

City of Clearwater

*Main Library - Council Chambers
100 N. Osceola Avenue
Clearwater, FL 33755*



Meeting Minutes

Thursday, March 2, 2023

6:00 PM

Main Library - Council Chambers

City Council

Roll Call

Present: 5 - Mayor Frank Hibbard, Vice Mayor Kathleen Beckman, Councilmember David Allbritton, Councilmember Mark Bunker and Councilmember Lina Teixeira

Also Present: Jennifer Poirrier – Interim City Manager, Michael Delk – Assistant City Manager, David Margolis – City Attorney, Rosemarie Call – City Clerk and Nicole Sprague – Deputy City Clerk.

To provide continuity for research, items are listed in agenda order although not necessarily discussed in that order.

Unapproved**1. Call to Order – Mayor Hibbard**

The meeting was called to order at 6:00 p.m.

2. Invocation – Rev. Dr. Rhonda Blevins from Chapel by the Sea**3. Pledge of Allegiance****4. Special recognitions and Presentations (Proclamations, service awards, or other special recognitions. Presentations by governmental agencies or groups providing formal updates to Council will be limited to ten minutes.) – Given.**

4.1 Youth Arts Month Proclamation, March 2023 - Clearwater Arts Alliance, Inc. Co-Presidents, Roberta Klar and Beth Daniels.

4.2 Irish American Heritage Month, March 2023 Proclamation

5. Approval of Minutes

5.1 Approve the minutes of the February 16, 2023 city council meeting as submitted in written summation by the City Clerk.

Councilmember Allbritton moved to approve the minutes of the February 16, 2023 city council meeting as submitted in written summation by the City Clerk. The motion was duly seconded and carried unanimously.

6. Citizens to be heard re items not on the agenda

Victor McCleskey read a verse from the Bible regarding how one goes

to heaven.

Mr. Holuba said Jennifer Poirrier should not be offered the permanent city manager position, as the City needs someone with outside experience who can promote the reforms needed.

Muhammad Abdur Rahim expressed concerns with the lack of affordable housing in the city and urged Council to agenda the topic and discuss solutions.

Kelly Kelly supported increasing city council salaries.

Beth Davis supported the implementation of attainable housing initiatives and urged Council to list housing resources on the city website and to consider pausing its utility rate increases for renters.

Paul Gagliano said look what happens when the citizens are aware of city meetings. He said Jon Jennings and Jennifer Poirrier are easy to work with.

Nick Carey, Doris Reeves-Lipscomb, Marilyn Turman, Jill Armstrong, Dennis McDermott, George Davis, Rose Ferrell, James Griffith, Jennifer Haithcock, and Gretchen Tweitmeyer, urged Council to address the housing crisis now and supported more affordable and attainable housing options in the city.

Gerry McGuire expressed concerns regarding an alleged concentration camp on Keene Road.

Lisa Lanza said the housing crisis is an issue across the United States, not just Clearwater. She said Clearwater does not have a problem getting candidates and that it is very expensive to run an election campaign if running for an at-large seat.

Eliseo Santana supported more affordable workforce housing options in Clearwater and supported increasing council salaries.

Denise Lugo supported increasing city council salaries and urged Council to seek creative ideas to provide affordable housing.

Lauren Perez shared personal landlord experiences and supported a landlord registry.

Mike Riordon suggested that the City use the funds being requested by the Phillies for affordable housing instead.

7. Consent Agenda – Approved as submitted.

- 7.1** Approve an Event License Agreement between Jones Lang LaSalle Americas, Inc, in its capacity as agent for the owner of the premises known as Countryside Mall, located at 27001 US Highway 19 North, Clearwater, Florida, and the City of Clearwater Police Department for the purpose of hosting a Shred-A-Thon and Operation Medicine Cabinet event on April 22, 2023, located at the Countryside Mall and authorize the appropriate officials to execute same. (consent)
- 7.2** Authorize a purchase order to Municipal Emergency Services (MES) of Pinellas Park, FL, for Personal Protective Equipment for Clearwater Fire and Rescue (CFR) personnel in an amount of \$271,060 for term March 2, 2023 through July 31, 2023, pursuant to Clearwater Code of Ordinances Section 2.563 (1)(c), Piggyback, and authorize the appropriate officials to execute the same. (consent)
- 7.3** Approve a purchase order to PowerNet, Inc. of Cincinnati, OH for software and telephony licensing, maintenance services and professional services for a three-year term beginning April 1, 2023 through March 31, 2026, in the not to exceed amount of \$808,597.42 pursuant to RFP 06-23, and authorize the appropriate officials to execute same. (consent)
- 7.4** Appoint Marquita Humphrey to the Clearwater Housing Authority Board, as the public housing recipient representative, with a term to expire March 2, 2027. (consent)
- 7.5** Appoint Robert Kenne to the Municipal Code Enforcement Board to fill an unexpired term through October 31, 2024. (consent)
- 7.6** Appoint Charlene Harrison, as the Creative Pinellas representative, to the Public Art and Design Board to fill the remainder of an unexpired term through February 29, 2024. (consent)
- 7.7** Reappoint Kelly McLeay to the Library Board with a term to expire March 2, 2027. (consent)

Vice Mayor Beckman moved to approve the Consent Agenda as submitted and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.

