

City of Quincy

City Hall

404 West Jefferson Street

Quincy, Florida 32351

www.myquincy.net



Tuesday, February 11, 2020
6:00 PM

City Hall
Commission Chambers

City Commission

Mayor Keith Dowdell - District I
Mayor Pro-Tem Ronte Harris - District III
Commissioner Angela Sapp - District II
Commissioner Freida Bass-Prieto - District IV
Commissioner Daniel McMillan - District V

"An All American City in the Heart of Florida's Future"



**City of Quincy, Florida
City Commission Meeting**

AGENDA

**February 11, 2020
6:00 P.M.**

City Hall Commission Chambers

Call to Order

Invocation

Pledge of Allegiance

Roll Call

Approval of Agenda

Special Presentations by Mayor or Commission

1. Quincy “Firefighter of the Year” Award

- Mayor Keith Dowdell, District I
- Jack L. McLean Jr., City Manager
- Curtis Bridges, Fire Chief

Approval of the Minutes of the Previous Meetings

2. Approval of Minutes of the January 30, 2020 Special Meeting

- Sylvia Hicks, City Clerk

Proclamations

Public Hearings and Ordinances as Scheduled or Agendaed

3. Ordinance 1109-2020 Simulated Gambling Facility on First Reading

- Jack L. McLean Jr., City Manager
- Bernard Piawah, Building and Planning Director

Public Opportunity to Speak on Commission Propositions – (Pursuant to Sec. 286.0114, Fla. Stat. and subject to the limitations of Sec. 286.0114(3)(a), Fla. Stat.)

Resolutions

4. Resolution 1402-2020 Black History Parade

- Jack L. McLean Jr., City Manager
- Glenn Sapp, Police Chief

Reports by Boards and Committees

Reports, Requests and Communications by the City Manager

5. Employees' Pension Plan Enhancements

- Jack L. McLean Jr., City Manager
- Ann Sherman, Human Resources Director
- William McCloud, Financial Advisor

6. Request to Repair and Replace Well Fieldhouse Pumps

- Jack L. McLean Jr., City Manager
- Robin Ryals, Utilities Director

7. FEMA Vista Partnership

- Jack L. McLean Jr., City Manager
- Beverly Nash, Grant Writer

Other Items Requested to Be Agendaed by Commission Member(s), the City Manager and Other City Officials

8. Hurricane Michael Surcharge

- Commissioner Fredia Bass-Prieto, District IV

Comments

- a) City Manager
- b) City Clerk
- c) City Attorney
- d) Commission Members

Comments from the Audience

Adjournment

If a person decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting, he/she may need a record of the proceedings, and for such purpose, he/she may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. FS 286.0105. Persons with disabilities who require assistance to participate in City meetings are requested to notify the City Clerk's Office at (850) 618-0020 in advance.

CITY COMMISSION
CITY HALL CHAMBERS
QUINCY, FLORIDA 32351

SPECIAL MEETING
January 30, 2020
6:00 P.M. (Eastern)

The City of Quincy City Commission met in special session, Thursday, January 30, 2020, with Mayor Commissioner Dowdell presiding and the following commissioners present:

Commissioner Daniel McMillan
Commissioner Ronte Harris
Commissioner Freida Bass-Prieto
Commissioner Angela G. Sapp

Staff and Guests Present:

Jack L. McLean Jr., City Manager
Gary Roberts, City Attorney
Glenn Sapp, Police **Chief**
Dr. Beverly Nash, Grant **Writer**
Vancheria Perkins, Executive Assistant to the City Manager
Marcia Carty, Finance **Director**
Officer Franklin Olguin, Sergeant-At-Arms

Kurt Spitzer, Kurt Spitzer and Associates, Inc., by conference call

Call to Order:

Mayor Dowdell called the special meeting to order at 6:00 pm with the Roll Call.

Special Meeting Agenda:

Redistricting Consultant Selection, Jack L. McLean Jr., City Manager

City Manager McLean reported that the City Commission on December 10, 2019 authorized staff to distribute an RFQ (Request for Qualifications) for redistricting consultant services. Two companies (KMR Consultants and Kurt Spitzer and Associates, Inc.) expressed interest in the RFQ; however, neither of the companies met the requirements of the RFQ. The RFQ allows for the expression of non-compliance. Discussions had been conducted with KMR Consultants, however, it ended with non-agreement over the price and the company subsequently withdrew its proposal.

“Kurt Spitzer and Associates, Inc. continued to have an interest in doing the redistricting work and an agreement on the scope and pricing of the work was reached. Staff determined that the pricing was market driven and appropriate. The contract is therefore, submitted to the Commission as a recommendation to award the work to Kurt Spitzer and Associates, Inc. in the amount that is indicated in the contract (approximately \$22,500)”.

Discussion:

Commissioner Bass-Prieto presented a question related to the contract information, stating that she "did not see in the information whereby Kurt Spitzer and Associates had ever done redistricting work". She also observed that the information mentioned a lot of consulting, but not redistricting work. She also noticed in the professional services contract "there were no community meetings listed". Her observations were "it is a very rush, rush agenda of time; also stating that "since the last meeting, she has been pondering our situation, and believes that the whole idea of rushing this is a major concern; considering the fact that we did not have any consultant groups meet our RFQ". She questioned City Manager McLean as to "why, what was left out, why no focus group meetings are included in information and if they will that push our time out?" In addition, she stated, "after the meeting on Tuesday, it was her understanding that the elections could be held at any time". "So there is no push to do it in June 2020." She restated that Mr. Roberts had said, "One city had push the day to November in the past". She requested agreement from City Attorney Roberts. Mr. Roberts stated that she was correct. She suggested that an RFO be reissued; "figure out why we are not getting responses and if there is something in the RFQ, maybe having the 2000 date rather than the 2010, and see if we can get a wider response". In addition, "after thinking about this situation . . . she stated that she thought, "it would be wise for the Commission to consider all five districts, once we redistrict . . . She stated, "If it is important for districts 1 and 5, then it is important for the rest of the districts." Further she stated that "we can do like our editorial (newspaper), appoint a committee to work – it is a very good idea; removes it from the political; moves it from the city staff; it gives it to our citizens who it is going to affect the most." "And if we all five run, then we will have no problems . . . no problems with those who have qualified and pre-qualified to run; they can run in whatever district. . . so we will not have people who will have to wait five years and have a candidate for the next three years that they never had an opportunity to vote for." In addition, she stated again, "if we take our time, we will get the best people possible; get a good committee, then we will have the best redistricting that we can." She further suggested that "there are August and November primaries; the Commission could look at those dates . . ." "There should not be any problems extending the date to November." She believes that "this is the only way to remove this from looking like it is a political issue, remove it from looking like a job retention issue". "Put it in the hands of our citizens. . . let them decide, by each Commissioner appointing one someone and a six person that we agree upon; and let us move forward by letting them (the citizens) be the ones to hold the meetings and work with the consultant". "We can step back and let's see what comes out of this". . . "We are doing our citizens a disservice".

The City Manager clarified, "Kurt Spitzer had done 15-city and county redistricting. Regarding the focus groups", the City Manager responded, "it does provide for four meetings; the meetings do provide an opportunity for community focus meetings". Regarding the item "as to who should run, etc., these are related to the City Ordinance".

He further stated, "Mr. Spitzer is well qualified to do the work". He explained that "the timeframe to do the work would take about 60 days; all of the work would accommodate the June date".

Commissioner Harris motioned to approve option 1: that authorized the Mayor to execute the contract with Kurt Spitzer and Associates, Inc. Seconded by Commissioner Sapp.

Question from Commissioner McMillan to Mr. Spitzer by conference call – restating that he had done 15 contracts dealing with redistricting and asking, “If any of those had been put off strictly because of redistricting?” The answer from Mr. Spitzer was “no”.

Additional statement from Commissioner Bass Prieto – regarding timeframe, she “did not see between Jan. 31 and March 31 – any meetings with the citizens”.

City Manager McLean clarified, “she had missed the information regarding the meetings with citizens”. She stated that she was looking at the timeframe. Mr. Spitzer indicated that he believed the proposal indicated, “Five different meetings and they could be with the City Manager, staff and/or community and/or any combination of folks”. City Manager McLean referred her “to page three of the professional services contract, number XI that stated the five meetings”.

Question from Commissioner Sapp to Mr. Spitzer – “Typically, how long does the process take, once you begin?” Mr. Spitzer expressed, “That this was a compressed timeline; determined by if you want to have the election in June. Normally, it can take as little as three months to maybe a little longer than that. . . but it is not so much the collection of data, as it is. . . the timing of commission meetings. It can be done in 60 days; it can be done in four months, or six months.”

The City Manager further stated, “The City will paid for five meetings; we can determine how we want to distribute those meetings.” Commissioner Bass-Prieto stated, “It does not say anything about our community and that was in the RFQ”. City Manager McLean assured the Commissioner, “We will have that”. Commissioner Basso-Prieto stated, “It is an important part of the process and should have been a part of the deliverables for our contract, especially since it was noted in the RFQ.”

Commissioner McMillan responded. “The information does not speak to citizens what so ever”. City Manager McLean emphasized, “If the commission wanted to add more meetings to the contract than the commission can, under number 6 and anything outside of the contract, the commission will have to pay for”. “Whatever number of meetings that you want to have . . . it will cost \$250.00 per hour to do it”. “The contract lies out those additional costs. . .” Again stated, “We can have any additional meetings outside of what is stated in the professional services contract . . . we just have to talk about how much that you want to pay”.

Question from Commissioner McMillan to Mr. Spitzer - “Out of the 15 redistricting jobs that you have done, what is the average length of time it has taken?” Mr. Spitzer responded by stating, “Five or six months, it depends on the work situation and the community preferences. There is nothing magical about two months vs. six months. The end product can be just as accurate in a short time vs a long time. . .” It was his (Mr. Spitzer) “understanding that the Supervisor of Elections stated that if the City wanted to have an election in June, then the work needed to done by March or April. “I am confident that it can be done in 60 days. Can it be done in four or six months? For sure . . . but again, you can have as accurate of a work product in 60 days”. Commissioner McMillan commented with a question: “Is it safe to say that this is the quickest turnaround that has been asked for?” Mr. Spitzer responded by saying, “Yes, that would be accurate”.

Commissioner Bass-Prieto directed comments to City Manager McLean by saying, "I think that we spent \$10,000.00 with the previous consultant – is none of that information that we garnished from them and their services – is it not applicable to any of this?" City Manager McLean responded, "I will provide him the data and I think it will help keep our costs down, but they still have to input and independently verify the data". Commissioner Bass-Prieto questioned Mr. Spitzer, "I want to understand that you have never done a redistricting in this short timeframe – that this would be a first for you?" Mr. Spitzer responded, "This is true, this would be the shortest timeframe that we have done. . . Think of it as two or three-step process. The first-step is collecting data; laying the existing district boundaries on top of the 2010 census data; determining if the existing districts are not in acceptable tolerates in terms of populations . . . that is part 1, then if the districts are not in acceptable portions and deviants from the district size. Then, part two would be – to produce three different alternatives – that would be legally sufficient . . . and get input from the city commission, the community and entities as to which one is unacceptable or which one might be acceptable. . . may need to come back with another alternative. All of that would have to be done in time for the city elections. The legislative body of the city would have to approve the final plan prior to the end of March. Collecting the data and preparing the initial plans – we would have this done is the first few weeks of the process . . . that could be done. The question is can we get the support of the community . . . and would the city commission approve the plans or whatever changes. Can all of this happen within the 60 day period of time – that is the question?"

Question from Commissioner Bass-Prieto – "Have you ever worked with a community that actually appointed a group of shareholders or citizens to work with you as a guiding force in the community meetings?" Mr. Spitzer responded, "In one place, there was a formal group like that . . . in Brevard County, in their charter they provide for the county commission to appoint of a redistricting citizen commission. As I recall, it requires three individuals appointed by the commission. I worked with them and the process in their charter is that we looked at different options and then presented to a final recommendation to the county commission. The county commission . . . made the final decision regarding the plan. In most places that I have worked, there is a mechanism for garnishing community input . . . there may be an opportunity for a couple of community meetings to get input from the public... Brevard County has been the only one. It would be very difficult to get community input within 60 days".

Commissioner Bass-Prieto questioned the dates by saying, "I keep hearing these dates that are being battled around – when we have to have this and when we have to have that. I would prefer to hear it from the mouth of the Supervisor of Elections. It is my understanding that this is not the case . . . so, if we could bring her here, Mr. McLean, in order to make her be ok with that – I would feel much more comfortable . . . because we should be working with her and trying to do the best for her and our citizens." "We have plenty of time, no need to rush in a two-month period. . . I do not think it would be fair to the rest of our citizens if we do not have an election for the rest of us. What is good for one district is good for all five . . . it would be fair and equitable and would eliminate some of the issues that were brought up. This board needs to really consider this. . ."

Commissioner McMillan commented, "It appeared that Mr. Spitzer could get the work done in a reasonable amount of time, but the only thing that would be limited - would be citizen involvement. . ." Mr. Spitzer commented, "I think so. . . that is based on the March deadline, I do not know how frequent the commission holds its meetings. . . so to add two or three or four more meetings in addition to the meetings already contemplated. . . it would be difficult to do that".

City Manager McLean commented, "He did meet with the Supervisor of Elections and discussed what her parameters were and those discussions even went on today. The June 9 date was the date given by the Supervisor of Elections; the staff did not chose that date. It was the earliest date that she could hold after the March primaries, because she could not upload the data prior to the March primaries". "The time is based on the discussion we had about keeping it on the normal timeframe. However, the normal schedule is not possible because of the federal election and was the reason why it got push out. Again, that date was not a staff date, but her date that she provided".

Clarification from Commissioner Basso-Prieto – "What I understand is that the date is the earliest date that she could do it. However, what we have learned since having the opinion (from the City Attorney) - is that we are not tied to any date – as I said before, it can go all the way into November. . . I think we need to take time to do it as properly as possible. If we are not going to do all five . . ., then I do not see a whole lot of difference in having two or three extra meetings and being on the commission from June to July or August or whenever". "I do not think that really makes a difference, but what does make a difference is that our citizens have good and ample opportunity to provide their input. We do not want to rush this. . . we need to have her (Supervisor of Elections) tell us when can she do it. . . when you said the earliest that she can do it. . . that limited her and therefore limits us. I question whether we need to set the parameters for March 30, April 30, or May 30".

The City Manager commented, "The implementation date make by the commission initially back in December would have allowed the commission to keep that window opened as to when to have the election. The ordinance now, which is before you now, puts the June 9 date – . . . I did not suggest the date to her. I asked what date she could do it . . . If you want a date that is a month later, you can have a date a month later . . . if you want to talk about extending it another 30 days to July . . . that is up to the commission. In the ordinance, the commission can change the date or choose optional dates. . ."

Commissioner Harris commented, "The issue on the table is the selection of a consultant. The issues presented by Commissioner Bass-Prieto can be taken-up when talking about the ordinance changes. There is a motion on the floor . . . the issue about the dates can be dealt with at the agenda item dealing with the ordinance changes".

Commissioner Bass-Prieto commented, "My concern was that in the contract there were deliverables with dates . . . and had been signed by them". City Manager McLean commented, "The contract could be modified".

Commissioner Harris stated, "He would amend his motion, by stating, that the Mayor and City Manager had the flexibility to adjust the contract per the directions of the commission".

City Manager McLean referred the commissioners to paragraph 5, page 3, period of performance (professional service contract) inserting language . . . "as such other times as determined/directed by the commission".

Commissioner Bass-Prieto requested, "The community meetings be added to the deliverables".

Mayor Dowdell called for the vote on the amended motion and seconded on the execution of the contract of the consultant, Kurt Spitzer and Associates, Inc. per the directions of the commission, and add to any community meetings/involvement of the public as deemed necessary. (Amended motion, seconded by Commissioner Sapp). City Manager McLean clarified, "It was regarding performance . . . adding again, 'as such other times as determined by the commission'. The motion carried 3 to 2.

