



# TOWN OF LAKE HAMILTON

## TOWN COUNCIL REGULAR MEETING AGENDA

April 2, 2019

6:00 P.M.

The Town Council of the Town of Lake Hamilton will hold a Regular Council Meeting on Tuesday, April 2, 2019 at 6:00 PM at the Lake Hamilton Woman's Club, 85 N Omaha Street, Lake Hamilton, FL 33851.

**1. CALL TO ORDER BY THE MAYOR**

**2. INVOCATION**

**3. PLEDGE OF ALLEGIANCE**

**4. ROLL CALL OF COUNCIL MEMBERS BY THE CLERK**

**5. SCHEDULED PRESENTATIONS**

a. *Proclamation for Water Conservation Month- page 1*

**6. CONSENT AGENDA**

a. *March 5, 2019 Regular Meeting Minutes- pages 2-3*

b. *March 19, 2019 Special Meeting Minutes- page 4*

c. *March 2019 Invoices- pages 5-8*

**7. RECOGNITION OF CITIZENS (Non-Agenda Items)**

**8. NEW BUSINESS-**

a. *Resolution R-2019-03 A Resolution authorizing submission of the Loan Application for the SR17 Sewer Project- pages 9-10*

b. *Ordinance O-19-03 An Amendment to the Noise Ordinance- pages 11-21*

**9. STAFF REPORTS**

a. *Town Administrator-verbal*

b. *Town Clerk-none*

c. *Police Department-verbal*

d. *Code Enforcement-none*

e. *Community Development-pages 22-23*

f. *Public Works- page 24*

**10. ATTORNEY COMMENTS**

**11. COUNCIL MEMBERS COMMENTS**

**12. ADJOURNMENT**

IF A PERSON DESIRES TO APPEAL ANY DECISION MADE BY THE TOWN COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE, AFFECTED PERSONS MAY NEED TO INSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE WHICH THE APPEALS IS TO BE BASED. (F.S. 286.26.105)

## **Proclamation**

### **Town of Lake Hamilton Lake Hamilton, Florida**

**WHEREAS**, water is a basic and essential need of every living creature; and

**WHEREAS**, The State of Florida, Water Management Districts and the Town of Lake Hamilton are working together to increase awareness about the importance of water conservation; and

**WHEREAS**, the Town of Lake Hamilton and the State of Florida has designated April, typically a dry month when water demands are most acute, Florida's Water Conservation Month, to educate citizens about how they can help save Florida's precious water resources; and

**WHEREAS**, the Town of Lake Hamilton has always encouraged and supported water conservation, through various educational programs and special events; and

**WHEREAS**, every business, industry, school and citizen can make a difference when it comes to conserving water; and

**WHEREAS**, every business, industry, school and citizen can help by saving water and thus promote a healthy economy and community; and

**NOW, THEREFORE**, be it resolved that by virtue of the authority vested in me as Mayor of Lake Hamilton do hereby proclaim the month of April as

### **Water Conservation Month**

The Town of Lake Hamilton, Florida is calling upon each citizen and business to help protect our precious resource by practicing water saving measures and becoming more aware of the need to save water.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the Town of Lake Hamilton, Polk County, Florida, to be affixed this 2nd day of April, 2019.

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**Marlene M. Wagner, Mayor  
Town of Lake Hamilton, FL**

**TOWN OF LAKE HAMILTON  
MINUTES  
TOWN COUNCIL REGULAR MEETING  
TUESDAY, MARCH 5, 2019  
6:00 PM**

The Town Council of Lake Hamilton held a Regular Meeting on Tuesday March 5, 2019 at 85 N Omaha Street, Lake Hamilton, FL 33851.

**CALL TO ORDER**

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

**INVOCATION**

Invocation was given Angie Hibbard

**PLEDGE OF ALLEGIANCE**

Pledge of Allegiance led by all

**ROLL CALL**

Roberson, Tomlinson, O'Neill, Kehoe, Wagner, Town Administrator was present. Town Attorney was absent.

**SPECIAL PRESENTATION:**

Officer Benjamin Wright, Officer Brett Rich, and Officer Dustin Gilman were sworn in followed by a presentation from Sgt. Turner.

**APPROVAL OF CONSENT AGENDA**

**Motion Made** by Kehoe and a second by O'Neill to approve the consent agenda items: a, b and c as noted on the Agenda. No Comments. **Motion Carried 5-0.**

**RECOGNITION OF CITIZENS**

None

**OLD BUSINESS**

Ordinance O-19-02 was tabled for a Special meeting that was scheduled for March 19, 2019 and for Resolution R-19-02. The special meeting was scheduled for 5PM.

Community Development Assistant, Angie Hibbard, gave an update on the purchasing of 50 W Main Street. An offer was sent to the Agent for \$17,500 which has calculated to be the fair market value. The council still would like to keep the same budget for the process and keep it at \$20,000.

Community Development Director, Doug Leonard, gave details on a Citizens advisory task force (CATF) meeting that was held for a 100% grant from the CDBG Economic Development that is available for the extension of the sewer line to the future property of Floridino's Italian Restaurant. Mr. Floridino was present and introduced the plans and future of the property. There will be a cost to the Town for engineering in the amount of \$30,000. The CATF recommends approving and to build the sewer line that could also allow for additional properties to connect. Community Development Director explained the requirement for the grant and the number of workers they would need to hire that are low to moderate income to be approved.

**Motion made** by Kehoe and a second by Roberson to approve the submission of the CDBG Economic Development application to extend the sewer with the recommendations by the CATF. **Motion Passed 5-0.**

**NEW BUSINESS**

Attorney Dawson was contacted by a property owner requesting a partial lien release to remove the lien from other parcels not associated with the lien.

