



# TOWN OF LAKE HAMILTON

## TOWN COUNCIL REGULAR MEETING AGENDA Tuesday, February 2, 2021 6:00 P.M.

The Town Council of the Town of Lake Hamilton will hold a Regular Council Meeting on Tuesday, February 2, 2021 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. Angie Guy, MMC FACC *no pages*
- 6. CONSENT AGENDA**
  - a. January 12, 2021 Regular Meeting Minutes- *pages 1-5*
- 7. RECOGNITION OF CITIZENS (Non-Agenda Items)**
- 8. OLD BUSINESS-**
  - a. Second Reading of Ordinance O-21-01 Annexation Cassidy Group 6A *pages 6-9*
  - b. Second Reading of Ordinance O-21-04 Town Water & Wastewater Rates *pages 10- 17*
  - c. Future Planning Discussion
- 9. NEW BUSINESS-**
  - a. Resolution R-2021-03 Lake Hamilton Ridge Plat Approval *pages 18-20*
  - b. Amended Ordinance 2020-14 Moratorium for Land Development *pages 21-23*
- 10. STAFF REPORTS**
  - a. Town Administrator *no pages*
    - i. Town Clerk – Schedule a special meeting for February 16, 2021 *pages 24*
    - ii. Police Department *no pages*
    - iii. Code Enforcement *no pages*
    - iv. Community Development *pages 25-26*
    - v. Public Works *pages 27*
- 11. ATTORNEY COMMENTS**-Noise Ordinance review update *no pages*
- 12. COUNCIL MEMBERS COMMENTS**
- 13. 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 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)

**TOWN OF LAKE HAMILTON  
MINUTES  
TOWN COUNCIL REGULAR MEETING  
TUESDAY, JANUARY 12, 2021  
6:00 PM**

The Town Council of Lake Hamilton held a Regular Meeting on Tuesday January 12, 2021 at 85 N Omaha Street, Lake Hamilton, FL 33851.

**CALL TO ORDER**

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

**INVOCATION**

Invocation was given by Angie Hibbard.

**PLEDGE OF ALLEGIANCE**

Pledge of Allegiance led by all

**ROLL CALL**

Roberson, Tomlinson, O'Neill, Vice Mayor Wagner, and Mayor Kehoe were present. Town Administrator Irvine was present. Roberson arrived shortly after roll call.

**SCHEDULED PRESENTATIONS**

There were no presentations

**CONSENT AGENDA**

**Motion made** by Wagner and a second by O'Neill to approve consent agenda items a and b. No public comments were received.

**Motion Passed 5-0.**

**RECOGNITION OF CITIZENS**

No Citizens were signed in for comments.

**OLD BUSINESS**

**Future Planning**

**Calvin, Giordano, & Associates Contract-**

Community Development Director Leonard gave a presentation and explanation of the contract and provided an updated scope of services to be entered as Exhibit 1 for Item 8.a.i. The work is separated into three different parts. The first phase includes focusing on development on S.R. 17 with a cost of \$15,900. The second phase of the contract focuses on new development with a cost of \$17,450 and the third phase is for long range planning with a cost of \$7,500. The third task can be amended to provide any additional needs that may arise. O'Neill stated that with so many new subdivisions coming in, they do not want them to turn into problematic neighborhoods in the future. Town administrator Irvine noted that amendments can be made for density to those future subdivisions.

**Motion made** by O'Neill and a second by Wagner to approve the Contract with Calvin, Giordano, & Associates in the amount of \$41,250.

No public comment was received. **Motion Passed 5-0.**

### **Repaving of Streets Chastain Skillman-**

Community Development Director Leonard presented the contract for Chastain Skillman regarding the paving of streets. He presented the proposal and noted that Omaha Park was added in. The engineer will produce plans that would identify streets that are in need and troubling areas. They will focus on resurfacing. Vice Mayor Wagner questioned if Main Street was included and CDD Leonard stated that it was for the portion between 2<sup>nd</sup> Street and 6<sup>th</sup> Street. The total amount of the contract is \$53,865 and could be completed within 60 days and out for bid in 90 days. There was discussion about the delay of repaving the streets and Roberson stated she believed that the citizens would be upset if they were delayed any further. CDD Leonard stated that all streets that were in need would be included. O'Neill noted that the Town has \$400,000 accumulated in reserves to dedicate to street resurfacing. There was discussion about including unpaved streets if the total came in under bid.

No public comments were received.

**Motion made** by Wagner and a second by Tomlinson to approve the contract with Chastain Skillman in the amount of \$53,865. **Motion Passed 5-0.**

### **Wastewater Master Plan Agreement Revision-**

Community Development Director Leonard presented the revision to a previous contract with Pennoni and noted that it needed to be expanded. They are requesting to increase the contract price from \$40,000 to \$60,000 to focus on specifics. Town Administrator Irvine noted that the \$20,000 would come from reserves. There was discussion regarding the amount that was in the reserves account and how much was allotted to projects. There is a total of \$396,000 in usable reserves. There was discussion regarding capital improvements and road resurfacing. Public Works Director Lewellen asked why they do not just add all the roads and to include a breakdown of each for use in the future. CDD Leonard noted that it could be done, they would just have to expand the contract.

**Motion made** by O'Neill and a second by Wagner to approve the Wastewater master plan agreement revision in the amount of \$60,000.

No public comments were received.

**Motion Passed 5-0.**

### **Water Use Permit Renewal-**

Community Development Director Leonard presented a contract with Pennoni for the water use permit renewal application. The total price of the contract is \$7,500 but could be expanded if SWFMD requests additional items. There are about 2,000 new residential homes coming in and he recommends approving the contract. The water use permits are renewed every 10 years.

**Motion made** by O'Neill and a second by Wagner to approve the Water use permit renewal with Pennoni in the amount of \$7,500.

No Public comments were received.

**Motion Passed 5-0.**

## **NEW BUSINESS**

### **Ordinance O-21-01 Cassidy Group 6A**

Attorney Dawson read the title into 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 660 feet east of detour road on the side north of water tank road and containing 14.82 acres.

**Motion made** by O'Neill and a second by Wagner to approve Ordinance O-21-01 Cassidy Group 6A Annexation.

No public comments were received.

