

City of Davenport Regular Meeting Minutes of November 18, 2024

Minutes of the Regular Meeting of the City of Davenport, Florida, held Monday, November 4, 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: Linda Robinson, Commissioner Bobby Lynch, and Donna Fellows-Coffey. Also present were Assistant City Manager Steve Hunnicutt and City Attorney Elisabeth Crane. Absent and excused was City Manager Kelly Callihan who was on vacation.

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 to move Item 2 under New Business to Item 1 to accommodate those present to hear this item. This met with no objection from the rest of the Commission and 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 and HOA President of the Golden Ridge Subdivision stated that their HOA met approximately 8 miles away and other HOA's met in Winter Haven. He further inquired about the possibility of working community service hours to offset the cost and use the Tom Fellows Community Center instead. Steve responded that the City Manager and himself were looking into this with the insurance company because of the liability to the city if anyone tripped or fell. The only other requirement would be cooperation on staffing hours. He asked that he send him an email and he would contact him as soon as they decided on this.

Mr. Sloan asked about naming some of the pavilions at the new park after some of the local communities such as Golden Ridge or Forest Lake. The Mayor responded that they were a long ways from this and right now they didn't even know how many pavilions there would be.

Scott Woodlee of 1636 Aspen Avenue wanted to thank the city for the great Veterans Day event. He gave poppies and bracelets to those members that had not attended the event. He stated that both Danny and Dustin had done a great job and there had been a great article in the newspaper.

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 November 4, 2024 Regular Meeting minutes. Motion carried unanimously.

OLD BUSINESS

1. **PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 1289 ANNEXING 112 E. FULLER STREET (OWNER OF RECORD: JUDITH M. TARVER)**

At this time the Attorney was instructed to read Ordinance No. 1289 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. 1289 on second and final reading. Motion carried unanimously.

NEW BUSINESS

1. **PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1323 ANNEXING VARIOUS PROPERTIES LOCATED OFF OF HOLLY HILL ROAD (FUTURE CITY PARK) – (OWNER OF RECORD: CITY OF DAVENPORT)**

At this time the Attorney was instructed to read Ordinance No. 1323 by title.

Raymond explained that this was an Ordinance annexing the property of the site of the city's future park.

The Mayor opened the Public Hearing.

Linda Saltz of 572 Cantabria Drive voiced her many concerns against this project and questioned parking, hours of operation, type of fencing, number of people at the park, and the impact to Del Webb. The Mayor answered that the city was a long way from any kind of plan and could not give her specifics, but assured her that all this would be taken into consideration. He further told her that they were building a premier park for its city residents.

Bob Runner of 171 Magellan Court stated that he owned a home in Del Webb and was also the Vice-President of the Del Webb Homeowners Association. The 1,900 residents of the Del Webb community had significant concerns regarding the proposed park. They weren't against the park, but they were concerned about their privacy, safety and security. The initial media reports on this park referenced concerts, firework shows and further

voiced concerns that the noise and traffic congestion these would create. They wanted to make sure that they protected the quiet, peaceful and safe neighborhood they had today.

They appreciated Mr. Hunnicutt assurance that he would attend their HOA meetings and appreciated the open and honest communication.

If the Commission moved forward with this park, they would like to work with them to assure the following:

- To avoid trespassing they could not have any access to this park through entrances, exits or easements to or from Del Webb or Ridgewood Lakes properties. The Mayor interjected and clarified that they did not want any of their residents to be able to leave Del Webb and come into the park. Mr. Runner answered that they wanted them to go around, and they wanted to make sure that they didn't have any easy access for people to just drive through.
- Boundaries of this park on or within the Del Webb parcels must be well defined and impenetrable to protect and keep trespassers out.
- To protect the quiet and peaceful area they have today, public areas created in the park need to have significant buffer zones and landscape separating them to avoid any noise disturbance to their residents.
- Set time and attendance limits on events with environmental disruptions such as fireworks and concerts so that their residents can plan accordingly.
- The City of Davenport Police Department must monitor and respond to calls by Del Webb residents to address any trespassing, unsafe, noisy or unusual or irregular gatherings.
- They asked that any modifications to any ponds, lakes, streams, wetlands or any waterways are coordinated with Del Webb to avoid changing the level or flow of their interconnected waterways on D Del Webb property.
- The Del Webb HOA will be more than happy to work with them.

Brent Richter of 116 Castellon Court voiced that this was the absolute best thing for them, and he was 100% in favor of it.

