

City of Davenport Regular Meeting Minutes of February 7, 2022

Minutes of the Regular Meeting of the City of Davenport, Florida, held Monday, February 7, 2022 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 Tom Fellows, and Commissioner Bobby Lynch. Also present: City Manager Kelly Callihan and City Attorney Tom Cloud. Absent and excused was Mayor H.B. Robinson and Commissioner Jeremy Clark.

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

APPROVAL OF ORDER OF BUSINESS

Motion by Commissioner Fellows and seconded by Commissioner Lynch to approve the Order of Business. Motion carried unanimously.

PUBLIC COMMENT

Mr. Courtney Taylor of 204 Citrus Isle Loop stated that he had spoken with the Police Chief, a Sergeant and a Lieutenant regarding speeding, and the running of stop signs. So far nothing had been done that he had noticed. The Police Chief had informed him that due to a high turnover within the Police Department, they only had one speed certified Policeman and the other officers were rookies and didn't know the law. He had spoken to a Police Officer about a vehicle parked on the corner and he was informed that they only issued tickets for handicap and parking on sidewalks.

The Vice-Mayor advised him that they did have a young Police force and they have been working very hard to get their pay rates up to where they didn't immediately leave to other cities to make a whole lot more money. Certifications were being worked on as fast as they could get them done. Speeding and running of stop signs was a problem that they had all over this city. They had just recently had another resident come in with a similar situation and concern. He was sure that they could move the speed box to his neighborhood to deter speeding. As the Police Chief was not in attendance he asked that the City Manager address his issues. The City Manager asked that he leave his phone number with the City Clerk and he would get with the Police Chief and they would make contact with him.

Mr. Taylor proceeded with his second complaint regarding loud music coming from vehicles. He didn't know if there were laws to enforce this but in New Jersey they were vigorously enforced. The Vice-Mayor informed him that they would also take this under advisement.

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

CONSENT AGENDA

Motion by Commissioner Lynch and seconded by Commissioner Fellows to approve the Consent Agenda which consisted of the January 18, 2022 Planning Commission and January 18, 2022 Regular Meeting and Street Closures. Motion carried unanimously

OLD BUSINESS

- 1. PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 1049 APPROVING THE LAND USE PLANNED AMENDMENT (LUPA) TO PROPERTY**

IDENTIFIED BY TAX PARCEL IDENTIFICATION 272634-000000-021010, 272634-000000-021050, 272634-000000-021060 AND 272634-000000-021070 FROM POLK COUNTY EMPLOYMENT CENTER (EC) TO RESIDENTIAL MEDIUM (RM)

At this time the Attorney was instructed to read Ordinance No. 1049 by title.

City Planner Raymond Perez explained that this was the Land Use Planned Amendment of 4 parcels totaling 39.11 acres from Polk County Employment Center (EC) to Residential Medium. Raymond advised that there were no changes since first reading.

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. 1049 on its second and final reading. Motion carried unanimously with no discussion.

2. PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 1051 APPROVING THE ANNEXATION OF 630 PARK ROAD (PARCEL NO. 272704-723500-008035) – MINESH PATEL

At this time the Attorney was instructed to read Ordinance No.1051 by title.

Raymond explained that this was a voluntary annexation of one parcel totaling 3.45 acres and there were no changes since first reading.

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

Motion by Commissioner Lynch and seconded by Commissioner Fellows to approve Ordinance No. 1051 on its second and final reading. Motion carried unanimously with no discussion.

3. PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 1052 APPROVING THE LAND USE PLANNED AMENDMENT (LUPA) TO PROPERTY IDENTIFIED BY TAX PARCEL IDENTIFICATION 272709-728000-023002 FROM POLK COUNTY INDUSTRIAL (IND) TO INDUSTRIAL (IND) – GENERAL LOCATION: 0 HIGHWAY 17/92

At this time the Attorney was instructed to read Ordinance No. 1052 by title.

Raymond explained that this was a request to change the Land Use Planned Amendment from Polk County Industrial (IND) to Industrial (IND). Again, there were no changes since first reading.

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. 1052 on its second and final reading. Motion carried unanimously with no discussion.

4. PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 1053 APPROVING THE REZONING TO PROPERTY IDENTIFIED BY TAX PARCEL IDENTIFICATION 272709-728000-023002 FROM POLK COUNTY INDUSTRIAL (IND) TO INDUSTRIAL (I-2) – GENERAL LOCATION: 0 HIGHWAY 17/92

At this time the Attorney was instructed to read Ordinance No. 1053 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 first reading.

