

City of Davenport Commission Minutes of April 15, 2024

Minutes of the Regular Meeting of the City of Davenport, Florida, held Monday, April 15, 2024 at 7:22 p.m. in the Commission Room after having been properly advertised with the following members present: Mayor Brynn Summerlin and Vice-Mayor Jeremy Clark. Commission Members: Tom Fellows, Bobby Lynch, and Donna Fellows-Coffey. Also present: City Manager Kelly Callihan and City Attorney Tom Cloud.

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

APPROVAL OF ORDER OF BUSINESS

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

PUBLIC COMMENT

The Mayor asked if there was anyone who wished to address the City Commission on anything not on the Agenda.

Michael Sloan of 409 Sapphire Drive accepted the invitation and asked who owned the street lights in a CDD. The Mayor responded that they owned them.

Mr. Sloan also wanted to give Public Services Director Darryl Koon a thank you card. He had been instrumental in taking care of some things in their neighborhood and really appreciated his help.

The Mayor also shared that CDD's have been the focus of attention lately in that there is a question of who can do what and how. He had asked the City Attorney to do some research and it was found that for the city to do anything they would have to have an agreement with each of the CDD's and/or Homes Owners Associations. The Police Department can take care of active crime but not much more pass that because they don't have an agreement to do so.

Scott Woodlee of 1636 Aspen Avenue also accepted and wanted to recognize the Mayor for making the call to get the signs and lights at the Horizons Elementary School installed. He also thanked the City Manager. One other thing he was going to bring up was having issues with the Police Department not being able to do things in the neighborhood. He had gotten with Jill Byrnes with the Forest Lake CDD and she was willing to do an agreement in order to get the services they deserve. The Mayor again reiterated that they had to get an agreement in place in order to do this.

Mr. Woodlee also asked if the city was doing anything for Memorial Day. The City Manager responded that they would be putting up the new banners on the posts and the Historical Society also placed a wreath at the Hendrix Memorial at Wilson Park.

The Mayor asked Mr. Woodlee to work with the Davenport Historical Society and bring back an idea and see what they could do to accommodate his request.

Courtney Taylor of 204 Citrus Isle Loop asked if it was reasonable to have plate readers installed in the city. He too had spoken with their CDD manager, and she had stated that their attorney had to get with the city's attorney before anything could be done in the CDD.

The Mayor shared that whenever the CDD's were established that they wanted to have their own control but the downside of this was outside of normal ad valorem taxes, they couldn't do anything else. There were certain things they could enforce but there were a lot of things they couldn't because it was still considered private property. The City Attorney also added that the CDD's owned the rights-of-way, not the city and there had to be an Interlocal Agreement between the independent special district and the City.

The City Manager informed Mr. Taylor that if they wanted to enter into an agreement to have the CDD Attorney contact him.

The Mayor also pointed out that they would be working on the 2025 budget and this might be the time to look at plate readers.

Commissioner Morris West of 620 East Main Street, Haines City wanted to take the opportunity and say what a great gentleman Commissioner Tom Fellows was and that he would miss him dearly. He wanted to thank him for the job he has done for the City of Davenport, and that it has not gone unnoticed. He also wanted to congratulate Vice-Mayor Clark for getting re-elected. He also wanted to thank his dear friend Linda Robinson.

He asked them to keep up the good work that they were doing in the City of Davenport.

There being no one else the Mayor closed Public Comment.

CONSENT AGENDA

Motion by Commissioner Fellows and seconded by Vice-Mayor Clark to approve the Consent Agenda which consisted of the April 1, 2024 Regular Meeting minutes. Motion carried unanimously.

OLD BUSINESS – None

PRESENTATION TO COMMISSIONER TOM FELLOWS

At this time Mayor Summerlin presented Commissioner Fellows with a plaque for his 20 years of service and dedication to the residents of the City of Davenport. The Mayor expressed that he could not tell them how much respect he had for Commissioner Fellows. Mr. Fellows was a friend of the city. He enabled and embodied the City of Davenport. Not only did he speak with his mind, he spoke with his pocket book a lot of times. As a citizen of Davenport, he appreciated that and as the Mayor of Davenport he couldn't say that he was more proud. He just hoped that he could be and do as good of a job as Mr. Fellows had done on the City Commission.

