

1 LAKE HAMILTON
2 TOWN COUNCIL SPECIAL MEETING MINUTES
3 WEDNESDAY OCTOBER 1, 2014
4 6:00 pm
5

6 The Town Council of Lake Hamilton held a special meeting on Wednesday, October 1, 2014 at Town Hall
7 located at 100 Smith Avenue, Lake Hamilton, FL 33851.

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

9 Chair Harris addressed the Council and Citizens and stated if any outburst occurs, the person(s) will be
10 warned and the second time they will be removed from the meeting. He also advised that no Council
11 members should talk amongst each other during the meeting.

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

14 **Recognition of Citizens:** Doc Woodard from the Polk County Oath Keepers addressed the council about his
15 concerns with the suspension of J.D. Johnson. He presented that J.D. served his punishment and no charges
16 should be against him and suggested Johnson should be given his retirement. He advised that he spoke with
17 the Mayor on Monday. Harris advised Mr. Woodard that Mr. Johnson was not asking for retirement, but
18 appealing his suspension and demotion. He presented emails from Planner Leonard, which Harris read part of
19 them.

20 **Mr. Woodard:** I got emails. Doc Woodard Polk Oath Keepers, Chapter leader. And I've got
21 documents here, that if you got a projection screen I would love for everyone to see because I have
22 got a lot of stuff and it will represent Mr. Johnson on him being you know he did what he did. There
23 should be no charges brought up. He, he did his punishment and he's got a brain problem and stuff
24 and he apologized so let it be and we're asking. I know that y'all brought him off of retirement back
25 on the job and since that case is, go ahead and let him retire again and give him his retirement
26 because he did not know better. And be done with it because there no since this going through the
27 news the you know the TV or anything else on this. Because I think Ms. Wagner I been talking to in
28 prior and I was kind of hoping Doug Leonard was here but he's not here and then I can present
29 these, this other stuff that I told you about Monday morning or Monday evening I'm sorry then
30 Tuesday evening we was here for the ceremony and Mr. Leonard came up and said oh just throw this
31 stuff away. You know, I mean there's stuff here, **Mr. Harris interrupts:** Sir, could you tell us what you
32 have right there and then pass it around **Mr. Woodard:** I'm going to let ya'll look through it, y'all
33 decide, but I'm just stating that we are on Mr. Leonard's side, or Johnsons side okay. He's you know
34 he fell, he got hurt and there's no OSHA records, there's no medical reports I could find and there's
35 no PPI which is Per. People excuse me **Mr. Harris:** Personal Improvement Plan. **Mr. Woodard:** But,
36 but you know there was no safety for him to use when he was on the ladder when he fell I mean you
37 know I don't know this went back to the hurricanes that we had **Mr. Harris:** Can I ask you a question
38 right quick, but I don't mean to interrupt but how did you get this information umm right here. **Mr.**
39 **Woodard:** He gave it to me on Monday morning **Mr. Harris:** Who gave it to you? **Mr. Woodard:** Uhh,
40 Doug. **Mr. Harris:** So why did he tell you to throw this away? **Mr. Woodard:** Because Monday
41 evening I called Ms. Wagner and I told her about it and then Tuesday evening he came up told me to
42 throw it away, but I didn't because that is not what we stand for. **Mayor:** Mr. May I say something. I

