

# City of Davenport Regular Meeting Minutes of January 16, 2024

Minutes of the Regular Meeting of the City of Davenport, Florida, held Tuesday, January 16, 2024 at 7:00 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 Elisabeth Crane.

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 Lynch to approve the of 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. There being none, the Mayor closed Public Comment.

## **CONSENT AGENDA**

**Motion** by Commissioner Fellows and seconded by Commissioner Fellows-Coffey to approve the Consent Agenda which consisted of the January 2, 2024 Regular Meeting minutes and the Street Closures for the Grills Gone Wild. Motion carried unanimously.

## **OLD BUSINESS**

### **1. PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 1215 ANNEXING 59.14 ACRES (CROSSWINDS) – OWNERS OF RECORD: SLC IRA,LLC; ABC IRA LLC; GWC IRA,LLC; GAMA INVESTORS LLC; AND NORTHEAST POLK LAND INVESTMENTS, LLC**

At this time the Attorney was instructed to read Ordinance No. 1215 by title.

City Planner Raymond Perez explained that this was second reading of this ordinance with no changes since first reading.

Raymond noted that this consisted of 59.14 acres and would go to the Department of Economic Opportunity for review during the land use and zoning process.

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. 1215 on second and final reading. Motion carried unanimously with no discussion.

### **2. PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 1227 ANNEXING 102 FOREST AVENUE (OWNER OF RECORD: CM HOLDINGS CFL INC.)**

At this time the Attorney was instructed to read Ordinance No. 1227 by title.

Raymond explained that this was second reading of this ordinance with no changes since first reading.

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. 1227 on its second and final reading. Motion carried unanimously.

## **NEW BUSINESS**

### **1. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1225 ANNEXING 0 WILTON PLACE (OWNER OF RECORD: JAMES WILLWERTH)**

At this time the Attorney was instructed to read Ordinance No. 1225 by title.

Raymond explained that this was a request to annex 0 Wilton Place consisting of .38 acres.

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

**Motion** by Vice-Mayor Clark and seconded by Commissioner Fellows-Coffey to approve on first reading, Ordinance No. 1225. Motion carried unanimously.

### **2. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1226 ANNEXING 0 WILTON PLACE (OWNERS OF RECORD: TARAIN L. BEAUDET AND RHONDA A. BEAUDET)**

At this time the Attorney was instructed to read Ordinance No. 1226 by title.

Raymond explained that this was a request to annex 0 Wilton Place consisting of .2 acres.

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

**Motion** by Commissioner Lynch and seconded by Commissioner Fellows to approve on its first reading, Ordinance No. 1226.

Commissioner Fellows-Coffey questioned that this was the same address as the other one and would it change once it was annexed. Raymond responded that once it was annexed and a structure was built that it would have its own address. This would then go through the Land Use and Zoning classifications.

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

### **3. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1228 ASSIGNING THE LAND USE CLASSIFICATION TO 234 MYSTERY HOUSE ROAD FROM POLK COUNTY RESIDENTIAL SUBURBAN (RS) TO CITY RESIDENTIAL LOW (RL)**

At this time the Attorney was instructed to read Ordinance No. 1228 by title.

Raymond explained that this was presented to the Planning Commission earlier in the evening and there had been no changes.

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

**Motion** by Commissioner Fellows and seconded by Vice-Mayor Clark to approve Ordinance No. 1228 on first reading. Motion carried unanimously with no discussion.

**4. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1229 ASSIGNING THE ZONING CLASSIFICATION TO 234 MYSTERY HOUSE ROAD FROM POLK COUNTY RESIDENTIAL SUBURBAN (RS) TO CITY RESIDENTIAL ESTATES 2 (RE-2)**

At this time the Attorney was instructed to read Ordinance No. 1229 by title.

Raymond explained that there had been no changes since presented to the Planning Commission earlier in the evening.

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. 1229 on first reading. Motion carried unanimously with no discussion.

