



TOWN OF LAKE HAMILTON
TOWN COUNCIL
REGULAR MEETING AGENDA
Tuesday, MARCH 1, 2022
6:00 P.M.

The Town Council of the Town of Lake Hamilton will hold a Regular Council Meeting on Tuesday, March 1, 2022, at 6:00 PM at the Town Hall, 100 Smith Ave, Lake Hamilton, FL 33851.

- 1. CALL TO ORDER BY THE MAYOR**
- 2. INVOCATION**
- 3. PLEDGE OF ALLEGIANCE**
- 4. ROLL CALL OF COUNCIL MEMBERS BY THE CLERK**
- 5. SCHEDULED PRESENTATIONS**
 - a. 2021 Audit, David Ramos CPA (see supplemental packet)
 - b. Impact Fee update, Tara Hollis, CPA, CVA, MBA | Principal Consultant
Willdan Financial Services -*no pages*
- 6. CONSENT AGENDA**
 - a. January 11, 2022, Regular Meeting Minutes- *pages 1-5*
 - b. February 1, 2022, Regular Meeting Minutes- *pages 6-11*
 - c. February 15, 2022, Special Meeting Minutes- *pages 12-14*
 - d. Board Appointments- *pages 15*
 - e. Move the April 6, 2022, regular meeting back to April 5, 2022- *no pages*
- 7. RECOGNITION OF CITIZENS (Non-Agenda Items)**
- 8. OLD BUSINESS-**
 - **Open Public Hearing**
 - a. Second Reading of Ordinance O-22-06 Hamilton Bluff CDD- *pages 16-55*
 - b. Second Reading of Ordinance O-22-07 Park Committee- *pages 56-59*
 - c. Second Reading of Ordinance O-22-08 Weiberg West PUD- *pages 60-66*
 - **Close Public Hearing**
 - d. Future Planning Items/Update/Action on WUP/AWS/WW/PRWC
 - i. Consider Amendment to Pennoni Agreement for WWTF design- *pages 67-73*
 - ii. Approve Pennoni Supplemental Agreement for SRF 319 Grant Administration/Design- *pages 74-82*
 - iii. Approve Pennoni Supplemental Agreement for SR 17 redesign/Administration- *pages 83-88*
 - e. Approve Amended and Restated Implementation Agreement Southeast Wellfield Project- *no pages*
 - f. Approve Town as a Project Associate in the Implementation Agreement WPLFA- *no pages*
- 9. NEW BUSINESS-**
 - a. First reading of Ordinance O-22-09 Peddlers, Hawkers, Solicitors- *pages 89-96*
 - b. First reading of Ordinance O-22-10 MSBU- *pages 97-99*
- 10. STAFF REPORTS**
 - a. Town Administrator- *no pages*
 - b. Town Clerk- *pages 100-102*
 - c. Police Department- *no pages*
 - d. Code Enforcement- *pages 103*
 - e. Community Development- *pages 104-105*
 - f. Public Works- *no pages*
- 11. ATTORNEY COMMENTS**
- 12. COUNCIL MEMBERS COMMENTS**
- 13. ADJOURNMENT**

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND F. S. 286.26, PERSONS WITH DISABILITIES NEEDING SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THESE PROCEEDINGS PLEASE CONTACT TOWN CLERK, BRITTNEY SANDOVALSOTO, TOWN HALL, LAKE HAMILTON, FL AT 863-439-1910 WITHIN TWO (2) WORKING DAYS OF YOUR RECEIPT OF THIS NOTIFICATION. IF A PERSON DESIRES TO APPEAL ANY DECISION MADE BY THE TOWN COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE, AFFECTED PERSONS MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE WHICH THE APPEALS IS TO BE BASED. (F.S. 286.26.105)

**TOWN OF LAKE HAMILTON
MINUTES
TOWN COUNCIL REGULAR MEETING
TUESDAY, JANUARY 11, 2022
6:00 PM**

The Town Council of Lake Hamilton held a Regular Meeting on Tuesday January 11, 2022, at 100 Smith Ave., Lake Hamilton, FL 33851.

CALL TO ORDER

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

INVOCATION

Invocation was given by 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 were present. Attorney Maxwell was present via Teams.

SCHEDULED PRESENTATIONS

The presentation scheduled from Chief Teague was postponed until the February meeting. The scheduled presentation regarding the Impact Fee Study was postponed.

CONSENT AGENDA

Motion made by Roberson and a second by Tomlinson to approve consent agenda item a, and b. No comments.

Motion Passed 3-0.

RECOGNITION OF CITIZENS

There was no one signed in to speak.

OLD BUSINESS

CFDC services in support of the Strategy and Economic Development Presentation-

-O'Neill arrived at 6:03 PM

Beneshea Frazier gave an overview of the plan. She reported that the town held meetings and conducted a survey to get input on the plan. She did report that through the surveys one main issue was mail delivery. Angie reported that the town has a copy of the Lake Alfred resolution related to the Post Office and will use that for Lake Hamilton to adopt. The town had support from other municipalities, government agencies and civic organization through the document

preparation process. The plan will should help the town solicit and receive guidance and aid for projects related to the plan.

Resolution R-2022-01 Economic Development and Resiliency Plan-

Administrator Irvine read the title for the record.

A Resolution of the Town of Lake Hamilton Florida approving the Town of Lake Hamilton economic development and resiliency plan.

Resident Chuck Walter stated he did not agree with the results regarding what was wanted in the town. He did not believe that restaurants were the number one addition wanted by the Town. He felt the town should encourage agriculture as that is the history of the area. It was pointed out by staff that the agriculture is not ignored and is listed in the document.

Motion made by O'Neill and a second by Roberson to approve Resolution R-2022-01. No further comments were received.

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

Future Planning Items

Update/Action on WUP/AWS/WW

Pennoni Agreement for WWTF Design Administration

Administrator Irvine gave an update regarding the wastewater project stating that an agreement was included in the agenda with Pennoni for the design. The total contract cost is \$448,000.

Motion made by O'Neill and a second by Roberson to approve the WWTF design agreement with Pennoni for the amount of \$448,000.

No further comments were received. **Motion Passed 4-0.**

Town Administrator Irvine stated staff reached out to Scenic Terrace regarding the Wastewater Capacity agreement to try to amend due to the cost difference. They do not appear to be open to finance more than the current draft, however the draft does allow for a true up so staff will finalize and bring the agreement back to council for approval. Wolverine is still moving forward.

Resolution R-2022-02 Parks and Rec Committee-

Attorney Maxwell read the title for the record.

A Resolution of the Town of Lake Hamilton Florida, establishing the Lake Hamilton parks and recreation advisory committee; and providing for an effective date.

Mayor Kehoe noted that he would not vote for this and nothing in the Resolution addresses the Trustees of Sample Park. He also stated he wanted there to be exemptions in place for Town residents to give them priority. Administrator Irvine stated she thought staff was tasked with creating an ad hoc committee to review policies.

Resident Misael Ortega was presented and stated the Town's ballfield was not built for leagues.

PW Director Lewellen stated that there were conflicting wishes by different residents in the town and a committee is needed to make those deciding factors.

Chief Teague stated that committees are good for the parks.

O'Neill recommends approving the forms and to further visit the committee outline. Mayor Kehoe stated that there should be a section regarding events. Administrator Irvine noted that Sample Park Trustees must remain named as such.

Motion made by O'Neill and a second by Roberson to not approve Resolution R-2022-02. A roll call vote was taken, O'Neill aye, Roberson aye, Tomlinson aye, Kehoe aye. **Motion Passed 4-0.**

-Mayor Kehoe closed the regular meeting at 6:48 PM and opened the public hearing.

Second reading of Ordinance O-21-20 Property Rights

Attorney Maxwell read the title for the record.

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.

Motion made by O'Neill and a second by Roberson to adopt on second reading Ordinance O-21-20. A roll call vote was taken, Roberson aye, Tomlinson aye, O'Neill aye, Kehoe aye.

Motion Passed 4-0.

NEW BUSINESS

First reading of Ordinance O-22-01-

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 adjacent to the south side of Water Tank Road and approximately 660 feet east of Detour Road and containing 19.74 acres.

No public comments were received.

Motion made by Roberson and a second by O'Neill to approve the first reading of Ordinance O-22-01.

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

First reading of Ordinance O-22-02-

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.

No public comments were received.

Motion made by O'Neill and a second by Roberson to approve the first reading of Ordinance O-22-02. A roll call vote was taken, O'Neill aye, Roberson aye, Tomlinson nay, Kehoe aye.

Motion Passed 3-1.

First reading of Ordinance O-22-03-

Attorney Maxwell read the title for the record.

An Ordinance of the Town of Lake Hamilton, Florida, repealing the second (adoption) reading of Ordinance O-21-18; authorizing publication and adoption public hearing; providing for conflicts; providing for severability; and providing an effective date.

CD Assistant Hibbard explained that this Ordinance and the following 2 that are to be read were Ordinances that were already approved. They are being repealed due to the property rights Ordinance not being yet approved by the State and once the second reading is heard they will have these Ordinances for second reading again.

No public comments were received.

Motion made by Roberson and a second by Tomlinson to approve the first reading of Ordinance O-22-03. A roll call vote was taken, Tomlinson aye, O'Neill aye, Roberson aye, Kehoe aye.

Motion Passed 4-0.

First reading of Ordinance O-22-04

Attorney Maxwell read the title for the record.

An Ordinance of the Town of Lake Hamilton, Florida, repealing the second (adoption) reading of Ordinance O-21-21; authorizing publication and adoption public hearing; providing for conflicts; providing for severability; and providing an effective date.

No public comments were received.

Motion made by O'Neill and a second by Roberson to approve the first reading of Ordinance O-22-04. A roll call vote was taken, O'Neill aye, Roberson aye, Tomlinson aye, Kehoe aye.

Motion Passed 4-0.

First reading of Ordinance O-22-05

Attorney Maxwell read the title for the record.

An Ordinance of the Town of Lake Hamilton, Florida, repealing the second (adoption) reading of Ordinance O-21-22; authorizing publication and adoption public hearing; providing for conflicts; providing for severability; and providing an effective date.

No public comments were received.

Motion made by Roberson and a second by O'Neill to approve the first reading of Ordinance O-22-05. A roll call vote was taken, Roberson aye, Tomlinson aye, O'Neill aye, Kehoe aye.

Motion Passed 4-0.

-Mayor Kehoe Closed the Public Hearing at 6:59 pm and resumed the regular council meeting.

Discuss Republic Services Refuse Contract Renewal-

Administrator Irvine noted that Councilmember O'Neill requested this contract to be placed on the agenda for discussion on commercial dumpster services and recycling. He wanted to know why we require commercial dumpsters to be solely acquired through Republic Services.

Administrator Irvine stated she spoke with Mary Boyer at Republic Services who reported that is

standard practice throughout Florida with Republic Services. Irvine also reviewed other cities contracts, and that same stipulation is in their contracts, however some cities have the prices for commercial dumpster as part of their contract.

Resident Chuck Walter stated that recycling does not make sense anymore and to think about centralized recycling locations.

There was a question regarding how much difference the cost would be if they dropped recycling from the contract and Administrator Irvine stated that it would be very minimal. The town received asked for two types of bids with the last RFP and there was no cost saving. She stated we could ask for rebates for recycling, but we may not be able to make amendments to the contract without doing RFP's. She will see if they can put commercial costs in the contract.

Staff Reports-

Town Administrator-

Tara Hollis fell ill and was not able to attend the meeting regarding the impact fee study.

Huh? Mayor Kehoe stated that the bid packets need to be ready to go before.

There was discussion regarding naming and acquiring roads within the subdivisions and the amount of gas tax revenue the Town would receive from those. WHO is ?He will bring back those to the next meeting conveyed by deed.

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: Attorney Maxwell stated that they may be able to lower the speed limit to 35 MPH without the study, but she is still researching.

COUNCIL COMMENTS: Tomlinson made a comment regarding the red light at Main Street and Highway 27 stating he always has problems at the light.

ADJOURNMENT:

Motion made by O'Neill to adjourn the meeting at 7:44 PM. **Motion Passed 4-0.**

ATTEST:

Michael Kehoe, Mayor

Brittney Sandovalsoto, Town Clerk

Sara K. Irvine, Town Administrator

**TOWN OF LAKE HAMILTON
MINUTES
TOWN COUNCIL REGULAR MEETING
TUESDAY, FEBRUARY 1, 2022
6:00 PM**

The Town Council of Lake Hamilton held a Regular Meeting on Tuesday February 1, 2022, at 100 Smith Ave., Lake Hamilton, FL 33851.

CALL TO ORDER

Mayor Kehoe called the meeting to order at 6:05 p.m.

INVOCATION

Invocation was given by Angie Hibbard

PLEDGE OF ALLEGIANCE

Pledge of Allegiance was recited by all.

ROLL CALL

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

SCHEDULED PRESENTATIONS

Mayor Kehoe read a proclamation for the Lake Hamilton Woman's Club and presented it to Board Member Angie Hibbard on behalf of the Woman's Club.

Chief Teague gave a presentation honoring Rodney Gunter Jr. who was present along with his family members. He read a proclamation that was presented to Mr. Gunter naming him a Home Town Hero. Chief Teague also presented a sign dedicated to Mr. Gunter that will be placed in Town and the proclamation on a plaque.

-O'Neill arrived at 6:16 PM

Rodney Gunter Jr. gave a few words regarding his background and what he looks forward to in the future and the future of Lake Hamilton.

CONSENT AGENDA

There were no consent agenda items.

RECOGNITION OF CITIZENS

There was no one signed in to speak.

OLD BUSINESS

- Mayor Kehoe closed the regular meeting at 6:22 PM and opened the public hearing.

Second reading of Ordinance O-21-28

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.

Motion made by O'Neill and a second by Wagner to adopt the second reading of Ordinance O-21-28.

No public comments were received.

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

Motion Passed 5-0.

Second reading Ordinance O-21-29-

Attorney Maxwell read the title for the record.

An Ordinance of the Town of Lake Hamilton, Florida, rezoning a 1.14-acre parcel of land located on the northeast corner of the intersection of Main Street and Fifth Street from R-1 - single family residential to R-4 - single family residential zoning district; repealing all ordinances in conflict herewith; providing for severability; and providing for an effective date. Angie Hibbard stated that the incorrect map was inserted into the original Ordinance and presented a copy of the correct map. The map was recorded as Exhibit "A".

Motion made by Wagner and a second by Roberson to adopt the second reading of Ordinance O-21-29.

No public comments were received.

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

Motion Passed 5-0.

Second reading of Ordinance O-21-33-

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, amending the future land use element to establish and map a US highway 27 overlay district; transmitting said amendment to the department of economic opportunity for compliance review; providing for severability; and providing for an effective date.

No public comments were received.

Motion made by Roberson and a second by Wagner to adopt the second reading of Ordinance O-21-33.

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

Motion Passed 5-0.

Second reading of Ordinance O-22-01-

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 adjacent to the south side of Water Tank Road and approximately 660 feet east of Detour Road and containing 19.74 acres.

No public comments were received.

Motion made by Wagner and a second by Roberson to approve the first reading of Ordinance O-22-01.

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

Motion Passed 5-0.

Second reading of Ordinance O-22-02-

The owner of the property mentioned in the Ordinance requested that this item be tabled to the April regular meeting.

Motion made by Roberson and a second by O'Neill to table the 2nd reading of Ordinance O-22-02 until the April meeting.

No public comments were received.

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

Motion passed 5-0.

Second reading of Ordinance O-22-03-

Attorney Maxwell read the title for the record.

An Ordinance of the Town of Lake Hamilton, Florida, repealing the second (adoption) reading of Ordinance O-21-18; authorizing publication and adoption public hearing; providing for conflicts; providing for severability; and providing an effective date.

CD Assistant Hibbard explained that this Ordinance and the following 2 that are to be read were Ordinances that were already approved. They are being repealed due to the property rights Ordinance not being yet approved by the State and once the second reading is heard they will have these Ordinances for second reading again.

No public comments were received.

Motion made by O'Neill and a second by Wagner to approve the first reading of Ordinance O-22-03. A roll call vote was taken, O'Neill aye, Wagner aye, Roberson aye, Tomlinson aye, Kehoe aye. **Motion Passed 5-0.**

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 Wagner and a second by Roberson to approve the second reading of Ordinance O-21-18. A roll call vote was taken, Wagner aye, Roberson aye, Tomlinson nay, O'Neill aye, Kehoe aye. **Motion Passed 4-1.**

Second reading of Ordinance O-22-04-

Attorney Maxwell read the title for the record.

An Ordinance of the Town of Lake Hamilton, Florida, repealing the second (adoption) reading of Ordinance O-21-21; authorizing publication and adoption public hearing; providing for conflicts; providing for severability; and providing an effective date.

No public comments were received.

Motion made by Wagner and a second by Roberson to adopt the second reading of Ordinance O-22-04. A roll call vote was taken, Roberson aye, Tomlinson aye, O'Neill aye, Wagner aye, Kehoe aye. **Motion Passed 5-0.**

Second reading of 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.

No public comments were received.

Motion made by Roberson and a second by Tomlinson to adopt the second reading of Ordinance O-21-21. A roll call vote was taken, Roberson aye, Tomlinson aye, O'Neill aye, Wagner aye, Kehoe aye. **Motion Passed 5-0.**

Second reading of Ordinance O-22-05

Attorney Maxwell read the title for the record.

An Ordinance of the Town of Lake Hamilton, Florida, repealing the second (adoption) reading of Ordinance O-21-22; authorizing publication and adoption public hearing; providing for conflicts; providing for severability; and providing an effective date.

No public comments were received.

Motion made by Roberson and a second by Wagner to adopt the second reading of Ordinance O-22-05. A roll call vote was taken, O'Neill aye, Wagner aye, Roberson aye, Tomlinson aye, Kehoe aye. **Motion Passed 5-0.**

Second 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.

No public comment was received.

Motion made by Wagner and second by Tomlinson to adopt the second reading of Ordinance O-21-22.

No public comments were received.

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

- **Mayor Kehoe closed the public hearing at 6:37 PM and resumed the regular meeting.**

Future Planning Discussion- Update on WUP/AWS/WW – Administrator Irvine gave an update regarding the water use permit and stated it is progressing with SWFMD. Rennie Health dropped off the signed Water capacity agreement for Scenic Terrace South and it will be put on the special meeting agenda for approval.

Alternative water source has been put on hold until the WUP results. A test well may need to be completed. She also gave an update regarding wolverine, and it is continuing forward, and appraisals are being completed. Wastewater-the property has been purchased and they are moving forward with design for the WWTF, it may need to be expanded sooner than they anticipated. Lewellen stated that the developers that want to have wastewater available to them need to sign up now because the minimum time for them to receive flow would be 24 months out. O'Neill stated that the timeline needs to be made clear to developers, so they understand the demand. Administrator Irvine stated that a zoom meeting took place with Congressman Soto's office along with others regarding WIFIA loans. An appropriations resolution will be drafted that states the Towns future projects and put on the February special meeting.

NEW BUSINESS

First reading of Ordinance O-22-06-

Attorney Maxwell read the title for the record.

An Ordinance of the Town of Lake Hamilton, Florida establishing the Hamilton Bluff 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.

No public comments were received.

Motion made by Wagner and a second by O'Neill to approve the first reading of Ordinance O-22-06.

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

Motion Passed 5-0.

First reading of Ordinance O-22-07-

An Ordinance of the Town Council of the Town of Lake Hamilton, Florida, amending the Lake Hamilton code of ordinances, by adding section 2-140 entitled "Lake Hamilton Parks and Recreation Advisory Board" to chapter 2 (administration) article- VI (boards and committees) of the code of ordinances of the Town of Lake Hamilton; providing for establishment of a parks and recreation advisory board; providing for purpose and responsibilities of the parks and recreation advisory board; providing for conflicts; providing for severability; providing for codification; and providing an effective date.

No public comments were received.

Motion made by O'Neill and a second by Tomlinson to approve the first reading of Ordinance O-22-07.

No public comments were received.

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

Motion passed 5-0.

Approve Calvin, Giordano & Associates, Inc continuing services agreement-

Administrator Irvine stated they are working with the group to transition Doug Leonard out of the Community Director role and move toward a P&Z consulting role for next FY. This service was included in the budget.

No additional comments were received.

Motion made by O'Neill and a second by Wagner to approve the agreement with Calvin, Giordano & Associates Inc. A roll call vote was taken, Wagner aye, Roberson aye, Tomlinson aye, O'Neill aye, Kehoe aye. **Motion passed 5-0.** Chris will be in the office tomorrow.

Staff Reports-

Town Administrator- Irvine stated there were several employees out. They hired a new maintenance worker. Chief Teague made an offer to an applicant. She will work on getting the Employ Florida up and running to post the current open positions.

Town Clerk- none.

Police Department- included in packet.

Code Enforcement- none.

Community development- included in packet.

Public Works- included in packet.

ATTORNEY COMMENTS: Attorney Maxwell stated she has a group conference call set up with the new attorney regarding the sign ordinances. O'Neill stated that staff needs to look at other cities to see what they have in place. Mayor Kehoe stated he spoke with the Mayor of Haines City, and they implemented an Ordinance that bans all billboards and existing billboards were grandfathered in. No one has yet to challenge it. She stated that the speed limit resolution to 30 MPH needed further discussions. She received the manual from FDOT, and it states an investigation must be done.

COUNCIL COMMENTS: Mayor Kehoe commended Chief Teague on all the hard work he has been doing. Roberson questioned the connection fees that are charged when a delinquent account is turned off. Clerk Sandovalsoto will bring a comparison of charges to the next meeting.

ADJOURNMENT:

Motion made by Wagner to adjourn the meeting at 7:28 PM. **Motion Passed 5-0.**

ATTEST:

Michael Kehoe, Mayor

Brittney Sandovalsoto, Town Clerk

Sara K. Irvine, Town Administrator

**TOWN OF LAKE HAMILTON
MINUTES
SPECIAL MEETING
TUESDAY, FEBRUARY 15, 2022
4:00 PM**

The Town Council of Lake Hamilton held a Workshop and a Special Meeting on Tuesday February 15, 2022, at 4:00 PM, at 100 Smith Ave., Lake Hamilton, FL 33851.

CALL TO ORDER

Mayor Kehoe called the meeting to order at 4:01 p.m.

INVOCATION

Invocation was given by Angie Hibbard

PLEDGE OF ALLEGIANCE

Pledge of Allegiance was recited by all.

ROLL CALL

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

SPECIAL MEETING BUSINESS

Approve Developer's Agreement Water Capital Charge AtlanticBlue-

Administrator Irvine stated the agreement was included in the packet. Staff and Attorney Cloud recommend approval.

Motion made by O'Neill and a second by Wagner to approve the Developer's agreement for water capital charge with AtlanticBlue.

No public comments were received.

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

Approve request to withdraw funds from Law Enforcement Trust Fund –

Motion made by O'Neill and a second by Tomlinson to approve the withdraw \$4999.20 from the Law Enforcement Trust Fund to purchase the identikit system.

No public comments were received.

Motion passed 4-0.

Water & Wastewater update-

Administrator Irvine gave an update regarding the PRWC water co-op. Attorney Tom Cloud was present and gave an overview of the details from the PRWC BOD meeting and what would be discussed at the next BOD meeting the following day. An agreement was presented by the staff without it being vetted by the members. The members have since reviewed the amendment and

added changes. The 60% off ramp was taken out of the contract. The city of Bartow prepared a statement that will be given during the vote and ask it to be included in the minutes. He believes the Town is still better off to be an associate and if they signed up as a participant, it would bankrupt the Town. He recommends hiring a lobbyist. The \$13,000 that the Town has already paid might not receive any benefits but it won't break the bank.

