

**TOWN OF ST. LEO
COMMISSION MEETING
October 13, 2014
7:00 PM**

OPENING Mayor Christmas

INVOCATION AND PLEDGE OF ALLEGIANCE – Mayor Christmas

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

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

<u>GUESTS</u>	Barbara Berberich	Louis Rinaldi
	Dennis Berberich	Debbie Gillars
	David Parrish	Jeff Fox
	Fay McKean	Robert Christmas
	Will Plazewski	Lt. Deputy Strube
	Deputy Windsor	

MINUTES **MOTION: TO APPROVE MINUTES OF THE COMMISSION MEETINGS HELD ON SEPTEMBER 8, SEPTEMBER 22, AND OCTOBER 6, 2014.**
MOTION: Commissioner Smith
SECOND: Commissioner Curington
Discussion.
VOTE: Unanimous for Approval, 5/0

EXPENSES AND BUDGET REVIEW
MOTION: TO ACCEPT FINANCIAL REPORT DATED OCTOBER 13, 2014.
MOTION: Commissioner Curington
SECOND: Commissioner Hallett
Discussion.
VOTE: Unanimous for Approval, 5/0

PUBLIC COMMENT – none

MAYOR'S REPORT - None

COMMISSIONER'S REPORT

Commissioner Smith spoke about his participation in the 2014 Elected Municipal Officials training course in Fort Myers, October 10-12, 2014. Topics included but were not limited to: structure and function of municipal government, budgeting, and Florida's ethics laws. Overall, he was impressed that the seminar met his needs and expectations and thought that attending this training was time well spent. The opportunity to network with other elected municipal officials from across the state was enlightening. His written report in preparation for tonight's meeting was handed to Clerk Miller.

ATTORNEY REPORT

Interlocal Agreement between Pasco County and the Town of St. Leo for Improvement of Clinton Avenue and Prospect Road Intersection

Attorney Petruff gave an overview of the contract that the Town had entered into with Pasco County. The agreement has expired. Pasco County has contacted the Town and asked that it be extended by amendment.

Options include extending the agreement by amendment (include a project timeframe) and again encumbering the \$49,000 for improvement of the intersection, or to deny the request to amend and encumber the \$49,000 to another Town project.

Discussion.

MOTION: TO AUTHORIZE THE MAYOR TO SIGN A LETTER THAT THE ATTORNEY AND MAYOR WILL WRITE THAT DENIES THE REQUEST BY PASCO COUNTY TO AMEND/EXTEND THE INTERLOCAL AGREEMENT THAT EXPIRED SEPTEMBER 30, 2014 BECAUSE THE TOWN OF ST. LEO CHOOSES TO NO LONGER ENCUMBER THE \$49,000 FOR THE CLINTON AVENUE, PROSPECT ROAD INTERSECTION PROJECT AT THIS TIME.

MOTION: Commissioner Hallett

SECOND: Commissioner DeWitt

Discussion.

VOTE: Unanimous for Approval, 5/0

MOTION: TO ENCUMBER THE \$49,000 IN FUNDS FOR THE PURPOSE OF PURCHASING RIGHT-OF-WAY AND FOR ROAD IMPROVEMENTS ON POMPANIC.

MOTION: Commissioner Smith

SECOND: Commissioner Curington

Discussion.

VOTE: Unanimous for Approval, 5/0

Pending lawsuit, City of San Antonio vs. The Town of St. Leo.

During the September 8, 2014 meeting the Town Commission agreed to suspend any permitting and plan review for the Saint Leo University Plant Operations Project for 30 days and to enter into good faith negotiations with the City of San Antonio. In return according to San Antonio Attorney Brian Bolves, the Town of St. Leo would not be officially served with the lawsuit. The 30 days has passed and Commission discussion included the opportunity to lift the suspension of the permitting and plan review process for the new Plant Operations building. Legal ramifications were discussed.

The September 8, 2014, San Antonio complaint only appealed the addition of the 11.56 acres to the Saint Leo University Master Plan PUD document. It did not appeal the adopted site plan for the Plant Operations building. At this time, the University has indicated that they would like to move forward with the permitting process. Once this process is completed, the building permits could be issued. Attorney Petruff advised that any activity by Saint Leo University moving forward and prior to the final decisions made regarding the San Antonio lawsuit with the Town would be at their own risk.

