

# City of Quincy

City Hall

404 West Jefferson Street

Quincy, Florida 32351

[www.myquincy.net](http://www.myquincy.net)



**Tuesday - March 12, 2019**

**6:00 PM**

**City Hall Commission Chambers**

## **City Commission**

**Mayor Angela Sapp - District Two**

**Mayor Pro-Tem Keith Dowdell - District One**

**Commissioner Ronte Harris - District Three**

**Commissioner Andy Gay - District Four**

**Commissioner Daniel McMillan - District Five**

*"In the Heart of Florida's Future"*

**AGENDA FOR THE REGULAR MEETING**  
**OF THE CITY COMMISSION OF**  
**QUINCY, FLORIDA**  
**Tuesday ~ March 12, 2019**  
**6:00 PM**  
**City Hall Commission Chambers**

**Call to Order**

**Invocation**

**Pledge of Allegiance**

**Roll Call**

**Approval of Agenda**

**Special Presentations by Mayor or Commission**

**Approval of the Minutes of the Previous Meetings**

1. Approval of Minutes of the 1/8/2019 Regular Meeting
  - Sylvia Hicks, City Clerk
2. Approval of Minutes of the 2/26/2019 Regular Meeting
  - Sylvia Hicks, City Clerk

**Proclamations**

**Public Hearings and Ordinances as Scheduled or Agendaed**

3. Ordinance 1103 – 2019 Alcohol Ordinance Restaurant Revisions on Second Reading
  - Jack L. McLean Jr., Interim City Manager
  - Bernard Piawah, Building and Planning Director
4. Ordinance 1104 – 2019 Zeroing Out Impact Fees on Second Reading
  - Jack L. McLean Jr., Interim 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**

**Reports by Boards and Committees**

**Reports, Requests and Communications by the City Manager**

5. Adoption of CDBG Grant Award Special Condition Policies
  - Jack L. McLean Jr., Interim City Manager
  - Bernard Piawah, Building and Planning Director

6. Human Resources Report
  - Jack L. McLean Jr., Interim City Manager
  - Ann Sherman, Human Resources Director
7. Ratification of Police Union Contract
  - Jack L. McLean Jr., Interim City Manager
  - Glenn Sapp, Police Chief
8. Request for the Renaming of Hillside Park
  - Jack L. McLean Jr., Interim City Manager
  - DeCody Fagg, Parks and Recreation Director
9. Update on Wolf Tree Contracted Tree Trimming
  - Jack L. McLean Jr., Interim City Manager
  - Robin Ryals, Utilities Director

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

**Comments**

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

**Comments from the Audience**

**Adjournment**

\*Items not in Agenda Packet

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  
QUINCY, FLORIDA

REGULAR MEETING  
JANUARY 8, 2019  
6:00 P.M.

The Quincy City Commission met in regular session Tuesday, January 8, 2019 with Mayor Commissioner Angela G. Sapp presiding and the following were present:

Commissioner Daniel McMillan  
Commissioner Ronte R. Harris  
Commissioner Gerald A. Gay, III  
Commissioner Keith A. Dowdell

Also Present:

Interim City Manager Jack L. McLean Jr.  
City Attorney Scott Shirley  
Acting Clerk Betty Powell  
Building & Planning Director Bernard Piawah  
Police Chief Glenn Sapp  
Finance Director Ted Beason  
Fire Chief Curtis Bridges  
Public Works Director Reginald Bell  
Utilities Director Robin Ryals  
Customer Service & Human Resources Director Ann Sherman  
Parks & Recreation Director DeCody Fagg  
Executive Assistant to the City Manager Vancheria Perkins  
Sergeant At Arms Sgt. Eugene Monroe

### **Call to Order**

Mayor Sapp called the meeting to order, with invocation by Pastor Jeff Jackson of First Baptist Church followed by the Pledge of Allegiance.

### **Approval of Agenda**

Mayor Sapp asked the Commission for approval of the Agenda. Commissioner McMillan made a motion to approve the agenda as printed and was properly seconded by Commissioner Harris. The motion carried and the agenda was approved.

### **Presentations**

#### **Approval of the Minutes of the previous meeting**

Commissioner Gay made a motion to approve the minutes of the December 11, 2018 Regular meeting with corrections, if necessary and properly seconded by Commissioner Harris.

Commissioner McMillan stated page four; the Utilities surcharge and the motion carried five to zero.

### **Approval of the minutes of Special Meeting December 18, 2018**

Commissioner Dowdell made a motion to approve the minutes of the Special Meeting of December 18, 2018 with necessary corrections and was properly seconded by Commissioner Gay and the motion carried five to zero.

### **Public Hearings and Ordinances as Scheduled or Agendaed**

#### *Ordinance No. 1102-2018 Storm Recovery Surcharge on Second Reading*

Commissioner Harris made a motion to read Ordinance No. 1102-2018 by title only and properly seconded by Commissioner Gay. Upon roll call by the Clerk the vote: Commissioner McMillan, yes; Commissioner Harris, yes; Mayor Sapp, yes; Commissioner Gay, yes; and Commissioner Dowdell, yes; the ayes were unanimous and the motion carried.

This agendaed item is open to the Public for Public Hearing.

**AN ORDINANCE OF THE CITY OF QUINCY, FLORIDA ENACTING A ELECTRIC UTILITY RATE SURCHARGE RELATING TO RECOVERY FROM HURRICANE MICHAEL; RECITING AUTHORITY; MAKING FINDINGS RELATED TO THE PURPOSE OF THIS ORDINANCE; AUTHORIZING THE ENACTMENT IF AN ELECTRIC UTILITY STORM RECOVERY SURCHARGE FOR THE PURPOSE OF PAYING FOR REPAIR, RESTORATION AND RELATED COSTS INCURRED FROM HURRICANE MICHAEL, INCLUDING (1) THE REPAYMENT OF ANY RELATED INTERIM OR OTHER FINANCING ARRANGEMENT, (2) THE UPGRADING OF THE ELECTRIC SYSTEM TO BE MORE HURRICANE RESISTANT, AND (3) ESTABLISHING A STRONG RESERVE FUND; PROVIDING FOR THE CARRYING OUT OF OTHER RELATED MATTERS; PROVIDING FOR CONFLICTS AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Finance Director, Ted Beason addressed the board stated that as previously stated from our last meeting, we had a lot of damage from Hurricane Michael; and to repair our electric system to restore power to our customers, we had to depend on the help of mutual aid from other municipalities and they did not come without a cost. With this enactment it would increase the residential customer charge by \$ 8.83 per kwh month and the Base rate and SEPA charge to be combined.

Mayor Sapp asked if the SEPA charge be kept separate from the base rate; combining the two would confuse customers.

Commissioner Dowdell wanted to know when the new rates would go into effect.

Mr. Beason stated, the new rates will go into effect in February.

City Attorney stated that it is the first billing cycle after the ordinance approval.

Mr. Beason stated that would be January 22, 2019 is when the Michael-Surcharge will go into effect.

Commissioner Dowdell wanted to know if we were ready to deal with a set number of days on billing statement and he wants to see a set number of days on the billing statements.

Interim City Manager Jack McLean Jr. stated that it is difficult to give a set number of days for a statement bill. The normal range from the past is twenty-eight to thirty-two days. Several factors go into this, weather, meter reading, staff or book reading.

Commissioner Dowdell stated he does not want to see the customer bear the cost of these excessive days and if the next Utility Bill will be the bill with less days and customers will see a break. He added that he doesn't want to see extra days on the bill after the surcharge pass.

Interim City Manager jack McLean stated that prior to Hurricane Michael, the bills were in a normal range and after Michael was when the normal days changed.

Mayor Sapp asked can we see the normal days as prior to Hurricane Michael.

Commissioner Dowdell stated, if there are more days on the bill, we must notify our customers.

Commissioner Dowdell wanted to know if we can do a summary sheet why we are doing this.

Mr. Beason stated, yes we can.

Mayor Sapp stated that we are our first source of information for our constituents and when something is printed that is not true, we should be able to tell our constituents the truth and that is why we were elected.

Interim City Manager Jack McLean stated that we would be using our Face Book Page to get information out; we will also put it on our website page. The Face Book Page was a very useful tool during the hurricane and we will continue to use it to get information out.

The Mayor stated that this public hearing on Ordinance No. 1102-2018 was open to the public and they may come to the podium.

Denise Pouncy Hannah, 719 14<sup>th</sup> Street. Ms. Hannah stated, Commissioner Dowdell, my sentiments, exactly. She did not understand the electric rate increase, storm recovery fee, with a sunset of four years, along with all the other fees.

Frieda Bass Prieto, 329 E. King Street. I've tried to figure my new bill with the new rate and going to Muni-code, with that rate, my bill would be totally different. I spoke with Mr.

Beason and he said it was a combination. The website had no information of the SEPA charge; Muni-code was not up to date. If people can't pay current rate, with this increase, what will the people do.

Interim City Manager Jack McLean Jr. stated, Ms. Bass is correct about the website not being up to date and Muni-code is not updated as well, there's no excuse. I've spoken with the Attorney to take whatever steps we need to correct this. There's no reason to be confused; but you may not agree. The SEPA charge is separate and was always meant to be separate on the account and not to be shown in the base rate. The first thing will be corrected by the Attorney and myself.

Mr. Beason stated for a residential customer, the flat rate cost per kilowatt hour would increase, from 9.241 cents to 10.120, a 9.5% increase. When considering the total electric charge which includes a base customer charge and fuel adjustment charge, the average residential customer with 1005 kwh of electric consumption would have an increase from \$ 111.53 to \$ 120.36; an \$ 8.83 increase, 7.92% increase. Yes, the Storm Recovery does have a sunset; 2019, 2020, 2021, 2022.

Mayor Sapp stated that one must know the total kwh consumption and multiply that by the new rate, plus a customer charge will give us a total electric charge.

Mayor Sapp asked, the board are there any questions.

Mayor Sapp stated that the public hearing was closed and turned this matter over to the Commission.

Commission Dowdell made a motion to approve Ordinance No. 1102-2018 Hurricane Michael Electric Storm Surcharge on the second reading and properly seconded by Commissioner Gay and the motion carries four to one.

*Resolution 1383-2019 Line of Credit Authorization for Hurricane Michael Mutual Aid*

Finance Director Ted Beason stated that the Capital City Bank has agreed to lend the City \$ 3 million, as a line of credit and would allow us to take \$ 750,000 up front.

Commissioner Gay stated \$ 3.1 million to pay back mutual aid and repair system and \$1.1 to harden system, totaling \$ 4.2 million, minus \$ 3 million line of credit and the surcharge projection will generate \$ 1,024,000, per year for four years. Commissioner Gay asked, where is that money going? It is the duty of this Commission to oversee these funds and how will the line of credit be paid back?

Mr. Beason stated it will have a separate line item and the line of credit will be paid back by the Michael surcharge fee.

Commissioner Gay asked? How's this Commission going to monitor and over-see these funds through Finance Reports.

Mr. Beason stated that he will provide a separate monthly spread sheet report.

