

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

5 The Town Council of Lake Hamilton held a regular meeting on Tuesday, June 3, 2014 at Town Hall
6 located at 100 Smith Avenue, Lake Hamilton, FL 33851.

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

8 **Invocation/Pledge/Roll Call:** Kehoe called on Council Member Roberson to lead invocation and Council
9 Member O'Neill to lead the Pledge. Kehoe, Harris, O'Neill and Roberson were present as was Mayor
10 Wagner. Tomlinson was excused. Staff present included Clerk Irvine, Attorney Christman, Planner
11 Leonard, Chief Jagniszak, and Deputy Clerk Freeman.

12 **Approval of Minutes – MOTION: Roberson/O'Neill to approve the April 22, 2014 Special Meeting**
13 **Minutes. All voted in favor of the motion.**

14 Councilmember Harris questioned why the May regular meeting minutes were not on the agenda for
15 approval. Clerk Irvine reported that she did not have enough time to complete the minutes but they will
16 be on the July agenda for approval. Council consensus was to have the minutes prepared for review at
17 the next regular meeting. She said would take care of that concern.

18 **Recognition of Citizens:**

19 Tom Mace addressed the council regarding the vote to remove Mr. Harris as the Chair. He
20 insinuated that a clandestine vote took place and that the audio equipment was turned off. He stated
21 that the Charter does not allow for the removal of the chair person as they are elected for a one year
22 term.

23 Vice Chair Kehoe noted that the next order of business is the appointment of a Council
24 Chairperson. He proceeded to nominate O'Neill. Roberson motioned to keep Harris and Harris seconded
25 that motion. O'Neill motion to appoint Kehoe.

26 **MOTION: Roberson/Harris to appoint Harris.**

27 Discussion: Harris recommends tabling the item until the next meeting as it will probably be a split vote
28 with Tomlinson not being present.

29 Previous motion was withdrawn.

30 **MOTION: Harris/Roberson to table this item to the July meeting. All voted in favor.**

31
32 **Old Business**

33 **Code enforcement officer position:** The Mayor reported that no certified applications have
34 been received. Harris and Roberson both said they spoke with Mr. Woodard about the position. The
35 Mayor reported that she met with him and his only qualifications are water compliance enforcement.
36 He is not certified. The council wanted level one certification.

37 Kevin Kitto reported to the council that the next class with the Florida Association of Code Enforcement
38 Officers is in October and it may not be held if they do not have enough enrolled.

39 Kehoe asked if background checks and physicals are part of the hiring process. O'Neill replied that as a
40 policy those items should be required. Reference checks should be conducted by the Mayor. Council
41 consensus was that they wanted to review more applications and see more than one applicant at the

42 meeting interview. Mayor replied that Mr. Woodard was invited to the May meeting along with Mr.
43 Lopez but he could not appear.

44 **MOTION: Harris/Roberson to table until we can contact Woodard and get further**
45 **applications.**

46 Discussion: Moses Snow asked about Mr. Harris being Chair. He was informed that discussion already
47 took place.

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

49

50 **Sixth Street Access – Martin Fence Line** – Attorney Christman reported that she has provided a
51 memo on the item. Her opinion has not changed. Harris asked Leonard what the initial concern
52 regarding the placement of the fence was. Leonard replied that it was access for emergency and service
53 vehicles. Harris said he has talked with the driver of the town sanitation vehicle and he reported he has
54 no issues with navigating that area. Harris doesn't believe the town should fight this matter when it is
55 not causing any problems. Attorney addressed Florida Statute that allows for right of way access. Kehoe
56 thought the town might want to determine who the rightful owner of the property is. Roberson
57 questioned the town spending money when there appears to be no issue. O'Neill agreed that it would
58 be costly to go to court. He stated it appears to be a town error from long ago. It's assessable today but
59 it may not always be that way as there is no set right of way.

60 Kehoe asked about eminent domain. Attorney responded that there are certain fees. The town
61 would concede there is no right of way the property is needed. Harris asked what purpose the town
62 would use for the taking of the land if they are already allowing the town to use it. O'Neill asked Mr.
63 Carlson if he would give property and he replied that he would.

