

City of Davenport Regular Meeting Minutes of July 19, 2021

Minutes of the Regular Meeting of the City of Davenport, Florida, held Monday, July 19, 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 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.

PRESENTATION OF AUDIT – Mike Brynjulfson – Brynjulfson CPA

The 2020 Audit was presented to the City Commission by Mike Brynjulfson of Brynjulfson CPA (On file). Overall Mike provided that no material weaknesses in internal control were identified and no material noncompliance were reported. The City was in compliance with the Federal & State requirements as they relate to the grant/loan project assistance for the water & sewer system expansion and there were no deficiencies in the City's internal control over compliance to report. The Management Letter was a clean Management Letter and the City was in great financial shape. There were no findings of deteriorating financial conditions. Both the General Fund and Enterprise Fund showed healthy Reserves.

Prior year finding were all corrected. Current year findings consisted of 1) Impact Fee Accounting and the need to segregate all impact fee activity into separately special revenue funds and 2) Building Permit fees – Mike explained that 2 years ago the legislature had changed the amount of unspent building permit fees that could be carried forward from year to year. They could only carry forward a 4 year average of their annual expenses that were incurred to enforce the Florida Building Code. Anything over this had to be used to reduce fees or rebate them.

The Commission appreciated the positive Report which was a testament to the good staff the City has. They further thanked Donald and Mike.

APPROVAL OF ORDER OF BUSINESS

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

PUBLIC COMMENT - None

CONSENT AGENDA

Motion by Vice-Mayor Summerlin and seconded by Commissioner Lynch to approve the Consent Agenda which consisted of the July 6, 2021 Regular Meeting. Motion carried unanimously with no discussion or public input.

OLD BUSINESS

- 1. PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 989 TO APPROVE THE LAND USE PLANNED AMENDMENT (LUPA) TO THE FOREST LAKE SUBDIVISION FROM POLK COUNTY RESIDENTIAL LOW 4 (RL-4) TO RESIDENTIAL MEDIUM (RM) – GENERAL LOCATION: NORTHEAST OF HOLLY HILL ROAD & FOREST LAKE DRIVE**

At this time the Attorney was instructed to read Ordinance No. 989 by title.

City Planner Raymond Perez explained that this was the second and final reading of the Ordinance to approve the Land Use Plan Amendment from Polk County Residential Low 4 (RL-4) to Residential Medium (RM) consisting of 117.529 acres. He further added that it had gone through the Department of Economic Opportunity approval.

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

2. PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 990 TO APPROVE THE REZONING TO THE FOREST LAKE SUBDIVISION FROM POLK COUNTY RESIDENTIAL LOW 4 (RL-4) TO PLANNED UNIT DEVELOPMENT (PUD) – GENERAL LOCATION: NORTHEAST OF HOLLY HILL ROAD & FOREST LAKE DRIVE

At this time the Attorney was instructed to read Ordinance No. 990 by title.

City Planner Raymond Perez explained that this was the second and final reading of the Ordinance approving the rezoning from Polk County Residential Low 4 (RL-4) to Planned Unit Development (PUD) consisting of 117.529 acre. Raymond 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 Fellows and seconded by Commissioner Lynch to approve Ordinance 990 on its second and final reading. Motion carried unanimously with no discussion.

NEW BUSINESS

1. REQUEST TO APPROVE RESOLUTION NO. 469-21 APPROVING THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF DAVENPORT AND THE FLORIDA DEVELOPMENT FINANCE CORPORATION (FDFC)

Kate Stangle with the law firm of Nelson Mullins Riley & Scarborough located at 390 North Orange Avenue in Orlando took the floor and informed the Commission that their firm represented the Florida Development Finance Corporation. She further advised that the Corporation was created by the Legislature for the purpose of serving as a conduit bond issuer for projects that offered economic development opportunities throughout the State. The Statute provided that the Corporation could only participate in the financing for a project if it had an Interlocal Agreement in place with the governing body of the jurisdiction where the project was located. Currently the Corporation did not have an Interlocal Agreement in place with the City. She further stated that FDFC was approached by Navigator Academy to provide financing related to its charter school located at 495 Holly Hill Road. They are looking into the possibility of acquiring the land and improvements that have been constructed and potentially making additional improvements. They were seeking financing in the amount not to exceed \$31 million. The request before them was to enter into an Interlocal Agreement with the Corporation. It would allow the Corporation to issue bonds for any projects that may be located within the City and would include the Navigator Academy request. The Interlocal Agreement is basically a consent by the governing body that FDFC can exercise its powers to finance projects that are physically located in its jurisdiction. She

further pointed out that when entering into these types of agreements, the governing body was not assuming any financial obligations for any bonds that are issued by the Corporation.

