

**TOWN OF ST. LEO
COMMISSION MEETING
December 14, 2015
7:00 PM**

OPENING Mayor Christmas

INVOCATION AND PLEDGE OF ALLEGIANCE – Mayor Pro Tem James Hallett

ROLL CALL Donna DeWitt, O.S.B. – Commissioner
Gregory P. Smith – Commissioner
Richard H. Christmas – Mayor
James Hallett, O.S.B. - Mayor Pro Tem
Curtis Dwyer – Commissioner, arrived at 7:45 PM

STAFF Joan Miller, MMC - Town Clerk
Patricia Petruff, Esquire – Town Attorney
Jan Norsoph – Town Planner
Andrea Calvert, CMC – Deputy Clerk

GUESTS Prioress Roberta Bailey, O.S.B. – Holy Name Monastery
Dennis Berberich – San Antonio Commissioner
Barbara Berberich – San Antonio resident
Betty Burke – San Antonio Rotarian, Rattlesnake Festival Chair
Jose Caban – Director of Plant Operations, Saint Leo University
Robert Christmas – St. Leo resident
Larry Dalla Betta – Government Affairs/Public Sector Representative of Waste Management, Inc.
Kelly De Hill – Associate Vice President of Public Council, Saint Leo University
Debra Gillers – San Antonio resident
Rich Kelley – WRA Engineering Contractor
Fay McKean – St. Leo property owner/taxpayer
Deputy Michael Merwin – Pasco County Sheriff’s Office
Frank Mezzanini – Holy Name Monastery representative
David Parish – San Antonio resident

MINUTES **MOTION: TO APPROVE MINUTES OF THE NOVEMBER 9, 2015 COMMISSION MEETING.**

MOTION: Commissioner Hallett
SECOND: Commissioner DeWitt
Discussion.
VOTE: Unanimous for Approval, 4/0

EXPENSE AND BUDGET REVIEW

MOTION: TO ACCEPT FINANCIAL REPORT DATED DECEMBER 14, 2015.

MOTION: Commissioner Hallett
SECOND: Commissioner Smith
Discussion.
VOTE: Unanimous for Approval, 4/0

PUBLIC COMMENT – none

MAYOR'S REPORT

San Antonio Rotary

Mayor Christmas advanced Rotarian, Betty Burke, to the beginning of this meeting. Burke read a letter of appreciation to the Town for participation in the 2015 Rattlesnake Festival Pumpkin Patch.

Final Reading of Ordinance 16-01 Holy Name Academy 6.96+/- Vacant Parcel Annexation

The Public Hearing was opened.

Planner Norsoph stated that this property will appear as “agricultural” on the Zoning/Future Land Use Map.

Discussion.

Having no public comment, the Public Hearing was closed.

The second and final reading of ordinance 16-01 was read.

MOTION: TO APPROVE ORDINANCE 16-01 HOLY NAME ACADEMY 6.96+/- ACRES VOLUNTARY ANNEXATION AS READ.

MOTION: Commissioner Hallett

SECOND: Commissioner Smith

Discussion. Commissioner Hallett noticed that there are two parcels mentioned in the description of the property within the ordinance and asked if this was correct. Planner Norsoph said that this is the legal description on the deed for the property and that there is only one folio number available from the Property Appraiser.

VOTE: Unanimous for Approval, 4/0

Waste Management Agreement

Larry Dalla Betta, Government Affairs/Public Sector Services Representative, requested execution of the second Amendment to the Waste Management Non Exclusive Solid Waste Agreement.

MOTION: TO APPROVE SIGNING THE SECOND AMENDMENT TO THE WASTE MANAGEMENT NON EXCLUSIVE SOLID WASTE AGREEMENT WITH WASTE MANAGEMENT, INC.

MOTION: Commissioner DeWitt

SECOND: Commissioner Hallett

Discussion.

VOTE: Unanimous for Approval, 4/0

COMMISSIONER'S REPORT

Road Maintenance

Commissioner Smith explained his handout. His intent is to identify roads that require maintenance and to plan ahead for budgeting purposes.

He said that Pasco County is willing to transfer Dunne Road the Town. Careful consideration should be made before acquiring the road. If the Town accepts the road it is important that we are aware of how much money would be needed to resurface or overlay the portion of the road that is within Town limits.

7:45 PM Commissioner Dwyer entered the commission meeting.

ATTORNEY'S REPORT

Pompanic Street Construction Update

Mayor Christmas reported that clearing is being done on the west side from Pennsylvania to Jesse Jones, and on the east side a silt fence is in place. The road is being scraped and survey stakes are in place. The silt fence stops at the Midili property as the owner has some questions about where the silt fence should actually be placed.

