

City of Davenport Regular Meeting Minutes of November 7, 2022

Minutes of the Regular Meeting of the City of Davenport, Florida, held Monday, November 7, 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 and City Attorney Tom Cloud.

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

PRESENTATION

Davenport Lions Club President Bob Armstrong presented Commissioner Fellows and also a fellow Lion with the Melvin Jones Fellowship award. Mr. Armstrong shared that this was the highest form of recognition.

Commissioner Fellows thanked the Lions for the unexpected honor.

APPROVAL OF ORDER OF BUSINESS

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

PUBLIC COMMENT

At this time the Mayor asked if there was anyone in the audience that wished to address the City Commission on any item not on the Agenda.

Mr. Jack Camp from Atlanta Georgia and with the Small Business Administration spoke briefly on the SBA Disaster loan program. He pointed out that this program helped homeowners and renters as well as businesses that were affected by disasters. In answer to the Vice-Mayor's questions, Mr. Camp responded that residents needed to register with FEMA first at www.disasterassistance.gov. They had a disaster recovery center in Bartow and representatives were also available at any FEMA disaster recovery center.

Courtney Taylor of 204 Citrus Isle Loop questioned how long the one day a week water restriction would be in effect. Mr. Taylor further noted that Davenport was the only city in Polk County that had the one day a week rule. Assistant City Manager Steven Hunnicutt responded that the water restriction had come about through the Southwest Florida Water Management District (SWFWMD) and the cities of Auburndale, Winter Haven and Haines City have also adopted the one day a week water restriction. Mr. Hunnicutt further addressed that residents could still water twice a day on their watering day. Mr. Taylor continued and asked what the difference was in watering twice a day or two days a week.

The City Manager explained that SWFWMD was requiring them, through their permit, to water one day a week. He further pointed out that it was going to come down to whether people wanted to put water on their lawns or to drink water or bathe. This was not just an issue in Davenport but an issue in Florida, and they were starting to see it.

The Attorney informed Mr. Taylor that the rule was set in Brooksville and suggested making the same presentation to the Governing Board there.

Mr. Courtney further asked what they were going to do when their grass died and the HOA went after them. The City Manager responded that this was between him and the HOA.

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 October 17, 2022 Planning Commission, the October 17, 2022 Regular Meeting and the Street Closures for the First Baptist Church Live Nativity and the WinterFest & Christmas Parade. Motion carried unanimously.

OLD BUSINESS

1. **PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 1085 TO APPROVE THE LAND USE PLANNED AMENDMENT (LUPA) TO REEDY ISLE SUBDIVISION FROM POLK COUNTY LEISURE/RECREATION (LR), RESIDENTIAL HIGH (RH), RESIDENTIAL MEDIUM (RM), AND AGRICULTURE/RURAL RESIDENTIAL (A/RR) TO RESIDENTIAL LOW (RL)**

At this time the Attorney was instructed to read Ordinance No. 1085 by title.

Raymond explained that this was the second and final reading and 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 Fellows to approve on second and final reading Ordinance No. 1085.

For the record, Vice-Mayor Summerlin advised that he couldn't participate in discussion or voting of this item.

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

2. **PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 1086 TO REZONE REEDY ISLE SUBDIVISION FROM POLK COUNTY LEISURE/RECREATION (LR), RESIDENTIAL HIGH (RH), RESIDENTIAL MEDIUM (RM), AND AGRICULTURE/RURAL RESIDENTIAL (A/RR) TO PLANNED UNIT DEVELOPMENT (PUD)**

At this time the Attorney was instructed to read Ordinance No. 1086 by title.

Raymond explained that this was the second and final reading and there were no changes since first reading.

Motion by Commissioner Fellows and seconded by Commissioner Lynch to approve Ordinance No. 1086 on its second and final reading.

Commissioner Fellows questioned the difference in the acreage between the two ordinances even though it was the same parcel. Staff responded that there was already a planned designation.

The Mayor opened the Public Hearing.