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

**Motion Passed 4-1.**

**Mayor Kehoe opened the public hearing at 6:50 PM.**

**Resolution R-2021-01 Sewer Rates Adoption**

Attorney Dawson read the title into the record

A Resolution of the Town of Lake Hamilton, Polk County, Florida, establishing and implementing an interim wastewater service rate; providing for conflicts; providing for severability; providing for an effective date.

Town Administrator Irvine presented the Resolution and stated it is to update the rates that the Town of Dundee amended.

**Motion made** by O'Neil and a second by Wagner to approve Resolution R-2021-01 updating sewer rates. O'Neill stated that the rates were a quarter of what was first implemented by have increased the rate and that is the reason why they must look into their own wastewater plant.

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.**

**Ordinance O-21-02 Cassidy Group 6 and 6A Plan Amendment**

Attorney Dawson read the title into 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 21-01ESR, amending the future land use classification from agriculture to residential lands – 5 for a 103.16 acre area of contiguous parcels of land located east of Detour Road and south of Kokomo Road; and transmitting said amendment to the Department of Economic Opportunity for review and compliance; providing for severability; and providing for an effective date.

Community Development Assistant Hibbard presented the Ordinance and stated it is the same land that is getting a land use change. The amendment will allow for up to 5 homes per acre. Resident, Clayton Hoerler expressed concerns that with the property being zoned RL5 it will allow for a denser population. He questioned a policy that presumably stated that the Groves were to be upheld and maintain a high level of citrus.

**Motion made** by Wagner and a second by O'Neill to approve Ordinance O-21-02 Cassidy Group 6 and 6A plan Amendment. A roll call vote was taken. O'Neill aye, Tomlinson nay, Roberson aye, Wagner aye, Kehoe aye. **Motion Passed 4-1.**

**Ordinance O-21-03 Cassidy Group 1A Plan Amendment**

Attorney Dawson read the title into 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 21-02ESR, amending the future land use classification from agriculture to residential lands – 5 for a 28.36 acre area of contiguous parcels of land located on the west side of Detour Road north of Hatchineha Road for a distance of 1,980 feet; and transmitting said amendment to the Department of Economic Opportunity for review and compliance; providing for severability; and providing for an effective date.

**Motion made** by Wagner and a second by O'Neill to approve Ordinance O-2021-03 Cassidy Group 1A plan amendment.

No public comments were received.

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

**Motion Passed 5-0.**

**Mayor Kehoe closed the public hearing at 7:01 PM.**

**Resolution R-2021-02 401a Adoption Agreement**

Attorney Dawson read the title into 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 conflicting resolutions; and providing an effective date.

**Motion made** by O'Neill and a second by Tomlinson to approve Resolution R-2021-02 401a adoption agreement.

No public comments were received.

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

**Motion Passed 5-0.**

**Ordinance O-21-04 Town Water & Wastewater Rate**

Attorney Dawson read the title into 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"); amending sections 32-14 & 32-15, Lake Hamilton Code establishing water & sewer monthly user charges by ordinance; providing for this ordinance to control in the event of conflict with prior ordinances or resolutions; providing for severability' providing for an effective date.

Town Administrator Irvine presented the Ordinance and stated that it lays out fees and water policies regarding water and sewer and it includes the 2014 water rate schedule. It sets out the future rates which are CPI or 3% whichever is greater. Roberson questioned if the rates needed to be increased every year and Administrator Irvine stated that it needs to be increased for operating expenses and cost of living increases. A rate study will be completed in the future.

**Motion made** by O'Neill and a second by Roberson to approve Ordinance O-21-04 Town water & wastewater rates.

No public comments were received.

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

**Motion Passed 5-0.**

### **Staff Reports-**

**Town Administrator-** Town Administrator Irvine stated that the report is in the packet and congratulated Town Clerk Brittney Sandovalsoto on receiving her CMC designation. She advised she would be out for vacation next week. The completion of the building could be finished in as little as 3 weeks.

**Town Clerk-** no comments.

**Police Department-** included in packet

**Code Enforcement-** no comments

**Community development-** Included in Packet.

**Public Works-** included in packet.

**ATTORNEY COMMENTS:** Attorney Dawson did not have any comments, but stated he met with staff last week and now has many items to work on.

**COUNCIL COMMENTS:** Roberson recognized the Police Department in their efforts to provide 12 families Christmas gifts, dinner, and tickets to Legoland. O’Neill requested that any issues that one may have should be followed up first with staff.

**ADJOURNMENT:**

**Motion made** by Wagner to adjourn the meeting at 7:36 PM. **Motion Passed 5-0.**

ATTEST:

\_\_\_\_\_  
Michael Kehoe, Mayor

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

\_\_\_\_\_  
Sara K. Irvine, Town Administrator

DRAFT

**ORDINANCE O-21-01**

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 660 FEET EAST OF DETOUR ROAD ON THE SIDE NORTH OF WATER TANK ROAD AND CONTAINING 14.82 ACRES.

**WHEREAS**, a petition to integrate territory into the Town of Lake Hamilton has been filed requesting the Town to extend its corporate limits to include certain property herein described; and

**WHEREAS**, the Town of Lake Hamilton deems it expedient and practical to incorporate said territory as the same is in conformity with overall plans for extending boundaries of the Town; and welfare, and

**WHEREAS**, the property herein described is contiguous and adjacent to the corporate limits of the Town of Lake Hamilton, and the property will become a part of the unified corporate area with respect municipal services and benefits.

**NOW THEREFORE, BE IT ORDAINED** by the people of Town of Lake Hamilton as follows:

1. That the Town Council of the Town of Lake Hamilton does hereby annex into the corporate limits of the Town of Lake Hamilton, Florida, three parcels owned by the PH Citrus LLC and consisting of a total of 59.66 acres, described as follows:

**Parcel Number: 272815-000000-034010** (Per Book 08179, Pages 2002 - 2003): The Southeast 1/4 of the Southwest 1/4 of the Northwest 1/4 of Section 15, Township 28 South, Range 27 East, Polk County, Florida.

**Parcel Number: 272815-000000-034020** (Per Book 08179, Pages 2002 - 2003):

The West 1/2 of the Northeast 1/4 of the Southwest 1/4 of the Northwest 1/4 of Section 15, Township 28 South, Range 27 East, Polk County, Florida, LESS road right of way.

