

City of Davenport Regular Meeting Minutes of November 1, 2021

Minutes of the Regular Meeting of the City of Davenport, Florida, held Monday, November 1, 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 Cloud.

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

PROCLAMATION – The Proclamation declaring November 1st – 5th, 2021 as Veterans Small Business Week was read out loud by the City Clerk.

APPROVAL OF ORDER OF BUSINESS

Motion by Commissioner Clark and seconded by Vice-Mayor Summerlin to approve the Order of Business. Motion carried unanimously.

PUBLIC COMMENT

The Mayor opened the floor for anyone wishing to address the Commission on any item not on the Agenda.

Freida Priest of 105 E. Maple Street accepted and informed the Commission that it had come to the attention of the Davenport Historical Society the need to have a Veterans park in the City. She advised that the Board Members had discussed this and she was before them to recommend the property located behind the Tom Fellows Community Center as the possible location for this park and asked that they consider their request. She was sure that there were grants available and possibly one of the Veterans organization might also be able to help out.

She also thanked the City for putting on a great Halloween event.

Vice-Mayor Summerlin asked what the Historical Society's vision was for the Veterans Park. Freida answered that they would like all the Branches of the Military to be represented with a flag. Possibly a walking park similar to the one behind City Hall. Another idea they had was to lay down bricks along the sidewalk of the Veterans that had served. They were also looking at placing benches along the area, further adding that these could be sponsored by a local business or organization and provide free advertising for them. They were also looking at a fountain. They felt that this would encourage residents on the west side of town to get involved.

Vice-Mayor Summerlin felt that this was a valid project and would like the Parks and Recreation Department to review this as a future project and look at how to fund it. He further suggested that maybe they could use some of the Sandra Carter walkway bricks. He asked that they put their thoughts on paper and give it to the City Manager so that he could provide it to the Parks and Recreation Department to move forward with it.

The Mayor provided that they were the only city on the east side of Polk County that didn't have a Veterans park.

Ms. Mariana Medina of 804 Bridgeford Crossing Boulevard also accepted and questioned the installation of the traffic light at Holly Hill Road and Davenport Boulevard that was approved by the County in 2019. She also added that the new school Navigator Academy was causing more traffic at this intersection. The City Manager responded that he has had conversations with the County and

the plans are for late 2022. He further pointed out that although it was approved back in 2019 it took a year just to engineer it before they even started construction.

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

CONSENT AGENDA

Motion by Commissioner Lynch and seconded by Commissioner Fellows to approve the Consent Agenda which consisted of the October 18, 2021 Planning Commission meeting and the October 18, 2021 Regular Meeting. Motion carried unanimously with no discussion.

OLD BUSINESS

1. PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 1044 RESCINDING ORDINANCE NO. 1037 AND ADDING A SEPARATE PROPERTY RIGHTS ELEMENT TO THE COMPREHENSIVE PLAN

At this time the Attorney was instructed to read Ordinance No. 1044 by title.

City Planner Raymond Perez explained that this Ordinance rescinded Ordinance No. 1037 which was a Text Amendment to the City's Comprehensive Plan. Raymond further explained that Ordinance 1037 had to be rescinded because it had adopted the Property Rights Element as part of the Future Land Use Element and it had to be a separate element to the Comprehensive Plan. This was second and final reading of the Ordinance.

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

The Attorney clarified what had transpired as a result from the Department of Economic Opportunity complaint.

The Vice-Mayor clarified that basically the State required them to do this yet a department of the State was throwing a "penalty flag" by the way the City was going to do it. The Attorney responded that staff was putting it in a different section of the Comp Plan as opposed to its own section.

There being no further discussion, the Mayor entertained a motion.

Motion by Vice-Mayor Summerlin and seconded by Commissioner Lynch to approve Ordinance No. 1044 on its second and final reading. Motion carried unanimously with no further discussion.

2. PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 1013 APPROVING THE LAND USE PLANNED AMENDMENT (LUPA) TO 920 GOTTS ROAD FROM POLK COUNTY RESIDENTIAL SUBURBAN (RS) TO RESIDENTIAL LOW (RL)

At this time the Attorney was instructed to read Ordinance No. 1013 by title.

