

TOWN OF ST. LEO
REGULAR COMMISSION MEETING AND PUBLIC HEARING
May 09, 2011
7:00 PM

INVOCATION AND

PLEDGE OF ALLEGIANCE – Mayor Hamilton

ROLL CALL Donna DeWitt, O.S.B. – Mayor ProTem
Richard Christmas – Commissioner
William Hamilton – Mayor
Jack Gardner - Commissioner
Robert Courtney - Commissioner

STAFF Janet Kato - Administrative Assistant
Patricia Petruff, Town Attorney

GUESTS Michael Gradisher – Attorney, SLU
Barbara Wilhite – Attorney, Lake Jovita Homeowners Association
Tom Wieland
Brother James Hallett, O.S.B.
Robert Christmas

MINUTES

MOTION: TO APPROVE THE MINUTES OF APRIL 11, 2011.

MOTION BY: Commissioner Christmas

SECOND: Commissioner Gardner

Discussion.

VOTE: Unanimous for approval – Adopted 5/0

EXPENSES AND BUDGET REVIEW

MOTION: TO ACCEPT FINANCIAL REPORT DATED MAY 09, 2011.

MOTION BY: Commissioner Christmas

SECOND: Commissioner DeWitt

Discussion.

VOTE: Unanimous for approval – Adopted 5/0

MAYOR'S REPORT –

Reorganization of Town Commission

Mayor Hamilton requested nominations for Mayor.

MAYOR

MOTION: TO NOMINATE WILLIAM HAMILTON AS MAYOR FOR A TERM OF ONE YEAR.

MOTION BY: Commissioner DeWitt

SECOND BY: Commissioner Christmas

Mayor Hamilton asked if there were any other nominations.
No further nominations were made.

MOTION: TO CLOSE THE NOMINATIONS FOR MAYOR.

MOTION BY: Commissioner DeWitt

SECOND BY: Commissioner Christmas

Discussion.

VOTE: Unanimous for approval, Adopted 5/0

Motion on the floor.

MOTION: TO APPROVE THE APPOINTMENT OF WILLIAM HAMILTON AS MAYOR FOR A TERM OF ONE YEAR.

VOTE: Unanimous for approval, Adopted 5/0

MAYOR PRO TEM

MOTION: TO NOMINATE DONNA DEWITT, O.S.B., AS MAYOR PRO TEM FOR A PERIOD OF ONE YEAR.

MOTION BY: Commissioner Christmas

SECOND BY: Commissioner Gardner

MOTION: TO NOMINATE RICHARD CHRISTMAS, AS MAYOR PRO TEM FOR A PERIOD OF ONE YEAR.

MOTION BY: Commissioner Courtney

No second to the motion was made.

Mayor Hamilton asked if there were any other nominations. No further nominations were made.

MOTION: TO CLOSE THE NOMINATIONS FOR MAYOR PRO TEM.

MOTION BY: Commissioner Christmas

SECOND BY: Commissioner Gardner

Discussion.

VOTE: Unanimous for approval, Adopted 5/0

Motion on the floor.

MOTION: TO APPROVE THE APPOINTMENT OF DONNA DEWITT, AS MAYOR PRO TEM FOR A TERM OF ONE YEAR.

VOTE: Unanimous for approval, Adopted 5/0

ATTORNEY, CLERK AND PLANNER

Mayor Hamilton recommended the reappointment of the Town Clerk, Joan Miller.

MOTION: TO APPROVE THE REAPPOINTMENT OF TOWN CLERK, JOAN MILLER, FOR A PERIOD OF ONE YEAR.

MOTION BY: Commissioner Hamilton

SECOND BY: Commissioner Christmas

VOTE: Unanimous for approval, Adopted 5/0

Mayor Hamilton recommended the appointment of the Town Attorney, Patricia Petruff, of Dye, Dietrich, Petruff & St. Paul, P.L.

