



**TOWN OF LAKE HAMILTON
TOWN COUNCIL
SPECIAL MEETING AGENDA
Tuesday, March 22, 2022
5:00 P.M.**

The Town Council of the Town of Lake Hamilton will hold a Special Meeting on Tuesday, March 22, 2022, at 5:00 PM at the Town Hall, 100 Smith Ave, 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. ITEMS TO BE DISCUSSED BY THE COUNCIL**
 - **Open Public Hearing**
 - a. First reading of Ordinance O-22-11 20 Acre White Clay Pit Grove FLU *pages 1-4*
 - b. First reading of Ordinance O-22-12 Scenic Terrace South PUD amendment *pages 5-10*
 - **Close Public Hearing**
 - c. Resolution R-2022-04 Authorizing New Bank Accounts *pages 11-12*
 - d. Council Recommendation on Utility Fees *no pages*
 - e. Key Action Items – Requested by Councilmember O’Neill *pages 13-14*
- 6. ADJOURNMENT**

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND F. S. 286.26, PERSONS WITH DISABILITIES NEEDING SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THESE PROCEEDINGS PLEASE CONTACT TOWN CLERK, BRITTNEY SANDOVALSOTO, TOWN HALL, LAKE HAMILTON, FL AT 863-439-1910 WITHIN TWO (2) WORKING DAYS OF YOUR RECEIPT OF THIS NOTIFICATION. 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 ENSURE 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)

ORDINANCE O-22-11

AN ORDINANCE OF THE TOWN OF LAKE HAMILTON, FLORIDA, AMENDING THE COMPREHENSIVE PLAN OF THE TOWN OF LAKE HAMILTON, FLORIDA, SAID AMENDMENT BEING KNOWN AS AMENDMENT 22S05, AMENDING THE FUTURE LAND USE MAP CLASSIFICATION FROM AGRICULTURAL TO RESIDENTIAL LANDS – 5 FOR A 20.56 ACRE PARCEL OF LAND LOCATED ADJACENT TO WHITE CLAY PIT ROAD AND APPROXIMATELY 645 FEET WEST OF DETOUR ROAD IN SECTION 9, TOWNSHIP 28 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA; AND TRANSMITTING SAID AMENDMENT TO THE DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 163.3161 through 163.3215, Florida Statutes, empowers local governments to adopt and amend comprehensive plans, or elements or portions thereof, to guide their future development and growth; and

WHEREAS, in exercise of its authority the Town Council has determined it necessary to adopt amendments to the Town's Comprehensive Plan, which are attached hereto as **Exhibit "A"** and by this reference made a part hereof, to ensure that the Comprehensive Plan is in full compliance with the laws of the State of Florida; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, the Town Council has held meetings and hearings on **Ordinance O-22-11**, the amendment to the Comprehensive Plan and made a part hereof; and the meetings were advertised and held with due public notice to obtain public comment; and having considered written and oral comments received during public hearings, find the amendment complete and appropriate to the needs of the Town;

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

SECTION 1. RECITALS.

The provisions set forth in the recitals of this Ordinance (whereas clauses) are hereby adopted by the Town Council as legislative findings and intent of the Ordinance.

SECTION 2. AMENDMENT TO THE COMPREHENSIVE PLAN.

The **Town of Lake Hamilton Comprehensive Plan**, Future Land Use Map is hereby amended as set forth in Exhibit "A".

SECTION 3. SEVERABILITY.

If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

SECTION 4. COPY OF ORDINANCE ON FILE.

A copy of this Ordinance shall be kept on file in the office of the Lake Hamilton Town Clerk.

SECTION 5. CONFLICTS WITH OTHER ORDINANCES.

That portion of any Ordinance which may be in conflict with this Ordinance is hereby repealed with the adoption of this Ordinance.

SECTION 6. EFFECTIVE DATE.

The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency, or the Administration Council enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Council, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

SECTION 7. INCORPORATION INTO COMPREHENSIVE PLAN.