Raymond explained that this was a Land Use Planned Amendment to 920 Gotts Road from Polk County Residential Suburban (RS) to Residential Low (RL). This was second and final reading and there were no changes.

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. 1013 on second and final reading. Motion carried unanimously with no discussion.

3. PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 1014 APPROVING THE REZONING TO 920 GOTTS ROAD FROM POLK COUNTY RESIDENTIAL SUBURBAN (RS) TO RESIDENTIAL ESTATE 1 (RE-1)

At this time the Attorney was instructed to read Ordinance No. 1014 by title.

Raymond explained that this was the rezoning on the same parcel from Polk County Residential Suburban (RS) to Residential Estate 1 (RE-1). 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 Vice-Mayor Summerlin to approve Ordinance No. 1014.

Commissioner Fellows asked for clarification of the Residential Low and Residential Estate. Raymond responded that the Residential Low was compatible to the surrounding area. The rezoning of Residential Estate 1 was being assigned because of the size of the property and the existing home that was currently on the property.

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

NEW BUSINESS

1. APPOINTMENT TO CEMETERY COMMITTEE

The City Clerk reported that the term of Vincent Wallace had expired September 30th. Staff had attempted to contact Mr. Wallace to see if they were willing to serve another term and was unsuccessful in getting any response. Mr. Josh Juliano of 14 West Cypress Street expressed an interest in serving on this Committee and staff was recommending the appointment of Mr. Juliano to the Cemetery Committee.

The Mayor voiced his desire of meeting and seeing the prospective appointee.

Motion by Vice-Mayor Summerlin and seconded by Commissioner Lynch to accept the volunteer. Motion carried unanimously with no discussion.

2. REQUEST TO APPROVE A DEVELOPER'S AGREEMENT WITH MH DEVELOPMENT, LLC FOR OFF-SITE IMPROVEMENTS TO THE GRAVITY SEWER SYSTEM (MYSTERY RIDGE SUBDIVISION)

Utilities Director Mike Stripling explained that this project was to expand the lift station to a master lift station at the Mystery Ridge subdivision for an increase in capacity for the lift station and force main in order to connect future projects to the City's sanitary sewer system. The project would involve installing the larger capacity lift station on the Mystery Ridge subdivision and a larger force main under the railroad track to an existing force main at Woodlark Drive. The complete cost of the project would be \$301,165.79 and was funded by Wastewater Impact Fees collected from this project in the amount of \$395,200.

The Vice-Mayor clarified that they were upsizing the lift station at Mystery Ridge. Mike replied that this was correct and anything that needed to connect there could connect and move forward. Plus if they needed to go into the force main itself without physically going into the gravity sewer or the lift station, they could.

The Vice-Mayor pointed out that this was called future planning.

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

Commissioner Clark asked if this was a budgeted item. Mike responded that it wasn't but they were using impact fees to pay for it.

Commissioner Fellows questioned were they not going out for bids. Mike responded that their contractor had already installed it.

Motion by Commissioner Fellows and seconded by Commissioner Clark to approve the Developer's Agreement with MH Development, LLC for improvements to the sewer system. Motion carried unanimously with no discussion.

3. APPROVE AMENDMENT TO THE LETTER SCOPE FOR ADDITIONAL SERVICES RELATED TO THE EXPLORATORY TEST WELL

Mike explained that as they were aware, their attempt at a test well had not gone well. The plan now was to move the well site southwest of the current site to a higher elevation. Mike also advised that the test well would be used as a monitoring well so they really were not losing all usage of it.

Mike further explained that the new construction plan was to have a 16-inch casing down to 150 feet and an internal casing of 10 inch down to 700 feet. Should this plan work the test well could be a production well. He further provided that should they encounter issues they would then install a six-inch casing and then the well would become a test well only and another production well would need to be constructed.

Mike informed them that the cost of this project was \$498,262.00 and stood for any questions.

In answer to the Vice-Mayor's question, Mike explained that there was a savings of \$100,000 from the original project, further explaining that they had budgeted \$300,000 but had come back to them with an amendment of \$60,000, which totaled \$360,000. However, the actual cost of the test well was \$225,000.

The Vice-Mayor pointed out to them that they knew that this was a risk when they had started and that there was no guarantee this time either but it was a gamble that they would have to take because the alternative was to spend \$18 million.

