

April 7<sup>th</sup>, 2015  
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 Hepfer  
Vice President Ryan  
Councilwoman Bega  
Councilman McBride  
Councilman Hinkle  
Mayor Plaisted

Also present were City Manager DiGiovanni, City Attorney Haag, Asst. City Manager Williams, Community Development Director Malm, Finance Director Chiodo, 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**

Council President Hepfer noted a change of the Agenda to move item 7) a) **Mayor's Local Achievement Awards** to precede item 4)a **Public Hearing**. **Councilman McBride motioned to accept the Agenda with noted change. Seconded by Councilwoman Bega. The motioned carried.**

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

**Proclamation Presentation – "National Service Recognition Day"** - Mayor Plaisted presented to Laurie Diestler, NCVC Supervisor for Citrus County, a Proclamation for a nationwide engagement of citizens to improve lives and strengthen communities to support the Mayors Day of Recognition for National Service on April 7<sup>th</sup>, 2015.

#### **PUBLIC HEARINGS**

**4)a) E-Cigarette Ordinance (2<sup>nd</sup> Reading)** - Council President Hepfer addressed the Ordinance asking for a motion to read by title only. **Councilman Hinkle motioned to read Ordinance 2015-709 by title only. Seconded by Councilman Ryan. The motion carried.**

ORDINANCE NO. 2015 - 709

AN ORDINANCE OF THE CITY OF INVERNESS, FLORIDA, PROHIBITING THE USE OF E-CIGARETTES IN PUBLIC BUILDINGS OWNED AND CONTROLLED BY THE CITY OF INVERNESS; PROVIDING FOR FINDINGS; PROVIDING FOR DEFINITIONS; PROVIDING FOR ACTIVITIES PROHIBITED; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTIES; PROVIDING FOR THE REPEAL OF INCONSISTENT ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; AND, PROVIDING FOR AN EFFECTIVE DATE.

Council President Hepfer opened the Public Hearing

Speaking for the Ordinance : None

Against the Ordinance:

**Kevin Skipper**, 7140 Maysville Ct., Wesley Chapel, FL, the President of VISTA Truth, Inc., a Florida based Vaping Industry Alliance addressed Council. He appreciates what Council was doing for their constituents in the City of Inverness, however felt the Ordinance is misdirected with misinformation based on the language and hopes they will table this action, until their organization could provide Council better information at a public workshop, and help develop an Ordinance more appropriate for the City. He has a problem with the insinuations that this is similar to tobacco and smoking, which is actually the largest tobacco harm reduction product the world has ever known. The City could accomplish this by putting signs at the entrances to public buildings saying no vaping or electronic cigarettes allowed. He asked that they consider removing all the smoking, tobacco references, and nicotine references and simply say use of electronic cigarettes inside the city owned public buildings is not allowed. Perception itself has never killed anyone, however tobacco products have, and the person vaping has made a life altering decision to use non tobacco products to help them stay off of tobacco products.

**Jeff Connell**, 3392 Cedar Crest Loop, Co-owner of INNEVAPE E-Liquids/VISTA, Hudson, Florida, addressed Council noting that they manufacture the E-Liquid that goes into the electronic cigarettes. He wished to re-iterate what Mr. Skipper has said, and how people want to relate this to cigarettes. He stated that the perception is the key, and stressed to not allow a window to open that suggests this to be tobacco products or cigarette. He spoke to the measurements and agents used in e- cigarettes.

**Jordan Dalessio** , 3165 Grand Ave, Pinellas Park, FL 33782 , Vice President of Florida Smoke Free Association. Spoke of the Food and Drug Administration Tobacco Director, Mr. Zeller, who advised that if all people smoking were to switch their cigarettes for non-combustible products, that would be good for public health. He spoke to Federal Government having the opportunity to ban cigarettes, but didn't as it involved lots of money. He stated how he was a smoker for 30 years, and hasn't had a cigarette in 2 years and utilizes vaping products. He urged Council to table this item.