Public Hearings - Not before 6:00 PM

8. Administrative Public Hearings

- 8.1** Approve the annexation, initial Future Land Use Map designation of Residential Low (RL) and initial Zoning Atlas designation of Low Medium Density Residential (LMDR) District for 2635 Woodring Drive and pass Ordinances 9659-23, 9660-23, and 9661-23 on second reading. (ANX2021-11018)

This voluntary annexation request was passed on first reading on March 17, 2022 and involves a 0.201-acre property consisting of one parcel located on the southeast corner of Carlton and Woodring Drives. The property is in an enclave and is contiguous to existing city boundaries to the west and south. Second reading of this annexation request was delayed because the applicant was constructing a single-family dwelling on this parcel under the county's jurisdiction. The construction has been completed and a certificate of occupancy issued so second reading can now take place. A Future Land Use Map designation of Residential Low (RL) and a Zoning Atlas designation of Low Medium Density Residential (LMDR) were approved for the property on first reading. Due to the amount of time that has lapsed since that hearing, new ordinance numbers have been assigned to reflect the current year (previous Ordinance numbers: 9537-22, 9538-22 and 9539-22), so a third and final reading will also be scheduled at the March 16, 2023 meeting.

Ordinances 9659-23, 9660-23, and 9661-23 were presented and read by title only.

Councilmember Bunker moved to approve the annexation, initial Future Land Use Map designation of Residential Low (RL) and initial Zoning Atlas designation of Low Medium Density Residential (LMDR) District for 2635 Woodring Drive and pass Ordinances 9659-23, 9660-23, and 9661-23 on second reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Hibbard, Vice Mayor Beckman, Councilmember Allbritton, Councilmember Bunker and Councilmember Teixeira

9. City Manager Reports

- 9.1** Approve agreement for Executive Search Firm Services between the City of Clearwater and GovHR USA for city manager recruiting services, pursuant to Clearwater Code of Ordinances Sec. 2.561(5), Small Purchases, and authorize the appropriate officials to execute same.

In January 2023, an informal request for responses for executive recruiting services was issued to five firms. Two qualified responses were received and evaluated by HR staff. GovHR USA was selected to serve as the executive recruitment firm to handle the recruitment of the City Manager. This agreement

includes the following: development of a position profile, advertising, and candidate outreach, applicant screening and assessment; recommendation of semi-finalists; comprehensive background and reference checks; onsite interviews, and negotiation assistance. The \$26,500.00 authorization is an all-inclusive professional fee, and the timeline from kickoff to candidate appointment is estimated to be 14 weeks. In addition to professional fees, travel will be billed as incurred, with prior approval from the City.

APPROPRIATION CODE AND AMOUNT:

Funds are available in cost code 0109902-530100, professional services, to fund this contract.

Discussion ensued with comments made that conducting a national search is good governance. It was stated that the selected candidate will not start until September and vacant positions will not be filled until then.

In response to a question, the Interim City Manager said the city manager plays a different role in the organization than the Human Resources Director. The City Manager position is more collaborative and she is working on reaching out to employees to explain her new role.

Discussion ensued with support expressed to appoint Jennifer Poirrier as the city manager.

Four individuals spoke in support of appointing Jennifer Poirrier as the city manager.

In response to a question, the City Attorney suggested a motion be made to continue the item indefinitely and then a motion to begin negotiations for the permanent city manager role. He said Council will need to discuss logistics, which can be handled now or during his one-on-ones with Council.

There was consensus to postpone discussions on the logistics to a later date.

Councilmember Teixeira moved to postpone Item 9.1 indefinitely. The motion was duly seconded and carried unanimously.

Councilmember Allbritton moved to start negotiations with Jennifer Poirrier for the city manager position. The motion was duly seconded and carried unanimously.

9.2 Amend the Clearwater Code of Ordinances, Section 28.10, establishing a vehicle safety

zone for Bread and Roses Woman's Health Center at 1560 South Highland Avenue and pass Ordinance 9665-23 on first reading.