**Motion made** by O'Neill and a second by Kehoe to approve the partial release of lien. **Motion passed 5-0.** The interested party would have to record the lien after it is drafted.

**TOWN ADMINISTRATOR REPORT:**

Administrator Irvine addressed the upcoming renewal of the contract with Republic and the different options that we could pursue by joining in with other cities for a price savings. Vice Mayor Kehoe stated he would like to see the contract include a bi-yearly pick up of hazardous waste. Lake Wales currently imposes a 10% of the base charge to include in pick up stated it was very popular with the vacant lot owners.

**Police Department-** included in report

**Code Enforcement-** Town Administrator Irvine gave an update on the interlocal with Dundee and stated the Attorneys for both Town's were still drafting and finishing up.

**Community development-** Community Development Director Leonard gave an update on the stormwater projects and stated the fair market value for the properties came in around \$20,000 each so they would need to adjust the cost that was allotted for those expenses. There was a consensus of the council to amend the budget to include an additional \$30,000 for the CDBG project. A few changes to the noise ordinance was proposed by changing the audible distance from 150 feet to 50 feet, and 100 feet for non-residential, and adding hours include 7 am to 2200 hours. There was a consensus of the council to draft an ordinance to address those amendments.

**Public Works-** Public Works Director Lewellen stated he was glad to see the Floridino's project and his update was included in the packet.

**ATTORNEY COMMENTS:** He is working on easements along with the interlocal with Dundee for code enforcement.

**COUNCIL COMMENTS:** Mayor Wagner questioned if annexing was still being looked into and staff stated there was limited resources due to all the ongoing projects that we currently have. She also announced the meeting that took place with Citrus Connection and the extension they will be adding that will run from Lake Wales through Dundee and Lake Hamilton and on which would be a benefit to the Town. It was approved by the County Commission and there would be a yearly cost of \$11,036.25. Vice Mayor Kehoe gave an update on a meeting he had with an aid of Representative Soto about the zip code situation which was top priority because many cities were having similar issues. There was discussion on placing a monument at Veterans Park.

**ADJOURNMENT:** Motion made by Kehoe and a second by Tomlinson to adjourn the meeting at 7:18 PM. Motion carried 5-0.

ATTEST:

\_\_\_\_\_  
Marlene M. Wagner, Mayor

\_\_\_\_\_  
Brittney Sandovalsoto, Town Clerk

# TOWN OF LAKE HAMILTON

## TOWN COUNCIL SPECIAL MEETING MINUTES

March 19, 2019 at 4:30 PM

**Call to Order** – Mayor Wagner called the meeting to order at 4:35 PM.

**Invocation** – The invocation was waived, and the Pledge of Allegiance was recited by all.

**Roll Call** – Kehoe, O’Neill, and Wagner were present. Roberson and Tomlinson were absent. Town Clerk Sandovalsoto and Attorney Dawson were also present.

-Mayor Wagner opened a public hearing at 4:35 PM.

Attorney Dawson read the title into the record.

**Ordinance O-19-02 Refuse removal.**

An ordinance amending the Town of Lake Hamilton code of ordinances by amending chapter 24, solid waste, article ii collection and disposal, sec. 24-26 to establish the allowance for non-garbage refuse removal; providing for conflicts, severability and an effective date.

**Motion made** by Kehoe and a second by O’Neill to approve Ordinance O-19-02. A Roll call vote was taken. O’Neill yay, Kehoe yay, Wagner yay, 0 nay. **Motion passed 3-0.**

-Mayor Wagner closed the public hearing at 4:36 PM.

**Resolution R-2019-02**

Attorney Dawson read the title into the record.

A resolution of the Town of Lake Hamilton, Florida, updating and imposing fees related to removal of non-garbage refuse; providing for conflicts; and, providing an effective date.

**Motion made** by O’Neill and a second by Kehoe to approve Resolution R-2019-02 for refuse removal. A roll call vote was taken. Kehoe yay, O’Neill yay, Wagner yay, 0 nay. **Motion passed 3-0.**

Community Development Director Leonard presented the bid packets and stated they were opened on March 8, 2019 and there were 5 total bids submitted. The lowest bid came from Mid-South Contractors in the amount of \$1,192,000. The committee met and recommended going with the lowest bidder.

**Motion made** by Kehoe and a second by O’Neill to award the bid to Mid-South Contractors.

There was discussion about the yearly cost and the possibility of a grant for drainage and landscaping.

A roll call vote was taken. O’Neill yay, Kehoe yay, Wagner yay, 0 nay. **Motion passed 3-0.**

The letters to the property owners of the vacant lots were sent out by certified mail last week. The property owned by Florence Stamp was accepted and they are still waiting on the other two lots.

**Adjournment –Motion made** by Kehoe and a second by O’Neill to adjourn the special meeting.

**Motion passed 3-0.**

ATTEST:

\_\_\_\_\_  
Marlene M. Wagner, Mayor

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Brittney Sandovalsoto Town Clerk

