

City of Davenport Regular Meeting of August 16, 2021

Minutes of the Regular Meeting of the City of Davenport, Florida, held Monday, August 16, 2021 at 7:00 p.m. in the Commission Room after having been properly advertised with the following members present: Vice-Mayor Brynn Summerlin and Commission Members: Commissioner Bobby Lynch, Commissioner Tom Fellows and Commissioner Jeremy Clark. Also present: City Manager Kelly Callihan and City Attorney Tom Wilkes. Absent and excused was Mayor H.B. Robinson.

Vice-Mayor Summerlin declared a quorum present and opened the meeting with invocation and a salute to the flag.

BUSINESS

APPROVAL OF ORDER OF BUSINESS

The City Manager advised that he had spoken with the Mayor earlier and he had asked that they consider tabling Item No. 16. He was at the Florida League of Cities Conference last week and had gotten a lot of input from other cities and wanted to be part of the conversation.

This met with the consensus of the Commission and a motion was made by Commissioner Lynch and seconded by Commissioner Clark to table the Lease Agreement until a later date. Motion carried unanimously with no discussion.

PUBLIC COMMENT – None

CONSENT AGENDA

Motion by Commissioner Clark and seconded by Commissioner Fellows to approve the Consent Agenda which consisted of the August 2, 2021 Regular Meeting and the street closure for the Big Belly BBQ. Motion carried unanimously with no discussion or public input.

OLD BUSINESS

- 1. PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 1038 INCREASING THE BENEFIT ACCRUAL RATE TO 3.0% FOR ALL YEARS OF SERVICE FOR THE CITY OF DAVENPORT POLICE OFFICERS' AND FIREFIGHTERS' RETIREMENT PLAN; RECOGNIZING THE MUTUAL CONSENT AGREEMENT AUTHORIZING THE CITY TO UTILIZE ALL OF THE ANNUAL INSURANCE PREMIUM TAX PROCEEDS IN ORDER TO OFFSET PLAN EXPENSES**

At this time the Attorney was instructed to read Ordinance No. 1038 by title.

The Vice-Mayor opened and closed the Public Hearing with no public input.

The Vice-Mayor briefly explained the purpose of the Ordinance.

Motion by Commissioner Lynch and seconded by Commissioner Fellows to approve Ordinance No. 1038. Motion carried unanimously with no discussion.

- 2. PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 1039 AMENDING THE PARKS AND RECREATION FACILITY USER FEES**

At this time the Attorney was instructed to read Ordinance No. 1039 by title.

Parks and Recreation Director Danny McClain explained that the Ordinance authorized them to charge fees for the use of the City facilities. He further added that Staff had reviewed the fees again and had made the adjustment to the non-resident fees as requested by the City Commission at the last meeting.

The Vice-Mayor opened and closed the Public Hearing with no public input.

Motion by Commissioner Fellows and seconded by Commissioner Lynch to approve Ordinance No. 1039 on its second and final reading.

Since he was not at the last meeting, Commissioner Clark asked how much they had adjusted the fees by. Danny responded that staff had adjusted them by 30%.

The Vice-Mayor further informed Commissioner Clark that since the residents were the ones paying for the facility that they should be the ones getting the benefit of the facility and that non-residents should pay for it. Commissioner Clark concurred.

Commissioner Fellows asked how these fees were in comparison with other cities. Danny responded that they had looked at other cities. They were trying to stay within the same range but were trying not to price themselves out.

There being no other discussion, the Vice-Mayor called for the vote. Motion carried unanimously.

NEW BUSINESS

1. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1037 UPDATING THE TEXT IN THE CITY'S COMPREHENSIVE PLAN TO ADD AN ADDITIONAL ELEMENT KNOWN AS PRIVATE PROPERTY RIGHTS ELEMENT

At this time the Attorney was instructed to read Ordinance No. 1037 by title.

City Planner Raymond Perez explained that this was a Text Amendment to the City's Comprehensive Plan to add an additional Element known as Private Property Rights Element to it. There were no changes since the Planning Commission meeting earlier in the evening.

The Vice-Mayor opened the Public Hearing.

Freida Priest of 105 E. Maple Street advised that her concern was regarding the right to physically possess and control the interests in the property, including the easement. She further asked if she could plant a tree in their easement, to which Raymond responded that the easements were usually used for utility purposes; and by planting a tree would cause problems with the roots damaging the utilities. She could follow up with the Planning Department and inquire if the easement had a utility line or any other type of underground usage. She would also have to look at the type of tree because certain trees had certain root systems.

There being no one else, the Vice-Mayor closed the Public Hearing.

Motion by Commissioner Clark and seconded by Commissioner Fellows to approve Ordinance No. 1037 on first reading.

