

City of Davenport Regular Meeting Minutes of December 16, 2024

Minutes of the Regular Meeting of the City of Davenport, Florida, held Monday, December 16, 2024 at 7:00 p.m. in the Commission Room after having been properly advertised with the following members present: Mayor Brynn Summerlin, Vice-Mayor Jeremy Clark, Commissioner Linda Robinson, Commissioner Bobby Lynch, Commissioner 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 Robinson to approve the Order of Business. Motion carried unanimously

PUBLIC COMMENT

At this time the Mayor asked if there was anyone present who wished to address the City Commission on any item not on the agenda.

Michael Sloan of 409 Sapphire Drive accepted and stated that school traffic from Navigator Academy were using Golden Ridge subdivision's main entrance to turn around and head back north because traffic was not allowed to make a left turn onto Holly Hill Road because of the construction in the area. This has nearly caused accidents. The City Manager informed him that he would go and take a look at this and would get back with him and find a solution.

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

CONSENT AGENDA

Motion by Commissioner Lynch and seconded by Commissioner Robinson to approve the Consent Agenda which consisted of the December 2, 2024 Regular Meeting minutes. Motion carried unanimously.

OLD BUSINESS

- 1. PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 1319 ASSIGNING THE LAND USE CLASSIFICATION TO THE STANDARD SAND & SILICA CO. PROPERTIES FROM POLK COUNTY RESIDENTIAL MEDIUM (RM), EMPLOYMENT CENTER (EC), BUSINESS PARK CENTER 1 (BPC-1), TOURISM COMMERCIAL CENTERS (TCC), INDUSTRIAL (IND), RESIDENTIAL HIGH (RH), RESIDENTIAL LOW (RL) TO CITY COMMERCE ACTIVITY CENTER (CAC), RESIDENTIAL HIGH (RH), INDUSTRIAL (I), MANUFACTURING WAREHOUSE (MW) AND RESIDENTIAL LOW (RL)**

At this time the Attorney was instructed to read Ordinance No. 1319 by title.

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

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. 1319 on second and final reading. Motion carried unanimously.

2. PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 1320 ASSIGNING THE ZONING CLASSIFICATION TO THE STANDARD SAND & SILICA CO. PROPERTIES FROM POLK COUNTY RESIDENTIAL MEDIUM (RM), EMPLOYMENT CENTER (EC), BUSINESS PARK CENTER 1 (BPC-1), TOURISM COMMERCIAL CENTERS (TCC), INDUSTRIAL (IND), RESIDENTIAL HIGH (RH), RESIDENTIAL LOW (RL) TO CITY COMMERCIAL HIGHWAY (C-3), MULTI FAMILY (MF), INDUSTRIAL (I-2), MANUFACTURING/WAREHOUSING (I-1), SINGLE FAMILY RESIDENTIAL (R-3)

At this time the Attorney was instructed to read Ordinance No. 1320 by title.

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

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

Motion by Commissioner Robinson and seconded by Commissioner Lynch to approve Ordinance No. 1320 on second and final reading. Motion carried unanimously.

3. PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 1321 ASSIGNING THE ZONING CLASSIFICATION TO THE STANDARD SAND & SILICA CO. PROPERTIES FROM POLK COUNTY RESIDENTIAL MEDIUM (RM), EMPLOYMENT CENTER (EC), BUSINESS PARK CENTER 1 (BPC-1), TOURISM COMMERCIAL CENTERS (TCC), INDUSTRIAL (IND), RESIDENTIAL HIGH (RH), RESIDENTIAL LOW (RL) TO CITY PLANNED UNIT DEVELOPMENT (PUD)

At this time the Attorney was instructed to read Ordinance No. 1321 by title.

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

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. 1321 on second and final reading. Motion carried unanimously.

4. PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 1336 AMENDING THE FISCAL YEAR 2023/2024 BUDGET

At this time the Attorney was instructed to read Ordinance No. 1336 by title.

Finance Director Donald Carter explained that as required by State Statue, at the end of each fiscal year the City's annual budget must be amended for any departmental revenue shortfalls

and excess spending. He then proceeded to outline the changes in the affected Departments. He further noted that the majority of this amount was the recent purchase of the new park property. Also noted were no changes to the Ordinance since first reading.

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 second and final reading Ordinance No. 1336 amending the Fiscal Year 2023/2024 Budget. Motion carried unanimously.

5. PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 1337 AMENDING THE DAVENPORT POLICE OFFICERS AND FIREFIGHTERS RETIREMENT SYSTEM, PROVIDING AN UPDATED DEFINITION OF CREDITED SERVICE

At this time the Attorney was instructed to read Ordinance No. 1337 by title.

Finance Director Donald Carter explained that this ordinance provided the procedures on how to buyback previous governmental or military years of service that had been left out in the original ordinance.

