

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12

**LAKE HAMILTON**  
**TOWN COUNCIL REGULAR MEETING MINUTES**  
**TUESDAY, MAY 6, 2014**

6:00 pm

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

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

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

**Approval of Minutes – MOTION: Kehoe/Tomlinson to approve the April 1, 2014 Regular Meeting Minutes, the April 1, 2014 Canvass Board Meeting Minutes and the April 8, 2014 Canvass Board Meeting Minutes. All voted in favor of the motion.**

**Recognition of Citizens:**

Council Member Swanson asked the Chair for the floor. Mr. Swanson addressed the audience and thanked them for their support during the campaign. He encouraged more to get involved in the voting process. Commented on his ten years as a council member, that he did the best he could. In the past two years, he felt the council has been on a fly by the night situation and the meetings have taken too long. He addressed Chair Harris and stated that he felt Chair Harris belittled Council members, the Mayor and staff and reported that citizens had contacted him to find out what action can be taken. He replied to the citizens that they would have to speak with the new council as he was going off the council. He thanked the Chair for the time to speak and the chair thanked him for his time on the Council.

Council Member Kehoe agreed with the comments from Swanson regarding Chair Harris' behavior. He feels that the past 6-8 months the Chair has had exhibited poor behavior in regards to the staff, council and residents. He is not sure of the council authority to censure Chair Harris for past behavior. He stated that the Town Charter requires that the chair be appointed in January, but it does not address removal of the chair.

**MOTION: Kehoe Motioned to have Harris removed from the chairman of the town council of the Town of Lake Hamilton, but before anyone seconds the motion he would like to give Mr. Harris the opportunity to resign as Chairman. Chair Harris stated he will not resign but wanted to address the motion after a second was made. He would like to give the town citizens an opportunity to hear some of the things that have been going on since he has been Chair. And hope that the all are sitting there with an open mind. He will provide them with a piece of information he has right here.**

Swanson seconded the motion.

38 Discussion:

39 Chair Harris felt that this discussion should have taken place after councilman elect O'Neill was sworn  
40 into office as according to the agenda, the council is at Citizen Recognition. He made comments on  
41 perception compared to opinion. He also reported that he never said any one was racist but it was his  
42 opinion that things were done because of his skin color. He brought up concerns with how Mr. Kehoe  
43 received information on nepotism and how in the past spouses have served on committees and boards  
44 of the town. He asked Mr. Kehoe a direct question as to who provided him with the information on  
45 nepotism. Was concerned with when he nominated his wife, now it is considered nepotism. He asked if  
46 it was a group of African Americans that were doing that to you what would be your perception? He  
47 continued by speaking about the appointment of the chair person in January when in the past it was  
48 done in April. Mr. Harris continued to report that it is already out even before Mr. Harris get to the  
49 meeting that they were going to nominate to get him removed from the chair and it is also out there  
50 that JD special meeting is going to be Thursday before the commission even gets it to discuss it. So if  
51 some of these incidences were happening to you what would your perception be?

52 Council Member Roberson commented that this report on racism should not have been dealt with at a  
53 public meeting. The Mayor should have handled it in house. Roberson offered her apology to Irvine for  
54 any hurt feelings Mr. Harris' comments may have caused.

55 Moses Snow, spoke from the audience regarding equal opportunity options.

56 Swanson stated that at one point he was accused of being a racist and he made a public apology.

57 Chair Harris apologized to clerk Irvine, the town and his students.

58 Tomlinson felt the council should drop the discussion and move on, he stated he thought Mr. Harris was  
59 doing a good job and he won't vote either way.

60 Irvine reported that if a council member does not make a verbal vote either way it counts as a vote in  
61 favor of a motion.

62 Dr. Taylor spoke from the audience and felt that the motion to remove the Chair is not based on race  
63 but that maybe he is assuming responsibility he does not have has the chair, which is to run the  
64 meetings.

65 Tom Mace stated that Mr. Harris is the best thing that has happened for the town. And he started to bad  
66 mouth other council members and was removed at the request of the Council.

