

TOWN OF ST. LEO
REGULAR COMMISSION MEETING
July 08, 2013
7:00 PM

This meeting began at 7:15 PM following a 6 PM Budget Workshop.

OPENING Mayor Gardner

INVOCATION AND PLEDGE OF ALLEGIANCE – Commissioner DeWitt

ROLL CALL Donna DeWitt, O.S.B. – Commissioner
James Wells – Commissioner
John “Jack” Gardner – Mayor
James Hallett, O.S.B. - Commissioner
Robert Inslee – Mayor Pro Tem

STAFF Joan Miller - Town Clerk
Patricia Petruff, Esquire – Attorney
Andrea Calvert – Assistant Clerk

GUESTS Deputy Day and approximately 40 citizens attended.

MINUTES **MOTION: TO APPROVE THE MINUTES OF THE COMMISSION MEETING HELD ON JUNE 10, 2013.**

MOTION: Commissioner Hallett

SECOND: Commissioner Inslee

Discussion.

VOTE: Unanimous for Approval, 5/0

EXPENSES AND BUDGET REVIEW

MOTION: TO ACCEPT FINANCIAL REPORT DATED JULY 08, 2013.

MOTION: Commissioner Inslee

SECOND: Commissioner Wells

Discussion.

VOTE: Unanimous for Approval, 5/0

MAYOR’S REPORT

Amendment to Interlocal Agreement for Distribution of Proceeds from the First Local Option Gas Tax Levied under Section 336.025(1) (a), Florida Statutes.

This agreement would extend the current methodology of distribution until September 13, 2014.

MOTION: TO APPROVE EXTENDING THE INTERLOCAL AGREEMENT AMONG PASCO COUNTY AND THE SIX PASCO MUNICIPALITIES FOR DISTRIBUTION OF PROCEEDS FROM THE FIRST LOCAL OPTION GAS TAX LEVIED UNDER SECTION 336.025(1) (A), FLORIDA STATUTES.

MOTION BY: Commissioner Inslee

SECOND BY: Commissioner Hallett

Discussion.

VOTE: Unanimous for approval 5/0

Adoption of a proposed millage rate for fiscal year 2013/2014

Once set, the tentative millage rate can be lowered but is difficult to increase. Setting the tentative millage rate is required by the Florida Department of Revenue. This rate will be publicized on the TRIM Notice that is mailed by the property appraiser.

Discussion.

MOTION: TO SET THE TENTATIVE MILLAGE RATE FOR FISCAL YEAR 2013/2014 AT .75 MILL.

MOTION BY: Commissioner Hallett

SECOND BY: Commissioner Wells

Discussion.

VOTE: 4/1 vote for approval
Dewitt, Wells, Hallett, Gardner – Aye
Inslee – Nay

Letter of Engagement – Baggett, Reutimann & Associates, CPAs, PA

The letter of engagement from the Town Auditor was discussed. The commission decided to accept the engagement for one year instead of three.

MOTION: TO AMEND THE LETTER OF ENGAGEMENT FROM BAGGETT, REUTIMANN & ASSOCIATES, TO OFFER THEM A ONE YEAR CONTRACT AT THE PROPOSED RATE AS STATED IN THE LETTER.

MOTION BY: Commissioner Wells

SECOND BY: Commissioner Inslee

VOTE: Unanimous for Approval 5/0

Amendment to Intergovernmental Agreement for Fire Combat and Rescue Service Impact Fees

This amended agreement modifies the termination date and the methodology of the termination.

MOTION: TO APPROVE THE AMENDMENT OF THE INTERGOVERNMENTAL AGREEMENT BETWEEN PASCO COUNTY, FLORIDA, AND THE TOWN OF ST. LEO, FLORIDA, FOR FIRE COMBAT AND RESCUE SERVICES IMPACT FEES.

MOTION BY: Commissioner Inslee

SECOND BY: Commissioner Hallett

VOTE: Unanimous for Approval 5/0

COMMISSIONERS REPORT

Survey Commissioner Hallett proposed mailing an objective survey to Town of St. Leo residents that live in the Lake Jovita Subdivision. This survey could be used to ascertain the extent that residents are satisfied or dissatisfied with the status quo. Discussion followed which included adding current issues (law enforcement, trash pick-up, etc.) and sending the survey to **all** town residents. Although Ronnie Deese attends meeting to represent the residents of the subdivision that live in the Town, taxpaying citizens have not stepped forward to defend their position.

Commissioner Wells likened the proposed survey to the April election as being an indicator that residents were not pleased with the status quo. He asked that using the term Lake Jovita and the Lake Jovita development should not be interchanged.

Commissioner Hallett prepared a Summary of Parcels owned by the Lake Jovita Homeowners Association Inc., with separate taxing districts. His report states that the commonly owned taxable area in the Lake Jovita development is "\$0". The primary responsibility for protesting property taxes is with the homeowner, not with an officer of the homeowners association.

Deese (speaking for the Lake Jovita Homeowners Association) said that perhaps residents of the entire town should be asked if the Lake Jovita development municipal boundaries should be de-annexed and also if the Town should be abolished.

Attorney Petruff spoke of the various interpretations of Florida Statute 171.052. It was agreed that the statutes are subject to challenge.

Commissioner DeWitt said that she is against dissolving the town and that it is unfortunate that people purchased and built homes prior without learning what taxing area they were in. The unique integrity of the town was discussed.

Mayor Gardner spoke in favor of a survey to all municipal taxpayers of St. Leo. He requested each commissioner to provide input as to a variety of questions that could be included in a meaningful survey.

