

**TOWN OF ST. LEO
COMMISSION MEETING
October 14, 2013
7:00 PM**

OPENING Mayor Gardner

INVOCATION AND PLEDGE OF ALLEGIANCE – Commissioner DeWitt

ROLL CALL Donna DeWitt, O.S.B. – Commissioner
James Wells – Commissioner
Jack Garner, Mayor
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 40 guests.

MINUTES **MOTION: TO APPROVE THE MINUTES OF THE TOWN COMMISSION MEETINGS DATED SEPTEMBER 9, AND SEPTEMBER 23, 2013. ALSO AMENDING SEPTEMBER 23, 2013 MINUTES, PAGE 4, TO DELETE THE FOLLOWING LINE, “THE MOTION WAS NOT SECONDED”, AFTER COMMISSIONER INSLEE’S MOTION.**

MOTION BY: Commissioner Inslee

SECOND: Commissioner Hallett

Discussion.

VOTE: Unanimous for Approval, 5/0

EXPENSES AND BUDGET REVIEW

MOTION: TO ACCEPT FINANCIAL REPORT DATED OCTOBER 14, 2013.

MOTION BY: Commissioner Inslee

SECOND: Commissioner Wells

Discussion.

VOTE: Unanimous for Approval, 5/0

MAYORS REPORT

Ordinance 14-01 Voluntary Annexation of Iafrate Properties, L.L.C. – First Reading

Attorney Jake Varn, representing the Iafrate family, gave a presentation requesting annexation into Town boundaries. Twenty (20) acres of the two-hundred (200) acre parcel is currently within Town limits. The completed application and proof of publication to advertise this meeting have been filed with the Town. Annexation is requested so that the entire piece of property can be governed by a single government entity and because Iafrate L.L.C. believes that the future potential development of the land is more compatible to the Town than Pasco County.

No particular land designation is requested at this time.

Mr. Varn asked the commission to consider their vision of what the future of the Town is, and for the Town to consider entering into a pre-annexation agreement with Iafrate L.L.C.

Planner Norsoph gave a staff report. He described the land description compatibility related to the Town Comprehensive Plan and Land Development Code.

He also spoke about the high commercial and residential density that will be permitted by Pasco County in the Pasco County Pasadena Hills Area Plan and mentioned that the Handcart Road Extension (included in the Pasadena Hills Area Plan) traverses through the southern portion of the Town. In 2007 the Town made presentations to Pasco County voicing concerns about the high density immediately adjacent to the Town, and road extension, yet the Pasco County plan remains unchanged.

Town concern since 2007 has been whether the Town wants to have control and significant influence on how this property will be developed.

If annexed, changes may have to be made to the Town Comprehensive Plan, Future Land Use Maps and the Land Development Code.

Norsoph provided alternatives for the commission to consider.

Attorney Petruff reported about a meeting she attended on September 12, 2013 with the Mayor and Town Clerk with Ted Schrader, PCBCC Chairperson, Jeff Stein Snyder, Pasco County Attorney and David Goldstein, Assistant County Attorney. At this meeting the County expressed concerns with the Town attempting to deal with such large project. Although some of their concerns are valid, the Town does not lack the expertise or availability of expertise to handle a project of this type.

The proposed property qualifies for voluntary annexation. It is now a policy decision for the commission to undertake the benefit and the burden of this annexation.

If the Town goes forward, serious consideration should be given to providing written stipulations that protect the Town, and requiring the applicant to defend lawsuits should any future dispute arise from a third party. Other potential legal defense fees could fall back on the Town if a strong pre-annexation agreement is not agreed upon.

A strong pre-annexation agreement would at least include items relating to service providers, public safety, and infrastructure to limit the opportunity for disagreement in the future.

Discussion.

Resident Dr. Robert Courtney asked if the land was purchased after the Pasadena Hills Area Plan was adopted. Paul Finora, Chairman of the Pasadena Hills Planning Commission spoke and confirmed that the Iafrate land was purchased prior to the Pasadena Hills Area Plan approval in 2010. Finora (property owner at Handcart/Prospect Road, lives on Pasco Road) was concerned that the Town is considering annexing the land without having a plan in hand.

