

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

4 6:00 pm

5 The Town Council of Lake Hamilton held a regular meeting on Tuesday, July 1, 2014 at Town Hall located  
6 at 100 Smith Avenue, Lake Hamilton, FL 33851.

7 **CALL TO ORDER:** Vice-Chair Kehoe called the regular meeting to order at 6:05 PM.

8 **Invocation/Pledge/Roll Call:** Kehoe stated they had previously lead invocation and the pledge in the  
9 work session that it was not necessary to call again.

10 **Approval of Minutes – MOTION: Harris/O’Neil to approve the May 6, 2014 Regular Meeting Minutes,**  
11 **May 13, 2014 Special Meeting Minutes, and June 3, 2014 Regular Meeting Minutes. All voted in favor**  
12 **of the motion.**

13 **Recognition of Citizens:**

14 Tom Mace addressed the council regarding charges being filed against the Town for racial  
15 discrimination and the question was addressed to the Mayor who stated she could not answer those  
16 questions and they should be directed to the Town Attorney, Christman. The Mayor then stated that the  
17 subject was on the Agenda and the question would be answered at that time.

18  
19 **Appointment of Chair Person-**Vice Chair Kehoe noted that the next order of business is the  
20 appointment of a Council Chairperson. He proceeded to nominate O’Neill. Roberson motioned to  
21 nominate Harris.

22 **MOTION: Kehoe moved to nominate O’Neil.** Motion failed due to no second.

23 **MOTION: Roberson/Tomlinson to appoint Harris.**

24 Tomlinson, Roberson, O’Neil, and Harris in favor of Motion and Kehoe voted against motion.

25 **MOTION PASSED.**

26  
27 Chair Harris asked if there was any one from the Charter committee, seeing non he stated that the  
28 recommendation by the committee to have the mayor facilitate the meeting rather than nominating a  
29 chair every year is a good idea.

30  
31 **Old Business**

32 **Appointment of Code Enforcement Board- MOTION:** Kehoe moved to appoint Mr. Shelton to the Code  
33 Enforcement Board, O’Neil seconded the motion. All voted in favor.

34 **MOTION PASSED.**

35  
36 **Utility Projects Work Session Items for Action.** Planner Leonard presented additional information on  
37 the projects.

38 Crump Road Water Project: Leonard reported that it is not feasible for the town do the loop.

39 **MOTION: O’Neill/Tomlinson to have Florida Rural Water Association continues with the water rate**  
40 **study.**

41 **Discussion: CPA Mike reported that with a free study, you usually get what you pay for. Irvine**  
42 **reported that water rates will need to increase per the Audit report to cover the debt service on the**  
43 **loan.**  
44 **All voted in favor of the motion.**

45  
46 The Council was in consensus to wait for the water rate study prior to continuing the discussion on this  
47 project.

48  
49 U.S. 27 Sewer Project:

50 **Public Hearing – Resolution 2014-09 – Wastewater facilities plan for the application for funding.**

51 At this time Brian Chambers and Roger Holman from Envisor’s reviewed the plan, which is available for  
52 public review at town hall. The plans are 95% complete and the draft has been submitted for review to  
53 DOE.

54 Public comments: Howard Shelton stated he would like to see more information before a commitment  
55 is made. Leonard replied that the engineers have already completed the plan and holding the public  
56 hearing is part of the process to file the application. Councilmember O’Neil stated that the first step for  
57 this project is to develop the plans as the goal is to develop Highway 27 and bringing sewer to the area  
58 will bring business. Councilmember Tomlinson wondered who would benefit, he feels that only Dundee  
59 would benefit because the town would be paying them and laying down pipe for that town. Leonard  
60 stated that per the Memorandum of Understanding, Dundee would share in some of the expenses. He  
61 continued to explain that Envisor’s are under contract and have been the engineer of record for this  
62 project for several years. The MOU with Dundee was signed in 2007. The request tonight is to authorize  
63 the submittal of the facility plan to try to obtain funding. There will be no more expenses from Envisors  
64 on this project after this is complete.

65 The Public hearing was closed. Attorney Christman read resolution title into the record. A resolution  
66 adopting the wastewater facilities plan for the application for funding from the wastewater state  
67 revolving loan fund for the construction and installation of wastewater collection mains in U.S. Highway  
68 27; and providing for an effective date.

69  
70 **MOTION: Kehoe/O’Neill to adopt Resolution 2014-09 and submit the application.**

71 Discussion: CPA Mike recommended the town just pay the tab to Envisors with reserve money and not  
72 get a loan for \$97,690.

