

1 LAKE HAMILTON
2 TOWN COUNCIL REGULAR MEETING MINUTES
3 TUESDAY, MARCH 4, 2014
4 6:00 pm
5

6 The Town Council of Lake Hamilton held a regular meeting on Tuesday, March 4, 2014 at Town Hall
7 located at 100 Smith Avenue, Lake Hamilton, FL 33851.

8 **CALL TO ORDER:** Chair Harris called the regular meeting to order at 6:00 PM.

9 **Invocation/Pledge/Roll Call:** Chair Harris called on Council Member Roberson to lead invocation and
10 Council Member Tomlinson to lead the Pledge. All were present at the meeting.

11 **Approval of Minutes** – Clerk Irvine reported that the minutes were numbered incorrectly in the packet
12 and there was an error on the header of the Regular Meeting minutes. **MOTION: Swanson/Kehoe to**
13 **approve the February 4, 2014 Work Session and Regular Meeting Minutes. All voted in favor of the**
14 **motion.**

15 **Recognition of Citizens:**

16 **Connie Favorite** asked about the debris pickup. Will there be a credit issues for non-pickup. The Mayor
17 explained that the employee who does the pick-up is out on medical leave and no one else has the
18 proper license to operate the truck. The Mayor stated that the County was in last week to pick up the
19 debris but only picked up the area which staff picked up on Fridays rather than getting the entire town.
20 They will be back this week and until further notice to continue to pick up the debris.

21 **Alice Rogers** asked that the owner of 319 Smith be contacted to clean up the junk on that property.

22 Chair Harris stated that someone had written on the sign in sheet, “when are we going to have a meet
23 the candidates forum?”. Chair Harris provided time for the candidates to address the public at the
24 meeting.

25 Barrett O’Neil is running for Seat 3 and Howard J. Shelton, SR. is running for Seat 1.

26 Cora Roberson is running for re-election to Seat 1 and Richard Swanson is running for re-election to Seat
27 3.

28 **Gilbert Chestney** asked to address the Council regarding Sample Park. Clerk Irvine reported that this is
29 an agenda item. Chair Harris allowed Mr. Chestney to address the Council and public at this time. He
30 asked the Council to reconsider the request to place portable toilets at the park.

31 **Roy Carlson** asked to address the Council regarding the road and fence on 6th Street South. Chair Harris
32 stated that this is an agenda item and he can speak at that time.

33 **Tom Mace** addressed the Council to give praise to Chair Harris and criticize Mayor Wagner and Doug
34 Leonard.

35 **John Myer** addressed the Council regarding decorum. He read information he obtained regarding
36 complaints of Mayor and Council Members violating Sunshine Law.

37 **Glen Knaus** asked to address the Council regarding 6th Street issues. Chair Harris asked him to wait until
38 the agenda item under New Business.

39 **Old Business**

40 **Adopt resolution 2014-03 to change the meeting time to 6:00 PM – MOTION: Kehoe/Roberson**
41 **to resolution 2014-03. No comments. All voted in favor of the motion.**

42
43 **Update on Water Quality Team** – Planner Leonard provided the Council with an update on the
44 progress. He reported that the GPS mapping is complete; however they may add another layer to the
45 map in order to comply with NPDES requirements for outflows. Seven flushing boxes have been
46 installed. The system is online and running. Council member Tomlinson asked how the town is paying for
47 the Haines City equipment. Clerk Irvine reported that the town budgeted \$25,000 and estimates that
48 about \$10,000 has already been expended.

49 **Code Enforcement Job Description** – Clerk Irvine reported that the council directed her to bring
50 back a code enforcement job description for the Town to hire their own code enforcement officer. That
51 job description was included in the agenda packet for council review. The Council discussed what they
52 thought an appropriate wage would be for a town the size of Lake Hamilton. Council Member Tomlinson
53 wondered if it could be a part-time position. Council Member Kehoe suggested the town combine a job
54 for building official and code enforcement and consider hiring after the budget is adopted in October.
55 Council Member Roberson thought that is a good idea. Chair Harris felt the town shouldn't wait for
56 hiring a code enforcement officer and can consider combining the positions after one is hired. The
57 Council suggested a wage of \$10 an hour for a part-time employee. Council Member Swanson opined
58 that the town would not find qualified individuals for \$10 an hour and did not feel that 20 hours per
59 week was adequate for the position.

