

IN THE CITY COMMISSION OF THE CITY OF TARPON SPRINGS

CONCERNED CITIZENS OF  
TARPON SPRINGS, INC.,

v.

Re: Case No.: 21-000004-AP-88B

CITY OF TARPON SPRINGS;  
KAMIL SALAME; MORGAN  
DEVELOPMENT GROUP, LLC,

\_\_\_\_\_ /

**KAMIL SALAME AND MORGAN DEVELOPMENT GROUP, LLC'S**  
**MOTION TO RECUSE COMMISIONERS FROM VOTING ON**  
**MOTION TO STAY**

Morgan Development, LLC and Kamil Salame (collectively, “Morgan”), hereby file this motion to recuse city commissioners Craig Lunt, Mike Eisner, Panagiotis “Peter” Koulias, and Mayor Costa Vatikiotis, from voting on the Motion for Stay Pending Appeal (the “Stay Motion”) filed by Concerned Citizens of Tarpon Springs, Inc. (“CCTS”), and in support states as follows:

1. CCTS’ Stay Motion requests the City Commission to take the unprecedented action of staying the effectiveness of the following quasi-judicial approvals: Ordinance 2021-52, Resolution 2021-52, Ordinance 2021-15, and Resolution 2021-60 (the “Development Orders”) – as well as any and all related development permits and

orders relating to Morgan's Anclote Harbor project (the "Project"). The requested length of the stay is until final disposition of CCTS's consolidated lawsuits already pending against the City and Morgan, along and another lawsuit that CCTS possibly intends to file challenging the Project. Such a stay would likely be at least eighteen months to two years, and if appeals continue – perhaps even longer. The action that CCTS requests the City Commission take is not only unprecedented, but also would deny Morgan the opportunity to exercise its constitutionally protected property rights.

2. As such, by way of opposition to the Motion to Stay, Morgan has requested that the City Commission deny CCTS' extraordinary Motion.

3. Although Morgan **is** entitled to a formal hearing before an impartial decision-maker, four members of the City Commission have taken political stances against the Project so pervasive that Morgan reasonably believes it will be effectively denied its due process rights in the event that the certain commissioners are permitted to vote on the Stay Motion.

4. As such, for the reasons set out below, Morgan respectfully requests that City Commissioners Craig Lunt, Mike Eisner, Peter

Koulias, and Mayor Costa Vatikiotis be recused from voting on the Stay Motion, which is currently set for hearing during the Commission's June 28, 2021 meeting.

**I. The Commissioner's Campaign Against Project Approval**

5. In a series of campaign interviews conducted by Suncoast News in the weeks leading up to the 2022 Tarpon Springs City Commission elections, each one of the referenced commissioners took a strong stance against the Project's approval. See Article attached as **Exhibit "A"** (When asked what his immediate and long-term priorities as mayor, Vatikiotis stated that he intended to "introduc[e] stop-gap measures that will discourage behemoth projects, such as Anclote Harbor."); Article attached as **Exhibit "B"** (Craig Lunt noting that he was against the Project.); Article attached as **Exhibit "C"** (Michael Eisner noting that he has "been strongly opposed to the Anclote Harbor project and ha[s] spoken out about it at every BOC meeting for the past several months."); Article attached as **Exhibit "D"** (Peter Koulias noting that he "helped raise awareness and opposition for the project since November 2020 through Facebook community pages" and "was the most vocal, outspoken

resident regarding special interest groups, preserving small town charm”.)

6. Further, these commissioners regularly expressed these unfavorable views toward the Project on social media. For example, on March 14, 2022, the then campaigning Craig Lunt posted on Facebook that the Project had not received any approvals from the Southwest Florida Water Management District, and stated that “we can only hope” that a “DENIAL be in the works”. See **Exhibit “E”**. Both Mayor Vatikiotis and Commissioner Eisner voiced their support through comments. *Id.*

7. Social media is rife with examples the Commissioners’ overt stance against the Project to the extent that exhibiting the posts in this Motion is impossible. By way of example, however, see **Exhibit “F”** (Facebook post from then commissioner Vatikiotis dated November 12, 2021 endorsing commissioner candidates Lunt, Koulas, and Eisner because “[t]hey stood publicly in opposition to the Anclote Harbor Apartment project.”); **Exhibit “G”** (Campaign platform post by Peter Koulias noting that he “will be there to ... protect Tarpon Springs from bad development like Anclote Harbor.”); **Exhibit “H”** (Facebook post from then City Commissioner candidate Eisner dated

February 7, 2022 stating that he is against the Anclote Harbor 404 apartment complex.)

8. Going beyond just campaign posts, the Commissioners actively engaged in social media dialogue with Tarpon Springs residents voicing their disapproval for the Project. For example, in a February 2, 2022 Facebook post, a resident of Tarpon Springs commented on a page in support of Commissioner Eisner because he is against the Morgan Project, to which Commissioner Eisner responded in acknowledgment of his stance. See **Exhibit “I”**.

9. To be clear, this is not the first time that the Commissioners’ bias toward the Project has been raised. In a letter dated October 21, 2021, the Morgan Group requested that then Commissioner Vatikiotis recuse himself from any further commissioner hearings involving the Project on the basis of his significant and improper interference with the City’s quasi-judicial processes. See **Exhibit “J”**. In furtherance his open disapproval for the Project, Mayor Vatikiotis took it upon himself to broadcast this recusal request to his constituents in a Facebook post that same day. See **Exhibit “K”**. This constitutes a direct violation of Article 1, Section 4 of the Rules of Procedure for the Tarpon Springs Board of

Commissioners, which provides that “[i]ndividual members of the City Commission shall refrain from expressing their position on a matter to be considered at an upcoming Commission meeting.”

10. On top of the apparent bias toward the Project, the common thread of the Commissioners’ social media posts and campaign platforms is that they are in it together. These attachments, which are but the tip of the iceberg, clearly evidence the Commissioners’ commitment to ensuring that the Project is put to a halt, in this instance, through CCTS’s Stay Motion.

## **II. Argument**

In a quasi-judicial proceeding,<sup>1</sup> “certain standards of basic fairness must be adhered to in order to afford due process.” *Jennings v. Dade Cnty.*, 589 So. 2d 1337, 1340 (Fla. 3d DCA 1991). An “impartial decision maker is a basic constituent of minimum due process” in a quasi-judicial proceeding.” *Cherry Comm’n, Inc. v. Deason*, 652 So. 2d 803, 804 (Fla. 1995). A decision-maker who

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<sup>1</sup> “Because rezoning actions have an impact on a limited number of persons or property owners, and the decision is contingent on facts arrived at from distinct alternatives by applying, rather than setting policy, the nature of the proceeding is quasi-judicial subject to strict scrutiny on certiorari review.” *Alvey v. City of North Miami Beach*, 206 So.3d 67, 75 (Fla. 3d DCA 2016).

cannot be fair and impartial may not participate in the proceeding. *Ridgewood Properties, Inc. v. Dep't of Cmty. Affairs*, 652 So. 2d 322, 324 (Fla. 1990); *Verizon Bus. Network Servs., Inc. ex rel. MCI Comm'ns, Inc. v. Dept. of Corr.*, 988 So. 2d 1148, 1151 (Fla. 1<sup>st</sup> DCA 2008). In such matters, “the appearance of neutrality can be as important as neutrality itself because of the former’s impact upon confidence of in the proceedings.” *Int’l Ins. Co. v. Schragger*, 593 So. 2d 1196, 1195 (Fla. 4<sup>th</sup> DCA 1992).

In a situation analogous to the one at bar, the court in *Seminole Entertainment, Inc. v. City of Casselberry*, 811 So.2d 693 (Fla. 5<sup>th</sup> DCA 2001) emphasized the impact that a commissioner’s overt campaign platform against a party’s position can have on subsequent quasi-judicial proceedings. In *Seminole Entertainment*, an adult entertainment club filed a motion to disqualify the Casselberry mayor in a licensing revocation hearing on the grounds that he “had run for office on a platform directed against alleged ‘illegal activities’ at ‘strip bars’ in Casselberry.” *Id.* at 695. The court determined that the club “established more than mere political bias or an unfriendly political atmosphere ... so pervasive as to have rendered the proceedings

violative of the basic fairness component of due process.” *Id.* at 696-97.

So too is the case here. The Commissioners’ continued participation in hearings related to the Project will violate the Morgan Group’s due process right to a full and fair hearing on the Stay Motion, and will undermine the quasi-judicial process.

**CONCLUSION**

Mayor Vatikiotis, along with Commissioners Craig Lunt, Mike Eisner, and Peter Koulias have taken a stance against the Project so pervasive that Morgan group cannot receive the due process to which it is entitled in the upcoming hearing on the Stay Motion. As such, Morgan respectfully request that these commissioners be recused from voting on the matter.

