

The Board of County Commissioners of Citrus County, Florida, met in special session on the above date at the Citrus High School Cafeteria, Inverness. The Chairman called the meeting to order. Commissioner Fowler led in the Invocation and the Pledge of Allegiance to the U.S. Flag.

Commissioners: Vicki Phillips, Chairman; Brad Thorpe, First Vice Chairman; Roger Batchelor, Second Vice Chairman; Jim Fowler and Gary Bartell
Attorneys: Larry M. Haag
Administrator: Gary Kuhl
Clerk: Elicia Kuhl, Deputy Clerk
City Attorney: Jim Neal
City Manager: Frank DiGiovanni

**CITY OF INVERNESS' NOTICE OF INTENT TO FILE A LAW SUIT
EXPANSION OF THE COUNTY SEAT**

Mr. Haag stated that this public meeting is contemplated by Florida Statute, as a meeting between the County and the City of Inverness, to attempt to resolve whatever differences exist that created the City's intent to file a law suit. Chapter 164, F.S. states once a letter is received with the intent to sue, it is incumbent upon the Board to hold a public meeting to attempt to resolve the issue. If it cannot be resolved, then after 45 days the City will be entitled to bring its action. The City contests the Board's proposal to expand the county seat. Jim Neal, City Attorney and Frank DiGiovanni, City Manager were present to represent the City Council.

Commissioner Fowler stated that the City was unable to deliberate this issue because of the City's election and the Board should open this meeting for public comment and reschedule another public meeting for the City Council to participate. **Chairman Phillips** stated there is a 30-day period after the notice of intent to sue for the County to hold a public meeting. This is that public meeting and a public hearing has been set after this meeting for the purpose of public input on the expansion of the county seat. **Commissioner Thorpe** had a plan to present and was prepared to address the City Council formally. **Commissioners' Bartell and Batchelor** offered to set another public meeting with the City on February 22, 1999, prior to the Board's second public hearing on the expansion of the county seat.

Mr. Neal expressed appreciation to the Board for the opportunity to discuss this issue and to accommodate the City Council with another meeting. The City would be receptive of any compromise or proposal from the Board.

Commissioner Thorpe reviewed the County's commitments already made and presented his proposal:

- ✦ expenditure of over \$1,000,000 on the renovation of the old courthouse through grants, private funds, etc.;

- ✦ approved a 40,000 sq. ft. expansion of the existing courthouse for approximately \$8,000,000; and
- ✦ remodeled and utilized the Masonic Building for the Board's offices that allowed the courthouse to be remodeled.

PROPOSAL

- 🏰 There has been discussion that the Council may wish to purchase the Masonic Building. The County would continue to lease the building for five years. The lease payments would be on some type of ratio and used to restore the building. A potential use of the building's boardroom would be for court purposes until the courthouse expansion is completed. The County and the City would be partners towards the refurbishing of the building.
- 🏰 The Board of County Commissioners would meet in the Masonic Building Boardroom one meeting per month for the next five years.
- 🏰 The County would include in the CIP \$50,000 per year for the next five years, with a funding match from the City, to improve the areas in Inverness surrounding the old courthouse, the courthouse, the Masonic Building, and the Sheriff's Office. That would be the County's commitment to improve downtown Inverness.
- 🏰 The City would not contest the expansion of the county seat, provided that the Board would not move the main office of the constitutional officers until it was placed on a ballot for referendum. This leaves an option for a future Board and an agreement for the City that a move cannot be made until it is placed on a referendum. (I-220)

Commissioner Fowler questioned the reasoning for expanding the county seat, since the Board committed to building the courthouse for the judiciary in Inverness, and at this time would not have funds to move trials to Lecanto. He had a concern that a future board would not support this Board's commitment. He further discussed his reasons for the Board not moving to Lecanto.

Mr. Haag stated two reasons to expand the county seat: 1) for a county officer (i.e., sheriff) to move their primary office from Inverness to the Lecanto area, and 2) if the Board, in the future, decided to have court rooms in Lecanto, it would allow jury trials to be held there. (I-240)

Mr. Haag remarked that these issues could be addressed in an interlocal agreement between the County and the City. In exchange for the opportunity to expand the county seat, the County would have a referendum in exchange for the City's forbearance of suing over this issue. If the County failed to hold a public hearing, the City would be entitled to file suit at that later date. (I-330)

Commissioner Bartell supported the proposal and questioned whether the County and City could have an agreement to waive that 20-year requirement. The Board is trying to be good planners, managers, etc. and the City is protecting their county seat, economics, etc.

Mr. Haag referenced the Attorney General's Opinion rendered to Lee County and Chapter 138, F.S., and stated that the Attorney General as well as any attorney may interpret it a particular way and until a court decides, it is just an opinion. (I-430)

Mr. Neal stated that:

- ⇒ the City does not want to sue;
- ⇒ both entities work for the citizens;
- ⇒ a mall concept was developed;

- ⇒ funds would be provided to acquire property downtown;
- ⇒ grants would be pursued to fund parking areas, etc; and
- ⇒ the City continues to be willing to work with the Board.

