

## City of Davenport Regular Meeting Minutes of December 6, 2021

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Minutes of the Regular Meeting of the City of Davenport, Florida, held Monday, December 6, 2021 at 7:00 p.m. in the Commission Room after having been properly advertised with the following members present: Mayor H.B. Robinson and Commission Members: Vice-Mayor Brynn Summerlin, Commissioner Tom Fellows, Commissioner Jeremy Clark and Commissioner Bobby Lynch. Also present: City Manager Kelly Callihan and City Attorney Tom Cloud.

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 Commissioner Clark and seconded by Vice-Mayor Summerlin to approve the Order of Business. Motion carried unanimously.

### **PUBLIC COMMENT**

Samantha Summerlin Thomlinson, owner of The Hotel located at 301 West Maple Street was present to request rumble strips to be placed on Manatee Avenue. As a result of the closure of Suwannee Avenue, she advised that a lot of people were now using Manatee Avenue to get to Highway 17/92 and not stopping at the stop sign at Cypress Street. She explained that because of the way the parking was laid out at her business, some of her customers had to walk onto the street to get to the door. She also stated that there were children that lived across the street and she was concerned for their safety. She knew that they were not fond of speed bumps so she was asking for rumble strips to at least slow them down. She stated that the Police Department has been helpful however they couldn't be there all the time.

Jessica Earl of 869 Citrus Reserve Boulevard, Davenport voiced the need for a traffic light at the intersection of Holly Hill Road and Davenport Boulevard. The City Manager informed her that staff has been working with the County for almost 2 years on this light. The County was currently in the design stages and it would be the next light to be installed.

Merlin Wertz of 2725 Sanders Road, Davenport advised that he was there tonight with the Boy Scouts who were present as part of their requirement for their badges. They had some questions for the City Commission that they wanted to ask.

Adrian Cortez asked the role of approving additional housing and the role it played in overcrowded schools and how did the City worked with the School Board? The Vice-Mayor answered "very carefully" and went onto explain that whenever a housing development came in that it had to go through a lot of criteria. Not only for schools but also for streets, roads and utilities. The Vice-Mayor advised that streets were also as important as schools which helped in the planning for future schools. It was also important that the School Board, the County and the City work together.

Another question asked was, "what was the role in approving additional housing and the role it played in the road conditions needed for additional roads and the wear and tear on the roads and how did the City work with the County and State on the roads?" The Vice-

Mayor answered that in situations where it was a State or County maintained road, they were ultimately responsible for it. Again he reiterated that they went through the same criteria process. He also added that if it was a city street, the developer built the streets and the City at some point would take over the street depending if it was in a gated community or not.

Mr. Wertz also asked that in regards to staffing, would they increase the number of employees to maintain the Department and how did they determine how many more people they needed. The City Manager responded that every year they evaluated the growth and population of the City. During the budget process each Department Head determined the need for additional staffing to accommodate the citizens and the needs.

Mayor informed the Boy Scouts that later in the meeting the Building Department would be presenting Agenda items on the process of developments.

The Vice-Mayor asked that he be allowed to address the first item and asked what other steps they could take or do to help with the traffic situation. He understood that they couldn't afford to have an Officer at this location all the time, but there must be something they could do. Chief of Police Larry Holden provided that they had narrowed down the time frame when the speeding occurred. They had set up the speed trap and were patrolling the area too.

The Vice-Mayor further stated that they did need to do something to help alleviate the problem. He was not a fan of speed bumps but they needed to come up with other ways to help create something that would help slow down the traffic. He was sure that whenever they got the Powerline Road extension that they would get some relief but they didn't know when this would be.

Commissioner Lynch asked if there had been any accidents at these intersections to which Chief Holden replied that there were none that he could remember.

Commissioner Clark agreed that speed bumps weren't the answer but they needed to look into something. The City Manager advised that staff would look into rumble strips and the cost and bring it back to them.

The Mayor stated that he had spoken with the Post Office and they had informed him that they would talk to their employees about any post office vehicles speeding through this area.

At this time the City Manager invited Haines City City Commissioner Horace West and Gisela Grey both with the Davenport Patriots. They both shared the team's success in winning the Super Bowl and their gratitude to the City for welcoming the team and allowing them the use of fields and the City's support.