It is the intention of the Town Council that the provisions of this Ordinance shall become and be made a part of the Comprehensive Plan of the Town; and that sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "chapter", "section", "article", or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Comprehensive Plan is accomplished, sections of this Ordinance may be renumbered or relettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the Town Administrator or her designee, without need of public hearing, by filing a corrected or recodified copy of same with the Town Clerk.

INTRODUCED and PASSED on first reading this 22nd day of March 2022.

PASSED AND ADOPTED on second reading this ____ day of _____, 2022.

TOWN OF LAKE HAMILTON, FLORIDA

MICHAEL KEHOE, MAYOR

Ordinance O-22-11

Page 3 of 4

ATTEST:

BRITTNEY SANDOVALSOTO, TOWN CLERK

Approved as to form:

HEATHER R. MAXWELL, ESQ., TOWN ATTORNEY

| Record of Vote | Yes | No |
|-----------------------|------------|-----------|
|-----------------------|------------|-----------|

| | | |
|------------------|--|--|
| O'Neill | | |
| Tomlinson | | |
| O'Neill | | |
| Wagner | | |
| Kehoe | | |

EXHIBIT "A"

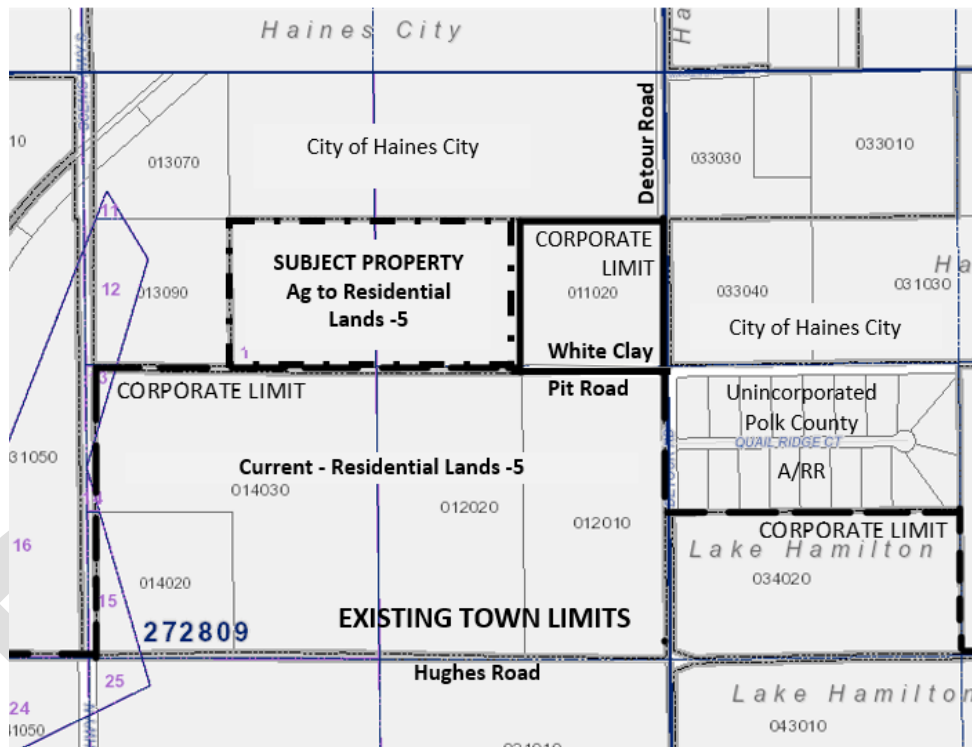
Legal Descriptions:

Parcel Number: 272809-000000-011030: The SW 1/4 of the NE 1/4 of the NE 1/4 of Section 9, Township 28 South, Range 27 East, Polk County, Florida.

Parcel Number: 272809-000000-013020: The SE 1/4 of the NW 1/4 of the NE 1/4 of Section 9, Township 28 South, Range 27 East, Polk County, Florida.

