

**TOWN OF ST. LEO  
COMMISSION MEETING  
July 14, 2014  
7:00 PM**

**OPENING** Mayor Christmas

**INVOCATION AND PLEDGE OF ALLEGIANCE** – Commissioner Smith

**ROLL CALL** Donna DeWitt, O.S.B. - Commissioner  
Greg Smith – Commissioner  
Richard Christmas – Mayor  
James Hallett, O.S.B. – Mayor ProTem  
Arnold Curington – Commissioner Elect

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

**GUESTS** Approximately 30 guests, including:  
-St. Leo resident and community members: Clare Christmas, John Herrmann, Louis Rinaldi, Nancy Lail, Thomas Knight, Debra Gillars, Dick Gates, Barbara Berberich, David Parrish  
-San Antonio Commissioners: Elayne Bassinger, Roy Pierce, Dennis Berberich  
-Saint Leo University representatives: Joel Tew (Tew & Associates Land Use Attorney), Pete 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)  
-Journalists: Will Plazewski and Geoff Fox, Court Reporter: Penny Appleton

**SWEARING IN OF NEW COMMISSIONERS**  
Arnold Curington was sworn into office by Clerk Miller.

**MINUTES** **MOTION: TO APPROVE THE MINUTES OF THE COMMISSION MEETING HELD ON JUNE 9, 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 JULY 14, 2014.**  
**MOTION BY:** Commissioner Hallett  
**SECOND:** Commissioner Curington  
Discussion.  
**VOTE:** Unanimous for Approval, 5/0

**PUBLIC COMMENT** - none

**PLANNER'S REPORT-**

**Public Hearing - Continuance of the June 9, 2014 Saint Leo University PUD #10-A Major Modification #2 and SPR/VAR #14-A Plant Operations Facility Site Plan/Variance Review**

Mayor Christmas re-opened the Public Hearing (continued from the 6/9/14 Commission Meeting)

Clerk Miller confirmed that all persons intending to speak who were sworn in at the June Commission Meeting were still under oath. Prior to speaking, Nancy Lail and Thomas Knight were sworn in.

Saint Leo University Representatives:

-Peter Hubbell (WRA, Inc. Principal) and Joel Tew (Tew & Associates Land Use Attorney) spoke on behalf of the University with the intent to update the Commission on what has occurred since the June Commission Meeting. Michael Raysor (Raysor Transportation Consulting Traffic Engineer) and Dan Fowler (Lunz, Prebor and Fowler Architect) were also present. A broad overview of the PUD and Plant Operations site plan variance was presented, and proposed resolution stipulations were discussed.

Pete Hubbell, WRA

- Justification of why the Plant Operations building is needed and the proposed placement on the West campus was given.
- The new site plan has been modified to protect the grand oak tree.
- Traffic impact on Pompanic Street and State Road 52 was discussed:
  - Plant Operations employees would park at the soccer field underground parking garage and access the West Campus facility as needed from an on-campus cart path. Long-term growth and the resulting impact to Pompanic Street is being evaluated by Town and University representatives.
- The variance requested is to substitute a portion of the solid wall (required in the Land Development Code) with a decorative fence that would match the style of the existing campus fencing.
- Minor modifications to the campus (beside Lake Jovita) are proposed and have been evaluated by Town staff (Lakeside Pavillion and Boathouse).
- Approval is sought for the PUD #10-A Major Modification #2, Plant Operations site plan, and the decorative fence variance.

Joel Tew, Tew & Associates

- At the direction of the Commission, Town and University representatives are communicating and have been working together to arrive at a fair and reasonable agreement on PUD and site plan conditions.
- The University proposes a 50/50 partnership (design, permitting and construction costs) to improve Pompanic Street from State Road 52 to McMullen Road:
  - The Town's impact fee funding could be used for this project. Impact fee credits would be allotted to the University in advance. The road improvement would negate need for further traffic analysis.
  - The University would manage the project (construction supervision, bidding process, etc.). Construction would begin as soon as possible, with the University also paying for the Florida Department of Transportation's suggested additional turning radius.
  - City of San Antonio cooperation is uncertain.

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-The drafted proposal may include additional right of way and pavement needed to complete the project and result in a 24 foot wide, two lane standard roadway and the required drainage.

-Draft PUD condition discussion:

-Payment for right of way would be calculated based on the recent sale price, adjacent property owners would be encouraged by SLU to cooperate.

-The portion share paid by the University depends on the traffic percentage calculated.

-The second sentence in sub-paragraph four was discussed: Saint Leo University is committed to completing the joint Pompanic Street project and the new Plant Operations facility, should one party not honor the agreement, completion of the facility should not be prevented.

-Regarding the proposed condition eight (architectural control): Tew asserted that architectural control should remain with the property owner; legislation regulating architecture is not legally defensible. He proposed language, including: compatibility, style, color, etc.

-The University is seeking approval at the August 11, 2014 Commission Meeting.

-Feedback on the fence variance is needed to prepare documents for August meeting.

