

# City of Davenport Regular Meeting Minutes of November 21, 2022

---

Minutes of the Regular Meeting of the City of Davenport, Florida, held Monday, November 21, 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, and Commissioner Jeremy Clark. Also present: City Manager Kelly Callihan and City Attorney Tom Cloud. Absent and excused was Commissioner Tom Fellows.

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

## **APPROVAL OF ORDER OF BUSINESS**

**Motion** by Vice-Mayor Summerlin and seconded by Commissioner Lynch to approve the Order of Business. Motion carried unanimously with no discussion.

**PUBLIC COMMENT** – There was no Public Comment

## **CONSENT AGENDA**

**Motion** by Commissioner Lynch and seconded by Commissioner Clark to approve the Consent Agenda which consisted of the November 7, 2022 Regular Meeting. Motion carried unanimously.

**OLD BUSINESS - None**

## **NEW BUSINESS**

### **1. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1103 TO APPROVE THE LAND USE PLANNED AMENDMENT (LUPA) TO 1605 EVANGELIA DRIVE FROM POLK COUNTY RESIDENTIAL LOW (RL-2) TO RESIDENTIAL LOW (RL)**

At this time the Attorney was instructed to read Ordinance No. 1103 by title.

City Planner Raymond Perez explained that this was a land use planned amendment request to 1605 Evangelia Drive from Polk County Residential Low (RL-2) to Residential Low (RL) consisting of .67 acres.

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. 1103 on its first reading. Motion carried unanimously.

### **2. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1104 TO REZONE 1605 EVANGELIA DRIVE FROM POLK COUNTY RESIDENTIAL LOW (RL-2) TO RESIDENTIAL ESTATE 2 (RE-2)**

At this time the Attorney was instructed to read Ordinance No. 1104 by title.

Raymond explained that this was the rezoning of the same parcel from Polk County Residential Low (RL-2) to Residential Estate 2 (RE-2).

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

**Motion** by Commissioner Clark and seconded by both Commissioner Lynch and Vice-Mayor Summerlin to approve on first reading Ordinance No. 1104. Motion carried unanimously.

**3. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1113 TO APPROVE THE LAND USE PLANNED AMENDMENT (LUPA) TO 1737 LAKEWOOD ROAD FROM POLK COUNTY RESIDENTIAL SUBURBAN (RS) TO RESIDENTIAL LOW (RL)**

At this time the Attorney was instructed to read Ordinance No. 1113 by title.

Raymond explained that this was a land use planned amendment request to 1737 Lakewood Road from Polk County Residential Suburban (RS) to Residential Low (RL) consisting of 4.73 acres.

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 first reading Ordinance No. 1113. Motion carried unanimously with no discussion.

**4. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1114 TO REZONE 1737 LAKEWOOD ROAD FROM POLK COUNTY RESIDENTIAL SUBURBAN (RS) TO RESIDENTIAL ESTATE 1 (RE-1)**

At this time the Attorney was instructed to read Ordinance No. 1114 by title.

Raymond explained that this was the rezoning of the same parcel from Polk County Residential Suburban (RS) to Residential Estate 1 (RE-1). Raymond noted that this classification was compatible to the surrounding area.

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. 1114 on its first reading.

Vice-Mayor Summerlin pointed out that although the parcel was 4.73 acres, at least 3 acres of it was under water and the most they could place on it was one unit.

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

**5. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1116 ANNEXING 1215 MYSTERY HOUSE ROAD (OWNERS OF RECORD: SALVADOR CALDERON AND MARIA MAGANA)**

At this time the Attorney was instructed to read Ordinance No. 1116 by title.

Raymond explained that this was the annexation of 1215 Mystery House Road consisting of 2.47 acres.

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

**Motion** by Commissioner Clark and seconded by Commissioner Lynch to approve on first reading Ordinance No. 1116. Motion carried unanimously with no discussion.

**6. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1119 TO APPROVE THE LAND USE PLANNED AMENDMENT (LUPA) TO 1006 SNELL CREEK ROAD FROM POLK COUNTY RESIDENTIAL SUBURBAN (RS) TO RESIDENTIAL MEDIUM (RM)**

At this time the Attorney was instructed to read Ordinance No. 1119 by title.

Raymond explained that this was a land use planned amendment request to 1006 Snell Creek Road from Polk County Residential Suburban (RS) to Residential Medium (RM).

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

**Motion** by Commissioner Lynch and seconded by Vice-Mayor Summerlin to approve of Ordinance No. 1119 on its first reading. Motion carried unanimously with no discussion.

**7. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1120 TO REZONE 1006 SNELL CREEK ROAD FROM POLK COUNTY RESIDENTIAL SUBURBAN (RS) TO LOW DENSITY RESIDENTIAL (R-5)**

At this time the Attorney was instructed to read Ordinance No. 1120 by title.

Raymond explained that this was the rezoning of the same parcel from Polk County Residential Suburban (RS) to Low Density Residential (R-5) consisting of 4.95 acres.

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. 1120 on its first reading. Motion carried unanimously with no discussion.

**8. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1127 AMENDING THE LAND DEVELOPMENT REGULATIONS; ADDING NON-PHOSPHATE MINING AND AMENDING EXCAVATION, BORROW PITS TO TABLE 3.07.00(B); AMENDING ARTICLE 4 REGULATIONS FOR SPECIFIC USES TO ADD A NEW SECTION TITLED NON-PHOSPATE MINING; AND ADDING DEFINITIONS**

At this time the Attorney was instructed to read Ordinance No. 1127 by title.