MOTION TO APPROVE THE APPOINTMENT OF TOWN ATTORNEY, PATRICIA PETRUFF OF DYE, DEITRICH, PETRUFF & ST. PAUL, P.L. FOR A PERIOD OF ONE YEAR.

MOTION BY: Commissioner Hamilton

SECOND BY: Commissioner Christmas

VOTE: Unanimous for approval, Adopted 5/0

Mayor Hamilton recommended the reappointment of the Town Planner, Jan Norsoph, of Engelhardt, Hammer and Associates.

MOTION: TO APPROVE THE REAPPOINTMENT OF TOWN PLANNER, JAN NORSOPH OF ENGELHARDT, HAMMER AND ASSOCIATES FOR A PERIOD OF ONE YEAR.

MOTION BY: Commissioner Hamilton

SECOND BY: Commissioner Christmas

Discussion.

VOTE: Unanimous for approval, Adopted 5/0

Swearing In of Elected Municipal Officials

Attorney Patricia Petruff gave the oath of office to Robert Courtney and William E. Hamilton.

AUDIT Brian Williams, CPA, presented the Town Independent Audit Report, or, an opinion on the financial statements based on the official audit. Mr. Williams reviewed the audit, section by section, and stated that there were no deficiencies, remarks or irregularities to report.

MOTION: TO ACCEPT THE AUDIT DATED SEPTEMBER 30, 2010 AS PRESENTED.

MOTION BY: Commissioner Hamilton

SECOND BY: Commissioner Gardner

Discussion.

VOTE: Unanimous for approval, 5/0 adopted

Commission Report – none

CONTINUATION OF PUBLIC HEARING TRP 11-A FROM APRIL 11, 2011
COMMENTS

Saint Leo University Attorney, Michael Gradisher, stated that the University and the Lake Jovita Homeowner Association Attorney, Barbara Wilhite, have discussed proposed compromises, such that the Saint Leo University Planning needs, and the Lake Jovita Homeowners concerns can be met. Proposals and counterproposals have been made and both parties are still engaged in that process. Hopefully a mutually acceptable agreement will be made. With this in mind, Mr. Gradisher requested a continuance of the public hearing to June 13, 2011, or special meeting on an earlier date.

The commission agreed that the continuation of the public hearing TRP 11-A could be held on June 13, 2011

Lake Jovita Homeowners Association Attorney, Barbara Wilhite, asked that the commission reconsider the PUD Minor Modification (approved last month), and to have the decision of the practice field portion of the minor modification be removed from the previous modification. The practice field portion of the modification, site plan review, tree removal, and in her opinion each part of the variance should be discussed together.

Gradisher spoke reflecting upon the approval of the Master Conceptual Plan Concept, from the Town Commission, in June of 2010, and the April consideration, to have the intent to move the already approved project from a long term to a short term project.

Attorney Petruff advised the commission that the authority to approve, approve with conditions, or deny requests for the practice field can be made in June.

Ms. Wilhite, Attorney for the home owners association spoke about a deadline with respect to whether legal proceedings may be appealed.

There will be no harm to wait until June, although re-advertising will be an additional cost to the town.

Discussion continued.

MOTION: TO RECONSIDER THE APPROVAL OF THE PRACTICE FIELD ASPECT OF SLU PUD 10-A, MINOR MODIFICATION #1 SAINT LEO UNIVERSITY MASTER SITE PLAN.

MOTION BY: Commissioner DeWitt

SECOND BY: Commissioner Gardner

Discussion.

VOTE: Unanimous for approval, 5/0 Adopted

MOTION: TO CONSIDER THE APPROVAL OF THE PRACTICE FIELD ASPECT OF SLU PUF 10-A, MINOR MODIFICATION #1 SAINT LEO UNIVERSITY MASTER SITE PLAN AT THE JUNE 13, 2011 MEETING.

MOTION BY: Commissioner DeWitt

SECOND BY: Commissioner Gardner

Discussion.