**5. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1230 ASSIGNING THE LAND USE CLASSIFICATION TO 330 MYSTERY HOUSE ROAD FROM POLK COUNTY RESIDENTIAL SUBURBAN (RS) TO CITY RESIDENTIAL LOW (RL)**

At this time the Attorney was instructed to read Ordinance No. 1230 by title.

Raymond 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 Commissioner Lynch and seconded by Commissioner Fellows to approve on first reading, Ordinance No. 1230. Motion carried unanimously with no discussion.

**6. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1231 ASSIGNING THE ZONING CLASSIFICATION TO 330 MYSTERY HOUSE ROAD FROM POLK COUNTY RESIDENTIAL SUBURBAN (RS) TO CITY RESIDENTIAL ESTATES 2 (RE-2)**

At this time the Attorney was instructed to read Ordinance No. 1231 by title.

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

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

**Motion** by Commissioner Fellows and seconded by Vice-Mayor Clark to approve Ordinance No. 1231 on first reading. Motion carried unanimously with no discussion.

**7. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1232 ASSIGNING THE LAND USE CLASSIFICATION TO 336 MYSTERY HOUSE ROAD FROM POLK COUNTY RESIDENTIAL SUBURBAN (RS) TO CITY RESIDENTIAL LOW (RL)**

At this time the Attorney was instructed to read Ordinance No. 1232 by title.

Raymond explained that there were no changes since presented to the Planning Commission earlier in the evening.

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

**Motion** by Vice-Mayor Clark and seconded by Commissioner Fellows-Coffey to approve on first reading, Ordinance No. 1232. Motion carried unanimously with no discussion.

**8. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1233 ASSIGNING THE ZONING CLASSIFICATION TO 336 MYSTERY HOUSE ROAD FROM POLK COUNTY RESIDENTIAL SUBURBAN (RS) TO CITY RESIDENTIAL ESTATES 2 (RE-2)**

At this time the Attorney was instructed to read Ordinance No. 1233 by title.

Raymond explained that this was presented to the Planning Commission earlier in the evening 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 Fellows to approve Ordinance No. 1233 on first reading. Motion carried unanimously with no discussion.

**9. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1234 ASSIGNING THE LAND USE CLASSIFICATION TO 312 MYSTERY HOUSE ROAD FROM POLK COUNTY RESIDENTIAL SUBURBAN (RS) TO CITY RESIDENTIAL LOW (RL)**

At this time the Attorney was instructed to read Ordinance No. 1234 by title.

Raymond explained that this was presented to the Planning Commission for recommendation to the City Commission 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. 1234. Motion carried unanimously with no discussion. Motion carried unanimously with no discussion.

**10. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1235 ASSIGNING THE ZONING CLASSIFICATION TO 312 MYSTERY HOUSE ROAD FROM POLK COUNTY RESIDENTIAL SUBURBAN (RS) TO CITY RESIDENTIAL ESTATES 1 (RE-1)**

At this time the Attorney was instructed to read Ordinance No. 1235 by title.

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

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

**Motion** by Commissioner Fellows and seconded by Vice-Mayor Clark to approve Ordinance No. 1235 on its first reading. Motion carried unanimously with no discussion.

**11. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1236 ASSIGNING THE LAND USE CLASSIFICATION TO 216 MYSTERY HOUSE ROAD FROM POLK COUNTY RESIDENTIAL SUBURBAN (RS) TO CITY RESIDENTIAL LOW (RL)**

At this time the Attorney was instructed to read Ordinance No. 1236 by title.

Raymond explained that was presented to the Planning Commission for recommendation to the City Commission 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 to approve on first reading, Ordinance No. 1236. Motion carried unanimously with no discussion.

**12. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1237 ASSIGNING THE ZONING CLASSIFICATION TO 216 MYSTERY HOUSE ROAD FROM POLK COUNTY RESIDENTIAL SUBURBAN (RS) TO CITY RESIDENTIAL ESTATES 2 (RE-2)**

At this time the Attorney was instructed to read Ordinance No. 1237 by title.