O'Neill suggested to authorize Mayor Kehoe to vote to bring the agreement back in front of the board. There was a consensus of the Council.

Kokomo Road Speed Limit update/action-

- Cora arrived.

There was discussion on the process of changing the speed limit on Kokomo Road. Attorney Maxwell stated she wanted to get in touch with FDOT to obtain something in writing to move forward with the study using Chief's equipment. If FDOT says no, Nathan has a quote from Pennoni for \$5,000.

Roberson did not agree with lowering the speed limit and paying money to have it done.

Motion made by O'Neill and a second by Kehoe to authorize staff to continue with the speed analysis for up to \$5,000.

No public comments were received.

Motion passed 3-2.

First reading of Ordinance O-22-08-

Attorney Maxwell read the title for the record.

An Ordinance of the Town of Lake Hamilton, Florida, adopting a planned unit development (PUD) named "Weiberg West", located east of S.R. 17 and approximately 1300 feet south of Hatchineha Road on 31.47 acres in Section 21, Township 28 South, Range 27 East, Polk County, Florida and 34.84 acres adjacent to the northeast corner of Detour Road and Weiberg Road in Section 22, Township 28 South, Range 27 East, Polk County, Florida; superseding and replacing the "Olson PUD" approved February 4, 2020 via ordinance O-20-01; repealing all ordinances in conflict herewith; providing for severability; and providing an effective date.

Associate Planner Hibbard that this Ordinance went to the planning commission. There was a typo, and she will verify the correct square footage. Cassidy Group is the developer and there are 295 lots they agreed on 50% 50ft lots and 50% 40ft lots.

No public comments were received.

Motion made by Wagner and a second by Roberson to approve the first reading of Ordinance O-22-08. A roll call vote was taken, Wagner aye, Roberson aye, Tomlinson aye, O'Neill aye, Kehoe aye. **Motion passed 5-0.**

Resolution R-2022-03-

Attorney Maxwell read the title for the record.

A Resolution of the Town Council of the Town of Lake Hamilton, Florida; requesting the town staff to proceed with seeking federal, state, county, local, interjurisdictional funding appropriations for town capital improvement projects.

Administrator Irvine stated herself and Mayor Kehoe had a discussion with Congressman Soto, and he suggested the Town draft a Resolution to outline current and future projects. If the contents are not sufficient another Resolution can be drafted. She will get with the Manager of Lake Wales regarding the lobbyist and maybe join forces.

No public comments were received.

Motion made by O'Neill and a second by Tomlinson to approve Resolution R-2022-03. A roll call vote was taken, Roberson aye, Tomlinson aye, O'Neill aye, Wagner aye, Kehoe aye. **Motion passed 5-0.**

Municipal Election Administration Agreement with SOE-

Clerk Sandovalsoto gave a brief overview of the agreement. It is an agreement with the Supervisors of Election for assisting in administering the election, providing ballots, and other aspects of the election.

Motion made by Wagner and a second by Roberson to approve the agreement with the Supervisor of Elections. No public comments were received. **Motion Passed 5-0.**

Move April regular meeting council date-

The Election will be held on April 5, 2022, and that would be the same day as the regular council meeting. There was a discussion regarding the best day to have the regular meeting to not cause conflict with the canvassing board.

Motion made by O'Neill and a second by Roberson to move the April regular council meeting to Wednesday, April 6, 2022, at 6:00 PM. **Motion passed 5-0.**

ADJOURNMENT:

Motion made by Roberson and a second by Wagner to adjourn at 4:57 PM. **Motion Passed 5-0.**

ATTEST:

Michael Kehoe, Mayor

Brittney Sandovalsoto, Town Clerk

Sara K. Irvine, Town Administrator



TOWN OF LAKE HAMILTON

APPOINTED BOARD

APPLICATION

Select One Board:

- ☐ Charter Review Committee
 ☒ Planning Commission*
 ☐ Centennial Committee
☐ Board of Zoning Adjustment*
 ☐ Parks & Recreation Advisory Board

ONLY Lake Hamilton Residents shall be appointed to Town Boards.

Name: Michael Floridino
 Physical Address: 209 W. 7th Street
 Mailing Address: PO Box 681
 Primary Phone #: 863-585-8044 Email: MFLORIDINO@AOL.COM
 Employer: Self Employed (Floridino's Italian Kitchen)

Please answer the following Questions:

Are you a resident in the Town of Lake Hamilton? Yes ☒ No ☐
 Are you currently a Homeowner ☒ or Renter ☐ in the Town of Lake Hamilton?
 Are you a registered voter in the Town of Lake Hamilton? Yes ☒ No ☐
 How long have you lived in Lake Hamilton? Years/Months: 16 YRS
 Are you currently or have you ever served on any government Advisory Board? Yes ☐ No ☒
 If yes, which government agency? _____
 Are you currently employed by a government agency? Yes ☐ No ☒
 If yes, which government agency? _____
 Have you ever been convicted of a felony? Yes ☐ No ☒
 If yes, please provide documentation of restoration of rights from the state clemency board.

Please note: Per Florida Statutes 112.3145, appointment on any of these boards or committees with an * requires a Financial Disclosure Form and must be filed annually on or before July 1st of each year.

Applicant's Signature: [Signature] Date: 2/16/22

When completed and filed with the Town Clerk's Office, this document is a public record under Chapter 119, Florida Statutes, and therefore is open to public inspection.

Return form to: Town Clerk's Office - Town Hall
 100 Smith Avenue - P.O. Box 126
 Lake Hamilton, Florida, 33851

OFFICE USE ONLY

Mayor's recommendation for applicant to serve on selected board? Yes ☒ No ☐
 Board Appointment: PLANNING COMMISSION ☒ Appointment ☐ Reappointment
 Date of Appointment: MARCH 1, 2022
 Mayor's Signature: Michael Behar Date: 2/16/22

ORDINANCE O-22-06

AN ORDINANCE OF THE TOWN OF LAKE HAMILTON, FLORIDA ESTABLISHING THE HAMILTON BLUFF 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.

WHEREAS, GLK Real Estate, LLC, a Florida limited liability company ("Petitioner") has filed a Petition to Establish the Hamilton Bluff Community Development District (the "Petition") with the Town Council of the Town of Lake Hamilton (the "Town Council") pursuant to Section 190.005(2)(a), *Florida Statutes*, to adopt an ordinance establishing the Hamilton Bluff Community Development District (the "District") pursuant to Chapter 190, *Florida Statutes* (2021); and

WHEREAS, Petitioner is a Florida limited liability company authorized to conduct business in the State of Florida, whose address is 346 East Central Ave, Winter Haven, Florida 33880; and

WHEREAS, the owners of one hundred percent (100%) of the real property to be included in the District have consented to the establishment of the District; and

WHEREAS, all interested persons and affected units of general-purpose local government were afforded an opportunity to present oral and written comments on the Petition at a duly noticed public hearing conducted by the Town Council on March 1, 2022, pursuant to Section 190.005(2)(b), *Florida Statutes*; and

WHEREAS, upon consideration of the record established at that duly noticed hearing, the Town Council has considered the record of the public hearing and the statutory factors set forth in section 190.005(2)(c), *Florida Statutes*, in making its determination to grant or deny the Petition; and

WHEREAS, the Town Council, pursuant to the information contained within the Petition and based on an investigation conducted by staff and otherwise being fully advised as to the facts and circumstances contained within the request of the District, finds as follows:

- 1) The statements within the Petition are true and correct; and
- 2) The Petition is complete in that it meets the requirements of Section 190.005(2)(a), *Florida Statutes* (2021); and
- 3) The appropriate Town of Lake Hamilton staff have reviewed the Petition for establishment of the District on the proposed land and have advised the Town

Council that said Petition is complete and sufficient; and

- 4) Establishment of the District by this Ordinance is subject to and not inconsistent with any applicable element or portion of the state comprehensive plan or the Town Comprehensive Plan; and
- 5) The area of land within the District is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developed as one functional, interrelated community; and
- 6) The District is the best alternative available for delivering community development services and facilities to the area that will be served by the District; and
- 7) The community development services and facilities of the District will not be incompatible with the capacity and uses of existing local and regional community development services and facilities; and
- 8) The area that will be served by the District is amenable to separate special-district government; and

WHEREAS, pursuant to the information stated above, the Town Council has decided to grant the Petition to establish the Hamilton Bluff Community Development District; and

WHEREAS, establishment of the District will constitute a timely, efficient, effective, responsive and economic way to deliver community development services in the area described in the Petition; and

WHEREAS, the establishment of the District shall not act to amend any land development approvals governing the land area to be included within the District; and

WHEREAS, upon the effective date of this establishing Ordinance, the Hamilton Bluff Community Development District, as created by general law, will be duly and legally authorized to exist on the proposed property and to exercise all of its general and special powers as limited by law.

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

SECTION 1. TITLE.

This Ordinance shall be known and may be cited as the "Hamilton Bluff Community Development District Establishment Ordinance."

SECTION 2. BOARD FINDINGS.

The Board findings set forth in the recitals to this Ordinance are hereby incorporated in this Ordinance.

SECTION 3. AUTHORITY.

This Ordinance is adopted in compliance with and pursuant to the Uniform Community

Development District Act of 1980, Chapter 190, *Florida Statutes*.

SECTION 4. CREATION OF DISTRICT; DISTRICT NAME.

The Petition filed to create the Hamilton Bluff Community Development District is hereby granted and there is hereby created a community development district, which is situated within the Town of Lake Hamilton, Florida, which District shall be known as the "Hamilton Bluff Community Development District."

SECTION 5. EXTERNAL BOUNDARIES OF THE DISTRICT.

The external boundaries of the District are described in Exhibit A attached hereto and incorporated by reference, the overall boundaries encompassing 259.72 acres, more or less. There are no parcels within the external boundaries of the District that are to be excluded from the District.

SECTION 6. FUNCTIONS AND POWERS.

The District is limited to the performance of those powers and functions as described in Chapter 190, *Florida Statutes*. The District is also authorized to exercise additional powers to finance, fund, plan, establish, acquire, construct, reconstruct, enlarge or extend, equip, operate and maintain systems and facilities for: parks and facilities for indoor and outdoor recreational, cultural, and educational uses as authorized and described in Section 190.012(2)(a), *Florida Statutes*; and security powers, including but not limited to walls, fences, and electronic intrusion detection, as authorized and described in Section 190.012(2)(d), *Florida Statutes*. In the exercise of its powers, the District shall comply with all applicable governmental laws, rules, regulations and policies including, but not limited to, all Town of Lake Hamilton ordinances and policies governing land planning and permitting of the development to be served by the District. The District shall not have any zoning or permitting powers governing land development or the use of land. No debt or obligation of the District shall constitute a burden on any local general purpose government.

SECTION 7. BOARD OF SUPERVISORS.

The five persons designated to serve as initial members of the District's Board of Supervisors are as follows: Warren K. Heath, Justin Frye, Christine Aviles, Bobbie Henley, and Lauren O. Schwenk. All of the above-listed persons are residents of the state of Florida and citizens of the United States of America.

SECTION 8. SEVERABILITY.

If any provision of this Ordinance, or the application thereof, is finally determined by a court of competent jurisdiction to be illegal, invalid, or unenforceable, such provision shall be deemed severable and the remaining provisions shall continue remain in full force and effect provided that the invalid, illegal or unenforceable provision is not material to the logical and intended interpretation of this Ordinance.

SECTION 9. EFFECTIVE DATE.

This Ordinance shall be effective immediately upon adoption.

INTRODUCED and PASSED on first reading this 1st day of February 2022.

PASSED and ADOPTED on second reading this 1st day of March 2022.

TOWN OF LAKE HAMILTON, FLORIDA

MICHAEL KEHOE, MAYOR

ATTEST:

BRITTNEY SANDOVALSOTO, TOWN CLERK

Approved as to form:

HEATHER R. MAXWELL, ESQ., TOWN ATTORNEY

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

Roberson		
Tomlinson		
O'Neill		
Wagner		
Kehoe		

EXHIBIT A
LEGAL DESCRIPTION
 Legal Description

HAMILTON BLUFF COMMUNITY DEVELOPMENT DISTRICT

A parcel of land lying in Section 15, Township 28 South, Range 27 East, Polk County, Florida, and a part of MAP OF LAKE HAMILTON, according to the map or plat thereof, recorded in Plat Book 3, Page 34, of the Public Records of Polk County, Florida, lying in Section 16, Township 28 South, Range 27 East, Polk

County, Florida, hereinafter referred to as "HAMILTON BLUFF CDD AREA 1", together with all rights of way; TOGETHER WITH a parcel of land lying in Section 21, Township 28 South, Range 27 East, Polk County, Florida, hereinafter referred to as "HAMILTON BLUFF CDD AREA 2", together with all rights of way, and being more particularly described as follows:

HAMILTON BLUFF CDD AREA 1:

COMMENCE at the Southeast corner of said Section 16; run thence along the South line of the Southeast 1/4 of said Section 16, N.89°58'56"W., a distance of 659.44 feet to the West line of the East 1/2 of the Southeast 1/4 of said Southeast 1/4, also being the West boundary of Lots 1 and 4, Block 35 and the Southerly extension thereof, of said MAP OF LAKE HAMILTON; thence along the West line of the East 1/2 of the Southeast 1/4 of said Southeast 1/4, N.00°35'28"W., a distance of 35.00 feet to the North Right of Way of Lake Hatchineha Road (County Road 542), and the POINT OF BEGINNING; thence continue along said West line, N.00°35'28"W., a distance of 1285.14 feet to the South line of the Northeast 1/4 of said Southeast 1/4, also being the centerline of a 30' platted Right of Way of said MAP OF LAKE HAMILTON; thence along the South line of the Northeast 1/4 of said Southeast 1/4, N.89°56'42"W., a distance of 659.68 feet to the West line of the Northeast 1/4 of said Southeast 1/4, also being the centerline of a 30' platted Right of Way of said MAP OF LAKE HAMILTON; thence along the West line of the Northeast 1/4 of said Southeast 1/4, N.00°34'15"W., a distance of 1320.57 feet to the South line of the Northeast 1/4 of said Section 16; thence along the South line of said Northeast 1/4, N.89°54'27"W., a distance of 1156.81 feet to the Southwesterly extension of the East boundary of Parcel

27-28-16-823000-040034, as described in Official Records Book 10524, Page 1578 of said Public Records; thence along said East boundary and Southwesterly extension thereof, N.02°57'51"E., a distance of 128.08 feet to the North boundary of said parcel; thence along said North boundary, S.89°45'25"W., a distance of 154.29 feet to the Easterly Right of Way of Scenic Highway (State Road 17), according to the State of Florida State Road Department Right-of-Way Map, Proj. 5209-Rd. (8), with a date drawn of 05/04/40; thence along said Easterly Right of Way the following three (3) courses: 1) Northerly, 145.19 feet along the arc of a non-tangent curve to the left having a radius of 1687.02 feet and a central angle of 04°55'52" (chord bearing N.08°24'27"E., 145.14 feet); 2) Along a radial line, N.84°03'29"W., a distance of 17.00 feet; 3) Northerly, 31.67 feet along the arc of a non-tangent curve to the left having a radius of 1670.02 feet and a central angle of 01°05'12" (chord bearing N.05°23'55"E., 31.67 feet) to the South boundary of Parcel 27-28-16-823000-040034, as described in Official Records Book 6529, Page 1275 of said Public Records; thence along said South boundary, N.89°24'39"E., a distance of 124.57 feet to the East boundary of said described parcel; thence along said East boundary, and the East boundaries of Parcel 27-28-16-823000-040033 and Parcel 27-28-16-823000-040032, as described in Official Records Book 7560, Page 2085 and Official Records Book 8476, Page 2278, respectively, of said Public

Records, N.00°35'21"W., a distance of 180.00 feet to the North boundary of said Parcel 27-28-16-823000-040032; thence along said North boundary S.89°24'39"W., a distance of 117.00 feet to said Easterly Right of Way of Scenic Highway (State Road 17); thence along said Easterly Right of Way N.00°35'21"W., a distance of 175.00 feet to the South boundary of Lot 2, Block 40, of said MAP OF LAKE HAMILTON; thence along said South boundary of Lot 2, S.89°54'28"E., a distance of 175.01 feet to the East line of the West 175 feet of said Lot 2; thence along said East line, N.00°35'21"W., a distance of 322.50 feet to the North line of the South 1/2 of Lot 1 and said Lot

2, Block 40, of said MAP OF LAKE HAMILTON; thence along the North line of said South 1/2, S.89°54'28"E., a distance of 1111.77 feet to the West line of the Southeast 1/4 of said Northeast 1/4, also being the centerline of a 30' platted Right of Way of said MAP OF LAKE HAMILTON; thence along the West line of the Southeast 1/4 of said Northeast 1/4, N.00°34'18"W., a distance of 338.48 feet to the South line of the Northeast 1/4 of said Northeast 1/4, also being the centerline of a 30' platted Right of Way of said MAP OF LAKE HAMILTON; thence along the South line of the Northeast 1/4 of said Northeast 1/4, S.89°54'28"E., a distance of 659.95 feet to the Southerly extension of the West boundary of Lot 4, Block 38, of said MAP OF LAKE HAMILTON; thence along the West boundary of said Lot 4, Block 38, and the Southerly extension thereof, N.00°33'47"W., a distance of 683.67 feet to the North boundary of said Lot 4, Block 38; thence along said North boundary of Lot 4 and the Easterly extension thereof, S.89°47'41"E., a distance of 660.07 feet to the East line of said Northeast 1/4; thence along the East line of said Northeast 1/4, N.00°31'47"W., a distance of 642.60 feet to the Westerly extension of the South Right of Way of Kokomo Road (County Road 546E); thence along said South Right of Way, and Westerly extension thereof,

N.89°12'47"E., a distance of 1655.21 feet to the East line of the West 1/4 of the North 1/4 of the Northwest 1/4 of aforesaid Section 15; thence along the East line of the West 1/4 of the North 1/4 of said Northwest 1/4, S.00°33'41"E., a distance of 1331.39 feet to the South line of the Northeast 1/4 of said Northwest 1/4; thence along the South line of the Northeast 1/4 of said Northwest 1/4, and the South line of the Northwest 1/4 of said Northwest 1/4, S.89°24'02"W., a distance of 661.46 feet to the East line of the West 1/2 of the Northeast 1/4 of the Southwest 1/4 of said Northwest 1/4; thence along the East line of the West 1/2 of the Northeast 1/4 of the Southwest 1/4 of said Northwest 1/4, S.00°33'31"E., a distance of 660.00 feet to the North line of the Southeast 1/4 of the Southwest 1/4 of said Northwest 1/4; thence along the North line of the Southeast 1/4 of the Southwest 1/4 of said Northwest 1/4, N.89°24'03"E., a distance of 330.75 feet to the East line of the Southeast 1/4 of the Southwest 1/4 of said Northwest 1/4; thence along the East line of the Southeast 1/4 of the Southwest 1/4 of said Northwest 1/4, S.00°33'36"E., a distance of 658.88 feet to the North line of the Southwest 1/4 of said Section 15; thence along the North line of said Southwest 1/4, S.89°23'44"W., a distance of 663.15 feet to the East line of the West 1/2 of the Northwest 1/4 of said Southwest 1/4; thence along the East line of the West 1/2 of the Northwest 1/4 of said Southwest 1/4, S.00°34'10"E., a distance of 1319.55 feet to the South line of the West 1/2 of the Northwest 1/4 of said Southwest 1/4; thence along the South line of the West 1/2 of the Northwest 1/4 of said Southwest 1/4, S.89°22'53"W., a distance of 661.81 feet to the West line of said Southwest 1/4; thence along the West line of said Southwest 1/4, S.00°34'24"E., a distance of 1269.71 feet to the Easterly extension of the North Right of Way of aforesaid Lake Hatchineha Road (County Road 542); thence along said North Right of Way and Easterly extension thereof, the following five (5) courses: 1) N.89°58'56"W., a distance of 40.00 feet; 2) S.00°34'24"E., a distance of 10.00 feet; 3)

N.89°58'56"W., a distance of 60.00 feet; 4) S.00°34'24"E., a distance of 5.00 feet; 5) N.89°58'56"W., a distance of 559.44 feet to the POINT OF BEGINNING. Less and Except Parcel 27-28-16-823000-037032, as described in Official Records Book 4716, Page 1659 of said Public Records, being more particularly

described as follows:

The South 300 feet of the East 250 feet of Lot 3, Block 37, MAP OF LAKE HAMILTON, as recorded in Plat Book 3, Page 34 of the public Records of Polk County, Florida.

Containing 240.531 acres, more or less.

TOGETHER WITH
HAMILTON BLUFF CDD AREA 2

COMMENCE at the Northeast corner of aforesaid Section 21; run thence along the North line of the Northeast 1/4 of said Section 21, N.89°58'56"W., a distance of 659.44 feet to the East line of the Northwest 1/4 of the Northeast 1/4 of said Northeast 1/4; thence along the East line of the Northwest 1/4 of the Northeast 1/4 of said Northeast 1/4, S.00°24'57"E., a distance of 35.00 feet to the South Right of Way of

said Lake Hatchineha Road (County Road 542), and the POINT OF BEGINNING; thence continue along the East line of the Northwest 1/4 of the Northeast 1/4 of said Northeast 1/4, S.00°24'57"E., a distance of 632.34 feet to the South line of the Northwest 1/4 of the Northeast 1/4 of said Northeast 1/4; thence along the South line of the Northwest 1/4 of the Northeast 1/4 of said Northeast 1/4, and the South line of the Northeast 1/4 of the Northwest 1/4 of said Northeast 1/4, S.89°55'31"W., a distance of 1319.14 feet to the West line of the Northeast 1/4 of the Northwest 1/4 of said Northeast 1/4; thence along the West line of the Northeast 1/4 of the Northwest 1/4 of said Northeast 1/4, N.00°29'00"W., a distance of 634.48 feet to said South Right of Way of Lake Hatchineha Road (County Road 542); thence along said South Right of Way, S.89°58'56"E., a distance of 1319.90 feet to the POINT OF BEGINNING.

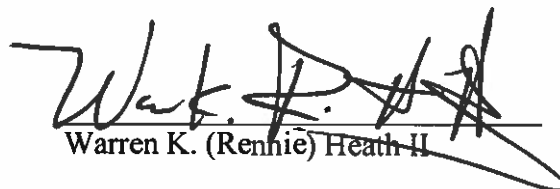
Containing 19.187 acres, more or less.

Approximately 259.72 acres of land, more or less.

7. No corrections or amendments to my pre-filed testimony are required.

Under penalties of perjury, I declare that I have read the foregoing and the facts alleged are true and correct to the best of my knowledge and belief.

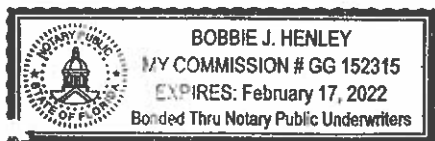
Executed this 15 day of February, 2022.

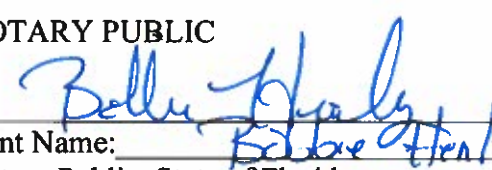

Warren K. (Rennie) Heath II

STATE OF FLORIDA
COUNTY OF Polk

SWORN AND SUBSCRIBED before me by means of ☒ physical presence or ☐ online notarization this 15 day of February 2022, by Warren K. (Rennie) Heath II, for _____, who ☒ is personally known to me or ☐ has provided _____ as identification, and who ☐ did or ☒ did not take an oath.