**Matthew William** ,10275 Lenox Street, Clermont, 34711, Florida Vaping Association and owner of Composed Chaos E-Liquids and Composed Gas Software, approached Council and distributed educational studies on E-Cigarettes over the past 5 years. He noted how he has been utilizing vaping for the past 6 years. Over the past five years there has been a lot of discussion on the contents and long term effects on these products, etc. and at the same time it's dangerous, deadly and toxic, and you can't claim both. He noted how the handouts provided, shows there is no cause for concern with the components of this product. Another problem with this, are the claims made regarding marketing to children with flavors, and noted how adults love flavors, which provides a large part in the success rate with adults taking on this product. He suggested putting up signs prohibiting vaping in the government buildings, and that Council table this issue and read the provided studies and let them help craft a sound policy.

**Dr. Carolyn Kohn**, 5579 Birchwood Rd. S, approached Council noting all the e-mails she had forwarded them, and how she was a 5 year non-smoker and a Vapor. She noted how all e-cigarettes don't necessarily look like a cigarette. In her workplace, they her employer finds it beneficial and how her manager encourages it, as it keeps her productivity up, spoke to the many benefits of vaping, rather than smoking cigarettes, and has improved her quality of life.

Council discussion:

Councilman Ryan commented how he was a former smoker and understands the advantages of vaping, but the City was looking at the perception.

Councilman Hinkle spoke to being in the medical profession for 44 years, and sees the effects of smoking, and how vaping is a good alternative. We're not saying it's bad, but we don't want the perception in this building.

Councilman McBride noted how he had been interviewed on this issue, by several. To him, not permitting vaping in a public building is common sense, good manners, etc. and shows respect for others. His issue with this is not whether or not it should be permitted in a city building, but the language in the ordinance itself, which seems to draw attention. The ordinance is sound and responsible in the context of not permitting vaping in any city building, which is what we want.

Councilwoman Bega believed it was a sound ordinance as well, and while this is a public building, it is also a workplace, and the courtesy of not vaping next to someone in their work area should be upheld, as we shouldn't have distraction at your workplace.

Mayor Plaisted stated that overall the city is just trying to have some control over situations which appear to be unsociable to many. We prefer a certain protocol in the workplace and it is up to Council to keep the integrity of the building intact. He agrees with Council that inside our building it is not the place to do that.

President Hepfer stated that a simple "No Smoking – No Vaping" sign would work. The Public Hearing was closed.

**Councilman Ryan motioned to adopt Ordinance 2015- 709 on the second reading, by title only. Seconded by Councilman McBride. Roll call vote was as follows: Councilwoman Bega, Nay; Councilman McBride, yes; Councilman Hinkle, yes; Councilman Ryan, yes; President Hepfer, Nay. The motion carried.**

### **OPEN PUBLIC MEETING**

**Kevin Skipper**, 7140 Maysville Ct., Wesley Chapel, FL, the President of VISTA Truth, Inc. of Florida Nonprofit, readdressed Council Stating his disappointment that Council passed the Ordinance leaving in all the language which ties the vaping into tobacco products. If they decide in the near future to re-address the issue, he asked they contact them for discussion.

**Attorney Haag** addressed Council commenting that when the Ordinance is codified into the Ordinance Book, the "Whereas" will disappear and will only have section numbers with respect to the penalty provision. The City is confined by Florida Statutes as to what penalties they can have in an ordinance. There has to be a means to enforce the ordinance.

**Matthew William** ,10275 Lenox Street, Clermont, 34711, Florida Vaping Association and owner of Composed Chaos E-Liquids and Composed Gas Software, addressed Council and spoke of his use of e-cigarettes for the past 4 years. He agrees with Council that it is a distraction, and shouldn't be in a City building, but the real point is that they do not agree with the wording "harmful combustible tobacco products" and disagrees with the verbiage in the Ordinance and urged they relook at this.

**Jordan Dalessio**, 3165 Grand Ave, Pinellas Park, FL 33782, addressed council and stated that the Ordinance they just passed classified e-cigarettes with tobacco, and reiterated on the harms of tobacco vs vaping.