Raymond explained that there were changes since presented to the Planning Commission earlier.

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

**Motion** by Commissioner Fellows and seconded by Vice-Mayor Clark to approve Ordinance No. 1237 on first reading. Motion carried unanimously with no discussion.

**13. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1238 ASSIGNING THE LAND USE CLASSIFICATION TO 240 MYSTERY HOUSE ROAD FROM POLK COUNTY RESIDENTIAL SUBURBAN (RS) TO CITY RESIDENTIAL LOW (RL)**

At this time the Attorney was instructed to read Ordinance No. 1238 by title.

Raymond explained that there were changes since presented to the Planning Commission earlier.

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

**Motion** by Vice-Mayor Clark and seconded by Commissioner Fellows-Coffey to approve on first reading, Ordinance No. 1238. Motion carried unanimously with no discussion.

**14. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1239 ASSIGNING THE ZONING CLASSIFICATION TO 240 MYSTERY HOUSE ROAD FROM POLK COUNTY RESIDENTIAL SUBURBAN (RS) TO CITY RESIDENTIAL ESTATES 2 (RE-2)**

At this time the Attorney was instructed to read Ordinance No. 1239 by title.

Raymond explained that there were no changes since 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 Commissioner Fellows to approve Ordinance No. 1239 on first reading. Motion carried unanimously with no discussion.

**15. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1240 ASSIGNING THE LAND USE CLASSIFICATION TO 1235 MYSTERY HOUSE ROAD FROM POLK COUNTY RESIDENTIAL SUBURBAN (RS) TO CITY RESIDENTIAL LOW (RL)**

At this time the Attorney was instructed to read Ordinance No. 1240 by title.

Raymond explained that there were no changes since 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. 1240. Motion carried unanimously with no discussion.

**16. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1241 ASSIGNING THE ZONING CLASSIFICATION TO 1235 MYSTERY HOUSE ROAD FROM POLK COUNTY RESIDENTIAL SUBURBAN (RS) TO CITY RESIDENTIAL ESTATES 2 (RE-2)**

At this time the Attorney was instructed to read Ordinance No. 1241 by title.

Raymond explained that this was presented to the Planning Commission for recommendation to the City Commission and there were no changes since then.

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

**Motion** by Commissioner Fellows and seconded by Vice-Mayor Clark to approve Ordinance No. 1241 on it first reading. Motion carried unanimously with no discussion.

**17. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1242 ASSIGNING THE LAND USE CLASSIFICATION TO 738 MYSTERY HOUSE ROAD FROM POLK COUNTY RESIDENTIAL SUBURBAN (RS) TO CITY RESIDENTIAL LOW (RL)**

At this time the Attorney was instructed to read Ordinance No. 1242 by title.

Raymond explained that this was presented to the Planning Commission for recommendation to the City Commission and there were 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. 1242. Motion carried unanimously with no discussion.

**18. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1243 ASSIGNING THE ZONING CLASSIFICATION TO 738 MYSTERY HOUSE ROAD FROM POLK COUNTY RESIDENTIAL SUBURBAN (RS) TO CITY RESIDENTIAL ESTATES 2 (RE-2)**

At this time the Attorney was instructed to read Ordinance No. 1243 by title.

Raymond explained that this was presented to the Planning Commission for recommendation to the City Commission and there were no changes since then.

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

**Motion** by Commissioner Fellows-Coffey and seconded by Commissioner Fellows to approve Ordinance No. 1243 on first reading. Motion carried unanimously with no discussion.

**19. REQUEST TO APPROVE THE TASK AUTHORIZATION WITH KIMLEY-HORNE TO COMPLETE THE ENVIRONMENTAL MONITORING PLAN (EMP)**

Utility Director Mike Stripling explained that normally the city would have paid \$49,000, but this year because of their new Water Use Permit they had another site to add, and this had increased the cost. The cost of the project was \$69,700.00 and had been budgeted.