- 2. The town boundaries of the Town of Lake Hamilton are hereby redefined to include the parcels of land described above and in accordance with Exhibit “A” hereto attached and made a part of the Ordinance.
- 3. All ordinances in conflict herewith are hereby repealed.
- 4. 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 provision and portions of this ordinance shall remain in full force and effect.
- 5. This ordinance shall take effect upon adoption.

**INTRODUCED AND PASSED** on first reading at the regular meeting of the Town Council of Lake Hamilton, Florida, held this \_\_\_\_\_, 2021.

**PASSED AND FINALLY ADOPTED** on second reading at the Regular meeting of the Town Council of Lake Hamilton, Florida, held this \_\_\_\_\_, 2021.

TOWN OF LAKE HAMILTON, FLORIDA

\_\_\_\_\_  
MICHAEL KEHOE, MAYOR

ATTEST:

\_\_\_\_\_  
BRITTNEY SANDOVALSOTO, TOWN CLERK  
Approved as to form:



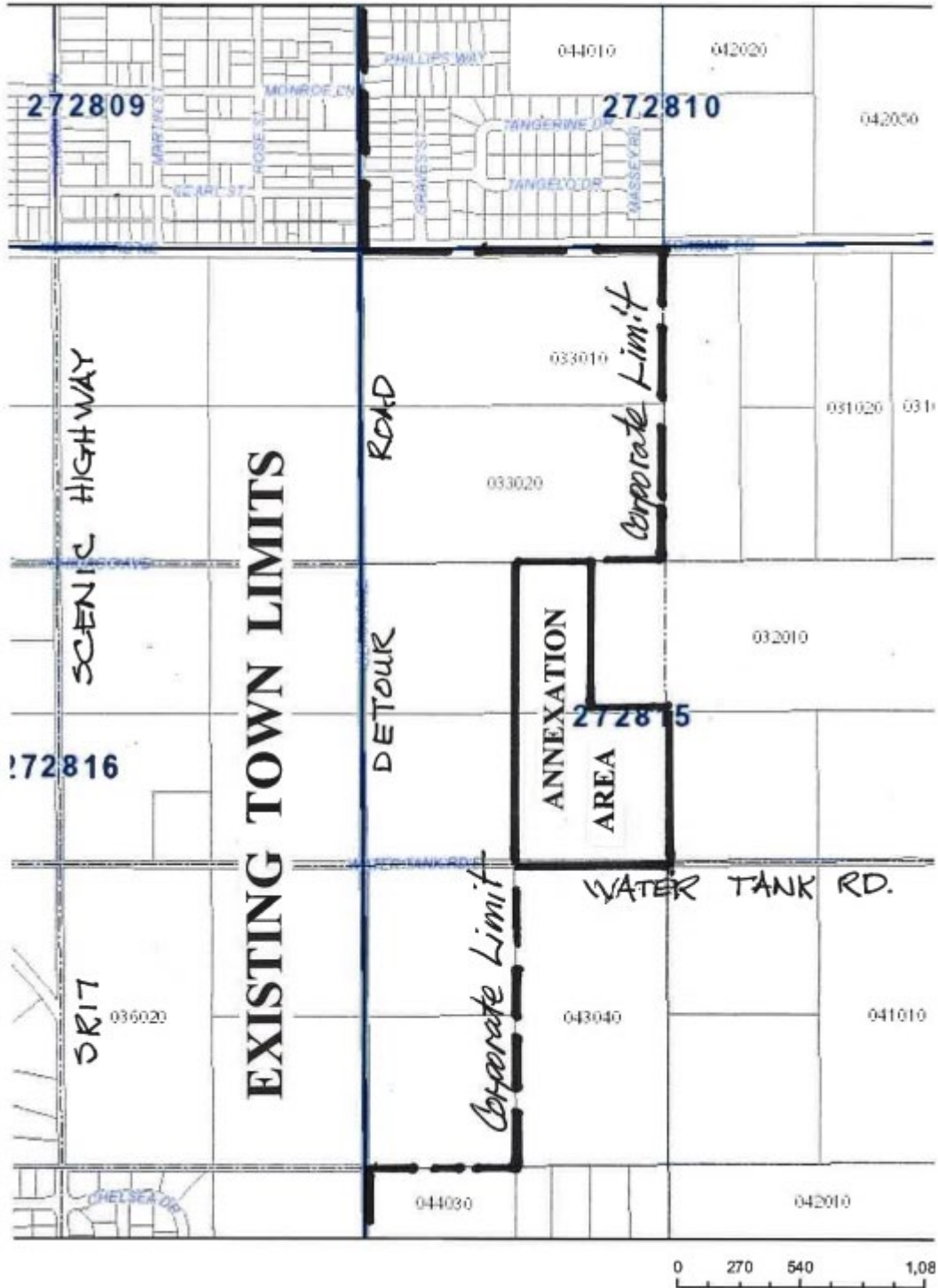
Ordinance O-21-01  
Page 3

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JEFFREY S. DAWSON, TOWN ATTORNEY

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

### Cassidy 6A Annexation



**ORDINANCE: 2021-04**

**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”); AMENDING SECTIONS 32-14 & 32-15, LAKE HAMILTON CODE; ESTABLISHING WATER & SEWER MONTHLY USER CHARGES BY ORDINANCE; PROVIDING FOR THIS ORDINANCE TO CONTROL IN THE EVENT OF CONFLICT WITH PRIOR ORDINANCES OR RESOLUTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

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

**SECTION 1. TITLE; FINDINGS.**

(a) Title. This Ordinance shall be entitled the “Town Water and Wastewater Rate Ordinance,” and shall be codified within Sections 32-14 and 32-15 of the Town Code.

(b) Findings. In adopting this Ordinance and modifying the Town Code, the Town Council of Lake Hamilton, Florida, hereby makes the following findings:

(1) The Town is authorized, pursuant to general and special law and its home rule powers contained in statutes and the Florida Constitution, to own, manage, operate, provide and extend central water, wastewater, and reclaimed water services both within and without the Town of Lake Hamilton, Florida.

(2) In furtherance thereof, the Town declared beginning in 2013 and continuously thereafter an exclusive water and wastewater service area both within and without the Town limits.