**Town of Lake Hamilton**  
**Transaction List by Vendor**  
**March 1 - 28, 2019**

Type	Date	Num	Memo	Split	Debit	Credit
<b>A.R.E.A. Real Estate Appraisers, Inc.</b>						
Bill Pmt -Check	03/12/2019	16928		202.000 · Accounts Payable		1,350.00
<b>Altra Medical</b>						
Bill	03/04/2019	20586		521.521 · Other Operating Su...		282.15
Bill Pmt -Check	03/21/2019	16946		202.000 · Accounts Payable		282.15
<b>AT&amp;T Mobility</b>						
Bill Pmt -Check	03/21/2019	16947	Police Cell Ph...	202.000 · Accounts Payable		422.90
<b>BMO Harris Equipment Finance</b>						
Bill	03/17/2019	626701		534.64 · Machinery & Equipm...		2,858.40
Bill Pmt -Check	03/17/2019	626701		202.000 · Accounts Payable		2,858.40
<b>Board of County Comm- Impact Fees</b>						
Bill Pmt -Check	03/28/2019	16970		202.000 · Accounts Payable		13,861.85
Bill Pmt -Check	03/28/2019	16971		202.000 · Accounts Payable		27,296.77
<b>BOCC Code Enforcement</b>						
Bill	03/01/2019	1112		521.31 · Professional Services		3,537.00
Bill Pmt -Check	03/12/2019	16929		202.000 · Accounts Payable		3,537.00
<b>Bright House - Town Hall</b>						
Bill	03/11/2019			-SPLIT-		331.43
Bill Pmt -Check	03/12/2019	16930		202.000 · Accounts Payable		331.43
<b>Bright House - WTP</b>						
Bill	03/27/2019			533.41 · Communication Servi...		54.00
Bill Pmt -Check	03/28/2019	16972		202.000 · Accounts Payable		54.00
<b>Brighthouse - Police Dept</b>						
Bill	03/03/2019	43010...		521.41 · Communication Servi...		104.00
Bill Pmt -Check	03/12/2019	16931		202.000 · Accounts Payable		104.00
<b>Britt's Land Clearing, Inc</b>						
Bill Pmt -Check	03/28/2019	16973		202.000 · Accounts Payable		350.00
<b>Canon</b>						
Bill	03/13/2019	19836...	four months	-SPLIT-		2,077.00
Bill Pmt -Check	03/28/2019	16974	four months	202.000 · Accounts Payable		2,077.00
<b>Cardmember Services</b>						
Bill	03/04/2019	FDEP		533.54 · BooksPublicaSubscri...		150.00
Bill	03/06/2019	CDBG...		524.521 · Other Operating Su...		8.45
Bill	03/06/2019	AMZ		521.521 · Other Operating Su...		53.99
Bill Pmt -Check	03/07/2019	30719		202.000 · Accounts Payable		5,458.57
Bill	03/12/2019	Rojo		513.40 · Travel and Per Diem		18.46
<b>CCS</b>						
Bill	03/06/2019	20190...		533.46 · Repair & Maintenanc...		1,573.72
Bill	03/25/2019	20190...		533.46 · Repair & Maintenanc...		2,360.57
Bill Pmt -Check	03/28/2019	16975		202.000 · Accounts Payable		3,934.29
<b>Center State Bank - 941</b>						
Liability Check	03/07/2019	30719	59-1560134	-SPLIT-		4,194.56
Liability Check	03/20/2019	32519	59-1560134	-SPLIT-		4,238.46
Liability Check	03/27/2019	32819	59-1560134	-SPLIT-		172.12
Liability Check	03/27/2019	32820	59-1560134	-SPLIT-		2,392.32
Liability Check	03/27/2019	32821	59-1560134	-SPLIT-		2,493.18
<b>City of Bartow</b>						
Bill	03/12/2019	20111...	9 staff - 3 gue...	-SPLIT-		225.00
Bill Pmt -Check	03/12/2019	16932	9 staff - 3 gue...	202.000 · Accounts Payable		225.00
<b>Dave's Power Equip.</b>						
Bill	03/07/2019	68432		572.46 · Repair & Maintenanc...		36.60
Bill	03/08/2019	68434		572.46 · Repair & Maintenanc...		446.66

**Town of Lake Hamilton**  
**Transaction List by Vendor**  
**March 1 - 28, 2019**

Type	Date	Num	Memo	Split	Debit	Credit
Bill	03/19/2019	68767		572.46 · Repair & Maintenanc...		53.29
Bill	03/19/2019	68792		541.46 · Repair & Maintenanc...		19.08
Bill Pmt -Check	03/21/2019	16948		202.000 · Accounts Payable		609.02
Bill Pmt -Check	03/28/2019	16976		202.000 · Accounts Payable		72.37
<b>Duke Energy</b>						
Bill	03/11/2019	LS		535.00 · Sewer / Wastewater ...		29.69
Bill	03/11/2019	Maint		-SPLIT-		93.63
Bill	03/11/2019	TTH		-SPLIT-		383.21
Bill	03/13/2019	THPar...		-SPLIT-		1,925.99
Bill	03/13/2019	WTP		533.43 · Utility Services		1,974.77
Bill Pmt -Check	03/21/2019	16949		202.000 · Accounts Payable		1,799.42
Bill Pmt -Check	03/28/2019	16977		202.000 · Accounts Payable		4,407.29
<b>Dundee Hardware</b>						
Bill Pmt -Check	03/21/2019	16950		202.000 · Accounts Payable		165.53
<b>Extreme Graphics</b>						
Bill	03/01/2019	Owen...		511.48 · Promotional Activities		123.05
Bill Pmt -Check	03/21/2019	16951		202.000 · Accounts Payable		123.05
<b>FDOT</b>						
Bill Pmt -Check	03/28/2019	16978	INV069612264	202.000 · Accounts Payable		31.05
<b>Ferguson Enterprises, Inc.</b>						
Bill Pmt -Check	03/12/2019	16933		202.000 · Accounts Payable		363.64
<b>Florida State Disbursement Unit</b>						
Liability Check	03/06/2019	16927	100003517D...	229.010 · Child Support		81.40
Liability Check	03/21/2019	16957	100003517D...	229.010 · Child Support		81.40
<b>Flowers Chemical Laboratories, Inc.</b>						
Bill Pmt -Check	03/12/2019	16934		202.000 · Accounts Payable		120.00
Bill	03/12/2019	394502		533.521 · Other Operating Su...		15.00
Bill	03/14/2019	394503		533.521 · Other Operating Su...		15.00
Bill Pmt -Check	03/28/2019	16979		202.000 · Accounts Payable		90.00
<b>Frontier Lift Station</b>						
Bill	03/14/2019	March...		535.00 · Sewer / Wastewater ...		61.98
Bill Pmt -Check	03/14/2019	91221...		202.000 · Accounts Payable		61.98
<b>Hamilton Company</b>						
Bill	03/27/2019	4877531		533.41 · Communication Servi...		19.95
Bill Pmt -Check	03/28/2019	16980		202.000 · Accounts Payable		19.95
<b>Handy Can</b>						
Bill Pmt -Check	03/12/2019	16935		202.000 · Accounts Payable		170.14
<b>HealthChoices, Inc.</b>						
Liability Check	03/01/2019	03011...	teledoc	229.011 · Teledoc		45.00
<b>Home Depot Credit Services</b>						
Bill Pmt -Check	03/20/2019	credit	QuickBooks g...	202.000 · Accounts Payable	0.00	
<b>Intense Ink</b>						
Bill	03/04/2019	1711819		521.521 · Other Operating Su...		135.00
Bill Pmt -Check	03/21/2019	16952		202.000 · Accounts Payable		135.00
<b>Jeffrey S. Dawson</b>						
Bill	03/20/2019	attorney		511.31 · Professional Services		1,262.50
Bill Pmt -Check	03/28/2019	16981		202.000 · Accounts Payable		1,262.50
<b>Lainier Upshaw</b>						
Bill	03/04/2019	126633		533.45 · Insurance		12,327.00
Bill Pmt -Check	03/21/2019	16953		202.000 · Accounts Payable		12,327.00
<b>Lake Hamilton Petty Cash</b>						
Bill	03/28/2019	March...		-SPLIT-		215.71