Additional Discussion:

Mayor Dowdell questioned Mr. Spitzer – about "confusing terminology by using the word – average – what is the population of Brevard County". Mr. Spitzer responded, "It is approximately 400,000 - 500,000 people". Mayor Dowdell questioned, "Is that why you used the word average related to that population, but with a population of 6-7,000 people – how much time it would take?" Mr. Spitzer responded, "It would take less time certainly . . . getting the data ready is almost the same . . . once the data is done and alternative options are out there; it depends on how many community meetings that you want to have. There is no magical requirements in-law that requires a certain amount of meetings . . . there are some places that do not have any community meetings. . . The target is to draw district boundaries that result in the populations of each district being as close as possible to the average-sized district . . . it would be the City of Quincy's population divided by five. . . The target is 1-3% under or over the average population size . . . ; more than 10% is a red flag. One would need to adjust boundaries, to get under 10% if possible . . ."

Question from Commissioner Bass-Prieto for Mr. Spitzer, "Have you ever redistricted or worked with a municipality or county that had not redistricted in over fifty years". Mr. Spitzer responded, "No". She continued with the question to Mr. Spitzer, "Do you think that since the community has not been thru the process that it needs an adequate amount of time to fully understand the process?" He responded by saying, "Getting the members of the public or the citizens to be as informed as possible and giving them an opportunity to ask questions is always a good thing. Does that happen with two community meeting or ten? I do not know. . ."

Commissioner Sapp asked the City Manager about the June date given to him by the Supervisor of Elections. She questioned, "What election was it related to in June?" His replied, "It was our same election, just moving it to June". He stated, "I did not ask her . . . about any other time". Commissioner Sapp continued by asking, "If a later date, like an August date, was considered, would it affect Mr. Spitzer's fees and/or deliverables?" The City Manager responded, "It depends on how much more you want to go above \$22,200. What drives the price is the number of meetings that you want to be involved in. His data is applicable to any period . . . it does not matter".

Clarification by Commissioner Bass-Prieto regarding whether redistricting is affected by the election date. Question – “Does the election have to happen right after redistricting?” The City Manager responded, “No”. “Is the consultant determining the election date?” The City Manager responded, “No”. “The June date was the earliest date that the Supervisor of Elections could physically complete her responsibilities.”

Commissioner Bass-Prieto questioned the statement by Mr. Spitzer made regarding the **unique challenging for Quincy by using the 2010 data**. Mr. Spitzer responded, “The census bureau would be where he would get the data . . . data obtained from the jurisdiction would help determine what the population of the individual districts are now. They are called a shape files . . . do not know if they are readily available. . . . We would look at certain blocks for races, age, etc. The common principle is that one would follow the block boundaries . . . would may have to deal with estimations; these are all challenges that can be overcome”.

Redistricting Opinion Letters, Jack L. McLean Jr., City Manager and Gary Roberts, City Attorney

Attorney Roberts presented the opinion letter dated January 29, 2020 supplemented by the opinion of Bridget Smitha of Stearns Weaver Miller Weissler Alhadeff & Sitterson, P.A. dated January 27, 2020. Attorney Roberts stated. “The opinion was clear and unambiguous – that the city has the power and authority thru Article VIII Section 2(b) of the Florida Constitution and pursuant to Sections 166.021 (4) Florida Statutes amended in 1995 and 100.3605 thru a **series of attorney general's opinions from 2001 to 2019 (City of Destin)**. Starting in 2001 with an opinion by Butterworth to former attorney general Pam Bondi. The law is well settled and is clear . . . this commission has the authority to change the dates of its election and to **extend the terms of its officers**”. Regarding Commissioner Bass-Prieto, he stated, “In regards to getting everyone on the same ballot, most of the cases, went away from referendums, and it is at the will of the commission as to how it **should do that**”. “**The commission** has the right to speak for your citizens/constituents that is why they elected you to do the job for them. You have the power, authority and it is invested in you to make the ordinance change”.

Discussion:

Commissioner Bass-Prieto commented, “She wants to make sure when the ordinance is changed that we are changing the date and it does not limit us to the upcoming April election, because I am looking at 2020?” Attorney Roberts responded, “The case law is clear, the City of Mulberry, Florida penned by Butterworth was in the same position. They had elections in April and moved them to November to coincide with the general, county and federal elections. They extended the times of their commissioners up to one year. The extension of the term of the commissioners . . . are the commissioners that are affected, not the entire body”.

Commissioner Bass-Prieto continued her questioning, “Do you know if we moved to have all five commissioners re-election because it is not lengthening of their time, but a shortening of their term”. Attorney Roberts retorted, “The issues that he was asked to do was to look at extending because of April; you will have commissioners whose terms will come to an end. .

. One commissioner believed that you had to have a special election . . . , which was totally incorrect. . . . Commissioner Bass-Prieto stated, "This is a 180 degree turn from extending . . . this is actually changing the ordinance. . . if we did that. . . it would make certain that we are all under the same redistricting numbers. Everyone has the opportunity to vote and no one has to wait five years to vote for a commissioner. Do you see . . . , from all the research that you have done on election law and home rule, this as being an obstacle . . . ?" Attorney Roberts responded, "I do not recommend it . . . it is consistent with case law . . . you can extend the terms and you have the commissioners affected go thru the election process. I would not do anything that is inconsistent with anything that is written in black letter law".

Commissioner Bass-Prieto countered by stating, "I do not see redistricting for two districts and then allowing some people to wait five years to vote for a commissioner, especially since we already have people who have qualified to run in this election. You can very easily be moved out of the district and not be able to run. I see so many obstacles in the way it affects a few districts, not affecting five". "If we really wanted to take care of our citizens and say redistricting is important, and should be a right for everybody and not just a right for two districts, then I see you recommending that, but . . . I am not certain that something like this has ever happened. . . Also, I see difficulties down the line. As a citizen who had to wait five years. . . I would feel that redistricting had harmed me".

Attorney Roberts stated, "The answer is very simple. You as the commission can do just what you said . . . with a majority vote".

City Manager McLean stated, "Redistricting will affect all five districts this time. It is not just going to be the two, but all five districts. . . I do not understand the five-year count; the next election will be two seats up; the following year, there would be another election that would be one seat and the next election will be two seats. I do not see the five years".

Commissioner McMillan stated, "He appreciated Attorney Roberts' legal opinion. He admits that his basic common sense and knowledge were wrong. . ." Commissioner McMillan questioned, "In every case . . . it was to move the election to the general election time; it was never to delay an election for the purpose of redistricting. Was there one for redistricting purposes. . ."

Attorney Roberts stated, "You are looking at the reasoning, as redistricting. The issue was whether are not you can move the election and extend the term of office. For redistricting purposes, even if the issues has not come up and it is clear, . . . for whatever the reasoning is, the cities, counties and other municipalizes tried to coincide with state, federal and other elections. . . The question is – you can do it; redistricting is causing the reason for moving and changing the election date and the terms of the officers. Commissioner McMillan stated, "Correct. In your review of it, was that done based on redistricting or just to move the date to the regular general election"? Attorney Roberts stated, "No, it was done for the purposes of changing the date of the election . . . and most of it was to stay in continuity with state, federal and local elections . . . no I did not see any particular ones. I will continue to look, but, that is not the issue – the issue is do you have the authority and you do".

City Manager McLean referred to "The consultant and Sarasota, where redistricting was done . . . it was not done to move it to the fall election, in fact, they were in the exact same posture that we were in". They used the 2010 data; did some altering and which was an expensive process". "They did it in an August election . . . your reasoning is correct. It is whether you have the authority to do it. . ."

Commissioner Bass-Prieto commented, "Regarding the five years, two of the smallest districts are Commissioner Sapp and myself. We were just elected in 2019; we will not go back until 2021. The adjoining districts, one is district five, a very large district and then we have districts 1 and 3. If anyone is residing at this current time in districts 1 or 5 and they are moved thru redistricting into districts four or two, they will not get an opportunity to vote . . . until 2022. That is five years . . ."

Commissioner McMillan commented, "Should I be asking the four of you legal advice or the City Attorney?"

Commissioner Sapp commented, ". . . This is the first time that we have redistricted since we drew lines in 1974. No one will be happy with everything that is done; someone will be unhappy. We cannot make everyone happy. . . Nothing will be fair to everybody. Everyone has some type of personal gain, as to being for or against. . . Most of us will never know the hidden agenda that some people have. . . If we are going to do it, which we are going to do it, I am in favor of us doing it now at the beginning of an election series or cycle for commissioners, beginning with districts 1 and 5. . . The five year not voting thing, I don't know if it will affect a lot of people . . . we do not know what lines will be drawn or who will be affected. We do not know what the 2020 census will look like . . . or make a big difference. . . We do not have to rush . . . we know that now. . . This is something that needs to get done now and we should be embarrassed that we have not done it before. It has taken fifty years . . ."

Redistricting Ordinance Changes, Jack L. McLean Jr., City Manager and Gary Roberts, City Attorney

City Manager McLean outlined the ordinance changes, by stating, "On page 2 of 4. . . composition, eligibility, election and terms, section 2 (a) – there shall be a city commission of five members elected by the qualified electors of the city for the terms of three years to . . . except that the term of the existing City Commission member which would otherwise expire before the next preliminary or regular election date as modified by ordinance, shall be extended in order to effectuate the orderly transition of office. That language was drafted and tailored to the City Attorney's opinion."

"On page 3 of 4, this is language that Commissioner Bass-Prieto wanted to have inserted in the draft that requires us to do, every ten years, redistricting. City commission districts for each of the five members shall be reapportioned at least every ten years based upon the most recent federal census, if necessary, to apportion the districts so that City commission members represent substantially equal populations.

“On page 3 of 4, section 3 (a) is a technical change whereby we have primary elections and we have regular elections. . . A primary election shall be held on the last Tuesday in April of each year, except as provided in subsection (c) . . .”

“Section 3 (c): In the year 202, the primary election shall be held the second Tuesday in June 202 and the regular election shall be held the fourth Tuesday in June 2020. That was based on the dates that originally had. . .”

Discussion:

Commissioner Sapp commented, “In order to ensure that we are not rushing the process . . . we talked about the August or November elections, City Manager are you going to question Ms. Knight and see if the August date works?. . .” The City Manager commented that he could check with any or all of her dates and see what works. “The ordinance will be advertised . . . and I will have a chance to meet with her. That may eliminate some fears and doubts that people are having at this time.”

Mayor Dowdell questioned, “Do you need a vote?” City Manager McLean responded, “No, I just wanted to see if there are changes.” Mayor Dowdell responded by asking the commission, “Do you have any changes?”

Commissioner McMillan responded, “On page 3 of 4, we talk about ten years, I would feel more comfortable if it stated, immediately following the census . . . in that way, we are not working off of eight year old data. . .” He further commented that he wanted the attorney to bring it back to the commission.

The City Attorney clarified by stated, “Is the issue about directly following a federal census?”

The City Manager commented, “My hesitation or pause was about directly following a federal census was the scoring process. . .”

Commissioner Bass-Prieto recommended, “Can we say within three years?”

Commissioner Harris stated, “He was ok with change, however, it was understood that we are going to look at the 2020 census data and revisit this in 2021 when the data is available. That would put us every ten years . . . and then we would be on track”.

Commissioner Sapp commented, “. . . if we specify immediately after the census, then it will be clear as to what we expect”. Commissioner McMillan commented, “. . . we do not know who is going to be up here in the commission . . . , we need to set it such that it is done properly going forward . . .”

Commissioner Bass-Prieto further commented, “For the special election, I think that we should have it a certain amount of time after we finish redistricting when the maps are drawn, so . . . and allowing it to run its course rather than putting a certain date. . .” She presented a question to the City Attorney, “At this junction, do we have to put a date?” Attorney Roberts stated, “No, because you are advertising it. We are not in a completed process. It is a work in process”.

The City Manager commented that we have to have a date, stating, “Whether it floats or however, we have to have date . . . in order to advertise it. It can be changed. There will be two readings of the ordinance . . . The first reading, we have to advertise for two or three weeks . . . it is usually a 45-day process. . . .”

Commissioner Harris restated, “City Manager, during the process, we have an opportunity to make adjustments to the ordinance, am I correct?” The City Manager replied, “Yes sir”.

City Manager McLean directed a comment to Commissioner Bass-Prieto, stating, “This is not a special election. . . This ordinance does not contemplate a special election. This is about moving our normal primary or regular election dates. Special elections, for us and in the way our charter is written – is to fill a vacant seat caused by death, some disability – that is a special election for us . . . and resigning”.

Commissioner Bass-Prieto commented, “We post this in the newspaper, . . . and it has this day and we come back and change it, our citizens that have read it. . . and read the minutes, how do they know the date is different?”

The City Manager commented, “This is a draft . . . once this is advertised, it is an ordinance up for consideration. This is only a draft. We were attempting to capture all discussions and any changes”.

Commissioner Harris commented, “Any ordinance that comes before this commission for changes or additions is subject to whatever comes out of this commission, am I correct?”

Mayor Dowdell requested clarification, “Do you need a date?” City Manager McLean responded, “We need a date . . . it can be changed, but we must have a date”.

Commissioner Sapp commented, “This comes back to us for first reading?” The City Manager stated, “We will start the advertising process next . . . (requesting information from the Gadsden Times editor who was presented at the commission meeting). We can start advertising tomorrow and it will be in the paper.”

Commissioner Bass-Prieto objected stating, “. . . so we advertise this in the paper with the June date and come back and change it. Do we have to re-advertise for a certain length, so we just tell our citizens that it is going to be in June. . . and they do not know anything about that. . . caused we printed it in the paper with the June date. . . asking the City Attorney – if everything can be changed, what is the purpose of advertising to our citizens. . . I guess the information would not be very accurate.” City Attorney Roberts stated, “That is the process in place, from my understanding, as the City Manager articulated, he was going to see what other dates would be available for the election, other than the June 9 date and bring that back to as well. . . that could impact how the final ordinance would look.”

The City Manager clarified, “This is our normal process . . . citizens should be familiar with the process. . . They get a chance to choose a date. . .”

Comments: Citizen

Brad Farmer, 323 N. Monroe Street, Quincy 32351, stated, ". . . We have to accept the 'what is' when it comes to redistricting . . . You decided to redistrict a process in about three months. . . Since that is the case, we are going to move the election from April to whatever dates, we do not know, it could be June or April. . . As a citizen . . . who have people who never watch it on TV or Facebook, and those who have no idea; just know that the election is going to be in April and then have something in the newspaper that says that it is going to happen in June . . . If we cannot get this done in time, we would have paid the consultant . . . We are back to square one and we would have missed our election date. . . Am I to believe that our hard-earned dollars, the consultant will get this right? . . . As citizens, we got to hold our city commissioners to a higher standard. . . But tonight. . . you are making a statement that you want to work together to prove to us, the citizens of Quincy that you can redistrict and hold a fair election that represent the redistricting within five to seven months. . . There is nothing more precious than one-person one vote. . . We have an opportunity to prove the naysayers wrong . . . that you can work together for the greater good. . . It is the responsibility of the city of Quincy to demand that our elected leaders do what is right and it is in our best interest, and not yours, not necessarily the City Manager or City Attorney, not anyone in these chairs. . . I wish you all the best of luck, as a taxpayer of the city of Quincy we will monitor you going forward. Thank you.

Notification of Election Date Change, Jack L. McLean Jr., City Manager

Discussion:

Mayor Dowdell questioned, "Do we need to vote on this?" The City Manager stated, "I think we have the directions to move forward, in light of the discussions, implementation and selection. One thing that we do need to do is to notify the Supervisor of Elections that we will not be having our elections in April, which is very clear. We need a vote for that. . ."

Commissioner Harris questioned, "Will that take care of the notification that has already been sent by the clerk?" City Manager McLean stated, "I do not know that the clerk has sent a notification. Correction, she did sent a notification back in January, but it will be countered. . ."

Commissioner Harris motioned to authorize the clerk to notify the Supervisor of Elections of our change of the election date per the directions of this commission. Commissioner Sapp seconded. Commissioner McMillan had a question to the City Attorney, "Do Commissioners Dowdell and myself need to abstain?" The City Attorney responded, "No, you absolutely do not." Commissioner Harris clarified, "It will be based on the ordinance passing the second reading, correct? The date that will be notified by the clerk?" The motion carried 3 to 2.

