

City of Davenport Commission Minutes of February 19, 2024

Minutes of the Regular Meeting of the City of Davenport, Florida, held Monday, February 19, 2024 at 7:05 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 in the audience that wished to speak on any item not on the agenda.

Freida Priest of 105 E. Maple Street accepted and voiced that tonight she was speaking on behalf of the Historical Society. They were recommending that one of the ballfields at the Lewis Mathews Sports Complex be named after Ray Adair. The City Manager and Mayor both informed her that it was the intention of the City Commission that one of the fields be named after Ray Adair.

Scott Woodlee of 1636 Aspen Avenue in the Forest Lake subdivision also accepted and asked the following:

- He questioned how many businesses the company Retail Strategies had brought in to the city. The Mayor answered that they have not had any as of yet, but as with any good business plan, it required time and planning. He further informed him that whenever Retail Strategies had come to them with their proposal, they were told that it would take 3 to 4 years and quite frankly the city didn't have the inventory available yet. However, as they annexed, they were adding commercial inventory to bring retail type growth to their city. It was unfortunate that former city fathers had chosen to stick their heads in the sand and hadn't planned for retail growth. He further explained that Retail Strategies was a planning company and would help plan for the retail growth of the city. If it took 3 or 4 more years, he would still be on board with it because they were bringing them opportunities. So, in further answer to his question, the Mayor added that they hadn't brought them anything that has hit the ground but felt that in the very near future they would because they had some annexation plans that were going to have some very large commercial properties to the north of town and those would be instrumental in bringing them retail and commercial growth.
- Mr. Woodlee asked for more information on the medical marijuana facility. The Mayor answered that nothing else had been brought to them on this and until a permit was issued by the state there was nothing for them to do. He further told him that the former mayor had sent a letter of support to the applicant for their state application. Commissioner Lynch also added that this was done on a point system throughout the state. The City Manager also told him that when they were in Tallahassee, he had asked the legislators about this. There has been a delay with the permitting. At this point they still have a lease with Holly Hill but until they get a permit there was not a whole lot more anyone could do.

- On December the 19th he had sent an email to all the Commissioners asking simple questions and to date he hadn't heard from three (3) of the Commissioners.

The Mayor responded that he would address the questions for him contained in his email. The first question was regarding the Police presence on North Boulevard West. The Mayor informed him that this Commission employed three people and all three were up at the dais with them. The rest of the staff worked for the City Manager. They didn't tell staff what to do. This wasn't their job; it was the City Manager's job. Having said this, they've had at least 5 residents come to them asking them to address speeding on North Boulevard West. They had looked at their Police Chief and he had told them that he would step up patrols. It was not up to them to tell him how many hours, or how many cars or how many officers to put out there. All he cared was if he had gotten results. As such, he has not gotten any more complaints about speeding and he was going to go on the assumption that they have taken care of it. Mr. Woodlee informed him that this had not been his question. He had wanted to know who had told who what to do and he didn't need a lecture.

Addressing Mr. Woodlee, the Mayor told him that he loved stirring up trouble. Mr. Woodlee responded that he didn't. The Mayor asked him to stay where he was because he was going to address his issues. Mr. Woodlee countered that he would go whenever he felt like going. The Mayor responded that this was his meeting, and he was welcome to do so but they were going to talk about it in public. Mr. Woodlee replied that he didn't want to be lectured by somebody to which the Mayor replied that he was not going to be lectured by him either, but he had asked questions and he was going to answer them. Mr. Woodlee replied that he hadn't answered his question to which the Mayor replied that he had answered it.

The Mayor shared that Mr. Woodlee's other question was regarding the naming of buildings. He explained that the Commission used historical information and has historically named buildings after citizens of this town. Citizens of this town that have done a lot for this city such as Gene Carroll, Lewis Mathews, Marguerite Williams. They were talking about people that had given their lives to this city. Tom Fellows, Bobby Lynch and he could go further but those were five that he could name off the top of his head. They all had a place in the history of Davenport.

Mr. Woodlee responded that this was all they had to say but no one could do that. He thanked them for their time.