After a round of applause and a standing ovation, Mr. Fellows thanked the residents of the city for allowing him to serve for 20 years. It was his honor and privilege to serve the people of Davenport. He thanked them for putting trust in him. He also wanted to thank his family. He was truly humbled. He thanked the Commission and the Mayor, both past and present, for what they have been able to accomplish over the years. He thanked the staff too for what they have been able to accomplish working together. They had much to look forward to and to make Davenport all it can be.

ADMINISTER OATH OF OFFICE

The Oath of Office was administered by the City Clerk to Linda Robinson.

Roll call was taken with the following members present: Mayor Brynn Summerlin and Vice-Mayor Jeremy Clark. Commission Members: Linda Robinson, Bobby Lynch, and Donna Fellows-Coffey. Also present: City Manager Kelly Callihan and City Attorney Tom Cloud.

NEW BUSINESS

1. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1265 ASSIGNING THE LAND USE CLASSIFICATION TO US HIGHWAY 17/92 (IGLESIA CRISTIANA PENTECOSTAL QUEBRANTANDO YUGOS INC) FROM POLK COUNTY CONVENIENCE CENTER (CC) TO CITY COMMERCE ACTIVITY CENTER (CAC)

At this time the Attorney was instructed to read Ordinance No. 1265 by title.

City Planner Raymond Perez explained that this request had been heard by the Planning Commissioner earlier in the evening and had recommended approval and there were no changes.

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

Motion by Commissioner Fellows-Coffey and seconded by Commissioner Lynch to approve on first reading Ordinance No. 1265. Motion carried unanimously with no discussion.

2. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1266 ASSIGNING THE ZONING CLASSIFICATION TO US HIGHWAY 17/92 (IGLESIA CRISTIANA PENTECOSTAL QUEBRANTANDO YUGOS INC) FROM POLK COUNTY CONVENIENCE CENTER (CC) TO CITY COMMERCIAL NEIGHBORHOOD (C-1)

At this time the Attorney was instructed to read Ordinance No. 1266 by title.

Raymond explained that this request had been heard at the Planning Commission and there were no changes since then.

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

Motion by Vice-Mayor Clark and seconded by Commissioner Robinson to approve Ordinance No. 1266 on first reading. Motion carried unanimously.

3. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1267 ASSIGNING THE LAND USE CLASSIFICATION TO 627 POWERLINE ROAD FROM POLK COUNTY RESIDENTIAL SUBURBAN (RS) TO CITY RESIDENTIAL MEDIUM (RM)

At this time the Attorney was instructed to read Ordinance No. 1267 by title.

Raymond explained that this request had been heard by the Planning Commission earlier in the evening and had recommended approval and there were no changes.

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

Motion by Commissioner Lynch and seconded by Commissioner Fellows-Coffey to approve on first reading Ordinance No. 1267. Motion carried unanimously.

4. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1268 ASSIGNING THE ZONING CLASSIFICATION TO 627 POWERLINE ROAD FROM POLK COUNTY RESIDENTIAL SUBURBAN (RS) TO CITY LOW DENSITY RESIDENTIAL (R-5)

At this time the Attorney was instructed to read Ordinance No. 1268 by title.

Raymond explained that this request had been heard by the Planning Commission earlier in the evening and there had been no changes since being presented to the Planning Commission.

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

Motion by Commissioner Robinson and seconded by Vice-Mayor Clark that the Commission approve Ordinance No. 1268 on first reading. Motion carried unanimously.

5. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1269 ASSIGNING THE LAND USE CLASSIFICATION TO 401 WEST BAY STREET FROM CITY RESIDENTIAL LOW (RL) TO CITY COMMERCE ACTIVITY CENTER (CAC)

At this time the Attorney was instructed to read Ordinance No. 1269 by title.

Raymond explained that this request had been heard by the Planning Commission earlier in the evening and there had been no changes since being presented to them.

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

Motion by Commissioner Lynch and seconded by Commissioner Robinson to approve on first reading Ordinance No. 1269.

Commissioner Fellows-Coffey voiced her continued concerns on this Ordinance and expressed that they needed to be careful about placing a business so close to a house.

Commissioner Robinson felt that Commissioner Fellows-Coffey had some valid concerns and asked if staff had done any research or was there a recommendation about the traffic.

Mayor Summerlin pointed out that this was their main drive coming into town. At some point they were going to have some commercial on either side of Davenport Boulevard coming into town. They have been remised in requiring some more commercial property in Davenport and Commercial property was inevitable. He was a proponent of getting nice places for the residents to shop. Regardless of what it was. They had to start somewhere, and he was happy there was somebody there.

The Attorney asked if the owner had ever met the adjacent property owner and talked to them.

