

1st Budget Public Hearing & Regular Meeting of September 9, 2021

Minutes of the 1st Budget Public Hearing and Regular Meeting of the City of Davenport, Florida, held Thursday, September 9, 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.

BUSINESS

1. FIRST BUDGET PUBLIC HEARING

a) PUBLIC HEARING AND FIRST READING OF ORDINANCE #1040 SETTING THE MILLAGE RATE FOR FISCAL YEAR 2021/2022

At this time the Attorney was instructed to read Ordinance No. 1040 by title.

The Mayor and City Manager read from a prepared script which outlined the proposed millage rate of 7.5000 and the tentative budget funding for FY 2021/2022 at \$34,640,490.

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

Donald informed them that the overall budget had gone down by \$59,555 since their Workshop. The reason was that the tax value from the estimate that was given to them in June had gone down by a little over \$8 million.

Motion by Commissioner Clark and seconded by Commissioner Fellows to accept on first reading Ordinance 1040. Motion carried unanimously with no discussion.

b) PUBLIC HEARING AND FIRST READING OF ORDINANCE #1041 APPROVING THE BUDGET FOR FISCAL YEAR 2021/2022

At this time the Attorney was instructed to read Ordinance No. 1041 by title.

Donald also noted that there were other changes that had occurred. These included:

- Increase to the City Manager & City Clerk salaries as a result of the merit increases.
- Increase of \$67,000 to Property/Liability insurance as a result of increased property values, increased salaries and the addition of the new Community Center.
- The Police & Fire Retirement multiplier had increased from 2.75% to 3% resulting in about a \$40,000 increase.
- Re-evaluated the Police gas line item and increased it by about \$10,000

Donald informed them that these adjustments were offset in Reserves and the Reserves in the General Fund were adjusted from \$1.33 million to \$1.226 million.

Donald further pointed out the separation of the Impact Fees as outlined in the Audit.

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

Motion by Commissioner Fellows and seconded by Commissioner Lynch to accept Ordinance No. 1041.

In answer to the Vice-Mayor's question, Donald responded that the bottom line budget had not changed as a result of these changes. These changes and adjustments had been taken from Reserves.

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

The Mayor announced that the second hearing to adopt the millage rate and budget for FY 2021/2022 was scheduled for September 21st at 7:00 p.m.

APPROVAL OF ORDER OF BUSINESS

The City Manager announced that he would like to add Item 6 to New Business. This met with the consensus of the City Commission with a motion by Vice-Mayor Summerlin and a second provided by Commissioner Lynch. Motion carried unanimously.

PUBLIC COMMENT - None

CONSENT AGENDA

Motion by Commissioner Fellows and seconded by Commissioner Clark to approve the Consent Agenda which consisted of the August 16, 2021 Planning Commission Meeting and the August 16, 2021 Regular Meeting. Motion carried unanimously with no discussion.

OLD BUSINESS

- 1. PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 1035 TO APPROVE THE ANNEXATION OF 0 OLSEN RD (PARCEL 272709-728000-032100) & 3920 KENNEDY ROAD (PARCEL 272709-728000-032805). OWNER OF RECORD: ALDON WALKER**

At this time the Attorney was instructed to read Ordinance No. 1035 by title.

City Planner Raymond Perez explained that this was the annexation of 0 Olsen Road and 3920 Kennedy Road. There have been 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. 1035 on its second and final reading. Motion carried unanimously with no discussion.

2. PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 1036 TO APPROVE THE ANNEXATION OF 920 GOTTS ROAD (PARCEL 272710-730000-040402). OWNER OF RECORD: STEPHEN & KATHERINE GAYMONT

At this time the Attorney was instructed to read Ordinance No. 1036 by title.

Raymond explained that this was the annexation of property located at 920 Gotts Road and there had been 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. 1036. Motion carried unanimously with no discussion.

NEW BUSINESS

1. REVIEW AND DISCUSSION OF LEASE AGREEMENT BETWEEN THE CITY OF DAVENPORT AND THE DAVENPORT HISTORICAL SOCIETY ON THE PETER RUST HISTORY, ART & CULTURE CENTER

The City Manager advised that staff had been instructed to have the Attorney draft an Agreement. The Agreement had also been sent to the Historical Society as well.

The Mayor shared that he had done a non-scientific study review at the Florida League of Cities conference. He had spoken with individuals and interestingly most had cautioned that they be aware of possible termites in the items that had been in storage for so long and possibly bringing them into the facility. He shared that one city in Polk County covered them under their budget. There were several that had closed down primarily due to funding problems. Other cities were in favor of having a Historical Society but cautioned that it shouldn't be a storage place for items that have been donated over the years. Many preferred that they should be manned 2 to 3 times a week with a preference on Saturday and inclusion of programs for children.

At this time the Mayor opened the Public Hearing.

Ms. Darlene Zenwick of 4 West Lemon Street voiced her support of the Davenport Historical Society taking over the Pete Rust Community Center however taxpayers should know how much it was going to cost.