Courtney Taylor of 204 Citrus Isle Loop asked if the city was expanding or staying the same size. The City Manager responded that when they annexed property they were expanding. This particular property had already been annexed and they were simply designating the zoning. Mr. Taylor further asked how many square miles was the city and how much were they expanding to. The City Manager responded that this was a hard question to answer because they didn't know how many more people wanted to annex.

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

For the record, Vice-Mayor Summerlin advised that he couldn't participate in discussion or voting of this item.

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

3. PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 1097 TO APPROVE THE LAND USE PLANNED AMENDMENT (LUPA) TO 1735 NORTH BOULEVARD WEST FROM POLK COUNTY RESIDENTIAL LOW (RL-2) TO RESIDENTIAL LOW (RL)

At this time the Attorney was instructed to read Ordinance No. 1097 by title.

Raymond explained that this was the second and final reading and there were no changes since first reading.

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. 1097 on its second and final reading. Motion carried unanimously with no discussion.

4. PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 1098 TO REZONE 1735 NORTH BOULEVARD WEST FROM POLK COUNTY RESIDENTIAL LOW (RL-2) TO RESIDENTIAL ESTATE 1 (RE-1)

At this time the Attorney was instructed to read Ordinance No. 1098 by title.

Raymond explained that this was the second and final reading and 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 Fellows to approve Ordinance No. 1098 on second reading. Motion carried unanimously with no discussion.

5. PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 1106 TO APPROVE THE LAND USE PLANNED AMENDMENT (LUPA) TO 605 HORSESHOE

CREEK ROAD (PARCEL ID NO: 272711-734500-030300 & 0 FINNEY ROAD (PARCEL ID NO: 272711-735500-000140) FROM POLK COUNTY RESIDENTIAL MEDIUM (RM) AND RESIDENTIAL SUBURBAN (RS) TO RESIDENTIAL LOW (RL)

At this time the Attorney was instructed to read Ordinance No. 1106 by title.

Raymond explained that this was the second and final reading and there were no changes since first reading.

The Mayor opened the Public Hearing.

Denny McKnight of 601 Horseshoe Creek Road questioned the density on the property and voiced his concern with the size of the lots and the value of his property going down. Raymond informed him that staff did not know what type of homes the owner was requesting from the builder, however they did vary from single-family to two-story.

Mr. Mathew Johnson, engineer for the applicant, voiced his appreciation to the city for working with them and commended city staff for being professional. Mr. Johnson stated that they wanted to be good neighbors with everyone near the project. He further shared that they had placed a lot of the density on the south side of the project, but on the north side they had conventional single-family homes. They were also placing a 25' buffer.

Benjamin Zier of 193 Cloverbrook Trail questioned the types of units behind his house. Raymond responded that they were townhomes. Mr. Zier further voiced his concern that the infrastructure was not being built up to accommodate this growth. In addition, there were not enough schools for growth in the area. This was something that needed to be looked at.

Commissioner Clark suggested that he contact the School Board and look at attending the Transportation Planning Organization meetings. The City Manager further added that each development went through the School Board to get a concurrency letter to make sure that there were enough schools. In addition, transportation studies were done to make sure that the roads could handle the traffic.

Walter Lacayo of 192 Cloverbrook Trail agreed with Mr. Zier's concerns. In addition, he pointed out the increase in population, the shortage of nurses and doctors which affected the quality of healthcare and they would be getting the leftovers and the reason why was because it was the lowest paying state for doctors and nurses and why no one wanted to come here.

The Mayor pointed out that the city was growing regardless of whether it was under the county or the city. The Mayor also informed him that the major roads in and out of the city were state and county owned. These were beyond the control of the city and were out of the city's jurisdiction. He further stated that the city has tried to get ahead of this growth by building a new fire station on the other side of the railroad tracks, and approving additional Police personnel and being proactive.

Mr. Courtney Taylor commended the city for the outstanding job during the hurricane. Its residents had water and were able to flush their toilets with no instances. He also thanked the Police and Fire Departments and everyone for all their work during the hurricane.

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

Motion by Commissioner Clark and seconded by Commissioner Fellows to approve second reading of Ordinance No. 1106. Motion carried unanimously with no discussion.

6. PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 1107 TO REZONE 605 HORSESHOE CREEK ROAD (PARCEL ID NO: 272711-734500-030300 & 0 FINNEY ROAD (PARCEL ID NO: 272711-735500-000140) FROM POLK COUNTY RESIDENTIAL MEDIUM (RM) AND RESIDENTIAL SUBURBAN (RS) TO PLANNED UNIT DEVELOPMENT (PUD)

At this time the Attorney was instructed to read Ordinance No. 1107 by title.

Raymond explained that this was the second and final reading and there were no changes since first reading.

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

Motion by Vice-Mayor and seconded by Commissioner Lynch to approve Ordinance No. 1107 on its second and final reading. Motion carried unanimously with no discussion.

7. PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 1111 UPDATING THE LAND DEVELOPMENT REGULATIONS TO PROVIDE CLARIFICATION TO REGULATIONS

At this time the Attorney was instructed to read Ordinance No. 1111 by title.

Raymond explained that this was the second and final reading and 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. 1111 on its second and final reading. Motion carried unanimously with no discussion.

8. PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 1112 ANNEXING 1737 LAKEWOOD ROAD (OWNERS OF RECORD: ANGEL LUIS FERNANDEZ MORALES AND MARIA DE LOURDES CASTILLO RODRIGUEZ)

At this time the Attorney was instructed to read Ordinance No. 1112 by title.

Raymond explained that this was the second and final reading 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 Commissioner Clark to approve Ordinance No. 1112 on its second and final reading. Motion carried unanimously with no discussion.

NEW BUSINESS

1. REQUEST TO APPROVE RESOLUTION NO. 482-22 AUTHORIZING THE PARTICIPATION IN THE FLORIDA SURPLUS ASSET FUND TRUST (FSAF TRUST) INVESTING POOL

Finance Director Donald Carter explained that this resolution authorized the participation in the Florida Surplus Asset Fund Trust investing pool. The current rise in interest rates have created a more favorable environment for the city to look at expanding its investment opportunities. As the interest rates increase for most federally backed securities and certain CD's, city staff recommends diversifying the City's investment portfolio. Donald informed them that the city would be investing in federal bonds.

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

Motion by Vice-Mayor Summerlin and seconded by Commissioner Lynch to approve Resolution No. 482-22.

The Vice-Mayor questioned why this fund. Donald responded that this was not necessarily the only fund they would look at. This was a fund that was structured to meet the state statutes. This was just one of them but there were multiple ones.

The Attorney also pointed out that there were limitations and requirements for any fund that a local government could invest in by Statute.

The Vice-Mayor also voiced his concern with liquidity and making sure that they were not tying things up where they couldn't get to it. Donald noted that the surplus amount would be based upon what their cash flow needs would be.

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

2. REQUEST TO APPROVE THE PURCHASE OF A USED 2022 FORD F750 DUMP TRUCK IN THE AMOUNT OF \$85,995 AND AUTHORIZE THE CITY MANAGER TO EXECUTE AN AGREEMENT/CONTRACT FOR THE PURCHASE

The City Manager explained that this was the dump truck that was in last year's budget that Ford was not able to make, along with some of the other vehicles in the budget. Originally, staff budgeted \$171,000 but was unsuccessful in attaining one. Recently, staff was able to locate a used dump truck in the Pompano Beach area with a little over 4,500 miles on it for \$85,995. This purchase would give the city a savings of \$85,000.

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

Motion by Commissioner Fellows and seconded by Vice-Mayor Summerlin to approve the purchase of the Ford dump truck in the amount of \$85,995. Motion carried unanimously with no discussion.

Before moving on to the next item, the City Manager explained that there were three (3) other vehicles that need to be purchased and Staff has been told by Ford that they don't know if they will be able to get the vehicles for the city. The situation the city is in now, there is a shortage of vehicles and there is a short window of the vehicle being available. He would like to get

permission from the City Commission to allow him to find the vehicles and purchase them within their budgeted amount and go ahead and purchase them then bring them back to the Commission for formal approval.