Adjournment: Motioned by Commissioner Sapp; seconded by Commissioner McMillan at 7:25 pm.

Submitted by: Dr. Beverly A. Nash

APPROVED:

Keith A. Dowdell, Mayor and Presiding
Officer of the City Commission and of the
City of Quincy, Florida

ATTEST:

Dr. Beverly A. Nash
Per Clerk of the of Quincy, Florida
Clerk of the City Commission thereof

RESOLUTION No. 1402-2020

A RESOLUTION GRANTING THE REQUEST OF THE GADSDEN COUNTY BLACK HERITAGE, CULTURE, AND EDUCATION ORGANIZATION TEMPORARY ROAD CLOSING FOR THE 2020 BLACK HERITAGE PARADE

WHEREAS, Gadsden County Black Heritage, Culture, and Education Organization has requested the closing of certain roads for its 2020 Black Heritage Parade to be held on Saturday, February 29, 2020.

WHEREAS, the City of Quincy has determined that said road closings are necessary in order for the Black Heritage Parade to take place as planned and that such use will not interfere with the safe and efficient movement of traffic or cause danger to the public.

NOW THEREFORE BE IT RESOLVED by the City Commission of the City of Quincy, Florida, in lawful session assembled, that the city of Quincy does hereby authorize and permit the temporary closing of the following State/County Road; Martin Luther King Jr. Blvd between the intersections of Key Street and South Adams Street, South Stewart Street between the intersections of Martin Luther King Jr. BLVD and Crawford Street, Crawford Street between the intersections of South Stewart Street and South Adams Street for the Black Heritage Parade and following Festivals Event. This road closure will be from 10:00a.m. until 1:00p.m. on Saturday, February 29, 2020 for its Black Heritage Parade.

PASSED in open session of the City Commission of the City of Quincy, Florida on the ____ day of _____, A.D., 2020

Keith Dowdell,
Presiding Officer of the City Commission of the
City of Quincy, Florida

ATTEST:

Sylvia Hicks
Clerk of City of Quincy and
Clerk of the City Commission thereof

GADSDEN COUNTY'S
BLACK HISTORY
Parade & Festival

HOSTED BY

GADSDEN COUNTY BLACK HISTORY
AND EDUCATIONAL ORGANIZATION
(GCBHEO)

THE QUINCY ALPHAS

and

COMMISSIONER ERIC HINSON

SATURDAY

FEBRUARY 29

••• PARADE STARTS AT 11 AM •••

FESTIVAL FOLLOWING PARADE AT
COURTHOUSE SQUARE

THE CITY OF QUINCY POLICE DEPARTMENT

121 East Jefferson Street

Quincy, Florida 32351

Phone: (850) 875-7335

Fax: (850) 627-3979

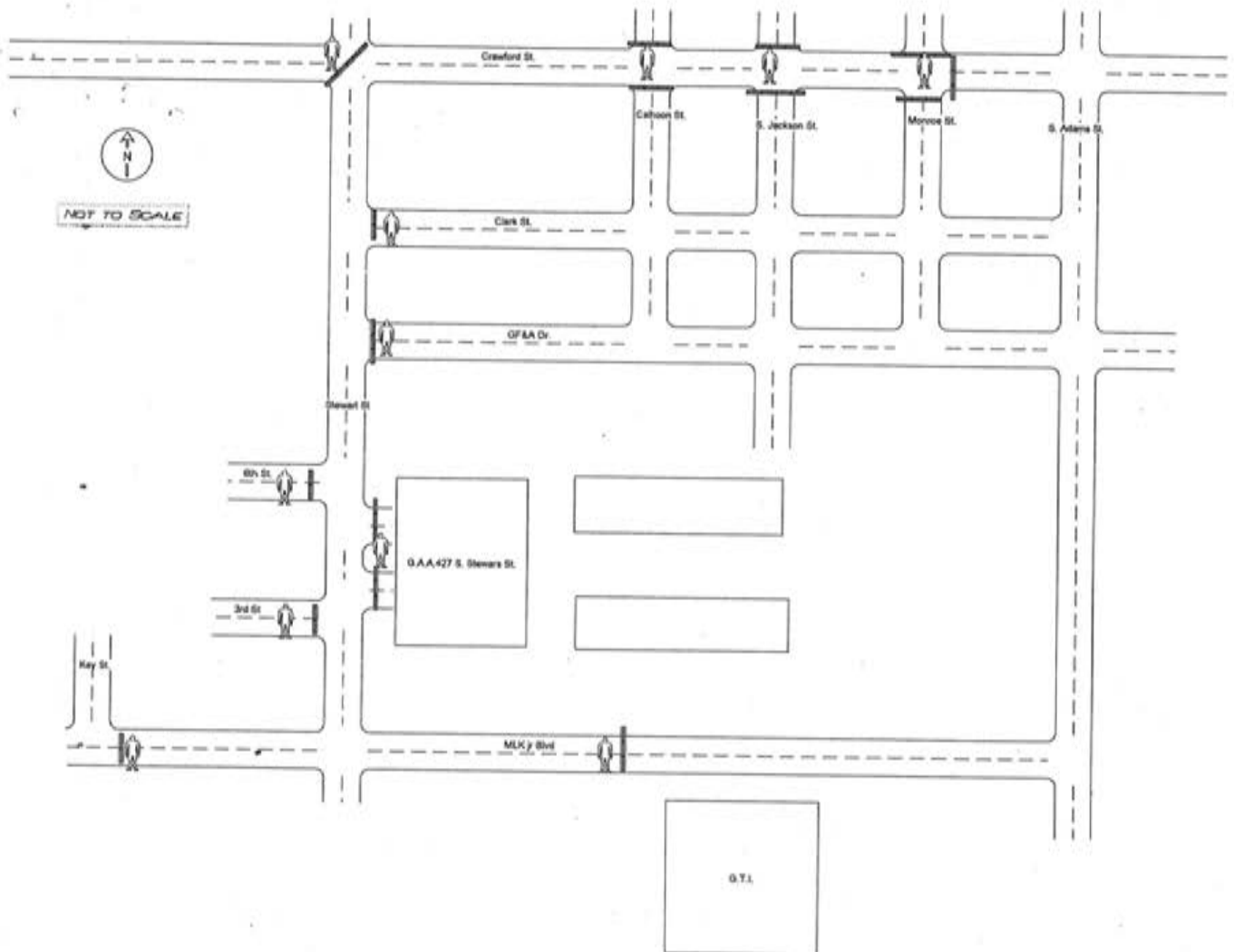
PARADE/EVENT PERMIT

NAME OF ORGANIZATION Gadsden County Black Heritage Organization		PERSON IN CHARGE Cynthia Davis Holloway		DATE February 29, 2020	
ADDRESS OF ORGANIZATION P.O. Box 1219 Quincy, Florida 32353				TELEPHONE NUMBER (850) 556-7973	
TITLE OF EVENT Black Heritage Parade					
DATE OF EVENT: February 29, 2020	ALTERNATE DATE: N/A	START TIME 10:00 A.M.	DURATION OF EVENT 3 hours	ENDING TIME 1:00 P.M.	
EVENT LOCATION OR PARADE ROUTE: (if Permit is for parade, attach map indicating route, starting point and ending point.):					
SEE ATTACHED MAP FOR PARADE ROUTE;					
SPECIAL CONDITIONS OR NEEDS: (Any applicable rental fees, clean up fees, Utility fees, or other services required must be approved by the City Manager prior to permit approval.)					
LIABILITY INSURANCE IN THE AMOUNT OF \$1000,000.00 LISTING THE CITY OF QUINCY AS AN ADDITIONAL INSURED, WITH A HOLD HARMLESS AGREEMENT, MUST BE OBTAINED AND ATTACHED TO PERMIT. Insurance and Agreement Attached: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>					
Parade / Event Permit: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied		<i>Walter H. Sapp</i> Police Chief			
Parade / Event Permit: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied		_____ Mayor			
FDOT Permit: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input checked="" type="checkbox"/> N/A					
COMMENTS: _____					

Case Number: Black Heritage Parade ; 2020 Date: 02/29/2020

Location: 10A-1P

Description:



**CITY OF QUINCY
CITY COMMISSION
AGENDA REQUEST**

Date of Meeting: February 11, 2020

Date Submitted: February 7, 2020

To: Honorable Mayor and Members of the City Commission

From: Jack L. McLean Jr., City Manager
Bernard Piawah, Building and Planning Director

Subject: Ordinance 1109-2020 Change to the Simulated Gambling Facility Ordinance One-Mile Distance Separation Requirement on First Reading

STATEMENT OF ISSUE:

This agenda item is a request for first reading of Ordinance 1109-2020 proposing to change the simulated gambling facility ordinance one-mile distance separation requirement. On January 21, 2020, a draft amendment was presented to the City Commission seeking to revise the ordinance to provide an exception to the requirement. The City Commission voted to approve the draft language that was presented by staff and authorized staff to come back with a draft ordinance for public hearing. The language of the amendment is the same as what was presented and voted on by the City Commission on January 21, 2020. Attached is Ordinance Number 1109-2020 on first reading.

Background:

On October 11, 2011 the City Commission passed Ordinance 1040-2011 regulating the use and licensing of simulated gambling devices in the City of Quincy. The proposed change to the ordinance pertains to Section 46-941 regulating the location of simulated gambling facilities; more specifically, paragraph (g) that requires that simulated gambling facilities cannot be located within one mile of each other. The amendment provides an exception to the 1-mile distance separation requirement based on the criteria stated below in underline:

(g) No simulated gambling facility location in the city for which a license has been issued shall be located within 1 mile of each other, which distance shall be measured along the shortest straight line between the nearest point of the respective properties on which the places of business are

located. The 1-mile distance separation requirement may be waived by the administrator if the proposed simulated gambling facility: i) will be located in a permitted commercial zoning classification with no other simulated gambling facility, ii) the distance between an existing simulated gambling facility and the proposed gambling facility is at least 0.5 miles and iii) the proposed simulated gambling facility cannot be located within 500 feet from a church.

The language of the proposed change is the same as what was presented and voted on by the City Commission on January 21, 2020. (See the Agenda Item of January 21, 2020 attached).

OPTIONS:

- Option 1: Approve Ordinance 1109-2020 on first reading, to make the proposed change to the simulated gambling facility regulation.
- Option 2: Do not approve the proposed change to the regulation.

STAFF RECOMMENDATION:

Option 1.

ATTACHMENT:

- 1. Ordinance 1109-2020, revising the 1-mile distance separation requirement for simulated gambling facilities.
- 2. Agenda Item of January 21, 2020.

ATTACHMENT 1:

ORDINANCE NUMBER 1109-2020

AN ORDINANCE OF THE CITY OF QUINCY, FLORIDA, AMENDING THE CITY CODE OF ORDINANCES; PROVIDING FOR FINDINGS; PROVIDING FOR AMENDMENT TO CODE OF ORDINANCES, SECTION 46-941 RELATING TO THE LOCATION OF SIMULATED GAMBLING FACILITIES, TO PROVIDE AN EXCEPTION TO THE I-MILE DISTANCE SEPARATION BETWEEN SIMULATED GAMBLING FACILITIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR COPY ON FILE; AND PROVIDING FOR AN EFFECTIVE DATE.

SECTION 1. Findings.

WHEREAS, in the last decade, establishments allegedly operated pursuant to sections 849.0935 and 849.094, Florida Statutes, have created problematic issues for local law enforcement authorities, complicated by limitations of resources and difficulty of enforcement of state law; and

WHEREAS, sections 849.0935 and 849.094, Florida Statutes, authorize drawings by chance and game promotions (also known as sweepstakes); and

WHEREAS, confusion has existed for some years as to the interpretation and enforcement of these statutes as applied to game promotions utilizing a computer or other electronic device to reveal a prize, and which grant an exemption from the statutory framework prohibiting illegal gambling activities; and

WHEREAS, computer or video displays of spinning reels or other simulations of a game or games ordinarily played on a slot machine, or in a casino or otherwise in connection with gambling and which show the results of raffles, sweepstakes, contests or other promotions (hereinafter collectively referred to in these recitals as "simulated gambling devices") were not among the types of pari-mutuel pools authorized by law as of the effective date of the 1968 Florida Constitution; and

WHEREAS, there is presently in City of Quincy an increasing proliferation of establishments that utilize simulated gambling devices for commercial gain; and

WHEREAS, local law enforcement authorities have limited resources with which to monitor this industry, and a regulatory fee will better fund enforcement efforts and ensure compliance with the law; and

WHEREAS, the City has evaluated the costs of permitting and enforcement, and has determined that the permitting fees and revenues will not exceed such costs; and

WHEREAS, an ordinance regulating the use of electronic equipment in the conduct of drawings by chance and game promotions will protect the public welfare; and

WHEREAS, pursuant to Section 166.021, Florida Statutes, and the City of Code of Ordinances (the "Quincy Code"), the City may regulate this activity for the health, safety, and welfare of the community; and

WHEREAS, City Commissioners of Quincy, Florida (the "Commission"), desiring to protect individual rights, while at the same time affording opportunity for the fullest development of the individual, and promoting the health, safety, education, and welfare of the people, including the elderly and economically disadvantaged, and the children of Quincy who are our most precious and valuable resource, finds that Quincy has a compelling interest in protecting its citizens, and in particular its elderly, economically disadvantaged, and children from certain activities and influences which can result in irreparable harm, including simulated gambling devices; and

WHEREAS, the Commission recognizes that while the State of Florida has authorized slot machine gambling at licensed facilities in certain areas outside of Quincy, it also recognizes that establishments that utilize simulated gambling devices, including but not limited to devices that simulate slot machines, can deceive members of the public, including the elderly, the economically disadvantaged, and children, into believing that they are engaging in a lawfully permitted gambling activity; and

WHEREAS, some operations display images of gambling or slot machines in their advertisements and signage suggesting the presence of illegal activity; and those activities should be controlled and regulated; and

WHEREAS, it is necessary and in the public interest to ensure that businesses portray themselves in a manner not likely to mislead the public; and

WHEREAS, the Commission is also charged with the responsibility of protecting and assisting its citizens who suffer from compulsive or problem gambling behavior; and

WHEREAS, there is a direct relationship between these establishments that utilize simulated gambling devices and disturbances of the peace and good order of the community, and the concurrence of these activities is hazardous to the health and safety of the persons in attendance; and

WHEREAS, in order to ensure the uniform enforcement of existing laws, to preserve the public peace and good order, and to safeguard the health, safety, morals and welfare of the community and citizens thereof, it is necessary and advisable to regulate the use of simulated gambling devices; and

WHEREAS, in terms of the negative impact recited herein, there is little or no material difference between the effect of allowing slot machines and allowing the use of simulated gambling devices.

NOW THEREFORE, BE IT ENACTED BY THE CITY OF QUINCY, FLORIDA, AS FOLLOWS:

SECTION 2. Amendment of Code of Ordinance Chapter 46, Sec. 46-941. Code of Ordinance Chapter 46, Sec. 46-941 is hereby amended as follows:

Sec. 46-941. Location. Location of Simulated Gaming Facilities.

(a) through (f) No change

(g) No simulated gambling facility location in the city for which a license has been issued shall be located within 1 mile of each other, which distance shall be measured along the shortest straight line between the nearest point of the respective properties on which the places of business are located. The 1-mile distance separation requirement may be waived by the administrator if the proposed simulated gambling facility: i) will be located in a permitted commercial zoning classification with no other simulated gambling facility, ii) the distance between an existing simulated gambling facility and the proposed gambling facility is at least 0.5 miles and iii) the proposed simulated gambling facility cannot be located within 500 feet from a church.

(h) – (i) No Change

SECTION 3. Severability.

If any provisions or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

SECTION 4. Copy on File.

A certified copy of this Ordinance shall be filed with the City Clerk of the City Of Quincy.

SECTION 5. Effective Date.

This Ordinance shall take effect upon passage.

INTRODUCED on first reading in open session of the City Commission of the City of Quincy, Florida, on this 11th day of February, A.D. 2020.

