both which are highly controversial decisions highly relevant to Protect St. Pete Beach's mission.

14. Defendant City is now, and was at all times mentioned in this complaint, a municipal corporation organized and existing under the laws of the State of Florida situated in Pinellas County. Defendants Karen Marriott (District 1), Nick Filtz (District 2), Betty Rzewnicki (District 3), and Richard Lorenzen (District 4) were unlawfully appointed to the Commission and currently serve on the Commission.

15. Venue is proper in this court pursuant to Fla. Stat. § 47.011 because the cause of action accrued in Pinellas County, Florida.

FACTUAL ALLEGATIONS

16. Fla. Const. art. VIII, § 2 states that “[e]ach municipal legislative body shall be elective.”

17. Fla. Stat. § 101.002(3) states:

Any person who is a duly registered elector pursuant to this code and who resides within the boundaries of a municipality is qualified to participate in all municipal elections, the provisions of special acts or local charters notwithstanding.

18. Sec. 38-2, St. Pete Beach Code of Ordinances states:

All persons qualified to vote as electors of this state, under the constitution and the statutes of the state, who reside within the corporate limits of the city and who are duly registered with the supervisor of elections of the county and of the city shall be qualified electors of the city.

19. Legislative text must be construed to be consistent with the fundamental constitutional rights that are involved. *Reform Party of Fla. v. Black*, 885 So. 2d 303, 311 (Fla. 2004). The United States Supreme Court and Florida Supreme Court hold, with respect to the right to vote, “No right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must

live. Other rights, even the most basic, are illusory if the right to vote is undermined.” *Id.* at 311 (citing *Williams v. Rhodes*, 393 U.S. 23, 30 (1968)).

20. The Florida Election Code, chapters 97-106, governs the conduct of a municipality’s election in the absence of an applicable special act, charter, or ordinance provision. No charter or ordinance provision may conflict with or exempt a municipality from any provision in the Florida Election Code that expressly applies to municipalities. Fla. Stat. § 100.3605(1).

21. Fla. Stat. § 166.031(6) provides:

Each municipality shall, by ordinance or charter provision, provide procedures for filling a vacancy in office caused by death, resignation, or removal from office.

20. The legislative and governing body of a municipality may make no change to a municipal charter provision which affects the method established therein or filling vacancies in elective municipal office without referendum approval as provided in Section 166.031. *Lionel LaGrow*, Fla. Atty. Gen. Op. 075-158, June 3, 1975, *interpreting* Fla. Stat. § 166.021(1) (municipalities “may exercise any power for municipal purposes, except when expressly prohibited by law.”); *see* Fla. Stat. § 166.021(4) (nothing in Ch. 166, *id.*, is to be construed as permitting any changes in a special law or municipal charter which affect certain subject matters enumerated therein, including “the terms of elected officers and *the manner of their election*” without referendum approval as provided in s. 166.031).

21. The City adopted its Charter by Ordinance No. 266 on January 13, 1976 and referendum on March 2, 1976.

22. A City cannot authorize the amendment of the charter other than as provided in Fla. Stat. § 166.031. *Mr. Bruce R. Conroy*, Fla. Atty. Gen. Op. 93-23 (1993).

23. A city cannot disregard its own charter. *City of Miami v. Martinez-Esteve*, 125 So. 3d 295, 299 (Fla. 3d DCA 2013) (explaining that a city is obligated to comply with its own charter provisions).

24. Section 3.06 of the City Charter (bolding added) provides:

(a) Vacancies. The office of a commissioner shall become vacant upon his death, **resignation**, or forfeiture of his office.

* * *

(c) Filling of vacancies. A vacancy on the commission shall be filled in one of the following ways:

(1) If there is less than six (6) months remaining in the unexpired term or if there are less than six (6) months before the next regular city election, the commission, by a majority vote of the remaining members shall choose a successor to serve until the newly elected commissioner is qualified. **If one year remains in the term of the vacated seat at the time of the next election, that seat shall be filled by election for the remaining term;**

(2) If there are more than six (6) months remaining in the unexpired term and **no regular city election is scheduled within six (6) months**, the commission shall fill the vacancy on an interim basis as provided in subsection (1), and shall schedule a special election to be held not sooner than sixty (60) days, nor more than one (1) year following the occurrence of the vacancy.

(d) Extraordinary vacancies. In the event that all members of the commission are removed by death, disability, or forfeiture of office, the governor shall appoint an interim commission that shall call a special election to fill all commission positions. **Should two (2) or more vacancies occur simultaneously, on the commission, the remaining members shall, within fifteen (15) days, call a special election to fill the vacant commission positions; such election shall be held in the manner prescribed by the laws of the State of Florida.**

25. Section 3.02 of the Charter provides in part:

(b) There shall be four (4) commissioners who shall be qualified electors of the city, shall reside in the district represented and shall be elected only by the district represented.

(c) Election for the office of commissioner from Districts 1 and 3 shall be held in even-numbered years, and elections for the office of commissioner from Districts 2 and 4 shall be held in odd-numbered years, in the manner prescribed by this charter and general Florida Law and shall be for a two-year term.

26. The City's next regular election was scheduled for March 19, 2024 for Commission Districts 1 and 3.

**RESIGNATION ANNOUNCEMENTS
AND VACANCY-FILLING PROCEDURE**

27. As of December 12, 2023, the City's elected officials were: (1) Mayor Adrian Petrilu; (2) Commissioner Chris Graus (District 1); (3) Vice-Mayor Mark Grill (District 2); (4) Commissioner Ward Friszolowski (District 3); and (5) Commissioner Chris Marone (District 4).

28. At the December 12, 2023, Commission meeting, Vice Mayor Mark Grill announced his resignation from the District 2 Commission seat effective as of December 31, 2023. Grill explained that he was resigning based on his refusal to submit the financial disclosure required under Form 6, as recently mandated by state law for City elected officials under SB 774.

29. About twenty minutes later, Commissioner Chris Marone also announced that he was resigning from the District 4 Commission seat effective December 31, 2023 due to the new financial disclosure requirements under Form 6.

30. On December 18, 2023, the Commission convened a special meeting. During this meeting, Commissioner Friszolowski and Commissioner Graus announced their resignations due to their objection to filing Form 6.

31. Vice Mayor Grill modified his resignation date to be "effective no later than December 30."

38. During the December 18 meeting, neither the City Attorney nor the Commission confirmed the sequence for when the Commissioners would officially resign or when the vacant seats would be filled.

39. On December 18, 2023 at 3:45 pm, the City's "public meetings" email list sent the following notice ("Exhibit "A") to its subscribers:

The City of St. Pete Beach has a vacancy on the City Commission all District seats (Districts 1 – 4).

Interested candidates must:

1. Submit a letter of interest; and
2. Submit a resume (or Curriculum vitae); and

The City Commission intends to interview candidates in the Commission Chambers at special meetings scheduled for December 21, 2023, 7:30 am. December 26, 2023, 2:00 pm, December 27, 2023, 7:30 am, December 20, 2023, 7:30 am and December 29, 2023, 7:30 am

If interested, please provide the documents listed above by

5:00 p.m. on December 20, 2023:

40. As of December 21, 2023, Lisa Robinson had submitted the sole application for District 2.

41. At the December 21, 2023 special commission meeting, commissioners discussed which seat to appoint first and who would resign first.

42. There was only one application for District 2, and Commissioner Friszolowski said he wanted more applications.

43. At the same meeting, Commissioner Marone (District 4) resigned, effectively immediately. He left the dais.

44. The remaining commissioners interviewed several applicants for District 4. Commissioner Grill asked one of the candidates, Joe Muholland, about his political contributions and links to Mayor Petrila. The Commission appointed Rich Lorenzen to the District 4 seat to serve until the August election. The Commission then voted to extend the application times for Districts 1 through 3.

45. At the December 26, 2023 meeting Commissioner Graus (District 1) resigned. The Commission interviewed applicants and appointed Karen Marriott at the same meeting.

46. At the December 27, 2023 meeting, Vice Mayor Mark Grill (District 2) resigned. The Commission interviewed applicants and appointed Nick Filtz at the same meeting. The Commission asked applicants whether they had made any political donations or were involved in advocacy groups. Commissioner Grill, after resigning, made public comment at the hearing regarding the appointees' political contribution information.

47. At the December 28, 2023 meeting, Commissioner Friszolowski decided he would not resign until December 30. He wanted Betty Rzewnicki to be appointed but she had not received confirmation from her employer yet. There were eight other applicants for District 3 present. The meeting was postponed to January 9, 2024.

48. At the January 9, 2023 meeting, the Commission, consisting of the Mayor and three unlawfully appointed commissioners, appointed Betty Rzewnicki to the District 3 seat. The Commission also adopted Resolution No. 2023-26, which scheduled a special election for August 20, 2024, for the election of commissioners in Districts 2 and 4. The resolution ensures that unelected commissioners will hold the commission seats in Districts

2 and 4 for nearly eight months while the Commission makes critical decisions that affect all of the City's residents.

49. On January 16, 2024, Lisa Reich, a candidate for District 1, withdrew from the March 19, 2024 election. Soon after, the City announced that there would be no March 19, 2024 General Election, since Marriott and Rzewnicki were the only candidates who qualified for election in Districts 1 and 3 respectively.

I. COUNT I: Declaratory Relief That Appointment Process Conflicts with Florida Constitution and City Charter by Bypassing Special Election to be called in Fifteen Days.

50. Plaintiffs reallege and incorporate by reference paragraphs 1 through 49 of this Complaint.

51. Plaintiffs are uncertain as to their rights and a judicial declaration is required to resolve this dispute. "Any person whose rights and status are affected by a municipal ordinance or who is in doubt as to his rights and status thereunder may obtain a declaration of his rights and status." *City of Miami v. Franklin Leslie, Inc.*, 179 So. 2d 622, 624 (Fla. 3d DCA 1965); *see also Bloomfield v. City of St. Petersburg Beach*, 82 So. 2d 364, 369 (Fla. 1955) (declaratory judgment action lies where, "it is perfectly obvious from this record, that the basic objective of the proceeding was to eliminate the chaos that existed throughout the entire municipal government").

52. A current controversy exists between the parties as to whether Defendant City violated Fla. Const. art. VIII, § 2 and City of St. Pete Beach Charter Section 3.06 by appointing a Commission where an elected Commission is mandated.

53. Controversy exists as to whether the announcements by the four Commissioners of their upcoming vacancies at the December 18, 2023 meeting, and the solicitation of four vacant seats by the City Clerk to the Community qualifies as

“simultaneous vacancies” under Charter Section 3.06(d) (“Should two (2) or more vacancies occur simultaneously, on the commission, the remaining members shall, within fifteen (15) days, call a special election to fill the vacant commission positions; such election shall be held in the manner prescribed by the laws of the State of Florida”).

54. Controversy exists regarding the Commission’s authority to knowingly evade the Charter’s requirement for a timely special election on the basis of “impracticability.”

55. Injury is impeding because Individual Plaintiffs have been deprived their right to vote in a municipal election, and as a result, will be impacted by the decisions of an unelected body. Most notably, and as explained by the City Attorney, the City is on the cusp of several major decisions in the upcoming weeks, including hiring a city manager, voting on major developments, and decisions on beach renourishment. Protect St. Pete Beach is also injured because it is an opponent of two developments scheduled for votes in January and February by the appointed Commission — the Sirata major conditional use permit and the TradeWinds resort expansion.

56. This action presents an actual, present, bona fide dispute which requires a judicial declaration as to the legality of bypassing the special election process required by Charter 3.06(d), thereby depriving Plaintiffs’ right to vote and depriving the City’s residents of an elected body.

57. Plaintiffs have no adequate remedy at law and will suffer adverse impacts and harm by being deprived of their fundamental right to vote and by being subject to an unelected Commission.

WHEREFORE, Plaintiffs respectfully requests judgment against all Defendants as follows:

- a. An order declaring the invalidity of the appointments for Commissioners to Districts 1, 2, 3, and 4 because the resignations of the incumbent commissioners created “simultaneous” vacancies that could not be filled by appointment per the plain language of the Charter.
- b. An order declaring that the City must follow Charter Section 3.06(d) and announce a Special Election within fifteen days.
- c. An order declaring any action taken by the Commission with the vote of one or more unlawfully appointed commissioners is null and void and of no force or effect.
- d. An order enjoining the City from conducting any further Commission meetings until a Special Election is held and an elected Commission has been seated.
- e. An order granting such supplemental relief based on a declaratory judgment as may be necessary or proper.
- f. An order awarding costs, attorneys’ fees, and any other relief this court deems just and appropriate.

II. COUNT II: Declaratory Judgment That Even Without Simultaneous Vacancies, Commissioners for District 2 And 4 Cannot Be Appointed.

58. Plaintiffs reallege and incorporate by reference paragraphs 1 through 49 of this Complaint.

59. Even if the Court finds that the vacancies as described herein were not “simultaneous” under Charter Section 3.06(d), Plaintiffs remain uncertain as to their rights

under Section 3.06(c) to elect Commissioners in Districts 2 and 4. A judicial declaration is required to resolve this dispute.

60. Current controversy exists because Charter Section 3.06 provides no process by which Commissioners in Districts 2 and 4 may be appointed. There are more than six months remaining in the terms of Districts 2 and 4 and more than six months before the next city election for Districts 2 and 4, thus these seats are not subject to the appointment process under Section 3.06(c)(1). (“If there is less than six (6) months remaining in the unexpired term or if there are less than six (6) months before the next regular city election, the commission, by a majority vote of the remaining members shall choose a successor to serve until the newly elected commissioner is qualified”). There was a regular city election scheduled for March 19, 2024, so Section 3.06(c)(2) does not apply. (“If there are more than six (6) months remaining in the unexpired term and **no regular city election is scheduled within six (6) months**, the commission shall fill the vacancy on an interim basis as provided in subsection (1)”).

61. Because one year remains in the term of the vacated seat at the time of the next election (District 2 and 4), that seat shall be filled by election for the remaining term. Section 3.06(c)(1).

62. The Charter provides no authority for District 2 and 4 Commission seats to be appointed. Usually, the courts in construing a statute may not insert words or phrases in the statute or supply an omission that to all appearances was not in the minds of the legislators when the law was enacted. *Rebich v. Burdine’s & Liberty Mut. Ins. Co.*, 417 So. 2d 284, 285 (Fla. 1st DCA 1982) (citing *Armstrong v. Edgewater*, 157 So. 2d 422 (Fla. 1963)). When there is doubt as to the legislative intent, the doubt should be resolved against

the power of the court to supply missing words. *In Re: Estate of Jeffcott*, 186 So. 2d 80, 84 (Fla. 2d DCA 1966).

63. Injury is impeding because Individual Plaintiffs have been deprived their right to vote in a municipal special election, and as a result, will be impacted by the decisions of an unelected body. Most notably, and as explained by the City Attorney, the City is on the cusp of several major decisions in the upcoming weeks, including hiring a city manager, voting on major developments, and decisions on beach renourishment.

64. Protect St. Pete Beach is also injured because it is a vigorous opponent of two developments scheduled for votes in January and February: the Sirata major conditional use permit and the TradeWinds resort expansion. Protect St. Pete Beach will be harmed by a newly seated unelected commission considering these matters.

65. Plaintiffs have no adequate remedy at law and will suffer adverse impacts and harm by being deprived of their fundamental right to vote and by being subject to an unelected Commission.

66. This action presents an actual, present, bona fide dispute which requires a judicial declaration as to whether the appointment of District 2 and 4 Commissioners violates Section 3.06(c) of the Charter.

WHEREFORE, Plaintiffs respectfully request judgment against all Defendants as follows:

- a. An order declaring the invalidity of the appointments for Commissioners to Districts 2 and 4 in violation of Section 3.06 of the Charter.
- b. An order declaring that the City must follow Charter Section 3.06(c)(1) and elect Commissioners in District 2 and 4.

- c. An order declaring any action taken by the Commission with the vote of one or more unlawfully appointed commissioners is null and void and of no force or effect.
- d. An order enjoining the City from conducting any further Commission meetings until a Special Election is held and an elected Commission has been seated.
- e. An order granting such supplemental relief based on a declaratory judgment as may be necessary or proper.
- f. An order awarding costs, attorneys' fees, and any other relief this court deems just and appropriate.

III. COUNT III: Quo Warranto challenging the right of Marriott, Filtz, Rzewnicki, and Lorenzen to hold the office of City Commissioner.