Commissioner Fellows-Coffey asked if it had been budgeted at the \$69,000 or \$49,000. Mike responded that it had been budgeted at the \$69,000 amount.

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

**Motion** by Commissioner Lynch and seconded by Commissioner Fellows-Coffey to approve the EMP Task Authorization in the amount of \$69,000. Motion carried unanimously.

**20. REQUEST TO CONSIDER AND APPROVE RESOLUTION NO. 494-24 REGARDING THE ALTERNATIVE WATER SUPPLY (AWS) TREATMENT DRINKING WATER FACILITIES PLAN**

Mike explained that the city was currently in the process of constructing a new Lower Floridan Aquifer (LFA) supply well at WTP No. 1. As such three (3) alternatives are required. Alternative 1 is to build the lower floridan well and only have to treat it with FDA towers for removal of hydrogen sulfite. Alternative 2 is reverse osmosis and whatever quality water is found they will have to treat to whatever the requirements are under the Drinking Water Act. Alternative 3 would still be at Well No. 1 but the treatment process would be at Water Plant 2. Mike further added that the city was pursuing a State Revolving Funding opportunity to design and construct the required AWS Treatment.

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

**Motion** by Commissioner Fellows and seconded by Vice-Mayor Clark to approve Resolution No. 494-24. Motion carried unanimously.

**21. APPROVE THE REQUEST FOR INCLUSION FOR THE DESIGN OF THE ALTERNATIVE WATER SUPPLY PROJECT**

Mike explained that this puts the City of Davenport on the list to be funded by the Florida Department of Environmental Protection State Revolving Fund. The State meets two times per year to grade and assign funding priorities for these projects. The planning portion of the project was approved for a 50% principal forgiveness loan, and it is likely that the project would be

granted that same designation for design and later construction. Mike emphasized that this was just a request for inclusion.

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

**Motion** by Commissioner Lynch and seconded by Commissioner Fellows-Coffey to approve the request for inclusion for the design of the AWS project. Motion carried unanimously with no discussion.

## **22. REQUEST TO USE FORFEITURE FUNDS FOR THE PURCHASE OF POWERDMS TRAINING PLATFORM**

Chief of Police Steve Parker explained that the Police Department currently utilizes an electronic platform through PowerDMS maintaining training requirements and accreditation standards. PowerDMS now offers an extension to this platform to utilize as part of their Field Training Officers. The FTO platform will provide needed support for trainers, as well as on-demand process. The cost of this subscription is \$3,300.00. Staff is requesting the use of Forfeiture Funds.

**Motion** by Commissioner Fellows-Coffey and seconded by Commissioner Fellows to approve the use of forfeiture funds in the amount of \$3,300.00 for the purchase of the PowerDMS Training Platform. Motion carried unanimously.

## **23. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1261 AMENDING SECTION 2, ARTICLE IV, CHAPTER 2, CODE OF ORDINANCES, MORE SPECIFICALLY SECTION 2-135 – TOM FELLOWS COMMUNITY CENTER FACILITY USER FEES**

At this time the Attorney was instructed to reading Ordinance No. 1261 by title.

Parks & Recreation Director Danny McClain explained that they set fees about 2 years ago. However, as with anything else they will need to raise their fees. Staff feels that these fees are fair and equitable for the use of the facilities, equipment and participation in the programs sponsored by the city.

Brief discussion ensued with the Commission voicing their understanding that their fees needed to be raised and they didn't see anything out of the ordinary.

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

**Motion** by Vice-Mayor Clark and seconded by Commissioner Fellows to approve on first reading Ordinance No. 1261. Motion carried unanimously with no further discussion.

## **24. CONSIDERATION AND APPROVAL OF THE 2024 ELECTION AGREEMENT**

The City Clerk advised that the Agreement outlined the responsibilities of the Supervisor of Elections and the City of Davenport for the April Election.