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

CONSENT AGENDA

Motion by Commissioner Fellows-Coffey and seconded by Commissioner Lynch to approve the Consent Agenda which consisted of the February 5, 2024 Regular Meeting minutes and the 2024 Summer Recreation Camp School Bus Lease. Motion carried unanimously.

OLD BUSINESS - None

NEW BUSINESS

1. **PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1244 ASSIGNING THE LAND USE CLASSIFICATION TO 111 CHARLES AVENUE FROM POLK COUNTY RESIDENTIAL SUBURBAN (RS) TO CITY RESIDENTIAL LOW (RL)**

At this time the Attorney was instructed to read Ordinance No. 1244 by title.

City Planner Raymond Perez explained that this was presented to the Planning Commission and there were no changes.

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

Motion by Vice-Mayor Clark and seconded by Commissioner Fellows to approve Ordinance No. 1244 on first reading. Motion carried unanimously.

2. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1245 ASSIGNING THE ZONING CLASSIFICATION TO 111 CHARLES AVENUE FROM POLK COUNTY RESIDENTIAL SUBURBAN (RS) TO CITY SINGLE FAMILY RESIDENTIAL (R-1)

At this time the Attorney was instructed to read Ordinance No. 1245 by title.

Raymond explained that there were no changes since the presentation to the Planning Commission.

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. 1245. Motion carried unanimously.

3. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1246 ASSIGNING THE LAND USE CLASSIFICATION TO 213 SOUTH BOULEVARD W. FROM POLK COUNTY RESIDENTIAL SUBURBAN (RS) TO CITY RESIDENTIAL LOW (RL)

At this time the Attorney was instructed to read Ordinance No. 1246 by title.

Raymond explained that there were no changes since the presentation to the Planning Commission.

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

Motion by Commissioner Fellows and seconded by Commissioner Lynch to approve Ordinance No. 1246 on first reading. Motion carried unanimously.

4. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1247 ASSIGNING THE ZONING CLASSIFICATION TO 213 SOUTH BOULEVARD W. FROM POLK COUNTY RESIDENTIAL SUBURBAN (RS) TO CITY SINGLE FAMILY RESIDENTIAL (R-1)

At this time the Attorney was instructed to read Ordinance No. 1247 by title.

Raymond explained that there were no changes since the presentation to the Planning Commission.

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 on first reading, Ordinance No. 1247. Motion carried unanimously.

5. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1248 ASSIGNING THE LAND USE CLASSIFICATION TO 111 CRESTVIEW COURT FROM POLK COUNTY RESIDENTIAL SUBURBAN (RS) TO CITY RESIDENTIAL LOW (RL)

At this time the Attorney was instructed to read Ordinance No. 1248 by title.

Raymond explained that there were no changes since the presentation to the Planning Commission.

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

Motion by Vice-Mayor Clark and seconded by Commissioner Fellows to approve Ordinance No. 1248 on first reading. Motion carried unanimously.

6. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1249 ASSIGNING THE ZONING CLASSIFICATION TO 111 CRESTVIEW COURT FROM POLK COUNTY RESIDENTIAL SUBURBAN (RS) TO CITY SINGLE FAMILY RESIDENTIAL (R-1)

At this time the Attorney was instructed to read Ordinance No. 1249 by title.

Raymond explained that there were no changes since the presentation to the Planning Commission.

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. 1259. Motion carried unanimously.

7. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1252 ASSIGNING THE LAND USE CLASSIFICATION TO 102 FOREST AVENUE FROM POLK COUNTY RESIDENTIAL LOW (RL-3) TO CITY MANUFACTURING WAREHOUSE (MW)

At this time the Attorney was instructed to read Ordinance No. 1252 by title.

Raymond explained that there were no changes since the presentation to the Planning Commission.

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

Motion by Commissioner Fellows and seconded by both Vice-Mayor Clark and Commissioner Lynch to approve Ordinance No. 1252 on first reading. Motion carried unanimously.

8. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1253 ASSIGNING THE ZONING CLASSIFICATION TO 102 FOREST AVENUE FROM POLK COUNTY RESIDENTIAL LOW (RL-3) TO CITY MANUFACTURING WAREHOUSE (I-1)

At this time the Attorney was instructed to read Ordinance No. 1253 by title.