67. Plaintiffs reallege and incorporate by reference paragraphs 1 through 49 of this Complaint.

68. Plaintiffs seek a writ of quo warranto to challenge the right of Marriott, Filtz, Rzewnicki, and Lorenzen to hold the office of City Commissioner.

69. Quo warranto is an available remedy to contest the right of an individual to hold a public office. *State ex rel. Bruce v. Kiesling*, 632 So. 2d 601, 603 (Fla. 1994).

70. The City's Charter requires the remaining members of the Commission to call a special election within fifteen days when there are simultaneous vacancies of two or more commissioners.

71. Rather than call a special election, the four commissioners who resigned purposefully staggered their resignations in a maneuver to evade Section 3.06(d) of the Charter, deny the City's voters the right to elect their representatives on the Commission,

and thus to disenfranchise the City's voters. As the City Attorney explained: "what we have actively done is try to arrange for the staggering of resignations between now and December 30" so that the remaining commissioners can appoint four members of the five-member Commission.

72. The simultaneous announcement of multiple commissioners' resignations, followed by the City Clerk's simultaneous solicitation of applications to fill four vacant seats on the Commission, created "simultaneous vacancies" under Charter Section 3.06(d) ("Should two (2) or more vacancies occur simultaneously, on the commission, the remaining members shall, within fifteen (15) days, call a special election to fill the vacant commission positions; such election shall be held in the manner prescribed by the laws of the State of Florida").

73. These vacancies should have been filled by election, notwithstanding the commissioners' purposeful maneuvers to avoid an election and to assume the power of selecting a governing body for the City.

74. Granting quo warranto is consistent with the public good and promotes the public interest because it gives effect to the substance rather than the form of the proceeding and allows the City's voters to elect their representatives on the Commission, as the Charter provides.

75. Plaintiffs are entitled to a determination that Marriott, Filtz, Rzewnicki, and Lorenzen were not validly appointed to the Commission and do not lawfully hold the commission seats to which the Commission purported to appoint them. Plaintiffs are therefore entitled to a judgment of ouster against Marriott, Filtz, Rzewnicki, and Lorenzen.

WHEREFORE, Plaintiffs respectfully requests that the Court enter judgment against all Defendants and:

- a. Issue a writ of quo warranto pursuant to Florida Rule of Civil Procedure 1.630(d)(3).
- b. Conclude that Marriott, Filtz, Rzewnicki, and Lorenzen were not validly appointed to the Commission and do not lawfully hold the commission seats to which the Commission purported to appoint them.
- c. Enter a judgment of ouster that removes Marriott, Filtz, Rzewnicki, and Lorenzen from the seats to which the Commission purported to appoint them.
- d. Award costs, attorneys' fees, and any other relief this court deems just and appropriate.

IV. COUNT IV: Quo Warranto challenging the right of Filtz and Lorenzen to hold the office of City Commissioner.

76. Plaintiffs reallege and incorporate by reference paragraphs 1 through 49 of this Complaint.

77. Plaintiffs seek a writ of quo warranto to challenge the right of Filtz and Lorenzen to hold the office of City Commissioner.

78. Quo warranto is an available remedy to contest the right of an individual to hold a public office. *State ex rel. Bruce v. Kiesling*, 632 So. 2d 601, 603 (Fla. 1994).

79. The City's Charter requires that, if one year remains in the term of a vacated seat at the time of the next election, that seat shall be filled by election for the remaining term. This provision controls in the specific circumstance of a vacancy that leaves one year

in the term of the vacated seat at the time of the next election, and provides no process by which commissioners may be appointed.

80. Commissioners Grill and Marone resigned from their seats in Districts 2 and 4 in December 2023. Because those seats were not scheduled to appear on the ballot again until March 2025, one year remained in the term of those vacated seats at the time of the March 2024 election.

81. Because one year remained in the term of the vacated seats in Districts 2 and 4 at the time of the next election, the Charter entitled the City's voters to elect their commissioners in Districts 2 and 4 and did not provide for the appointment of those commissioners. The Commission, however, purported to appoint the commissioners in Districts 2 and 4.

82. Granting quo warranto is consistent with the public good and promotes the public interest because it gives effect to the Charter provision that governs resignations that create a vacancy that continues for one year after the next election. Quo warranto will enable the City's voters to elect their representatives on the Commission, as the Charter provides.

83. Plaintiffs are entitled to a determination that Filtz and Lorenzen were not validly appointed to the Commission and do not lawfully hold the commission seats to which the Commission purported to appoint them. Plaintiffs are therefore entitled to a judgment of ouster against Filtz and Lorenzen.

WHEREFORE, Plaintiffs respectfully request judgment against all Defendants as follows:

- a. Issue a writ of quo warranto pursuant to Florida Rule of Civil Procedure 1.630(d)(3).
- b. Conclude that Filtz and Lorenzen were not validly appointed to the Commission and do not lawfully hold the commission seats to which the Commission purported to appoint them.
- c. Enter a judgment of ouster that removes Filtz and Lorenzen from the seats to which the Commission purported to appoint them.
- d. Award costs, attorneys' fees, and any other relief this court deems just and appropriate.

V. COUNT V: Declaratory Judgment that the Commission's composition violates the constitutional requirement that municipal legislative bodies be "elective."

84. Plaintiffs reallege and incorporate by reference paragraphs 1 through 49 of this Complaint.

85. Fla. Const. art. VIII, § 2 provides that "[e]ach municipal legislative body shall be elective."

86. Four of the five members of the Commission were appointed to their seats and were never elected to the Commission. A Commission that, with a single exception, consists entirely of unelected members is not an elective municipal legislative body within the contemplation of Florida's Constitution. If the City's appointment process complied with the requirements of Section 3.06 of the City Charter, then Section 3.06 is unconstitutional as applied by permitting a supermajority appointed commission, thereby circumventing the constitutional requirement for a municipal legislative body to be elective.

87. Absent judicial relief, an unelected Commission that does not represent the will of the people will cast the deciding vote on the Sirata and TradeWinds projects, both which are highly controversial decisions and highly relevant to Protect St. Pete Beach's mission.

88. Plaintiffs are uncertain as to their rights and a judicial declaration is required to resolve this dispute. "Any person whose rights and status are affected by a municipal ordinance or who is in doubt as to his rights and status thereunder may obtain a declaration of his rights and status." *City of Miami v. Franklin Leslie, Inc.*, 179 So. 2d 622, 624 (Fla. 3d DCA 1965).

89. A current controversy exists between the parties as to whether the current composition of the Commission, which includes only one elected member, complies with the constitutional requirement that all municipal legislative bodies be elective.

90. Injury is impeding because Individual Plaintiffs have been deprived their right to vote in a municipal election, and as a result, will be impacted by the decisions of an unelected body. Most notably, and as explained by the City Attorney, the City is on the cusp of several major decisions in the upcoming weeks, including hiring a city manager, voting on major developments, and decisions on beach renourishment. Protect St. Pete Beach is also injured because it is an opponent of two developments scheduled for votes in January and February by the appointed Commission — the Sirata major conditional use permit and the TradeWinds resort expansion.

91. This action presents an actual, present, bona fide dispute which requires a judicial declaration as to the legality of a municipal legislative body that includes a single elected member and otherwise consists solely of members whom the voters never elected.

92. Plaintiffs have no adequate remedy at law and will suffer adverse impacts and harm by being deprived of their fundamental right to vote and by being subject to an unelected Commission.

WHEREFORE, Plaintiffs respectfully requests judgment against all Defendants as follows:

- a. An order declaring that the Commission's composition violates Fla. Const. art. VIII, § 2.
- b. An order declaring the invalidity of the appointments for Commissioners to Districts 1, 2, 3, and 4.
- b. An order declaring that the City must provide for the election of Commissioners to Districts 1, 2, 3, and 4.
- c. An order declaring any action taken by the Commission with the vote of one or more unlawfully appointed commissioners is null and void and of no force or effect.
- g. An order enjoining the City from conducting any further Commission meetings until a Special Election is held and an elected Commission has been seated.
- h. An order granting such supplemental relief based on a declaratory judgment as may be necessary or proper.
- i. An order awarding costs, attorneys' fees, and any other relief this court deems just and appropriate.

Respectfully submitted,

/s/ Andy Bardos

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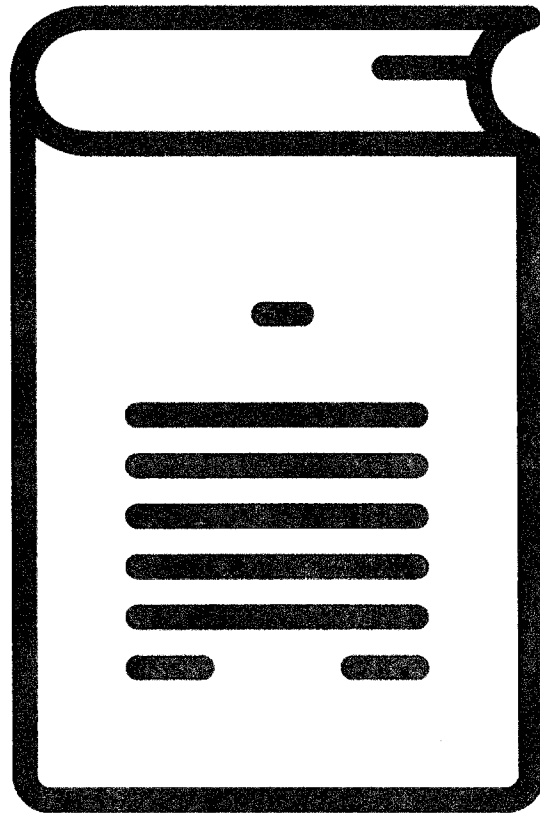
Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I certify that, on February 3, 2024, the foregoing document was furnished by email to Andrew W.J. Dickman, P.O. Box 111868, Naples, Florida 34108-0132, cityattorney@stpetebeach.org, service@dickmanlawfirm.org.

/s/ Jane Graham, Esq. _____
Jane Graham, Esq.

EXHIBIT 3



Glossary of Election Terminology



U.S. Election Assistance Commission
633 3rd Street NW, Suite 200 | Washington, DC 20001
www.eac.gov

July 16, 2021 V 1.1

Bond

A debt in which the authorized issuer owes the holders a debt and is obliged to repay the principal and interest at a later date. Bonds questions may be placed on local ballots to approve or deny a bond and, if approved by voters, the bond may be repaid through the collection of property taxes within a determined jurisdiction, school district, or special district. Ballot questions may be placed on Statewide ballots and, if approved by voters, the bond is repaid with taxes or fees collected by the State.

Bond Election

An election where a proposal to allow a state or local government to approve additional spending in which a debt and obligation are repaid with interest appears on the ballot for voters to decide on.

Bond Issue

A proposal to allow a state or local government to approve additional spending in which a debt and obligation are repaid with interest.

Bond Proposition

When a state or local government places a question before the voters as a ballot measure, asking them to approve additional proposed spending using a bond.

Bond Referendum

A proposal to repeal a law authorizing a bond that was previously enacted by a governing body, and that is placed on the ballot to be approved or rejected by voters.

Borough

A town, village, or part of a large city that has its own government.

Boundary Line

The line that divides a precinct, city, or other political unit from another.

Braille Voting Instructions

Voting instructions written in characters that are represented by patterns of raised dots which are read through touch.

Butterfly Ballot

A ballot that has the names of candidates down both sides of a ballot, with a single column to mark choices down the middle.

C**Call an Election**

When an authorized government authority proclaims that an election will take place at a particular time.

Campaign

A series of democratic activities to influence a political vote for or against candidates or ballot questions.

Sample Official Ballot

An official example ballot provided to voters with information specific to the voter.

Satellite Location

An office that is physically separate from the main election office and may provide limited services. Voters can typically register to vote or receive an absentee ballot from these offices. Satellite offices are also known as branch offices.

Satellite Voting Stations

Temporary site set up by an elections office for the purposes of voting.

Scan-Line

A horizontal line traced across a cathode-ray tube by an electron beam to form part of an image. Typically, this issue is caused by wet ink or some other substance transferred from a piece of paper as it goes through the scanner. The ink or other substance gets on the glass as the paper moves through, and blocks the light of the scanner in that area for future copies.

Scanner

A device that scans documents, images, printed text, handwriting, or an object and converts them into digital data. A Ballot scanner is a device used to read the voter selection data from a paper ballot or ballot card.

Scanning

The practice of using scanners to convert paper documents into digital images. This is done when capturing images of paper voter registration cards, and other election correspondence and when tabulating ballots.

Scheduled Elections

Existing law that requires any federal, state, county, municipal, district, or other district election to be held on certain dates, usually on a reoccurring basis.

School District

A geographical unit for the local administration of elementary or secondary schools.

Score Voting

A single-winner voting system where voters rate candidates on a scale. The candidate with the highest rating wins.

Seal

A security mechanism using strategically placed serialized or tamper-evident materials that alert officials if a device used in the elections process has potentially been altered or accessed without authorization.

Sealed Container

A container used to hold or transport election materials, such as ballots, where strategically placed serialized or tamperproof evident seals have been used to alert officials if it has been altered or accessed without authorization.

Software

The collection of programs that control the computer and perform a specific collection of tasks. Software has version numbers and is licensed (not sold) to the end user. Software can be altered to change the functionality of the computer.

Software Independence

Quality of a voting system or voting device where a previously undetected change or fault in software cannot cause an undetectable change or error in election outcome.

Software Patches

Corrections to existing programs, designed to be integrated into the programs without major release changes. Also called fixes or bug fixes.

Source Code

Human readable computer instructions that when compiled or interpreted, become an application. Source code can be written by humans or by computers.

Spear Phishing

A targeted attack by hackers, via bogus emails, that attempts to get the victim to provide login information or personal information to the hackers. Spear Phishing attempts may appear to originate from legitimate known sources, such as organizational IT or known vendors.

Special District

Public agencies created to provide one or more specific services to a community, such as water service, sewer service, parks, fire protection, and others.

Special Election

Primary, general, municipal, proposition, run-off, or recall election that is not held on a date and time regularly scheduled through statute. A special election may be combined with a scheduled election.

Special Interest Group

A group of people who have particular requests and who try to influence political decisions involving them.

Split Precinct

A precinct that contains an election district subdivision, e.g., parts of the precinct are in different political jurisdiction such as a water district or school board district, requiring an additional ballot configuration.

Split Ticket

The act of selecting candidates from different parties for different contests. In states with Straight Ticket Voting, this action overrides the straight ticket vote, and allows voters to select the candidates of their choice. For non-partisan races and proposals, the voter must make selections in these races separately. (Note: Split Ticket Voting is often not allowed during primary elections in some jurisdictions.)

Spoil

To mark or otherwise alter a ballot so it indicates in a human-readable manner that the ballot is not to be cast.

EXHIBIT 4



City of St. Pete Beach · 155 Corey Avenue, St. Pete. Beach, Florida 33706 727-367-2735 · www.stpetebeach.org

PLANNING DEPARTMENT

3/5/2024

Allan Smallwood of CP St. Pete, LLC
740 Centre View Blvd
Crestview Hills, KY 41017

S. Elise Batsel c/o Stearns Weaver Miller
401 E. Jackson St., Suite 2100
Tampa, FL 33602

Re: City Commission Case No: 23053
Address: 5300, 5350, 5380, 5390 Gulf Blvd
Parcel Number: 06-32-16-80172-000-0010

At the 2/27/2024 hearing of the City of St. Pete Beach City Commission, your request for a Conditional Use Permit was **approved with fifty (50) conditions**. Please find enclosed Development Order issued in connection with your case.

The next step is to conduct a community meeting for the rooftop eating, drinking and music area pursuant to Land Development Code Sec. 39.17. This meeting may also be used as the required neighborhood meeting to share the four proposed renderings for Hotel 3, which is referenced in Condition 21)c. Staff must be notified of the meeting location, date and time so that we can ensure attendance.

Section 3.14 of the LDC establishes the appeal process for any person or persons, jointly or severally, aggrieved by any decision of the City Commission and all appeals must be filed within 30 days after issuance of the final development order.

If there are any questions on this case, do not hesitate to contact me at 727-363-9229.

