

**TOWN OF LAKE HAMILTON
MINUTES
TOWN COUNCIL REGULAR MEETING
TUESDAY, APRIL 5, 2022
6:00 PM**

The Town Council of Lake Hamilton held a Regular Meeting on Tuesday April 5, 2022, at 100 Smith Ave., Lake Hamilton, FL 33851.

CALL TO ORDER

Mayor Kehoe called the meeting to order at 6:01 p.m.

INVOCATION

Invocation was given by Councilmember Cora Roberson.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance was recited by all.

ROLL CALL

Roberson, Tomlinson, and Mayor Kehoe were present. O'Neill and Vice Mayor Wagner were absent. Town Administrator Irvine, Town Clerk Sandovalsoto and Attorney Maxwell were present.

SCHEDULED PRESENTATIONS

Water Conservation Proclamation-

Mayor Kehoe read the water conservation proclamation and presented the executed proclamation to Cindy Rodriguez, SWFMD. Cindy shared a few fun facts about water conservation.

- Wagner and O'Neill arrived at 6:05 PM.

Chief Teague Presentations-

Chief Teague presented the new officers, and the Town Clerk swore in Robert Hylton, and Dewayne Carr. All officers executed their oath's and were pinned.

Chief gave a presentation and awarded Keith Weissman as Officer of the Year and noted his achievements with the K-9 program and that his dog has been certified. He also announced Officer Weissman's promotion to Corporal.

Mike Brynjulfson, CPA Financial Indicators Presentation-

Mike Brynjulfson, CPA handed out copies of his presentation to Council. He congratulated the Town on their audit, and he noted the two items that the town was dinged for were relatively small in his opinion. He noted that he takes the Town's audited financial statements and compares to past years, local communities and statewide. He noted the raise in the water rates helped decline the enterprise fund transfer from the general fund. He gave an overview of the

reserves that the town current has and said they was a good amount in reserve, anything below two months' worth would be worrisome. He gave a quick overview of the contents of his financial indicators report.

CONSENT AGENDA

Motion made by Wagner and a second by O'Neill to approve consent agenda item a, b and c.
No comments.

Motion Passed 5-0.

RECOGNITION OF CITIZENS

Chuck Walter resident was signed in to speak. He addressed the Council and stated that the ramp at Big Lake Hamilton was in bad shape and needs repairs. He also stated that the alleys and roads should be addressed for assessments. He gave an opinion that the town should reconsider holding their special events during weekdays and try to hold those on Saturdays. He also suggested inviting vendors such as water conservation, county transportation, and others.

Vice Mayor Wagner noted that the Town is always looking for volunteers to help with Special Events and staff is limited.

Nadine Hemlall was signed in but not present.

Liz Monroe, resident was signed in to speak. She requested that the reading library that is located in Gunter Park be relocated. She showed the Council a photograph of the current placement of the library showing the Gunter Park sign was blocking it. Vice Mayor Wagner stated she had books for the library if Liz would like to pick those up. Liz recommends moving the library to the front of her property so she can maintain it. She also stated it needs a cover to protect the books. Staff will contact her about moving it.

OLD BUSINESS

- **Mayor Kehoe closed the regular meeting and opened the public hearing at 6:36 PM.**

Second reading of Ordinance O-22-02 White Clay Pit Grove Annexation- 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 location is between Scenic Highway/ Highway 17 and Detour Road approximately 640 feet west of Detour Road and North of White Clay pit road and containing 20.56 acres.

A typo was noted in the second line of roads.

Community Development Director Leonard stated that it is a property of 20 acres and staff recommends approval.

No public comments were received.

Motion made by O'Neill and a second by Roberson to adopt on second reading, Ordinance O-22-02. A roll call vote was taken, O'Neill aye, Roberson aye, Tomlinson aye, Wagner aye, Kehoe aye. **Motion passed 5-0.**

Second reading of Ordinance O-22-11 20-acre White Clay Pit Grove FLU-

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.

No public comments were received.

Motion made by Wagner and a second by O’Neill to adopt on second reading, Ordinance O-22-11.

A roll call vote was taken, Roberson aye, Tomlinson aye, Wagner aye, O’Neill aye, Kehoe aye.

Motion passed 5-0.