NOTARY PUBLIC




Print Name: Bobbie J. Henley
Notary Public, State of Florida
Commission No.: GG 152315
My Commission Expires: 02/17/2022

**TESTIMONY OF WARREN K. (RENNIE) HEATH, II
FOR ESTABLISHMENT OF HAMILTON BLUFF COMMUNITY DEVELOPMENT
DISTRICT**

1. Please state your name and business address.

My name is Warren K. “Rennie” Heath. My business address is 346 East Central Avenue, Winter Haven, Florida 33880.

2. By whom are you employed and in what capacity?

I am Director of Development for Heath Construction and Management, LLC. I have been employed in my current position for over 30 years.

3. Briefly summarize your duties and responsibilities.

I am responsible for the overall management of permitting, design, land use and entitlements for all of the developments for the above entity.

4. Briefly describe your educational background.

I hold a Bachelor of Arts Degree in Business with a minor in Economics from the University of South Florida.

5. Who is the Petitioner in this proceeding?

The Petitioner is GLK Real Estate, LLC (“Petitioner”), which is the business entity that is developing the area covered in the Petition, herein defined.

6. Are you familiar with the *Petition to Establish Hamilton Bluff Community Development District* (“Petition”), filed by the Petitioner with the Town Council of the Town of Lake Hamilton, Florida (“Town”), on or around December 3, 2021, seeking to establish the proposed District?

Yes.

7. Are you familiar with those parcels of land proposed to be included in the proposed Hamilton Bluff Community Development District (“District”) that are located within the Town?

Yes, I am familiar with the parcels located within the Town, as identified in Exhibits 1 and 2 of the Petition and have been part of the process with the development team regarding the establishment of the proposed District.

8. What is the proposed name of the District?

The “Hamilton Bluff Community Development District”

9. Have you reviewed the contents of the Petition and approved its findings?

Yes, I have.

10. Are there any changes or corrections to the Petition at this time?

No.

11. Are there any other changes or corrections to any of the documents attached to the Petition at this time?

No.

12. Please generally describe each of the documents attached to the Petition (“Exhibits”).

Exhibit 1 is a map showing the general area in which the District is located.

Exhibit 2 is a legal description of the boundaries of the District that was prepared at the direction of Petitioner.

Composite Exhibit 3 consists of a landowners’ consent to the establishment executed by the owners of the lands to be included within the proposed District. Petitioner has provided written consent of 100% of the fee owners of the lands to be included in the District.

Exhibit 4 depicts the existing use for the lands contained in the District and surrounding areas.

Exhibit 5 depicts the distribution, location, and extent of the public and private land uses proposed for the District by the future land use plan element of the Town’s Future Land Use Plan.

Exhibit 6 depicts the major outfall canals and drainage basins for the lands within the proposed District, as well as the location of existing major trunk water mains, reuse water mains and wastewater interceptors within the currently undeveloped lands proposed to be included within the District.

Exhibit 7 is a chart indicating the types of improvements and facilities the District expects to finance, construct and install, the future ownership, operation and maintenance, and the estimated costs of construction.

Exhibit 8 is the Statement of Estimated Regulatory Costs prepared by Ms. Jillian Burns of Governmental Management Services – Central Florida.

1 Exhibit 9 is an authorization of agent form that designates Roy Van Wyk as the authorized
 2 agent of the Petitioner.

3
 4 **13. Were these Exhibits attached to the Petition prepared by you or under your**
 5 **supervision?**

6
 7 Yes.

8
 9 **14. Are the contents of the Petition and the Exhibits, attached to it and referenced above,**
 10 **true and correct to the best of your knowledge?**

11
 12 Yes.

13
 14 **15. Are you familiar with the area that is proposed to be included within the proposed**
 15 **District?**

16
 17 Yes, I am familiar with the general area and the site specifically.

18
 19 **16. Approximately how large is the proposed District in acres?**

20
 21 The proposed District covers approximately 259.72 acres of land.

22
 23 **17. What steps were taken with respect to filing the Petition with the Town?**

24
 25 On or around December 3, 2021, the District formally filed the Petition with the Town.
 26 The District paid a statutory filing fee of \$15,000.00 to the Town, in accordance with
 27 Section 190.005(1)(b)1, *Florida Statutes*.

28
 29 **18. Has Notice of the Public Hearing been provided in accordance with Section 190.005,**
 30 ***Florida Statutes*?**

31
 32 The Notice of Public Hearing will be published in the Ledger on the following dates in
 33 2022: February 2, February 9, February 16 and February 23.

34
 35 **19. Is the Ledger a newspaper of general circulation in Polk County, Florida?**

36
 37 Yes, it is.

38
 39 **20. And do you have proof of publication of those notices?**

40
 41 Not at this time, but as soon as we receive the proof of publication at the conclusion of the
 42 notice run, we will provide this documentation to the Town staff and submit an original
 43 proof of publication at the public hearing to establish the proposed District.

44
 45 **21. Who are the five persons designated in the Petition to serve as the initial Board of**
 46 **Supervisors?**

1
2 The five persons are Warren K. Heath, Lauren Schwenk, Bobbie Henley, Justin Frye and
3 Christine Aviles.
4

5 **22. Do you know each of these persons personally?**

6
7 Yes, I do.
8

9 **23. Are each of the persons designated to serve as the initial Board of Supervisors**
10 **residents of the State of Florida and citizens of the United States?**
11

12 Yes, they are.
13

14 **24. Are there residential units planned for development within the proposed District?**
15

16 Yes. There are approximately 1275 residential units planned for development within the
17 proposed District.
18

19 **25. Are there residents currently living within the areas to be included within the**
20 **proposed District, and, if so, have they been notified about the creation of the District?**
21

22 No. As of this date, there are no residents living in any of the areas proposed to be included
23 within the boundaries of the proposed District.
24

25 **26. Would you please describe the proposed timetable for development of land within the**
26 **proposed District?**
27

28 The proposed timetable for the construction of infrastructure to develop the land is
29 expected to occur during the period running from 2021 through 2024.
30

31 **27. Would you generally describe the services and facilities you currently expect the**
32 **proposed District to provide?**
33

34 Petitioner presently intends for the District to participate in the acquisition and/or
35 construction of earthwork, roadway, stormwater system, wastewater system, potable water
36 distribution systems, reclaimed water distribution system, electrical undergrounding,
37 landscape and hardscape, amenity and offsite improvements. Capital costs of these
38 improvements, including associated contingencies and professional fees, will be borne by
39 the District. Petitioner's good faith expectation of the costs associated with the acquisition
40 or construction of such improvements is itemized in Exhibit 7 to the Petition.
41

42 **28. Are these costs expected to include the cost of acquiring land from the developer?**
43

44 No
45

46 **29. Do you have an opinion, as someone experienced in development, as to whether the**

area of land to be included within the proposed District is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated community?

Yes.

30. What is your opinion?

The proposed District has sufficient land area and is sufficiently compact and contiguous to be developed with the infrastructure systems, facilities and services contemplated. The District will operate as one functionally interrelated community.

31. What is the basis for your opinion?

The size of the proposed District is approximately 259.72 acres of land, more or less. Based on my previous experience, the proposed District is of sufficient size, compactness, and contiguity to be developed as a functional interrelated community.

The qualities of compactness, contiguity, and size relate directly to whether an area can become one functional interrelated community. From the standpoint of the provision, management and operation of the community infrastructure expected to be provided by the District, the acres contemplated for inclusion within the District is sufficiently compact, contiguous and of sufficient size to maximize the successful delivery of these infrastructure improvements to these lands. The delivery of services and facilities to the lands within the District will not be hampered by insurmountable barriers or spatial problems. The area within the District is suitably configured to maximize the benefits available from the District services and facilities to be provided.

32. In general, what financing methods does Petitioner propose that the proposed District use to pay for the anticipated facilities and services?

Petitioner presently expects that the District will finance certain services and improvements through the issuance of tax-exempt bonds. The debt issued by the proposed District is expected to be retired by funds from landowners in the form of “non-ad valorem” or “special” assessments on benefitted property within the proposed District. Ongoing maintenance and operational activities are expected to be funded by maintenance special assessments. At present, the Petitioner expects that the proposed District may issue both long- and short-term bonds that will pay a portion of the cost of these facilities. The short-term bonds, and any facilities not financed with a bond issue, will be funded by the developer through conventional bank financing.

33. Who will be responsible for paying the proposed District’s assessments?

Only those property owners, including the developer, within the proposed District will be responsible for paying District assessments.

1 **34. Will these debts of the proposed District be an obligation of the city, county or the**
2 **State of Florida?**

3
4 No. Florida law provides that community development district debt cannot become the
5 obligation of a city, a county, or the state without the consent of that government.
6

7 **35. Why is the Petitioner seeking to have a community development district established**
8 **for this area?**

9
10 Districts are an efficient, effective way to provide infrastructure and have become accepted
11 in the marketplace by home buyers.
12

13 From our perspective, the establishment of a District is logical for this project. It is a long-
14 term, stable, financially secure entity. The District is a structured, formal entity, with the
15 legal ability to respond to current and future changes in the circumstances and desires of
16 its residents. This project requires that the landowners within the development must
17 provide for the ownership and maintenance of the roadways and stormwater management
18 system. A District is the best mechanism for the perpetual maintenance and operation of
19 such improvements. Under Florida law, the District has access to the county tax collection
20 mechanisms, which helps ensure that assessments will be collected and that the facilities
21 will be maintained. In that sense, to us, it is preferable to a property owners' association.
22

23 In addition, the District has the financial capability to assist in the provision of necessary
24 capital improvements sooner than might otherwise be the case. The developers, builders
25 and residents will all benefit from these improvements in terms of access, traffic flow,
26 safety, and general property value enhancement.
27

28 **36. Does this conclude your testimony?**

29
30 Yes.
31

BEFORE THE TOWN COUNCIL
OF THE TOWN OF LAKE HAMILTON, FLORIDA

IN RE: PETITION TO ESTABLISH THE)
 HAMILTON BLUFF COMMUNITY)
 DEVELOPMENT DISTRICT)

AFFIDAVIT ADOPTING WRITTEN, PRE-FILED TESTIMONY

STATE OF FLORIDA
COUNTY OF Orange

I, Rey Malave, being first duly sworn, do hereby state for my affidavit as follows:

1. I have personal knowledge of the matters set forth in this affidavit.

2. My name is Rey Malave and I am Associate Vice President and Department Manager, Municipal Engineering, of Dewberry Engineers Inc.

3. The prepared written, pre-filed testimony consisting of nine (9) pages, submitted under my name to the Town Council of the Town of Lake Hamilton, Florida, relating to the *Petition to Establish the Hamilton Bluff Community Development District* ("Petition") and attached hereto, is true and correct.

4. If I were asked the questions contained in the pre-filed testimony orally at the establishment hearing, my oral answers would be the same as the written answers presented in my pre-filed testimony.

5. My credentials, experience and qualifications concerning land development and the construction of public infrastructure as a professional engineer and related matters are accurately set forth in my pre-filed testimony.

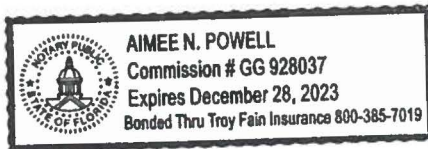
6. No corrections or amendments to my pre-filed testimony are required.


Under penalties of perjury, I declare that I have read the foregoing and the facts alleged are true and correct to the best of my knowledge and belief.

Executed this 15th day of February, 2022.


REY MALAVE

SWORN AND SUBSCRIBED before me by means of ☒ physical presence or ☐ online notarization this 15th day of February 2022, by Rey Malave, for Dewberry Engineers, Inc., who ☒ is personally known to me or ☐ has provided _____ as identification, and who ☐ did or ☐ did not take an oath.



NOTARY PUBLIC

Print Name: Aimee N. Powell
Notary Public, State of Florida
Commission No.: 66928037
My Commission Expires: 12/28/2023

**TESTIMONY OF REY MALAVE, P.E. FOR ESTABLISHMENT OF
HAMILTON BLUFF COMMUNITY DEVELOPMENT DISTRICT**

1. Please state your name and business address.

My name is Rey Malave, and my business address is 800 N. Magnolia Avenue, Suite 1000, Orlando, Florida 32803.

2. By whom are you employed and in what capacity?

I am an Associate Vice President and Department Manager, Municipal Engineering of Dewberry Engineers Inc.

3. How long have you been in the engineering field?

43 years

4. Does your firm, Dewberry Engineers Inc. represent GLK Real Estate, LLC?

Yes. My firm serves as Consulting Engineer.

5. Please give your educational background, with degrees earned, major areas of study and institutions attended.

BSCE – University of Puerto Rico 1978

MBA – Keller School of Management – DeVry University

6. Do you have any professional licenses, registrations, or certifications?

Florida PE

7. Are you a member of any professional associations?

FES, ASCE, NSPE, FL AWWA.

8. Please summarize your previous experience as it relates to public facility design, construction and land development.

I have over 40 years of Civil Engineering experience. I am a project manager for large master planned communities, large and small residential developments, commercial and office developments, municipal roadways and recreation projects. I have assisted in the development of over 10 community development districts (“CDDs”) as well as manage numerous projects throughout Florida.

9. Have you been involved in any developments of the type and nature similar to those in the proposed Hamilton Bluff Community Development District (“District”)?

Yes. I have been involved in several developments that contain similar necessary public infrastructure facilities utilizing my expertise in the design, permitting, and construction of similar systems.

- 10. Are you familiar with the *Petition to Establish Hamilton Bluff Community Development District* (“Petition”), filed by GLK Real Estate, LLC (“Petitioner”) with the Town Council of the Town of Lake Hamilton, Florida (“Town”) on or around December 3, 2021, seeking the establishment of the proposed District?**

Yes. My firm assisted the Petitioner with the preparation of some of the exhibits filed with the Petition.

- 11. Are you familiar with those parcels of land proposed to be included in the District that are located within the Town?**

Yes, I am.

- 12. Are you generally familiar with the geographical area, type, and scope of development and the available services and facilities in the vicinity of the proposed District?**

Yes, I am.

- 13. Which documents (“Exhibits”) did you prepare or have others prepare under your supervision?**

Exhibits 1, 2, 4, 5, 6 and 7

- 14. Do any of those exhibits require any change or correction?**

Not to my knowledge.

- 15. Are Exhibits 1, 2, 4, 5, 6 and 7 to the Petition, true and correct?**

Yes, to the best of my knowledge.

- 16. In general, what do Exhibits 1, 2, 4, 5, 6 and 7 to the Petition demonstrate?**

Exhibit 1 is a map showing the general area in which the District is located.

Exhibit 2 is a legal description of the boundaries of the District that was prepared at the direction of Petitioner.

Exhibit 4 depicts the existing use for the lands contained in the District and surrounding areas.

Exhibit 5 depicts the distribution, location, and extent of the public and private land uses proposed for the District by the future land use plan element of the Town's Future Land Use Plan.

Exhibit 6 depicts the major outfall canals and drainage basins for the lands within the proposed District, as well as the location of existing major trunk water mains, reuse water mains and wastewater interceptors within the currently undeveloped lands proposed to be included within the District.

Exhibit 7 is a chart indicating the types of improvements and facilities the District expects to finance, construct, and install, the future ownership, operation and maintenance, and the estimated costs of construction.

17. What capital facilities are presently expected to be provided by the District?

At present, the District is expected to provide earthwork, roadway, stormwater system, wastewater system, potable water distribution systems, reclaimed water distribution system, electrical undergrounding, landscape and hardscape, amenity, and offsite improvements.

18. Based upon your training and experience as an engineer, do you have an opinion as to whether the proposed District is of sufficient size, compactness, and sufficient contiguity to be developed as a functional interrelated community?

Yes. Based on my experience, the proposed District is of sufficient size, compactness and contiguity to be developed as a one functional interrelated community.

19. What is the basis for your opinion?

For many reasons the proposed District facilities can be provided in an efficient, functional and integrated manner.

First, there are sufficient, significant infrastructure needs for the area within the proposed District to allow development as a functionally interrelated community.

Second, the specific design of the community allows infrastructure to be provided in a cost-effective manner. The land included within the proposed District area is contiguous, which facilitates an efficient and effective planned development.

Third, the provision of services and facilities through the use of one development plan provides a contiguous and homogenous method of providing services to lands throughout the District.

20. In your opinion, you said the proposed District is sufficiently compact and contiguous to be developable as a functionally interrelated community. Would you please explain what you mean when stating that the proposed District is of sufficient compactness?

1
2 The District will encompass approximately 259.72 acres, more or less, and will provide a
3 range of residential and residential-support land uses that require the necessary elements
4 of infrastructure including earthwork, roadway, stormwater system, wastewater system,
5 potable water distribution systems, reclaimed water distribution system, electrical
6 undergrounding, landscape and hardscape, amenity, offsite improvements and other
7 improvements described in the Petition. The proposed District will have sufficient overall
8 residential density to require all the above-mentioned necessary elements of infrastructure
9 of a comprehensive community. These facilities and services require adequate planning,
10 design, financing, construction, and maintenance to provide the community with
11 appropriate infrastructure. The preferred method of developing land, especially for higher
12 density residential uses, is for the development to be spatially compact. This augments the
13 District's ability to construct and maintain improvements, and provide services, in a cost-
14 efficient manner.
15

16 **21. Can you provide an example of a service or facility and explain why a CDD is a**
17 **preferred alternative for long-term operation and maintenance?**
18

19 Yes. A good example would be a stormwater management system. Both a CDD and a
20 homeowner association are permitted to operate and maintain such systems under
21 applicable Southwest Florida Water Management District ("SWFWMD") rules. However,
22 SWFWMD rules generally require homeowners' associations to provide significantly more
23 information and documentation before the SWFWMD. This additional information is
24 required to ensure that the association has the financial, legal and administrative capability
25 to provide for long-term maintenance of the stormwater management system. Such
26 documentation generally must (1) indicate that the association has the power to levy
27 assessments; (2) mandate that the association will operate and maintain such systems; and
28 (3) provide that the association cannot be dissolved until another entity is found to maintain
29 the system.
30

31 In comparison, a CDD is a perpetual local government unit, which by law has the requisite
32 assessment authority, including the ability to collect such assessments on the county tax
33 roll. Thus, a CDD generally must simply provide a letter to the SWFWMD stating that the
34 CDD will accept operation and maintenance responsibility. All things being equal, a CDD
35 is preferred over a homeowners' or property owners' association for operation and
36 maintenance of a stormwater management system.
37

38 **22. Does the establishment of the District obviate the need for local land development**
39 **regulations, ordinances or plans?**
40

41 No. Section 190.004, *Florida Statutes*, explicitly provides that the establishment of a CDD
42 does not in any way impact or change the applicability of any governmental planning,
43 environmental and land development laws, regulations, and ordinances. A CDD cannot
44 take any action that is inconsistent with the comprehensive plan, code of ordinances or
45 regulations of the city or county within which it is located.
46

- 1 **23. Based on your experience, do you have an opinion as to whether the services and**
2 **facilities to be provided by the proposed District will be incompatible with the**
3 **capacities and uses of existing local and regional community facilities and services?**
4

5 Yes. It is my opinion that the proposed services and facilities of the proposed District will
6 not be incompatible with the capacity and uses of existing local or regional community
7 development services and facilities.
8

- 9 **24. What is the basis for your opinion?**
10

11 Currently, none of the planned infrastructure improvements that the proposed District plans
12 to provide exist on the subject property in a manner which is useful to the proposed
13 development. Each of the elements of infrastructure for the necessary services and facilities
14 will connect into the existing, surrounding systems according to criteria, review and
15 approval of the existing operational entity; there will be no incompatibility issues.
16

- 17 **25. Based on your experience, do you have an opinion as to whether the area to be**
18 **included within the proposed District is amenable to being served by a separate**
19 **special district government?**
20

21 Yes. In my opinion, and to the best of my knowledge, the area identified in the petition is
22 amenable to being served by a separate special district government.
23

- 24 **26. What is the basis for your opinion?**
25

26 The proposed District is limited in purpose and the infrastructure improvements to be
27 provided by the proposed District are limited in scope. This infrastructure is expected to
28 directly benefit the development and may be adequately served by a special district
29 government. In addition, special district governance provides a mechanism whereby long-
30 term maintenance obligations can be satisfied by the persons primarily using the facilities
31 and services.
32

- 33 **27. Do you have an opinion, as someone experienced in land planning, as to whether the**
34 **proposed District is a viable alternative for delivering community services and**
35 **facilities to the areas that will be served by the proposed District?**
36

37 Yes. It is my opinion that the proposed District is a viable alternative for providing the
38 proposed services and facilities to the land to be included within the proposed District.
39

- 40 **28. What are the alternatives contemplated in rendering this opinion?**
41

42 There would be two alternatives to the establishment of the proposed District. First, to
43 facilitate economic development, accommodate new growth, and provide new services, the
44 Town could perhaps provide the selected facilities. The second alternative would be for
45 the developer or property owners' association ("POA") to provide the infrastructure using
46 private financing.

29. How does the proposed District compare to these alternatives?

By comparison of the alternatives referenced above, from a planning perspective, the proposed District is the best alternative available to provide the necessary infrastructure improvements. As a special-purpose “local government,” the proposed District is a stable, long-term public entity capable of constructing, maintaining and managing the proposed elements of infrastructure of the necessary facilities and services. The limited purpose and scope of the District, combined with the statutory safeguards in place, such as notice of public hearings and access to district records, would ensure that the proposed District is responsive to the infrastructure needs of the proposed District. The proposed District would be able to obtain low-cost financing to provide the necessary improvements and then impose special or non-ad valorem assessments upon the property owners within the District to fund the infrastructure.

Only a CDD allows for the independent financing, administration, operations and maintenance of the land within the District. Only a CDD allows district property owners, and eventually residents, to completely control the district board and, therefore, the timing and extent of infrastructure improvement and maintenance. Knowing when, where and how infrastructure will be needed to service the projected population of an area allows for the smooth delivery of those facilities. The proposed District exceeds other available alternatives at focusing attention to when and where and how the next system of infrastructure will be required for this specific area. This results in a full utilization of existing facilities before new facilities are constructed. It reduces the delivered cost to the citizens being served. All other alternatives do not have these characteristics.

30. In the course of your work in Florida, have you had an opportunity to work with the State Comprehensive Plan found in Chapter 187, *Florida Statutes*?

Yes. In the course of producing planning documents for private development proposals, I have often referred to the State Comprehensive Plan.

31. In the course of your work in Florida, have you had an opportunity to review local government comprehensive plans?

Yes. In fact, I have reviewed the Town of Lake Hamilton Comprehensive Plan in the course of my work.

32. At this point, I will ask you to address certain matters that are related to land use and comprehensive planning. Are you familiar with the development approvals that have been obtained or are being sought by the Petitioner to govern the lands within the proposed District?

Yes, I am.

33. Based upon your training and experience as a civil engineer specializing in land

development, do you have an opinion as to whether the proposed District is inconsistent with any portion or element of the State Comprehensive Plan found in Chapter 187, *Florida Statutes*?

Yes.

34. What is that opinion?

In my professional opinion, the proposed District is not inconsistent with the applicable provisions of Chapter 187, *Florida Statutes*.

