

City of Davenport Minutes of the October 4, 2021 Regular Meeting

Minutes of the Regular Meeting of the City of Davenport, Florida, held Monday, October 4, 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 October 2021 as Residents’ Rights Month was read out loud by the City Clerk.

The Mayor acknowledged the Cub Scouts in the audience and asked if they were there to speak or observe the meeting. In the audience, their troop leader advised that they were there as part of their requirement to “Build a Better World” and part of it was attending a Commission Meeting and asking questions. The Mayor informed her that they would have Public Comment further down on the Agenda and they could ask questions then.

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.

One of the Cub Scouts accepted and asked “why they didn’t recycle color plastic or glass”. The Vice-Mayor answered that the City did offer recycling through its Waste Management company but it was up to the residents to recycle or not. As for the County, he did not know what they offered.

Dakota of 6555 Old Lake Wilson Road asked who they needed to speak with to install a sidewalk from his bus stop to the house. He was informed that he resided in the unincorporated area of Davenport and he needed to contact the County Commission. They were instructed to go on the County’s website.

Morgan Kline asked what the hardest decision was they ever had to make for the City. The Mayor responded that probably one of the biggest and most controversial was when they approved closing the street for the construction of the school.

Also accepting was Frank who asked how the Agendas were made. The Mayor answered that the City Clerk and City Manager worked on the Agenda from items that

came up during the month that were presented to them for approval. The Vice-Mayor further added that some items were dictated from citizens that came to City Hall asking to add items to the Agenda.

Commissioner Clark applauded the Troop for getting in front of them and speaking. He praised them for doing such a great job and asked them to keep up the hard work.

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 September 9, 2021 1st Budget Public Hearing & Regular Meeting and the September 21, 2021 2nd Budget Public Hearing & Regular Meeting. Motion carried unanimously with no discussion.

OLD BUSINESS

1. PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 1037 UPDATING THE TEXT IN THE CITY'S COMPREHENSIVE PLAN TO ADD AN ADDITIONAL ELEMENT KNOWN AS PRIVATE PROPERTY RIGHTS ELEMENT

At this time the Attorney was instructed to read Ordinance No. 1037 by title.

City Planner Raymond Perez explained that this was a Text Amendment to the City's Comprehensive Plan and there were no changes and stood for questions.

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

Motion by Vice-Mayor Summerlin and seconded by Commissioner Fellows to approve Ordinance No. 1037 on its second and final reading. Motion carried unanimously with no discussion.

2. PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 1019 TO APPROVE THE LAND USE PLANNED AMENDMENT (LUPA) TO 1010 MYSTERY HOUSE ROAD FROM POLK COUNTY RESIDENTIAL SUBURBAN EXTRA (RSX) TO RESIDENTIAL LOW (RL)

At this time the Attorney was instructed to read Ordinance No. 1019 by title.

Raymond explained that this was second and final reading of the ordinance with no changes.

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. 1019. Motion carried unanimously with no discussion.

3. PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 1020 TO APPROVE THE REZONING TO 1010 MYSTERY HOUSE ROAD FROM POLK COUNTY RESIDENTIAL SUBURBAN (RS) TO RESIDENTIAL 5 (R-5)

At this time the Attorney was instructed to read Ordinance No. 1020 by title.

Raymond explained that this was second and final reading and there were no changes and stood for questions.

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

Motion by Commissioner Fellows and seconded by Commissioner Lynch to approve Ordinance No. 1020 on its second and final reading. Motion carried unanimously with no discussion.

For purposes of explanation to the Boy Scouts, the Vice-Mayor explained that the City had previously annexed these parcels and now they were assigning the Land Use and Zoning to them based on what they were planning on doing with the property.

4. PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 1023 TO APPROVE THE LAND USE PLANNED AMENDMENT (LUPA) TO 626 SYLVAN RAMBLE ROAD FROM POLK COUNTY RESIDENTIAL SUBURBAN EXTRA (RSX) TO RESIDENTIAL LOW (RL)

At this time the Attorney was instructed to read Ordinance No. 1023 by title.

Raymond explained that this was second and final reading with no changes.

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

Motion by Commissioner Fellows and seconded by Commissioner Clark to approve Ordinance No. 1023 on its second and final reading. Motion carried unanimously with no discussion.

5. PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 1024 TO APPROVE THE REZONING TO 626 SYLVAN RAMBLE ROAD FROM POLK COUNTY RESIDENTIAL SUBURBAN (RS) TO RESIDENTIAL 5 (R-5)

At this time the Attorney was instructed to read Ordinance No. 1024 by title.

Raymond advised that this was second and final reading and there were no changes since there last meeting.

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

Motion by Commissioner Clark and seconded by Commissioner Lynch to approve on second and final reading Ordinance No. 1024. Motion carried unanimously with no discussion.

6. PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 1025 TO APPROVE THE LAND USE PLANNED AMENDMENT (LUPA) TO 632 SYLVAN RAMBLE ROAD FROM POLK COUNTY RESIDENTIAL SUBURBAN EXTRA (RSX) TO RESIDENTIAL PARK (RP)

At this time the Attorney was instructed to read Ordinance No. 1025 by title.

Raymond explained that this was second and final reading of the ordinance and there were no changes.

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. 1025 on its second and final reading. Motion carried unanimously.

7. PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 1026 TO APPROVE THE REZONING TO 632 SYLVAN RAMBLE ROAD FROM POLK COUNTY RESIDENTIAL SUBURBAN (RS) TO MANUFACTURED HOME 1 (MH-1)

At this time the Attorney was instructed to read Ordinance No. 1026 by title.

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

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. 1026 on its second and final reading.

The Vice-Mayor questioned if this was the parcel that had the mobile home on it. Raymond responded in the affirmative.

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

8. PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 1027 TO APPROVE THE LAND USE PLANNED AMENDMENT (LUPA) TO 0

**NORTH BOULEVARD ROAD FROM POLK COUNTY RESIDENTIAL LOW 1(RL-1)
TO GOVERNMENTAL INSTITUTIONAL (GI)**

At this time the Attorney was instructed to read Ordinance No. 1027 by title.

Raymond explained that this was the second and final reading of the ordinance and there were no changes.

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

Motion by Commissioner Fellows and seconded by Commissioner Clark to approve Ordinance No. 1027 on its second and final reading. Motion carried unanimously with no discussion.

**9. PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO.
1028 TO APPROVE THE REZONING TO 0 NORTH BOULEVARD ROAD FROM
POLK COUNTY RESIDENTIAL LOW (RL) TO PUBLIC OR INSTITUTIONAL 2 (PI-
2)**

At this time the Attorney was instructed to read Ordinance No. 1028 by title.

Raymond advised that this was second and final reading of the ordinance and there were no changes.

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

Motion by Commissioner Lynch and seconded by Commissioner Clark to approve Ordinance No. 1028 on its second and final reading. Motion carried unanimously with no discussion.

**10. PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO.
1029 TO APPROVE THE LAND USE PLANNED AMENDMENT (LUPA) TO 1212
HIGHWAY 17/92 SOUTH FROM POLK COUNTY INDUSTRIAL (IND) TO
INDUSTRIAL (IND)**

At this time the Attorney was instructed to read Ordinance No. 1029 by title.

Raymond explained that this was second and final reading of the Ordinance and there were no changes.

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. 1029. Motion carried unanimously with no discussion.

11. PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 1030 TO APPROVE THE REZONING TO 1212 HIGHWAY 17/92 FROM POLK COUNTY INDUSTRIAL (IND) TO INDUSTRIAL 2 (I-2)

At this time the Attorney was instructed to read Ordinance No. 1030 by title.

Raymond explained that this was second and final reading of the Ordinance and there were no changes.

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. 1030 on its second and final reading. Motion carried unanimously with no discussion.

12. PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 1031 TO APPROVE THE LAND USE PLANNED AMENDMENT (LUPA) TO 1311 HIGHWAY 17/92 FROM POLK COUNTY INDUSTRIAL (IND) TO INDUSTRIAL (IND)

At this time the Attorney was instructed to read Ordinance No. 1031 by title.

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

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

Motion by Commissioner Lynch and seconded by Commissioner Fellows to approve Ordinance No. 1031 on its second and final reading. Motion carried unanimously with no discussion.

13. PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 1032 TO APPROVE THE REZONING TO 1311 HIGHWAY 17/92 FROM POLK COUNTY INDUSTRIAL (IND) TO INDUSTRIAL 2 (I-2)

At this time the Attorney was instructed to read Ordinance No. 1032 by title.

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

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

Motion by Commissioner Fellows and seconded by Commissioner Clark to approve Ordinance No. 1032 on its second and final reading. Motion carried unanimously with no discussion.

NEW BUSINESS

1. APPROVAL OF RESOLUTION NO. 470-21 RECOGNIZING OCTOBER 18 – 24, 2021 AS FLORIDA CITY GOVERNMENT WEEK

The City Clerk advised that staff was looking for approval of Resolution 470-21 recognizing October 18 thru 24 as Florida City Government Week.

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

Motion by Commissioner Lynch/Clark and seconded by Vice-Mayor Summerlin to approve Resolution No. 470-21. Motion carried unanimously with no discussion.

2. APPROVAL OF RESOLUTION NO. 471-21 APPROVING THE FINAL PLAT FOR BELLA VITA PHASE 1B2 & 2

Raymond explained that this was the final plat for Bella Vita Phase 1B2 and 2 consisting of 272 lots.

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

Motion by Vice-Mayor Summerlin and seconded by Commissioner Fellows to approve Resolution No. 471-21.

