

**TOWN OF LAKE HAMILTON
MINUTES
TOWN COUNCIL REGULAR MEETING
TUESDAY, OCTOBER 3, 2023
6:00 PM**

The Town Council of Lake Hamilton held a Regular Meeting on Tuesday October 3, 2023, at 100 Smith Ave., Lake Hamilton, FL 33851.

CALL TO ORDER

Mayor Kehoe called the meeting to order at 6:00 p.m.

INVOCATION

The invocation was given by Cora Roberson.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance led by all.

ROLL CALL

Roberson, Tomlinson, Slavens, Wagner, and Kehoe were present.

Staff: Administrator Hunnicutt, Clerk Sandoval Soto, Attorney Maxwell, Chief Teague, and Planner Kirby were present.

SCHEDULED PRESENTATIONS

There were no scheduled presentations.

CONSENT AGENDA

Motion made by Wagner and a second by Roberson to approve consent agenda items a, b, and c. No public comments were received. **Motion Passed 5-0.**

RECOGNITION OF CITIZENS

Henery Ruffin signed into speak. He questioned the current condition of the roadways. He asked if the citizens were going to pay for the replacement of the roads. Administrator Hunnicutt addressed Mr. Ruffin and let him know that would not be the case.

OLD BUSINESS

Public Hearing and Second and Final Reading of Ordinance O-23-11 Comprehensive Plan Amendment for 19.63 acres, Parcel Number: 27-28-22-000000-033010.

Attorney Maxwell read the title for the record.

An ordinance of the Town of Lake Hamilton, Polk County, Florida amending the comprehensive plan for Town of Lake Hamilton, Florida; said amendment being known as amendment 23821 amending the current and future land use map classification from agriculture lands to PUD for a 19.63 parcel of land located adjacent to the east side of Detour Road and adjacent to the south side of Lake Hatchineha Road; repealing all ordinances in conflict herewith and providing for applicability; providing for severability, and providing an effective date.

Motion made by Roberson and a second by Tomlinson to approve on second and final reading Ordinance O-23-11.

No public comments were received. A roll call vote was taken., Tomlinson aye, Slavens aye, Wagner aye, Roberson aye, Kehoe aye. **Motion passed 5-0.**

Public Hearing and Second and Final Reading of Ordinance O-23-12, Rezoning of 19.68 acres, Parcel Number: 27-28-22-000000-033010.

Attorney Maxwell read the title for the record.

An ordinance of the Town Council of the Town of Lake Hamilton, Polk County, Florida rezoning a 19.63-acre parcel of land located 662 feet east of Detour Road and on the south side of Lake Hatchineha agricultural to PUD known as Weiberg 5; amending the Lake Hamilton Weiberg 5 PUD to include such 19.63 parcel of land; providing for severability and providing for corrections of scrivener's errors; providing for conflict and effective date.

Motion made by Roberson and a second by Slavens to approve on second and final reading Ordinance O-23-12.

No public comments were received. A roll call vote was taken. Slavens aye, Wagner aye, Roberson aye, Tomlinson aye, Kehoe aye, Roberson aye. **Motion passed 5-0.**

Public Hearing and Second and Final Reading of Ordinance O-23-13 Red light Cameras.

Attorney Maxwell read the title for the record.

An ordinance of the Town Council of the Town of Lake Hamilton, Polk County, Florida, amending the Town of Lake Hamilton code of ordinances by adding article III, red light infractions, to chapter 30 of the Lake Hamilton code of ordinances; adopting findings; providing for use of traffic infraction detectors in accordance with state legislation; repealing inconsistent ordinances; providing for severability; and providing an effective date.

Chief Teague presented the agenda item and displayed a video for the Council. The first video explained how red-light cameras began and the 2nd video was of the study conducted in Lake Hamilton on Hwy 27 and Main Street. He noted the goal of the program is to have zero red light runners.

Slavens questioned if the cost of installation is covered by the company. Teague noted that violators pay for the lease, it is a flat fee. The way the contract is set up, the Town will never pay towards the program. Slavens also questioned the maintenance of the cameras, and it was noted that the company will cover all maintenance and repairs. Roberson asked if the contract noted the duration of the cameras and Mayor Kehoe noted that the contract was the next item on the agenda.

Motion made by Wagner and a second by Slavens to approve on second and final reading, Ordinance O-23-13.

No public comments were received. A roll call vote was taken. Wagner aye, Roberson aye, Tomlinson aye, Slavens aye, Kehoe aye. **Motion passed 5-0.**

Consider Agreement with Altumint, ref: Automatic Traffic Enforcement.