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

The Vice-Mayor noted that in their packet were two contracts. One from their Attorney with the appropriate changes they had requested; and the other from the Historical Society's Attorney with their changes. He asked the City Attorney if he had reviewed the changes. Mr. Cloud responded that he had reviewed them briefly, but noted that they weren't compelled to accept the changes.

The Vice-Mayor stated that he expected their Attorney to provide them with guidance and direction and he didn't want to move forward with this until their Attorney had gotten a chance to review it and make recommendations. There were some issues he had with their proposed changes, particularly the hours. He too didn't want to see it become a storage facility for them and clarified that he didn't believe that this was the goal of the Historical Society. He believed that they had some good plans for the facility and many of the programs involved children. He was excited about all the programs they were planning. They knew what it cost to operate the facility as it was now but he would like to see what the projections would be for the next year. They also knew that they were going to lose a revenue source that has been offsetting some of these costs over the years.

He had no problems leasing the facility to them but they needed to look at everything involved and also answer Ms. Zenwick's question this evening. As a group they could come to an agreement that was beneficial to everyone. They had agreed that they wanted them to use the building and they were prepared to take on a lot of the costs. They just needed to know for sure in order to make a dedicated decision. Commissioner Lynch agreed with the Vice-Mayor and felt that they needed the Attorney to take a look at it and they need to get the costs associated.

Commissioner Fellows pointed out that the biggest cost if they didn't move forward with it was that it was going to cost this Commission its integrity. They needed to look at it as more of an investment than cost. His main concern was the Length of Term. They needed to look at a longer term for the Agreement for the simple reason that there would be changes in staff and Commission and members on the Historical Society. He didn't know of any other organization that promoted the City more. He would encourage them to instruct the Attorney to get with them and get an agreement together and move forward.

The City Attorney proceeded to voice his issues with their proposed changes. First, the duration of 3 years vs 5 years. He had placed 3 years in the contract because this was typical in other cities he had done, which was not a bad period to see how it worked out. Secondly was Section 7 dealing with the hours of operation. They wanted to be more general rather than a specific schedule. The last two issues were the substantial changes made to the Public Access Section which provided way more detail than what he had but if they were comfortable with it that was fine, but his had been more general. The last thing was the Remedies of City Section. He had placed stronger language in it but he could work with Mr. Gibson on this.

Commissioner Clark voiced his support of the Historical Society and was okay with what was being recommended but his main issue was the need for structured hours.

The Vice-Mayor drew their attention to the next sentence in the Length of Term Section which spelled out that the agreement could be renewed. This was regardless of who was at the dais at the time.

Commissioner Fellows still voiced his concern with 3 years and further added that it was going to take them a year to get up and running. They would have to come back to them every 3 years and have to worry about it every 3 years. He directed his next comment to the Historical Society members in the audience and asked them to clarify the hours they were proposing. In the audience, both Freida Priest and Billie Sedore responded that they would be at the

facility at different hours and days preparing displays, etc. but they were looking at 10:00 a.m. to possibly 3:00 pm or 4:00 pm.

The Vice-Mayor again asked for structured days and hours in order to advertise with some certainty when they would be opened.

Brief discussion ensued with the length of term with consensus for 3 years with Commissioner Fellows still voicing his desire for a longer term.

At this time a motion was made by Vice-Mayor Summerlin and seconded by Commissioner Clark that the Commission give the City Manager and the City Attorney a reasonable period of time to negotiate the contract with the Historical Society's Attorney and come back at the very near future.

Commissioner Lynch added that they still needed to establish some sort of expense or cost. Commissioner Fellows added that yes there was a cost but there was also a service that benefited the city.

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

The City Manager advised that at their next meeting he would bring them back costs for electric, utilities and maintenance of the building.

In closing, the City Attorney pointed out that maintenance of the building was going to take place whether they were in there or not.

2. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1042 ESTABLISHING A BUILDING PERMIT CONSTRUCTION/TRAINING ACCOUNT; ALLOWING THE CITY OF DAVENPORT TO SET ASIDE EXCESS BUILDING PERMIT FEE REVENUES FOR THE PURPOSE OF CONSTRUCTING NEW BUILDING DEPARTMENT FACILITIES OR THE TRAINING OF BUILDING DEPARTMENT PERSONNEL INCLUDING CODE ENFORCEMENT STAFF

At this time the Attorney was instructed to read Ordinance No. 1042 by title.

Finance Director Donald Carter explained that this was part of their audit management comments. The Ordinance allowed the City with excess building permit revenues to establish an account to set aside an amount annually for the construction of new facilities or the training of department personnel including Code Enforcement staff.

The Vice-Mayor asked that by using the word "training" were they bound to training or was this basically a building fund. Donald responded that it was both.

The City Attorney emphasized that this account could only be used for these two purposes.