The Vice-Mayor also pointed out that this was State mandated.

There being no other discussion, the Vice-Mayor called for the vote. Motion carried unanimously.

2. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1019 TO APPROVE THE LAND USE PLANNED AMENDMENT (LUPA) TO 1010 MYSTERY HOUSE ROAD FROM POLK COUNTY RESIDENTIAL SUBURBAN EXTRA (RSX) TO RESIDENTIAL LOW (RL)

At this time the Attorney was instructed to read Ordinance No. 1019 by title.

The Vice-Mayor opened and closed the Public Hearing with no public input.

Motion by Commissioner Lynch and seconded by Commissioner Clark to approve Ordinance No. 1019 on its first reading. Motion carried unanimously with no discussion.

3. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1020 TO APPROVE THE REZONING TO 1010 MYSTERY HOUSE ROAD FROM POLK COUNTY RESIDENTIAL SUBURBAN (RS) TO RESIDENTIAL 5 (R-5)

At this time the Attorney was instructed to read Ordinance No. 1020 by title.

Raymond explained that this was the rezoning of the same property from Polk County Residential Suburban (RS) to Residential 5 (R-5). He further stated that there were no changes since the Planning Commission meeting.

The Vice-Mayor opened and closed the Public Hearing with no public input.

Motion by Commissioner Fellows and seconded by Commissioner Lynch to approve Ordinance No. 1020 on its first reading. Motion carried unanimously with no discussion.

4. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1023 TO APPROVE THE LAND USE PLANNED AMENDMENT (LUPA) TO 626 SYLVAN RAMBLE ROAD FROM POLK COUNTY RESIDENTIAL SUBURBAN EXTRA (RSX) TO RESIDENTIAL LOW (RL)

At this time the Attorney was instructed to read Ordinance No. 1023 by title.

Raymond explained that this was to approve the Lane Use Planned Amendment to 626 Sylvan Ramble Road from Polk County Residential Suburban Extra (RSX) to Residential Low (RL). He advised that there were no changes since his presentation to the Planning Commission meeting.

The Vice-Mayor opened and closed the Public Hearing with no public input.

Motion by Commissioner Fellows and seconded by Vice-Mayor Summerlin to approve Ordinance No. 1023 on its first reading. Motion carried unanimously with no discussion.

5. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1024 TO APPROVE THE REZONING TO 626 SYLVAN RAMBLE ROAD FROM POLK COUNTY RESIDENTIAL SUBURBAN (RS) TO RESIDENTIAL 5 (R-5)

At this time the Attorney was instructed to read Ordinance No. 1024 by title.

Raymond explained that this was the rezoning to 626 Sylvan Ramble Road from Polk County Residential Suburban (RS) to Residential 5 (R-5) and staff recommended approval.

The Vice-Mayor opened and closed the Public Hearing with no public input.

Motion by Commissioner Lynch and seconded by Commissioner Clark to approve on its first reading, Ordinance No. 1024. Motion carried unanimously with no discussion.

6. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1025 TO APPROVE THE LAND USE PLANNED AMENDMENT (LUPA) TO 632 SYLVAN RAMBLE ROAD FROM POLK COUNTY RESIDENTIAL SUBURBAN EXTRA (RSX) TO RESIDENTIAL PARK (RP)

At this time the Attorney was instructed to read Ordinance No. 1025 by title.

Raymond explained that this was a Land Use Planned Amendment to 632 Sylvan Ramble Road from Polk County Residential Suburban Extra (RSX) to Residential Park (RP). Raymond further advised that there were no changes since the Planning Commission meeting and staff recommended approval.

The Vice-Mayor opened and closed the Public Hearing with no public input.

Motion by Commissioner Clark and seconded by Commissioner Fellows to approve Ordinance No. 1025 on first reading.

In answer to Commissioner Fellows' question, Raymond responded that anybody could build if the zoning was changed to Residential.

There being no other discussion, the Vice-Mayor called for the vote. Motion carried unanimously.

7. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1026 TO APPROVE THE REZONING TO 632 SYLVAN RAMBLE ROAD FROM POLK COUNTY RESIDENTIAL SUBURBAN (RS) TO MANUFACTURED HOME 1 (MH-1)

At this time the Attorney was instructed to read Ordinance No. 1026 by title.

Raymond explained that this was the rezoning of the same parcel from Polk County Residential Suburban (RS) to Manufactured Home 1 (MH-1). There were no changes since presented to the Planning Commission.

The Vice-Mayor opened and closed the Public Hearing with no public input.

Motion by Commissioner Fellows and seconded by Commissioner Lynch to approve Ordinance No. 1026 on its first reading.

For the record the Vice-Mayor stated that there was already a manufactured home on the property and they were simply doing this to match what was already there.