The police department has been consistently called upon to respond to Bread and Roses Woman's Health Center at 1560 South Highland Avenue to mediate continuing and recently escalating confrontation between individuals seeking medical services, including abortions, volunteer escorts for individuals seeking those medical services, and protestors. The confrontations have resulted in the department having to respond or dedicate its finite resources to the health center to maintain order, address confrontations, and maintain public safety. The police department has observed protestors repeatedly crossing the driveway of the health center and impeding ingress and egress of vehicle traffic and getting within close proximity of driving cars with the intent to frighten and intimidate the vehicle occupants. Since the driveway to the health center is located on the public right-of-way, trespassing individuals engaged in such behavior is not a remedy available by law.

The police department seeks to amend Clearwater Code of Ordinances, Section 28.10, to establish a five-foot vehicle safety zone that will protect the public in a way that allows for citizens to exercise free speech and for citizens to safely ingress and egress the health center. The vehicle safety zone proposed is a five-foot buffer that will extend north and south of the concrete driveway. The vehicle safety zone would be in place Monday through Saturday, from 7:00 A.M. to 6:00 P.M.

The Court upheld the creation of a content-neutral buffer zone in *Bruni V. City of Pittsburgh*, 941 F. 3d 73 (3rd Cir. 2019) and the City may create a buffer zone when the City demonstrates a substantial or important governmental interest in a narrowly tailored way or in a way that does not substantially burden more speech than necessary. The proposed buffer zone preserves the protestors' ability to make their views known, seen, and heard by persons entering and exiting the clinic.

The Council recessed from 7:50 p.m. to 8:02 p.m.

In response to questions, the City Attorney said the proposed ordinance is modest and will survive a judicial challenge. The ordinance does not prevent protestors from being heard. He said the ordinance protects patients by providing safe access to the health center.

Eight individuals spoke in opposition.

Twelve individuals spoke in support.

Ordinance 9665-23 was presented and read by title only.

Councilmember Bunker moved to amend the Clearwater Code of Ordinances, Section 28.10, establishing a vehicle safety zone for

Bread and Roses Woman's Health Center at 1560 South Highland Avenue and pass Ordinance 9665-23 on first reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Hibbard, Vice Mayor Beckman, Councilmember Allbritton, Councilmember Bunker and Councilmember Teixeira

- 9.3** Appoint an individual to the Community Development Board to fill an unexpired term through February 29, 2024 and an individual with a term to expire March 2, 2027.

BOARD: Community Development Board

TERM: 4 years

APPOINTED BY: City Council

FINANCIAL DISCLOSURE: Yes

RESIDENCY REQUIREMENT: City of Clearwater

MEMBERS: 7 & 1 alternate

CHAIRPERSON: Mary Lau

MEETING DATES: 3rd Tues., 1:00 p.m.

PLACE: Main Library

APPTS. NEEDED: 2

SPECIAL QUALIFICATIONS: Board shall include members qualified and experienced in the fields of architecture, planning, landscape architecture, engineering, construction, planning & land use law and real estate.

THE FOLLOWING ADVISORY BOARD MEMBERS HAVE RESIGNED OR HAVE AN EXPIRED TERM WHICH NOW REQUIRES NEW APPOINTMENTS:

1. Darrell Flanery - 1836 Venetian Point Dr. Clearwater, 33755 - Professional Engineer
Original Appt: 2/18/2016
(was serving 2nd term set to expire 2/29/2024)
Resignation Date: 1/27/2023
2. Mary Lau - 215 Windward Passage Clearwater, FL 33767 - Atty/Mediator/Arbitrator
Original Appt: 2/19/15
(currently serving 2nd term set to expire 2/28/2023)

THE FOLLOWING APPLICANT IS BEING CONSIDERED TO FILL THESE VACANCIES:

1. Diane Achinelli - 904 Brigadoon Dr., 33759 - Senior Project Administrator
2. Brynn Dauphinais - 3230 Mulberry Dr., 33761 - Planner
3. Samuel Hutkin - 755 Eldorado Avenue, 33767 - Consultant commercial real estate

Currently serving as the Alt member (Appointed 4/7/22)

Absences - 6/2/22, 7/19/22, 9/20/22, 2/21/23

4. Andrew Hupp - 745 Bay Esplanade, 33767 - Member Manager

Zip Codes of current members:

1 at 33755

1 at 33756

1 at 33761

1 at 33764

4 at 33767

Current categories:

General Contractor

Professional Engineer

Engineer

Alt Member Consultant - commercial real estate

Attorney/Mediator/Arbitrator

Construction and Real Estate

Real Estate Broker/Developer

Corporate General Counsel

Vice Mayor Beckman moved to appoint Brynn Dauphinais to the Community Development Board for a term expiring March 2, 2027. The motion was duly seconded and carried unanimously.