## **CONSENT AGENDA**

**Motion** by Commissioner Lynch and seconded by Vice-Mayor Summerlin to approve the Consent Agenda which consisted of the November 15, 2021 Planning Commission and the November 15, 2021 Regular Meeting. Motion carried unanimously.

## OLD BUSINESS

### **1. PUBLIC HEARING AND THIRD AND FINAL READING OF ORDINANCE NO. 1044 RESCINDING ORDINANCE NO. 1037 AND ADDING A SEPARATE PROPERTY RIGHTS ELEMENT TO THE COMPREHENSIVE PLAN**

At this time the Attorney was instructed to read Ordinance No. 1044 by title.

City Planner Raymond Perez explained that this Ordinance rescinded Ordinance No. 1037 which was a Text Amendment to the City's Comprehensive Plan. Raymond further explained that the Property Rights Element had to be a separate element to the Comprehensive Plan.

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. 1044 on its third and final reading. Motion carried unanimously with no discussion.

### **2. PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE 1045 APPROVING THE LAND USE PLANNED AMENDMENT (LUPA) TO PROPERTY LOCATED AT THE NORTH SIDE OF OLSEN ROAD & EAST OF 10<sup>TH</sup> STREET (AJ VILLAS) FROM POLK COUNTY RESIDENTIAL SUBURBAN (RS) TO RESIDENTIAL MEDIUM (RM)**

At this time the Attorney was instructed to read Ordinance 1045 by title.

Raymond explained that this was approving the Land Use Planned Amendment from Polk County Residential Suburban (RS) to Residential Medium (RM) 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. 1045 on its second and final reading. Motion carried unanimously with no discussion.

### **3. PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE 1046 APPROVING THE REZONING TO PROPERTY LOCATED AT THE NORTH SIDE OF OLSEN ROAD & EAST OF 10<sup>TH</sup> STREET (AJ VILLAS) FROM POLK COUNTY RESIDENTIAL SUBURBAN (RS) TO RESIDENTIAL 5 (R-5)**

At this time the Attorney was instructed to read Ordinance 1046 by title.

Raymond explained that this was approving the rezoning of the same parcel from Polk County Residential Suburban (RS) to Residential 5 (R-5) and there were not changes since first reading.

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

**Motion** by Commissioner Clark and seconded by Commissioner Fellows to approve Ordinance No. 1046 on final reading. Motion carried unanimously with no discussion.

**4. PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE 1047 AMENDING THE FY 2020/2021 BUDGET**

At this time the Attorney was instructed to read Ordinance 1047 by title.

Finance Director Donald Carter explained that this was second reading and the proposed ordinance would approve the amended budget to better reflect the revenues and expenditures of this past year in each Department. He also advised that 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 Ordinance No. 1047 on its second and final reading. Motion carried unanimously with no discussion.

**NEW BUSINESS**

**1. REQUEST TO APPROVE RESOLUTION NO. 473-21 APPROVING THE FINAL PLAT FOR GENEVA LANDINGS SUBDIVISION**

Raymond explained that this was approving the final plat for Geneva Landings Subdivision, located southwest of Davenport Boulevard and west of Highway 17/92. Raymond advised that Phase 1 would consist of 261 lots.

**Motion** by Commissioner Fellows and second by Commissioner Lynch to approve Resolution No. 473-21.

In answer to Commissioner Clark's question, the City Manager replied that there would be an entrance near Bridgeford Crossing, one at West Boulevard and at Park Road on the south end of the subdivision.

Vice-Mayor Summerlin asked if they were abandoning any portions of streets. He was informed that they were not.

Commissioner Fellows voiced his concern with future traffic problems and asked that the Developer, the County and City look at a light.

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

**2. REQUEST TO APPROVE RESOLUTION NO. 474-21 APPROVING THE BOUNDARY AMENDMENT TO THE NORTH POWERLINE ROAD CDD**

Raymond explained that before them was a request for a boundary amendment to the North Powerline Road CDD. Raymond drew their attention to the monitor and outlined those areas included in the amendment.

The Mayor opened the Public Hearing.

Mr. William McKnight of 601 Horseshoe Creek Road advised that five of the parcels were directly across from his property and he was there tonight to formally object to the Resolution. He was also concerned with the amount of traffic that would be generated.