In the audience, Mrs. Mary Lou Neal advised that she had gone over and met them and had baked them some brownies. They had made accusations about her husband threatening them with a gun and had called the Police on him.

Commissioner Fellows-Coffey stated that she was for commercial growth, but they needed it in the right place, however this location was not the right place. She still had safety concerns with the traffic.

There being no other discussion the Mayor called for the vote. Motion carried with Commissioner Fellows-Coffey opposing.

6. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1270 ASSIGNING THE ZONING CLASSIFICATION TO 401 WEST BAY STREET FROM CITY SINGLE FAMILY RESIDENTIAL (RE-2) TO CITY COMMERCIAL HIGHWAY (C-3)

At this time the Attorney was instructed to read Ordinance No. 1270 by title.

Raymond explained that this request had been heard by the Planning Commission earlier in the evening and there had been no changes since being presented to them.

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

Motion by Commissioner Robinson and seconded by both Commissioner Lynch and Vice-Mayor Clark that the Commission adopt Ordinance No. 1270 on first reading. Motion carried with Commissioner Fellows-Coffey opposing. Motion carried unanimously.

7. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1271 ASSIGNING THE LAND USE CLASSIFICATION TO 1027 MYSTERY HOUSE ROAD FROM POLK COUNTY RESIDENTIAL SUBURBAN (RS) TO CITY COMMERCE ACTIVITY CENTER (CAC)

At this time the Attorney was instructed to read Ordinance No. 1271 by title.

Raymond explained that this request had been heard by the Planning Commission earlier in the evening and had recommended approval and there had been no changes since then.

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

Motion by Commissioner Fellows-Coffey and seconded by Vice-Mayor Clark to approve Ordinance No. 1271 on first reading.

Commissioner Robinson asked if he knew what the owner was planning on doing on this parcel. Raymond responded that he had indicated that he wanted to place an outdoor storage business on the property and was asking for Commercial zoning.

Commissioner Robinson noted that this parcel was in the middle of a residential area and if they recalled a few meetings ago someone else had wanted to place a storage facility surrounded by residential and she was finding it difficult to vote for this. She felt that it would devalue the surrounding homes. However, what the owner had in mind for this property was something that was really needed.

Mayor Summerlin stated that he had spoken to the property owner, and he planned on doing site storage.

She also noticed that the property was in the name of a church. The Mayor explained that the church would have to pull the permit in this case. The Attorney further questioned whether the church had given consent or authorization. Raymond responded that they had.

Commissioner Lynch understood Commissioner Robinson's concerns and one of his was if a fence was going around the property. He too voiced that it was needed in the area. The Mayor added that considering the value of what would be stored, it would have to be a secure lot with a fence around it and cameras.

Commissioner Fellows-Coffey stated that she had also had discussions with him, and he had already made improvements to the property and would continue to make improvements to it to make it an asset to the community. He was trying to bring a needed service to the community in the most appropriate way that he could.

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

8. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1272 ASSIGNING THE ZONING CLASSIFICATION TO 1027 MYSTERY HOUSE ROAD FROM POLK COUNTY RESIDENTIAL SUBURBAN (RS) TO CITY COMMERCIAL HIGHWAY (C-3)

At this time the Attorney was instructed to read Ordinance No. 1272 by title.

Raymond explained that this request had been heard by the Planning Commission earlier in the evening and had recommended approval and there had been no changes since then.

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

Motion by Commissioner Lynch and seconded by Commissioner Fellows-Coffey to approve on first reading Ordinance No. 1272. Motion carried unanimously.

9. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1273 ASSIGNING THE ZONING CLASSIFICATION TO 1760 HORSESHOE CREEK ROAD FROM CITY CONSERVATION (CN) AND AGRICULTURE (AG) TO CITY CONSERVATION (CN) AND LOW DENSITY RESIDENTIAL (R-5)

At this time the Attorney was instructed to read Ordinance No. 1273 by title.

Raymond explained that this request had been heard by the Planning Commission earlier in the evening and there had been no changes since then.

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

Motion by Commissioner Lynch and seconded by Vice-Mayor Clark to deny on first reading Ordinance No. 1273.

The Mayor reiterated his concerns and reasons for denial and objections to the change of Conservation to R-5. Raymond pointed out that there would be no change to the Conservation.

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

10. REQUEST TO CONSIDER AND APPROVE RESOLUTION NO. 496-24 APPROVING THE TEMPLE CROSSING FINAL PLAT

Raymond explained that this was a request to approve the final plat for the Temple Crossings subdivision located south of Temple Lane and east of US Highway 17/92 consisting of 198 lots.