Commissioner Lynch asked for the Attorney's comments on this issue. The Attorney responded that he had seen this type of Agreements come before County and City Commissions and assured them that there was no obligation or liability to the City or taxpayers.

The City Manager also added that this was simply a step that Navigator Academy had to take to move forward with any additional improvements on the property.

Vice-Mayor Summerlin clarified that this was a private bond issue to expand the school. Ms. Stangle responded that they would also be acquiring the assets and a portion of the financing would be to expand construction for a High School in the event they were successful in getting a charter for that.

Motion by Commissioner Lynch and seconded by Commissioner Fellows to approve Resolution No. 469-21 for the Interlocal Agreement between the City of Davenport and the Florida Development Finance Corporation.

The Vice-Mayor voiced that he had no problem with this, knowing they had no financial obligation.

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

2. SET THE TENTATIVE MILLAGE RATE FOR FISCAL YEAR 2021-2022 AND SCHEDULE THE PUBLIC HEARING DATES

Finance Director Donald Carter advised that as part of the TRIM process that they needed to set the Tentative Millage Rate for Fiscal Year 2021-2022 and set the Public Hearing dates. Donald advised that the proposed Budget was balanced using a millage rate of 7.5000 and Staff was recommending this rate be set as their tentative millage. In addition, Staff was recommending the following dates for the Public Hearings:

- 1st Public Hearing – Thursday, September 9th
- 2nd Public Hearing – Tuesday, September 21st

These dates would not conflict with the School Board or the County's meeting dates.

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

Motion by Vice-Mayor Summerlin and seconded by Commissioner Lynch to set the tentative millage rate for fiscal year 2021-2022 at the 7.5000, establishing the same rate as they had last year. Motion carried unanimously with no discussion.

Motion by Vice-Mayor Summerlin and seconded by Commissioner Lynch to set the meeting dates on September 9th and September 21st as recommended by staff, therefore meeting all the requirements that they're not overlapping the School Board or County dates. Motion carried unanimously with no discussion.

3. PRESENTATION BY DENNIS WOOD, P.E. REGARDING CHANGES TO THE MYSTERY HOUSE ROAD SUBDIVISION AND THE GENEVA LANDING PARK ROAD IMPROVEMENTS

Raymond advised that Dennis Woods was the engineer on this project and was there to inform them of some changes to the Mystery House Road subdivision and the Geneva Landing Park Road improvements.

Taking the floor, Mr. Woods of 1925 Bartow Road, Lakeland Florida reminded them that they had approved the PUD with two entrances. One off Mystery House Road and the other off Highway 17/92. However, DOT had denied the access point off Highway 17/92. The primary reason was that they were trying to limit the access points off Highway 17/92 to keep the traffic flowing and they were concern with the closeness to Mystery House Road. He had tried to talk them into a one way entrance but that was to no avail. Mr. Woods advised that he had discussed the situation with City staff and they had come up with an alternative which was to put a turnaround wide enough for emergency vehicles to be able to access.

Raymond took the floor and further advised that staff had reviewed this change and were okay with it. The only thing of any concern was that the LDR's required two access points for subdivisions with over 50 lots.

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

Motion by Commissioner Fellows and seconded by Commissioner Clark go with the recommendation to allow the one entrance and exit on the Mystery House Road subdivision.

Discussion ensued with Vice-Mayor Summerlin questioning if they planned to fence it off. Mr. Woods responded that they would have a landscape buffer and proceeded to show him the new layout. The Vice-Mayor voiced his hesitancy at the new layout of the lots and had hoped that they would have left them as they were because he felt that DOT would eventually come around once they widen Highway 17/92. The way the house were laid out now, there was no way in the future to open this road onto 17/92. He voiced his reluctance at the one entrance.