Future Land Use Map Amendment:

White Clay Pit Grove Future Land Use Map



ORDINANCE O-22-12

AN ORDINANCE OF THE TOWN OF LAKE HAMILTON, FLORIDA, AMENDING A PLANNED UNIT DEVELOPMENT (PUD) NAMED “SCENIC TERRACE SOUTH”, LOCATED NORTH AND SOUTH OF HUGHES ROAD FROM WEST OF SCENIC HIGHWAY (STATE ROAD 17) ON THE WEST TO APPROXIMATELY ONE-THIRD OF A MILE EAST OF DETOUR ROAD ON 191.72 ACRES IN SECTIONS 9 AND 10, TOWNSHIP 28 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA; ADDING 30.49 ACRES LOCATED NORTH OF WHITE CLAY PIT ROAD ADJACENT TO DETOUR ROAD IN SECTION 9, TOWNSHIP 28 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, there has been a request to rezone properties to and for amendment of an existing Planned Unit Development (PUD) known as Scenic Terrace South, which includes lands rezoned by Ordinance O-21-11 on June 1, 2021; and

WHEREAS, Section 163.3167(c), Florida Statutes, empowers the Town to adopt land development regulations to guide the growth and development of the Town, and to amend such regulations from time to time; and

WHEREAS, pursuant to Section 166.041(c) 2, Florida Statutes, the Planning Commission and the Town Council have held Public Hearings to consider the rezoning of lands described below, which will amend the Zoning Map of the Town; and

WHEREAS, the change will further the general health, safety, and welfare and be a benefit to the Town as a whole; and

WHEREAS, the amendment of the Planned Unit Development requested by the applicant is consistent with the Future Land Use Element of the 2030 Lake Hamilton Comprehensive Plan.

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

SECTION 1. PROPERTY IDENTIFICATION:

The property identified in the legal description below shall amend a Town of Lake Hamilton Zoning classification of Planned Unit Development (PUD). See the attached Map “A”.

PETITIONER: Heather Wertz of Absolute Engineering on behalf of property owners Atlantic Blue Capital II, LLC., Rubush C & C, LLC., and Elise Gamper.

LEGAL DESCRIPTIONS: The general location of the parcel is located North of White Clay Pit Road and adjacent to Detour Road. The land is predominantly citrus groves and undeveloped with a total of approximately 30.49 acres. The Legal descriptions are as follows.

Parcel Number: 272809-000000-011020: The SE 1/4 of the NE 1/4 of the NE 1/4 of Section 9, Township 28 South, Range 27 East, Polk County, Florida.

Parcel Number: 272809-000000-011030: The SW 1/4 of the NE 1/4 of the NE 1/4 of Section 9, Township 28 South, Range 27 East, Polk County, Florida.

Parcel Number: 272809-000000-013020: The SE 1/4 of the NW 1/4 of the NE 1/4 of Section 9, Township 28 South, Range 27 East, Polk County, Florida.

The parcels described above, constitute less than five percent (5%) of the zoned area of the Town.

SECTION 2. LOCATION.

The property is zoned Planned Unit Development and is hereby amended to be included in the Scenic Terrace PUD as shown in Map "A" attached hereto and made a part of this Ordinance. The regulations of that District contained in the Land Development Code and the conditions stated in this Ordinance shall govern further public review and development of the property within this District with the following specific conditions.

SECTION 3. CONDITIONS.

The rezoning to Planned Unit Development (PUD) zoning district and the assignment of Planned Unit Development (PUD) zoning shall be subject to the following conditions:

- A. Uses shall be limited to a maximum of 148 additional (Total PUD 848) single-family residential units. Other permitted uses include home occupations, recreation areas, and ancillary accessory uses. Detached accessory residential units may be permitted in conjunction with an owner-occupied principal single-family residence.
- B. The minimum lot area shall be 4,400 square feet and the minimum lot width shall be 40 feet, provided the maximum number of lots to be less than 50 feet in width and/or less than 5,500 square feet in area shall be 50% of the total lots.
- C. Prior to site plan approval, a traffic study shall be submitted for review. At a minimum, the traffic study shall evaluate the proposed development's impact on adjacent roads, as well as any intersection located within five (5) miles where projected trips from the subdivision exceed 5 percent.
- D. Enter a developer agreement to financially aid the Town of Lake Hamilton constructing a Wastewater Treatment Facility (WWTF) to produce capacity to meet the projected demand of the proposed PUD.
- E. Enter a developer agreement to financially aid the Town of Lake Hamilton in increasing Water Use Permit (WUP) capacity to meet the projected demand of the proposed PUD.
- F. All development shall be consistent with the conceptual plan as further described in Exhibit "B" attached hereto and made a part of this ordinance; however, deviation from the conceptual site plan, including changes which may impact specific interior lot configuration, to address safety, design, technical, wetland, or permitting issues identified during formal site plan review may be permitted. The shown layout of residential lots and infrastructure is for illustrative purposes.