The Mayor asked if the final plat was pretty closed as it was proposed originally. Raymond responded that it was.

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

Motion by Commissioner Robinson and seconded by Commissioner Fellows-Coffey to approve Resolution No. 496-24 approving the Temple Crossing final plat.

In answer to Commissioner Lynch's question, Raymond responded that this was Phase 1 and the only phase for this development.

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

11. REQUEST TO APPROVE THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY AND BETTER TOGETHER

Assistant City Manager Steve Hunnicutt explained that the Mayor and Staff had met with this group. The main purpose of this Memorandum of Understanding was to provide organizational support. He added further that Better Together was wanting to assist and help provide access to families in Davenport seeking assistance, providing safe, nurturing temporary homes for at-risk children in a network of support for their biological parents.

The Mayor also added that the main purpose was creating a safe place for at-risk youth and trying to keep them out of the system and give them the opportunity to become great citizens. There was no cost to the city, and he felt that it would be a good partner for the city and the at-risk youth.

Myraida Valdes, Executive Director of Better Together took the floor and informed them that the whole purpose of their organization was to be able to provide preventative and supportive services to families. Families were having to place their children in foster care for neglect. They had volunteer families that were able to step in and offer temporary care. They also offered mentors, job fairs and ultimately, they wanted to improve the circumstances that these families found themselves in.

Commissioner Robinson asked the following:

- Where is their local office located? Ms. Valdes responded that she was the local office, and her office was her vehicle, and they were out in the community.
- Are there any other personnel or staff? Ms. Valdes responded that this expansion was fairly new and she was their one month old addition to the team, but not to be deterred because they were currently in 27 counties.
- Are they a faith-based organization and did they work closely with the One More Child of the Florida Baptist Childrens Home in Lakeland or were they strictly on this side of the county? Ms. Valdes answered that they were faith based and they did partner with some of these organizations but did not receive any federal money.
- Are they planning on setting up any type of homeless facilities in the city? Ms. Vales responded that there were no plans for this.
- Did they partner with churches to provide food for these families? Ms. Valdes responded that they did.

Commissioner Fellows-Coffey also asked the following:

- Did they have similar Memorandums of Understanding with other cities in Polk County? Ms. Valdes responded that they did not in Polk County but had others in process.
- Why Davenport? Is there more of a need here or more at-risk children in this area? Ms. Valdes answered that on a daily basis there were about 24,000 in foster care and Polk County was in the top 5%.
- Were their plans to continue to spread to other cities in Polk County? Ms. Valdes responded in the affirmative.
- She asked if they worked with Heartland for Children and the Guardian ad Litem program and those kinds of entities to identify the children that needed help. She answered that they did.

There being no other discussion the Mayor entertained a motion.

Motion by Commissioner Fellows-Coffey and seconded by Vice-Mayor Clark to approve the Memorandum of Understanding between the City and Better Together pending the City Attorney's stamp of approval. Motion carried unanimously.

12. CONSIDERATION TO APPROVE THE JUNETEENTH HOLIDAY

Finance Director Donald Carter explained that the city currently observes 11 holidays and if this was approved Juneteenth would be the 12th. If passed the cost to add Juneteenth as an additional holiday would be around \$32,000 which would entail the holiday pay, plus holiday premium pay for those that worked the holiday.

In addition, they would have to approve Resolution No. 498-24 to update the Personnel Policy Handbook and officially adopt and observe the holiday.

The Mayor reminded them that they had been tasked with this but they had to understand that it came with a cost to say yes.

Motion by Vice-Mayor Clark and seconded by Commissioner Lynch to approve Resolution No. 498-24.

In answer to Commissioner Fellows-Coffey's question, Donald responded that it would become part of the handbook and factored into the budget every year.

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

13. REQUEST TO CONSIDER AND APPROVE RESOLUTION NO. 498-24 AMENDING THE PERSONNEL POLICY HANDBOOK AND ADDING THE JUNETEETH HOLIDAY

This was handled with Item 12.

14. REQUEST TO CONSIDER AND APPROVE RESOLUTION NO. 499-24 AUTHORIZING THE EXECUTION OF A DEED TRANSFERRING CITY OWNED REAL PROPERTY

The City Manager explained that this was the property adjacent to the Police Department. He pointed out that the Commission has already approved this, but they are formally asking for a Resolution to go with the closing documents.