Commissioner Gay stated, going back and to be fully transparent that we as a Commission provide proper over-site in reports and audits.

Commissioner Gay stated that we have a debt of \$ 4 million and plan to pay it back; but we can't afford to buy things we don't need. That is why, we as the Commission must provide proper over-site of these funds and make sure what they are telling us will happen.

Mayor Sapp stated that like Commissioner Gay it is incumbent of us, this Commission to provide over-site and know where this money is being spent.

Mayor Sapp stated, there's a resolution on the floor; Commissioners?

Commissioner Harris made a motion to approve Resolution 1383-2019 Line of Credit Authorization and was properly seconded by Commissioner Dowdell.

City Attorney Scott Shirley stated that this authorizes approval of the Line of Credit and there are documents for all commissioners to sign.

Mayor Sapp asked for the vote and the motion carried five to zero.

Commissioner Dowdell asked Mr. Beason, you say at closing, we are required to draw down \$ 750,000 and that will be used for what?

Mr. Beason stated to pay Jacksonville Electric Authority.

#### *Ratification of Two Expenditures*

*Traffic Control Assembly for Adams/Jefferson and Pole Replacement for Adams and King Streets.*

There was a sense of urgency to provide the safety of our Citizens. The first invoice: Mas Tec for \$15,000 to replace a utility pole at King and Adams and the second invoice from Ingram Signalization for \$ 23,000 to replace the traffic controller cabinet at Jefferson and Adams.

Commissioner Gay made a motion to approve Option 1: To ratify the two expenditures to replace the utility pole at King and Adams and replace the traffic controller at Jefferson and Adams and was properly seconded by Commissioner Harris.

Commissioner McMillan, are we searching the budget to see where this money is coming from?

Mr. Beason stated that it will come from the budget.

Mayor Sapp asked for the vote, the motion carried five to zero.



*November Fire Report - Curtis Bridges, Fire Chief*

Chief Bridges stated that the fire on Virginia Street, Faith Tabernacle, was totally destroyed. When they got the call, they responded immediately. When they arrived, the building was engulfed in flames. We were assisted by all other Fire Departments in the area.

Chief Bridges stated that this time of year, there are more fires than usual; but he wants everyone to know that if a homeowner needs a fire alarm installed, if they called the department, we will come out and install and if you have one installed, we will come out and service it.

Commissioner McMillan stated that we needed to make the public aware; And the Mayor stated that we can inform the public thru WQTN; City of Quincy Web-site and Facebook page. Thank you Chief for the great work that you all are doing.

Interim City Manager Jack McLean Jr stated that there have been an unusual number of fires in the City and as the Mayor stated, we will follow up with a more aggressive plan of prevention.

*November Traffic Report - Glenn Sapp, Police Chief*

Commissioner McMillan stated that he wanted to thank the Chief for the attention that has been given to King Street; it has cut the speeding down tremendously.

Commissioner Gay stated, that like Commissioner McMillan I to can see the difference in the speed of traffic on King Street; some have not gotten the message yet; but keep up the good work.

Mayor Sapp asked the Chief to give us an update in District 1 and District 2, as well as other communities trying to keep us safe.

Chief Sapp thank Commissioner McMillan and Commissioner Gay and stated that he would pass that along to his fellow officers.

In the past couple of months, in Tallahassee and South Georgia there has been a rise Criminal activity. We want to advise our community, if you see something, say something or if you find some young person with a firearm, please call the Police Department. We are strong advocates of education to keep our community safe, we will talk to one child or one school, school district, single parent or anyone. The Chief stated that he extends that invitation and that he will do that himself. Chief Sapp further stated that Drugs destroy lives and take lives. Call the Office, leave a message, you don't have to leave a name, you can be anonymous.

Chief Sapp stated that the former Governor acknowledged that Florida has had a 47% reduction in criminal activities, than in previous years.

Mayor Sapp asked about Second Street incident.

Chief Sapp stated that they investigated, and found that someone had fired some shots, but they could not be found.

#### *November Financial Statements*

P-Card Statements – Comments – None

Comments on any Financial Statements

Commissioner McMillan-what is the reason for the large arrearage report.

Finance Director, Ted Beason stated that since the storm, we allowed customers to defer bills; we will start back up this month with collecting arrearages.

Commissioner McMillan stated he had some concerns about our debts.

Mr. Beason stated that all our debts are paid on time.

Commissioner Harris wanted to know how that would work with the two month deferred bill. Will a customer be turned off if no payment is made?

Mr. Beason stated, customers who make no contact or arrange payment that will apply.

Commissioner Harris stated we may have set some customers up for failure, with both bills compounded. Can we reach out to those customers, to see if they have the ability to pay; because we put them in that situation.

Mayor Sapp asked, do we have a percentage of customers who asked for an opt out?

Mr. Beason stated, it's a small number.

Interim City Manager Mr. McLean, asked for a more detailed report of those customer and get it out tomorrow to the Commissioners.

Commissioner McMillan, how are we coming along with reconciliation?

Mr. Beason stated that we stopped cutting people off, in consideration of Hurricane Michael.

#### *Charter Compliance – Commissioner Dowdell*

Commissioner Dowdell ask the Attorney to brief us on one issue. City Attorney stated that Commissioner Dowdell asked him to brief us on Section 2.04 of the charter that City Commissioners are allowed to deal with City employees. It is required that you go

through the Manager in order to avoid interference, which is punishable as misdemeanor.

Commissioner Dowdell stated that we need to be very careful about some things we do.

Commissioner Dowdell asked Mr. McLean, may I question the Chief?

Yes, stated Mr. McLean.

Commissioner Dowdell asked Chief Sapp, did you receive a complaint from one of your Police Officers, with regard to a fire about a vehicle.

Chief Sapp, yes I did.

Commissioner Dowdell can you explain to us.

Interim City Manager McLean stated that the Chief forwarded to him the complaint. That during the fire, a directive order was given to move a vehicle and the Officer was responding to moving the vehicle; but that the Commissioner on site moved the vehicle. I forwarded to memo to the City Attorney and to interface with the Commissioner.

Commissioner Dowdell asked City Attorney did he investigate that.

Attorney Shirley stated, it's not fair to say I did; I should not be investigating Commissioners. I did at the request of the Manager made contact with the Commissioner and he called me back with a written explanation and I did pass on to the Manager.

Commissioner Dowdell stated that Mr. Attorney when you forward to the City Manager; there's nothing that the Manager can do. It needs to come to the Commissioners. City Attorney can't do anything to a Commissioner; it has to come from the board, itself.

Mayor Sapp stated that moving forward in this New Year, she wants the Commissioners to resume working together with each other so that we can move the City forward. In all five districts, we represent the City as a whole. Let's start thinking about Quincy as a whole and make the best decision and not just in our districts.

Mayor Sapp thanked Commissioner Dowdell and Attorney Shirley for clarification of that ordinance.

### **Comments**

City Manager – The Commission adopted two legislative positions. To actually provide funding for our local, Lane Stephens & Gunster Yoakley; we may have to come up with another thousand dollars and putting you on notice, if that be the case, I'll take care of that. The Governor has set a meeting on the 17<sup>th</sup> of this month to talk about our budget items and we are preparing for that meeting and getting documentation in place. Mr. Stephens did reach out to the west of us, and they will join us in our legislative effort; to look at the windfall sales tax from Hurricane Michael. Other agencies and counties are

joining in for support. The County Superintendent is also joining us in our legislative efforts, in securing the lobbyist Gunster Yoakley to help us with this. All our efforts have been positive.

The Manager stated that cut off will resume January 22.

Mayor, when do we expect our City Clerk to return back to work?

City Attorney Shirley stated, I understand she's going to the doctor on Friday and the doctor will let her know when she can return to work.

Interim City Manager Jack McLean stated that the Clerk is an employee, just as the Manager that Reports to the Commission; but the Code issue has a lack of clarity.

Commissioner Dowdell asked, how often are the Ordinances are to be codified.

Interim City Manager McLean stated, normally every thirty to forty-five days. When we pass a bill or a number of things during the year, it should be sent to Municode to be codified.

Commissioner Dowdell asked, how do we check if we are up to date.

Interim City Manager McLean, stated that we have had this issue before as to who reports to whom.

Commissioner Dowdell stated, how far are we behind?

Interim City Manager McLean stated, years. I know that I provided funding before when I was here to catch up.

City Attorney Shirley stated that as soon as Ms. Hicks get back into the office, I'm going to make it happen; to pay the cost and get it caught up.

Commissioner Harris asked, whose responsibility is it to make this happen, to be Codified.

The Mayor stated, the Clerk.

Commissioner Harris asked, how many years are we behind?

City Attorney Shirley stated, five years.

Commissioner Harris, how long will it take to catch up?

City Attorney Shirley stated, it will take 30-45 days, one we get the information, Ordinance dates, it could be clarified and the Clerk go back through the minutes to do that and there's a \$ 5,000.00 charge, once paid they will go ahead and do the work, codified.

Mayor Sapp asked is there money in the Clerk's budget to be codified.

City Attorney stated that there is not enough money in the Clerks budget; But I'm prepared to pay for the codification out of the City Attorney's budget.

Commissioner Harris asked, isn't it the Clerk's responsibility to ask for money for her budget?

Mayor Sapp stated, should be.

Commissioner Harris asked who holds the clerk contract and where can I get it.

City Manager McLean stated, she's appointed, Commissioner.

Commissioner Harris asked how we can straighten this out. Is she a full time employee?

Mayor Sapp said, supposed to be. Attorney Shirley, do you have a deadline for us?

City Attorney Shirley stated, I don't know when she's going to be back, that's the problem.

Mayor Sapp, Commissioners how do you want to handle this?

City Attorney Shirley stated I want to give her ninety days.

Commissioner Harris made a motion to give Clerk ninety days to update Municode Ordinances and was properly seconded by Commissioner Dowdell.

Commissioner McMillian asked, are we getting into HR for an employee who may not be healthy enough to come back to work? The ninety days sounds fine to me.

City Attorney stated, if Ms. Hicks is not back in a couple of weeks, I'm just going to figure out how to get it done.

Mayor Sapp asked City Attorney did he need help or someone in the office to help with that.

Interim City Manager McLean stated you have the Interim Clerk.

City Attorney Scott Shirley stated that I will get with Ms. Powell, she's very knowledgeable and we can get it done.

Commissioner Harris stated that at the end of ninety days we can revisit this process.

Mayor Sapp asked for a vote on the motion, and the motion carried five to zero.

### **City Attorney Comments**

Just want to let you know that we did close on the Big Bend Habitat for Humanity. Those lots need to be recorded as they have been transferred and also, with the voluntary relinquishment by Commissioners with benefits.

Attorney Shirley stated that a Workshop for Alcohol Separation and Mobile Food Vending need to be scheduled. The Commission voted to schedule the Workshop for Tuesday, January 22, 2019 at 5:00pm

### **City Clerk – None**

### **Commission members**

Commissioner McMillan stated that there has been an increased number of fires in the City. He asked what is being done to educate citizens about fires and smoke detectors.