60 **MOTION: Roberson/Tomlinson to advertise for a part-time code enforcement officer at \$10 an hour.**

61 **Comments: Kehoe stated that the advertisement should include the job description with the posting.**

62 **All voted in favor of the motion.**

63 **Consider Adopting a Special Events Policy** – Clerk Irvine reported that staff presented a special
64 events policy at the last meeting and Council requested more time to review it. Staff did not receive any
65 comments from the Council or residents and have presented the policy again for consideration. Changes
66 made by staff included changing the title, defining large group event, providing for exceptions, lower
67 application fee, application submittal requirements and waiver language.

68 Council Member Roberson stated that she would be in favor of this policy if the town had nice
69 parks such as Haines City. She stated the park equipment at the park in the North East section is not
70 good quality and believes there is lead paint used on the equipment. She stated that the stipulations in

71 the policy are not worth it. Council Member Swanson stated the town needs to raise taxes to improve
72 the parks. Kehoe agreed that the parks are not high quality and town needs to take control of the parks.
73 Chair Harris stated that reason for this policy is due to a Easter event in Lake Wales two years ago that
74 was moved to Lake Hamilton without any notice to the town. He stated that police should be able to
75 police any events and the people in the north east should not be punished for this event that was not
76 the residents doing. Council Member Kehoe suggested that language be amended to exempt residents
77 of Lake Hamilton.

78 **MOTION: Kehoe/Roberson to approve the Special Events Policy only for non-residents. No**
79 **comments. All voted in favor of the motion.**

80 **Town Park Concerns** – Mayor Wagner addressed the Council regarding the condition of the
81 Town’s Parks. She has held several meetings with residents around the town and the ongoing issue at all
82 the meetings was the town parks. The Council already heard from Mr. Chestney regarding Sample Park.
83 Council Member Kehoe presented the Council with a report he drafted regarding the condition of
84 Sample Park. Sample Park has a board which needs to approve changes to Sample Park. The Mayor
85 reported that Charles Gunter has volunteered to keep the restrooms clean at Gunter Park and has also
86 asked the Council to consider placing additional lights at the park. Chair Harris asked attorney if there is
87 anything in the Charter that states the hours of the Parks. Attorney replied that there is not. Chair Harris
88 wanted to get a motion for fixing Sample, Gunter and Bruce Martin parks. Council Member Kehoe
89 thought it would be appropriate to evaluate all the town’s parks and bring back a plan.

90 **MOTION: Kehoe/Roberson – to have the Public Works Director evaluate all of the parks and**
91 **identify all properties that need repaired or replaced, such as lights, equipment and get cost estimates**
92 **then bring that information to the April meeting.**

93 **Comments: Tom Mace stated that the town has spent \$300,000-\$400,000 on the town planner**
94 **in seven years, but can’t give money for parks?**

95 **All voted in favor of the motion.**

96 **Uniform Method of Collection** – Attorney Christman reported that as part of the process the
97 town needs to have contracts with the Polk County Property Appraiser and the Polk County Tax
98 Collector. She has reviewed both agreements and recommends the Council adopt them.

99 **MOTION: Kehoe/Tomlinson to adopt the contact agreement with the Polk County Property**
100 **Appraiser for the Uniform Method of Collection. No comments. All voted in favor.**

101 **MOTION: Kehoe/Roberson to adopt the Uniform Collection Agreement with the Polk County**
102 **Tax Collectors Office. No comments. All voted in favor.**

103 **Status Updates:**

104 **Crump Road Driveway** –Town Planner Leonard who reported that Mr. Jurin has submitted a
105 subdivision plat for the parcel and it was reviewed by the planning commission and has been sent to the
106 engineer for their review. Planner Leonard reported that in his opinion the plat conforms to state law.

107 Chair Harris stated that he would like the town to hold a special meeting regarding the driveway and a
108 special meeting for the plat.

109 Charlotte Taylor, who lives on Crump road, stated that the driveway, planes boats and trucks
110 have reduced Crump Road property values.

111 Allan Taylor was at the planning commission meeting on the 20th and thinks that Planner
112 Leonard left out some vital information in his report. He stated that the plat turns the parcel into
113 commercial.