- G. All other code requirements not specifically addressed by this Planned Unit Development shall apply.

SECTION 3. SEVERABILITY.

That any section, paragraph, or portion which may be deemed illegal or unconstitutional shall not affect any other section of this ordinance.

SECTION 4. COPY OF ORDINANCE ON FILE.

A copy of this Ordinance shall be kept on file in the office of the Lake Hamilton Town Clerk.

SECTION 5. CONFLICTS WITH OTHER ORDINANCES.

That all other ordinances or part of ordinances in conflict herewith are hereby repealed with the adoption of this Ordinance.

SECTION 6. EFFECTIVE DATE.

This ordinance shall take effect immediately upon adoption after second reading.

INTRODUCED and PASSED on first reading this 22nd day of March 2022.

PASSED and ADOPTED on second reading this ___ day of ___ 2022.

TOWN OF LAKE HAMILTON, FLORIDA

MICHAEL KEHOE, MAYOR

ATTEST:

BRITTNEY SANDOVALSOTO, TOWN CLERK

Approved as to form:

HEATHER R. MAXWELL, ESQ., TOWN ATTORNEY

| Record of Vote | Yes | No |
|-----------------------|------------|-----------|
|-----------------------|------------|-----------|

**O'Neill
Roberson
Tomlinson
Wagner
Kehoe**

MAP A

Scenic Terrace South PUD Amendment Map

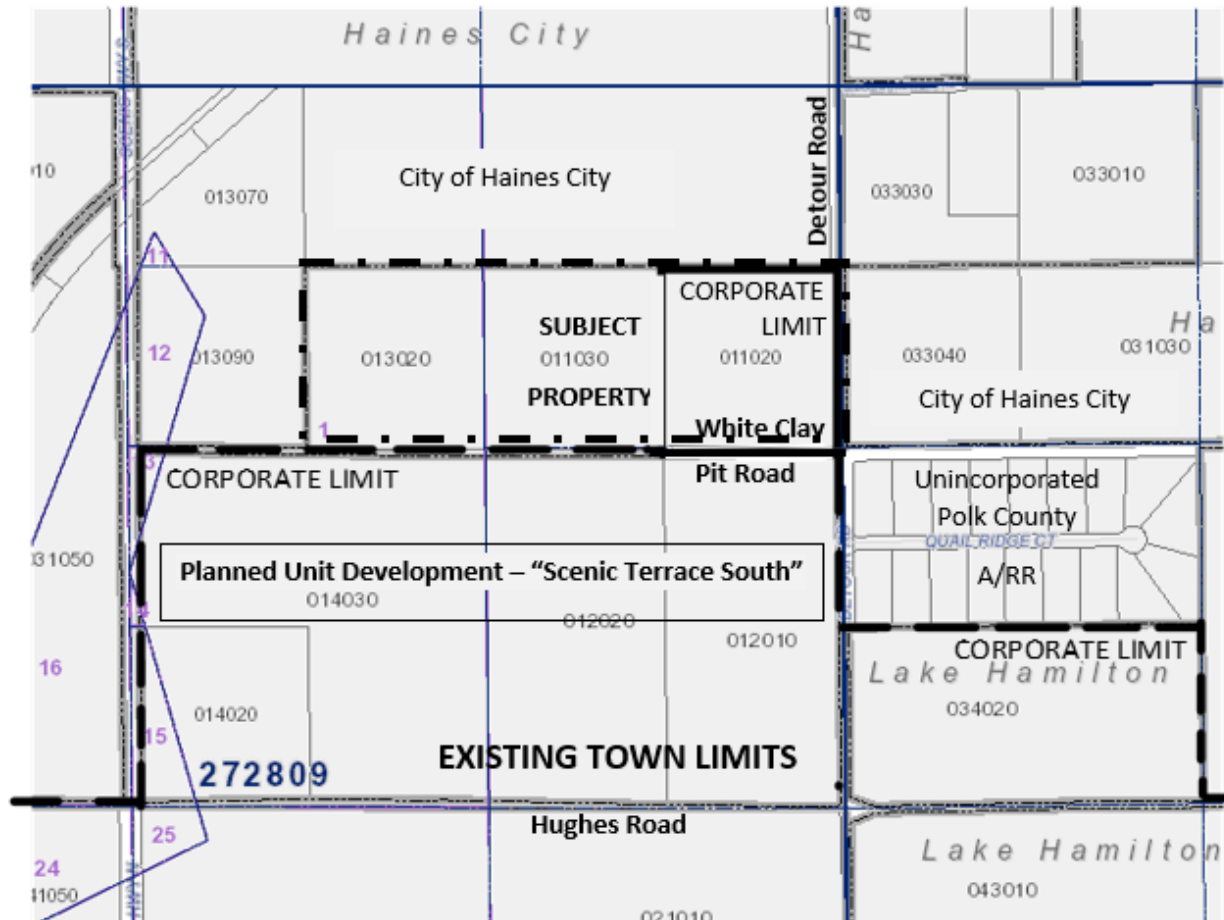


EXHIBIT B

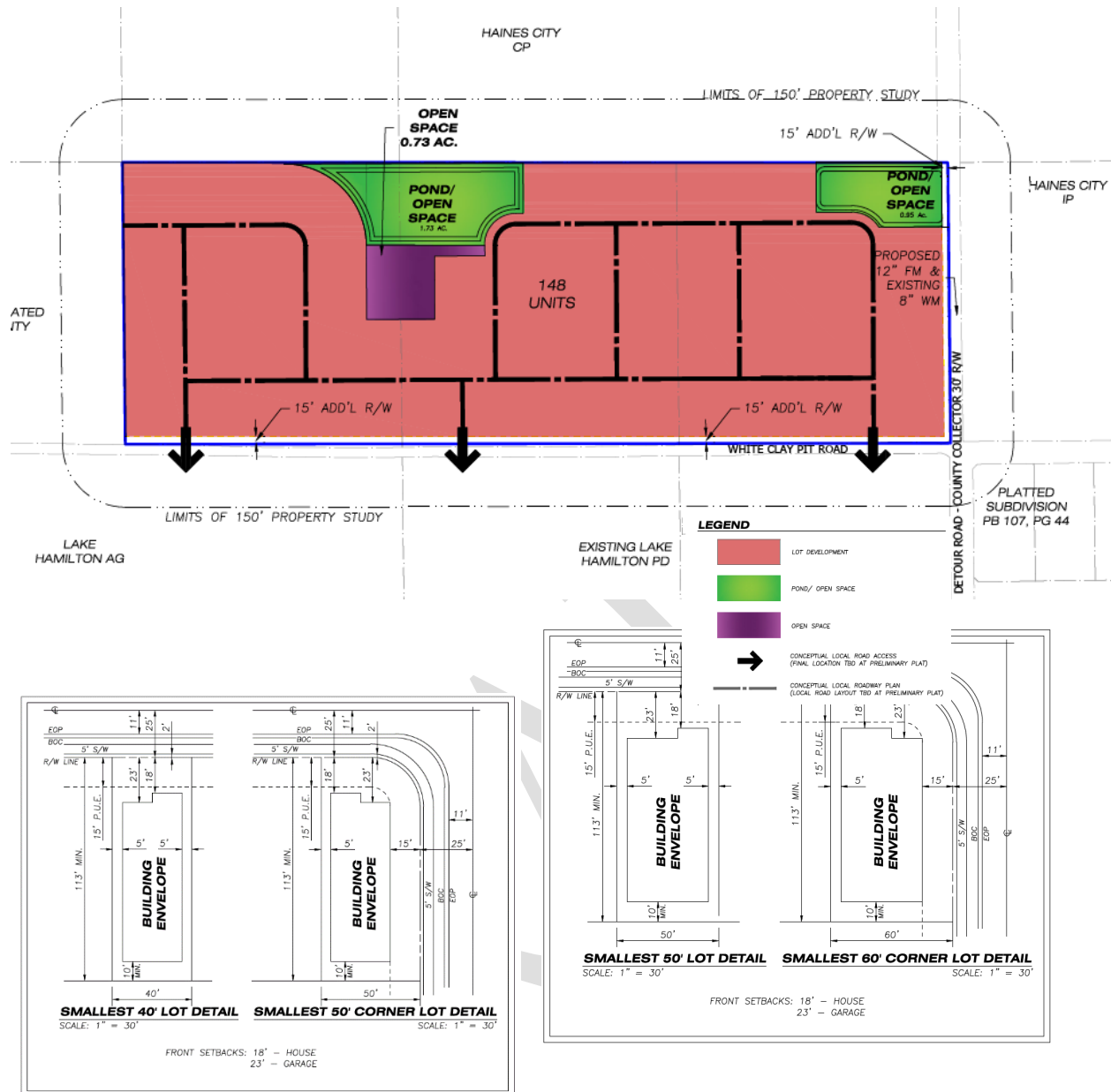


EXHIBIT C**SITE PLAN STANDARDS NOTES:**

1. PROJECT IS PROPOSED TO BE DEVELOPED IN A SINGLE PHASE.
2. DEVELOPMENT IS FOR SINGLE FAMILY DETACHED RESIDENTIAL.
3. TOTAL DEVELOPMENT ACREAGE: 30.49 ACRES
4. MAXIMUM DENSITY ALLOWED: 5.00 UNITS PER ACRE
5. DENSITY PROVIDED: 4.85 (148 LOTS/30.49 ACRES=4.85 UNITS PER ACRE.)
6. FLOOD ZONES ON SITE AND WITHIN 150' OF SITE BOUNDARIES ARE X, AS SHOWN ON FEMA F.I.R.M. COMMUNITY PANEL 12102C 0390G, DATED 12/22/2016
7. FLU/ZONING DESIGNATION AND USES ARE DEPICTED WITHIN 150' OF SITE BOUNDARY.
8. PROPOSED LOT LINES AND DIMENSIONS ARE DEPICTED ON THE PLAN.
9. SMALLEST LOT DETAILS AND DIMENSIONS ARE DEPICTED ON THE PLAN.
10. FLOOR AREA RATIO: NOT APPLICABLE.
11. IMPERVIOUS AREA SHALL NOT EXCEED 50%.
