

**ORDINANCE NO. 1261**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DAVENPORT, FLORIDA, AMENDING ORDINANCE NOS. 1039 AND 1071 BY MODIFYING SECTION 2. ARTICLE IV, CHAPTER 2, CODE OF ORDINANCES, CITY OF DAVENPORT, FLORIDA; MORE SPECIFICALLY SEC. 2-135. – TOM FELLOWS COMMUNITY CENTER FACILITY RENTAL FEES; MODIFYING USER FEE SCHEDULE; PROVIDING FOR FINDINGS, A BUSINESS IMPACT ESTIMATE, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Davenport, Florida (“City”) has constructed, owns, operates, and maintains municipal facilities for recreational and other purposes that are open to the citizens of the City; and,

**WHEREAS**, the City currently levies user fees and charges for the use of municipal facilities and properties; and,

**WHEREAS**, the City is authorized to levy user fees and charges by general law, § 166.201, Fla. Stat., and its home rule powers; and,

**WHEREAS**, Article 2.09 of the City Charter and the Code of Ordinances, City of Davenport, Florida (the “Code”) requires that the acts of the city commission shall be by ordinance which set service or user charges for municipal services or grant administrative authority for such charges, or set rental fees for municipal venues or grant administrative authority for such charges; and,

**WHEREAS**, the City staff has reviewed and analyzed relevant data, including the fees from other local cities, and has provided competent, substantial evidence that the proposed user fees and charges have a rational basis, are appropriately proportional, and will not be excessive; and,

**WHEREAS**, the City Commission held public hearings to consider this amendment, with due public notice having been provided, to obtain public comment, and considered all written and oral comments received during public hearings, including support documents; and,

**WHEREAS**, , the City in its sole discretion performed a business impact estimate pursuant to § 166.041(4)(c), and determined that adoption of this ordinance:

- (1) serves a public purpose by serving the public health, safety, morals, and welfare of the City,
- (2) has no direct negative economic impact on private, for-profit businesses in the city in that all those who use the Community Center will be treated non-discriminatorily,
- (3) will not result in direct compliance costs by businesses,

(4) does not impose any new charge or fee on businesses for which businesses will be financially responsible but rather modifies existing user fees,  
 (5) does not create any additional municipal regulatory cost which is not recovered appropriately and lawfully by the City; and,

**WHEREAS**, the City of Davenport has followed all statutory and Code requirements for noticing and advertising this Ordinance and public hearings associated therewith; and,

**WHEREAS**, the City Commission has received public input on the ordinance and a recommendation from staff; and,

**WHEREAS**, the City Commission finds that the ordinance complies with state law, is in the public interest, and will not adversely affect the public interest.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF DAVENPORT:**

**SECTION 1. FINDINGS.** The City Commission hereby adopts and incorporates the above stated Recitals as legislative findings that support and form the basis for the adoption of this ordinance.

**SECTION 2. AMENDMENTS TO ARTICLE IV, CHAPTER 2, CODE OF THE CITY OF DAVENPORT, FLORIDA.** Article IV, Chapter 2, Code of the City of Davenport, Florida, is hereby amended to read as follows:

**“Sec. 2-135. – Tom Fellows Community Center facility rental fees.**

The city commission finds it is necessary to establish a new fee schedule, expenses and collection procedures as stated, presented, and depicted below:

<b>Facility Rentals</b>	<b>Resident</b>	<b>Non-Resident</b>
Event Center Main Room Monday – Thursday (2 hour minimum)	\$200 per hour	\$350 per hour
Arts and Crafts Room (2 hour minimum)	\$150 per hour	\$250 per hour
Media Center (2 hour minimum)	\$75 per hour	\$150 per hour
Daily Membership Fees <del>Includes Fitness Center &amp; Gymnasiums</del>	\$5 per day	\$10 per day
Monthly Membership Fees Includes Fitness Center & Gymnasiums	\$15 per month	\$25 per month
Annual Membership Fee Includes Fitness Center & Gymnasiums	\$150 per year	\$250 per year