There being no other discussion, the Vice-Mayor called for the vote. Motion carried unanimously.

8. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1027 TO APPROVE THE LAND USE PLANNED AMENDMENT (LUPA) TO 0 NORTH BOULEVARD ROAD FROM POLK COUNTY RESIDENTIAL LOW 1 (RL-1) TO GOVERNMENTAL INSTITUTIONAL (GI)

At this time the Attorney was instructed to read Ordinance No. 1027 by title.

Raymond explained that this was a request to approve the Land Use Planned Amendment to 0 North Boulevard Road from Polk County Residential Low 1 (RL-1) to Governmental Institutional (GI). There were no changes since presented to the Planning Commission earlier in the evening.

The Vice-Mayor opened and closed the Public Hearing with no public input.

Motion by Commissioner Lynch and seconded by both Commissioner Fellows and Commissioner Clark to approve Ordinance No. 1027 on its first reading. Motion carried unanimously with no discussion.

9. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1028 TO APPROVE THE REZONING TO 0 NORTH BOULEVARD ROAD FROM POLK COUNTY RESIDENTIAL LOW (RL) TO PUBLIC OR INSTITUTIONAL 2 (PI-2)

At this time the Attorney was instructed to read Ordinance No. 1028 by title.

Raymond explained that this Ordinance rezoned the same property from Polk County Residential Low (RL) to Public or Institutional 2 (PI-2). There were no changes since presented to the Planning Commission. Staff was recommending approval.

The Vice-Mayor opened and closed the Public Hearing with no public input.

Motion by Commissioner Clark and seconded by Commissioner Fellows to approve Ordinance No. 1028 on first reading. Motion carried unanimously with no discussion.

10. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1029 TO APPROVE THE LAND USE PLANNED AMENDMENT (LUPA) TO 1212 HIGHWAY 17/92 SOUTH FROM POLK COUNTY INDUSTRIAL (IND) TO INDUSTRIAL (IND)

At this time the Attorney was instructed to read Ordinance No. 1029 by title.

Raymond explained that this was to approve the Lane Use Planned Amendment to 1212 Highway 17/92 South from Polk County Industrial (IND) to Industrial (IND). There were no changes since presented to the Planning Commission and staff was recommending approval.

The Vice-Mayor opened and closed the Public Hearing with no public input.

Motion by Commissioner Fellows and seconded by Vice-Mayor Summerlin to approve Ordinance No. 1029 on its first reading. Motion carried unanimously with no discussion.

11. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1030 TO APPROVE THE REZONING TO 1212 HIGHWAY 17/92 FROM POLK COUNTY INDUSTRIAL (IND) TO INDUSTRIAL 2 (I-2)

At this time the Attorney was instructed to read Ordinance No. 1030 by title.

Raymond explained that this was the rezoning of the same property from Polk County Industrial (IND) to Industrial 2 (I-2). There were no changes since presentation to the Planning Commission.

The Vice-Mayor opened and closed the Public Hearing with no public input.

Motion by Commissioner Lynch and seconded by Commissioner Clark to approve Ordinance No. 1030 on its first reading. Motion carried unanimously with no discussion.

12. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1031 APPROVING THE LAND USE PLANNED AMENDMENT (LUPA) TO 1311 HIGHWAY 17/92 FROM POLK COUNTY INDUSTRIAL (IND) TO INDUSTRIAL (IND)

At this time the Attorney was instructed to read Ordinance No. 1031 by title.

Raymond advised that this was the approval of the Land Use Planned Amendment to 1311 Highway 17/92 from Polk County Industrial (IND) to Industrial (IND).

The Vice-Mayor opened and closed the Public Hearing with no public input.

Motion by Commissioner Clark and seconded by Commissioner Fellows to approve Ordinance No. 1031 on first reading. Motion carried unanimously with no discussion.

13. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1032 TO APPROVE THE REZONING TO 1311 HIGHWAY 17/92 FROM POLK COUNTY INDUSTRIAL (IND) TO INDUSTRIAL 2 (I-2)

At this time the Attorney was instructed to read Ordinance No. 1032 by title.

Raymond explained that this was the rezoning of 1311 Highway 17/92 from Polk County Industrial (IND) to Industrial 2 (I-2). Staff was recommending approval.

The Vice-Mayor opened and closed the Public Hearing with no public input.

Motion by Commissioner Fellows and seconded by Commissioner Lynch to approve Ordinance No. 1032 on its first reading. Motion carried unanimously with no discussion.

14. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1035 TO APPROVE THE ANNEXATION OF 0 OLSEN RD (PARCEL 272709-728000-032100) & 3920 KENNEDY ROAD (PARCEL 272709-728000-032805). OWNER OF RECORD: ALDON WALKER

At this time the Attorney was instructed to read Ordinance No. 1035 by title.