Lorraine with Altumint was present and noted that this was a five-year agreement, there are no violations, they will work with the town to take it down. If the contract is cancelled, there is no penalty for termination or cancellation.

Motion made by Roberson and a second by Tomlinson to approve the agreement with Altumint for Automatic Traffic Enforcement.

No public comments were received. **Motion passed 5-0.**

NEW BUSINESS

Public Hearing and First Reading of Ordinance O-23-14 Annexation of 626.82 acres.

Attorney Maxwell read the title for the record.

An ordinance of the Town Council of the Town of Lake Hamilton extending the corporate limits of the Town so as to include additional territory lying contiguous and adjacent to the present boundaries of the Town of Lake Hamilton, Florida; describing said additional territory; repealing all ordinances in conflict herewith and providing for applicability; providing for severability; and providing an effective date. The property location is 1,800 feet east of Detour Road on the north and south side of Kokomo Road, 1,300 feet east of Detour Road on the north side of Lake Hatchineha Road containing 626.82 acres.

Motion made by Roberson to approve on first reading, Ordinance O-23-14, Annexation of 626.82 acres.

No public comments were received. A roll call vote was taken. Roberson aye, Tomlinson aye, Slavens aye, Wagner aye, Kehoe aye. **Motion passed 5-0.**

Resolution R-2023-20 Employee Policies Handbook.

Mayor Kehoe asked that this agenda item be tabled until the November meeting, he noted that he has a lot of issues, and it is a lot of reading to go over. He recommends if the council has issues to write those down and meet with the administrator before the next meeting. At the next meeting, once corrections are made, Administrator Hunnicutt can provide the corrections that were made and show the original.

Administrator Hunnicutt addressed the council and said he was confused as he was hired to clean up the policies of the Town. He noted that the policy was sent out on the 19th of last month and to the Town Attorney on the 16th of August. He feels he is being hindered. He noted that the policy was created by the HR department at Certipay. Mayor Kehoe noted that he will highlight what issues he has with the policy and get with the Administrator and encourages all council members to do the same before the November meeting. There was discussion regarding some of the concerns the mayor had with the policy.

Attorney Maxwell noted that if the Resolution is approved today, it will go into effect tomorrow and could be brought back for an amendment if there are any issues. Slavens questioned if the policy is specific to a government entity.

Administrator Hunnicutt noted that the company who created the policy uses their attorneys to create the policies. There was discussion regarding the longevity plan. Attorney Maxwell gave a copy of the Resolution to all council members and to the Clerk for the record.

Attorney Maxwell read the title for the record.

A resolution of the Town Council of the Town of Lake Hamilton, Florida, approving and adopting a replacement of the Lake Hamilton personnel policies; repealing all prior personnel policies; providing for conflicts; providing for severability; and providing an effective date.

Motion made by Roberson and a second by Slavens to approve Resolution R-2023-20 Employee Policies Handbook.

No public comments were received. A roll call vote was taken. Tomlinson aye, Slavens aye, Wagner aye, Roberson aye, Kehoe aye. **Motion passed 5-0.**

Pennonni Addendum 1 Supplemental Agreements to 22-006 and 22-007.

Administrator Hunnicutt read the conditions of the agreement and the financial impact.

Mayor Kehoe noted that they would discuss each amendment separately.

Agreement 22-006-

Administrator Hunnicutt noted that Pennoni is the project manager for the wastewater treatment plant and the Septic to sewer project. Mayor Kehoe questioned how far the project was behind. Public Works Director Henry noted that the job was supposed to be completed in June. Mayor Kehoe noted that he was disappointed and there should have been a higher amount for liquidated damages. He questioned the total amount owed to Pennoni and stated the Town needs to do an RFP for a new engineering firm. Steve Elias with Pennoni noted he wanted to clarify their role on the project. For the wastewater plant, it was designed and completed the permitting in record time. He gave an overview of the process for bidding and award of the project. He noted that the Town has an agreement with the contractor, and he explained the engineer's role in the process. Administrator Hunnicutt noted that during the meetings with the contractors, neither had apologized for the delays. Town staff are present every day and have found sewer lines that are not connected. He stated he is uncomfortable signing the pay apps with the original amounts without the liquidated damages included. Public Works Director Henry noted that the contractors have demonstrated they cannot do the job after repairing it for the third time. He noted when contractors return to repair something, they create additional problems, and it might be going on in areas that they are unaware of. There was discussion regarding the process of exercising the right to go after the bond. Attorney Maxwell noted she will look over the information regarding the contract and pay apps and get back with her findings.