Daily Senior Fee Includes Fitness Center & Gymsnasiums	\$3 per day	\$5 per day
Monthly Senior Fee Includes Fitness Center & Gymsnasiums	\$10 per month	\$15 per month
Annual Senior Fee Includes Fitness Center & Gymsnasiums	\$100 per year	\$150 per year
Family Member Discount (Family Member Must same household)	10% each additional family member	5% each additional family member
Gymnasium A or B Monday – Thursday (2 hour minimum)	\$250 per hour	\$400 per hour
Both Gymnasiums Monday – Thursday (2 hour minimum)	\$400 per hour	\$800 per hour
Entire Venue Monday – Thursday (must rent for the day)	\$2000 per day	\$3500 per day
Event Center Main Room Friday – Sunday	\$1500 per day	\$2100 per day
<u>Outdoor Courtyard (Must be rented with Main Room)</u>	<u>\$375</u>	<u>\$375</u>
Gymnasium A or B Friday – Sunday	\$700 per day	\$1,000 per day
Both Gymnasiums Friday – Sunday	\$1,400 per day	\$1,950 per day
Entire Venue Friday – Sunday	\$3,000 per day	\$4,500 per day
<b>Instructor Fees</b>	<b>Percentage</b>	<b>Per Participant</b>
The instructor pays the city	20%	Per participant
<b>Additional Fees</b>	<b>Price</b>	<b>Venue</b>
Site Coordinator (minimum of 1 per weekend events)	\$25 per hour	Gymnasiums
Custodian (minimum of 1 per weekend events)	\$25 per hour	Gymnasiums
Deposit (Damages/Rule Enforcement) Event without Alcohol	\$1,000	Banquet Hall
Deposit (Damages/Rule Enforcement) Event with Alcohol	\$1,500	Banquet Hall
Non-Refundable Alcohol Permit <b>All parties celebrating MINORS will NOT BE APPROVED</b>	\$50	Banquet Hall
Off-duty police staffing fee (minimum 4 hours) Events with alcohol require minimum of 2 officers	<del>\$35</del> \$40 Per Hour	Any City Event

Addition Staff Fee (Any Event 8+ hours Long)	\$75 each additional hour	Banquet Hall
<b>Youth Camp Fees</b>	<b>Resident</b>	<b>Non-Resident</b>
Summer Recreation Camp	<del>\$200</del> <u>\$300</u>	<del>\$300</del> <u>\$400</u>
<b>Pickle Ball Program (<u>Included in membership</u>)</b>	<b>Resident</b>	<b>Non-Resident</b>
Court Usage Fee – Junior	\$1 per hour	\$4 per hour
Court Usage Fee – Adult	\$2 per hour	\$5 per hour
<b>Youth Leagues</b>		
Youth Volleyball	<del>\$30</del> <u>\$50 per person</u> \$5 discount for 2 <sup>nd</sup> child \$7 discount for 3 <sup>rd</sup> child \$10 discount for 4 <sup>h</sup> child	
Youth Basketball	<del>\$40</del> <u>\$50 per person</u> \$5 discount for 2 <sup>nd</sup> child \$7 discount for 3 <sup>rd</sup> child \$10 discount for 4 <sup>h</sup> child	
Youth Indoor Soccer	\$30 per person \$5 discount for 2 <sup>nd</sup> child \$7 discount for 3 <sup>rd</sup> child \$10 discount for 4 <sup>h</sup> child	
Adult Volleyball	\$150 per team	
Adult Basketball	\$250 per team	
HOA Rental Fee for Arts and Craft Room (HOAs in City Limits only)	\$50 per hour	
City Employee - Rental Rate (Applies to employee & Immediate Family Only)	50% of the approved resident rate (1 time every fiscal year Oct-Sept)	
City Employees can use Fitness Center for Free	Family members will be required to pay	
Outside events/tournaments may be given resident rate at the discretion of the Parks director.		
No subleasing or third-party rentals will be permitted.		
Credit Card users will be charged \$2 for fees less than \$50 and a 3% charge for fees \$50 or more.		

