

**TOWN OF ST. LEO
COMMISSION MEETING
May 12, 2014
7:00 PM**

OPENING Mayor Gardner

INVOCATION AND PLEDGE OF ALLEGIANCE – Commissioner Hallett

ROLL CALL Raphael Davis – Commissioner Elect
Greg Smith – Commissioner
Richard Christmas – Commissioner Elect
James Hallett, O.S.B. – Commissioner
Robert Inslee – Mayor Pro Tem

STAFF Joan Miller – Town Clerk
Patricia Petruff, Esquire – Attorney
Jan Norsoph – Planner

GUESTS Approximately 20 guests

SWEARING IN OF NEW COMMISSIONERS

Raphael Davis, Richard Christmas and James Hallett were sworn into office by Clerk Miller.

REORGANIZATION OF TOWN COMMISSION

Mayor ProTem Inslee requested nominations for Mayor.

MAYOR MOTION: TO NOMINATE RICHARD CHRISTMAS AS MAYOR FOR A TERM OF ONE YEAR.

MOTION BY: Commissioner Hallett

SECOND BY: Commissioner Smith

The Mayor ProTem asked if there were any other nominations.
No further nominations were made.

MOTION: TO CLOSE THE NOMINATIONS FOR MAYOR.

MOTION BY: Commissioner Smith

SECOND BY: Commissioner Hallett

No discussion.

VOTE: Unanimous for approval, Adopted 5/0

Motion on the floor.

MOTION: TO APPROVE THE NOMINATION AND APPOINTMENT OF RICHARD CHRISTMAS AS MAYOR FOR A TERM OF ONE YEAR.

Discussion.

VOTE: Unanimous for approval, Adopted 5/0

MAYOR PRO TEM

Mayor Christmas requested nominations for Mayor Pro Tem.

MOTION: TO NOMINATE JAMES HALLETT AS MAYOR PRO TEM FOR A PERIOD OF ONE YEAR.

MOTION BY: Commissioner Smith

SECOND BY: Commissioner Davis

Mayor Christmas asked if there were any other nominations.

MOTION: TO CLOSE THE NOMINATIONS FOR MAYOR PROTEM.

MOTION BY: Commissioner Inslee

SECOND BY: Commissioner Smith

VOTE: Unanimous for approval. 5/0

Motion on the floor.

MOTION: TO APPOINT JAMES HALLETT AS MAYOR PROTEM FOR A TERM OF ONE YEAR.

Discussion.

VOTE: Unanimous for approval, Adopted 5/0

ATTORNEY, CLERK, AND PLANNER

Discussion.

MOTION: TO APPROVE APPOINTMENT OF TOWN PLANNER JAN NORSOPH UNTIL THE END OF THIS FISCAL YEAR, SEPTEMBER 30, 2014.

MOTION: Commissioner Smith

SECOND: Commissioner Inslee

Discussion.

VOTE: Unanimous for approval. 5/0

Mayor Christmas recommended the reappointment of the Town Clerk, Joan Miller, and Town Attorney, Patricia Petruff of Dye, Deitrich, Petruff & St. Paul, P.L. for a period of one year.

MOTION: TO APPROVE THE REAPPOINTMENT OF TOWN CLERK, JOAN MILLER AND TOWN ATTORNEY, PATRICIA PETRUFF OF DYE, DEITRICH, PETRUFF & ST. PAUL, P.L. FOR A PERIOD OF ONE YEAR.

MOTION BY: Commissioner Inslee

SECOND BY: Commissioner Hallett

Discussion.

VOTE: Unanimous for approval, Adopted 5/0

MINUTES

MOTION: TO APPROVE THE MINUTES OF THE COMMISSION MEETINGS HELD ON APRIL 14, APRIL 28, AND APRIL 29, 2014.

MOTION BY: Commissioner Inslee

SECOND: Commissioner Hallett

Discussion.

VOTE: Unanimous for Approval, 5/0

EXPENSES AND BUDGET REVIEW

MOTION: TO ACCEPT FINANCIAL REPORT DATED MAY 12, 2014.

MOTION BY: Commissioner Hallett

SECOND: Commissioner Smith

Discussion.

VOTE: Unanimous for Approval, 5/0

PUBLIC COMMENT - none

MAYORS REPORT

Mayor Christmas thanked Jack Gardner (4 years), James Wells (1 year) and Donna DeWitt, O.S.B. (17 years) for their dedication and public service to the Town of St. Leo.

ORD 14-02 Clerk Miller read the final reading of Ordinance 14-02 by title only. **AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF ST. LEO, FLORIDA, REPEALING ORDINANCE 85-01; PROVIDING FOR DISSOLUTION OF THE POLICE EDUCATION FUND; PROVIDING FOR REALLOCATION OF SAID FUNDS TO THE TOWN'S GENERAL REVENUE FUND; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Discussion.

MOTION: TO ACCEPT ORDINANCE 14-02 OF THE TOWN COMMISSION OF THE TOWN OF ST. LEO, FLORIDA, REPEALING ORDINANCE 85-01; PROVIDING FOR DISSOLUTION OF THE POLICE EDUCATION FUND; PROVIDING FOR REALLOCATION OF SAID FUNDS TO THE TOWN'S GENERAL REVENUE FUND; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

MOTION BY: Commissioner Hallett

SECOND: Commissioner Inslee

Discussion.