**John Murphy**, Boy Scout Troop Leader for 457, addressed Council with regard to the Recycling Center located at Withlacoochee Technical College (WTC), and spoke to the history of it, at that location, and the personal relationship the Scouts had to the recycling center. He spoke to the request by the City to the County to relocate the dumpsters due to complaints by residents of the hauler emptying the dumpsters around 7:00am or earlier. Mr. Murphy stated how this recycling location had the second highest volume in the County, as it is right in the center of town. He noted that the County wished to relocate the center to the Fairgrounds. He feels that the majority of this trash will no longer be recycled, but find its way to the landfill and wanted Councils help in allowing the dumpster remain where they are. He spoke to the profit made between the Scouts and the WTC from the center of \$6,000, and they would lose this funding which provides outings for the scouts. Help them come up with a resolution to keep the recycling center somewhere in town, to be convenient for those who utilize it. He asked they move forward with the County to get this issue resolved.

**City Manager DiGiovanni** stated that this was a staff initiated issue regarding a complaint of a quality of life situation in the area, waking people up at 5:30-6:00am. The point is that when we spoke with the County casually, and followed with the written request for us to help them find a suitable location, but unfortunately not much conversation occurred. He asked that Mr. Murphy please find a way to get some parties to the table, and we would be more than happy to participate. He noted that the City of Inverness is a fully recycling community, and this is trash coming from elsewhere, however with collaboration involving the School System, he is sure that more can be considered.

**Judy Vandermark**, owner of two businesses and building in the downtown, spoke to the recycling center at Withlacoochee Technical College. She is the committee Chair for Troop 457, and this money received from the center has helped us get the Scouts to the point of Eagle Scout.

**Samantha Carter**, 204 E Vine Street, Inverness, asked that City Council remove her property and residential neighborhood from the expanded CRA Plan, and she does not believe her neighborhood meets the definition of Blighted Conditions. She asked they act in the best interest of their beautiful neighborhood and remove them from this plan.

**William Carter**, P.P. Box 553, Floral City, FL 34436 , addressed Council and spoke to the inclusion of the land between E Vine Street and the NW shore of Big Lake Henderson in this Blighted Community Redevelopment Area Map published in the paper. The

importance of getting this on the record and published is so the other voters in Inverness and other interested parties have a chance to express their views on this plan to the Council.

### **SCHEDULED APPEARANCES**

None

### **CITY ATTORNEY REPORT**

None

### **CONSENT AGENDA**

**Councilman Hinkle motioned to accept the Consent Agenda. Seconded by Councilwoman Bega. The motion carried.**

- a) Bill Listing\*
  - Recommendation – Approval
- b) Council Minutes – 03/17/15\*
  - Recommendation – Approval
- c) Proclamation – “National Day of Prayer”\*
  - Recommendation – Approval

### **CITY MANAGER’S REPORT**

**10)a) Citrus United Basket (CUB) Building Ownership Transfer** was addressed by City Manager DiGiovanni who advised that Citrus United Basket (CUB) has relocated from the city property on Mill Avenue to a new location. Remaining on the city property is a modular structure, which is in good condition and CUB desires to donate the structure to the City of Inverness. They are prepared to execute documents to confirm the transfer and City Council would need to accept the structure. He spoke to working with the Supervisor of Elections using the modular building on Mill Street for storage and renovating the building on Dampier Street, now being used by Supervisor of Elections for storage, to accommodate a functional governmental entity, i.e. lease arrangement. **Councilman McBride motioned to accept the modular structure, without stipulations, from CUB. Seconded by Councilman Ryan. The motion carried unanimously.**

**10)b) School Concurrency Inter-Local Agreement – Verbal -** City Manager DiGiovanni stated that no formal action by Council was necessary, and he wished to bring to their attention the issue of School Concurrency. There is a multiparty interagency agreement which involves the two cities, County government and the School system, which causes the governments to agree the school concurrency is an important element and the governments agree through impact fee to keep the school system properly funded for eventual growth. We have had some casual conversation with County Government of their desire to modify this agreement and no one has met yet on this with regard to the modification. He noted correspondence dated March 31<sup>st</sup>, from the county, desiring they terminate the agreement in whole. This is a 4 party agreement, and he doesn’t believe unilateral action of one can terminate an agreement of all. City staff will reach out to the

School System to determine their interest in maintaining such an agreement, and if they agree we will contact Crystal River and arrange meetings with County government to find out why their desire at this time might be to eliminate school concurrency.