The Vice-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. 1053 on its second and final reading. Motion carried unanimously with no discussion.

5. PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 1054 APPROVING THE LAND USE PLANNED AMENDMENT (LUPA) TO PROPERTY IDENTIFIED BY TAX PARCEL IDENTIFICATION 272716-000000-014010 FROM POLK COUNTY INDUSTRIAL (IND) TO INDUSTRIAL (IND) – GENERAL LOCATION: 1935 US HIGHWAY 17/92

At this time the Attorney was instructed to read Ordinance No. 1054 by title.

Raymond advised that this was a request to change the Land Use Planned Amendment from Polk County Industrial (IND) to Industrial (IND). There were no changes since first reading of the ordinance.

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. 1053 on its second and final reading. Motion carried unanimously with no discussion.

6. PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 1055 APPROVING THE REZONING TO PROPERTY IDENTIFIED BY TAX PARCEL IDENTIFICATION 272716-000000-014010 FROM POLK COUNTY INDUSTRIAL (IND) TO INDUSTRIAL (I-2) – GENERAL LOCATION: 1935 US HIGHWAY 17/92

At this time the Attorney was instructed to read Ordinance No. 1055 by title.

Raymond advised that this was the rezoning of the same parcel from Polk County Industrial (IND) to Industrial-2 (I-2). There were no changes since first reading.

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

Motion by Commissioner Lynch and seconded by Commissioner Fellows to approve Ordinance No. 1055 on its second and final reading. Motion carried unanimously with no discussion.

7. PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 1056 APPROVING THE REZONING TO PROPERTY IDENTIFIED BY TAX PARCEL IDENTIFICATION 272709-728000-032200 FROM POLK COUNTY SINGLE FAMILY RESIDENTIAL (R-3) AND CONSERVATION DISTRICT (CN) TO LOW DENSITY RESIDENTIAL (R-5) AND CONSERVATION DISTRICT (CN)

At this time the Attorney was instructed to read Ordinance No. 1056 by title.

Raymond explained that this was the rezoning from R-3 and Conservation (CN) to R-5 and Conservation (CN) consisting of 9.87 acres. There were no changes since first reading.

The Vice-Mayor opened the Public Hearing.

Mrs. Alida Taylor of 204 Citrus Isle Loop voiced her concern with all the developments going up and the roads inundated with traffic. She also voiced concern with no traffic lights or stop signs. The Vice-Mayor responded that these were valid concerns and asked Raymond to address the process.

Raymond responded that as part of the process, traffic studies were done on these developments which also included the need for entrances, turning lanes or any needed improvements. Part of this process was the responsibility of the developer. He also recommended that she contact Jay Jarvis who is the Director for the County's Road Maintenance.

She was also informed that there was about a 3 year process involved to get traffic lights installed. Currently the County was in the development design stage for a traffic light at Holly Hill Road and Davenport Boulevard/CR 547.

Mrs. Taylor asked at what year was this particular intersection at. She was informed that it was in its third year.

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

Motion by Commissioner Fellows and seconded by Commissioner Lynch to approve Ordinance No. 1056 on its second and final reading. Motion carried unanimously with no discussion.

8. PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 1057 APPROVING THE REZONING FOR SEVERAL LAND PARCELS COMPRISING OF 59+/- ACRES & LOCATED NORTH OF PALMETTO STREET EAST AT THE INTERSECTION OF EAST BOULEVARD AND HORSESHOE CREEK ROAD AND JUST SOUTH OF SOUTH BOULEVARD, WEST OF POWERLINE ROAD, AND JUST NORTH AND SOUTH OF NEAL ROAD; CHANGING THE ZONING FROM LOW DENSITY RESIDENTIAL (R-5) AND RESIDENTIAL ESTATES/SINGLE FAMILY RESIDENTIAL (RE-1) TO PLANNED UNIT DEVELOPMENT (PUD) – (POWERLINE ROAD SOUTH)

At this time the Attorney was instructed to read Ordinance No. 1057 by title.

Raymond explained that this was the rezoning of 59.0 acres from RE-1 and R-5 to Planned Unit Development (PUD). There were no changes since first reading.