Raymond explained that there were no changes since the presentation to the Planning Commission.

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 on first reading, Ordinance No. 1253. Motion carried unanimously.

9. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1254 ASSIGNING THE LAND USE CLASSIFICATION TO 0 WILTON PLACE FROM POLK COUNTY RESIDENTIAL MEDIUM (RM) TO CITY RESIDENTIAL LOW (RL)

At this time the Attorney was instructed to read Ordinance No. 1254 by title.

Raymond explained that there were no changes since the presentation to the Planning Commission.

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

Motion by Vice-Mayor Clark and seconded by Commissioner Fellows to approve Ordinance No. 1254 on first reading. Motion carried unanimously.

10. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1255 ASSIGNING THE ZONING CLASSIFICATION TO 0 WILTON PLACE FROM POLK COUNTY RESIDENTIAL MEDIUM (RM) TO CITY SINGLE FAMILY RESIDENTIAL (R-1)

At this time the Attorney was instructed to read Ordinance No. 1255 by title.

Raymond explained that there were no changes since the presentation to the Planning Commission.

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. 1255. Motion carried unanimously.

11. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1256 ASSIGNING THE LAND USE CLASSIFICATION TO 0 WILTON PLACE FROM POLK COUNTY RESIDENTIAL MEDIUM (RM) TO CITY RESIDENTIAL LOW (RL)

At this time the Attorney was instructed to read Ordinance No. 1256 by title.

Raymond explained that there were no changes since the presentation to the Planning Commission.

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

Motion by Commissioner Fellows and seconded by Commissioner Lynch to approve Ordinance No. 1256 on first reading. Motion carried unanimously.

12. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1257 ASSIGNING THE ZONING CLASSIFICATION TO 0 WILTON PLACE FROM POLK COUNTY RESIDENTIAL MEDIUM (RM) TO CITY SINGLE FAMILY RESIDENTIAL (R-1)

At this time the Attorney was instructed to read Ordinance No. 1257 by title.

Raymond explained that there were no changes since the presentation to the Planning Commission.

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. 1257 on first reading. Motion carried unanimously.

13. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1260 ASSIGNING THE LAND USE CLASSIFICATION TO POWERLINE ROAD SOUTH FROM POLK COUNTY RESIDENTIAL LOW (RL) TO CITY COMMUNITY ACTIVITY CENTER (CAC)

At this time the Attorney was instructed read Ordinance No. 1260 by title.

Raymond explained that the Planning Commission had not recommended approval and staff was also not recommending continuation of this ordinance.

For clarification and for the record, the Attorney asked if the Planning Commission's recommendation was effectively for denial and was it Staff's position for denial as well. Raymond responded that this was correct.

The Attorney further asked if Raymond could provide one or two reasons why. Drawing their attention to the overhead monitors, Raymond explained that as they could see the area was strictly residential and the applicant was asking for commercial. It was his understanding that they would be placing storage facilities in this area. The problem as they could see was that it would encroach into the traditional neighborhood of residential homes and Staff would like to see a continuation of residential homes in the area. Possibly something else could be proposed so that it didn't create this impact to the area.

The Attorney asked Raymond if it was his opinion as the City Planner that this was incompatible with adjacent residential properties and thus inconsistent with the city's Comprehensive Plan as proposed. Raymond responded that it was because of the number of residential homes throughout the area. Therefore, it was the recommendation of the Planning Department for denial.

The Mayor opened the Public Hearing.

Linda Robinson of 314 E. Cypress Street reiterated that she had objected to this ordinance during the Planning Commission. She appreciated that the City Commission and the Planning Commission had discussed this and she hoped that the property owner would come back with a plan that was more in line with what is in the neighborhood.

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

Motion by Vice-Mayor Clark and seconded by Commissioner Lynch to deny Ordinance No. 1260. Motion carried unanimously to deny.

