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LAKE HAMILTON
SPECIAL COUNCIL MEETING MINUTES
TUESDAY, May 13, 2014
5:30 pm

The Town Council of Lake Hamilton held a regular meeting on Tuesday, May 13, 2014 at Town Hall located at 100 Smith Avenue, Lake Hamilton, FL 33851.

CALL TO ORDER/INVOCATION/PLEDGE: Chair Harris called the special meeting to order. Roberson provided the invocation and Tomlinson lead the pledge.

ROLL CALL: All were present. Staff present included town clerk Irvine, Chief Jagniszak, Planner Leonard and town attorney Christman.

SPECIAL MEETING BUSINESS:

A. Public Hearing to consider adopting Resolution 2014-06 to approve Final Plat for Crump Road Estates

Vice Chair Kehoe opened the public hearing at 5:32. Leonard presented the council with an overview of the application for Plat for Crump Road Estates submitted by Eric and Kathleen Jurin. Eric Jurin was present at the meeting. Leonard reported the plat divides the parcel into three residential lots, has a 20 foot buffer between the zoning districts, contains easements and stormwater retention. Planner Leonard reported in his memo to Council for the meeting that he reviewed the plat for conformance with Chapter 177, Florida Statute and determined that it did meet the requirements. The plat also needs to be reviewed by a consulting surveyor, which is Envisors for formal review. Envisors determined through the State of Florida and Polk county Subdivision Review Checklist determined that the plat meets all of the requirements of Chapter 177, Florida Statutes. Planner Leonard also reported that the planning commission reviewed the plat but does not make a recommendation on plat review.

Leonard reported that compliance with chapter 177 is the basis for approval of a plat and the Town Council is also guided by town Code of Ordinances Chapter 16, Section 6-237 Land Development code, which states, "Review of the plat by the town council shall be strictly limited to whether the plat conforms to the requirements of F.S. Ch. 177. A conforming plat shall be approved and the development director shall forthwith issue the development order allowing development to proceed. The town Council shall return nonconforming plats to the developer with an explanation of deficiencies and a notice that a corrected plat may be resubmitted for approval."

Leonard read the title of Resolution 2014-06 into the record, "A resolution of the Town Council of the Town of Lake Hamilton approving the Crump Road Estates Subdivision, which is a Replat of the North two acres of Parcel F, Magnolia Shores Subdivision."

Public Comments:

O'Neill asked if there is any requirement for a retention pond to be fenced? Leonard replied that SWFMD does not make that a requirement.

38 Kehoe asked if the council can place conditions on the plat? Leonard replied that at the time of
39 development, conditions may be considered, but not at plat review.

40 Roberson asked about Envisors comments and if the missing items have been submitted. Leonar replied
41 that they have.

42 Harris thought the pond should be fenced for the purpose of public safety. Tomlinson agreed, as a
43 common courtesy to neighbors. Roberson agreed as well.

44 Harris asked about the driveway going from an R-1 District to a commercial district. Leonard reported
45 that the plat identifies it as a utility easement.

46 O'Neill read from Planner staff report dated February 20, 2014, XXXXX

47 Eric Jurin reported the easement could be used as access to Jurin Roofing.

48 O'Neill reported that some Crump Road residents meet with Mr. Jurin. O'Neill stated that Jurin may not
49 always be in charge of the easement and there may be some issues down the road.

50 Jurin reported that the permit only allows on commercial vehicle per day.

51 Harris reported that Mr. Wilson from the County told him they only approved the permit because the
52 application document indicated the parcel was commercial. He also reported that a Jan Burke at
53 SWFMD told him they were given an improper document as they do not deal with residential
54 development.

55 Harris also reported he has no problem with the plat only with the driveway. He encouraged residents
56 who were okay with the driveway to speak up and stated that he believes the driveway was constructed
57 for the wrong purpose.

58 Kehoe stated that from what he can tell from the plat is that there are three lots with a private
59 driveway, he doesn't see anything that states it is a road. He asked town attorney if they can approve
60 the plat with conditions.

61 Jurin addressed Mr. Harris' comment regarding Mr. Wilson's statement. Jurin reported that he was
62 given different information from Mr. Wilson and it was never his intent that the driveway was going to
63 commercial lots, it was meant as a safe egress for commercial trucks.

64 Attorney Christman strongly advised the town not to base the decision on third party commuciation
65 when those individuals are not present.

66 Kehoe stated that if there is an issue other than Plat approval they need to have another meeting. Harris
67 replied that he has been requested the town hold a special meeting on the driveway for several months
68 now, he opined whether it was right to approve the plat with the driveway there.

69 Tom Mace asked if the Council has a copy of the letter that this man (pointing to Mr. Leonard) sent to
70 Mr. Jurin. Kehoe tried to tell Mr. Mace that it is not a relevant point to the discussion at hand.

71 Leonard read the letter dated March 2, 2010, he stressed the language, “gate the driveway and maintain
72 it as private use and not public use.”

73 Jurin replied that it is being used as a private use.

74 Allan Taylor spoke on behalf of his mother, Charlotte who lives across the street. The plat shows the
75 intent of the owner.