67 J.D. Johnson, employee stated that he thought Mr. Harris was doing a good job.

68 Emma Kruse agreed. Earnest Wormely, 45 year resident of the town agreed.

69 Betty VanDeMark quoted the bible "discuss without fighting".

70 **Chair Harris called for the vote. Ayes – no verbal vote were noted. Nays – a verbal vote was noted**  
71 **from Harris. Motion passed 4 – 1 (Harris).**

72 **Motion made by Roberson and seconded by Harris to have Harris remain as chair.**

73 **Harris rescinded his second and the motion was withdrawn. At this time Vice Chair Kehoe took control**  
74 **over the meeting.**

75 Kehoe asked if there were any more citizen comments. John Myer was on the list to speak.

76 Mr. Myer commented on his interaction with Mr. Harris and a letter Mr. Harris sent him in which he  
77 commented that he had no proof of racism. He completed Sara Drumm on the article in the paper. He  
78 thanked Mr. Harris for the public apology but felt that one was necessary for the Mayor and Kehoe as  
79 well. He reported that the town needs a chair who won't get the town into trouble and the citizens can  
80 recall.

81 Richard Combee addressed the Council regarding his proposed project on his highway 27 property. He  
82 was directed to submit the necessary applications to the planner to begin the review process.

83 Cheryl Adkinson addressed the Council regarding a memorial sign she would like placed in town at the  
84 site where her son died in a motorcycle accident. The Mayor said she would schedule a meeting with her  
85 and the police chief to work on a proposal.

86 **Oath of Office for Council Members Elect O'Neill and Roberson – Attorney Christman presided over**  
87 **the swearing in.**

88 **Old Business**

89 **Mayor's recommendation on hiring code enforcement officer/interview:** The Mayor reported  
90 that she contacted several applicants but only one was available to be interviewed prior to the meeting.  
91 She is recommending Gilbert Lopez for the position even though he is not currently level one certified.  
92 He has been certified in the past. Roberson commented that she would like to have contacted the  
93 references. Mayor reported that she did contact Mr. Lopez's references and they were positive. Council  
94 discussed the need for a vehicle. Discussion continued on the need to have a certified code enforcement  
95 officer. Attorney stated it is not a state requirement. The town wanted that as a requirement and Mr.  
96 Harris felt they should wait for a certified applicant. O'Neill felt that if Mr. Lopez was qualified but only  
97 lacking certification, why pass on the opportunity when he is able to be certified?

98 Mr. Lopez stated that he worked for Ft. Lauderdale and had up to 25 cases per day. He worked with a  
99 board and special magistrate. He felt that rather than working four 5 hour days, longer days would be  
100 more productive.

101 Kehoe thought the employee could flex the hours as needed. O'Neill wondered if two 8 hours would  
102 work. Lopez stated he would not accept the job if it was only 16 hours per week.

103

104 **MOTION: Harris/Roberson to hire Gilbert Lopez for two 8 hour days and one 4 hour day for code**  
105 **enforcement officer at a pay of \$10 an hour with the condition that he obtain certification within six**  
106 **months.**

107 **Discussion:**

108 **Employee would be on six month probation.**

109 **Roll Call Vote: Harris-Aye; Roberson-Aye; O'Neill-Aye; Tomlinson-Aye; Kehoe-Aye. Motion carried.**

110

111 **Sixth Street Access – Martin Fence Line** – Kehoe reported that he requested this item be brought back  
112 to the council. He found out after the last meeting that the Town Attorney had provided a legal opinion  
113 and felt the Council should review that opinion and reconsider the council action from the April  
114 meeting. He recommends the town take back the road.

115 John Marc Tamayo, attorney for the Martins, addressed the council regarding their action at the last  
116 meeting. They approved a settlement offer and it was voted on. It is not fair and reasonable to  
117 reconsider the settlement as the Martin's complied with the settlement.

118 Kehoe stated that per Florida statute it legally is a town right of way.

119 Mr. Tamayo reported that if the town would take the property he would file a lawsuit and didn't think a  
120 court would consider the town's request reasonable.

