

1 LAKE HAMILTON
2 TOWN COUNCIL REGULAR MEETING MINUTES
3 TUESDAY, AUGUST 5, 2014

4 6:00 pm

5 The Town Council of Lake Hamilton held a regular meeting on Tuesday, August 5, 2014 at Town Hall
6 located at 100 Smith Avenue, Lake Hamilton, FL 33851.

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

8 **Invocation/Pledge/Roll Call:** Chair Harris called on Roberson to provide the invocation and Kehoe to
9 lead the Pledge. Roll Call: Kehoe, Roberson, Tomlinson, Harris and Mayor Wagner were present. Staff
10 present included Clerk Irvine, Attorney Christman, Chief Jagniszak, Planner Leonard and Deputy Town
11 Clerk Freeman.

12 Clerk Irvine reported that Major Bagget from the Polk County Sheriff's office was in attendance at the
13 request of Chief Jagniszak and that the council may want to have him speak at this time. **Motion was**
14 **made by Roberson/Kehoe to move Major Baggett's presentation to the top of the agenda. All present**
15 **voted in favor.**

16 Chief Lyle Jagniszak reported that he invited Major Bagget to speak to the Council regarding the County
17 Wide issue of the "chunky Sunday" gatherings, like the one Lake Hamilton experienced on Easter
18 Sunday. Major Bagget introduced the others that were with him Cpt. Floyd, Cpt. Monroe, Cpt. Hall and
19 Lt. Garcia. Major Bagget stated that the number one concern for the County is the safety of the
20 attendees, residents and responders at large group events. He reported that those in attendance are not
21 always local residents. He reported that an event in Gordanville had a shooting and stated if it is
22 predictable it is preventable. He stated the County has an ordinance which requires a permit for these
23 type of events. If there is no permit pulled they shut the event down. Sometime, they are at the
24 location before any attendees as they see advisements for the events ahead of time. He did report that
25 there have been no permits pulled per the County Ordinance, but that at least gives the County the right
26 to end the event if there is no permit. He encouraged the town council to adopt a similar policy so that if
27 there is no permit holder the on duty officer could shut the event down.

28 Council Member O'Neill arrived at 6:21PM.

29 Chair Harris suggested the council move the review of the special events policy to the next item and take
30 a five minutes recess. **MOTION: Harris/Kehoe to move the Continued Review of Special Events Policy**
31 **to the next item on the agenda and take a five minute recess. All voted in favor 4-0.**

32 Chair Harris reconvened the meeting at 6:34 PM.

33 Chair Harris suggested changes be made to the required deposit, parking and hours of use. He suggested
34 not giving back any of the deposit if any clean up by staff was required and setting the hours to 9 PM if
35 there are lights at the park rather than dusk, and not allow any on street parking. Police chief stated he
36 would be okay with a parking plan that authorized parking on one side only.

37 Kehoe would like it to be an ordinance rather than a policy.

38 **MOTION: Kehoe/Tomlinson to move the item to the September meeting, reclassify it as an ordinance**
39 **with the changes discussed at the August meeting.**

40 **Discussion: Gail Howland, resident on Main Street wanted clarification that residents did not have to**
41 **pay for a permit. Irvine replied they will be required to pull a permit but the fee will be waived.**

42 **Motion passed 5-0.**

43 **Back to the regular order of the agenda.**

44 **Approval of Minutes – MOTION: Kehoe/O’Neil to approve the July 1, 2014 Work Shop Meeting**
45 **Minutes and the July 1, 2014 Regular Meeting Minutes. All voted in favor of the motion.**

46 **Recognition of Citizens:**

47 **Alice Rogers, Smith Avenue, asked about the trash pickup. She reported she has had items out for**
48 **several weeks that have not been collected. Mayor reported that the truck driver was out sick and is**
49 **back at work and has been directed to do only pick up until it is caught up.**

50
51 **David Hays, 755 Graves St. had concerns with the fluctuating amount of his utility bill. Deputy Clerk**
52 **Freeman reported that J.D. Johnson had checked the meter and reported it was reading correctly. She**
53 **reported that sometimes there are leaks that are not due to meter issues. Harvey Sims reported that**
54 **some meter heads are being replaced which will cause more accurate readings. Deputy Clerk was**
55 **directed to ask J.D. Johnson to perform a five gallon test at this property and follow up with the Mayor**
56 **with the information.**