(3) The Town has previously adopted water rates by Ordinance No. 2014-01 and is adopting wastewater rates by Resolution No. 2021-01.

(4) The Town is authorized by its Charter, Section 166.201, Florida Statutes, and Sections 180.13 and 180.191, Florida Statutes, to establish and fix rates, fees, and charges for customers within and without the boundaries of the Town.

(5) The rates, fees, and charges established herein provide funding for water and wastewater utility services which promote the health, safety, and general welfare of the Town’s customers as therefore beneficial to the rate payers of the Town’s water and wastewater utility system.

(6) The Town has provided the required public notice and held the necessary public hearing(s) in order to adopt these rules.

**SECTION 2. REVISIONS TO SECTION 32-14, LAKE HAMILTON CODE.**

Section 32-14 of the Code of Ordinances of the Town of Lake Hamilton, Florida, (the "Lake Hamilton Code") is hereby amended to read as follows:

**"Sec. 32-14. - User charges, billing, delinquent accounts.**

All customers of the town's water and sewer systems shall pay all applicable monthly user charges, connection fees, lines extension charges and all related charges at rates established by the town council. Billing for water and sewer service shall be rendered monthly, or as otherwise determined by the Town council. Requests for re-connection after service has been terminated shall be accompanied by payment of a re-connection service fee established by resolution of the town council. Payment of the entire amount of the delinquent bill and additional payment to offset any deficiencies in the required deposit account shall be required. Re-institution of service shall be accomplished only by the department of public works. Any unauthorized connection shall subject the violator to the full penalties of the law.

(1) Adoption of Water System Rates. The Town hereby establishes and adopts the following water rates:

(a) Users of potable water for residences located inside the Corporate Limits of the Town of Lake Hamilton shall pay a minimum monthly sum, which shall be known as the "Service Fee", plus the per thousand gallon consumption charges shown in Table 1a, which is marked as Exhibit A of this Ordinance.

(b) Users of potable water for residences located outside the Corporate Limits of the Town of Lake Hamilton and all non-residential uses whether located inside or outside the Corporate Limits shall pay a minimum monthly sum, which shall be known as the "Service Fee", plus the per thousand gallon consumption charges shown in Table 2a, which is marked as Exhibit B of this Ordinance.

(2) Adoption of Wastewater System Rates. The Town Council of the Town of Lake Hamilton hereby establishes a Retail Wastewater Service Base Rate of 48.51 and a Usage Rate in the amount of \$13.65 per thousand gallons of wastewater, as measured by retail water meter reading. A current schedule of the Wholesale Wastewater Service Rate shall be on file in the office of the Town Clerk.

(3) Annual Indexing Adjustment of Rates. That each October 1 from and after October 1, 2021, the latest water and wastewater charges shall be adjusted by the greater of (1) 3%, or (2) the amount of the annual increase in the index numbers of based upon the change in that year's Consumer Price Index for all Urban Consumers: water, sewer, and trash collection services in U.S. City Average.

(4) Miscellaneous Rates. The Town adopts the following miscellaneous rates:

## Water Connection and Meter Fees for Residents and Business

<u>Service Charge Description</u>	<u>Amount</u>
<u>New Account Admin Charge (to open an account)</u>	<u>\$30</u>
<u>Closing Account Admin Charge added to the account prior to return of Deposit</u>	<u>\$30</u>
<u>New Account Deposit – required to open a new account</u>	<u>\$200</u>
<u>Non-Sufficient Fund Fee</u>	<u>\$30</u>
<u>Delinquent Account increased deposit</u>	<u>\$400</u>
<u>Restoration of service to existing account next business day response time</u>	<u>\$30</u>
<u>Turn-off to existing meter not for closing account</u>	<u>\$30</u>
<u>Same day reconnection service in addition to reconnection fee during normal posted utility billing hours (not available with payment plan)</u>	<u>\$30</u>
<u>Same day reconnection service in addition to reconnection fee after normal posted utility billing hours (not available with payment plan)</u>	<u>\$60</u>
<u>Late Fee is 10% of unpaid water use balance assessed after the 20<sup>th</sup> COB</u>	<u>10%</u>
<u>Water audit and/or disputed meter reading if results of audit determine meter is working accurately. This Fee is Waived if Meter is not Registering within AWWA Standards</u>	<u>\$60</u>
<u>New meter and connection set fee 3/4" (new meters installed 4 business days minimum after application is submitted).</u>	<u>\$200 labor + cost of parts</u>
<u>New meter and connection set fee 1" (new meters installed 4 business days minimum after application is submitted). Maximum Residential size.</u>	<u>\$200 labor + cost of parts</u>
<u>New meter and connection set fee 2" (new meters installed 4 business days minimum after application is submitted).</u>	<u>\$300 labor + cost of parts</u>
<u>New Meter and connection above 2" will need to be included in building permit and approved by the town. The installation and cost will be the responsibility of the account holder and must be done by a licensed professional.</u>	
<u>Relocate existing meter.</u>	<u>Set fee minus cost of meter</u>
<u>Construction Meter – Admin new account and closing fee (\$60) + Set up and take down fee (\$60) + monthly service fee for duration of the project + equipment deposit (\$1500.00) + Water Deposit (\$200) + Water Usage</u>	
<u>Penalty for Meter Tampering/Theft of Service 1<sup>st</sup> infraction</u>	<u>Statutory</u>
<u>Damage to meter Box</u>	<u>Labor and replacement cost</u>
<u>Damage to meter</u>	
<u>Damage to any appurtenances to the water system</u>	<u>cost</u>
<u>Penalty for Meter Tampering/Theft of Service 1<sup>st</sup> infraction</u>	<u>Statutory</u>
<u>Penalty for Meter Tampering/Theft of Service 2<sup>nd</sup> infraction</u>	<u>Statutory</u>
<u>Penalty for Meter Tampering/Theft of Service 3<sup>rd</sup> infraction</u>	<u>Statutory</u>
<u>Penalty for Obscured Meter</u>	<u>Statutory</u>
<u>Penalty for Cross Connection</u>	<u>Statutory</u>
<u>Penalty for Connection to Other Systems</u>	<u>Statutory</u>

**SECTION 3. REVISIONS TO SECTION 32-15, LAKE HAMILTON CODE.**

Section 32-15 of the Code of Ordinances of the Town of Lake Hamilton, Florida, (the “Lake Hamilton Code”) is hereby amended to read as follows:

**Sec. 32-15. - Utility service policies.**

The town council hereby ~~authorizes the administrator/clerk to prepare and maintain~~ adopts user service rules, regulations, policies and fees as set forth below. ~~The administrator/clerk may for convenience publish these utility service policies in a document containing the utility service application with instructions for completing it, referencing pertinent state laws affecting water customers, and specifying the current fees for deposits, impact fees and setting meters, and other information that the administrator/clerk may determine is needed from time to time.~~

(1) Establishment of Water Service. Every residential dwelling unit and every non-residential land use, be it a business, an industrial operation, a non-profit or a church, shall apply to the Town for water service. Upon payment of deposits and fees by the applicant, the Town will establish the water service connection, which shall be the only potable water connection for the customer. Water service will be immediate and continuous as long the account remains current.