114 **CDBG Marye Jayne Heights/Lake Gordon Project-** Planner Leonard reported that materials are
115 being delivered this week and are being stored on the old water plant property. Construction to begin
116 next week.

117 **Highway 27 Sewer Project** – Planner Leonard reported that he has meet with the engineers to
118 layout the application and plans.

119 **Crump Road Water Line** - Planner Leonard reported the engineers and he did a field walk
120 through and determined that the loop may be more difficult than thought due to land constraints.

121 **New Website** – Still trying to find an IT person.

122 **Gunter Park Fence** – Clerk Irvine reported the town received the full amount of the damage and
123 she informed J.D. that he could proceed to make additional repairs or replacements.

124 **Final Reading Ordinance 2014-01 –Site Development Regulations** –Planner Leonard read the title for
125 the record: AN ORDINANCE AMENDING CHAPTER 16, LAND DEVELOPMENT CODE, ARTICLE II, SECTION
126 16-40 DEVELOPMENT APPROVAL AND BY ADOPTING SECTION 16-41 SITE DEVELOPMENT PLAN
127 REQUIREMENTS, OF THE CODE OF ORDINANCES OF THE TOWN OF LAKE HAMILTON FLORIDA;
128 PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING
129 FOR AN EFFECTIVE DATE.

130 **MOTION: Kehoe/Roberson to approve Ordinance 2014-01 as written. Roll Call vote: Kehoe- Aye;**
131 **Roberson-Aye; Swanson-Aye; Tomlinson-Aye; Harris-Aye. Motion passed.**

132

133 **New Business**

134 **Fence Encroachment South 6th Street right-of-way (Martin)** – Planner Leonard provided the Council
135 with an update on the issue. Town staff and attorney were in agreement that the fence that Mr. Martin
136 constructed in December was impeding safe travel of the general public and public services. Since Mr.
137 Martin did not comply with removing the portion of the fence by the deadline imposed, town staff was
138 directed to remove the fence in order to restore safe travel. Mr. Martin’s attorney then communicated
139 with town staff that Mr. Martin was not in agreement with the theory that the town maintained the
140 road way but he was willing to compromise. Town staff did not waiver from their assessment and let Mr.
141 Martin know that he could appeal the decision to the Town Council.

142 Cheryl and Bob Schiek, Roy and Joann Carlson, Glen Knaus were all present in opposition to Mr. Martin's
143 addition to the fence which would impede access. The Martin's were represented by Attorney John-
144 Marc Tomayo.

145 Chair Harris and Council Member Kehoe tried to appeal to Mr. Martin's sense of community by trying to
146 get him to compromise and leave the fence as it is now after the portion of fence was removed. Council
147 Member Roberson voiced her opinion that the other side could give some room if the trees were
148 trimmed.

149 Town Attorney Christman stated that Florida Statute 95.631 addresses maintained right of ways and
150 based on information provided to her by town staff it has been maintained and the fence encroaches on
151 access way.

152 Chair Harris called for a recess at 8:23 for seven minutes. Chair Harris reconvened the meeting at 8:30.

153 Mayor Wagner reported that she was told the town took care of the roadway and was informed that the
154 newly constructed portion of the fence was impeding access so she directed staff to remove that
155 portion of the fence in order to restore access.

156 **MOTION: Kehoe/Roberson to approve Mr. Martin's proposal to give two feet back.**

157 **Comments: Attorney recommended that Planner Leonard point out on the pictures what the two foot**
158 **area encompasses. Planner Leonard showed the Council and the audience the area in question.**

159 **Chair Harris called for a vote on the motion. Clerk Irvine reported that she heard Roberson and**
160 **Tomlinson vote in favor and Swanson and Harris vote against. She did not hear a verbal from Kehoe,**
161 **which results in a vote in favor. Motion passed 3-2**

