

April 19<sup>th</sup>, 2016  
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 Ryan  
Vice President McBride  
Councilwoman Hepfer  
Councilwoman Bega  
Councilman Hinkle  
Mayor Plaisted (Not present)

Also present were City Manager DiGiovanni, City Attorney Haag, Asst. City Manager Williams, Community Development Director Day, Fire Chief Campfield, 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 Hepfer motioned to accept the Agenda as presented. Seconded by Councilman McBride. The motioned carried.**

#### **PUBLIC HEARINGS**

**4)a) Fire Inspection Program Ordinance (Final Reading)** – City Manager DiGiovanni addressed the Fire Prevention and Protection Ordinance and provided information from previous meeting addressing this item. This ordinance creates an inspection safety program for public buildings, food establishments, nursery and preschool facilities, and identified business operations that warrant the proper operation of future suppression system to meet fire safety standards.

**Councilman Hinkle motioned to have City Clerk Davis read Ordinance 2016 - 714 by title only. Seconded by Councilwoman Hepfer. The motion carried.**

ORDINANCE NO. 2016-714

AN ORDINANCE OF THE CITY OF INVERNESS, FLORIDA, AMENDING CHAPTER 9 OF THE CODE OF ORDINANCES, ENTITLED “FIRE PREVENTION AND PROTECTION”, BY AMENDING ADDING SECTIONS, 9-1 THROUGH 9-9, ESTABLISHING POWERS AND PROCEDURES FOR FIRE INSPECTIONS AND CITATIONS FOR NON-COMPLIANCE WITH APPLICABLE CODES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR MODIFICATION AND, PROVIDING FOR AN EFFECTIVE DATE.

**The Public Hearing was opened.**

**For: None**

**Against: None**

**The Public Hearing was closed.**

**Councilwoman Hepfer motioned to adopt Ordinance 2016-714 on the second reading, by roll call vote. Seconded by Councilman Hinkle. Roll call vote was as follows:**

**Councilwoman Bega, yes; Councilwoman Hepfer, yes; Councilman Hinkle, yes; Councilman McBride, yes; President Ryan, yes. The motion carried unanimously.**

**4)b) Impact Fee Ordinance (1<sup>st</sup> Reading)** City Manager DiGiovanni explained that the City has an independent impact fee program which has been in effect for many years. While independent of the County program, the city works with them in the administration of the fees and allows County to impose common fees in the city as well; i.e. public building, libraries, etc. Staff has worked with County on their local study to make it applicable for the city, as Impact fees are highly regulated and we must be sure the program is up to date. We have added the category of Parks and Fire Safety that will be imposed at a 50% rate. This program has incentives, and we look for mixed use, efficiencies in future development, and when planned correctly actually reduce automobile trips. We've created incentive to have conversation with perspective developers to explain our program and come up with formulas based on the findings, and keeping investments into the city. We have always had incentive for the downtown, approach at city level to work with investors to create infill, assurance the buildings are refurbished and enhanced and our community keeps its identity of Historic and Small Town. He spoke of consultation with County government and we are proceeding in a manner the County Legal Counsel recommends. City of Inverness controls in place to be sure it makes sense for this community.

**Councilwoman Hepfer motioned to have City Clerk Davis read Ordinance 2016 -715 by title only. Seconded by Councilman McBride. The motion carried.**

ORDINANCE NO. 2016-715

AN ORDINANCE OF THE CITY OF INVERNESS, FLORIDA; PROVIDING FOR THE ADOPTION OF NEW IMPACT FEES AND THE REVISION OF EXISTING IMPACT FEES; AMENDING SECTIONS 11.5-1. THROUGH 11.5-10 OF THE CODE OF ORDINANCES; PROVIDING AUTHORITY IN APPLICABILITY; PROVIDING FOR INTENT AND PURPOSE; PROVIDING FOR RULES OF CONSTRUCTION; PROVIDING FOR FEE TO BE IMPOSED; PROVIDING FOR ALTERNATIVE IMPACT FEE CALCULATION; PROVIDING FOR IMPACT FEE CREDITS; PROVIDING FOR ESTABLISHMENT OF TRUST FUND; PROVIDING FOR USE OF FUNDS; PROVIDING FOR RETURN OF FEES; PROVIDING FOR LIBERAL CONSTRUCTION AND PENALTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR MODIFICATION; AND, PROVIDING AN EFFECTIVE DATE.