64 Hank Campbell, attorney representing the Martin's addressed the Council regarding the past
65 compromise and stated that the Martin's relied on the word of the town and moved the fence back. It
66 would be morally and legally wrong for the town to take this action any further. O'Neill asked if the
67 neighbors would be willing to work out an agreement. He suggested that Leonard could meet with the
68 neighbors and try to develop a proposal that works for all parties.

69 **MOTION: O'Neill/Roberson to direct Planner Leonard to meet with property owners to work on a**
70 **dedicated legal right of way.**

71 **Discussion:**

72 **Dr. Taylor told the council they are beating a dead horse.**

73 **Roll Call Vote: O'Neill-aye; Roberson-aye; Harris-aye; Kehoe-aye. Motion carried.**

74

75 **Town Park Concerns** – Attorney Christman's opinion is that the town must continue to act upon
76 the recommendations of the Trustees for Sample Park. She reported that there is nothing that prohibits
77 the town to include these trustee as an overall committee of the town's parks. Clerk Irvine suggested
78 J.D. meet with the trustees and go over the list he compiled a few months ago. Deputy Clerk reported
79 the town usually sends a letter to the trustees with requested items and waits for the reply. Discussion
80 on the need for bathrooms at Sample Park. Add more patrol to curb illicit activity.

81

82 **MOTION: Harris/Roberson to establish a parks and recreation committee of five, three members from**
83 **the Sample Park trustee board and two others. If the three trustees do not wish to serve at least one**
84 **from the trustees should be a member.**

85 Discussion: Post information on the website and send a letter to the trustees.

86 **All voted in favor.**

87

88 **Review Noise Ordinance Regulations** – Chief Jagniszak reported that the Council directed staff
89 to draft a noise ordinance related to vehicle noise. He relied on the Hillsborough County one as an
90 example for the draft.

91 O'Neill said he was okay with it. Harris asked for clarification on section 22-42, which is not
92 related to vehicle noise. Chief reported that at this time he has nothing to regulate other loud noise that
93 may disturb people. O'Neill reported that the trend is to move away from decibel measurement to the
94 "reasonable person" language.

95 Tom Mace commented that he researched the price of decibel meter and they are not that
96 expensive. He would be willing to purchase one. O'Neill replied that the maintenance and calibration are
97 expensive and the readings don't always hold up in court.

98 Harris would like to see section 22-42 removed as the initial idea was to regulate noise from
99 cars. O'Neill suggested the town take the lead from other towns that have already gone through this and
100 be proactive rather than reactive.

101 **MOTION: Harris/Roberson to table the draft until further study.**

102 **Discussion: Roberson would like to see 22-42 worded differently so street ministry would be allowed**
103 **without a permit. Attorney Christman replied that the language must be uniformly applied to noise in**
104 **general. Harris said to table to next meeting with no changes. O'Neill said to get any suggestions to**
105 **staff.**

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

107

108 **Discuss Special Events Policy** – Chief Jagniszak reported that the added language is based on
109 other cities policies. Kehoe commented that language addressing restroom facilities need to be
110 included.

111 **MOTION: Harris/Roberson to table to next meeting to make changes. All voted in favor.**

112

113 **Ordinances – Public Hearing for Final Reading Ordinance 2013-12** – Vice Chair Kehoe recessed
114 the regular meeting to open the Public Hearing at 7:30 pm. Leonard read the title into the record.
115 An ordinance amending Chapter 16, Land Development Code, Article III, Land Use, Division 2: Zoning
116 Districts of the Code of Ordinances of the Town of Lake Hamilton, Florida by adopting a Section 16-103.1
117 Zoning District Summary Tables for all Zoning Districts; providing for severability; repealing all
118 ordinances in conflict herewith; and providing for an effective date.

119 Leonard explained that the ordinance has a specific list of uses and which district they are
120 allowed and the different levels of review for certain uses.

