

1.13.15 #21

TO: The Honorable Chairman and Members of the  
Board of County Commissioners

FROM: James L. Bennett, County Attorney *JLB*

SUBJECT: Authority for the County Attorney to Initiate Litigation to Obtain a Permanent  
Injunction in the Case of Pinellas County v. Sutherland Holdings II, LLC

DATE: January 13, 2015

**RECOMMENDATION:** I RECOMMEND THAT THE BOARD OF COUNTY COMMISSIONERS AUTHORIZE THE COUNTY ATTORNEY'S OFFICE TO INITIATE LITIGATION IN CIRCUIT COURT IN THE ABOVE-STYLED CASE.

**DISCUSSION:** This authorization will include bringing suit against all defendants that may be or become necessary to fully litigate the claims.

In August 2009, the Pinellas County Water and Navigation Control Authority issued a Commercial and Multi-Use Dock Permit to Brian Storman, the Managing Member of Sutherland Holdings II, LLC. The permit authorized Mr. Storman to construct an observation pier at the market/restaurant "I.C. Sharks," located at 13040 Gandy Boulevard N., St. Petersburg, FL 33702. Final inspection of the permitted pier was completed on February 2, 2012. Contrary to the terms of the permit, the Pinellas County Land Development Code, and verbal instructions from County staff to Mr. Storman, a roof and bar was built over the pier, creating a tiki hut, sometime around May 2012. Numerous zoning violations and an unpermitted floating dock were also documented around this time.

After multiple notices of violations were issued to Sutherland Holdings II, LLC, without resolution, the County brought the matter before the Special Magistrate in March 2013. The Special Magistrate ruled in favor of the County on the counts pertaining to the tiki hut and zoning violations, and a lien was placed on the property. Since its imposition, the lien against Sutherland Holdings II, LLC, has accrued to more than \$500,000.00. Despite Pinellas County's efforts, the property remains grossly out of compliance with the County Land Development Code and the Life Safety Code, raising public safety concerns. Most recently in December 2014, the Getaway, a neighboring establishment, filed for an injunction against the property on public nuisance grounds.

All efforts short of an injunction have been exhausted. A mandatory permanent injunction is sought to bring the property into compliance with the County Land Development Code, which most notably includes removing the tiki hut roof and bar. Should the property not be brought into compliance, an order will be requested granting permission for the County to take necessary measures to bring the property into compliance and impose a lien on the property for the cost incurred in doing so.

JLB:BPM

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