

September 2, 2014

5:30 PM

The City Council of the City of Inverness met on the above date in Regular Session at 212 W. Main Street with the following members present:

President Hinkle

Vice President Hepfer

Councilwoman Bega

Councilman McBride

Councilman Ryan

Mayor Plaisted

Also present were City Manager DiGiovanni, City Attorney Haag, Asst. City Manager Williams, Public Works Director Cottrell, and City Clerk Davis.

The Invocation was given by Councilman McBride and the Pledge of Allegiance was led by the City Council.

#### **ACCEPTANCE OF AGENDA**

**Councilwoman Hepfer motioned to accept the Agenda as presented. Seconded by Councilman McBride. The motioned carried.**

#### **PUBLIC HEARINGS**

4)a) Land Acquisition Ordinance (2<sup>nd</sup> Reading) was addressed by City Manager DiGiovanni who advised this represents the second reading of an Ordinance governing Land Procurement by the City, and explained the merits, legal considerations, and benefit of a locally structured policy for the purchase of real property. This gives local government (City of Inverness) the ability to follow its protocol with respect to acquisition of real property. Absence of this ordinance, we would fall under Florida Statutes, which are costly. A Public Hearing has been duly advertised and the matter is ready to proceed toward adoption on the second reading.

**Councilman McBride motioned to have City Clerk Davis read the Ordinance 2014-705 by title only. Seconded by Councilwoman Hepfer. The motion carried.**

ORDINANCE NO. 2014 -705

AN ORDINANCE OF THE CITY OF INVERNESS, FLORIDA, PROVIDING FOR PROCEDURES FOR THE ACQUISITION OF REAL PROPERTY BY THE CITY FOR MUNICIPAL PURPOSES; PROVIDING FOR THE POWERS OF THE CITY MANAGER; PROVIDING FOR APPROVALS BY THE CITY COUNCIL; PROVIDING FOR APPRAISALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND, PROVIDING FOR AN EFFECTIVE DATE.

**The Public Hearing was opened.**

**For: Gustavo Fonseca & Sophia Diaz Fonseca** addressed Council with regard to the ½ mill tax increase.

**City Manager** explained this Public Hearing was for the Ordinance and not the open Public Hearing.

**Sophia Diaz Fonseca** apologized for her misunderstanding. She then stated she was glad this ordinance is being added. Several assessments are a good thing and reflects what's going on with the State and County.

**Against: None**

**The Public Hearing was closed.**

**Councilwoman Hepfer motioned to approve Ordinance 2014-705 on the second reading, by title only. Seconded by Councilman Ryan. Roll call vote was as follows:, Councilman Ryan, yes; Councilwoman Bega, yes; Councilman McBride, yes; Councilwoman Hepfer, yes; President Hinkle, yes. The motion carried.**

**4)b) Flood Map Ordinance (2<sup>nd</sup> Reading)** was addressed by City Manager DiGiovanni who noted the previous presentation by representatives of SWFMD regarding new Flood Insurance Rate Map (FIRM) which has been modified by SWFMD in the evaluation of the historical weather events, lake levels, etc. City government was urged to adopt an ordinance to support the updated maps, which keeps this community eligible for Flood Insurance within the National Flood Insurance Program (NFIP). This program provides city residents and businesses NFIP-backed Preferred Risk Policy (reduced) insurance premiums. A Public Hearing has been advertised for public input.

**Councilwoman Bega motioned to have City Clerk Davis read the Ordinance 2014-704 by title only. Seconded by Councilwoman Hepfer. The motion carried.**

ORDINANCE NO. 2014 - 704

AN ORDINANCE OF THE CITY OF INVERNESS AMENDING THE CODE OF ORDINANCES FOR THE CITY BY TOTAL REPEAL AND REPLACEMENT OF PART II CHAPTER 9.5 FLOOD DAMAGE PREVENTION; PROVIDE FOR ADOPTION OF FLOOD HAZARD MAPS THAT ARE EFFECTIVE SEPTEMBER 26, 2014; PROVIDE FOR THE DESIGNATION OF A FLOODPLAIN ADMINISTRATOR; PROVIDE FOR ADOPTION PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS AND OTHER PURPOSES; PROVIDE FOR APPLICABILITY; PROVIDE FOR REPEALER; PROVIDE FOR SEVERABILITY; PROVIDE FOR AN EFFECTIVE DATE.