35. What is the basis for your opinion?

I have reviewed, from a planning perspective, applicable portions of the State Comprehensive Plan which relate to CDDs. The State Comprehensive Plan “provides long-range policy guidance for the orderly social, economic, and physical growth of the state.” The State Comprehensive Plan provides twenty-five (25) subjects, and numerous goals and policies. Three subjects are particularly relevant, from a planning perspective to the establishment of CDDs: No. 15 - Land Use, No. 17 – Public Facilities, and No. 25 - Plan Implementation. Several of the policies and goals are particularly supportive of the establishment of the proposed District.

36. Why is subject No. 15 in the State Comprehensive Plan relevant to the establishment of the proposed District?

This goal recognizes the importance of enhancing the quality of life in the State of Florida and attempts to do so by ensuring that development is located in areas that have fiscal abilities and service capacity to accommodate growth. CDDs are designed to provide services and facilities in a fiscally responsible manner to areas which can accommodate development. The proposed District is consistent with this goal because it will continue to have the fiscal capability to provide a range of services and facilities to a population in a designated growth area.

37. Are any of the policies under subject No. 15 relevant?

Yes. Policy 1 promotes efficient development activities in areas which will have the capacity to service new populations and commerce. The proposed District will be a vehicle to provide high quality services in an efficient and focused manner over the long term.

38. What is Subject 17 and why is it relevant?

Subject 17 addresses public facilities. The goal is to finance new facilities in a timely, orderly and efficient manner. In particular, Policy 3 states that the cost of new public facilities should be allocated to existing and future residents on the basis of the benefits received. Policy 6 also encourages the identification and implementation of innovative but

fiscally sound and cost-effective techniques for financing public facilities. Establishment of the proposed District will further this goal and related policies.

39. Why is subject No. 25, the other subject you mentioned, relevant to the establishment of the proposed district?

Subject No. 25 addresses Plan Implementation. This goal requires that systematic planning capabilities be integrated into all levels of government throughout the state, with particular emphasis on improving inter-governmental coordination and maximizing citizen involvement. The proposed District will operate through a separate and distinct Board of Supervisors who will systematically plan the construction, operation and maintenance of public improvements and community facilities authorized under Chapter 190, *Florida Statutes*, subject to and not inconsistent with the local government comprehensive plan and land development regulations. Further, meetings held by the Board of Supervisors are publicly advertised and open to the public.

40. Are there any relevant policies in this portion of the State Comprehensive Plan?

Yes. Policy 6 encourages public citizen participation at all levels of policy development, planning and operations. Under Chapter 190, *Florida Statutes*, six (6) years after the establishment of a CDD, and after two hundred and fifty (250) electors reside in the CDD, the election of the Board of Supervisors begins to transition from a landowner-elected Board to a resident-elected Board. Regardless of whether the board is elected by the landowners or the residents, the District must convene its meetings in accordance with government in the sunshine provisions set forth in Chapter 286, *Florida Statutes*. This encourages citizen participation in the planning and operational activities of the District.

41. Based upon your training and experience as a land development engineer, do you have an opinion as to whether establishment of the proposed District is inconsistent with any portion or element of the Comprehensive Plan of the Town?

Yes, I do.

42. What is that opinion?

In my professional opinion, the establishment of the proposed District is not inconsistent with any applicable provisions of the Town's Comprehensive Plans.

43. What is the basis for that opinion?

Since Chapter 190, *Florida Statutes*, prohibits any community development district from acting in a way inconsistent with the local government's comprehensive plan, the exercising of any power must be done with the comprehensive plan in mind. In addition, the following elements of the Town's Comprehensive Plan generally relate to and are consistent with establishment of the proposed District. The following policies, objectives, and elements specifically support my opinion:

Development Policies

- Future Land Use – Goals, Objectives, and Policies.

Public Facilities Policies – The District will have both the funding source and the authority to provide needed infrastructure and services to this compact, urban growth including:

- Infrastructure Element.
 - Goal 1-Sanitary Sewer
 - Goal 3-Achieve and Maintain an Effective Drainage System.
 - Establish Level of Service Standards.
 - Goal 5-Achieve and Maintain Cost-Effective Potable Water Distribution.
- Recreation and Open Space Element.
 - Achieve and Maintain a Comprehensive System of Recreation Facilities and Open Space Areas.
 - Objective 3 Coordination.
 - Objective 5 Provide for Ease of Public Access.
 - Objective 6 Provide a Process for Provision of Public and Private Open Space.

It is my opinion, therefore, that with respect to the establishment of the District, the establishment will not be inconsistent with any applicable element or portion of the Town's Comprehensive Plan.

44. Does this conclude your testimony?

Yes, it does.

BEFORE THE TOWN COUNCIL
OF THE TOWN OF LAKE HAMILTON, FLORIDA

IN RE: PETITION TO ESTABLISH THE)
 HAMILTON BLUFF COMMUNITY)
 DEVELOPMENT DISTRICT)

AFFIDAVIT ADOPTING WRITTEN, PRE-FILED TESTIMONY

STATE OF FLORIDA
COUNTY OF ORANGE

I, Jillian Burns, being first duly sworn, do hereby state for my affidavit as follows:

1. I have personal knowledge of the matters set forth in this affidavit.
2. My name is Jillian Burns and I am employed by Governmental Management Services-Central Florida, LLC. I currently serve as District Manager and assessment administrator for community development districts.
3. The prepared written, pre-filed testimony consisting of twelve (12) pages, submitted under my name to the Town Council of the Town of Lake Hamilton, Florida, relating to the *Petition to Establish the Hamilton Bluff Community Development District* ("Petition") and attached hereto, is true and correct.
4. If I were asked the questions contained in the pre-filed testimony orally at the establishment hearing, my oral answers would be substantially the same as the written answers presented in my pre-filed testimony.
5. My credentials, experience and qualifications concerning my work are accurately set forth in my pre-filed testimony.
6. My pre-filed testimony addresses the various managerial, operational and financial aspects related to the Petition.

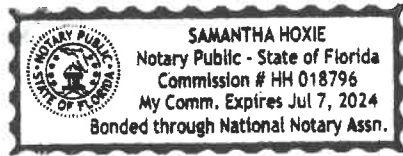
7. No corrections or amendments to my pre-filed testimony are required.

Under penalties of perjury, I declare that I have read the foregoing and the facts alleged are true and correct to the best of my knowledge and belief.


Executed this 15th day of February, 2022.


JILLIAN BURNS

SWORN AND SUBSCRIBED before me by means of ☒ physical presence or ☐ online notarization this 15th day of February, 2022, by Jillian Burns, for Hamilton Bluff, who ☒ is personally known to me or ☐ has provided _____ as identification, and who ☐ did or ☐ did not take an oath.



NOTARY PUBLIC


Print Name: Jill Burns
Notary Public, State of Florida
Commission No.: _____
My Commission Expires: _____

**TESTIMONY OF JILLIAN BURNS FOR THE ESTABLISHMENT OF HAMILTON
BLUFF COMMUNITY DEVELOPMENT DISTRICT**

1. Please state your name and business address.

My name is Jillian Burns. My business address is 219 E. Livingston St.
Orlando, Florida 32801.

2. By whom are you employed and in what capacity?

I am employed with Governmental Management Services-Central Florida, LLC (“GMS”) and serve as District Manager and assessment administrator for community development districts.

3. Please briefly summarize your duties and responsibilities.

GMS provides management consulting services to community development districts and the real estate industry, including general management, accounting, recording, secretarial services, field services and assessment administration. GMS currently serves as the district manager for over one hundred and fifty (150) community development districts (“CDDs”) in the State of Florida.

4. Do you work with both public and private sector clients?

GMS primarily works for public entities providing district management services. However, we are retained, from time to time, by private entities to consult on the creation of special districts as well as the viability of certain proposed developments.

5. Prior to your current employment, by whom were you employed and what were your responsibilities in those positions?

I have twelve (12) years of experience in providing management to special districts in the State of Florida. I worked for Fishkind & Associates as a District Manager for over 10 years prior to my employment at GMS. I have extensive knowledge of special districts, governmental budgeting and finance issues, and the development process.

6. Will your firm represent the Hamilton Bluff Community Development District (“District”)?

Yes. GMS will serve as District Manager, and Financial and Economic Advisor.

7. Please describe your educational background.

I have a bachelor’s degree from University of Central Florida.

8. Please describe your work with CDDs in Florida.

Through GMS, the clients I serve are both resident-elected and landowner-elected CDDs, depending on the stage in the life of the development. I assist the various Boards of Supervisors and residents by managing the accounting, official recordkeeping, and operations and management of the assets acquired or constructed by the CDD. I have provided management services to over thirty (30) active CDDs across Florida.

- 9. Are any of these CDDs that you have worked with about the same size as the proposed District in the Town Council of the Town of Lake Hamilton, Florida (“Town”)?**

Yes.

- 10. What has been your role with respect to the proposed District establishment proceeding?**

I serve as a financial, economic, and management consultant relating to the establishment of the proposed District.

DISTRICT MANAGEMENT

- 11. At this point, I will ask you to address certain matters that are related to CDD management. Please describe the general manner in which a community development district actually operates.**

CDDs are governed by a five-member board of supervisors (“Board”). These Board members are initially appointed by the establishment entity in its ordinance. Within 90 days of the establishment of the district, a new Board is elected by the landowners in the district. The Board is the governing body of the district. The Board employs a district manager, who supervises the district’s services, facilities, and administrative functions. The Board annually considers and, after public notice and hearing, adopts a budget. The district submits a copy of the proposed budget to the applicable local general-purpose government for review and for optional comment prior to its adoption each year.

- 12. Are there requirements, such as the open meetings and public records laws, imposed upon CDDs in order to safeguard the public that are similar to those imposed upon other general purpose local governments?**

Yes, there are.

- 13. Please describe these requirements and safeguards.**

First, it is important to note that the establishment of a CDD does not change any requirements for local general purpose governmental approval of construction within the district. Any land development requirements and all state and local development regulations still apply.

1 Second, members of the Board must be residents of Florida and citizens of the United States.

2 After the Board shifts to being elected by the resident electors of the district the supervisors
3 must also be residents and electors of the district. Board members must annually file the
4 same financial disclosure forms required by other local officials. All meetings of the Board
5 of Supervisors are open to the public and are subject to the government in the sunshine
6 requirements of Chapter 286, *Florida Statutes*. Furthermore, the District's records must be
7 open for public inspection in accordance with the Florida law governing public records.

8
9 Next, the district must provide financial reports to the state in the same form and manner as
10 is required of all other political subdivisions. The CDD is annually audited by an
11 independent certified public accountant. As I said before, the CDD budget is adopted
12 annually by the board after a public hearing. All rates, fees, and charges imposed by the
13 district must be adopted pursuant to Chapter 120, *Florida Statutes*.

14
15 Finally, to impose special or non-ad valorem assessments under Chapter 170, 190 and 197,
16 *Florida Statutes*, a CDD must provide published and mailed notice to those who are assessed
17 providing them opportunity to appear before the Board of Supervisors and have an
18 opportunity to comment on the advisability of the assessments. That assessment process
19 entails preparation of an assessment methodology that fairly and equitably allocates the cost
20 of the district's projects.

21
22 **14. Please describe in general terms how a CDD operates financially, both on a day-to-day**
23 **and a long-term basis.**

24
25 In the early stages, particularly when a CDD is first formed, the CDD's operating funds may
26 be funded by a "Funding Agreement" between the CDD and the landowner/developer in lieu
27 of assessments that the CDD might have imposed on property within the CDD.

28
29 In order to provide long term financing of capital projects, CDDs often issue bonds. All
30 bonds issued by CDDs must be secured by a trust agreement, and any bond maturing over a
31 period of more than five years must be validated and confirmed by court decree pursuant to
32 Chapter 75, *Florida Statutes*. The district also may borrow funds on a long or short-term
33 basis.

34
35 Debt may be retired by the District through non ad valorem or special assessments imposed
36 on benefited properties, or rates, fees, and charges imposed on users of district facilities and
37 services. By law, debt of the District cannot become debt of any other government (city,
38 county or state), without that government's consent.

39
40 **15. What alternatives, other than CDDs, are you familiar with that might be available to**
41 **provide community infrastructure for the lands within the proposed District?**

42
43 In my opinion there are two alternatives that might provide community infrastructure such as
44 the roads, utilities, drainage, recreation and other improvements contemplated for the
45 proposed district. First, the general-purpose local government could finance the
46 improvements utilizing special assessments and/or general funds. Alternatively, the

1 developer could provide infrastructure through private means, including private financing if
 2 available. As discussed later in my testimony, neither of these alternatives is preferable to
 3 use of the CDD concept.
 4

5 **16. What has been your role with respect to the *Petition to Establish the Hamilton Bluff***
 6 ***Community Development District* (“Petition”)?**
 7

8 I have worked closely with GLK Real Estate, LLC (“Petitioner”) and its consultants in
 9 determining if a CDD is appropriate for this project. I also supervised the preparation of
 10 Exhibit 8 of the Petition, the Statement of Estimated Regulatory Costs (“SERC”).
 11

12 **17. Do you have an opinion, as someone experienced in district management and**
 13 **operations, as to whether the proposed District is the best available alternative for**
 14 **delivering community services and facilities to the areas that will be served by the**
 15 **District?**
 16

17 Yes. For this project, the proposed District is the best alternative available for delivering the
 18 proposed services and facilities to the area that will be served. These improvements include,
 19 but are not limited to, earthwork, roadway, stormwater system, wastewater system, potable
 20 water distribution systems, reclaimed water distribution system, electrical undergrounding,
 21 landscape and hardscape, amenity and offsite improvements.
 22

23 **18. What is the basis for your opinion?**
 24

25 Looking at the alternatives, the Town could finance and manage the improvements utilizing
 26 special assessments or general funds. The developer and/or a property owner’s association
 27 (“POA”) could provide these facilities as well through private financing.
 28

29 In evaluating the alternatives, it is important to consider whether the alternative can provide
 30 the best focus, can effectively and efficiently manage and maintain the facilities, and whether
 31 the alternative can secure low cost, long term public financing. The Town clearly provides
 32 the long-term perspective and is a stable and relatively low-cost source of financing and
 33 provider of services at sustained levels. However, the Town has substantial demands over a
 34 broad geographical area that places a heavy management delivery load on its staff. In
 35 addition, if dependent district financing were used, the Town would be responsible for all
 36 administrative aspects of the dependent district. The Town would have to make time and
 37 meetings available for the monthly matters pertaining to the dependent district. By using a
 38 dependent district mechanism, the Town would be increasing its responsibility and hence
 39 liability for the variety of actions that will take place in the Hamilton Bluff development.
 40 The Town, through the dependent district, would also be the contracting party for all
 41 construction contracts, would have to deal with bid issues, enforce performance bonds, and
 42 participate in construction arbitration or litigation if necessary. They would deal with delay
 43 claims and budget management and all the other challenges that come with being the owner
 44 in a public construction project. A district can be created to provide focused attention to a
 45 specific area in a cost-effective manner. It also allows the Town to focus staff time, finances,
 46 and other resources elsewhere and does not burden the general body of taxpayers in the

Town with the debt associated with this growth.

The other alternative is the use of private means either through a POA or through the developer, or both in combination. This combination can clearly satisfy the high demand for focused service and facilities and managed delivery. However, only a public entity can assure a long-term perspective, act as a stable provider of services and facilities, qualify as a lower cost source of financing, and pay for services at sustained levels. POAs lack the ability to effectively finance the improvements. Their ability to assure adequate funds for sustained high levels of maintenance is less than with a CDD.

Furthermore, neither the developer nor a POA would be required to conduct all actions relating to the provision of these improvements in the “sunshine” as a CDD must, or abide by other public access requirements that are incumbent upon a CDD and its Board of Supervisors. Also, provision and long-term operation and maintenance of these improvements, particularly the recreation roadway and drainage activities, by a CDD ensures that residents have guaranteed access to the body or entity making decisions about these facilities, and in fact will one day sit as the five-member board making the decisions that impact their community directly.

A CDD is an independent special purpose unit of local government designed to focus its attention on providing the best long-term service to its specifically benefited properties and residents. It has limited power and a limited area of jurisdiction. The CDD will be governed by its own board and managed by those whose sole purpose is to provide the district long term planning, management, and financing of these services and facilities. This long-term management capability extends to the operation and maintenance of the facilities owned by the CDD. Further, the sources for funding and manner of collection of funds will assure that the CDD facilities will be managed at the sustained levels of quality desired by residents well into the future.

- 19. Do you have an opinion, as someone experienced in district management and operations, as to whether the area of land to be included within the proposed District is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated community?**

Yes.

- 20. What is your opinion?**

The proposed CDD has sufficient land area, and is sufficiently compact and contiguous to be developed, with the earthwork, roadway, stormwater system, wastewater system, potable water distribution systems, reclaimed water distribution system, electrical undergrounding, landscape and hardscape, amenity, offsite improvements and other infrastructure systems, facilities and services contemplated. The District will operate as one functionally interrelated community.

- 21. What is the basis for your opinion?**

The size of the proposed District is approximately 259.72 acres, more or less. Based on my previous experience, the proposed District is of sufficient size, compactness, and contiguity to be developed as a functional interrelated community.

The qualities of compactness, contiguity, and size relate directly to whether an area can become one functional interrelated community. From the standpoint of the provision, management and operation of the community infrastructure expected to be provided by the District, the acres contemplated for inclusion within the District is sufficiently compact, contiguous and of sufficient size to maximize the successful delivery of these infrastructure improvements to these lands. The delivery of services and facilities to the lands within the District will not be hampered by insurmountable barriers or spatial problems. The area within the District is suitably configured to maximize the benefits available from the District services and facilities to be provided.

22. Do you have an opinion, as someone experienced in district management and operations, as to whether the area that will be served by the proposed District is amenable to separate special district government?

Yes.

23. What is your opinion?

The District is of sufficient size, compactness, and contiguity. Therefore, the area to be served by the proposed District is clearly amenable to separate special district governance. The configuration of the District is not unlike other CDDs with which I have worked over time.

24. What is the basis for your opinion?

Two criteria are needed to evaluate a land area as amenable to separate special district government. One, does the land area have need for the facility and services and will its owners and residents benefit from facilities that the special district could provide? Two, is the land area of sufficient size, sufficient compactness, and sufficiently contiguous to be the basis for a functional interrelated community?

Under both criteria, the CDD is a planned community of sufficient size with a need for the facilities and improvements that are presently expected to be provided by the CDD. As described in the Petition, the District will construct and maintain certain identified needed facilities and services. In particular, this District will have significant responsibilities for a relatively large amount of drainage and stormwater management to serve the community. Water and sewer improvements constructed by the CDD will be transferred to the Town and roadway improvements within the proposed District will be owned and maintained by the CDD. Based on my experience, districts of this size are large enough to effectively provide and manage these services. From a management and operations perspective, the land area is well suited to the provision of the proposed services and facilities.

1
2 **25. Do you have an opinion, as someone experienced in district management and**
3 **operations, as to whether the community development services and facilities of the**
4 **proposed District will be incompatible with the capacity and use of existing local and**
5 **regional community development services and facilities?**

6
7 Yes.

8
9 **26. What is your opinion?**

10
11 The proposed services and facilities of the proposed District are not incompatible with the
12 capacity and uses of existing local or regional community development services and
13 facilities.
14

15 **27. What is the basis for your opinion?**

16
17 Petitioner presently expects the proposed District to finance and construct certain earthwork,
18 roadway, stormwater system, wastewater system, potable water distribution systems,
19 reclaimed water distribution system, electrical undergrounding, landscape and hardscape,
20 amenity and offsite improvements. None of the facilities expected to be provided by the
21 District presently exist. Ultimately, a district may own and maintain certain of those
22 improvements, such as the recreation improvements and roadways, and the Town, or other
23 governmental entities, may own and maintain others. There will be no overlap or
24 incompatibility because the facilities and improvements expected to be provided by the
25 proposed District do not exist today.
26

27 ECONOMICS AND FINANCING

28
29 **28. You stated earlier that you are familiar with the Petition, and its Exhibits, filed by**
30 **the Petitioner, to establish the proposed District. Are you particularly familiar with**
31 **Exhibit 8 to the Petition?**

32
33 Yes, Exhibit 8 is the Statement of Estimated Regulatory Costs ("SERC"), a requirement of
34 Chapter 190, *Florida Statutes*, and was prepared by me.
35

36 **29. Are there any updates that need to be made to Exhibit 8 of the Petition, the SERC, at**
37 **this time?**

38
39 No.
40

41 **30. What exactly is a "SERC"?**

42
43 The SERC is actually a requirement under Section 120.541(2), *Florida Statutes*, which has
44 been incorporated into the law on establishment of community development districts.
45

46 **31. In general terms, please summarize the economic analyses presented in the SERC.**

An understanding of the SERC requires the recognition of the scope of review and evaluation for the establishment of a community development district as set out in Chapter 190. Section 190.002(2)(d), *Florida Statutes*, states “[t]hat the process of establishing such a district pursuant to uniform general law [must] be fair and based only on factors material to managing and financing the service-delivery function of the district, so that any matter concerning permitting or planning of the development is not material or relevant.” Thus, the scope of the economic analysis included in the SERC addresses only the establishment of the proposed District, and not the planning or development of the property itself.

The economic analysis sets out the assumptions about the development within the proposed district and the anticipated infrastructure to be provided by it. The analysis addresses each of the potentially affected parties defined in Chapter 120, *Florida Statutes*, and evaluates the impact of the proposed district on each such group.

The proposed District is a specialized unit of local government. It is a special purpose unit of local government with a single objective: the provision of infrastructure and services for a planned new community. Its economic benefits exceed its economic cost to the Petitioner, the Town and to all subsequent purchasers and landowners of the community - in short, to all affected parties.

Once the proposed District is established, there are no direct costs to the Town. While the proposed District will provide certain reports and budgets to the Town for its discretionary review, there are no requirements that either incur any obligations or expense associated with its review. In addition, to the extent the proposed District utilizes the services of the Property Appraiser or Tax Collector under the provisions of Chapter 197, *Florida Statutes*, to collect its assessments, the proposed District must pay the costs associated with those services.

It is important to note that under Chapter 190, the debt of the proposed District cannot become the debt of the Town, or the State of Florida. Since the proposed District will be an independent unit of government and issue its own bonds, the proposed District will not have any effect on the bonding capacity of the Town, or the State of Florida.

32. Please briefly describe the data and methodology used in preparing the SERC and related analyses.

The data for the analysis came from the landowner, other experts working on the Petition, and from the Petition itself. The methodology is standard economic impact assessment.

33. As an economic and financial advisor, do you have an opinion regarding the financial viability and feasibility of the proposed District?

Yes, I do.

34. What is that opinion?

1 In my opinion, based on my experience with other districts, the proposed District is expected
2 to be financially viable and feasible.

3
4 **35. Are you familiar with the State Comprehensive Plan found in Chapter 187, *Florida***
5 ***Statutes*?**

6
7 Yes.

8
9 **36. As a financial and economic advisor, do you have an opinion as to whether the**
10 **proposed District is inconsistent with the State Comprehensive Plan from an economic**
11 **perspective?**

12
13 Yes.

14
15 **37. What is that opinion?**

16
17 It is my opinion the proposed District is not inconsistent with any applicable element or
18 portion of the state comprehensive plan.

19
20 **38. What is the basis for your opinion?**

21
22 I have reviewed, from an economic and financial perspective, the State Comprehensive Plan,
23 particularly those portions that relate to community development districts. The State of
24 Florida Comprehensive Plan (Chapter 187, *Florida Statutes*) “provides long-range policy
25 guidance for the orderly social, economic, and physical growth of the state.” From an
26 economic and financial perspective, four subjects, subjects 15, 17, 20, and 25 of the State
27 Comprehensive Plan are relevant to the establishment of a CDD.