**The Public Hearing was opened.**

**For:** Karen Esty noted her uncertainty when Fire Department was forming and has since realized its equitable approach to business and residents of this city, and it is in the best interest of the citizens. She complimented the hard work done.

**Against: None**

**The Public Hearing was closed.**

Councilwoman Hepfer questioned if she was correct in understanding that the Impact Fees are for new construction and refurbishing a building. City Manager DiGiovanni noted that the City abandoned "change of use" and took the lead. And this is for new construction/new impact to the community. Our impact fee program is to build a degree of equity and fairness moving forward. Councilman McBride asked for City Manager to elaborate on the 50% rate. City Manager advised that he couldn't, and the study itself came up with criteria on what a 100% impact would be, depending on the structure/factors for new development, investment, etc. Instead of imposing the impact at the 100% rate, because we are compact and we feel we can make this

very fair and equitable, we are suggesting that with the new impacts (growth), a 50% ratio would be equitable and fair for what our government needs, and will build a proper fund balance for additional Park and Fire Dep. needs.

Councilman Hinkle questioned if the County was still imposing impact fees? City Manager DiGiovanni noted that they are currently moving to reinstate them.

Councilwoman Bega questioned if the three categories are not our impact fee in totality, and there are other fees?

City Manager DiGiovanni noted that there are general impact fees that County Government impose and then there are the City ones. It was noted that Charts would be provided to council with the breakdowns. The Impact Fee cost added together in the City is not going to put us out of line with what is going on around us. The cost of doing development here is not priced out of the market, yet it's priced so the integrity of this market can be maintained. We are not reinventing the wheel, or in uncharted water, but are taking our existing program, updating it, making modification based on a new study, adding the Parks and Fire Safety, and building so it remains competitive, but fair.

**The Public Hearing was closed.**

**Councilman Hinkle motioned to approve Ordinance 2016-715 on the first reading, by roll call vote. Seconded by Councilman McBride. Roll call vote was as follows: Councilwoman Bega, yes; Councilwoman Hepfer, yes; Councilman Hinkle, yes; Councilman McBride, yes; President Ryan, yes. The motion carried.**

### **OPEN PUBLIC MEETING**

Karen Esty, Inverness addressed Agenda Item regarding the Suncoast Parkway II Resolution. City Manager noted that information was going to be provided to Council this evening to determine if they wished to go forward with a Resolution. Ms. Esty noted stated that as far as the 1-75 corridor, she feels this is premature to take a position for it, as the study is not complete. Personally she noted that she was not in favor of premature action .

### **SCHEDULED APPEARANCES**

None

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

None

### **CITY ATTORNEY REPORT**

None

### **CONSENT AGENDA**

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

- a) Bill Listing\*
  - Recommendation – Approval
- b) Council Minutes – 04/05/16 & 04/07/16\*
  - Recommendation – Approval

### **CITY MANAGER'S REPORT**

10)a) Fire Inspection Fee – Resolution – Has been discussed previously and is supportive and joins the prior action of City Council to adopt the Ordinance and this is the fee program that accompanies the Ordinance for Fire Inspection.

**Councilwoman Hepfer motioned to have City Clerk Davis read Resolution 2016-02 by title only. Seconded by Councilman McBride. The motion carried.**

RESOLUTION 2016-02

A RESOLUTION OF THE CITY OF INVERNESS ESTABLISHING THE FEE SCHEDULE FOR FIRE SAFETY INSPECTION SERVICES; AND ESTABLISHING AN EFFECTIVE DATE.