12. MAXIMUM BUILDING HEIGHT: 2 STORIES
13. ROADWAYS AND STORMWATER MANAGEMENT SYSTEM TO BE PUBLIC AND WILL BE OWNED AND MAINTAINED BY THE CDD.

14. SETBACKS

| | |
|------------------------|-----|
| FRONT (HOUSE | 18' |
| FRONT (GARAGE): | 23' |
| SIDE: | 5' |
| REAR: | 10' |
| CORNER LOT SIDE: | 15' |
| ACCESSORY UNIT: | 5' |
| POOL SCREEN ENCLOSURE: | 5' |

15. ACCESS STANDARDS

22' WIDE PAVEMENT WITH 2' MIAMI CURB AND GUTTER, ACCESS TO SITE WILL BE VIA CLAY PIT ROAD

16. "NO PARKING ON STREETS" SIGNS WILL BE POSTED AT PROJECT ENTRANCES.

17. MINIMUM GARAGE SIZE 400 SF TO BE PROVIDED FOR 2 CAR GARAGE WITH MINIMUM 16' WIDE DRIVEWAY.

18. UTILITIES

POTABLE WATER AND SEWER SERVICES WILL BE PROVIDED BY THE TOWN OF LAKE HAMILTON. ELECTRIC POWER, TELEPHONE AND CABLE WILL BE PROVIDED VIA EXISTING SYSTEMS

19. WATER AND SEWER INFRASTRUCTURE WILL BE DEDICATED TO THE TOWN OF LAKE HAMILTON FOR OWNERSHIP AND MAINTENANCE. A 80' PUBLIC UTILITY EASEMENT WILL BE PROVIDED OVER THE RIGHT OF WAY EXTENDING BEYOND THE RIGHT OF WAY 15' ON BOTH SIDES.