To move forward with negotiations or to maintain status quo with no review of documents and applications by Saint Leo University requires a decision by the commission. If the status quo is not maintained, Attorney Bolves may receive notice from the City of San Antonio to officially serve the Town with the filed complaint. This is an awkward situation for the Town. In addition, there is risk of the Town being sued by Saint Leo University if they are denied the opportunity to continue with the approved project.

MOTION: TO REMOVE THE GENERAL HOLD OR “STATUS QUO”, OF RESOLUTION 14-06, ACCEPT APPLICATIONS AND ALLOW SAINT LEO UNIVERSITY TO MOVE FORWARD IN THE PERMITTING AND REVIEW PROCESS AND TO ACCEPT ANY DECISION THAT IS MADE BY THE CITY OF SAN ANTONIO.

Discussion.

Commissioner Hallett said that it was his intention to include “and continue negotiations with the City of San Antonio.” The motion was amended.

MOTION: TO REMOVE THE GENERAL HOLD OR “STATUS QUO”, OF RESOLUTION 14-06, ACCEPT APPLICATIONS AND ALLOW SAINT LEO UNIVERSITY TO MOVE FORWARD AND FOR THE TOWN TO CONTINUE NEGOTIATIONS WITH THE CITY OF SAN ANTONIO AND ACCEPTING ANY DECISION THAT THEY MAKE.

MOTION BY:

Commissioner Hallett

SECOND BY:

Commissioner DeWitt

Discussion.

Discussion by Commissioners and then by San Antonio Citizens, Lou Rinaldi, Debbie Gillars and David Parrish.

Clarification was made that Resolution 14-06 is being challenged by the City of San Antonio. Resolution 14-07 (the Plant Operations site plan) is in full effect and stipulations cannot be made on it at this time. The driveway onto Pompanic will not be used during construction of the building.

David Parrish commended the Town Commission and thanked them for their careful consideration and the decisions made.

With no other discussion, a vote was taken.

VOTE: Unanimous for Approval, 5/0

Attorney Petruff was directed to notify Attorney Bolves of the decision by the Town Commission and to continue negotiations.

Lake Jovita Declaration of Covenants Language

Attorney Keith Smith for URADCO, sent the covenants and deed restrictions to Attorney Petruff. The 1995 approval document stipulates that public access to Lake Jovita from the subdivision is denied for perpetuity. Petruff said that the rule against perpetuities is a rule that indicates that you cannot have an agreement that lasts longer than 99 years and life in deed.

The 2010 document makes the year 2100 just short of life in deed.

Discussion.

The Town Commission directed Attorney Petruff request that Lake Jovita Subdivision amend the current covenant to be more in the line of 99 years and a life in deed (an additional 100 years) and require 100% approval of all lakefront property owners to amend.

The principal Planner of Pasco County has previously been notified of the disagreement between the Town and Lake Jovita. She was asked to take this into consideration if and when any permits from the Lake Jovita Subdivision are requested.

Feedback from Commission

Petruff asked the Commission to consider drafting a letter to property owners to begin discussion of acquisition of right of way on Pompanic Street. The records request of the D.S. Johnson survey by the Town to the City of San Antonio has not yet been filled. The survey will assist in determining the exact amount of square feet required. Petruff was directed to work with Mayor Christmas to draft the letter.

CLERKS REPORT

Municipal Association of Pasco Meeting

Clerk Miller reminded commissioners to keep the November 6, 2014 available to attend the Municipal Association of Pasco meeting. The location will be announced.

NEW BUSINESS

Andrea Calvert

Mayor Christmas announced that Andrea Calvert has received the designation of Certified Municipal Clerk.

Financial Report

Mayor Christmas noted that the Certificate of Deposit dates of maturity found in the Financial Report need to be updated.

ADJOURNMENT

MOTION: TO ADJOURN MEETING AT 8:05 P.M.

MOTION BY: Commissioner Curington

SECOND BY: Commissioner Smith

Discussion.

VOTE: Unanimous for Approval, 5/0

Respectfully, Joan Miller, M.M.C.