Mr. Varn said that he would like to represent Iafrate L.L.C. in working with a compatible and consistent future vision of the town and to help remove any concerns that the residents or commission may have.

MOTION: APPROVE THE FIRST READING OF ORDINANCE 14-01 FOR VOLUNTARY ANNEXATION

MOTION BY: Commissioner DeWitt

SECOND BY: Commissioner Hallett

Discussion. Commissioner Wells noted that he is following advice from the Town Attorney relative to the Iafrate L.L.C. agenda item and will vote on this motion.

VOTE: Unanimous for Approval, 5/0

MOTION: TO DIRECT THE HIGHLY COMPETENT ST. LEO STAFF TO START THE NEGOTIATION OF A PRE-ANNEXATION AGREEMENT.

MOTION BY: Commissioner DeWitt

SECOND BY: Commissioner Hallett

Discussion. Commissioner Wells asked Commissioner DeWitt to amend the motion to include one commissioner in the negotiations.

Commissioner DeWitt agreed and volunteered to assist the staff.

VOTE: Unanimous for approval 5/0

Certificate of Deposits

Three (3) Certificate of Deposit accounts will be maturing in late October and November. The Clerk asked the commission how they wanted to proceed in investing the money.

Jodi Perez of Eagle Asset Management attended to answer any questions. Without an “investment policy”, the Town cannot invest the money into certain types of investment vehicles. Commissioner Hallett provided some options to consider.

MOTION: TO INVEST THE THREE MATURING CERTIFICATES IN SHORT TERM CERTIFICATES MEANING BETWEEN SIX MONTHS AND ONE YEAR.

MOTION BY: Commissioner Wells

SECOND BY: Commissioner Inslee

VOTE: Unanimous for approval 5/0

COMMISSION REPORT

Special District

James Hallett suggested a concept of a special district for aquatic weed control and other environmental issues, whereas all lakefront property owners would be assessed annually. Hallett proposed this idea for the benefit of protecting the Lake Jovita.

Planner Norsoph said that this type of special district would only work if all the lakefront properties were within the Town limits. He said that another alternative to the special district is a conservation easement where all property owners dedicate land to the Town.

Municipalities have the authority to create a “special district”.

The idea of a special district was discussed in terms of creating a district for the residents of Lake Jovita Subdivision. It was determined that a special district probably is not a possibility for the Lake Jovita Subdivision.

Legislative Option for Contraction

Commissioner Inslee spoke about his research regarding local house bills. He spoke to Senator Simpson about the possibility of portions of the Town contracting from the present municipal boundaries through contraction through legislation. At the very least, this process requires a process of writing a local bill, public hearings, and a feasibility study format acceptable to the state. A package of information was provided to the Town Attorney for consideration.

MOTION: TO DIRECT THE ATTORNEY TO PROCEED FORWARD TO CREATE A HOUSE BILL AND FULFILL ALL DETAILS PRIOR TO THE JANUARY 22ND MEETING OF THE PASCO LEGISLATION, WITH THE UNDERSTANDING THAT IF THE DEADLINE CANNOT BE MET, THE COMMISSION WILL BE NOTIFIED AND THE PROCESS WILL STOP.

MOTION BY: Commissioner Wells

SECOND BY: Commissioner Inslee

Discussion.

VOTE: Approved 4/1 Vote, Dewitt-nay

ATTORNEY REPORT

FEMA Map Update

Environmental Consulting and Technology Inc. is consulting FEMA to incorporate comments regarding the flood maps. Final approval of the maps will occur next year. Attorney Petruff suggested that the Town not take action until the federal government reviews and takes action on current controversial flood insurance cost issues. Town residents will be contacted when the public hearings resume.

Senate Bill #50 -Public participation during public meetings.

Attorney Petruff will prepare a resolution for consideration establishing rules for public participation at Town meetings in accordance with Senate Bill #50. In general, public comments will be accepted prior to voting on issues.

Solid Waste Interlocal Agreement between Pasco County and Town

Pasco County advised that the Solid Waste Agreement had expired. The last time the County spoke to the Town about this issue was in 2007. No action was taken at that time.