/s/ Scott A. McLaren  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on June 21, 2022, the foregoing document has been served via first class mail and via email to: Jane Graham, Attorney for Petitioner, Sunshine City Law, 737 Main Street, Suite 100, Safety Harbor, Florida 34695, [jane@sunshinecitylaw.com](mailto:jane@sunshinecitylaw.com), and to Jay Daigneault and Thomas Trask, Attorneys for City of Tarpon Springs, Trask Daigneault, LLP, Harbor Oaks Professional Center, 1001 South Fort Harrison Avenue, Suite 201, Clearwater, FL 33756, [jay@cityattorneys.legal](mailto:jay@cityattorneys.legal).

/s/ Scott A. McLaren  
Attorney

# EXHIBIT A

[https://www.suncoastnews.com/news/tarpon-springs-mayor-elect-vatikiotis-there-s-work-to-be-done/article\\_e198cd82-aae2-11ec-a7f0-97b468c9f40b.html](https://www.suncoastnews.com/news/tarpon-springs-mayor-elect-vatikiotis-there-s-work-to-be-done/article_e198cd82-aae2-11ec-a7f0-97b468c9f40b.html)

## Tarpon Springs Mayor-elect Vatikiotis: 'There's work to be done'

Vatikiotis, Lunt, Koulias, Eisner earn wins

By CHRIS GEORGE, Suncoast News

Mar 23, 2022



Tarpon Springs City Commissioner Costa Vatikiotis.

Photos by JEFF ROSENFELD

After the March 15 elections, the City Commission in Tarpon Springs will have almost a complete makeover, including a new mayor and three new commissioners.

Commissioner Costa Vatikiotis, a former city manager and engineer, received 56.4% of the vote to defeat Robin Saenger, a former commissioner who ran her own art business until 2019.

Vatikiotis will replace Mayor Chris Alahouzos, who is term limited.

Joining Vatikiotis on the board will be newcomer Craig Lunt, an independent consultant in cyber and network security, who won Seat 2 with 53.6% of the vote, defeating Lisa Malamatos-Benitez.

The race for Seat 3 proved to be one the tightest of the night in the entire county, as Mike Eisner, a retired contractor, ended up defeating George Koulianos by just nine votes, 2,752 to 2,743. The race was so close it required a machine recount by the Supervisor of Elections Office on Friday morning.

The pair of candidates were vying to take over from Connor Donovan, who was not seeking a second term.

The race for Seat 4, which is open after Townsend Tarapani announced he would not be seeking reelection, pitted Panagiotis "Peter" Koulias against Jacqueline Turner.

In another tight race, Koulias came out on top by capturing 52% of the votes cast.

## Q&A with the mayor-elect

The Suncoast News asked mayor-elect Vatikiotis about his thoughts regarding the end of the campaign and looking ahead. Here's what he had to say.

**Q: How does it feel to reach the end of this long and hard-fought campaign with a victory?**

**A:** I am extremely grateful to the voters. As I stated in the campaign, the clock at Spring Bayou symbolizes "change" to me, and it hasn't stopped ticking, so there's work to be done. Also, I very much do not like the characterization of "hard-fought." It's leading. My campaign was one of "messaging" on public matters and staying focused on communicating with residents. Others can paint this election season as they wish, but for me, it was sticking to the issues important to the residents.

**Q: What are your immediate and long-term priorities as mayor?**

**A:** It is interesting seeing the paradigm "your priorities." Mine are the residents' priorities, as any elected officials' priorities should be. Those priorities are being identified as part of our current planning efforts. Three overarching themes are emerging among others, putting residents first, not becoming overbuilt, and dealing with climate-related matters, such as street and sidewalk flooding. So, a near-term priority is completing and implementing the resident-participated City's

Comprehensive Growth Management Plan update, the Strategic Plan, and the Sustainability Action Plan, and from those establish annual budgetary priorities consistent with those plans, and lastly in terms of near term, memorialize this process as a requirement in the City's Charter by voter referendum at the March 2023 election. With routine updates, the long-term priorities will be a natural product of that effort.

In terms of other immediate priorities that residents have made known loud and clear, one is returning to more liberal guidelines for public comments, including providing for remote participation to meetings. Second is introducing stop-gap measures that will discourage behemoth projects, such as Anclote Harbor and Icaria Apartments, in sensitive areas. These measures will likely be accomplished through changes in the Land Development codes and other planning documents over the next couple of months, and not by moratorium.

**Q: Is there anything you would like to direct the city administration to get started on from Day 1?**

**A:** As only one vote, I cannot direct the city administration to do anything. However, the Commission has directed the city administration to do many things that have yet to be completed. The City Manager is well-aware of my immediate interest among those efforts, and that is planting trees, lots of trees.

**Q: There are many new faces on the commission. How, if at all, do you think it will impact the direction of the city?**

**A:** I believe this Commission will return to being a "policy-making" board, and not dealing with administrative matters that are the City Administration's responsibility. On the other hand, the city administration has brought policy forward to the Commission, and that needs to change, as well. We have a professional staff that is educated and trained in their expertise, and there has been a tendency by previous Commissions to micro-manage administrative functions. Consequently, internal administrative planning is disrupted, and things are not completed either correctly or not at all. Residents ask why? Right now, the line of responsibility is blurred. In the future, residents will know why. It will be either the result of a policy decision by the Commission or the implementation of that policy by the city administration.

**Q: Any final comments?**

**A:** Yes, society has changed in how we communicate. In past times, when people had more leisure time, attending public meetings was a civic duty, and for many, something of a social event. There were also daily newspapers that covered local news that people had time to read. That is no longer the case. However, many things happen in city government that affects peoples' lives. It is the responsibility of city government to communicate with residents. The excuse of "people not coming to public meetings" is not acceptable to rationalize that it is okay for proceeding with business-as-usual without residents being informed. I hope the Commission agrees and over the next 3 years, we will identify a means to ensuring residents stay informed with what their city government is doing.

# EXHIBIT B

[https://www.suncoastnews.com/news/tarpon-springs-election-q-a-candidates-for-city-commission-seat-2-share-their-views/article\\_a2af689c-8f4e-11ec-914f-cfcb710a0d18.html](https://www.suncoastnews.com/news/tarpon-springs-election-q-a-candidates-for-city-commission-seat-2-share-their-views/article_a2af689c-8f4e-11ec-914f-cfcb710a0d18.html)

## Tarpon Springs election Q&A: Candidates for City Commission Seat 2 share their views

By BILL ZAFEROS, Suncoast News Correspondent  
Feb 16, 2022



The race for Seat 2 on the Tarpon Springs City Commission is between Lisa Malamatos-Benitez and Craig Lunt.

Tarpon Springs voters have plenty of decisions to make March 15. The ballot features races for mayor and three City Commission seats. We've asked the candidates where they stand on several issues. This is the first in a series of articles that will highlight their answers.

We begin with the race for Seat 2, which is between Craig Lunt and Lisa Malamatos-Benitez. Current Seat 2 holder Costa Vatikiotis is running for mayor and is relinquishing the post for the final year of his term.

## Q.: What are three critical issues facing Tarpon Springs?

**Malamatos-Benitez:** I see the divisiveness amongst the people as a detriment to accomplishing anything in the future. Community unity! Stabilize the population growth. Keep our taxes the same or lower them. Keep saving. Don't touch it.

**Lunt:** Flooding and infrastructure maintenance, completing the comprehensive and strategic plans, and affordable and attainable housing.

## Q.: How would you address those issues?

**Malamatos-Benitez:** People expressing their differences of opinions and discussing them together is a step to working together. Working with the Historical Society to enlighten the people as to our history would be a unifier. Is the city government providing too many services? Is there anywhere anything that can be eliminated so as not to be such a burden to the taxpayer? So the budget needs to be constantly evaluated. We do welcome new people and are actually flattered when they choose Tarpon Springs as their home. But I think rapid influx of people has scared old timers basically who like the lifestyle and the culture as is.

**Lunt:** Flooding and Infrastructure: Many areas of the city are still flood prone and there are also areas in the city with basic pedestrian and traffic safety needs. As commissioner I will ensure these are priorities are met by responsible budget allocation.

Comprehensive and Strategic Plans: We cannot pragmatically address growth and development without established goals and plans to attain them. I will support any effort to ensure these two needs are addressed and codified.

Affordable Housing: Every effort needs to be made to provide quality affordable housing while ensuring that we don't lose the unique character of Tarpon Springs.

## Q: What was your position on the Anclote Harbor luxury apartment complex? How did you come to that position?

**Malamatos-Benitez:** As a candidate, I did not have all the information/backup that the sitting commission had to make their decision. The problem is that people do not know how the local government operates and how these decisions are made. The commissioners have to make their decision based on facts and sworn testimony which has legal implications because it is a quasi-judicial hearing. The city attorney announces before the quasi-judicial hearing what the Board of Commissioners needs to consider when making a decision and that's exactly what they did. I do believe in personal property rights as provided under the U.S. Constitution.

**Lunt:** I was against it. I wasn't completely satisfied that the Morgan Group was being forthright and had reservations regarding several statements they had made on the record. Safety of access to/from U.S. 19 was a major concern as well as impact to the surrounding wetlands. The fact that they overrode a 6-1 decision against this project from our Planning and Zoning board didn't sit well and I felt city staff went out of their way to accommodate them in indicating that they were meeting all of the requirements of our Comprehensive plan, which I do not believe they did.

