

**TOWN OF ST. LEO
COMMISSION MEETING
August 11, 2014
7:00 PM**

OPENING Mayor Christmas

INVOCATION AND PLEDGE OF ALLEGIANCE – Commissioner Hallett

ROLL CALL

Richard H. Christmas – Mayor
James Hallett, O.S.B. – Mayor ProTem
Donna DeWitt, O.S.B. - Commissioner
C. Arnold Curington – Commissioner
Gregory P. Smith – Commissioner

STAFF

Joan Miller – Town Clerk
Patricia Petruff, Esquire – Attorney
Jan Norsoph – Planner
Andrea Calvert - Assistant Town Clerk

GUESTS

Approximately 40 guests, including:
-St. Leo residents and community members: Clare Christmas, Robert Christmas, John Herrmann, Louis Rinaldi, Nancy Lail, Thomas Knight, Debra Gillars, Dick Gates, Barbara Berberich, David Parrish, Keith Sumner, Terry Schrader, Eddie Herrmann, Patsy Herrmann, Eric Herrmann, Amy Greif, Fay McKean, Marlene Sumner, Donna Swart
-San Antonio Mayor Timothy Newlon, Commissioners Elayne Bassinger, Roy Pierce, Water Clerk & Assistant City Clerk Richard Alley
-Steven J. Henry, P.E. (Lincks & Associates President)
-Saint Leo University representatives: Joel Tew (Tew & Associates Land Use Attorney), Peter Hubbell (WRA, Inc. Principal), Dan Fowler (Lunz Prebor Fowler Architect), Michael Raysor (Raysor Transportation Consulting Traffic Engineer), Kelly Hill (Saint Leo University Associate Vice / General Counsel), Denny Moller (Saint Leo University Vice President of University Advancement)
-Journalists: Will Plazewski and Geoff Fox, Court Reporter: Penny Appleton
-Deputy Michael Merwin

MINUTES

MOTION: TO APPROVE THE MINUTES OF THE COMMISSION MEETING HELD ON JULY 14, 2014.

MOTION BY: Commissioner Hallett

SECOND: Commissioner Smith

Discussion.

VOTE: Unanimous for Approval, 5/0

EXPENSES AND BUDGET REVIEW

MOTION: TO ACCEPT FINANCIAL REPORT DATED AUGUST 11, 2014.

MOTION BY: Commissioner Curington

SECOND: Commissioner Hallett

Discussion.

VOTE: Unanimous for Approval, 5/0

PUBLIC COMMENT - none

MAYOR'S REPORT- none

PLANNER'S REPORT-

Public Hearing - Continuance of the June 9, 2014 and July 14, 2014 Saint Leo University PUD #10-A Major Modification #2

Mayor Christmas re-opened the Public Hearing

All persons intending to speak who were sworn in at the June or July Commission Meetings were still under oath. Clerk Miller swore in Steven J. Henry, P.E. and Keith Sumner.

Saint Leo University Representative:

Joel Tew, Tew & Associates

-Guidance and direction given to Town staff and University representatives at the last public hearing resulted in the resolution of all issues.

Town of St. Leo Representatives:

Steven J. Henry, P.E. Lincks & Associates

Henry presented an overview of the Traffic Report (commissioned by the Town of St. Leo), which included:

-Peer review of the Raysor Plant Operations Building Traffic Study

Pompanic Street would operate at an acceptable level of service with the existing and proposed additional traffic.

-Truck Turn Evaluation

Trucks would be able to turn in and out without exceeding the pavement.

-Pavement Evaluation

A core sample was taken and it was determined that there would be pavement failures in future years based on future traffic; however, the proposed widening and rebuilding would provide sufficient pavement to be able to handle both existing and future traffic.

-State Road 52 and Pompanic Street Intersection Assessment

The turning radius would require improvement. During construction of the Plant Operations Facility, Tew replied that Saint Leo University would cooperate with FDOT and pay for the improvement.

-Pompanic Street Project Access Assessment

Lincks & Associates estimated the cost of widening and rebuilding Pompanic Street from State Road 52 to McMullen as between \$200,000 to \$280,000.

Mayor Christmas asked how truck traffic would be restricted from turning north onto Pompanic Street. Henry, Michael Raysor and Tew responded. To prohibit trucks from turning north onto Pompanic Street from the proposed facility, turning radiuses could be adjusted. A raised curb would allow cars to turn north, while still restricting commercial trucks.

Mayor Christmas disclosed his participation during a meeting at San Antonio City Hall on July 21, 2014. Saint Leo University representatives (Joel Tew, Eric Weekes, Kelly Hill and Denny Moller) met with Attorney Petruff and Mayor Christmas and San Antonio representatives (Mayor Newlon, Brian Bolves, Rick Alley) to discuss different aspects of the project. The outcome of the meeting included:

- The City of San Antonio will not support improvements to Pompanic Street because of fiscal and other constraints.
- Saint Leo University will move forward with or without San Antonio's participation.
- An updated Saint Leo University Campus Master Plan will not be available for decision-making purposes at this time.