Raymond reported that this was a petition to amend the boundaries of this CDD, he further stated that the Developer was required by law to provide a concurrency letter which would indicate that there was enough capacity for school use, traffic and utilities. This would take place when the development of this project took place. So therefore, the high density that Mr. McKnight had just mentioned would have traffic, school and utilities studies all done before the development of these properties occurred.

The City Attorney pointed out that an objection to this project should have been filed a long time ago during the rezoning hearings. In response to Mr. McKnight's comment about not getting any notice, the Attorney informed him that notice was properly posted and the only issue before them was whether or not to concur with the amendment to the CDD.

Mr. Steve Tiner of 2020 Palm Street E advised that his property also abutted the CDD and the notice of tonight's meeting had been the only notice he had received on this hearing. He questioned future notifications and a timeline. Raymond advised that Powerline Road was an anticipated road, however the developer still had to do the studies and a concurrency letter to the City. They were in the very preliminary stages and all that was being requested tonight was an amendment to the existing CDD. Raymond informed him that by law, the City was required to notify all the property owners by mail, by posting the property and advertise in the newspaper.

The City Manager invited Mr. Tiner to visit the Planning Department and speak with Raymond. He also asked him to get with the City Clerk and provide her with his information so that she could send him the Agenda.

Mr. Richard Brown of 1202 Horseshoe Creek also accepted and echoed the same concerns as the previous residents and advised that he too would oppose the Resolution specifically where he resided on Horseshoe Creek. He added that they had bought out there to have space and not be jammed into a subdivision.

There being no one else, the Mayor closed the Public Hearing and entertained a motion.

**Motion** by Commissioner Fellows and seconded by Vice-Mayor Summerlin to approve Resolution No. 474-21.

Commissioner Fellows reiterated that this was just amending the boundaries of the CDD. He asked that they get with either Raymond or the City Manager to better explain how the process worked and address some of their concerns.

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

**3. REQUEST TO APPROVE RESOLUTION NO. 475-21 TO CONSIDER A RATE ADJUSTMENT FOR GARBAGE COLLECTION SERVICES REQUESTED BY REPUBLIC SERVICES**

Finance Director Donald Carter explained that the current Solid Waste contract allowed Republic Services to request an increase. As such, Republic Services had submitted a request for a rate adjustment. Donald explained that the increase was based on a twelve-month average of the Consumer Price Index (CPI) for All Urban Consumers (Water, Sewer, Trash Collection Services). The twelve-month average from May, 2020 – April, 2021 was being used to determine the increase. This average had resulted in an increase of 3.39%. However in accordance with the contract, in no event will the rate increase be less than 1.75% or more than 3%. As such, they were requesting an increase of 3%.

Donald further advised that staff had reviewed the request and determined that Republic Services had met all requirements necessary in their request and the Commission must now approve the adjustment rate by Resolution.

If approved, the result of the increase would be as follows:

- Residential Basic Service from \$14.12 to \$14.54 per month
- Commercial Front-End Containers from \$7.35 to \$7.57 per cubic yard
- Commercial Hand Pick-up from \$15.22/ to \$ 15.68 per month

In addition, if this increase was approved, Donald stated that a decision would need to be made on whether or not to pass the increase to the residents. He also shared that they had not passed any increases to the customers in the past few years. His shared his concern that he didn't want to get to the point where they let multiple years go by without passing along the increase and instead of a .50 cent increase to the customer, it might be more like \$1.50 or \$2.00 when they did.

In the audience, Mary Boyer with Republic Services stood for any questions.

Brief discussion ensued with the Commission voicing their consensus on the increase and agreeing to pass it along to the customer.

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

**Motion** by Commissioner Clark and seconded by Commissioner Fellows to approve Resolution No. 475-21. Motion carried unanimously with no further discussion.

Staff was instructed to start the process to increase the garbage rate.

**4. REQUEST TO APPROVE RESOLUTION NO. 476-21 TO APPROVE THE LOAN APPLICATION WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION STATE REVOLVING FUND FOR THE PHASE II WASTEWATER TREATMENT PLANT PROJECT**

Utilities Director Mike Stripling explained that this project was the Phase 2 wastewater expansion project that would increase the capacity of the plant to 1.5 MGD. Mike further stated that this loan however did not come with any principal forgiveness. This project had been anticipated when they had done the rate study, which would help recoup costs. He advised that there was funding set aside and it also met the requirement for impact fees. Mike provided that tonight they were approving the loan application by Resolution in the amount of \$7.7 million.