## Q: Does Tarpon Springs need an apartment moratorium? Why or why not?

**Malamatos-Benitez:** I have been reading up on moratoriums and apparently they don't work like people think they should. So having said that, I would certainly take a look at a moratorium to see if that would be appropriate for Tarpon Springs.

**Lunt:** It does not. We need more affordable and attainable housing and creative use of apartments to help reach that goal must be considered. A moratorium, outside of limiting any currently proposed development, would also have the downstream effect of dissuading developers from even considering Tarpon Springs as a possible development area in the future and therefore might hurt our prospects in general. What is needed is careful attention and adherence to current code, zoning, Comprehensive and Strategic plans while encouraging creative ways meet our housing needs.

## Q: What makes you more qualified than your opponent for this position?

**Malamatos-Benitez:** I know Tarpon Springs, inside and out. I am a fourth generation Tarponite. I have worked for the city and my family has worked for the city and I have watched everything that goes on in this town for many years. I have served in many capacities on boards and committees and now is the time to put my money where my mouth is. Running for Seat 2 is my contribution to my beloved community. My work experiences and my community involvement give me an advantage as a commissioner. Tarpon Springs is in my heart and my soul.

**Lunt:** I currently work in the Network and Cyber Security field focused on protecting education and local governments and have been in this profession for over 40 years. As such, I am a detail and team-oriented person. I'm trained to listen and consider multiple stakeholders' thoughts and positions before formulating an action plan that is in line with their objectives. I will listen to and consider the citizens and businesses of Tarpon Springs before making any decisions.

## Q: What is your vision for the city's future?

**Malamatos-Benitez:** My vision for the future of Tarpon Springs is that we have been able to go back to that old time feeling of a small fishing community. That feeling is really missed here. Yes, as far as the government and infrastructure goes, we can progress but keep it simple.

**Lunt:** I envision a city that reaches out to and includes its citizens' and businesses' input as the baseline of its decision-making process so that everyone is aware and understands the decisions being made and ensuring that these decisions are reflective of what the citizens need and want for their city.

I envision a city that prioritizes the maintenance of our current infrastructure, assets and services as a primary responsibility to all citizens and neighborhoods and not just as an afterthought or concentrated in certain areas.

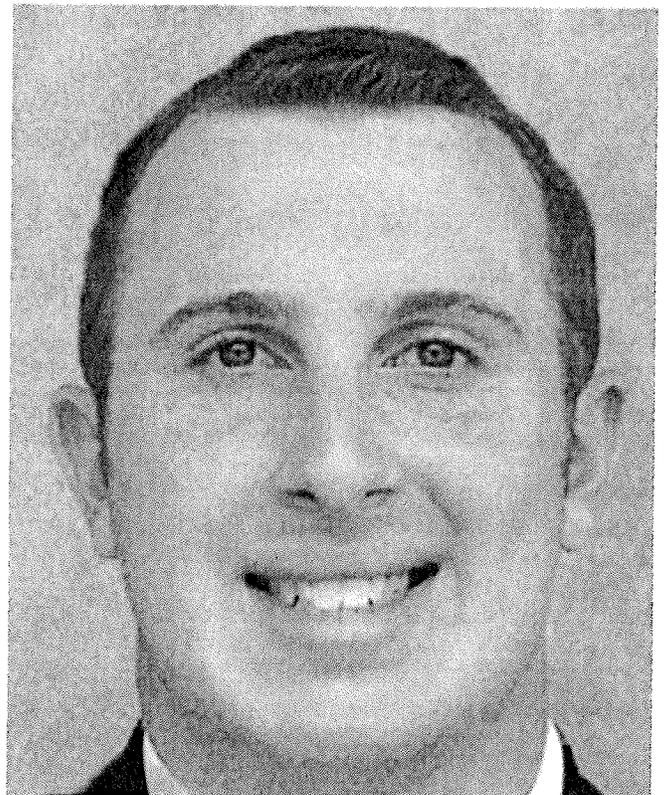
I envision a city where "Live, Work, Play" is an attainable reality for all who wish it.

# EXHIBIT C

[https://www.suncoastnews.com/news/tarpon-springs-election-q-a-candidates-for-city-commission-seat-3-share-their-views/article\\_58265a26-94ec-11ec-b358-6f3b6a62c8dc.html](https://www.suncoastnews.com/news/tarpon-springs-election-q-a-candidates-for-city-commission-seat-3-share-their-views/article_58265a26-94ec-11ec-b358-6f3b6a62c8dc.html)

## Tarpon Springs election Q&A: Candidates for City Commission Seat 3 share their views

By BILL ZAFEROS, Suncoast News Correspondent  
Feb 23, 2022



The race for Seat 3 on the Tarpon Springs City Commission is between Michael Eisner, left, and George Koulianos.

Tarpon Springs voters have plenty of decisions to make March 15. The ballot features races for mayor and three city commission seats. We've asked the candidates where they stand on several issues. This is the second in a series of articles that will highlight their answers.

Here, we focus on Seat 3, which is between George Koulianos and Michael Eisner. The candidates are vying to take over the post from Connor Donovan, who is not seeking a second term.

## Q: What are three critical issues facing Tarpon Springs?

**Eisner:** Three critical issues are fixing what's broken, flooding issues and to follow the comprehensive and strategic plan.

**Koulianos:** Three of the biggest issues we can continue to improve upon are becoming more transparent and working to unite our town, economic development, and being fiscally responsible and efficient in our projects we undertake.

## Q: How would you address those issues?

**Eisner:** We need to become more business friendly and help relieve the local tax burden from the residents. Restore peoples' free speech including emails and Zoom calls. Restore their dignity and respect by listening and answering their questions. We need to streamline the permit department and prioritize unfinished projects like dredging and flooding abatement and complete them in an appropriate time frame.

The city has a plan to deflect water using vaults and pumps for king tides. I would pursue more investigation in this area, hire a full-time grant writer and not waste taxpayer money on frivolous purchases.

We must follow the comprehensive and strategic plans once instituted.

**Koulianos:** Uniting our town is most important. In order to achieve this, we need a commission who is transparent about every project and understands how to govern. For economic development, we must do a better job of self-promoting our historic town, this is to attract more people and businesses to our city. For fiscal responsibility and efficiency, we must work towards cost-effective improvements to our town that are done in a swift manner with no delays.

**Q: What was your position on the Anclote Harbor luxury apartment complex? How did you come to that position?**

**Eisner:** I've been strongly opposed to the Anclote Harbor project and have spoken out about it at every BOC meeting for the past several months. For a massive project, it was streamlined much too fast. There are tremendous safety issues. It has not been approved by the FDOT. The second exit has not been approved. This project was voted down by the Planning & Zoning Board 6 to 1 once they received all the data. Our building code has a 46-foot height restriction limitation, and the Morgan Group's current plan is to build up to 53 feet. Why was this waiver issued for them when other projects were turned down?

**Koulianos:** After listening to all of the deliberations, I would have voted yes on the first vote and no on the second vote. For the yes vote, it seems that the applicant met the required standards from our comprehensive plan and state law, in regard to environmental impact. The second vote would be no for it does not seem the applicant met the criteria within regards to safety and there were many objections and specific questions I saw fit for denial.

**Q: Does Tarpon Springs need an apartment moratorium? Why or why not?**

**Eisner:** That decision is best left up to the residents. We need to ask lots of questions and poll the responses finding ways to reach all our citizens. My belief is that we need more affordable housing in Tarpon Springs.

**Koulianos:** We need to update and specify our comprehensive plan and move to low density family homes to be built and no longer allow high density apartment complexes. We should put an emphasis on redevelopment and sustainable development.

**Q: What makes you more qualified than your opponent for this position?**

**Eisner:** I was the youngest National Service manager of Emerson Radio. For 10 years, I worked for Xerox in a NYC service and sales department. Then I became the branch manager of Rentokil, an international pest control company. By trade, I was a flood restorator and mold remediation specialist. For the past seven-plus years, I have served on the Board of Adjustments abiding by quasi-judicial rules.

I am always looking to help others with my common-sense solutions and accurate fixes. I have no hidden agenda or financial interests except to make it better. I offer our city my vast experience, my logical mind and my inherent need to fix what's broken.

**Koulianos:** I do not like being boastful, but I believe my experience working in Washington, D.C. for Congressman Gus Bilirakis and being in high level policy discussions while working for the Congressman make me qualified for the position. I believe whoever is elected must understand law, policy, and how to govern with respects to the rights of the people.

## Q: What is your vision for the city's future?

**Eisner:** I envision a stronger relationship between the BOC and the residents. Where we listen and responses are given. I visualize the preservation of our open and green space. I foresee smart growth and smart development. Keeping the historical and unique charm of our city. My wife, Linda, and I could have retired in one of many locations, but we chose Tarpon Springs. We chose Tarpon because of its small-town charm, beautiful beaches and wonderful people. It's our paradise. I look forward to further serving the city of Tarpon Springs as your commissioner in Seat 3.