Raymond explained that this was the annexation of 0 Olsen Road and 3920 Kennedy Road. He further advised that the Planning Commission had recommended approval.

The Vice-Mayor opened and closed the Public Hearing with no public input.

Motion by Commissioner Lynch and seconded by Commissioner Clark to approve Ordinance No. 1035 on its first reading. Motion carried unanimously with no discussion.

15. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1036 TO APPROVE THE ANNEXATION OF 920 GOTTS ROAD (PARCEL 272710-730000-040402). OWNER OF RECORD: STEPHEN & KATHERINE GAYMONT

At this time the Attorney was instructed to read Ordinance No. 1036 by title.

Raymond advised that this was the annexation of 920 Gotts Road. He further advised that there were no changes.

The Vice-Mayor opened and closed the Public Hearing with no public input.

Motion by Commissioner Clark and seconded by Fellows to approve Ordinance No. 1036 on first reading. Motion carried unanimously with no discussion.

17. REQUEST TO TAKE ACTION ON THE APPLICATIONS RECEIVED AS PART OF THE 2020/2021 DAVENPORT COMMUNITY GRANT PROGRAM

The City Clerk advised that they had received six (6) grant applications and were reviewed by City Staff. In their packet were the applications, a criteria score sheet outlining the criteria and the score for each applicant. After reviewing and scoring them, Staff was recommending that the allocation of the \$3,000 budgeted for this Community Grant program be disbursed equally between the top three ranked organizations, which include The Gate Church, Jamestown Concerned Citizens and the Davenport Historical Society. She also informed them that she had selected two (2) new employees to help review the applications. These individuals had no knowledge of the history of the organizations and had provided an unbiased view.

Before entertaining a motion, Commissioner Clark advised that he would be recusing himself from any comment or voting because of his association with The Gate Church. For the record, the City Clerk advised that Commissioner Clark had signed the necessary form.

At this time a motion was made by Commissioner Lynch and seconded by Commissioner Fellows to approve the applications as received for the Community Grant program and that it be disbursed at \$1,000 each for the 1st, 2nd and 3rd rank organizations as recommended by City Staff.

The Vice-Mayor voiced how pleased he was with the process and presentation that staff had submitted. He also appreciated all the organizations that had applied.

Commissioner Fellows also appreciated the new process that had been presented.

There being no other discussion, the Vice-Mayor called for the vote. Motion carried unanimously.

18. REQUEST TO RE-APPOINT CURRENT MEMBERS ON THE DAVENPORT EVERGREEN CEMETERY COMMITTEE

City Clerk informed them that the terms of Warren McKnight, Joseph Locke, Joyce Hunter and Jeffrey Odenkirk would expire the end of this month. Staff had contacted these individuals and all had agreed to serve another three (3) year term. Staff was recommending the re-appointment of these members to the Davenport Cemetery Committee for another 3 year term.

In answer to the Vice-Mayor's question, the City Clerk answered that the fifth member's term didn't expire until next year.

Motion by Commissioner Lynch and seconded by Commissioner Clark to approve to reappoint all current members for another three (3) year term to the Cemetery Committee. Motion carried unanimously with no discussion.

CITY MANAGER REPORT

The City Manager updated the Commission on the North Boulevard and State Street parking project. He also informed them that the Community Center was still on track.

He also reminded them that he would be out on vacation for the next 2 weeks and JT would be in charge in his absence.

CITY ATTORNEY REPORT

In jest, the Attorney voiced his appreciation to Commissioner Lynch for providing him with a bottle of water.

CITY CLERK REPORT

The City Clerk reminded them that their next meeting wouldn't be until September 9th. The City Manager also informed them that their 2nd Budget Public Hearing and Regular Meeting would be on the 21st.

CITY COMMISSION COMMENTS

Commissioner Clark thanked the City and City Commission for the grant to the Church. He also thanked all the City Staff and the Police and Fire Departments for all they did.

Commissioner Fellows asked for an update on the well. Mike informed him that they were working diligently but had hit a cavern and were still at 415 feet. They were going to run a camera to see what they were dealing with.

The Vice-Mayor reminded everyone of the Big Belly BBQ on Labor Day weekend. He also expressed how pleased he was with the paving of South Boulevard.

The City Manager added that staff had also been coordinating with Jay Jarvis with the City's own paving by this same company.

There being no further business, a motion to adjourn was made by Commissioner Lynch and Commissioner Clark.

Meeting adjourned at 7:55 p.m.

I HEREBY CERTIFY that the foregoing Minutes are true and correct.

Raquel Castillo, City Clerk