Commissioner Clark asked how much had they budgeted. Mike responded that they had budgeted \$4,250,000.00.

Vice-Mayor Summerlin asked what their confidence level was of being able to do this. Mike responded that it was pretty good. The Attorney proceeded to read the following quote from political scientist Niccolo Mahira, "No government should ever imagine that it will always be able to find the answers to all its problems. It should make up its mind to the fact that all its decisions will have an element of hazard", and pointed out that Mike could not tell them with 100 percent certainty or even 51 percent certainty that it was going to work out. However, they knew that the alternative was going to cost way more money.

The Vice-Mayor added that they knew what they wanted to do but it was also their job to question the expenditure. He just wanted to make sure that they had exercised their due diligence on this.

Commissioner Clark voiced that he had all the confidence in them.

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

Motion by Commissioner Clark and seconded by Commissioner Lynch to approve the amendment to the letter scope. Motion carried unanimously with no further discussion.

4. REQUEST TO APPROVE THE PURCHASE OF A 2022 FORD EXPEDITION, FROM JARRETT GORDON FORD, UTILIZING MATCH PRICING FROM THE FLORIDA SHERIFFS PURCHASING CONTRACT

In answer to the Vice-Mayor's question, JT answered that this vehicle was for himself as Fire Inspector. The Vice-Mayor also questioned why an Expedition rather than an Explorer. JT explained that it had a truck frame and would be used like a truck and typically they carried more equipment.

The Mayor stated that he thought he already had a vehicle and asked what would be the difference. JT responded that he drove the 2003 Explorer and this vehicle would be bigger.

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

Motion by Commissioner Fellows and seconded by Commissioner Lynch to approve the purchase of the 2022 Ford Expedition. Motion carried unanimously with no discussion.

CITY MANAGER REPORT

The City Manager thanked the Vice-Mayor and Commissioner Clark for their work at the Halloween Event and the rest of the Commissioners for showing up. He also thanked all the staff that had helped. It had been a great turn out even though it was on Sunday.

He also informed them that Staff had briefly discussed it at their Staff Meeting on how to make it better next year.

He also wanted the community to know that their kids were special and the City had stepped up to make sure they had a place to participate at.

He also drew their attention to the Monthly Departmental Reports at their place and noted that in October they had issued 86 single-family homes and had installed 88 new water meters. He also provided that staff was continuing with the annexation progress.

CITY ATTORNEY REPORT

The City Attorney reported that he had the Lease Agreement with the Davenport Historical Society before them. He drew their attention to the changes, which included:

1. Change of term to January through December
2. Section 7 now detailed the days and hours of operation and took into account being closed for State and Federal holidays. It also provided a 45 day period to remove property.
3. In Section 19 he had deleted the reference of placing a "For Sale" notice on the property.

Based on these changes, he would recommend approval of the Lease Agreement.

Discussion ensued on whether to go ahead and approve this tonight with the noted changes or wait until their next meeting. It was the consensus to go ahead, however Commissioner Fellows again voiced his desire for a longer term but in the interest of getting it done would go along with the 3 year term.

Motion by Commissioner Clark and seconded by Vice-Mayor Summerlin to approve the Lease Agreement with the Davenport Historical Society as written. Motion carried unanimously with no further discussion.

CITY CLERK REPORT

The City Clerk announced that City Hall offices would be closed Thursday, November 11th for the Veterans Day holiday.

CITY COMMISSION COMMENTS

Mayor Robinson commended staff for all their hard work at the Halloween event.

The Vice-Mayor reported that the City had provided the best Halloween event in the County. He also wanted to thank Commissioner Clark for helping him with the Halloween Contest and the City Clerk for heading up the judges. Everybody that had participated should be commended, along with the residents that had come to it.

Commissioner Lynch voiced that he was not able to attend but had received comments from the residents.

Commissioner Fellows echoed everyone's comments and pointed out that the City Manager and staff had stepped up to the plate. He too thanked the Vice-Mayor and Commissioner Clark.

Commissioner Clark also thanked everyone. He also expressed how proud he had been walking around last night.

There being no further business, a motion to adjourn was made by Vice-Mayor Summerlin and seconded by Commissioner Clark. Motion carried unanimously.

Meeting adjourned at 8:09 p.m.

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

Raquel Castillo, City Clerk