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

Motion by Commissioner Robinson and seconded by Vice-Mayor Clark to approve Ordinance No. 1337 on second and final reading. Motion carried unanimously.

6. PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 1338 AMENDING THE DAVENPORT GENERAL EMPLOYEES RETIREMENT SYSTEM, PROVIDING AN UPDATED DEFINITION OF CREDITED SERVICE

At this time the Attorney was instructed to read Ordinance No. 1338 by title.

Donald again explained that this was the same as the ordinance above but dealt with the General Employees plan.

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

Motion by Commissioner Fellows-Coffey and seconded by Commissioner Lynch to approve Ordinance No. 1338 on second and final reading. Motion carried unanimously.

NEW BUSINESS

1. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1309 ASSIGNING THE LAND USE CLASSIFICATION TO 12 HOLLY HILL DRIVE FROM CITY RESIDENTIAL LOW (RL) TO CITY COMMERCE ACTIVITY CENTER (CAC)

At this time the Attorney was instructed to read Ordinance No. 1309 by title.

Raymond explained that this was a request to assign the Land Use Classification to 12 Holly Hill Drive from City Residential Low (RL) to City Commerce Activity Center (CAC).

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. 1309 on first reading. Motion carried unanimously.

2. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1310 ASSIGNING THE ZONING CLASSIFICATION TO 12 HOLLY HILL DRIVE FROM CITY SINGLE FAMILY RESIDENTIAL (RE-2) TO CITY COMMERCIAL HIGHWAY (C-3)

At this time the Attorney was instructed to read Ordinance No. 1310 by title.

Raymond explained that this was a request to assign the Zoning Classification to the same property from City Single Family Residential (RE-2) to City Commercial Highway (C-3).

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

Motion by Commissioner Lynch and seconded by both Commissioner Fellows-Coffey and Commissioner Robinson to approve on first reading Ordinance No. 1310 rezoning 12 Holly Hill Drive from Single Family Residential to Commercial Highway. Motion carried unanimously.

3. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1324 ANNEXING 304 HOLLY HILL ROAD (OWNERS OF RECORD: OCASIO, JESUS M & OCASIO JESUS AND LOYDA RAMIREZ REVOCABLE TRUST)

At this time the Attorney was instructed to read Ordinance No. 1324 by title.

Raymond explained that this was a request to annex 304 Holly Hill Road.

The Mayor opened the Public Hearing.

Michael Sloan of 409 Sapphire Drive stated that this piece of property was behind his house and asked what it was being zoned. The Mayor informed him that right now the property was only being annexed. Raymond further provided that the land use intended was residential which was consistent with the surrounding properties. The zoning would be a specific type of zoning with a specific type of residential as well.

Carmen Cruz of 310 Holly Hill Road, adjacent neighbor and the property owner's daughter-in-law, voiced that they didn't agree with this annexation. She advised that her in-laws had not requested to be annexed. They were retired and their residence was a mobile home. They were concerned that if something were to happen to it that they would not be able to place another mobile home or prefab home on the property.

The City Manager asked Raymond if he had an annexation petition on the property. Raymond responded that he did. Mrs. Cruz further stated that they had not signed an annexation

petition, to which the City Manager informed her that they would have signed one in order to get city water. Raymond stated that he did not have a copy of the annexation petition with him but would provide them with his business card and they could discuss it further. He informed Mrs. Cruz that there were options if the mobile home was destroyed. They a limited amount of days to replace it, however if it had been sold with nothing there then the type of development had to be a single-family home. Mrs. Cruz further stated that they had called the county, and they were told that if it remained in the county that they could replace it with another mobile home but if they were annexed that they would lose that ability. Her in-laws were concern with the Impact to the cost of water and were worried about the impact to their finances.

Mr. Floyd Jerzak of 922 Kingham Road stated that he was the owner of the item coming up and he too was against his annexation. He was the original property owner and didn't remember signing an annexation petition. The City Manager informed him that his would be reviewed also, but they would go ahead and do the first reading of the ordinance.

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

Motion by Vice-Mayor Clark and seconded by Commissioner Robinson to approve Ordinance No. 1324 on first reading. Motion carried unanimously.

4. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1325 ANNEXING 100 NORTH BOULEVARD EAST (OWNERS OF RECORD: SOLORZANO MARTER GARDUNO AND ARROYO SONIA)

At this time the Attorney was instructed to read Ordinance No. 1325 by title.

Raymond explained that this was a request to annex 100 North Boulevard East.

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

Motion by Commissioner Fellows-Coffey and seconded by Commissioner Lynch to approve Ordinance No. 1325 on first reading. Motion carried unanimously.

5. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1327 ANNEXING 1738 LAKEWOOD ROAD (OWNER OF RECORD: MELBA HAYNES)

At this time the Attorney was instructed to read Ordinance No. 1327 by title.