St. Leo Representatives:

Attorney Petruff reiterated that University and Town representatives were working together and making progress on draft conditions. Petruff thanked the University for moving forward with the negotiation process. Direction from the Commission was requested regarding the possible conditions of approval and/or direction to draft a resolution denying the project.

-40-50 feet of right of way is needed for a standard two lane road width and sidewalk.

-San Antonio participation would improve project; both municipalities could declare Pompanic Street to be residential after McMullen Drive, restrictions could be put into place to protect the future residential character.

-Condition e. iv. should be altered (be removing everything after "or") to reflect the uncertainty of San Antonio's cooperation.

-The 50/50 split proposed by University representatives is fair; language is sought to ensure that the percentage takes into account possibility of future West Campus development (condition vi.).

-Differing views on condition eight (dictation of architectural style) were presented.

Discussion:

Commissioner Smith asked if the additional Pompanic Street traffic would be solely generated from the proposed facility. Attorney Petruff answered that any approval given is subject to future Commission decisions. In the future, upon build-out of West campus, the applicant could request approval for other road access, requiring additional traffic study and Commission review. Tew said that the proposed resolution condition six requires the University to submit the updated Master Plan with the next site development.

Commissioners DeWitt and Hallett stated their desire to move forward. Commissioner DeWitt brought up the possibility of creating a sidewalk. Commissioner Hallett prefers installation of the sidewalk but discussed feasibility.

Attorney Petruff discussed two possibilities for obtaining right of way: voluntary sale by owner and possession by eminent domain. Tew spoke about the positive benefits of the project, including enhancing property values. Mayor Christmas asked about the implications if San Antonio does not participate. Tew replied that whatever the complication, the University would complete the road to the standard dimensions and work done would still result in road improvement. Work could be completed without San Antonio's participation.

Mayor Christmas asked about the implications of San Antonio's proposed ordinance. Joel Tew replied that the ordinance was vague and ambiguous and that they would fight it. The plan is to build the facility and use it as allowed by law. It was again stated that traffic could be restricted as a condition of future approval.

Commissioner Smith asked about the reasoning for a driveway on Pompanic Street and not on State Road 52. Tew said that Plant Operations access is not appropriate for the heart of a campus. Additional access to future West Campus, Florida Department of Transportation permitting, would be a future consideration. The future Clinton Avenue extension could alleviate FDOT's access and connection issues; additional access may be approved at that time. The University wants to maintain and preserve campus walkability. Petruff discussed design specifics of the Plant Operations site plan and driveway access.

Public comment was opened:

John Herrmann – San Antonio  
Nancy Lail – San Antonio  
Thomas Knight – San Antonio  
David Parrish – San Antonio  
Louis Rinaldi – San Antonio  
Roy Pierce – San Antonio  
Barbara Berberich – San Antonio  
Debra Gillars – San Antonio  
Dick Gates – San Antonio

-Peggy Schrader Barons' views on the fence requirements were discussed. Mayor Christmas will contact Barons to discuss the decorative fence.

-Mayor Christmas referenced a letter received from the FDOT stating their position that the State Road 52 and Pompanic Street intersection does not require additional design improvement.

-David Parrish spoke in support of the University and its willingness to compromise.

-Prohibiting right turns onto Pompanic Street from the Plant Operations facility was discussed.

-Mayor Christmas pointed out that, since 1995, he is not aware of any complaints about how the property has been zoned.

Draft Resolution Conditions:

-Conditions are to include: no northbound turn onto Pompanic Street for commercial truck traffic from the Plant Operations facility (Michael Raysor, Traffic Engineer [Raysor Transportation Consulting] will investigate the possibility of physically preventing right turns), and a sidewalk along the St. Leo side of the road if possible. San Antonio cooperation is welcome. All of the highlighted portion of Section E #4 will be deleted (agreed to by Tew). Language will be added to Section E six (agreed to by Tew). There was discussion and agreement on condition eight.

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Commissioner Hallett asked about the timing relation of the road improvements and the building construction. Mayor Christmas asked about the construction traffic. It will be discussed at the next meeting. A 20 foot wide landscape buffer was agreed upon.

**MOTION: TO CONTINUE THE PUBLIC HEARING FOR SAINT LEO UNIVERSITY PUD #10-A MAJOR MODIFICATION #2 AND SPR/VAR #14-A, PLANT OPERATIONS FACILITY SITE PLAN/VARIANCE REVIEW TO AUGUST 11, 2014.**

**MOTION BY:** Commissioner Curington

**SECOND BY:** Commissioner Hallett

Discussion: Mayor Christmas asked Attorney Petruff if the Town could legally deny the University's request to utilize Pompanic Street. As the property has established legal access and has historically been zoned business, Petruff does not recommend doing so as it would open the Town up to potential costly litigation and also place undue burden on St. Leo taxpayers.

**DISCUSSION.**

**VOTE:** Unanimous for Approval, 5/0

**5 Minute Break**

**Arborist Report**

Samnik & Ballard, Expert Tree Consultants, LLC, was contracted to assess the protection of the grand oak tree at the proposed Plant Operations site. Planner Norsoph presented their recommendations: erection of a protective barrier, additional watering during construction, and application of herbicide to ensure protection of the tree. Attorney Petruff dictated that the report will be made part of the August 11, 2014 Public Hearing. University representatives presented no objections to the report.