**Town of Lake Hamilton**  
**Transaction List by Vendor**  
**March 1 - 28, 2019**

Type	Date	Num	Memo	Split	Debit	Credit
Bill Pmt -Check	03/28/2019	16982		202.000 · Accounts Payable		215.71
<b>Marlene Wagner, Mayor</b>						
Bill	03/19/2019	FLC		511.40 · Travel and Per Diem		313.50
Bill Pmt -Check	03/21/2019	16958		202.000 · Accounts Payable		313.50
<b>McGee Tire</b>						
Bill	03/15/2019	118523		533.46 · Repair & Maintenanc...		15.50
Bill Pmt -Check	03/28/2019	16983		202.000 · Accounts Payable		15.50
<b>Ms. Angela Hibbard</b>						
Bill	03/14/2019	PolkCt...		-SPLIT-		307.93
Bill Pmt -Check	03/21/2019	16954		202.000 · Accounts Payable		333.84
<b>Ms. Brittney Sandovalsoto</b>						
Bill	03/12/2019	samsc...		513.52 · Operating Supplies		41.16
Bill Pmt -Check	03/21/2019	16959		202.000 · Accounts Payable		41.16
<b>News Chief</b>						
Bill Pmt -Check	03/21/2019	16955	387225	202.000 · Accounts Payable		281.17
<b>Odyssey Manufacturing Company</b>						
Bill Pmt -Check	03/12/2019	16936		202.000 · Accounts Payable		652.50
Bill Pmt -Check	03/21/2019	16956		202.000 · Accounts Payable		450.00
<b>Omni Waste of Polk County</b>						
Bill	03/01/2019	14967		534.34 · Other Services		420.00
Bill	03/08/2019	15010		534.34 · Other Services		560.00
Bill Pmt -Check	03/12/2019	16937		202.000 · Accounts Payable		1,120.00
Bill	03/15/2019	15060		534.34 · Other Services		420.00
Bill Pmt -Check	03/28/2019	16984		202.000 · Accounts Payable		1,400.00
<b>Parlier+Crews</b>						
Bill Pmt -Check	03/12/2019	16938		202.000 · Accounts Payable		35,625.00
<b>Peterson &amp; Myers, P.A.</b>						
Bill Pmt -Check	03/12/2019	16939		202.000 · Accounts Payable		3,306.00
<b>Precision Safe and Lock</b>						
Bill Pmt -Check	03/12/2019	16940		202.000 · Accounts Payable		125.00
<b>Preferred Governmental Insurance Trust</b>						
Bill	03/01/2019	60167...		511.24 · Workers' Compensati...		2,903.17
Bill Pmt -Check	03/01/2019	16925		202.000 · Accounts Payable		2,903.17
<b>Randy Lewis Pest Control</b>						
Bill Pmt -Check	03/21/2019	16960		202.000 · Accounts Payable		50.00
<b>Simplifile</b>						
Bill	03/15/2019	15000...		572.521 · Other Operating Su...		199.00
Bill Pmt -Check	03/21/2019	16961		202.000 · Accounts Payable		36.00
Bill Pmt -Check	03/28/2019	16985		202.000 · Accounts Payable		199.00
<b>Staples</b>						
Bill Pmt -Check	03/05/2019	951794	60355178201...	202.000 · Accounts Payable		290.78
Bill	03/07/2019	22558...	60355178201...	-SPLIT-		84.76
Bill Pmt -Check	03/25/2019	3252019	60355178201...	202.000 · Accounts Payable		84.76
<b>Sunshine State One Call</b>						
Bill Pmt -Check	03/21/2019	16962		202.000 · Accounts Payable		42.06
<b>Sunstate Meter</b>						
Bill	03/15/2019	66592		533.631 · Fire Hydrant Replac...		5,324.78
Bill Pmt -Check	03/28/2019	16986		202.000 · Accounts Payable		5,324.78
<b>Tires Unlimited</b>						
Bill	03/08/2019	94869		521.46 · Repair & Maintenanc...		84.42
Bill Pmt -Check	03/21/2019	16963		202.000 · Accounts Payable		84.42
<b>Tops Communicationss Etc..., Inc</b>						