28
29 Subject 15, titled Land Use, recognizes the importance of locating development in areas that
30 have the fiscal abilities and service capacity to accommodate growth. It is relevant because
31 CDDs are designed to provide infrastructure services and facilities in a fiscally responsible
32 manner to the areas that can accommodate development. The establishment of the District
33 will not be inconsistent with this goal because the District will have the fiscal capability to
34 provide the specified services and facilities within its boundaries.

35
36 Subject 17, titled Public Facilities, relates to (i) protecting investments in existing public
37 facilities; (ii) providing financing for new facilities, (iii) allocating the costs of new public
38 facilities on the basis of the benefits received by future residents; (iv) implementing
39 innovative but fiscally sound techniques for financing public facilities; and (v) identifying
40 and using stable revenue sources for financing public facilities. The establishment of the
41 District will further these State Comprehensive Plan Goals and Policies.

42
43 Subject 20, titled Governmental Efficiency, provides that governments shall economically
44 and efficiently provide the amount and quality of services required by the public. The
45 proposed District will be consistent with this element because the proposed District will
46 continue to:

- (i) cooperate with other levels of Florida government;
- (ii) be established under uniform general law standards as specified in Chapter 190, *Florida Statutes*;
- (iii) be professionally managed, financed, and governed by those whose property directly receives the benefits;
- (iv) not burden the general taxpayer with costs for services or facilities inside the Hamilton Bluff Community Development District; and
- (v) plan and implement cost efficient solutions for the required public infrastructure and assure delivery of selected services to residents.

Subject 25, titled Plan Implementation, calls for systematic planning capabilities to be integrated into all levels of government throughout the state, with particular emphasis on improving intergovernmental coordination and maximizing citizen involvement. The proposed District is consistent with this element of the State Comprehensive Plan.

39. Based on your work with districts and from an economic and financial perspective, do you have an opinion as to whether the area of land that is proposed to be included within the proposed District is of sufficient size, sufficient compactness, and sufficient contiguity to be developable as one functional interrelated community?

Yes.

40. What is your opinion?

Based on my previous experience, the proposed District is of sufficient size, compactness, and contiguity to be developed as a functional interrelated community.

41. What is the basis for your opinion?

The project is compact with land use typical of a planned community. The development of the land has been planned to be a functional interrelated community making the most efficient use of public funds available.

42. As an economic and financial advisor, do you have an opinion as to whether the proposed District is the best alternative available for providing the proposed community development services and facilities to the area to be served?

Yes.

43. What is your opinion?

The proposed District is the best alternative to provide community development facilities to the area to be served. This is true for the landowners and the governmental entities for the

1 following reasons.

2
3 From the perspective of current and future property owners within the District, the District is
4 the best alternative for providing community facilities, infrastructure, and services. The land
5 development envisioned for the area within the District boundaries will require substantial
6 provision of infrastructure, facilities and services. The CDD is an alternative method to
7 provide these necessary services. The CDD can access the tax-exempt public capital markets
8 and thereby fund these facilities and services at a lower cost than the alternative of developer
9 funding. Furthermore, unlike a property owners association ("POA") the CDD has the
10 power to assess property and collect those assessments along with other property taxes.
11 Therefore, a CDD can fund large capital improvement programs that a POA cannot.

12
13 With regard to the operations and maintenance of community facilities and services the CDD
14 is also the best alternative. The CDD is preferable to a POA to future landowners for the
15 following reasons. First, unlike a POA, the CDD collects funds for operations and
16 maintenance directly from assessments collected along with all other property taxes, which is
17 a more assured income stream. Unlike a POA, a CDD is a unit of local government, and it
18 must hold its meetings in the sunshine and bid out its contracts where required by law. A
19 CDD provides control to the landowners much sooner in time than a POA. A CDD is
20 focused on providing the community with services, facilities, and their maintenance in a way
21 the general-purpose government, with its competing interests and broad responsibilities, is
22 not. This level of local control serves the best interests of property owners in the CDD.

23
24 From the perspective of the State of Florida, the Town, and the Water Management District,
25 a CDD is the best alternative for providing community facilities and their operations and
26 maintenance for a variety of reasons. First, as noted above, compared to a POA the CDD is
27 a more powerful and more responsive organization for providing and maintaining
28 infrastructure and services. Second, without a CDD the Town may have to assume greater
29 responsibility for construction, operations, and maintenance of community facilities and
30 services. Even if the Town formed a dependent district to provide community facilities and
31 services to the area to be served by the CDD, and charged appropriately for these services,
32 the Town would be enmeshed in the responsibilities and in the management of those
33 facilities. Furthermore, without a CDD the Town cannot be assured that only residents of the
34 area to be served by the CDD would bear the full costs of the needed facilities and services.

35
36 **44. As an economic and financial advisor, do you have an opinion as to whether the**
37 **services and facilities to be provided by the proposed District will be incompatible with**
38 **the uses and existing local and regional facilities and services?**

39
40 Yes.

41
42 **45. What is your opinion?**

43
44 The proposed District covers approximately 259.72 acres of land, more or less. The
45 configuration of the land is sufficiently compact and contiguous. As such, it will not create
46 any economic disincentives to the provision of the infrastructure facilities contemplated in

1 this case.
2

3 Given the scope and expected cost of facilities to be provided, 259.72 acres for a residential
4 development provides a sufficient economic base to absorb the debt costs and annual
5 operating costs for district administration and to efficiently apportion the cost of
6 improvements.
7

8 **46. From an economic and financial perspective, do you have an opinion as to whether the**
9 **area that will be served by the proposed District is amenable to separate special district**
10 **government?**

11
12 Yes.
13

14 **47. What is your opinion and its basis?**
15

16 It is my opinion that the area within the boundaries of the proposed District is amendable to a
17 separate special district government. The lands within the proposed District's boundaries
18 have the need for basic infrastructure.
19

20 The land is of sufficient size, compactness, and contiguity and meets those tests. Therefore,
21 from an economic and financial perspective, the area to be served by the proposed District is
22 clearly amendable to separate special district governance.
23

24 **48. Does this conclude your testimony?**
25

26 Yes, it does.
27

ORDINANCE O-22-07

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LAKE HAMILTON, FLORIDA, AMENDING THE LAKE HAMILTON CODE OF ORDINANCES, BY ADDING SECTION 2-140 ENTITLED “LAKE HAMILTON PARKS AND RECREATION ADVISORY BOARD” TO CHAPTER 2 (ADMINISTRATION) ARTICLE VI (BOARDS AND COMMITTEES) OF THE CODE OF ORDINANCES OF THE TOWN OF LAKE HAMILTON; PROVIDING FOR ESTABLISHMENT OF A PARKS AND RECREATION ADVISORY BOARD; PROVIDING FOR PURPOSE AND RESPONSIBILITIES OF THE PARKS AND RECREATION ADVISORY BOARD; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Hamilton, Florida, pursuant to s. 2(b), Art. VIII of the State Constitution, and Section 166.021, Florida Statutes, has the government, corporate and proprietary powers to enable it to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, the Town of Lake Hamilton is experiencing a period of rapid growth; and

WHEREAS, the Town Council desires recognizes the need to plan for parks and recreational activities and facilities as the Town continues to grow; and

WHEREAS, the Town Council desires to amend its Code of Ordinances to create an advisory board to provide recommendations to the Town Council with regard to parks and recreation activities and facilities.

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

Section 1. Amendment to Lake Hamilton Code of Ordinances.

Section 2-140 is hereby created and added in its entirety to Chapter 2 (Administration), Article VI (Boards and Committees), and shall read as follows (~~striketrough~~ language deleted, underline language added):

Chapter 2 – Administration; Article VI – Boards and Committees

Section 2-140

Section 1. Establishment of Board.

- (a) Created. Hereby created is the Town Parks and Recreation Advisory Board, hereinafter referred to as the “Board”, which shall be legally constituted and recognized upon the appointment of members thereto, acceptance of membership thereon, and their holding of an organizational meeting at which required officers are appointed therefor.

- (b) Number of members. The membership of the Parks and Recreation Advisory Boards shall consist of five (5) members who shall serve without compensation.
- (c) Appointment of members. The Mayor with the advice and consent of the Town Council shall appoint all members to terms on the Board from persons who area qualified electors (residents) of the corporate limits of the Town, but who are not elected members of the Town Council. The members of the Board shall serve at the pleasure of the Town Council.
 - (1) Due consideration may be given to representation from various geographic sections within the Town so that each member shall not be from the same general area.
 - (2) Due consideration may be given to diversified experience in parks and recreation interests and activities so that each member provides a unique dimension to the Board.
- (d) Terms; filling vacancies. All appointments to the Parks and Recreation Advisory Board shall be for terms of three years' duration, except for appointments to fill unexpired terms for vacancies which may from time to time occur. Appointments to fill unexpired terms shall be for the duration of the unexpired term. Any member whose term expires may be reappointed for one (1) additional term.
 - (1) Board member terms shall be staggered so that no more than two members' terms expire in any given year. Any vacancy occurring during the unexpired term of office of any member shall be filled by the Town Council for the remainder of the term, with such vacancy to be filled within 30 days of its occurrence.

Section 2. Officers.

The Board shall elect a chairperson, a vice-chairperson, and a secretary by a majority vote of the Board with a quorum present. The chairman, or in his absence, the vice-chairman, shall preside over all meetings of the Board. Officers shall serve terms of one year, or until a successor is elected and installed.

Section 3. Functions; meetings; records.

- (a) The Parks and Recreation Advisory Board of the Town of Lake Hamilton, Florida, is hereby authorized to:
 - (1) Serve as trustees to Sample Park.
 - (2) Act in an advisory capacity to the Department Director and the Town Council in matters pertaining to parks and recreation, programs, Town-sponsored events, and any parks and recreation related matters which are presented to the Board.
 - (3) Provide recommendations on policies, procedures, and grant funding as presented by the Department Director.
 - (4) Advise the Town Council on concerns and priorities of development for Town recreation areas, facilities, Town-sponsored events, and improved recreation services.

- (5) Provide recommendations on the development of long-term capital improvements and cooperate with other governmental agencies and civic groups in the advancement of parks and recreation planning.
- (6) Review the parks, recreation facilities, and other related programs with the Department Director annually.
- (b) Quorum: For the transaction of business, a quorum of the Board must consist of three or more appointed members present to vote. The Boards may meet monthly on a date to be determined by the Department Director and the agenda will be presented to the Board unless it is determined there is no business to conduct. Meetings shall be governed by the Sunshine Law, including meetings being properly noticed, open to the public, and minutes being taken. The conduct of the meetings shall be generally governed by Roberts Rules of Order. The Board shall provide the opportunity for public comment at all meetings. Members of the public shall be permitted three minutes to comment on any agenda item. Additional time may be granted at the discretion of the Board. The Secretary of the Parks and Recreation Advisory board shall keep minutes of its proceedings showing the vote of each member, all of which shall be public record.

Section 2. Conflicts.

All other ordinances in conflict with any of the provisions of this ordinance are hereby repealed to the extent of the conflict.

Section 3. Severability.

If any section, paragraph, sentence, clause, phrase or word in this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this ordinance.

Section 4. Codification.

It is the intention of the Town Council of the Town of Lake Hamilton, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the Town of Lake Hamilton. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word “ordinance” may be changed to “section,” “article,” or other appropriate word.

Section 5. Effective Date.

This ordinance shall take effect immediately upon its adoption.

INTRODUCED and PASSED on first reading this 1st day of March 2022.

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

TOWN OF LAKE HAMILTON, FLORIDA

MICHAEL KEHOE, MAYOR

ATTEST:

BRITTNEY SANDOVALSOTO, TOWN CLERK

Approved as to form:

HEATHER R. MAXWELL, ESQ., TOWN ATTORNEY

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

ORDINANCE O-22-08

AN ORDINANCE OF THE TOWN OF LAKE HAMILTON, FLORIDA, ADOPTING A PLANNED UNIT DEVELOPMENT (PUD) NAMED “WEIBERG WEST”, LOCATED EAST OF S.R. 17 AND APPROXIMATELY 1300 FEET SOUTH OF HATCHINEHA ROAD ON 31.47 ACRES IN SECTION 21, TOWNSHIP 28 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA AND 34.84 ACRES ADJACENT TO THE NORTHEAST CORNER OF DETOUR ROAD AND WEIBERG ROAD IN SECTION 22, TOWNSHIP 28 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA; SUPERSEDING AND REPLACING THE “OLSON PUD” APPROVED FEBRUARY 4, 2020 VIA ORDINANCE O-20-01; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, there has been a request to rezone properties to and for approval of a Planned Unit Development (PUD) known as Weiberg West, which includes lands rezoned by Ordinance O-20-01 on February 4, 2020, and now included in Weiberg West PUD; and

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

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

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

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

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

SECTION 1. PROPERTY IDENTIFICATION: The property identified in the legal description below shall establish a Town of Lake Hamilton Zoning classification of Planned Unit Development (PUD). See the attached Map “A”.

PETITIONER: Heather Wertz of Absolute Engineering on behalf of property owners Cassidy Holdings, LLC, Dayle T, Weinkauf Revocable Trust, PH Citrus, LLC.

LEGAL DESCRIPTIONS: The general location of the parcel is located South of Hatchineha Road and East of Scenic Highway. The land is predominantly citrus groves and undeveloped with a total of approximately 66.31 acres. The Legal descriptions are as follows.

PARCEL NO. 1: 272821 – 000000-032030 – NW $\frac{1}{4}$ of Se $\frac{1}{4}$ of NW $\frac{1}{4}$ East of Railroad in Section 21, Township 28 South, Range 27 East, Polk County, Florida.
01.63 acres

PARCEL NO. 2: 272821 – 000000-014040 – NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$ in Section 21, Township 28 South, Range 27 East, Polk County, Florida.

PARCEL NO. 3: 272821 – 000000-014020 – The Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 21, Township 28 South, Range 27 East, Polk County, Florida.

PARCEL NO. 4: 272821 – 000000-014030 – NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$ in Section 21, Township 28 South, Range 27 East, Polk County, Florida.

PARCEL NO. 5: 272822 – 000000-034020 – Begin at the Southwest corner of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 22, Township 28 South, Range 27 East, Polk County, Florida; thence East 140 feet; thence North 209 feet; thence East 520 feet; thence North to the Northeast corner of tract; thence West to the Northwest corner of tract; Thence South to the point of beginning, less the South 20 feet of the West 1440 feet for road, and less the West 75 feet of the North 150 feet thereof.

PARCEL NO. 6: 272822 – 000000-034030 - The Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 22, Township 28 South, Range 27 East, Polk County, Florida less the East 223 feet thereof and less the South 20 feet thereof for road.

PARCEL NO. 7: 272822 – 000000-034040 – The Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 22, Township 28 South, Range 27 East, Polk County, Florida, less the East 223 feet thereof and less the South 20 feet thereof for road.

PARCEL NO. 8: 272822 – 000000-034050 – Begin 160 feet North of the Southwest corner of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 22, Township 28 South, Range 27 East, Polk County, Florida, thence North 210 feet; thence East 210 feet; thence South 210 feet; thence West 210 feet to the point of beginning.

PARCEL NO. 9: 272822 – 000000-034090 – The Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 22, Township 28 South, Range 27 East, Polk County, Florida

PARCEL NO. 10: 272822 – 000000-034100 – begin at the Southwest corner of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 22, Township 28 South, Range 27 East, Polk County, Florida; thence East 140 feet; thence North 209 feet; thence East 520 feet; thence North to the Northeast corner of tract; thence West to the Northwest corner of tract; thence South to the point of beginning, less the South 20 feet of the West 140 feet for Road, and less the West 75 feet of the North 150 feet thereof.

PARCEL NO. 11: 272822 – 000000-034110 – Begin 140 feet East of the Southwest corner of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 22, Township 28 South, Range 27 East, Polk County, Florida; thence East 117 feet; thence North 209 feet; thence West 117 feet; thence South to the point of Beginning, less the South 20 feet for road.

PARCEL NO. 12: 272822 – 000000-034160 – The North 350 feet of the East 132 feet of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 22, Township 28 South, Range 27 East, Polk County, Florida; less the West 7 feet thereof and less the North 325 feet thereof.

PARCEL NO. 13: 272822 – 000000-034180 – The West 75 feet of the North 150 feet of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ and the North 155 feet of the East 132 feet of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$; less the West 7 feet thereof for right-of-way, all lying and being in Section 22, Township 28 South, Range 27 East, Polk County, Florida.

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

SECTION 2. LOCATION. The property is zoned Planned Unit Development and is hereby amended as shown in Map “A” attached hereto and made a part of this Ordinance. The regulations of that District contained in the Land Development Code and the conditions stated in this Ordinance shall govern further public review and development of the property within this District with the following specific conditions.

SECTION 3. CONDITIONS. The rezoning to Planned Unit Development (PUD) zoning district and the assignment of Planned Unit Development (PUD) zoning shall be subject to the following conditions:

- A. Uses shall be limited to a maximum of 295 single-family residential units. Other permitted uses include home occupations, recreation areas, and ancillary accessory uses. Detached accessory residential units may be permitted in conjunction with an owner-occupied principal single-family residence.
- B. The minimum lot area shall be 4,400 square feet and the minimum lot width shall be 40 feet, provided the maximum number of lots to be less than 50 feet in width and/or less than 5,500 square feet in area shall be 50% of the total lots.
- C. Prior to site plan approval, a traffic study shall be submitted for review. At a minimum, the traffic study shall evaluate the proposed development’s impact on adjacent roads, as well as any intersection located within five (5) miles where projected trips from the subdivision exceed 5 percent.
- D. Enter a developer agreement to financially aid the Town of Lake Hamilton constructing a Wastewater Treatment Facility (WWTF) to produce capacity to meet the projected demand of the proposed PUD.
- E. Enter a developer agreement to financially aid the Town of Lake Hamilton in increasing Water Use Permit (WUP) capacity to meet the projected demand of the proposed PUD.
- F. All development shall be consistent with the conceptual plan as further described in Exhibit “B” attached hereto and made a part of this ordinance; however, deviation from the conceptual site plan, including changes which may impact specific interior lot configuration, to address safety, design, technical, wetland, or permitting issues identified during formal site plan review may be permitted. The shown layout of residential lots and infrastructure is for illustrative purposes.

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

SECTION 3. SEVERABILITY. That any section, paragraph, or portion which may be deemed illegal or unconstitutional shall not affect any other section of this ordinance.

SECTION 4. COPY OF ORDINANCE ON FILE. A copy of this Ordinance shall be kept on file in the office of the Lake Hamilton Town Clerk.

SECTION 5. CONFLICTS WITH OTHER ORDINANCES. That all other ordinances or part of ordinances in conflict herewith are hereby repealed with the adoption of this Ordinance.

SECTION 6. EFFECTIVE DATE. This ordinance shall take effect immediately upon adoption after second reading.

INTRODUCED and PASSED on first reading this 15th day of February 2022.

PASSED and ADOPTED on second reading this 1st day of March 2022.

TOWN OF LAKE HAMILTON, FLORIDA

MICHAEL KEHOE, MAYOR

ATTEST:

BRITTNEY SANDOVALSOTO, TOWN CLERK

Approved as to form:

HEATHER R. MAXWELL, ESQ., TOWN ATTORNEY

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

MAP A

Weiberg West Proposed Planned Unit Development

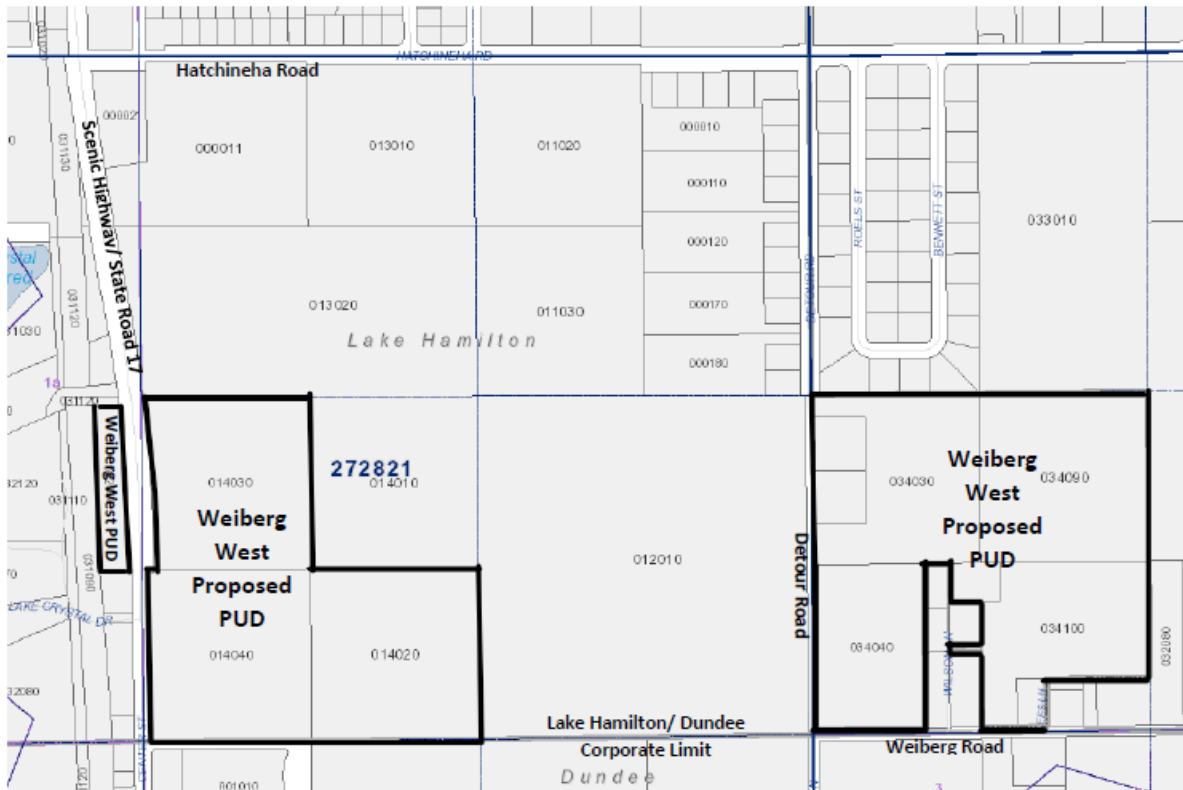


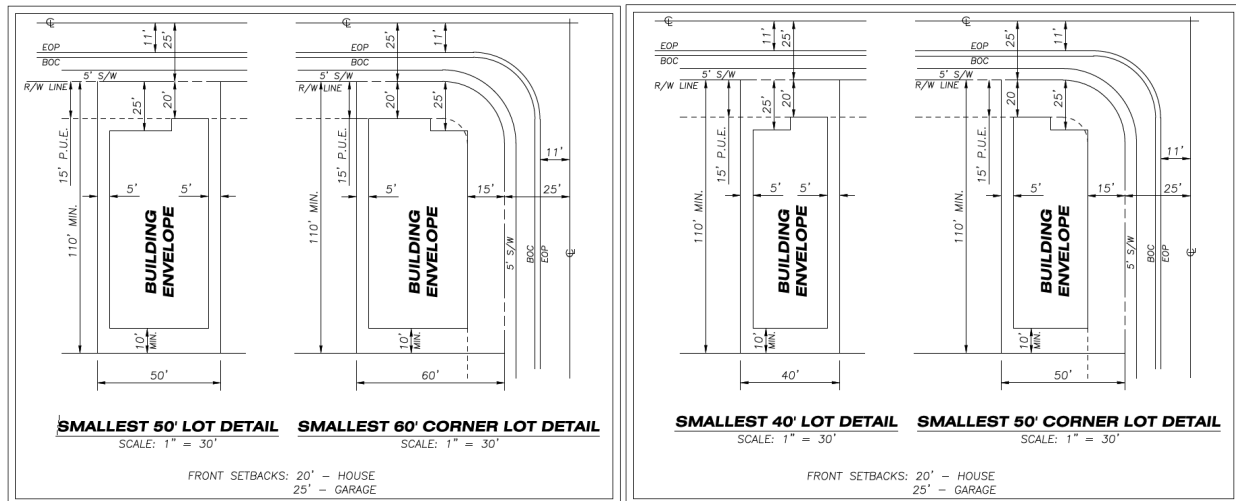
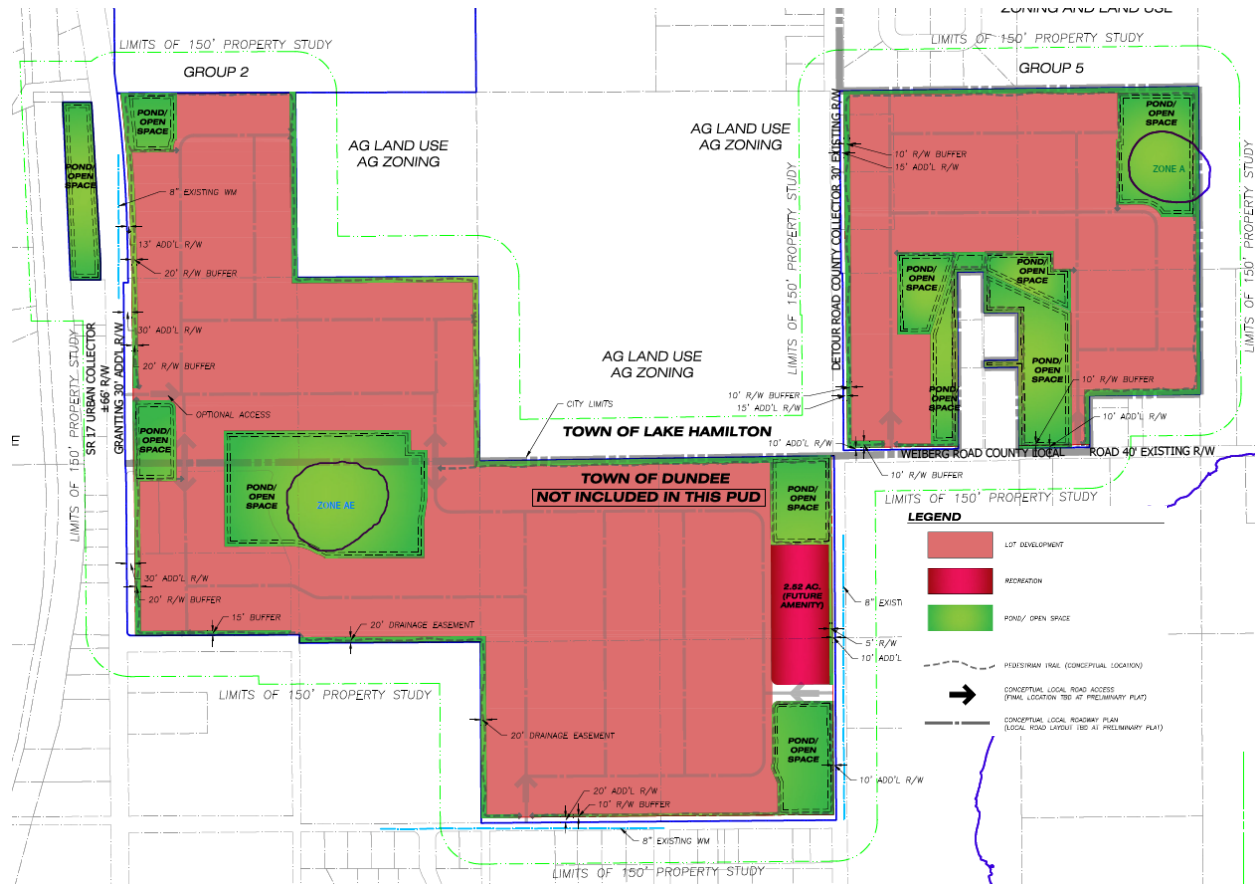
EXHIBIT B

EXHIBIT C

SITE PLAN STANDARDS NOTES:

1. PROJECT IS PROPOSED TO BE DEVELOPED IN MULTIPLE PHASES.
2. DEVELOPMENT IS FOR SINGLE FAMILY DETACHED RESIDENTIAL.
3. TOTAL DEVELOPMENT ACREAGE: 66.31 ACRES
4. MAXIMUM DENSITY ALLOWED: 5.00 UNITS PER ACRE
5. DENSITY PROVIDED: 4.45 (295 LOTS/66.31 ACRES=4.45 UNITS PER ACRE.)
6. FLOOD ZONES ON SITE AND WITHIN 150' OF SITE BOUNDARIES ARE X, AE, AND A AS
7. FLU/ZONING DESIGNATION AND USES ARE DEPICTED WITHIN 150' OF SITE BOUNDARY.
8. PROPOSED LOT LINES AND DIMENSIONS ARE DEPICTED ON THE PLAN.
9. SMALLEST LOT DETAILS AND DIMENSIONS ARE DEPICTED ON THE PLAN.
10. FLOOR AREA RATIO: NOT APPLICABLE.
11. IMPERVIOUS AREA SHALL NOT EXCEED 50%.
12. MAXIMUM BUILDING HEIGHT: 2 STORIES
13. ROADWAYS AND STORMWATER MANAGEMENT SYSTEM TO BE PUBLIC AND WILL BE OWNED AND MAINTAINED BY THE CDD.

14. SETBACKS

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

15. ACCESS STANDARDS

20' WIDE PAVEMENT WITH 2' MIAMI CURB AND GUTTER, ACCESS TO SITE WILL BE VIA DETOUR ROAD, WEIBERG ROAD, S.R. 17 AND RIDGEWOOD AVE.

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

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

18. UTILITIES

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

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

20. REQUIRED OPEN SPACE: 5% OPEN SPACE PROVIDED: 18.3 ACRES = 27.6% 21. NO CONSTRUCTION ACTIVITY IS ALLOWED BEFORE 7AM OR AFTER 9PM.

February 24, 2022

Proposal No. LAKHA21011P

Ms. Sara Irvine, Town Clerk
Town of Lake Hamilton
Post Office Box 126
Lake Hamilton, Florida 33851

RE: ADDENDUM 1 TO SUPPLEMENTAL AGREEMENT TO MASTER AGREEMENT – PHASE 1 WASTEWATER TREATMENT FACILITY DESIGN

Dear Ms. Irvine:

We are pleased to submit two (2) copies of Addendum 1 to the referenced Agreement to the Town to provide consulting engineering services for the referenced Project. This Agreement describes our scope of services modify the design and bidding documents to increase the size and layout for a new Wastewater Treatment and Disposal

Upon review and approval, please sign and return one (1) executed copy of this Agreement to our office.

Please call me if you have any questions. We sincerely appreciate the opportunity to assist the Town of Lake Hamilton with this important Project.

Sincerely
Pennoni



Steven L. Elias, P.E.
Municipal Division Manager



Roger L. Homann, P.E.
Water and Wastewater Division Manager

PENNONI PROPOSAL NUMBER LAKHA21011P

ADDENDUM 1 TO SUPPLEMENTAL AGREEMENT TO CONTINUING AGREEMENT

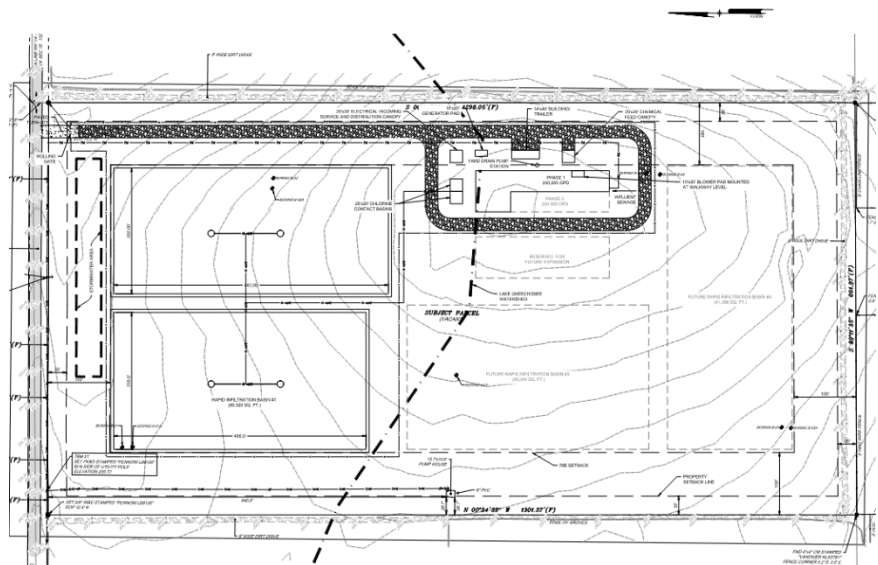
By and Between

TOWN OF LAKE HAMILTON - and – PENNONI ASSOCIATES

Project

PHASE 1 WASTEWATER TREATMENT FACILITY DESIGN

- 1.0 GENERAL:** This is Addendum 1 to Supplemental Agreement LAKHA21011 to the Master Agreement between the Town of Lake Hamilton (Town, Client, or Owner) and Pennoni Associates Inc. (Engineer or Pennoni) for professional engineering services dated 9 February 2007. Except as provided for herein, the provisions of the Master Agreement between the Town and Engineer shall apply to this Supplemental Agreement.
- 2.0 EMPLOYMENT:** The Town hereby retains the continuing professional engineering services of Engineer, in consideration of the mutual covenants contained herein, and agrees in respect to the performance of professional engineering services by Engineer and the payment for those services by Town as set forth herein.
- 3.0 PROJECT BACKGROUND AND DESCRIPTION:** The Town of Lake Hamilton (Town) authorized Pennoni on January 11, 2022 to prepare design and bidding documents for a 200,000 gpd Phase 1 Wastewater Treatment Facility (WWTF) on a 19.7 acre parcel of property located northeast of Town Hall along Water Tank Road. The design of this facility has been proceeding in accordance with the Town-approved basis of design defined in Pennoni's December 21, 2021 Preliminary Engineering Report (PER). The Town now desires to increase the capacity of the Phase 1 facility to 250,000 gpd to accommodate additional growth and



to re-orient the site layout in an attempt to reduce water treatment and operation & maintenance staffing requirements mandated by FDEP.

4.0 ASSUMPTIONS: The scope of work described herein is based on the following additional assumptions:

4.1 General:

- Design flows will be increased to 250,000 gpd (Phase1) with 500,000 gpd anticipated for Phase 2.
- The Town will secure additional funding from all necessary sources, provide timely reviews, promptly process required approvals, etc. to prevent Project delays.

4.2 WWTF Process Components:

- Effluent disposal RIBBs will be relocated to the northern portion of the site to remove the pond bottoms from the apparent Kissimmee Basin BMAP area.
- Process equipment, piping, and electrical will be enlarged as applicable and moved south of the Phase 1 RIBBs.
- Utilities will be extended south to the new process equipment area (Power, influent piping, etc.)

4.3 Site Improvements:

- Access road – stabilized unpaved road to be relocated to east property line and extended south to new equipment area.
- Stormwater management area will be moved to the north side of site.

5.0 PURPOSE: The purpose of this Agreement is to authorize Pennoni to provide the services described in Section 6.0 herein for the fee described in Section 7.0 herein.

6.0 SCOPE OF WORK: Pennoni shall provide, or obtain from others, professional engineering services to perform specialized study services for this Project. Pennoni's services will include serving as the Town's engineering representative for the Project and providing customary professional civil engineering and consulting services. Pennoni makes no warranties, express or implied, under this Agreement or otherwise, in connection with Pennoni's services. The following sections describe Pennoni's scope of work for this Project.

6.1 Preliminary Design Phase:

6.1.1 Design Revision Coordination: Coordinate with Town, FDEP, packaged plant vendor, and others to evaluate proposed revisions, develop revised layout plan(s), develop revised opinion of probable cost, and required scope to accomplish changes.

6.1.2 Geotechnical Exploration and Design Report: Coordinate with our geotechnical engineering subconsultant (Universal Engineering) to perform an additional four additional soil borings evaluate the suitability of existing soils for relocated

foundations for large onsite proposed structures, Rapid Infiltration Basins (RIBs) for effluent disposal, stabilized access roads, and surface water management improvements.

Geotechnical engineer will prepare a revised Design Report to summarize their findings and recommendations for inclusion in the FDEP Design Engineer's Report for the Permit application.

6.1.3 Basis of Design Memorandum: Prepare a revised Basis of Design (BOD) Summary Report for Town review and approval, which will:

- Present the design concept and configurations for the Phase 1 WWTF improvements
- Present design criteria and unit process sizing
- Define the desired equipment brands and manufacturers to be included on the Contract Documents
- Incorporate any Town comments
- Serve as the Design Report required for the FDEP Construction Permit

6.2 **Environmental Phase:** No changes

6.3 **Permitting Phase:** No Changes

6.3.1 FDEP Construction Permit: Coordinate with FDEP on the revised facility layout and approach and revise application documents accordingly.

6.4 **Design Phase:** Pennoni will prepare revised design documents as described below.

6.4.1 Construction Documents: Prepare Bidding and Construction Level Documents for this Project to incorporate the proposed revisions.

6.4.2 Hydrogeological and Groundwater Monitoring Plan: Evaluate additional hydrogeological and geotechnical data from the preliminary design phase and perform hydrogeological modeling to determine applicable percolation rates and RIB design capacity for the revised facilities; prepare design report and design plans for the modified RIBs; and prepare groundwater monitoring plan notification to support FDEP Wastewater Permit Modification Application

6.5 **Bidding Phase:** No Changes

6.6 **Exclusions:** No Changes

7.0 PENNONI'S COMPENSATION

7.1 Our lump sum fees, excluding reimbursable costs, to provide the above-described additional services are given below.

A. Preliminary Engineering Phase	\$19,000
B. Environmental Phase	\$0
C. Permitting Phase	\$2,000
D. Design Phase	\$37,000
E. Bidding Phase	<u>\$0</u>
Total	\$58,000

7.2 Should the Client elect to expand the Scope of Work to include work tasks not covered in this agreement, Pennoni will perform the requested additional work tasks based on: (A) A mutually agreed upon fixed fee; or (B) The time we spend and the costs we incur to perform the work.

7.3 It is understood and agreed that cost tradeoffs among the various cost categories and work tasks are allowable, so long as the total estimated cost of all work tasks is not exceeded without the Town's written approval.

8.0 TOWN'S RESPONSIBILITIES: The Town shall do the following in a timely manner so as to assist Pennoni in its work and not delay the performance of services by Pennoni.

8.1 Designate a Town representative with respect to the services to be rendered under this Supplement who will have complete authority to transmit instructions, receive information, provide direction on project scope, and define Town's policies and decisions with respect to Pennoni's services for this Project

8.2 Promptly review, comment on, and return Pennoni's submittals

8.3 Conduct Public meetings, process approvals, and secure funding from all necessary sources, provide reviews, and process required approvals, etc. in a timely manner to prevent Project bidding, construction, and other delays.

8.4 Coordinate temporarily storage and hauling of initial wastewater flows to facilitate initial acceptance of off-site treatment as needed until flows are high enough to make it feasible for on-site treatment and disposal.

8.5 Payment of any permit applications, review fees by others, mitigation fees, and other costs not included in this proposal are the responsibility of the Town

8.6 Promptly advise Pennoni when the Town becomes aware of any defect or deficiency in Pennoni's services

- 8.7** Furnish Pennoni with all information as to Town requirements, including any special or extraordinary considerations for the Project, and make available existing pertinent data as identified in the Scope of Work as necessary (maps, as-built drawings, growth/demand projections, etc.)

9.0 OTHER MATTERS

- 9.1** The Terms and Conditions of the referenced Master Agreement between Town and Engineer shall apply to our services, along with terms described herein as applicable. References to the Pennoni/ Consultant/ Engineer regarding Limitation of Liability also pertain to the Project's Engineer of Record.
- 9.2** The obligation to provide services under this Task Authorization may be terminated by either party upon 7 days written notice, in the event of substantial failure by the other party to perform in accordance with the terms hereof through no fault of the terminating party. In the event of any termination, Pennoni will be paid for all services rendered.
- 9.3** Because Pennoni has no control over the cost of labor, materials, equipment or services furnished by others, or over methods of determining prices, or over competitive bidding or market conditions, any and all opinions as to costs rendered hereunder, including but not limited to opinions as to the costs of construction and materials, shall be made on the basis of its experience and qualifications and represent its best judgment as an experienced and qualified professional, familiar with the construction industry. Pennoni cannot and does not guarantee that proposals, bids, or actual costs will not vary from opinions of probable cost prepared by it. If at any time the Town wishes greater assurance as to the amount of any cost, the Town shall employ an independent cost estimator to make such determination.
- 9.4** This proposal may be void if not executed within 45 days.
- 9.5** In the performance of its work, Pennoni will rely on readily available and historic information (plans, as-built drawings, manuals, specifications, reports, etc.) provided by the Town and by others without research to verify the accuracy of said information.
- 9.6** PURSUANT TO 558.0035 F.S., AN AGENT OR INDIVIDUAL EMPLOYEE OR AGENT OF PENNONI ASSOCIATES, INC CANNOT BE HELD INDIVIDUALLY LIABLE FOR DAMAGES RESULTING FROM NEGLIGENCE OCCURRING WITHIN THE COURSE AND SCOPE OF THIS PROFESSIONAL SERVICES CONTRACT OR THE PERFORMANCE OF PROFESSIONAL SERVICES HEREUNDER. BY

SIGNING THIS AGREEMENT, YOU HAVE ACCEPTED THIS
LIMITATION OF LIABILITY

IN WITNESS WHEREOF, the parties hereto have executed this Agreement in duplicate on the

_____ of _____ 2022.
(Day) (Month)

TOWN OF LAKE HAMILTON

Attest, Town Clerk

Mayor, Town of Lake Hamilton

PENNONI ASSOCIATES INC.



BY: _____
Brian Diehl, Regional Vice President

DATE: 2/24/22

February 23, 2022

Proposal No. LAKHA22001P

Ms. Sara Irvine, Town Clerk
Town of Lake Hamilton
Post Office Box 126
Lake Hamilton, Florida 33851

**RE: SUPPLEMENTAL AGREEMENT TO MASTER AGREEMENT – EPA 319 GRANT PROJECT
DESIGN/BID/TECHNICAL SERVICES DURING CONSTRUCTION**

Dear Ms. Irvine:

We are pleased to submit two (2) copies of this Agreement to the Town to provide consulting engineering services for the referenced Project. This Agreement describes our scope of services to assist the Town with preparing design and bidding documents, bidding services, and technical services during construction for the Town's EPA 319 Grant project.

Upon review and approval, please sign and return one (1) executed copy of this Agreement to our office.

Please call if you have any questions. We sincerely appreciate the opportunity to assist the Town of Lake Hamilton with this important Project.

Sincerely
Pennoni



Steven L. Elias, P.E.
Municipal Division Manager



Roger L. Homann, P.E.
Water and Wastewater Division Manager

PENNONI PROPOSAL NUMBER LAKHA22001P

SUPPLEMENTAL AGREEMENT TO CONTINUING AGREEMENT

By and Between

TOWN OF LAKE HAMILTON - and – PENNONI ASSOCIATES INC.

Project

EPA 319 GRANT PROJECT DESIGN/BID/TECHNICAL SERVICES DURING CONSTRUCTION

- 1.0 GENERAL:** This is Supplemental Agreement LAKHA22001 to the Master Agreement between the Town of Lake Hamilton (Town, Client, or Owner) and Pennoni Associates Inc. (Engineer or Pennoni) for professional engineering services dated 9 February 2007. Except as provided for herein, the provisions of the Master Agreement between the Town and Engineer shall apply to this Supplemental Agreement.
- 2.0 EMPLOYMENT:** The Town hereby retains the continuing professional engineering services of Engineer, in consideration of the mutual covenants contained herein, and agrees in respect to the performance of professional engineering services by Engineer and the payment for those services by Town as set forth herein.
- 3.0 PROJECT BACKGROUND AND DESCRIPTION:** Septic tanks in the Lake Gordon area of the Town are not ideal due to groundwater levels and age, leading to less safe and effective on-site wastewater treatment along with nutrient loading to nearby water bodies. Connection of homes and other facilities in the area to a centralized sewer system will provide a greatly improved method of wastewater treatment, which will redirect pollutants from groundwater and lakes and complement regional water quality Basin Management Action Plan (BMAP) goals.

The Town has obtained an Environmental Protection Agency (EPA) EPA 319 Grant administered by the Florida Department of Environmental Protection (FDEP) for a project (319 Grant Project) to construct sewer laterals and abandon septic tanks for approximately 158 locations in the Lake Gordon area (Project area) of the Town. The EPA 319 Grant Project is a companion project to the Town's FDEP Clean Water State Revolving Fund (CWSRF) grant/loan project (CWSRF Project) to construct a sanitary sewer collection and transmission system within the Project area. Wastewater from the CWSRF Project will be transmitted to a new Town Wastewater Treatment Facility (WWTF), which is also to be partially funded via the CWSRF grant/loan. The project scope of the 319 Grant Project generally includes construction of infrastructure (sewer laterals and septic tank abandonments) necessary within private property at the single-family residences and other facilities to be connected to the wastewater collection system. The CWSRF Project includes construction of infrastructure (gravity

sewer system, pumping station, and force main) within public right-of-way and other obtained easements.

Town staff has requested Pennoni to provide design services, biddings services, and technical services during construction for the 319 Grant Project.

4.0 PURPOSE: The purpose of this Agreement is to authorize Pennoni to provide the services described in Section 5.0 herein for the fee described in Section 6.0 herein.

5.0 SCOPE OF WORK: Pennoni shall provide, or obtain from others, professional engineering services to perform specialized study services for this Project. Pennoni's services will include serving as the Town's engineering representative for the Project and providing customary professional civil engineering and consulting services. Pennoni makes no warranties, express or implied, under this Agreement or otherwise, in connection with Pennoni's services. The following sections describe Pennoni's scope of work for this Project.

5.1 Preliminary Design Phase:

5.1.1 Kick-off meeting: meet with Town staff to confirm the objectives and scope of work for the proposed project.

5.1.2 Survey: Perform field work and prepare a survey of the approximately 158 residential and other sewer connection locations to be used as the basis of design for this project. Available aerial photography will be used as the background map for the survey drawings. Features to be depicted include existing septic tank locations, water meter locations, and finished floor elevations. The locations of the existing septic tanks and water meters are to be marked by Town staff.

5.2 Design Phase: Pennoni will prepare design documents as described below.

5.2.1 Construction Documents: Prepare Bidding and Construction Level Documents for this Project. The Construction Documents will consist of the Construction Plans and a Project Manual, which will include the Technical Specifications, Bid Proposal, Construction Contract, and other 'Front End Type' documents, in accordance with the Town's procurement requirements. Construction Drawings will include Civil and Mechanical plans and performance criteria to help construct the proposed improvements. The Construction Documents will include content required by the FDEP for approval of the documents including but not limited to Davis Bacon wage determination provisions and American Iron and Steel provisions.

