

**TOWN OF ST. LEO  
SPECIAL COMMISSION MEETING  
September 23, 2013  
7:00 PM**

**OPENING** Mayor Gardner

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

**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** Jerry Morphew, Greg Smith, Sheila Smith, Richard Christmas, Claire Christmas,  
Ronnie Deese, Robert Christmas, one Lake Jovita resident and reporters.

**MAYOR’S REPORT**  
**Ordinance 13-06**

The final reading of Budget Ordinance 13-06 was read by Clerk Miller.  
**AN ORDINANCE OF THE TOWN OF ST. LEO, PASCO COUNTY, FLORIDA ADOPTING THE FINAL LEVYING OF ADVALOREM TAXES AND MILLAGE RATE FOR THE TOWN OF ST. LEO, FLORIDA, FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2014; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.**

Clerk Miller stated that the FY 2013-2014 operating millage rate is .75 mills, which is lower than the rolled-back rate of 1.12 mills by -0.33 %.

Discussion.

**MOTION: TO APPROVE BUDGET ORDINANCE 13-06, AN ORDINANCE OF THE TOWN OF ST. LEO, PASCO COUNTY, FLORIDA ADOPTING THE FINAL LEVYING OF ADVALOREM TAXES AND MILLAGE RATE FOR THE TOWN OF ST. LEO, FLORIDA, FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2014; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.**

**MOTION BY:** Commissioner DeWitt

**SECOND BY:** Commissioner Hallett

Discussion.

**VOTE:** Approved 5/0

The final reading of Budget Ordinance 13-07 was read by Clerk Miller.  
**AN ORDINANCE OF THE TOWN OF ST. LEO, OF PASCO COUNTY, FLORIDA, ADOPTING A BUDGET FOR FISCAL YEAR 2013 – 2014; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.**

Discussion.

Clerk Miller stated that the appropriations and revenue estimate for the Budget for Fiscal Year 2013-2014 is the amount of \$ 1,691,723.

**MOTION: TO APPORVE ORDINANCE 13-07, AN ORDINANCE OF THE TOWN OF ST. LEO, OF PASCO COUNTY, FLORIDA, ADOPTING A BUDGET FOR FISCAL YEAR 2013 – 2014; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.**

**MOTION BY:** Commissioner Hallett

**SECOND BY:** Commissioner Inslee

Discussion.

**VOTE:** Approved 5/0

**Presentation by Jerry Morphew**

Mr. Morphew gave a presentation discounting the professed excessive fees paid by residents of Lake Jovita Subdivision. He reviewed the data provided by Ronnie Deese suggesting that higher taxes are paid to the Town by Lake Jovita residents. Although Ronnie Deese's data could not be reconciled, Morphew thanked the Lake Jovita representative for the hard work.

Morphew claimed that this opportunity could be used to begin a meaningful discussion, and hoped that a continued strong relationship with the development and possible financial compensation for Lake Jovita residents would occur.

The higher cost of impact fees paid by Pasco County residents over Town residents was discussed. Morphew provided handouts, one of which was "5 Options for the Town of St. Leo and the Lake Jovita Community". The following options were included in the document:

1. The Town of St. Leo and Lake Jovita Community remains status quo.
2. The Town of St. Leo and Lake Jovita Community remain intact and a Municipal Services Taxing Unit (MSTU) or a Florida Special District is created to help Lake Jovita Residents Pay for Road Improvements and Street Lights.
3. The Town of St. Leo is dissolved.
4. The Town of St. Leo moves forward with the deannexation of Lake Jovita Community.
5. The Town of St. Leo moves forward with the deannexation of Lake Jovita Community except for the 14 lots on Clear Lake; therefore all of Clear Lake will remain with in the Town of St. Leo. Also a Municipal Services Taxing Unit (MSTU) or a Florida Special District is created to help Lake Jovita Residents Pay for road improvements and street lights.

**STUDY FOR THE FEASIBILITY OF DEANNEXING THE PORTION OF THE LAKE JOVITA  
DEVELOPMENT WITHIN THE TOWN OF ST. LEO**

Topics for discussion included:

1. Financial impact resulting from contraction. Areas to be review include:  
Municipal taxes  
Municipal franchise fees  
Costs related to provision of direct services such as Town garbage service vs. private garbage service  
Change, if any, of emergency and first responder services  
Municipal vs. Pasco County impact fees  
Municipal vs. Pasco County Land Use Application fees
2. Municipal Land Development Code requirements vs. Pasco County Land Development Code requirements
3. Municipal Comprehensive Plan requirements vs. Pasco County Comprehensive Plan Requirements
4. Ongoing protection of Lake Jovita (f.k.a. Clear Lake) water quality
5. Impact, if any, on existing municipal contract with garbage hauler
6. Provisions for arrangements with the Tax Collector of collection and distribution of 2013, municipal taxes to Town (in Florida, taxes are assessed and paid in arrears)
7. Whether a municipal service taxing unit (MSTU) provides any viable relief to concerns raised by Lake Jovita residents
8. Impact if any, on Town's contract with Pasco County Sheriff's Office

Although many items were discussed, further research is needed to complete the study.