Mayor Sapp stated that staff need to put educational information on the City's Website, Facebook and WQTN about smoke detectors and fire prevention.

Commissioner Harris stated that staff need to reach out to those customers that opted to take the deferment due to the storm and see when and if they can pay.

Commissioner Gay reported that the banners Downtown have some damage from the storm. Main Street Director Alex Sink stated that Main Street will replace the banners once he has a count.

Commissioner Gay reported that Highland Avenue and 8<sup>th</sup> Street is very dark.

Commissioner Gay reported that former Commissioner Edwards' son planted Crape Myrtles in the Hillcrest Cemetery; Public Works cut them back too much and constituents are upset.

Commissioner Harris asked that the City Manager and CRA Manager get together to fund the Non-Profit Organizations.

Commissioner Harris reported that there are dark spots throughout the City. He asked if all lights are going to be replaced with LED lights.

Commissioner Harris reported that there is a pole up but no light on North Madison Street.

Commissioner McMillan asked Fire Chief Bridges to give the contact person at Faith Heritage Church his phone number.

Commissioner McMillan reported that the Welcome Sign on the West side of town is on the ground.

Commissioner McMillan reported that the Net Quincy sign is down.

Commissioner McMillan stated that Bellamy Drive has street wires that need to be picked up.

Commissioner McMillan reported that down cable wires are still an issue.

Commissioner McMillan reported that the traffic light at Madison and King Street is still an issue.

Commissioner McMillan stated that staff needs to talk about what else is available for broadcasting the Commission Meetings. He suggested uploading to YouTube.

Commissioner Dowdell asked what the City is doing for Martin Luther King Day.

Commissioner Dowdell reported that Gadsden County High School cancelled their Homecoming Parade due to storm. It has been rescheduled for February 8, 2019. Roads will need to be closed.

Commissioner Dowdell reported that a lady in Gretna was flooded out. He asked Interim City Manager McLean to get with Gretna City Manager to help out.

### **Citizens to be Heard**

Freida Bass-Preito of 329 East King Street came before the Commission with the following concerns: Public hearing on rate increase, financial report – charge for the Commissioner health insurance, traffic and fire reports. Mr. Beason stated that Ms. Sherman is being paid from the Customer Service line item, and the Commissioners health insurance is being paid from non-departmental line item.

Sheryl Hinson of 716 North 9<sup>th</sup> Street concerns was with the Wayside Park on US 90 with the City spending funds on cleaning the park the funds could be used to clean our right of ways. Interim City Manager Jack McLane stated his intent is not to spend City funds on the park he had submitted a grant for funding.

Commissioner McMillan reported that there are stumps in the right of ways where there were once trees. Mr. Bell stated we will take care of that. Mr. Bell commented that there were 140 crepe myrtles

Mayor Sapp asked for a schedule on replacing lights.

Mayor Sapp asked for a schedule on removing stumps/roots.

Mayor Sapp reported that Key Street and 7<sup>th</sup> Street need cleaning.

Mayor Sapp reported that the retaining wall on Key and Crawford is down.

Mayor Sapp reported that there is a burned down house on Key Street.

Mayor Sapp reported that there is trash on 7<sup>th</sup> and Key Street and 2<sup>nd</sup> and Key Street; she stated that Key Street seems to have been forgotten.

Mayor Sapp asked how long D & J enterprise will be here cleaning up. Interim City Manager McLean replied February or March.

Commissioner Harris made a motion to adjourn and was properly seconded by Commissioner Dowdell. There being no further business, the meeting was adjourned.

APPROVED:

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Angela G. Sapp, Mayor and Presiding  
Officer of the City Commission and of  
City of Quincy, Florida

ATTEST:

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



CITY COMMISSION  
CITY HALL  
QUINCY, FLORIDA

REGULAR MEETING  
FEBRUARY 26, 2019  
6:00 P.M.

The Quincy City Commission met in regular session, Tuesday, February 26, 2019, with Mayor Commissioner Sapp presiding and the following present:

Commissioner Daniel McMillan  
Commissioner Ronte Harris  
Commissioner Gerald A. Gay, III  
Commissioner Keith A. Dowdell

Also Present:

Interim City Manager Jack L. McLean Jr.  
City Clerk Sylvia Hicks  
Police Chief Glenn Sapp  
Planning Director Bernard Piawah  
Finance Director Ted Beason  
Human Resources & Customer Service Director Ann Sherman  
Public Works Director Reginald Bell  
Fire Chief Curtis Bridges  
Utilities Director Robin Ryals  
Executive Assistant to the City Manager Vancheria Perkins  
Evidence Technician Sylvia Manuel  
Executive Director of Main Street Alex Sink  
Dewberry Representative Matt Chester  
Sergeant at Arms Officer Eugene Monroe

Also Present:

Former Mayor-Commissioner Derrick D. Elias

### **Call to Order:**

Mayor Sapp called the meeting to order with invocation by Robin Ryals followed by the Pledge of Allegiance.

### **Approval of the Amended Agenda**

Commissioner Harris made a motion to approve the amended agenda. Commissioner Gay seconded the motion. The ayes were unanimous. The motion carried five to zero.

### **Special Presentations by the Mayor or Commission**

## **Approval of the Minutes of the Previous Meetings**

### *Approval of Minutes of the February 12, 2019 Regular Meeting*

Commissioner Dowdell made a motion to approve the minutes of the of the regular meeting of January 12, 2019 meeting with corrections if necessary. Commissioner Gay seconded the motion. Commissioner McMillan asked if we had an attorney tonight? The Interim City Manager replied no. Commissioner Gay asked if the meeting would be legal without an Attorney being present. The Interim City Manager stated yes but if there is any item they are not comfortable with they can table the item. The motion carried five to zero.

## **Proclamations**

### *Women in Construction*

Mayor Sapp read the following proclamation proclaiming March 4-8 as Women in Construction Week.

Proclamation  
Recognizing  
Women in Construction Week

**Whereas**, the City of Quincy recognizes the National Association of Women in Construction (NAWIC) has distinguished itself for 54 years as the voice of women in construction; and

**Whereas**, the work done by the Chapter has benefited the City of Quincy as well as surrounding counties; and

**Whereas**, the Chapter has unceasingly promoted the employment and advancement of women in the construction industry; and

**Whereas**, in the construction community, the Chapter has been the driving force through renovation and beautification projects; promotion of skilled trades career; and a positive vision of the future; and

**Whereas**, we applaud the Chapter of the National Association of Women in Construction and its dedicated volunteers for its steadfast work on behalf and support of women in construction.

**NOW, THEREFORE** by the power vested in me, Angela G. Sapp as Mayor of the City of Quincy and along with my colleagues Mayor Pro-Tem Keith A. Dowdell, Commissioner Ronte Harris, Commissioner Gerald A. Gay III, and Commissioner Daniel McMillan recognize the week of March 4-8, 2019 as

***Women in Construction Week***

and encourage our citizens to congratulate the organization on its many accomplishments.

DATED this 26<sup>th</sup> day of February, 2019.

Mayor asked Mrs. Kerwyn Jones Wilson owner of Jones Construction and Designs, Ms. Michelle Madison of Farming the Farms and Mr. Alfred Suber of Gadsden Technical Institute (GTI) to come forward and she presented them with the proclamation.

*Proclamation Honoring the 100<sup>th</sup> Birthday of Ms. Ruby Bradley*

Mayor Sapp read the following proclamation in honor of Mrs. Ruby Bradley's 100<sup>th</sup> Birthday.

Proclamation  
In Honor of Mrs. Ruby Bradley

**WHEREAS**, it has come to the attention of the City of Quincy, Florida that a local resident, Mrs. Ruby Bradley will celebrate a momentous occasion, one that few will ever succeed; her One Hundredth (100<sup>th</sup>) Birthday; and

**WHEREAS**, the said Mrs. Ruby Bradley was born on March 13, 1919 in Quincy, Florida and was the daughter of the late Thomas and Allie Mitchell; and

**WHEREAS**, the said Mrs. Ruby Bradley was married to the late Selmo Bradley and they parented 6 lovely children: Annell, Dorothy, Barbara, Mary, Juanita, and Michael; and

**WHEREAS**, the said Mrs. Ruby Bradley is a member of St. John African Methodist Episcopal Church where she served as a Stewardess and Usher and attended Church School as her health permitted; and

**WHEREAS**, the City of Quincy, Florida now wishes to recognize Mrs. Ruby Bradley for her longevity and to honor her birthday by proclaiming March 13, 2019 as Mrs. Ruby Bradley Day in the City of Quincy, Florida; and

**NOW THEREFORE**, I Angela G. Sapp, Mayor of the City of Quincy and by virtue of the authority vested in me and on behalf of my colleagues, Mayor Pro-Tem Keith A. Dowdell, Commissioner Ronte Harris, Commissioner Gerald A. Gay III, and Commissioner Daniel McMillan hereby extend warm wishes and congratulations to Mrs. Ruby Bradley in celebrating her One Hundredth (100<sup>th</sup>) Birthday.

***As God adds life to your years, may He add years to your life, Happy Birthday***

Dated this 26<sup>th</sup> day of February, A.D. 2019.

Mayor Sapp asked Former Mayor-Commissioner Derrick Elias to come forward and she presented to him the proclamation for Mrs. Ruby Bradley.

*Proclamation Retirement of Jersey for Ms. Cathy Robinson*

Mayor Sapp read the following proclamation in honoring of Retirement of Cathy Robinson's Jersey

Proclamation  
Honoring  
Ms. Cathy Robinson

**Whereas**, the said Cathy Robinson is a graduate of James A. Shanks High School where she played high school basketball; and,

**Whereas**, the said Cathy Robinson attended and graduated from Florida A&M University where she was the only player in FAMU Basketball History to score 2,000 points and 1,000 rebounds; and

**Whereas**, the said Cathy Robinson was all Mid-Eastern Athletic Conference (MEAC) 1994, 1995, and 1996; and

**Whereas**, the said Cathy Robinson was the Black College All American Selection in 1995 and 1996; and

**Whereas**, the said Cathy Robinson was the 1996 MEAC Player of the Year; and

**Whereas**, Florida A&M University retired her Jersey #33 on Saturday, February 23, 2019; and

**Whereas**, the said Cathy Robinson currently coached basketball for the Quincy Parks and Recreation Department.; and

**Now, Therefore**, I Angela G. Sapp, by the power vested in me as Mayor, of the City of Quincy, Florida along with my colleagues; Mayor Pro-tem Keith A. Dowdell, Commissioner Ronte Harris, Commissioner Gerald A. Gay, III, and Commissioner Daniel McMillan do hereby proclaim February 26, 2019 as

**CATHY ROBINSON DAY**

in the City of Quincy and encourage our citizens to congratulate Ms. Robinson on her many accomplishments.