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

Motion by Commissioner Lynch and seconded by both the Vice-Mayor and Commissioner Clark to approve Ordinance No. 1042 on its first reading. Motion carried unanimously with no discussion.

3. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1043 AMENDING SECTION 3-8 CODE OF ORDINANCES TO REVISE AND CLARIFY THE PROVISIONS RELATING TO THE USE OF ALCOHOL ON CITY PROPERTY FOR EVENTS, SPECIFICALLY THE TOM FELLOWS EVENT AND COMMUNITY CENTER

At this time the Attorney was instructed to read Ordinance No. 1043 by title.

Parks & Recreation Director Danny McClain explained that this Ordinance allowed alcohol at the Tom Fellows Event and Community Center.

The Vice-Mayor drew their attention to the fee structure in their Ordinance that outlined the need for the payment of an alcohol permit and deposit. The City Manager further added that it also required police officers to be present at the event.

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. 1043 on its first reading. Motion carried unanimously with no discussion.

4. REQUEST TO ENTER INTO AN AGREEMENT WITH THE PEPSI BEVERAGE COMPANY AND THE CITY TO INSTALL VENDING MACHINES AT THE NEW TOM FELLOWS COMMUNITY CENTER

Danny explained that this was an Agreement for Pepsi to install vending machines at the Tom Fellows Community Center. Danny clarified that it was a 1 year agreement

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

Motion by Commissioner Clark and seconded by Commissioner Fellows to enter into an Agreement with Pepsi Beverage. Motion carried unanimously with no discussion.

5. REQUEST TO APPROVE A PLANNING ADVISORY SERVICES AGREEMENT BETWEEN THE CITY OF DAVENPORT AND THE CENTRAL FLORIDA REGIONAL PLANNING COUNCIL (CFRPC)

Building Official Bill Nolen explained that this was an Agreement with Central Florida Regional Planning Council to provide help with the LDR's, the Comprehensive Plan and general planning services. He also pointed out that the Agreement was in the amount of \$10,000.

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 service agreement with the Central Florida Regional Planning Council.

Commissioner Clark asked if this was a result of state changes. Bill responded that this was to help them with the Comprehensive Plan and other issues that needed to be done.

The Vice-Mayor explained that the firm provided a lot of help to them and they did good work. Commissioner Fellows agreed.

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

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

Utilities Director Mike Stripling explained that Staff was looking for the approval to an amendment to the current contract for the test well. He further explained that during the drilling of the test well the drill hole had some vertical fissures between 250 feet and 270 feet deep. The sand and rock in these fissures had fallen around the drill bit and caused the driller to have to dredge the sand and rock out to be able to remove the bit that was at 417 feet deep. It was determined that it would be necessary to grout the fissure in order to be able to continue drilling. The bore hole was filled with sand to just below the fissure at 270 feet and they had poured in cement to fill the fissures void. The additional work would be an additional \$60,000.

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

Motion by Vice-Mayor Summerlin and seconded by Commissioner Lynch to approve the amendment for the test well at the cost of \$60,000.

In answer to Commissioner Fellows' question, Mike explained the process how it would be done.

Commissioner Clark asked if they had added something in the budget for something like this. Mike responded that in October they would have money in there for the production well, but this expense would be taken out of impact fees.

It was the consensus from the Commission that they were committed to do this and they were halfway there. They knew what their alternative was and none of them liked it.

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 dais.

He also announced the recent death of the Engineer Dennis Woods due to Covid.

He also announced that they were still on track with the Community Center opening in October and it was coming in under budget. Staff was looking at Friday, October 15th for the grand opening and Ribbon Cutting at 3pm. This date met with consensus and excitement from the Commission.

CITY ATTORNEY REPORT

Regarding the comment about commitment, the Attorney shared the story of two gentlemen who were having breakfast at the local diner and they were having eggs and bacon. One fellow said, "these eggs are great and that the chicken really showed a commitment". The other fellow said "no the chicken makes a contribution. The pig on the other hand, that's commitment".

CITY CLERK REPORT - Nothing to report.

CITY COMMISSION COMMENTS

Commissioner Clark expressed his enjoyment at the Big Belly Barbeque event Saturday. He again commended the City Staff and the Police and Fire Department for all their hard work. It was always nice to see how well the city was doing.

Commissioner Fellows concurred with Commissioner Clark's comments.

Commissioner Lynch asked how the Barbeque event had made out. Vice-Mayor Summerlin responded that the Barbeque competition had gone very well and were having a Wrap Up meeting to determine how well. It had been extremely hot and he was happy with the help that the City done to help them out. Police and Fire had made their presence known at the event.

He also shared that the Haines City Rotary was having a First Responder lunch at the Lake Eva Center tomorrow starting at 11am. He invited the Police and Fire Department to stop by.

The Mayor thanked the Vice-Mayor for stepping in for him while he was out.

There being no further business, a motion to adjourn was made by Commissioner Lynch carried unanimously.

Meeting adjourned at 8:22 p.m.

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


Raquel Castillo, City Clerk