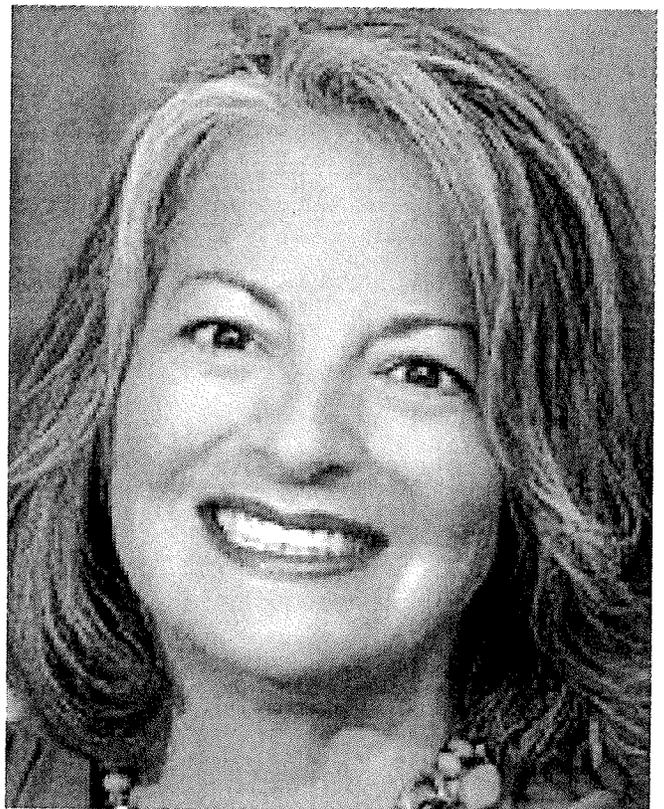
**Koulianos:** My biggest goal has been to unite our great town. I know that passions are high right now as we have had votes that have strained relationships in our town, but I believe we have an opportunity to move towards more humility driven and transparent leadership. I feel that many may read this and believe as I do, that we need to move towards an era of representative government without ego and lust for power. I still hold firm that I am the only candidate that has refused PAC money and/or special interest money, not out of disrespect, but because I never want it to be said that I will be bought.

# EXHIBIT D

[https://www.suncoastnews.com/news/tarpon-springs-election-q-a-candidates-for-city-commission-seat-4-share-their-views/article\\_ccfebca8-a004-11ec-b538-d71540a844d3.html](https://www.suncoastnews.com/news/tarpon-springs-election-q-a-candidates-for-city-commission-seat-4-share-their-views/article_ccfebca8-a004-11ec-b538-d71540a844d3.html)

## Tarpon Springs election Q&A: Candidates for City Commission Seat 4 share their views

By BILL ZAFEROS, Suncoast News Correspondent  
Mar 9, 2022



The race for Seat 4 on the Tarpon Springs City Commission is between Panagiotis "Peter" Koulias and Jacqueline Turner.

TARPON SPRINGS — Tarpon Springs voters have plenty of decisions to make March 15. The ballot features races for mayor and three City Commission seats. We've asked the candidates where they stand on several issues. This is the first in a series of articles that will highlight their answers.

Here, we focus on the race for Seat 4, which is between Panagiotis "Peter" Koulias and Jacqueline Turner. Current Seat 4 holder Townsend Tarapani will not be seeking reelection.

## Q: What are three critical issues facing Tarpon Springs?

**Koulias:** 1. Making sure the proper personnel are in the proper positions of management in order for the city to implement the Strategic Plan and long-range planning. The new board will lay down the framework for future boards to follow the plan.

2. Updating the Comprehensive Plan to preserve small-town charm for the many versus increasing vertical and population density for the favored few that will destroy the quality of life in town. We must update the codes and zoning to prevent apartment stacking.

3. Fair and open government that acknowledges and condemns conflicts of interests and double standards.

**Turner:** We have many challenges and opportunities in our near future, which are interconnected. We need to be prepared to address potential growth and its impact on our infrastructure. We are likely to continue to see our city's population increase, as is the trend throughout the state. This will place a tremendous demand on our infrastructure, such as roads, water, sewer, and stormwater but also presents economic development opportunities. Our residents and businesses alike are seeking ways to more easily stay up-to-date on city news, so central to these challenges is communicating and engaging with our residents.

## Q: How would you address those issues?

**Koulias:** Conducting a nationwide search for the best city manager to lead Tarpon Springs into the future concerning long-range planning and sustainability. It's a top priority in addressing the infrastructure in Tarpon Springs. It should include the street flooding issues, fixing of our roadway, sewer, stormwater, and water drinking systems. We need a strong board to work with city staff in

updating the Comprehensive Plan to limit vertical and population density. Creating a citizen engagement platform that keeps the residents informed and involved. This includes use of Facebook community pages, bringing back Zoom, and providing more hybrid town hall meetings.

**Turner:** We're in the middle of updating the comprehensive and strategic plans, so these should be our guiding documents to ensure we stay on task with preparing for potential growth while still protecting our unique heritage and traditions. I will push us to more aggressively seek external funding to address infrastructure deficiencies by hiring a grants manager to help lead these endeavors. I also propose forming an Economic Development Advisory Council comprised of residents who are not only business owners in the city but also have knowledge and experience with larger and more complex organizations throughout the region.

## Q: What was your position on the Anclote Harbor luxury apartment complex? How did you come to that position?

**Koulias:** I helped raise awareness and opposition for the project since November 2020 through Facebook community pages. The project did not meet elements of the Comprehensive Plan. Tarponites were betrayed and disgusted to witness a commissioner's repeated recusals, because of his stepmother being the planner for the developer. My opponent accepted a sizable campaign donation from the commissioner's father. I was the most vocal, outspoken resident regarding special interest groups, preserving small town charm, and setting the tone for this year's election and the citizens know that. I chose to run in Seat 4 to push out the incumbent recusing commissioner.

**Turner:** I oppose the development and have spoken out against it at multiple public meetings and forums for the past several months. The project presents serious environmental and traffic safety issues that will place an undue burden on our city and neighboring areas. After studying the reports, listening to testimony presented, and most importantly talking to residents, I feel this is not the right project for this property.

## Q: Does Tarpon Springs need an apartment moratorium? Why or why not?

**Koulias:** We don't need a moratorium, and we cannot single out apartments. We need a strong board to wield the will of the people and tell city staff to update the codes and zoning to protect Tarpon Springs. If staff doesn't want to update the codes, then we will find staff who will. As a city we must limit height variances to single family zoning and not allow it to those who want to cram multi-family living. We need caps on population density of multi-family structures for slow growth. If we had this in place Anclote Harbors would not have passed.

**Turner:** No, an apartment moratorium will be a disservice to our city. It can potentially prevent us from addressing the pressing needs to offer a variety of affordable and attainable housing options to current and future residents. What hasn't been addressed is what exactly defines an "apartment." Would a moratorium prohibit us from building a modest complex with 15 to 20 units? As part of the comprehensive planning process, we have been informed that there is a potential population increase of 5,000 additional residents by 2040, so we need to address housing needs now in anticipation of that possibility.

## Q: What makes you more qualified than your opponent for this position?

**Koulias:** For nine years I have owned a personnel employment agency and do thousands of interviews and hundreds of job placements a year. I work with people. I am a native son, born and raised in Tarpon Springs, my whole life is here, and I'm not going anywhere. I'll be here for the ramifications of my board decisions. I set the trend on what the most important issues in this election are because I have gone out on a limb as leaders should. In my opinion my opponent does not have the strength to fight off the cabal in Tarpon Springs.

**Turner:** I have extensive professional and volunteer experience working with diverse groups and individuals to identify and implement solutions to complex problems. For the past 20 years, I have worked in larger non-profit and community-based organizations and often collaborate to provide services to municipalities. Locally, I serve on the city of Tarpon Springs Board of Adjustment and was a member of the city's inaugural class of the Citizens Academy. I'm a Florida native and have lived in various communities throughout the Tampa Bay area for more than 20 years, so I have experienced firsthand the impacts of unrestrained growth and development.

## Q: What is your vision for the city's future?

**Koulias:** I do not see a Tarpon skyline of stacked apartments and condominiums, but I do see a city addressing its roads, waterways, and sustainability. Get city staff on a plan that continually rolls from year to year to address important capital improvement projects. I see a robust economy where downtown Tarpon Springs is filled with shops and restaurants. I see the Sponge Docks thriving and increasing its working waterfront, tourism, and restaurants. I see the same Tarpon Springs you see now but managed better. This world is changing fast, but that does not mean our town has to.

**Turner:** Tarpon Springs is a beautiful and unique community, and I truly believe we can protect our precious environmental and cultural resources while still being a modern city of the future. I envision our city holding true to our heritage and traditions while still welcoming new residents, businesses,

and visitors to experience all that Tarpon Springs has to offer. To do this we must ensure the updates to the comprehensive and strategic plans address the balance of managing growth while respecting our history. And most importantly, we must respectfully work together and collaborate with others.