**DATED** this 26<sup>th</sup> day of February, 2019.

Mayor Sapp asked Ms. Cathy Robinson to come forward and she presented her with a proclamation,

**Public Hearings and Ordinances as scheduled or Agendaed**

**Public Opportunity to Speak on Commission Propositions- (Pursuant to Sec.286.014. Fla. Stat. and subject to the limitations of Sec. 286.0114(3)(a). Fla. Stat.)**

## **Resolutions**

*Resolution No. 1387-2019 Prohibiting the Use of Excessive Force by Law Enforcement Agencies was withdrawn from the agenda*

*Resolution No. 1388-2019 Approval of FEMA Temporary Housing*

Interim City Manager Jack McLean reported to the Commission that this resolution pertains to the suspension of the land Development Regulations in order to allow FEMA Temporary Housing units and Mobile Homes on properties damaged by hurricane Michael while the owner repair the dwelling. He explained the duration would be for 14 months. Commissioner Gay stated that he is not comfortable with moving forward on making land use changes without an Attorney being present at the meeting. Harris stated we can make the changes just allow the changes are for only Hurricane Michael's victims. Commissioner Harris stated that he had spoken with his constituent and he wants the City to approve this item to allow some type of temporary housing for this person his home was totally destroyed. Commissioner Gay stated that he too had a constituent that was displaced by Hurricane Michael. Mayor Sapp stated that she had spent approximately two hours discussing the situation with the gentleman. Commissioner McMillan made a motion to table the item. Commissioner Gay seconded the motion. The ayes were Commissioners McMillan and Gay. Nays were Commissioners Harris, Dowdell and Sapp. The motion failed two to three. Commissioner Dowdell made a motion to allow those persons who homes were destroyed by Hurricane Michael allow temporary FEMA Housing for 18 months. Commissioner Harris seconded the motion. The ayes were Commissioners Harris, Gay, Dowdell and Sapp. Nay was Commissioner McMillan.

*GDBG Award Agreement*

Commissioner Gay made a motion to approve option 1: move to authorize the Mayor to sign the CDBG Grant Award Agreement. Commissioner McMillan seconded the motion. The motion carried five to zero.

*Dangerous Building Abatement 622 7<sup>th</sup> Street*

Mayor Sapp made a motion to authorize staff to proceed with the demolition of the building at 622 7<sup>th</sup> Street, Quincy, Florida 32351. Commissioner gay seconded the motion. The motion carried five to zero.

*Request to Suspend Re-Roofing Permit Fees Waivers*

Commissioner Dowdell made a motion to end authorization of the waiver fore-roofing permit fees on April 30, 2019. Commissioner Harris seconded the motion. Commissioner Dowdell asked that staff make sure that the public is informed of the change. The motion carried five to zero.

*Request to Purchase Vehicles for Public Works*

Commissioner Harris made a motion to authorize Public Works Department to purchase two 2019 Ram 1500 Tradesman 4x2 regular cab 6'4" box work truck and one Chevrolet Silverado 2500HD 2HD double cab work truck not to exceed \$74,392. Commissioner Gay seconded the motion. The motion carried five to zero.

#### *Fire Reports*

- January Monthly Activity – Mayor Sapp stated that she thought we were getting away from the Fire Department doing cut-on. The Manager stated they only do it after hours.
- January District Calls
- 2018 Yearly Reports

#### *Police Report*

- January Traffic Report – Commissioner Gay stated he appreciates the patrol cars in the neighborhood and it has made an impact on King Street. Odell's is having a loitering problem and asked that the Police Department monitor the area.

#### *Financial Reports*

- P-Card Statements
- Allocations
- Arrearage Report – Commissioner McMillan asked if the arrearage would remain the same or decrease. Finance Director Ted Beason stated we will see a decrease in the amount.
- Cash Requirements
- Financial Report

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

#### **Comments**

##### **City Manager**

Interim City Manager McLean stated that Mr. Beason is an outstanding public servant and will be missed. He also wished him well.

Interim City Manager McLean reported that the legislature is still working on the projects we submitted as a result of Hurricane Michael.

**City Clerk** – None

**City Attorney** – None

**Commission Members**

Commissioner Gay stated it has been a pleasure working with him we have had good audits and on time, he also wished him well.

Commissioner Gay stated we have no City Attorney, no Finance Director and an Interim City Manager what are our plans, these issues need to be addressed. He stated this mild winter means less utilities and less revenues we need to curtail our spending.

Commissioner Gay stated we voted for a supplemental resolution for cutting the right-of-way crew clearing. He stated that on Camellia Drive there is a leaning tree toward the utility lines. Robin Ryals Utilities Director stated we have contracted with Wolf Tree Service and they are now working on South Adams Street working toward the Maxwells, they also have cut along Steward Street. Mr. Ryals stated he had contacted other local tree surgeons and we are still waiting on FDOT for the permit for the lane closure.

Commissioner Dowdell told Mr. Beason thank you. He stated that during the hurricane he got a chance to really know him and that he hates to see him leave.

Commissioner Dowdell requested to receive a HR report and a Hurricane Michael report.

Commissioner Dowdell stated we need to discuss the procedures for hiring an Attorney.

Commissioner McMillan stated that at 813 Magnolia Drive the silt runs into the driveway.

Commissioner McMillan asked if we still charged for SEPA. Mr. McLean replied yes.

Commissioner McMillan stated we need to put out a Request For Proposal (RFP) for an Attorney.

Commissioner McMillan made a motion to have HR to put out a RFP for an Attorney. Commissioner Gay seconded the motion. The motion carried five to zero.

Commissioner Harris thanked Mr. Beason and stated he enjoyed working with him.

Commissioner Harris stated that on North Betline on the roadway electrical materials are on the ground.

Commissioner Harris stated that the Police Officers are really pleasant and have good customer service.

Commissioner Harris stated that he agrees with Commissioner Dowdell regarding receiving a HR report.

Commissioner Harris asked what the procedure is to rename Hillside Park.

Commissioner Harris requested a list of litigation against the City.

Commissioner Harris requested a list of all City employees' position and salary.

Commissioner Harris asked about budget workshops or do we have a mid-year workshop on the budget.

### **Comments from the Audience**

Freida Bass-Prieto of 329 East King Street came before the Commission with the following concerns: Ordinance No. 965 regarding participating in the City's pension plan, return of funds, letter to the Commission regarding what appears to be a violation of the City Charter Article VII Finance, Division 2 Purchases, Section 2-472 Limitation of authority of City Manager. She stated that Sec. 2-472 the City Manager shall not without the approval of the Commission make purchases or enter into contracts on behalf of the City shall not exceed \$10,000. She stated that Mr. McLean entered into a contract with Beverly Nash totaling \$11,656.54.

Commissioner McMillan asked Mr. Mclean if he had the authority to exceed the limit. Mr. McLean stated he have the right to make multiple contracts.

Commissioner Harris asked the Manager to bring back to the Commission whatever it take to make them compliance with the ordinances.

Mayor Sapp asked the Manager and HR Director to prepare the Request For Proposal (RFP) for the Attorney.

Mayor Sapp stated we also need to set a date to begin interviewing for the CRA Manager.

Mayor Sapp asked if we had advertised for a Finance Director. Mr. McLean replied yes, for about two weeks.

Mayor Sapp thanked Mr. Bell and his staff for the work they did in District II, she stated there is a lot of work that need to be done.

Mayor Sapp thanked all the individuals that participated in the Black History Parade.

Mayor Sapp stated she received call from the owner of the property at 10<sup>th</sup> and Clark Streets she wants to repair the old Fountain Net Building.

Mayor Sapp stated that as a result of Hurricane Michael nine families were displaced at Gadsden Arms Apartments, 15 children along with their parents moved to Tallahassee. She stated she is working with the School Board to assist the families.

Mayor Sapp stated that she had received a call from WTXL stated that she had been stock piling food. She stated that hurt her heart all she has been doing since the hurricane is assist the community in any way that she could i.e. giving out ice, preparing meals for the linemen that assisted us.

Mayor Sapp stated that we will have a food give-away at Tanyard Creek on Saturday beginning at noon.



Commissioner McMillan stated that he did not know anything about food that was to be given away. The Mayor stated that she had announced it.

Mayor Sapp adjourned the meeting.

APPROVED:

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Angela G. Sapp Mayor and Presiding  
Officer of the City Commission and of the  
City of Quincy, Florida

ATTEST:

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

**CITY OF QUINCY  
CITY COMMISSION  
AGENDA REQUEST**

**DATE OF MEETING:** March 12, 2019

**DATE SUBMITTED:** March 8, 2019

**TO:** Honorable Mayor and Members of the City Commission

**FROM:** Jack L. McLean, Jr. Interim City Manager  
Bernard O. Piawah, Building and Planning Director

**SUBJECT:** Ordinance No. 1103-2019 on Second Reading; Revising the Definition of Restaurant to Allow Package Sales of Beer and Wine.

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**Statement of Issue:**

This is the Second Reading of Ordinance No. 1103-2019 revising the definition of restaurant to allow restaurants that have received license from the State for the sale of beer and wine for consumption in the restaurant to be able to sell beer and wine in package containers for consumption off premises. The Ordinance presented for Second Reading is identical to the one that passed on First Reading on February 12, 2019. The agenda item for the meeting of February 12, 2019 is attached for information sake only. Staff is recommending that the City Commission approve Ordinance 1103-2019 on Second Reading. (See Attachment A for Ordinance Number 1103-2019).

**OPTIONS:**

- Option 1. Move to approve Ordinance No. 1103-2019 on Second Reading;
- Option 2. Do not approve Ordinance No. 1103-2019 on Second Reading.

**Recommendation:**

Option 1

**ATTACHMENTS:**

- A. Ordinance 1103-2019 on Second Reading
- B. Agenda Item from City Commission meeting of February 12, 2019

## ATTACHMENT A

### ORDINANCE NUMBER 1103-2019

**AN ORDINANCE OF THE CITY OF QUINCY, FLORIDA, AMENDING THE CITY CODE OF ORDINANCES; PROVIDING FOR FINDINGS; PROVIDING FOR AMENDMENT TO CODE OF ORDINANCES CHAPTER 6 TO ALLOW BONA FIDE RESTAURANTS TO ENGAGE IN PACKAGE SALES OF BEER AND WINE PRODUCTS IN SEALED CONTAINERS FOR OFF PREMISES CONSUMPTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR COPY ON FILE; AND PROVIDING FOR AN EFFECTIVE DATE.**

#### **SECTION 1. Findings.**

**WHEREAS**, as provided in Section 2(b), Article VIII of the Constitution of the State of Florida, and Section 166.021(1), Florida Statutes, the City of Quincy, Florida, a municipal corporation, enjoys all governmental, corporate, and proprietary powers necessary to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except as expressly prohibited by law; and

**WHEREAS**, as provided in Section 166.021(3), Florida Statutes, the governing body of each municipality in the state has the power to enact legislation concerning any subject matter upon which the state legislature may act, except when expressly prohibited by law; and

**WHEREAS**, City Code of Ordinances Chapter 6 establishes City regulations relating to businesses that sell alcoholic beverages and Code of Ordinances Sec. 6-5 sets forth the definitions that pertain to the Chapter 6 regulations; and

**WHEREAS**, regulations of the State of Florida relating to sales of alcoholic beverages permit restaurants with a State license for beer and wine sales to also engage in package sales of alcoholic beverages in sealed containers if such package sales are permitted by local ordinances; and

**WHEREAS**, the City Commission desires to amend the definition of *bona fide restaurant* to allow restaurants to engage in package sales of beer and wine products in sealed containers for consumption off the premises, so that such sales will be fully permitted by both State and local laws; and

**WHEREAS**, this Ordinance is consistent with, and in the interest of, protecting and promoting the public health, safety and welfare.

