

City of Clearwater

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



Meeting Minutes

Monday, March 27, 2023

1:30 PM

Special Meeting

Main Library - Council Chambers

City Council

Rollcall

Present: 4 - 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

The meeting was called to order at 1:30 p.m.

Vice Mayor Beckman thanked Council and staff for their ongoing collaboration and thanked those in attendance and those who have written or contacted her. She encouraged all to be engaged and well-informed. She said Council and staff have and will continue to have extreme focus on cost management. Energy cost savings helped lower the millage last year and repair sidewalks after years of neglect. She said the reserves are well funded, providing a safety net for unexpected costs and long-term planning. Expect to see a balanced prudent budget as in the past.

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

Mr. Holuba believed a new city hall should have been a number one priority, instead of \$84 million park renovation and recommended the City stop funding charities that are associated with the Police Chief. He expressed concern with the estimated cost associated with a public records request he made related to Vice Mayor's Newsletter email distribution list.

Rudy Michalek said the city manager has a lot of items on her desk and the community wants to be responsive to her needs and making sure she has the support of the Council in terms of direction. He said the work sessions provide an opportunity for Council to provide direction on where the City needs go.

Mike Riordon expressed concerns with divulging email addresses via a

public records request.

Marita Lynch reminded everyone that a few years ago a referendum question was placed before Clearwater voters regarding implementing a strong-mayor form of government and the people voted it down. She said the citizens do not want a mayoral centric government.

3. City Attorney Reports

3.1 Discuss and potentially appoint an individual to fill the vacancy in Council Seat 1 (Mayor)

Due to the Mayor's resignation on March 21, 2023, the City Council will discuss next steps to fill the vacancy.

Per City Charter, Section 2.07(c), Council should fill the vacancy by majority vote within 30 days after the vacancy. The appointed individual shall possess all the qualifications required of a councilmember by law and shall serve until the next regular or special election.

If a special election becomes necessary for any reason, the Pinellas County Supervisor of Elections has confirmed that they can hold a special municipal election as early as November 7, 2023, and the cost will be approximately \$166,526.84. The special election, if one becomes necessary, would fill the seat until the results are certified from the March 2024 municipal election.

14 individuals supported appointing Vice Mayor Beckman as mayor.

Ten individuals supported appointing Brian Aungst, Sr. as mayor.

One individual supported the will of Council, as they would support either Vice Mayor Beckman or Brian Aungst, Sr. as mayor.

One individual supported a special election.

Discussion ensued with comments made that the individual appointed should have experience in the position and should be dedicated to the community. Support was expressed to appoint Vice Mayor Beckman as mayor. A comment was made that appointing a member of Council to the position would be the most prudent thing to do and that in this form of government previous mayoral experience is not necessary.

The City Attorney said when he learned there was some interest in

appointing Mr. Aungst, Sr., he started thinking about how to navigate the ethics issues as it relates to his son's involvement with various real estate deals in the city. Brian Aungst, Jr. represents a wide array of property owners and developers. In the event Mr. Aungst, Sr. is appointed mayor, both have assured him that 1) public recusal from any matters involving McFarland Ferguson Law Firm (under the ethics provisions in Florida Statutes) and 2) there will be no behind the scenes direction, interaction, or instruction relating to Mr. Aungst, Jr.'s client. He said Mr. Aungst, Sr. has indicated he does not intend to seek reelection in 2024; there is no charter or legal requirement that a person refrain from reelection. The City Attorney said he has confirmed, in writing, that Mr. Aungst, Sr. will not seek reelection in March 2024. Mr. Aungst, Jr. has indicated that he will not participate in the March 2024 municipal election (i.e., fundraising, political expenditures, political committee, etc.). Any matters presented to City Council involving the MacFarland Ferguson Law Firm, Mr. Aungst, Jr. would have to recuse himself from the vote; another lawyer from the law firm would have to handle the case.

In response to questions, the City Attorney said although not legally binding, Mr. Aungst, Sr. has committed in writing that he would not run for reelection. The City Clerk said Kathy Flaherty sent Council emails expressing an interest in the appointment.

The City Attorney said the City Clerk will coordinate the swearing-in date with Mr. Aungst for some time after April 4, 2023.

Councilmember Allbritton moved to appoint Brian Aungst, Sr. as mayor. The motion was duly seconded and carried unanimously.

4. City Manager Reports

The City Manager said the project list that was discussed at the strategic planning session was a priority list, not a budget list or an approved deficit to operate from. The list was a total estimated cost of projects that have not been fully vetted. She said the list included projects that are not funded through the general fund. She said the \$49 million ADA Transition Plan did not include any of the work that has already been done. The projects will be vetted through staff as part of the budget process.

5. Adjourn

The meeting adjourned at 3:10 p.m.

Attest

Mayor
City of Clearwater

City Clerk

Draft