57

58 **Old Business**

59 **Chair Harris asked if a completion date could be added to old business items and suggested hiring be**
60 **done at a special meeting. Kehoe and the Mayor agreed. Mayor stated that there are three candidates**
61 **in attendance. The council could interview and make decision at a special meeting.**

62 **MOTION: Kehoe/Roberson That all personnel matters will be handled at a special meeting to be**
63 **determined at a specific date.**

64 **Discussion: O’Neill commented that time constraints may dictate. Reply was a special meeting can be**
65 **called with short notice. Motion carried.**

66

67 **Interview Code Enforcement job applicants:**

68 **Markus Khalil introduced himself to the Council and relayed information on his background. He stated**
69 **he has a civil engineer degree and is a business owner and a real estate agent. He does not have code**
70 **enforcement experience but is willing to attend the training for the level one certification. He is okay**
71 **with the lower end of pay as he wants to gain the knowledge and experience for code enforcement. He**
72 **has property management experience. He is bi-lingual.**

73

74 **David Reyes introduced himself to the Council. He is a Lake Hamilton resident and has no formal**
75 **training or experience with code enforcement but does have real estate and property management**
76 **experience. He has a degree in Human Resource management. His application stated a salary desired of**
77 **\$18.50 but he would be willing to work for \$10 and attend the training. He is bi-lingual.**

78 **Michael Cope** introduced himself to the Council. He is a Lake Hamilton resident and attended Ottawa
79 University and obtained a degree in Physical Education/recreation. He is not bi-lingual and is willing to
80 work for \$10 an hour as he is currently unemployed. He has no direct code enforcement experience.

81
82 The Council called for a special meeting on Tuesday, August 12th to hire someone for the position and
83 thanked the three gentlemen for attending.

84
85 **Sixth Street Access- Martin Fence Line** – Attorney Christman reported that she has been in contact with
86 the other parties and included a letter to Attorney Tamayo, the Martin’s representative. She reported
87 that staff is working to obtain a survey of the area. This item will be moved to staff reports on future
88 agendas.

89
90 **CDBG Water Main Project Chang order** – The Council authorized the change order at a previous
91 meeting but the actual cost estimates are higher than the previously projected estimate.

92 Councilmember Roberson asked if the town has a current contract. Leonard replied that Chastain
93 Skillman is the engineer and BRW is the contractor. We have a contract with both of them for this
94 project. Chair Harris asked that Mr. Leonard and J.D. go around and talk to the residents.

95 **MOTION: Kehoe/O’Neill to authorize Change Order No. 1 for CDBG Water Main Replacement Project.**
96 **No further discussion. All voted in favor.**

97
98 **Proposed contract with Chastain Skillman for Water System Plan** – Steve Dutch from Envisors Inc. was
99 present to discuss the proposal for continuing services related to the Water System corrective action
100 plan. Phase one services include development of a GIS map to incorporate the water distribution system
101 and verify valve and hydrant locations and conditions. Also review flows and meter records to establish
102 system demands. The cost is not to exceed \$9,000 and should be completed within 8 weeks.

103 Mayor Wagner thought that a modeling map was completed in the past. Leonard reported that
104 they will be working off of that map.

105 Harris asked if the pipe size would be determined at phase 1. O’Neill stated that the town can’t move
106 forward without knowing what is in the ground. Dutch replied that some spot verification will be
107 completed in phase 1.

108 **MOTION: Kehoe/Tomlinson to approve the contract for Task Order Number 3 for Phase 1 water**
109 **Distribution review and improvement analysis program with Chastain Skillman.**

110 **Discussion: Keith Lonsbury asked why the town would approve phase 1 if there might not be money**
111 **for phase 2.**

112 **Motion carried 4-1(Roberson).**

113
114 **Town Park Discussion** – Mayor Wagner reported that included with the packet was a conceptual
115 drawing for a Veteran’s Park monument. Lowes would donate some of the materials and there are
116 volunteers already available to help build it. There was discussion on how names would be considered
117 for the wall and types of materials. Council consensus was to move forward with the conceptual plan.