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43 did tell you, you did call me on Monday evening and told me asked me what it was about and I told
44 you it was part of a letter that Mr. Harris had written **Mr. Woodard:** A Joke. **Mayor:** No, I didn't say it
45 was a joke sir. **Mr. Woodard:** you did say it was a joke, that's not a joke **Mayor:** No, that's not a joke
46 and I didn't say **Harris:** That my letter was a joke? **Mayor:** No, no sir, he asked me about this picture
47 on the back and I said it wasn't. **Mr. Woodard:** And then Tuesday evening whenever we was here for
48 the ceremony he came up said look just throw this away, don't let it get out **Mayor:** It's been out, it's
49 a public record **Mr. Woodard:** I don't know that's what he told me Tuesday evening and I got a
50 witness for it. **Town Attorney:** What does this have to do with J.D. Johnsons appeal? **Mr. Woodard:**
51 Because I'm thinking its becoming more racial and I'm thinking that you're looking for an escape to
52 get out of what y'all misrepresented which were not going involved in that so, all we're asking is Mr.
53 Johnson get his retirement, let him retire and quit this b.s. on this political stuff, that's it. **Mr. Harris:**
54 Well, Mr. Johnson is not trying to retire. No he's not asking for retirement, he's asking to be
55 reinstated from his suspension and with pay, so, but **Mr. Woodard:** And that's fine too. **Mayor:** I
56 don't understand this piece here. **Mr. Woodard:** Well, Ma'am that's what I got from Doug and I
57 asked if he was here and he's not here to, you know, support it and I got emails from him let me
58 send you the emails that he sent me. These are the emails I got from him and y'all can read them.
59 And the one in the blue is the last one I got from him. **Mayor:** I have not seen any of these. I have not
60 even talked to you before **Mr. Woodard:** I haven't talked to you since Monday night **Mayor:** A week.
61 **Mr. Woodard:** Yea **Mr. Harris:** I want to read this for the record. It says doc and I guess this is Mr.
62 Leonard's response now that I see it um and I'll tell you what happened the night we had a special
63 meeting Mr. Doc Woodard, um was sitting over where the police chiefs secretary's sitting and we
64 was talking about the budget. So he brought up the flag incident with Mr. Johnson so we at that time
65 told him it was not time so he cause he commenced talking about my job and my position as a JOTC
66 instructor and that I should know better and that I should represent the United States flag I got you,
67 I'm bringing everybody up to speed about this email. So I told Mr. Woodard, I say, we can't talk
68 about that right now, but ill will be outside to talk about you, talk to you about it just as this meeting
69 is over. Uh right Mr. O'Neil, Mr. Kehoe, everybody a witness ok so um me n um doc and his other
70 counterpart had a conversation outside so I explained to them my stance on the flag incident and
71 what actually took place. So this is the email Mr. Leonard sent to Doc Woodard the Polk Oath Keeper
72 um because in the beginning they were against Mr. Johnson, but somehow they got the true facts
73 and now their supporting Mr. Johnson. So let the record reflect that were against in the beginning
74 but know that they have the facts they are for Mr. Johnson and it says Doc I have had time to
75 consider your position what did Ralph Harris say to you to put out your fire now this is from an
76 employee. That he should of never sent, communicated with a private entity. So now I'm beginning
77 to say Mr. Leonard probably sent the picture to the News Chief and I don't have that for record. And
78 he probably sent Oath Keeper the email in the beginning to get this uh and he put this is not a
79 personnel action in red capital letters speaking out loud. This is about the flag alright so he said if you
80 want any commemoration of the flag retirement ceremony you will have to come to the Town Hall
81 and speak to me and I again invite you to come early and attend the meeting tonight and
82 demonstrate the way you have in the past. So he wanted, when I'm reading this, Mr. Doc to go
83 against me **Mr. Woodard:** Well go on read it. **Mr. Harris:** Ok, I'm going to read it, I'm going to read it.
84 **Mr. Woodard:** Go on through there I got nothing to hide. **Mr. Harris:** So he said and show your
85 support of yours and my flag Doug. I can only imagine what the rest of this stuff said. **Mr. Woodard:**
86 read it! Read it to the crowd cause they need to know because he's an electoral official **Mr. Harris:**
87 Yes, he's an employee, so I would, if you don't mind mail them to me and I guess he sent his address
88 1379 Linwood Ave Lake Wales, FL and then I guess he asked Mr. Leonard to join them October the