**The Public Hearing was opened.**

**There was no one who spoke for or against the ordinance**

**The Public Hearing was closed.**

**Councilwoman Hepfer motioned to approve Ordinance 2014-704 on the second reading, by title only. Seconded by Councilman Ryan. Roll call vote was as follows:, Councilman Ryan, yes; Councilwoman Bega, yes; Councilman McBride, yes; Councilwoman Hepfer, yes; President Hinkle, yes. The motion carried.**

#### **OPEN PUBLIC MEETING**

**Gustavo Fonseca**, 920 Turner Camp Road, Inverness, and business owner and business owner representing the Masonic Business Center addressed council. He stated that he feels there is a municipal need for properties to function, but has seen in the past several years the city becoming the largest landlord of the city. He has had people wishing to rent from him, then learns they are provided property by the City and feels the City is

competing against him, a tax paying business. Mr. Fonseca questioned the City Attorney regarding the competition for purposes that are not to manage the need of the municipality. There are houses being bought by the city and turned around to be rented. He questioned how his taxes will come down when city is taking his income.

**Attorney Haag** stated the city has power to lease their properties under City Code and City Charter. With respect to the property taxes, that is a function of Tax Appraiser's Office. Leasing City property is a policy decision and council has that option.

**Mr. Fonseca** hoped to convey to the Council this is hurting local businesses.

**Sophia Diaz-Fonseca**, 920 Turner Camp Road, Inverness, and business owner referenced the ½ mill increase proposed on the budget and believes it is unwarranted and puts undue burden for business owners. She spoke to the original plan when the City Government Center was built for future City services and departments. There are maintenance costs when a building is not occupied. She appreciates the building being filled and less maintenance cost. The City has turned to leasing and building out office space for non-profits, and unfortunately creates a competition with her and other local businesses. She spoke of a non-profit who now leases one of the houses owned by the city, and had come to her regarding leasing office space. Another reason to not add the ½ mill increase to next budget, as Citrus Memorial owns 30% of commercial properties will become a for-profit Hospital and will go back onto tax rolls. This increase will be burdensome to business but if kept at what it currently is, it will help through these areas until times get better.

**Council President Hinkle** explained why the hospital could not be figured in as we were not sure if the sale was going to conclude.

**Attorney Haag** stated that properties are assessed as of January 1, and any increased revenue from hospital transaction will not occur until the next fiscal year, 2015/2016.

### **SCHEDULED APPEARANCES**

**6)a) Sheriffs Department - 6 Mos. Crime Statistics** was presented by Captain Jason Ferrara referencing the handout provided by the Sheriff's office. Last year was an incredible year and down 22%, but this year we had a small spike in residential and commercial burglaries. Calls for service increased and hopefully the call system is reporting correctly. Traffic calls are the most prevalent.

**Council President Hinkle** questioned what was incorporated under miscellaneous incidents, as it had increased. **Captain Ferrara** stated that any crimes that didn't fall under specific headings would be considered miscellaneous.

**Councilman McBride** commented that we have a large number of seniors in our area and many don't get daily newspaper, and don't keep up with what's going on. Had previously asked when boil water notices, burglaries, scammers, etc. come about, and questioned if that couldn't be transmitted to citizens by the Code Red System. **Captain Ferrara** stated it has been used in isolated areas for certain things, but not county wide. He would look into that.

**Councilwoman Hepfer** referenced page 5 to clarify the arrests from January to June were up from last year. But this doesn't mean crime has gone up, but more were arrested during that time. **Captain Ferrara** stated this is due to more proactive officers.

## **MAYOR'S LOCAL ACHIEVEMENT AWARDS**

None

## **ATTORNEY REPORT**

Attorney Haag complimented the Sheriff Dept., noting how he and his wife have been victims of burglary twice. With cooperation he has had belongings returned to him and they have great track record.