121 **MOTION: O'Neill/Harris moved to approve Ordinance No. 2013-12.**

122 **Discussion:**

123 **Richard Combee, business owner, asked for information on the approval process. Leonard clarified**
124 **some cases which would require more review and the possible placement of conditions.**

125 **Harris asked if the town could establish certain hours for business in the town. Leonard responded**
126 **that it depended on the type of business.**

127 **Roll Call: Roberson-aye; Harris-aye; O'Neill-aye; Kehoe-aye. Motion carried.**

128

129 **Public Hearing for Final Reading Ordinance 2014-02** – Leonard read the title into the record.

130 An Ordinance Amending Chapter 16, Land Development Code, Article I, Section 16-1 Definitions Of The
131 Code Of Ordinances Of The Town Of Lake Hamilton Florida; Providing For Severability; Repealing All
132 Ordinances In Conflict Herewith; And Providing For An Effective Date.

133 Planner Leonard stated that nothing has changed since the first reading. Harris asked Leonard how
134 much input he takes from the planning commission. His response was a lot and pointed out that at least
135 four members of the commission was in attendance at the council meeting. Some councilmembers
136 asked for clarification of Section 4 outing scrivener's errors. Attorney clarified that it is standard
137 procedure in case any grammatical errors are noted. If the error would change the substance of the
138 Ordinance it would come back for an amendment.

139 **MOTION: O'Neill/Harris to adopt Ordinance 2014-02 approving the definitions. There was no further**
140 **discussion.**

141 **Roll Call: O'Neill-aye; Roberson-aye; Harris-aye; Kehoe-aye. Motion carried.**

142 **The Public hearing was closed at 7:39 and the regular meeting reconvened**

143

144 **NEW BUSINESS**

145 **First Reading of Ordinances:**

146 **Amending the uses permitted in non-residential zoning district – 2014-03 – Leonard read the title:**

147 An Ordinance Amending Chapter 16, Land Development Code, Article Iii, Division 2 Zoning Districts And
148 By Adopting Amendments To Sections 16-107 Through 16-112 Of The Code Of Ordinances Of The Town
149 Of Lake Hamilton Florida; Providing For Severability; Repealing All Ordinances In Conflict Herewith; And
150 Providing For An Effective Date.

151 There was some discussion on the language for mobile home parks, which is needed for affordable
152 housing compliance.

153 **MOTION: Roberson/O'Neill to accept the first reading of Ordinance 2014-03. There was no further**
154 **discussion. Roll Call vote: Roberson-aye; O'Neill-aye; Harris-aye; Kehoe-aye. Motion carried.**

155

156 **Amending the regulations on non-conforming uses – 2014-04 – Leonard read the title:**

157 An Ordinance Amending Chapter 16, Land Development Code, Article Iii, Land Use, Section 16-69
158 Nonconforming Uses Of The Code Of Ordinances Of The Town Of Lake Hamilton Florida; Providing For
159 Severability; Repealing All Ordinances In Conflict Herewith; And Providing For An Effective Date.

160 This ordinance adds some nonconforming uses and changes the date to allow the nonconforming use.
161 Attorney would like to work with Planner to draft language which would apply to both uses and
162 structures.

163 **MOTION: O'Neill/Harris to accept the first reading of Ordinance 2014-04. There was no further**
164 **discussion. Roll Call vote: Roberson-aye; O'Neill-aye; Harris-aye; Kehoe-aye. Motion carried.**

165

166 **Appointment to Code enforcement board** – Howard Shelton has indicated that he would like to be
167 appointed as an alternate. He was not present at the meeting. There was discussion on whether
168 candidates for appointment should be present at the meeting. Kehoe stated that he was not present
169 when he was appointed to the planning commission. Council felt the announcement should be posted
170 around town like the agenda is and see if any other volunteers would like to serve. Bob Howland, chair
171 of the Code Enforcement board stated that he has had to cancel meeting because they do not have a
172 quorum and do not have an alternate they can call.