Vice Mayor Beckman moved to appoint Diane Achinelli to the Community Development Board for an unexpired term through February 29, 2024. The motion was duly seconded and carried with the following vote:

Ayes: 4 - Mayor Hibbard, Vice Mayor Beckman, Councilmember Bunker and Councilmember Teixeira

Nays: 1 - Councilmember Allbritton

- 9.4** Appoint an individual to the Airpark Advisory Board to fill the remainder of an unexpired term through April 30, 2025.

BOARD: Airpark Advisory Board

TERM: 4 Years

APPOINTED BY: City Council

FINANCIAL DISCLOSURE: Not required

RESIDENCY REQUIREMENT: City of Clearwater
SPECIAL QUALIFICATIONS: None
MEMBERS: 5 + 1 Ex Officio member
CHAIRPERSON: Kelli O'Donnell
MEETING DATES: Quarterly (1st Wed.) - Feb., May, Aug., Nov.
PLACE: Chambers - 3 p.m.
APPOINTMENTS NEEDED: 1

THE FOLLOWING ADVISORY BOARD MEMBER HAS RESIGNED AND NOW REQUIRES AN APPOINTMENT FOR AN UNEXPIRED TERM:

1. Greg Art - 2973 Hillcreek Circle South, 33759
Original Appointment: 1/12/2023
(was serving an unexpired term through 4/30/25)
Resignation Date: 2/2/2023

THE NAMES BELOW ARE BEING SUBMITTED FOR CONSIDERATION TO FILL THE ABOVE VACANCY:

1. Kevin Boyden - 521 Mandalay Ave., 33767 - Retired, Director of Operations
2. Thomas Crockett - 3239 Hyde Park Dr., 33761 - Retired, Federal Aviation Administration
3. Travis Norton - 310 Kerry Dr., 33765 - Advocacy Manager
4. Dennis Roper - 2745 Enterprise Rd. East, 33759 - Aircraft Airworthiness Inspector

Zip codes of current members on board:

- 1 at 33755
- 1 at 33759
- 1 at 33761
- 1 at 33763
- 1 at 33764
- 1 at 33765

Vice Mayor Beckman moved to appoint Thomas Crockett to the Airpark Advisory Board to fill the remainder of an unexpired term through April 30, 2025. The motion was duly seconded and carried unanimously.

9.5 Create a City Council rule relating to the receipt and acknowledgement of citizen comments submitted electronically and adopt Resolution 23-04.

During the Covid-19 pandemic, an informal practice arose in which the City Clerk read each citizen comment that has been submitted electronically prior to the meeting in order to promote citizen engagement during a time when in-person meetings had been suspended. Although in-person meetings have been reinstated, the City Clerk has continued this practice.

The current Council rules do not define the process by which comments submitted in advance of public Council meetings are to be received or acknowledged. iLegislate, the electronic system in use, is capable of receiving and categorizing these comments, so this process is no longer necessary. This proposed rule provides that any citizen who submits electronic comments by 5:00pm on the calendar day prior to a council meeting at which official action is to be taken, when said comments are designated specifically for the next council meeting, will be acknowledged by name. The Chair shall read the citizen's name phonetically, unless the citizen has indicated a different pronunciation. The Chair shall not read the citizen's comment aloud, but shall verbally confirm with the City Clerk that each citizen comment has been received into the record.

One individual questioned if received comments would be included in the record.

The City Clerk said yes, the comments would be added to the meeting minutes.

One individual submitted an eComment in opposition (see page 14).

One individual spoke in opposition.

One individual suggested a word count limit on eComments.

Resolution 23-04 was presented and read by title only.

Councilmember Teixeira moved to create a City Council rule relating to the receipt and acknowledgement of citizen comments submitted electronically and adopt Resolution 23-04. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Hibbard, Vice Mayor Beckman, Councilmember Allbritton, Councilmember Bunker and Councilmember Teixeira

10. City Attorney Reports

11. Closing comments by Councilmembers (limited to 3 minutes)

Councilmember Allbritton said PSTA's free park and ride will run March 1, 2023 through April 30, 2023, to provide transportation to Clearwater beach during spring break.

Vice Mayor Beckman thanked all who attended the meeting. She reviewed upcoming events and encouraged all to take the Coachman Park resident survey on the City's website. She said to contact Brian Shroyer with FDOT

regarding Drew Street improvements. She invited all to attend the Continuum of Care meeting on March 8, 2023, in person or via Zoom, to learn more regarding the efforts to eliminate and reduce homelessness and advocate for social services.