# EXHIBIT E



Craig Lunt

March 14 · 🌐



Quick Update - Looks like the Morgan Group is running into somewhat more STRICT and RESPONSIBLE oversight from SWFWMD than it got from most of the the current TSBOC. So far - no approvals - and requested extentions supposedly ran out 10 days ago as well... can a DENIAL be in the works? (we can only hope).

	View Details	ESP App ID	Profit	Permit #	Rev. #	Minor Mod	Project Name	App Filed Date	Issued Date	OSM Date	Status	Type
1	View Details	826759	43	44868	1	N	Andote Harbor	06/17/2021			Incomplete	Ind
1	View Details	829806	43	13744	6	N	Andote Harbor Off-Site Roadway Improvements	08/10/2021			Incomplete	Ind

👍👍 30

13 Comments

👍 Like

➦ Share

Most relevant ▼



Costa Vatikiotis

Thank you, Craig, for staying on top of this!

Like 13w Edited



Mike Eisner

Great news to hear.

Like 13w



# EXHIBIT F



Costa Vatikiotis

November 12, 2021 · 🌐



AN IMPORTANT REMINDER. These six candidates are seeking City Commissioner seats in the March election. Some are vying for the same seat. They all have one thing in common. They stood publicly in opposition to the Anclote Harbor Apartment project. I voted "No" as a Commissioner.

These six candidates were not concerned about politics or being asked to "recuse" themselves later as Commissioners, something that may or may not happen. They were concerned about Public Safety and You. They took a stand. Please remember this when you vote on March 15, 2022. THANK YOU!



Mike Eisner



Susan Kikta



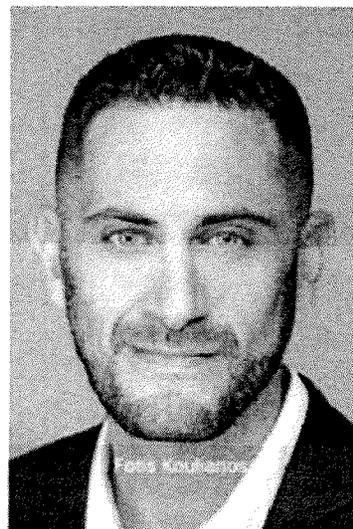
Panagiotis Koullas



Craig J.



Jacquie Turner



John Koullas

# EXHIBIT G



[www.tarponites.com](http://www.tarponites.com)

## Why I chose to run?

I chose to run not because I wanted to run, but because I had to run. The people of Tarpon Springs needed a native son who would stand up and speak out to protect the Tarpon Springs way of life. I was not going to let the same complacent politicians continue to govern and change the skyline of our town.

There is something special about growing up in Tarpon Springs, and I want future generations of Tarponites to enjoy that same small town feeling I experienced.

We are going to create policies that make sense and look out for the best interest of everyone in town from our youth to our senior citizens. We will preserve and restore history and culture, create economic development without compromising our small town charm, and involve our citizens in decisions.

Remember Tarponites, for two years  
I was at City Hall fighting for you!  
As a native son, I will be there to:

- Preserve Small Town Charm
- Create Fair and Open Government
- Protect Tarpon Springs from Bad Development like Anclote Harbors
- Control Population/Vertical Density

Facebook



# VOTE MARCH

# EXHIBIT H



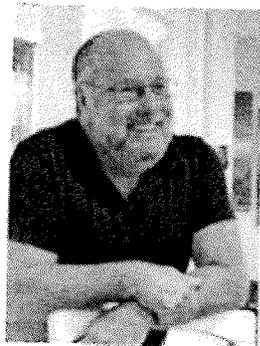
Support Mike Eisner for Tarpon Springs City Commissioner Seat #3

February 7 · 🌐



While walking the neighborhoods introducing myself as commission candidate for seat 3, a few residents read my flyer & assumed that because I was a "contractor" I planned to build up our city. Please let me put your fear to rest. I am against the Anclote Harbor 404 apartment complex, against the Klosterman project, against building anything that my community is against. I follow what my constituents want. As Commissioner, I work for you. We will work together to create smart logical development that makes sense. Thank you.

# VOTE FOR EISNER



TARPON SPRINGS  
BOARD OF COMMISSIONERS  
SEAT 3  
ELECTION MARCH 15, 2022

PAID FOR BY MIKE EISNER CAMPAIGN

# EXHIBIT I



For a year now...Mike Eisner has repeatedly, publicly, verbally, and in written format let KIND HUMANS know he is against the Morgan Group of Houston Texas proposal to build 404 rental apartments at the Anclote 74 Acre Ecosystem (which is our coastal floodplain; our Coastal High Hazard Area) that would add 2,200 per day vehicle entrances and exits at FDOT F-Rated Dangerous/Deadly Hwy 19. THANK YOU, Mr. Eisner, for your conviction in this very important issue our beloved Tarpon Springs is facing. Citizens of Tarpon Springs, please vote for Mike Eisner for Tarpon Springs Commissioner Seat 3 on March 15, 2022.



**Mike Eisner**

4h ·

While walking the neighborhoods introducing myself as commission candidate for seat 3, a few residents read my flyer & assumed that because I was a "contractor" I planned to build up our city. Please let me put your fear to rest. I am against the Anclote Harbor 404 apartment complex, against the Klosterman project, against building anything that my community is against. I follow what my constituents want. As Commissioner, I work for you. We will work together to create smart logical development that makes sense. Thank you.



# EXHIBIT J

October 21, 2021

*Via Email to: [cvatikiotis@ctsfl.us](mailto:cvatikiotis@ctsfl.us)*

Commissioner Costa Vatikiotis  
324 East Pine Street  
Tarpon Springs, FL 34689

*Via Email to: [tom@cityattorneys.legal](mailto:tom@cityattorneys.legal)*

City Attorney Thomas Trask  
1001 South Fort Harrison, Suite 201  
Clearwater, FL 33756

**RE: Morgan Group Applications – Anclote Harbor**

Dear Commissioner Vatikiotis,

Our firm represents the Morgan Group, the developer of the proposed 404 unit apartment project known as Anclote Harbor (the “Project”), located in Tarpon Springs (the “City”).

We demand that you immediately recuse yourself from any further Board of Commissioners (“BOC”) hearings involving the Project, due to your conduct which reflects extreme bias against the Project, as evidenced by your significant and improper interference in the City’s quasi-judicial processes. We also demand that you refrain from any future such conduct as it relates to the Project, even after you have recused yourself, in order to protect the integrity of the process.

You encouraged the Planning & Zoning Board (“PZ Board”) members to recommend denial of the Project at the September 20, 2021 PZ Board hearing, by providing them citations to provisions of the Comprehensive Plan and City Code which you wrongly believed could provide a basis for denial. You were in contact with the PZ Board members for several days before the PZ Board hearing, and on the day of the hearing itself, ensuring they read the materials you sent to them and even offering, via text, a pre-hearing phone call to PZ Board member Mike Kouskoutis and wishing him “good luck”. PZ Board members John Koulianos and Chairman Merle Seamon quoted and made reference to the exact provisions you provided them as

October 21, 2021

Page 2 of 6

reasoning for their recommendation of denial, and a total of four PZ Board members changed their recommendation from “approval” to “denial” as compared to the prior PZ Board hearing on the same Project. Specifically, Chairman Seamon, Mr. Kouskoutis, Richard Morgan, and George Andriotis reversed their recommendations from “approval” to “denial”. After the PZ Board reversed the prior recommendation, you congratulated Mr. Kouskoutis on his decision in particular, and simultaneously forwarded to Mr. Kouskoutis, Chairman Seamon, and Mr. Koulianos a link to a Tampa Bay Times news article about their denial recommendation the day after the hearing.

Your conduct constitutes a textbook case of bias against the application—and at this point your participation as an impartial decision-maker will prevent the Morgan Group from receiving a full and fair hearing as required by Florida law. Your actions are also in violation of the City’s most recently-adopted Rules of Procedure of the Board of Commissioners, which you voted to approve in July of this year.

The evidence of your communications with the PZ Board members was obtained through our public records requests for your communications pertaining to the Project. These communications from you should have been disclosed by the PZ Board members at the September 20, 2021 PZ Board hearing. But the PZ Board members made no such disclosure, and you sat silently in the commission chambers, watching the PZ Board meeting and knowing full well the extent of the communications you had with them and the materials you provided them. We received disclosure of these communications only through the public records request process – rather than be afforded the proper disclosure at the public hearing. Under Florida law, these ex parte communications are presumed, and were in fact, prejudicial. As a result, the PZ Board recommendation is tainted.

### The Project

As you know, the Project went through a series of public hearings last winter, which resulted in a 3-1 BOC vote approving the Project on January 15, 2021, with you as the sole dissenting commissioner (the “First Application”). There was a condition attached to the approval – specifically, the BOC majority directed that the Morgan Group provide an additional access point of ingress and egress to the Project. Hayes Road was examined and ultimately rejected by the BOC as a satisfactory location for the access point, so the plans were amended by the Morgan Group to reflect a second access point on US 19. This second access point on US 19 is the only material change from the First Application, and, we believe, it satisfies the guidance of the BOC. The associated BOC hearings for these new plans (the “Second Application”) commence on October 26, 2021.