(a) A water meter set fee, based on the size of the meter that has been chosen by the customer, shall be charged by the Town for tapping the water main and furnishing and installing a water meter. The fee is the same whether the property and the customer are located within or outside the town.

(b) The Town will construct, extend and provide water service from the water main adjacent to the property requesting water service; shall set the water meter and check valve, and shall connect the water meter to the water service.

(c) If the property is on the opposite side of the road from the water main, the applicant shall hire a licensed plumber or underground utilities contractor to tap the main and bore a water service line under the road. The plumber or contractor is responsible for applying for and receiving an approved permit from the Town, or in the case of crossing a Polk County or Florida State road or highway, a permit from the appropriate agency. Materials and methods employed shall be specified by the permitting agency.

(2) Water Application and Fees.

(a) The applicant must apply for water service from the town as a new applicant. They shall complete a Water Service application provided by the town, provide required documentation and pay to the Utility Billing Office a deposit in the amount established by the Town Council as amended from time to time, which is currently \$200.00. An administrative fee of \$30 is also due at time of application.

(b) As a part of the application, the applicant shall provide a picture ID; and documents' showing the applicant is authorized to reside or conduct business at the address shown on the application.

(c) The town will have water turned on at said address the next business day. of completed application being accepted by the Utility Billing office. Applicants may pay an additional service fee to have service established sooner. Applications made on a Friday may not be turned on until the next Monday.

(d) Water may be turned on for inspection purposes with an application and a \$60 fee. Service will remain on for 48 hours.

(3) Other Services Provided. Upon the opening of a water utility account, the account holder agrees to be charged for other municipal services provided by the Town. For residential properties located in the town limits, the services and charges include: Water, sewer, and associated taxes and service, Garbage and Recycle, Trash, and Stormwater. For commercial customers, charges include: Water and associated taxes and Stormwater. For accounts located outside the town limits, charges include: Water, sewer and associated taxes and service.

(4) Rates. Rates are set forth in sec. 32-14 of the Town Code.

(5) Payment for Services. Water meters are read on/or near the 20<sup>th</sup> of every month. Users are billed monthly on the last business day of each month. Payments are due on the 20<sup>th</sup> of every month.

(a) Payments can be made in person at town hall on any Monday, Wednesday, or Friday not a state or federal holiday by cash, check, money order or credit card (service fees apply). Payments can be dropped in the after-hours payment box located outside of town hall. Credit card payments by phone can only be done on Fridays and the 20<sup>th</sup> of the month. A credit card company convenience fee will be charged for all credit card payments. A town service charge is collected for all in person or over the phone credit card payments.

(b) User and service charges not paid on or before the 20<sup>th</sup> of the month will have a late charge added to the bill and said fee shall be payable by the next month on the 20<sup>th</sup>. If the 20<sup>th</sup> falls on a weekend or a holiday, the late charge will be applied to the unpaid bill on the working day following the due date.

(c) Accounts will be considered delinquent after sixty (60) days of nonpayment and will be subject to water service being discontinued with no further notice. A \$30 disconnect fee will be applied to the account. Monthly water base fee and all other service charges will continue to be billed.

(d) Water service that has been discontinued for non-payment shall require the payment of any and all balances due before service will be resumed. A reconnection fee of \$30.00 will be charged on the next bill. At any time that the User's Account is delinquent for more than sixty (60) days and is over \$200, the amount on deposit for the customer will be withdrawn from the deposit account and applied toward payment of the delinquent bill. Such amount will then be invoiced to the User's Account. In the case of an account that has become so delinquent that the original deposit has been depleted, the deposit to re-establish water service will be double the current deposit of \$200, which would be \$400.

(e) Hardship Status – The town understands that some customers may not be able to pay the full balance due to a hardship. If that is the case, the town must have a signed approved payment plan from the account holder. If a payment plan has been approved, future late fees will be waived if the payment plan is being adhered to. If the account holder does not abide by the payment plan, the account will be turned off and item 5(d) above will prevail. Payment plans cannot extend past three months.

(6) Restore Water – Upon receipt of payment of the full past due amount and **disconnect fee** from the customer, or in case of a hardship, a signed payment plan with specified payment being received and recorded, the Utilities Department shall have the water service restored to the customer the next business day. Payments to restore water made on Friday may not be turned on until Monday.

(7) Insufficient Funds. Should a payment made by check not be accepted by the bank, water service will be discontinued, and all future payments must be paid by cash, money order, certified check or credit card. A \$30 administrative fee, a \$30 disconnect and a \$30 reconnection fee, plus all bank fees associated with such payments will be charged to the account holder.

(8) Destruction and Tampering. By opening an account for services, you agree not to maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the water system of the town.

(a) If you or any person using your property willfully tampers with, damages, or illegally connects to, diverts or extends the system without first applying for and receiving service from the town, you are in violation of Sections 812.14(2)-(5), Florida Statutes and can be charged with a misdemeanor of the first degree, which is punishable by a fine of \$1,000.

(b) If a meter has been locked by staff because of a delinquent account or no application for service on file to the property and it is determined that the lock was removed without staff authorization, the meter will be removed, the account will be considered delinquent and all past balances must be paid to reestablish a new account and all fees must be paid to reinstall the meter.