89 5th 2:30 at Perkleys restaurant on Cypress Garden in from of Legoland. To I guess, **Mr. Woodard:** A
90 public meeting. **Mr. Harris:** For the public meeting **Mr. Woodard:** yea **Mr. Harris:** So it says thank you
91 for notifying me of the upcoming special meeting regarding Mr. Johnson's suspension says Polk so
92 once again as I just assume but I said Mr. Leonard is probably the one that contacted the Polk, and
93 now it says it right here. Uh it says Polk Oath Keepers purpose of being involved in this incident is to
94 bring attention to the allege desecration of the United States Flag and through discussion and
95 education ring in awareness of proper flag etiquette we are an organization that is dedicated to
96 promoting the constitution and patriotism through instruction and example we feel that any
97 disciplinary action in this manner to be an internal function of the Town of Lake Hamilton and not
98 one we should be involved in. I want to thank you and the Town Council for open mindedness and
99 courtesy that was so important to obtain and harmoniess conclusion and as I talk to Doc Woodard
100 and his uh counterpart outside he stated that the stuff that was printed in the newspaper, they did
101 not state. That someone changed their words and they was upset about it. So, **Mr. Woodard:** What it
102 was it was, how can I say this, this is my fault and I did it on the newspaper blog, when we first heard
103 about it, yes we was wanting Mr. Johnson's job because, but yet I got copies here of the flag
104 protocol. And the state that Mr. Johnson's in and everything, he's not reliable for his mistakes. He
105 was not aware of it he wasn't doing it out of the first amendment. Or anything like that he was not
106 aware of it, he got this is what I was told; he got it out of the garbage and used it for a drop rag. Ok
107 and he was not thinking. Now I have had people send me emails on the apology on the news and
108 everything. And also he apologized to us out there on Tuesday night and everything. So I'm thinking,
109 you know Mr. Johnson you know, we support our vets. We support anything that is constitutional.
110 And I'm thinking this has got way out of hand with the news, the press, and anything else. It
111 shouldn't have. I don't what y'all purpose are for it, but I mean you know where's Mr. Miller? Ok
112 where is Doug? Where is the ones that you know that is pushing this and where are they at? I mean,
113 I'm sorry **Mr. Harris:** excuse me sir, let me, let me, I just read this, this is wow. **Mr. Woodard:** I mean
114 we do not get called out **Mr. Harris:** Hold on for a second sir, you want to read this? **Attorney:** I have
115 no idea if it's relevant at all. **Mr. Harris:** It's relevant. **Mrs. Roberson:** God is a good God, yes he is.
116 **Mr. Woodard:** What, read it let everybody hear it. **Mrs. Roberson:** You expose it he said bring me to
117 the ocean **Mr. Woodard:** We came here with nothing to hide; we were built on God and on our
118 constitution **Mrs. Roberson:** Amen. **Mr. Harris:** I mean he presents this as evidence so I think we
119 should read it and it look like uh information from the Lake Hamilton Police Department incident
120 report and on 9 8 14 a case number 1089 request a criminal charge be brought against J.D. Johnson
121 for disrespect to the flag excuse me, hold it who is C O M P? Who is that **Mr. Woodard:** And this
122 happened... **Mr. Harris:** Excuse me, Chief, who is C O M P, sir? **Chief:** That would probably be the
123 gentlemen from Lakeland the other day who called in wanting criminal charges brought up against
124 him. So I called him back and told him there was no state statute violated. Explained to him what the
125 state statute insinuated and he being done about criminal charges being filed and the only choice he
126 would have anything hire than that which would be up out of my hands. **Mr. Harris:** What day was
127 Mr. Johnson Suspended? 4th? 4th of September So he was suspended on the 4th and came back on
128 the 18th, why was this filed on the 8th of September After his suspension? **Chief:** That's when the man
129 called when he wanted to make a complaint I received no complaint prior to that. **Mr. Harris:** Ok go
130 ahead sir **Mr. Woodard:** There's nothing else to say release Mr. Johnson of his charges and let him, if
131 he wants to go back to work or if he wants to get his retirement and be done with it this media crap
132 support Lake Hamilton. If not **Mr. Harris:** Ok Thank you sir. Alright, next we have Mr. Kowl.

133 **Mr. Kowl:** Mr. Kowl spoke on the behalf of Mr. Johnson. He stated that this was a matter of intent and Mr.
134 Johnson's intentions were innocent. He described the colors of the Flag and what they stand for. He also
135 shared a story on the reasoning that the flag is called Ol' Glory during civil war times. He stated it was not
136 Mr. Johnson's intention to disrespect the flag.

137 **Time Chandler:** Tim Chandler expressed his concern about how the Flag ended up in the maintenance barn
138 and stated that it should have never ended up there and many other scenarios could have taken place. He
139 stated that the person who took the Flag down should have not taken the Flag to the public works barn and
140 they should have followed proper procedures to dispose of the Flag. –Mr. Harris stated the differences in the
141 dates that were stated by the workers of when the flag was taken down and explained how the flag ended up
142 in the Public Works barn.

143 **Earnest Wormley:** He spoke on the behalf of J.D. Johnson. Earnest Wormley stated he worked in the public
144 works department and noted the flag was in there for months on a shelf when he began working in March.
145 He heard from other co-workers that they stated "We got him" referring to Mr. Johnson. He said J.D. was
146 their leader and the supervisor and a great worker. He said J.D.'s intentions were not malice. They said they
147 overhead Mr. Kehoe say we got him after a previous meeting and they were excited.

148 **Charles Debose:** Mr. Debose spoke on the behalf of Mr. J.D. Johnson. He stated he knew JD for his whole life
149 and that he is the hardest working employee in the Town of Lake Hamilton and he has never saw any
150 supervisor work as hard as he does. He stated there was no information that said JD and his workers did not
151 complete their scheduled task at work and that someone stated it was not about race, but about
152 performance. He referenced when Mr. Johnson did not work here and the water was not drinkable, but since
153 he's worked here it has been. He stated Mr. Johnson is not the problem, but the people working under him.
154 He is in full support of Mr. Johnson and he is the victim to a vendetta.