Respectfully,

Brandon Berry
Senior Planner

Cc: City Commission Attorney (*via email*)



City of St. Pete Beach · 155 Corey Avenue, St. Pete. Beach, Florida 33706 727-367-2735 · www.stpetebeach.org

PLANNING DEPARTMENT

3/5/2024

Allan Smallwood of CP St. Pete, LLC
740 Centre View Blvd
Crestview Hills, KY 41017

S. Elise Batsel c/o Stearns Weaver Miller
401 E. Jackson St., Suite 2100
Tampa, FL 33602

DEVELOPMENT ORDER Conditional Use Permit Case No: 23053

The City Commission reviewed and conducted a public hearing on an application for a Conditional Use Permit in the above-captioned case on February 27, 2024. It was determined that substantial and competent evidence was presented to satisfy the Conditional Use Permit criteria.

Address: 5300, 5350, 5380, 5390 Gulf Blvd, St. Pete Beach, FL 33706

Parcel Number: 06-32-16-80172-000-0010

Request:

- (1) Permit the construction of a 290 temporary lodging unit, ten story, 115'-6"-tall hotel with rooftop features not to exceed 127'-6" in total height from base flood elevation on the northern portion of the site, and a 130 temporary lodging unit, eight story, 88'-6"-tall hotel with rooftop features not to exceed 100'-6" from base flood elevation hotel on the southern portion of the site, along with ancillary and accessory structures, which will increase total site density to 646 units (74.94 units per buildable acre) and exceed fifty feet in height for new construction (LDC Sec. 35.3.(b)(1));
- (2) Permit a rooftop dining and drinking amenity that includes the playing of outdoor music (LDC Sec. 35.4.(b)).

IT IS HEREBY ORDERED:

Case Number **23053** is hereby **Approved with Conditions:**

Rooftop Dining and Music Conditions

- 1) Approval is granted for rooftop dining only within the Level 4 area of Hotel 1 that contains the swimming pool and surrounding associated facilities. Any other rooftop dining, drinking, or rooftop playing of music from amplified equipment later established shall require amendment of this conditional use permit. The applicant may establish and operate ground level music areas pursuant to LDC Sec. 39.6.(f), subject to conditions herein.
- 2) All amplification equipment installed or utilized at any rooftop dining area of the site shall be permanent, and no temporary equipment from visiting musicians shall be used.
- 3) Prior to certificate of occupancy, the applicant shall coordinate with staff for up to two rooftop dining area noise tests to be performed. These tests shall involve City staff measuring the sound level increase above ambient, if any, from the side property line abutting 5396 Gulf Blvd and 5250 Gulf Blvd, the property frontage, and the public beach,



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while music is being played through amplifiers or instruments that naturally produce significant low frequency noises such as drums. The applicant shall install decibel limiting software or hardware such that a sound reading with rooftop music playing does not exceed three decibels above a preceding or following ambient reading with the music turned off, nor adopted decibel standards in the Code of Ordinances, at the aforementioned locations. Access to the software or hardware shall be limited to a designated manager or other position whose direct contact information shall be made available and maintained with City Code Enforcement staff. The designated employee(s) shall be on duty at all times music is being played from rooftop amplification equipment. In cases where sound pressure changes or other events make it such that sound can be heard from amplification equipment at any of the locations specified above, following a substantiated complaint to the Sheriff's Office or Code Enforcement, or when new outdoor music areas are established, the hotel operator shall make reasonable accommodations to allow for sound tests to be performed and the set decibel level to be reevaluated.

Resort Development: Administrative and Project Review Requirements

- 4) The applicant is responsible for the actual and documented cost of any off-site improvements necessary to accommodate their increased sewer flows, as determined by the City manager or designee. No building permit associated with this request may be issued until such improvements have been identified and corresponding payments or improvements have been provided. The applicant shall be responsible for the cost of the upgrade(s) required, which the City shall perform.
- 5) Site plans shall be submitted and approved prior to any building permit issuance for this request. Site and building plans shall be substantially similar to the conceptual site and elevation plans submitted for this request. Any increase in overall building height, density, or number of floors, any encroachment into a required setback, any alteration to a buffer that reduces the total vegetation count below the amount permitted without administrative waiver, any reduction in width of the frontage sidewalk, any reduction in the number or width of the pedestrian beach access points, as well as all other items not listed in LDC Sec. 4.10.(a), shall require this request to return to the City Commission for reevaluation.
- 6) The applicant shall prepare renderings that preserve the same isometric orientation as those submitted for the conditional use permit for review at the relevant building permit stage, which shall be made a requirement of permit issuance for the corresponding stage(s). These renderings shall be substantially similar to the renderings submitted and reviewed by the City Commission at the approval hearing, and shall reference any changes in building massing, scale, ornamentation, planar offsets, façade materials or colors, changes in total window or architectural decoration percentages, or landscaping, between the renderings submitted for the CUP and those submitted for the building permit. Any significant deviations between the CUP and building permit renderings, as determined by the City Manager, shall require the plans to be returned to the City Commission.
- 7) Prior to Hotel 1 site plan approval, the applicant shall prepare a Declaration of Unified Site Plan Covenants or alternative document determined by the City Attorney to be sufficient to declare that the entire property is regarded as, and declared to be unified under one indivisible building site, also known as a zoning lot for the purposes of development as defined in Division 2, Section 2.1 of the Land Development Code of the City of St. Pete Beach; and (ii) constitutes a single zoning lot for the purposed of development. Those terms ensure that any service, amenity, operational or occupancy-based restriction, Transportation Management Plan strategy, or other element which is essential to this CUP approval, but not individually provided within each developed building on this property, is permanently maintained across the development. This requirement shall apply regardless of subdivision and/or later changes in ownership in some or all portions of the zoning lot for which development is permitted under this approval.



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- 8) Prior to Hotel 1 site plan approval, the applicant shall provide the signed opinion of a licensed engineer with experience in the design of rooftop telecommunications equipment installations, or telecommunications lessee, pertaining to the anticipated signal strength or quality degradation, if any, resulting from the construction of Hotel #1 on telecommunications service within the City of St. Pete Beach. Should the engineer find that strength or service will be significantly degraded, the applicant shall propose construction techniques, the installation of signal extending hardware, or other mitigation demonstrated to generally preserve telecommunications service strength and quality for the City of St. Pete Beach at time of Hotel #1 building permit submittal.
- 9) The positive finding of the Columbia Sussex Corporation's demonstrated ability to financially and technically complete the improvements and mitigation necessitated by the development is exclusive within the scope of this approval and is not transferrable by right to another applicant except by authorization of the City Commission. Should the property sell during the scope of development requested herein, the City Commission retains the right to request reevaluation via public hearing of the new applicant's capacity to complete proposed improvements pursuant to LDC Sec. 4.4.(a)(6).
- 10) The applicant shall demonstrate concurrency prior to site plan issuance, utilizing level of service standards adopted in the City's Comprehensive Plan at time of site plan submittal. Transportation concurrency shall be demonstrated for both weekday and weekend peak conditions.
- 11) Prior to issuance of any site plan associated with this request, the applicant shall demonstrate that there is adequate parking available on site, in an existing off-premise lot approved for storage of vehicles from Sirata, or in a newly-approved off-site arrangement, at the start of and throughout each stage of development. The applicant is eligible for temporary valet storage on site if necessary, but must submit and have approved a tandem parking plan during site plan permitting.
- 12) Hotel 1 shall be franchised as a JW Marriott, or another franchise demonstrated to be equivalent in terms of amenities, services, and general room and public area quality to a hotel of at least a "four diamond" rating, or better, in the AAA Travel Guide or by a rating agency of similar authority.
- 13) Hotel 3 shall be franchised as a Hampton Inn, or another franchise demonstrated to be equivalent in terms of amenities, services, and general room and public area quality to a hotel of at least a "three diamond" rating, or better, in the AAA Travel Guide or by a rating agency of similar authority.

Resort Development: Operational and Design Requirements

- 14) At time of permitting for Hotel 1, the applicant shall supply the city and county emergency managers with a Hurricane Closure and Evacuation Plan that adequately details how the hotel will evacuate guests prior to evacuation notice for Zone A residents. This plan may be negotiated if needed to achieve the intent of the city's Comprehensive Plan and Sec. 5.2.2. of the Forward Pinellas Countywide Rules. Within 90 days of certificate of occupancy, or prior to the first day of hurricane season if either new lodging development is proposed to open within 90 days of hurricane season, the applicant shall record a legally-enforceable mandatory evacuation/closure covenant, stating that the temporary lodging use will be closed as soon as practicable after a hurricane watch is posted for Pinellas County by the National Hurricane Center.
- 15) The applicant shall be required to comply with the city's beach ordinance, as may be amended, for the entire subject property by the compliance deadline specified in the ordinance.
- 16) The applicant shall design and offer a resident discount program to residents of the City of St. Pete Beach. The applicant shall recognize a resident as a person with a state-issued driver's license or other proof of residency



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within the City limits of St. Pete Beach. The applicant shall submit, at time of site plan permitting, the details and discounts to be offered under the program, including any acceptable proof of residency determined.

- 17) The applicant shall provide at least one dedicated spot for rideshare vehicles, including the City's circulator, within 200 feet of each hotel's primary guest entrance or parking garage entrance, unless a greater distance is approved by staff during site plan permitting. The space shall be marked prominently to indicate that it is the pickup and drop-off spot for the circulator, and information shall be provided to guests at check-in or via in-room documentation directing them to the spot for circulator access.
- 18) Accessways must be approved by the Florida Department of Transportation ("FDOT"). The applicant will meet with the FDOT and the suggestions of the FDOT will be administered and approved prior to issuance of the site plan.
- 19) Developer shall partner with the City in connecting a beachwalk adjacent to the project on the waterward side of the Coastal Construction Control Line, with such beachwalk anticipated to run near the Coastal Construction Control Line for the length of the Large Resort District. The City shall make an application to the appropriate authorities for permitting and grants, and will be responsible for the design and construction of the proposed beachwalk. The City shall design the beachwalk with reasonable construction methods and materials. The location of the public beachwalk easement shall be mutually agreed to by the City and applicant. Upon the City receiving permits from any applicable state and federal agencies to build the beachwalk along the subject property, but prior to the City issuing a Notice to Proceed, applicant shall provide a non-exclusive public access easement to the City for the portions of the beachwalk located within the Property. The applicant shall pay all reasonable, actual and documented construction costs (minus any proportionate funds obtained by the City from applicable grant or other public funding efforts) for the construction of the applicant's beachwalk.
- 20) The applicant shall demonstrate compliance with the relevant requirements of LDC Sec. 39.10., 39.11., 39.12., 39.13., and 39.14., which relate to site design and improvements, at time of site plan issuance. The applicant shall demonstrate compliance with relevant requirements of LDC Sec. 39.7., 39.8., and 39.9., which relate to building design and green building requirements, at time of building permit issuance. The development shall also comply with relevant provisions of LDC Sec. 39.5. and 39.6., pertaining to lodging operation standards and general operational and aesthetic requirements, at relevant parts of the permitting and operations process. These standards are in addition to other standards imposed within the property's zoning district, parking and coastal construction requirements, and other requirements of the LDC and Comprehensive Plan.
- 21) To achieve consistency in building façade design for the unified development, the applicant shall incorporate a consistent design/theme which may include but not be limited to exterior paint color scheme or similar complementary elements on Hotel 1, Hotel 3, and the Sirata including parking garages, as stated below, including any other requirements imposed by the City Commission:
 - a. Modernize the architecture of Sirata by updating current trim, and removing mansards and other roof details to create a cleaner and more modern appearance, including porte cochere;
 - b. Utilize planters in front of the Hotel 3 parking garage to match the Hotel 1 parking garage;
 - c. Utilize the Hotel 3 parking garage façade chosen by the City Commission, based on the four renderings shared at the February 27, 2024 deliberation, after receiving community input from the neighborhood information meeting that the applicant will be hosting prior to Site Plan approval. The renderings shared at the neighborhood information meeting shall include a cohesive view of the unified development from the front of the property, inclusive of all three buildings, as well as individual renderings showing the four options as already prepared.



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- 22) To reduce sign clutter, no more than one monument sign shall be permitted for each hotel, subject to overall permitted sign regulations in the Land Development Code as amended.
- 23) The applicant shall not make application for or introduce any new long-term beach recreational amenities for use seaward of the CCCL, including but not limited to large inflatable structures, stages, or similar amenities not explicitly permitted in Land Development Code Sec. 6.12, the City's beach ordinance as amended, or other relevant sections of the Code of Ordinances and Land Development Code. This condition shall not be interpreted to prohibit temporary structures allowable for authorized special events or otherwise authorized under the City's codes and ordinances.
- 24) The applicant shall not offer scooter or other individual micromobility device rental on the property.
- 25) Upon issuance of a hurricane watch, the applicant shall coordinate with the City to allow for storage of City vehicles within the upper levels of the Hotel 1 and 3 parking garages. Parking shall be made available to residents when viable and available.

Resort Development: Development Requirements

- 26) Prior to certificate of occupancy for Hotel #1, the applicant shall provide the following public benefits:
 - a. Execution and recordation of a public access easement, in favor of the City or FDOT, such that the sidewalk along the entirety of the property's Gulf Boulevard frontage may be expanded to and maintained at a width of ten feet.
 - b. Physical expansion of the sidewalk along the entirety of the property's frontage to ten feet in usable width and installation of frontage amenities at applicant's expense, except in the cases that the utility undergrounding project has not yet completed, or where the applicant can demonstrate that the sidewalk along the Hotel 3 frontage would be significantly disturbed during later-phase work. In both cases the applicant shall be required to bond the cost of sidewalk improvements with the City prior to Hotel 1 certificate of occupancy, based on a rate set or agreed upon with the Public Works department based on most recently-available data, and complete the work no later than within six months of certificate of occupancy for Hotel 3 in the case of the southern portion of sidewalk, or within six months of utility undergrounding in case of the entire frontage sidewalk.
 - c. Execution and recordation of both proposed public beach access easements, at the widths and in the general locations specified, except that minor adjustments to location only may be made to reflect allowable revisions to the site plan or conditions imposed under this scope.
 - d. Construction of the center 15' beach access, including installation of all required landscaping and internal pedestrian pathways associated therewith.
 - e. Installation of all required landscaping along the frontages of Hotel 1 and Sirata.
 - f. Installation of all required landscaping along the frontage of Hotel 3, except in a case where the applicant can demonstrate that said landscaping would be significantly disturbed during later-phase work. In this case, the applicant may supplement the bond previously provided for required landscaping under renovation permit #2300216 through means acceptable to the City, with landscaping to be installed no later than certificate of occupancy for Hotel 3 or expiration of said permit, whichever occurs first. In this situation that landscaping is delayed to occupancy of Hotel 3, the applicant shall retain all existing healthy frontage landscaping along the Hotel 3 frontage of the site except the minimum shown to be necessary to allow for current and future site ingress, egress, or utility undergrounding.



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- g. Execution and recordation of an unimproved public access easement of at least fifteen feet in width along the sandy beach landward of the mean high water line, high water mark, or existing watermark, whichever is determined to achieve the intent of this condition, for any portion of private property which extends to said line.
- h. All existing and new lighting across the subject property shall be made compliant with the standards for new beachfront lighting in the Land Development Code, Pinellas County Coastal Construction Code and Florida Department of Environmental Protection Coastal Construction Control Line regulations, whichever is more stringent.

At staff's discretion, review of this criteria may involve coordinating an evaluation with Sea Turtle Trackers or a successor organization to evaluate and address sources of light harmful to marine turtles. The applicant shall demonstrate all of these requirements through the permitting process for building design, and site plan process for exterior lighting improvements, except that the applicant shall submit product information for aftermarket window tinting or any other resolution of this condition that does not require a building permit, at the site plan stage.