The Vice-Mayor clarified that these were now being done by Resolution instead of Ordinance and asked if the Building and Planning Department were happy with the final plat. He was informed that he was correct and Staff was in approval of the final plat.

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

3. APPROVAL OF RESOLUTION NO. 472-21 APPROVING THE FINAL PLAT FOR MYSTERY HOUSE ROAD SUBDIVISION (DEERFIELD MANOR)

Raymond explained that this was the final plat for Deerfield Subdivision which consisted of 65 lots.

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

Motion by Commissioner Fellows and seconded by Commissioner Lynch to approve Resolution 472-21.

Discussion ensued with the Vice-Mayor questioning if they were also vacating the right-of-way of the surrounding “pond” area and was it part of the right-of-way vacation so they could be part of the lot plan. Raymond responded that he was correct.

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

4. REQUEST TO APPROVE THE NORTH LAKE CLEAN-UP PROJECT WITH AQUATIC WEED MANAGEMENT INC.

Utilities Director Mike Stripling explained that they have been cleaning up North Lake for a couple of years and have gotten a lot of debris out of it. The Water Management District, in reviewing the Environmental Resource Permit (ERP) for the Community Center, determined that 21,000 native plants needed to be planted and no removal of the invasive Primrose Willow and Carolina Willow. These plants were overtaking the lake and staff believed the better solution would be to remove them. After talking to a professional in this area they were able to contact the environmental engineer with the Water Management District and worked through the consultant to forgo the plantings for a more robust removal of the invasive species. Mike also added that the Water Management District was satisfied with this plan; and asked that they approve the North Lake Clean-up project with Aquatic Weed Management Inc. in the amount of \$75,000.

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 aquatic weed management project.

The Vice-Mayor asked if this was the pond immediately west of the new community center. Mike responded that this was correct. The Vice-Mayor further questioned the four invoices contained in their packet and if this was a budgeted item. Mike answered that this was not a budgeted item, but the total cost of the project was being taken out of four different accounts, thus the four invoices in their packet.

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

5. REQUEST TO APPROVE THE PURCHASE OF A VACTOR 2100 VAC FROM ENVIRONMENTAL PRODUCTS GROUP IN THE AMOUNT OF \$447,246.00

Mike explained that this was for the purchase of a Vactor 2100 Vac Truck. He further noted that this truck would be utilized in the Utilities Department in its day-to-day operations and used in the event of an emergency such as water and force main breaks.

In answer to Commissioner Lynch's question, Mike responded that the normal shelf life was 10 years but could last longer.

The Vice-Mayor reminded them that during the Budget process this item had given him heartburn, but Mike has assure him that this is the better way to go rather than renting one.

Mike pointed out that it was an expensive piece of equipment but a good investment for the city. The Vice-Mayor agreed that it was an investment but it was something they had to have especially after investing money in their new waterlines.

Addressing the Cub Scouts, Commissioner Clark informed them that this was one of the tougher decisions they've had to make.

Commissioner Fellows noted that at one time this was remotely impossible for the city to purchase but as the city grows it's gotten to the point where they need to have it.

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

Motion by Vice-Mayor Summerlin and seconded by Commissioner Lynch to approve the purchase of the Vactor 2100 Vac from Environmental Products Group in the amount of \$447,246.00. Motion carried unanimously.

6. REQUEST TO APPROVE THE PURCHASE OF AN F150 FROM JARRETT GORDON FORD IN THE AMOUNT OF \$35,000.00

Mike informed them that this year they were hiring three (3) additional employees in the Utilities Department; a Water Plant Operator, a GIS Operator and a Service Worker II. This truck would be utilized in the Utilities Department in its day-to-day operations by the GIS Operator, locating utilities and used in the event of an emergency.

The Mayor opened the Public Hearing.

Accepting the invitation, one of the Cub Scouts questioned if they could rent the Vac truck out. The Mayor answered that they could rent it to some of the other cities, however everyone helped each other out when the need arose.

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

Motion by Commissioner Fellows and seconded by Commissioner Clark to approve the purchase of the F150 from Jarrett Gordon Ford in the amount of \$35,000. Motion carried unanimously with no discussion.

7. REQUEST TO APPROVE THE PURCHASE OF AN F250 SERVICE TRUCK WITH A SERVICE BODY FROM JARRETT GORDON FORD IN THE AMOUNT OF \$44,641.31 (WATER DISTRIBUTION)

Mike explained that this vehicle would be used by the Water Distribution Operator in their day-to-day operations for the Water Distribution system and in the event of an emergency to haul generators and/or to transport heavy equipment. He also noted that Jarrett Gordon Ford was matching the State Contract.

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

Motion by Commissioner Clark and seconded by Commissioner Fellows to approve the purchase of the F250 Ford truck.