155 **Appeal process for J.D. Johnson:**

156 Mr. Kehoe stated his feelings on the subject of the flag are already known. He later addressed his concerns
157 on the immediate notice of media.

158 Mr. O'Neil first withheld his comments and later expressed his feelings. He stated Mr. Johnson's demotion
159 had nothing to do with the flag and was based on performance issues. He expressed his side on the flag issue
160 and his feelings on Mr. Johnson's actions.

161 Mrs. Roberson stated that she believes that Mr. Johnson was set up and that the Mayor knew about what
162 was happening and that things should have been handled in a better way.

163 Mr. Tomlinson stated Mr. Johnson is a good man and a hard worker and the only thing that bothered him
164 was the comment he made to the media that it was not a big deal.

165 Mr. Harris stated that emotions were getting the best of them on the topic and they need to be put aside. He
166 stated he believes Mr. Johnson should be paid for the time he was suspended and that the picture should of
167 never went to the media and it should have been handled in house. He expressed his concerns with the
168 contradicting stories with the length of time that the flag was in the barn. He feels Mr. Johnson has been
169 ridiculed and thinks the other employee that sent the picture is where the problems are coming from. He
170 stated if the Mayor is out sick, on vacation or incapacitated the Chair, himself, would become Mayor and not
171 once has the Mayor contacted him. He stated when she had a kidney stone, when she went on vacation, and

172 when she was sick, he was never contacted. He said he went to Haines City to get him some help with
173 training and one day of training is not sufficient to learn anything.

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176 **MOTION- Harris motioned to restore J.D. Johnson's 14 day suspension and back pay him for the two weeks**
177 **he was not paid. Roberson seconded. Roll call: O'Neil Yay, Tomlinson Yay, Roberson Yay, Harris, Yay, Kehoe**
178 **Yay. 5-0 MOTION PASSED.**

179 **5 minute recess.**

180 **2. Appeal process for Sergeant Jeff Nunemaker.**

181 Attorney Walter Thomas represented Sergeant Nunemaker. He stated that police have their own bill of
182 rights, set of rules and protection. He stated before the Chief makes a decision he must make contact with
183 the officer before he is suspended and the officer's bill of rights were violated and he doesn't believe
184 Sergeant Nunemaker violated any policy.

185 Jeff Nunemaker stated he declined the offer of a reversal of suspension and a letter of written reprimand
186 because he doesn't think he did anything wrong. He stated on the night of the incident he was working with
187 Officer Hlas back in August and they received a call on Detour and Watertank Rd. He was traveling north on
188 Detour Rd to assist Officer Hlas and while arriving he heard Hlas over the radio state a red impala tried to hit
189 him and they were heading west to his location. He tried to stop the vehicle with his patrol car and overheads
190 and the suspect fled. The suspect then began to head North on the shoulder on the grass and he had to make
191 a quick decision either to allow the suspect back on the blacktop and a possible high speed pursuit or to
192 perform a pit maneuver. He stated there were no injuries minor damages and the safest alternative in the
193 situation. Attorney Thomas stated there was a jurisdiction argument and he doesn't think there is a problem.
194 He stated the city said he violated ramming policy which he doesn't believe it was ramming. He stated the
195 policies that are present for the town are very vague and recommends they be revamped for better
196 understanding and accuracy. He said there are many inconsistencies in the policy and he doesn't believe
197 there are any violations.

198 Chief Lyle Jagniszak stated the council has received the reports on the incident. When Lieutenant Sanchez
199 was looking over Sgt. Nunemaker's report he noticed a problem and realized a violation might have occurred
200 and looked up the general order. He said if an officer is not trained to do a pit maneuver and cannot perform
201 it and he put the town at a high liability. He stated he tried to keep the suspension in house and issued a 1
202 day suspension and a written reprimand to Sgt. Nunemaker for violating policy because 8 months earlier he
203 committed a violation under the same policy. He presented to Sgt. Nunemaker he should read over the
204 regulations and become more familiar. He stated he rescinded the one day suspension because he was
205 advised that proper procedure was not followed and offered just the written reprimand.

206 Lieutenant Sanchez stated he did say he understood why he did, but policy should still be followed, and he
207 when he found the information in the report he turned it into the Chief. Liability to the Town is the main
208 concern.

209 Attorney Thomas stated if the Town was sued for this incident he would represent the town for free because
210 there is no liability.