### Your Responsibility in a Quasi-Judicial Hearing

Your legal obligation is to be an impartial, unbiased “judge” of the case in a quasi-judicial hearing, and the Morgan Group’s right to a fair hearing is protected under Florida law. As a former Tarpon Springs City Manager we know that you understand the importance of maintaining the integrity of the quasi-judicial process.

The Morgan Group's due process rights in this quasi-judicial process include the right to an impartial decision maker (*Miami-Dade County v. City of Miami*, 315 So. 3d 115 (Fla. 3d DCA 2020)). "An impartial decision maker is a basic constituent of minimum due process" in quasi-judicial proceedings (Id. at 126). This due process right is violated when a quasi-judicial officer engages in ex parte communications (*Jennings v. Dade Cnty.*, 589 So. 2d 1337, 1341-42 (Fla. 3d DCA 1991)). "Ex parte communications are inherently improper and are anathema to quasi-judicial proceedings" and are "presumed to be prejudicial" (Id.). This due process right is also violated when a quasi-judicial officer serves dual roles in the decision-making process, and advocates for a particular side – in the Morgan Group's case, you advocate for the side of the opposition against the Project (*Cherry Communications, Inc. v. Deason*, 652 So. 2d 803 (Fla. 1995); *Forehand v. Sch. Bd. of Gulf Cnty.*, 600 So. 2d 1187 (Fla. 1st DCA 1992)). If you continue to act as both judge of and advocate against the Project, it is patently clear that the Morgan Group cannot and will not receive a fair and unbiased hearing. The result is a clear violation of the Morgan Group's due process rights.

#### The PZ Board

Florida's Growth Management Act requires that the City establish a Local Planning Agency as a part of its regulatory process, and the PZ Board fulfills that statutory requirement. The PZ Board holds public hearings, and makes recommendations to the BOC on the various applications processed through the City's regulatory process.

The applications for the Project are quasi-judicial in nature, which goes to the core of this analysis. Quasi-judicial hearings require that the applicant be given a full, fair, and complete hearing, with the tribunal basing their decision solely upon the applicable code criteria, and the application of those criteria to the evidence induced at the hearings. The decision cannot be based upon personal viewpoint, the presence of objectors, or undue influence from third parties. This applies to both the PZ Board and the BOC. Like members of the BOC, PZ Board members are acting, in essence, as judges – as they hear the cases before them and render an advisory decision, to recommend denial or approval to the BOC. In fact, PZ Board members are required to take an oath of office which, among other things, requires that they swear or affirm to "...faithfully and honestly perform [their] duties as a board member without bias or prejudice.....".

#### The PZ Board Hearings on the Project

The PZ Board has heard both the First and Second Applications for the Project, with the First Application being heard by the PZ Board on November 16, 2020. At that First Application hearing, the PZ Board voted 4-1 to recommend approval of the Project to the BOC. On September 20, 2021, at the Second Application hearing of the PZ Board – with the only material change to the Project being the addition of a second access point as directed by the BOC – the PZ Board voted 6-1 to recommend denial of the Project. The PZ Board's decision to recommend denial of the Project is forwarded to the BOC to consider in their deliberations on the merits of the Project.

### The Required Disclosure

The City's policy requires that the PZ Board members disclose any ex-parte contacts they have had on the application(s) before them at the beginning of each hearing. This is to help assure that there is transparency in the quasi-judicial process, and to maintain public confidence in the integrity of public hearings.

At the start of the September 20<sup>th</sup> PZ Board hearing, Chairman Seamon neglected to ask the PZ Board to make the required disclosures. At my request, well after the City staff's presentation and significant questions from the PZ Board, Chairman Seamon asked the PZ Board members to make these disclosures. Mr. Kouskoutis stated that he had received "...a few emails from people I didn't actually know...". This same position was adopted by the other PZ Board members, with the sole exception of Chairman Seamon, who stated that he had received no ex-parte communications.

### Commissioner Vatikiotis' Undisclosed Communications to PZ Board Members

I am attaching to this letter copies of texts and emails that you sent to PZ Board members Chairman Seamon, Mr. Kouskoutis, and Mr. Koulianos – which texts and emails were not disclosed by them as required. Your texts to Mr. Koulianos contained attachments, and your email conversations with Chairman Seamon referenced hand-delivered materials, which contained excerpts from the City's Comprehensive Plan and Land Development Code. Some of the excerpts that were sent to Mr. Koulianos in particular contained your handwritten notes and highlighting.

Specifically, on September 17<sup>th</sup>, you texted to Mr. Koulianos the excerpts referenced above. On September 18<sup>th</sup>, you texted to Mr. Koulianos "Did you look at what I sent?" to which he responded "Yes sir". On September 20<sup>th</sup>, the day of the PZ Board hearing on the Second Application, you texted to Mr. Koulianos a screenshot of communications from Ms. Renea Vincent, indicating that she did not have confirmation of FDOT having issued a written approval of the proposed second access point.

On September 20<sup>th</sup>, the day of the PZ Board hearing on the Second Application, you texted the same screenshot of communication with Ms. Renea Vincent to Mr. Kouskoutis, with the following text message: "Welcome back. Please call if you'd like. Good luck tonight. The attachment is Renea's written response to me from last week concerning whether this is approval of a second access."

On September 17<sup>th</sup>, you emailed Chairman Seamon excerpts from the Comprehensive Plan and Land Development Code, with the following email message: "Here are two more pieces of info that should complete they [sic] picture. One of [sic] from the spread sheet that states how the project addresses the deficiency. The other is the LDC that stems from the Comp Plan policy." The subject line of that email was "More info". Also on September 17<sup>th</sup> you emailed Chairman Seamon a copy of the City traffic consultant's comments on the Project traffic analysis, with an email message stating: "Also, here's the City's consulting traffic engineer's comments comment 27) on page 32 of the Applicant's traffic analysis that I have [sic] you

yesterday.” This email message implies that you provided Chairman Seamon with additional information on September 16<sup>th</sup> as well. On September 20<sup>th</sup>, the day of the PZ Board hearing on the Second Application, you texted the same screenshot to Chairman Seamon of the communications from Renea Vincent that you texted to Mr. Koulianos and Mr. Kouskoutis.

At the close of the hearing, the PZ Board voted on its recommendation for the Project. As noted earlier, the vote was 6-1 against the Project – a curious reversal of their earlier 4-1 approval. Chairman Seamon made direct reference to excerpts from the materials you provided to him in explanation of his change from a prior vote in favor of the First Application to his subsequent vote against the Second Application. Likewise, Mr. Koulianos (who voted to deny the First Application) quoted verbatim an excerpt that you highlighted for him in the materials you texted him, to help explain his rationale for voting to recommend denial on the Second Application.

#### Additional Communications to Board Members

Our public records inquiry yielded post-hearing communications from you to three PZ Board members, specifically, Chairman Seamon, Mr. Koulianos, and Mr. Kouskoutis. The morning after the hearing, you texted Mr. Kouskoutis a yellow “thumbs-up” emoticon, adding “Well done and thoughtful.” A copy of this text is attached. You later forwarded a link to the Tampa Bay Times news article describing the PZ Board’s recommended denial of the Project, to PZ Board members Chairman Seamon, Mr. Koulianos, and Mr. Kouskoutis. Your text message forwarding the link was simultaneously sent to each of the three above-referenced PZ Board members at 5:22 p.m. on September 21<sup>st</sup>, the day after the PZ Board hearing.

#### Recusal

As a consequence of your documented actions, your continued participation in these hearings will violate the Morgan Group’s due process right to a full and fair hearing, and undermine the integrity of the quasi-judicial process. The facts recited in this letter are irrefutable, and your recusal the only appropriate conclusion. The Morgan Group therefore demands that you recuse yourself with respect to the Anclote Harbor applications.

Sincerely,



E.D. Armstrong, Esq.

October 21, 2021  
Page 6 of 6

Enc.

EDA/JRM

cc:

Mayor Chris Alahouzos

Vice-mayor Jacob Karr

Commissioner Townsend Tarapani

Commissioner Connor Donovan

City Manager Mark LeCouris

Communications between Commissioner **Costa Vatikiotis**  
and PZ Board Member **John Koulianos** before the  
September 20, 2021 PZ Board hearing



John Koulianos  
7274225022



Sep 17, 10:18 AM

From Costa to John Koulianos  
page 1 of 3

Costa to John Koulianos

Hi John, I hope you are well. I am writing to you regarding the project we discussed. I have some updates for you. The first part of the project is complete and we are moving forward with the second part. I will be in touch with you again soon.



John Koulianos to Costa

Hi Costa, thank you for the information. I have reviewed the documents and everything looks good. I will be in touch with you again soon.

