

City of Davenport Commission Minutes of May 20, 2024

Minutes of the Regular Meeting of the City of Davenport, Florida, held Monday, May 20, 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: Bobby Lynch, Linda Robinson and Donna Fellows-Coffey. Also present: City Manager Kelly Callihan and City Attorney Kristie Hatcher-Bolin.

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 Order of Business. Motion carried unanimously with no discussion.

PUBLIC COMMENT

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

Marsha Evans of 310 E. Maple Street voiced her concern about traffic and speeding. She had already spoken to Chief Parker about it, and they were doing a great job, however it was all fine when they were there but once they left the problem resumed. She was concerned because they had several kids in the neighborhood, and she wanted to know what the process would be to place a stop sign at Miami and Maple or place a speed bump to slow them down.

Brief discussion ensued with the Mayor asking the City Manager if he could get with the Street and the Police Departments and come back with a recommendation of additional stop signs on Miami Avenue.

Michael Sloan of 409 Sapphire Drive and President of the Golden Ridge HOA also accepted and informed them that he was there tonight to see how he could get some picnic tables and grills for their park on Opal Court. The Mayor asked him to reach out to Danny McClain in Parks & Recreation and they could see what they could do at budget time.

Roger Judy of 302 E. Maple Street advised that he just wanted to add to Mrs. Evans comments and stated that the bus now stopped at Palmetto Street instead of Lemon Street and agreed with the problems with traffic and speeding.

Lashell Wrights stated that she was there tonight to get more information on the city and its events. She currently had an Instagram account called Only in Davenport where she tried to showcase Davenport, but she was having a hard time finding the city's events and happenings. She also had several ideas to share. She was asked to go on the city's Facebook page and website and the Northeast Polk Chamber of Commerce website. She was also asked to reach out to Beyonca, their Marketing & Communications Director.

Scott Woodlee of 1636 Aspen Avenue provided an update on the Memorial Day event and asked if the city could put it on their marquee sign. He also saw where the city had posted on their Facebook page about the banners, and all the positive feedback it had gotten.

He also appreciated that Commissioner Fellows-Coffey had put a full-page ad in the newspaper about the event.

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

CONSENT AGENDA

Motion by Commissioner Lynch and seconded by Vice-Mayor Clark to approve the Consent Agenda which consisted of the May 6, 2024 Commission Workshop and the May 6, 2024 Regular Meeting minutes. Motion carried unanimously.

OLD BUSINESS

1. PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 1250 ASSIGNING THE LAND USE CLASSIFICATION TO CROSSWINDS FROM POLK COUNTY RESIDENTIAL SUBURBAN (RS) AND AGRICULTURAL/RESIDENTIAL RURAL (A/RR) TO CITY RESIDENTIAL LOW (RL) – GENERAL LOCATION EAST OF POWERLINE ROAD AND SOUTH OF FINNEY ROAD

At this time the Attorney was instructed to read Ordinance No. 1250 by title.

City Planner Raymond Perez explained that this was second reading of the Ordinance and added that it had been reviewed by the Department of Florida Commerce and approved. 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 Commissioner Robinson to approve on final and second reading, Ordinance No. 1250. Motion carried unanimously.

2. PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 1251 ASSIGNING THE ZONING CLASSIFICATION TO CROSSWINDS FROM POLK COUNTY RESIDENTIAL SUBURBAN (RS) AND AGRICULTURAL/RESIDENTIAL RURAL (A/RR) TO CITY LOW DENSITY RESIDENTIAL (R-5) – GENERAL LOCATION EAST OF POWERLINE ROAD AND SOUTH OF FINNEY ROAD

At this time the Attorney was instructed to read Ordinance No. 1251 by title.

Raymond explained that this was second reading of the Ordinance to change the zoning classification to the same parcel. 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 Fellows-Coffey to approve Ordinance No. 1251 on second and final reading. Motion carried unanimously.

NEW BUSINESS

1. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1274 ESTABLISHING THE HORSESHOE CREEK COMMUNITY DEVELOPMENT DISTRICT (CDD) PURSUANT TO CHAPTER 190, FLORIDA STATUTES (LOCATED GENERALLY ON BOTH SIDES OF HORSESHOE CREEK ROAD, WEST OF LAKE MARION WILDLIFE MANAGEMENT AREA AND EAST OF U.S. HIGHWAYS 17 AND 92)

At this time the Attorney was instructed to read Ordinance No. 1274 by title.