Motion by Commissioner Fellows-Coffey and seconded by Commissioner Robinson to approve Resolution No. 499-24 authorizing the execution of the deed transferring city owned real property. Motion carried unanimously.

15. REQUEST TO CONSIDER AND APPROVE RESOLUTION NO. 500-24 DECLARING SURPLUS PROPERTY

Streets Superintendent Ray Leonard explained that this was a request to surplus the two Dorse flatbed trailers that were used for the stage.

Motion by Commissioner Lynch and seconded by Vice-Mayor Clark to approve Resolution No. 500-24 declaring surplus property. Motion carried unanimously.

CITY MANAGER REPORT

The City Manager stated that former Commissioner Fellows sat on the Polk Regional Water Cooperative, so they needed to replace him. In addition, Commissioner Lynch was currently their Alternate.

Commissioner Lynch stated that he would like to remain the Alternate.

Commissioner Fellows-Coffey expressed that she would be honored to take his place if no one else wanted to take it. Mayor Summerlin answered that he was prepared to take it on but if she wanted to she could. She told him to go ahead and take it.

It was the consensus to nominate Mayor Summerlin as their representative on the Polk Regional Water Cooperative and maintain Commissioner Lynch as their Alternate.

The City Manager also congratulated Commissioner Robinson and looked forward to working with her.

He also stated that he could not say enough good things about Mr. Fellows. They would miss his leadership and he hoped that he would enjoy his time off.

CITY ATTORNEY REPORT – Nothing to report.

CITY CLERK REPORT

The City Clerk reminded them of Mayor Roy Tyler's retirement celebration Tuesday, April 23rd from 11:30 to 1pm.

She also congratulated Vice-Mayor Clark and Commissioner Robinson on being elected.

CITY COMMISSION COMMENTS

Commissioner Robinson thanked everyone that had voted for her. She was really overwhelmed and grateful. She wanted to thank Tom Fellows for his service to the city. He has been an outstanding community partner and Davenport has been fortunate to have someone like him. She thanked everyone for their support and voiced her appreciation.

Commissioner Lynch also welcomed Commissioner Robinson and Vice-Mayor Clark. He also wanted to let Commissioner Fellows know that he appreciated him, and he would be missed. He had done a great job for the City of Davenport.

Commissioner Fellows-Coffey told them that it was easy to say the right words but it was a whole lot harder to walk the walk of the talk you talk. As she had mentioned at the last meeting, this was personal to her. She could tell them that he had instilled in her, her brother and sister at a very young age how much he loved Davenport and how much they were to love Davenport and how much the community had given them over the years. How important it was to support the community that supported them. She shared that it has been an ongoing evolution of the city but throughout it he has been steadfast in his insistence to their family that this is home, and you support your home. He had given up his money and he didn't like people knowing this. He didn't like the limelight, or attention. He gives up his time, his money and service because he truly has a heart for this city. She wanted to thank him for his service and for being an example to his children of how to treat your community and how to work hard and when you get blessings to pay

those blessings forward. She wanted to thank the city for embracing him as well for his many years of service. He could make all the jokes he wanted to make but he was going to miss it a whole lot. The first Monday that he spent with her mother and not here he was going to miss it a whole lot. She wanted him to know that there has not been a day that she has been more proud of him then today.

She also welcomed Commissioner Robinson aboard and looked forward to working with her. This Commission would continue to do good things for the City of Davenport. She was elated that she was filling the seat that her father once had because she believed that she had a heart for Davenport just as big and just as pure and as genuine as he did.

She also congratulated Vice-Mayor Clark on his re-election. Much in the same way, he didn't just talk the talk he walked the walk through several efforts he did throughout the community year-round. She was excited about this upcoming Commission year and looked forward to working with him.

Vice-Mayor Clark thanked the citizens for putting their trust in him for another 3 years. He was truly honored that they had given him another opportunity to serve them and it was truly an honor and blessing.

As always, he thanked the Police and Fire Departments. He thanked the staff and for the tremendous job they did. He also thanked the City Manager for everything he did.

Addressing former Commissioner Fellows, the Vice-Mayor stated that he was one of the most influential voices the city has ever seen. He was a man of honor and integrity, and he would always be grateful for the time that he has invested in his life, not only as a Commissioner but as a friend.

The Mayor welcomed Commissioner Robinson aboard. He was sure that her conversations with Rob would be interesting from here on out.

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

Meeting adjourned at 9:03 p.m.

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


Raquel Castillo, City Clerk