Commissioner Fellows asked that he bring them up to date on the project and costs associated with it. Mike advised they had started out with a \$7 million loan that had \$4 million in principal forgiveness. This project was for the lift station at the elementary school and the sewer project all the way to North Boulevard/CR547 lift station. Along with gravity sewer lines and force mains. The \$7 million also included improvements at the sewer plant.

The Attorney pointed out that short of a grant, this was the cheapest money they could borrow for these improvements.

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

**Motion** by Commissioner Lynch and seconded by Vice-Mayor Summerlin to approve Resolution No. 476-21 Motion carried unanimously with no further discussion.

**5. REQUEST TO APPROVE RESOLUTION NO. 477-21 CONGRATULATING RUTHANNE STONEWALL ON HER RETIREMENT AFTER 18 YEARS OF SERVICE TO THE RIDGE LEAGUE OF CITIES AS EXECUTIVE DIRECTOR**

The Mayor shared that Ruthanne has been there a long time and has always been very efficient. He recommended that they approve the Resolution.

**Motion** by Vice-Mayor Summerlin and seconded by Commissioner Fellows to approve Resolution No. 477-21. Motion carried unanimously.

The Mayor shared that former Auburndale City Manager Bobby Green would be taking over as Executive Director for the Ridge League.

**6. REQUEST TO APPROVE THE NEGOTIATIONS OF A CONTRACT FOR THE BCR NEUTRALIZER SYSTEM FOR BIOSOLIDS HANDLING FACILITY**

Mike explained that this item was to allow staff to negotiate a contract with BCR on the neutralizer system for the biosolids handling facility. Mike further added that the City has seen a large increase in the cost to haul the solids over the last three years due to increase in flow to the wastewater plant. He advised that the total cost for this project would be \$4.6 million. The City would be receiving funds from the American Rescue Plan Act of about \$3 million which would pay the majority of the cost of this project and would be looking at impact fees to help pay the balance. He shared that he had a lot of history with the company and was comfortable doing business with them.

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

**Motion** by Commission Clark and seconded by Commissioner Lynch to approve the negotiations of a contract with BCR. Motion carried unanimously with no discussion.

## **7. VETERANS PARK DISCUSSION**

On behalf of the Davenport Historical Society Raymond presented a concept drawing of Veterans Park.

In answer to some of the Commission's questions, staff shared that it consisted of a fountain and sidewalk around North Lake along with flags for each branch of service and some pavers.

In the audience, Judy Thompson with the Davenport Historical Society also added that the idea was to do this in stages. This would include a fountain with flags for each branch of service. Also included would be a monument and possibly moving the James Hendrix monument and it also installing the WWI roll call plaque. All this would be connected with a sidewalk around the lake with possibly some benches. They were also looking at citizens purchasing bricks which would contain the names of Veterans.

The Mayor voiced that as a Veteran he appreciated this.

In answer to Commissioner Fellows' question, the City Manager responded that this was just a concept and there was nothing budgeted for it. However if they like it they could pursue it during budget talks and approve it in phases if they desired.

## **CITY MANAGER REPORT**

The City Manager drew their attention to the Monthly Departmental Reports at their places, further pointing out that in November they had issued 96 new single-family permits and had installed 106 new water meters.

He also reminded them of the following:

- Wednesday – December 8<sup>th</sup> Christmas Tree lighting at 6:30 p.m.
- Friday – Employee Christmas party
- Saturday – Winterfest and parade
- Chamber luncheon December 16<sup>th</sup>

## **CITY ATTORNEY REPORT**

The Attorney shared the induction of Gil Hodges into the Baseball Hall of Fame this month.

## **CITY CLERK REPORT**

The City Clerk announced that their 2<sup>nd</sup> meeting in January fell on a Martin Luther King Day and City Hall was closed for this holiday; and staff was requesting that their meeting be moved to Tuesday, January 18<sup>th</sup>. This met with the consensus of the Commission.



## **CITY COMMISSION COMMENTS**

Commissioner Clark shared that he was looking forward to Saturday night and thanked the City Staff and both the Fire and Police Department for everything they did.

There being no further business, a motion to adjourn was made by Commissioner Clark and seconded by Vice-Mayor Summerlin and carried unanimously.

Meeting adjourned at 8:24 p.m.

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

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Raquel Castillo, City Clerk