

November 3, 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 Day, Project Director Malm, Deputy Clerk Jackson and City Clerk Davis.

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

ACCEPTANCE OF AGENDA

Councilwoman Bega motioned to accept the Agenda as presented. Seconded by Councilman Hinkle. The motioned carried.

PUBLIC HEARINGS

None

OPEN PUBLIC MEETING

None

SCHEDULED APPEARANCES

6)a) Clark Stillwell – Leeson’s Mobile Home Park provided power point and short history of his client, owner of Leeson’s Mobile Home Park. He referenced the City’s Survey and encroachments by mobile home units and Club House onto the right of way. Mr. Stillwell reviewed the City’s Proposal regarding existing stormwater runoff on Line Ave and Zephyr Street. He stated that on Zephyr Street there was a substantial stormwater treatment system vs. no water treatment by the design of the facility on Line Street. The design that he was presenting does not require his client to move any of the existing mobile home facilities, which have encroached into the City right of way for over 40 years, and she avoids that cost. His client is prepared to pay to the City approximately 50% of this new design. He presented Alternative (2) in the area of Line Street, where one mobile home exists that could be relocated to the west. In his opinion this would be less invasive, higher quality stormwater treatment, and resolves the issue of displacement of these mobile homes.

He asked that the city give due consideration to the alternatives that they have presented this evening as they are in the long term best interest of the City.

He spoke of three critical issues that he believed needed to be resolved as we go forward.

1) The encroachment by Leasons being a two story masonry building which encroaches into the City right of way 1.5 feet, with the cost being extraordinary and we have no desire, inclination, or intent to incur that cost. The building has been there for over 40 years, and suggested that we come up with an alternate system to grant a permanent easement for 1.5 feet and then when building is abandoned, relocate and build on the prior property.

2) He asked for a letter of interpretation from the city indicating under the statutes dealing with mobile home parks, that we are entitled to the statutory pre-emption and wants that question answered.

3) He stated the final issue to be addressed is the storm water drainage easement through the middle of the park with a pipe that discharges storm water and he understands it will no longer be utilized if the city intends to abandon it. We have to resolve these issues of whether or not the city is willing to accept the alternative proposals. His client has flown down here and is willing to sit down and negotiate in good faith, and we need direction from Council.

Attorney Haag stated that he understands the permits have been granted, so issues relating to vesting in the park weren't pertinent to what we are talking about. The problem exists that we have encroachments outside of the park, which have nothing to do with the vesting. Attorney Stillwell referenced the Florida Statutes which says you can replace mobile homes in a park, but we are not able to relocate mobile homes and comply with city setbacks. Attorney Haag stated that they could replace/move these mobile homes within the park in accordance with Chapter 723 and the issue here is encroachment into the city right of way, which has nothing to do with the Statute.

City Manager DiGiovanni stated that City staff has been open and communicative with this and worked with them on setbacks and design of project to maintain and improve water treatment. We have removed the setback issue from the table and we seek removal of the conflict. The design of the project is to maintain stormwater treatment and improve what exists. The pipe is being abandoned as it runs through the park, which there was an easement and mobile homes were placed on top of them and we are willing to ameliorate that and things that benefit the mobile home park and have had open communication. The conflicts are the penetration into the right of way which is needed for the project to be sure it's safe for traffic mobility and manage stormwater appropriately. We spoke and sent communication where we would openly work with city council to grant 10 year easement to the 1.5 feet of the masonry building. We are trying to clean up the area and Zephyr Street with a high level of consciousness of cost to owner. The Project has already been bid, and has been reviewed by SWFMD, and found to be compliant.

City Manager DiGiovanni spoke to the Land Development Code which staff that is highly competent in managing. When we get to point in time that they have removed the conflicts, and if you wish to engage in duration of the easement, we will bring that forward, but now we are trying to resolve the simplicity of encroachment into the city right of way.

Attorney Stillwell spoke to the encroachments having been there over 40 year and haven't cause any detriment to the city to date. You are asking his clients to give up the prescriptive easement and pay \$2,500 to \$4,000 per mobile home to move it for a storm water treatment system that does not provide any pretreatment.

City Manager DiGiovanni advised that the storm water plan improves the properties of the mobile home park as the pipe will be abandoned. This needs to continue to go through staff review and if we can't work this out, Zephyr Street will remain as is, and project will not go forward.

Attorney Haag asked Attorney Stillwell, if we stick to the current design, and you are granted an easement to allow the Club House Building to stay until such time that it is torn down or moves from its current location and meets setback, etc., do you have a timeline in mind, for the length of this easement. Attorney Stillwell stated "Let's just say that the Line Street four lane project is not in your CIP for the next ten years." He noted that the mobile homes won't be accessed off of Line Street, which is a large safety issue. Ten years is too short, for an easement. There is no problem if the structure is destroyed by fire, etc., to move and replace. If they abandon the structure that is no problem, as well as with all other encroachments.