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

**SECTION 2. Amendment of Code of Ordinances Chapter 6, Sec. 6-5.** Code of Ordinances Chapter 6, Sec. 6-5 is hereby amended as follows:

Chapter 6 - ALCOHOLIC BEVERAGES

Section 6-5. Definitions.

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except when the context clearly indicates a different meaning:

...

*Bona fide restaurant* is a business establishment that serves food on premises for an adequate seating of a minimum of twenty five (25) persons and derives at least 51% per cent of its gross revenues from the sale of food and not from the sale of alcoholic beverages. Package sales in sealed containers of beer and wine products only for consumption off the premises are also permitted if such sales are also allowed under the State alcoholic beverage license for the restaurant.

...

**SECTION 3. Severability.**

If any portion of this Ordinance is deemed by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then the remaining provisions and portions 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 12<sup>th</sup> day of February, A.D. 2019.

**PASSED** on second and final reading in open session of the City Commission of the City of Quincy, Florida, on this 12<sup>th</sup> day of March, A.D. 2019.

APPROVED

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Angela G. Sapp, Mayor and  
Presiding Officer of the City Commission of  
the City of Quincy, Florida

ATTEST:

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

**ATTACHMENT B:**

**CITY OF QUINCY  
CITY COMMISSION  
AGENDA REQUEST**

DATE OF MEETING: February 22, 2019

DATE SUBMITTED: February 8, 2019

TO: Honorable Mayor and Members of the City Commission

FROM: Jack L. McLean, Jr. Interim City Manager  
Bernard O. Piawah, Building and Planning Director

**SUBJECT:** Ordinance No. 1103-2019 on First Reading; Revising the Definition of Restaurant to Allow Package Sales of Beer and Wine.

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**Statement of Issue:**

On January 22, 2019, the City Commission met in a public workshop to discuss a potential revision to the alcohol ordinance. The discussion focused specifically on the distance separation requirements and a potential revision of the code to allow restaurants that have received license from the State for the sale of beer and wine for consumption in the restaurant to be able to sell beer and wine in package containers for consumption off premises. Some members suggested removing the distance separation requirements entirely, while others suggested retaining distance separation for certain items. The discussion regarding the distance separation requirements was not finalized; however, there was a consensus among the Commissioners that changes should be made to allow restaurants that have received license from the State for the sale of beer and wine for consumption in the restaurant to be able to sell beer and wine in package containers consistent with the State alcohol license requirements. The Commission then directed staff to come back with a proposed change to the code to achieve that. The proposed amendment in "Attachment A" is identical to the one that was discussed at the workshop of January 22, 2019. Staff is therefore recommending that the Commission approve the proposed draft ordinance on first reading.

**Background:**

During the January 22, 2019 workshop, staff presented to the Commission a suggested change to the Code that will enable restaurants that have received license from the state for the sale of beer and wine to be able to sell beer and wine in package containers, if they so desire. The language that staff presented to the Commission involves the revision of the definition of a restaurant to add a provision for package sale of beer and

wine if the restaurant has been properly licensed by the state. The proposed revision of the definition of a restaurant that was presented to the Commission during the workshop is shown below in underline:

“Bona fide restaurant is a business establishment that serves food on premises for an adequate seating of a minimum of twenty five (25) persons and derives at least 51% per cent of its gross revenues from the sale of food and not from the sale of alcoholic beverages. Package sales in sealed containers of beer and wine products only for consumption off the premises are also permitted if such sales are also allowed under the State alcoholic beverage license for the restaurant.”

**Staff Recommendation:**

The proposed revision in the draft ordinance is identical to the one that was discussed and agreed to by the City Commission at the workshop of January 22, 2019. Therefore, staff is recommending that the Commission approve the proposed draft ordinance on first reading.

**OPTIONS:**

- Option 1. Move to approve Ordinance No. 1103-2019 on first reading;
- Option 2. Do not approve Ordinance No. 1103-2019 on first reading.

**ATTACHMENT A**

**ORDINANCE NUMBER 1103-2019**

**AN ORDINANCE OF THE CITY OF QUINCY, FLORIDA, AMENDING THE CITY CODE OF ORDINANCES; PROVIDING FOR FINDINGS; PROVIDING FOR AMENDMENT TO CODE OF ORDINANCES CHAPTER 6 TO ALLOW BONA FIDE RESTAURANTS TO ENGAGE IN PACKAGE SALES OF BEER AND WINE PRODUCTS IN SEALED CONTAINERS FOR OFF PREMISES CONSUMPTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR COPY ON FILE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**SECTION 1. Findings.**

**WHEREAS**, as provided in Section 2(b), Article VIII of the Constitution of the State of Florida, and Section 166.021(1), Florida Statutes, the City of Quincy, Florida, a municipal corporation, enjoys all governmental, corporate, and proprietary powers necessary to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except as expressly prohibited by law; and

**WHEREAS**, as provided in Section 166.021(3), Florida Statutes, the governing body of each municipality in the state has the power to enact legislation concerning any subject matter upon which the state legislature may act, except when expressly prohibited by law; and

**WHEREAS**, City Code of Ordinances Chapter 6 establishes City regulations relating to businesses that sell alcoholic beverages and Code of Ordinances Sec. 6-5 sets forth the definitions that pertain to the Chapter 6 regulations; and

**WHEREAS**, regulations of the State of Florida relating to sales of alcoholic beverages permit restaurants with a State license for beer and wine sales to also engage in package sales of alcoholic beverages in sealed containers if such package sales are permitted by local ordinances; and

**WHEREAS**, the City Commission desires to amend the definition of *bona fide restaurant* to allow restaurants to engage in package sales of beer and wine products in sealed containers for consumption off the premises, so that such sales will be fully permitted by both State and local laws; and

**WHEREAS**, this Ordinance is consistent with, and in the interest of, protecting and promoting the public health, safety and welfare.

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

**SECTION 2. Amendment of Code of Ordinances Chapter 6, Sec. 6-5.** Code of Ordinances Chapter 6, Sec. 6-5 is hereby amended as follows:



Chapter 6 - ALCOHOLIC BEVERAGES

Section 6-5. Definitions.

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except when the context clearly indicates a different meaning:

...

*Bona fide restaurant* is a business establishment that serves food on premises for an adequate seating of a minimum of twenty five (25) persons and derives at least 51% per cent of its gross revenues from the sale of food and not from the sale of alcoholic beverages. Package sales in sealed containers of beer and wine products only for consumption off the premises are also permitted if such sales are also allowed under the State alcoholic beverage license for the restaurant.

...

**SECTION 3. Severability.**

If any portion of this Ordinance is deemed by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then the remaining provisions and portions 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 12<sup>th</sup> day of February, A.D. 2019.

**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. 2019.

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

ATTEST:

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

**CITY OF QUINCY  
CITY COMMISSION  
AGENDA REQUEST**

**MEETING DATE:** March 12, 2019

**DATE OF REQUEST:** March 8, 2019

**TO:** Honorable Mayor and Members of the City Commission

**FROM:** Jack L. McLean, Jr. Interim City Manager  
Bernard O. Piawah, Building and Planning Director

**SUBJECT:** Ordinance No.1104-2019 on Second Reading; Zeroing Out Impact Fees

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**Statement of Issue:**

This is the Second Reading of Ordinance Number 1104-2019 zeroing our impact fees in the City. The Ordinance presented for Second Reading today is identical to the one that passed on First Reading on February 12, 2019. The agenda item from the meeting of February 12, 2019 is attached for information sake only. Staff is recommending that the City Commission approve Ordinance 1104-2019 on Second Reading. (See attachment A for Ordinance No.1104-2019).

**OPTIONS**

- Option 1: Move to approve Ordinance No.1104-2019 on Second Reading.
- Option 2: Do not approve Ordinance No. 1104-2019 on Second Reading.

**STAFF RECOMMENDATION:**

Option 1.

Attachments:

- A. Ordinance 1104-2019 on Second Reading
- B. Agenda Item from the Commission meeting of February 12, 2019

**ATTACHMENT A.**

**ORDINANCE NO. 1104-2019**

**AN ORDINANCE OF THE CITY OF QUINCY, FLORIDA, RELATING TO IMPACT FEES; PROVIDING FOR AUTHORITY; PROVIDING FINDINGS; AMENDING THE CODE OF ORDINANCES TO ELIMINATE IMPACT FEE CHARGES IN SECS. 46-975 - FIRE RESCUE, 46-976 - LAW ENFORCEMENT, 46-977 - PARKS AND RECREATION AND 46-978 - PUBLIC FACILITIES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**SECTION 1. AUTHORITY.**

The authority for the Ordinance is Section 2(b), Article VIII of the Constitution of the State of Florida, Section 166.021(1), Florida Statutes, and the City Charter of the City of Quincy.

**SECTION 2. FINDINGS.**

**WHEREAS**, as provided in Section 2(b), Article VIII of the Constitution of the State of Florida, and Section 166.021(1), Florida Statutes, the City of Quincy, Florida (the “City”), a municipal corporation, enjoys all governmental, corporate, and proprietary powers necessary to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except as expressly prohibited by law; and

**WHEREAS**, as provided in Section 166.021(3), Florida Statutes, the governing body of each municipality in the state has the power to enact legislation concerning any subject matter upon which the state legislature may act, except when expressly prohibited by law; and

**WHEREAS**, by Ordinance No. 1001, adopted on June 26, 2007, the City adopted impact fees to fund capital improvements for Fire Rescue, Law Enforcement, Parks and Recreation and Public Facilities; and

**WHEREAS**, the City Commission has determined that it is advisable to eliminate such fees as indicated on the Impact Fee Schedules, but to otherwise keep in place provisions in the Code of Ordinances relating to impact fees; and

**WHEREAS**, the City Commission hereby finds that this Ordinance is in the best interest of the public health, safety, and welfare.

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF QUINCY, FLORIDA:**

**SECTION 3. AMENDMENT TO CODE OF ORDINANCES SECS. 46-975, 46-976, 46-977 AND 46-978.**

Code of Ordinances Secs. 46-975, 46-976, 46-977 and 46-978 are amended as follows:

**ARTICLE IX. - IMPACT FEE**

**DIVISION 2. - IMPOSITION OF IMPACT FEES**

Sec. 46-975. - Fire rescue impact fee.