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

**Motion** by Commissioner Lynch and seconded by Commissioner Fellows-Coffey to approve the 2024 Election Agreement. Motion carried unanimously with no discussion.

**25. REQUEST TO APPROVE THE CHANGE ORDER FROM SOUTHERN ELEVATION FOR THE STATE STREET IMPROVEMENTS IN THE AMOUNT OF \$143,339.90**

The City Manager explained that the project was complete. They had closed the end of State Street. This change order was for the additional work which included electrical work, additional lighting to the parking lot, irrigation and landscaping to State Street.

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 the change order from Southern Elevation for the State Street improvements in the amount of \$143,339.90. Motion carried unanimously.

**CITY MANAGER REPORT**

The City Manager reported the following:

- There had been a great turnout for the Ribbon Cutting at the new Building and Planning facility.
- He congratulated Commissioner Lynch for this honor.
- There had been a great turnout at Commissioner Fellows' 50<sup>th</sup> Wedding Anniversary and his birthday.
- He shared that staff had nominated Linda Tyler and Jackie Summerlin for the Chamber of Commerce Hall of Fame, and they had been chosen. They will be recognized January 25<sup>th</sup> at the Chamber of Commerce Banquet.
- He reminded everyone of the Taste of Davenport, this Saturday.
- Announced that the Winter Haven Boys and Girls Club has dropped out of the BBQ Competition. They were part of the Triple Crown. The city requested that we pick up that spot in the Triple Crown. The city will be part of the Triple Crown.
- Citizens Academy flyers are out and on the city's Facebook and website.
- He provided the following project updates:
  - 1) The new building was complete, and everyone was moving and settling in.
  - 2) The 16" watermain tie in from Plant 1 to Plant 2 is coming to an end.
  - 3) BCR is probably a month away from being finished.
  - 4) Sewer Plant is still on track to be completed in early Spring.

He then invited JT who introduced his new employee Captain Tom Murphy who brought 30 years of fire service with him and was well qualified.

Mr. Murphy voiced his appreciation and the opportunity given to him. He was looking forward to working with them and all the citizens.

The Commission welcomed Mr. Murphy aboard.

**CITY ATTORNEY REPORT** – The City Attorney advised that she had nothing to report but wished everyone a Happy New Year.

**CITY CLERK REPORT** – Nothing to report

**CITY COMMISSION COMMENTS**

Commissioner Fellows-Coffey thanked all the city staff that had attended her parent's Wedding Anniversary and also thanked all of Danny's staff for all of their help. She congratulated Commissioner Lynch and stated that she was excited about the new building.

Commissioner Lynch agreed that it had been a great party. He appreciated the nomination on the naming of the building after him.

Commissioner Fellows also congratulated Commissioner Lynch. He had devoted a lot of time and effort to the city, and it was well deserved. He thanked everyone that had shown up and helped celebrate with Sue and him.

Vice-Mayor Clark shared that he was out of town and was unable to attend Tom and Sue's Wedding Anniversary. He too congratulated Commissioner Lynch and added that it was an honor to stand with him tonight. He thanked all the City Staff for all their hard work and thanked both the Fire and Police Departments for everything they did and for keeping them safe.

The Mayor informed them that some of the staff were moving and shifting to the back offices. As such, there would be an empty office for the City Commission to meet with residents if they ever needed to.

He also shared that he had requested the City Manager and Staff to start putting together a plan for expansion of the Community Center. He felt that the banquet hall was already too small. He informed them that the City Manager was already reaching out to get budget numbers to bring forth a plan to expand.

Commissioner Lynch asked how much more capacity were they looking at. The City Manager responded that they were looking at 200 more and shared his plans of possible expansion ideas.

There being no other business, a motion to adjourn was made by Vice-Mayor Clark and carried unanimously.

Meeting adjourned at 8:13 p.m.

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

  
Raquel Castillo, City Clerk