- i. Complete and uninterrupted restoration of dunes along the property's beachfront including installation of beach walkovers, as approved by Florida Department of Environmental Protection and the City, shall be required. The center beach walkover shall be oriented and constructed to support a rescue vehicle as determined by the fire marshal at time of site plan permitting.
 - j. Compliance with the City's stormwater ordinance and drainage plan requirements as it pertains to development, as may be amended. Compliance shall be demonstrated prior to Hotel #1 site plan issuance for the entire property subject to this development order. The applicant shall also demonstrate that any stormwater that exceeds the holding capacity of the underground vaults proposed will be piped into FDOT drainage infrastructure rather than be permitted to sheet flow into the right-of-way.
 - k. Site-wide property compliance with the signage standards in the Land Development Code, as may be amended.
- 27) The applicant shall take reasonable and customary steps to avoid negative impacts to abutting properties. This shall include photographically documenting exterior conditions of abutting properties prior to the start of construction and utilizing vibration monitoring during construction.
- 28) The applicant shall demonstrate commitment to potable water use reduction by achieving the highest viable indoor water use below baseline credit through LEED v4 BD+C Hospitality certification for each building, to be the greater of three points or a 35% reduction at minimum, or reductions demonstrated through technical analysis to be equivalent in impact. This commitment shall be demonstrated prior to building permit issuance.
- 29) The applicant shall generally follow the phasing plan as it relates to construction of significant new buildings and on-site storage of materials. All construction materials and equipment shall be stored on site and screened from Gulf Boulevard. The applicant shall submit a construction site management plan along with building permits for new construction to demonstrate that this condition is met.
- 30) The applicant shall utilize an alternative to driving piles in the construction of the foundation for both hotels.
- 31) LEED v4 BD+C Hospitality Certified (Hotel 1) and Silver (Hotel 3) shall be used as the minimum evaluation criteria for green building standards at each development, per correspondence with the architect on July 20, 2023. In the



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case the applicant chooses to change the certification program for either development, a crosswalk table shall be provided demonstrating that the new certification will provide at least an equal environmental impact offset as the currently-proposed programs.

- 32) The applicant shall demonstrate a commitment to water reuse and water saving techniques through inclusion of water cycling, water treatment, wind screening or smart adjustment technology, and similar improvements, for the Hotel 1 waterfall wall and any other outdoor aesthetic water feature. These improvements shall be shared with the City at time of building permit application for the associated feature(s).
- 33) All proposed pedestrian pathways, open-air surface parking spaces, and other paved non-structural or non-traffic rated surfaces shall be installed with permeable pavers, asphalt and/or concrete, turf block with interspersed vegetation, or similar except where accessibility, building or fire codes require impermeable surfaces. These areas shall be maintained so the surface continues to provide permeability, and the City may request periodic maintenance updates from the applicant if necessary to ensure the intent of this condition prevails.
- 34) Except for areas of the rooftop reserved for use as guest spaces or required to be left open for maintenance purposes, the applicant shall utilize other techniques demonstrated to reduce the heat island effect and improve thermal performance.
- 35) Notwithstanding conditions 5 and 6, applicant shall provide a solid wall and landscaped screen of at least 120 feet wide and 16 feet in height to mitigate sound and visual impacts on the abutting SeaMark Condominium. Landscaping species shall be similar to the screen walls located along Gulf Boulevard to provide visual consistency.

Resort Development: Landscaping Requirements

- 36) At least 50% of trees and palms by count, and groundcovers by square footage, installed on the site shall be Florida-friendly, as referenced in Land Development Code Sec. 22.4, the University of Florida Florida-Friendly Landscaping™ Plant Guide, or reference material of similar authority. At least 50% of the trees in required buffer areas shall be Florida native adapted for local Zone 10a conditions, or recommended species found in the Land Development Code. During site plan review the applicant shall demonstrate through the landscaping plan that landscaping has been generally grouped by water consumption habits to reduce the need for excessive irrigation, and employs at least one technique that is assessed to reduce volume or overall need for irrigation, such as utilization of highly drought-resistant tree species or rain barrels. The City Manager may waive height and caliper requirements pursuant to LDC Sec. 22.8.(f)(2) if it enables the applicant to install additional Florida-friendly landscaping for that portion which exceeds 50% of the total tree and palm count and/or groundcover square footage.
- 37) The planter boxes installed along the garage façades of Hotel 1, and any other façade as may be amended through plan revisions, that serve to meet the purpose of LDC Sec. 39.7.(c) shall be planted with lush landscaping that is Florida friendly to the extent viable. The landscaping within these planters shall be maintained for the life of the use to high and healthy standards so as to serve the screening and aesthetic purposes as originally intended. Should vegetation die, it shall be replaced within 30 days.
- 38) Should more than one year elapse between the completion of construction of Hotel 1 and start of construction of Hotel 3, this development approval or any approval associated hereunder expire, or more than five years elapse between the date of this approval and completion of Hotel 3, the applicant shall be required to install a 30-foot buffer as depicted on the landscaping plan along the entire southern property line of the site, which shall include the installation of the public beach access. Otherwise, the southern beach access shall be provided by certificate of occupancy for Hotel 3. This condition is in addition to the preceding condition above.
- 39) The applicant shall connect to the public reclaimed water system for landscaping irrigation, and such usage shall



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be metered. The irrigation system shall include pressure-regulated systems and there shall be monitoring devices installed to address leaks from lines and equipment.

- 40) In support of a superior northern landscaping buffer alternative, the applicant shall provide to the City when requested an easement necessary to expand the existing beach access easement adjacent the northern property line to at least seven feet in width along the entire depth of the site to the mean high-water line, high water mark, or existing watermark, whichever serves to meet the intent of this condition. In the case that the City chooses to not expand the access point prior to building permit issuance for Hotel 1, the applicant may proceed with the buffer as proposed and amended with conditions herein. If the City chooses to expand the beach access prior to building permit issuance for Hotel 1, the applicant shall be required to permit and construct the additional beach access area on applicant's property, without reducing the landscaping plant material count under the current landscaping plan, but may permit the access to encroach into the proposed 15-foot buffer.
- 41) In instances where the applicant requires off-site improvements that involve the placement of new utility structures, the applicant shall be responsible for installation and maintenance of the structures' landscaping screening in compliance with Land Development Code requirements.
- 42) The applicant shall install in-ground canopy trees adjacent to the expanded frontage sidewalk as viable and to the extent not in conflict with overhead utility lines. In locations where in-ground planting would cause recurring conflicts with underground utilities, the applicant shall install above-ground planters with canopy trees. Canopy trees shall be planted every 30 feet within this zone.

Resort Development: Transportation Improvement and Operation Requirements

- 43) The applicant shall pay the City \$100,000.00 per year on an annual basis for five years, with initial payment due at time of issuance for the business tax receipt for Hotel 1, which shall be used for mobility services, facilities and/or improvements. The subsequent payment after the first is due no later than the business tax receipt renewal due date for Hotel 1 for each of the subsequent four years. This fee shall be independent from and unaffected by any multimodal impact fee adjustment that may be referenced in Chapter 150 of the Pinellas County Code of Ordinances or FL Stat. 163.3180.
- 44) The applicant shall provide payment to the City or FDOT for the cost of the short- and mid-term solutions identified in the Gulf Boulevard Safety Study that are in the right-of-way in front of their development's street frontage. Payment shall be based upon any improvement that is not provided by the applicant during the development process. This fee shall be independent from and unaffected by any multimodal impact fee adjustment that may be referenced in Chapter 150 of the Pinellas County Code of Ordinances or FL Stat. 163.3180.
- 45) The applicant shall provide to the City a proportionate cost, not to exceed \$30,000 of future planning study/documents for the fire department to ensure a continued appropriate emergency services level for the residents and visitors of St. Pete Beach. This payment shall be collected when the study is approved to commence.

The first such study/document, anticipated to be completed during late 2024 or early 2025, will be a Comprehensive Master Plan.

A Master Plan is an organizational planning document that draws from public engagement as well as a thorough assessment of the operational environment to frame resource allocation decisions. Organizations of all types utilize these documents to proactively guide decision-makers and to develop effective strategies to address challenges related to sustainability, funding, and resource allocation. This document will include specific areas such as service demand trends that will analyze items such as concurrency.



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- 46) Prior to the site plan approval, the Transportation Management Plan (TMP) strategies referenced in the revised Traffic Impact Analysis (TIA) signed by Rebecca Bond, P.E. on November 13, 2023 or any subsequent revision shall be implemented and available for guests of all on-premise resorts and across the resort property as relevant. The introduction of the TIA shall be amended to explicitly state that the "Sirata Beach Resort" referenced in the TMP and elsewhere in the TIA is inclusive of all three developments on the subject property whether or not under common control. Should the property be later subdivided and not owned by entities under common control, the applicant is responsible for demonstrating that operational improvements referenced in the TMP shall remain available for all developments without any degradation in service commitments made through the TMP, and that referenced permanent amenities are not removed or degraded.
- 47) There shall be no deliveries to the property from vehicles that exceed two axles before 7:30 AM or after 10 PM.
- 48) The applicant shall design and provide to guests a pamphlet, key card insert, or similar documentation, at check-in or by in-room documentation that directs them in safe crossing of Gulf Boulevard. Such materials shall be made available for City review prior to issuance of the building permit for Hotel 1.

General Conditions

- 49) Any violation of the above-stated conditions will allow the City Commission to rescind or modify the Conditional Use Permit as it pertains to the request under which the condition is classified.
- 50) The City Commission may review the Conditional Use Permit periodically to determine whether the development order is in compliance with the terms and conditions herein.

3/5/2024

Brandon Berry, Senior Planner

Date

LDC Section 3.6(f) Subsequent applications. If any application filed under the provisions of this Code is denied, no subsequent application seeking substantially the same or similar approval shall be filed within six months of the final decision on the original application, unless such application is denied without prejudice by the board hearing the request. Applications which are withdrawn in writing at least 48 hours prior to the public hearing at which they are to be heard shall be considered to have been withdrawn without prejudice and may be resubmitted immediately.

LDC Section 3.14(b) Appeals. Any person aggrieved by this Order may appeal to the Circuit Court on or before thirty (30) days from the date of the Order.

EXHIBIT 5

IN THE CIRCUIT COURT FOR THE SIXTH JUDICIAL CIRCUIT,
OF THE STATE OF FLORIDA, IN AND FOR PINELLAS COUNTY,
FLORIDA

SEAMARK, INC., a Florida not for profit
corporation, PROTECT ST. PETE BEACH
ADVOCACY GROUP, a Florida not for
profit corporation, and KEN BARNES,
individually,

Case No.:

vs. Petitioners,

Petition filed pursuant to
Fla. R. App. P. 9.100(f)

CITY OF ST. PETE BEACH, FLORIDA,
a Political Subdivision of the State of
Florida, CP ST. PETE, LLC, a Foreign
limited liability company,

Respondents.

PETITION FOR WRIT OF CERTIORARI

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Seamark, Inc. and Ken Barnes

Counsel for Petitioner, Protect St.
Pete Beach Advocacy Group

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PETITION FOR WRIT OF CERTIORARI

Petitioner, Seamark, Inc., (“Seamark”) a Florida Not for Profit Corporation, a Condominium (“Seamark”), Protect St. Pete Beach Advocacy Group, a Florida Not For Profit Corporation (“PSPB”), and Ken Barnes, an individual (“Barnes”) (collectively “Petitioners”), respectfully file this petition for writ of certiorari (“Petition”), by and through their undersigned attorneys, and petition the Court to issue a Writ of Certiorari quashing a quasi-judicial decision (“Granting a Conditional Use Permit”) of the City Commission of the CITY OF ST. PETE BEACH (the “City”), Resolution 2023-21, (“Resolution”), rendered on March 5, 2024, approving a conditional use permit: to allow construction of a 290 temporary lodging unit with rooftop features; a 130 unit temporary lodging unit hotel with rooftop features, along with ancillary and accessory structures, and permit a rooftop and dining and drinking amenity that includes the playing of outdoor music, in connection with an Application for a Conditional Use Permit #23053 for the redevelopment of the Sirata, St. Pete Beach (“Redevelopment Project”). The City Commission (“Commission”) failed to afford procedural due process, departed from the essential requirements of law, and failed to support its decision with competent substantial evidence.

As required under rule 9.100(g), this petition contains: (1) the basis for

invoking the jurisdiction of this Court; (2) the facts upon which Petitioners rely; (3) the nature of the relief sought; and (4) argument in support of the petition with appropriate citations of authority. For these reasons, the Court should issue a writ of certiorari quashing Resolution 2023-21.

THE PARTIES

1. Petitioner, Seamark, Inc. is a Florida Not for Profit Corporation, a Condominium, comprised of the individual unit owners, and common elements of the Seamark condominium, located at 5369 Gulf Boulevard, St. Pete beach, directly next to the proposed redevelopment project.

2. The Common Elements of the Seamark are defined within its Adopted Amended and Restated Declaration of Condominium Ownership of Seamark, Inc., a Condominium. A.00057-129.

3. Petitioner, Seamark, through its President Tim Yarnell, filed a letter of objection to the proposed redevelopment project, and notice of filing as a party intervenor/adversely affected party requesting the same rights and privileges afforded the applicant. A.00017.

4. Seamark membership consists of any record owner of a unit in Seamark, Inc. A.00057-129.

5. Petitioner, Ken Barnes, is the owner of record of Unit 801 at Seamark, and Chairperson of the Seamark Special Litigation Committee.

Mr. Barnes appeared on behalf of Seamark, and objected during the Commission hearing on February 21, 2024, and appeared at the Commission hearing on February 27, 2024. T. 00290 at line 19– T.00307 at line 9.

6. Petitioner PSPB is a Florida not-for profit corporation composed of residents who live in close vicinity to Gulf Boulevard between 60th and 52nd Avenues who are directly impacted by the potential transformation of the beauty, hotelscape and infrastructure on Gulf Boulevard. A.00150.

7. PSPB was formed by St. Pete Beach residents who are concerned about overdevelopment and the negative impacts of increasing development density above sustainable levels. PSPB's purpose is based on the responsibility to ensure the St. Pete Beach community prioritizes environmental stewardship, preserves history and family friendly atmosphere. A.000149.

8. Eligibility of membership is open to open to residents of St Pete Beach who live in close vicinity to Gulf Boulevard between 60th and 52nd Avenues who are directly impacted by the potential transformation of the beauty, hotelscape and infrastructure on Gulf Boulevard. A.000150.

9. PSPB's director JoLynn Lawson addressed the City Commission on February 21, 2024, and provided petitions in objection. T. 00403 at

lines 14-25, T. 00404 at lines 1-2. A.-02487 to A.-02535. PSPB also provided oral legal arguments and testimony in objection at the Planning Commission Hearing on November 13, 2023 and the City Commission hearing on February 21, 2024 (T. 00324 at lines 18-25 – T.00348 at lines 1-11) and submitted extensive written objections submitted into the record, including their attorney’s legal analysis of the Application’s flaws, a report by land use planner Charles Gauthier, and a report by traffic engineer Charles Andrew Roark, PE reviewing the Applicant’s traffic study. A.02432-2486; A.00130-00301.

10. Petitioners Seamark, Ken Barnes, and PSPB are separate entities and independent of each other.

11. Respondent, The City of St. Pete Beach, Florida (“Respondent” or “St. Pete”) is a governmental entity and political subdivision of the State of Florida duly authorized by law to approve conditional uses within its boundaries.

12. Respondent, CP St. Pete, LLC is a foreign limited liability company with its principal place of business in Kentucky.

JURISDICTION AND VENUE

13. This is an action seeking certiorari review of the City of St. Pete Beach’s Resolution No. 2023-21 (“Resolution”), rendered on March 5, 2024,

which approved a conditional use permit, to allow construction of a 290 temporary lodging unit, ten story tall hotel, with rooftop dining and drinking amenity that includes the playing of outdoor music (“Redevelopment Project”) by CP St. Pete, LLC.

14. Petitioners seek issuance of a writ of certiorari quashing, setting aside, reversing or otherwise invalidating the Resolution.

15. Review of quasi-judicial decisions of a commission shall be commenced by filing a petition for writ of certiorari in accordance with Florida Rule of Appellate Procedure 9.100(b) and (c) and Florida Rule of Appellate Procedure 9.190(b)(3).

16. This action is brought without limitation pursuant to Florida Rule of Appellate Procedure 9.100 and Florida Rule of Appellate Procedure 9.190(b)(3). This Court has jurisdiction pursuant to Article V, section 5(b), Florida Constitution, which provides that a circuit court shall have the power to issue a writ of certiorari.

17. Venue is proper in this Court pursuant to section 47.011, Florida Statutes.

TIMELINESS

A party must file a petition for a writ of certiorari within thirty days of rendition of the order on review. Fla. R. App. P. 9.100(c)(1). An order is

rendered when a signed, written order is filed with the clerk of the lower tribunal. Fla. R. App. P. 9.020(h). Resolution 2023-21 was stamped as filed with the Clerk on March 5, 2024. Therefore, the petition in this action is timely filed on April 3, 2024. Fla. R. App. P. 9.420(e).