## **CONSENT AGENDA**

**Councilwoman Hepfer motioned to accept the Consent Agenda. Seconded by Councilman McBride. The motion carried.**

- a) Bill Listing\*
  - Recommendation – Approval
- b) Council Minutes – 08/19/14\*
  - Recommendation - Approval
- c) Proclamation – “Child Passenger Safety Week”\*
  - Recommendation – Approval
- d) Repurchase of Cemetery Lot – Lot 323, Southwest Addition\*
  - Recommendation – Approval

## **CITY MANAGER'S REPORT**

**10)a) Christmas Parade –Road Closure Approval** was addressed by City Manager DiGiovanni noting the correspondence from the Chamber of Commerce which requires City Council confirmation and approval by FDOT for the closing of Main Street (Hwy 44/41) through Inverness, and takes place Saturday, December 13<sup>th</sup>, 2014. **Councilwoman Bega motioned to acknowledge that the City will host and accommodate the parade on December 13<sup>th</sup>, 2014, on the FDOT 41/44 roadway through town and accordingly support a temporary closure of the road for this purpose. Seconded by Councilwoman Hepfer. The motion carried unanimously.**

**10)b) School Traffic Control Agreement 2014/15** was addressed and City Manager DiGiovanni noted that the enclosed agreement is structured for the City of Inverness to fund Crossing Guards at a cost of \$15,708, which is allocated in the ensuing budget, and be applied during the 2014-15 School Year. Crossing Guard traffic crossings will be located at the following school facilities: (Hwy 41/44) Main Street & Line Avenue; and Ella Avenue & Middle School Drive.

**Councilman Ryan motioned to approve the Inter-Agency Agreement for School Crossing Guards for the 2014-15 School year and authorize the Council President to execute the document. Seconded by Councilwoman Bega. The motion carried unanimously.**

**10)c) Law Enforcement Services Agreement 2014/15\***was addressed by City Manager DiGiovanni. This arrangement started many years ago when the city had a Police Dept. and engaged into an Inter-agency Agreement with the Sheriff's Dept. in 2004. At that

time it came at a cost of \$1M to \$1.1M. In 2011 there were changes with downturn in economy. The effects of the recession are not going to leave this area or state for 8-10 years due to Save Our Homes. In 2011 Council agreed to lessen the amount that was being spent the Sheriff's Department. He provided the Agreement from 2011 with language that is very different from the current agreement in the agenda packet. The original agreement, the Staffing Levels/ Community Resource Officers and statements clarify what the payment by the City would bring to the community. He suggested to City Council that we meet with the Sheriff's office representatives and make this work. The money appropriated (\$750,000) in this year's budget has been discussed as appropriate to provide service above and beyond what is provided by County. This letter needs to further delineate a better understanding of what this provides, ie; vehicles, etc. In speaking to the Agreement submitted by the SO, there is no problem with language but it differs from original contract. He didn't understand page 3 regarding Sheriff services, less patrol. He fears this may be looking at our contribution as the patrol car, but we already pay for that. Regardless of what is discussed, we need clear delineation of where that money is going.

**Council President Hinkle** agreed we need clarification to know what the numbers are and how this fits into citizens taxes.

**Councilwoman Bega** asked for clarification between the different agreements clarification. City Manager stated he wanted to bring these agreements forward to try to point out the current compared to prior, that is less clear in what the amount of money brings forward. **Councilwoman Bega** clarified what was received in agenda packet is more of a proposal reflecting what we had.

**Councilwoman Hepfer** questioned how long this may take, with City Manager confirming this will not interrupt services.

**Councilman Ryan** questioned payment schedule on the agreements with City Manager stating the Sheriff's office may be more comfortable with monthly payments.

**City Attorney Haag** questioned if the plan was to come up with new agreement for 2015/16 or 2014/15 with City Manager confirming 2014/15.

**Councilman McBride** commented positively on clarity and transparency. He referenced the county document dated 6/10/14.

**10)d) SS Solutions Agreement\*** and **10)e) City Manager Agreement\*** was addressed with City Manager DiGiovanni combining items 10)d) and 10)e) and stated the agreement will terminate September 30<sup>th</sup>, 2014 for manager services. He will have a new agreement effective 10/1/14, for Council to vote and move forward in the next agenda packet.