Motion by Commissioner Lynch and seconded by Vice-Mayor Summerlin to allow the City Manager to make that decision and keep it in line with the budget.

The Vice-Mayor agreed and further stated that as long as the City Manager stayed within the budget. They liked to buy local but Staff has been told that they won't be able to supply the vehicles in a timely manner and they were at a point now where they had guys sharing trucks.

Commissioner Clark voiced his approval also and went on record to thank Staff for being proactive and thinking outside the box.

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

3. REQUEST TO AWARD THE BID TO REAL BRICK PAVERS IN THE AMOUNT OF \$32,850.00 FOR THE TOM FELLOWS COMMUNITY CENTER PAVER PROJECT

Parks & Recreation Director Danny McClain advised that this item was budgeted at \$30,000. The city had received only one bid from Real Brick Pavers in the amount of \$32,850.00. He pointed out that the quote was over the budgeted amount by \$2,850, which would be absorbed through savings in the budget. He further explained that this project was adjacent to the banquet hall and at the entrance to the Community Center. The contractor would be removing the grass and replacing it with pavers. This would allow for a sturdier surface to walk on and place tables and chairs on.

Motion by Commissioner Clark and seconded by Commissioner Fellows to award the bid to Real Brick Pavers in the amount of \$32,850.00.

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

The Vice-Mayor asked for clarification of the area involved, which was provided by the City Manager. He further pointed out that there would be less to mow, less to water and more space to use.

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

4. SET THE JANUARY 2023 MEETING SCHEDULE

The City Manager explained that the New Year's Day and the Martin Luther King, Jr. holidays fell on their meeting nights and staff was recommending changing them to the 1st and 3rd Tuesday which would be Tuesday, January 3rd and Tuesday, January 17th.

Motion by Commissioner Lynch and seconded by Vice-Mayor Summerlin to change the meeting dates for the month of January to the 3rd and 17th. Motion carried unanimously with no discussion.

5. REQUEST TO AWARD THE CONTRACT TO BEASLEY & TRAVIS CONSTRUCTION IN A NOT TO EXCEED AMOUNT OF \$688,400.00 FOR THE POLICE DEPARTMENT REMODEL & NEW ADDITION PROJECT

Assistant City Manager Steven Hunnicutt advised that the City had budgeted \$600,000 for this project. The City had received two bids: 1) Waller Construction for \$793,100 and 2) Beasley & Travis Construction for \$688,400.

Staff's recommendation was to award the contract to Beasley & Travis in a not to exceed amount of \$688,400. This would allow the City Manager to do a value in engineering to see what areas could be reduced. Steven also noted that there were some corrections to the contract and was being amended.

The City Manager stated that Chief Parker, Steven and himself would review the bid and try to reduce by around \$40,000. He did note that there was \$100,000 in the Police Impact Fees to help fund this.

The Attorney informed them that in making their motion they needed to specify that they were approving it subject to the successful negotiation of final terms of the contract.

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 award of the contract to Beasley & Travis Construction pending contract negotiations between the City Manager, City Attorney and Beasley & Travis Construction to be brought to the City Commission.

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

6. REQUEST TO APPROVE THE PURCHASE OF AN F250 PICKUP TRUCK IN THE AMOUNT OF \$47,999.00 FROM JARRETT GORDON FORD BASED OFF THE FLORIDA SHERIFF CONTRACT

Before Darryl came up and explained the item, the City Manager announced that staff would go ahead and order this truck, but if Jarrett Gordon told them that they wouldn't be able to get it for a while then this would be one of the ones that they would have to get somewhere else.

Public Services Director Darry Koon advised that Staff was recommending the City Commission to approve the purchase of the F250 Pickup Truck in the amount of \$47,999.00. Darryl explained that they had budgeted \$46,000, but the Sheriff Contract had come back higher than anticipated. It was slightly higher than what they had budgeted but this would be absorbed by the savings from the dump truck purchase.

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

Motion by Commissioner Lynch and seconded by Commissioner Clark to approve the purchase of the truck, if possible. If they could not, then whenever the City Manager could find a substitute. Motion carried unanimously.