City Manager spoke to safety, which the project addresses. He suggested a ten year upfront understanding of the club house with renewal clause built in, so it's not in perpetuity, but at least there is a review, beyond the ten years. It was suggested that a meeting be held between Attorney Stillwell, Attorney Haag and City Manager to talk these things through to bring to City Council a comprehensive approach that they're comfortable that their staff has vetted and Attorney is vetted. Attorney Stillwell spoke to a memorandum of understanding presented to him at the beginning of this process, which they have tweaked and will tweak it again, but I suggest to you that there is a better alternative. He noted that the current design kills the biggest cypress tree on the lake. Those are the things that come into play.

City Manager DiGiovanni stated that this is way beyond drainage only, but the design captures other deficiencies of that area.

MAYOR'S LOCAL ACHIEVEMENT AWARDS

None

CITY ATTORNEY REPORT

None

CONSENT AGENDA

- a) Bill Listing*
 - Recommendation – Approval
- b) Council Minutes –10/20/15*
 - Recommendation – Approval

Councilman McBride motioned to accept the Consent Agenda. Seconded by Councilman Ryan. The motion carried.

CITY MANAGER'S REPORT

10)a Parks Ordinance Amendment (1st Reading) was addressed by City Manager DiGiovanni. He explained that the proposed minor modification to the Ordinance governing activity on city park property, is being made to align resolutions to better support approved activity at the Valerie Theatre Cultural Center and Plaza. He explained that this pertains mainly to the plaza area. As the Theatre is leased to accommodate an

event, the event may wish to have beverages as part of the event, outside. We need the authority to be able to approve the confines of the building, but the adjoining plaza as well and is an operational change. He spoke to the first event, with tickets for sale for the Ditchfield Family Singers, with a Holiday Venue.

Councilman Ryan motioned to have the City Clerk read Ordinance 2015-712 by title only. Seconded by Councilwoman Bega. The motion carried.

ORDINANCE NO. 2015 -712

AN ORDINANCE OF THE CITY OF INVERNESS, FLORIDA, AMENDING THE CODE OF ORDINANCES TO PROVIDE FOR A SPECIAL EVENTS PERMIT PROCESS FOR THE ALLOWANCE OF ALCOHOL IN CERTAIN PARK AREAS; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.

Councilman Hinkle spoke to Winston Perry who wished to have a Roof Top Facility, located on the existing building between the Theatre and the Plaza, and asked if that would have an impact on the surrounding businesses to do business? City Manager DiGiovanni noted that competition needs people and this will help pull people to the area. Councilman Hinkle questioned Attorney Haag that the way this is written would there be any change in interpretation, ten years down road, to possibly understand it to be for all the parks. Attorney Haag noted that to be absolutely sure, we could craft language to state just this area. City Manager noted that any permit would need to be approved through the City Manager.

Councilman McBride motioned to approve Ordinance 2015-712 on the first reading, by roll call vote. Seconded by Councilman Ryan. Roll call vote was as follows: Councilwoman Bega, yes; Councilman McBride, yes; Councilman Hinkle, yes; Councilman Ryan, yes; President Hepfer, yes. The motion carried.

City Manager DiGiovanni additionally reported on the following:

- Spoke to the impact of the Cooter Festival (Cooterstock) and how the ATM actually ran out of money. He noted the water shows, with gliders and skiers, fireworks, carnival, etc., were pretty impactful.
- This weekend is the 44th Annual Art Festival, followed by the Veterans Day Parade on Wednesday, November 11th, the Grand Prix on the weekend of the 20th, and then resting on Thanksgiving.

COUNCIL/MAYOR SUBJECTS

Councilman McBride stated the Cooter Festival was extremely well attended with good weather and everyone enjoyed it. Special Events were saluted, along with the entire staff, for doing an outstanding job.

Mayor Plaisted agreed that the Cooter Fest was outstanding and in the future could be the best Festival on the West Coast of Florida. Veteran's Day Parade is coming and looking forward to participating in that.

Councilwoman Bega spoke to the Cooter Fest. She spoke of attending the League of Cities advanced training and highlighted the four subjects that were addressed during the training.

Councilman Hinkle agreed with the Cooter Fest comments. But it is getting hard to be a judge with all the great costumes. He spoke of the upcoming Friday Night Thunder. We work for the best of our city, future generations, and a great community.

Councilman Ryan noted the Cooter Fest was great and spoke to efforts of the City Staff. Attended the Advanced Training and noted that our City has a more civil council than other cities, and noticed that from comments by those at the conference. He would like City Manager to follow up on the Stillwell/Leeson's issue.

Council President Hepfer spoke to IEMO advanced training classes she attended back in 1990 and how informative they are.

CITIZENS NOT ON AGENDA

Bud Osborne, spoke of working approximately 30 hours during the Cooter Fest and it was something special. He referenced the company he worked for about 30 years and he organized the conventions and meetings. Council made a good move with the Ordinance this evening regarding alcoholic beverages.

Steve Johnson, 503 Whispering Pines Blvd., spoke to the convenience fee when using a credit card to pay his utility bill and was charged \$3.95 for using credit card and did not agree with that. **City Manager** commented that the fee is levied by the credit card company with the fee going directly to the credit card company. We are going to look at a way to see how the pricing may absorb that cost.

Meeting adjourned at 6:38pm.

City Clerk

City Manager