**Second reading of Ordinance O-22-12 Scenic Terrace South PUD Amendment-
Attorney Maxwell read the title for the record.**

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.

No public comments were received.

Motion made by Roberson and a second by Tomlinson to adopt on second reading, Ordinance O-22-12. A roll call vote was taken, Tomlinson aye, Wagner aye, O’Neill aye, Roberson aye, Kehoe aye. **Motion passed 5-0.**

- **Mayor Kehoe closed the public hearing at 6:41 PM and resumed the regular meeting.**

A brief recess was held to await an Officer who was stuck in traffic to swear in.

Chief Teague presented new officer Luis Mojica and gave a quick presentation of his experiences- and was sworn in by the Clerk.

Future Planning Items

Update/Action on WUP/AWS/WW-

Administrator Irvine stated they are working with Hamilton Bluff to come up with an agreement to help finance the second phase of the Wastewater Treatment Facility.

Wolverine- has a meeting with the law firm to go over everything to talk about the next steps in the process.

WUP- Public Works Director Lewellen stated they received an extension for the water use permit. They are still working on it.

Wastewater- The application was submitted to the Department of Environmental Protection on Thursday, and they should have real numbers for the design towards the middle of the month.

Discussion of Town Administrator contract extension-

Attorney Maxwell recommended to the Council that if any action is taken, that those recommendations should be to maintain status quo or have affirmative vote beyond that. She recommends no other action to be taken as they may have legal or financial consequences to the Town.

Motion made by Roberson and a second by Tomlinson to table the discussion until the August meeting.

O'Neill addressed the Council and stated Administrator Irvine joined the Town about 8 years ago, on the 9th of June. On September 4, 2022, her contract will expire. He noted because the discussion was brought up in the March meeting, it would not be beneficial to wait until the August meeting. If the administrator decides she does not want to move on with the Town, the Council will want someone in that role. There are currently numerous projects she is overseeing, and he suggests it is not a good time for a transition. He noted she has been doing a great job balancing all of the tasks and has been the leader of all of it. He suggests that they extend the contract until September 2023 and have a discussion at the March 2023 meeting regarding the future after September 2023. He noted a smooth transition would not have a time gap.

Vice Mayor Wagner noted that it is a critical time, and they should stay on the course with current staffing with all the growth that is coming. She believes they should retain Administrator Irvine.

Mayor Kehoe stated he regretted his comments from the last meeting, but he still stands by his memo/Email.

O'Neill stated it is a bad time for a transition and that Administrator Irvine has grown here more so than at any other jobs she has held.

Administrator Irvine stated that she agrees with that statement and her other jobs were more maintaining the normal operations. She noted that during the discussion at the previous meeting she was willing to extend her contract for a year or a year and a half, maybe even up to two years.

O'Neill noted that any Councilmember can envision a perfect person for that position, but perfect does not exist. They would be disappointing many people who are currently working with the town. He stated he would like the motion to be voted down because if the Council waits until August it will put the Town in an unfavorable position.

No further comments were received.

A roll call vote was taken, Wagner nay, O'Neill nay, Roberson aye, Tomlinson aye, Kehoe aye.

Motion Passed 3-2.

Public comment for the previous item was overseen and was taken place.

Public comment-

Cindy Rodriguez stated she has had a great working relationship with Sara and her staff.

O'Neill stated that based on the vote taken by the council, Sara will probably continue her search for a new job and the Town will be left with an empty seat and have to search and find a new person. Staff would be frustrated.

Tomlinson stated that he has heard comments that a lot of people are unhappy with Administrator Irvine and that they also say there is no communication with department heads. He has heard she is rude and short with people on the telephone.

O'Neill noted that these things should be addressed in her evaluations.

Attorney Maxwell stated it is better to only talk about postponing the motion and not to discuss other issues.

A roll call vote was taken. Wagner nay, O'Neill nay, Roberson aye, Tomlinson aye, Kehoe aye.

Motion Passed 3-2.

- A 5-minute recess was taken.