A representative of the Town (yet to be designated) will approach Pasco County to determine the differences of the Town and County in reference to Land Development Codes, and Comprehensive Plan requirements.

Provisions for arrangements with the Pasco County Tax Collector for collection of taxes would need to occur.

Property owners with vacant lots who may intend to build need to be individually contacted so that they understand the ramifications of a potential deannexation and how impact fees and obtaining building permits will change for them (zoning, permitting and inspection process etc.).

Impacts on appropriate Town contracts require review.

When asked, Attorney Petruff maintained that the proposed ordinance for dennexation does not comply with the State of Florida law. However, the ordinance could go through the referendum process and Lake Jovita citizens could vote to approve the ordinance for deannexation. If no one challenges the decision, it is possible that subdivision could be considered out of the Town.

Options offered in the handout from Jerry Morphew were considered.

Attorney Petruff also said that a legislative delegation could be approached to bring a local law to the legislature to change the boundaries and the charter of the Town. A bill could be sponsored by a state representative to remove the legal description (in question) from municipal boundaries.

**MOTION: TO APPOINT HIMSELF (ROBERT INSLEE) TO APPROACH WILTON SIMPSON, STATE SENATOR, TO DISCUSS THE POSSIBILITY OF A LEGISLATIVE CHANGE, REMOVING THE LEGAL DESCRIPTION IN THE PROPOSED DEANNEXATION ORDINANCE FROM MUNICIPAL BOUNDARIES.**

**MOTION:** Commissioner Inslee

Commissioner DeWitt said she would not agree to Inslee's motion until research into a service taxing unit was completed.

**SECOND BY:** Commissioner Wells

Discussion. Commissioner DeWitt reiterated that she was not in favor of directing Commissioner Inslee to speak to a State Delegate (which leads to deannexation) until the idea of a service taxing or special district was explored.

Commissioner Hallett said he saw little hope for a Municipal Service Taxing Unit working in the Town of St. Leo; however he could research the idea of a special district, and potentially have some information within the next three weeks if the commission directed him to do so. A dependent special district can be created by a municipality but it does not have to be approved by the legislature.

**VOTE:** Approved 5/0

**MOTION: TO DIRECT COMMISSIONER HALLETT TO RESEARCH THE IDEA OF A DEPENDENT SPECIAL DISTRICT FOR THE LAKE JOVITA HOMES WITHIN THE TOWN OF ST. LEO, TO ASSIST WITH ROAD IMPROVEMENTS AND STREET LIGHTS.**

**MOTION:** Commissioner DeWitt

**SECOND BY:** Commissioner Hallett

Discussion.

**VOTE:** Approved 5/0

Ronnie Deese stated that (pertaining to the possibility of a legislative change) at such time, a legislative delegation would have to be reassured that the Town Commission **and** citizens were in agreement for this legislation, the delegation

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would not be put in the middle dissention. Politically it would not be wise on their part to become involved in a controversial matter.

Deese commented on Attorney Petruff's mention that the property owners of undeveloped lots must be notified of potential changes. Deese said that the owners of the fifteen to twenty lots understand what the modifications would be to their impact fees and what the other items would be. "The developer, of which I (Deese) am a representative, owns all of those lots and we do understand. Thank you."

Shelia Smith asked how, in the event of a referendum, a citizen who wanted to object could do so. Petruff replied saying that a person (or persons) of standing (possibly a resident of the town, property owner, or business owner) could file an action in circuit court. The action would include that the adopted ordinance was inappropriately enacted in violation of law (void ab initio).

Richard Christmas (referring to the five options handout distributed by Morphew) asked why the options of "The Town of St. Leo moving forward with the deannexation of Lake Jovita Community except for the fourteen (14) lots on Clear Lake; therefore all of Clear Lake will remain within the Town of St. Leo," and a "Municipal Services Taxing Unit (MSTU) or a Florida Special District or something similar be created to help Lake Jovita Residents Pay for Road Improvements and Street Lights", were dismissed without discussion.

Commissioner Wells stated that the exercise of deannexing seventy (70) homes and then keeping fourteen (14) within (the Town) did not make sense to him. If protecting the lake was the issue then there are ways to do that.

Richard Christmas said since only seven (7) of fourteen (14) lots were built, there was a possibility that the property owners may have a vested interest in staying in the Town if it meant that they would not be paying the extra impact fees and they could have a voice as to what goes on in their community.

Christmas offered to contact the property owners see what their interest is.

**ADJOURNMENT**

**MOTION: TO ADJOURN MEETING AT 8:15 P.M.**

**MOTION BY:** Commissioner Inslee

**SECOND BY:** Commissioner Hallett

Discussion.

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

Respectfully, Joan Miller, M.M.C.