FACTUAL BACKGROUND

A. Conditional Use Application

The Developer, CP ST. Pete, LLC, on June 16, 2023, filed an application for a Conditional Use Permit #23053 seeking review of the proposed redevelopment project. The subject property currently consists of a 382-unit Resort known as the Sirata. A.00308. The subject property consists of 15.45 acres, 8.62 landward of the Coastal Construction Control Line, located at 5300, 5350, 5380, & 5390 Gulf Blvd in the Large Resort district in the Community Redevelopment District. A.00307.

Conditional use applications are subject to procedural requirements and criteria of Division 4, Conditional Use Permits, of the City of St. Pete Beach Land Development Code (“LDC”). Certain uses are conditional rather than uses by right. Section 4.1, LDC. (“A review of these uses is necessary due to the impacts they may have on the surrounding area or neighborhood”). All new temporary lodging uses that exceed 50 feet in height or a density greater than 30 units per acre shall be required to obtain

a conditional use permit pursuant to Division 4 of this Code. Section 39.6

(p), LDC.

Section 4.4(a) provides,

When considering an application for approval of a conditional use, the city commission review shall consider the following standards:

(1) Whether the conditional use is consistent with the goals, objectives, and policies of the Comprehensive Plan, any adopted special area plan and these regulations;

(2) Whether the proposed use will be **compatible with the character of the existing area**, including existing structures and structures under construction, existing public facilities and public facilities under construction, and residential, commercial and/or service facilities available within the existing area. More specifically:

- a. **Whether the overall appearance and function of the area will be significantly affected consideration shall be given to the existence of other uses in the area**, based on the number, size, and location of the uses and the intensity and scale of the proposed and existing uses in the area;
- b. Whether the application will preserve any city, state or federally designated historic, scenic, archaeological, or cultural resources;
- c. Whether the application will be compatible with adjacent development, if any, based on characteristics such as size, building style and scale; or whether such incompatibilities are mitigated through such means as screening,

landscaping, setbacks, and other design features; and

- d. Whether the application will have significant adverse impacts on the livability and usability of nearby land due to noise, dust, fumes, smoke, glare from lights, late-night operations, odors, vehicular traffic, truck and other delivery trips, the amount, location, and nature of any outside activities, potential for increased litter, or privacy and safety issues.

(3) Whether the transportation system is capable of adequately supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, access to arterials, transit availability, on-street parking impacts, if any, site access requirements, neighborhood impacts, and pedestrian safety;

(4) Whether the minimum off-street parking area required and the amount of space needed for the loading and unloading of trucks, if applicable, will be provided and will function properly and safely;

(5) Whether generally, the public health, safety and welfare will be preserved, and any reasonable conditions necessary for such preservation have been made;

(6) Whether the applicant has demonstrated the financial and technical capacity to complete any improvements and mitigation necessitated by the development as proposed and has made adequate legal provision to guarantee the provision such improvements and mitigation; and

(7) Whether the proposed use complies with all additional standards imposed on it by the particular provision of these regulations authorizing such use

and by all other applicable requirements of the regulations of the City of St. Pete Beach.

Sec. 4.11, LDC provides for conditional uses in designated community redevelopment districts, (bolding added)

It is the intent of the city that the aesthetic and functional characteristics of new development shall be regulated to insure consistency with the stated objectives of city redevelopment policy and that all new development is undertaken in a manner consistent with the best interests of the community. **In instances of development projects which are of significant density or intensity, the complexity of the construction and operation of such projects require a higher than usual level of public scrutiny and technical review prior to permitting, and necessitate the articulation of specific requirements on the part of both the developer and the city to ensure that such developments are in harmony with community character and consistent with the policies of the community redevelopment plan. The provisions of this section are intended to supplement the stated requirements of this division and other divisions of the Land Development Code and provide for the incorporation of provisions into conditional use approvals which address issues of public concern.**

STANDARD OF REVIEW

On certiorari review, the circuit court must determine whether procedural due process was afforded, whether the essential requirements of law were observed, and whether the decision under review was supported by competent substantial evidence. *See, Broward Cty. v. G.B.V. Int'l, Ltd.,*

787 So. 2d 838, 843 (Fla. 2001); *Mann v. Bd. of Cty. Com'rs*, 830 So. 2d 144 (Fla. 5th DCA 2002). Review of a decision by certiorari at the circuit court level is a matter of right, *Miami-Dade Cty. v. Omnipoint Holdings, Inc.*, 863 So. 2d 195, 198 (Fla. 2003), and the circuit court must review the decision with strict scrutiny. *Bd. of Cty. Com'rs of Brevard Cty. v. Snyder*, 627 So. 2d 469 (Fla. 1993); *Hernando Cty. Bd. of Cty. Com'rs v. S.A. Williams Corp.*, 630 So. 2d 1155 (Fla. 5th DCA 1994); *Haines City Cmty. Dev. v. Heggs*, 658 So.2d 523, 530 (Fla. 1995).

The circuit court on certiorari review of a City Commission's quasi-judicial zoning action is the first tier of judicial review, and the scope of review is akin to a direct appeal. *Sarasota County v. BDR Invests., LLC*, 867 So. 2d 605, 607 (Fla. 2d DCA 2004); See *City of Deerfield Beach v. Vaillant*, 419 So. 2d 624, 626 (Fla. 1982); see also *Philip J. Padovano, Florida Appellate Practice* § 19:9 (2017 ed.) ("This use of certiorari is unlike any other, in that the scope of review is actually more like a plenary appeal.").

Procedural Due Process

"Generally, due process requirements are met in a quasi-judicial proceeding 'if the parties are provided notice of the hearing and an opportunity to be heard.'" *A & S Entertainment, LLC v. Florida Department of Revenue*, 282 So. 3d 905, 909 (Fla. 3d DCA 2019). (citations omitted).

“The proceeding must be ‘essentially fair.’” *Id.* However, “[t]he extent of procedural due process protection varies with the character of the interest and the nature of the proceeding involved.” *Carillon v. Seminole County*, 45 So. 3d 7, 9-10 (Fla. 5th DCA 2010). “In quasi-judicial zoning proceedings, the parties must be able to present evidence, cross-examine witnesses, and be informed of all the facts upon which the commission acts.” *Jennings v. Dade County*, 589 So. 2d 1337, 1340 (Fla. 3d DCA 1991).

While courts have recognized that strict rules of evidence and procedure do not control quasi-judicial proceedings, this does not mean that these proceedings are informal, and a commission may allow anything goes or where results can be politically motivated, rather than based on the rule of law and established criteria. See, e.g., *Seminole Entertainment, Inc. v. City of Castleberry, Florida*, 813 So. 2d 186 (Fla. 5th DCA 2002). Courts have soundly rejected this idea. See, e.g., *Lee County v. Sunbelt Equities, II, Ltd. Partnership*, 619 So. 2d 996 (Fla. 2d DCA 1993) (quasi-judicial decisions should be “isolated as far as is possible from the more politicized activities of local government”); *City of Apopka v. Orange County*, 299 So. 2d 657, 659 (Fla. 4th DCA 1974) (quasi-judicial decisions must be based on applying published legal criteria to admitted evidence, rather than subjective “polling” of nearby residents). When a local-government decision is quasi-

judicial, minimum levels of procedural due process still apply. *Miami-Dade County v. Reyes*, 772 So. 2d 24 (Fla. 3d DCA 2000).

Departure From the Essential Requirements of Law

A “departure from the essential requirements of the law” for purposes of first-tier certiorari review can be “no more than the same level of error that would require reversal on a direct appeal - a substantive or procedural error that was not harmless error.” *Patel v. Gadsden Cnty.*, 20 Fla. L. Weekly Supp. 124 (Fla. 2d Cir. Ct. Sept. 14, 2012). A “departure from the essential requirements of law” occurs when a lower tribunal fails to apply or adhere to the plain language of a statute or ordinance. See *Justice Admin. Comm’n v. Peterson*, 989 So. 2d 663, 665 (Fla. 2d DCA 2008).

The inquiry must show that the quasi-judicial decision departed from a “clearly established law.” *Allstate Insurance Co. v. Kaklamanos*, 843 So. 2d 885, 890 (Fla. 2003) The sources for “clearly established law” can arise from several sources, including constitutional law, statutes, controlling case law, and even a local government’s laws. *Id.*; *City of Coral Gables Code Enforcement Board v. Tien*, 967 So. 2d 963 (Fla. 3d DCA 2007). For example, failure to apply the plain and unambiguous language of a statute or ordinance constitutes a departure from clearly established law. *Mt. Plymouth Land Owners’ League v. Lake County*, 279 So. 3d 1284 (Fla. 5th

DCA 2019). Failure to apply binding case law constitutes a classic example of a departure from clearly established law. *Dept. of Highway Safety & Motor Vehicles v. Chakrin*, 304 So. 3d 822 (Fla. 2d DCA 2020).

Competent Substantial Evidence

Competent substantial evidence is that which is “sufficiently relevant and material that a reasonable mind would accept it as adequate to support the conclusion reached.” *De Groot v. Sheffield*, 95 So. 2d 912, 916 (Fla. 1957). It is well established, however, that conclusory testimony, including from an expert witness, does not constitute competent substantial evidence. See *City of Hialeah Gardens v. Miami-Dade Charter Found., Inc.*, 857 So. 2d 202, 204 (Fla. 3d DCA 2003) (“Generalized statements ... even those from an expert, should be disregarded”).

Moreover, each criteria or factor required by the local government’s published code for a particular quasi-judicial decision must have evidentiary support. *Alvey v. City of North Miami Beach*, 206 So. 3d 67 (Fla. 3d DCA 2016).

STANDING

Petitioners Seamark and Ken Barnes are the direct neighboring Condominium and property owner to the proposed Redevelopment Project by CP St. Pete, LLC (“Developer/Applicant”). PSPB is a non-profit

organization composed of residents who live in close vicinity to Gulf Boulevard between 60th and 52nd Avenues directly impacted by the potential transformation of the beauty, hotelscape and infrastructure on Gulf Boulevard. At the subject hearings, Petitioners separately appeared and objected to the granting of the Conditional Use to preserve the arguments contained herein. In fact, Petitioner's Seamark and PSPB submitted separate notices of filing as a party intervenor/adversely affected party requesting the same rights and privileges afforded the applicant. A.00017; A.00130-144.

The record is replete with testimony from City Staff, City Commissioners, as well as experts recognizing the impact of the proposed Conditional Use on the Seamark. Specifically, the following excerpts from the February 21, 2024, hearing: Most significant impact to Seamark Shading. T. 00030 at lines 18-24; Shade Study Seamark is affected. T. 00118 at lines 9-10.; Seamark has the unreasonable adverse impact, with a litany of problems. T. 00331 at lines 13-25; T. 00332 at lines 1-5.

Additionally, from the February 27, 2024, hearing: I think you need to take into consideration the Seamark itself. T. 00531 at lines 2-3; I am trying to reduce the impact on the northern property, Seamark. T. 00636 at lines 2-3; Seamark view. T. 00667 at lines 8-11; explain to residents of the Seamark,

kill your view, kill your property value. T. 00671 at lines 24-25; T. 00672 at lines 1-3; put the shorter building next to the Seamark. T. 00683 at lines 10-19; Maximizing impact to Seamark. T. 00687 at lines 6-15; undisputed impact to Seamark. T. 00713 at lines 24-25.

“In the seminal case of *Renard v. Dade County*, 261 So. 2d 832 (Fla. 1972), the Florida Supreme Court articulated the legal standing necessary to “challenge the zoning action or inaction” of a governmental body. *Rinker Materials Corp. v. Metropolitan Dade County*, 528 So. 2d 904, 906 (Fla. 3d DCA 1987). *Renard* provides three different tests for standing to challenge zoning decisions: 1) standing to enforce a valid zoning ordinance; 2) standing to attack a validly enacted zoning ordinance as an unreasonable exercise of legislative power; and 3) standing to attack a zoning ordinance which is void because not properly enacted. *Renard*, 261 So. 2d at 837-838.

Second *Renard* Test

Petitioners Seamark, Barnes, and PSPB assert that the City failed to require the Developer to present competent substantial evidence in support of the Application, which is a decision based on the unreasonable exercise of legislative power. “An aggrieved or adversely affected person having standing to sue is a person who has a legally recognizable interest which is or will be affected by the action of the zoning authority in question.” *Renard*,

261 So. 2d at 837. *Renard* stated, “In determining the sufficiency of the parties’ interest to give standing, factors such as the proximity of his property to the property to be zoned or rezoned, the character of the neighborhood, including the existence of common restrictive covenants and set-back requirements, and the type of change proposed are considerations.” *Id.*; see also *Rinker*, 528 So. 2d at 906.” *Save Calusa, Inc., v. Miami-Dade County*, 355 So. 3d 534, 540 (Fla. 3d DCA 2023). The aggrieved party must suffer “special damages,” defined as “a definite interest exceeding the general interest in community good share[d] in common with all citizens.” *Id.*

Ordinarily, abutting homeowners have standing by virtue of their proximity to the proposed area of rezoning. See *Paragon Grp., Inc. v. Hoeksema*, 475 So. 2d 244, 246 (Fla. 2d DCA 1985), *review denied*, 486 So. 2d 597 (Fla. 1986) (holding owner of single-family home directly across from rezoned property had standing to challenge proposed rezoning). Such proximity generally establishes that the homeowners have an interest greater than “the general interest in community good share[d] in common with all citizens.” *Id.*

Here, Petitioners, Seamark and Ken Barnes meet the second test of *Renard* as an association and organization dedicated to protecting the interests of its members who live in close proximity to the proposed

redevelopment project. Seamark and Ken Barnes own property directly adjacent to the Redevelopment Project, and were entitled to receive, and did receive notice regarding the requested Conditional Use. They are affected based on their stated concerns of compatibility, significant changes to the character of the locale, visual impacts, traffic, noise and light impacts, and enjoyment of quiet and peaceful evenings. Seamark and Ken Barnes have also suffered a separate and special injury different in kind and degree from the injuries to other citizens, residents, and taxpayers in the City of St. Pete Beach. See *Renard*, 261 So. 2d 832 (Fla. 1972) (“The fact that a person is among those entitled to receive notice under the zoning ordinance is a factor to be considered on the question of standing to challenge the proposed zoning action.”). Seamark, as indicated above, is comprised of the individual unit owners, and common elements of the Seamark condominium, located directly next to the proposed redevelopment project.

PSPB is a group dedicated to ensuring that planning and development occur in a way that preserves the local environment and community in the community, substantially composed of members who individually have standing.” A.130-134. PSPB’s land use planner Charles Gauthier provided written testimony as to the special impact of the Sirata development on the overall appearance and function of the area, and block customary scenic

views, interfere with natural air movements, cast shadows, worsen peak season congestion, reduce safety, and result in beach crowding. A.00171; A.00179.

Third *Renard* Test

Petitioners Seamark, Barnes, and PSPB also assert that the Resolution is void as improperly enacted based on departures from the essential requirements of law and failure to afford the Petitioners procedural due process. The third test in *Renard* provides, “any affected resident, citizen or property owner of the governmental unit in question has standing to challenge such an [void] ordinance.” *Id.*; See also *Parsons v. City of Jacksonville*, 295 So. 3d 892, 895 (Fla. 1st DCA 2020). No special injury is required for a party who attacks a void ordinance. *Upper Keys Citizens Ass’n, Inc. v. Wedel*, 341 So. 2d 1062, 1064 (Fla. 3d DCA 1977); see also *Rhodes v. City of Homestead*, 248 So. 2d 674, 674–675 (Fla. 3d DCA 1971).

Florida courts recognize standing for citizen groups to challenge void ordinances under this test. *Upper Keys Citizens Ass’n, Inc. v. Wedel*, 341 So. 2d 1062, 1064 (Fla. 3d DCA 1977); (granting standing to a nonprofit citizens association composed of local Upper Keys residents who alleged a zoning variance was illegally enacted, and holding that no special damages needed to be alleged); see also *Save Brickell Ave., Inc. v. City of Miami*, 395

So. 2d 246, 247 (Fla. 3d DCA 1981) (Corporation devoted to safeguarding zoning of area was “an affected citizen” which had standing to attack zoning resolution on the ground it was void). Courts apply the third *Renard* test to “any asserted basis for the conclusion that the enactment in question is ‘void.’” *City of Miami v. Save Brickell Ave., Inc.*, 426 So. 2d 1100, 1103 (Fla. 3d DCA 1983). Like *Upper Key’s Citizens Ass’n* and *Save Brickell Ave.*, PSPB is a nonprofit citizens group composed of members who live within a few blocks of the proposed development who are directly impacted by the potential transformation of the beauty, hotelscape and infrastructure on Gulf Boulevard. A.00149-150. PSPB’s purpose is to ensure the community “prioritizes environmental stewardship, preserves our history, and family friendly atmosphere,” Consequently, all Petitioners have standing under the third *Renard* test.