- (a) All construction occurring within the City of Quincy shall pay the fire rescue impact fee as established in this article.
- (b) Subject to section 46-979 herein, on and after the effective date of this article, all construction occurring within City of Quincy, shall pay the fire rescue impact fee according to the following table:

Fire Rescue Impact Fee Schedule

Land Use	Impact Fee Unit	Net Impact Fee
Residential		
Single Family Detached		
- Less than 1,600 square feet	Square feet	\$ <del>0.113</del> <u>0</u>
) 1,600 square feet	Dwelling unit	<del>180.08</del> <u>0</u>
Non Residential	Square feet	<del>0.113</del> <u>0</u>
Multi Family	Square feet	\$ <del>0.113</del> <u>0</u>
Non Residential in Downtown District	Square feet	<del>0.090</del> <u>0</u>
Mobile Home	Dwelling unit	\$ <del>135.60</del> <u>0</u>

- (c) and (d). No change.

Sec. 46-976. - Law enforcement impact fee.

- (a) All construction occurring within City of Quincy shall pay the law enforcement impact fee, as established in this article.
- (b) Subject to section 46-979 herein, on and after the effective date of this article, all construction within the City of Quincy, shall pay the law enforcement impact fee according to the following table:

Law Enforcement Impact Fee Schedule

Land Use	Impact Fee Unit	Net Impact Fee
Residential		
Single Family Detached		
- Less than 1,600 square feet	Square feet	\$ <del>0.073</del> <u>0</u>
) 1,600 square feet	Dwelling unit	\$ <del>116.80</del> <u>0</u>
Non Residential		
Multi-family	Square feet	\$ <del>0.073</del> <u>0</u>
Non Residential in Downtown District	Square feet	\$ <del>0.058</del> <u>0</u>
Mobile Home	Dwelling unit	\$ <del>87.60</del> <u>0</u>

- (c) and (d). No change.

Sec. 46-977. - Parks and recreation impact fee.

- (a) All residential construction occurring within the City of Quincy shall pay the parks and recreation impact fee, as established in this article.
- (b) Subject to section 46-979 herein, on and after the effective date of this article, all residential construction within the City of Quincy, shall pay the parks and recreation impact fee according to the following table:

Parks and Recreation Impact Fee Schedule

Land Use	Impact Fee Unit	Net Impact Fee
Single Family Detached		
- Less than 1,600 square feet	Square feet	\$ <del>0.111</del> <u>0</u>
) 1,600 square feet	Dwelling unit	\$ <del>177.60</del> <u>0</u>
Multi-family	Square feet	\$ <del>0.111</del> <u>0</u>
Mobile Home	Dwelling unit	\$ <del>133.20</del> <u>0</u>

(c), (d), (e) and (f). No change.

Sec. 46-978. - Public facilities impact fee.

- (a) All construction occurring within the City of Quincy, shall pay the EMS impact fee, as established in this article.
- (b) Subject to section 46-979 herein, on and after the effective date of this article, all construction within the City of Quincy, shall pay the EMS impact fee according to the following table:

Public Facilities Impact Fee Schedule

Land Use	Impact Fee Unit	Net Impact Fee
Residential		
Single Family Detached		
- Less than 1,600 square feet	Square feet	\$ <del>0.163</del> <u>0</u>
- ) 1,600 square feet	Dwelling unit	\$ <del>260.80</del> <u>0</u>
Multi Family	Square feet	\$ <del>0.163</del> <u>0</u>
Non Residential	Square feet	\$ <del>0.163</del> <u>0</u>
Non Residential in Downtown District	Square feet	\$ <del>0.130</del> <u>0</u>
Mobile Home	Dwelling unit	\$ <del>195.60</del> <u>0</u>

(c) and (d). No change.

**SECTION 4. SEVERABILITY.**

If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

**SECTION 5. EFFECTIVE DATE.**

This Ordinance takes effect immediately upon adoption by the City Commission of the City of Quincy, and the signature of the Mayor.

INTRODUCED IN OPEN SESSION ON FIRST READING THIS 12<sup>TH</sup> DAY OF FEBRUARY, 2019 BY THE CITY COMMISSION OF THE CITY OF QUINCY, FLORIDA.

PASSED AND ADOPTED ON SECOND READING BY THE CITY COMMISSION OF THE CITY OF QUINCY, FLORIDA, THIS 12<sup>TH</sup> DAY OF MARCH, 2019.

**APPROVED**

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Angela G. Sapp, Mayor and Presiding  
Officer of the City Commission and of the  
City of Quincy, Florida

**ATTEST:**

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



**CITY OF QUINCY  
CITY COMMISSION  
AGENDA REQUEST**

**MEETING DATE:** February 12, 2019

**DATE OF REQUEST:** February 7, 2019

**TO:** Honorable Mayor and Members of the City Commission

**FROM:** Jack L. McLean, Jr. Interim City Manager  
Bernard O. Piawah, Director, Building and Planning

**SUBJECT:** Ordinance No.1104-2019 on First Reading; Ordinance  
Zeroing Out Impact Fees

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**Statement of Issue:**

This agenda item is a follow-up to the directive from the Commission's regular meeting of July 24, 2018. At that time the Commission voted to reduce certain fees associated primarily with commercial development to reduce the costs of development in the City of Quincy. Subsequently, on August 14, 2018, the Commission adopted Resolution No. 1374-2018, which approved changes to the fee schedule to significantly reduce the fees charged for commercial development. Also at the meeting of July 24, 2018, the commission voted to stop charging impact fees. Ordinance No. 1104-2019 attached hereto as Attachment "A" will formally accomplish this by zeroing out such fees in the impact fee tables.

**Discussion**

Code of Ordinances Article IX; Secs. 46-975 through 46-978 establishes development impact fees for Fire Rescue, Law Enforcement, Public Facilities, and Recreation and open space (this applies only to residential development). The City is proposing to leave the ordinance in place and zero out the fees. This is because even though impact fees sound meaningful to impose, the associated tracking and administrative requirements make it more cumbersome to run and it is sometimes not worth the administrative burden it places

on a City. On a typical 12,000 square foot commercial development this fee amounts to about \$4,188.00. Ordinance No. 1104-2019 will eliminate this fee by replacing each of the impact fee values with a zero. Simply zeroing out the fees in the impact fee tables keep to overall impact fee ordinance in place. This will make it simpler to re-impose impact fees if, at some point in the future, the City Commission so desires.

**Recommendation:** Staff recommends that proposed Ordinance No. 1104-2019 be approved on first reading.

**OPTIONS**

Option 1: Move to approve Ordinance No.1104-2019 on first reading.

Option 2: Do not approve Ordinance No. 1104-2019 on first reading.

**STAFF RECOMMENDATION:**

Option 1.

**ATTACHMENTS:**

1. "Attachment A" Proposed Ordinance No. 1104-2019.

**ATTACHMENT A.**

**ORDINANCE NO. 1104-2019**

**AN ORDINANCE OF THE CITY OF QUINCY, FLORIDA, RELATING TO IMPACT FEES; PROVIDING FOR AUTHORITY; PROVIDING FINDINGS; AMENDING THE CODE OF ORDINANCES TO ELIMINATE IMPACT FEE CHARGES IN SECS. 46-975 - FIRE RESCUE, 46-976 - LAW ENFORCEMENT, 46-977 - PARKS AND RECREATION AND 46-978 - PUBLIC FACILITIES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**SECTION 1. AUTHORITY.**

The authority for the Ordinance is Section 2(b), Article VIII of the Constitution of the State of Florida, Section 166.021(1), Florida Statutes, and the City Charter of the City of Quincy.

**SECTION 2. FINDINGS.**

**WHEREAS**, as provided in Section 2(b), Article VIII of the Constitution of the State of Florida, and Section 166.021(1), Florida Statutes, the City of Quincy, Florida (the “City”), a municipal corporation, enjoys all governmental, corporate, and proprietary powers necessary to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except as expressly prohibited by law; and

**WHEREAS**, as provided in Section 166.021(3), Florida Statutes, the governing body of each municipality in the state has the power to enact legislation concerning any subject matter upon which the state legislature may act, except when expressly prohibited by law; and

**WHEREAS**, by Ordinance No. 1001, adopted on June 26, 2007, the City adopted impact fees to fund capital improvements for Fire Rescue, Law Enforcement, Parks and Recreation and Public Facilities; and

**WHEREAS**, the City Commission has determined that it is advisable to eliminate such fees as indicated on the Impact Fee Schedules, but to otherwise keep in place provisions in the Code of Ordinances relating to impact fees; and

**WHEREAS**, the City Commission hereby finds that this Ordinance is in the best interest of the public health, safety, and welfare.

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF QUINCY, FLORIDA:**

**SECTION 3. AMENDMENT TO CODE OF ORDINANCES SECS. 46-975, 46-976, 46-977 AND 46-978.**

Code of Ordinances Secs. 46-975, 46-976, 46-977 and 46-978 are amended as follows:

**ARTICLE IX. - IMPACT FEE**

**DIVISION 2. - IMPOSITION OF IMPACT FEES**

Sec. 46-975. - Fire rescue impact fee.

- (a) All construction occurring within the City of Quincy shall pay the fire rescue impact fee as established in this article.
- (b) Subject to section 46-979 herein, on and after the effective date of this article, all construction occurring within City of Quincy, shall pay the fire rescue impact fee according to the following table:

Fire Rescue Impact Fee Schedule

Land Use	Impact Fee Unit	Net Impact Fee
Residential		
Single Family Detached		
- Less than 1,600 square feet	Square feet	<del>\$0.113</del> <u>0</u>
> 1,600 square feet	Dwelling unit	<del>180.08</del> <u>0</u>
Non Residential	Square feet	<del>0.113</del> <u>0</u>
Multi Family	Square feet	<del>\$0.113</del> <u>0</u>
Non Residential in Downtown District	Square feet	<del>0.090</del> <u>0</u>
Mobile Home	Dwelling unit	<del>\$135.60</del> <u>0</u>

- (c) and (d). No change.

Sec. 46-976. - Law enforcement impact fee.

- (a) All construction occurring within City of Quincy shall pay the law enforcement impact fee, as established in this article.
- (b) Subject to section 46-979 herein, on and after the effective date of this article, all construction within the City of Quincy, shall pay the law enforcement impact fee according to the following table:

Law Enforcement Impact Fee Schedule

Land Use	Impact Fee Unit	Net Impact Fee
Residential		
Single Family Detached		
- Less than 1,600 square feet	Square feet	\$ <del>0.073</del> <u>0</u>
) 1,600 square feet	Dwelling unit	\$ <del>116.80</del> <u>0</u>
Non Residential		
Multi-family	Square feet	\$ <del>0.073</del> <u>0</u>
Non Residential in Downtown District	Square feet	\$ <del>0.058</del> <u>0</u>
Mobile Home	Dwelling unit	\$ <del>87.60</del> <u>0</u>

- (c) and (d). No change.

Sec. 46-977. - Parks and recreation impact fee.

