

**TOWN OF LAKE HAMILTON
MINUTES
TOWN COUNCIL REGULAR MEETING
TUESDAY, OCTOBER 5, 2021
6:00 PM**

The Town Council of Lake Hamilton held a Regular Meeting on Tuesday October 5, 2021, at 100 Smith Ave., Lake Hamilton, FL 33851.

CALL TO ORDER

Mayor Kehoe called the meeting to order at 6:02 p.m.

INVOCATION

Invocation was given by Angie Hibbard

PLEDGE OF ALLEGIANCE

Pledge of Allegiance was recited by all.

ROLL CALL

Tomlinson, Vice Mayor Wagner, and Mayor Kehoe were present. Roberson was absent. O'Neill arrived after roll call was taken. Town Administrator Irvine, and Town Clerk Sandovalsoto were present. Attorney Maxwell was present via virtual conference.

SCHEDULED PRESENTATIONS

Recognition of Town Administrator, Sara Irvine

Vice Mayor Wagner recognized Sara Irvine for her accomplishment of receiving the Nettie Draughon Award from the Ridge League of Cities.

Proclamation for Florida City Government Week-

Mayor read the proclamation for Florida City Government week proclaiming the week of October 18-24, 2021, as Florida city government week in Lake Hamilton.

Proclamation for Community Planning Month-

Mayor read the proclamation for Community Planning Month, proclaiming the month of October as Community Planning Month in Lake Hamilton.

Proclamation for National Code Compliance Month-

Mayor read the proclamation for National Code Compliance Month, proclaiming the month of October as National Code Compliance Month in Lake Hamilton.

CONSENT AGENDA

Motion made by Wagner and a second by O'Neill to approve consent agenda item a, b, c, d and e.

No comments.

Motion Passed 4-0.

RECOGNITION OF CITIZENS

Premnath Charran addressed the council regarding a high water bill he received and requested relief. Council directed staff to run a meter audit on the account and have Nathan Lewellen meet with the customer to explain the findings.

OLD BUSINESS

Future Planning Discussion- Update on WUP/AWS/WW – Administrator Irvine stated that she believes that being part of the co-op is the Town's alternative water source regarding the SFWMD permit, which they are still working on. They are still going forward with wastewater plans as discussed previously.

Road Design Review- Administrator Irvine stated that there is one million dollars for roads, and they wish to wait until the water project is complete. She asked Council how they wish to proceed, and a consensus was made to discuss the options on October 19th, at a workshop/special meeting. A Workshop and Special meeting were scheduled for Tuesday, October 19th at 5:30 PM.

Resolution R-2021-13 Retirement Contribution-

Attorney Maxwell read the title for the record.

A Resolution of the Town of Lake Hamilton, Florida; amending the defined contribution retirement plan for the employees of Lake Hamilton, Florida; providing for correction of a scrivener's error correcting matching contributions; providing for conflicting resolutions; and providing an effective date.

Town Administrator Irvine said the previous Resolution that was adopted had an error in the percentage. It should have been 6% instead of 6.5%.

Motion made by O'Neill and a second by Tomlinson to approve Resolution R-2021-13.

No public comments were received.

A roll call vote was taken. Tomlinson aye, O'Neill aye, Wagner aye, Kehoe aye. **Motion Passed 4-0.**

Waiver request for Scenic Terrace South PUD-

Town Administrator Irvine noted that this item was tabled from the September meeting. Staff reviewed the requests, and the developer is requesting to change the lot ratio, setbacks and to waive water and wastewater requirements. O'Neill stated that he had been in meetings regarding the changes and the Town needs to be the provider of water and wastewater. Council was not interested in long term utilities outside of town. Town Administrator Irvine stated she spoke with James Keen from the City of Haines City, and they were not interested in providing solely the wastewater for the development. They are still willing to work with the septic to sewer project. Vice Mayor Wagner stated the Town has its own water plant to provide water to the development. Town Administrator Irvine recommended rejecting the utility plan as Haines City is not willing to do one utility only. The consultant was contacted, and they stated they could have a package plant done in 15 months. Staff recommends moving forward with the package plant. Direction was given to search for a parcel to place the package plant. Rennie Heath stated that they would like for Haines City to provide water and wastewater utilities to the development. Mayor Kehoe recommended to table the item for 2 weeks to give time for discussions. **Item tabled until special meeting.**

Mayor Kehoe closed the regular meeting at 6:51 PM and opened the public hearing.

Second reading of Ordinance O-21-16

Attorney Maxwell read the title for the record.