Commissioner Clark also voiced his concern with 55 more homes dumping onto Mystery House Road.

Chief Torrance explained that their hands were basically tied with DOT, however they had no issues with the new layout.

Commissioner Fellows further added that he didn't want to scuff this project over something that was out of the developer's control. However, he would like for Mr. Woods to be proactive and start the process for a red light at Mystery House Road. Mr. Woods shared that traffic studies would be done on all the developments and eventually one of them would trigger the need for turning lanes. Maybe not a traffic signal but definitely a left or right turning lane.

The City Manager further added that as far as the safety aspect of it and emergency vehicles able to go in and out, staff had reviewed it and did not have any issues with the change.

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

In regards to the Geneva Landings Park Road improvements, Mr. Woods explained that at the City's request, they had extended the 12' waterline from Olsen through the subdivision and had connected onto South Boulevard. As such, they were also going to do a 20' stabilized roadway with asphalt millings from that portion on Park Road that was already paved up to their third subdivision entrance.

Raymond concluded that this subdivision would still have its three entrances and staff was asking that they consider the request. The City Manager further added that this was basically an improvement to the area but Staff wanted to make sure that they were aware of.

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

Motion by Commissioner Fellows and seconded by Commissioner Clark to approve the changes proposed to Geneva Landings Park Road improvements.

The Vice-Mayor clarified that they were just improving the back entrance to the development and because they had extended the waterline and had dug up the road, they were now putting down stabilizing material and still maintain a road even though it was considered an unimproved road.

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

4. REQUEST TO APPROVE THE PRELIMINARY PLAT FOR THE POWERLINE ROAD SOUTH SUBDIVISION

Raymond explained that this had been approved by the Planning Commission earlier in the evening and was only being presented to them to let them know that it had been approved by the Planning Commission.

The Mayor opened the Public Hearing.

Denny McKnight of 601 Horseshoe Creek Road advised that he was not notified about this and had only found out about the meeting by talking to one of his neighbors. Mr. McKnight questioned the location and specifics of the development. This was provided to him by Raymond on the TV monitors.

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

A motion was made by Commissioner Fellows and seconded by Vice-Mayor Summerlin to approve the preliminary plat for the Powerline Road South subdivision. Motion carried unanimously with no discussion.

5. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1006 TO APPROVE THE REZONING OF 0 PALM STREET FROM POLK COUNTY RESIDENTIAL MEDIUM (RM) TO MULTI-FAMILY (MF)

At this time the Attorney was instructed to read Ordinance No. 1006 by title.

Raymond explained that this was to approve the rezoning from Polk County Residential Medium (RM) to Multi-family (MF) and further advised that there were no changes since it was approved for recommendation by the Planning Commission.

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

Motion by Commissioner Clark and seconded by Commissioner Fellows to approve on first reading Ordinance No. 1006. Motion carried unanimously with no discussion.

6. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1017 TO APPROVE THE ANNEXATION OF 0 HIGHWAY 17/92. OWNER OF RECORD: RICHARD D. VIGGIANO TRUST (GENERAL LOCATION: SOUTHWEST SIDE OF HIGHWAY 17/92)

At this time the Attorney was instructed to read Ordinance No. 1017 by title.

Raymond explained that this was first reading for a voluntary annexation of 0.17 acres and no changes had been made since approval by the Planning Commission.

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. 1017 on its first reading. Motion carried unanimously with no discussion.

7. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1018 TO APPROVE THE ANNEXATION OF 1010 MYSTERY HOUSE ROAD. OWNER OF RECORD: PHILIP C. BURZYNSKI (GENERAL LOCATION: NORTH SIDE OF MYSTERY HOUSE ROAD & WEST OF POWERLINE ROAD)

At this time the Attorney was instructed to read Ordinance No. 1018 by title.

Raymond explained that this was a request to approve the annexation of a 3.94 acre parcel with future plans to develop it into a 16 lot development.