- (a) All residential construction occurring within the City of Quincy shall pay the parks and recreation impact fee, as established in this article.
- (b) Subject to section 46-979 herein, on and after the effective date of this article, all residential construction within the City of Quincy, shall pay the parks and recreation impact fee according to the following table:

Parks and Recreation Impact Fee Schedule

Land Use	Impact Fee Unit	Net Impact Fee
Single Family Detached		
- Less than 1,600 square feet	Square feet	<del>\$0.111</del> 0
) 1,600 square feet	Dwelling unit	<del>\$177.60</del> 0
Multi-family	Square feet	<del>\$0.111</del> 0
Mobile Home	Dwelling unit	<del>\$133.20</del> 0

(c), (d), (e) and (f). No change.

Sec. 46-978. - Public facilities impact fee.

- (a) All construction occurring within the City of Quincy, shall pay the EMS impact fee, as established in this article.
- (b) Subject to section 46-979 herein, on and after the effective date of this article, all construction within the City of Quincy, shall pay the EMS impact fee according to the following table:

Public Facilities Impact Fee Schedule

Land Use	Impact Fee Unit	Net Impact Fee
Residential		
Single Family Detached		
- Less than 1,600 square feet	Square feet	<del>\$0.163</del> 0
- ) 1,600 square feet	Dwelling unit	<del>\$260.80</del> 0
Multi Family	Square feet	<del>\$0.163</del> 0
Non Residential	Square feet	<del>\$0.163</del> 0
Non Residential in Downtown District	Square feet	<del>\$0.130</del> 0
Mobile Home	Dwelling unit	<del>\$195.60</del> 0

(c) and (d). No change.

**SECTION 4. SEVERABILITY.**

If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

**SECTION 5. EFFECTIVE DATE.**

This Ordinance takes effect immediately upon adoption by the City Commission of the City of Quincy, and the signature of the Mayor.

INTRODUCED IN OPEN SESSION ON FIRST READING THIS 12<sup>TH</sup> DAY OF FEBRUARY, 2019 BY THE CITY COMMISSION OF THE CITY OF QUINCY.

PASSED AND ADOPTED ON SECOND READING BY THE CITY COMMISSION OF THE CITY OF QUINCY, FLORIDA, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2019.

**APPROVED:**

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Angela G. Sapp, Mayor and Presiding  
Officer of the City Commission and of the  
City of Quincy, Florida

ATTEST:

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

**CITY OF QUINCY  
CITY COMMISSION  
AGENDA REQUEST**

**MEETING DATE:** March 12, 2019

**DATE OF REQUEST:** March 6, 2019

**TO:** Honorable Mayor and Members of the City Commission

**FROM:** Jack L. McLean Jr., Interim City Manager  
Bernard O. Piawah, Building and Planning Director

**SUBJECT:** Adoption of CDBG Grant Award Special Condition Policies

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**Statement of Issue:**

On February 26, 2019, the City Commission approved the agreement between the Department of Economic Opportunity (DEO) and the City of Quincy for the \$750,000 State Community Development Block Grant (CDBG) fund to the City for the upgrade a major sewer mainline in the City. As a special condition for the grant are certain policies required by the Federal government that the City has to adopt and return to the State DEO; specifically, 1) policy prohibiting the use of excessive force; 2) CDBG procurement policy; 3) Section 504/ADA policy; and 4) Section 504/ADA transition plan. These draft policies are based on the recommendation of the State for satisfying the federal requirements; therefore, staff is asking the City Commission to approve the attached Resolution 1387-2019 prohibiting the use of excessive force, CDBG procurement policy, the updated 504/ADA policy, and the ADA transition plan.

**Special Condition Policy to Adopt:**

1. Policy Reaffirming City Policies' Prohibiting the Use of Excessive Force:  
The City's attached Resolution complies with the requirements of Section 906 of Public Law 101-625 and Section 104 of the Housing and Community Development act of 1974, as amended. The City's Police Policies complies with a sub-recipient's obligation to adopt and enforce policies that prohibit the use of excessive force by law enforcement agencies within its jurisdiction and individuals engaged in nonviolent civil rights demonstrations and commits to enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstration within its



jurisdiction. To address the CDBG requirements, the City is adopting Resolution Number 1387-2019 (see attached).

2. CDBG Procurement Policy: The City is required to prepare a specific CDBG procurement policy to comply with Federal Regulation (CFR) 200.317-200.326. To address this the City has prepared the attached CDBG policy that complies with Federal Guidelines to be used for the administration of this grant.
  
3. Section 504/ADA Policy: The City is required to update its 504/ADA policy that defines a disabled person as any person who: (a) has a physical or mental impairment which substantially limits one or more major life activities, b) has a record of such an impairment, or c) is regarded as having such an impairment. To address this the City prepared the attached revised ADA/Title VI Accessibility and Nondiscrimination Policy and Plan consistent with Federal requirement.
  
4. Section 504/ADA and Title Evaluation and Accessibility Transition Plan: The City is required to evaluate its facility where the staff administering the federal grant will be located to identify any inadequacies regarding ADA accessibility and to prepare for adoption a transition plan. The City's staff has evaluated the City Hall (the facility where staff administering the federal grant will be located) and identified several inadequacies. See attached the transition plan for correcting the existing inadequacies regarding ADA accessibility in the City Hall.

**Recommendation**: Staff is recommending that the City Commission approve the various policies needed in support of the federal CDBG grant award as required by the federal government.

**OPTIONS:**

- Option 1. Move to approve the items listed below in support of the CDBG Grant Award Agreement:
- a) Resolution Number 1387-2019;
  - b) CDBG Procurement Policy;
  - c) Updated 504/ADA policy; and
  - d) ADA Accessibility Transition Plan
- Option 2. Do not move to approve items a) to d) above in support of the CDBG Grant Award Agreement.

**Recommendation:** Option 1.

**ATTACHMENT 1:**

**Resolution Number 1387-2019**

A RESOLUTION OF THE CITY OF QUINCY, FLORIDA, REAFFIRMING IT'S POLICIES PROHIBITING THE USE OF EXCESSIVE FORCE BY LAW ENFORCEMENT AGENCIES WITHIN THE CITY AGAINST ANY INDIVIDUALS ENGAGED IN LAWFUL NONVIOLENT CIVIL RIGHTS DEMONSTRATIONS AND ALSO ENFORCING APPLICABLE STATE AND LOCAL LAWS AGAINST PHYSICALLY BARRING ENTRANCE TO OR EXIST FROM A FACILITY OR LOCATION WHICH IS THE SUBJECT OF SUCH NONVIOLENT CIVIL RIGHTS DEMONSTRATIONS, AND PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the City of Quincy desires to balance the free-speech rights of citizens to publicly demonstrate support for or opposition to various issues, with the City government's responsibility to maintain peace and public safety, and

WHEREAS, as a condition of receiving Community Development Block Grant funds, the City had adopted policies, and reaffirms those policies which comply with the requirements of 42 United States Code 5304(a)(1)(1) and Section 104 of the Housing and Community Development Act of 1974,

IT IS THEREFORE RESOLVED by the Quincy City Commission that

1. The City of Quincy hereby confirms the adoption of policies to prohibit the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in lawful nonviolent civil rights demonstrations, and
2. The City of Quincy will enforce applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstration within its jurisdiction, and
3. The City of Quincy will not allow the entrance to or exit from any City facility to be barred by any civil rights demonstration.

If any portion of this Resolution is found to be invalid, the remainder shall continue to be in full force and effect.

Adopted in open session of the City Commission of the City of Quincy, Florida,  
on this 26th day of February, 2019.

APPROVED:

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Angela G. Sapp, Mayor and Presiding  
Officer of the City Commission and of  
the City of Quincy, Florida

ATTEST:

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

## **ATTACHMENT 2:**

### **CDBG Procurement Policy**

#### **City of Quincy Procurement Policy For Community Development Block Grants**

**This policy will be followed by the City of Quincy, Florida (hereinafter referred to as “the City”) in implementing the City’s Community Development Block Grant program.**

#### **PUBLIC RECORD**

All procurement, contract and payment records are public records according to Florida law. Federal regulations also require that federal agencies have access to such records.

#### **CODE OF ETHICS**

1. No employee, officer, or agent of the City will participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

If such a conflict occurs with a member of the City Commission, the Commissioner will abstain from voting and file the appropriate form according to the Florida Ethics Commission requirements.

2. The officers, employees, and agents of the City must neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts, unless the financial interest is not substantial or the gift is an unsolicited item of nominal value. “Not substantial” or “nominal value” shall be \$25 or less, or the amount set by the City in other general policy, whichever is more. Disciplinary actions will be applied for violations of such standards by officers, employees, or agents of the City.

3. The City will not discriminate in procurement based on race, color, religion, sex, national origin, disability/handicap\*, age, or genetics. For federally funded procurements, the City will not knowingly procure any goods or services from a vendor who discriminates based on these protected classifications.

4. The City staff will provide oversight of the vendors’ performance/delivery, especially prior to issuing payment(s).

5. Written protests of the procurement process, including contract award, may be made by potential vendors in a timely manner. During the solicitation stage, the protest shall be made as soon as the disputed issue is identified, and prior to the deadline for bids/proposals/quotes to be submitted. During the award stage, the protesting party shall submit the protest prior to the final award. All protests shall identify the specific issue under protest. The City personnel performing the solicitation, evaluation, recommendation of award or actual award shall respond to the protest in writing in a timely manner based on the stage of the procurement, which may require an extension

of the solicitation or delay of award. If the protesting party is not satisfied with the response, the party may appeal to the City Commission, whose decision shall be final. This policy shall not be construed to deprive the protesting party of any legal rights that may exist under applicable regulations and laws.

\*A disabled person is defined as “any person who (a) has a physical or mental impairment which substantially limits one or more major life activities, b) has a record of such an impairment, or c) is regarded as having such an impairment.”

## **COMPETITION**

All procurement transactions will be conducted in a manner providing full and open competition.

1. Examples of potential restrictions of competition:

- A. Placing unreasonable requirements on firms in order for them to qualify to do business.
- B. Requiring unnecessary experience and excessive bonding.
- C. Noncompetitive pricing practices between firms or between affiliated companies.
- D. Noncompetitive contracts to consultants that are on retainer contracts.
- E. Organizational conflicts of interest.
- F. Specifying only a "brand name" product instead of allowing "an equal" product to be offered.
- G. Any arbitrary action in the procurement process.

2. All prequalified lists of persons, firms, or products which are used in acquiring goods and services will be current and maximum open and free competition. Potential bidders will not be precluded from qualifying during the solicitation process.

3. All solicitations will incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a “brand name or equivalent” description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated. All solicitations will also identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

4. Awards will be made only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

5. CDBG grant procurements shall not specify a minimum experience requirement. However, a firm's experience can be addressed as an evaluation factor in the ranking for professional services and is a consideration in determining the "responsibility" of a firm when the determining the "low, responsive, responsible bidder" for services procured through bids, as required by 2 CFR 200.319(a).

6. For state or federally funded purchases, contractors are required to use the federal E-Verify system, and the contract will contain the appropriate clause requiring compliance.

