

# City of Davenport Regular Meeting Minutes of May 16, 2022

---

Minutes of the Regular Meeting of the City of Davenport, Florida, held Monday, May 16, 2022 at 7:00 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 Tom Fellows and Commissioner Jeremy Clark. Also present: City Manager Kelly Callihan. Absent was the City Attorney.

Mayor Robinson declared a quorum present and opened the meeting with invocation and a salute to the flag.

## **PROCLAMATIONS**

The Proclamation Mental Health Awareness Month was read out loud by the City Clerk.

## **APPROVAL OF ORDER OF BUSINESS**

**Motion** by Vice-Mayor Summerlin and seconded by Commissioner Lynch to remove Item No. 3 under New Business in view of the vote during the Planning Commission meeting. Motion carried unanimously.

## **PUBLIC COMMENT**

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

Mr. Mark Sabree of 604 Savannah Preserve Loop accepted the invitation to voice his anger and problem with the Utilities Department. Before proceeding, Mr. Sabree apologized for the language he had used while visiting the Utilities Department earlier in the day. He explained that he has always paid his bills on time and has always paid in advanced. He had received a letter telling him that he was going to be turned off. This has happened to him before, and he was turned off and charged \$70 to turn his water back on. Mr. Sabree further added that there was no electronic payment system in the City so it literally took the city 10 days to process a payment. He asked that something be done and quickly.

The Vice-Mayor asked that at some future point, they needed to look into paying the water bills via electronically. As they grew, it would be a great asset to their residents.

Mr. Sabree also asked how many days past due before they assessed a late fee and how many days past due did they have to be before the water was turned off. In the audience, Finance Director Donald Carter responded that the bills were due on the first of the month and the late fee was assessed right after that. The water was generally turned off around the 20<sup>th</sup> of the month.

The City Manager informed Mr. Sabree that he would have Donald follow up with him tomorrow.

There being no one else the Mayor closed Public Comment.

## **CONSENT AGENDA**

**Motion** by Vice-Mayor Summerlin and seconded by Commissioner Clark to approve the Consent Agenda which consisted of the April 4, 2022 Commission Workshop and the May 2, 2022 Regular Meeting minutes. Motion carried unanimously with no discussion.

## **OLD BUSINESS**

### **1. PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 1063 REQUEST TO UPDATE THE LANGUAGE IN THE LAND DEVELOPMENT REGULATIONS RELATING TO ACCESSORY DWELLING UNITS**

At this time the City Clerk was instructed to read Ordinance No. 1063 by title.

City Planner Raymond Perez explained that there were no changes since first reading.

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

**Motion** by Commissioner Clark and seconded by Commissioner Lynch to approve Ordinance No. 1063 on second and final reading. Motion carried unanimously with no discussion.

## **NEW BUSINESS**

### **1. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1076 ANNEXING 1140 NORTH BOULEVARD WEST (OWNER OF RECORD: MIRABAL MATILDE FABIAN)**

At this time the City Clerk was instructed to read Ordinance No. 1076 by title.

City Planner Raymond Perez explained that this was the annexation of 1140 North Boulevard West consisting of .94 acres. This was recommended by the Planning Commission earlier in the evening.

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. 1076 on its first reading. Motion carried unanimously with no discussion.

### **2. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1077 ANNEXING 610 HIGHWAY 17/92 - HEARTSONG SUBDIVISION (OWNERS OF RECORD: JESSE MUNRO & RHONDA HAWLEY)**

At this time the City Clerk was instructed to read Ordinance No. 1077 by title.

Raymond explained that this was the annexation of 610 Highway 17/92 and there were no changes since the Planning Commission meeting earlier in the evening.

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 No. 1077 on its first reading.

For clarification and in answer to Vice-Mayor Summerlin's question, Raymond answered that this item did not have to be sent to the Department of Economic Opportunity (DEO) for review because it was under 50 acres.

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

#### **4. DISCUSSION OF THE HOLLY HILL GROVE SHOP**

The City Manager explained that he had met with Warren McKnight on the purchase of this property. The asking price for the property was \$460,000.00 as is.

In answer to the Vice-Mayor's question, the City Manager explained that it was staff's plans to use the property for the construction of a new Building Department, while using some of the buildings and also providing storage for some equipment.

It was explained that funding for this would come from the Building Permit Fees.

At this time a motion was made by Vice-Mayor Summerlin and seconded by Commissioner Clark to direct the City Attorney to engage in a contract for this property in the amount of \$460,000. Motion carried unanimously.

#### **5. REQUEST TO APPROVE RESOLUTION 480-22 SUPPORTING THE CENTRAL POLK PARKWAY EAST POLK COUNTY**

The City Manager explained that this was placed on the Agenda in support of the Central Polk Parkway East Polk County.

**Motion** by Commissioner Lynch and seconded by Vice-Mayor Summerlin to approve Resolution No. 480-22. Motion carried unanimously with no discussion.

#### **6. REQUEST TO APPROVE KIMLEY-HORN AND ASSOCIATES CONTRACT TO PROVIDE THE ENGINEERING SERVICES FOR THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT (SWFWMD) WATER USE PERMIT (WUP) MAJOR MODIFICATION APPLICATION**

Utilities Director Mike Stripling explained that this was a contract with Kimley Horne to provide the engineering services for the Water Use Permit Modification application in

the amount of \$88,000. Mike provided that they were asking the District to be allowed to permit more water until such time an alternative water supply was available.