**Town of Lake Hamilton**  
**Transaction List by Vendor**  
**March 1 - 28, 2019**

Type	Date	Num	Memo	Split	Debit	Credit
Bill Pmt -Check	03/21/2019	16964		202.000 · Accounts Payable		765.00
<b>Town of Lake Hamilton Water Expenses</b>						
Bill	03/21/2019			-SPLIT-		376.14
Bill Pmt -Check	03/21/2019	16965		202.000 · Accounts Payable		376.14
<b>Travis Resmondo Sod Retail Store</b>						
Bill	03/19/2019	181952		511.62 · Buildings		80.00
Bill Pmt -Check	03/28/2019	16987		202.000 · Accounts Payable		80.00
<b>United Health Care</b>						
Bill Pmt -Check	03/15/2019	3152019	Feb 2019	202.000 · Accounts Payable		10,987.61
<b>USA Blue Book</b>						
Bill Pmt -Check	03/12/2019	16941		202.000 · Accounts Payable		239.26
<b>Verizon Wireless - Air Cards</b>						
Bill Pmt -Check	03/21/2019	16966		202.000 · Accounts Payable		40.01
<b>Verizon Wireless cell</b>						
Bill	03/27/2019			524.41 · Communication Servi...		3.67
Bill Pmt -Check	03/28/2019	16988		202.000 · Accounts Payable		3.67
<b>Vesta Modular</b>						
Bill	03/21/2019	11237	BRO-00679	511.62 · Buildings		1,490.00
Bill Pmt -Check	03/21/2019	16967	BRO-00679	202.000 · Accounts Payable		1,490.00
<b>Weikert Ford</b>						
Bill Pmt -Check	03/12/2019	16942		202.000 · Accounts Payable		79.93
<b>Wells Fargo PD Copier</b>						
Bill	03/11/2019			-SPLIT-		712.03
Bill Pmt -Check	03/12/2019	16943		202.000 · Accounts Payable		712.03
<b>Wells Fargo TH Copier</b>						
Bill	03/11/2019			-SPLIT-		301.61
Bill Pmt -Check	03/12/2019	16944		202.000 · Accounts Payable		301.61
<b>Wex Bank</b>						
Bill	03/20/2019	SunFeb	Sunoco	-SPLIT-		237.18
Bill Pmt -Check	03/20/2019	72570...	Sunoco	202.000 · Accounts Payable		237.18
Bill	03/25/2019		Racetrac	-SPLIT-		2,721.03
Bill Pmt -Check	03/25/2019	72570...	Racetrac	202.000 · Accounts Payable		2,721.03
Bill	03/26/2019	SunMar	Sunoco	-SPLIT-		74.25
Bill Pmt -Check	03/26/2019	72570...	Sunoco	202.000 · Accounts Payable		74.25
<b>Wood Environment &amp; Infrastructure</b>						
Bill Pmt -Check	03/12/2019	16945		202.000 · Accounts Payable		4,045.00

## **RESOLUTION 2019-03**

A RESOLUTION OF TOWN OF LAKE HAMILTON, FLORIDA, RELATING TO THE STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; AUTHORIZING THE LOAN APPLICATION; AUTHORIZING THE LOAN AGREEMENT; ESTABLISHING PLEDGED REVENUES; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCES; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.

**WHEREAS**, Florida Statutes provide for loans to local government agencies to finance the construction of wastewater treatment facilities; and

**WHEREAS**, Florida Administrative Code rules require authorization to apply for loans, to establish pledged revenues, to designate an authorized representative; to provide assurances of compliance with loan program requirements; and to enter into a loan agreement; and

**WHEREAS**, the State Revolving Fund loan priority list designates Project No. WW53164 as eligible for available funding; and

**WHEREAS**, the Town of Lake Hamilton, Florida, intends to enter into a loan agreement with the Department of Environmental Protection under the State Revolving Fund for project financing.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Lake Hamilton, Florida, as follows:

SECTION I. The foregoing findings are incorporated herein by reference and made a part hereof.

SECTION II. The Town of Lake Hamilton, Florida is authorized to apply for a loan to finance the Project.

SECTION III. The revenues pledged for the repayment of the loan are Lake Hamilton's Restricted Reserve Fund in the amount of \$52,327.

SECTION IV. The Town Administrator is hereby designated as the authorized representative to provide the assurances and commitments required by the loan application.

SECTION V. The Mayor is hereby designated as the authorized representative to execute the loan agreement which will become a binding obligation in accordance with its terms when signed by both parties. The Mayor is authorized to represent the Town in carrying out the Town's responsibilities under the loan agreement. The Mayor is authorized to delegate

responsibility to appropriate Town staff to carry out technical, financial, and administrative activities associated with the loan agreement.

SECTION VI. The legal authority for borrowing moneys to construct this Project is 166.111, Florida Statutes.

SECTION VII. All resolutions or part of Resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

SECTION VIII. If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.

SECTION IX. This Resolution shall become effective immediately upon its passage and adoption.

**INTRODUCED AND PASSED** at the regular meeting of the Town Council of Lake Hamilton, Florida, held this 2nd day of April, 2019.