MOTION TO AUTHORIZE THE MAYOR TO SIGN THE REVISED SOLID WASTE DISPOSAL & RESOURCE RECOVERY INTERLOCAL AGREEMENT AFTER REVIEW BY THE TOWN ATTORNEY.

MOTION BY: Commissioner Inslee

SECOND BY: Commissioner Hallett

Discussion.

VOTE: Unanimous for Approval 5/0 Vote

PLANNER REPORT

Planner Norsoph said that he is waiting for State receipt and sufficiency approval of the submittal packet. Assuming no appeals, the ordinance will become effective on or about October 21, 2013.

CLERKS NOTES

Saint Leo University fireworks display

The Town has received a completed application for a fireworks display to be held on Veterans' Day. The Town Commission approved the fireworks display.

MAP

The next Municipal Association of Pasco meeting is on November 7th in New Port Richey. The new agenda includes items that are of interest of the Town and everyone is encouraged to attend.

Veteran's Day

The next scheduled Town meeting is on Veteran's Day, November 11, 2013. The meeting was rescheduled to Wednesday, November 13th.

Sanitation Contract

Two franchise agreements will be expiring in a couple of months. Two sanitation companies are doing business in the Town at this time. SLU was asked to provide the Town Clerk with any special needs that the University has.

MOTION: TO DIRECT THE TOWN CLERK TO PUT JOB SPECIFICATIONS FOR SANITATION IN THE FORM OF A REQUEST FOR PROPOSAL, HAVE THE ATTORNEY REVIEW AND THEN ADVERTISE THE POSITION.

MOTION BY: Commissioner Wells

SECOND BY: Commissioner Inslee

Discussion. Commissioner DeWitt said that if there weren't problems with the current contractor that it was not necessary to bid out the job. Additionally there are other topics that require attention from the Town Commission. Commissioner Wells said that any time a contract nears expiration or extension that the job should be put out to bid.

VOTE: Approved 4/1, DeWitt - Nay

UNFINISHED BUSINESS

Contract for Audit

Commissioner Wells asked if the contract for the Town Auditor was approved after the agreement of extending the contract for one year. The Town Clerk verified that it had.

Town Boundary – Chris Xynides of DC Johnson has volunteered his time while working on the determination of the Town boundaries. It was determined by Town staff that a decision had to be made to determine where the work of DC Johnson should begin in relation to the history of the Town boundaries. Attorney Petruff determined that the project should start with the 1976 boundary.

Saint Leo University Reclaimed Water Pond

Commissioner Inslee asked about the current status of the Saint Leo University Reclamation Pond.

Jeanne Plecenik, Vice President of Business Affairs at Saint Leo University said that there have been setbacks due to the heavy rain season.

Town Planner Commissioner Wells questioned the availability of the Town Planner. Planner Norsoph said that he is available to attend any meeting that he is directed to attend and is always available by email.

Feasibility Study

Town resident, Jerry Morphew said that he updated the tax spreadsheet that Lake Jovita Town residents will pay in 2014. The total average per household is \$514 annually. This amount includes enhanced law enforcement coverage and weekly trash/recycling pick-up.

Impact Fee Refunds

Impact fees refunds are up to date as specified by Ordinance 10-06.

NEW BUSINESS

Saint Leo University Lighting

Town resident Peggy Prather, 12216 Woodlands Circle, Lake Jovita Subdivision resident, complained about the unbearable amount of light coming from Saint Leo University athletic fields in the evenings. She said landscaping on Saint Leo University property will not correct this problem. Jeanne Plecenik (Vice President of Business Affairs, Saint Leo University) and Commissioner Wells stated that some planting will be done at the end of this year which may reduce some of the problem. Although Ms. Prather had photos of her problem she did not share them with the Commissioners or Town Clerk.

ADJOURNMENT

MOTION: TO ADJOURN MEETING AT 10:00 P.M.

MOTION BY: Commissioner Inslee

SECOND BY: Commissioner Hallett

Discussion.

VOTE: Unanimous for Approval, 5/0