Raymond explained that this was a request to establish the Horseshoe Creek Community Development District (CDD) and recommended for approval by the Planning Commission.

The Mayor opened the Public Hearing.

Marsha Evans stated that when the Planner talked about the residents being responsible for the infrastructure was he talking about the residents in the new community or the residents that were here now. The Mayor informed her that it would be the residents in the new community.

Scott Woodlee of 1636 Aspen Avenue asked why another CDD in the city when the city didn't want to do the infrastructure. The Mayor answered that in this particular case they wanted to build it and were trying to figure out how to fund it because the city was not going to fund this kind of infrastructure and therefore the residents buying in it would be paying for it.

Mr. Woodlee further stated that people needed to understand that technically they were private roadways, and they were not as good people thought they were. In addition, sometimes people were not told they were buying into a CDD and if he had known at the time, he would not have bought into a CDD. Commissioner Lynch shared that whenever the city had approved their first CDD that there had been some concerns and questions because of this expense. They were told at the time that they were required to outline this in the agreement at the time of purchase.

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

Motion by Commissioner Robinson and seconded by Vice-Mayor Clark that the City Commission approves Ordinance No. 1274 on first reading.

Commissioner Robinson noted that State Statutes governed CDD's and they were required to file annual reports with the State of Florida. She further added that some people liked to buy into CDD's because they thought that they wouldn't have government intrusion but once they did, they realized the responsibility of what they signed up for.

Sarah Sandy with Kutak Rock LLP and representative for the petitioner noted the requirement of disclosure during the initial purchase contract.

Commissioner Lynch asked if this was visible to the buyer. Ms. Sandy responded that there was a specific paragraph laid out in State Statute that was required to be placed right above the signature line.

There being no other discussion, the motion carried unanimously.

2. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1275 CHANGING THE ZONING CLASSIFICATION TO 1760 HORSESHOE CREEK ROAD FROM CITY CONSERVATION (CN) AND AGRICULTURE (AG) TO CITY CONSERVATION (CN) AND RESIDENTIAL ESTATE 1 (RE-1)

At this time the Attorney was instructed to read Ordinance No. 1275 by title.

Raymond explained that this was a request to change the Zoning Classification to 1760 Horseshoe Creek Road from City Conservation (CN) and Agriculture (AG) to City Conservation (CN) and Residential Estate 1 (RE-1) consisting of 6.58 acres. This was recommended for approval by 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 Robinson to approve Ordinance No. 1275 on first reading.

In answer to the Vice-Mayor's question, Raymond responded that the top portion would continue to be conservation. Commissioner Fellows-Coffey asked how much of the 1.32 acres was conservation. She was informed that it was about a third of an acre.

The Mayor also noted the 50' ROW on the east side.

There being no other discussion motion carried with Commissioner Lynch and Commissioner Fellows-Coffey opposing.

3. PUBLIC HEARING AND REQUEST TO APPROVE RESOLUTION NO. 501-24 APPROVING THE FINAL PLAT FOR BELLA VITA PHASE 3 REPLAT LOCATED NORTH OF NORTH BOULEVARD EAST AND EAST OF 44TH STREET AND ITS EXTENSION NORTH AND SOUTH OF HORSE CREEK

Raymond explained that this was a request to approve the final plat for Bella Vita Phase 3 replat.

The Mayor asked if the Building Department recommended approval. In the audience, Building Official Bill Nolen responded that the Building Department recommended approval.

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

Commissioner Lynch as how big were the lots. Bill answered that they were all townhouses.

Motion by Commissioner Lynch and seconded by Commissioner Robinson to approve Resolution No. 501-24. Motion carried unanimously.

4. CONSIDERATION AND REQUEST TO APPROVE RESOLUTION NO. 502-24 ENDORSING THE MEMBERSHIP APPORTIONMENT PLAN FOR THE POLK COUNTY TRANSPORTATION PLANNING ORGANIZATION

The City Manager explained that this was endorsing the membership apportionment plan for the TPO.

The Mayor voiced his appreciation to the Vice-Mayor for helping in getting their one voting seat.

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

Motion by Commissioner Fellows-Coffey and seconded by Commissioner Lynch to approve the Resolution No. 502-24. Motion carried unanimously.

5. REQUEST TO APPROVE THE FY24/25 STATE HIGHWAY LIGHTING MAINTENANCE AND COMPENSATION AGREEMENT FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION

The City Clerk explained that this was the annual agreement with FDOT in the amount of \$6,079.68 for maintaining the lights. The city is getting \$334.26 for each light and is getting reimbursed 100% of the total number of lights. Staff recommended approval.

