

City of Davenport Regular Meeting Minutes of July 18, 2022

Minutes of the Regular Meeting of the City of Davenport, Florida, held Monday, July 18, 2022 at 7:30 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 and Tom Fellows and Commissioner Jeremy Clark. 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.

PRESENTATION BY MIRACLE TOYOTA

Parks & Recreation Director Danny McClain announced that Miracle Toyota was here tonight to present them with a check and asked that representatives Austin Steed and Mary Muse come forward.

Mr. Austin Steed with the Murphy Auto Group introduced himself and stated that this was part of their commitment to the city and hoped to host some events at the Tom Fellows Community Center. He proceeded to present the City Commission a check in the amount of \$12,500. Danny further shared that a sign would be installed at the gym with their name on it.

The City Clerk was also presented with a plaque and bouquet of flowers for her 35 years of service to the city.

APPROVAL OF ORDER OF BUSINESS

The City Manager asked that they table Item 6 under New Business. He informed the City Commission that the contract was still being finalized.

Motion by Vice-Mayor Summerlin and seconded by Commissioner Clark to approve the Order of Business with item number 6 under New Business tabled. Motion carried unanimously with no discussion.

PUBLIC COMMENT

At this time the Mayor asked if there was anyone wishing to address the Commission on any item not on the agenda.

Cindy Chenowith of 213 Highland Meadows Street and Chairperson for the Highland Meadows Community Development District accepted and advised that she was before them because she had been informed by the District Manager that they would not be able to use the Commission Chambers for their August 16th meeting because of issues with the phone and chairs not being put back in their place. She advised that this was the first time that they were ever put on notice concerning this and asked that they reconsider. The City Manager informed her that he had spoken to Richard Hernandez on several occasions about this. In addition, hadn't even asked the city to use the facility for the meetings they had scheduled. He further added that now that they had built the new Community Center,

all the HOA's were having their meetings there. Ms. Chenowith interjected and informed him that they were not an HOA. The City Manager responded that this included CDD's too.

Richard Hernandez of 520 East Church Street, Orlando further explained that they set their meeting dates in September and these were sent to the City Clerk. The meeting in August was their budget meeting and their most important meeting. The City Clerk responded that their meeting dates up to August 16th were provided to her a year ago. However the dates he had referenced in his last email they had voted to have, she had no record of.

Ms. Chenowith reiterated her request to have their August meeting in the Chambers because they had already sent out the notices. The City Manager informed her that he had already told Mr. Hernandez and their Attorney that they could not have the meetings in the Chamber. He had even told their Attorney from Hopping Green & Sams that they could post a notice or sign that the meeting place had been moved. Again the City Manager emphasized that the answer was no.

Ms. Chenowith once again asked if they could hold their August meeting in the Chambers so as not to inconvenience those who were already planning to attend. After this meeting then they would be happy to use the Tom Fellows Community Center. They were simply trying to save money by not noticing the meeting again. The City Manager once again informed her that they could post it on the door and redirect the people to the other facility. Their Attorney had also told him that this was okay, however the answer was still no.

The Mayor pointed out that the City Commission had no authority of running the day to day business of the city and that this was the City Manager's job. The City Manager had made his decision and the decision stood.

Pete Williams of 1101 Merrimack Boulevard informed the Commission that he had reached out to the Tom Fellows Community Center for an available space to hold their HOA meetings. Each time he has been told that there was no availability for the timeframe of 6pm to 7pm. He was also told that the only available slots were during the day, but a majority of the homeowners worked 9am to 5pm. The City Manager asked Mr. Williams to get with the Parks and Recreation Director Danny McClain and he would make sure that there was a room available for them.

Howard Gill of 604 Pink Apartments Road and owner of the True Blue Winery and Restaurant took the floor and stated that he had read in the Four Corners News Sun that the city had hired a firm to help build up commercial growth. However, in the same article he had also read where the Vice-Mayor was quoted that residents had to go to Posner Park or Haines City to eat a decent meal or get fast food. This had upset him because they had three restaurants in town, his along with the Mexican restaurant and The Hotel & Tea Room which his sister was the owner. Anyone reading this article would assume that they couldn't get anything to eat in Davenport. The Vice-Mayor responded that this had been taken out of context, but the truth was that there were some people that wanted food establishments to be open 24/7 and some that wanted a fast food deal; and they just didn't have this.

There being no one else, 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 July 5, 2022 Regular Meeting minutes. Motion carried unanimously with no discussion.

OLD BUSINESS

1. **PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 955 TO APPROVE THE LAND USE PLANNED AMENDMENT (LUPA) TO 1140 NORTH BOULEVARD WEST FROM POLK COUNTY RESIDENTIAL LOW (RL-1) TO RESIDENTIAL LOW (RL)**

At this time the Attorney was instructed to read Ordinance 955 by title.

City Planner Raymond Perez advised that this was second reading of a future land use planned amendment from Polk County Residential Low (RL-1) to Residential Low (RL) with 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 Clark to approve Ordinance No. 955 on its second and final reading.

Just for clarity the Vice-Mayor noted that it was .93 acres and not 93 acres as stated by Raymond during his presentation.

