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By Michael Van Sickler, Times staff writer

ST. PETERSBURG - Seven years after a botched building permit gave the developers of the Hilton at Carillon Park a \$160,000 tax break, the City Council decided Thursday to see if any other sizable breaks were awarded at taxpayer expense.

The council voted 6-2 to approve an external audit of the city's collection of transportation impact fees. Steve Kornell requested the audit because he was alarmed by the Hilton case.

"I'm concerned we didn't catch everything," Kornell said. "I think the public deserves to know that we are doing things well and managing things well."

The scope of the audit - also approved by Leslie Curran, Jeff Danner, Charlie Gerdes, Wengay Newton and Karl Nurse - will be determined by council in the next month.

New procedures were put in place under former Mayor Rick Baker to prevent further mishaps in November 2008. Kornell wants the audit to look at the years before the new policy was enacted.

Because of the statute of limitations, the Hilton case won't be reviewed again. Kornell allowed that auditors could find that the city in fact overcharged developers and might have to return money.

"I want to do the right thing," Kornell said. "The problem is I don't know what that is because we don't know what happened. We need to know."

In 2007, county auditors discovered that Don Tyre, a city employee, had wrongly given a \$160,000 fee break to the developers of the Hilton at Carillon Park. Tyre said he made no mistake. He told city investigators that he scratched out the correct amount and inserted the lower, incorrect total upon the request of a supervisor.

Yet city investigators showed little initiative in following up. The case wasn't referred to law enforcement. Tyre kept his job and was never disciplined. At least two of the five people Tyre said could have ordered him to make the change said they weren't interviewed in the initial investigation. No notes were taken by the investigator.

In summarizing the case to the City Council, city attorneys characterized the investigation as more thorough than it was. In November the council - with the exception of Kornell and Newton - voted to approve a \$60,000 settlement. But afterward some complained they didn't have all the information, including a subsequent audit that found Tyre and the department had made other errors in impact fee collections.

"I voted for the settlement and I wished I hadn't in hindsight," Curran said. "I want to make sure this doesn't happen again and this isn't swept under the rug."

Council members Jim Kennedy and Bill Dudley voted against the review. It will be hard to get developers to pay fees that weren't collected earlier, Kennedy said, because legally they won't have to pay if the statute of limitations ran out.

"I don't understand the benefit we'd receive from an audit that goes back before the (2008) change in policy," Kennedy said. "When we get there, what do we do with it? It may make nice writing in a newspaper, but it won't give us anything we can do anything with."

But Kornell said the city can go back and collect fees from four years ago.

"It's not just writing in a paper," Kornell said. "All we need to do is find another Hilton and that pays for the audit."

Mayor Bill Foster, who wasn't mayor when the incorrect Hilton impact fee was paid, said he expects the external audit to cost about \$25,000.

Foster said he has nothing to hide, nor does he have an axe to grind. He said he'll support a look back at how the city collected impact fees during the period the council chooses. But he told council members that's he not going to solve any crimes or seek retribution on Tyre.

"If you want me to discipline someone for something they did in 2003, it ain't gonna happen," Foster said.

"I know there's a frustration with not knowing who ordered the code red, like in the movie," Foster said, referring to *A Few Good Men*. "But we can't open ourselves up to a wrongful termination lawsuit."

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