NEW BUSINESS

Tara Hollis, Impact Fee Study Presentation-

Tara Hollis noted she is with Wildan Financial Services

Tara handed out a copy of her presentation to the Council. She stated that the Town is anticipating growth in the next 10 years and the population to increase to 24,000 residents. Having impact fees helps the Town to have funds to support the growth of the Town in different areas. The impact fee is a one-time charge per home. It cannot be used on operation and maintenance. It can be used to pave or improve arterial roads. The funds received have to be kept separate and report every year to show how they are being used. After there are two readings of the Ordinance, the impact fees will become effective 90 days after the second reading. They met with staff to come up with a plan and need for the Town. They are proposing four different impact fees: Municipal facilities, Parks and Trails, Public safety, and Roads. She also noted that the impact fees can only be updated every 4 years and she recommends looking at it again in the 4 year period due to the amount of growth expected. The impact fees can be raised by 12.5% a year so 25% within 2 years after the 4-year period.

Administrator Irvine asked if the study needs to be adopted and Attorney Maxwell stated not if it is referenced in the Ordinance.

First reading of Ordinance O-22-13-

Attorney Maxwell read the title for the record.

An ordinance amending the Town of Lake Hamilton Code of Ordinances by adding chapter 33 to the Code of Ordinances; imposing impact fees for the purpose of providing municipal facilities, public safety, streets, and parks and trails necessitated by new development; providing for a short title, stating authority and applicability of the ordinance; providing for intents and purposes; providing rules of construction; providing definitions; providing for the imposition of municipal facilities impact fees; providing for the imposition of public safety impact fees; providing for the imposition of streets impact fees; providing for the imposition of parks and trails impact fees; providing for computation of the amount of the impact fees; providing for the payment of impact fees; establishing impact fee trust funds; providing for limitations and restrictions on the use of said trust funds; providing a method for refund of fees paid; providing exemptions and credits; providing an appeals process; providing for penalty and enforcement; providing for inclusion in the Town of Lake Hamilton Code; providing for codification; providing for correction of scrivener's errors; providing for severability; providing for conflicts; and providing an effective date.

Mayor Kehoe noted that Attorney Maxwell was going to look at the Ordinance again to make changes to wordings such as Manager and change it to Administrator.

Motion made by Roberson and a second by Tomlinson to approve on first reading, Ordinance O-22-13.

No public comments were received.

A roll call vote was taken. O'Neill aye, Roberson aye, Tomlinson aye, Wagner aye, Kehoe aye.
Motion passed 5-0.

- **Mayor Kehoe closed the regular meeting and opened the public hearing at 7:57 PM**

**First reading of Ordinance O-22-14 Sign Ordinance-
Attorney Maxwell read the title for the record.**

An ordinance of the Town of Lake Hamilton, Florida, repealing the Town's current sign rules; creating article X of chapter 16 of the Town Code providing comprehensive sign regulations; making related findings; providing for codification, severability, and an effective date.

Attorney Maxwell addressed the Council and noted that they finally were able to complete the review and provide a beginning to the changes to the sign ordinance.

O'Neill stated that the changes that they requested at the workshop were not implemented into the Ordinance.

Community Development Director Leonard stated those changes were forwarded to Mr. Eschenfelder and he said that they changes were so minor, they could change those themselves. He will have Angie make those changes when she returns.

A brief recess to provide an email that notes the changes.

Attorney Maxwell gave a copy of the email, marked exhibit "c" dated, March 31, 2022, from Angie Hibbard, to the Council and for the record. She read the email for the record. It included the changes that were requested at the Council Workshop on March 29, 2022

Motion made by O'Neill and a second by Roberson to approve on first reading, Ordinance O-22-14 with changes noted in the referenced email to sections 16-79, 16-713, 16-722, 16-723, and 16-722 (a) to allow a monument sign up to 64 sq ft.

No public comments were received.

A roll call vote was taken. Roberson aye, Tomlinson aye, Wagner aye, O'Neill aye, Kehoe aye.

Motion passed 5-0.

**First reading of Ordinance O-22-15 LDR Revisions-Swine-
Attorney Maxwell read the title for the record.**

An ordinance of the Town Council of the Town of Lake Hamilton, Florida, amending the Lake Hamilton Land Development Code, Article III, Land Use, Division 4, Requirements for specific uses, Section 16-177, Farm Animals, to add sub-paragraphs (o), to allow one swine to be kept on residential zoned property in conjunction with a 4-H or Future Farmers of America program; Providing for conditions to obtain a permit; providing for duration of permit; providing for codification; providing for conflicts; providing for severability; and providing for an effective date.