**Councilman Hinkle motioned to adopt Resolution 2016-02, by roll call vote. Seconded by Councilwoman Hepfer. Roll call vote was as follows: Councilwoman Bega, yes; Councilwoman Hepfer, yes; Councilman Hinkle, yes; Councilman McBride, yes; President Ryan, yes. The motion carried.**

**10)b) Proposed City Charter Amendments- Ballot Referendum – Ordinances-** City Manager DiGiovanni explained that Charter Amendments require by law, that the item must go before the electors of the City of Inverness for their approval/disapproval. Each Ordinance is structured to provide a descriptive understanding of each amendment, and to present ballot language providing a clear interpretation of the change to be voted. He stated that this involves modifications intended to modernize the City Charter in ways to position the City to achieve some the pending initiatives in future goals.

Ordinance 2016-716- Article V Section 5.07; Sale, Leasing or subleasing of City Property currently provides for City owned properties to be leased or subleased, for a maximum initial term of ten (10) years, with renewals to successive terms up to the same maximum. The amendment provides for Commercial, Professional, and Public Property to be leased for an initial term of up to 25 years, with renewals of up to 10 year increments, up to a ninety nine (99) year term. He noted forthcoming plans with the Depot Property and other property holdings of the City where businesses/organization could have a better venue for long term leases when they may have invested money into these buildings. This language will modify some of the restrictive component of the Lease/Sublease Properties.

**Councilwoman Hepfer motioned to have City Clerk Davis read Ordinance 2016-716 by title only. Seconded by Councilman McBride. The motion carried.**

ORDINANCE NO. 2016- 716

AN ORDINANCE OF THE CITY OF INVERNESS, FLORIDA, PROVIDING FOR AMENDMENT TO THE CITY CHARTER; PROVIDING FOR AMENDMENT TO **ARTICLE V, GENERAL PROVISIONS; INSERTING SECTION 5.07 – SALE, LEASING OR SUBLEASING OF CITY PROPERTY**; PROVIDING FOR A REFERENDUM AS TO AMENDMENTS TO THE CHARTER; PROVIDING FOR REPEAL OF INCONSISTENT ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilman McBride questioned the initial leasing term of 25 years, and how we came up with that amount. City Manager DiGiovanni explained that 25 years was the shortest period that could be done when you factor what an investor is putting forward to get the rate of return and

show profit margin, and 25 years typically provides that, vs the 10 year term, which we currently have. He spoke of a 503c, i.e.; Boys and Girls Club, as an example, to join with City of Inverness in a 25 year term, and how it would be a risky investment to get a return, and would prefer 45 to 50 years. Councilman McBride agreed that this would aid commercial development within the City.

Councilman Hinkle stated that if the section entitled Sales, the “Exhibit A” didn’t mention sales. City Davis noted that “Sales” was part of the title of the Section “Sales, Leases, Subleases”.

**Councilwoman Hepfer motioned to approve Ordinance 2016-716, Article V, Section 5.07 on the first reading, by roll call vote. Seconded by Councilman Hinkle. Roll call vote was as follows: Councilwoman Bega, yes; Councilwoman Hepfer, yes; Councilman Hinkle, yes; Councilman McBride, yes; President Ryan, yes. The motion carried.**

Ordinance 2016-717; Article II, Section 2.09; Vacancies, Filling Vacancies, addresses the attendance at Regular Council Meetings and limits the number of regular Council Meeting absences to not more than eight (8) missed meetings “per calendar year”, or the seat shall become vacant. The Charter currently addresses absences of four (4) consecutive regular meetings, without being excused, which will remain in the Code.

Councilwoman Hepfer questioned is one was out due to injury/surgery, you couldn’t be out more than 8 meetings?

City Manager spoke to it removing the consecutiveness of the absences.

Councilman Ryan clarified that medically excused meetings would be okay?

Councilman McBride stated that there could be a very legitimate reason for one to be out, and didn’t think that a long term veteran of City Council should be booted off after 8 absences. He was not in favor at this time and need to massage it a little and bring it back.