73 Marion Mosely, Crump Road, asked if it cost more to hold off the project. It was reported that yes,  
74 construction cost will probably increase over time, but the submitting the plan now is the key to be  
75 ready to move forward.

76 **Motion passed.**

77 **MOTION: Kehoe/O’Neill to pay a total of \$96,690 to Envisors for the sewer project out of the general**  
78 **fund. No discussion. Motion passed.**

79  
80 Marve Jayne and Lake Gordon Heights CDBG Project:

81 Discussion of Change order plans for both projects were presented.

82 Kehoe moved to approve Change Order for paid onto the grant to provide additional fee of water for the  
83 east side of State Road 17 not to exceed \$ 18,000. Tomlinson seconded the motion. No Public discussion  
84 presented. Roll Call: Kehoe aye, Tomlinson aye, Roberson aye, O’Neil aye, Harris aye. All in favor.

85 **MOTION PASSED.**

86

87 O'Neil moved to issue change order to Grant to BRW Inc. to establish service connections not to exceed  
88 \$20,000. Kehoe seconded the motion. No Public discussion. Roll Call: O'Neil aye, Kehoe aye, Roberson  
89 aye, Tomlinson aye, Harris aye. All in favor.

90 **MOTION PASSED.**

91

92 Water Treatment Plant Corrective Action Plan – The Hydrogen Sulfide system needs to be cleaned and  
93 modified. Council consensus was to bring a specific quote and a scope of project for review.

94 Chastain Skillman will draft a contract for Council to review regarding plans to upgrade the water  
95 distribution system.

96 **Sixth Street Access- Martin Fence Line** – Chair Harris handed out some pictures and Leonard handed  
97 out some emails on this topic. O'Neill stated that the town does not need to discuss the fence but  
98 determine where the right of way is. Tomlinson agreed. Kehoe stated that he would concede the issue if  
99 the remaining property to the east side is deemed town property. He suggested this be done by a quit  
100 claim and be in writing. Attorney Christman recommended the legal description be updated and filed.

101 **MOTION: Kehoe/O'Neill to have the attorney draft and agreement with the Martins and their**  
102 **attorney to identify the lot lines and legal description of what is considered 6<sup>th</sup> Street east of the fence**  
103 **line.**

104 **Discussion: town attorney asked if this would include authorizing a survey. Leonard suggested using**  
105 **the same surveyor. O'Neill stated that pictures should be included.**

106 **Resident Keith Lonsbury questioned how powerful this will be for future. Attorney replied that if it is**  
107 **recorded any encumbrances go with the property but the owner cannot be forced to put it on his**  
108 **deed.**

109 **Resident Larry Favorite stated that is is an old cow path and should be surveyed. Kehoe stated he was**  
110 **mainly concerned with future claims.**

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

112

113 **Town Park Discussion** – Chair Harris requested tabling this item due to lack of funding. Mayor Wagner  
114 reported that Lowes will be able to help with some replacement and upgrades at our current parks and  
115 are donating supplies for the Veteran's park. Town will need to find laborers. Tomlinson asked about eh  
116 Merry go Round. J.D. reported that it needs replacing. Roberson was concerned with all the equipment  
117 at the parks. She recommended looking at grants through the Florida Boating Improvement Plan.

118 **MOTION: Roberson/O'Neill to allow Lowes to do full project as they want to do.**

119 **Discussion: J.D. Johnson agreed with Roberson that the equipment needs updated.**

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

121 Irvine reported we had no one volunteer for a Park Committee.

122

123 **Continued Review Noise Ordinance regulations** – Chair Harris recommended tabling this item. O'Neill  
124 reported that the council needs to be production or the items will keep piling on. Roberson suggested  
125 setting a time limited for stereo use. There is no current quiet hour. Chief has an issue with loud and  
126 vulgar music. O'Neill reported that it may be cumbersome to pull a permit for an exception but it will  
127 help staff do their job. Harris stated that the main goal was to go after vehicles with loud noise. He  
128 suggested a quiet hour as well.

129 Resident Keith Lonsbury stated it wasn't good to allow a neighbor to play loud music at all hours.

130 Resident Tom Mace suggested the council use a nationally accepted standard decibel meter.

131 O'Neill stated that the trend is to move toward normal hearing distance. Courts do not uphold decibel  
132 reading due to equipment issues.

133 Business owner Bonnie Neidlinger, Captain Fred's, stated that the Council has voted to leave the air  
134 boat business alone and would appreciate that negative comments not be made about the business.