173 **MOTION: Harris/O'Neill to properly post for all committees as we do the agenda.**

174 **There was discussion on appointing Mr. Shelton tonight. He was not appointed. A resident suggested**
175 **putting the announcement in the paper as the posting of agendas doesn't appear to bring in many**
176 **other people to the meetings.**
177 **All voted in favor of the motion.**
178

179 **Audit Report** – David Ramos was in attendance to present the audit. He presented an
180 unmodified report. He noted there are still material weaknesses which he believes several may be
181 eliminated next year if the town continues with having a CPA work the clerk on a regular basis. Most of
182 them were being completed part of the fiscal year, but still needed to be reported. He reported that
183 town needs to increase the water rates in order to be in compliance with the bond requirements. Over
184 all it was a good year.

185 **MOTION: O'Neill/Roberson to accept the Auditors report for FYE September 30, 2013. There was no**
186 **further discussion. All voted in favor.**
187

188 **Authorize continued services of CPA Brynjulfson** – Irvine reported that CPA Brynjulfson was
189 approved to help with preparing the audit financial statements, those are complete. The CPA has
190 provided several initial post-project recommendations which would require CPA assistance. Irvine
191 reported that the town did budget some money for continued services and we can budget for next fiscal
192 year for continued services.

193 **MOTION: Harris/Roberson to continue with CPA Brynjulfson and add more services for helping with**
194 **the audit. No further discussion. All voted in favor.**
195

196 **Conduct Fair Housing Workshop** – David Fox from Fred Fox Enterprises was in attendance to
197 present the Fair Housing Workshop.
198

199 **Consider adopting an updated Personnel Policy**-The Mayor has presented the Council with an
200 updated Personnel Policy. Council had some questions regarding some of the items. They felt they
201 needed more time to review the draft. Since the Council was not ready to adopt the updated policy they
202 need to adopt a resolution to amend the policy to include a grievance process for discrimination.

203 **MOTION: Kehoe/Harris to table the review of the personnel policy to the July meeting. No further**
204 **discussion. All voted in favor.**

205 **MOTION: O'Neill/Roberson to adopt Resolution 2014-07 Amending the Personnel Policies and**
206 **Regulations (Ord. 91-176) of the Town of Lake Hamilton, Section C. Standards of Conduct, Equal**
207 **Opportunity and Non-Discrimination by adding certain provision.**

208 **There was no further discussion. All voted in favor.**
209

210 **Mayor's Report** – Mayor updated Council on the Marye Jayne Heights water project. O'Neill
211 brought up about the reverse 911 system not being accurate as some residents do not receive the
212 information. He recommended that staff research a "robo call" option. Chief said he would research
213 some other options.

214 **Hire customer service representative** – Mayor reported that she has a recommendation for a
215 new customer service employee but in light of the conversation regarding hiring a code enforcement
216 officer she didn't know if the council wanted her to proceed. Hearing no objection the Mayor continued
217 to report that she conducted three interviews with applicants and asked two back for testing on

218 computer skills. The Mayor recommends the town hire Brittney Sandovalsoto. Mr. Britteny addressed
219 the Council and provided a brief preview of her skills.

220 **MOTION: Roberson to hire Brittney or a part-time position starting Wednesday at \$8.00. Motion**
221 **failed for lack of a second.**

222 O'Neill stated that as reported previously they would like to see more than one applicant and review the
223 applications. Several members in the audience stated it was unfair to change the process now. The
224 Mayor reported that she was following policy and past practice but from now on will provide the Council
225 with applications and ask more applicants in for a Council interview, but stated the office needs help.

226 **MOTION: O'Neill/Harris to hire Brittney Sandovalsoto for part-time front office at \$8 an hour. No**
227 **further discussion. All voted in favor.**

228
229 **Review PW job descriptions** – Council asked that an updated Public Works Supervisor job
230 description be drafted for review. They were provided with draft job description for the entire PW
231 department. No action was taken but staff was directed to provide job descriptions for all positions.