**Councilwoman Bega motioned to have City Clerk Davis read Ordinance 2016 -717 by title only. The motion failed for lack of second.**

Ordinance 2016-718; Article V, Section 5.22; Purchase of Real Property amendment provides the criteria that the City Council shall obtain at least one Governor approved or State Certified approved Appraisal for the purchase of Real Property when the purchase price exceeds \$200,000. This action was previously passed by Council and place in the Code of Ordinance in 2014; however to avoid confusion, it was discussed at the time and recommended by Attorney Haag that it be placed in the Charter with other sections dealing with real property.

**Councilwoman Hepfer motioned to have City Clerk Davis read Ordinance 2016 - 718 by title only. Seconded by Councilman McBride. The motion carried.**

#### ORDINANCE NO. 2016- 718

AN ORDINANCE OF THE CITY OF INVERNESS, FLORIDA, PROVIDING FOR AMENDMENT TO THE CITY CHARTER; PROVIDING FOR AMENDMENT TO **ARTICLE V, GENERAL PROVISIONS; INSERTING SECTION 5.22 PURCHASE OF REAL PROPERTY a); PROVIDING FOR A REFERENDUM AS TO AMENDMENTS TO THE CHARTER;** PROVIDING FOR REPEAL OF INCONSISTENT ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilwoman Bega had questions as to the difference in the previous action in Section 5.22, which had to do with Leasing, to Section 5.07, which deals with Purchase of Real Property, and it was explained that they do not in any way conflict. She questioned the verbiage stating “the amounts between \$50,000 but not in excess of \$200K, the City Manager will obtain a cost market analysis prior to presenting the contract to City Council”, and anything over the \$200,000 will be an appraisal”. She questioned Attorney Haag if it should say anywhere that it should be by a third party or someone who is not a party to the contract (such as community offices, if it is dealing with real estate office) that none of them are giving a market analysis?

Attorney Haag stated that it was understood that you wouldn’t have someone involved in the transaction doing the appraisal. Councilwoman Bega stated that an appraiser couldn’t do that by law. City Manager stated that it is understood in our area of government, and our intent was to make sure there was more objectivity and less subjectivity in causing these appraisals to kick in. Attorney Haag stated that we could insert the word “independent” between the words “a” and “cost”.

**Councilwoman Hepfer motioned to approve Ordinance 2016-718, with the changes made to Article V, Section 5.22 on the first reading, by roll call vote, . Seconded by Councilman Bega. Roll call vote was as follows: Councilwoman Bega, yes; Councilwoman Hepfer, yes; Councilman Hinkle, yes; Councilman McBride, yes; President Ryan, yes. The motion carried.**

**10)c) Board Appointments** – City Manager addressed applications received for membership to the Code Enforcement Board. Based on the merits of the submittals, both Robert Morris, and Debra Hill meet the terms and conditions to qualify for appointment, and are presented for Council action. **Councilwoman Hepfer motioned to appoint Robert Morris and Debra Hill to the City of Inverness Code Enforcement Board. Seconded by Councilman Hinkle . The motion carried unanimously.**

**10)d) County Flow Control Lawsuit: Goodfellas v. Citrus County** - City Manager advised that this item was informational only, which deals with legal proceedings regarding Solid Waste Collection and Hauling/Disposal as it takes place in Citrus County. The people notified by this order involved a representative of the School System. We have not been petitioned by the School System for them to depart the Franchise Agreement with the City. It seems that they will proceed in that direction and will be able to get services at a lower cost. He noted that he will speak with the School Board to see what we might be able to do to keep the Franchise as a whole in the City, intact. The school system has a large footprint in the city and this will impact our revenue negatively.