Decorative Fence Variance

- Mayor Christmas read aloud property owner Peggy Schrader Barrons preferences; she would like Saint Leo University to erect a black, decorative fence at this time and to reserve the right to request a solid wall when her first building permit is applied for.
- Attorney Petruff and Planner Norsoph were consulted and it was determined that the resolution could not require that University change the fence type once built.
- For consistency and branding purposes, the University would prefer a white fence.

Planner Norsoph presented his Staff Report, PUD #10-A: Major Modification #2. The application meets the Town's Land Development Code requirements. As part of the PUD review, Norsoph identified key issues, including:

-Compatibility

Land zoned as Medium Density Residential must be reclassified to Institutional before being developed. Buffering is a key issue for Institutional land that is adjacent to Low Density Residential land (Peggy's Hay Farm) zoning. A new campus master plan must be presented prior to submission of the next project.

-Streets and Internal Transportation

Traffic percentage increase was referenced, as was the width of Pompanic Street. The University has agreed to provide additional right of way of up to 25 feet, and to share in the improvement cost for the Town portion of Pompanic that is between State Road 52 and McMullen Road. The University's estimate for that improvement is \$219,000 to \$265,000. The intersection of Pompanic Street and State Road 52 will be improved to allow for commercial truck turns at the University's expense.

Lakeside Pavilion and Boathouse Variance (included in the PUD):

- The buildings are accessory structures; a variance is needed because of the height of the proposed structures.

Mayor Christmas asked about the intent or definition of "minimum impact" on residential local roads. Interpretation of "minimum impact," as intended by the Land Development Code was discussed. Attorney Petruff suggested that the existing Land Development Code ordinance be amended.

Attorney Petruff discussed Draft Resolution 14-06.

- Several typographical and verbiage changes would be made.
- Resolution conditions were discussed by Attorney Petruff and Planner Norsoph. Petruff reported that Town Staff and Saint Leo University representatives have worked out issues, as directed by the Commission at the July Commission meeting.
- A proposed timeframe for the lifespan of portable classroom structures (two years) is included in the resolution.

Mayor Christmas stated his appreciation for the effort the Town Staff, Saint Leo University representatives, and community members who have made an effort to work toward a positive outcome of this issue.

Commissioner Smith asked if the intent of the restrictions prohibiting truck traffic from turning north onto Pompanic Street would also prohibit car traffic from doing so. Attorney Petruff pointed out that because of safety issues, FDOT restrictions, the use of Pompanic Street as a public, general access road and its adequate level of service, etc. car traffic cannot be restricted at this time. Commissioner Smith sought assurance that the driveway could not be used for other traffic relief at the University (amphitheater event traffic, etc.) Attorney Petruff and Planner Norsoph noted that a condition of the proposed resolution necessitated the University seeking future approval from the Commission if the driveway is to be used in such a way.

St. Leo Representative:

Joel Tew, Tew & Associates

Tew responded to the Town of St. Leo Staff Report:

-Compatibility of property to the residential zoned properties to the North.

It is the belief of the University that since the property was already zoned as business land use, the facility can be used under the existing Business/Commercial Zoning criteria.

-Streets and Road Impact

Tew asserted that the University doesn't want agreeing to the 18% proportionate share number (put forward as the absolute maximum impact), to be an admission that the impact really is 18%. The Raysor traffic study suggests actual trips are closer to 5% or 6% rather than the 18% standard on the trip generation table.

-Pompanic Street's operating level of service is an "A," and the University has agreed to restrict truck traffic but is not required to do so. The University's offer to pay 50% of the road improvement costs is well above the existing impact.

Discussion:

Mayor Christmas asked Steven Henry about the estimated worst case number of trips generated. Henry pointed out that there might be more employees at the facility in the future.

Mayor Christmas stated his hope that the Commission would require the University to seek FDOT approval for access from State Road 52 for any future projects. Joel Tew responded that at issue for approval tonight is the Plant Operations Facility access only. He reiterated that a campus master plan is required at such time as the University seeks approval for the next project. Mayor Christmas stated that because there is currently no master plan, regulation is needed to ensure that minimal impact (as intended by the Land Development Code) is adhered to.

Confirmation that the proposed resolution stipulations are adequate was sought by Commissioner Hallett. Attorney Petruff and Planner Norsoph pointed out the stipulations that protect the Town, and expressed their view that the resolution offers adequate protection. Any changes to the Plant Operations Facility use would go before the Commission.

The timeframe of the Pompanic Street improvements was discussed when questioned by Commissioner DeWitt. Tew said that the next project would trigger the improvements but design and permitting would begin as soon as possible.