5.2.2 Town Reviews: At the 90% completion milestones, submit one (1) set of Construction Drawings and Project Manual to the Town for review and comment for technical and legal sufficiency and meet with the Town to review and discuss the submittal, and at

the 100% completion milestone, submit one (1) set of the Construction Drawings to the Town for final acceptance.

5.2.3 Final Submittal: Submit final plans and specifications to the Town (submittal to FDEP 319 Grant administrative staff review to be conducted separately) for bidding purposes.

5.3 **Bidding Phase**: Pennoni will provide assistance to the Town in obtaining, receiving, and evaluating bids and awarding and executing the Construction Contract as described below.

5.3.1 Pre-Bid Conference: Conduct a Pre-Bid Conference to review and answer questions from prospective bidders regarding the Construction Documents and to tour the Project Site as needed.

5.3.2 Respond to Questions: Provide written responses to questions from bidders.

5.3.3 Addenda: Prepare and issue Addenda to the Construction Documents, if required, which will address the questions raised at the Pre-Bid Conference and respond to other issues and questions.

5.3.4 Bid Review: Review bids submitted to the Town, tabulate the bids, check the low bidders' references, and submit a bid award letter of recommendation for the lowest, responsible bidder.

5.3.5 Construction Contract: After the Town awards the bid, assist with preparing and executing the Construction Contract.

5.4 **Technical Services During Construction**: Pennoni will provide technical services during construction of the Project as described below:

5.4.1 Issue Construction Documents: Provide one (1) copy of Construction Documents (i.e., Construction Plans/Specifications and contract documents) to the selected Contractor

5.4.2 Respond to Questions: Respond to the Contractor's questions to help clarify the intent of the design documents

5.4.3 Pre-Construction Meeting: Conduct one pre-construction conference with representatives of the Town and the Contractor to provide a clear understanding of the objectives and goals to be achieved in this Project and prepare a written summary of the salient points of this meeting and distribute to the appropriate parties

5.4.4 Construction Observation and Engineering Support: Provide construction engineering support and make periodic visits to the site during the course of construction (not full-time construction observation) to observe and document the construction for conformance with the general intent of the civil construction plans,

specifications, and permit applications prepared by Pennoni (costs for this proposed work scope item were determined assuming a total construction contract time duration of 300 days after notice to proceed, including 270 days for project substantial completion and 30 additional days for project final completion)

- 5.4.5 Shop Drawing Review: Review Contractor's shop drawing submittals, respond to the Contractor's requests for information, and maintain a log of associated correspondence
- 5.4.6 Pay Application Review: Review and process Contractor's pay applications
- 5.4.7 Progress Meetings: Prepare for and conduct monthly progress meetings (as deemed necessary by the Client) and prepare meeting summary memorandum(s) to document discussions
- 5.4.8 319 Grant Program Disbursement Requests: Following technical review and approval of Contractor pay requests, assist the Town with submitting grant disbursement requests to the FDEP including appropriate project progress reporting forms
- 5.4.9 American Iron and Steel Requirements: Review construction Contractor submittals to monitor compliance with the American Iron and Steel requirements of the EPA 319 Grant
- 5.4.10 Davis-Bacon Provisions: Assist the Town in administering Davis-Bacon wage survey and reporting requirements that are a requirement of the EPA 319 Grant
- 5.4.11 Other FDEP Coordination: Coordinate with FDEP staff on the Town's behalf to generally ensure compliance with the terms and conditions of the 319 Program funding agreement
- 5.4.12 Substantial Completion: When the site work construction is substantially complete and when requested by the contractor(s) and approved by the Town, conduct one site visit to observe the substantially completed construction, prepare a punch list of the observed work items to be completed in general conformance with the approved plans and permits, and provide the Town and the Contractor with the punch list
- 5.4.13 Final Completion: When the site work construction is 100% complete and when requested by the Contractor and approved by the Town, make one site visit per project to observe the complete construction and to review the completed punch list items
- 5.4.14 Record Drawings: Based on the Contractor's as-builts*, prepare Record Drawings of the system modification information

*After the improvements are completely constructed, the Contract Documents require the contractor to provide Pennoni with certified (signed and sealed by a Florida Registered Professional Land Surveyor and Mapper) and electronic drawings in AutoCAD format, which clearly illustrate the as-built conditions of the site work construction. These as-builts shall fulfill the requirements of the Town, FDEP, and Pennoni, and be used as the basis of our Record Drawings.

5.4.15 Certification: If construction is deemed sufficient by Pennoni, submit prepared Certifications of Completion for the completed project to the FDEP and Town as applicable (Please note that any deviations from the approved construction plans, such as pipe slope, elevation differences, separation requirements, etc., which call into question the capacity of the systems to function as designed, could require additional services on Pennoni's part that are not included herein)

5.5 Exclusions: All other services not explicitly described in Items 5.1 – 5.4 above and based on the assumptions described herein will be performed as an Additional Service upon request and written approval by the Town, including but not limited to the following:

- Services associated with the FDEP CWSRF grant/loan (to be conducted under a separate Agreement)
- Boundary and topographic survey
- Re-design or re-permitting services
- Specialized studies (environmental, archaeological, historical structures, etc. that are not anticipated)
- Wetland delineations, surveys, impact, and mitigation permitting, etc.
- Right-of-way or easement acquisition assistance or preparing legal description documents to support these efforts
- Bid protest response assistance (would be performed on time and expense basis)
- Excessive reviews (greater than two) of contractor submittals (shop drawings, pay applications, payroll documentation, as-builts, etc.)
- Technical services during construction for any construction contract time extension(s)
- Expert testimony
- Ownerships and encumbrance reports
- Participation in orders of taking and/or other litigation
- Detailed cost estimating
- Paying for outside review or application fees
- Providing services in connection with a public hearing, arbitration proceeding, or legal proceeding except where Pennoni is party thereto
- The contractor will acquire all required building permits
- All other services not explicitly described in Sections 5.1 – 5.4

6.0 PENNONI'S COMPENSATION

6.1 Our lump sum fees, excluding reimbursable costs, to provide the above-described services are given below.

A. Preliminary Design Phase	\$25,000
B. Design Phase	\$43,000
C. Bidding Phase	\$12,000
D. Technical Services during Construction Phase	\$55,000
Total.....	\$135,000

6.2 Should the Client elect to expand the Scope of Work to include work tasks not covered in this agreement, Pennoni will perform the requested additional work tasks based on: (A) A mutually agreed upon fixed fee; or (B) The time we spend and the costs we incur to perform the work.

6.3 It is understood and agreed that cost tradeoffs among the various cost categories and work tasks are allowable, so long as the total estimated cost of all work tasks is not exceeded without the Town's written approval.

7.0 **TOWN'S RESPONSIBILITIES:** The Town shall do the following in a timely manner so as to assist Pennoni in its work and not delay the performance of services by Pennoni.

7.1 Designate a Town representative with respect to the services to be rendered under this Supplement who will have complete authority to transmit instructions, receive information, provide direction on project scope, and define Town's policies and decisions with respect to Pennoni's services for this Project

7.2 Promptly review, comment on, and return Pennoni's submittals

7.3 Conduct Public meetings, process approvals, and secure funding from all necessary sources, provide reviews, and process required approvals, etc. in a timely manner to prevent Project bidding, construction, and other delays

7.4 Pursue and obtain easements at each property to be connected via the project

7.5 Locate and flag existing septic tank and water meter locations at each of the residences/properties to be connected via the 319 Grant Project

7.6 Payment of any permit applications, review fees by others, and other costs not included in this proposal are the responsibility of the Town

7.7 Promptly advise Pennoni when the Town becomes aware of any defect or deficiency in Pennoni's services

- 7.8** Furnish Pennoni with all information as to Town requirements, including any special or extraordinary considerations for the Project, and make available existing pertinent data as identified in the Scope of Work as necessary (maps, as-built drawings, etc.)

8.0 OTHER MATTERS

- 8.1** The Terms and Conditions of the referenced Master Agreement between Town and Engineer shall apply to our services, along with terms described herein as applicable. References to the Pennoni/Consultant/Engineer regarding Limitation of Liability also pertain to the Project's Engineer of Record.
- 8.2** The obligation to provide services under this Task Authorization may be terminated by either party upon 7 days written notice, in the event of substantial failure by the other party to perform in accordance with the terms hereof through no fault of the terminating party. In the event of any termination, Pennoni will be paid for all services rendered.
- 8.3** Because Pennoni has no control over the cost of labor, materials, equipment or services furnished by others, or over methods of determining prices, or over competitive bidding or market conditions, any and all opinions as to costs rendered hereunder, including but not limited to opinions as to the costs of construction and materials, shall be made on the basis of its experience and qualifications and represent its best judgment as an experienced and qualified professional, familiar with the construction industry. Pennoni cannot and does not guarantee that proposals, bids, or actual costs will not vary from opinions of probable cost prepared by it. If at any time the Town wishes greater assurance as to the amount of any cost, the Town shall employ an independent cost estimator to make such determination.
- 8.4** This proposal may be void if not executed within 45 days.
- 8.5** In the performance of its work, Pennoni will rely on readily available and historic information (plans, as-built drawings, manuals, specifications, reports, etc.) provided by the Town and by others without research to verify the accuracy of said information.
- 8.6** PURSUANT TO 558.0035 F.S., AN AGENT OR INDIVIDUAL EMPLOYEE OR AGENT OF PENNONI ASSOCIATES, INC CANNOT BE HELD INDIVIDUALLY LIABLE FOR DAMAGES RESULTING FROM NEGLIGENCE OCCURRING WITHIN THE COURSE AND SCOPE OF THIS PROFESSIONAL SERVICES CONTRACT OR THE PERFORMANCE OF PROFESSIONAL SERVCIES HEREUNDER. BY SIGNING THIS AGREEMENT, YOU HAVE ACCEPTED THIS LIMITATION OF LIABILITY

IN WITNESS WHEREOF, the parties hereto have executed this Agreement in duplicate on the

_____ of _____ 2022.
(Day) (Month)

TOWN OF LAKE HAMILTON

Attest, Town Clerk

Mayor, Town of Lake Hamilton

PENNONI ASSOCIATES INC.

BY: _____



Brian Diehl, Regional Vice President

DATE: 2/23/22

February 24, 2022

Ms. Sara Irvine, Town Administrator
Town of Lake Hamilton
Post Office Box 126
Lake Hamilton, Florida 33851

**RE: ADDENDUM NO. 2 TO SUPPLEMENTAL AGREEMENT NO. 19-02 TO MASTER AGREEMENT – SR 17
SEWER EXTENSION DESIGN/PERMITTING**

Dear Ms. Irvine:

We are pleased to submit this Addendum No. 1 to our Agreement to the Town to provide consulting engineering services for this Project. This Addendum describes our additional scope of services to assist the Town with design and permitting services for the SR 17 Sewer Extension Project with a revised project scope to route wastewater to the Town's proposed new wastewater treatment facility, FDEP Clean Water State Revolving Fund (CWSRF) Facilities Plan revisions for the project to include the revised force main route and partial funding of the WWTF, and other FDEP CWSRF coordination.

Upon review and approval, please sign and return one (1) executed copy of this Agreement to our office.

Please call us if you have any questions. We sincerely appreciate the opportunity to assist the Town of Lake Hamilton with this important Project.

Sincerely
Pennoni



Steven L. Elias, P.E.
Municipal Division Manager



Roger L. Homann, P.E.
Water and Wastewater Division Manager

ADDENDUM NO. 2 TO SUPPLEMENTAL AGREEMENT NO. 19-02 TO CONTINUING AGREEMENT**By and Between****TOWN OF LAKE HAMILTON - and – PENNONI ASSOCIATES INC.****Project****SR 17 SEWER EXTENSION DESIGN/PERMITTING**

- 1.0 GENERAL:** This Addendum No. 2 to Supplemental Agreement 19-02 between the Town of Lake Hamilton (Town, Client, or Owner) and Pennoni Associates Inc. (Engineer or Pennoni) for engineering services. Except as provided for herein, the terms and conditions of Supplemental Agreement 19-02 between the Town and Pennoni shall apply.
- 2.0 BACKGROUND INFORMATION:** Pennoni is currently under contract via Supplemental Agreement 19-02 with the Town to provide professional engineering services to perform design and permitting services for this Project. This project is a Florida Department of Environmental Protection (FDEP) Clean Water State Revolving Fund (CWSRF) funded project. Construction grant/loan funding via CWSRF has been approved. The project scope was originally to construct wastewater collection system improvements to allow wastewater flows from the eastern portion of the Town currently using onsite septic tanks for wastewater disposal to be collected via a new wastewater collection system and conveyed to the Town of Dundee's sewer system. However, the Town of Dundee was unwilling to enter into an agreement with the Town of Lake Hamilton to accept the wastewater flows from the Project. Addendum No. 1 to Supplemental Agreement 19-02 was executed to revise the design of the force main to transmit wastewater to the City of Haines City for treatment. This revised design was completed and submitted to FDEP CWSRF for approval and also to FDEP Southwest District for permitting. The issued permit for the project stipulates that collected wastewater will be transmitted to the City of Haines City; however, Haines City is no longer willing to accept the wastewater from the project.

The Town is now moving forward with the design of its own wastewater treatment facility (WWTF). Property has been acquired on the south side of Water Tank Road east of SR17 (Scenic Highway) for the WWTF (Exhibit 1). Pennoni is assisting the Town with the design of the new WWTF under a separate Agreement with the Town. The new WWTF is being sized to accept wastewater flows from the SR17 Sewer Extension CWSRF project and also from private developers who have signed development agreements. Funding of the WWTF project is to be from private developers and partially from the previously obtained CWSRF grant/loan funding for the SR17 project. Pennoni has been assisting the Town to coordinate with FDEP CWSRF staff to determine requirements to revise the project scope to include both the SR17 project revised force main route to connect to the new WWTF and also to allow a portion of the grant/loan funding to be used for the WWTF construction (generally the funding amount previously earmarked for Haines City impact fees and also the reduction in project cost resulting from the shorter force main).

The Town has requested this Addendum No. 2 for Pennoni to provide the following additional services:

- SR-17 Sewer Extension Project design revisions including additional survey work for the new force main route to connect to the proposed new WWTF.
- Revisions to the FDEP Construction Permit to reflect the new force main route and method of wastewater treatment (proposed new WWTF)
- FDOT and Polk County permitting for the new force main route
- FDEP CWSRF Facilities Plan revisions required to revise the project scope (revised force main route to proposed new WWTF and reallocation of some grant/loan funds to be used for WWTF construction costs)
- Other FDEP CWSRF coordination

3.0 SUPPLEMENTAL SERVICES: The supplemental services project scope includes the following tasks associated with the revised improvements illustrated on Exhibit 1. Pennoni will perform the following supplemental services in addition to the services described in Supplemental Agreement 19-02 and Addendum No. 1 to Supplemental Agreement 19-02:

3.1 Topographic Survey: Prepare a topographic survey that shows road right-of-way lines, visible improvements, flagged utilities, and spot elevations with interpolated 1 ft. contours that represent the general ground surface within the revised limits of the Project as defined on Exhibit 1 (Note: The Town will provide any right-of-way, deed, and easement information associated herewith and will flag existing Town utilities upon the request of Pennoni.)

3.2 SR-17 Sewer Extension Project Design Revisions: Pennoni's design revisions will include:

- Design approximately 1,500 feet of 10-inch PVC force main to convey wastewater east on Water Tank Road (assumed force main will be located within easements obtained by the Town along Water Tank Road) to a force main constructed by others, which ultimately will connect to the Town's proposed new WWTF (Exhibit 1)
- Design of Dundee Citrus Growers force main (Exhibit 1)
- Design of packaged lift station for Dundee Citrus Growers
- Revisions to Construction Documents: Pennoni will revise the Bidding and Construction Level Documents for this Project to show the revised project scope described above. The Construction Documents will consist of the Construction Plans and a Project Manual, which will include the Technical Specifications, Bid Proposal, Construction Contract, and other 'Front End Type' documents, in accordance with the Town's procurement requirements. The Construction Documents will include all content required by the FDEP CWSRF for approval of the documents including but not limited to FDEP CWSRF Special Conditions, Davis Bacon wage determination provisions, and American Iron and Steel provisions. It is assumed that a general Maintenance of Traffic (MOT) Plan(s) from the FDOT Standard Index will be used for this Project. If a Project-specific MOT plan is required by any jurisdictional agency, this will be prepared as an Additional Service
- Submittal of revised SR17 Sewer Extension Project construction documents for FDEP CWSRF review/approval

3.3 Permit Revisions: Pennoni will make applications to revise the permits for the SR17 Sewer Extension Project as necessary to reflect the project scope revisions including:

- FDEP Construction Permit
- FDOT Utility Permit
- Polk County Right-of-Way Permit

3.4 FDEP CWSRF Facilities Plan Revisions: Pennoni will assist the Town to revise the Town's FDEP CWSRF Facilities Plan as necessary to allow the grant/loan fundable project scope to include the new force main route and also the partial grant/loan funding of the proposed new WWTF. In general, the Facilities Plan document must be amended to ensure all FDEP CWSRF Facilities Plan checklist items have been addressed for the revised project scope including the following items:

- Revised executive summary which describes the revised project scope
- Cost estimate for revised project scope (revised force main route and new WWTF)
- Alternatives analysis discussion for the new WWTF
- Revised environmental analysis for the new project scope most notably for the new WWTF property (topics including but not limited to Florida land use, stormwater drainage, socio-economic conditions, health/sanitation/security, and environmental consequences/mitigative measures)
- Updated maps
- Analysis of funding available to put toward new WWTF construction
- Conduct a public hearing as necessary to adopt the revised Facilities Plan if previous WWTF approval meetings are deemed by CWSRF to not meet public participation requirements

3.5 FDEP CWSRF Program Coordination: Pennoni will coordinate with FDEP staff on the Town's behalf to generally ensure compliance with the terms and conditions of the FDEP CWSRF program including:

- Coordination to determine CWSRF requirements to revise the grant/loan project scope
- Assist the Town with FDEP CWSRF funding agreement revisions
- Submittal of WWTF construction plans and project manual for FDEP CWSRF review/approval
- Other necessary coordination and negotiations on behalf of the Town

4.0 PENNONI'S COMPENSATION: Pennoni's additional lump sum fee for providing the supplemental services described in Section 3.0 is as follows:

1) Topographic Survey	\$5,500
2) SR-17 Sewer Extension Project Design Revisions	\$20,000
3) Permit Revisions	\$8,000
4) FDEP CWSRF Facilities Plan Revisions	\$15,000
5) FDEP CWSRF Program Coordination	\$10,000
Total.....	\$58,500

4.0 EXCLUSIONS: All other services not explicitly described in Items 3.1 – 3.5 above and based on the assumptions described herein will be performed as an Additional Service upon request and written approval by the Town, including but not limited to the following:

- Services associated with the new WWTF design/permitting (to be conducted under a separate Agreement)
- Specialized studies (environmental, archaeological, historical structures, etc. that are not anticipated)
- Wetland delineations, surveys, impact, and mitigation permitting, etc.
- Right-of-way or easement acquisition assistance or preparing legal description documents to support these efforts (assumed the Town will acquire all needed easements)
- Bidding services
- Technical services during construction
- Expert testimony
- Ownerships and encumbrance reports
- Participation in orders of taking and/or other litigation
- Paying for outside review or application fees
- Providing services in connection with a public hearing, arbitration proceeding, or legal proceeding except where Pennoni is party thereto


ADDENDUM NO. 2 TO SUPPLEMENTAL AGREEMENT NO. 19-02 TO CONTINUING AGREEMENT

TOWN OF LAKE HAMILTON

Attest, Town Clerk

Mayor, Town of Lake Hamilton

PENNONI ASSOCIATES INC.

BY: 

Brian Diehl, Regional Vice President

DATE: 2/24/2022

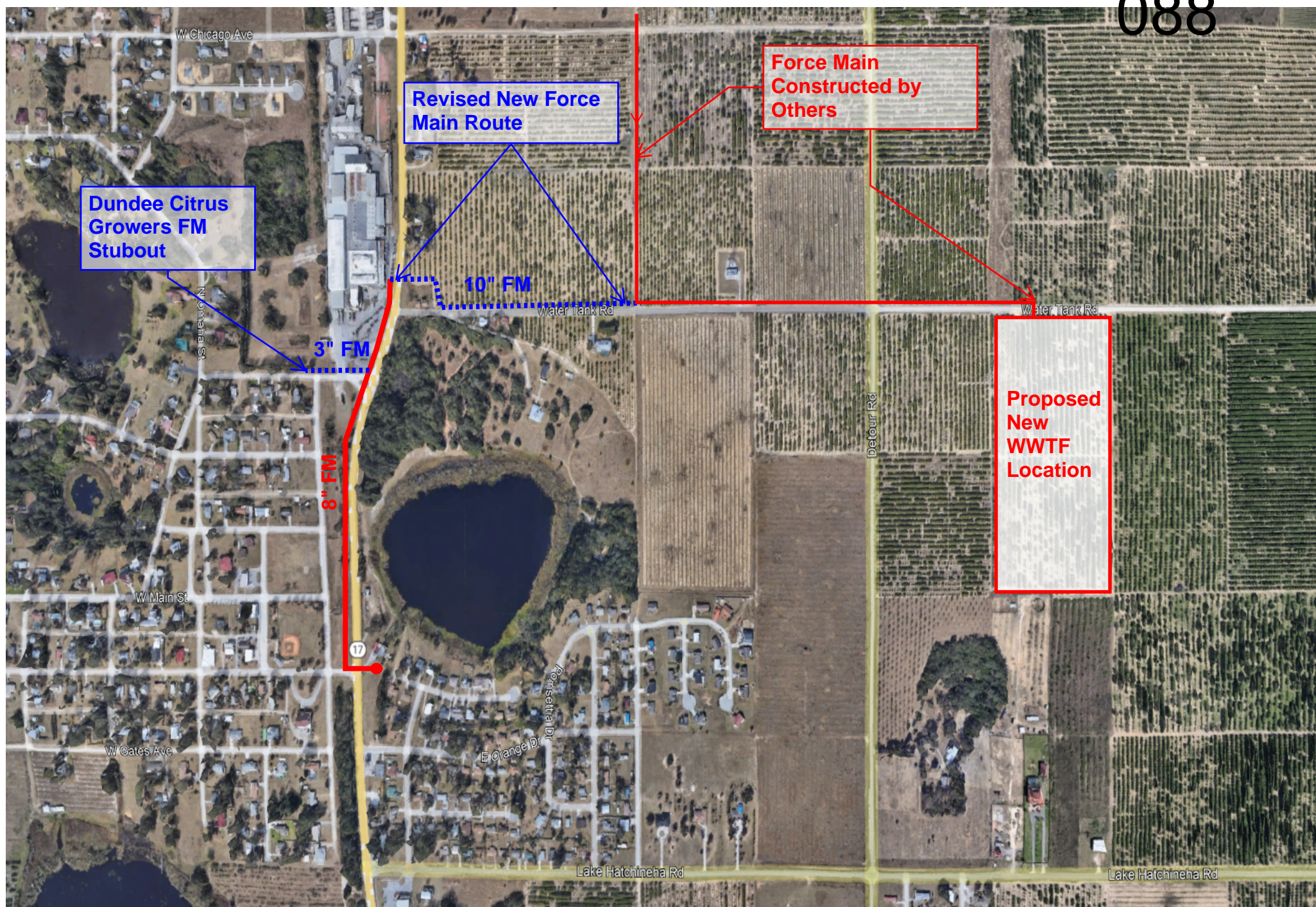


Exhibit 1 - Revised Project Scope

ORDINANCE O-22-09

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LAKE HAMILTON, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF LAKE HAMILTON, CHAPTER 18, LICENSES, PERMITS AND BUSINESS REGULATIONS; REPLACING ARTICLE II. PEDDLERS, HAWKERS AND SOLICITORS IN ITS ENTIRETY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2 of the Florida Constitution provides that municipalities shall have governmental, corporate and proprietary powers to enable them to conduct municipal government, perform municipal functions and render municipal services, and may exercise any power for municipal purposes except as otherwise provided by law; and

WHEREAS, Chapter 166, Florida Statutes, the “Municipal Home Rule Powers Act” reinforces the authority granted under the Florida Constitution and authorizes municipalities to exercise any power for municipal purposes, except when expressly prohibited by law and enact ordinances in furtherance thereof; and

WHEREAS, the regulation of peddlers, solicitors and transient merchants, as defined herein, is an attribute of municipal government to protect the health, safety and welfare of its citizens; and

WHEREAS, the Town Council recognizes the need to update Chapter 18, Article II. Peddlers, Hawkers and Solicitors in the best interest of its residents; and

WHEREAS, the Town Council deems it in the best interest of the residents of the Town of Lake Hamilton to replace Chapter 18, Article of the Lake Hamilton Code of Ordinances, in its entirety, as set forth herein.

