

**TOWN OF ST. LEO  
COMMISSION MEETING  
November 10, 2014  
7:00 PM**

**OPENING** Mayor Christmas

**INVOCATION AND PLEDGE OF ALLEGIANCE** – Mayor Pro Tem Hallett

**MOMENT OF SILENCE**

Recognizing all Veterans from the Town of St. Leo present and past who have served our country.

**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, MMC - Town Clerk  
Patricia Petruff, Esquire – Attorney  
Andrea Calvert, CMC – Assistant Clerk  
Kerry Barnett – Fire Inspector

**GUESTS** Barbara Berberich  
Dennis Berberich – San Antonio Commissioner  
Roy Pierce – San Antonio Commissioner  
Audrey Sikes – Lake City, President of Florida Association of City Clerks  
David Parrish Betty Burke  
Bruce Calvert Patrick Calvert  
Rebecca Haynes – City Clerk, City of St. Pete Beach  
Greg Rajskey Fay McKean  
Rose Benoit – City Clerk, City of Seminole  
Ann Nixon – City Clerk, City of Oldsmar  
James Wells Will Plazewski  
Lynn Timmons Edward Timmons  
Deputy John Windsor – PCSO Rick Alley – City of San Antonio

**MINUTES** **MOTION: TO APPROVE MINUTES OF THE COMMISSION MEETING HELD ON OCTOBER 13, 2014.**

**MOTION:** Commissioner Smith

**SECOND:** Commissioner Curington

Discussion.

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

**EXPENSES AND BUDGET REVIEW**

**MOTION: TO ACCEPT FINANCIAL REPORT DATED NOVEMBER 10, 2014.**

**MOTION:** Commissioner Hallett

**SECOND:** Commissioner Smith

Discussion.

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

**PUBLIC COMMENT** – Commissioner Dennis Berberich (San Antonio) asked if anyone else had also heard an excessive amount of noise coming from Saint Leo University on November 7<sup>th</sup> at 12:30 AM.

Berberich provided an email address to the Saint Leo University website. The web page connects to a pamphlet titled “2017 - A Narrative Strategy”. This document, distributed earlier this year, touches upon future expansion of the University.

**MAYOR’S REPORT**

Commissioner Smith

Commissioner Smith was recognized with a certificate from the Florida Institute of Government for his completion of 18 hours of instruction at the October Institute for Elected Municipal Officials in Fort Meyers.

Assistant Town Clerk - Andrea Calvert

On behalf of the Florida Association of City Clerks and the Central West District, President Audrey Sikes introduced FACC members who came to officially present Andrea Calvert with her Certified Municipal Clerk plaque and pin.

**COMMISSIONER’S REPORT**

**Noise Ordinance** – Commissioner Smith asked that the noise ordinance be revisited. A protocol for dealing with excessive noise would be helpful to avoid nuisance noise events. Clearly defining acceptable norms in terms of noise and duration would be proactive to understand and enforce the Town ordinance.

**MOTION: THAT THE TOWN,**

**A) INQUIRE WITH SAINT LEO UNIVERSITY ABOUT WHICH UNIVERSITY OFFICIAL REVIEWS AND APPROVES OUTDOOR EVENTS INVOLVING ELECTRONICALLY AMPLIFIED SOUND,**

**(B) REVIEW WITH THAT PERSON OR PERSONS THE RELEVANT PORTIONS OF THE TOWN’S NOISE ORDINANCE, AND**

**(C) ESTABLISH A PROTOCOL WITH THEM BY WHICH RESIDENTS (OR THE DEPUTY SHERIFF) CAN LET THEM KNOW WHEN THE SOUND LEVEL APPEARS TO BE IN VIOLATION OF THE ORDINANCE.**

**(D) ALL OF WHICH IS TO BE DONE IN TIME TO REPORT BACK TO THIS COMMISSION AT THE NEXT REGULAR MEETING.**

**MOTION BY:** Commissioner Smith  
**SECOND BY:** Commissioner Curington

Discussion.

In the past the Town has had good results by calling the Saint Leo University Security Office to make a complaint. At this time, Deputy Windsor said that calling the Pasco County Sheriff Office is the most efficient way to resolve noise complaints. Attorney Petruff spoke about the differences between having plainly audible standards and decibel standards.

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

**LAKEWATCH-** Commissioner Smith spoke about Lake Jovita water samples that are routinely taken by this University of Florida group. Samples are tested for chlorophyll, phosphorus, nitrogen and water clarity. The samples are considered normal and Lake Jovita is stable at this time.