Raymond explained that this was a request to annex 1738 Lakewood Road consisting of .47 acres.

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

Motion by Commissioner Robinson and seconded by Vice-Mayor Clark to approve Ordinance No. 1327 on annexing 1738 Lakewood Road on first reading. Motion carried unanimously.

6. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1328 ANNEXING 922 KINGHAM ROAD (OWNERS OF RECORD: FLOYD D. JERZAK AND JOSEPH M. JERZAK)

At this time the Attorney was instructed to read Ordinance No. 1328 by title.

Raymond explained that this was a request to annex 922 Kingham Road. He reminded them that they had already heard from the property owner and his concerns.

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

Motion by Commissioner Lynch and seconded by both Commissioner Robinson and Commissioner Fellows-Coffey to approve on first reading, Ordinance No. 1328. Motion carried unanimously.

7. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1329 ANNEXING 110 EAST FULLER STREET (OWNER OF RECORD: ESTATE OF FLOREE HOWELL)

At this time the Attorney was instructed to read Ordinance No. 1329 by title.

Raymond explained that this was a request to annex 110 East Fuller Street.

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

Motion by Vice-Mayor Clark and seconded by Commissioner Lynch to approve Ordinance No. 1328 on first reading. Motion carried unanimously.

8. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1330 ANNEXING 0 HIGHWAY 547 N. (OWNER OF RECORD: FORES PROPERTIES LLC)

At this time the Attorney was instructed to read Ordinance No. 1330 by title.

Raymond explained that this was a request to annex 0 Highway 547 N.

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. 1330 on first reading. Motion carried unanimously.

9. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1331 ANNEXING 0 US HIGHWAY 17/92 (OWNER OF RECORD: CM HOLDINGS CFL INC.)

At this time the Attorney was instructed to read Ordinance No. 1331 by title.

Raymond explained that this was a request to annex 0 US Highway 17/92 consisting of 1.85 acres.

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

Motion by Commissioner Robinson and seconded by Commissioner Fellows-Coffey that the Commission approve Ordinance No. 1331 on first reading. Motion carried unanimously.

10. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1334 ASSIGNING THE LAND USE CLASSIFICATION TO POWERLINE ROAD SOUTH FROM CITY RESIDENTIAL LOW (RL) TO CITY COMMERCE CENTER (CAC)

At this time the Attorney was instructed to read Ordinance No. 1334 by title.

Raymond explained that this was a request to assign the Land Use Classification to Powerline Road South from City Residential Low (RL) to City Commerce Center (CAC).

The Mayor opened the Public Hearing.

Troy Chasse of 409 East Palmetto informed them that he liked the idea of the concrete wall. However, he had a problem with the increase in traffic and asked if they could slow down until the roads caught up to handle it. There were potholes that kept getting patched and asked where the impact fees were going to. The Mayor responded that the county was not going to slow down and the areas outside the city limits were growing faster than the areas inside the city. He also told him that the city was sending hundreds of thousands of dollars in impact fees to them. The City Manager also informed him that staff has been working for years with DOT on the 4-laning of Highway 17/92. They have already done the survey through town. He emphasized that all these roads fell under the jurisdiction of the county and state and the city was doing everything they could to help alleviate congestion. It was currently working with a developer to get Powerline Road extended from South Boulevard to Bargain Barn Road. They were also working with the County and one of the developers to tie Bargain Barn Road to Powerline Road and install a traffic light at that intersection. The city understood the problem they were having and were doing everything they could. He further shared that there were several projects that were going to help with the traffic.

Mr. Chasse asked what type of commercial was going in. He was informed that it would be small retail like barber shops, pizza shop, coffee shop, offices, etc.

The Mayor further informed him that the Powerline Road extension was something the city has been working on really hard. This small extension would help with traffic a great deal because it was going to reroute it. He reiterated that when it came to a state or county road, it was going to get worse before they would do anything to make it better. He informed him that the Vice-Mayor sat on the TPO Organization and went to Bartow once a quarter and met with the DOT and County Commissioners. He was their advocate to try to get road improvements in their area.

Vice-Mayor Clark informed him that right now they were working on 2045. Northeast Polk County and Davenport were finally getting noticed. They have been working really hard to make things happen. They had a meeting this Thursday and they needed citizens from Davenport to be there and encouraged his attendance.

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

Motion by Commissioner Lynch and seconded by Vice-Mayor Clark to approve on first reading Ordinance No. 1328. Motion carried unanimously.

11. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1335 ASSIGNING THE ZONING CLASSIFICATION TO POWERLINE ROAD SOUTH FROM PLANNED UNIT DEVELOPMENT (PUD) TO CITY COMMERCIAL NEIGHBORHOOD (C-1)

At this time the Attorney was instructed to read Ordinance No. 1335 by title.