135 **MOTION: Kehoe/Roberson to table Ordinance 2014-05 until staff can bring back an updated ordinance**  
136 **with changes.**

137 **Discussion: Howard Shelton, resident, stated that if it is a police matter how will it help the police**  
138 **department? The process needs to be done with wisdom and routine procedure.**

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

140

141 **Continued Review of Special Events Policy** – Kehoe suggested adding language requiring restroom  
142 facility for large events. Harris suggested lowering the number of attendees as the parks do not have  
143 ample room over 500 people. Resident Larry Favorite stated that everyone should have to pull a permit  
144 so the town will have contact information. O'Neill wanted the town to do something that gives Chief the  
145 authority to control or end a function. Policy is mainly for liability, if the town does nothing then we  
146 continue to accept the risk. Tomlinson agreed with O'Neill that Chief needs more leeway. Mayor stated  
147 that the Fourth of July parties had to be permitted and vendors had insurance. Harris agreed that Chief  
148 needs to have the authority to do his job. O'Neill said notification to the Chief for large events is a must  
149 and if someone is having a bounce house, proof of insurance should be required.

150 **MOTION: O'Neill/Kehoe direct staff to rework the language based on feedback for resubmittal. No**  
151 **further discussion. All voted in favor.**

152

153 **Continued Review of Personal Policy** – **MOTION: O'Neill/Roberson to table this item to the September**  
154 **meeting. No discussion. All voted in favor.**

155

156 **Code Enforcement Officer Position** – Mayor reported that no applicants met the minimum  
157 qualifications He asked the Council what their wish was. Discussion on Certification requirements, per  
158 attorney it is not required. Suggestions to require it after six months of hire and raise the rate of pay.

159 **MOTION: O'Neill/Tomlinson to repost the position with further description of experience and**  
160 **certification required after hire and raise the pay range \$10-\$14 per hour. No further discussion. All**  
161 **voted in favor.**

162

163 **Continued Review of Job Descriptions** – Irvine reported that the council wanted to review all the job  
164 descriptions at one time. She reported that the police officers are regulated by the FDLE, but a  
165 description was provided for Chief of Police.

166 **MOTION: Kehoe/ to approve the job descriptions. Motion failed for lack of second.**

167 O'Neill reviewed some recommended changes: on all job descriptions add "other duties as assigned"  
168 rather than "as required". Add accounting/bookkeeping experience to Clerk position under Necessary  
169 KSAs. Change Education and Experience item on Code Enforcement officer to "ability to obtain within six  
170 months of hire". Make the Maintenance worker and sanitation truck driver descriptions the same  
171 except for the primary duty. Make the weight limits the same on all public works descriptions. On Chief

172 of Police add “conducts performance evaluations of staff and officers and ensures ongoing training in  
173 modern law enforcement techniques, principles and practices.

174 **MOTION: Kehoe/O’Neill to approve the town job descriptions with changes. No further discussion. All**  
175 **voted in favor.**

176 **Ordinances.**

177 **Amending the uses permitted in non-residential Zoning District (2014-03)** – Leonard read the  
178 title into the record: an ordinance amending Chapter 16, Land Development Code, Article III, Division 2  
179 zoning districts and by adopting amendments to sections 16-107 through 16-112 of the code of  
180 ordinances of the town of Lake Hamilton Florida; providing for severability; repealing all ordinances in  
181 conflict herewith; and providing for an effective date.

182 **MOTION: Kehoe/Tomlinson to approve Ordinance Number 2014-03.**

183 **Chair Harris opened the public hearing. There were no comments. Roll Call vote: Kehoe-aye;**  
184 **Tomlinson-aye; O’Neill-aye; Roberson-aye; Harris-aye. Motion carried.**

185 **Amending the regulations on non-conforming uses (2014-04)** –Leonard read the title into the  
186 record: an ordinance amending Chapter 16, Land Development Code, Article III, land use, Section 16-69  
187 nonconforming uses of the code of ordinances of the town of Lake Hamilton Florida; providing for  
188 severability; repealing all ordinances in conflict herewith; and providing for an effective date.

189 **MOTION: Kehoe/O’Neill to approve Ordinance 2014-04.**

190 **Chair Harris opened the public hearing. There were no comments. Roll call vote: Kehoe-aye; O’Neill-**  
191 **aye; Roberson-aye; Tomlinson-aye; Harris-aye. Motion carried.**

192

193 **NEW BUSINESS.**

194 **Review Audit Engagement Letter for FY 2013-2014** –David Ramos has submitted an engagement letter  
195 to conduct the audit for Fiscal year ending September 31, 2014. The letter also includes an automatic  
196 renewal. It is recommended that the council approve the audit for this fiscal year but do a request for  
197 proposals for future years. Mr. Ramos has been conducting the audit for several years now and no one  
198 could remember when the town put out for proposals last.