City Manager DiGiovanni additionally reported on the following:

- The Budget Overview is scheduled for this Thursday, April 9<sup>th</sup> @ 5:30, at the IGC
- Capital Improvement Plan (CIP) is being developed as we speak. These are very significant instruments for the forward progress of City Government.
- CRA potential expansion has included extraordinary steps to notice people on the intentions of expanding the CRA. The continued public hearing will be reopened on April 21<sup>st</sup>, where Council can either vote or continue with the public hearing. Notice was sent again to the taxing authorities and newspaper.
- He spoke to correspondence to County Administrator, Mr. Oliver, regarding war memorials around Courthouse Square. This letter detailed the process regarding the potential relocation of the memorials. There was confusion at the County level that this was city driven, but was actually driven by Clark Stillwell. He referenced the information provided to find a letter regarding an emergency meeting two years after the committee commenced, and the best way to proceed. What Mr. Stillwell put together involved a well respected landscape architect and Admiral, Dr. Carlton McLeod, as well as the veterans community. Monuments are in conflict where they are presently, as they are being used for seating and climbing on, and should be respected. He spoke of when the monuments first came to be and how that was the main roadway through town, which has now been changed and the monuments lack the visual impact on passing motorists. He hopes the committee stays intact and we will all work together to bring quality and respect to these monuments.
- At a recent County Commission meeting they spoke of the MSBU, and suggested viewing the last 30 minutes of that meeting. City Manager referenced the MSBU versus an MSTU, service levels, the voter initiated tax. The BOCC has all intention of coming to Council to change thoughts on this. He found it interesting that BOCC stated they had one on one conversations with each other, which is different than what we do. There needs to be public meetings to cast votes properly. The City has been contacted by Mr. Oliver and we welcome discussions.
- Valerie Theatre project is moving swiftly with landscaping to occur this week. He noted the fountain, refurbishing of existing signage, etc. May 30 will be an invitational opening of the Theatre. Final decisions of what the Theatre will be used for hasn't been made and policies are not in place yet, and will be coming before City Council soon. Council will be very proud of the finished project.

## **COUNCIL/MAYOR SUBJECTS**

Mayor Plaisted found the e-cigarette conversation interesting and looks forward to further discussion on it. He stated it is a pleasure going to the various ribbon cuttings, with more to come, which is good as more businesses are coming here. We have pledged to make this place better, and expressed to Mr. Carter that there are no plans to do anything with the trailer park. Spoke of years past and what the downtown parks were like compared to today.

Councilman McBride stated he attended the MSBU workshop at the County this morning. City Council would be mistaken to go into the MSBU as it was first presented, as a take it or leave it, and noted that it will take all of the parties sitting down and having discussions. Recently there was a great Fishing Tournament in Inverness that was fun and well attended. E-cigarette issue was thrown back and Councilman would consider looking at the E-cigarette issue again at a later date, if there is merit to that.

Councilwoman Bega stated she was in conflict with E-cigarette issue and after listening to the public comments thought the verbiage should possibly be adjusted.

Councilman Ryan spoke to Bass Tournament and the various ribbon cuttings. He related his view on the E-Cigarette issue, his past smoking experience and the effects on his children smoking. Smoking or vaping in city buildings, especially when youth are present, sets a bad example. We are here to leave the City in a better way than found, and referenced the CRA.

Councilman Hinkle spoke of being against E-cigarettes in the City buildings. In general, E-cigarettes are a plus thing and beneficial in the medical community. He spoke of the misquotation by the press regarding the CRA and development of property in the grove area. Councilman spoke to Boy Scouts and the dumpster noise affecting the surrounding residences, and doesn't agree to where the County is moving it.

Council President Hepfer stated the intention was not to move the recycling dumpsters as far away as the County has determined. Spoke to the MSBU, and Inverness city limits versus Inverness mailing addresses. Her issue on the E-cigarette ordinance was the wording, adding that the E-cigarettes worked for her when she decided to stop smoking.

## **CITIZENS NOT ON AGENDA**

Karen Esty spoke to the School Concurrency Interlocal Agreement and the current legislative session with Representative Franklin proposing several changes to how schools operate with a change to classroom size. This would be changing a constitutional amendment and will circumvent what the voters had previously passed by doing this by ordinance. She spoke to how closet space could be calculated in as square footage to hold more students. They also want to take school construction monies and give it to private

Meeting adjourned @ 7:17pm

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City Clerk

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Council President