121 **MOTION: Harris/Roberson to table until all the information is provided.**

122 Discussion:

123 Someone reported that an ambulance took 15 minutes to get out of the area.

124 Kehoe stated that the minutes from 1978 allowed for 15 feet.

125 Mrs. Martin said the council needs to read their own document. It is not their intention to the block the  
126 road.

127 **ROLL CALL VOTE: Kehoe-Aye; Harris-Aye; O'Neill-Aye; Roberson-Aye; Tomlinson-Aye.**

128 Dr. Taylor asked what the town was going to do, that someone needs to find out the facts. Attorney  
129 Christman reported that nothing has changed her opinion. It will cost the town money to take it to  
130 court. She will review the documents if that is the council directive.

131 **Town Park Concerns** – Irvine reported that she has reviewed the Sample Park history file and  
132 recommends the attorney review the language to determine if the Trustees still need be involved.

133 **MOTION: Harris/O'Neill to have the town attorney review the Sample Park file and determine if the**  
134 **trustee board can be dissolved. All voted in favor of the motion.**

135

136 **Ordinances – Public Hearing for Ordinance 2013-12** – Acting Chair Kehoe recessed the regular meeting  
137 to open the Public Hearing at 7:59 pm. Leonard read the title into the record.

138 An ordinance amending Chapter 16, Land Development Code, Article III, Land Use, Division 2: Zoning  
139 Districts of the Code of Ordinances of the Town of Lake Hamilton, Florida by adopting a Section 16-103.1

- 140 Zoning District Summary Tables for all Zoning Districts; providing for severability; repealing all  
141 ordinances in conflict herewith; and providing for an effective date.
- 142 Leonard reported that the Council sent this ordinance back to the planning commission in December for  
143 further review and to develop the companion definition ordinance. Staff and planning commission  
144 recommend approval.
- 145 Council discussed the levels of conditional use review. They asked for Apartments (7+ units) be changed  
146 to C2 and Veterinary clinic, with outdoor kennels to be changed to C3.
- 147 The public hearing was closed at 8:10 PM.
- 148 **MOTION: Roberson/Tomlinson moved to approve the first reading of Ordinance No. 2013-12 with**  
149 **changes. There was no further discussion.**
- 150 **Roll Call: Roberson-aye; Tomlinson-aye; Harris-aye; O’Neill-aye; Kehoe-aye. Motion carried.**
- 151 **First reading for Ordinance 2014-02** – Leonard reported that this ordinance does not require a public  
152 hearing because it is not regulations. He read the title into the record.
- 153 An Ordinance Amending Chapter 16, Land Development Code, Article I, Section 16-1 Definitions Of The  
154 Code Of Ordinances Of The Town Of Lake Hamilton Florida; Providing For Severability; Repealing All  
155 Ordinances In Conflict Herewith; And Providing For An Effective Date.
- 156 Planner Leonard reviewed some of the changes to the definitions.
- 157 **MOTION: O’Neill/Roberson to accept the first reading of Ordinance 2014-02. There was no further**  
158 **discussion.**
- 159 **Roll Call: O’Neill-aye; Roberson-aye; Harris-aye; Tomlinson-aye; Kehoe-aye. Motion carried.**
- 160 **NEW BUSINESS**
- 161 **Appointment to Code enforcement board – MOTION: Harris/Tomlinson to table for when Mr. Shelton**  
162 **can attend the meeting. All voted in favor.**
- 163 **Review Noise Ordinance regulations** – Staff reported that Council member Roberson requested this  
164 item be put on the agenda. Staff included information on the town’s current noise and vibration  
165 regulations and also information from New York State Department of Environmental Conservation titled  
166 “Assessing and Mitigating Noise Impacts”.
- 167 Roberson reported that she is concerned with vehicle noise. Chief Jagniszak reported that Tampa  
168 developed an Ordinance which is being fought at the Supreme Court. Aburndale and Lake Alfred have  
169 adopted similar ordinances. The preferred method to use for noise regulations is a 100 foot  
170 measurement rather than a decibel meter.
- 171 It was Council directive to have staff draft an ordinance for review at the next meeting.