199 **MOTION: Kehoe/O’Neill to approve David Ramos audit engagement letter for 2013-2014, indicate on**  
200 **the letter that it is only valid for this year and have him initial it.**

201 **Discussion: have staff draft and RF for future review.**

202 **All voted in favor.**

203

204 **Resolution 2014-08 modifying an amendment to the Personal Policies** – DOE required expanded  
205 language from last resolution which was adopted.

206 **MOTION: Kehoe/O’Neill to adopt resolution 2014-08. No further discussion. All voted in favor.**

207

208 **MAYORS REPORT.**

209 **Continued Employment of Harvey Sims** – council consensus was to review after Pagan one year was  
210 expired. Resident Tom Mace asked if Haines City was still working with the town. The answer was not on  
211 a regular basis.

212 **Revisit Performance Wage Increase for Town Clerk** –Mayor wanted the council to revisit this item. She  
213 stated that some information presented at the last meeting was inaccurate. Irvine would like 1% raise  
214 and one additional week of vacation. Harris asked what the vacation schedule was. Two week for years  
215 under 10; over 10 years is 3 weeks. He suggested 1 % raise with no additional vacation. And suggested

216 that J.D. Johnson receive a raise too. Tomlinson stated that Phil needed a raise as well. Resident Howard  
217 Shelton stated that the clerk should be making more than \$22 an hour. O'Neill reported that she has the  
218 qualifications and experience.

219 **MOTION: O'Neill/Tomlinson to give Ms. Irvine a wage increase of 2%. No further discussion. All voted**  
220 **in favor.**

221

222 **POLICE REPORT** – Chief reported that they were able to work out a placement for a road memorial.

223 **COMMITTEE/STAFF REPORTS**

224 **Code Enforcement** –Report was reviewed.

225 **Planner** – Leonard reiterated that the town will pay Envisors \$21,600 and the Crump Road  
226 project is on hold for now.

227 **Clerk** – Reported that the service window is in service and the clerk's door locks automatically so  
228 knock if you would like to enter. She reported that Brittney is doing a great job in the office. She  
229 reported that she will be out of the office next week.

230 **Public Works** – Regarding the WTP, J.D. reported that he felt bringing in a team was the wrong  
231 way to go and felt it would come back to bite the town in the tail. J.D. recommended the town seriously  
232 consider Nano filter systems. He was directed to bring back some costs on this item.

233

234 **APPROVAL OF INVOICES/FINANCIAL REPORTS – MOTION: Kehoe/Roberson to approve the invoices**  
235 **and finance reports for June 2014. All voted in favor.**

236 Irvine reported there is a budget work session on July 2, 2014 at 5:00 PM. Tomlinson and Roberson  
237 reported they are unable to attend. There will be still be a quorum so the meeting will be held.

238

239 **ATTORNEY COMMENTS** –Attorney reported there is a Title VII claim and recommends no comments be  
240 made at a meeting or outside a meeting. She is requesting authorization for the labor attorney to work  
241 on this claim and schedule mediation. The town should appoint a representative.

242 **MOTION: Kehoe/Roberson to authorize mediation and appoint O'Neill to represent the town in**  
243 **mediation and authorize labor attorney. All voted in favor.**

244 Attorney reported that mediation is a confidential proceeding.

245 **COUNCIL MEMBER COMMENTS –**

246 Roberson has concerns with all the water being wasted with the flushing program. Is there a way to  
247 hook it up to some sprinklers?

248 O'Neill asked for a progress update on J.D. Johnson as the reinstatement was based on a 120 review.

249 Harris gave Chief Jagniszak an "atta boy" for his service at a resident's funeral and providing lead car all  
250 the way to the cemetery. He also said he would like the council to consider raises for Johnson and Miller  
251 and consider getting a time clock.

252 **Adjournment- MOTION: Kehoe/O'Neill to adjourn at 9:47 PM All voted in favor.**

253

254

255

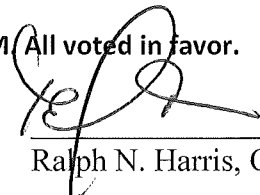
256 ATTEST:

257

258

259

  
Town Clerk Sara K. Irvine

  
Ralph N. Harris, Council Chair