(9) Putting Account on Vacation Mode/Transfer Account. You may submit an Application to modify your account for any time you will be away from your residence for more than six months. This will take off the charges for garbage and trash. The bill will still show the Water Base Rate and Stormwater charges. If you relocate to another property which is served by the Town of Lake Hamilton, you must file an application to establish services at the new property. You do not need to pay another deposit but your account must be current in order to transfer.

(10) Reporting a Possible Leak/Dispute a High Bill. If a water customer desires the town to check their meter for a leak or possible defective meter or service line, they should report it to the utility billing specialist and a work order will be completed and given to the Water Department. If there is no issue with the meter or town service line, the customer will be billed \$60. The water customer should follow up with the Clerk's office to determine the outcome.

(a) The town is not responsible for service lines beyond the meter.

(b) If there is an issue with the meter and components, the town will repair the meter and components at no cost to the customer.

(11) Payment for Water Service in the Event of a Leak. In the event an inordinate increase in water usage by any customer is discovered in the billing process, it is the duty of the



customer to immediately determine if there is a leak within the building or buildings on his property or in the service line from the meter to the building(s).

(a) It shall further be the responsibility of a customer that discovers a leak to make immediate repairs and report their completion to the Town. The customer shall provide the Town with a copy of the invoices related to the repairs. A town employee shall not be used to repair such leaks. It is suggested that the customer take pictures before and after repair to document properly. The Town will send a Town employee to confirm the repairs.

(b) The town may provide the customer financial relief in accordance with applicable law.

(c) This relief shall only be available to a property address once per year.

(12) Payment for Zero Consumption – Water consumption is measured through mechanical water meters. These meters are owned by the Town and maintained on a specified schedule. The maintenance schedule has been established to promote accurate readings and protect the interest of the customer and the investment of the Town. Being a mechanical device, there are instances when a meter may "slow down" or may fail completely and stop totalizing water flow. The Utility Billing System normally detects these problems and provides a "Zero Consumption - Low Meter Use Report". This report checks the latest meter reading and lists those active accounts with zero consumption. Utility Maintenance staff reviews this report and generates a work order to have field personnel investigate. The meter is then checked, replaced and/or repaired, and the results given Utility Billing via the completed work order form. Based on that information, the customer will be "BACK BILLED" for all water consumed but not registered as follows:

(a) The period in question may not be any greater than the previous twelve (12) months.

(b) The average water consumption per month will be determined.

(c) The average water consumption per month, totaled for the number of months in question will be the amount the customer will be back billed.

(d) It shall be determined if the monthly base charge was paid or should be back billed.

(e) The customer will be allowed to pay the total amount due over the same number of months as the months in question, up to a maximum of twelve (12) months.

(13) Closing an Account. The Town must receive a signed application or **electronic communication** from the account holder to Modify an Account. When the application is received a final meter reading will take place and the applicant's deposit will be used to pay the final bill, disconnect fee and any delinquent charges. If the deposit is not enough to pay the outstanding balance an invoice will be mailed to the applicant and payment must be received within 15 days of date the invoice was mailed.

**SECTION 4. CONFLICTS.** If the event of a conflict with any other Town ordinances or part of ordinances, the provisions of this Ordinance shall control.

**SECTION 5. INCLUSION IN CODE.** The Town Council intends that the provisions of this ordinance shall become and shall be made part of the Code of the Town of Lake Hamilton.

**SECTION 6. SEVERABILITY.** If any section, subsection, sentence, clause, phrase, word or other part of this Chapter is for any reason declared unconstitutional or invalid by any court of competent jurisdiction, such part shall be deemed separate, distinct and independent and the remainder of this Chapter shall continue in full force and effect.

**SECTION 7. EFFECTIVE DATE.** This ordinance shall take effect on February 2, 2021.

INTRODUCED on first reading this \_\_\_\_ day of January, 2021.

PASSED on second reading this \_\_\_\_ day of February, 2021.

TOWN OF LAKE HAMILTON, FLORIDA

\_\_\_\_\_  
MICHAEL KEHOE, MAYOR

ATTEST:

\_\_\_\_\_  
BRITTNEY SANDOVALSOTO, TOWN CLERK

Approved as to form:

\_\_\_\_\_  
JEFFREY S. DAWSON, TOWN ATTORNEY

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

**RESOLUTION R-2021-03**

A RESOLUTION ADOPTING THE LAKE HAMILTON RIDGE SUBDIVISION, A REPLAT OF A PORTION OF LOT 24, REPLAT OF MARIE VILLA SAMPLE'S SUBDIVISION, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 177, Florida Statutes, establishes the minimum requirements and creates such additional powers in local government bodies to regulate and control the platting of lands; and

WHEREAS, the Town of Lake Hamilton has received a boundary survey of the lands proposed for the Lake Hamilton Ridge Subdivision prepared by a professional land surveyor and reviewed by a professional land surveyor appointed by the Town for strict conformity to chapter 177, Florida Statutes; and

WHEREAS, the Town has received a title opinion for the property prepared by an attorney licensed in the State of Florida; and

WHEREAS, a map of the Lake Hamilton Ridge Subdivision has been prepared with all required signatures and dedications executed by the owners of record and mortgages having a record interest in the land subdivided and presented to the Town Council for approval to record the Plat.

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

**Section 1. Lake Hamilton Ridge Subdivision Plat, a Replat of a Portion of Lot 24, Replat of Marie Villa Sample's Subdivision** as described, displayed, and detailed in Exhibit "A", which is attached hereto and made a part of this Resolution, is hereby approved.

**Section 2.** The Mayor is hereby authorized to execute the Lake Hamilton Ridge Subdivision Plat, a Replat of a Portion of Lot 24, Replat of Marie Villa Sample's Subdivision for the Town of Lake Hamilton and return same to the developer for recording by the Clerk of the Circuit Court of Polk County.

**Section 3.** All existing Resolutions of the Town of Lake Hamilton in conflict with this Resolution are repealed to the extent necessary to give this resolution full force and effect.

**Section 4.** If any provision or portion of this Resolution is declared by a court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining portions, provisions, and regulations of this resolution shall remain in full force and effect.

**Section 5.** This Resolution shall take effect immediately upon its passage and approval at a regular meeting of the Town Council.

**INTRODUCED AND PASSED** at the regular meeting of the Town Council of Lake Hamilton, Florida, held this \_\_\_\_\_ day of February 2021.