Councilmember Bunker said a Tampa judge told David Miscavige to consider himself served with a Notice to Appear after hiding from process servers.

Councilmember Teixeira said she attended a couple events in honor of Women's History Month. She threw out the first pitch at the Tax Act Softball Invitational and attended Clearwater Historical Society's Trailblazing Women exhibit.

12. Closing Comments by Mayor

Mayor Hibbard reviewed recent and upcoming events. He congratulated the Jolley Trolley for their 40-year anniversary and added that Clearwater won the Mayors Challenge against the Blue Jays, again..

13. Adjourn

The meeting adjourned at 9:28 p.m.

Attest

Mayor
City of Clearwater

City Clerk

City Council on 2023-03-02 6:00 PM

Meeting Time: 03-02-23 18:00

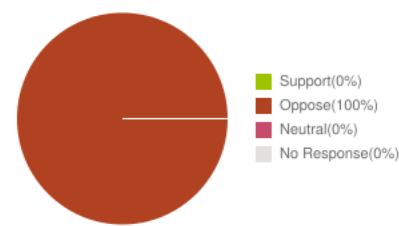
eComments Report

Meetings	Meeting Time	Agenda Items	Comments	Support	Oppose	Neutral
City Council on 2023-03-02 6:00 PM	03-02-23 18:00	31	1	0	1	0

Sentiments for All Meetings

The following graphs display sentiments for comments that have location data. Only locations of users who have commented will be shown.

Overall Sentiment

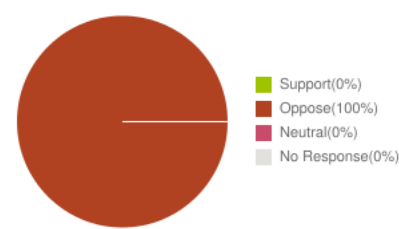


Agenda Name	Comments	Support	Oppose	Neutral
9.5 23-04 Create a City Council rule relating to the receipt and acknowledgement of citizen comments submitted electronically and adopt Resolution 23-04.	1	0	1	0

Sentiments for All Agenda Items

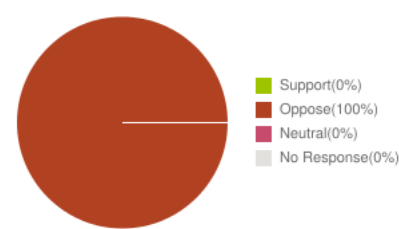
The following graphs display sentiments for comments that have location data. Only locations of users who have commented will be shown.

Overall Sentiment



Agenda Item: eComments for 9.5 23-04 Create a City Council rule relating to the receipt and acknowledgement of citizen comments submitted electronically and adopt Resolution 23-04.

Overall Sentiment



Kathy Flaherty

Location:
Submitted At: 4:57pm 03-02-23

I think the Council should embrace all means of hearing from their constituents. Many people want their voice to be heard at the meeting but cannot attend in person - some have health issues, work issues, transportation issues, child care issues etc and having their comments read allows their voice to be heard a the meeting.

Some of these comments are very important and need to be heard and having that taken away is not good.

I know personally how it feels to have one's voice shut. At the August 15, 2022 CRA meeting, I sent in an e comment regarding the contract between the CRA and the DDB, it was done within the published rules and was to be read by the Clerk. At that meeting, for no apparent reason, Trustee Hibbard cut my ecomment to 3 minutes - cutting off the end of my comment. The most important part.

I want the end of my comment read into the record before the Council takes away a great communication tool for the City and its constituents. The Clerk cut off my comment right after listing the 25 plus job responsibilities of the CRA staff to the DDB. I asked for basic oversight of the hundreds of thousands of dollars of restricted TIF funds and CRA staffing hours.

Here is the end of the comment.

This is a lot of staffing responsibilities for the CRA staff that is supposed to mitigate blight full time. This is a contract for services- the CRA pays and then staffs the DDB so the DDB can promote their members' properties inside the CRA Downtown District.

The CRA pays the DDB for promotional services that it can't provide unless the CRA staffs them. The CRA staff does not track the time worked for the DDB so there is no account of time spent on CRA blight mitigation vs DDB administration either. There needs to be accountability for the time and measured results for the funds spent if this is approved.

That was what was cut off. This contract was approved by the CRA Trustees on September 12, 2022. The main reason for the approval of paying the DDB and staffing the DDB was because the DDB had a lot of funds to spend.

Cutting reading of ecomments is just wrong direction for this council - actually hearing the ideas and opinions from the community is a good thing. If the comment contains foul or derogatory language- then don't read it.