ARGUMENT

The substantive errors that occurred regarding the City Commission’s February 27, 2024, approval of Resolution 2023-21, are not harmless.

A. Failed to afford procedural due process by: (1) Failing to consider and vote on Seamark and PSPB’s Notice and Request for Intervenor/Affected Party status; (2) Each Commissioner’s failure to comply with 286.0115 (C) (1) – (3), *Florida Statutes*, Section 2-66, St. Pete Beach

Code of Ordinances, and *Jennings v. Dade County*, 589 So. 2d 1337 (Fla. 3d DCA 1991, by failing to adequately disclose the subject of the communications, and the identity of the person, group or entity with whom the communication took place; (3) Each Commissioner's failure to comply with 286.0115 (C) (4), *Florida Statutes* by failing to make the disclosure's before or during the public portion of the Quasi-Judicial hearing at which the vote is taken; (4) Commission's failure to allow public participation at the February 27, 2024, hearing, when the hearing went beyond the mere deliberations and vote of the Commission; (5) Following the closing of the public hearing on February 21, 2024, Commissioner Marriott met with the Developer's Counsel, prior to the February 27, 2024, hearing and failed to disclose the substance of those discussions;

B. Departed from the essential requirements of law by: (1) City failing to comply with Section 4.2(e); which requires revised conditional use applications with new data and information to be subject to the same stages of review as the initial application; (2) City failed to comply with Section 3.16(C)(1), St. Pete Beach Code of Ordinances, which mandates that the City Manager "Shall, when a violation has been determined to exist: (1) refrain from issuing any subsequent development approvals for the developer until the violation has been corrected, here it is uncontroverted,

and the record reflects that the Development Project site is in violation of the Turtle lighting requirements; (3) An unelected City Commission voted on the Application, in violation of Fla. Const. art. VIII, § 2 and Section 4.7, LDC; (4) City Commission ignored and declared unenforceable legislated criteria under Section 4.4 and instead relied on information irrelevant to published criteria; (5) Developer's Counsel artificially modified and restricted the standard to assess impacts to surrounding views under Section 4.12 and Section 4.4.

C. Is not supported by competent substantial evidence where the record establishes, as to Petitioners Seamark and Ken Barnes, that: (1) The Commission failed to support its decision with evidentiary support for each criteria required by the City's published code for the approval of a conditional use; (2) The Commission's approval based upon the Developer's attorney's threat of utilizing the Live Local Act as Plan B if the conditional use is not approved; (3) The record is completely devoid of any evidence to support the reduction of the 30-foot minimum buffer as required in Section 35.13 of the City's Land Development Code; (4) Developer's traffic study is legally flawed as the trip generation is inaccurate and the miscalculation impacts the entire traffic analysis; and (5) City and Developer failed to provide any evidentiary support for Section 35.1 Large Resort District requirement for full-

service integrated resorts.

Consequently, this Court should issue a writ of certiorari quashing Resolution 2023-21.

I. **THE COMMISSION FAILED TO AFFORD PETITIONERS PROCEDURAL DUE PROCESS**

As to the first prong of the three-part test, under the Fourteenth Amendment of the United States Constitution and Article I, Section 9 of the Florida Constitution, the requirements of procedural due process are reasonable notice and a fair opportunity to be heard. *Housing Authority of the City of Tampa v. Robinson*, 464 So.2d 158, 164 (Fla. 2d DCA 1985). As such, “quasi-judicial hearings require a hearing upon notice at which the affected parties are given a fair opportunity to be heard in accord with the basic requirements of due process.” *Walgreen Co. v. Polk County*, 524 So.2d 1119, 1120 (Fla. 2d DCA 1988).

A. **Intervenor/Affected Party Status**

The Commission failed to afford procedural due process by failing to consider and vote on Seamark and PSPB’s Notice and Request for Intervenor/Affected Party status. On February 20, 2024, Seamark hand delivered to the City’s Clerk, as well as emailed to the Mayor and City Commissioner’s it’s notice of filing as a party intervenor/adversely affected party requesting the same rights and privileges afforded the applicant. A.-

00017. Additionally, on February 16, 2024, PSPB, submitted to the Mayor and City Commission a request for Party Intervenor status. A.-00130 – A.-00144..

As discussed under the Standing section above, the record is replete with testimony from City Staff, City Commissioners, as well as experts recognizing the impact of the proposed Conditional Use on the Seamark. The fact that Seamark was denied Intervenor/Affected party status belies logic. *See transcript citations for the February 21, 2024, and February 27, 2024, hearings cited above.*

At the February 21, 2024, hearing, the City Attorney stated that “the city code itself does not have any criteria for which to designate somebody as an intervenor party or an affected party or an interested party. So therefore I recommend that you not try to make up any kind of procedure or criteria for doing that.” T. 00008 at lines 10-14. The City Attorney reiterated throughout the hearing that he wanted to remind the Commission that Seamark and PSPB are not party intervenors. T. 00076 at lines 6-13; T. 00321 at lines 6-13; T. 00348 at lines 22-23; T. 00349 at lines 16-18.

Despite the City Attorney’s remarks, Section 2-66(b) of the City’s Code of Ordinances, clearly contemplates the ability to afford an affected party, party intervenor status. Furthermore, during the public portion of the hearing,

the City Attorney warned the Developer's attorney (Jessica Icerman) that if she sought to cross examine PSPB's expert, she would do so at her peril, as it might afford them intervenor status. T. 00350 at lines 1-25; T. 00351 at lines 1-25. Ms. Icerman cited to both the *Jennings* case and the *Carrillon* case. T. 00350 at lines 21-25.

The *Carrillon* case, in footnote 1, cites to the *Hirt v. Polk County Bd. Of County Comm'rs*, 578 So.2d 415 (Fla. 2d DCA 1991), indicating that in *Hirt*, the court "noted that local ordinances expressly afforded "interested parties" the right to cross-examine witnesses in a quasi-judicial hearing. No such ordinance exists in this case." *Carillon Cmty. Residential v. Seminole Cty.*, 45 So. 3d 7 (Fla. 5thDCA 2010). Unlike Seminole County in *Carrillon*, here, the City does have an ordinance that contemplates a party intervenor.

So here, the City Attorney's decision to deny Seamark and PSPB Party Intervenor status, based upon a flawed interpretation, that the City's code does not allow it, coupled with the Applicant's Attorney afforded the right to cross examination of experts, severely impacted Seamark and PSPB's ability to fully present evidence, cross-examine witnesses, and be informed of all the facts upon which the commission acts.

B. Failure to Disclose Ex Parte Communications

As discussed above, the Commission failed to afford procedural due

process by each Commissioner's failure to comply with 286.0115 (C) (1) – (3), *Florida Statutes*, Section 2-66, St. Pete Beach Code of Ordinances, and *Jennings v. Dade County*, 589 So. 2d 1337 (Fla. 3d DCA 1991), by failing to adequately disclose the subject of the communications, and the identity of the person, group or entity with whom the communication took place.

Commissioner Rzewnicki

While Commissioner Rzewnicki provided the most detailed response on who she spoke with, she still failed to disclose the specific subject of the communications, which would afford persons that have opinions contrary to those expressed in the ex parte communications, a reasonable opportunity to refute or respond to the communications. Furthermore, Commissioner Rzewnicki disclosed that she researched Senate Bill 102, the Live Local Act, which was not a criteria of approval. T. 00037 at lines 6-25; T.00038 at line 1.

Mayor Petrila

Mayor Petrila additionally failed to disclose the subject of the communications, the identities of the persons of whom he met and discussed with at the Mayor's office, as well as disclosing the subject and identity of the texts, emails, voicemails and staff that he met with. T. 00038 at lines 2-8.

Commissioner Filtz

Commissioner Filtz additionally failed to disclose the subject of the communications, the identities of the persons of whom he spoke with, as well as disclosing the subject and identity of the texts, emails, voicemails and staff that he met with. T. 00038 at lines 10-15.

Commissioner Marriott

Commissioner Marriott additionally failed to disclose the subject of the communications, the identities of the residents and business owners of whom she spoke with, as well as disclosing the subject and identity of the staff and which Developer's counsel that she met with. T. 00038 at lines 16-19.

Vice Mayor Lorenzen

Vice Mayor Lorenzen additionally failed to disclose the subject of the communications, the identities of the persons of whom he spoke with on the sidewalks, as well as disclosing the subject and identity of emails. T. 00037 at lines 1-3.

Accordingly, each Commissioner failed to comply with Section 286.0115 (C) (1) – (3), *Florida Statutes*, Section 2-66, St. Pete Beach Code of Ordinances, and *Jennings v. Dade County*, 589 So. 2d 1337 (Fla. 3d DCA 1991)

C. Failure to Disclose Ex Parte Communications – Public Portion

As discussed above, the Commission failed to afford procedural due process by each Commissioner's failure to comply with Section 286.0115 (C) (4), *Florida Statutes*, Section 2-66(a)(4), St. Pete Beach Code of Ordinances, by failing to make the disclosure's before or during the public portion of the Quasi-Judicial hearing at which the vote is taken.

As discussed, the February 21, 2024, hearing consisted of the public hearing portion of the quasi-judicial hearing, and the hearing was continued to February 27, 2024. At the conclusion of the hearing, the City Attorney advised the Commission that the public portion of the meeting is concluded, and all that remained to be conducted at the February 27, 2024, hearing was deliberate and vote. T. 00037 at lines 1-25; T. 00038 at lines 1-19.

Section 286.0115 (C)(4), *Florida Statutes*, states: "Disclosure made pursuant to subparagraphs 1., 2., and 3. must be ***made before or during the public meeting at which a vote is taken on such matters***, so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication. This subsection does not subject local public officials to part III of chapter 112 for not complying with this paragraph." (*emphasis added*).

Here, it is uncontroverted that the Commissioners, at the February 27, 2024, hearing failed to make their disclosures before or during the public meeting at which the vote was taken on such matters.

D. Failure to Allow Public Participation - February 27, 2024 Hearing

As discussed above, the Commission failed to afford procedural due process by the Commission's failure to allow public participation at the February 27, 2024, hearing, when the hearing went beyond the mere deliberations and vote of the Commission.

At the conclusion of the public hearing portion of the meeting on February 21, 2024, the City Attorney advised the Commission that this is the point in the proceedings in which you deliberate amongst yourselves. T. 00438 at lines 2-7. While the Commissioners briefly deliberated, they adjourned the meeting without a vote, and continued the meeting to February 27, 2024, at 6:00pm.

On February 27, 2024, the newly appointed commission reconvened the hearing on the Developer's conditional use application. City Attorney Dickman once again reminded the commission that all that was left to do was to deliberate and vote. T. 00490 at lines 17-25; T. 00518 at lines 19-24; T. 00519 at lines 1-5.

However, despite the City Attorney's directive, the Commission

commenced a shockingly brief deliberation, and moved straight to discussing conditions prior to agreeing on approving the conditional use application. T. 00522 at lines 39-42.

In fact, Mayor Petrilá attempted to steer the commission in the proper quasi judicial process as directed by the City Attorney, stating that “I think that implies we want to move forward. And so I think maybe the first step we do is, is it a yes or no? And then if yes, then we can look at the conditions, if no, then we don’t need to look at the conditions.” T. 00523 at lines 14-18. However, instead of deliberating and applying the City’s own published criteria to admitted evidence as required by *City of Apopka*, 299 So. 2d 657, 659 (Fla. 4th DCA 1974) (quasi-judicial decisions must be based on applying published legal criteria to admitted evidence, rather than subjective “polling” of nearby residents), the Commission moved directly to discussing the conditions to the approval. T. 00525 – T. 00678.

Despite the fact that the public portion of the meeting was closed at the February 21, 2024, hearing, the Commission permitted the Developer, the Developer’s experts, Mr. Gilner and Mr. Stapleton, as well as the Developer’s land use attorney, Elise Batsel, to testify and address several aspects of the Developer’s conditional use application during the February 27, 2024, hearing. T. 00526; T.00535; T.00540 at lines 2-25; T. 00541 at lines 1-13;

T. 00552 at lines 20-25; T. 00553 at lines 1-22; T. 00554 at lines 2-24; T. 00563 at lines 19-25; T. 00564 at lines 1-17; T. 00565 at lines 23-25; T. 00566 at lines 1-6; T. 00571 at lines 7-25; T. 00572 at lines 2-10; T. 00585 at lines 9-12; T. 00586 at lines 1-2; T. 00610 at lines 22-25; T. 00611 at lines 1-10, 12-25; T. 00612 at lines 1-14; T. 00613 at lines 23-25; T. 00614 at lines 1-21; T. 00621 at lines 2-25; T. 00622 at lines 1-18; T. 00627 at lines 15-24; T. 00628 at lines 6-16; T. 00632 at lines 19-25; T. 00645 at lines 2-18, 23-25; T. 00646 at lines 1-8, 16-25; T. 00647 at lines 1-9; T. 00648 – T.00653; T. 00660 at lines 21-25.

The Commission, by allowing the Developer's team to testify AFTER the public hearing was closed, failed to afford Seamark, Ken Barnes, and PSPB procedural due process.

E. Marriot - Failure to Disclose Ex Parte Communications

As discussed above, Commissioner Marriott Commission failed to afford procedural due process by, after the closing of the public hearing on February 21, 2024, meeting with one of the Developer's attorneys, prior to the February 27, 2024, hearing and failing to disclose the substance of those discussions. T. 00521 at lines 16-19.

As result, the City failed to afford Seamark, Ken Barnes, and PSPB procedural due process.

II. THE COMMISSION DEPARTED FROM THE ESSENTIAL REQUIREMENTS OF LAW BY APPROVING RESOLUTION 2023-21.

It is well established that “[a] decision granting or denying a [quasi-judicial] application is governed by local regulations, which must be uniformly administered.” See *Miami-Dade Cnty. v. Omnipoint Holdings, Inc.*, 863 So. 2d 375, 376 (Fla. 3d DCA 2003). A ruling constitutes a departure from the essential requirements of law when it amounts to a violation of a clearly established principle of law resulting in a miscarriage of justice. *Clay County v. Kendale Land Development, Inc.*, 969 So. 2d 1177 (Fla. 1st DCA 2007) (citing *Combs v. State*, 436 So.2d 93, 96 (Fla. 1983)). Generally, a reviewing court should defer to the interpretation given a statute or ordinance by the agency responsible for its administration. *Shamrock-Shamrock, Inc. v. City of Daytona Beach*, 169 So. 3d 1253, 1256 (Fla. 5th DCA 2015). However, that deference is not absolute, and when the agency's construction of a statute amounts to an unreasonable interpretation, or is clearly erroneous, it cannot stand.” *Id.*, citing *Las Olas Tower Co. v. City of Ft. Lauderdale*, 742 So.2d 308, 312 (Fla. 4th DCA 1999). In *Heggs*, *supra.*, the Florida Supreme Court concluded that “applied the correct law” is synonymous with “observing the essential requirements of law.” 658 So.2d at 530. Municipal zoning ordinances are subject to the same rules of construction as are state

statutes. *Shamrock*, 169 So.3d. at 1256.

In quasi-judicial hearings, a departure from the essential requirements of law typically involves the interpretation and application of local ordinances. See *Colonial Apartments, LP v. City of Deland*, 577 So. 2d 593, 598 (Fla. 5th DCA 1991) (“the correct law applicable in the case was to give the zoning ordinance its plain and obvious meaning”). Quasi-judicial boards do not have the power to ignore, invalidate or declare unenforceable the legislated criteria they utilize in making their quasi-judicial determinations. *Miami–Dade County v. Omnipoint Holdings, Inc.*, 863 So. 2d 375, 377 (Fla. 3d DCA 2003); *Alvey v. City of N. Miami Beach*, 206 So. 3d 67, 73–74 (Fla. 3d DCA 2016). The City departed from the essential requirements of law for the following reasons:

- A. **The City failed to comply with Section 4.2(e), LDC, which requires revised application with new data and information to be subject to the same stages of review as the initial application.**

The Applicant seeking the conditional use approval has the burden to demonstrate that the application complies with the reasonable procedural requirements of the applicable ordinance. *Alvey*, 206 So. 3d at 73. Here, the City failed to comply with the requirements of Section 4.2(e), LDC, which required revised applications with new information and data to be subject to the same review as the initial application.

