

City of Davenport City Commission Minutes of January 19, 2021

Minutes of the Regular Meeting of the City of Davenport, Florida, held Monday, January 19, 2021 at 7:00 p.m. in the Commission Room after having been properly advertised with the following members present: Vice-Mayor Brynn Summerlin, Commissioner Bobby Lynch, Commissioner Tom Fellows and Commissioner Jeremy Clark. Also present: City Manager Kelly Callihan and City Attorney Heather Ramos. 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.

APPROVAL OF ORDER OF BUSINESS

Motion by Commissioner Fellows and seconded by both Commissioner Lynch and Commissioner Clark to approve the Order of Business. Motion carried unanimously with no discussion or public comment.

PUBLIC COMMENT - None

CONSENT AGENDA

Motion by Commissioner Clark and seconded by Commissioner Fellows to approve the Consent Agenda which consisted of the December 21, 2020 Planning Commission, December 21, 2020 Regular Meeting and the January 4, 2021 Regular Meeting minutes. Motion carried unanimously with no discussion or public comment.

OLD BUSINESS - None

NEW BUSINESS

- 1. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 970 TO APPROVE THE LAND USE PLANNED AMENDMENT (LUPA) OF TWO (2) PARCELS OF LAND FROM RESIDENTIAL LOW-2 EXTRA (RL-2X) TO RESIDENTIAL LOW (RL). OWNERS: BANERSY CORP. GENERAL LOCATION: EAST OF HOLLY HILL ROAD & SOUTH OF FOREST LAKE DRIVE**

At this time the Attorney was instructed to read Ordinance No. 970 by title.

City Planner Raymond Perez explained that this was a request to approve the Land Use Planned Amendment to two (2) parcels of land from Polk County Residential Low-2 Extra (RL-2X) to Residential Low (RL). He further noted that there were no changes since the Planning Commission meeting earlier in the evening.

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

Motion by Commissioner Fellows and seconded by Commissioner Clark to approve Ordinance No. 970 on its first reading. Motion carried unanimously with no discussion.

- 2. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 971 TO APPROVE THE LAND USE PLANNED AMENDMENT (LUPA) OF TWO (2) PARCELS OF LAND**

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FROM RESIDENTIAL MEDIUM EXTRA (RMX) TO RESIDENTIAL LOW (RL). OWNERS: ISABELO & CARMEN CUEVAS. GENERAL LOCATION: SOUTH OF HORSESHOE CREEK ROAD & EAST OF WILTON PLACE & WEST OF ALTA VISTA WAY

At this time the Attorney was instructed to read Ordinance No. 971 by title.

Raymond explained that this was a Land Use Plan Amendment to 4.68 acre. He further noted that the existing surroundings were residential. Also, there were no changes since the Planning Commission meeting earlier in the evening.

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. 971 on its first reading.

The Vice-Mayor asked Raymond if the RL designation the closest the City had to RMX. Raymond respond that this was correct.

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

3. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 972 TO APPROVE THE REZONING OF TWO (2) PARCELS OF LAND FROM RESIDENTIAL LOW-2 EXTRA (RL-2X) TO RESIDENTIAL ESTATE 2 (RE-2). OWNERS: BANERSY CORP. GENERAL LOCATION: EAST OF HOLLY HILL ROAD & SOUTH OF FOREST LAKE DRIVE

At this time the Attorney was instructed to read Ordinance No. 972 by title.

Raymond explained that this was the rezoning from Polk County Residential Low-2 Extra (RL-2X) to Residential Estate 2 (RE-2). He also added that there was no land lock and there were no changes since the Planning Commission meeting approval earlier in the evening.

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. 972 on its first reading. Motion carried unanimously with no discussion.

4. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 973 TO APPROVE THE REZONING OF TWO (2) PARCELS OF LAND FROM RESIDENTIAL MEDIUM EXTRA (RMX) TO RESIDENTIAL 5 (R-5). OWNERS: ISABELO & CARMEN CUEVAS. GENERAL LOCATION: SOUTH OF HORSESHOE CREEK ROAD & EAST OF WILTON PLACE & WEST OF ALTA VISTA WAY

At this time the Attorney was instructed to read Ordinance No. 973 by title.

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Raymond explained that this was the rezoning of 4.68 acres from Polk County Residential Medium Extra (RMX) to residential 5 (R-5). Raymond further stated that the Planning Commission had denied the continuation of this Ordinance.

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

Motion by Commissioner Lynch and seconded by Commissioner Clark to deny Ordinance No. 973.

Discussion ensued with the Vice-Mayor stating that he would really like for the developer to re-evaluate this for something more consistent with the area. Raymond replied that he would share their input and concerns with the applicant.