Jean Ciroalo of 605 Cantabria Drive shared that many of their residents were confused and concerned about this. What would help them a lot would be communication between each other. Perhaps a projected timeline and what the intent is of the park. All the things that would affect their property values. They could understand that their community didn't want any problems or concerns and just wanted to be in a nice neighborhood.

She further voiced that she had attended city events and functions, and they were well done. She would implore it upon them to be considerate of their needs and do it wisely.

The Mayor responded that the concept of putting a park on the 55 acres had been a joint concept between the Torgersen family and the vision of this City Commission and senior staff. This was a partnership and informed her that the Torgersen family was offered way more money than what the city had paid them for this property. So, the alternative was

apartment complexes. What he was telling them was that they were protecting them with a park. This was going to be a premier park with people walking and enjoying the ponds and enjoying nature. Yes, the city was planning on having events and yes there would be people attending. This park would be beneficial to the entire northeast Polk County. They were going to be cognizant of the neighbors but pointed out that the alternative would be apartment complexes. He emphasized that this was going to take time, and they would be very transparent.

In addition, what he was hearing from their HOA Vice-President was that they didn't want any access to it, which the city could arrange. This was near and dear to his heart. He was one of the longest tenured residents in the city and had lived here all his life and he cared about this town a lot. This would be something they could be proud of, a crown jewel.

Melissa Thomas of 429 Almansa Street voiced her excitement for the park. She thanked the Commission for the park and the nature of the park. She further voiced concerns and problems with tractor trailers parking along the road and ATV's and questioned that once it was annexed would they call the Davenport Police to report them. She was informed that she could call the Davenport Police Department.

Chris (did not provide last name) of 534 Vigo Street voiced that he was in favor of the park. He further questioned access to it, to which the Mayor answered that this would be up to the Association.

Joyce Hunter of 15 West Boulevard South shared that she had moved to Davenport in 1982. Yes, they got a lot of traffic and people to their events, but it was only for one night, maybe two but they got thousands of people that came to enjoy their city.

Miriam Cordero of 510 Vigo Street stated that she had met with Mr. Hunnicutt and the City Manager a few days ago. She was thrilled with the park as opposed to the alternative for apartments. She asked when they were ready to talk to the community how would they know when to come and share their ideas. The Mayor responded that the meetings were advertised on the city's website and any publications would be placed in the newspaper.

She appreciated that they were willing to work with them. She apologized for those that had reacted to rumors vs facts.

Victor Petrelli of 337 Navarra Lane asked who would maintain Holly Hill Road once the property was annexed. The Mayor responded that it would continue to be maintained by the County. Mr. Petrelli also stated that the northeast corner was protected land and it would be great if it would be preserved. He was informed that this would continue to be preserved. Mr. Petrelli concluded by stating that he felt it was a great idea and was for the park.

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

Motion by Commissioner Robinson and seconded by Commissioner Lynch that the City Commission approve Ordinance No. 1323 on first reading.

Before voting, Commissioner Fellows-Coffey stated that for those concerned about the events at this park, she lived 2 blocks from the Lewis Mathews Sports Complex where they currently held three of their biggest events. She knew what to expect from these events and she knew to plan accordingly and it was a small price to pay to see people enjoying themselves. Once this new park was completed, the positives would outweigh the negatives. She further reiterated the Mayor's comments that they were not trying to be vague. They wanted to be completely transparent. The first step had been to purchase the property and share a vision with the Torgersen family and the second step was to annex the property. She appreciated them showing up and giving them their feedback. The answers they were seeking, they would certainly provide to them once they had them.

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

2. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1322 ANNEXING 1917 HWY 547 N (CR 547 N) – (OWNER OF RECORD: CITY OF DAVENPORT)

At this time the Attorney was instructed to read Ordinance No. 1322 by title.

Raymond explained that this was an Ordinance annexing the City's cemetery consisting of 9 acres.

Steve stated that the property had become contiguous and they were now annexing it.

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. 1322. Motion carried unanimously.

