

City of Davenport Regular Meeting Minutes of December 19, 2022

Minutes of the Regular Meeting of the City of Davenport, Florida, held Monday, December 19, 2022 at 7:00 p.m. in the Commission Room after having been properly advertised with the following members present: Mayor H.B. Robinson and 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.

Mayor Robinson declared a quorum present and opened the meeting with invocation and a salute to the flag.

APPROVAL OF ORDER OF BUSINESS

Motion by Vice-Mayor Summerlin and seconded by Commissioner Clark to approve the Order of Business. Motion carried unanimously with no discussion.

SPECIAL PRESENTION

Police Chief Parker and Fire Chief Torrance presented a commendation to Olivia Porter for her quick reaction and helping save the life of a small child.

PUBLIC COMMENT

The Mayor asked if there was anyone present who wished to address the Commission on anything not on the Agenda. There being none, the Mayor closed Public Comment.

CONSENT AGENDA

Motion by Commissioner Lynch and seconded by Vice-Mayor Summerlin to approve the Consent Agenda which consisted of the December 5, 2022 Regular Meeting. Motion carried unanimously.

OLD BUSINESS

1. PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 1103 TO APPROVE THE LAND USE PLANNED AMENDMENT (LUPA) TO 1605 EVANGELIA DRIVE FROM POLK COUNTY RESIDENTIAL LOW (RL-2) TO RESIDENTIAL LOW (RL)

At this time the Attorney was instructed to read Ordinance No. 1103 by title.

City Planner Raymond Perez explained that this was the second and final reading of the ordinance.

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

Motion by Commissioner Clark and seconded by Commissioner Fellows to approve on second and final reading, Ordinance No. 1103. Motion carried unanimously with no discussion.

2. PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 1104 TO REZONE 1605 EVANGELIA DRIVE FROM POLK COUNTY RESIDENTIAL LOW (RL-2) TO RESIDENTIAL ESTATE 2 (RE-2)

At this time the Attorney was instructed to read Ordinance No. 1104 by title.

Raymond explained that this was the second and final reading of the ordinance and there were no changes since first reading.

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

Motion by Commissioner Lynch and seconded by Vice-Mayor Summerlin to approve on its second and final reading, Ordinance No. 1104. Motion carried unanimously with no discussion.

3. PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 1113 TO APPROVE THE LAND USE PLANNED AMENDMENT (LUPA) TO 1737 LAKEWOOD ROAD FROM POLK COUNTY RESIDENTIAL SUBURBAN (RS) TO RESIDENTIAL LOW (RL)

At this time the Attorney was instructed to read Ordinance No. 1113 by title.

Raymond explained that this was the second and final reading of the ordinance and there were no changes since first reading.

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

Motion by Vice-Mayor Summerlin and seconded by Commissioner Clark to approve Ordinance No. 1113 on its second and final reading. Motion carried unanimously with no discussion.

4. PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 1114 TO REZONE 1737 LAKEWOOD ROAD FROM POLK COUNTY RESIDENTIAL SUBURBAN (RS) TO RESIDENTIAL ESTATE 1 (RE-1)

At this time the Attorney was instructed to read Ordinance No. 1114 by title.

Raymond explained that this was the second and final reading of the ordinance and there were no changes since first reading.

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

Motion by Commissioner Fellows and seconded by Commissioner Lynch to approve Ordinance No. 1114 on its second and final reading. Motion carried unanimously with no discussion.

5. PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 1119 TO APPROVE THE LAND USE PLANNED AMENDMENT (LUPA) TO 1006 SNELL CREEK ROAD FROM POLK COUNTY RESIDENTIAL SUBURBAN (RS) TO RESIDENTIAL MEDIUM (RM)

At this time the Attorney was instructed to read Ordinance No. 1119 by title.

Raymond explained that this was the second and final reading of the ordinance and there were no changes since first reading.

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

Motion by Commissioner Clark and seconded by Vice-Mayor Summerlin to approve on second and final reading, Ordinance No. 1119. Motion carried unanimously with no discussion.

6. PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 1120 TO REZONE 1006 SNELL CREEK ROAD FROM POLK COUNTY RESIDENTIAL SUBURBAN (RS) TO LOW DENSITY RESIDENTIAL (R-5)

At this time the Attorney was instructed to read Ordinance No. 1120 by title.

Raymond explained that this was the second and final reading of the ordinance and there were no changes since first reading.

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

Motion by Commissioner Lynch and seconded by both Commissioner Fellows and Commissioner Clark on its second and final reading to approve Ordinance No. 1120. Motion carried unanimously with no discussion.

7. PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 1121 ANNEXING 4055 PARK ROAD (OWNERS OF RECORD: COLL LURIS)

At this time the Attorney was instructed to read Ordinance No. 1121 by title.

Raymond explained that this was the second and final reading of the ordinance and there were no changes since first reading.

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

Motion by Vice-Mayor Summerlin and seconded by Commissioner Clark to approve on its second and final reading, Ordinance No. 1121. Motion carried unanimously with no discussion.

8. PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 1124 ANNEXING 1019 POWERLINE ROAD (OWNERS OF RECORD: MARCOS TORRES GAYTON, EVANGELINA TORRES, FANNY TORRES, MARCOS TORRES AND CRISTAL TORRES)

At this time the Attorney was instructed to read Ordinance No. 1124 by title.

Raymond explained that this was the second and final reading of the ordinance and there were no changes since first reading.

The 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. 1124 on its second and final reading. Motion carried unanimously with no discussion.

9. PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 1128 ANNEXING 1680 HORSESHOE CREEK ROAD (OWNERS OF RECORD: DENNIS GUINN)

At this time the Attorney was instructed to read Ordinance No. 1128 by title.

Raymond explained that this was the second and final reading of the ordinance and there were no changes since first reading.

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

Motion by Commissioner Lynch and seconded by Commissioner Fellows for approval on its second and final reading, Ordinance No. 1128. Motion carried unanimously with no discussion.

10. PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 1131 AMENDING POLICIES 3.1(A)(1) AND 3.1(M) OF THE FUTURE LAND USE ELEMENTS OF THE COMPREHENSIVE PLAN; REVISING SPECIFIC POLICIES THAT LIMIT DENSITIES ON 6.58 ACRES WITHIN SITE 25 OF THE 2010 EVALUATION & APPRAISAL REPORT (EAR)

At this time the Attorney was instructed to read Ordinance No. 1131 by title.

Raymond explained that this was an amendment to the Comprehensive Plan and that it was owner initiated to add more density to the parcel. This was the second and final reading of the ordinance and there were no changes since first reading.

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

Motion by Commissioner Clark and seconded by Commissioners Fellows to approve on second and final reading, Ordinance No. 1131. Motion carried unanimously with no discussion.

11. PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 1138 AMENDING THE FY2021/2022 BUDGET

At this time the Attorney was instructed to read Ordinance No. 1138 by title.

The City Manager shared that he was filling in for Donald who was out due to surgery. He further explained that this was a housekeeping item and this was the second and final reading of the ordinance and there were no changes since first reading.

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

Motion by Vice-Mayor Summerlin and seconded by Commissioner Lynch to approve Ordinance No. 1138 on its second and final reading amending the 2021/2022 Budget. Motion carried unanimously with no discussion.

NEW BUSINESS

1. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1117 APPROVING THE LAND USE PLANNED AMENDMENT TO 1215 MYSTERY HOUSE ROAD FROM POLK COUNTY RESIDENTIAL SUBURBAN (RS) TO RESIDENTIAL LOW (RL)

At this time the Attorney was instructed to read Ordinance No. 1117 by title.

Raymond explained that this was a Land Use Plan Amendment request to 1215 Mystery House Road from Polk County Residential Suburban (RS) to Residential Low (RL) consisting of 2.47

acres. He further noted that this item was recommended by the Planning Commission for approval.

The 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. 1117 on its first reading. Motion carried unanimously with no discussion.

2. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1118 REZONING 1215 MYSTERY HOUSE ROAD FROM POLK COUNTY RESIDENTIAL SUBURBAN (RS) TO RESIDENTIAL ESTATES (RE-1)

At this time the Attorney was instructed to read Ordinance No. 1118 by title.