Mr. Neal discussed his interpretation of Chapter 138, F. S., referencing a Volusia County court case and a State of Alabama Supreme Court case. He stated that should the Board expand the county seat without going through some type of referendum, the result of that decision would be a lawsuit. Mr. Neal responded to issues from Commissioner Thorpe's proposal. The purchase of the Masonic Building has been discussed with no commitment. The City wants the Board to maintain a meeting presence in the county seat. The previous interlocal agreement provided for the City's expenditure of funds to enhance downtown Inverness.

(I-430/II-038)

Commissioner Batchelor and **Chairman Phillips** expressed concern of losing an opportunity for future Boards and the potential expense of a court proceeding. (II-130)

Commissioner Fowler requested that the County seek an Attorney General Opinion (AGO) on whether or not an expansion of the courthouse puts the County in a position to consider the expansion of the county seat. **Mr. Haag** stated that the County could request an AGO and that it could take 90 days or more for that opinion to be rendered. The decision to expand the county seat must be made prior to the start of construction on the courthouse. **Mr. Kuhl** stated that the construction would begin late summer. **Commissioner Bartell** questioned whether the construction would be considered "new" or an "expansion" and the 20-year time frame.

(II-236)

Mr. Haag stated that the County could hold both public hearings, then table the Board's action on expanding the county seat until the AGO is received.

Chairman Phillips stated that at the February 22, 1999 joint meeting with the City, the question for the Attorney General and Commissioner Thorpe's proposal could be discussed.

Motion by Commissioner Thorpe, seconded by Commissioner Bartell to direct Larry Haag, County Attorney to meet with Jim Neal, City Attorney to develop language to seek an Attorney General Opinion on Chapter 138 with regard to the 20-year requirement, and whether the addition to the current courthouse constitutes a "new" courthouse and to present it to the Board and City Council at the February 22, 1999 meeting. **Motion carried unanimously.** (II-426/III)

Chairman opened the meeting to anyone wishing to speak in reference to the motion.

Clark Stillwell suggested to include in the AGO request whether or not by interlocal agreement the 20 year period can be postponed, abated etc., and to jointly request for the opinion.

Bernard Solomito, Joyce Valentino, Sumner Waite and **Sophia Diaz-Fonseca** expressed their concerns.

Chairman opened the meeting to any anyone wishing to speak to the City of Inverness lawsuit.

Bernard Solomito spoke in favor of the City's lawsuit.

Joyce Valentino encouraged the County and the City to come to an agreement.

With no other business, the Chairman adjourned the meeting. (III-131/6:37 P.M.)

ATTEST: _____, Clerk _____, Chairman

February 10, 1999 - Special Meeting - 5:30 P.M.	826
---	-----

The Board of County Commissioners of Citrus County, Florida, met in special session on the above date at the Citrus High School Cafeteria, Inverness. The Chairman called the meeting to order.

Commissioners: Vicki Phillips, Chairman; Brad Thorpe, First Vice Chairman; Roger Batchelor, Second Vice Chairman; Jim Fowler and Gary Bartell
Attorneys: Larry M. Haag
Administrator: Gary Kuhl and Gary M. Herndon, Assistant County Administrator
Clerk: Elicia Kuhl, Deputy Clerk

EXPANDING THE GEOGRAPHICAL AREA OF THE COUNTY SEAT

Chairman Phillips stated this was a public hearing to consider adoption of a Resolution expanding the geographical area of the County Seat to include certain County-owned lands located in the community of Lecanto, Citrus County, Florida. (II-138 side 1).

The Chairman opened the public hearing.

Those citizens against the move of the county seat and expansion of the county seat: Bernard Solomito, Frederick Clark, Joyce Valentino, Charles Dean, Don Sutton, Citrus Chamber of Commerce; Kenneth Stepp, Joe Brannen, Michael Czerwinski, Walt Connors, Linda VanAllen, Sophia Diaz-Fonseca, Russ McClain, and Daniel Snow

Reasons:

- The economic impact on downtown Inverness;
- high percentage of constituents will never be in the courthouse;
- migration of county offices to Lecanto;
- historical value, i.e., old courthouse, founding fathers, etc.;
- available infrastructure in Inverness;
- established businesses, i.e., title companies, lawyers, etc.;
- City's mall concept included the County and City sharing space; (There is property available in Inverness and County owned property in Lecanto could be sold.)
- urban sprawl;
- building costs in Lecanto vs. Inverness; and
- open branch offices to serve the community.

The Chairman stated that the Board does not have the authority to move the County seat, only the public by petition and referendum.

Those in favor of the expansion of the county seat: Sumner Waite, Jim McIntosh, Liberterian Party; and Joyce Valentino.

Reasons:

- ❖ The need for the Board to have flexibility in the future; and
- ❖ the commitment of the courthouse addition is evidence that the Board is not abandoning the City.

Citizens' comments regarding the move of the Board to Lecanto: Charles Sleight, Steve Parker, Joyce Valentino, and Dick Schnably.

Statements:

- ★ There is inadequate space for citizens to attend meetings in the present boardroom;
- ★ need additional and accessible parking;
- ★ concern for cable coverage of meetings;
- ★ more convenient for the majority of the citizens; and
- ★ does not favor the purchase of the Masonic Building.

There being no other public comment, the public hearing was closed.

With no other business, the Chairman adjourned the meeting at 7:28 P.M.

ATTEST: _____, Clerk _____, Chairman