3. REQUEST FROM CONTRACTOR JOE ESPOSITO TO SUBDIVIDE ONE PARCEL TO BUILD ON THREE (3) 60-FOOT WIDE PARCELS IN TN-1 ZONING DISTRICT

Raymond explained that the applicant desires to develop 3 single family homes along Palmetto Street East. The parcel is in the TN-1 zone that only allows 90-foot-wide lots. The area, per Section 11.02.07 allows the development of infill lots on 60-foot-wide lots. Currently the applicant has demolished the adjacent home on the parcel which is within the TN-1 zone district. The applicant has gone to the county to subdivide the parcel of land to develop 3 more single family homes on the parcel. The applicant did not address the Planning Department prior to the subdivision of the parcel. Nor did the applicant obtain authorization from the Planning Department to start preliminary design on the subdivided lots which he considers as infill lots in a TN-1 zone.

Joe Esposito of 842 Twin Oaks Lane, Winter Haven and applicant and owner of the property advised that what Mr. Perez had said was not exactly true because he had developed other lots prior to this and had done the same exact thing. He had met with them and had developed the two lots on the end and had developed two on E. Lemon Street and one at 105 Palmetto Street and did not have to address anybody. He had addressed Mr. Perez and the Building Official, and he had turned in plans and they had been approved. They knew that he was going to demolish the house, and they had also recommended him to do the lots as he needed them.

He had done all his homework when he had bought the lots 5 years ago. Their own ordinance said that if there were similar lots on the same street that this could be done. He further stated that every lot in the city were 60-foot lots, to which the Mayor disagreed with and explained that everything south of Bay Street, the original plan was for 90-foot lots. He further told him that the Building Department made some judgement calls on infill lots. He had created infill lots because he took a big piece of property and split it up on purpose to create infill lots and he couldn't go along with this. They hadn't allowed houses from being built on 60-foot lots and allowing him to do it would open them up for lawsuits. He would agree to splitting it in half which would give him two 90-foot lots, but could not agree to three 60-foot lots.

Mr. Esposito pointed out that their own ordinance stated that in TN-1 and TN-2 residential neighborhoods, vacant lots shall be compatible with those abutting lots or lots located along the street within that block. Everyone one of them was 60 foot. The Commission disagreed with this.

Commissioner Lynch further stated that he had built many houses in the city but has never been able to build on lots less than 60-foot on lots south of Orange Street because it required 90-foot lots. The only way he could was if it was a single lot. Mr. Esposito then questioned why he was allowed to do it. The Mayor responded that it hadn't been brought to them. He also pointed out that it wasn't an infill lot anymore.

Mr. Esposito informed them that Mr. Perez had given him the same excerpt of the code when he had inquired about building on 60-foot lots. He was only going by what he had done in the past and what he was told he could do. Steve explained to him that the other two he built on were infill lots but this was one parcel that was subdivided and by their own LDR's was not an infill lot.

Mr. Esposito further stated that the two on the corner were not single lots of record and he had divided them. The Commission voiced that they didn't know what had happened, but it should never have been done. Mr. Esposito stated that he had done his due diligence and had done his homework and had spent his money to better Davenport.

The Mayor informed him that he could take the three lots and build two houses. Mr. Esposito appreciated his comment, but he wanted to do what he was told he could do. It was not fair to him.

Steve explained that these were not 60-foot lots. This was a big parcel that was subdivided into 60-foot lots. He was trying to take these lots and split them, and they were not infill lots. The LDR's were clear and whatever happened on the corner lots should never have happened. He had torn down a house which gave him 180 feet. The LDR's allowed him to build two houses on 90-foot lots. If they had been infill lots, then he could but they were not. It was one parcel that he had subdivided. Mr. Esposito responded that he had because Mr. Perez had recommended to him to do the lots as he needed them.

In conclusion, the Mayor stated that these lots would be held to the TN-1 zone criteria.

At this time a motion was made by Vice-Mayor Clark and seconded by Commissioner Robinson to deny the request for three 60-foot lots. Motion carried unanimously.

The Mayor asked Mr. Esposito to come back with two 90 foot lots and they would approve it. Mr. Esposito responded that he would come back with the three lots like he was told, to which the Mayor stated that he wouldn't get them approved by them.

4. REQUEST TO PURCHASE POLICE VEHICLE EQUIPMENT IN THE AMOUNT OF \$69,243.14 FROM DANA SAFETY SUPPLY THROUGH THE BRADFORD COUNTY SHERIFF'S OFFICE PURCHASING CONTRACT

Chief Parker explained that this request was to purchase equipment for the new vehicles that were purchased. He further stated that this would be through the Bradford County Sheriff's Office contract in the amount of \$69,243.14.

Motion by Commissioner Lynch and seconded by Commissioner Robinson to approve the purchase of police vehicle equipment in the amount of \$69,243.14. Motion carried unanimously.