Raymond explained that this was the rezoning of the same property from Polk County Residential Suburban (RS) to Residential Estates (RE-1) and had been recommended for approval by the Planning Commission earlier in the evening.

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

Motion by Commissioner Clark and seconded by Vice-Mayor Summerlin to approve on first reading Ordinance No. 1118. Motion carried unanimously with no discussion.

3. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1132 ANNEXING 1253 LAKEWOOD ROAD (OWNERS OF RECORD: 1253 LAKEWOOD ROAD LAND TRUST)

At this time the Attorney was instructed to read Ordinance No. 1132 by title.

Raymond explained that this was the annexation of 1253 Lakewood Road.

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

Motion by Commissioner Fellows and seconded by Commissioner Clark to approve Ordinance No. 1132.

Discussion ensued with Commissioner Fellows asking the acreage on this parcel. Raymond responded that it was just under 50 acres.

There being no further discussion, the Mayor called for the vote. Motion carried unanimously.

4. REQUEST TO APPROVE THE FIRST AMENDMENT TO THE BCR NEUTRALIZER SYSTEM AGREEMENT

Utilities Director Mike Stripling explained that on February 7, 2022 the City entered into an agreement with BCR Environmental for equipment and a building to house the biosolids process. The contract included a review at the 90% plans if cost were above the approved amount. The 90% plans have been completed and the contract for completing the project was submitted at a cost significantly higher than anticipated. Staff worked with the contractor and BCR to reduce the cost to \$1,300,000 which represents an increase of \$295,000 over the original budget for the building of \$1,005,000. The additional \$295,000, will be funded in the

wastewater treatment plant impact fee fund. Mike asked that they approve the amendment to the contract.

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

For the purposes of discussion, a motion was made by Vice-Mayor Summerlin and seconded by Commissioner Lynch to approve the amendment to the BCR Neutralizer System.

In answer to the Vice-Mayor's question, Mike responded that they were approving the additional \$295,000 because they had already approved the \$1,005,000 during the budget process.

Staff shared that they were hauling 28 loads a month at \$1800 per load of which about 98% was water. Once completed, they would also be turning off blowers which used a lot of electricity. As such, once this project was done all this would stop and it would eventually pay for itself.

There being no further discussion, the Mayor called for the vote. Motion carried unanimously.

5. REQUEST TO APPROVE AND AWARD THE LOW BID OF DON WOOD, INC FOR THE FUEL ISLAND INFRASTRUCTURE PROJECT IN THE AMOUNT OF \$139,275.00

Water & Wastewater Superintendent James Coker explained that this was a request to award the low bid to Don Wood, Inc. James further detailed that they would be using \$120,000 budgeted for the new Building Department facility and the additional \$20,000 would be used out of the wastewater capital outlay budget for the demolition of the existing fuel island at the wastewater plant.

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

Motion by Commissioner Fellows and seconded by Commissioner Clark to approve the bid from Don Wood, Inc. for \$139,275.00.

In answer to Commissioner Fellows and the Vice-Mayor's question, James answered that all the city's fueling was being moved to the new Building Department facility site and the fuel island at the new site would be upgraded and brought into compliance.

There being no further discussion, the Mayor called for the vote. Motion carried unanimously.

CITY MANAGER REPORT

The City Manager thanked all the city staff for all their hard work and efforts on all the city's events these past few weeks. He also thanked the City Commission.

He also shared a video on the progress of the sewer plant project.

CITY ATTORNEY REPORT

Attorney Wilkes related a Merry Christmas to everyone from Attorney Cloud.

CITY CLERK REPORT

The City Clerk wished everyone a Merry Christmas.

CITY COMMISSION COMMENTS

In the closing, the Mayor and City Commissioners wished everyone a Merry Christmas and Happy New Year and commended the City Manager and staff for all their hard work with WinterFest and the Christmas parade. They had received nothing but good comments on it and also how nice the downtown area looked.

The Vice-Mayor further shared that he had heard it described as a quality event and this was something that they should be proud of.

There being no other business, a motion to adjourn was made by Commissioner Lynch carried unanimously.

Meeting adjourned at 7:42 p.m.

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



Raquel Castillo, City Clerk