211 Mr. O'Neil stated the Town's policy is very clear and if it wasn't it was made clear 8 months ago about
212 ramming and there should be no excuse for misunderstanding.

213 Mr. Kehoe stated he doesn't agree a suspension is in order, but he does agree on a written reprimand
214 because of the policy on ramming and the pit maneuver is technical ramming. He stated as long as it is in the
215 policy it is there to protect the good of the town and Sgt. Nunemaker should accept the reprimand for not
216 following policy because it says no ramming and he in fact rammed the vehicle.

217 Mr. Tomlinson stated the problem he sees with the situation was that it was Sgt. Nunemaker's second
218 offense and he should have learned from it the first time. Rules and laws are made for everybody and they
219 should be followed so he is going to go with whatever the Chief says.

220 Mrs. Roberson stated the Attorney made a good point and he made it clear that the town was not going to
221 be liable and it's the biggest lie they were told that they would be liable. She stated the Attorney represents
222 the law and knows the law and who shall we believe. She believes Sgt. Nunemaker had the town and
223 community in his best interests.

224 Mr. Harris stated he sides with Mrs. Roberson and anyone who stands by the decision of the reprimand
225 should be disqualified of their position. He also stated the Town should offer an apology. He stated if the
226 situation was worse that it was they would have been in their praising him and not reprimanding him. He also
227 stated the letter of reprimand should be torn up and thrown away. He believes the council should have been
228 notified before a decision was made. He stated all officers should be trained on the pit maneuver.

229 Mr. O'Neil said to follow only what Attorney Thomas stated would not be right because they are there to
230 support one side of the case. He stated Chief is the supervisor and they should have faith in his work. He
231 stated the Council is not the HR department and they are there to set policy.

232 **MOTION** Kehoe moved to reimburse Sgt. Nunemaker for his suspension and void his suspension and allow
233 the letter of reprimand to remain. Mr. Mace commented on the manner in the way the police cars are used.
234 Roll Call. Mr. Kehoe yay, Mr. O'Neil yay, Mrs. Roberson yay, Mr. Tomlinson yay, Mr. Harris Na. **4-1 Motion**
235 **Passed.**

236 **Mayor Recommendation on Public Work Staffing**

237 The Mayor presented an idea to hire a consultant to figure out what is needed in the public works
238 department.

239 Mr. Tomlinson, Mr. O'Neil and Mr. Harris were against the consultant and stated it was better to go ahead
240 and post the job description. Mr. Harris stated the town needs 5 to 6 more workers.

241 **MOTION-** Kehoe motioned to direct the Mayor to put up job postings for Sanitation position, and a Public
242 Works Director. Tomlinson seconded. Roll Call: Mr. Kehoe yay, Mr. O'Neil yay, Mrs. Roberson Nay, Mr.
243 Tomlinson yay, Mr. Harris yay. **4-1. MOTION PASSED.**

244 Harris spoke about procedures and recommended the Mayor to add feedback from references mostly stating
245 if they are rehireable.

246 **MOTION.** Kehoe motioned to hire Brittney Sandovalsoto as a full-time town employee.

247 Discussion: Harris stated that he thought she was already hired and that he recalled the vote being 4-1
248 Tomlinson. Kehoe stated it was only budgeted for and there was never a motion. O'Neil seconded the
249 motion. All voted in favor 5-0. **MOTION PASSED.**

250 **COUNCILMEMBER ROBERSON REQUEST TO DISCUSS TERMINATION PROCEDURES.** Council Member
251 Roberson requested the termination procedures of the Mayor to be discussed. She addressed the Mayor and
252 asked what she based the termination policy on. The Mayor answered that she follows up on complaints and
253 investigates to determine the facts to base a determination and what actions to take.

254 They Attorney instructed that if the issue that Mrs. Roberson wished to speak about was about something
255 other than what was directed in the agenda she would have to fill out another form.

256 Harris instructed Roberson to fill out another agenda request form with the proper wording on the matter
257 she would like to speak about.

258 There will be a special meeting before the regular meeting on October 7, 2014 at 5:30 P.M.

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260 Adjournment- **MOTION: Kehoe/O'Neil to adjourn at 8:26 P.M. All voted in favor.**

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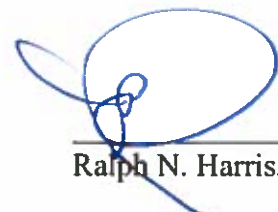
265 ATTEST:

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Town Clerk Sara K. Irvine

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Ralph N. Harris, Chair