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

Section 1.

Chapter 18, Licenses, Permits and Business Regulations, Article II. Peddlers, Hawkers and Solicitors is hereby repealed replaced in its entirety and shall read as follows (underline language added):

Chapter 18. Licenses, Permits and Business Regulations.

ARTICLE II, PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

DIVISION 1. GENERALLY

Secs. 18-21-18-40. Reserved.

DIVISION 2. CERTIFICATE OF REGISTRATION**Sec. 18-41. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated in this section:

Peddler: Any person, whether a resident of the town or not, traveling by foot, automotive vehicle or any other type of conveyance, from place to place, house to house, or from street to street, carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, farm products or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers or who, without traveling from place to place shall sell or offer the same for sale from any car or other vehicle or conveyance, and provided further that one who solicits orders and as a separate transaction makes deliveries to purchasers as part of a scheme or design to evade the provisions of this chapter shall be deemed a peddler subject to the provisions hereof. The word "peddler" shall include the words "hawker" and "huckster." It shall not include vendors of milk, dairy products and ice who distribute their products to regular customers on established routes.

Solicitor: An individual, whether a resident of the town or not who goes from place to place, house to house, or street to street, soliciting or taking, or attempting to take orders for the sale of goods, wares, merchandise, or service, including books, magazines, periodicals or personal property of any nature whatsoever for future delivery, or for services to be performed in the future whether or not such individual has, carries or exposes for sale a sample of such order or whether or not he is collecting advance payments or deposits on such sales or orders. Such definition shall include any person who, for himself or another, hires, leases, uses or occupies any building, structure, tent, boat, hotel, or motel room, apartment, shop, or any other place within the town for the primary purpose of exhibiting samples and taking orders for future delivery. The word "solicitor" shall include the word "canvasser".

Transient merchant: Any person, firm or corporation, whether as owner, agent, co-signee, or employee, whether a resident of the town or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within said town, and who in furtherance of such purpose hires, leases or uses or occupies any building or structure, vehicle, tent, room, apartment, shop, street, alley, property or other place within the town, for the exhibition and sale of such wares or merchandise, either privately or at public auction; provided that, such definition shall not include any person who, while occupying such temporary location, does not sell from stock, but exhibits samples only for the purpose of securing orders for future delivery only. The person, firm or corporation so engaged shall not be relieved from complying with the provisions hereof by reason of temporary association with or sponsorship by any local dealer, trader, merchant, or auctioneer, or by conducting such transient business with, as part of, or in the name of any such local licensee.

Sec. 18-42. Exemptions – Generally.

The terms of this chapter shall not be held to include the acts of persons.

- (1) Selling personal property at wholesale to dealers in such articles.
- (2) Newspaper deliverers, Scouts, etc.
- (3) Merchants or their employees in delivering goods in the regular course of business.
- (4) Government officials canvassing the community in an official capacity.
- (5) Nothing herein contained shall prohibit any sale required by statute or by the order of any court or prevent any person conducting a bona fide auction sale pursuant to law.

Sec. 18-43. Same – Religious and charitable organizations.

Any organization, society, association, or club desiring to solicit, or have solicited in its name, money, donations of money or property, or financial assistance of any kind, or desiring to sell or distribute any item of literature or merchandise for which a fee is paid or solicited from persons other than members of such organizations upon the streets, in office or business buildings, by house to house canvass, or in public places for a charitable, religious, patriotic, or philanthropic purpose shall be exempt from the provisions of sections 18-50 and 18-52, provided there is a filed sworn application in writing on a form to be furnished by the town clerk which shall give the following information:

- (1) Name and purpose of the cause for which the license is sought.
- (2) The names and addresses of the officers and directors of the organization.
- (3) Period during which solicitation is to be carried on.

Sec. 18-44. Loud noises and speaking devices.

No licensee under this chapter, or any person in his behalf, shall shout, cry out, blow a horn, ring a bell, or use any sound amplifying device upon any of the streets, alleys, parks or other public places of the town, or upon private premises, where such sound emitted or produced is capable of being heard in such volume upon such streets, alleys, parks or other public places as may disturb the peace, create a nuisance or impede or inconvenience the public use thereof; the judgment of a police officer of the town, exercised in good faith, shall be deemed conclusive as to whether the peace is disturbed, a nuisance created or whether the area is congested or the public impeded or inconvenienced thereby.

Sec. 18-45. Use of streets.

No licensee under this chapter shall have any exclusive right to any location in the public streets, nor shall be permitted a stationary location therein, nor shall any licensees be permitted to operate in a congested area where such operation might impede or inconvenience the public use of such streets. For the purpose of this chapter the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested, or the public is impeded or inconvenienced.

Sec. 18-46. Duty of police to enforce chapter.

It shall be the duty of any police officer of the town to require of any person seen peddling, soliciting, canvassing, or carrying on the business of a transient merchant, and who is not known

by such officer to be duly licensed, to produce his peddler's, solicitor's, or transient merchant's license and to enforce the provisions of this chapter against any persons found violating the same.

Sec. 18-57. Records.

The chief of police shall report to the town clerk all convictions for violations of this chapter and the town clerk shall maintain a record of each license issued under article II of this chapter and record the reports in violation therein.

Sec. 18-48. Penalty.

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be punished as provided by law.

DIVISION III. LICENSE REQUIRED

Sec. 18-49. Required.

It shall be unlawful for any person to engage in the business of peddler, solicitor, canvasser, or transient merchant as defined in section 18-41 within the corporate limits of the town without first obtaining a license therefor in compliance with the provisions of this chapter.

Sec. 18-50. Application.

Applicants for licenses under this article must file with the town clerk a formal application in writing on a form to be furnished by the clerk, and which shall give the following information:

- (1) Name of the applicant.
- (2) Complete permanent home and local address of the applicant, and in the case of transient merchants the local address from which the proposed sales will be made.
- (3) A brief description of the nature of the business and the goods, if any, to be sold.
- (4) If employed, the name and address of the employer, together with credentials therefrom establishing the exact agency or relationship.
- (5) The length of time for which the right to do business is desired.
- (6) The source of supply of the goods or property proposed to be sold or orders taken for the sale thereof; where such goods or products are located at the time that the said application is filed, and the proposed method of delivery.
- (7) The last three (3) cities or towns where the applicant carried on business immediately preceding the date of the application and the address from which such business was conducted in those municipalities or other local government entity where such information is applicable.
- (8) At the time of filing the application, a fee of ten dollars (\$10.00) shall be paid to the town clerk to cover the cost of investigation of the facts stated therein.

Sec. 18-51. Police investigation and issuance or denial.

(a) Upon receipt of such application, the original shall be referred to the chief of police, who shall cause an investigation of the applicant's business and background to be made as he deems

necessary for the protection of the public welfare and shall endorse the application in the manner provided in this section within five working days or sooner after it has been filed by such applicant with the town clerk.

(b) If as a result of such investigation, the applicant's background and business responsibility is found to be unsatisfactory, the chief of police shall endorse on such application his disapproval and his reasons therefor and return such application to the town clerk who shall notify the application that his application is disapproved and that no license will be issued.

(c) If as a result of such investigation, the background and business responsibility of the applicant are found to be satisfactory, the chief of police shall endorse such application as approved, execute and issue a license addressed to the applicant for the carrying on of the business applied for and return such license, along with the application, to the town clerk who shall, upon payment of the prescribed license fee, deliver to the applicant a license. Such license shall contain the signature and seal of the issuing officer and shall show the name, address and photograph of the licensee, the class or type of license issued and the kind of goods, wares or merchandise, or services, to be sold, offered or solicited, the amount of fee paid, the date of issuance and length of time the same shall be operative, as well as the license number of and other identifying description of any vehicle used in such licensed activity. Each peddler, solicitor or transient merchant shall secure a personal license, and no license shall be used at any time by any other person than the one to whom issued. The clerk shall keep a permanent record of all licenses issued.

Sec. 18-52. Fees.

(a) *Terms and fees.* Licensees under this chapter shall pay a license fee of \$50.00 per year, or \$25.00 for licenses with a duration of 180 days or fewer.

The Town hereby deems the above fees to be reasonable and commensurate with the amount of inspection, policing and regulation necessary.

(2) *Exemptions.* Any veteran, or other person entitled to license tax exemption under the provisions of F.S. 205.063, 205.064, 205.162, 205.191, 205.192 and 205.193, shall be exempted from payment of license tax to the extent and manner therein provided, but shall be required to obtain a license, and shall be subject to all other applicable provisions of this chapter.

Sec. 18-53. Appeal from denial or determination of fee.

Any person aggrieved by the action of the police chief or the town clerk in the denial of a license as provided in section 18-51 of this chapter or the action of the town administrator in the assessing of the fee as provided in section 18-52 of this chapter shall have the right of appeal to the town council. Such appeal shall be taken by filing with the town clerk within seven (7) days after notice of the action complained of a written statement setting forth fully the grounds for the appeal. The town clerk shall set a time and place for a hearing and notice for such hearing shall be given to the applicant in the same manner as provided in section 18-54 of this chapter for notice of hearing on revocation.

Cross reference(s) – Classification of certain vendors as merchants, and providing an occupational license tax, Chapter 28, Taxation.

Sec. 18-54. Revocation.

(a) *Grounds.* Licenses issued under the provisions of this article may be revoked by the town after due notice and hearing for any of the following causes:

(1) Fraud, misrepresentation, or incorrect statements contained in the application for license.

(2) Fraud, misrepresentation, or incorrect statements made while carrying on applicant's business as a peddler, solicitor or transient merchant.

(3) Any violation of this chapter.

(4) Conviction of any crime or misdemeanor.

(5) Conducting the business of a peddler, solicitor or transient merchant in an unlawful manner or in such a manner as to constitute a breach of the peace, or to constitute a menace to the health, safety, or general welfare of the public.

(b) *Procedure.* Notice of hearing for revocation of a license shall be given by the town clerk in writing setting forth specifically the grounds of complaint, and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee to his last known address, at least fourteen (14) days prior to the date set for hearing.

Sec. 18-55. Reapplication after revocation.

No licensee whose license has been revoked shall make further application until a period of at least six (6) months shall have elapsed since the last previous revocation.

Sec. 18-56. Expiration.

All annual licenses issued under the provisions of this article shall expire on the 30th day of September each year. Licenses, other than annual licenses, shall expire on the date specified in the license.

Sec. 18-57. Badges.

The Police Department shall issue to each licensee under this article at the time of delivery of his license, a badge which shall contain the words "licensed solicitor", the period for which the license is issued, and the number of the license, in letters easily discernible from a distance of ten (10) feet. Such badge shall, during the time the licensee is engaged in the business licensed, be worn constantly by the licensee on the front of his outer garment in such manner as to be conspicuous.

Sec. 18-58. Exhibition.

Persons licensed under the provisions of this article are required to exhibit their licenses at the request of any citizen contacted in the pursuit of business or at the request of any police officer of the town.

Section 2. Codification and Scrivener's Errors.

The Town Council intends that this Ordinance be made part of the Town of Lake Hamilton Code of Ordinances, and that sections of this Ordinance can be renumbered or re-lettered and the word "Ordinance" may be changed to "Section", "Article", or some other appropriate word or phrase to accomplish codification, and regardless of whether this Ordinance is ever codified, the Ordinance may be renumbered or re-lettered and typographical errors and clarification of ambiguous wording that do not affect the intent may be corrected with the authorization of the Town Administrator without the need for a public hearing.

Section 3. Conflicts.

Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most restrictive requirements will apply.

Section 4. Severability.

It is the Town Council's intent that if any sections, subsection, clause or provisions of this Ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such portion will be considered a separate provision and will not affect the remaining provisions of this Ordinance. The Town Council further declares its intent this Ordinance would have been adopted if such invalid or unconstitutional provision was not included.

Section 5. Effective Date.

This Ordinance shall take effect immediately upon its adoption.

INTRODUCED and PASSED on first reading this 1st day of March 2022.

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

TOWN OF LAKE HAMILTON, FLORIDA

MICHAEL KEHOE, MAYOR

ATTEST:

BRITTNEY SANDOVALSOTO, TOWN CLERK

Approved as to form:

HEATHER R. MAXWELL, ESQ., TOWN ATTORNEY

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

DRAFT

ORDINANCE O-22-10

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LAKE HAMILTON, FLORIDA, CONSENTING TO THE INCLUSION OF THE ENTIRE TERRITORY WITHIN THE MUNICIPAL BOUNDARIES OF THE TOWN INTO A POLK COUNTY MUNICIPAL SERVICE BENEFIT UNIT; PROVIDING FOR INTENT, PURPOSE AND EFFECT; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 125.01(1)(q) and (r), Florida Statutes, the Florida Legislature has empowered counties to establish Municipal Service Benefit Units (MSBU), wherein a County may levy non-ad valorem assessments to cover the cost of providing for certain municipal services, including the provision of fire services; and

WHEREAS, pursuant to Section 125.01(1)(q), Florida Statutes, The Florida Legislature has provided that any municipality or portion thereof may be included in a County MSBU provided the municipality consents to same annually or for a period of years; and

WHEREAS, a municipality's consent to the inclusion of its territory within a MSBU must be authorized by the enactment of an ordinance of the governing body of a municipality; and

WHEREAS, the Town of Lake Hamilton Town Council is the governing body of the Town of Lake Hamilton; and

WHEREAS, Polk County has created the Polk County Fire Services District as a MSBU to provide fire services within the boundaries of Polk County and within cities requesting and consenting to County fire services; and

WHEREAS, the Town desires to consent to inclusion in the Polk County Fire Service MSBU for purposes of providing fire services within the municipal boundaries of the Town for a term of ten (10) years.

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

Section 1. Intent, Purpose and Effect.

It is the intent of this Ordinance to comply with the provisions of Section 125.01(1)(q), Florida Statutes. The Town Council hereby consents to the inclusion of the land within its municipal boundaries, as they may be amended from time to time, into the Polk County Fire Services District MSBU for a period of ten (10) years from the effective date of this ordinance for the sole and exclusive purpose of subjecting the properties therein to non-ad valorem assessments for the provision of Polk County fire services within the territorial limits of the Town, including inspections and enforcement of the Florida Fire Prevention Code and Polk County Local Amendments thereto. The MSBU has been established

pursuant to enabling legislation adopted by the Board of County Commissioners of Polk County.

Section 2. Repeal of Laws in Conflict.

All other ordinances in conflict with any of the provisions of this ordinance are hereby repealed to the extent of the conflict.

Section 3. Severability.

If any section, paragraph, sentence, clause, phrase or word in this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this ordinance.

Section 4. Term.

This ordinance shall remain in full effect for ten (10) years or until such time as the Town repeals this ordinance following procedures set out in Florida Statutes, Section 166.041. Notice of the proposed repeal of this ordinance shall be provided in writing to Polk County no later than March 1 of the year in which the Town intends to terminate County fire services to avoid imposition of non-ad valorem assessments for that tax year.

Section 5. Effective Date.

INTRODUCED and PASSED on first reading this 1st day of March 2022.

PASSED and ADOPTED on second reading this 5th day of April 2022.

TOWN OF LAKE HAMILTON, FLORIDA

MICHAEL KEHOE, MAYOR

ATTEST:

BRITTNEY SANDOVALSOTO, TOWN CLERK

Approved as to form:

HEATHER R. MAXWELL, ESQ., TOWN ATTORNEY

Ordinance O-22-11

Page 3

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

To: Town Council

From: Town Clerk, Brittney Sandovalsoto, CMC

Date: February 24, 2022

Subject: Monthly Update

We continue to work with Attorney Maxwell regarding the Business Tax Receipt Ordinance.

This month we successfully completed the merger over to the cloud-based software for meter readings. We attended training and began using the software in February.

There will not be an election in Lake Hamilton in 2022. Just a reminder, the April council meeting was moved to April 6, 2022, at 6 PM. I have included in the consent agenda to move the regular meeting back to the 5th.

I have included with this report information regarding miscellaneous fees regarding utility billing, deposits, late fees, and delinquent cut off's that was requested at the last meeting. This information includes fees charged by the surrounding cities and those of Lake Hamilton. After reviewing the fees, I believe they are in line with what we currently have adopted. I would suggest streamlining the process by combining turn on and turn off fees and make it just one fee. This would also assist in reducing the time the Utility Billing Clerk is dealing with delinquent accounts every month.

We are still working to research and update building permit fees and will hopefully have that ready for the April Council meeting.

Other business as usual.

Permit Fee Comparison							
Municipality	DEPOSIT	ADMIN FEE	LATE FEES	CONNECTI ON FEE	DISCONN ECT FEE	SAME DAY/ AFTER HOURS	When Cutoff after delinquent
Lake Hamilton	\$200.00	\$30	10% of balance	\$30	\$30	\$30	60 days past due
Dundee	I-\$100 O-\$125	N/A	\$10 16th 2nd 25th \$40	N/A	N/A	N/A	10 days
Haines City	IR-\$140 OR-\$175 IC- \$210 OC \$262.50	\$20	\$20 20-25 days	N/A	\$25	\$50 3:30 (same day/after hours)	10 days approx
Lake Wales	IR \$117.69- OR \$92.75-(CI&O \$116.11- \$4655.86 depends on ERU's)	\$15	1.5% 20 days after bill is mailed	N/A	\$25	\$35 (total if after hours)	25 days after billing date
Winter Haven	R \$180.92 C \$188.44-\$323.06	I-70.33 O-87.90 I- \$2.85/month O- 3.56/month	I-\$6.71min or 5% of bal. O-\$8.38 or 6.25%	I 63.01 & O \$78.77	N/A	N/A	4 weeks after bill is due
Frostproof	RENT \$340 OWN \$190	N/A	10% 16th of the month (mailed out last day	N/A	\$35	Not available	21st of the month
Lake Alfred	\$36.69-\$253.80 DO Services Commercial depends on meter size	\$35	\$10 after the 30th	N/A	\$35	\$60	15 days delinquent
Davenport	\$225-\$325 Depends on services	N/A	\$5.00 or 5% 1 day after	\$50	N/A	\$70	any time after 20 days



Memorandum

To: Town Council

From: Town Clerk, Brittney Sandovalsoto

Date: February 25, 2022

Subject: 2022 Municipal Election – Canvas Board Meeting Dates

Town Charter, Sec. 4.06 - Town canvassing board.

The town canvassing board shall be composed of two members of the town council and the town clerk.

Generally, the Council members who serve are the ones who were not up for election. This year, that would be Barrett O'Neill and Cora Roberson.

Listed below are the dates the canvass board will meet:

Canvass election night - Tuesday, April 5th at 7:00 PM– at Town Hall, Council Chambers (verify signatures, open mail in ballots)

Certify Election Results - Friday, April 8th at 12:00 PM – at Town Hall, Council Chambers

Voting system audit - Tuesday, April 14th at TBD at Town Hall, Council Chambers

Memorandum

To: Town Council
From: Tom Mulvaney, Code Enforcement
Date: February 24, 2022
Subject: Code Enforcement Report

Code Enforcement would like to remind the Town Council and members of the community of three upcoming community clean-up events scheduled in and around the Town of Lake Hamilton:

What: **Free Household Hazardous Waste Disposal and Electronics Recycling**
When: Saturday, March 05, 2022 – 8:00AM – 12:00PM
Where: 300 N. 5TH Street, Haines City, Florida
For more information, visit: <https://www.polk-county.net/waste-and-recycling/disposal-events>

What: **Free Tire Collection and Recycling Event**
When: Saturday, March 05, 2022 – 8:00AM – 12:00PM
Where: 300 N. 5TH Street, Haines City, Florida
For more information, visit: <https://www.keeppolkcoutybeautiful.org>

What: **Curbside Clean Up Day (Residential Bulk Waste Collection)**
When: Saturday, April 02, 2022 – 6:00AM
Where: Town Of Lake Hamilton, Florida
For more information, visit: <https://www.townoflakehamilton.com>

Related News: **Polk County Announces Emergency Waste Collection Plan**

Bartow, Fla. (February 21, 2022) - Residents in unincorporated Polk County should soon begin to see improvements in their waste collection service. For more information, visit: <https://www.polk-county.net/news/news-details/2022/02/21/polk-county-announces-emergency-waste-collection-plan>

Respectfully Submitted,
Tom Mulvaney, Code Enforcement



Memorandum

To: Town Council

From: Community Development Department, Doug Leonard & Angie Hibbard

Date: February 25, 2022

Subject: Monthly Update

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1. **USDA Water Distribution System Improvement Project** – Engineer sent needed close out documents.
 2. **Scenic Highway Septic to Sewer Project** – Pennoni is redesigning the project.
 3. **The Grand at Lake Hamilton** – The PUD amendment application should be received soon. Staff met with the developer and the engineer about the previously needed interlocal and the water and wastewater agreements. Developer is agreeable to sign and make the first payments once we have clarification on the interlocal.
 4. **Scenic Terrace South** – The developer received the staff letter of approval for construction of the subdivision. Agreements and first installment payments have been received for both water and wastewater.
 5. **Hamilton Bluff** – The CDD ordinance is before Council for 2nd reading.
 6. **Weiberg West** – The PUD ordinance is before Council for 2nd reading.
 7. **Feltrim Lakes** – No additional work or updates.
 8. **Additional Development** – Staff is talking with various groups about several additional projects in Lake Hamilton, both commercial and residential.
 9. **Ongoing services with Calvin, Giordano & Associates (CalGA)** – Staff is reviewing a course of action and a plan for a trail project.
 10. **FRDAP** - Once a Parks Committee is assembled staff will meet with the group to review the plans.
 11. **Water Use Permit Renewal** – The official request for a 90-day response extension was submitted on 12.15.21 and the extension was granted by SWFWMD
 12. **Repaving & Road Project** – Staff has talked with the engineer about several pricing options.
 13. **Rails to Trails** – Staff is researching grant opportunities to begin this project.
 14. **Road Transfers with Polk County** – County would like to do a workshop presentation in March.

15. **Planning Commission** – Met in February to review the Chart of Uses. We will meet again for additional review as this is an extensive time project. It is important to spend needed time for Planning Commission to have a full understanding of the process. Staff received the preliminary draft of the sign ordinance from Attorney Robert Eschenfelder on 2.22.22.
16. **Retirement transition** – We are on track for the transition of duties and responsibilities.