An ordinance of the Town Council of the Town of Lake Hamilton, Florida, adopting a planned unit development (PUD) named "Hamilton Bluff", located between Hatchineha Road on the south and Kokomo Road on the north with Scenic Highway (SR17) as its western boundary and its eastern boundary lying three-eighths (3/8) of a mile east of Detour Road in sections 10, 15 and 16, township 28 south, range 27 east, Polk County, Florida; repealing all ordinances in conflict herewith; providing for severability; and providing an effective date.

Motion made by O'Neill and a second by Wagner to approve Ordinance O-21-16

Town Administrator stated that this Ordinance carries the same idea regarding funding being received for signed connection fee agreements. Town Administrator Irvine stated she will have attorney Tom Cloud review it. For the record, 50 percent will be 40-foot lots and 50% will be 50-foot lots.

No public comment was received.

A roll call vote was taken, O'Neill aye, Wagner aye, Tomlinson nay, Kehoe aye. **Motion Passed 3-1.**

Second reading of Ordinance O-21-18-

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 21S03, amending the future land use map classification from agricultural to residential lands – 5 for a 9.93 acre parcel of land located at the northwest corner of the intersection of Detour Road and White Clay Pit Road; and transmitting said amendment to the Department of Economic Opportunity for; providing for severability; and providing for an effective date.

No public comments were received.

Motion made by Wanger and a second by O'Neill to approve the second reading of Ordinance O-21-18. A roll call vote was taken, Wagner aye, Tomlinson nay, O'Neill aye, Kehoe aye.

Motion Passed 3-1.

Second reading of Ordinance O-21-19-

Attorney Maxwell read the title for the record.

An ordinance of the Town of Lake Hamilton, Florida establishing the Scenic Terrace South Community Development District pursuant to chapter 190, Florida statutes (2021); providing a title; providing findings; creating and naming the district; describing the external boundaries of the district; describing the functions and powers of the district; designating five persons to serve as the initial members of the district's board of supervisors; providing a severability clause; and providing an effective date.

Items pertaining to the Community Development District were provided for the record to be contained with this Ordinance: Exhibit A, consent and joinder to establishment of a community development district, Exhibit B an updated legal description, Exhibit C proof of publication, Exhibit D affidavit adopting pre-filed testimony, Exhibit E affidavit adopting pre-filed testimony, and Exhibit F affidavit adopting pre-filed testimony.

Motion made by O'Neill and second by Wagner to approve the second reading of Ordinance O-21-19 and amended such motion to include document exhibits: to be a part of the record.

No public comments were received.

A roll call vote was taken. Tomlinson aye, O'Neill aye, Wagner aye, Kehoe aye. **Motion Passed 4-0.**

Mayor Kehoe closed the public hearing at 7:05 PM.

NEW BUSINESS

First reading of Ordinance O-21-20-

Attorney Maxwell read the title for the record.

- The public hearing was opened at 7:05 PM as the New Business still required a public hearing.

An ordinance amending Ordinance 2011-03, the 2030 Lake Hamilton comprehensive plan, by adding a property rights element/policy as required by general law; providing for the administrative correction of scrivener's errors; repealing all ordinances in conflict herewith; providing for severability; and providing for an effective date.

No public comments were received.

CD Assistant Hibbard noted that this is required to add to the Comp plan.

Motion made by O'Neill and a second by Wagner to approve the first reading of Ordinance O-21-20.

The public hearing was closed at 7:05 PM and the regular meeting resumed. A roll call vote was taken. O'Neill aye, Wagner aye, Tomlinson aye, Kehoe aye. **Motion Passed 4-0.**

First reading Ordinance O-21-21-

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 21S04, amending the future land use map classification from agricultural to industrial for a 10.17 acre parcel of land located on the west side of Detour Road 552 feet south of the intersection of Detour Road and Hatchineha Road; and transmitting said amendment to the Department of Economic Opportunity for compliance review; providing for severability; and providing for an effective date.

CD Assistant Hibbard stated that the business owners were present if anyone had any questions. It is to change the future land use map classification from ag to industrial.

No public comments were received.

Motion made by O'Neill and a second by Tomlinson to approve the first reading of Ordinance O-21-21. A roll call vote was taken. Tomlinson aye, O'Neill aye, Wagner aye, Kehoe aye.

Motion Passed 4-0.

First reading of Ordinance O-21-22-

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 21S05, amending the future land use map classification from commercial service to retail/ office/ residential for a 0.34 acre parcel of land located on the northeast corner of Omaha Street s and Smith Avenue; and transmitting said amendment to the Department of Economic Opportunity for compliance review; providing for severability; and providing for an effective date.