Section 4.2(e), LDC requires for conditional use applications (bolding added),

If an applicant submits new data or information at any time after a determination of completeness has been made, **the revised application will be subject to the same stages of review as the initial application.**

Conditional use applications are reviewed by the City Commission, at a public hearing. Section 4.7, LDC. Additionally, the Planning Board holds a public hearing to make a recommendation to the City Commission for conditional use applications within the Community Redevelopment District. Section 4.7, LDC. The City's Technical Review Committee reviews conditional uses for compliance with the LDC. Section 22-147(c), LDC.

Here, the determination of completeness was made on June 20, 2023. The Technical Review Committee ("TRC") met on July 5, 2023. The Developer then added a rooftop dining and drinking amenity that provides for outdoor music on August 28, 2023. The TRC met on November 1, 2023 to address the rooftop and drinking amenity. In addition, Developer submitted a Traffic Impact Analysis in November 2023 which included new data and information provided after the determination of completeness.

After that, the Developer submitted new data and information in the January 10, 2024 agenda, including:

(1) Updated architectural renderings, dated 12/28/23, received 1/2/24; A.0479-490.

(2) A Wind Consultation Letter from CPP Wind Engineering Consultants, 12/19/23; A.00491-493.

(3) Bank Credit Letter from Huntington National Bank, dated January 2, 2024; A.00494; and

(4) Developer's response to Recommended staff criteria. A.00495-501.

At the January 10, 2024, meeting where the City Commission voted on a continuance, PSPB attorney objected to new materials without following requirement of 4.2(e). A. 00297.

At the February 21, 2024, City Commission hearing, the Developer provided additional new data and information which had not been previously submitted to or vetted by the TRC, Planning Commission, or public, including:

(1) Parking Garage Narrative, by Elise Batsel, dated February 18, 2024; A.-02571 – A.-02577.

(2) Kimley Horn Response to Peer Review of Traffic Impact Analysis, dated February 21, 2024, including new data relating to the distribution of the project traffic and its impact on the outcome of the

roadway capacity analysis, new tables comparing peak hour of adjacent roadways and generator, and new data relating to the service volume of Pasadena Avenue . A.02536-2547. Traffic Rebuttal slides;

(3) Live Local Act Slide (comparing proposal to planned Live Local Act project) and testimony by Developer Attorney Elise Batsel. A.02548-2548. (T. 00427 at line 15 – T. 00431 at line 14)

(4) Live Local Buildout Rendering

At the February 27, 2024 continued hearing, which was supposed to have been a closed public hearing, the City Attorney advised,

19 So where you are right now was that you had
20 decided that all questions had been asked of the
21 Applicant's experts. And I don't think she has –
22 they don't have their entire expert team here. So
23 that's why they don't have them here, because you
24 had already asked questions of everybody.
25 Staff is here if you have questions of them.
1 But where you are in the process really, is just a
2 time for you to wrap it up and decide amongst
3 yourselves, and to vote amongst yourselves, on a
4 conditional use. Your choices are to deny it, to
5 approve it, or approve it with– conditions.

(T. 00518 at line 19 to T. 00519 at line 5); A.02548.

Despite this guidance from the City Attorney, the Developer provided the following new data and information during the “deliberations”, including:

1. Four Sirata Hotel Garage Renderings . A.02550-2553. and T. 00552

at line 20 – T. 00553 at line 22; T. 00554, including “one that was created by our architect and [former] Commissioner Frislowski, T. 00554 at lines 15-16; T.00559 at lines 10-18: T. 00565 at line 23: Developer’s counsel even admitted the significant changes:

23 My concern is, we’re starting to
24 redesign the whole project and I have grave
concerns
25 about -- at this stage trying to redesign the
1 project from the dais.

2. Drafted Proposed Conditions to address buildings style and flow between 3 hotels; A.02554.
3. Extended discussion between Developer and Commission on specific terms of redlined conditions, including the deletion of a condition to conduct a wind study (T. 00536 at lines 2-17), testimony for Developer Architect James Stapleton, T. 00540 at line 2 – T. 00541 at line 13), Testimony from Scott Gilner, civil engineer- on pavers(T. 00127 at line 22 – T. 00129 at line 14.)
4. Undergrounding utility lines: Batsel (T. 00621 at line 2 – T. 00622 at line 18).
5. Median improvements in front of 49th- T. 00646 at line 9, T. 00646 at line 16, T. 00647 at line 9.

Between the City’s determination of completeness in June 2023 and

the eventual vote on February 27, 2024, the amount of new data and information provided by the Developer to the City was extensive. The plain language of Section 4.2(e) required the revised application to undergo the same review process as the original application from eight months prior. See *Town of Longboat Key v. Islandside Property Owner's Coalition, LLC*, 95 So. 3d 1037, 1042 (Fla. 2d DCA 2012) (“As the wording of its laws binds a legislature, the Town is bound by the wording of its Code. This mounts a bulwark against the Town’s unfettered exercise of power.”); see also *Canal Ins. Co. v. Giesenschlag*, 454 So. 2d 88, 89 (Fla. 2d DCA 1984) (A basic rule in constructing city ordinances is that words are to be given their plain meaning). PSPB objected to the additional information without review under 4.2(e) on December 5, 2023, (A.00299-00301); January 10, 2024, (A.00296-298), February 21, 2024 (A.02473-2486) and attempted to object on February 27, 2024 to the additional new information but Mayor demanded PSPB’s counsel take a seat or he would ask for the sheriff). (T. 00558 at lines 21-25).

Failure to follow procedural requirements of a local government code constitutes a departure from the essential requirements of the law. *O’Connor v. Dade County*, 410 So. 2d 605, 605–6 (Fla. 3d DCA 1982) (Commission improperly adopted a zoning plan with respect to the petitioners’ property

without first seeking the recommendation of the county's developmental impact committee as required by the Dade County Code); See also *Fla. Tallow Corp. v. Bryan*, 237 So. 2d 308 (Fla. 4th DCA 1970) (town cannot grant a zoning change under one provision of an ordinance while ignoring the obligatory requirements of the same ordinance). The failure to apply the plain and unambiguous language of a statute or ordinance constitutes a departure from clearly established law. *Mt. Plymouth Land Owners' League*, 279 So. 3d at 1284; see also *DMB Inv. Tr. v. Islamorada, Vill. of 11 Islands*, 225 So. 3d 312, 316 (Fla. 3d DCA 2017) ("Where the issue before the circuit court involves statutory construction, a writ of certiorari may be appropriate where the circuit court does not apply the plain and unambiguous language of the relevant statute, resulting in an egregious error.")

B. City Failed to Comply with Section 3.16(C)(1) by granting a development approval where a violation has been determined to exist.

The City also failed to comply with Section 3.16(C)(1), St. Pete Beach Code of Ordinances, which mandates that the City Manager "Shall, when a violation has been determined to exist: (1) refrain from issuing any subsequent development approvals for the developer until the violation has been corrected, here it is uncontroverted, and the record reflects that the Development Project site is in violation of the Turtle lighting requirements.

T. 00051 at lines 12-25; T. 00161 at lines 1-2; T. 00377 at lines 12-17.

“Municipal ordinances are subject to the same rules of construction as are state statutes.” *Angelo's Aggregate Materials, Ltd. v. Pasco County*, 118 So. 3d 971, 975 (Fla. 2d DCA 2013) (quoting *Rinker Materials Corp. v. City of North Miami*, 286 So. 2d 552, 553-54 (Fla. 1973)).

“Although there is no fixed construction of the word “shall,” it is normally meant to be mandatory in nature. *S.R. v. State*, 346 So.2d 1018 (Fla.1977), *citing Neal v. Bryant*, 149 So.2d 529 (Fla.1962). The interpretation of the word “shall” depends upon the context in which it is found and upon the intent of the legislature as expressed in the statute. *State v. Goodson*, 403 So.2d 1337, 1339 (Fla.1981); *S.R.*, 346 So.2d at 1019, *citing White v. Means*, 280 So.2d 20 (Fla. 1st DCA1973). Where a property right, rather than an “immaterial matter,” or a matter of “substance” rather than a “matter of convenience” is involved, the word “shall” will be strictly construed. *Neal*, 149 So.2d at 532.” *Concerned Citizens of Putnam County for Responsive Gov't, Inc. v. St. Johns River Water Mgmt. Dist.*, 622 So.2d 520, 523 (Fla. 5th DCA 1993).

Section 3.16-Violations, penalties and remedies generally, is located within Division 3, Administration of the Land Development Code. Section 3.2 – City Commission Approval, states: “*Except as otherwise specifically*

provided under this Code, the city commission shall make the final determination on all decisions required by this Code regarding amendments to the comprehensive plan, amendments to this Code or the official zoning map, and the issuance of conditional use permits.”

Section 1.2(d)-Rules of Construction of the City’s Land Development code states: “The words "shall," "must," and "will," are mandatory in nature, implying an obligation or duty to comply with the particular provision.”

Section 1.4 – Conflicts with other ordinances, covenants or agreements, states: “Wherever higher or more restrictive standards are established by the provisions of any other applicable statute, ordinance or regulation than are established by the provisions of this ordinance, those regulations shall govern. This ordinance is not intended to interfere with, abrogate or annul any easement, covenant or other agreements between parties, except that if this ordinance imposes greater restriction, this ordinance shall control.”

Section 1.1 – Title and purpose, states that one of the purposes is to protect natural and historic resources. Additionally, in Division 44 – Marine Turtle Protection, Section 44.1 Purpose and Intent, of the Land Development Code, states: “The purpose of this rule is to protect hatchling marine turtles from the adverse effects of artificial lighting, provide overall

improvement in nesting habitat degraded by light pollution, and increase successful nesting activity and production of hatchlings.”

Accordingly, pursuant to Section 3.16, once the City Manager knew the property was in violation of the City’s Code, the City Manager was mandated to refrain from allowing Resolution 2023-21, from being approved, until the violation has been corrected.

In sum, by failing to apply and adhere to the City’s own code of ordinances, as discussed above, the Commission departed from the essential requirements of law. See *Justice Admin. Comm’n*, 989 So. 2d at 665 (holding failure to apply plain and unambiguous language of relevant statute constitutes a departure from the essential requirements of law). Accordingly, on this basis alone, the Court must quash the Commission’s February 27, 2024, Decision, approving Resolution 2023-21.

C. An unelected City Commission voted on the Application, in violation of Fla. Const. art. VIII, § 2 and Section 4.7, LDC.

The City Commission is the municipal legislative body authorized to grant an application for conditional use. Section 4.7, LDC. Fla. Const. art. VIII, § 2 requires that (“[e]ach municipal legislative body shall be elective.”). As alleged in Protect St. Pete Beach’s complaint in pending litigation in Pinellas County Circuit Court, *Protect St. Pete Beach Advocacy Group, et al*

v. City of St. Pete Beach (6th Jud. Cir.), 24-000041-CI, the current Commission does not have authority to meet and or vote on the conditional use application because its composition violates Fla. Const. art. VIII, § 2 as four out of five of the members are appointed. (“[e]ach municipal legislative body shall be elective.”). A departure from the essential requirements of law occurs when there is a violation of a clearly established principle of law, which can derive from constitutional provisions. *Allstate Ins. Co. v. Kaklamanos*, 843 So. 2d 885, 890 (Fla. 2003). Additionally, a municipality engages in a void ultra vires act when it lacks the authority to take the action under statute or its own governing laws. *Neapolitan Enterprises, LLC v. City of Naples*, 185 So. 3d 585, 593 (Fla. 2d DCA 2016).

D. City Commission ignored and declared unenforceable legislated criteria under Section 4.4 and instead relied on information irrelevant to published criteria.

A City Commission departs from the essential requirements of law when it makes a decision that is not based on published criteria or factors. *Alvey v. City of N. Miami Beach*, 206 So. 3d 67, 73–74 (Fla. 3d DCA 2016) (granting rezoning based on perceived economic benefit to city, which was not published criteria). Quasi-judicial boards do not have the power to ignore, invalidate or declare unenforceable the legislated criteria they utilize in making their quasi-judicial determinations. *Miami–Dade County v. Omnipoint*

Holdings, Inc., 863 So. 2d 375, 377 (Fla. 3d DCA 2003).

A conditional use in the Community Redevelopment District is subject to the criteria of Section 4.4(a), LDC and Section 4.12, LDC.

Like *Alvey*, the 3-2 decision in favor of the Application was based on issues beyond the published criteria or factors, including impacts to small businesses, “cost benefit to the city as a whole”, and the live local act. During the February 27 deliberations, Commissioner Lorenzen stated,

21 I've met with some
22 people that own small businesses. Some people that
23 are for this. They think it's time the City moved
24 on to a different phase, away from the 50's and
25 60's, stuff we have going on along the beach. But
1 they're kind of quiet, I found.

(T. 00694 at line 21 – T.00695 at line 1)

24: So there is also the issue of residents versus
25 business owners. I'm all for the residents, but we
1 also have to respect the rights of business owners
2 in town and those that want to build businesses. So
3 it's -- to me, it's not just a one group. It's both
4 groups. We're not elected just to take care of
5 residents. We're elected to take care of everybody,
6 business owners and residents.

(T. 00696 at line 24 – T. 00697 at line 6)

Commissioner Marriott stated during deliberations,

10 And if you start looking at, you know, what is
11 the cost to -- what is the cost and benefit to one
12 specific person or a small group of people next
13 door? Although to them the cost may be significantly

14 worse than the benefits. But our job isn't to look
15 at what is the cost and benefits to a subset of
16 people in the city. It's to look at what is the cost
17 and benefits to the city as a whole.

The rights of business owners and the “cost and benefits to the city as a whole” are not legislated criteria for approval of a conditional use.

Additionally, Developer’s Attorney raised potential impacts from an alternative Live Local Act project, which was also outside the criteria for review. Any consideration of such information was improper, despite the comments from Developer attorney that such information must be considered because if the Application is not approved, development under the Live Local Act would be Plan B. (T. 00427 at lines 14-22)

In *A/vey*, the Third District found a departure from the essential requirements of law when the City failed to consider whether a zoning amendment would be consistent with and in scale with the established neighborhood land use pattern, and instead considered economic benefits to the City. *Id.* at 70-74. Here, City Commissioners ignored criteria and also looked to economic benefits to the City. For example, Section 4.4(a)(3) requires consideration of “Whether the transportation system is capable of adequately supporting the proposed use in addition to the existing uses in the area.” Section 4.12(a)(2) requires consideration of transportation infrastructure. However, the Commissioner Lorenzen dismissed the

application of this criteria, stating during the deliberations,

17 As far as traffic, you know, I think it's game
18 over already for traffic. I mean, St. Pete is
19 exploding. Everywhere we look, there's apartment
20 buildings going up all along Tyrone, down 19. And
21 where are they all going to go to the beach?
22 They're all coming here. And in my mind, there is
23 one way they're all getting here, and it's on the
24 Bayway. And I think it's just going to continue to
25 get worse.

T. 00695 at lines 17-25.

E. . Developer Counsel Artificially Modified And Restricted The Standard To Assess Impacts To Surrounding Views Under Section 4.12 And Section 4.4

Adding, modifying, or limiting a statute beyond its unambiguous terms or their reasonable implication constitutes a departure from clearly established law. *Elso v. State*, 260 So. 3d 489, 493 (Fla. 3d DCA 2018); see also *City of Homestead v. McDonough*, 232 So. 3d 1069, 1072 (Fla. 3d DCA 2017) (“Florida courts are without power to construe an unambiguous statute in a way which would extend, modify or limit its express terms or its reasonable and obvious implications. To do so would be an abrogation of legislative power.”). The failure to apply the plain and unambiguous language of a statute or ordinance constitutes a departure from clearly established law. *Mt. Plymouth Land Owners’ League*, 279 So. 3d at 1284.

Section 4.11, LDC states that the conditional use criteria for

commercial redevelopment districts within Section 4.12 are “intended to **supplement** the stated requirements of this division and other divisions of the land development code...”, including Section 4.4. However, Developer’s counsel repeatedly stated that specific controls over general, and that the standard for evaluating impacts to views was exclusively limited to “whether there is a disproportionately negative impact or unreasonable negative impact on those surrounding uses from 4.12.