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

Motion by Commissioner Lynch and seconded by Commissioner Fellows to approve Ordinance No. 1057 on its second and final reading. Motion carried unanimously with no discussion.

9. PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 1058 INCREASING THE GARBAGE COLLECTION RATES AND ESTABLISHING SECTION 14-18, GARBAGE ONLY ACCOUNTS OF THE CITY CODE

At this time the Attorney was instructed to read Ordinance No. 1058 by title.

Finance Director Donald Carter explained that this was second reading of the Ordinance which increased the garbage rates across the board by \$.50 per month. He also added that the second part of this ordinance dealt with those properties with garbage service only accounts. The Ordinance implemented a schedule of fees and established deposit criteria for these accounts and rules for delinquent accounts.

The Vice-Mayor opened the Public Hearing.

Ms. Veronica Jackson of 102 West Maple Street questioned if the taxes were going up because of the garbage increase. She was informed that she paid her garbage through her water bill. She was told that her increase would only be .50 cents per month and her taxes were not going up as a result of this increase.

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

Motion by Commissioner Lynch and seconded by Commissioner Fellows to approve Ordinance No. 1058 on its second and final reading.

NEW BUSINESS

1. CONSIDERATION AND APPROVAL OF ELECTIONS AGREEMENT

The City Clerk advised that this Agreement outlined the responsibilities of the Supervisor of Elections and the City of Davenport for the April Election. She also pointed out that if they did have an Election that it was being held at the Tom Fellows Community Center.

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 the Elections Agreement. Motion carried unanimously with no discussion.

2. REQUEST TO APPOINT MEMBERS TO SERVE ON THE CITY'S CANVASSING BOARD FOR THE 2022 APRIL ELECTION

The City Clerk explained that the City Commission needed to appoint members to serve on the Canvassing Board who would canvass the ballots on Election night and certify the Election. The Board was composed of three full members and two alternates. She also advised that she had contacted the Canvassing Board Members that had served at the last election. Those expressing an interest in serving again included: Wiley Broom, Kenny Gill, Joyce Hunter, Emma Snipes and Carlos Gonzalez to serve on this Board.

As outlined in the Resolution, the City Clerk outlined that it detailed three full-time members and two alternates. She asked that they consider Carlos Gonzalez as an Alternate since this would be his first year on the Board.

The Vice-Mayor asked if she had a recommendation for the second Alternate. The City Clerk recommended Emma Snipes.

The Vice-Mayor announced that the three (3) full members would include: Wiley Broom, Kenny Gill and Joyce Hunter and the alternate members would include Carlos Gonzalez and Emma Snipes.

Motion by Commissioner Lynch and seconded by Vice-Mayor Summerlin to approve those members as stated to the City's Canvassing Board for the 2022 Election. Motion carried unanimously with no discussion.

3. FINAL ANALYSIS OF THE TOM FELLOWS COMMUNITY CENTER PROJECT AND THE APPROVAL OF THE OUTSTANDING CHANGE ORDER RELATED TO THE PROJECT

Finance Director Donald Carter explained that based upon the final number, they had spent about \$8,075,000. As they recall, the loan had been for \$5 million. He informed them that they also had a Parks Improvement fee of \$1,000 per home that was earmarked for this purpose. Of this they have used around \$1.8 million. They had also used \$1,277,000 of Impact Fees to fund this project.

Donald provided that the original GMP that was set and approved for this project was \$6,992,393.00. Ultimately it came out to be about \$6.9 million so there was a savings of about \$80,000. Adding to this was \$12,000 for a refund for bathroom tile. So basically they were about \$92,000 below the original GMP amount.

Also in the funding analysis being presented it outlined the City's ability to meet the debt service requirements associated with the financing of the project. As represented in the analysis, staff was projecting the City would have enough available reserves on hand to cover the outstanding debt balance by FY 2024.

Donald also informed them that there was an outstanding change order which was incorporated in his analysis. This was for unanticipated costs which had occurred such as; Subcontractor Overtime, Material Increase, Temporary Power and Warehouse Rent. Donald noted that even with this they had still come below the GMP.

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

Motion by Commissioner Lynch and seconded by Commissioner Fellows to approve the change order in the amount of \$158,210.45.

Discussion ensued with Commissioner Fellows agreeing that it was a real accomplishment that they were paying it this fast.