PASSED on second and final reading in open session of the City Commission of the City of Quincy, Florida, on this _____ day of February, A.D. 2020

KEITH A. DOWDELL, Mayor and Presiding Officer
of the City Commission of City of Quincy, Florida

ATTESTED:

Sylvia Hicks,
City Clerk of the City of Quincy and
City Clerk of the City of Commission thereof

ATTACHMENT 2:

**CITY OF QUINCY
CITY COMMISSION
AGENDA REQUEST**

Date of Meeting: January 21, 2020
Date Submitted: January 17, 2020
To: Honorable Mayor and Members of the City Commission
From: Jack L. McLean, Jr. City Manager
Bernard Piawah, Building and Planning Director
Subject: Proposed Change to the Simulated Gambling Facility Ordinance

STATEMENT OF ISSUE:

This agenda item is intended to request permission from the City Commission to change the simulated gambling facility ordinance. A property owner has requested for the change. The change will alter the distance separation requirement to allow a simulated gambling facility to locate in a commercial zoning classification where it is already allowed except for the distance separation requirement of one mile, in order to locate a simulated gambling facility at 602 West Jefferson Street, Quincy, Florida. The proposed change would threat all similarly situated commercial zoning classification covered by the ordinance in the same manner. The 500 feet church separation is more restrictive than the 150 feet currently required and curtails the application of the waiver provision to only this proposed facility. City staff is asking the City Commission to direct staff to come back with an ordinance for reading that will implement the proposed change. Please see attached the draft ordinance for change.

Background:

The proposed change will alter Section 46-941(g), as stated in underline below:

(g) No simulated gambling facility location in the city for which a license has been issued shall be located within 1 mile of each other, which distance shall be measured along the shortest straight

line between the nearest point of the respective properties on which the places of business are located. The 1-mile distance separation requirement may be waived by the administrator if the proposed simulated gambling facility: i) will be located in a permitted commercial zoning classification with no other simulated gambling facility, ii) the distance between an existing simulated gambling facility and the proposed gambling facility is at least 0.5 miles and iii) the proposed simulated gambling facility cannot be located within 500 feet from a church.

OPTIONS:

- Option 1: Direct staff to come back with an ordinance, for first reading, to make the proposed change to the simulated gambling facility ordinance.
- Option 2: Do not authorize staff to come back with an ordinance for first reading to make the proposed change to simulated gambling facility ordinance.

STAFF RECOMMENDATION:

- Option 1.

ATTACHMENT:

- 3. Draft revision to simulated gambling facility ordinance.

ATTACHMENT 1A:

ORDINANCE NO. 1040-2011

(See Page 17 for Proposed Change)

AN ORDINANCE REGULATING THE USE AND LICENSING OF SIMULATED GAMBLING DEVICES; ESTABLISHING A NEW ARTICLE VIII ENTITLED "REGULATION OF SIMULATED GAMBLING DEVICES" OF CHAPTER 46 OF THE CITY OF QUINCY CODE OF ORDINANCES, TO REGULATE THE USE OF SIMULATED GAMBLING DEVICES; ESTABLISHING EXEMPTIONS; PROVIDING FOR LEGISLATIVE AUTHORIZATION; PROVIDING FOR DEFINITIONS, REGULATIONS FOR PERMITTING AND FEES, INSPECTIONS, SIGNAGE REQUIREMENTS, LIMITATIONS ON THE OPERATIONS OF THE BUSINESSES, SAFETY AND SECURITY REQUIREMENTS; PROVIDING FOR ENFORCEMENT, PENALTIES FOR VIOLATIONS AND INJUNCTIVE RELIEF; PROVIDING FOR CONFLICTS OF LAW; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in the last decade, establishments allegedly operated pursuant to sections 849.0935 and 849.094, Florida Statutes, have created problematic issues for local law enforcement authorities, complicated by limitations of resources and difficulty of enforcement of state law; and

WHEREAS, sections 849.0935 and 849.094, Florida Statutes, authorize drawings by chance and game promotions (also known as sweepstakes); and

WHEREAS, confusion has existed for some years as to the interpretation and enforcement of these statutes as applied to game promotions utilizing a computer or other electronic device to reveal a prize, and which grant an exemption from the statutory framework prohibiting illegal gambling activities; and

WHEREAS, computer or video displays of spinning reels or other simulations of a game or games ordinarily played on a slot machine, or in a casino or otherwise in connection with gambling and which show the results of raffles, sweepstakes, contests or other promotions (hereinafter collectively referred to in these recitals as "simulated gambling devices") were not among the types of pari-mutuel pools authorized by law as of the effective date of the 1968 Florida Constitution; and,

WHEREAS, there is presently in City of Quincy an increasing proliferation of establishments that utilize simulated gambling devices for commercial gain; and,

WHEREAS, local law enforcement authorities have limited resources with which to monitor this industry, and a regulatory fee will better fund enforcement efforts and ensure compliance with the law; and

WHEREAS, the City has evaluated the costs of permitting and enforcement, and has determined that the permitting fees and revenues will not exceed such costs; and

WHEREAS, an ordinance regulating the use of electronic equipment in the conduct of drawings by chance and game promotions will protect the public welfare; and

WHEREAS, pursuant to Section 166.021, Florida Statutes, and the City of Code of Ordinances (the "Quincy Code"), the City may regulate this activity for the health, safety, and welfare of the community; and

WHEREAS City Commissioners of Quincy, Florida (the "Commission"), desiring to protect individual rights, while at the same time affording opportunity for the fullest development of the individual, and promoting the health, safety, education, and welfare of the people, including the elderly and economically disadvantaged, and the children of Quincy who are our most precious and valuable resource, finds that Quincy has a compelling interest in protecting its citizens, and in particular its elderly, economically disadvantaged, and children from certain activities and influences which can result in irreparable harm, including simulated gambling devices; and,

WHEREAS, the Commission recognizes that while the State of Florida has authorized slot machine gambling at licensed facilities in certain areas outside of Quincy, it also recognizes that establishments that utilize simulated gambling devices, including but not limited to devices that simulate slot machines,

can deceive members of the public, including the elderly, the economically disadvantaged, and children, into believing that they are engaging in a lawfully permitted gambling activity; and,

WHEREAS, some operations display images of gambling or slot machines in their advertisements and signage suggesting the presence of illegal activity; and those activities should be controlled and regulated; and,

WHEREAS, it is necessary and in the public interest to ensure that businesses portray themselves in a manner not likely to mislead the public; and,

WHEREAS, the Commission is also charged with the responsibility of protecting and assisting its citizens who suffer from compulsive or problem gambling behavior; and,

WHEREAS, there is a direct relationship between these establishments that utilize simulated gambling devices and disturbances of the peace and good order of the community, and the concurrence of these activities is hazardous to the health and safety of the persons in attendance; and,

WHEREAS, in order to ensure the uniform enforcement of existing laws, to preserve the public peace and good order, and to safeguard the health, safety, morals and welfare of the community and citizens thereof, it is necessary and advisable to regulate the use of simulated gambling devices; and,

WHEREAS, in terms of the negative impact recited herein, there is little or no material difference between the effect of allowing slot machines and allowing the use of simulated gambling devices;

BE IT ORDAINED by the City Commission of Quincy, Florida, as follows, that:

Section 1.Chapter 46 of the Quincy Code of ordinances is hereby amended by enacting a New Article VIII to be entitled “Regulation of Simulated Gambling Devices,” which shall read as follows:

REGULATION OF SIMULATED GAMBLING DEVICES

Sec. 46-936. Legislative Authorization. This part is enacted in the interest of the public health, peace, safety, morals and general welfare of the citizens and inhabitants of Quincy, Florida, pursuant to

Article VIII, Section 1(g), Florida Constitution and Section 166.021, Florida Statutes, and the Charter of Quincy, Florida. It is established to regulate the use of simulated gambling devices to effect giveaways through drawings by chance, sweepstakes or game promotions that do not otherwise violate Florida law.

Sec. 46-937. Definitions. The following definitions apply to this Chapter 46, Article XIII:

(a) "Person" means an individual, association, partnership, joint venture, corporation, or any other type of organization, whether conducted for profit or not for profit, or a director, executive, officer or manager of an association, partnership, joint venture, corporation or other organization.

(b) "Applicant" means the Operator for whom a permit application is submitted and in the name of whom, if the permit is granted, the drawing by chance conducted in connection with the sale of a consumer product or service, sweepstakes, or game promotion shall be conducted.

(c) "Conviction" means a determination of guilt in a criminal case by a court of competent jurisdiction, regardless of whether the defendant pled guilty, no contest, or *nolo contendere*, or was found guilty by a judge or jury.

(d) "Simulated gambling device" means any device that, upon connection with an object, is available to play or operate a computer simulation of any game, and which may deliver or entitle the person or persons playing or operating the device to a payoff. The following rules of construction apply to this definition of "simulated gambling device":

(1)The term "device" means any mechanical or electrical contrivance, computer, terminal, video or other equipment that may or may not be capable of downloading games from a central server system, machine, computer or other device or equipment. The term "device" also includes any associated equipment necessary to conduct the operation of the device.(2)The term "upon connection with" means insertion, swiping, passing in range, or any other technical means of physically or electromagnetically connecting an object to a device.

(3)The term "object" means a coin, bill, ticket, token, card or similar object, obtained as a bonus or supplement to another transaction involving the payment of consideration.

(4)The terms "play or operate" or "play or operation" includes the use of skill, the application of the element of chance, or both.

(5)The term "computer simulation" includes simulation by means of a computer, computer system, video display, video system or any other form of electronic video presentation.

(6)The term "game" includes slot machines, poker, bingo, craps, keno, any other type of game ordinarily played in a casino, a game involving the display of the results of a raffle, sweepstakes, drawing, contest or other promotion, lotto, sweepstakes, and any other game associated with gambling or which could be associated with gambling, but the term "game" does not necessarily imply gambling as that term may be defined elsewhere.

(7)The term "payoff" means cash, monetary or other credit, billets, tickets, tokens, or electronic credits to be exchanged for cash or to receive merchandise or anything of value whatsoever, whether made automatically from the machine or manually.

(8)The use of the word "gambling" in the term "simulated gambling device" is for convenience of reference only. The term "simulated gambling device" as used in this Part is defined exclusively by this subsection and does not incorporate or imply any other legal definition or requirement applicable to gambling that may be found elsewhere.

(e)"Simulated gambling facility" means the house, building, edifice, or location, along with its grounds in which simulated gambling devices are used, operated, or stored.

(f)"Slot machine" has the same meaning as specified in Section 551.102, Florida Statutes or as amended from time to time.

(g)"Electronic Equipment" means any electronic device provided by or on behalf of the Operator that is used or adapted for use to conduct and/or reveal the results of a drawing by chance conducted in

connection with the sale of a consumer product or service, sweepstakes or game promotions that display results by simulating a game or games ordinarily played on a slot machine.

(h) "De Minimis Activity Facility" means a facility operated by an organization exempt from federal taxation under Section 501(c) of the Internal Revenue Code and with five (5) or fewer electronic or mechanical devices that are used to conduct a drawing by chance, sweepstakes or game promotion utilizing those electronic or mechanical devices, all of which devices were in operation before the passage of this Ordinance at that facility.

(i) The term "minor" means any person under the age of 18 years.

(j) The term "Senior citizen's center" means any public or private center, that is organized and operated exclusively to provide recreational or social services for persons who are fifty-five years of age or older.

(k) The term "Security personnel" includes any person who either is a sheriff, deputy sheriff, marshal, deputy marshal, or a police officer or other person authorized by law and who is hired to provide security for the simulated gambling facility.

(l) "City Manager" shall mean the Quincy City Manager or his or her designee.

(m) "Operator" means any Person in whose name a drawing by chance conducted in connection with the sale of a consumer product or service, sweepstakes, or game promotion that utilizes Electronic Equipment is conducted.

(n) "Permit Holder" means the Operator in whose name the City Manager has issued a permit under this Ordinance.

(o) "Rules" means the restrictions and covenants governing the operation of the drawing by chance, sweepstakes, or game promotion.

(p) "Premises" means the house, building, edifice, or location, along with its grounds, in or upon which the Operator conducts an Electronic Game Promotion.

Sec. 46-938. Area of Enforcement. The Commission is acting herein as the governing body for Quincy, Florida, and this Part shall be effective within the boundaries of Quincy, Florida.

Sec. 46-939. General Prohibitions.

(a) Except as expressly regulated and permitted by this Ordinance, no Person other than a De Minimis Activity Facility as defined herein, shall conduct a drawing by chance pursuant to s. 849.0935, Florida Statutes, sweepstakes, or game promotion pursuant to s. 849.094, Florida Statutes, or any other game of chance on any simulated gambling device provided by an operator of the game of chance which displays the result by simulating a game or games ordinarily played on a slot machine.,

(b) The simulated gambling facility must be a separate business and shall have its own occupational license and be a self contained business. It shall not be co-located with another business.

(c) The stimulated gambling facilities shall not sell food..

Sec. 46-940. Permitting and Fees.

(a) *Permit Required.* No person shall conduct or operate a simulated gambling facility (facility) in the City of Quincy without having first obtained a permit from the City Manager for each facility. Each permit is valid only for the Operator and the facility named in the permit. Each permit is valid for one year. No permit shall be assignable or transferable, either as to person, operator, facility, or location.

(b) *Initial Permits.* Within sixty (60) days of enactment of this Ordinance, all current Operators who have been operating a simulated gambling facility on March 8, 2011 and which are subject to this

Ordinance, and which apply for, facially qualify for, and pay required fees for a permit, shall be granted a permit for the facility as provided for in this section. Each such Operator shall, in addition to the requirements set forth herein as part of the application, provide proof satisfactory to the City Manager that the Operator was lawfully operating a simulated gambling facility, as of March 8, 2011, which such evidence may include a current and valid lease, rental agreement, purchase and sale contract, bill of sale or receipt indicating the purchase, lease or use of Electronic Equipment for that particular facility, or other certificates, permits, licenses, receipts or filings issued by the Federal, State or local government indicating proof of the uses contemplated by this Ordinance.

(c) *Permits Limited.* Unless greater than ten (10) permits have been issued as provided for in subsection (b) above, the City Manager shall limit the total number of permits issued pursuant to this section to ten (10). After the permits authorized by subsection (b) are issued, no permits for new businesses shall be issued unless the issuance of the permit will not cause the total number of permits issued to exceed ten (10) permits. All qualifying Operators who receive an initial permit as provided for in subsection (b) shall be entitled to renew their permit if they otherwise qualify and pay required fees.

(d) *Application Materials Required for Permit.*

(1) Applicant shall file with the City Manager the following materials:

(i) a copy of Applicant's proposed Rules governing the drawing by chance, sweepstakes or game promotion which includes the odds of winning and the prize table;

(ii) for a sweepstakes or game promotion operating pursuant to s. 849.094, Florida Statutes, a copy of Applicant's certification of a bond or trust account provided to the Florida Department of Agriculture and Consumer Services, regardless of aggregate prize amount; non-profit organizations operating pursuant to s. 849.0935, Florida Statutes are exempt from this provision.

(iii) a complete list of all products and services offered and the prices charged therefor;

(iv) for every principal, officer, shareholder, and director of the Operator, a fingerprint card and letter certifying the results of a criminal background check generated by the Quincy Police Department or Florida Department of Law Enforcement; and

(v) A certification that the computer software that is used by the Operator to conduct a drawing by chance or game promotion in connection with the sale of a consumer product or service has been tested by an independent testing laboratory that has verified that it is not a slot machine as defined by Florida law.

(2) Applicant shall provide a sworn affidavit containing the following:

(i) the identity of the Applicant and if the Applicant is:

A. an individual, his name, residence address, and date of birth;

B. an unincorporated organization, the names, dates of birth, and residence addresses of its principals; or

C. a corporation, the corporate name, state of incorporation and the names, dates of birth, and residence addresses of its principal officers, directors, and shareholders; or

D. a limited liability company, the company name, state of incorporation and the names, dates of birth, and residence addresses of its members and managers;

(ii) a description, including the number of pieces, of the Electronic Equipment;

(iii) a statement of whether any of the individuals listed has, within the seven-year period immediately preceding the date of the application, been convicted of any felony under the laws of Florida, the United States, or any other state, and, if so, the particular criminal act involved and the place of conviction;

(iv) the street address of the simulated gambling facility;

(v) if the Applicant is a branch, chapter, lodge, or other local unit of a charitable organization or corporation, the name of the primary organization and the street address of its principal office; and

(vi) the name and address of an individual in Quincy who is authorized to receive notices from the City;

(vii) a statement certifying that all information on the application and any attachments thereto is true and that the Applicant understands that any misstatement of material fact in the application will result in the denial of the permit or, if it has been issued, in the suspension or revocation of the permit; and

(3) Applicant shall file with City Manager the following:

(i) a copy of the sworn affidavit described in subsection (2) above;

(ii) a complete list of all products and services offered and the prices charged

therefor;

(iii) a verification that the prices charged for the products and/or services constitute a reasonable market value; and

(iv) a copy of the certification report issued by an independent testing laboratory that describes and verifies the manner in which the software works.