Mayor Christmas pointed out that acquiring the right of way is not required. Commissioner DeWitt made it clear that she believes that the road needs improvement but does not want approval of this project to be taken as approval of additional projects.

Right of way acquisition was questioned by Commissioner Hallett. Attorney Petruff asserted that acquiring appropriate right of way for all Town roads is in the Town's best interests. Voluntary acquisition and compensation would be preferred and is economically more feasible according to Planner Norsoph.

Commissioner Hallett spoke in favor of proceeding with the Resolution and, citing safety concerns, the improvement of Pompanic Street.

Public comment was opened:

Keith Sumner – community member
Nancy Lail – San Antonio
John Herrmann – San Antonio
Timothy Newlon – San Antonio Mayor
David Parrish – San Antonio
Louis Rinaldi – San Antonio
Barbara Berberich – San Antonio
Debra Gillars – San Antonio

-Nancy Lail requested and received confirmation from Mayor Christmas that construction traffic will be internal to the University, and not routed through Pompanic Street.

-John Herrmann referenced a University-owned parcel and distributed the information to the Commission. Commissioner DeWitt and Planner Norsoph pointed out that the designated wetlands parcel has been dedicated as a Permanently Open Space Easement as a result of the University's Lacrosse Field/Parking Garage Project.

Public comment was closed.

Saint Leo University was offered rebuttal to any comments made during the public comment portion of the Public Hearing. Joel Tew declined.

Mayor Christmas brought up the desire to procure enough right of way to construct a sidewalk.

**MOTION: TO CLOSE THE PUBLIC HEARING FOR SAINT LEO UNIVERSITY
PUD #10-A MAJOR MODIFICATION #2.**

MOTION BY: Commissioner Hallett

SECOND BY: Commissioner DeWitt

Discussion.

VOTE: Unanimous for Approval, 5/0

Attorney Petruff noted several typographical and verbiage changes would be made to Resolution 14-06 and reflected in the final version, including capitalizing "Plant Operations Facility" throughout the document, filling in the blank with \$3.00 as the price per square foot (page two, paragraph seven), using 18% as the University's proportionate share (page three, paragraph eight, section b), substituting the words "be for" for the word "include" and ending the paragraph with "January 1, 2015" (page four, paragraph 10).

Attorney Petruff listed the following documents/exhibits to be added (for the public record) to the Plant Operations Public Hearing file:

- all citizen correspondence
- all PUD #10-A Major Modification #2 Staff Reports
- the Lincks & Associates Traffic Report
- Joel Tew's notebook submittal

MOTION: TO APPROVE RESOLUTION 14-06, A RESOLUTION OF THE TOWN OF ST. LEO COMMISSION, APPROVING PUD #10-A MAJOR MODIFICATION #2 TO THE SAINT LEO UNIVERSITY CAMPUS MASTER PLAN WITH CONDITIONS AND EDITS MADE DURING THIS MEETING AND TO INCLUDE ASSOCIATED ATTACHMENTS.

MOTION BY: Commissioner Hallett

SECOND BY: Commissioner DeWitt

Discussion. Mayor Christmas expressed his wish that the Commission would reconsider and add the condition that Saint Leo University would seek approval from DOT for access to State Road 52 prior to seeking approval for their next project.

MOTION: TO AMMEND THE PREVIOUS MOTION TO INCLUDE THE STIPULATION THAT WOULD REQUIRE SAINT LEO UNIVERSITY TO SEEK ACCESS VIA STATE ROAD 52 AND TO HAVE THE FDOT PERMIT APPLICATION DENIED BEFORE ANY FUTURE ACCESS ONTO POMPANIC STREET IS PERMITTED BY THE TOWN OF ST. LEO.

MOTION BY: Commissioner Smith

SECOND BY: Commissioner DeWitt

Discussion.

VOTE: Approved 4/1
Commissioner Hallett - Nay

MOTION: TO APPROVE THE MAIN MOTION AS AMENDED.

MOTION BY:

SECOND BY:

Discussion.

VOTE: Unanimous for Approval, 5/0

5 Minute Break

**Public Hearing - Continuance of the June 9, 2014 and July 14, 2014 Saint Leo University
SPR/VAR #14-A Plant Operations Facility Site Plan/Variance Review**

Mayor Christmas re-opened the Public Hearing

Saint Leo University Representative:

Joel Tew, Tew & Associates

-Guidance and direction given to Town staff and University representatives at the last public hearing resulted in the resolution of all issues.

Town of St. Leo Representative:

Planner Norsoph presented his Staff Report, SPR/VAR #14-A: Saint Leo University Plant Operations Project

-Aside from the fence variance, the application meets all Land Development Code requirements.

-Architectural style was discussed.

-The variance does not constitute a hardship.