Raymond explained that this was a request to assign the Zoning Classification to the same property from Planned Unit Development (PUD) to City Commercial Neighborhood (C-1).

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

Motion by Commissioner Fellows-Coffey and seconded by Commissioner Lynch to approve Ordinance No. 1328 on first reading. Motion carried unanimously.

12. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1377 AMENDING THE DAVENPORT CITY CHARTER

At this time the Attorney was instructed to read Ordinance No. 1377 by title.

Assistant City Manager Steve Hunnicutt explained that as they had requested at their last meeting, the Attorney had drafted the ordinance and was being presented to them tonight.

In answer to the Mayor's question, the Attorney answered that the changes were broken down to four (4) Amendments.

The Mayor wanted to go on the record and stated that each City Commissioner had volunteered a resident and none of the five (5) Commissioner had anything to do with the review of the Charter. This was what had been brought to them at their last meeting and they were moving forward with it. Whatever decision they made regarding this ordinance, ultimately it was up to the voting residents to decide.

The Mayor opened the Public Hearing.

Margo Conti of 302 East Lemon Street asked if the ordinance removed the section regarding the sewer. The Mayor responded that this was correct and it gave the city the opportunity to offer sewer to the residents. As it currently read, the city could not even offer city sewer to the residents in the traditional part of Davenport. They couldn't even plan to do it unless this section was removed. He further stated that even if it passed in April that city sewer might not even be available for a number of years because they still had to find a way to plan and fund it and then construct it. They had businesses and new houses being built and they couldn't even offer it to them because of this section in the Charter. He emphasized that they were not forcing city sewer on anybody but at some time they were going to be mandated by the state and that point they would have no choice.

Ms. Conti further asked how expensive this would be because it was going to create a hardship for some people. The Mayor responded that they didn't even know yet because we haven't done any planning and wouldn't be able to until this section was removed.

The City Manager further emphasized that this was not going to create any hardship for anybody. The Mayor had just told her that they didn't have any plans at this point to do anything so she was just assuming that they were forcing her hook on to sewer. This was simply giving residents an option. A sewer line ran down the street on Escambia Avenue and the City couldn't even offer those people that lived on it the option to hook on because of this Section in the Charter.

The City Manager further voiced that 7 years ago the city had done a terrible job of promoting this project and letting the residents know about it and how it would take place. That administration was no longer there, and he was not going to allow negative nonsense about how it was going to hurt the residents because it wasn't going to hurt the residents. Anybody saying this nonsense was nonsense.

The Mayor also added that he had a perfectly good working septic tank but they have builders asking why they don't have city sewer on these vacant lots and the reality is that they can't because of the way the Charter is written. Seven years ago, the state wasn't coming down on them as hard about septic tanks, but there would come a day when they were going to mandate it and the residents were going to pay whatever the rate was. At least this way if they plan it, hopefully they could get some grant money to help pay for it so that it lowered the cost to everyone.

The Attorney shared that he has practiced law in Florida for 45 years. The very first thing he had to do in 1979 was try and force mandatory sewer connection in an area where they had borrowed money from Community Development Block Grant and he had sworn that he would never file another case like that in his life. It was impossible for him to conceive that there would be a city in any state in the country that when someone came to them and wanted to connect to a sewer system, that they wouldn't have the ability to do it. Cities were formed to try and assist homeowners to be able to have clean water and that's what sewers did. There were areas where septic tanks worked well, but there were areas where they didn't work like that. There were businesses that everyone would love to have in Davenport, but they couldn't build without sewer. So thinking that removing this language was going to somehow lead to mandatory connection was simply false. Removing this language would allow the city to honor the wishes of citizens. No one up at the dais was saying that they wanted to do mandatory connections and if they did, he would tell them not to.

Maria Ruiz of 214 East Lemon Street stated that she understood that they weren't trying to obligate them to connect to the sewer. So why did they have to take out the part from the section, "The City shall not require owners of residential properties with on-site septic systems existing as of January 1, 2012 to pay any fees, costs, or assessments associated with the care, maintenance, repair, construction, reconstruction or expansion of the City's existing or future sewer system". She felt that this part should stay. Even though they were not obligating her to do it what if it happened, why should she pay for all the other things. The Mayor responded that the sewer system was part of the Enterprise Fund and under no circumstances did they use any other city funds or taxes to pay for any of their water or sewer

programs. The fees that they charge pay for the building, maintenance and repair of their water and sewer systems.

Ms. Ruiz further asked what if she had to connect to the sewer system who was going to pay for all of this. The Mayor responded that they had impact fees that would be paid by the customer. The Attorney also added that if this was a voluntary connection then yes there would be however, when there was a septic to sewer conversion, most of the time this has been paid by grant money. He further informed her that there would be a monthly rate for the service. However, they had to have the ability and flexibility to do something going forward in order to be able to deal with the state and federal government. She was further told that there have not been any requests on Lemon Street and there were no immediate plans to run a line in front of her house.