118
119 **Gunter Park** – Discussion on putting in a new light. **MOTION: Kehoe/Roberson to install a light pole**
120 **between the two basketball courts with power running under ground with four flood lights and a**

121 **timer. Clerk asked for an amendment to bring three quotes to the special meeting next Tuesday. No**
122 **discussion. All voted in favor of the motion.**

123
124 **MOTION: Harris/Kehoe to direct J.D. Johnson to bring a completion date for updates at Bruce Martin**
125 **Park. No discussion. All voted in favor of the motion.**

126
127 **Continued Review Noise Ordinance regulations – Town Attorney recommends the town take a wait and**
128 **see approach on this item, as other municipalities are dealing with the same issue. We could wait and**
129 **see what other adopt and go from there. O’Neill thought this was a good idea. Harris would still like to**
130 **see quiet hours for the town established.**

131 **MOTION: O’Neill/Kehoe to have staff provide information on Quiet Hours to incorporate into the**
132 **current ordinance. Not limit it to just vehicles. Have the attorney report back when information is**
133 **available from other municipalities.**

134 **Discussion: Tom Mace asked the Council about a Disturbing the Peace law. Chief Jagniszak was**
135 **directed to look into that and report back.**

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

137
138 **NEW BUSINESS.**

139 **Site Plan Review – Combee Airboats, 31096 U.S. Highway 27 have applied for a site plan review to**
140 **construct a 40 foot by 60 foot metal and masonry building on the property with a driveway and parking**
141 **area. There is a current 2400 SF structure already located on the parcel in which the business is located.**
142 **Planner Leonard reviewed the application and reported that the business is classified as “water craft**
143 **service and major repair” and is a C2 conditional use, which requires review by the Planning Commission**
144 **with recommendation to the Town Council of any conditions that may be necessary and appropriate.**
145 **The Planning Commission reviewed the site plan at the July 31, 2014 meeting and determined that the**
146 **property creates no negative impacts to surrounding properties or the community at large. They**
147 **recommend approval of the site plan as submitted without conditions.**

148 **Council comments including type of building, location, type of business, hours of business, change in**
149 **use. There were several comments on the business, is it a tour business. Combee replied he builds**
150 **airboats and tests them on the water. He also gives occasional tours and stated he has had a tour within**
151 **the last 180 days. Some council members wanted proof of the tours. Leonard reported that a business**
152 **license is not a land use permit. Mr. Combee is not yet sure if his business would be located in the new**
153 **building, MVR might want to relocate there. He assures the Council that any business located there**
154 **would conform to the zoning requirement. He also noted that he submitted the application prior to the**
155 **ordinance change. Leonard reported that Mr. Combee would be allowed to operate the business in the**
156 **new structure as his current business is now operated. Leonard reported that the building permit**
157 **establishes use. The council is reviewing the building. Harris stated he has no problem with the building**
158 **as the Planning Commission did their due diligence and staff recommends it, so the council should that**
159 **into consideration, if he is operating in the same capacity.. Roberson asked if the structure will be**
160 **similar. Combee replied it would be. Kehoe thought the airboat tour business would be grandfathered in**
161 **with the new ordinance. O’Neill wanted to ask several questions regarding the C2 classification of**
162 **manufacture of airboats to gain a better understanding of the nature of the business. 1. Days and hours**
163 **of operation: Mr. Combee stated that he is a one man shows and works sometimes from 5 am – 6 pm,**

164 generally Monday – Friday. 2. Any interference to other properties or business: Mr. Combee stated that
165 there are not occupied properties within close proximity to his business. 3. Semi access onto and off of
166 HWY 27: Mr. Combee replied that he never has semi traffic. 4. What extent does the business use the
167 lake: Mr. Combee reported that in the last two weeks he has had two boats on the water. He is not out
168 there at 7 am and does stay away from residential parcels. He runs them past the island and around 27.
169 O'Neill asked if it lake use is a minimal portion of the business activity and Combee replied in the
170 affirmative. 6. Hazardous waste: Mr. Combee replied that there is none. Councilmember O'Neill
171 thanked Mr. Combee for his answers.

172
173 **MOTION: O'Neill/Kehoe to allow Mr. Combee to construct a building with a C2 airboat manufacture**
174 **business with the understanding it remain consistent with his current business activities as previously**
175 **discussed.**

176 **No further discussion. Motion passed 3-2(Roberson, Tomlinson).**

177
178 **Review Interlocal Agreement for Public School Facility Planning –** Planner Leonard reported that this
179 was originally adopted in 2002 This update brings the agreement up to date on Florida Planning Law and
180 current education planning policies.