Ronnie Deese asked to be on the August agenda to discuss dissolving the town with a referendum vote. (Disclosure: Ronnie Deese asked to be on the agenda on July 8th. It is procedure for agenda items to be requested for consideration on the Wednesday prior to a Monday meeting. Ronnie Deese did not follow this procedure in order to be added to tonight's meeting.)

Attorney Petruff was directed to obtain an opinion from the Attorney General on this subject to obtain a more clear opinion of the state statute regarding areas of the town that meet the requirements for contraction.

An opinion from the attorney general will be requested first, and then a carefully prepared survey that addresses the issues of the town will be mailed. There is no urgency to prepare a referendum without prior information from the citizens.

Attorney Petruff will work with the commission as a whole to prepare a letter to the attorney general.

Ronnie Deese was asked if the ad valorem taxes were reduced would the problems be solved. Deese stated that lowering the millage rate does not remove a layer of government that is no longer needed.

Former Commissioner Robert Courtney and citizen Greg Smith spoke about the unique character that this area has, and with eminent future development on the corner of Prospect and SR 52, citizens should be working together to decide the fate of the town as a community instead of breaking it apart. A town with a strong land use plan will give taxpaying citizens a greater say with a legal structure to support them.

ATTORNEYS REPORT

Road Impact Fee Reimbursement

A comprehensive list of impact fees is being prepared. Our ordinances state that that any reimbursement will be returned to the present homeowner. Attorney Petruff will construct a “hold harmless” agreement to be included with the reimbursement project. She continued to encourage the commission to use the money that is in this fund.

For the Love of Cities

Attorney Petruff donated two copies of a book titled “For the Love of Cities”, written by Peter Kageyama. Mr. Kageyama was a speaker at a recent “Leadership Florida” event.

Cost of Deputy Sheriff

Information handed out earlier this evening does not accurately represent other Florida cities and how law enforcement is provided.

Chapter 166 FL statutes, does not state that the Town must provide law enforcement for citizens. Without having code enforcement or a police department is there is no way to enforce Town Ordinances.

If a more detailed “call” or “crime report”, was available there may be a way to measure the amount of calls actually responded to within the Town. Perhaps a different split for a contract should be made (comparing San Antonio to St. Leo) instead of each municipality paying the same amount.

Florida Statute 166.095 describes the ability of adjacent municipality's ability to provide service to one another. If Dade City was contiguous with St. Leo, an interlocal agreement for law enforcement could be entertained.

CLERKS REPORT

ECT Clerk Miller asked the attorney if the money spent for the flood mapping engineer could be taken from the impact fee fund. The attorney and Clerk will research.

MAP The next Municipal Association of Pasco meeting will be held in Zephyrhills at Manolo's restaurant on August 1st. One agenda topic is the Local Option Gas Tax Amendment. Please contacts the Town Clerk with any agenda topics requested for the meeting.

Water Plan Update

The second reading of the Water Plan Update will be held in August or September.

Florida League of Cities Annual Conference

The next conference will be August 15th through 17th in Orlando. Reservations can be made through the Clerk's Office.

OLD BUSINESS

Doug Torres asked for a 6 month extension of the temporary use for his business. Discussion included giving an extension for 12 months.

MOTION: TO AUTHORIZE AN AMENDMENT TO RESOLUTION 13-09, TO EXTEND THE PERMIT FOR 12 MONTHS, DURING THE INTERIM THE TOWN WILL REPORT TO THE COMMISSION WHAT IS NEEDED FOR THE BUSINESS TO BECOME PERMANENT.

MOTION BY: Commissioner Wells
SECOND BY: Commissioner Hallett
VOTE: Unanimous for Resolution 5/0

MOTION: TO AUTHORIZE MAYOR GARDNER TO SIGN THE AMENDED RESOLUTION, ONCE PREPARED.

MOTION BY: Commissioner Wells
SECOND BY: Commissioner DeWitt
VOTE: Unanimous for Resolution 5/0

NEW BUSINESS

Commissioner Hallett disclosed that he met with Attorney Varn (representing the Iafrate family). Varn described difficulty determining the municipal boundary. The Iafrate family is planning to complete the Application for Voluntary Annexation. The municipal boundaries of the town are not consistent from one map to another. The legal descriptions for annexed properties are on file in Town

Hall. Discrepancies occur between Pasco County and the Town of St. Leo municipal boundaries. The Town Clerk was directed to provide all legal descriptions available to a local surveyor for a cursory look to determine accurate boundaries. He will then return a proposal for a new updated legal document.

MOTION: TO DIRECT CLERK MILLER TO PROVIDE APPROPRIATE LEGAL DESCRIPTION DOCUMENTS TO DC JOHNSON TO OBTAIN AN ESTIMATE FOR HOW MUCH IT WOULD COST TO DETERMINE ACCURATE MUNICIPAL BOUNDARIES.

MOTION BY: Commissioner Wells
SECOND BY: Commissioner Hallett
VOTE: Unanimous for approval 5/0

Budget Workshop

The next Budget Workshop will be held on August 12th at 5:30 PM, immediately prior to the 7 PM, Regular Commission Meeting.

ADJOURNMENT

MOTION: TO ADJOURN MEETING AT 9:20 P.M.
MOTION BY: Commissioner Inslee
SECOND BY: Commissioner Wells
Discussion.
VOTE: Unanimous for Approval, 5/0

Respectfully, Joan Miller, M.M.C.