Raymond explained that this was an amendment to the Land Development Regulations regarding mining.

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

**Motion** by Commissioner Clark and seconded by Vice-Mayor Summerlin to approve on first reading ordinance No. 1127. Motion carried unanimously with no discussion.

**9. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1131 AMENDING POLICIES 3.1(A)(1) AND 3.1(M) OF THE FUTURE LAND USE ELEMENTS OF THE COMPREHENSIVE PLAN; REVISING SPECIFIC POLICIES THAT LIMIT DENSITIES ON**

**6.58 ACRES WITHIN SITE 25 OF THE 2010 EVALUATION & APPRAISAL REPORT (EAR)**

At this time the Attorney was instructed to read Ordinance No. 1131 by title.

Raymond explained that this was an amendment to the Comprehensive Plan and that the owners were requesting a text amendment to remove their property from this restriction to allow for additional development.

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

**Motion** by Commissioner Lynch and seconded by Commissioner Clark to approve on first reading Ordinance No. 1131. Motion carried unanimously with no discussion.

**10. REQUEST TO APPROVE RESOLUTION NO. 483-22 APPROVING THE FINAL PLAT FOR FOREST LAKE PHASE 2**

Raymond advised that this was a request to approve the final plat for Forest Lake Phase 2. This subdivision consisted of 186 homes.

The Mayor opened the Public Hearing.

Mr. Surujdyal Rupnarain of 1250 Holly Hill Road accepted the floor and expressed his objection to Resolution No. 483-22. He further voiced the damage of his property and plants at the fence line by the developer. He also stated that he has lost his privacy as a result of them building above the grade of his property and two-story homes.

The City Manager advised that he would have the Building Official go out and take a look at it and also speak with the contractor.

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

**Motion** by Vice-Mayor Summerlin and seconded by Commissioner Lynch to approve Resolution No. 483-22. Motion carried unanimously.

**11. REQUEST TO APPROVE THE CENTRAL FLORIDA REGIONAL PLANNING COUNCIL (CFRPC) PLANNING SERVICES AGREEMENT**

Building Official Bill Nolen explained that this was a renewal for the Planning Services Agreement with Central Florida Regional Planning Council.

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

**Motion** by Commissioner Clark and seconded by Commissioner Lynch to approve the Planning Services Agreement.

In answer to the Vice-Mayor's question, Bill responded that this was the same price as last year's Agreement.

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

**12. REQUEST TO AWARD RFQ BPD-21-01 PROFESSIONAL SERVICES FOR THE ARCHITECTURAL AND ENGINEERING SERVICES FOR THE DESIGN OF THE NEW BUILDING DEPARTMENT FACILITY TO JULIAN J. GARCIA ARCHITECT-ENGINEERS OF WINTER HAVEN AND AUTHORIZE THE CITY MANAGER TO NEGOTIATE A CONTRACT**

Bill explained that after advertising for RFQ's, the city had received three (3) proposals. After scoring the proposals, Julian J. Garcia Architect-Engineers was ranked number one.

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

**Motion** by Commissioner Lynch and seconded by Vice-Mayor Summerlin to award the RFQ to Julian J. Garcia Architect-Engineers and negotiate the details of the contract with the City Manager. Motion carried unanimously with no discussion.

**13. REQUEST TO PURCHASE A NEW 2022 FORD F150 SUPERCAB PICKUP TRUCK FROM WEIKERT FORD IN THE AMOUNT OF \$47,590.50**

The City Manager informed them that Staff had found this truck at a cost of \$47,590.50. This vehicle was budgeted at \$37,000 but the difference would be utilized by the savings from the purchase of the dump truck.

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

**Motion** by Vice-Mayor Summerlin and seconded by Commissioner Clark to approve the request to purchase the F150 from Weikert Ford. Motion carried unanimously.

**14. REQUEST TO PURCHASE A 2022 FORD F250 SUPERCAB PICKUP TRUCK FROM CONWAY FORD IN THE AMOUNT OF \$60,900**

The City Manager again explained that staff had found this truck in South Caroline for \$60,900 and again there was a savings from the dump truck that would be used towards the purchase.

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

**Motion** by Commissioner Clark and seconded by Commissioner Lynch to approve the 2022 F250 from Conway Ford. Motion carried unanimously with no discussion.

**CITY MANAGER REPORT**

The City Manager announced the following upcoming events:

- Employee Christmas Party – December 3<sup>rd</sup> at 6:00pm at the Tom Fellows Community Center
- Tree Lighting Ceremony – December 7<sup>th</sup> at 6:00pm at the gazebo
- Parade and WinterFest – December 10<sup>th</sup>
- Employee Christmas Breakfast – December 16<sup>th</sup> at 8:30 a.m. at the Tom Fellow Community Center
- Ceremony to place the new Fire Truck in service – tomorrow at 9:00am

## **CITY ATTORNEY REPORT**

The Attorney shared that his wife had made a phenomenal recovery from her surgery.

## **CITY CLERK REPORT**

The City Clerk reminded everyone that RSVP's were due November 28<sup>th</sup> for the Ridge League of Cities dinner in Haines City. She also wished everyone a Happy Thanksgiving.

## **CITY COMMISSION COMMENTS**

Commissioner Clark hoped that everyone had a fantastic Thanksgiving. He thanked all the city staff and both the Fire and Police Departments.

Commissioner Lynch, the Vice-Mayor and the Mayor all wished everyone a Happy Thanksgiving.

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

Meeting adjourned at 7:37 p.m.

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

  
Raquel Castillo, City Clerk