Attorney Petruff said that Mr. Midili is asserting ownership of a portion of the right of way that was included in the maintenance right of way agreement/map, filed with Pasco County on June 6, 2015. It was not until the silt fence was put up that Midili had any objection. Online, the Pasco County Property Appraiser has the 25 foot strip labeled as right of way, not vacant land, with an approximate value of \$2,190. The chains of title for that land, as well as options the Town can take were discussed. Attorney Petruff spoke of opportunities for the Town to consider which included moving forward with the upgrade, a "quick take" allowing the Town to "take" the portion of the 25 foot strip that is on the Maintained Right of Way map, or to file for a motion from the court, and pay for the full value of the land in question. Another option would be to authorize someone to speak to Mr. Midili, to come to some type of 'middle ground', for agreement.

Planner Norsoph was directed to investigate if the larger parcel owned by Midili is buildable without the 25 foot strip in question. Attorney Petruff spoke regarding the concept of "quick claim" deeds, and how this type of deed has historically been questioned within the courts of law.

MOTION: TO DIRECT SAINT LEO UNIVERSITY TO CONTINUE WITH CONSTRUCTION OF POMPANIC STREET, INCLUDING IN FRONT OF (ON POMPANIC STREET) AND ADJACENT TO THE MIDILI PROPERTY (TO THE NORTH OF SR 52).

MOTION: Commissioner Hallett

SECOND: Commissioner Smith

Discussion.

VOTE: Unanimous for Approval, 5/0

PLANNER'S REPORT

SPR/VAR#14-A, Minor Modification #2: Saint Leo University Plant Operations Project

The University submitted a landscaping variance request to place the required landscaping behind the wall/fence instead of the outside of the proposed fence bordering the plant operations project.

Norsoph described the criteria that the commission should consider. He said that this was a self-created hardship by Saint Leo University that could have been resolved in 2014. The planting requirement shows three existing oak trees that will be retained and landscaping criteria that were met by Saint Leo University. Norsoph described alternatives that the University could take and those that the commission should consider this evening.

Jose Caban (Director of Plant Operations, SLU), said that the original location of the building was changed and the landscaping was overlooked at that time. The present concern is that landscaping materials should be within the confines of the fence on University property. Adjacent property owners had been contacted and they preferred that landscaping materials be confined within the project area.

Attorney Petruff asked Town Clerk Miller to swear in those people who chose to speak, and to ratify for the record that everything that had been said up to this point of the meeting was correct and true. The Clerk did so and the meeting continued.

Mayor Christmas first asked the commission and then the public if there were any questions. Having no further discussion, the public hearing was closed and a vote was taken.

MOTION: TO APPROVE ALTERNATIVE #1, SPR/VAR#14-A, MINOR MODIFICATION #2, BY SAINT LEO UNIVERSITY.

MOTION: Commissioner Smith
SECOND: Commissioner DeWitt
Discussion.
VOTE: Unanimous for Approval, 5/0

A Cup of Organic

Planner Norsoph reported that two pine trees are missing from the previously agreed to landscaping resolution.

CLERK'S REPORT

Pasco County Fair 2016

Clerk Miller described the amount of detail that is required to have a community booth at the fair and asked the commission to consider if the Clerk's Office should take on the project or to only have the booth if citizens would pilot the project. The Clerk was directed to send a letter to citizens asking for someone to "chair" the project.

Commissioner DeWitt asked if a joint booth with the City of San Antonio was a possibility. Another idea was for someone from the University to step up to the challenge.

Mayor Christmas approved of and acknowledged the Christmas decoration candles created by Andrea Calvert.

NEW BUSINESS

The Town Commission received a letter from Accountant John Henson which advised of a \$5.00/month increase for accounting services to the Town.

MOTION: TO SIGN THE AGREEMENT PROVIDED BY JOHN HENSON TO CONTINUE THIS CONTRACT FOR ANOTHER YEAR WITH A \$5.00/MONTH INCREASE TO THE TOWN.

MOTION: Commissioner Hallett
SECOND: Commissioner Smith
Discussion.
VOTE: Unanimous for Approval, 5/0

Pasco County Sheriff's Office Report – none

Ethics Training

Commissioners that have not completed the Ethics Training course are again encouraged to do so prior to December 31st. This course will be required by the State of Florida and must be certified by each individual on Form 1.

ADJOURNMENT

MOTION: TO ADJOURN THE MEETING AT 8:17 P.M.

MOTION BY: Commissioner Smith

SECOND BY: Commissioner DeWitt

Discussion.

VOTE: Unanimous for Approval, 5/0

Joan Miller, MMC