VOTE: Unanimous for approval, 5/0 Adopted

MOTION: TO APPROVE A REQUEST FOR CONTINUANCE OF THE APPROVAL OF PUBLIC HEARING SLU TRP 11-A, TO INCLUDE THE PRACTICE SPORTS FIELD SITE PLAN, TREE REMOVAL AND VARIANCE UNTIL THE JUNE 13, 2011 COMMISSION MEETING

MOTION BY: Commissioner Christmas

SECOND BY: Commissioner Gardner

Discussion.

VOTE: Unanimous for approval, 5/0 Adopted

PUBLIC HEARING TUP 11-A TEMPORARY USE PERMIT

Public Hearing Began at approximately 7:45 pm

Michael Gradisher spoke about the four construction trailers included in this public hearing.

1. An existing construction trailer to the west of St. Edwards, near the School of Business requires an extension.
2. A new trailer to be placed adjacent to the above existing trailer for the architects.

3. A new trailer to be placed at the construction site of the new student residences.
4. A new trailer in the parking lot area of the Marion Bowman center as a temporary working unit for admissions staff.

Attorney Petruff swore-in Mr. Gradisher, to speak on behalf of Saint Leo University. Gradisher stated that everything that he stated prior to being sworn in was accurate and correct.

Attorney Petruff spoke on behalf of Planner Norsoph. She described alternatives and recommendations for consideration.

The floor was opened to the public. No comments were made.

MOTION: TO ACCEPT RESOLUTION (ALTERNATIVE 2) NO. 11-06, OF THE TOWN OF ST. LEO TOWN COMMISSION, APPROVING SLU TUP #11-A WITH CONDITIONS. THE ADDITIONAL VERBAGE IN SECTION C. # 1. , THAT UPON REQUEST THE TOWN COMMISSION MAY GRANT SAINT LEO UNIVERSITY, INC., ONE (1) SIX MONTH EXTENSION. SUCH EXTENSION MUST BE GRANTED AT A PUBLIC MEETING.

MOTION BY: Commissioner Christmas

SECOND BY: Commissioner Gardner

Discussion

VOTE: Unanimous for approval, 5/0

ATTORNEY REPORT

Christmas Drive

Information from the title company was received today regarding Christmas Drive right of way. Sundberg, Finlay, Cavall, R & L Christmas, Sutton, Hamilton, and Hamilton Family Trust are the citizens primarily involved in the right of way concerns. Deeds showing both actual field measurements and deeded legal descriptions are being prepared. Releases from mortgage holders will be requested. Anyone that has an interest in the property will be asked to sign-off (in approval) of the documents. A letter of explanation will be created and added to the official documents to all involved. Clear property title is the desired outcome.

Florida Legislature

Revisions to growth management and transportation concurrency requirements and environmental laws are presently being considered by Governor Scott. If approved and signed, these changes may impact the Town. Reporting requirements by the town may be lessened. Additional details will follow.

SLU Public Hearings, June 13th.

All ex parte communication disclosures will be requested at the June 13th public hearing. All communications in quasi judicial meetings should be on the record. When conversations occurred, with whom it was with, and the purpose of the communication should be included in each commissioner's disclosure. Only evidence in the public record should be used to base decisions. This type of disclosure is required to avoid any appearance of impropriety.

OLD BUSINESS

Town Hall Sign

Mary Stolz of Design Plus sent a quote for the sign the commission decided upon at the April meeting. Her quote exceeded the dollar amount the mayor was authorized to spend. Recent bids for a town sign will be resent to commissioners.

NEW BUSINESS

A Certificate Deposit is up for renewal on May 24, 2011. We will look for an 18 month renewal, as the best rates are found in the longer term CD's.

ADJOURNMENT

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

MOTION BY: Commissioner Christmas

SECOND BY: Commissioner DeWitt

VOTE: Unanimous for Resolution - Adopted

Respectfully,
Joan Miller, C.M.C.