**10)e) Suncoast Parkway II Resolution to Support (verbal)** City Manager DiGiovanni advised that we had been contacted by a representative who seeks City support from all local governments of Citrus County regarding Suncoast II & III. Suncoast III is being spoken to as a reliever to I-75, and Suncoast II is currently on the drawing board. He questioned if Council wishes to pass a Resolution in support of Suncoast III. He stated that what we have done in City Government, is not act emotionally and follow a high level of study and respect to facts with projects. There are complexities and beyond with these road projects and many studies yet to be commissioned or finalized and it imparted that we are members of the Hernando/Citrus MPO and they are the voice with DOT and works to represent the interest of our communities. This is

a road project and he feels being respectful of the project and the facts need to be considered and allow the process to unfold.

Councilman McBride stated that he was a voice for the City of Inverness at MPO this afternoon and he explained the need to give relief to I-75. There are plans being made to six lane and eventual 8 lane this road, which would mitigate I-75, but not resolve the matter. Having said that there is still much to do and they are still conducting I-75 relief task force meetings until September. He highly endorses that we wait until all information is gathered.

Councilman Hinkle stated that our environment is important, and we need to be look closely where we put new roads. There is not enough information to do a resolution at this point.

Councilwoman Hepfer questioned why the sudden push on this, as we have been waiting since 1997 for Hwy 41 improvements. There is too much of a push to do this and I cannot support this.

Councilman McBride stated that we need to keep our focus on 41 N and that is the big project for us.

Councilwoman Bega stated that Suncoast Parkway II has been in progress for many years and understand they have the funds to move forward. Not sure if maps have been updated, and 41 is an important road, but don't think we can lose site of the other avenues that need fixing.

Attorney Haag stated that over the next several months, DOT is going to be filing many lawsuits acquiring the right of way from 98 to State Road 44 by eminent domain and they hope within the next two years to start construction once all is acquired. Nothing has been appropriated to go past St Rd 44.

Councilman Ryan stated that relief is needed and eventually it will impact the environment, and will look at when they come up with a plan.

The consensus is to wait on the resolution.

City Manager DiGiovanni additionally reported on the following:

- Thursday, April 21 will be a workshop on City Cemetery and it is important to take this step to be familiar and aware of the direction of the cemetery.
- Met with Andy Houston of Crystal River City Council on how County government tax structure and the municipalities regarding the Sheriff Department's budget. The cities are going to work collectively to compose a mild presentation for County government. This has been addressed in other communities and Andy is familiar as he is from Pinellas Co.
- We are working on making the City of Inverness a Bicycle Friendly Designated Community, and working on a "Bike to Work Day". We are on the right track with part of the government taking the lead to make it fun and friendly. Also working on the sharrows on the road, the signage, etc.
- May 5<sup>th</sup> will be the CIP presentation, and we are building many elements regarding this as it is time. We will be bringing forward the City on the Lake 2008 concept with a number of elements. The presentation will include the Depot property, parks, a Visitors Center, Whispering Pines Park, Soldier memorial, Community Center, Trail Head concept, etc. and will give clarity on how this can be pulled together.

### **COUNCIL/MAYOR SUBJECTS**

Mayor Plaisted regrets he will not be at the CIP presentation as he will be away. He will be working and interviewing 17 graduating students who are looking for Rotary scholarships.

Councilwoman Bega reported that last Wednesday was a Tourist Development Council meeting and it was one of the most upbeat and progressive meeting ever. There was a presentation by EVOK, the new marketing firm, and held multiple presentations to various stakeholders throughout the County with the goal to work with people and cities involved. EVOK is anxious to know about Inverness night life.

Councilman McBride attended the Citrus County Council meeting and spoke of many aspects of Inverness.

President Ryan spoke of the Budget Workshop Overview, Taste of Inverness, and the Habitat for Humanity dedication. He spoke of the Joint Government meeting and to let him know if anyone had anything to be brought up.

**CITIZENS NOT ON AGENDA**

Karen Esty, Inverness followed up regarding sidewalks on Independence Highway through the MPO. The MPO will be working on City Manager's recommendation of a bike path instead of sidewalks. She spoke to the County impact fee and they are still suspended for new development in the School, but the reinstated concurrency for School.

Meet adjourned at 7:08pm.

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City Clerk

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Council President