Mayor Kehoe noted that this change was discussed in last September when Mr. Bowen requested an exemption, and the Attorney was directed to draft an Ordinance to make changes to the code.

No public comments were received.

Motion made by O'Neill and a second by Wagner to approve on first reading, Ordinance O-22-15.

A roll call vote was taken, Tomlinson aye, Wagner aye, O'Neill aye, Roberson aye, Kehoe aye.

Motion Passed 5-0.

**First reading of Ordinance O-22-16 Water Tank Rd Town Property FLU-
Attorney Maxwell read the title for the record.**

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 22S06, amending the future land use map classification from agricultural to public buildings and grounds for a 19.74 acre parcel of land located adjacent to Water Tank Road and approximately 660 feet east of Detour Road in section 15, 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.

Attorney Maxwell clarified for the record that Ordinance 13-17 were advertised under different numbers but have been updated.

No public comments were received.

Motion made by Wagner and a second by Roberson to approve on first reading, Ordinance O-22-16. A roll call vote was taken, Wagner aye, O'Neill aye, Roberson aye, Tomlinson aye, Kehoe aye. **Motion passed 5-0.**

**First reading of Ordinance O-22-17 Water Tank Rd Town Property Rezoning-
Attorney Maxwell read the title for the record.**

An ordinance of the Town of Lake Hamilton, Florida, rezoning a 19.74-acre parcel of land located adjacent to Water Tank Road and approximately 660 feet east of Detour Road in section 15, township 28 south, range 27 east, Polk County, Florida from agricultural to PI - public intuitional zoning district; repealing all ordinances in conflict herewith; providing for severability; and providing for an effective date.

No public comments were received.

Motion made by O'Neill and a second by Wagner to approve on first reading, Ordinance O-22-17. A roll call vote was taken, O'Neill aye, Roberson aye, Tomlinson aye, Wagner aye, Kehoe aye. **Motion passed 5-0.**

**Resolution R-2022-05 Facilities Plan Modification-
Attorney Maxwell read the title for the record.**

A resolution of the Town Council of the Town of Lake Hamilton, Florida, relating to the Florida Department of Environmental Protection (FDEP) state revolving fund (SRF), adoption of the wastewater facilities plan modification – SR17 sewer improvements for the implementation of wastewater collection system improvements, effective this date

Steve Elias, Pennoni, printed out a copy of the presentation. This resolution is needed for the SRF project that the town initiated 3 years ago in order to update the vision to the WWTF that the Town is now going to construct. To formally allow to redirect funds, the plans have to be formally revised. There are 153 septic customers that it will take offline. The cost 3 years ago was 5.896 million dollars, so it is assumed to be over that now. He will submit the documentation tomorrow to have those changes made. The agreement should be ready by the 6th of May for the Town to approve.

Motion made by O'Neill and a second by Wagner to approve Resolution R-2022-05.

No public comments were received.

A roll call vote was taken, Roberson aye, Tomlinson aye, Wagner aye, O'Neill aye, Kehoe aye.

Motion passed 5-0.

- **Mayor Kehoe closed the public hearing at 8:35 PM and reconvened the regular meeting.**

**First reading of Ordinance O-22-18 Utilities Amendment replacing Chap 32-14 and 32-15-
Attorney Maxwell read the title for the record.**

An ordinance of the Town of Lake Hamilton, Florida, relating to water and sewer utilities; amending the Code of Ordinances of the Town of Lake Hamilton, Florida (the “code”); repealing and replacing sections 32-14 & 32-15, Lake Hamilton Code; establishing water & sewer monthly user charges by ordinance; providing for codification and scrivener’s errors; providing for conflicts; providing for severability; and providing an effective date.

Attorney Maxwell noted there would be a few minor corrections before it comes back for second reading.

Roberson had questions about the verbiage regarding meters being relocated, PWD Lewellen explained what those charges were regarding.

Motion made by O’Neill and a second by Wagner to approve on first reading, Ordinance O-22-18.

No further comments were received.

A roll call vote was taken, Tomlinson aye, Wagner aye, O’Neill aye, Roberson aye, Kehoe aye.

Motion passed 5-0.