**TOWN OF LAKE HAMILTON, FLORIDA**

\_\_\_\_\_  
Marlene M. Wagner, Mayor

Attest with Seal:

\_\_\_\_\_  
Brittney Sandovalsoto, Town Clerk

Approved as to Form:

\_\_\_\_\_  
Jeffrey S. Dawson, Town Attorney

<u>Record of Vote</u>	<u>Yes</u>	<u>No</u>
Wagner	___	___
Roberson	___	___
Tomlinson	___	___
O'Neill	___	___
Kehoe	___	___

## **ORDINANCE NO: O-19-03**

AN ORDINANCE OF THE TOWN OF LAKE HAMILTON, FLORIDA, AMENDING ARTICLE IV, NOISE CONTROL, OF CHAPTER 20 OF THE CODE OF ORDINANCES OF THE TOWN OF LAKE HAMILTON; DECLARING THIS ORDINANCE IS INTENDED TO SECURE AND PROMOTE THE PUBLIC HEALTH, SAFETY, WELFARE AND QUALITY OF LIFE OF THE PUBLIC; INCLUDING STANDARDS FOR MEASURING SOUND USING THE PLAINLY AUDIBLE STANDARD; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, Article II, Section 7, of the State Constitution provides that adequate provision shall be made by law enforcement for the abatement of excessive and unreasonable noise; and

**WHEREAS**, Article III of the State Constitution and Chapter 166 of the Florida Statutes provide that municipalities shall have the government, corporate, and propriety powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, except when expressly prohibited; and

**WHEREAS**, excessive and unnecessary noise interferes with the quality of life and can interfere with the health, safety and general welfare of the public; and

**WHEREAS**, in particular, excessive and unnecessary noise can cause adverse psychological and physiological effects on humans; and

**WHEREAS**, the Town Council desires to regulate excessive and unnecessary noise within the Town of Lake Hamilton for the purpose of securing and promoting the public health, safety, welfare and quality of life in the Town of Lake Hamilton for its residents.

**NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKE HAMILTON, FLORIDA, AS FOLLOWS:**

1. Chapter 20, Article IV, Noise Control, is hereby amended and shall read as shown in Exhibit "A" attached hereto and made a part hereof.
2. All ordinances in conflict herewith are repealed to the extent necessary to give this ordinance full force and effect.
3. Should any section, paragraph, clause, sentence, item, word or provision of this Ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part hereof, not so declared to be invalid.
4. It is the intent of the Town Council that the provisions of Exhibit "A" to this Ordinance shall become codified and made a part of the Code of Ordinances of the Town of Lake Hamilton, Florida, and the sections cited in this Ordinance and set forth in Exhibit "A".
5. This Ordinance shall take effect immediately upon its adoption by the Town Council of the Town of Lake Hamilton, Florida.

**INTRODUCED** on first reading this \_\_\_\_ day of \_\_\_\_\_, 2019.

**PASSED** on second reading this \_\_\_\_ day of \_\_\_\_\_, 2019.

**TOWN OF LAKE HAMILTON, FLORIDA**

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Marlene M. Wagner, Mayor

Attest with Seal:

---

Brittney N. Sandovalsoto, Town Clerk

Approved as to Form:

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Jeffrey S. Dawson, Town Attorney

**Article IV. Noise Control (amended)**

Sec. 20-60. Purpose; intent; authority and responsibility of investigating officer

- (a) The purpose of this article is to prevent, prohibit, and also provide for the abatement of excessive and unnecessary noise, known as noise disturbance, in order to protect the health, safety, and general welfare of the people of the Town of Lake Hamilton.
- (b) It is the intent of this article to clearly define and describe the respective authority and responsibility under this article for the investigating officer relating to noise disturbance investigation and enforcement, unless the noise disturbance is otherwise exempt under this article.
- (c) Police Officers of the Town of Lake Hamilton shall have the authority pursuant to this article to investigate and, if applicable, issue a civil citation as provided in this article in any case involving a noise disturbance that exceeds the allowable limits set forth in section ~~20-64~~ 20-63 of this article.
- (d) The investigating officer shall have the authority pursuant to this article to investigate and, if applicable, issue a civil citation for a violation of the plainly audible standard, as established in section 20-61 and ~~20-64~~ 20-63, and noise disturbance complaints which may involve the consumption of alcohol or any suspected illegal activities and noise disturbance complaints involving “~~breach~~ breach of the peace” defined in section 877.03, Florida Statutes.

Sec. 20-61. Definitions

- (a) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, unless the context clearly indicates a different meaning.

*Breach of the peace* shall mean as defined in section 877.03, Florida Statutes.

*Construction* shall mean any site preparation, assembly, erection, substantial repair, alteration, or similar action, for or on public or private thoroughfares, structures, utilities or similar property.

*Development permit* shall have the meaning as described in section 163.3164, Florida Statutes.

*Demolition* shall mean any dismantling, destructing, or razing of structures, utilities, public or private thoroughfares, or similar property.

*Emergency* shall mean any occurrence or circumstance involving actual or imminent physical death or trauma, environmental harm, or property damage, demanding immediate emergency work or service.

*Investigating officer* shall mean a Lake Hamilton Police Officer.

*Motor vehicle* shall mean any vehicle defined as “motor vehicle” by section 320.01(1), Florida Statutes.

*Noise or noise disturbance*, for purposes of this article, shall mean any sound produced in such quantity and for such duration that it annoys, disturbs, or injures a reasonable individual of normal sensitivities.

*Noise-sensitive zone* shall mean a quiet zone where serenity and quiet are of extraordinary significance, which is open or in session. Noise-sensitive zones include schools, public libraries, churches, hospitals, nursing homes, and other areas defined as such pursuant to a resolution adopted by the Town Council.

*Person* shall mean an individual, association, partnership, or corporation, including any officer, employee, department, agency or instrumentality of the United States, the state or any political subdivision thereof.

*Plainly audible* shall mean any noise or noise disturbance produced by any source, or reproduced by a radio, tape player, television, CD player, electronic audio equipment, musical instrument, sound amplifier or other mechanical or electronic sound making device that can be clearly heard by a person using his/her normal hearing faculties, at a distance as defined in subsection ~~20-64~~ 20-63 from the property line or right-of-way line of the source of the noise disturbance or from the vehicle from which the noise emanates. When the particular sound or noise involves words or phrases, sound or noise may be deemed as “clearly heard” even though the investigating officer cannot determine the specific words or phrases being uttered or produced. The detection of a rhythmic bass reverberating type of noise disturbance is sufficient to constitute a plainly audible sound or noise.