(e) *Application Fee.* Each Applicant shall remit a non-refundable application fee of \$500.00. This fee shall pay for the time and expense of the City Manager in regulating and enforcing the provisions herein, reviewing and ruling on the application, and issuing the permit.

(f) *Review of Application.*

(1) *Duration of Review.* Within sixty (60) days of receipt of an Applicant's completed permit application, the City Manager shall grant or deny the application. If any principal, officer, shareholder or director of the Operator has a pending criminal case for an enumerated crime the City Manager may delay its grant or denial of the permit until sixty (60) days after the final judgment.

(2) *Eligibility of Applicant.* An Applicant is ineligible for a permit if:

(i) within five years of the date of the application, Applicant has been convicted of any felony under the laws of Florida, the United States, or any other state unless said violation would not constitute a crime in Florida;

(ii) within three years of the date of the application, has had a permit under this Ordinance revoked or been convicted for a violation of this Ordinance;

(iii) the prices to be charged for the product(s) or service(s) offered, as listed on the permit application, do not constitute a reasonable market value; or

(iv) the application materials are incomplete or untruthful;

The City Manager shall deny the permit for any of the above reasons. If an Applicant satisfies all permit filing requirements and is not ineligible, the City Manager shall approve the application.

(g) *Denial of Permit.* An Applicant whose permit application is denied may reapply at any time by completing all steps of the application procedure, including payment of a new application fee.

(h) *Permit fees.* The permit fee for simulated gambling facility shall be in accordance with the following schedule:

(1) 1 to 20 devices -	\$2,500.00
(2) 21 to 40 devices -	\$5,000.00
(3) 41 to 60 devices -	\$7,500.00
(4) 61 to 80 devices -	\$10,000.00
(5) 81 to 100 devices -	\$12,500.00

(i) *Inspection fee.* \$50.00 per simulated gambling device will be assessed annually.

(j) *Renewal of Existing Permit.* Existing permits shall be renewed upon compliance with this Ordinance, notwithstanding the total number of permits issued. The Permit Holder shall apply for the renewal permit no later than sixty (60) days and no sooner than one-hundred twenty (120) days before the expiration of the current permit. The renewal permit application shall include all the materials and the application fee required for the issuance of an original permit, and shall include evidence of current lawfully existing operations consistent with the requirements of this Ordinance. Renewal permit applications shall be processed using the same procedure and standards as required for review of an original permit application but shall be processed within 30 days. Upon approval, Renewal permit

applicants shall pay the same fees as set forth in subsection (8) above and said renewals shall be deemed denied if an eligible Applicant fails to pay these fees on or before the thirtieth (30th) day after approval, availability, and notice of the permit authorization.

(k) *Lost or destroyed permit.* The fee for a replacement permit shall be fifty dollars (\$50.00)

(l) *Revocation of Permit.* The City Manager may revoke a permit for violation of any provision of this Ordinance or due to a Permit Holder's cessation of the use of simulated gambling devices during its normal business hours for at least fourteen (14) consecutive days. Prior to revocation, the City Manager shall provide to the Permit Holder, through their individual in Quincy authorized to accept notices from the County, the following:

- (1) A written notice of intent to revoke the permit,
- (2) A fourteen (14) calendar day opportunity to cure the alleged violation, and
- (3) An opportunity to be heard prior to revocation.

Revocation shall not take place before twenty one (21) days after receipt of a notice of revocation is delivered to the Permit Holder and opportunities to cure and to be heard are provided. The decision to revoke a permit shall be considered non-final agency action subject to appellate review by the Code Enforcement Board ("CEB"). The decision of the CEB shall constitute final agency action subject to judicial review. Any appeal of a revocation decision shall be made within fifteen (15) calendar days of receipt of a notice of revocation by filing a written notice of appeal with the Board of Adjustment and Appeals, along with an appeal fee of \$150.00. Failure to file written notice of appeal and appeal fee within the prescribed time period constitutes a waiver of the right to appeal.

Sec. 46-941. Location. Location of Simulated Gaming Facilities.

(a) It shall be unlawful for any person licensed under the state law to conduct, operate or carry on any place of business for the operation of simulated gambling facilities within the following places:

(b) All parts of the city except those portions thereof lying along the commercial transportation corridors of U.S. Highway 90, State Road 267 and Crawford Street located within the Quincy ct and on lands zoned C-1, C-2 ,LC-1 and M-1 as shown upon and according to the present official zoning map of the city; provided, however, that no subsequent change, addition or alteration of any such zone shall in any way enlarge, alter, restrict or change any area within the city insofar as the provisions of this chapter are concerned, unless otherwise provided by ordinance and except the prohibited elsewhere in this ordinance.

(c) No simulated gambling facility that does not legally exist on the effective date of this ordinance shall be located one hundred fifty feet of an existing established church, which distance shall be measured along the shortest straight line from the nearest point of the property on which the place of business is located to the nearest point of the property on which the church is located and in use for religious purposes.

(d) No simulated gambling facility shall operate seven hundred fifty feet of a school, which distance shall be measured along the shortest straight line from the nearest point of the property on which the place of business is located to the nearest point of the school grounds in use as part of the school facilities.

(e) No simulated gambling facility shall operate one hundred fifty feet of the County Courthouse, which distance shall be measured along the shortest straight line from the nearest point of the property on which the place of business is located to the nearest point of the property on which the county courthouse is located. Further all stimulated gaming facilities shall be prohibited from operating in the Central Business District as defined by section 48-582 of this Code of Ordinances, which is the nine-block district bordering the courthouse square.

(f) No simulated gambling facility that does not legally exist on the effective date of this ordinance shall operate one hundred fifty feet of the city hall, which distance shall be measured along the shortest straight line from the nearest point of the property on which the place of business is located to the nearest point of the property on which the city hall is located.

(g) No simulated gambling facility location in the city for which a license has been issued shall be located within 1 mile of each other, which distance shall be measured along the shortest straight line between the nearest point of the respective properties on which the places of business are located. The 1-mile distance separation requirement may be waived by the administrator if the proposed simulated gambling facility: i) will be located in a permitted commercial zoning classification with no other simulated gambling facility, ii) the distance between an existing simulated gambling facility and the proposed gambling facility is at least 0.5 miles and iii) the proposed simulated gambling facility cannot be located within 500 feet from a church.

(h) No simulated gambling facility that does not legally exist on the effective date of this ordinance shall be located three hundred feet of an existing established childcare center or facility as defined by the city's land development regulations (chapter 46), which distance shall be measured along the shortest straight line from the nearest points of the property on which the place of business is located to the nearest point of the property on which the childcare center or facility is located and in use for such childcare purposes.

(i) A simulated gambling facility gaming facility that legally exist on the effective date of this ordinance may continue to locate within the specific distances described herein of an existing church, cemetery or established childcare center, City Hall or facility as defined by the city's land development regulations (chapter 46).

Sec. 46-942. Inspection of Premises.

During business hours, the City Manager, the Quincy Police Department, or their agents may enter the facility without any warrant for purposes of inspecting all areas of the facility, to ensure compliance with the provisions of this Ordinance or any other ordinances within their authority, including but not limited to the right to enter the facility and to select and remove any piece of Electronic Equipment to inspect, test and/or have tested to determine compliance with this Ordinance.

Sec. 46-943. Signage Requirements.

(a) *Exterior of Premises.* Exterior signage shall be limited to the advertisement of the consumer product and/or service sold at the facility. No signs shall be posted on the exterior of the Premises that suggest gambling takes place on the Premises or display any image commonly associated

with slot machines. All signage shall be further subject to all applicable Quincy Code regulations regarding signs.

(b) *Interior of Premises.* The Permit Holder shall conspicuously post the name of the Permit Holder, a description of all products and services sold, and the complete rules for all Electronic Game Promotions at the Premises' front or main counter. Rules for all Electronic Game Promotions shall include the following language in at least 26-point font: "State and local law prohibits this establishment from requiring an entry fee, payment, or proof of purchase as a condition of participating. No donation or contribution is required. You may obtain free entries upon request from any employee on the premises." The Permit Holder shall also post a sign which shall include the following language in at least 26-point type: "The video displays are for amusement and entertainment only. The video displays do not determine the result of your sweepstakes entries." The Permit Holder shall affix signage that shall include the following language in at least 10 point type on each piece of Electronic Equipment: "The video displays are for amusement and entertainment only. The video displays do not determine the result of your sweepstakes entries." A complete copy of the Rules, prize tables, and odds of winning shall be made available on request without cost. Any consumer product or service offered for sale shall be identified by description and price by conspicuous posting. A copy of the permit shall be posted conspicuously at the main counter or at the entrance.

Sec. 46-944. Limitations on Operation of Business.

(a) *Alcoholic Beverages.* Permit Holders shall not sell or permit any individual to consume or possess any alcoholic beverages on any Premises.

(b) *Minors.* Minors are prohibited from entering the premises of any simulated gambling facility. It is the responsibility of the owner and employees of the facility to ensure no minors are present within

the facility. A person's ignorance of minor's age; a minor's misrepresentation of his or her age, a bona fide belief of minor's age may not be raised as a defense for violation of this section.

(c) *Limitation on Electronic Equipment.* Permit Holders shall not operate more than one hundred (100) pieces of Electronic Equipment except that Permit Holders conducting an Electronic Game Promotion on or before March 8, 2011 in Quincy may not operate more pieces of Electronic Equipment than were in operation on March 8, 2011, and any reduction following the enactment of this Ordinance in Electronic Equipment pieces by such Permit Holders shall be permanent. Replacing an existing piece of Electronic Equipment due to a defect or upgrade shall not be deemed a reduction pursuant to this subsection, provided that such replacement occurs within thirty (30) days.

(e) *Hours of Operation.* No business operating an Electronic Game Promotion shall open before 7:00 a.m. and shall not remain open after 2:00 a.m.

(f) *Additional Restrictions.* No business operating an Electronic Game Promotion shall:

(1) design, engage in, promote, or conduct a game wherein the winner may be predetermined or the game may be manipulated or rigged;

(2) arbitrarily remove, disqualify, disallow or reject any entry;

(3) fail to award any prize offered;

(4) print, publish, or circulate literature or advertising material which is false, deceptive or misleading;

(5) require an entry fee, payment or proof of purchase as a condition of entering; or

(6) cover facility windows with opaque or reflective window tinting.

(g) *Additional Requirements.* An Operator conducting an Electronic Game Promotion shall:

(1) maintain a list of the names and addresses of all persons who have won prizes which have a value of more than \$25.00, the value of such prizes, and the dates when the prizes were won and keep the list at the Premises for one (1) year;

(2) maintain a trust account or bond in an amount equal to the total announced value of the prizes offered or \$50,000.00, whichever is less.

(3) display at the point of sale contact information related to gambling addiction treatment.

(h) *No Felony Convictions.* No person who has at any time in the previous 7 years been convicted of, or is currently under indictment or information for, any felony, shall be eligible to operate or manage a simulated gambling facility where Electronic Game Promotions are conducted.

Sec. 46-945. Safety and Security Requirements.

On Premises, the Permit Holder shall maintain the following security devices and standards:

(a) *video surveillance.* All such simulated gambling facilities shall install a video surveillance system for both the entrance and parking area to the facility and for the cashier area of the simulated gambling facility as well as the interior of the simulated gambling facility. The video surveillance system shall be maintained and kept in working order at all times. The video surveillance system recordings, whether by film or digital, shall be kept for a period no less than fourteen (14) days and shall be open and accessible to representatives of Quincy, including the Quincy Police Department, at all times upon reasonable notice. a security camera system capable of recording and retrieving an identifiable image;

(b) a drop safe or cash management device for restricted access to cash receipts;

(c) at all public entrances to the Premises, a conspicuous notice stating cash register contains a limited amount of cash;

(d) a cash management policy limiting cash on hand;

(e) a silent alarm system capable of notifying law enforcement;

(f) Monday thru Friday during the hours of 5 p.m. to close and during the entire business day on Saturday and Sunday, maintain at least one licensed, armed security guard holding a Class "G" license issued by the Florida Department of Agriculture & Consumer Services; and

(g) Permit Holder must maintain reasonable safety standards, including but not limited to, lighted parking areas.

(h) may not cover facility windows with opaque or reflective window tinting, posters, flyers, or anything else that obstructs the exterior view into the interior of the facility.

Sec. 46-946. Addiction Information. All simulated gambling facilities shall be required to have displayed in a conspicuous location near cashier, flyers, pamphlets or leaflets that contain a current list of the names, addresses, and phone numbers of local Gambling Anonymous facilities and treatment centers.

Sec. 46-947. Exemptions.

(a) This Part does not prohibit an individual's personal, recreational, and non-commercial ownership, possession, play, operation or use of a device which could be construed to be a simulated gambling device.

(b) This Part does not prohibit the ownership, possession, play, operation or use of any device expressly permitted by the Florida Statutes and not otherwise prohibited by the Florida Constitution, except that devices permitted by Article X, Section 23 of the Florida Constitution and Chapter 551, Florida Statutes, in Broward and Miami-Dade County only are not permitted by this Part.

(c) This Part does not prohibit a religious or charitable organization from conducting a fund raising activity involving gambling, provided the religious or charitable organization does not conduct the activity more than twice in one (1) calendar year, the organization provides advance written notice to the Quincy Police Department of the date, time, place, and nature of such activity and who will be conducting it, and the activity is not otherwise unlawful.

Sec. 46-948. Conflict with State Law. Nothing in this Part is intended to conflict with the provisions of the Florida Constitution or Chapter 849, Florida Statutes, concerning gambling. In the event of a direct and express conflict between this Part and either the Florida Constitution or Chapter 849, Florida Statutes, then the provisions of the Florida Constitution or Chapter 849, Florida Statutes, as applicable, control.

Sec. 46-949. Enforcement; Penalties.

(a) Any person who violates this article shall be punished as provided in section 1-6. Each day the violation exists shall constitute a separate violation for the purposes of this Ordinance and shall be punishable as such.

(b) The City Attorney's Office is authorized to pursue temporary or permanent injunctive relief or any other legal or equitable remedy authorized by law in courts of competent jurisdiction to cure, remove or end any activity which violates this article.

(c) Permittees shall have a private right of action to pursue all legal and equitable remedies necessary to ensure full compliance with this Ordinance against any other permittee, including but not limited to injunctive relief.

Secs. 46-950 – 46-960. Reserved.

Section 2.

Conflicts.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, except to the extent of any conflicts with the -City of Quincy Code of Ordinances, which provisions shall prevail over any parts of this ordinance which are inconsistent, either in whole or in part, with the said Code of Ordinances..

Section 3. Severability.

If any provisions or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 4. Effective Date.

INTRODUCED in open session of the City Commission of the City of Quincy, Florida, on this 27th day of September, A.D. 2011.

PASSED in open session of the City Commission of the City of Quincy, Florida this 11th day of October, A.D. 2011.

QUINCY, FLORIDA

By: _____

Derrick D. Elias,
Mayor of Quincy, Florida

ATTESTED BY:

By: _____

Sylvia Hicks,
City Clerk

**City of Quincy
City Commission
Agenda Request**

Date of Meeting: February 11, 2020
Date Submitted: February 6, 2020
To: Honorable Mayor and Members of the City Commission
From: Jack L. McLean Jr., City Manager
Ann Sherman, Human Resources Director
Subject: Employee Retirement Plan Enhancements (Update)

Statement of Issue:

The structure of the current American Funds Retirement Plan is limited in terms of available options and offerings for employees. The recommended Plan enhancements were presented at the November 12th Commission Meeting. The Commissioners passed the recommended changes with a 2/1 vote and Commissioner McMillan suggested that the committee review the plan with the full board prior to implementation.