Darlene Bradley of 215 East Bay Street also accepted and stated that in 2012 Mayor Peter Rust had told the citizens that when it came to putting in sewer lines in the city that he didn't care what the people wanted. Also, meeting recordings at the same meeting had the City Attorney stating that the hookup fee per home was \$5,000 and if the people didn't pay for the hookup from the alley or the street to their home, that he would place a lien on the property.

In 2013, the Charter amendment was overwhelmingly voted for to amend the Charter to add this Section. This amendment did not affect commercial property. In the same election the people also voted to reduce the term limits for the Mayor and Commissioners from 4 years to 2 years. There were several meetings where people expressed their concerns about the increased monthly cost to the sewer. They were told that there would be a \$5,000 hookup fee and then they were told that they had to pay for the cost to remove the septic tank, yet the Mayor and Commission at that time did not listen.

In the draft they are proposing tonight, they were eliminating this Section 9.05, this was the Charter that the people voted for in 2013, so they too were ignoring the people by removing this. Residents in 2012 were trying to decide what necessities they could pay. So why would they remove an amendment that protects the people and their homes. If they removed this section and a sewer line is run down Lemon or Bay Street, the state would mandate that the homeowner hook up within a year at the homeowner's expense. They had an option to leave 9.05 as it is or an option to add this amendment for those that want it and can hook up to it. She further asked them what was the real issue to remove Section 9.05. What was it going to cost them to hook up whether it be now or later. Would it be a surprise bill added to their property taxes? The homes that have sewer now was paid for by the developers and these were the homes on 40' to 60' lots.

Why didn't they just address the real problem because of sewer lines. Sewer lines allowed for smaller lots which increased the population, which increased the traffic and was also a burden on their water supply. They needed to manage the growth and not let growth manage the city.

She asked them why not spend their time and the city's money to beautify the city. Work with DOT and the County to improve the roadways. Assist commercial owners with their properties and taxes. Maybe provide a grant to improve their businesses. Whether they were handpicked or elected, they took an oath to represent the people of Davenport. Did they represent the people of Davenport, themselves, or a developer?

She didn't have a problem with the 4-year term as long as they represented the people. She asked that they respect the voice of the people of Davenport and asked for their vote not to remove Section 9.05 but amend it.

In closing, she stated that on her way in tonight she was threatened and harassed by one of the Committee members, Commissioner Lynch's wife. She had made all kinds of accusations as she walked in and basically bullied her not to come in. She was a resident and she paid her taxes. She had also been the Mayor and never took a salary. She cared about the people of Davenport.

She further asked if there was a hidden agenda. She questioned why there was not a draft of the Charter anywhere and there had been no discussion of it in the last minutes.

The City Manager informed her that he had gone by and spoken to both her and John about it. There was no hidden agenda. They were simply talking about taking the verbiage out so if someone wanted to hook up they had that ability. So if John or her or anybody else wanted to go around and tell people that they were threatening them that they had to pay \$5,000 or \$20,000, these people were listening to this nonsense. There was no one up at the dais that was making anybody pay \$5,000 or \$20,000. Right now, they had no plans to do anything with the sewer on this side of the town. But if the city in the future wanted to or if the state mandated them to, they would look for grants to pay for the infrastructure to go in just like they had done to install the new water lines, which he further added that no one had charged anyone for them.

Kelly further stated that the way the Charter read now, if a resident came to them right now that lived on Lemon Street close to Escambia Avenue and their septic tank went out, they couldn't hook up. He emphasized that this should be their option and not anybody else's option. Let the residents have the option. It didn't matter what the Commission voted for because ultimately it would be the residents that would make the final decision.

The Mayor further informed her that this had been in 2013 and they were fixing to be in 2025. Would she not agree that the city had changed a lot since then and that they had three times the number of residents since then. So why not give those residents the same voice they gave those in 2013.

Commissioner Lynch asked her why they didn't have the sewer. Ms. Bradley responded because they didn't need it. Commissioner Lynch further told her that the reason why they didn't was because her, her husband and the group of people she had gotten together had put it in every citizen's mind that they were going to have to pay a fee because they were going to tax it to their property. Nobody would have had to pay anything because it was included. They had done a disservice to the citizens of Davenport. She also didn't seem to remember that she had changed the term limits to her advantage a few years ago, which was to keep her office longer. The point he was trying to make was that the expense for the hookup was included in the USDA loan and the only thing the residents had to pay was the monthly charge.