TOWN OF LAKE HAMILTON, FLORIDA

\_\_\_\_\_  
MICHAEL KEHOE, MAYOR

ATTEST:

\_\_\_\_\_  
BRITTNEY SANDOVALSOTO, TOWN CLERK

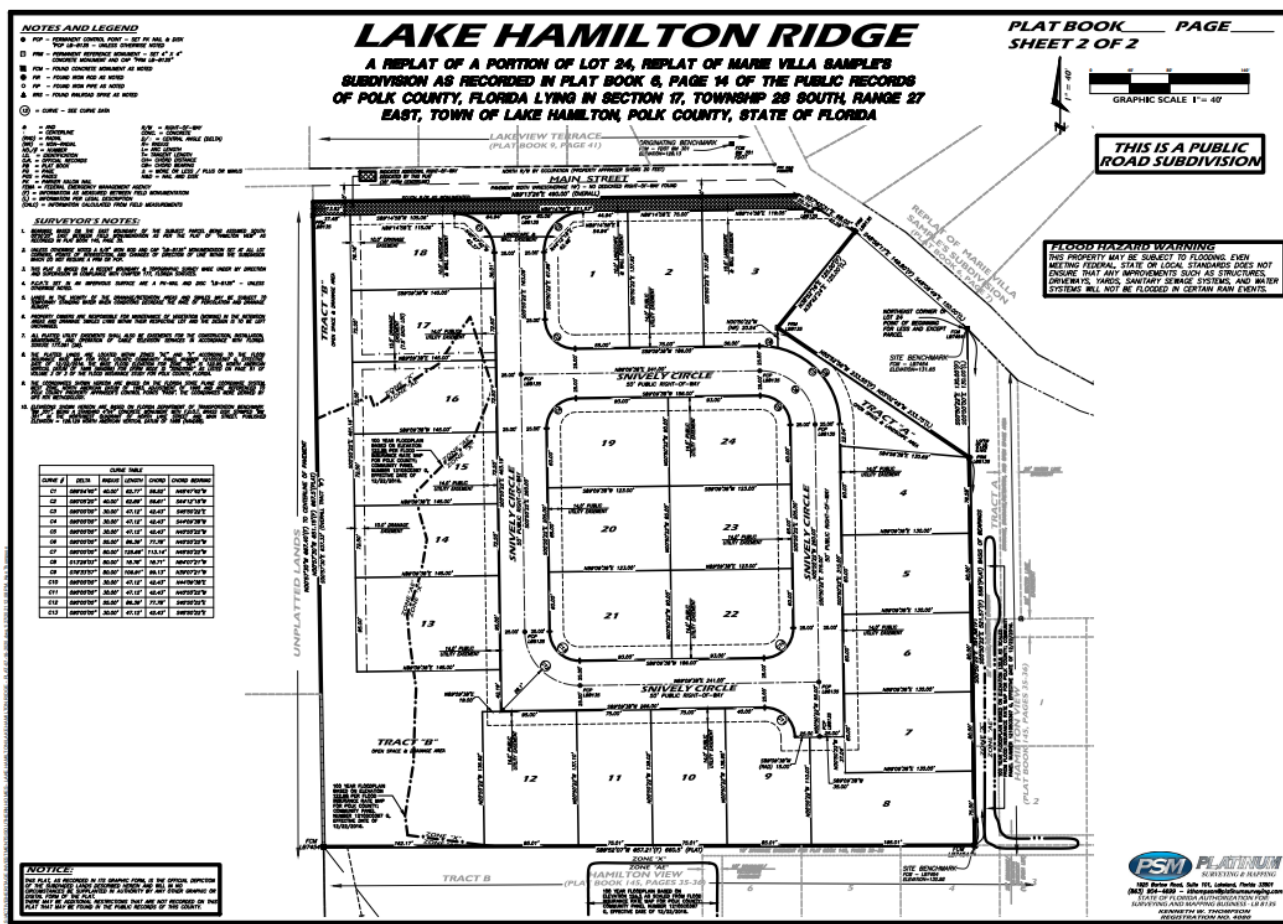
Approved as to form:

\_\_\_\_\_  
JEFFREY S. DAWSON, TOWN ATTORNEY

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

EXHIBIT A

Lake Hamilton Ridge Subdivision  
A Replat of a Portion of Lot 24,  
Replat of Marie Villa, Sample's Subdivision



**ORDINANCE O-2020-14**

AN ORDINANCE OF THE TOWN OF LAKE HAMILTON, FLORIDA, ENACTING A TEMPORARY MORATORIUM IN ORDER TO STUDY, REVIEW AND TO AMEND THE LAND DEVELOPMENT REGULATIONS FOR CERTAIN NON-RESIDENTIAL LAND USES AND COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS; LOCATED ADJACENT TO THE STATE ROAD 17 AND U.S. HIGHWAY 27 TRANSPORTATION CORRIDORS; PROVIDING FOR A SIX-MONTH TERM TO BE EXTENDED IF NECESSARY, BY THE TOWN COUNCIL; PROVIDING FOR EARLY TERMINATION IF THE PROJECT IS COMPLETE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, pursuant to Section 2(b), Article VIII of the Florida Constitution and Chapter 166 of the Florida Statutes, the Town of Lake Hamilton possesses the powers to enact ordinances order to protect the health, safety, and welfare of the Town's citizens and residents; and

**WHEREAS**, the Town Council determines that it is in the best interest of its residents, businesses and visitors to enact sufficient regulations to protect the public health, safety and welfare; and

**WHEREAS**, the Town Council of the Town of Lake Hamilton has adopted and enforced ordinances that pertain to and regulate the location, character, design, and operation of commercial, industrial and all other non-residential land uses, but now finds that the rate of development requires a thorough review of the Land Development Code in order to preserve and protect the value and character of existing and future development in the two major transportation corridors of the Town; and

**WHEREAS**, a moratorium is needed in order to review, study, hold public hearings, and prepare and adopt an amendment or amendments to the Lake Hamilton Land Development Code, Chapter 16 of the Code of Ordinances; and

**WHEREAS**, the Town Council for the Town of Lake Hamilton, Florida finds and declares that this ordinance is in the best interest of the public health, safety and welfare of the citizens and residents of the Town of Lake Hamilton, Florida and that it advances a significant and important governmental interest.