**ATTORNEY REPORT**

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

The Town of St. Leo, through Special Counsel Robert Lincoln, has filed an answer to the complaint filed by the City. It contains affirmative defenses that were required to be filed within 20 days of the complaint being served on the Mayor. At a meeting at Saint Leo University on November 6, 2014, represented were Saint Leo University, Attorney Brian Bolves, San Antonio Mayor Tim Newlon, and Special Counsel Robert Lincoln and Mayor Richard Christmas (via conference call). Discussion centered on the Right Of Way Maintenance map provided by the City of San Antonio. It appears that there is existing sufficient ROW on Pompanic Street to construct an upgrade with two twelve foot travel lanes. The map is missing topography and other information. When completed the City of San Antonio and the Town of St. Leo will each adopt their portion as the “maintenance map” for that portion of Pompanic Street. Definitive cost estimates will be determined and once that is done, settlement discussions can continue.

Although plans have not yet been submitted, the prefabricated Plant Operations building has been ordered and is scheduled to arrive in January. Site work, horizontal infrastructure and other review will need to be completed during the normal course of events.

Attorney Petruff requested an attorney client privilege, executive meeting scheduled in accordance with FS 286.011. The purpose is to discuss strategy, settlement negotiation and litigation expenditures. The Commission decided to have the Executive Session during the December 8, 2014 Town Commission meeting.

The concept for an Interlocal Agreement for the future management of Pompanic Street has been agreed upon by both municipalities.

**Update on FEMA Ordinance**

The first draft of the ordinance has been completed and sent to the State consultant for review prior to it being presented to the Town Commission.

**Road Maintenance Maps for existing ROWs**

Attorney Petruff suggested that road maintenance maps be prepared for all Town roads which include Lemon Street, Fire Lane, Wichers Road, a portion of Pompanic Street and Christmas Drive. The maintenance map procedure for the rest of Town roads would confirm the right of way that is currently owned by the Town. The Town will seek estimates for Fire and Lemon Streets before Wichers Road.

**FIRE INSPECTOR REPORT**

Kerry Barnett asked for direction once applications are received from Saint Leo University for the Plant Operations building. Both he and the Building Inspector will need time to review new Plant Operation site plans and the utilities required will need consideration as well.

The water main system for the University was inadequate on the east campus until the Phase I upgrade was completed last year. Phase II is forthcoming with additional hydrants will loop those into the system. We do not want to happen on the west side of campus what took place on the east side when buildings begin to be constructed. It is assumed the two ends of the campus will not be able to be connected to the looped system due to the major changes in elevation and distance. This leaves two supporting water mains, one on SR 52 and one down Pompanic. The main down Pompanic is undersized at 6".

Water supply for Plant Ops was already calculated, and due to the building being constructed with a fire sprinkler system, the gallons per minute (gpm) requirement was 1000. Without knowing the construction type, size, and use of future buildings, one cannot calculate the gpm requirements for those buildings; however, most of the buildings in the university complex are typically sprinkled, thus requiring a water flow of 1000 gpm (or 75% less of the calculated amount, whichever is greater). The University needs to do some planning on how to handle the water flow requirements on the west end. The initial building (Plant Ops) should not be a problem, but as every new building is constructed it, could turn into a problem. The Town and the City of San Antonio could agree that some sort of a development order needs to be completed to ensure that the University will have a looped system capable of maintaining the required fire flow on that side of the campus. There may also be discussion that needs to take place if San Antonio will need to upgrade its system to support additional pressure.

Kerry Barnett was asked to send his thoughts in an email to the appropriate individuals at Saint Leo University, the Town Clerk and the Town Attorney.

Barnett also provided an update regarding other fire inspections within the Town.

**CLERKS REPORT** - none

**OLD BUSINESS**

FDOT Beautification Project – FDOT will be reviewing grant applications on November 17<sup>th</sup>. TECO Electric Company, through James Adcock, has donated \$500 toward the project.

**NEW BUSINESS**

Due to the contraction of the Lake Jovita Subdivision, additional work will be required on the Comprehensive Plan. The Town Planner has been asked to provide information that commissioners should know about planning issues. The Clerk will ask Planner Norsoph to begin working on these projects and bring them to the commission in the early spring.

A Certificate of Deposit will mature on November 24, 2014. This CD could be used for Pompanic Street improvements. The Clerk was directed to move the Certificate of Deposit ending in xxxx2680 into the Money Market account.

Heavy truck traffic is increasing on Lemon Street. Zephyr Stripe & Seal is preparing estimates to repair and upgrade that street.

Ed and Lynn Timmons introduced themselves to the commission and said that they hope to close on vacant property located on Christmas Drive by the end of the month. Mr. Timmons has been working with the Town Clerk's office and the Town Planner to review his plans. Lake jurisdictional boundaries were discussed.

**ADJOURNMENT**

**MOTION: TO ADJOURN MEETING AT 8:30 P.M.**

**MOTION BY:** Commissioner DeWitt

**SECOND BY:** Commissioner Hallett

Discussion.

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

Respectfully, Joan Miller, M.M.C.