

RESOLUTION 2015-02

A RESOLUTION OF THE CITY OF ST. PETE BEACH, FLORIDA, CITY COMMISSION, WITH ATTACHMENTS, APPROVING A COMPLIANCE AGREEMENT (“AGREEMENT”) BETWEEN THE CITY OF ST. PETE BEACH AND THE PETITIONERS, JAMES ANDERSON, JOSEPH KODY, AND JOHN MILLER, RESOLVING DIVISION OF ADMINISTRATIVE HEARINGS (“DOAH”) CASE NO. 13-00301-GM; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT, IN SUBSTANTIALLY THE FORM ATTACHED; DIRECTING THE CITY MANAGER TO SUBMIT AND IMPLEMENT REMEDIAL ACTION IN THE MANNER PROVIDED BY THE AGREEMENT.

WHEREAS, on August 13, 2013, the City adopted text and map amendments to the City of St. Pete Beach, Florida, Comprehensive Plan Future Land Use Element and Housing Plan Element by Ordinance No. 2013-13 (hereinafter referred to as the “Plan Amendments”); and,

WHEREAS, on August 30, 2013, the Florida Department of Economic Opportunity issued a letter to the City stating the Department completed its review of the Plan Amendments in accordance with the expedited state review process set forth in Sections 163.3184(2), (3) and 5, Florida Statutes, and have identified no provision that necessitates a challenge of the Ordinance adopting the Plan Amendments; and

WHEREAS, on September 11, 2013, Petitioners, James Anderson, Joseph Kody, and John Miller, by and through their counsel and pursuant to Florida Statutes §§ 120.569, 120.57, 163.3184(5) and 163.3184(7), and Florida Administrative Code 28-106.201, filed a Petition for Formal Administrative Hearing and Demand for Mediation challenging the Plan Amendments; and

WHEREAS, the City disputes the allegations of the Petitioners regarding the Plan Amendments; and

WHEREAS, on December 16, 2014 the City Commission directed the City Manager and City Attorney to enter into mediation between the Petitioners and the City of St. Pete Beach in an effort to resolve the dispute; and

WHEREAS, the Petitioners and the City through a series of publicly noticed meetings during the month of January 2015 have been able to amicably resolve their differences over the Plan Amendments in the manner set forth in the Compliance Agreement (“Agreement”) and its exhibits; and

WHEREAS, The City Commission desires to accomplish the purposes outlined in the accompanying Agreement and the City Commission agenda memorandum, a copy of which is incorporated by reference, and has conducted a public hearing in compliance with the requirements of section 163.3184(6)(c), Florida Statutes and further directs the City Manager to transmit the Agreement to the Petitioners for approval.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA,

Section 1. The recitals and findings contained in the Preamble to this Resolution are adopted by reference and incorporated herein as if fully set forth in this Section.

Section 2. The City Commission hereby approves the Agreement with the Petitioners, James Anderson, Joseph Kody, and John Miller, resolving DOAH Case No. 13-003401-GM in substantially the form attached hereto as Exhibit 1 and made a part hereof. The City Commission further authorizes the Mayor to execute the Agreement for and on behalf of the City of St. Pete Beach and directs the City Manager to complete the remedial actions and submit remedial plan amendments to the City of St. Pete Beach Comprehensive Plan in the manner provided by the Agreement in accordance with the requirements of law.

Section 3. The ordinance adopting the remedial plan amendments shall be considered at public hearing within 60 days of the execution of this Agreement.

Section 4. This Resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED by the City Commission of the City of St. Pete Beach on this 24th day of February, 2015.

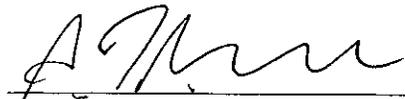


Maria Lowe, MAYOR

I, Rebecca C. Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this 24th day of February, 2015.


Rebecca C. Haynes, City Clerk

APPROVED AS TO LEGAL FORM AND CORRECTEDNESS:


Andrew Dickman, Esq.