Motion made by Wagner and a second by O'Neill to approve the first reading of Ordinance O-21-22.

No public comments were received.

A roll call vote was taken. Wagner aye, Tomlinson aye, O'Neill aye, Kehoe aye. **Motion Passed 4-0.**

First reading of Ordinance O-21-23-

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 21S06, amending the future land use map classification from Residential lands 1 to residential lands M for a 1.14 acre parcel of land located on the northeast corner of the intersection of Main Street and Fifth Street; and transmitting said amendment to the Department of Economic Opportunity for compliance review; providing for severability; and providing for an effective date.

CD Assistant Hibbard stated the Owner, Perry Kemp was present if the council had any questions. He would like to subdivide the property in the future and build a single-family home on the back of the lot by the lake. Staff and planning commission recommend approval. The planning commission did have concerns about dividing them all into multi family. Owner, Perry Kemp, would like the current units to stay. There was a discussion regarding the technicalities regarding the comp plan amendment and rezoning of the property. Council advised the owner to get with staff to come up with an alternative plan.

No action was taken on this item.

First reading of Ordinance O-21-24-

Attorney Maxwell read the title for the record.

An ordinance of the Town of Lake Hamilton, Florida, rezoning a 10.17-acre parcel of land located on the west side of Detour Road 552 feet south of the intersection of Detour Road and Hatchineha Road from agriculture to m-i industrial zoning district; repealing all ordinances in conflict herewith; providing for severability; and providing for an effective date.

There were no council comments.

Motion made by O'Neill and a second by Wagner to approve the first reading of Ordinance O-21-24 with staff recommendations.

No public comments were received.

A roll call vote was taken. Wagner aye, Tomlinson aye, O'Neill aye, Kehoe aye. **Motion Passed 4-0.**

First reading of Ordinance O-21-25-

Attorney Maxwell read the title for the record.

An ordinance of the Town of Lake Hamilton, Florida, rezoning a 0.34 acre parcel of land located on the northeast corner of Omaha Street S and Smith Avenue from C-1 highway commercial to C-2 neighborhood commercial zoning district; repealing all ordinances in conflict herewith; providing for severability; and providing for an effective date.

Council asked what the plans were for the property. It was reported that they may put in a small apartment.

Motion made by O'Neill and a second by Wagner to approve the first reading of Ordinance O-21-25. No public comments were received.

A roll call vote was taken. Wagner aye, Tomlinson aye, O'Neill aye, Kehoe aye. **Motion Passed 4-0.**

Mayor Kehoe Closed the Public Hearing at 7:45 pm.

Review and approval of Town Administrator and Town Clerk evaluations-

No comments were received. **Motion made** by Wagner and a second by O'Neill to approve the Town Administrator and Town Clerk evaluations. No public comments were received. **Motion Passed 4-0.**

Review and consider for approval Safeguard against Covid-19 Policy-

Attorney and Council felt the policy is suitable. Public Works Director Nathan Lewellen questioned why a positive covid test could not be considered the same as a vaccination based on

recent studies and reports that show those who have had covid show antibodies. Irvine reported that it was drafted with guidance from the CDC website and town insurance sample policies. She and attorney will review what Mr. Lewellen is citing and make adjustments as necessary.

Staff Reports-

Town Administrator-

Town Clerk-

Police Department-

Code Enforcement-

Community development-

Public Works- Reported that the contractor is working on the final punch list. A request was given for a stop sign at the end of the parking lot.

ATTORNEY COMMENTS: None

COUNCIL COMMENTS: Councilmember Tomlinson has concerns about vehicles parking the wrong direction on Main Street.

Mayor Kehoe would like to schedule a workshop prior to the special meeting to be held on October 19th to discuss updating the Sign/Billboard Ordinance and to discuss the Zoning District Use Summary Table. Workshop was scheduled for 5:30 and Special Meeting set for 6:00 PM.

ATTORNEY COMMENTS: None

COUNCIL COMMENTS: Councilmember Tomlinson has concerns about vehicles parking the wrong direction on Main Street. Mayor Kehoe would like to schedule a workshop prior to the special meeting to be held on October 19th to discuss updating the Sign/Billboard Ordinance and to discuss the Zoning District Use Summary Table. Workshop was scheduled for 5:30 PM and Special Meeting set for 6:00 PM.

ADJOURNMENT:

Motion made by Wagner and a second by O'Neill to adjourn the meeting at 8:05 PM. **Motion Passed 4-0.**

ATTEST:


Brittney Sandovalsoto, Town Clerk


Michael Kehoe, Mayor


Sara K. Irvine, Town Administrator