Costa to John Koulianos

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John Koulianos  
7274225022



From Costa to John Koulianos  
page 2 of 3

From Costa to John Koulianos  
page 2 of 3

From Costa to John Koulianos  
page 2 of 3

From Costa to John Koulianos  
page 2 of 3

From Costa to John Koulianos  
page 2 of 3

# From Costa to John Koulianos

page 3 of 3



4

2020-06-15 11:00 AM EST

Emily



Hi John, I hope you are well. I have been thinking about you a lot lately and how much you have accomplished. It's so inspiring to see someone who has overcome so many challenges and is still going strong. I would love to hear more about your journey and how you managed to get to where you are today. Please let me know when you have a moment to chat.

2

2020-06-15 11:00 AM EST

Emily



John, I'm so glad you reached out. I've been thinking about you a lot lately and how much you have accomplished. It's so inspiring to see someone who has overcome so many challenges and is still going strong. I would love to hear more about your journey and how you managed to get to where you are today. Please let me know when you have a moment to chat.

6

2020-06-15 11:00 AM EST

Emily



Hi John, I hope you are well. I have been thinking about you a lot lately and how much you have accomplished. It's so inspiring to see someone who has overcome so many challenges and is still going strong. I would love to hear more about your journey and how you managed to get to where you are today. Please let me know when you have a moment to chat.

2

COMP PLAN - TRANSPORTATION ELEMENT

SEGMENT	FROM	TO	FACILITY
Levis Avenue	Lemon Street	Tarpon Avenue	Sidewalk Gap
Levis Avenue	Orange Street	Pine Street	Sidewalk Gap
MLK	Alt 19	Safford Avenue	Sidewalk Gap
Lemon Street	Grosse Avenue	Ring Avenue	Sidewalk Gap
Lemon Street	Walton Avenue	Huey Avenue	Sidewalk Gap
Disston Avenue	Woodhill Drive	Klosterman Road	Sidewalk Gap
Disston Avenue	MLK	Mares Blvd /Mango Street	Sidewalk Gap
Pine Street	Alt 19	Disston Avenue	Sidewalk Gap
Curlew Place	Alt 19	Disston Avenue	Bike Lane
Lemon Street	Alt 19	Disston Avenue	Bike Lane
Pine Street	Safford Avenue	Huey Avenue	Bike Lane

Policy 1.3.7

The City shall extend L&R Industrial Blvd. from Anclote Road to Wesley Avenue.

Policy 1.3.8

In order to provide an east-west bicycle route, the City shall evaluate design options for Lemon Street, including the conversion of the diagonal parking to parallel parking and striping of a bicycle lane.

Objective 1.4

To maintain the performance of the major road network within the County while furthering development of a multimodal transportation system that increases mobility for bicyclists, pedestrians and transit users as well as motorists.

Policy 1.4.1

The City shall manage the impacts of land development projects and increase mobility through application of Transportation Element policies and Land Development Code provisions through the site plan review process in accordance with the Pinellas County Mobility Plan.

Policy 1.4.2

The land development regulatory system shall include provisions to address development that impacts "deficient" roadways, including facilities operating at peak hour level of service (LOS) E and F and/or volume-to-capacity (v/c) ratio 0.9 or greater to ensure that development that generates more than 51 peak hour trips does not occur without providing for a mitigating improvement scheduled for construction within three years.

Policy 1.4.5

The City shall utilize multimodal impact fee revenue to fund multimodal improvements to local, county or state facilities that are consistent with the comprehensive plan as well as the Metropolitan Planning Organization (MPO) Long Range Transportation Plan.

/

# LAND DEVELOPMENT CODE

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## § 122.11.04 Deficient Road Corridors, Transportation Management Plan Strategies Applied.

- (A) Deficient road corridors include parcels within one-half mile of the centerline or terminus of a facility operating under a deficient level of service.
- (B) In support of the provisions of this section regarding deficient road corridors, policies in the comprehensive plan seek to discourage future land use map (FLUM) amendments that allow for an increase in automobile trips generated from sites proposed for amendment. Exceptions to this provision may apply within road corridors where the comprehensive plan is seeking increased densities and intensities for planning purposes.
- (C) Development projects located within deficient road corridors that generate between 51 and 300 new peak hour trips are classified as tier 1.
  - a. Developers of tier 1 projects are required to submit a transportation management plan designed to address their impacts while increasing mobility and reducing the demand for single occupant vehicle travel.
  - b. The cost of transportation management strategies implemented for tier 1 projects are creditable toward their multimodal impact fee assessment in accordance with the Multimodal Impact Fee Ordinance. If the cost of the improvement exceeds the assessment, the development project would not be subject to payment of the fee.
- (D) Development projects located within deficient road corridors that generate more than 300 new peak hour trips are classified as tier 2. Developers of tier 2 projects are required to conduct a traffic study and submit an accompanying report. The report shall include the results of the traffic study and a transportation management plan identifying improvements necessary to mitigate the impacts of the project. The report shall be submitted to the Planning and Zoning Department for review. The cost of transportation management strategies implemented for tier 2 projects may be applied as credit toward the project's multimodal impact fee assessment in accordance with the Multimodal Impact Fee Ordinance or payment of the fee could be included as part of a transportation management plan.
- (E) Development projects that generate less than 51 new peak hour trips are required to pay a multimodal impact fee in accordance with the Multimodal Impact Fee Ordinance. They are not required to submit a transportation management plan or traffic study.
- (F) A traffic study and corresponding transportation management plan for a land development project generating more than 50 new peak hour trips outside a deficient road corridor may be required if through the site plan review process the local government determines that operational improvements such as intersection or median modifications are necessary to accommodate the additional trips generated by the proposed land use.

(Ord. No. 2017-07, passed 5-2-17)

Editor's note(s)—Ord. No. 2017-07, passed May 2, 2017, repealed the former § 122.11.04 and enacted a new § 122.11.04 as set out herein. The former § 122.11.04 pertained to proportionate fair-share mitigation of development impacts on transportation corridors and derived from Ord. 2006-34, passed 10-17-06.

# APPLICANT'S TRAFFIC IMPACT ANALYSIS REPORT

## PROJECT SITE INFORMATION

Project traffic used in this analysis is defined as the vehicle trips expected to be generated by the development. These trips were distributed and assigned throughout the study roadway network.

### Trip Generation

The trip generation potential of the proposed residential development was estimated for the a.m. and p.m. peak-hours using the equations from the Institute of Transportation Engineers' (ITE) *Trip Generation Manual*, 10<sup>th</sup> Edition, for land use code (LUC) 221: Multi-Family Housing Mid-Rise. The estimated net, new trips expected to be generated by the proposed development are 145 a.m. peak-hour trips (37 entering, 108 exiting) and 178 p.m. peak-hour trips (108 entering, 70 exiting), as shown in **Table 1**.

No pass-by or internal capture trips were assumed. Based upon the trip generation, this project meets the criteria for a Tier 1 project (between 51 and 300 new peak hour trips). Therefore, transportation management strategies are included in this report.

**Table 1: Project Trip Generation**

Land Use	ITE TRIP GENERATION CHARACTERISTICS					DIRECTIONAL DISTRIBUTION		GROSS TRIPS			INTERNAL CAPTURE		PASS-BY CAPTURE		NET, NEW EXTERNAL TRIPS		
	Period	ITE Edition	ITE Code	Scale	ITP Units	Percent		In	Out	Total	%	Trips	%	Trips	In	Out	Total
						In	Out										
Multi-Family Housing Mid-Rise	AM	10	221	401	0.4	26%	74%	37	108	145	0%	0	0%	0	37	108	145
Multi-Family Housing Mid-Rise	PM	10	221	404	0.3	33%	67%	108	70	178	0%	0	0%	0	108	70	178

**Notes**

1. AM Trip Generation Average Rate:  $T = 0.36(X)$
2. AM Trip Generation based upon average rate as  $R^2 < 0.75$
3. PM Trip Generation Average Rate:  $T = 0.44(X)$
4. PM Trip Generation based upon average rate as  $R^2 < 0.75$

add total daily trips

## TRANSPORTATION MANAGEMENT STRATEGIES

To off-set the transportation impacts of the proposed project, transportation management strategies are included for this project. The project is proposing an intensity reduction as the current zoning is commercial. The project is also proposing a density reduction since the density allows for the development of 489 units, but the applicant is seeking approval for 404 dwelling units.

To provide access to the site, offset left-turn lanes will be constructed along US 19. This improvement will allow vehicles traveling on US 19 to make a southbound or northbound u-turn movement and will improve existing conditions as it provides an opportunity for vehicles to make a u-turn in both directions prior to the existing northbound and southbound left-turn lanes at the intersections of US 19 & E Live Oak Street and US 19 & Beckett Way. This is anticipated to reduce the future northbound and southbound u-turns at the adjacent signalized intersections and existing median openings and improve the intersection operations for these movements.

Anclote Harbor Apartments will encourage traffic reduction by promoting a livable community through site design features. The apartments will enable a live-work-play lifestyle and promote a pedestrian friendly design with connected walking paths.

Residents will enjoy access to recreational amenities such as resort style pool, fitness center with yoga, cardio and strength training studios, dog park, grill stations, on-site boat dock access, kayak/canoe launch areas, and walking paths with sidewalk connection to the Pinellas Trail. The project will also enable working-from-home by featuring a co-working inspired business center with large collaborative spaces, private conference room, and private office spaces. The community will feature electric car chargers and foster multimodal transportation by providing bike storage and encouraging ride sharing and resident carpooling programs.