*Property line* shall mean an imaginary line along the surface of land or water, and its vertical plane extension, which separates the real property owned, rented or leased by a person from the real property owned, rented or leased by another person. Where the real property owned, rented or leased by a person abuts a water body, the term “property line” shall mean the established normal high water elevation of the water body.

*Public right-of-way* shall mean any street, avenue, boulevard, highway, sidewalk, alley, or similar place normally accessible to the public which is owned or controlled by the state, county, or municipality.

*Residential area* shall mean an area within the Town Limits that predominantly includes residential properties or dwellings.

*Sound* shall mean an oscillation in pressure, stress, particle displacement, particle velocity or other physical parameter, in a medium with internal forces. The description of sound may include any characteristic of such sound, including duration, intensity, and frequency.

Sec. 20-62. Findings of fact

- (a) Excessive and unnecessary noise interferes with the quality of life and can interfere with the health, safety and general welfare of the public.
- (b) In particular, excessive and unnecessary noise can cause adverse psychological and physiological effects on humans.
- (c) The provisions and prohibitions contained in this article are enacted in pursuance and for the purpose of securing and promoting the public health, safety, welfare and quality of life in the Town of Lake Hamilton for its residents.

Sec. 20-63. Maximum permissible sound levels and times

- (a) No person shall create a sound that is plainly audible at the time and distance requirements set forth in the following Table 1:

**TABLE 1**

<b><u>Underlying Land Use Category (from which noise emanates)</u></b>	<b><u>Time of Day</u></b>	<b><u>Distance</u></b>
Residential Area	2200 hours – 0700 hours	150 feet or more
Non-Residential Area	2200 hours – 0700 hours	150 feet or more

**TABLE 1**

<b>Underlying Land Use Category (from which noise emanates)</b>	<b><u>Time of Day</u></b>	<b><u>Distance</u></b>
<u>Residential Area</u>	<u>0700 hours - 2200 hours</u>	<u>150 feet or more</u>
<u>Non-Residential Area</u>	<u>0700 hours - 2200 hours</u>	<u>150 feet or more</u>
Residential Area	2200 hours - 0700 hours	<del>150 feet or more</del> 50 feet or more
Non-Residential Area	2200 hours - 0700 hours	<del>150 feet or more</del> 100 feet or more

(b) In addition to the preceding Table 1, radios, cassette players, disk players and similar devices associated with motor vehicles shall not be operated or amplified in such a manner as to be plainly audible at one hundred (100) feet or more from a vehicle, when operated or parked on a public right-of-way or public space.

(c) In addition to the preceding Table 1, it shall be unlawful for any person to blow, or cause to be blown, a horn, whistle, siren or other instruments, or to make any unnecessary noise, or noises, that can be heard at a distance of one hundred-fifty (a50) feet between the hours of 2200 and 0700, except such blowing or noise as shall be necessary to comply with traffic laws, rules and regulations now in force or that may hereafter be put in force within the Town or in case of emergency. Provided, however, that this prohibition shall not apply to ambulances, ~~fire~~ fire trucks or law enforcement vehicles while in pursuit to an emergency call or ~~if~~ of a law violator.

(d) Noise disturbances in violation of subsection 20-64 or 20-65 shall be confirmed by the investigating officer. The investigating officer who hears a noise disturbance that may be plainly audible shall assess the noise disturbance by measuring the distance from the property line or right-of-way line of the source of the noise disturbance, or by measuring the distance from the vehicle, according to the following standards:

- (1) The primary means of detection shall be the investigating officer's normal hearing faculties, provided the investigating officer is not enhanced by any mechanical or medical device, such as a hearing aid.
- (2) The investigating officer shall have a direct line of sight and hearing to the real property or vehicle that is the source of the noise disturbance so that the investigating officer can identify the offending source of such noise disturbance and the distance involved.

Sec. 20-64. Prohibited acts

Subject to the provisions of section 20-66 and 20-67, no person shall produce, cause to be produced, or allow to be produced, by any means, any noise disturbance on any private or public property, including a right-of-way, when such noise is plainly audible from the distances set forth in section ~~20-64~~ 20-63.

Sec. 20-65. Exemptions

The provisions of section ~~20-65~~ 20-63 and 20-64 shall not apply to the following sounds.

- (a) Lawn maintenance activities, from 7:00 a.m. until 9:00 p.m.;
- (b) Carillons, bells or chimes from 7:00 a.m. until 10:00 p.m.;
- (c) Railway locomotives or cars activity conducted in accordance with state and federal laws and regulations;
- (d) Aircraft and airport activity conducted in accordance with federal laws and regulations;
- (e) Law enforcement activities, including training;
- (f) Emergency signals during emergencies;
- (g) Emergency signal testing between 7:00 a.m. and 9:00 p.m.;

- (h) Emergency work or emergency service;
- (i) Generators used during or as a result of an emergency;
- (j) Motor vehicles operating on a public right-of-way subject to section 316.293, Florida Statutes, and applicable federal criteria;
- (k) Refuse collection vehicles, including street sweepers, while in the process of performing their intended activities;
- (l) Construction or demolition activities for which the Town has issued a development permit, provided such activity occurs between 0700 and 2200 hours;
- (m) Construction activities related to city, county, state or federal roads, highways or freeways;
- (n) Unamplified human voices;
- (o) Noise and sounds produced by activities or events approved by the Town Council were where the person responsible for such activities or events obtains the Town Council's approval after such person clearly and expressly has advised the Town Council that the noise or sounds associated with the activities or events would be in violation of this article but for this exemption;
- (p) Community events, such as fairs and school activities and the like which do not extend their activities beyond 2200 hours or commence before 0900 hours.