Denise Lynch of 115 East Cypress Street took the floor and stated that since her name had come up that she wanted to clarify some things. She further stated that when she had walked up to the meeting tonight Ms. Bradley was standing outside with a group of people telling

them more lies. She had stood there and listened to her tell untruths. Ms. Bradley had announced her presence and that she was part of the reason for the sewer being removed. Denise stated that she had then reminded her about how her and her husband had gone door to door, lying to the residents. She had told her friends the spelling of her name so that they could look up her jail photo and see her record and what she had done and how she had embarrassed the city. But at no point did she threaten or harass her and she had a witness who would agree that none of that had happened.

Tom Fellows of 202 North Miami Avenue stated that as a member of the Charter Review Committee he assured the residents that the intent of removing Section 9.05 was not in any reason to force sewer on the traditional Davenport. It was proposed to remove it to not restrict future Commissions in the event that they wanted to have sewer on the old side of town. It hadn't happened during his tenure, or this Commission's tenure but years from now the State might force them to install sewer and they can't do it because they have this section in the Charter. He further stated that they can't even try to go out and find funding because it's in their Charter. Mr. Fellows further shared that the reason it was in the Charter and the reason the residents had passed it was because they were misled. Mr. Fellows pointed out that it was a public health issue and an issue that they would have to face at some time and they didn't need to hamstring the future Commission by not allowing at least the opportunity to have the sewer.

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

Motion by Commissioner Lynch and seconded by Commissioner Fellows-Coffey to approve on first reading, Ordinance No. 1377.

Discussion ensued by the Commission with Commissioner Robinson voicing that in her personal opinion she felt that they should take out the super majority vote to remove the City Manager and keep it simple majority. Right now they were extremely fortunate to have an excellent City Manager and they've always had an excellent City Clerk. However it was not that long ago that they had a City Manager that was not as able and if they had super majority they would not be where they are now and would still be in the past and would not have been able to hire Kelly.

Commissioner Lynch stated that he was fine with the way it was.

Commissioner Fellows-Coffey also voiced that she was fine with the way it was. She agreed that they had a great City Manager but at some point, he was going to retire. She felt that super majority was a protection and if they were truly not doing the job that they were hired for then getting the super majority would not be an issue. However, she respected Commissioner Robinson's opinion.

Commissioner Robinson voiced that she too respected her opinion however she felt that it was not a very valid one because a lot of times they didn't know what type of person they were getting until they actually worked for them. All this person would need would be one person on their side and they would not be able to move forward if they had a super majority. She further shared that the City Manager they had in the past had been able to be removed because of the simple majority, otherwise they would still be 10 years in the past.

She also wanted to go on record that she was is in favor of removing Section 9.05 however when it had come to the voters initially, she had voted for it because the financial numbers and information that she had been provided with by the City Manager at the time had not been accurate and feasible. At this point, and the way Davenport was moving forward, she was in favor of taking it out.

Commissioner Fellows-Coffey countered that to say that the city was not moving forward and had place it solely on Amy Arrington would be a disservice because she served at the pleasure of the Commission and the ultimate decisions for the direction of the city came directly from the dais. She believed that the city has moved forward by leaps and bounds because they have a very capable and skilled City Manager and City staff, but also because over the past decade they've had Commissioners, who although might not agree every time, they loved the city and have worked towards the common goal of the city and who were able to remove egos from their decisions. She didn't feel that this was always the case during the former city manager's tenure.

Vice-Mayor Clark voiced that he was for the changes.

Mayor Summerlin stated that they each had selected a person to review the Charter. He in good conscience could not take all their hard work and throw it back at them. At the end of the day the decision would be made by the voting residents of the city. If the residents had a problem with simple or super majority, it would be reflected in April when this was voted on. He didn't think that it was their job to take somebody else's hard work and change it because of the way they feel. They had asked them to review the Charter, and they had brought back recommendations and they needed to honor them. At the end of the day, they all worked for the residents of the city.

Commissioner Robinson agreed but as a City Commissioner she felt that she had the right to express her opinion.

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

13. REQUEST TO APPROVE PIGGYBACKING OFF THE COLLIER COUNTY CONTRACT AND APPROVE THE LABORATORY SERVICES AGREEMENT WITH PACE ANALYTICAL SERVICES, LLC

Environmental Compliance Officer/Grant Administrator John Lindsey explained that this was a request to piggyback with the Collier County Contract with Pace Analytical Services for their current compliance monitoring. He further added that the city currently used Pace Analytical Services and this would solidify their prices for the next 2 years and was already in the Budget.

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

Motion by Commissioner Robinson and seconded by Vice-Mayor Clark to approve piggybacking off the Collier County contract and approve the Laboratory Services Agreement with Pace Analytical Services, LLC. Motion carried unanimously.