Vice-Mayor Summerlin voiced that he was happy that they were under budget however he voiced an issue with the overtime. The City Manager responded that Duke Energy had held them up about a month and this delay caused this additional amount in overtime.

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

4. REQUEST TO APPROVE A CONTRACT FOR THE BCR NEUTRALIZER SYSTEM FOR BIOSOLIDS HANDLING FACILITY

Utilities Director Mike Stripling explained that back in November, Staff had come to them to negotiate a contract with BCR. He further 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 in the amount of \$3.1 million which would pay the majority of the cost and the rest would be paid by wastewater impact fees.

Mike further added that the City would be buying the equipment from BCR and BCR were hiring the contractor to build the facility and installing the equipment. Due to the rising cost of materials for the construction of the building, the City and contractor and design engineer would be working together to reduce cost during the 90% design and stay within the budgeted amount for the building. This being said, Mike advised that if it was more, the City would have to bear the additional cost. If less, there would be a 50/50 split with BCR.

Mike concluded that this project would provide savings in operations and in future capitol.

In answer to the Vice-Mayor's question, Mike answered that the contract was for 18 months but they were looking at completion in about 12 months. Mike added that getting the equipment and supplies purchased upfront would also help. The City Manager inserted that there would also be sales tax savings with the city buying the equipment directly.

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

Motion by Vice-Mayor Summerlin and seconded by Commissioner Fellows to approve the contract with BCR in the amount of \$4.6 million. Motion carried unanimously with no discussion.

CITY MANAGER REPORT

The City Manager advised that had met with staff before Taste of Davenport they did a six months evaluation about some of the fees they had originally set. Some of the fees they feel might have been too high. They were going to look at their fees again and look at changing the fees and categories to try to get more residents to use the facility.

He also drew their attention to the Monthly Departmental Reports at their places, further pointing out that 129 new meters were installed and they had issued 97 single-family permits. As of today they had already issued 43 single-family permits.

At this time he asked Darryl to come forward for an update on the rumble strips.

Darryl reported that the cost for these was going to run almost \$1,000. He proceeded to inform them that there was a third option that they could possibly go with and this was to close the north end of Manatee Avenue at Maple Street and Highway 17/92. Staff felt that this would alleviate some of the traffic.

Both Vice-Mayor Summerlin and Commissioner Lynch agreed and were receptive to the idea.

Commissioner Fellows asked if they had to get permission from the State. He was informed that they didn't have to since it was a city street.

The Vice-Mayor asked JT if the Fire Department had any concerns with this. JT responded that they were good with it. The Vice-Mayor voiced that this might be the best answer and solution to this.

There being no other discussion, it was the consensus of the Commission to have the City Manager instruct Staff to move forward with this.

The City Manager also thanked all the staff and City Commission for their first Taste of Davenport event.

CITY ATTORNEY REPORT

The City Attorney announced that the Polk Regional Water Cooperative was meeting next week and would be asking for a vote to approve an authorized signature of the Implementation Agreement for the Southeast Wellfield. What he would suggest was to give authorization to Commissioner Fellows to have the freedom to support the agreement in whatever form it ended up, subject to final approval of this Commission. The Agreement really didn't affect them because they were project associates. However it took some protections out for the ones that were going to be project participants but he didn't think that it really impacted them.

The second agreement coming up that night was the Agreement that Ft. Meade has requested. He would recommend that they take the same position on this agreement and approve it subject to final approval and execution by this Commission.

Brief discussion ensued with consensus to support Ft. Meade and give Commissioner Fellows permission to act in the best interest of the city at the meeting.

CITY CLERK REPORT

The City Clerk announced that qualifying for Seat 3 started Monday, February 14th at noon and ended Friday, February 18th at noon.

CITY COMMISSION COMMENTS

Commissioner Fellows thanked all the staff for the Taste of Davenport event and was looking forward to their next event.

Commissioner Lynch felt that their first event had gone very well. Staff had done a great job and hoped that their next one was bigger and better.

The Vice-Mayor announced that their next event was the Highwaymen event. The City Manager advised that this year they were allowing the artists to place their paintings at the Community Center the night of the dinner. This would give them an opportunity to sell and allow people to see more of their work.

There being no further business, a motion to adjourn was made by Commissioner Lynch and seconded by Commissioner Fellows and carried unanimously.

Meeting adjourned at 8:12 p.m.

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

Raquel Castillo, City Clerk