76 Leonard reported that the Council currently restricts large commercial trucks use of the driveway.

77 O’Neill asked Mr. Jurin if he considered any alternate for a turnaround for the commercial trucks. Mr.
78 Jurin replied that he did and at the time had no objections, but has been given opinions why real estate
79 agents that it would decrease the value of the residential parcels.

80 Susan Ahl, 3600 Crump Road, reported that the driveway should have been done correctly in the first
81 place.

82 MOTION: Harris/Roberson to close the public hearing at 6:19 and return to the special meeting. All
83 voted in favor.

84 Council Discussion:

85 **MOTION: Harris/Tomlinson – Do not approve the plat at this time, request some necessary**
86 **corrections to this plat.**

87 Leonard reported the council shall return nonconforming plats to the developer with an explanation of
88 the deficiencies and a notice that a corrected plat may be resubmitted.

89 O’Neill clarified the Council requested corrections:

90 **-Continuous landscape buffer on the East side of parcel separating it sufficiently from**
91 **commercial**

92 **Clear up the issue with the use of the driveway**

93 **Roll Call Vote: Harris-aye; Tomlinson-aye; Roberson-aye; O’Neill-aye; Kehoe-aye; Motion carried.**

94 Kehoe called for a five minute recess. Council reconvened at 6:28 PM.

95 **B. J.D. Johnson request to appeal Mayor’s action to demote him:** Kehoe cautioned everyone to be
96 civil and respectful. Any person who does not adhere to being civil and respectful will be barred from
97 further discussion or asked to be removed. Personnel attacks will not be tolerated. Kehoe asked the
98 Mayor to report first. At the request of a resident the Mayor was asked to read her memo to J.D.
99 Johnson dated April 23, 2014 out loud.

100 J.D. rebutted several of the items that the Mayor addressed in the memo. He stated that on the
101 times the inmates say they were left alone, he would be further up the road waiting for them to get to
102 that point on road clean up. He did leave them alone at lunch time because he something else to do for
103 the town.

104 Councilmember Roberson stated she contacted Deputy Reynolds at the PCSO and was told the
105 inmates do not require supervision during the lunch hour. She also asked who all do the inmate
106 supervisor training. J.D. reported that the sheriff's office was on site to go over the rules and
107 regulations.

108 J.D. stated that the computer classes he went three times to the library. J.D. stated that he does
109 more than any other employee. The mayor replied that she never said he doesn't work, just that he
110 lacks the focus to supervise.

111 J.D. handed out a letter from Ricky Crews dated March 12, 2014 sent to Sara Irvine with the
112 Subject: Please forward to Honorable Mayor Wagner. Irvine reported that she did provide the Mayor a
113 copy of this letter. Harris stated that he never received this document and it feels like it's a cover up that
114 only bad performance information is provided to the Council.

115 Roberson said it looks like he (Johnson) is being harassed. Tomlinson said he wished everyone
116 would have seen him (Johnson) working on a water break on Thursday.

117 Moses Snow stated that the town needs to work together. Bob Howland stated that he sees
118 indiscretions on J.D.'s part and said he should not get calls to go do other stuff. Tom Mace began to
119 discuss the hiring of Harvey Sims. He was told this was not the topic at hand. Elenora Johnson asked how
120 many other employees have been written up. There were several other residents who spoke in favor of
121 J.D. and his work.

122 O'Neill stated that this situation is not unique to the Town. He said he would writing such an
123 employee up as well. The mayor has been acting on the information that she has and at some point the
124 employee needs to use common sense and find the answers as a supervisor. He told J.D. that he
125 admires his dedication to the town and job. He felt that the Mayor has given him information on
126 management expectations. He wanted to address issues with the water treatment plant.

127 Harris stated that the town was given a cadillac plant and Mr. Johnson was thrown into that
128 plant without training. The town had to train Harvey Sims, why was J.D. not provided training? The
129 Mayor replied that Envisors provided J.D. with training.

130 Tomlinson felt that J.D. deserved another chance with more training. Kehoe stated there is no
131 doubt J.D. is a hard worker but he has concerns with ongoing safety issues. Safety was a discussion last
132 fall and there are still issues. He feels that past employees who were fired had less egregious behavior.
133 He stated that J.D.'s talent does not fall into supervisor level.

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140 Attorney Christman reported that she does not get involved in matters of policy but she offered the
141 town legal advice regarding the safety of employees and others riding in a bucket on a back hoe. She has
142 grave concerns for the town liability in regard to that matter.

143 **MOTION: Roberson/Harris that Mr. Johnson be reinstated as supervisor of the water department and**
144 **maintenance department with the proper training at the same salary.**

145 **Review the progress in 120 days; provide necessary job description; use old one until new one**
146 **adopted; meet with mayor once per week for directions.**

147 **No further discussion.**

148 **Motion carried 4-1(Kehoe).**

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150 **Adjournment- MOTION: Harris/Roberson to adjourn at 8:10 PM.**

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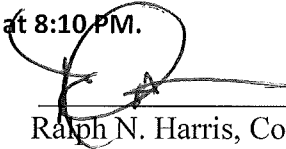
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ATTEST:


TOWN CLERK Sara K. Irvine


Ralph N. Harris, Council Chair