162

163 **Mayor's recommendation on staffing the public works department/Interviews – Mayor**
164 Wagner reported that she advertised for a public works position as the Health Department stated tht
165 town would need another employee and two of the employees are currently out on medical leave. She
166 wanted to hire a FT employee and also a PT employee with a CDL license to run the trash truck while Mr.
167 Hlas is off of work. Mayor recommended the town hire Gerald Wilburn as a FT maintenance persona
168 and Earnest Wormley as a PT fill in for trash truck driver. Chair Harris stated that Mr. Wilburn called him
169 and told him that he wanted to withdraw his application. Mayor replied that she did not get that
170 request. J.D. Johnson reported that Mr. Wilburn told him he did not want to work for the town. Council
171 Member Roberson recommended not hiring Mr. Wilburn. Council Member Kehoe stated that the
172 Council never gave permission to accept applications for a position that does not exist. He felt that
173 Harvey Sims never had the opportunity to apply and when Mr. Walter Pagan comes back to work,
174 Harvey Sims would be out of a job. He wondered why the town doesn't just hire Harvey Sims as a
175 regular employee. Chair Harris agreed that the town should hire Harvey Sims.

176 **MOTION: Swanson/Roberson to table the discussion.**

177 **Comments: Kehoe- discuss hiring a maintenance employee if Will Hlas moves over to the police**
178 **department. Include no light duty in the updated personnel policy.**

179 **All voted in favor of the motion.**

180

181

182 **Review Town Policy on Light Duty** – direction was given in the previous discussion to not allow
183 light duty and draft a policy into the updated personnel policy to reflect this.

184 **Authorize an amount for the purchase of a new town truck** – Clerk Irvine reported that they
185 have purchased a used utility truck from an auction. The purchase price was \$3753.

186 **Resolution 2014-04** – Attorney read the title into the record: A resolution endorsing the
187 membership apportionment plan for the Polk Transportation Planning Organization and authorizing the
188 Mayor to execute an updated interlocal agreement.

189 **MOTION: Kehoe/Roberson to adopt Resolution 2014-04. No comments. All voted in favor.**

190

191 **Proclamation recognizing Donate Life Month** – Council consensus was to support this
192 proclamation. Clerk Irvine read the proclamation which proclaims April 2014 as Donate Life Month.

193 **Mayor's Report** – Mayor Wagner reported that the Charter Review Committee meet on Feb. 24th and
194 appointed Gary White as the chair person. They will meet monthly on the third Thursday at 5:30. Next
195 meeting is March 20th.

196 **Police Report** –Deputy Chief Jagniszak reported that the town has 4 AED for the vehicles and the officers
197 received training on the units.

198 **Committee Reports** –

199 Code Enforcement report was included in the packet. Chair Bob Howland provided an update.

200 Planner – None

201 Clerk – None

202 Public works – J.D. reported that he will purchase shale rock for the 6th street wash out. He
203 received a quote for a street sweeper. Council directed J.D. to try to find a vendor that would be
204 cheaper. Chair Harris thought a street sweeper is a valid need as the town pays A-1 for tree trimming at
205 \$1500. Irvine reported that fee is bi-annual not monthly. Council discussed their desire to have a report
206 on what has been trimmed and perhaps have before and after pictures.

207 **Approval of Invoices/Financial Reports-** There were some questions on the vendor invoices.

208 **MOTION: Roberson/Tomlinson to pay the bills. All voted in favor.**

209 **Attorney Comments** – She asked for clarification regarding updating the personnel policy. Mayor
210 Wagner replied that is something she is working on.

211

212

213 **Council Member Comments –**

214 **Kehoe – None**

215 **Swanson – None**

216 **Tomlinson** – Stated that he has had several request from residents regarding transportation. Mayor
217 Wagner replied that nothing is planned in the town until 2015-2016. Planner Leonard reported that
218 Transportation Disadvantage is available.

219 **Chair Harris** – Thanked everyone for coming to meeting. Stating there will be disagreements and
220 animosity. Reminded the Mayor that employee six month evaluations are coming up.

221

222 **Adjournment- MOTION: Kehoe/Roberson to adjourn at 9:20 pm. All voted in favor.**

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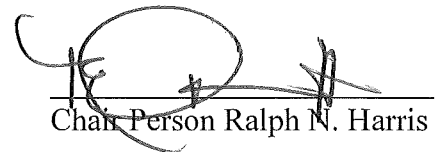
227 ATTEST:

228

229

230 Sara K. Irvine
TOWN CLERK Sara K. Irvine

231


Chair Person Ralph N. Harris