**NOW, THEREFORE**, be it enacted by the people of the Town of Lake Hamilton, Florida

that:

### **SECTION 1. Purpose**

The purpose of this ordinance is to enable the Town of Lake Hamilton sufficient time to review, hold public hearings and adopt an amendment or amendments to the Town of Lake Hamilton Land Development Code and/or Code of Ordinances, relating to the location, design, and operation of commercial, industrial, and other non-residential land uses, including agriculture. Land included in the moratorium area is defined as land physically adjacent to the rights-of-way along the State Road 17 and U.S. Highway 27 transportation corridors and zoned C-1 Highway Commercial, C-2 Limited Commercial, M-1 Industrial, AG Agriculture, or PI Public Institutional. The Town will not approve any application or issue any permits for such land uses while the moratorium is in effect.

### **SECTION 2. Imposition of Temporary Moratorium**

A temporary moratorium is hereby imposed to study, hold public hearings, and amend the Land Development Code. No application for permit, authorization or any other official action of the Town having the effect of permitting or processing of applications for the issuance of site plan approvals, conditional uses, building permits, development permits, or any other official action of the Town of Lake Hamilton permitting or having the effect of allowing commercial and industrial land development, and other non-residential land uses, including agriculture will be authorized during the term of the moratorium, except as may be required by applicable law.

### **SECTION 3. Term**

The moratorium imposed by this ordinance is temporary and, unless repealed earlier by the Town, shall automatically dissolve in six (6) months from the effective date of this ordinance, unless extended in accordance with applicable law. This moratorium may be reasonably extended, if necessary, by ordinance of the Town Council.

### **SECTION 4. Early Termination**

The moratorium imposed by this ordinance shall terminate prior to its six (6) month period upon the passage of ordinances regulating permitting or allowing the construction of commercial, industrial, and other non-residential land uses, provided that-

1. Specific language terminating the moratorium is contained within said enacted ordinance; or by
2. Passage of another ordinance providing for termination by the Town Council.

### **SECTION 5. Repeal of Laws in Conflict**

All local laws and ordinances in conflict with any provision of this ordinance are hereby repealed to the extent of any conflict.

**SECTION 6. Effective Date**

This ordinance shall take effect immediately upon passage after second reading/public hearing.

**INTRODUCED AND PASSED** on First Reading this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

**PASSED AND DULY ADOPTED**, on Second Reading with a quorum present and voting, by the Town Council, this the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

TOWN OF LAKE HAMILTON, FLORIDA

\_\_\_\_\_  
MICHAEL KEHOE, MAYOR

ATTEST:

\_\_\_\_\_  
BRITTNEY SANDOVALSOTO, TOWN CLERK

Approved as to form:

\_\_\_\_\_  
JEFFREY S. DAWSON, TOWN ATTORNEY

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





## Memorandum

To: Town Council

From: Town Clerk, Brittney Sandovalsoto, CMC

Date: January 29, 2021

Subject: Monthly Update

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We are continuing the first stages of implementation of our new utility billing software and currently everything is on track to transition in April.

I have returned to full-time, in office since January 19.

We are working on changing to a new Business tax receipt software to provide better tracking and issuance of BTR's. This will save over  $\frac{3}{4}$  of the time it takes to track and issue than the previous system. This will save us time during busy renewal months.

Other business as usual.



## Memorandum

To: Town Council

From: Doug Leonard, Community Development Director

Date: January 29, 2021

Subject: Status of Projects for February 2, 2021 Council Meeting

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- 1. USDA Water Distribution System Improvement Project.** The project is approximately 74 percent complete; Crump Road residents have now been connected to the new line and most of the line work in the center of town is complete. Connections to the meters should be in February-March and work in the northern part of town will begin in the next month.
- 2. CDBG Stormwater Project.** The contractor, engineers, grant administrators, and staff did a substantial completion walk-thru on January 27<sup>th</sup>. Except for a few minor items the project is complete and final billing and final grant submission are anticipated in the next few weeks.
- 3. State Road 17 (Scenic Highway) Sewer Project.** The Haines City Commission approved the Memorandum of Understanding in December and the City Attorney Fred Reilly is preparing a draft Interlocal Agreement. Staff has also authorized Tom Cloud to continue with his version.
- 4. Floridino's Project.** The restaurant is under construction.
- 5. Hamilton Ridge.** Staff has received a request for Final Subdivision Plat approval – see agenda. A bond has been submitted for \$69,942.68 for the completion of the improvements. The pavement and final improvements has been delayed as the developer is waiting on Duke Energy to move several electrical poles.
- 6. The Grand at Lake Hamilton.** Staff continues to communicate with the developer to finalize plans for construction of the subdivision infrastructure.
- 7. FRDAP.** The initial site survey for Detour Road Ballfield is complete. The parks committee is scheduled to meet to review information on March 9.

8. **Master Planning** – Staff has an initial meeting scheduled to begin the first phase.
9. **Preliminary Wastewater Report** – Staff met with the planning consultant to assess the essential data and projections. This information has been presented to the developers or their representatives for timeline accuracy. This is still a liquid target and continues to evolve but staff and the engineers are working with the data as it is taking shape. Staff is continuing to meet with developers over the next two weeks to confirm the data and finalize commitment.
10. **Water Use Permit Renewal** – Staff has met with SWFWMD for an initial review of the process. The consultant has begun gathering the necessary information and forms for the submittal. Additional meetings are being coordinated as the information is assembled, including a Pre-application meeting with SWFWMD.



## Memorandum

To: Town Council

From: The Director of Public Work and Utilities

Date: 1/29/21

Subject: Monthly Update for January 2021

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**Sanitation:** Normal Operations.

**Parks:** Normal Operations.

**Streets:** CDBG project Stormwater Project is complete in the Mary Jane Heights subdivision.

**Water:** Crump Road is active and old line will be disconnected a few days from this writing.

**Sewer:** Normal Operations.

**Town Hall:** PD side should be ready to move in by the end of the week February the 8<sup>th</sup>. I'm meeting with the architect Monday morning on the 1st and the building inspector Monday evening. The Town Hall side may be a few more weeks out before it's move in ready. One of the main holdups is that they haven't submitted anything for the railing on the front entrance and we will not be able to get a certificate of occupancy without railings. There are a couple of other things that need to be done.