14. REQUEST TO APPROVE RESOLUTION NO. 495-24 APPROVING THE FINAL PLAT FOR GENEVA LANDINGS

Raymond advised that this was a request to approve the final plat for Geneva Landings Phase 2 Subdivision consisting of 248 lots. City Staff has reviewed the application for compliance with the Code of Ordinances.

The Mayor opened the Public Hearing.

Mr. Angel Sanchez of 2407 Matterhorn Trail stated that whenever he had bought the house that he was never informed that a train would be going through, and he was getting a lot of vibration from it. A fence had been installed but it needed to be a little higher to keep out some of the vibration. He was told that they would pass this along to the developer.

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

Motion by Commissioner Fellows and seconded by Commissioner Lynch to approve Resolution No. 495-24.

Commissioner Fellows questioned the number of access points and the size of the lots. Raymond responded that there were three (3) entrances which met their requirements. As for the lots, Raymond advised that they were a mixture of sizes.

There being no one else, the Mayor called for the vote. Motion carried unanimously.

15. REQUEST TO APPROVE THE 2023-2024 STORMWATER TAX CONTRACT

Wastewater Superintendent James Coker explained that this was a contract agreement between the city and the Polk County Property Appraiser to be included on the 2024 tax assessment roll as a non-ad-valorem assessment for stormwater. The cost to provide this service in 2023 was \$3,317.43.

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

Motion by Commissioner Fellows-Coffey and seconded by Commissioner Fellows To approve the 2023-2024 Stormwater Tax contract. Motion carried unanimously.

16. REQUEST TO APPROVE THE FIREWORKS DISPLAY CONTRACT WITH FIREWORKS BY SANTORE AND ENTER INTO A MULTI-YEAR CONTRACT

The City Manager explained that staff had gone out to bid for their fireworks display and Fireworks by Santore had submitted a multi-year contract as follows:

- July 4, 2024 \$38,000
- July 4, 2025 \$39,000
- July 4, 2026 \$40,000
- July 4, 2027 \$41,000

The City Manager announced that they would be saving money by going to a multiple-year contract. He also shared that because staff obtained funds through sponsorships and fundraisers that this would not cost the residents anything.

Motion by Commissioner Lynch and seconded by Vice-Mayor Summerlin to approve the 4-year contract with Fireworks by Santore.

Brief discussion ensued with the Commission stating that their 4th of July event was a huge, phenomenal event for their residents and one where they didn't need to go anywhere else to watch fireworks. City staff did a phenomenal job every year. The City Manager and city staff were commended for raising the funds thus saving the taxpayers money. The fact that the money was raised during the year was an added plus but the enjoyment it brought the families in the community was worth every dollar even if they were taking it out of their budget.

Commissioner Fellows-Coffey concluded that this company was a top-level professional fireworks company that did fireworks for Disney, Sea World, the Superbowl and the Daytona 500.

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

CITY MANAGER REPORT

The City Manager announced that the patriotic banners were in and Darryl's crew was currently putting up the brackets so that they could display them during the holidays.

He also wanted to thank the Gate Church for sponsoring their Police and Fire Department Awards Banquet Saturday. He congratulated all of those that had received awards.

He announced that March 1st and 2nd was their Highwaymen Event and March 30th was their Easter Egg Hunt.

He also shared that the Davenport School of the Arts Kindergarten classes had shown up with homemade cards and snacks for all the employees.

CITY ATTORNEY REPORT

The Attorney shared that the bills that were pending in the Legislature this year that were going to outlaw General Fund transfers and take away the right to levy surcharges on outside customers have died.

The other bill that was pending would make your ability to deny planning amendments almost impossible.

CITY CLERK REPORT

The City Clerk announced that qualifying for the election had ended with the following candidates qualifying.

- Seat 1 – Linda Robinson and Timothy Scott Woodlee
- Seat 2 – Jeremy Clark and Christopher Lopez

She also reminded them of the Chamber luncheon this Thursday at the Tom Fellows Community Center at 11:30 a.m.

CITY COMMISSION COMMENTS

Commissioner Fellows agreed that it had been a great Awards Banquet. He praised the Gate Church for an excellent dinner. He felt that it made a big difference to the officers and staff to be

recognized for the good job they do every day all year long. He also hoped that everyone would show up to their Highwaymen Event.