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

2. **PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 956 TO REZONE 1140 NORTH BOULEVARD WEST FROM POLK COUNTY RESIDENTIAL LOW (RL-1) TO SINGLE FAMILY RESIDENTIAL (R-3)**

At this time the Attorney was instructed to read Ordinance 956 by title.

Raymond advised that this was the rezoning of the same property from Polk County Residential Low-1 (RL-1) to Residential 3 (R-3) 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. 956.

3. **PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 957 TO APPROVE THE LAND USE PLANNED AMENDMENT (LUPA) TO 610 HIGHWAY 17/92 SOUTH FROM POLK COUNTY RESIDENTIAL SUBURBAN (RS) TO RESIDENTIAL HIGH (RH)**

At this time the Attorney was instructed to read Ordinance 957 by title.

Raymond advised that this was a land use planned amendment from Polk County Residential Suburban (RS) to Residential High (RH) consisting of 10.51 acres.

The Mayor opened the Public Hearing.

Pete Williams of 1101 Merrimack Boulevard voiced his concern with the blind hill intersection and a proposed entrance not 50 feet from the corner. The Vice-Mayor responded that if DOT gave them their blessing then they couldn't stop it.

Rhonda Hawley, owner of 610 US Highway 17/92 S. completely agreed that the elephant in the room was what DOT determined. Her and her husband absolutely wanted to be safe and wanted to be a good part of the community and neighbor. They certainly didn't want to create a situation where there would be accidents. The name in itself "Heartsong" was their heart and they wanted to be able to develop as a place for people to live and to be able to grow and invest wealth in their generations. So the very last thing they would ever want to do was to have accidents. She noted that they had not yet worked to this stage with DOT but were pretty certain about it and had budgeted for turning lanes.

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

Motion by Commissioner Clark and seconded by Vice-Mayor Summerlin to approve on second and final reading Ordinance No. 957.

Discussion ensued with the Vice-Mayor stating that he hoped that they could get additional land acquisition to be able to put a second entrance. He also reminded Ms. Hawley that they would be limited to 50 units with a single entrance per the city's regulations. Ms. Hawley voiced her understanding of this.

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

4. PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 983 TO REZONE 610 HIGHWAY 17/92 SOUTH FROM POLK COUNTY RESIDENTIAL SUBURBAN (RS) TO MULTI-FAMILY (MF)

At this time the Attorney was instructed to read Ordinance 983 by title.

Raymond advised that this was the rezoning of the same parcel from Polk County Residential Suburban (RS) to Multi-Family (MF) consisting of 10.51 acres and there were no changes since first reading.

The Mayor opened the Public Hearing.

Mrs. Freida Priest of 105 E. Maple Street stated that she had been to several meetings where different developments have been approved. She was voicing her concern with not enough water and where were they getting their water. She also asked if they were buying

water from the Southwest Water Management. Both the City Manager and Vice-Mayor informed her that the City was not buying water from anybody. The City Manager further stated that the City was a partner with the Polk Regional Water Cooperative and they were drilling a lower aquifer well. He informed her that the Southwest Florida Water Management District was saying no more upper aquifer wells and digging deeper was much more costly. He also told her that the reason the city had gone down to one day a week was not the quantity of water but the usage of water.

The City Manager also assured her that the city did not have a water problem and was still in good shape currently. In addition, SWFWMD had a list of all the city's developments.

The Vice-Mayor also explained that if the Water District decided to reduce the amount of water that could be pumped then all the municipalities had to conform to this, not just Davenport.

Mrs. Paula Bertone of 1604 Merrimack Ct. expressed her concern with future problems if an entrance was placed. She further asked if the entrance could be placed somewhere else. She was informed that unfortunately the city had no control on a State highway. She was further informed that South Boulevard was a County Road. The City Manager also informed her that the County had been contacted and when it got to the point that it needed a signal, they had assured him that they would look into it.

Commissioner Clark asked that she contact the Polk Transportation Planning Organization (TPO) in Bartow to address her concerns.

There being no one else the Mayor closed the Public Hearing.

Motion by Vice-Mayor Summerlin and seconded by Commissioner Clark to approve Ordinance No. 983.

5. PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 1079 ANNEXING 1006 SNELL CREEK ROAD (OWNER OF RECORD: JOSE MORALES)

At this time the Attorney was instructed to read Ordinance 1079 by title.

Raymond advised that this was the annexation of 1006 Snell Creek Road consisting of 4.95 acres.

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

Motion by Commissioner Fellows and seconded by Commissioner Lynch to approve Ordinance 1079 on its second and final reading. Motion carried unanimously with no discussion

6. PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 1081 TO REZONE PARCEL #272703-721000-006220 - REDDING STREET FROM COMMERCIAL NEIGHBORHOOD (C-1) TO COMMERCIAL HIGHWAY (C-3) (GENERAL LOCATION: SOUTH OF BARGAIN BARN ROAD AND EAST OF HWY 17/92 NORTH)

At this time the Attorney was instructed to read Ordinance 1081 by title.