CITY MANAGER REPORT

Steve informed them that the State of the City Address would be posted soon. He also informed them that the RFQ for the Tom Fellows expansion had been sent out. He reminded everyone of the Polk State College Ribbon Cutting this Thursday. He also reminded them of the upcoming FLC Legislative Conference.

CITY ATTORNEY REPORT – Nothing to Report

At this time Chief Parker asked Sgt. Mario Dixon to come up and informed them that he had been selected as Officer of the Quarter for the 3rd Quarter. Chief Parker also shared that Sgt. Dixon had been involved in a situation where he had made an arrest and had been bitten by the arrestee's dog, and as a result had to go through extensive therapy but he was now back on the job.

CITY CLERK REPORT

The City Clerk wished everyone a Happy Thanksgiving.

CITY COMMISSION COMMENTS

Commissioner Robinson thanked everyone for coming and appreciated the residents from Del Webb. When the city had initially purchased the property, she had been concerned about how the residents from Del Webb would feel about it, but wanted to say that it was going to be a great park.

She also thanked the Historical Society for their Veterans Day program. It had been very nice, and she had enjoyed the speaker from the Winter Haven American Legion. She regretted that she had missed the Heroes 5K Run. She also shared that she called it Veterans Week and shared that her and Rob had spent the week honoring veterans they knew. She also wished everyone a Happy Thanksgiving.

Commissioner Lynch thanked the Historical Society and Scott Woodlee for hosting Veterans Day events. He also understood the Del Webb residents' concerns and stated that they were way too early in the process to provide them with specifics. He too wished everyone a Happy Thanksgiving.

Commissioner Fellows-Coffey apologized to the Historical Society for not attending their event. She had worked all morning long on the Heroes 5K event. She also apologized to Mr. Woodlee for not attending his Veterans Day event. Her day job had not allowed her to attend. She hoped that it was the first of many to come. It had been a great weekend to honor some great people. For anybody that was involved in them in any way, she thanked them.

She was also excited for their upcoming events.

As a point of record, Vice-Mayor Clark stated that there were some residents in the city that had some concerns about him, and he wanted to address them. He stated that he hadn't been at the Veterans Day event because he did have a day job and was unable to attend, however 15 of his volunteers had been there to represent him. So, the idea that he didn't care about veterans was simply absurd and uncalled for. On Friday night he was at the BBQ event. He had been a judge so the fact that he was being called out that he was not at an event was ridiculous. The fact that he was being called to resign was not going to happen. From the audience, Mr. Woodlee asked him to answer his emails and that he could bring it up now. Vice-Mayor Clark responded that he hadn't mentioned any names.

The Vice-Mayor informed Mr. Woodlee that he had already gotten his turn to speak, and it was now his time. Mr. Woodlee asked him to be careful what he said to which the Vice-Mayor asked if that was a threat.

The Vice-Mayor further stated that he would continue to say that Police and Fire were heroes. Whether Mr. Woodlee thought it was appropriate or not, they were heroes to him and would continue to be and him saying that they weren't was absurd.

Addressing Mr. Woodlee, Vice-Mayor Clark questioned his intent to ask for their resignation and that it had not happened. Mr. Woodlee responded that he had not done it out of respect for the Mayor but as soon as he got the emails he had requested he would have his say.

Becoming a little vociferous, Mayor Summerlin had to call order to the meeting.

The Vice-Mayor thanked the Police and Fire Departments for everything they did. He thanked the residents. Stated that the Veterans Day events were amazing.

He concluded by stating that instead of having division, they should come together and unify.

Mayor Summerlin stated that he was able to attend three of the four events. He had attended the Heroes 5K event then had attended the Davenport Historical Society's Veteran's event. He had enjoyed the playing of Taps. He had also learned about the folding of the flag and what each fold meant. He was unable to attend Mr. Woodlee's event but had attended the bar-b-que event.

He also shared that he had done the State of the City Address last Thursday and once it was edited, it would be placed on the website. During his Address, he had stressed the vision of the city, and that Davenport was a great place to work, live, eat and play. If they could create this as their vision, then they would succeed.

There being no further business, the Mayor entertained a motion to adjourn which was provided by Vice-Mayor Clark and seconded by Commissioner Lynch. Motion carried unanimously.

Meeting adjourned at 8:22 p.m.

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


Raquel Castillo, City Clerk