181 **MOTION: Kehoe/Roberson to adopt the Interlocal Agreement for Public School Facility Planning for**
182 **County of Polk. No further discussion. Motion passed.**

183
184 **Consider Time Clock use –** Chair Harris requested that this item be on the agenda as a lot of employees
185 are leaving early and taking extended lunch hours. Tomlinson and Roberson agreed. He received an
186 estimate of \$501 for automatic system that would incorporate with payroll. Clerk Irvine reported that
187 she has worked with that type of system in the past and it is not a time saver for payroll as they usually
188 don't integrate with current payroll procedures easily. Mayor Wagner reported that she received
189 information about an employee leaving early and spoke to the supervisor about the matter and it has
190 been addressed. She did not feel a time clock was needed. Chief Jagniszak reported that his officer
191 overtime would increase if they were required to punch the clock.

192 **MOTION: Kehoe/Tomlinson to purchase a time clock for all town employees. No further discussion.**
193 **All voted in favor.**

194
195 **Open new Bank Account –** Clerk Irvine reported that the current bank has stopped paying interest on
196 one of our accounts. It is the Law Enforcement Trust fund. She would like to close this account and put
197 the money in a new bank that would pay interest. Chief Jagniszak found that Urban Trust would pay
198 interest.

199 **MOTION: Roberson/Tomlinson to authorize Clerk Irvine to open an account for the Law Enforcement**
200 **Trust Fund at Urban Trust. No further discussion. All voted in favor.**

201
202 **MAYORS REPORT.**

203 **Update on personnel matters –** Mayor reported that she will report on this after the next two items.

204 **Request from Walter Pagan for medical leave extension –** Mayor reported that Mr. Pagan's medical
205 leave will expire on August 21st and he will not be able to return by that date. He has asked if the Council
206 would consider an extension. The Mayor recommends the Council extend his leave until December.

07 O'Neill reported that he has concerns that Mr. Pagan may not be back. Kehoe asked if the town has
208 extended it for anyone else. Deputy Clerk Freeman replied that the town has. Roberson and Tomlinson
209 agree with O'Neill.

210 **MOTION: Kehoe/Tomlinson to deny the medical leave request for Walter Pagan. No further**
211 **discussion. All voted in favor.**

212
213 **Continued employment of Harvey Sims – MOTION: O'Neill/Kehoe to keep Mr. Harvey Sims for**
214 **temporary employment until town can fill the permanent position.**

215 **Discussion: Mayor and Clerk Irvine were directed to advertise for the position. All voted in favor of**
216 **the motion.**

217
218 **Personnel Matters** – The Mayor asked for council direction regarding J.D. Johnson's training. Chair
219 Harris thought J.D. should be allowed back in the Water Treatment Plant. Mayor Wagner reported that
220 he is allowed in. O'Neill stated that the town needs be sure J.D. is competent in the Water Plant
221 operations and suggested he schedule time for training with Harvey. Clerk Irvine thought this was not a
222 good idea, as it would be a subordinate training a supervisor. J.D. is currently at a water conference. It
223 was suggested that he report to the Council what he learned at the conference.

224
225 **Police Report** – Chief had nothing further to report.

226
227
228 **COMMITTEE/STAFF REPORTS**

229 **Code Enforcement** – Report was included in the packet.

230 **Planner** – Nothing more.

231 **Clerk** – Budget Meeting that was schedule for September 2nd needed to be rescheduled. She
232 posted it for Wednesday, September 3rd at 6:00 PM.

233 Irvine also asked if the Council would authorize a payment on the CDBG Mary Jayne Heights
234 project to be paid from the General Fund before we receive the money from the State. The payment will
235 be to the contractor BRW for \$222,525. Roberson stated that the town has done this before.

236 **MOTION: Kehoe/Roberson to authorize payment of \$222,525 to BRW Contracting for payment #2**
237 **from the town's general fund to be reimbursed when the town receives funds from State for the Mary**
238 **Jayne Heights project and the council to be notified when payment is received. No further discussion.**
239 **All voted in favor.**

240 **Public Works** – Harvey Sims reported that the H2S still needs work.

241
242 **APPROVAL OF INVOICES/FINANCIAL REPORTS – MOTION: Kehoe/Roberson to approve the invoices**
243 **and finance reports for July 2014. All voted in favor.**

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251 **ATTORNEY COMMENTS** –None

252

253 **COUNCIL MEMBER COMMENTS** –

254 Harris gave a thank you for hanging in there.

255

256 **Adjournment- MOTION:** Kehoe/Roberson to adjourn at 10:10 PM. All voted in favor.

257

258

259



Ralph N. Harris, Council Chair

260 **ATTEST:**

261

262

263



Town Clerk Sara K. Irvine