172 **Mayor's Report** – Mayor Wagner reported that Duke Energy has agreed to help pay for a portion of the  
173 charges for an emergency electrician due to the meter issue at town hall/police department on a  
174 weekend.

175 She also reported that Lowes is willing to donate materials to build a “memorial wall” at the park by the  
176 Woman’s Club. They cannot provide the labor though. In 2015 they may be able to offer more assistance  
177 with our other town parks. Council briefly discussed the naming of the park and the plans for the wall  
178 and names that would be placed there.

179 The Mayor was requesting that Mr. Wormley be allowed to continue his PT employment as the  
180 sanitation truck driver. Roberson stated that since Mr. Hlas was being requested for FT Police Officer  
181 they should hire Wormley fulltime. O’Neill asked if there was money available to hire Wormley FT. Irvine  
182 replied that yes, there is if he is replacing an employee.

183 **MOTION: Roberson/Tomlinson to hire Earnest Wormley for FT employment starting Wednesday, May**  
184 **7, 2014. All voted in favor.**

185 Mayor reported that the Charter Review committee is meeting on the 15<sup>th</sup>.

186 **Police Report** – Chief Jagniszak requested the Council hire William Hlas as a fulltime officer. He has  
187 worked as a reserve officer for the department and past practice has been to give reserve officer’s a job  
188 when there is a vacant position. He has been issued his maximum medical improvement from his recent  
189 surgery and has been cleared for work with no restrictions.

190 Valarie Malone had some concerns with the response calls of the police department. She asked  
191 if this appointment would help improve the response of the Police department. She called the  
192 department on Easter Sunday regarding a four wheeler speeding up and down the area where her  
193 young children were playing. She never received a response. Chief Jagniszak replied that he would  
194 discuss that concern later in his report.

195 Kehoe stated that Hlas is already employed by the town and it would be approval of a transfer  
196 with a six month probation. Clerk Irvine asked Chief if he knew what new officers have been paid in the  
197 past. He was not sure and Irvine said she would research it and determine an appropriate wage.

198 **MOTION: Roberson/O’Neill to move Hlas from the water department to a Fulltime police officer. All**  
199 **voted in favor of the motion.**

200 Chief Jagniszak discussed the large gathering of people on Easter Sunday, he reported that by 8  
201 PM there were over 1,000 people. He passed around pictures which showed vehicles parked all over the  
202 roads and grass areas. He stated there was loud, offensive music, fights and gunshots. He reported that  
203 the Sheriff’s department was called in to offer support with helicopter, K-9 units and ten officers. He  
204 asked the Council to reconsider a Special Events policy so the department can have advanced notice and  
205 prepare accordingly.

206 Council member Roberson rebutted Chief’s comments. She stated that the Easter event was  
207 conducted in the early hours where they handed out about 150 baskets. She reported that her grandson  
208 wanted the event at Gunter Park but she said they would use the ball field. She stated that she was

209 present the entire time and there were no fights or gunshots. She reported that three sheriff's officers  
210 were present. Roberson continued to discuss the way she was treated by Lt. Sanchez when she was  
211 trying to vacate the area.

212 Lt. Sanchez reported that he had talked with Councilmember Roberson earlier regarding the  
213 activities for the day. He said she told him an egg hunt and girls softball game. He reported that he later  
214 addressed her and told her that he was disappointed in her for not letting him know about all the  
215 events. He reported that he had witnessed girls running at him reporting that shots were fired.

216 Chief Jagniszak reported that the department received several other calls that were not able to  
217 attend to because they all his officers were involved with the event.

218 Councilmember Harris reported that he did not hear any gunshots and that three sheriff's  
219 officers were near him and one told him that the event was a success. He asked Officer Platts to provide  
220 a report.