**Traffic Analysis**

Planner Norsoph spoke of the Town contract with Lincks & Associates, who have been hired to review the transportation analysis prepared by Rayzor Transportation Consulting, LLC. Lincks & Associates will verify R's simulation, assess Pompanic Street's current condition and confirm/suggest modifications for truck traffic generated from the facility.

**Site Plan Review #14-C Saint Leo University Fine Arts Renovation**

Dan Fowler (Lunz, Prebor Fowler Architect) gave a short presentation. The Fine Arts Building site (the former Plant Operations building) incorporates tree replacements resulting from the New Academic Building. Exterior improvements, including painting and landscaping, will be made to the front of the building. Final building permits will not be issued before a final landscape inspection is done to verify the plantings. Language in the resolution related to the proposed Plant Operations facility was eliminated.

**MOTION: TO APPROVE THE SITE PLAN REVIEW #14-C SAINT LEO UNIVERSITY FINE ARTS PROJECT RESOLUTION #14-05 AS AMENDED.**

**MOTION BY:** Commissioner Curington

**SECOND BY:** Commissioner Hallett

Discussion.

**VOTE:** Unanimous for Approval, 5/0

**ATTORNEY REPORT**

Code enforcement – Plant Operations offices

The Plant Operations offices have moved to the site of the former Dragonflies and Fairy Tales daycare facility on Wichers Road. The property is not zoned for use as offices. To bring the use into compliance, the University has agreed to apply, within a reasonable amount of time, to change the Comprehensive Plan Designation and Zoning Use to Institutional.

**COMMISSION REPORT** – none

**CLERK REPORT**- none

**UNFINISHED BUSINESS**

**Lake Jovita Homeowner’s Association**

Mayor Christmas stated that a letter was sent to the President of the association, Ronnie Deese, regarding noncompliance of the agreed-upon usage of Lake Jovita by property owners. A reply has not been received; Attorney Petruff was directed to send another letter to Mr. Deese.

**NEW BUSINESS**

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

Setting the tentative millage rate is required by the Florida Department of Revenue. This rate will be publicized on the TRIM (Truth in Millage) Notice that will be mailed by the property appraiser.

**MOTION: TO SET THE TENTATIVE MILLAGE RATE FOR FISCAL YEAR 2014/2015 AT .75 MILL.**

**MOTION BY:** Commissioner Hallett

**SECOND BY:** Commissioner Smith

Discussion. The Town has adequate reserves and will reevaluate the millage rate, with regard to the impact of the recent contraction, at the appropriate time next year.

**VOTE:** Unanimous for Approval, 5/0

**Highway Beautification Grant**

Assistant Clerk Calvert gave a presentation on the Highway Beautification Grant process and possible projects. The grant would cover half of the costs for the requested project(s). The University is not interested in participating. Calvert was directed to proceed with the application process, and to obtain estimates for landscaping around the two (2) Town limits signs and in the right of way at the front of the Town Hall building. The cost of hiring additional labor to complete the installation will be included in the new estimates.

**Budget Workshop**

A Budget Workshop will be held on Monday, July 28, 2014 at 6 PM.

**Individual Commissioner Responsibilities**

Zoning – Commissioner Smith

Roads – Commissioner Hallett

Commissioner Hallett offered to work on special projects as needed.

**Municipal Association of Pasco - Local Option Gas Tax**

Zephyrhills Interim City Manager Steve Spina, on behalf of the Municipal Association of Pasco, has requested to be on the Pasco County Board of Commissioners July 22, 2014 meeting agenda.

**Internet Connection and Communication Proposal**

**MOTION: TO CHANGE PROVIDERS TO BRIGHTHOUSE FROM CENTURYLINK FOR INTERNET AND TELEPHONE SERVICES.**

**MOTION BY:** Commissioner Curington

**SECOND BY:** Commissioner DeWitt

Discussion: Substantial savings would result from the switch, and internet bandwidth would increase.

**VOTE:** Unanimous for Approval, 5/0

**Mowing and Trimming at Town Hall**

**MOTION: TO NEGOTIATE AND DRAFT A ONE YEAR CONTRACT WITH DOUBLE J LAWN CARE FOR LAWN MAINTENANCE SERVICE FOR TOWN HALL, TO BE EFFECTIVE UPON SIGNING.**

**MOTION BY:** Commissioner Smith

**SECOND BY:** Commissioner Curington

Discussion.

**VOTE:** Unanimous for Approval, 5/0

**Town Park** The possibility of leasing the tennis courts and land from the Benedictine Sisters to establish a park was discussed.

**ADJOURNMENT**

**MOTION: TO ADJOURN MEETING AT 10:26 PM**

**MOTION BY:** Commissioner Smith

**SECOND BY:** Commissioner Hallett

Discussion.

**VOTE:** Unanimous for Approval, 5/0

Andrea Calvert