Commissioner Lynch echoed Commissioner Fellows' comments and agreed that the Church had done a great job. He also mentioned that their Grills Gone Wild event had a great turnout, and he too was looking forward to their Highwaymen event.

Commissioner Fellows-Coffey stated that their event Saturday had been a great event and she had enjoyed some of the reasons behind some of the awards. The Gate Church had done a great job sponsoring the event and dinner. The Vice-Mayor's speech had been very inspirational. She also commended him for providing goodies to all the Departments and staff for Valentine's week. She felt that any time that any of them or a resident showed the city's staff a little bit of love for all that they did was a great thing. She also thanked Chief Parker and Chief Torrance for all the recognition they had given the officers.

She also shared that this past weekend was the state weightlifting event in Lakeland and a Davenport student had participated but unfortunately had been disqualified. She just wanted to mention this as a celebration of the caliber of athletes and the Athletic Department at Davenport High School.

In regard to the ballfields, she too had played on Adair field and had spent many hours at Gene Carroll field, as it was known back then. However, there were also other men that had spent their time and their own money; men like Popeye Irby and Freddie Summerlin. She would like for them to look at the men or women that had really made a difference.

In regard to the list of names mentioned by the Mayor earlier in the evening, she would also add Pete Rust to the list of those that buildings had been named after.

Regarding Mr. Woodlee's statement about the email and no response, she wanted to go on record and say that he was correct in saying that he had sent it multiple times and that she had not responded. However, there were multiple residents in this town that have reached out to her via phone or email or in person that would tell them that she does respond timely. She shared that prior to this email she had received a different email that she had responded to, but when he had responded back to her, she felt that he was misconstruing the words that she had said, and she felt like she was being bullied. Paraphrasing his response, one of his comments was that he didn't want to be lectured to and she didn't want to be lectured to either. So given that confrontation she felt that the best communication would be in a public forum and on public record.

She made her living by quoting people properly and communicating properly and she took great pride in not misconstruing what somebody said, and she certainly didn't want things she said misconstrued. So, the avoidance of answering the email, especially when she knew that the City Manager had addressed it and knew that other Commissioners or the Mayor had also, she felt that this was the proper way to go.

In addition, they employed the City Manager, the City Clerk and the City Attorney and trusted them to do the job. She somewhat questioned that if somebody approached the City Manager and he or city staff were giving a full and correct explanation, then why did that same question need to be explained by the Commission and the Mayor. This was what they employed the City Manager to do. She was not speaking for anybody else, but she had 100% full confidence in the City Manager. She had confidence that what he was telling the residents that were reaching out

to him was on behalf of the city and on behalf of this Commission and was in line with what they have instructed.

She wanted to go on record by saying that she hadn't replied, and this was the reason why.

Vice-Mayor Clark stated that he felt it an honor to have been able to sponsor their awards banquet. He also wanted to commend both Chiefs. The pride that they have in the city and the respect that they have for him was bar none. He would always stand with them and would go toe to toe with anybody. That's how much he believed in them and their team. He wanted to go on record and say that they had his back and heart, and it was an honor for him to have done this for them. He also shared that the Grills Gone Wild was great and he had enjoyed it.

He also stated that the City Manager has got the city moving in the right direction. His vision was impeccable, and every Department Head had 100% of his trust and would have 100% of his trust until they gave him a reason not to. Everything that he has asked for has always been met with efficiency and done quickly.

The Mayor thanked the Vice-Mayor for bailing him out on two events. He did a lot of charity work, and he was thankful for the Vice-Mayor stepping in. He too had attended the Grills Gone Wild event on Saturday and was amazed at the number of people in attendance. He also had the privilege Saturday of speaking with the PGTV Sports people. They had done a long interview and couldn't wait to see how it had turned out.

He also shared that their new stage had been used at the Grills Gone Wild event and it was a phenomenal piece of equipment and would serve them for many years to come.

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

Meeting adjourned at 8:20 p.m.

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


Raquel Castillo, City Clerk