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

5. REQUEST TO RECLASSIFY THE CURRENT BUILDING INSPECTOR POSITION AT THE CURRENT RATE OF \$25.41 PER HOUR TO BUILDING INSPECTOR/REVIEW ENGINEER AT A PROPOSED RATE OF \$29.00 PER HOUR IN THE BUILDING DEPARTMENT

Finance Director Donald Carter explained that all development plans were currently reviewed by an engineering firm engaged by the City. However there have been timing issues and reviews are taking longer than expected. Donald advised that the building inspector on staff was an engineer and fully capable of doing this. Therefore, staff was requesting to reclassify the current Building Inspector to Building Inspector/Review Engineer at an hourly rate of \$29.00. Donald further added that funding for this would be taken from the 3rd Party Consulting budget in the Building Department.

Brief discussion ensued with the City Commission speaking in favor of this change and further noting the need as a result of the growth the city was experiencing; and saw it as a savings to the city and being able to use the talent in-house.

The City Manager further added that the City was blessed to have this particular employee. He was a licensed engineer and had his Building Official license.

At this time a motion was made by Commissioner Clark and seconded by Commissioner Fellows to reclassify the current Building Inspector position at the current rate of \$25.41 per hour to \$29 per hour. Motion carried unanimously with no further discussion.

6. APPROVE SETTLEMENT OF A LIABILITY CLAIM BROUGHT AGAINST THE CITY OF DAVENPORT FOR \$79,000

Donald noted the correction to the amount from \$79,000 to \$79,500 in the agenda item. Donald further explained that back in November a police officer was involved in an accident while in route to a call and as a result the city was found to be liable for damages in the amount of \$79,500, payable to three (3) individuals. Staff was asking for approval of the settlement claim.

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Motion by Commissioner Lynch and seconded by Commissioner Fellows to approve the settlement in the amount of \$79,500. Motion carried unanimously with no discussion.

CITY MANAGER REPORT

The City Manager asked Code Enforcement Officer Steven Hunnicutt to come up to the podium and provide an update. Steven announced that because of Covid there have been some changes on the way things were going to happen during the Legislative Sessions. He informed them that the Florida League of Cities had put together an Advocacy Committee and he was on it. Before them were some of the upcoming House Bills. Every 2 weeks they had Zoom meetings. He provided that they could text HOME RULE to 50457 and get text alerts on any updates from the League. If they had any questions, he was available any time.

Police Chief Larry Holden updated the City Commission on the approval of a JAG grant for \$10,800 that the Department had received for the purchase of riot gear. He also announced that they were getting a JAGD grant for Simunitions training guns that shot plastic rounds which they would be using for training. The Department had also applied for another CARES grant in the amount of \$48,000 for several thousand masks and sanitizers. It also included a shed, 100 traffic cones, rack barricades, fans, generators and tents. It was currently on the supervisor's desk for approval.

Adding to the discussion, the Vice-Mayor voiced that he had serious concerns about the size of the Police Department's building and stated that he would like to see some plans to expand it, especially now that they owned the adjacent property.

The City Manager also announced that the City would not be able to do the Highwaymen Event this year. With everything going on there had been some concerns from the Highwaymen and out of precaution they had decided not to have it this year.

CITY ATTORNEY REPORT

Attorney Ramos voiced that it was a pleasure to be at the meeting.

CITY CLERK REPORT

The Vice-Mayor stated that they were glad to see her back and informed her that her replacement had done an admirable job. The City Clerk stated that she was glad to be back and publicly thanked Steven Hunnicutt for standing in for her at the last meeting.

She also reminded them of the Chamber Banquet and Awards Ceremony, Thursday, January 28th at 6pm at the Lake Eva Event Center.

She announced that Election qualifying started Monday, February 15th at noon thru Friday, February 19th at noon.

Also following up to the City Clerk's comments on the Banquet, the City Manager announced that the City had submitted Commissioner Fellows' name for the Chamber's Hall of Fame and as a result he had been selected and encouraged participation at the Banquet.

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CITY COMMISSION COMMENTS

Commissioner Clark congratulated Commissioner Fellows. He also welcomed Attorney Heather Ramos. He expressed kudos to the City's amazing staff. He also thanked the Police and Fire Departments for everything they did.

Commissioner Fellows thanked the Mayor and everyone for nominating him to the Hall of Fame. It was an honor and appreciated and he was very humbled by it.

Commissioner Lynch also congratulated Commissioner Fellows.

Vice-Mayor Summerlin announced that for the next 10 days he would be at the Polk County Youth Fair and it would be the first Youth Fair in 46 years that the public wasn't invited. However, it would be televised on PGTV.

There being no further business, a motion to adjourn was made by Commissioner Lynch and carried unanimously. Meeting adjourned at 7:39 p.m.

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

Raquel Castillo, City Clerk