ARPA Project and Expenditure Report Submittal-

Administrator Irvine requested that Council authorize staff to report and submit the ARPA project and expenditures.

Motion made by O’Neill and a second by Wagner to direct staff to submit report and select option less than 10 million total.

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

Duke Energy Modification of Easement for Water Tank Road Town Property-

Attorney Maxwell noted there are two easements to consider, and she has been working with the representative at Duke Energy to negotiate. Another easement is new to grant to Duke Energy, a 10-foot-wide easement to serve the WWTF. No legal description yet but has been described.

Motion made by O’Neill and a second by Tomlinson to approve the Easements.

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

Review Cassidy Scenic Terrace South Traffic Study-

Attorney Maxwell noted that this was included in the packet for informational purposes only. There is no vote to be taken. This has been reviewed by the Town engineer and is being reviewed by FDOT and the County.

Rennie Heath addressed the council and noted that this is only for Scenic Terrace South and another study will be needed for Hamilton Bluff.

Pennoni Supplemental agreement for Transportation Model & Planning Support Services- Steve Elias and Mohammed Abdallah were present to give an overview of the proposal for a transportation model and planning support services.

Mohammed noted it will address growth and future transportation need of the town in the model and the whole transportation network to include desires for right of ways, sidewalks, and establish rules and polices for new developments.

O’Neill noted he believes it is a good investment and is learning a lot of new things with the new developments.

CDD Leonard gave his version of the process and noted that he recommends approval. He also recommends taking the roads that are in the county.

Motion made by Wagner and a second by O’Neill to approve the supplemental agreement for transportation model and planning support services with Pennoni for \$82,000.

There was discussion regarding the need for the model.

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

Pennoni Addendum 1 for Scenic Terrace South Construction Services-

Public Works Director Lewellen handed out a memo for the Council and read it into the record. Administrator Irvine stated that staff recommends approval. The town's ordinance authorizes the costs to be borne by the developer, so there is no fiscal cost to the town. I recall there was MUCH discussion. I had to ask Nathan and Doug to stop talking and let the council make the decision.

O'Neill noted that the cost is not to exceed \$50,000.

Motion made by O'Neill and a second by Wagner to approve addendum 1 for Scenic Terrace South Construction Services with Pennoni and the cost shall not exceed \$50,000.

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

Consider agreement with Calvin, Giordano & Associates for Parks & Trail Master Plan-

This agreement was presented to the Council and is for a 2 fiscal year contract that will take it through the grant application. O'Neill applauded Doug Leonard for his foresight initiating the plan.

Motion made by Wagner and a second by O'Neill to approve the agreement with Calvin, Giordano & Associates for Parks, and Trail Master Plan.

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

Staff Reports-

Town Administrator- There was discussion regarding the engineers used in the Town for major projects. She noted that there has been interest from other providers and if the Council wants to put out an RFP for Master Contracts, we can draft one for approval. Mayor Kehoe stated he would like to see the original master agreement; he was informed it is located in the files and available for review. There was not a consensus to put out an RFP. She asked Council if they would like a workshop before the May meeting for any topics. A special meeting was scheduled for May 10th.

Town Clerk- included in packet.

Police Department- Included in packet.

Code Enforcement- none.

Community development- included in packet.

Public Works-included in packet.

ATTORNEY COMMENTS: No comments

COUNCIL COMMENTS: Vice Mayor Wagner stated that she would like to see a discussion on the May meeting regarding a charter review committee and a centennial committee. She also asked if they July 2nd was the date set for the fireworks.

There was consensus of the Council to add those items to the agenda.

She also questioned about raising Council wages. Mayor Kehoe agreed and stated that it should be put on the next agenda to give the maximum amount allowed per the charter.

O'Neill noted that the mayor should take steps to plan for a vacancy in the Administrator's position.

Roberson- She congratulated Amanda for the great upkeep up Gunter Park and clearing all the brush away and making the area and walking path more accessible. PWD Lewellen

reported that the clearing was completed by a contractor over several days. Amanda does regular maintenance and upkeep.

ADJOURNMENT:

Motion made by Roberson to adjourn the meeting at 10:13 PM. **Motion Passed 5-0.**

ATTEST:


Brittney Sandovalsoto, Town Clerk


Michael Kehoe, Mayor


Sara K. Irvine, Town Administrator