14. REQUEST TO APPROVE THE INTERAGENCY AGREEMENT BETWEEN THE FIRE DEPARTMENT AND THE POLK COUNTY SHERIFF'S OFFICE FOR CRIMINAL JUSTICE INFORMATION SHARING

Fire Chief JT advised that this was a housekeeping item which cleaned up some language from previous agreements and allowed them the access and use of criminal justice information as required by the FBI.

Motion by Commissioner Lynch and seconded by Commissioner Fellows-Coffey to approve the Interagency Agreement between the Fire Department and the Polk County Sheriff's Office. Motion carried unanimously.

15. REQUEST TO APPROVE THE INTERAGENCY AGREEMENT BETWEEN THE POLICE DEPARTMENT AND THE POLK COUNTY SHERIFF'S OFFICE FOR CRIMINAL JUSTICE INFORMATION SHARING

It was explained that this Agreement was the same, but with the Police Department.

Motion by Commissioner Lynch and seconded by Vice-Mayor Clark to approve the Interagency Agreement between the Police Department and the Polk County Sheriff's Office. Motion carried unanimously.

16. REQUEST TO CHANGE THE JANUARY 2025 MEETING SCHEDULE

The City Manager explained that the Martin L. King, Jr. holiday fell on their Planning Commission and Regular Meetings and staff was seeking approval to change them to Tuesday, January 21st.

It was the consensus of the City Commission to hold their Planning Commission and Regular Meetings on Tuesday, January 21st.

CITY MANAGER REPORT

The City Manager thanked all the WinterFest and parade sponsors. This was an event that continued to grow, and it took all the city's staff to make it successful. He also shared that he and Chief Parker had had lunch with the Captain at the Sheriff's Department and had asked for some help for next year's event. They had been more than happy to help and would be sending 5 or 6 officers to help out.

He reminded everyone of their Taste of Davenport event on January 18th. Tickets were \$30.

CITY ATTORNEY REPORT

The City Attorney wanted to thank them for their kind invitation to the employee dinner last Friday night for many reasons.

First, it was the season for gathering with friends and family and Davenport has certainly been both of those things to his firm and him personally.

Secondly, it was beneficial for him to get better acquainted with all the folks who make up Davenport City government. They had come a long way.

Third, he thanked them for all the Davenport bling. I'm sure they all knew by now that his perfect noggin required a large collection of hats and theirs would be a favorite.

Fourth, like many of them, he was a refugee from the City of Haines City exodus. Occasioned by the relocation of Ann Toney-Deal to the Gulf Coast. He knew that Ann had done alright by that though it took some folks awhile and a few lost lawsuits to figure that out. He felt that the Haines City alumni did pretty well too in the last analysis, being here.

The Parks & Rec guy from down there has certainly demonstrated his abilities to help guide a town with growing pains. Building things people use as a community has got to be the best way to bring people together. A lot of big cities like Orlando and Tampa could do worse than follow that example.

It's true that he has become a citizen of his wife's home state of Virginia. He promised her a decade ago that when she said go, they would. She had given him another decade of doing what he loved the most and that was being a city attorney. When he thought back on 50 years of learning and practicing law, it has been humbling to realize how important local government is to successful communities and how little thanks mayors and commissioners receive. One day this community was going to look back on them with pride on things they all have accomplished, and he would bet the farm that the best is yet to come. He has moved but is not retiring yet. He knew that there are a few things that he needs to help with and be involved in and he will always be a phone call away. If he was needed, he would be there pronto.

Sharing a few parting thoughts of things he has learned along the way, he provided the following.

- No one should erect a statute to a lawyer but lawyers will certainly provide great joke material.
- Hanging out with lawyers is like swimming with sharks. Occasionally one might reach over and take a bite of you.
- Never delay bad news but try to have a ready solution when you get it.
- If you have to dine on a plate of crow, don't nibble.
- Cemeteries are full of indispensable people.
- And his favorite, by Niccolò Machiavelli, No government should ever imagine that it will always be able to find the answers to all its problems. It should make up its mind to the fact that all its decisions will have an element of hazard.
- If you spend your life doing what you love it isn't work.

Thanked the Commission for the opportunity.

CITY CLERK REPORT

Wished everyone a Merry Christmas and Happy New Year.

CITY COMMISSION COMMENTS

Commissioner Fellows-Coffey thanked the City Attorney for everything he has done for the city over the years.

She also wanted to say that Friday night they had the city's Christmas party and she was very impressed that the city leadership and Department Heads took the time to call up every single staff member by name and talk about how they are an asset to the city. There are very few organizations of any kind that do this and she was proud to live in a city and be affiliated with a city and represent a city that understands that they are only as strong as their staff and residents. She wanted to once again say to the city staff in the room to please know that they valued them and appreciated them all year long and not just at Christmas.