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

Motion by Commissioner Lynch and seconded by Commissioner Robinson to approve the FY24/25 State Highway Lighting Maintenance and Compensation Agreement from the Florida Department of Transportation. Motion carried unanimously.

6. REQUEST TO APPROVE THE LOW BID OF SOUND AND LIGHTING SOLUTIONS FOR THE PURCHASE OF AUDIO AND LIGHTING EQUIPMENT FOR THE MOBILE STAGE IN THE AMOUNT OF \$63,612.17

Parks & Recreation Director Danny McClain advised that four (4) bids were received May 14th. The intent of this was to provide the mobile stage with the necessary audio and lighting to use during their events. Danny shared that after discussion with the vendor, the stage would be ready for their 4th of July event.

Brief discussion ensued with it being noted that this was a budgeted item and that it had come in under budget. The City Manager added that the additional savings would be used for the power source purchase.

Motion by Commissioner Fellows-Coffey and seconded by Vice-Mayor Clark to approve the low bid of Sound and Lighting Solutions for the purchase of audio and lighting equipment for the mobile state in the amount of \$63,612.17. Motion carried unanimously.

7. REQUEST TO APPROVE THE AGREEMENT BETWEEN THE CITY OF DAVENPORT AND THE FOREST LAKE CDD FOR TRAFFIC ENFORCEMENT

Chief Parker explained that this was an Agreement to enforce traffic laws within the community.

The Mayor opened the Public Hearing.

Scott Woodlee of 1636 Aspen Avenue asked if this traffic enforcement also going to include city ordinances. The Attorney responded that it would be subject to all the laws, to which Mr. Woodlee responded that it didn't state this in the Agreement. The Attorney further stated that it was subject to state, federal and local law including city ordinances.

Mr. Woodlee asked what had brought this on because before the HOA was paying officers for traffic enforcement. The Mayor responded that residents within the CDD have asked for traffic enforcement however, the traffic enforcement could not be done without an Agreement. The City Manager emphasized that the city could not tow vehicles within the community. The Police Department could give them a ticket, but they couldn't have the vehicle towed.

Commissioner Robinson asked if this covered Code Enforcement. The City Manager responded that Code Enforcement could go in the community and enforce the city's code, however the HOA had their own rules and regulations.

Commissioner Robinson also noted the need for an additional officer for this service. Chief Parker drew their attention to the exhibit that spelled out the rate of pay for this.

Marsha Evans of 310 E. Maple Street asked if they approved this, did the city have enough Police Officers in town to be able to do the traffic enforcement plus patrol. She was told that they would take care of calls for service first.

Motion by Commissioner Robinson and seconded by Commissioner Lynch that the Commission approves the Agreement between the City of Davenport and the Forest Lake Community Development District for traffic control and jurisdiction. Motion carried unanimously.

8. REQUEST TO APPROVE THE QUOTE WITH PRECISION CONTRACTING SERVICES INC. (PASCO COUNTY CONTRACT) FOR THE INSTALLATION OF FIBER TO THE BCR AND WASTEWATER PLANT IN THE AMOUNT OF \$32,809.00

Operations Superintendent James Coker explained that Staff was requesting approval to piggyback to Pasco County's contract with Precision Contracting Services, Inc. to install fiber to the new BCR process. James further explained that this would link the BCR process with the rest of the wastewater plant into the city's network. The quote was split into two phases

with the cost of Phase I in the amount of \$19,407.00 and Phase II in the amount of \$32,809.00 for a total of \$32,809.00.

The Mayor asked when would this be completed. James responded that it he was looking at no more than a week, two at the most.

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

Motion by Commissioner Lynch and seconded by Vice-Mayor Clark to approve the quote with Precision Contracting Services Inc. (Pasco County Contract) in the amount of \$32,809.00 for the installation of fiber to the BCR and wastewater plant.

Vice-Mayo Clarks asked if this was a budgeted item and if it came in under budget. James responded that it was budgeted and was pretty close to what they had budgeted.

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

9. ROLLINS COURT DEVELOPERS AGREEMENT REASSIGNMENT AND APPROVAL OF APPENDIX C

James explained that on September 21, 2023, the City entered into a developer's agreement with Luxor Development Holding (Rollins Court). At that time appendix C was not available for the cost for offsite improvements requested by city staff. In addition, the developers were also requesting a reassignment of the agreement to Arroyo Cap IV-2, a Delaware limited liability company, further adding that the owner was changing the name from Rollins Court to Canter Creek.