7. REQUEST TO APPROVE COMBINING TWO POSITIONS (SERVICE WORKER I & II) INTO ONE POSITION (DISTRIBUTION & COLLECTION LEAD)

Utilities Director Mike Stripling explained that there was a Service Worker I and a Service Worker II position in the budget. They had an opportunity to offer a position to a gentleman that had several years of experience and a drinking water license. Staff was requesting that the two

positions be combined and make a Distribution & Collection Lead position for this candidate. Combining these two positions into one would create savings of approximately \$13,000.

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

Motion by Commissioner Clark and seconded by Vice-Mayor Summerlin to approve the combining of the two positions of Service Worker I and Service Worker II.

Mike relayed that the City Manager and City Commission had done a great job of giving them the positions where they were able to get some longevity. This with the retirement plan and other benefits helped. They typically didn't have problems keeping employees once they got here. He also told them that the city was blessed with the Utility Department that they have and would put his guys up against anybody in the County.

Mike also shared that Ernie Lowry had passed his "B" Wastewater license test this week. He now had a "C" Water and a "B" Wastewater.

The Mayor asked if these employees were compensated. Mike responded that they were.

Before voting, Commissioner Clark thanked Mike for his leadership.

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

CITY MANAGER REPORT

The City Manager drew their attention to the project list and monthly Departmental reports at their places. He also reminded them of the Heroes 5K and Health Fair this Saturday at 7:30 a.m.

He also asked Samantha Summerlin Thomlinson to come up and brief them on the Big Belly Barbeque event. Accepting, Samantha informed them that the event was this Friday and Saturday at the KOA Campground at Highway 27 and I-4. This year it would be benefiting Nature's Place in town and the KOA kids.

CITY ATTORNEY REPORT

The Attorney reported that he would be out of pocket for the next 7 to 10 days due to wife is having valve replacement.

CITY CLERK REPORT

The City Clerk reminded everyone to vote tomorrow.

CITY COMMISSION COMMENTS

The Vice-Mayor took this moment to address some of the complaints voiced earlier in the evening concerning water issues and growth. He pointed out that growth was coming whether they wanted it or not and it was going to happen either in the county or in the city and he would rather it be done in the city. However, he wanted them to know that the city had ordinances on the books that required a certain number of entrances and exits, and the city had a higher set of standards than the county did. The Commission welcomed their comments and they listened to

every one of them, but they needed get their facts straight because they had worked hard to get it right.

In addition, he pointed out that they had the ability to pump millions of gallons of water, but they couldn't pump what they wanted because of their permit which was governed by the Water District in Brooksville. The residents had to do their part now and conserve water.

He further added that one of the residents that had complained about these development had made money off properties that were sold for developments. Another gentleman was complaining about the houses being built behind him. If it were up to him, he wouldn't even be living there because it would still be pasture.

The Vice-Mayor apologized for getting on his soapbox, but the comments had bothered him all night.

Commissioner Lynch stated that the Halloween event had gone very well. He too echoed the Vice-Mayor's comments and further added that they only had so much control.

Commissioner Fellows commended the entire staff, especially the Vice-Mayor and Commissioner Clark for the costume contest. He pointed out that growth was coming, and they were experiencing growing pains, but he asked for their patience and understanding.

Commissioner Clark agreed with his fellow Commissioners and went on the record by stating that they fought very hard for the residents. They wanted to control their growth. He too asked for their patience because it wasn't something that was going to happen overnight.

He also echoed how amazing the Halloween event had been. He thanked the amazing staff and the Fire Chief and Police Chief and all the City Directors.

The Mayor announced that Mr. Hunnicutt would be happy to speak with the HOA's and explain to them how everything worked. He also shared that he had worked in city government since 1965 and this has been the best team he has ever worked with.

Before adjourning, the City Manager asked that they not forget the award that the Lions Club had given Commissioner Fellows and further congratulated him.

There being no other business, meeting adjourned at 8:40 p.m.

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


Raquel Castillo, City Clerk