Background:

The board met on February 5th to review the enhancements and to assure that everyone was in full agreement with the changes.

As a recap, the new enhancements will provide employees with greater benefit options which are being recommended to the current American Funds Platform. These enhancements include adding additional Mutual Fund Company investment options alongside current American Funds choices. Additionally, a loan provision is being added to provide employees with limited access to their vested balances to meet unexpected financial needs.

General Loan Provisions:

The maximum amount that an employee may request to borrow is 50% of their vested account balance or \$50,000.00, whichever is less.

Loan Administration:

The landscape of options for all 401k's and 457 plan loans must meet specific requirements as depicted below:

- Each loan must be established under a written loan agreement.
- The plan must set a commercially reasonable interest rate for plan loans.
- A loan cannot exceed the maximum permitted amount.
- A loan must be repaid within a five-year term (unless used for the purchase of a principal residence).
- Loan repayment must be made semi-monthly through payroll deductions in equal payments to include principal and interest.

Conclusion:

In conclusion, adding the loan option opens the door for retention, as employees will no longer need to terminate their employment with the City in order to access their funds in an emergency. It also eliminates the possibility of employees having to secure a loan through a financial institution by allowing them to borrow from themselves and the interest they pay is to themselves rather than another institution.

Additionally, with the larger diversity of fund mix, this too opens the doors of opportunity for greater returns on investments (ROI).

Based on the meeting with the board and the passing of this agenda item at the November 12th Commission Meeting, staff will proceed with the implementation of all recommended enhancements.

Attachments:

- American Funds Target Date Retirement Series Flyer
- Investments that Help Employees Pursue their Goals Flyer

Respectfully Submitted,
Ann Sherman, Human Resources Director

Consider the American Funds Target Date Retirement Series.[®]

Not All Target Date Funds Are Created Equal.

Given the growing popularity of target date funds, the Department of Labor has encouraged plan sponsors to establish an objective process for comparing fund offerings and selecting a target date fund family.

On the pages that follow, you'll learn what distinguishes the **American Funds Target Date Retirement Series** from its peers.

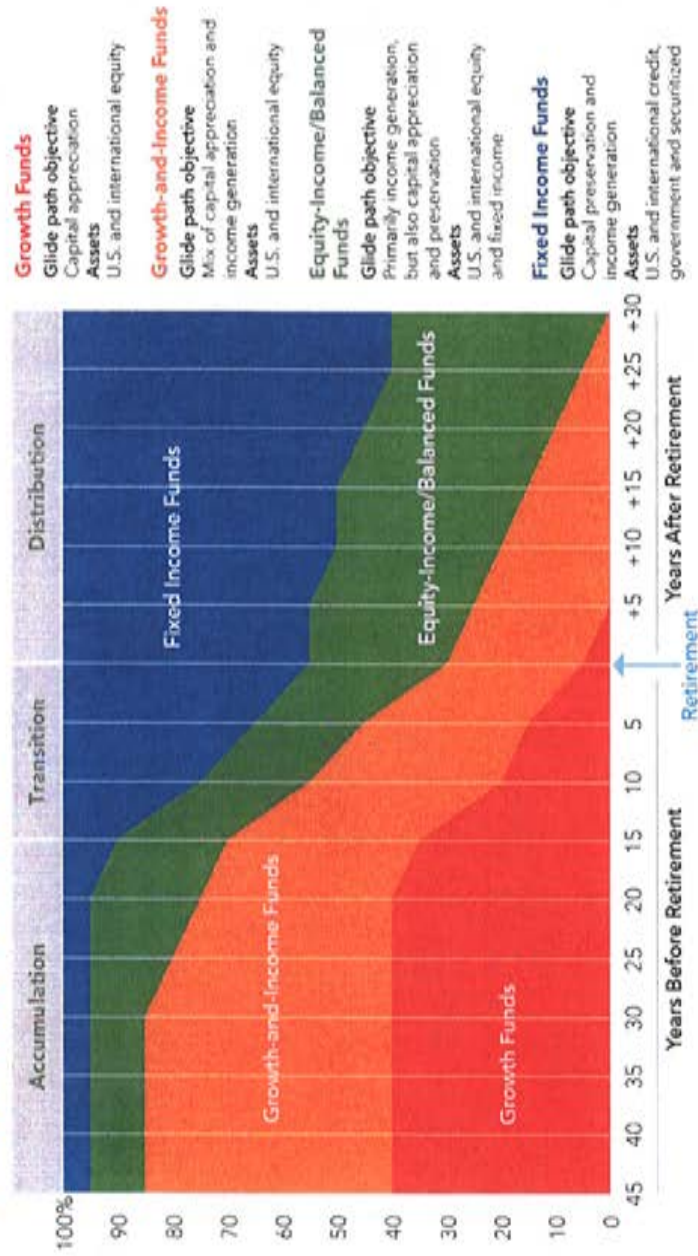
American Funds was selected most often by retirement plan advisors for best-in-class target date solutions.

- Cogent Wealth reports, *Retirement Plan Advisor Trends*,[™] September 2016

An Objective-Based Approach Designed for Investor Success

The funds in the American Funds Target Date Retirement Series are managed 30 years past retirement – so a single fund can serve as a participant's investment for life.

American Funds Target Date Glide Path



The allocations shown reflect the funds' target allocations as of January 1, 2017. The funds' investment adviser anticipates that the funds will invest their assets within a range that deviates no more than 10% above or below the allocations set forth above. Allocation percentages and underlying funds are subject to the Portfolio Oversight Committee's discretion and will evolve.

Choose Investments That Help Your Employees Pursue Their Goals.

Diversify Your Investment Menu.

Your plan offers access to the American Funds and investments from other respected investment managers.*

To get the most flexibility as you develop your plan lineup, you can select a standard conversion to the American Funds Target Date Retirement Series.® Otherwise, American Funds will serve as a core manager and certain investment selection requirements will apply.



AMERICAN FUNDS®

From Capital Group



AMG Funds

AB

ALLIANCEBERNSTEIN



Allianz
Global Investors



American Century Investments®

BLACKROCK®



Calvert
INVESTMENTS



Columbia Management

Davis
FUNDS



Dimensional



Eaton Vance
Investment Managers

Federated®



FRANKLIN TEMPLETON INVESTMENTS



Asset Management



THE HARTFORD



Invesco

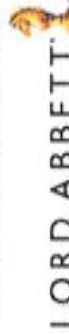


JANUS



MUTUAL FUNDS

LEGG MASON
GLOBAL ASSET MANAGEMENT



LORD ABBETT

MetLife



MFS®
Investment Management

NEUBERGER BERMAN



OppenheimerFunds®
The Right Way to Invest



Pax World Mutual Funds

PIMCO



Prudential



Putnam INVESTMENTS

The Royce Funds



TRANSAMERICA



T. Rowe Price
INVEST WITH CONFIDENCE



Vanguard®

Victory.
Funds



WESTERN ASSET

**CITY OF QUINCY
CITY COMMISSION
AGENDA REQUEST**

MEETING DATE: February 11, 2020

DATE OF REQUEST: February 4, 2020

TO: Honorable Mayor and Members of the City Commission

FROM: Jack L. McLean Jr., City Manager
Robin Ryals, Utilities Director

SUBJECT: Request to Pull, Inspect, Repair, and Purchase a Rebuilt Well Motor for Well #9 at the Quincy Well Field

Statement of Issue:

The information provided herein concerns the repairing, inspection, and eventually purchase of a rebuilt 200 HP Well Motor for Well #9 at the City of Quincy Well Field based on findings.

Background:

The well was discovered to have a bad vibration back in May of 2017. It would still run and pump but had a vibration, so it was delegated to be used for backup service only (Emergency Use). Staff continued to sample the well each month so it could be used.

In June of 2019, Staff had to pull the motor off of Well #9 and place it on Well #7 due to the motor burning up on that well. Quotes were received for the pulling and inspection of the shaft and pump assembly with Suez being the lowest. These quotes are provided for your information.

Well #9 has been offline ever since that was done. Suez was given the go-ahead to pull the well back in October of 2019. They removed the well and inspected all parts of the unit; this was the basis for quotation requests which were received to repair the shaft/pump.

Staff Recommendation:

Staff has requested and received four quotes for the rebuild of the 200 HP motor to be placed back into Well #9 as well as quotes for re-assembling the shaft in place. As you

can see, the lowest quote (combined) was Suez at \$31,914 and this included all portions of the work. We appreciate your consideration on this matter.

Options:

1. Vote to approve the purchase the rebuild and re-assemble Well #9 from Suez as quoted.
2. Vote to direct staff in the direction they should go to get Well #9 back into service.

Recommended Option

Option 1

ATTACHMENTS:

- 1) Four Received Quotations for Pump Rebuild
- 2) Three Received for Pulling, Inspection, and Repair of Assembly



AAG Electric Motors & Pumps, Inc
2340 Industrial Drive
Panama City, Florida 32405
Phone: 850-763-9386
Fax: 850-785-8545
www.aagmotors.com

October 24, 2019

Jacobs Inc.
City of Quincy
Terry Presnal

Re: WILO EMU Parts

AAG Job # Estimate

AAG Services is pleased to offer the following quote for your consideration.

US Motor

1ea. New US Motor 200hp, H445TPA, 1800rpm, 460v, Vertical Hollow Shaft High Thrust, WPI Enclosure, Premium Efficiency, Base Diameter 20", Coupling Size 1-11/16", Non-Reverse Ratchet, 9800LBS Thrust Value, Inverter Duty Variable Torque 10:1, Thermostats Normally Closed.

Price: \$ 25,540.00, price includes standard ground freight to jobsite. Delivery 13-15 Weeks A.R.O.

Only items listed are included installation and startup is not included, motor coupling is 1-11/16" additional couplings sizes are available but must be specified at time of order and cannot be changed once order is placed with the factory. Price does not include sales tax if applicable.

GE Motor

1ea. New GE 200hp, H445TPA, 1800rpm, 460v, Vertical Hollow Shaft High Thrust, WPI Enclosure, Premium Efficiency, Base Diameter 20", Coupling Size 1-11/16", Non-Reverse Ratchet, 9800LBS Thrust Value, Inverter Duty Variable Torque 10:1, Thermostats Normally Closed.

Price: \$ 18,829.00, price includes standard ground freight to jobsite. Delivery 13-15 Weeks A.R.O.

Only items listed are included installation and startup is not included, motor coupling is 1-11/16" additional couplings sizes are available but must be specified at time of order and cannot be changed once order is placed with the factory. CD dimension is not indicated on the US motor, if ordered we need to verify to see if a new motor shaft is required. Price does not include sales tax if applicable.

If you have any questions please do not hesitate to contact me.
Thank you,
Keith Gay

SMITH ELECTRIC MOTOR SERVICE INC.

P O BOX 931
 320 CAMPBELL STREET
 THOMASVILLE, GA 31799

Voice: 229-228-0670
 Fax: 229-228-6199

QUOTATION

Quote Number: 11394
 Quote Date: Nov 4, 2019
 Page: 1

Quoted To:

CITY OF QUINCY
 404 W JEFFERSON ST
 QUINCY, FL 32351

Customer ID	Good Thru	Payment Terms	Sales Rep
CITY-15	12/4/19	Net 30 Days	POHLMAN, M.

Quantity	Item	Description	Unit Price	Amount
1.00		US ELECTRIC MOTOR, 200 HP, RPM 1800, FRAME 445TA, TYPE RUI, 480V, 3 PHASE, PREMIUM EFFICIENT, CENTRIFUGAL PUMP APPLICATION	21,573.00	21,573.00
1.00		SHIPPING WILL BE ADDED SEMS JOB M108943 9-11 WEEKS OUT		
			Subtotal	21,573.00
			Sales Tax	
			TOTAL	21,573.00



Office
Layne Christenson Company
41 Arley Road
Savannah, GA 31408
Phone 912-963-0015

r 800-332-5322
graniteconstruction.com

September 13, 2019

Mr. Terry Presnal and Mr. Robin Ryals
City of Quincy
300 Nth GF and A drive
Quincy, FL 32351

RE: City of Quincy No. 1 High Service Pump and Water Well #9 Evaluation

Dear Mr. Presnal and Mr. Ryals:

Thank you for the opportunity to provide a cost proposal to perform evaluation services on your No. 1 High Service Pump and No. 9 Water Well.

Layne's understanding is that City of Quincy's No. 9 Water Well has been offline for more than a year. The pump developed a vibration that became worse over time until the well had to be taken offline. It now needs to be pulled and evaluated.

In addition, your No. 1 High Service Pump has also been offline for some time due to a reduction in output from ~900 GPM to ~600 GPM. It also needs to be pulled and evaluated.

Layne's approach to evaluate the cause and effect is as follows:

- Mobilize crew and crane from Pensacola to the High Service Pump #1 project site.
- Set-up and pull pump and bowl assembly.
- Load on truck and move to Water Well #9 project site.
- Set-up and pull pump and bowl assembly.
- Return to Pensacola with both pumps for evaluation.
- Meet with Terry Presnal and Robin Ryals to submit report and discuss findings.

Layne's assumptions:

- High Service Pump #1 has a single section of 8" column pipe.
- Pump column, shafting and bowl assembly are intact.
- Pumping equipment is not stuck in the well.
- Pump removal activities should consume half a day.
- Water Well #9 is set to ~300' with 10" sections of column pipe.
- Pump column, shafting and bowl assembly are intact.
- Pumping equipment is not stuck in the well.
- Pump removal activities should consume two to three days.

The cost to perform the services listed above is \$5820.00 for High Service Pump #1 and \$13,945.00 for Water Well #9 for a total of \$19,765 for both. The price for Water Well #9 has been discounted by the amount of mobilization costs under the assumption we will pull both on the same trip. Further evaluation such as a downhole video or other testing may be recommended depending on the outcome of Layne's investigation. A full report of our findings for both pumps will be presented upon conclusion. If you have any questions regarding our scope of services, cost proposal or schedule, please feel free to contact us.

Sincerely,
Layne Christensen Company
Joffry Camp, Account Manager
352-359-2608
Joffry.camp@gcinc.com

Estimate

5355 Tower Rd.
Tallahassee, FL 32303 US
millsinc3178@gmail.com

SOLAR
FILTRATION
TRENCHING
WATER TESTING
PUMP REPAIR



(850) 562-2906

ADDRESS
CITY OF QUINCY

ESTIMATE #	DATE
4329	07/29/2019

P.O. NUMBER
WELL #9

QTY	PRODUCT	RATE	AMOUNT
1	PULL AND DISSEMBLE COLUMN AND SHAFT, REMOVE PUMP, TRANSPORT COLUMN BEARINGS AND PUMP TO REPAIR FACILITY, RETURN AND INSTALL PUMP COLUMN SHAFT AND BEARINGS. MOUNT MOTOR AND SANITIZE WELL. DOES NOT INCLUDE REPAIR OF PUMP SHAFT AND BEARINGS, STILL WAITING ON A PRICE FROM SHAFT AND BEARINGS REPAIR.	7,225.00	7,225.00

Thank You,
Mills Well Drilling

TOTAL

\$7,225.00

Accepted By

Accepted Date



- No motor inspection or repair costs are provided in this proposal. A condition assessment of the motor can be provided at an additional cost if desired.

- All bacteriological sampling to be performed by the Owner.

Total Cost: \$4,500.00

Best Regards,

Mark VanDyke

Rowe Drilling Company

M: (850) 728-1055

O: (850) 576-1271



7/26/2019

Mr. Terry Presnal
CH2M Hill
Quincy, Florida

RE: Quincy Wellfield Pump #7 Quote

Terry,

Below is the cost to pull and inspect the pump assembly for well #9; should repairs be required after teardown and inspection, a separate quote for the repairs will be provided to you for approval prior to making any repairs.