Motion made by Wagner and a second by Slavens to approve agreement 22-006 with Pennoni for \$78,000. **Motion passed 4-1.**

Agreement 22-007-

Steve Elias noted that if the addendum is not approved, they will have to stop work on the project as they must pay their employees to be on site. Public Works Director Henry noted that staff are unable to do what Pennoni is doing currently.

Motion made by Slavens and a second by Wagner to approve agreement 22-007 with Pennoni for \$73,500.

No public comments were received. **Motion passed 4-1.**

Consider Approval of Building a Wastewater Treatment Facility.

There was discussion regarding the need for storage on site at the facility. Mayor Kehoe noted that they need a building on site. Administrator Hunnicutt noted that the lowest bid was from Robin Builders at \$5,190 and staff recommends approval.

Motion made by Roberson and a second by Wagner to approve the purchase of a 10x16 building for the wastewater treatment facility as budgeted in the amount of \$5,190.00 from Robin Buildings, Inc.

No public comments were received. **Motion passed 5-0.**

Water Treatment Pump.

Administrator Hunnicutt presented the agenda item and noted that it was budgeted for. The total cost for the pump is \$14,475.

Motion made by Wagner and a second by Tomlinson to approve the purchase of a 1 each 30HP Peerless Split Cast Pump for the Water Treatment Facility as budgeted in the amount of \$14,475.00 from C & W Equipment Repair and Maintenance, Inc.

No public comments were received. **Motion passed 5-0.**

RFP #2023-01 Banking Services.

Administrator Hunnicutt noted that the RFP deadline was September 13, 2023, and the Town received 1 sealed bid. The current bank did not participate. The attorney has received the information and there is no financial impact to the Town. There was an issue currently with the bank with a fraudulent check that was pushed through by the bank and now has to be investigated before the funds are returned.

Motion made by Roberson and a second by Wagner to award banking services to Citizen Bank and Trust per RFP #2023-01 proposal.

No public comments were received. **Motion passed 5-0.**

Residential Waste Billing Rate Error.

Administrator Hunnicutt noted that Republic Services had an internal audit, and they were still billing Lake Hamilton at the previous year's rate for the past 10 months. The funds are there as the Town was collecting based on the new rate and noted that staff recommends approval.

Motion made by Slavens and a second by Roberson to approve the expenditure of \$5,779.80 to Republic Services.

No public comments were received. **Motion passed 5-0.**

Ball Field Rental/ 1300 Detour Road.

Administrator Hunnicutt noted that he brought this to the attention of the council due to groups from out of town using the facilities. There were no charges in the past for usage of the ballfield. He noted that the applicant was interested in using the field on Sundays and general liability is needed for accidents. There was discussion regarding the need for insurance. Roberson noted that there are residents who like to use the fields on Sundays, and they are unable. She stated that they are for the community of Lake Hamilton. Administrator Hunnicutt noted he only extended the rental until the end of October to see how the council wished to proceed. There was a consensus of the Council to disallow organized sports and only allow park use for the community, which will not require a policy. Administrator Hunnicutt noted that they can place signs around the fields and lock up the parks after certain hours. There was consensus to let the team that signed up through October utilize the fields and not to approve anymore once that is completed and let the kids utilize the field.

Evaluation of Town Clerk.

Mayor Kehoe noted that the Clerk is entitled to automatic 2.5% per contract and an annual merit pay increase.

Motion made by Slavens and a second by Wagner to approve the annual evaluation as submitted by this Council with the CPI 2.5% salary increase as per the clerk's contract and a merit pay adjustment salary increase of 2.5%.

No public comments were received. **Motion passed 5-0.**

Staff Reports-

Town Administrator- Administrator Hunnicutt gave an update from his attendance at the ICMA conference he attended. He also noted that the RFQ's for the building are due tomorrow, and the bids will be opened. He reminded Council of the ribbon cutting for the Scenic Terrace School will also be tomorrow at 9:30am. The Trunk or Treat will be on the 28th at Town Hall and there will also be a Town Hall meeting regarding the water on the 25th. He attended the mayor's round table with Vice Mayor Roberson.

There was Council consensus to move forward with an RFP for engineering services.
Administrator Hunnicutt will draft the RFP and send it to the attorney.

Town Clerk- Clerk Sandoval Soto reminded Council of the RLC Dinner on the 12th for those who RSVP'd.

COUNCIL COMMENTS:

No comments.

ATTORNEY COMMENTS:

No comments.


ADJOURNMENT:

Motion made by Slavens and a second by Roberson to adjourn the regular at 8:23 PM. **Motion passed 5-0.**

ATTEST:


Brittney Sandoval Soto, Town Clerk


Michael Kehoe, Mayor


Steven Hunnicutt, Town Administrator