232
233 **Town Clerk performance wage increase** – The Mayor reported that it is the one year
234 anniversary of the town clerk and is recommending a wage increase. The request was for a 3.5%
235 increase or a 2.5% increase with a few extra days off.

236 Harris asked if the town was rewarding people for doing their job now. He reported that Irvine has had
237 help from CPA, deputy clerk and office staff and is making more than the last clerk. He doesn't believe it
238 is time for a raise.

239 Resident Ruth Ann Eaddy stated to the Council that the Clerk is a professional who came into a
240 conflict and the auditor reported that she is doing a good job. We don't want to lose her.

241 O'Neill stated the council split the wage down the middle from what Irvine requested. He
242 reported that Irvine has the skills and the town has gotten more than what they have in the past. He
243 stated they don't want to lose her.

244 Kehoe stated that it's the anniversary date and it's budgeted.

245 **MOTION: O'Neill/Kehoe to provide Irvine with a 2% raise and two additional personnel days.**

246 **Discussion: Allan Kitto hoped that the policy would not allow everyone to ask for a raise all the time.**

247 **Motion does not pass on a tie vote: 2(O'Neill, Kehoe) – 2 (Harris, Roberson)**

248
249 **Request from Earnest Wormley for pay increase** – Mayor reported that Ernest Wormley is
250 requesting a pay increase. She met with Wormley and told him she would not recommend an increase
251 but agreed to put his request on the agenda. Wormely felt that since he was originally hired as a part-
252 time employee at \$10.50/hour and now he was fulltime, he should receive more pay as he is doing more
253 than just trash pickup. Wormley was told his service is valued, and his hiring as fulltime was meant to
254 include other department work and he now receives benefits. No action was taken on this request.

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256
257 The Mayor asked the town for permission to sell the generator. The Fire Department has not
258 reported back to the town if they want to share the cost of upkeep if it is moved for a shared use with
259 the FD and maintenance shop. JD stated the generator is too big just for the maintenance shop. JD was
260 directed to get cost for a small generator and hookup for the maintenance shop. Look into selling the
261 large one.

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Police Report – Chief Jagniszak reported on the 2013 Florida Law Enforcement Challenge. The town did not place but received a consolation prize.

Committee Reports –

Code Enforcement report was included in the packet.

Planner – is requesting a special meeting to discuss the utility projects. It was decided that the meeting would be held on Wednesday, June 25th at 6:00 PM.

Clerk – Would recommend a budget work shop be held in conjunction with the meeting on the 25th.

Public works – Provided an update on the Marye Jayne Heights project. Started to provide his wish list for budget and was ask to get cost and get information to Clerk. The Back Hoe is in for repair.

Charter Review – Ruth Ann Eaddy was present to provide the Council with an update on the Charter Review. They hope to have the Charter ready for a January special election and implemented by April elections.

Approval of Invoices/Financial Reports- MOTION: Roberson/Tomlinson to pay the bills. All voted in favor.

Attorney Comments – Heather reported that she attended the Charter Review meeting and provided the committee with information. She would be glad to continue to attend if needed but for now will continue to answer questions through emails.

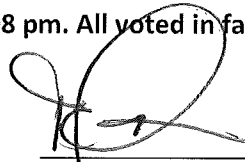
Council Member Comments –

Roberson – suggested that when presentations are on the agenda they be placed at the beginning of the meeting. Irvine replied that the Council adopted an agenda format and that is what she follows. The council can make a motion at the beginning of the meeting to move those type of items up to the top of the agenda. Irvine will try to remember to point those items out a the beginning of the meeting and request a motion.

O'Neill – addressed the Council regarding the appointment of the chair. He stated he did not necessarily want to be the chair but would if appointed. He wanted to remind the Council that the chair person is merely a moderator for the meeting and has no more influence than the other council members.

Harris – commented about council packet deliver and needing more time to review some items.

Adjournment- MOTION: Roberson/Harris to adjourn at 10:08 pm. All voted in favor.



Ralph N. Harris, Council Chair

ATTEST:



Town Clerk Sara K. Irvine