The Vice-Mayor clarified that this was for the Water Distribution Operator and not the Water Plant Operator as he had mentioned in his comment. Mike answered that he was correct.

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

8. REQUEST TO APPROVE THE PURCHASE OF AN F250 SERVICE TRUCK WITH A SERVICE BODY FROM JARRETT GORDON FORD IN THE AMOUNT OF \$44,641.31 (WATER PLANT)

Mike explained that this service truck would be utilized by the Water Plant Operator in their day-to-day operations at the Water Plants and used in the event of an emergency to haul generators and/or to transport heavy equipment.

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

Motion by Commissioner Lynch and seconded by Commissioner Fellows to approve the purchase of the F250 with the service body from Jarrett Gordon Ford for the Water Plant. Motion carried unanimously with no discussion.

9. SELECTION OF AN ARCHITECTURAL FIRM TO PROVIDE DESIGN SERVICES FOR THE NEW POLICE DEPARTMENT EXPANSION

Chief of Police Larry Holden explained that they had allotted funds in the 2021/2022 budget for this project. The RFQ was advertised and also emailed to firms with only 2 firms responding which included Furr, Wegman & Banks Architects and The Lunz Group. A selection committee had reviewed the proposals and scored each firm based on established criteria. As a result, Furr, Wegman & Banks Architects had scored 98.75 and The Lunz Group had scored 89.00. Staff was recommending the selection of Furr, Wegman as the most responsive proposer for the design of the Police Department Expansion and directing city staff to negotiate a service agreement with them.

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

Motion by Commissioner Lynch and seconded by Commissioner Fellows to approve the Furr, Wegman & Banks Architects group for the design services of the new Police Department.

In answer to the Vice-Mayor's question, Chief Holden responded that staff would negotiate an amount for the design and come back to them.

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 various City event flyers he had placed at each of their places. He reminded them of the Ribbon Cutting at the new Community Center on October 15th at 3:00 p.m. and advised them that he had also placed the Monthly Departmental Reports and project list at their places.

He then asked Mike to come up and provide them with an update on the test well.

Mike stated that he wished that he had good news to report but unfortunately he did not. He explained that they were continually running into vertical fractures and they were going to abandon the current well they were drilling at now. However, he advised that they could still use this site as a monitoring well. They were going to relocate it on the same property but in the higher portion of it. He explained that this was not an unusual occurrence to have to do this or to run into these type of issues. They had attempted several options with no results and after bringing in the hydrogeologist, engineer and driller, they determined that they would not spend any more money on this site and instead would move it to a higher place on the property. They would be providing the City with a proposal to do this.

He further explained that they would be putting in a larger casing down first this time. He also shared that there were only three companies in the Central Florida area that could go as deep as they wanted to go.

Commissioner Lynch asked if they had determined the area on the property yet. Mike responded that they needed a portion of the property to build a rapid infiltration basin so the southeast corner of the property was not available, but they wanted to be at the top of the hill which was further west anyways.

The Vice-Mayor confirmed that he had consulted with the geologist, Mike responded that he had. The Vice-Mayor then questioned if he was confident that they would be able to do it at all on this piece of property or did they need to think about doing it on a different site altogether. Mike responded that the water quality was better closer to Highway 27 and this site was the closest property to 27 that the city owned. He did have confidence that the next location at the top of the hill would be a good location.

The Vice-Mayor asked how far this proposed site was from their current site. Staff responded that they were about 250' to 300'.

The City Manager advised that he hoped to get a proposal at their next meeting.

CITY ATTORNEY REPORT

The City Attorney shared the introduction of a Bill by the Florida Legislature which requires all local governments to prepare a business impact statement before adopting any ordinance. He advised that the Florida League of Cities was monitoring the Bill very carefully.

Addressing the Cub Scouts, he explained that the purpose of reading the title of an Ordinance was to put the community on notice of what was being proposed.

The City Manager also reminded everyone of the City's Curbside Cleanup on October 23rd.

CITY CLERK REPORT

The City Clerk reminded everyone of the Chamber luncheon at the new Tom Fellows Community Center on October 21st at 11:30 a.m.

CITY COMMISSION COMMENTS

The Mayor asked when had they annexed Sand mine Road and shared that according to the newspaper, they had a double murder there. He also asked when the fire hydrant in front of City Hall had been removed. The City Manager answered that it had been moved to the corner.

Commissioner Lynch stated that he was looking forward to the grand opening of the Tom Fellows Community Center. He had rode by and it looked like everything was moving along. Commissioner Fellows added that he had come back from being out of town and they have done quite a lot and it was looking very nice.

Commissioner Clark also voiced his excitement of the Community Center and it was something they should be very proud of. He also thanked the City Staff and both the Police and Fire Departments for everything they did.

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

Meeting adjourned at 8:16 p.m.

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

Raquel Castillo, City Clerk