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

Motion by Commissioner Lynch and seconded by Commissioner Clark to approve Ordinance No. 1018 on its first reading. Motion carried unanimously with no discussion.

8. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1022 TO APPROVE THE ANNEXATION OF 1935 HIGHWAY 17/92. OWNER OF RECORD: RICHARD D. VIGGIANO TRUST (GENERAL LOCATION: SOUTHWEST SIDE OF HIGHWAY 17/92)

At this time the Attorney was instructed to read Ordinance No. 1022 by title.

Raymond advised that this was the annexation of 1935 Highway 17/92 consisting of 0.21 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. 1022 on first reading. Motion carried unanimously with no discussion.

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

The Mayor stated that if anyone deserved a raise it was Rachel. She was always there. She was always working and always quick to respond and he was going to personally vote for this. She was very deserving of this raise.

The City Manager explained that in 2020 the City Commission no longer found it necessary to do the annual performance evaluations and instead asked that it be placed on the Agenda for the Commission to consider.

The Vice-Mayor questioned how much they were looking at. The City Manager responded that the scale was from 0 to 4 which was what the other employees got. He personally worked with the City Clerk every day and would recommend that she be given the 4%.

At this time a motion was made by Mayor Robinson and seconded by Commissioner Clark to give the City Clerk the 4% as a merit raise.

Commissioner Clark asked if they could do something for the City Manager also. The Vice-Mayor asked that they get done with the City Clerk first. At which the Vice-Mayor voiced that the City Clerk deserved every dime of it. There being no other discussion, the Mayor called for the vote. Motion carried unanimously.

Moving on to the City Manager, the Mayor pointed out that the contract detailed an annual review. It was noted that the City Manager had a three (3) contract.

At this time a motion was made by Vice-Mayor Summerlin and seconded by Commissioner Lynch to also give the City Manager the same merit amount of 4% that they had given the City Clerk.

On the record, Commissioner Clark felt that they had the best City Manager around and he deserved it. He had saved them money on a lot things that justified the 4%.

The Vice-Mayor pointed out that they had gotten a sound budget at their Workshop and would be approving at their Public Hearings. It addressed pay increases for everyone from mid-level on down and he felt that it was only fair that they address their top level at the same time. Their City Clerk had gone years with no merit so they needed to make sure that this didn't happen again. As long as the City was healthy, they needed to pay their people because their goal was to not only retain their regular employees but also their City Manager and City Clerk. They wanted them to stay as long as they wanted to and for as long as the City could afford them.

Commissioner Lynch was in agreement with the 4% and concurred with the Vice-Mayor's comments. The City Manager and City Clerk had done a great job. Their Budget looked great which was a combination of everybody that had worked on it.

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

CITY MANAGER REPORT

The City Manager thanked the City Commission for their kind words. He also thanked Mike for the audit and Donald and his staff for working with Mike on the audit.

CITY ATTORNEY REPORT – Nothing to report

CITY CLERK REPORT

The City Clerk advised that she had sent an email out earlier in the day regarding the Annual Pig Roast & Political Rally and asked that they RSVP to her if they wanted to go. She also informed them that as in past years, once she heard from all of the Commissioners then the remaining tickets would be extended to the Department Heads.

She too thanked the Commission for their kind words and voiced her pleasure at working for the City.

CITY COMMISSION COMMENTS

Commissioner Clark commended staff for doing such an amazing job. He also shared that he had enjoyed being part of the Fire Department Hosing Ceremony. Once again he commended the Police and Fire Departments.

Commissioner Fellows echoed Commissioner Clark's comments and further added that staff made their job easy. He was also happy to have received such a good audit report.

Commissioner Lynch shared that he remembered their old audits. He further stated that this was a combination effort between everyone because it took everybody to pull together to make it work.

The Vice-Mayor voiced how extremely happy he was on the health of the city. It was important to him personally that the city was healthy and they were moving in the right direction and spending money where it was needed and not where it wasn't.

The Mayor shared that this was the best run city and the happiest Commission that he had ever work with.

There being no further business, a motion to adjourn was made by Commissioner Lynch and seconded by Commissioner Clark

Meeting adjourned at 8:41 p.m.

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

Raquel Castillo, City Clerk