221 Officer Platts reporting that he was removing signs which he determined were not appropriate  
222 and had spoken to councilmember Roberson and she agreed he should remove the signs. At 5pm it was  
223 not that bad of an event. Platts reported that at about 6:30 PM Mr. Hariss was on scene so they started  
224 to rope off areas as traffic was getting heavy. Platts then called Chief Jagniszak and Lt. Sanchez to come  
225 in to help with the situation. Platts reported that he started to become overwhelmed so he contacted  
226 the Sheriff's department as well. He reported that he did not see any egg hunt or ball game. Platts  
227 reported that he received other calls but was unable to answer any of them. Platts stated that at 8:20  
228 the event was shut down and it was a stressful situation.

229 Dr. Taylor asked how an egg hunt turned into such a big event. Councilmember Harris replied  
230 that everyone knows about the egg hunt because of the Lake Wales incident a few years ago.

231 Mr. Robert Scott, a Winter Haven volunteer, reported that the town of Winter Haven ran off a  
232 group and they probably ended up in Lake Hamilton. He stated that the town needs to prepare because  
233 they will be back.

234 Nadine Randall reported what she witnessed as a passenger in Councilmember Roberson's  
235 vehicle at the time Roberson reported that Lt. Sanchez beat on her car. She said he hit her car and would  
236 not give Roberson a chance to speak.

237 J.D. Johnson stated that he went to the park on Sunday night and it looked okay. He returned on  
238 Monday and said it was cleaned.

239 Kehoe stated that the party is in the past and they need to look to the future. He recommended  
240 staff bring the policy back for further review. Roberson agreed but not with a million dollar insurance  
241 policy.

242 A resident asked what happens when someone gets shot, they will go after that town.

243 O'Neill suggested looking at other town's policies.

244 Another resident stated that he has heard a Councilmember call the police Chief and Lt. liars and  
245 that no one disputed the comment. Should he have confidence in the police department?

246 O'Neill addressed that resident's concerns. Roberson stated she didn't lie.

247 **Committee Reports –**

248 Code Enforcement report was included in the packet.

249 Planner – report was included in the packet. Leonard reported the Mayor has called a special  
250 meeting for Tuesday, May 13<sup>th</sup> at 5:30 to hold a public hearing on the Crump Road Estates plat review.

251 Clerk – Read a proclamation to proclaim May as Civility Month. Mayor Wagner read a  
252 proclamation proclaiming May 4-10<sup>th</sup> as Municipal Clerks Week and extended appreciation to town clerk  
253 Irvine.

254 Public works – It was reported that the Mayor had called a special meeting for Thursday, May 8<sup>th</sup>  
255 at 4:00 for the council to hear J.D. Johnson's appeal of his demotion. This meeting was rescinded and  
256 the appeal will take place on Tuesday, May 13<sup>th</sup> after the Crump Road Estates Plat public hearing which  
257 begins at 5:30 pm. Harris asked if J.D. is still demoted. Irvine replied he is until it is overturned by the  
258 Council. If it is overturned he will get back paid.

259 **Approval of Invoices/Financial Reports-** O'Neill had some questions on the finance reports. Irvine  
260 reported that the reports show we are over budget in the Building and Planning department because of  
261 unbudgeted impact fees related to the commercial construction project. These fees are collected as  
262 income and paid out in expenses. All other departments appear to be in line with a few journal entries  
263 required.

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

265 **Attorney Comments –** Attorney Christman asked that the Charter Committee get their comments and  
266 questions to her ahead of the meeting so that she can research and bring them answers for the meeting.

267 **Council Member Comments –** Harris asked what the Council plans were for appointing a Chair person.  
268 Consensus was it can wait for the next regular meeting.

269 **Adjournment- MOTION: Roberson/Tomlinson to adjourn at 9:55 pm. All voted in favor.**

270

271


272

273

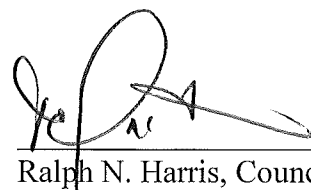
274 ATTEST:

275

276

277   
Town Clerk Sara K. Irvine

278

  
Ralph N. Harris, Council Chair