20. NO CONSTRUCTION ACTIVITY IS ALLOWED BEFORE 7AM OR AFTER 9PM.

RESOLUTION R-2022-04**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LAKE HAMILTON, FLORIDA; TO AUTHORIZE NEW TOWN BANK ACCOUNTS AT SOUTHSTATE BANK**

WHEREAS, the Town Council conducts finance business with SouthState Bank, 7722 SR 544 E, Winter Haven, FL; and

WHEREAS, the Town Council has authorized several capital projects that require funding from developers; and

WHEREAS, town staff has been advised by the CPA that it is in the best interest of the town to keep the project money segregated by placing each project's funding into separate bank accounts opened by the Town of Lake Hamilton; and

WHEREAS, the Town Council authorizes Mayor Michael Kehoe, Vice-Mayor Marlene Wagner, Town Administrator Sara Irvine and Town Clerk Brittney Sandovalsoto to open the necessary accounts at SouthState Bank and act as signers on these accounts; and

WHEREAS, the Town Council requires that a combination of two signatures be on all checks even if the bank does not require it.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LAKE HAMILTON, FLORIDA:

SECTION 1. The Town Council does hereby authorize Mayor Michael Kehoe, Vice-Mayor Marlene Wagner, Town Administrator Sara Irvine, and Town Clerk Brittney Sandovalsoto to open and act as signers on the Town bank accounts at SouthState Bank.

SECTION 2. This Resolution shall take effect immediately upon its adoption.

INTRODUCED AND PASSED at the special meeting of the Town Council of Lake Hamilton, Florida, held this 22nd day of March 2022.

TOWN OF LAKE HAMILTON, FLORIDA

MICHAEL KEHOE, MAYOR

ATTEST:

BRITTNEY SANDOVALSOTO, TOWN CLERK

Resolution R-2022-04

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Approved as to form:

HEATHER R MAXWELL, ESQ., TOWN ATTORNEY

| Record of Vote | Yes | No |
|-----------------------|------------|-----------|
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| O'Neill | | |
| Tomlinson | | |
| Roberson | | |
| Wagner | | |
| Kehoe | | |

Key Action Items

3/22/22

Police Department:

- Develop a plan with Chief Teague to address retention and proper staffing
- Including Code Enforcement
- Present plan to Council at April meeting

Public Works Department:

- Develop a plan with Director Lewellen to address staffing needs with regard to expanded responsibilities
- Present plan to Council at April meeting

Community Development Director Position:

- Hire as soon as possible
- Post position by April 1

Building Official:

- Develop plan and timeline for hiring a building official
- Timing to coincide with residential development projects
- Present plan to Council at April meeting

Developers:

- Ensure that staff and consultants are maintaining the requirements and standards set by Council for new residential developments
- Ensure that staff and consultants are responding to developers and working toward plan reviews and approvals in a timely manner

Waste Water Plant:

- Ensure timeliness of phase 1 to meet the 15 month timeframe (March 2023)
- Develop plan for phase 2 that will progress in quick succession to phase 1, and meet the needs of developers

Wolverine:

- Work to conclude as soon as possible

Water Permit:

- Ensure we are doing everything necessary to receive approval from SWFWMD for the expansion of our water permit to meet the needs of the developments being approved

Expansion to the East:

- Develop a plan to facilitate expansion of the town to the East
- Do we need to confront the issue of Haines City and Dundee service areas? If so, then how?
- How do we motivate developers to annex properties into the Town of Lake Hamilton?
- Present plan to Council at May meeting

Road Repavement Project:

- Develop plan to repave roads with budget of around \$1,000,000
- Investigate obtaining loan from bank for full amount of project
- Consider timing of waste water line constructed along Main Street to connect Hwy 27 to SR 17
- Present plan to Council at May meeting

Sign and Billboard Ordinances:

- Ensure that staff and consultants are keeping us on schedule to address and update our ordinances prior to the end of the moratorium
- Council requested comparison of ordinance requirements to other local municipalities