We propose:

1. Furnish heavy duty pump service rig, trailer, crew and tools to remove:
 - a. Vertical turbine motor (unwiring/rewiring included)
 - b. Approx. 240' of 10" pump column with tailpipe & 1 11/16" line shaft
 - c. Bowl assembly
 - d. Airline
2. Transport pump to the repair facility
3. Complete teardown and assessment of bowl assembly along with all other pump components
4. Provide a detailed report with recommendations and cost for repairs

Qualifications:

No repair costs to pumping equipment are provided in this proposal. Pump components such as the bowl assembly, column, line shaft, couplings, bearings, etc. that are discovered to be defective following inspection after complete pump teardown can be repaired or replaced at additional costs.



ROWE DRILLING COMPANY, INC.
 7584 W. TENNESSEE STREET, P.O. DRAWER 1389
 TALLAHASSEE, FLORIDA 32302
 (850) 576-1271 Phone
 (850) 575-6636 Fax

CUSTOMER COPY

QUOTE

QUOTE No.: _____

QUOTE DATE: 11/08/19

CUSTOMER No.: _____

QUOTE TO:

Terry Presnal
Jacobs, Inc.

SHIP TO:

Well 9
City of Quincy

DELIVERY DATE	SHIP VIA	TERMS		
TBD	RDC	NA		
DESCRIPTION		QTY	PRICE	EXTENSION
Repair Of Flowserve 12EHM - 8 Stage Bowl Assembly Remove And Install New Bearing In Intermediate Bowls (8), Suction And Discharge Housings Machine And Install New Bowl Shaft, Inspect And Balance Eight 12EHM Bronze Impellers, Re- Assemble Bowl Assembly Utilizing All SS Hardware Package.		1		
Steam Clean 26 Pieces of 1-11/16" Stainless Steel Shaft		1		
Straighten And Remove SS Sleeves From 25 Pieces of 1 11/16 Shaft Shaft Can Be Flipped And Run On Area Where No Sleeves Were Installed		1		
R3 2" X 1 11/16" Retainer Inserts Remove Old And Install New Inserts In Retainers		24		
1 11/16" 10TPI 416SS Line Shaft Couplers		25		
Steam Clean And Inspect Threads On Column Pipe Column Pipe Is Okay To Re-Use		1		
Packing Box Rebuild		1		
240 ft of Airline Tubing, Gauge		1		
Sandblast & Recoat Discharge Head		1		\$11,621.00
Labor to Install Pumping Equipment and Start Up		LS		\$4,500.00
1 Year Warranty on Labor & Materials				
Please sign to accept quote.		SUBTOTAL		\$16,121.00
Signature: _____		SALES TAX		
Title: _____		DELIVERY		
Print Name: _____		QUOTE TOTAL		\$16,121.00

P.O. DRAWER 1389
 TALLAHASSEE, FL 32302
 850-576-1271

P.O. DRAWER 2528
 SAVANNAH, GA 31402
 912-965-0351

929 N CHARLESTON AVE
 FORT MEADE, FL 33841
 863-622-2082

**CITY OF QUINCY
CITY COMMISSION
AGENDA REQUEST**

MEETING DATE: February 11, 2020

DATE OF REQUEST: February 07, 2020

TO: Honorable Mayor and Members of the City Commission

FROM: Jack L. McLean Jr., City Manager
Dr. Beverly A. Nash, Grant Writer

SUBJECT: US Department of Environmental Protection Agency (EPA)
and Integrated Recovery Coordination (IRC) Region 4
Recovery and Resilience Partnership (R2P2) Program.
Partnership with FEMA and AmeriCorps VISTA.

Background:

AmeriCorps VISTA volunteer members serve full time (40 hours/week) for one full year (52 weeks) at a community organization (nonprofit, college/university, local government office, etc.). AmeriCorps VISTA members work on projects that build the capacity of the organization or community. Projects can vary and are not limited to: developing outreach and marketing campaigns, building a social media presence, creating a program database, writing grants, managing a program in its first year, and recruiting volunteers. The financial value (2020) of the full-time volunteer position (one year) is approximately: \$50,000 - \$58,000 (including benefits) (average).

AmeriCorps VISTA program is more than a service opportunity; it is designed to also build valuable leadership and project management skills. AmeriCorps VISTA members earn a Segal Education award, which can be put towards future higher education expenses or to pay off student loans. AmeriCorps VISTA members who successfully complete a year of service can opt to receive either the education award (approximately \$6,000) or the end-of-service cash stipend (\$1,800). In addition, AmeriCorps VISTA members/volunteers receive one year of Federal Non-Competitive (NCE) hiring eligibility, which provides advantages in the federal hiring process.

Full-time AmeriCorps members receive a modest living allowance for service and health care. However, if a member is 55 years of age or older at the time they start service, they can transfer their education award to an eligible child or grandchild.

The VISTA (Volunteers in Service to America) was envisioned by President Kennedy to be a domestic Peace Corps. President Johnson enacted VISTA as part of the War on Poverty. VISTA is over 50 years old and there currently exist a community with more than 200,000 passionate individuals who have gone on to careers in every sector of this economy.

President Johnson's words are as relevant today as they were when the first class of VISTA volunteers were sworn into service: "Your pay will be low; the conditions of your labor often will be difficult. But you will have the satisfaction of leading a great national effort and you will have the ultimate reward which comes to those who serve their fellow man."

Immediately after Hurricane Michael, emphasis at the federal level was placed on long-term recovery of this community. The Federal Emergency Management Agency (FEMA) served as the lead agency to coordinate the long-term community recovery (LTCR) efforts. FEMA came into communities and began to assess the disaster. For northern Florida, it involved meetings that consisted of Federal and State leadership, including the Governor's Office, community and local organizations and agencies, business entities, and various levels of consultants.

FEMA expressed an interest in supporting the City of Quincy's long-term recovery and provided opportunities for planning and technical assistance in order to achieve greater economic impact, sustainability and improve the long-term resilience of the city's infrastructure and future.

Statement of Issue:

Be Ready Alliance Coordinating for Emergencies (BRACE) mission is to make our community resilient through public-private partnerships and to educate, train, and engage donors and volunteers. BRACE, AmeriCorps/VISTA and the Corporation for National and Community Service (CNCS) are all organizations that are collaborating with FEMA to provide volunteers.

It is thru this partnership by way of FEMA that will allow the City of Quincy to secure a volunteer position and to participate fully in the US Department of Environmental Protection Agency (EPA) and Integrated Recovery Coordination (IRC) Region 4 Recovery and Resilience Partnership (R2P2) Program.

City Commission Action Needed:

Options:

- Option 1: Vote to approve the authorization of the Mayor and/or City Manager to sign the VISTA Application and Proposed VISTA Assignment Description (VAD).
- Option 2: Vote to deny the approval and authorization of the Mayor and/or City Manager to sign the VISTA Application and Proposed VISTA Assignment Description (VAD).

STAFF RECOMMENDATION:

Option 1.

Attachments:

- Exhibit A: VISTA Application and Proposed VISTA Assignment Description (VAD)
- Exhibit B: VISTA Assignment Description (VAD)
- Exhibit C: Approving Letter: U.S. Department of Homeland Security, Federal Emergency Management Agency (FEMA), Thomas J. McCool, CEM, Federal Coordinating Officer, Disaster Recovery Manager, FEMA
- Exhibit D: Requesting Letter: City of Quincy, Jack L. McLean Jr., City Manager



VISTA APPLICATION AND PROPOSED VISTA ASSIGNMENT DESCRIPTION (VAD)

Please submit your completed application to: Lynn Dobry, VISTA Supervisor Recovery Specialist,
1301 W. Government Street, Pensacola, Florida 32502, 850-356-2384

ORGANIZATION INFORMATION

Organization Name: **The City of Quincy**

Contact Names: Jack L. McLean Jr., City Manager, 850-618-0020, jmclean@myquincy.net
Dr. Beverly A. Nash, Grants, 850-618-1888, bnash@myquincy.net

Sub-site Address: 404 W. Jefferson Street, Quincy, Florida 32351

EIN #: 59-6000416

Our organization is a:

- 501(c) 3
- Government agency
- Faith-based organization
- Other (please specify) _____

Describe (200-500 words per section):

- Why you want a VISTA member **at this time**:

Hurricane Michael's intensity was devastating and unprecedented for the City of Quincy. Hurricane Michael was a true catastrophe. The storm caused approximately \$15,729,694 in damages to the City of Quincy. The City of Quincy's staff has been overwhelmed and have continued to work long hours. The City of Quincy is in need of any available assistance to help realize the full potential for recovery and resiliency.

The City of Quincy's request for the VISTA volunteer member is specifically to provide assistance in the City's long-term recovery efforts. The person will work to identify economic development and infrastructure needs and resources that will build capacity and provide a better quality of life for our communities and citizens.

- Have national service members (AmeriCorps or Senior Corps) ever served with your organization before? Yes No or Unknown

If yes, please complete the chart below:

Type of Members	# of Members	Years Hosted	Description of Activities



- Has your organization ever managed federal/state grant funds before? X Yes No
- If yes, please describe (for example):
- 2018-2021
 - Community Development Block (CDBG) Grant, Florida Department of Economic Opportunity - \$750,000.00
- 2019-2020
 - Hurricane Michael State Recovery Grant, Office of the Governor, Florida Division of Emergency Management - \$1,000,000.00
 - General Appropriate Act Fund, Florida Department of Economic Opportunity Grant - \$75,000.00
 - Rural Infrastructure Fund, Florida Department of Economic Opportunity, \$297,800.00

PROJECT OVERVIEW

Executive Summary

Please fill in the blanks of the sentences below to complete the Executive Summary-

Describe (200-500 words per section):

The City of Quincy is requesting one (full-time) AmeriCorps VISTA volunteer member who will be building organizational and community capacity and assisting in the management and implementation of its vision for the City's downtown and commercial park economic development as it recovers from the devastating impacts of Hurricane Michael.

At the end of the program year, the AmeriCorps VISTA volunteer member's performance expectation measures are:

1. Assist in the building of the capacity of the City of Quincy to manage and implement its economic development projects and vision.
2. The effective coordination and communication with partners and the community.
3. Establishment of electronic records to improve the effectiveness and efficiency of the City's operations.

This partnership will focus on the Integrated Recovery Coordination and US Department of EPA mission assignment and long-term recovery and resilience.



- Which issue area(s) will this project impact:
 - Education
 - Veterans and Military Families
 - Economic Opportunity
 - Healthy Futures, or
 - Disaster Services

- The type of activities you expect the VISTA to accomplish:
See objectives and member activities in the VAD, page 4 - 5.

- Who will be directly supervising the VISTA member? Please include that person's title and relevant supervisory experience.

Dr. Beverly A. Nash, Grants, City of Quincy, bnash@myquincy.net.

A seasoned administrator with cross-functional experiences; proven expertise in leadership, administration, federal and state grants, research, planning, operational oversight and organizational development. Excellent planning, analytical and organizational skills. Distinguished performance on teams at large-scale governmental agencies and small to medium school districts, community colleges and universities; provided strategic leadership, and vision to deliver improved financial, performance, and program results. Successful in identifying and capitalizing upon funding opportunities through the integration of technical, personnel, financial, operational and community resources. Besides working for the City of Quincy, she has held the following administrative positions:

1. GADSDEN COUNTY PUBLIC SCHOOL DISTRICT, 35 Martin Luther King, Jr. Street, Quincy, Florida 32351. Counselor, Assistant Principal, Project Director, Drop-Out Prevention Coordinator, Trainer, Site Student Supervisor and Substitute Teacher.
2. NCN CONSULTING, LLC, P.O. Box 696, Quincy, Florida 32353: CEO/Senior Consultant.
3. FLORIDA DEPARTMENT OF EDUCATION, Tallahassee, Florida 32399, Senior Educational Program Director, Program Specialist IV, Program Specialist Supervisor II and Program Specialist III.

PROJECT SITE REQUIREMENTS

Below please find the Corporation for National and Community Service (CNCS) requirements for successful VISTA host sites. Please check all statements that you agree to **support**.

- Provide acceptable work plans for the use of AmeriCorps VISTA members.
- Provide supervision of the activities of the AmeriCorps VISTA members.
- Provide transportation and/or mileage reimbursement for project related travel expenses outside of the everyday commute for AmeriCorps VISTA members.



- Provide materials and supplies related to the performance of assignments and adequate working space to permit AmeriCorps VISTA members to perform their assigned duties. Specifically, office equipment, computer, internet access, email accessibility, and telephone.
- Provide reasonable accommodations to VISTA members with disabilities, if needed.
- Assist in reviewing performance of AmeriCorps VISTA members.
- Provide VISTA with On-site Orientation and Training (OSOT).
- Provide occasional project updates to VISTA Leader/Supervisor.
- Provide for any unique budget/financial requirements of the project (for example, travel budget, supplies, software and/or equipment to support volunteer position.)
- Provide for any project specific training requirements outside of the AmeriCorps sponsored training.
- Provide access to staff and project records for on-site review.
- Oversee and approve VISTA member timesheets biweekly.
- Program staff will thoroughly complete quarterly Progress reports to be shared with the CNCS.
- Sub-site Supervisor must notify the BRACE VISTA Supervisor immediately regarding need for unscheduled termination of AmeriCorps VISTA members and unscheduled changes of status and conditions of AmeriCorps VISTA members, such as arrests, hospitalization and absence without leave.
- Maintain records, reimbursement documentation, and any files regarding investigative matters involving AmeriCorps VISTA members. These records will be retained as required by CNCS for a period of three years after completion or termination of the project or longer if required for administrative proceedings; litigation purposes and to provide access to such records to CNCS for the purposes of audit litigation or examination.

If you did not check any of the boxes above, please explain why.

The unique budget items will be determined and approved at the discretion of the City Commission and/or City Manager.

I certify that all of the information in this application is accurate and that I have reviewed the list of prohibited activities for VISTA members (<http://www.vistacampus.gov/limitation-member-activities-and-duties>).

Jack L. McLean Jr., City Manager's Signature

Date

Potential VISTA Supervisor Signature (if different)

Date



VISTA Assignment Description (VAD)

Title: Economic Development Specialist
Sponsoring Organization: <u>Be Ready Alliance Coordinating for Emergencies (BRACE)</u> Name: To be filled in by VISTA Number: To be filled in by VISTA Project Period: To be filled in by VISTA
Sub-Site Name (if applicable): City of Quincy, Florida
Focus Area(s) Primary: Capacity Building Secondary: Economic Development Opportunity

VISTA Assignment Objectives and Member Activities

Goal of the Project: To build the capacity of the City of Quincy to manage and implement its vision for the downtown and commercial park economic development as the city recovers from the devastating effects of Hurricane Michael. The City of Quincy's poverty rate is 39.83% (Aug 28, 2019).

A. Objective of the Assignment

Description of Objective: To build the capacity of the City of Quincy to manage and assist in implementing its economic development projects and vision.

Period of Performance: one year (from the date of hiring)

Member Activities:

1. Work with stakeholders to identify priorities and projects for downtown economic development.
2. Develop electronic tracking system to track resources, partners and funding to effectively manage projects.
3. Assist with the US Department of Environmental Protection Agency (EPA) and Integrated Recovery Coordination (IRC) Region 4 Recovery and Resilience Partnership (R2P2) Program.



4. Assist in the implementation plans based on National Parks Service concept designs for parks, trails, greenspaces and pedestrian facilities.
5. Convene meetings with funders and stakeholders to identify appropriate funding sources.

B. Objective of the Assignment

Description of Objective: To build the capacity of the City of Quincy to communicate with and engage the community.

Member Activities:

1. Support community engagement and outreach for various city projects and priorities.
2. Create a communications plan that outlines best practices for future staff and volunteers.
3. Identify creative ways to engage shareholders, including businesses, organizations, government entities, and community residents, such as organizing a schedule of events that involve new volunteers.

C. Objective of the Assignment

Description of Objective: Establish electronic records to improve the effectiveness and efficiency of City of Quincy's operations.

Member Activities:

1. Work with the City Manager and/or assigned staff to identify paper records and systems that need to become electronic.
2. Identify options for converting to electronic records – seek partner support and/or funding if necessary.
3. Implement electronic record conversion process.



FEMA

January 28, 2020

Mr. Jack L. McLean Jr.
City Manager
404 West Jefferson Street
Quincy, FL 32351

Dear Mr. McLean:

Thank you for contacting FEMA regarding Quincy's request for additional technical assistance through the U.S. Environmental Protection Agency (EPA) Region 4 Recovery and Resilience Partnership Program.