A more detailed plan for implementation of these strategies will be required to be submitted with the Final Planned Development.



## CITY'S TRAFFIC CONSULTANT'S REVIEW COMMENTS OF TRAFFIC IMPACT ANALYSIS REPORT

12. Page 5, Please add the total daily trips to this table to match the table provided in the "Approved Methodology" letter in Appendix A.
13. Page 6, bold the text "Table 1".
14. Figure 3, see redlines attached.
15. Page 11, Please update all references to refer to the 2020 Annual Level of Service Report, not the 2019 report, including the last sentence on the page.
16. Page 16, Please revise the buildout year to 2024 and revise the study accordingly.
17. Page 16, specify what year the traffic volumes in Figure 7 and 8 represent.
18. Pages 17-18, Please revise the titles of Figures 7 and 8 to add "buildout year" and "seasonal."
19. Page 19, add discussion regarding the northern driveway, similar to what is provided for the southern driveway.
20. Page 20, Figure 9. Show and label all road intersections and driveway curb cuts on both sides of the road on this figure.
21. Pages 22 and 23, Please revise the titles of Figures 10 and 11 to add "buildout year" and "seasonal."
22. Page 24, Please add an explanation of the range of level of service values and what the adopted (acceptable) level of service is.
23. Page 27, Notes Synchro Version 10 used. Is there a reason the latest version was not used?
24. Page 28, The Land Development Code provisions referenced here apply to roadway level of service, not intersection level of service. An explanation of acceptable level of service values has been provided on page 27. Please add an explanation of delay and acceptable impact on delay at intersections. Compare the acceptable levels with the projected delay increases added by the project and provide your conclusions with regard to significance of project impacts on intersection delay times.
25. Page 30 and 3. Please correct the parking discussion to match the numbers provided on the plan set and other narratives submitted by the applicant.
26. Page 31, Existing and future transit services are not provided.
27. Page 32 discusses Transportation Management Strategies which are those strategies designed to reduce the potential use of the automobile by project residents. The first two paragraphs discuss operational improvements that do not relate to reduction of automobile use by the residents. The last two paragraphs provide a general overview of transportation management strategies that may reduce automobile use. A more detailed plan for implementation of these strategies will be required to be submitted with the Final Planned Development.
28. Page 33, Please remove the words "up to" from "...include up to 404 multi-family..."
29. Pages 33-34, It is noted that the access management strategies address traffic operations. The remaining items address reduction of automobile use. As mentioned above, a more detailed plan for implementation of these strategies will be required to be submitted with the Final Planned Development.

For any questions or concerns, please call Patricia McNeese, AICP at the City of Tarpon Springs to coordinate a meeting if required with Consultant reviewer.

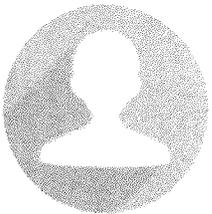
From Costa to John Koulianos

Sep 18 10:49 AM

Did you look at what I sent?



Yes sir



From Costa to John Koulianos

Sep 20 4:34 PM

b. Is there an FDOT document that clearly states "preliminary conceptual approval" has been given for the secondary means of access as presented by the applicant? I have not been able to find anything in this regard. I reviewed the KH/FDOT emails, Mr. Solome's email to Mrs. Tarapani, and Mrs. Tarapani's email to Mrs. Vincent. None mention preliminary conceptual approval.

- *Not to my knowledge. FDOT has seen the concept, but not issued anything in writing indicating a conceptual approval.*

Communications between Commissioner **Costa Vatikiotis**  
and PZ Board Chairman **Merle Seamon** before the  
September 20, 2021 PZ Board hearing

From Costa to Merle Seamon

→ [More info](#)



September 17, 2021 7:24 AM

[merle@belleharbourmarina.com](mailto:merle@belleharbourmarina.com)

[Details](#)

 2 items (177 KB)



Costa wrote:

Here are two more pieces of info that should complete the picture. One is from the spread sheet that states how the project addresses the deficiency. The other is the LDC that stems from the Comp Plan policy.

From Costa to Merle Seamon

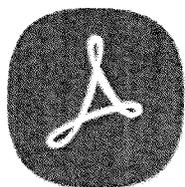
→ **No subject**



September 17, 2021 8:06 AM

merle@belleharbourmarina.com

[Details](#)



11430de2d0847ce...\_2021\_08\_13.pdf

109 KB (100%)

[Save](#)

Costa wrote:

Also, here's the City's consulting traffic engineer's comments comment 27) on page 32 of the Applicant's traffic analysis that I have you yesterday.

Sep 20 9:50 AM

Costa sent to Merle Seamon

- b. Is there an FDOT document that clearly states "preliminary conceptual approval" has been given for the secondary means of access as presented by the applicant? I have not been able to find anything in this regard. I reviewed the KH/FDOT emails, Mr. Solome's email to Mrs. Tarapani, and Mrs. Tarapani's email to Mrs. Vincent. None mention preliminary conceptual approval.
- *Not to my knowledge. FDOT has seen the concept, but not issued anything in writing indicating a conceptual approval.*



Communications between Commissioner **Costa Vatikiotis**  
and PZ Board member **Mike Kouskoutis** before the  
September 20, 2021 PZ Board hearing

Sep 20 7:27 AM

Costa wrote to Mikael Kouskoutis

Welcome back. Please call if you'd like. Good luck tonight. The attachment is Renea's written response to me from last week concerning whether this is approval of a second access.

b. Is there an FDOT document that clearly states "preliminary conceptual approval" has been given for the secondary means of access as presented by the applicant? I have not been able to find anything in this regard. I reviewed the KH/FDOT emails, Mr. Solome's email to Mrs. Tarapani, and Mrs. Tarapani's email to Mrs. Vincent. None mention preliminary conceptual approval.

- *Not to my knowledge. FDOT has seen the concept, but not issued anything in writing indicating a conceptual approval.*



Communications from Commissioner Costa Vatikiotis to  
PZ Board members after the September 20, 2021 PZ  
Board hearing

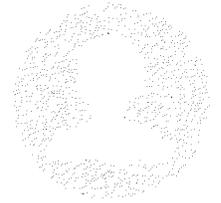
Kouskoutis

Sep 21 7:59 AM

Costa wrote to Michael Kouskoutis:



Well done and thoughtful.



Sep 21 5:22 PM

Costa wrote to Michael Kouskoutis:

<https://www.tampabay.com/news/pinellas/2021/09/21/tarpon-springs-board-votes-against-404-apartments-along-anclote-river/>



Koulianos

Sep 21 5:22 PM

Costa wrote to John Koulianos:

<https://www.tampabay.com/news/pinellas/2021/09/21/tarpon-springs-board-votes-against-404-apartments-along-anclote-river/>

Seamon

Sep 21 5:22 PM

Costa sent to Merle

<https://www.tampabay.com/news/pinellas/2021/09/21/tarpon-springs-board-votes-against-404-apartments-along-anclote-river/>



# EXHIBIT K



Costa Vatikiotis

October 21, 2021 · 🌐

...

To update you on the Anclote Harbor Project, I have received four requests from the Morgan Group's attorney over the past week and a half. I was the only Commissioner for which these requests were made. The first three, in the form of public records requests, were for all my written communications concerning the Anclote Harbor project with anyone since July 10th.

The last, received this morning, was a request in rather dramatic language that I recuse myself from participation in any further Commission hearings concerning Anclote Harbor. This request, based on documents that I provided, claimed "bias" on my part against this project. The request also cited my communications with two Planning and Zoning (P&Z) Board members who contacted me with questions. I responded by providing them with copies of pages from their back-up material for their meeting. I also congratulated three of the P&Z Board members who I know personally after the meeting for their thoughtful decisions (meaning they gave reasons for voting the way they did which does not always happen). In addition, the Morgan Group blames me for the P&Z Board reversing their decision from "approving" to "denying" recommending the project to the City Commission. The City Attorney has advised me that he sees nothing in the Morgan Group's requests that causes concern with my participation in the hearings.

For those of you who know me, and those that don't, it is not in my "ethical DNA" to try to influence someone on how to vote. I also learned a long time ago as a child from my Grandmother Maglia that "telling the truth means never having to remember what you said." I would welcome going under oath on this matter.

Lastly, during the Walmart project hearings in the 2008 timeframe, the Walmart attorney requested the City to recuse six public officials for bias. Two of these were City Commissioners, three were P&Z Board members, and one was a Board of Adjustment member. Of these, one P&Z Board member agreed to recuse himself based on a financial conflict, and another for a conflict where he had claimed that the Walmart project would adversely affect him. The other four public officials participated in their respective hearings. So, these requests for a public official to be recused is nothing new.

The next hearing on the Anclote Harbor project is this Tuesday, Oct. 26th, at 6:30 p.m., in City Hall. You can also watch the meeting on YouTube or cable TV. Thank you.