Raymond advised that this was the rezoning of a parcel on Redding Street from Commercial Neighborhood-1 (C-1) to Commercial Highway-3 (C-3).

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. 1081 on its second and final reading. Motion carried unanimously with no discussion.

NEW BUSINESS

1. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 981 ANNEXING 810 HOLLY HILL ROAD (OWNERS OF RECORD: CARMEN & JESUS MATOS)

At this time the Attorney was instructed to read Ordinance 981 by title.

Raymond advised that this was the annexation of 810 Holly Hill Road consisting of .92 acres.

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. 981 on first reading.

Vice-Mayor Summerlin excused himself from the next item noting a conflict of interest.

2. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1078 AMENDING POLICIES 3.1(A)(1) AND 3.1(M) OF THE FUTURE LANDUSE ELEMENTS OF THE COMPREHENSIVE PLAN

At this time the Attorney was instructed to read Ordinance 1078 by title.

Raymond advised that this was a text amendment to the Comprehensive Plan and the change was only for a specific parcel of land. Raymond emphasized that this Ordinance allowed this particular parcel not to exceed 3 dwelling units per acre and the other parcels within Map 25 area were not included.

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. 1078 on its first reading. Motion carried with Mayor Robinson opposing.

3. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1082 ANNEXING 314 NORTH BOULEVARD WEST (OWNER OF RECORD: BLANCA SANDOVAL)

At this time the Attorney was instructed to read Ordinance 1082 by title.

Raymond advised that this was the annexation of 314 North Boulevard consisting of 1.54 acres. He also noted that per the Land Development Regulations any properties of more than 1 acre required an impact traffic study. In addition, for all types of developments with the city, a concurrency letter from Polk County School Board was required..

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. 1082 on its first reading. Motion carried unanimously with no discussion.

4. SET THE TENTATIVE MILLAGE RATE FOR FISCAL YEAR 2022-2023 AND SCHEDULE THE PUBLIC HEARING DATES

Finance Director Donald Carter advised that the City was required to set the tentative millage by August 2nd. Staff was recommending setting the millage at 7.5000 as presented at their July 5th Budget Workshop.

In addition, Staff was also looking at scheduling the Public Hearing dates. Donald noted that these meetings couldn't be held on the same dates as either the Polk County School Board or Board of County Commissioners. Since the City's first meeting in September was also Labor Day, staff was recommending rescheduling the meetings to Thursday, September 8, 2022, and Thursday, September 22, 2022.

Motion by Commissioner Clark and seconded by Commissioner Fellows to set the Tentative Millage Rate to 7.5000 and set the Budget Public Hearings dates to September 8th and September 22nd.

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

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

5. REQUEST TO CONSIDER AND APPROVE A MERIT RAISE FOR THE CITY MANAGER AND CITY CLERK

The City Manager advised that anticipated merit increases were budgeted for the employees ranging from 0% to 4% and asked that they be considered the same as the rest of the employees.

At this time a motion was made by Vice-Mayor Summerlin and seconded by Commissioner Lynch to extend the 4% merit increase to both the City Manager and City Clerk. Motion carried unanimously with no discussion.

CITY MANAGER REPORT

The City Manager announced the Reverse Raffle and steak dinner event for August 5th.

He also asked Fire Chief JT and Steven Hunnicutt to come up and update them on a grant. Steven explained that this was through their Workers Comp insurance group Preferred and

this year the Fire Department had applied and received a check in the amount of \$4,835.48. JT further shared that one thing that the Fire Department was focused on right now was cancer initiative and they were able to get this grant to provide the hood systems and bunker gear that the firemen wore to help filter cancer causing emissions.

In concluding his report, the City Manager advised that when he had negotiated his contract with the Mayor his car allowance had been discussed. He further noted that when Amy Arrington was City Manager her car allowance was \$800 a month and he had agreed to reduce it to \$500 then. As a result of the recent increase in gas prices he was asking them to consider raising his car allowance from \$500 to \$800 a month.

Motion by Commissioner Clark and seconded by Commissioner Lynch to increase the car allowance to \$800 for the City Manager. Motion carried unanimously with no discussion.

CITY ATTORNEY REPORT – Nothing to report

CITY CLERK REPORT

The City Clerk thanked the City Commission for the raise and for the plaque and flowers.

CITY COMMISSION COMMENTS

Commissioner Clark announced that his church was teaming up with Jarrett Gordon Ford and hosting a back to school backpack event July 30th at the Tom Fellows Community Center. They had 500 backpacks to hand out and were also offering health screening. He also thanked all the City employees for everything they did. He voiced how honored he was to be able to sit up at the dais and to be able to boast to others about everyone at the city and everything that they did.

The Vice-Mayor expressed his excitement with the city's participation with the organizations at the Tom Fellows Community Center and sponsorship of the gym. He was looking forward to the unveiling of the sign. He further stated that these were companies that have benefited from the residents of Davenport and were now giving back. The naming rights just added a little level of class to their facility.

There being no further business, a motion to adjourn was provided by Commissioner Clark and seconded by the rest of the Commission.

Meeting adjourned at 8:39 p.m.

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

Raquel Castillo, City Clerk