This artificial limitation conflicts with the plain language of the LDC. Section 4.4 (a)(1) requires conditional uses to be consistent with the goals, objectives, and policies of the Comprehensive Plan, and FLU, Policy 2.11.3 (“The City shall continue to administer the land development regulations in a manner aimed at preserving the access to and view of the beach and other recreational facilities for all residents of and visitors to this community.”) Section 4.4(a)(2)(a) requires proposed uses to be compatible with the character of the existing area, and 4.4(a)(2)(b) requires preservation of scenic resources. Section 4.12(a)(4) requires the provision and maintenance of Gulf and Bay views and vistas on nearby and adjacent properties.

Developer Counsel’s instruction limited Section 4.12 beyond its unambiguous terms or their reasonable implication, which constituted a departure from clearly established law. *Elso v. State*, 260 So. 3d 489, 493

(Fla. 3d DCA 2018).

III. THE COMMISSION'S DECISION IS NOT SUPPORTED BY COMPETENT SUBSTANTIAL EVIDENCE

To be upheld, the Commission's February 27, 2024, Decision, approving Resolution 2023-21, must also be supported by competent substantial evidence in the record that granting the conditional use and approving a 50% reduction in the buffer along the northern property line shared with Seamark complies with the City's Code Criteria. See *Bd. of Cnty. Comm'rs of Brevard Cnty. v. Snyder*, 627 So. 2d 469, 475 (Fla. 1993).

Competent substantial evidence is “evidence a reasonable mind would accept as adequate to support a conclusion.” *Sunbelt Equities*, 619 So. 2d at 1002. “Evidence that is confirmed untruthful or nonexistent is not competent substantial evidence. Competent substantial evidence must be reasonable and logical.” *Wiggins v. Fla. Dep't of Highway and Motor Vehicles*, 209 So. 3d 1165, 1173 (Fla. 2017). A review of the record in the instant case, however, establishes that the Commission's February 27, 2024, Decision, approving Resolution 2023-21, is not supported by competent substantial evidence. Accordingly, on this additional basis, the Court must quash the Commission's Resolution 2023-21.

A. Commission Failed To Support Its Decision With Evidentiary Support For Each Criteria.

The Commission failed to support its decision with evidentiary support for each criteria required by the City's published code for the approval of a conditional use.

During her presentation, Ms. Batsel, correctly stated, "You're a quasi judicial body and your role here is to say, lets look at this criteria and determine if the Developer has provided competent substantial evidence that they met that criteria. That's it. That's the whole world and the whole box and your decision tonight." T. 00100 at lines 2-7.

The City Manager additionally reminded the commission was to make their decision solely on the criteria and the code, "not something that may happen in the future." T. 00466 at lines 3-7.

However, despite the reminders regarding the Commission's decision, the February 27, 2024, meeting at which the Commissioners were required to deliberate and vote, is completely devoid of any deliberations by the Commission that the Developer met each criteria or factor required by the City's published code for approval of a conditional use permit. Instead, the Commission spent the majority of the meeting discussing and reviewing the proposed conditions for approval. Essentially putting the cart before the horse, worse yet, before even purchasing the horse. T. 00665 – T. 00719.

The one exception to any consideration of whether the Developer met

each criteria or factor required by the City's published code for approval of a conditional use permit, was by Mayor Petrila, indicating that the developer did not meet the criteria. T. 00688 at lines 13-21.

B. Ms. Batsel's Threat Of Plan B - Live Local Is Not Competent Substantial Evidence.

As discussed above, the Commission's approval is not supported by competent substantial evidence where the record establishes, as to Petitioners Seamark and Ken Barnes, that the Commission's approval was based upon the Developer's attorney's threat of utilizing the Live Local Act as Plan B if the conditional use is not approved.

Florida case law is clear, a lawyer's statements and arguments about why the local government should vote for or against a matter, has been found not to constitute competent substantial evidence in order to support a quasi-judicial decision. *See National Advertising Co. v. Broward County*, 491 So. 2d 1262 (Fla. 4th DCA 1986) (finding only evidence supporting variance grant was argument of counsel, which is not evidence);

Throughout her presentation on February 21, 2024, Ms. Batsel made several representations that, "if this CUP does not go forward, the Plan B is to develop under the Live Local Act." T. 00427 at lines 14-16. Ms. Batsel further stated, "that is not what they want to do, but it's important to for you to understand the effect of your vote on what will go there if this isn't

approved.” T. 00427 at lines 19-22. Next, Ms. Batsel proceeded to thoroughly describe the details and impacts of the Live Local Act to the Commission. T. 00427-432.

Finally, after the City attorney opined that the Live Local Act is not part of the criteria for the consideration of the conditional use permit, just that she is providing a list of one horrible scenario, Ms. Batsel left the Commission with this thought, “Well, it does affect the decision because when you’re talking about whether to approve this or not, not having this information that directly affects the decisions that you’re making. I think its important information to have before you.” T. 00427 – T. 00432.

Essentially, Ms. Batsel, advised the Commission to disregard the City Attorney’s instructions, and consider the Live Local Act as part of their decision whether to approve the Conditional Use.

As a result of the Developer’s threat of a “Plan B” under the Live Local Act, we know that at least one Commissioner considered the threat in their decision, despite the City Attorney’s mandate not to. T. 00520 – T.00521 at line 1.

Specifically, Commissioner Rzewinicki disclosed that she did some research on Senate Bill 102, the Live Local Act. T. 00520 – T.00521 at line 1. Furthermore, Commissioner Marriott stated, “if we don’t approve the

application for the conditional use, we lose the ability to negotiate on a lot of these things, depending on what they decide to do. Because we can't compel them to come back with another plan for a different conditional use. We can't compel them to do the project that we wish they might do. They have a right to do with their property what is allowed." T. 00712 at lines 4-11.

This is a very important point because the final vote was 3-2, with Commissioner Rzewinicki and Commissioner Marriott voting to approve, and Commissioner Marriott the maker of the Motion. T. 00718 – T. 00719 lines 1-16.

C. Failure to Provide any Evidentiary Support for Buffer Reduction

As discussed above, the Commission's approval is not supported by competent substantial evidence where the record establishes, as to Petitioners Seamark and Ken Barnes, that the record is completely devoid of any evidence to support the reduction of the 30-foot minimum buffer as required in Section 35.13 of the City's Land Development Code.

As required by *Alvey*, each criteria or factor required by the City's published code for a particular quasi-judicial decision must have evidentiary support. *Alvey v. City of North Miami Beach*, 206 So. 3d 67 (Fla. 3d DCA 2016).

Here, a thorough search of the record indicates there is not one scintilla

of evidence to support the support the reduction of the 30-foot minimum buffer as required in Section 35.13 of the City's Land Development Code. Neither Staff nor the Developer provided evidence in support of the buffer reduction.

D. Developer's Flawed Traffic Study is not competent substantial evidence.

As discussed above, the Commission's approval is not supported by competent substantial evidence where the record establishes, as to Petitioners Seamark and Ken Barnes, that the Developer's traffic study is legally flawed as the trip generation is inaccurate and the miscalculation impacts the entire traffic analysis. Florida Courts have regularly held that evidence that is legally flawed is not competent substantial evidence. See *First Baptist Church of Perrine v. Miami-Dade County*, 768 So. 2d 1114 (Fla. 3d DCA 2000) (finding traffic study was legally flawed and thus not probative because it accounted for less than 100% of additional students expected for expanded grades).

At the February 21, 2024, hearing, Drew Roark, a Florida licensed engineer and traffic study expert for PSPB, testified that the Developer's traffic study was flawed. T. 00334 – T. 00343. While his analysis and testimony was highly technical, in essence, the Developer's traffic study is flawed in several areas, including: failed to analyze the peak hours, which is

the industry standard for traffic analysis (T. 00338 at lines 9-25); the trip generations were flawed, and most critical, the project driveway volumes that were used were incorrect. T. 00339 at lines 1-9. See *First Baptist Church of Perrine v. Miami- Dade Cty*, 768 So. 2d 1114, 1116 (Fla. 3d DCA 2000) (zoning board properly denied zoning application where recommendation for approval was based on flawed traffic impact study which did not constitute competent substantial evidence); see also *Beach Leg. Properties, Inc. v. City of Miami Beach*, 2022-18 AP 01, 2023 WL 3743107, at *4 (Fla. 11th Cir. May 25, 2023) (Having concluded that the City failed to follow the essential requirements of law in applying an incorrect analysis, “flawed” and “erroneous” staff recommendations are “invalid” and “d[o] not constitute competent evidence”).

When questioned by Commissioner Marriot as to the conclusions drawn from the traffic study, Mr. Roark testified that the study that they proposed and the conclusions that they’re drawing from are based upon an inaccurate analysis. T. 00343 at lines 15-25.

While the Developer’s expert had the opportunity to rebut Mr. Roark, Seamark was not provided the ability to rebut, or cross exam the Developer’s expert. Additionally, Developer provided a traffic rebuttal dated February 21, 2024 which had not been previously submitted to, or reviewed by, either the

City staff or Drew Roark. A.02536-2547.

Accordingly, the record is devoid of any competent substantial evidence to support Resolution 2023-21. Rather, the record evidence establishes, on its face, that the Commission's approval does not comply with the mandatory requirements prescribed by City's code for approval of a Conditional Use Permit.

E. Failure to provide any evidentiary support for Section 35.1 Large Resort District requirement for full-service integrated resorts

Section 35.1, LDC provides that the Large Resort District is "intended to primarily support and encourage full-service integrated resort redevelopment projects." However, as stated by PSPB's land use planner Charles Gauthier, "instead of a single, integrated large resort the Sirata proposal is better characterized as three hotels on a single property. A.02435. See also Ken Barnes observations that evidence shows the three separate hotels are neither full service or integrated. A.2374. The City staff report contains a conclusory finding that the development meets the overall purpose and intent of the Large Resort district) without analyzing the three separate buildings, entities, quality, and service. A.00449 A generalized statement, even from an expert, is not competent substantial evidence. *City of Hialeah Gardens v. Miami-Dade Charter Foundation, Inc.*, 857 So. 2d 202,

204 (Fla. 3d DCA 2003). Competent evidence must be credible and based on facts, and cannot be bare allegations, speculation, or conjecture. *Dep't of Highway Safety & Motor Vehicles v. Trimble*, 821 So. 2d 1084, 1086-87 (Fla. 1st DCA 2002).

CONCLUSION

For the reasons set forth above, the Commission's February, 27, 2024, Decision, approving Resolution 2023-21, granting a Conditional Use: (1) failed to afford Petitioners procedural due process; and (2) departed from the essential requirements of law; and (3) is not supported by competent substantial evidence. Simply put, the Commission is not allowed to disregard the City's Code and approve the Conditional Use, 2023-21, as in the instant case, which violates the plain and unambiguous requirements therein. As aptly stated in *Auerbach v. City of Miami*, 929 So. 2d 693 (Fla. 3d DCA 2006):

The law ... will not and cannot approve a zoning regulation or any governmental action adversely affecting the rights of others which is based on no more than the fact that those who support it have the power to work their will.

Id. at 695 (quashing city commission's approval of variance which violated code criteria). Accordingly, this Court must quash the Commission's February 27, 2024, Decision, approving Resolution 2023-21. See *Maturo v. City of Coral Gables*, 619 So. 2d 455, 457 (Fla. 3d DCA 1993) (“[A court]

cannot, and should not, turn a blind eye to an incorrect application of the law.”).

NATURE OF RELIEF SOUGHT

WHEREFORE, Petitioners respectfully request that this Honorable Court:

- a. Assert jurisdiction over the parties to the subject matter of this proceeding;
- b. Declare that the Commission failed to afford the Petitioners procedural due process.
- c. Declare that the Commission’s approval of Resolution 2023-21 constituted a departure from the essential requirements of law;
- d. Declare that the Commission erred in the approval of Resolution 2023-21 in that the decision was unsupported by competent substantial evidence; and
- e. Issue a Writ of Certiorari quashing the Commission’s decision to approve Resolution 2023-21.

Dated this 3rd day of April, 2024. Respectfully submitted,

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Beach Advocacy Group*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing document – *Petition for Writ of Certiorari*– has been filed with the Clerk of Court via Florida’s Efiling Portal and served via service of process on:

City of St. Pete Beach
c/o Mayor Adrian Petrila
155 Corey Avenue
St. Pete Beach, FL 33706

CP St. Pete, LLC
c/o Registered Agent, Corporation Service Company
1201 Hays Street
Tallahassee, FL 32301-2525

CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that this Petition complies with the font and word

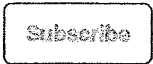
count requirements of Fla. R. App. P. 9.045 and Fla. R. App. P. 9.100.

By: /s/ Richard J. DeWitt, III

Richard J. Dewitt, III

Florida Bar No. 879711

EXHIBIT 6



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NEWS / PINELLAS

St. Pete Beach approves permit for contentious Sirata expansion

The plan to add two new hotels to the beachfront resort has drawn intense opposition, but three city commissioners said the developer met the necessary conditions.



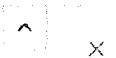
The Sirata Beach Resort, pictured in 2019, has been the subject of a contentious redevelopment plan. St. Pete Beach city commissioners on Tuesday approved a permit that will allow that plan to move forward.

Times staff

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8 | Updated Feb. 29

A plan to add two new hotels to the Sirata Beach Resort property in St. Pete Beach will move forward, city commissioners decided late Tuesday night.



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the Marriott at 10 stories and 290 rooms and the Hampton at 8 stories and 130 rooms.

The redevelopment proposal led to public outcry, as residents argued that the expansion threatened to upend the character of the city's resort district, to harm the environment and to worsen traffic. Much of the opposition was led by a local nonprofit, the Protect St. Pete Beach Advocacy Group, and residents of a neighboring condo building, the Seamark.

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It has also taken place against a backdrop of civic upheaval in St. Pete Beach. In December, city commissioners were set to decide on the conditional use permit but postponed the vote after the public hearing went past midnight. Before the rescheduled vote, though, four of the five city commissioners resigned over a new state law requiring more extensive financial disclosure for municipal officeholders.

That thrust a new City Commission into the midst of the debate over the Sirata. The Protect St. Pete Beach Advocacy Group sued over the new commissioners' appointments, arguing that the process was improper and that they shouldn't get to decide on important issues such as the Sirata. After a public hearing last week in which expert testimony and public comment lasted past 2 a.m., commissioners rescheduled the vote to Tuesday.

Three of the new commissioners — Karen Marriott, Betty Rzewnicki and Vice Mayor Richard Lorenzen — voted to approve the permit. The nays came from Mayor Adrian Petrila, who ran for office last year as an opponent of development and is the lone member of the previous City Commission who didn't resign, and new member Nick Filtz.

The permit process allowed commissioners to impose nearly 50 extra conditions on the resort. Well into Tuesday evening, they continued granular conversations about these conditions, from setting a meeting for the public to give input on big garage design the developer should use to the placement of shade on the Gulf Boulevard sidewalk in front of the resort.

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But whether those conditions did enough for the city was a sticking point. Commissioner Marriott pointed to the developer's commitments related to the beach side of its property: It will add at least two new public beach access points, will provide an easement for the public to use part of the beach on its property and will give St. Pete Beach another easement should the city decide to build a boardwalk along its beach. It's also said it will restore the dunes behind the resort.

"Those are things that, if somebody develops without having to get a conditional use, we have no chance of getting," the commissioner said. "I think that's practically a priceless thing that we're getting on the beach."

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Filtz commended the effort put into the design but said he still had reservations about the aesthetics of the new resort. So did Petrila, who invoked his home country of Romania in saying that the resort's design gave him "warm-and-fuzzy,

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the meeting. "One can clearly see where the benefit is to the applicant, but I have a hard time seeing where the benefit is to our residents."

Lorenzen said the city ought to revisit its comprehensive growth plan but believed that the project fits how it's now written, which encourages development. Marriott said she was inclined to follow the expertise of the planning board and city staff, which both endorsed the project.

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"We can't compel them to do the project we wish they might do," she said. "They have the right to do with their property what is allowed. ... If we take away the economic incentive to rebuild, it makes the resort owners more likely to just keep limping along with an old building."

Tuesday's vote allows Columbia Sussex to move forward with the planning process, which will include a city site-plan review before construction can begin. But given the vitriolic atmosphere around these proceedings, it might not be that simple, Petrila suggested.

"The neighbors are probably already lining up to get legal advice," he said.

UP NEXT: In wee hours, St. Pete Beach punts on hotel redevelopment decision – again

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