Resolution 14-07 Alternative #2

-Attorney Petruff highlighted several typographical and verbiage changes would be made and reflected in the final version, including: capitalizing "Plant Operations Facility" throughout the document and attaching "exhibit A" as provided by Joel Tew (page three, section d, condition five).

-Planner Norsoph brought up the outside aesthetics of the Plant Operations Facility, the specifics of which are to be discussed at a later date.

Public comment was opened:

Barbara Berberich – San Antonio

Debra Gillars – San Antonio

Nancy Lail – San Antonio

-Barbara Berberich brought up OSHA requirements that necessitate back-up alarms on trucks which would generate noise. Joel Tew said that the University would comply with the Town's noise ordinance.

-Deborah Gillars asked if delivery times would be restricted to daytime hours. University representatives agreed to the addition of a resolution condition specifying delivery hours to between 6:00 AM and 6:00 PM Monday through Friday.

-Deborah Gillars asked what types of lighting would be used and during what hours the facility would be lit. University representatives agreed to the addition of a resolution condition that would prohibit light spillage onto other properties.

Public comment was closed.

**MOTION: TO CLOSE THE PUBLIC HEARING FOR THE SITE PLAN
REVIEW/VARIANCE #14-A SAINT LEO UNIVERSITY PLANT OPERATIONS
FACILITY.**

MOTION BY:

Commissioner Hallett

SECOND BY:

Commissioner Smith

Discussion.

VOTE:

Unanimous for Approval, 5/0

MOTION: TO APPROVE RESOLUTION 14-07, A RESOLUTION OF THE TOWN OF ST. LEO COMMISSION, APPROVING SITE PLAN REVIEW/VARIANCE #14-A SAINT LEO UNIVERSITY PLANT OPERATIONS FACILITY WITH CONDITIONS AND EDITS MADE DURING THIS MEETING AND TO INCLUDE ASSOCIATED ATTACHMENTS.

MOTION BY: Commissioner Curington
SECOND BY: Commissioner Hallett

Discussion.

VOTE: Unanimous for Approval, 5/0

ATTORNEY REPORT

Manson Bolves Letter

San Antonio attorney Brian Bolves sent a letter to Attorney Petruff regarding a Pompanic Street interlocal agreement between St. Leo and San Antonio. Attorney Petruff requested that the topic be investigated by the Commission and discussed in more detail at the September 8, 2014 Commission meeting.

Holy Name Monastery - Certificate of Occupancy

A Temporary Certificate of Occupancy has been issued, expiring in 30 days. Valid copies of the required stormwater easement and landscape agreement, as required in Resolution 13-15, have not been submitted.

MOTION: TO DIRECT MAYOR CHRISTMAS AND ATTORNEY PETRUFF TO WORK WITH HOLY NAME MONASTERY AND THE DADE CITY BUILDING DEPARTMENT TO REVIEW AND EXECUTE THE REQUIRED DOCUMENTS.

MOTION BY: Commissioner Curington

SECOND BY: Commissioner Smith

Discussion.

VOTE: Unanimous for Approval, 5/0

Commissioner DeWitt noted the Monastery's appreciation for the issuance of a Temporary Certificate of Occupancy, which allowed them to move into the facility on Sunday, August 10, 2014.

COMMISSION REPORT – none

CLERK REPORT- none

UNFINISHED BUSINESS

Flood Insurance Program

Attorney Petruff discussed participation in the National Flood Insurance Program. Adopting the ordinance would allow residents to participate in the National Flood Insurance program, which provides subsidized rates for flood insurance. It appears that perhaps only one building would be effected. As the ordinance need not be adopted until September of 2015, the decision was postponed to a later date. Should Town staff be directed to draft the ordinance, Attorney Petruff estimated the cost to the Town at \$5,000-\$6,000.

Holy Name Monastery – Impact Fees

Staff was directed to begin working on an updated Impact Fee ordinance and to charge a Road Impact Fee of \$450 per room (20 rooms) for the new Monastery facility.

NEW BUSINESS

Budget Workshop

A Budget Workshop will be held on Monday, August 25, 2014 at 6 PM.

Local Mitigation Strategy Resolution

MOTION: TO APPROVE THE RESOLUTION SUPPORTING AND ADOPTING THE PASCO COUNTY 2014 REVISION OF THE LOCAL MITIGATION STRATEGY.

MOTION BY: Commissioner Hallett

SECOND BY: Commissioner Smith

Discussion.

VOTE: Unanimous for Approval, 5/0

ADJOURNMENT

MOTION: TO ADJOURN MEETING AT 10:26 PM

MOTION BY: Commissioner Curington

SECOND BY: Commissioner DeWitt

Discussion.

VOTE: Unanimous for Approval, 5/0

Joan Miller, MMC
Andrea Calvert, CMC