**Councilwoman Bega motioned to terminate the SS Solutions Staffing Agreement for City Manager Services, effective September 30, 2014. Seconded by Councilwoman Hepfer. The motioned carried unanimously.**

**10)f) 9 Point Inter-Local Agreement (verbal) with regard to: Land Swap; AmeriGas; and the Business Park** with City Manager DiGiovanni referencing the AmeriGas facility and past discussions with home owners associations along Forest Drive. Residents were concerned with safety and aesthetics for the community. There have been several conversations with the County regarding the removal of this. In addition to this, a land swap was started when the county wanted an easement near the

sewer plant property and he spoke to history of how this came about and noted what this will mean if it occurs. He referenced the business park and the benefits to the City such as connecting the Rails to Trails to Whispering Pines Park and connecting many residents on Forest Drive to the bicycle trail. He noted that the Land Swap, which was advertised in the legal section of the Citrus County Chronicle to be discussed at the next BOCC meeting, was to happen without an agreement with the City. The nine point agreement was developed and adopted by City and presented to County which never was approved by the County. The position of the City regarding this agreement is it combined nine items of mutual interest, and is not to be divided, as this agreement represents the best course and interest of the citizens. We think it prudent that the nine point agreement move forward in whole for the two governments to work together.

**Councilwoman Hepfer** stated our intentions were good and when nothing happens it is disappointing. She also addressed the sunshine law and ethics.

**Councilman Ryan** agreed with keeping the agreement whole is important and will have leverage. He thought there was agreement when Council left the BOCC Chambers to move forward, and it stopped.

**Councilwoman Bega** agreed it should be discussed as a whole. It's for the benefit of everyone.

**Councilman McBride** supported the idea to keep whole. This is an opportunity for the BOCC to demonstrate character, integrity and willingness to do the right thing for the benefit of the entire County.

**Council President Hinkle** spoke to the recent WRPC meeting and that Dennis Damato presented map of bike trailheads. The BOCC needs to move forward on each of the items in the Interlocal, regardless of the election, and for the good of the community.

**City Manager DiGiovanni** noted staff will be at the BOCC meeting next week to remind them we are here to work with them.

### **COUNCIL/MAYOR SUBJECTS**

**Mayor Plaisted** commended Captain Ferrara and the Sheriff's Office for all they do. Council did well in the election which shows the confidence this community has in this Council. Attended the DAR (Daughters of the American Revolution) to issue a proclamation for Constitution Week and spoke with them on getting involved with the Flag Day Ceremony.

**Councilman McBride** congratulated Candidates Carnahan and Kitchen in the recent election for the BOCC. Our hope is to have excellent relationship with County Commission.

**Councilwoman Bega** expressed her respect and appreciation to the Sheriff's Dept. and spoke to past and upcoming events.

**Councilman Ryan** spoke of attending the Honor Flight breakfast and an honor to be in the same room as these gentlemen. He praised the Sheriff's Dept. He attended the Rock the Courthouse and got rocked by Mother Nature, but was still a great event.

**Councilwoman Hepfer** thanked the Sheriff's Office and is pleased to be a part of this Council.

**Council President Hinkle** spoke to the electoral process and how it's tough to pass new taxes in your election year. Commended all who ran in the recent election and the effort put into it. Praised the Sheriff's Dept. and noted that 9/11 events are coming up.

**CITIZENS NOT ON AGENDA**

**Brad Gibbs, resident and downtown businessman** provided an update on the brick pointing project on 101 Main Street and that a final coat of sealer will be done tomorrow. There have been all positive comments. Curtiss Bryant Photography from Lecanto will be new business in the downtown that will move into 105 Main Street. Project was a success.

**A.B. Sosnicki** congratulated and thanked those that had the propane tanks removed from Forest Drive and people are now safe. He spoke of a propane tank fire years ago next to the Masonic building and what it destroyed.

**George Gouldborne of Inverness** questioned businesses in town that have propane tanks outside of their businesses and we should look into that for reasons of safety.

**Council President Hinkle** noted the public hearing for the adoption of Budget this Thursday, September 4<sup>th</sup> at 5:01.

Meeting Adjourned at 7:02pm

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City Clerk

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Council President