**Motion** by Commissioner Fellows and seconded by Commissioner Lynch to approve the contract with Kimley Horn to provide the engineering services for the Southwest Florida Water Management District (SWFWMD) Water Use Permit (WUP) Major Modification application.

Discussion ensued with the Vice-Mayor asking Cindy Rodriguez with the District if they would be able to get this done without a whole lot of trouble or was the city going to have to fight them tooth and nail. Ms. Rodriguez responded that any fight that happened would not be with the District but with the Central Florida Water Initiative Rule that was now Florida Water Law, but the District was committed to working very collaboratively with the City to find every drop of water it could for them within the confines of the Statute.

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

#### **7. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO.1080 REGARDING YEAR ROUND WATER CONSERVATION MEASURES**

Mike explained that the Central Florida Water Initiative had approved the Supplemental Handbook in June. This rule set goals for cities to reach 115 gpd or a functional per capita daily water use rate of no greater than 100 gpd. The current gross per capita daily water use for the City was 153 gpd. To help with this, Staff was looking at the approval of Ordinance 1080. This ordinance would change the irrigating regulations to one day a week from the current two day a week period. In addition, it changed the established lawn watering days from 60 days to 45 days.

Mike advised that the City would be the first or second city to go down to one day a week watering.

At this time the City Clerk was instructed to read Ordinance No. 1080 by title.

**Motion** by Commissioner Fellows and seconded by Commissioner Lynch to approve Ordinance No. 1080 on its first reading.

The Vice-Mayor emphasized the use of Bahia grass.

The Mayor questioned the watering days and hours of irrigation. Mike responded that they would be based on the address. Those addresses ending in 0 or 1 would water on Monday, 2 or 3 on Tuesday, 4 or 5 on Wednesday, 6 or 7 on Thursday and 8 or 9 on Friday. Mike explained that the reasoning for this schedule was to reduce the stress at the water plant and from everyone watering at the same time. It made it more difficult for enforcement, but the ordinance also allowed for the training and utilization of additional

personnel to enforce the restrictions and provide back up to Code Enforcement and they would also be able to write citations.

The Vice-Mayor drew their attention to the watering criteria for properties under two acres and properties with two acres and greater.

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

**8. APPROVE THE AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY FOR \$255,000.00 IN CDBG-MIT (COMMUNITY DEVELOPMENT BLOCK GRANT – MITIGATION) FUNDING TO CREATE A RESILIENT WASTEWATER MASTER PLAN**

Mike explained that the City has been awarded \$255,000.00 in CDBG-MIT (Community Development Block Grant – Mitigation) funding to create a Resilient Wastewater Master Plan.

In answer to the Vice-Mayor's question, Mike answered that this was a grant completely different from their recreation CDBG grant.

**Motion** by Vice-Mayor Summerlin and seconded by Commissioner Lynch to approve the Agreement with the State Department of Economic Opportunity for \$255,000. Motion carried unanimously with no discussion.

**CITY MANAGER REPORT**

The City Manager asked for a consensus to approach another property owner adjacent to the Holly Hill Shop along Manatee Avenue in order to tie it in all the way to State Street. He would bring it back to them for approval. It was the consensus of the Commission for him to go ahead with this.

At this time the City Manager asked Code Enforcement Officer Steven Hunnicutt to come up to the podium and talked to them about the noise complaint from the last meeting regarding the turkeys.

Mr. Hunnicutt advised that they had visited this Ordinance back in April of 2020. He advised that the owner of the property in question had met all the requirements of the ordinance and had spent a considerable amount of money to cage them and was in compliance. He noted that there was a section from the 1972 Code, Section 4-2 regarding nuisances that could be addressed under this section, but he had to get with the Chief of Police.

He was looking for further direction on how they wanted to handle this. Did they want to bring the ordinance back and discuss it again or what.

The Vice-Mayor asked if he had any contact with the resident. Steven responded that he had placed doorhangers at the residence and had left messages for them to contact him back.

Commissioner Lynch voiced that he lived close to this residence and although he didn't have an issue with small animals and such, he did have an issue when it kept people awake at night and the constant noise during the day. He understood that the owner was in compliance with the ordinance and had spent money but asked how would they enforce this.

It was the consensus of the Commission that they contact the owner first before they readdressed the ordinance; and bring it back up under the City Manager's comments at the next meeting.

**CITY ATTORNEY REPORT** – Nothing to report.

**CITY CLERK REPORT**

The City Clerk reminded them of the Chamber of Commerce Luncheon this Thursday at 11:30 at the Tom Fellows Community Center.

**CITY COMMISSION COMMENTS**

Commissioner Clark thanked the residents in the audience that had expressed their concerns. Lastly, he thanked the Police and Fire Department for protecting them.

Commissioner Lynch echoed Commissioner Clark's comments to the audience and added that they would be taken into consideration.

The Vice-Mayor pointed out that this was the way government worked and if they didn't come and address their concerns than they didn't know if they had any.

There being no further business, a motion to adjourn was provided by Commissioner Clark and seconded by Vice-Mayor Summerlin. Meeting adjourned at 7:44 p.m.

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

---

Raquel Castillo, City Clerk