FEMA is committed to support Quincy's long-term recovery and request for planning and technical assistance for elements of the six projects detailed in your request. I am approving this request under the FEMA-DR-4399-FL Integrated Recovery Coordination (IRC) Mission Assignment. Representatives from the EPA and IRC will be contacting you soon to initiate this assistance.

Together, the projects you've identified certainly have the potential for achieving greater economic impact in the region and improving the long-term resilience of the city's infrastructure. They also reflect opportunities to increase tourism and to create greenspaces and pathways that beautify and connect neighborhoods and parks with the city center.

The scope of work will likely be developed in *February 2020* and continue for approximately six months to:

- Develop a conceptual design and plan for Tanyard Creek Park
- Assess the location property and incorporating some green infrastructure concepts to the site plans for the surrounding expansion of the water system and relocation of the public works department to include the reduction of stormwater
- Develop a conceptual design for trails and greenspace for South Steward Street to South Adams Street

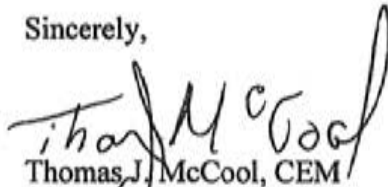
Jack L. McLean Jr.
January 28, 2020
Page Two

- Conduct a feasibility study for expansion of the business/commercial park, and develop a communications strategy for business recruitment
- Conduct a feasibility study to assess the value of implementing the Downtown Streetscape Concept Plan.

To complete the agreed scope, EPA, in conjunction with FEMA IRC will determine the steps, planning and technical assistance required; however, additional needs may also be included as determined by Quincy and EPA Region 4.

We are pleased to support you with these projects and in assisting Quincy to increase its resilience, its sustainability and in its desires to become the heart of history, arts, entertainment and civic engagement.

Sincerely,



Thomas J. McCool, CEM
Federal Coordinating Officer
Disaster Recovery Manager
FEMA Region IV Lead Field Coordinator
FEMA-4399-DR-FL

cc: Keith Dowdell, Mayor and Presiding Officer of the City Commission of Quincy, Fla.
Dr. Beverly A. Nash, City of Quincy, Grants.



Tuesday, January 21, 2020

Mr. Thomas J. McCool, CEM
Federal Coordinating Officer
Thomas.mccool@fema.dhs.gov

Dear Mr. McCool:

The City of Quincy has an estimated population of 7,235 residents with a 36.7% poverty level, and a primarily agricultural-based economy. It is the seat of Gadsden County government, is the hub of Gadsden County economic activities and is located approximately 25 minutes from Tallahassee, Florida. In addition, there has been a rich pipeline created by major universities and colleges in the region, i.e., Florida State University, Florida A&M University, Tallahassee Community College, and Flagler College.

The City is on the National Register of Historic Districts and its 36-block area is positioned around an historic courthouse square, which has been used continuously since 1827 for both government and commerce.

The City of Quincy is easily accessible from the south by I-10, exiting at Pat Thomas Highway/FL-267, then turning onto US 90/FL-12, the main corridor that runs in front of the historic courthouse. From the east, the City of Quincy is accessible from Havana/FL-12. From the west, access is via Greensboro Road/FL-12/65 and the FL12/US-90.

Hurricane Michael's intensity was devastating and unprecedented for the City of Quincy. Hurricane Michael was a true catastrophe. The storm caused \$15,729,694 in damages to the City of Quincy. The city owns and maintains the infrastructure for public services in terms of utilities: electricity, natural gas, water, and sewage.

Four (4) of the City's nine (9) circuits, along the one hundred and sixty-two (162) miles of overhead distribution lines laid on the ground. At least fifty (50) percent of the 2,500 utility poles that support the overhead power and fiber lines exceeded 35 years of age. The storm damages affected water, gas, sewer, Southeastern Power Administration's (SEPA) Supervisory Control and Data Acquisition (SCADA) system, outage management, public safety communications towers, the Gadsden County's Emergency Operation Center, City Hall and County operations, streets lighting on Hwy 90 and Hwy 267, and data collection for customer billing for four thousand eight hundred and thirty-five (4,835) customer-accounts. Eleven thousand, one hundred and twenty (11,120) residents and 900 small, commercial, and industrial businesses within the City electric system's twenty-two (22) square mile territory were without power, some of whom were adversely affected by sewer spills at two key locations. In addition, the storm disrupted and damaged the SCADA and outage management systems that integrates the electric grid and

the soon to be under construction Wastewater 1.5MW Solar Array Project on Joe Adams Road, near Walmart (Pat Thomas Highway).

Specifically, we would like further analysis and assistance addressing the following project areas:

1. **Tanyard Creek Park and Preservation Development** – greenways and neighborhood trails (conservation, quality of life and recreation), construction and expansion southern corner of East G F & A and Hwy 90 with walking trails, pier and residential development, landscaping for neighborhood fishing (connection with nature and the community). Benefits: trails add value to new and existing homes, wider range of transportation choices, i.e., bicycles and walking, allows residents to travel safely through and between neighborhoods, can assist in protecting natural resources.
2. **Partnership with the City of Gretna** – The City of Gretna has had a long-time agreement with the City of Quincy. The City of Gretna is one of our water customers. Our vision is the expansion of the water lines and its capacity. Technical assistance needed would be looking at the long-term impact for economic development and putting into place a reliable water system for the City of Gretna.
 - a. Partner: Gadsden County Development Council, Beth Cicchetti, Executive Director and the City of Gretna.
3. **Underground Electric System** – to improve the resilience, sustainability and cost-effectiveness of the city owned electric utility. Buried power lines are protected from the wind, ice and tree damage that are common causes of outages, and therefore, suffering fewer weather or vegetation-related outages. Costs can only be understood in relation to benefits. As the climate warms, storms and power outages are becoming more common. For the City of Quincy, there is a population that is aging, as well as those who have transportation and health issues; the loss of power is dangerous. Underground power lines may prevent power outages during the hotter summers --and icier winters -- saving lives and major costs. In addition, because of Hurricane Michael, the City of Quincy has had to implement an aggressive vegetation management system.
 - a. The construction of a dedicated trunk feeder line that serves Trulieve Cannabis Corporation the City's largest electric customer and the County employer and a residential truck feeder line. These feeder lines run from the North Substation to Virginia Street through Lillian Springs, covering 15,240 linear feet and costing **\$3,129,852.94**. The widening of the current sidewalks could include bicycle lanes. Since safety of the city's residents is, a top priority, by having the lanes, more bicycles would be off the city street and in designated traffic lanes, especially on King Street, Martin Luther King, Jr. Blvd., Adams and Steward Streets.
 - b. The construction of the underground trunk feeder line from the Southern Sub-Station to Pat Thomas Parkway and Joe Adams Road through Martin Luther King, Jr. Blvd. and Orlando Street, which ties into the City's solar array facility on Joe Adams Street. This project consists of 12,308 linear feet or 2.33 miles for **\$2,953,000**. The underground power lanes would allow fewer outages for Walmart Supercenter and

the US Postal Office and fewer operations disruptions. This project would allow for funding partnership opportunities with the State on highway streetscaping.

- c. The construction of the underground trunk feeder line that runs from the Southern Substation through Martin Luther King Jr. Blvd. and Adams Street to Crawford Street covering about 6,157 linear feet or 1.177 miles and costs **\$1,477,000**. A walking trail could be created from South Steward Street to South Adams Street going thru Tanyard Creek Park with environmentally friendly pathway lighting. The design of the lights would require placement for maximum effectiveness and safety.
- d. Investments:
 - i. Hurricane Michael State Recovery Grant, Office of the Governor, Florida Division of Emergency Management, \$250,000.
 - ii. Trulieve Cannabis Corporation (the city's number one revenue producer) - \$150,000 (5% of cost of project).
 - iii. In-Kind services by the City of Quincy (approximately \$538,250.00).

4. **Development of Business/Commercial Park and Integration with Solar Array Project** located on Joe Adams Road. Marketing strategies to attract business/commercial development in order to take advantage of clean energy, cheaper power and reliable grid. Opportunities exist for site tours for local, regional educational, vocational schools, and groups who are interested in solar energy and/or clear technology. We believe distributed solar projects, as the one planned for the City of Quincy, will play a big role in fueling the energy needs of the generations to come. Possible technical assistance needs would be a feasibility study for build-out or expand business/commercial park, and development of communication strategies for business recruitment for the business park.

1. Investment:

- a. Rural Infrastructure Fund (RIF) - \$297,800 – development of strategic economic development plan and environmental survey for park. Included are plans for attracting new businesses to the Commercial Park.
- b. Florida Department of Environmental Protection, Clean Water State Revolving Fund-\$3,874,739.

2. Partner: Gadsden County Development Council, Beth Cicchetti, Executive Director

5. **Quincy Downtown Streetscaping Projects** - The City of Quincy wants to create and support a vibrant downtown community and promote downtown as an exciting place to invest, work and visit through clean and safe initiatives and experience creation. Downtown Quincy can be the heart of history, arts, entertainment and civic engagement.

The City of Quincy recognizes that our historic downtown is no longer the economic hub in the city. Consequently, because of a prolonged period of marginal private sector investment in buildings and businesses, many landmark facilities are in disrepair and business have failed because of a lack of patronage. Accordingly, property values and tax revenue from the downtown district have declined sharply. The result has been that the downtown and Highway 90 corridor are unappealing and characterized by blighted condition.

Another challenge is the lack of safe and connective routes, which encourage multimodal transportation choices, and efficient means of accessing neighborhoods, downtown amenities and Tanyard Creek Park.

City leadership took aggressive action to promote redevelopment and revitalization by creating a community redevelopment agency (CRA) to create a source of dedicated funding for the downtown and commercial districts. Slowly, the Quincy CRA accumulated TIF funding which was used to assist with roof replacements for senior citizens, business façade improvements and land acquisition for parking and greenspaces. To date, more than \$793,000 in TIF funds have been invested in the CRA's redevelopment projects. Of which \$303,000 was expended on the South Adams Street Façade Program. These funds were match by approximately \$100,000 from the respective property and business owners on South Adams Street. An additional \$2 million dollars in state grant funds were secured to renovate the R.D. Edwards Police Station and Tanyard Creek Park and Amphitheater.

In order to drive redevelopment and beautification efforts further, the City of Quincy's leadership has determined that it is necessary to conduct a feasibility study to assess the value of implementing a Downtown Streetscape Concept Plan featuring Aesthetic Design Guidelines and a Crime Prevention through Environmental Design Plan (CPTED). With a primary goal of connecting neighborhoods, Tanyard Creek Park and the Downtown, the City of Quincy's Downtown Streetscape Concept Plan would identify streetscape design practices, which would facilitate pedestrian and bicycle activity, improve visual aesthetics, promote retail and tourism opportunities and reduce crime.

With the implementation of a comprehensive Downtown Streetscape Concept Plan, the City of Quincy expects to realize several key benefits, including improved roadways, sidewalks, bike lanes, pedestrian walking trails and eye appeal. The resultant increase in customer and tourist traffic will improve and increase economic activity in the area. The beautification of medians, sidewalks, and other streetscape environmental design features will promote increases patron attraction, community pride and property values.

Key Elements of the Downtown Streetscape Concept Plan will include:

- a. Support Multi-Modal Mobility. With the implementation of the Streetscape Concept Plan, we will improve pedestrian safety through trails, crosswalks, pedestrian-friendly signage, ample lighting and directional elements. Bicycle and scooter racks will promote alternative transportation usage as well. Further, enforceable guidelines for aesthetic improvements and better way-finder signage for visitors will allow optimal traffic flow while creating a pleasant travel experience.
- b. Provide Greater Visual Appeal. Streetscaping will complement the beautiful Victorian Homes and Historic Facilities in Quincy. Given the ongoing effort to facilitate economic development through the revitalization of building facades and infrastructure improvements, it is logical and investment-worthy to improve the natural landscaping along our roadway and building fronts. The continued use

of trees, flowers, artistic expressions and ornamental lighting will enhance the overall attractiveness of the downtown and commercial district.

- c. **Improve Connectivity to Surrounding Neighborhood.** Citizens will benefit from infrastructure improvement, which will better connect neighborhoods to each other and to downtown, commerce centers and Tanyard Creek Park's natural amenities. Moreover, these improvements will create safer ways to traverse through the district. Novel trails with connecting crosswalk treatments at intersections will ensure eye appeal and increased visibility.
- d. **Justify New Parking Areas.** Increased activity and customer flow will drive development of new parking spaces on vacant lots and improvements to existing parking lots.
- e. **Promote Infill Development Downtown and along the Highway 90 Commercial Corridor.** Economic vitality will dictate new spaces for businesses. Additionally, there is a need for more creative uses in existing spaces, for example, business incubators and Maker Facilities for new entrepreneurs. The improved customer flow will spur the emergence of "pop-up" commerce and retail diversity throughout the district. The City of Quincy sits as the county seat. In addition, in recent years economic activities have moved to the outskirts of the city, thereby depriving the downtown of the striving economic dominance it once enjoyed. Additionally, because of decaying, lack of maintenance and care of buildings and damaged property due to Hurricane Michael, the downtown is in need of streetscape improvements, and signage, as well as, resuming it as a regional center for economic activities, culture and distinctive rural experiences.

6. **Public Works Department** – The current facility has reached the end of its usefulness. The site is not centrally located to serve as a main public works facility. There is a need to rebuild/relocate the City of Quincy's Public Works Department's operations and equipment maintenance facility due to its age and location.

The buildings that currently house the administrative offices, as well as, the vehicle/equipment repair operations were originally built in 1955 and have sustained deterioration over the past sixty plus years. While deterioration was already present due to the age of the facilities, this was exacerbated by the damages suffered during Hurricane Michael. Also related to the age of the buildings are the effects of termite/pest control damages to the structures.

Due to the size or strength of Hurricane Michael, the staff never had to respond in the matter that was left behind by Michael. One of the greatest challenges faced by the Public Works Department staff was their ability to travel to the facility to retrieve equipment in order to commence their response effort.

The Public Works Department is located at the eastern edge of our city limits and is a considerable distance from our City Hall, the Fire Department and the Police Department, as well as, the more densely populated areas in the city that are more likely to suffer damage during a storm.

The current facility is accessible via the main highway that runs through the city and is heavily lined by trees on both directions. As well as, the adjacent road that leads directly to the property which is a two-lane road that can be easily blocked. There is only one-way to and from the current location, and both of these roadways (during Hurricane Michael) were impeded due to down trees and power lines. In addition, this situation impaired and drastically delayed our ability to access necessary equipment and effectively address the recovery needs in the city.

In order to mitigate future impacts to our operations, as well as, our ability to respond to both natural and manmade disasters, the City of Quincy seeks to relocate and/or rebuild its Public Works Department's operations and equipment maintenance facility. This relocation will require the acquisition of property; architectural and engineering services; construction of the administrative, equipment storage and repair facility; as well as, the necessary funding to cover all related expenses.

The City is requesting a feasibility study to assess the practicality of the proposed project; assist in administering a SWOT Analysis; identify and evaluate the available and required resources needed to carry out the project; and ultimately elaborate on the value, resiliency and security this project will add to our community.

The City of Quincy's staff has been overwhelmed and have continued to work long hours. We need any available assistance to help us realize the full potential for recovery and resiliency. Therefore, we are requesting support through the FEMA Integrated Recovery Coordination and the U.S. Environmental Protection Agency (EPA) Region 4, Recovery and Resilience Partnership Program (R2P2), to assist us in promoting and improving our resources and overall status for long-term recovery.

As we continue our recovery, we would also like to consider potential implementation strategies and funding resources to help us achieve our project goals. Your assistance, as well as, funding opportunities can support our vision and will be critical to the City's success and future.

Please contact me if you have further questions or concerns about this request. Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Jack L. McLean Jr." with a stylized flourish at the end.

Jack L. McLean Jr.
City Manager

cc: Keith Dowdell, Mayor and Presiding Officer of the City Commission of Quincy, Florida
Dr. Beverly A. Nash, City of Quincy, Grants