Section 20-66. Waivers

- (a) The Town Council may grant a waiver from any provision of section 20-63 and 20-64.
- (b) Any person seeking a waiver shall submit an application to the Town Administrator or Town Clerk.

Section 20-67. Enforcement/penalty

- (a) It shall be unlawful for any person to violate any provisions of this article, or any provisions of any resolution enacted pursuant to this article. The provisions of this article may be enforced by a civil citation. Violations of this article shall be a civil infraction, and each violation shall be considered a separate offense.

- (1) When a noise complaint is received and referred to the investigating officer for investigation, and upon personal investigation the investigating officer finds probable cause to believe the owner or operator of the real property or vehicle at issue is in violation of this article, the investigating officer may issue a written warning to cease and desist the violation.
- (2) If the owner or operator of the real property, or the owner or operator of the vehicle, does not take corrective action regarding such cease and desist warning within a reasonable time, which is defined to be fifteen (15) minutes or less, or if the noise or sound is abated after the warning and then reoccurs within one hundred eighty (180) days of the time of abatement, the owner or operator of the property at issue may be found guilty of a civil infraction, with a maximum penalty in an amount not to exceed \$500.00.
- (3) Upon determination that a violation of this article has occurred, the investigating officer may issue a civil citation pursuant to the requirements provided at section 162.21, Florida Statutes, which shall be punishable by a fine of \$200.00 for the first offense and \$400.00 for the second offense. A third and subsequent violations shall be punishable by a fine of \$500.00.
- (4) The maximum civil penalty pursuant to this article shall not exceed \$500.00, plus applicable court costs, per violation.
- (5) If the person cited refuses to sign the citation, the investigating officer shall write the words "refused" or "refused to sign" in the space provided for the person's signature. The investigating office shall then leave a copy of the citation with the person cited, if possible. The willful refusal to sign or accept a citation issued by the investigating officer is a violation of F.S. 162.21, which provides that a person who willfully refuses to sign and accept a citation issued by a code enforcement officer shall be guilty of a misdemeanor of the second degree, punishable as provided in F.S. 775.082 or 775.083.
- (6) An alleged violator may contest the violation in county court by requesting a hearing within 14 days of the date of the civil citation.
- (7) An alleged violator who elects to contest the violation in county court shall be responsible for payment of all applicable court costs and appropriate assessments in addition to the civil penalty if a violation is found to have occurred.

- (8) If the person cited elects to pay the applicable civil penalty, the person shall be deemed to have admitted the infraction and waived the right to a hearing. If the person cited fails to pay the civil penalty on or before the fourteenth day after issuance of the citation or fails to request a hearing within the time provided, the person shall have waived any right to contest the citation, and a judgment shall be entered against the person cited in an amount up to the maximum civil penalty, which shall not exceed \$500.00.

DRAFT



## MEMORANDUM

**To:** Town Council

**From:** Community Development Director

**Date:** March 29, 2019

**Subj:** Update on Projects

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- 1. Water System USDA Application.** One remaining easement document has been delivered to the property owner for signature. We are awaiting execution. We will USDA when they are complete. We will advertise for bids as soon as possible and expect to start construction in May 2019.
  - 2. Town Hall Renovations and Police Department Addition.** The contractor is preparing a proposed contract for review by the Town Attorney. The building permit is under review by Brian Wells, Building Official. The Polk County Fire Service has completed review of the plans and has approved them. Construction should be underway before the end of April.
  - 3. U.S. 27 Sewer Project.** We have received three additional connection payments, so there are now twenty-four. Staff will be following up with the remaining seven property owners have been notified by letter.
  - 4. Lake Gordon – Marye Jayne Heights CDBG Neighborhood Revitalization Drainage Projects.** Offers have been made to the three property owners. One has accepted the offer and we will close in a week or so. Lee Hay and Sherry Hay are still considering our offers for their lots.
  - 5. Bruce Martin Park.** The close out package is in final review by FRDAP staff. We expect a check for \$50,000 soon.

## Status Report

March 29, 2019

Page 2

6. **State Road 17 (Scenic Highway) Sewer Project.** The SRF Committee met on February 13, 2019 and approved funding of \$261,633 for design of the project. Eighty percent or \$209,307 will be in a grant, the Town share (20%) will be \$52,327. The contract authorized by Council at the February meeting has been signed by the Mayor and delivered to Pennoni.
7. **Purchase of Lots on Main.** The middle three lots, addressed as 50 Omaha Street by 911, are being prepared for closing. These lots and the four lots we purchased on tax deeds will all have to go through a “quiet title” process, so that we have “insurable and marketable title”.
8. **Gunter Park Phase II:** The application for a \$50,000 FRDAP grant for Gunter Park and an additional project narrative was submitted at the request of the grant officer. We are awaiting word of action by FRDAP.
9. **Detour Road Ball Park Phase I:** The application for a \$50,000 FRDAP grant for Detour Road Ball Park was submitted on time. We are awaiting word of actions by FRDAP.



## MEMORANDUM

To: Town Council and Town Administrator

From: Public Works Director

Subject: March 2019 Public Works/Utilities Update

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- Parks: General Maintenance.
- Streets: General Maintenance. We also patched some sidewalks on Cunningham.
- Sewer: A couple more people payed their impact fee, but only one new hookup.
- Water: General Maintenance, averaging 120 locates a month, working on transitioning to phase two of the alternative treatment pilot program. I'm working on the Public Supply Annual Report as well. We continue to chip away at the Meter Replacement Program.
- Sanitation: Everything is going great with the new truck and we haven't been late on service since we got it.
- Miscellaneous: We've done quite a bit of work cleaning up the area around the old water treatment plant to make room for the police equipment and we are currently getting all of that moved down there.