The parade and WinterFest had been great. She has seen other parades this holiday season and she would put theirs up against any of them. She felt that it had run very smoothly given the volume of floats and spectators and the vendors at the event. She thanked Danny and his team and the entire city staff. She thanked everyone that had come out and participated. As often quoted by the Mayor and City Manager, Davenport was a great place to live, work and play and Saturday had been a great illustration of that.

She also wanted to go on record concerning the comment made tonight that some of the Commissioner were elected and some were handpicked and she couldn't help but feel that this was aimed at her given the disinformation that has been formed around for the past 18 months. She didn't believe that she was in any way handpicked. She had gone through the qualification process just like everyone else up at the dais, and no one else had, so she had drawn no opposition. So she didn't know how this would equate to this Commission or more specifically her father who had nothing to do with it and handpicking her and putting her in this seat. She had kept quiet all these months but if it kept coming up, the City Clerk had her records. She was sitting in this seat because she has lived in this town nearly her whole life. She loved this town with every part of her being. She had moved back to raise her son in this town and to give him the experiences her parents had given her growing up in this town. To insinuate anything less really got under skin, but with that she wished everyone a Merry Christmas and Happy New Year.

Commissioner Lynch told the Attorney that he appreciated everything that he has done for the city and hoped he enjoyed himself. He also wanted to say that Staff had done a great job at their employee Christmas dinner. He thanked Danny and his staff for everything they did. He too liked that they recognized the employees at their dinner. The parade had been great and he really had a great time.

In conclusion, he apologized for his outburst, but he felt that things needed to be said. He wished everyone a Merry Christmas.

Commissioner Robinson informed him that sometimes things had to be clarified, and he had done a great job.

She also stated that the employee dinner had been outstanding and she had enjoyed it very much. She congratulated James Coker for being the Employee of the Year.

Addressing the Attorney, she told him that she had known him a long time and he has always been an excellent city attorney for Haines City and Davenport and the city was very fortunate to have him as an attorney.

She also thanked Kelly, Steve, the City Clerk and all their management team for their leadership and for everything that they did. She wished everyone a Merry Christmas.

The Vice-Mayor also thanked the Attorney for always answering his questions. He hoped that his time in Virginia was blessed and that he enjoyed his time with his wife.

Going on record, Vice-Mayor Clark explained why he had chosen his nominee for the Charter Review Committee. He had one stipulation. His stipulation was that he felt that the person that he would nominate would have to be someone that came to this Commission and were part of this meeting and would know what was going on. His decision was based solely on that.

Unfortunately, he was unable to attend the employee dinner because he had to do a wedding that night.

He had been overwhelmed at the amount of people at their WinterFest Saturday. He also reminded them of their Sharing Christmas event next Saturday.

He also wanted to express their transparency with the community and if they ever had an issue, to come to them and they were going to be honest with them. They had nothing to hide. He thanked all the city staff and both the Fire and Police Departments who were dear and near to his heart. He wished everyone a Merry Christmas and a Happy New Year.

The Mayor shared that he had been a Commissioner during the aftermath of the annexation wars and in 2004 and he had hated the Attorney's guts then because he had to vote for the city to pay for the Attorney's fees for the fight that they had lost. However, when he found out that they were getting him as their new City Attorney, the first thing that had gone through his mind was "yes he hated that bulldog, but now he was their bulldog". The Mayor further stated that most of them didn't know but Tom Cloud was a wealth of knowledge and he was not just talking about the law. When they sat up here before the meetings, he always had a story and his stories were always phenomenal. He never left this building without learning something from him. He hated to see him go, but he also knew that he was only a phone call away. He knew that they would have representation from his firm, and he had some very great people that were going to do a great job. He also knew that when it was crunch time and they needed to call Tom Cloud, he was going to answer the phone call. He wanted him to be able to enjoy everything that his wife wanted him to do. Having him available to them by phone or through emails was still invaluable.

He also shared that he had received a call from a City Commissioner from a sister city who had been invited to participate in their parade. The compliments they had received from this Commissioner were phenomenal to the point that they had said that Davenport had a much better parade and more people than they had at their parade and how much more people Davenport had at its WinterFest then they had at their Glitter, Glisten and Snow. This had been a tremendous compliment, and it spoke tremendously of their staff. This made their job

as the Commission and Mayor that much more easy and he enjoyed getting on the stage and bragging about their city and staff.

Drawing Chief Parker's attention to him, he informed him that he wanted an investigation. He had seen the picture from last Saturday of Santa Claus sitting in his chair holding his gavel and he wanted fingerprints.

He wished everyone a Merry Christmas and a Happy New Year. They were excited about 2025. He hoped to see the residents at as many meetings as possible. He assured them that the comments that they made did not fall on deaf ears.

There being no further business, the Mayor adjourned meeting.

Meeting adjourned at 9:08 p.m.

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



Raquel Castillo, City Clerk