He further explained that Appendix C identified the cost for the offsite improvements requested by staff as follows:

- Wastewater Connection Fee Collected will be \$749,000.00.
- Wastewater offsite cost will be \$71,425.00.
- Water Connection Fees collected will be \$552,120.00.
- Water offsite cost will be \$358,470.00.
- Water improvements include oversizing on Horseshoe Creek Road to serve future developments East of this project.

For clarity, Mayor Summerlin pointed out that this was for the upsizing of the lines going east so they would be big enough to accommodate the developments when they came online.

Motion by Commissioner Robinson and seconded by Commissioner Fellows-Coffey to approve the Rollins Court developers agreement for the reassignment and approval of Appendix C. Motion carried unanimously.

CITY MANAGER REPORT

The City Manager reminded everyone of their Ridge League of Cities dinner on June 13th.

He also shared that Davenport's very own and NFL player Derwin James was hosting a free youth Football Camp on June 22nd at the Lewis Mathews Sports Complex.

He also provided an update on the Powerline Road extension; and shared that the Building and Planning Department had already processed 98 single family permits for the month of May.

CITY ATTORNEY REPORT – Nothing to Report.

CITY CLERK REPORT – Nothing to Report.

CITY COMMISSION COMMENTS

Mayor Summerlin shared that the City Manager and himself have been working on a side project. He explained that they have located an opportunity to acquire about 50 acres for a massive park in Davenport. He was asking for them to instruct the City Attorney to work out an agreement with the owner to buy the property to build a park. He would like to entertain a consensus to instruct staff to move forward so they could bring back a proposal for their approval. This met with the Commission's consensus.

Vice-Mayor Clark voiced his excitement for the Memorial Day event this weekend and Monday. He stated that for him their Veterans and Military were very important, and this was a great way for them as a city to honor the ones that gave them freedom.

Lastly, he wanted to thank their heroes, the Police and Fire Departments. He also wanted to thank their staff for all their hard work.

Commissioner Robinson wanted to reiterate the Vice-Mayor's comments, further stating that it was important that they honor their Veterans. She also thanked everyone for coming tonight.

She also shared that there was an article in today's paper about an agency with the State putting the Lewis Mathews project on the turkey list and asked what this meant. The City Manager responded that this really didn't mean anything. Basically, they went through the budget and picked out projects that they really didn't understand. The reason why they had placed their project on there was because they felt that the developer was going to get out of his commitment then the state would get stuck with the whole \$4 million. He emphasized that this was not the case. The developer was committed to the \$2.6 million and the city was committed to its \$1.4 million. He had talked to their lobbyist, and they had assured him that it would not have any effect on the Governor's decision on the appropriations the city had asked for. Adding to the discussion, Mayor Summerlin noted that if they got the appropriations that it would be a premium sports complex.

Commissioner Lynch thanked Scott Woodlee for his efforts in putting the Memorial Day event together.

Commissioner Fellows-Coffey welcomed Chief Torrance back.

She also told them that she had the honor and privilege of attending the graduation ceremonies for Davenport High School and Ridge Community High School this past

weekend. There have been some grumbings that the city didn't have a high school, but she wanted to let them know that there were quite a few residents from Davenport that were being educated at these two high schools. She was honored that the School Board had reached out for some of them to represent the city. It was refreshing to see that many youngsters graduating.

She also shared that she had gone to school with Derwin's father, and she covered Derwin when went to high school. She had also been able to be at the camp last year and she had seen the excitement in the kids' eyes when he walked on the field and how they stayed at the field until every autograph was signed and every picture was taken. He might be in LA, but he was deeply rooted to the northeast Polk community.

She also thanked Scott Woodlee and the Historical Society for the Memorial Day event.

She also loved driving down the street and seeing the banners on the posts.

On a personal note, she stated that the Lewis Mathews turkey story was in the paper that shall not be named.

Commissioner Lynch wanted to add that he had not mention the Historical Society in his comments earlier and wanted to include them too.

Commissioner Fellows-Coffey concluded by saying that some of these business items passed 5-0, but she wanted to stress that they did look through these items to determine what was best for the city. She found it very hard to tell people what they could or couldn't do with their own property, but she also found it very hard to look at surrounding properties and wade that in. She would also like to invite and encourage anybody that has any input and didn't attend tonight to attend in 2 weeks or reach out to them with their comments.

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

Meeting adjourned at 8:41 p.m.

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



Raquel Castillo, City Clerk