<b>Itemized Banquet Hall Cost</b>					
Napkins	<del>\$3-</del> <u>\$5 each</u>	Pipe & Drape	<del>\$40-</del> <u>\$60</u>	Table Skirting	<del>\$10</del> \$20 each
Dance Floor	<del>\$5</del> \$10 each piece	Chairs	Included	Wedding Arch	<del>\$200</del> \$250
Hanging Tulle	\$100	Staging	<del>\$15</del> <u>\$30 each</u>	Monitor	<u>\$100</u>

Portable Bar	<del>\$30</del> \$50	Table Linens	<del>\$10</del> \$15 each	Texas Icer	<del>\$25</del> \$50
Smoke & Sparkler Machines	\$500	Spotlights	\$30 Per Light	Chair & Spandex Covers	\$5 each
High Top Tables	\$30 each				

The City Commission hereby delegates to the City Manager the authority to promulgate and publish written rules and regulations governing the use of the Tom Fellows Community Center.

**SECTION 3. BUSINESS IMPACT ESTIMATE.** Pursuant to Section 166.041(4), Florida Statutes, the City of Davenport is required to prepare a business impact estimate for certain proposed ordinances. This proposed ordinance modifies existing user fees for the Tom Fellows Community Center the use of which is purely voluntary for all persons, firms, and corporations who use the facility. Such modified user charges (1) serves a public purpose by serving the public health, safety, morals, and welfare of the City, (2) has no direct negative economic impact on private, for-profit businesses in the city in that all those who use the Community Center will be treated non-discriminatorily,(3) will not result in direct compliance costs by businesses,(4) does not impose any new charge or fee on businesses for which businesses will be financially responsible but rather modifies existing user fees,(5) does not create any additional municipal regulatory cost which is not recovered appropriately and lawfully by the City. Thus, it is estimated that neither residents nor any business will incur additional costs beyond the costs of prudently operating the facility which is completely voluntary. The City does not seek to impose any additional user or regulatory fees or charges beyond the actual cost of operation and maintenance of the facility, nor are any direct compliance costs expected. The Business Impact Estimate form for this ordinance is on file with the City Clerk.

**SECTION 4. SEVERABILITY.** If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

**SECTION 5. CONFLICTS.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 6. EFFECTIVE DATE.** This Ordinance shall take effect in accordance with state law.

[The remainder of this page is intentionally left blank.]

**INTRODUCED, PASSED AND DULY ADOPTED ON FIRST READING** by the City Commission of Davenport, Florida, meeting in Regular Session this \_\_\_\_ day of \_\_\_\_\_, 2024.

**CITY OF DAVENPORT, FLORIDA**

(SEAL)

By: \_\_\_\_\_  
Brynn Summerlin, Mayor

Attest:

\_\_\_\_\_  
Raquel Castillo, City Clerk

**INTRODUCED, PASSED AND ENACTED ON SECOND READING**, by the City Commission of the City of Davenport, Florida, meeting in Regular Session, this 7<sup>th</sup> day of March, 2024.

**CITY OF DAVENPORT, FLORIDA**

(SEAL)

By: \_\_\_\_\_  
Brynn Summerlin, Mayor

Attest:

\_\_\_\_\_  
Raquel Castillo, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Thomas Cloud, City Attorney



## **Business Impact Estimate**

*This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the City of Davenport's website by the time notice of the proposed ordinance is published.*

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This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City of Davenport is of the view that a business impact estimate is not required by state law<sup>1</sup> for the proposed ordinance, but the City of Davenport is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
  - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;

<sup>1</sup> See Section 166.041(4)(c), Florida Statutes.

- b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
- c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
- d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City of Davenport hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

*The proposed Ordinance sets fees that are fair and equitable for the use of city facilities, equipment and participation in the programs sponsored by the City of Davenport. These provide recreation for all the residents of the city.*

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of Davenport, if any:

- (a) An estimate of direct compliance costs that businesses may reasonably incur;
- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
- (c) An estimate of the City of Davenport's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

*It is estimated that only those residents that utilize the facilities, equipment and programs will be impacted by this increase in rates and user fees.*

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

*There should be no impact.*

4. Additional information the governing body deems useful (if any):

*The City solicits comments from the public by noticing the ordinance in the local paper.*