VOTE: Unanimous for Approval, 5/0

COMMISSION REPORT

Toters Commissioner Hallett spoke about the Progressive Waste Contract and Lake Jovita contraction transition issue. He provided informational handouts (included in the packet) for tonight's meeting. Hallett suggested that further action was required to affirm a decision made during the April 14th meeting to leave the toters with the Lake Jovita residents. Consideration of other options (as in Florida State Statute, Chapter 274 - Tangible Property owned by Local Governments), should be discussed tonight.

Discussion.

MOTION: TO LEAVE TOTERS IN CURRENT LOCATIONS AND INSTRUCT THE TOWN ACCOUNTANT TO WRITE OFF THE CURRENT VALUE OF THE TOTERS AND RATIFY THE Toter MOTION MADE DURING THE APRIL 14, 2014 MEETING REGARDING TOTERS.

MOTION BY: Commissioner Smith

SECOND BY: Commissioner Inslee

Discussion.

VOTE: Unanimous for Approval, 5/0

ATTORNEY REPORT

House Bill 1401

House Bill 1401 has passed both the House and Senate Committees and is awaiting signature of Governor Scott. If he takes no action, the contraction of Lake Jovita Subdivision will become effective on May 24, 2014.

Saint Leo University

Joel Tew (Land Use Attorney for Saint Leo University) requested a conference call with Attorney Petruff, Jan Norsoph, Frank Mezzanini, Pete Hubble, and Dan Fowler. The purpose was to review and clarify questions that Tew had about the Town's process and issues relating to McMullen Road. Petruff reiterated that a letter of authorization would be required from the City of San Antonio for Saint Leo University to use McMullen Drive since the City of San Antonio owned the fee simple title to that roadway.

There is no Interlocal agreement between the City of San Antonio and the Town of St. Leo regarding the long term vision of Pompanic Street. It is a public (not private) road designated as a local road by the Town of St. Leo. The Land Development Code requires roads to be constructed to County standards and upgrades may be needed.

A revised application will be submitted to be addressed on the June 2014 agenda, as of this afternoon, the revised application has not been received. The next public hearing will need to be advertised. Presently, advertising is only required within the boundary of the Town. The San Antonio Clerk will be notified of the next Public Hearing.

An invitation was made to the general public and Town Commission by Saint Leo University to attend an informational workshop on 05/14/2014. Clerk Miller advertised this workshop as a meeting where two or more commissioners may attend as to not become an infraction of the Sunshine Law. Commissioners were cautioned to not speak or sit together at the meeting. The Plant Operations Project will become a quasi-judicial matter based on evidence that will be presented at a future Town meeting.

A letter was received from Peggy Baron owner of Peggy's Hay Farm (a platted five lot subdivision) that borders on McMullen Drive and Pompanic Street within the Town. Ms. Baron was not mailed notice of the previous public hearing and objects to having the Plant Operations building across the street from the residential property.

Roy Pierce asked for confirmation as to when the Public Hearing may be held. He is concerned about public safety if increased traffic takes place in the area of Pompanic and McMullen Drive.

PLANNER REPORT

Planner Norsoph asked the commission what the basis was for their decision to only extend the planning consultant services contract until October 1, 2014.

Commissioner Hallett said that during the organizational meeting in May 2013, the review of all town contracts was discussed. The commission will be cost conscious due to the municipal contraction and will have to decide how to lower expenses.

Commissioner Inslee suggested that it is difficult for a new commissioner to make an educated decision while voting to extend a contract on their first day seated.

Contraction Transition

Mayor Christmas confirmed that two open seats will need to be filled at the next meeting. Attorney Petruff read Section 3.08 – Vacancies in the Town Charter. The public is reminded to contact the Town Clerk if they have an interest in serving the Town.

Review of Documents

Mayor Christmas spoke about the 1995 agreement between the Town and Uradco that says that Uradco would bind themselves to restrict all Lake Jovita lakefront property owners from conveying public access to Lake Jovita for “perpetuity”. This agreement included outparcels A and B.

In 2/10/2010, a filed agreement says that the owners of the twelve lots in Lake Jovita are the only owners with lake access and the owners shall not convey any easement to allow public access, this item can be amended only by an affirmative vote by 65% of all lakefront property owners and only after the year 2100.

Mayor Christmas stated that the agreement is no longer for perpetuity but now has an end date, and amending the 2010 document should be discussed with the Lake Jovita Homeowners Association.

Tom Wieland said that he would speak to Ronnie Deese regarding this issue. The Mayor provided his documents to Tom Wieland so that Ronnie Deese can be informed.

ADJOURNMENT

MOTION: TO ADJOURN MEETING AT 8:41 P.M.

MOTION BY: Commissioner Inslee

SECOND BY: Commissioner Smith

Discussion.

VOTE: Unanimous for Approval, 5/0

Joan Miller, M.M.C.