**METHODS OF PROCUREMENT** The City will maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

**The City Commission must approve all purchases above \$10,000. If the purchase is funded by a state or federal grant, the funding agency approval process will also be followed, which may include prior approval by the funding agency, and specific procurement/contract requirements. The Florida CDBG grant program procurement process shall comply with Florida Administrative Code 73C-23.0051(3).**

The City will use one of the following methods of procurement.

1. Procurement by micro-purchases. Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does **not exceed \$3,000** (or \$2,000 in the case of acquisitions for construction subject to the Davis-Bacon Act). To the extent practicable, the City will distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be approved by without soliciting competitive quotations if the authorized City employee considers the price to be reasonable. Department/Division Heads and/or the Purchasing Director may authorize such purchases, **up to \$2,000**, without prior approval, and the City Manager may authorize up to **\$3,000**, when funds are available in the project or grant budget. **The City may, but is not required to, obtain competitive information from more than one vendor for purchases not exceeding \$3,000.**
2. Procurement by small purchase procedures. Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that cost more than \$3,000 but **less than \$25,000**.
  - A. For purchases in excess of \$3,000 but less than \$10,000, oral or written quotes shall be requested from at least three responsible vendors. Some form of written request for a quote or proposal is required, to include identification of the requested product or service, and other relevant factors such as specifications, time for completion, etc. The oral vendor quotes shall be documented by the person requesting/receiving the quotes; written quotes will be maintained in the file. **Purchases up to \$5,000 may be approved by the Purchasing Director, and the City Manager may approve purchases up to \$10,000.**

B. All purchases of at least \$10,000, but less than \$25,000, shall be made by obtaining written quotations from at least three responsible vendors. Solicitations may be advertised in the local newspaper, but this is not required.

C. If only one quote is received for a purchase of less than \$10,000, or only one or two quotes are received for a purchase in excess of \$10,000, there must be documentation in the file that there is a lack of responsive vendors in the area for such small purchases, with notations of which vendors were solicited and the results of the solicitation (such as “can’t meet schedule”, or “don’t want to comply with federal requirements”).

3. Procurement by sealed bids (formal advertising). Bids of \$25,000 or more are publicly solicited and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price.

A. In order for sealed bidding to be feasible, the following conditions will be present:

- a. A complete, adequate, and realistic specification or purchase description is available;
- b. Two or more responsible bidders are reasonably expected to be willing and able to compete effectively for the business;
- c. The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

B. If sealed bids are used, the following requirements apply:

- a. The invitation for bids will be publicly advertised and bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids;
  - i) The invitation for bids must be published in a newspaper of general circulation in the local County. The invitation may also be published in the newspaper of a nearby Metropolitan Statistical Area (Panama City or Tallahassee).
  - ii) Sufficient response time shall include a minimum of 12 days, or more if required by an applicable state or federal regulation or law. Construction bid response times are also regulated by Florida Statute 287.0525: for construction projects expected to cost more than \$200,000 the publication must be a minimum of 21 days prior to the established bid opening and a minimum of 5 days prior to any pre-bid conference, and if the projected cost is more than \$500,000 the advertisement period is increased to 30 days prior to the established bid opening date.
  - iii) If the solicitation is advertised in an MSA newspaper, an award may be made with less than three responses; otherwise, three bids must be received unless the funding agency approves the award.
  - iv) Other forms of solicitation may be used, in addition to newspaper advertising, such as e-mail notifications and use of bidder notification services.



- b. The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;
- c. All bids will be publicly opened at the time and place prescribed in the invitation for bids;
- d. A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and
- e. Any or all bids may be rejected if there is a sound documented reason.

**C. The City may use a time and materials type contract only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. Time and materials type contract means a contract whose cost to the City is the sum of the actual cost of materials and direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.**

4. Procurement by competitive proposals. The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:

- A. Requests for proposals must be publicized and identify all evaluation factors and their relative importance. If the expected contract amount will be \$25,000 or more, or if required by Florida Statute 287.055, the request will be advertised in a newspaper of general local circulation in the County.
- B. Any response to publicized requests for proposals must be considered to the maximum extent practical;
- C. Proposals must be solicited from an adequate number of qualified sources;
- D. There will be a written method for conducting technical evaluations of the proposals received and for selecting recipients, consistent with the published evaluation factors, and the evaluation shall be performed by more than 1 person, such as by a committee or by the governing body;
- E. Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and
- F. Any Request for Proposals which includes more than one service shall provide

that:

- a. Proposals may be submitted for one or more of the services;
- b. Qualifications and proposals shall be separately stated for each service; and,
- c. The evaluation of the proposals shall be separate for each service.

G. Fee/price shall be included in proposals that are not covered under the Florida Consultant's Negotiation Act, Florida Statute 287.055, and shall be considered in the proposal evaluation.

H. Competitive proposal procedures will be used for qualifications-based procurement of architectural, engineering, landscape architecture and land surveying (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort. Such procurements will comply with Florida Statute 287.055, which identifies the steps of evaluating qualifications, negotiating fees, and selecting the vendor.

5. Procurement by noncompetitive proposals. Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source. Subject to funding agency approval, this type of procurement may be used, only when one or more of the following circumstances apply:

- d. The item is available only from a single source;
- e. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
- f. The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity; or
- g. After solicitation of a number of sources, competition is determined inadequate.

### **Suspension and Debarment**

The City will review all grant purchases to verify that purchases will not be made against contractors that are on the federal Debarment or Suspension list. This list is available at - <https://www.sam.gov/>. If a match is found, the procurement will be terminated. Contractor eligibility may also be verified by the DEO according to the DEO contractor approval procedures.

### **PROCUREMENT UNDER FEDERAL AWARDS**

Procurement of goods and services whose costs are charged to federal awards are subject to all of the specific purchasing policies of the funding organization. The funding agreement will be reviewed to identify any special requirements for the procurement or contract. In addition, procurements associated with Federal awards are subject to the following supplemental policies:

1. Avoid acquisition of unnecessary or duplicative items. Consideration will be given to consolidating or breaking out procurements to obtain a more economical purchase.

2. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.
3. Consider entering into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services, and using Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.
4. Consider the use of value engineering on construction projects in excess of \$1,500,000.
5. Make all procurement files available for inspection upon request by a Federal awarding agency, the pass-through agency, and any other state or federal entity or auditor with an interest in such procurement.
6. For all contracts, require the contractor to certify in writing that it has not been suspended or disbarred from doing business with any federal agency.
7. Perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold (\$150,000) including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, the City will make independent estimates before receiving bids or proposals.
8. **Take all necessary affirmative steps to assure that minority businesses, women's business enterprises,** and labor surplus area firms are used when possible and appropriate. Steps shall include:
  - A. Placing qualified small and minority businesses and women's business enterprises on solicitation lists.
  - B. Assuring that small and minority business, and women's business enterprises are solicited whenever they are potential sources.
  - C. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business, and women's business enterprises. This shall not be used to evade advertising requirements.
  - D. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises.
  - E. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce, and obtaining information from the Florida Office of Supplier Diversity (and other sources of appropriate) to develop solicitation lists.

**F. Requiring the prime contractor, if subcontractors are to be let, to take the affirmative steps listed here, including use of the City's minority/woman-owned businesses solicitation list.**

**G. Utilization of an adopted M/WBE preference policy when appropriate, to the extent the preference does not conflict with this policy or other applicable federal or state laws, regulations or rules.**

9. Community Development Block Grants and other grants funded by the U. S. Department of Housing and Urban Development also include **Section 3** requirements. The appropriate Section 3 actions must be taken in soliciting participation by Section 3 contractors/subcontractors where applicable.
10. If applicable, the City and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines. This requirement does not apply to private parties who receive federal funds through the City.
11. Profit shall be negotiated as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.
12. The cost plus a percentage of cost and percentage of construction cost methods of contracting must not be used.
13. A time and materials type contract may be used only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. A high degree of oversight is required for this type of contract. Time and materials type contract means a contract whose cost to the City is the sum of the actual cost of materials and direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.
14. For construction contracts in excess of the Simplified Acquisition Threshold as listed in 2 CFR 200.88, contracts shall include the following:
  - a. A bid guarantee from each bidder equivalent to five percent of the bid price. The "bid guarantee" must consist of a firm commitment such as a bid bond, certified

check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.

b. A performance bond on the part of the contractor for 100 percent of the contract price; and,

c. A payment bond on the part of the contractor for 100 percent of the contract price.

d. A liquidated damages clause establishing a predetermined amount that must be paid if the contractor fails to perform as promised.

### **Provisions Included in all Federally-Funded Contracts**

The following provisions, as applicable, will be included in all contracts (including small purchases) with contractors and subawards:

1. **Remedies:** All contracts in excess of the small purchase threshold fixed at 41 U.S.C. 403(11) (currently \$150,000) shall contain contractual provisions or conditions that allow for administrative, contractual, or legal remedies in instances in which a contractor violates or breaches the contract terms.
2. **Termination:** All contracts in excess of \$10,000 shall contain suitable provisions for termination by the City, including the manner by which termination shall be effected and the basis for settlement. In addition, such contracts shall describe the conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated due to circumstances beyond the control of the contractor.
3. **Equal Employment Opportunity:** All contracts shall contain a provision requiring compliance with E.O. 11246, "Equal Employment Opportunity," as amended by E.O. 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and as supplemented by regulations at 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor."
4. **Davis-Bacon Act, as amended (40 U.S.C. 3141-3148):** If included in the federal agency's grant program legislation, all construction contracts of more than \$2,000 awarded by the City and its subrecipients shall include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 276a to a-7) and as supplemented by Department of Labor regulations (29 CFR part 5, "Labor Standards Provisions Applicable to Contracts Governing Federally Financed and Assisted Construction"). Under this Act, contractors are required to pay wages to laborers and mechanics at a rate not less than the minimum wages specified in a wage determination made by the Secretary of Labor. In addition, contractors shall be required to pay wages not less than once a week. A copy of the current prevailing wage determination issued by the Department of Labor will be included in each solicitation and the award of a contract shall be conditioned

upon the acceptance of the wage determination. The City shall also obtain reports from contractors on a weekly basis in order to monitor compliance with the Davis-Bacon Act, and shall report all suspected or reported violations to the appropriate awarding agency.

5. **Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333):** [Where applicable] All contracts in excess of \$100,000 that involve the employment of mechanics or laborers shall include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence
6. **Rights to Inventions Made Under a Contract or Agreement:** Contracts or agreements for the performance of experimental, developmental, or research work shall provide for the rights of the Federal Government (or state pass-through agency, if applicable) in any resulting invention in accordance with 37 CFR part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.
7. **Clean Air Act (42 U.S.C. 7401-7671q and the Federal Water Pollution Control Act (33 U.S.C. 1251 -1387), as amended:** Contracts and subawards of amounts in excess of \$150,000 shall contain a provision that requires the recipient to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.). Violations shall be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).
8. **Debarment and Suspension (E.O.s 12549 and 12689):** For all contracts, the contractor shall provide a certification that neither the contractor nor any of its principal employees are listed on the Excluded Parties List System in SAM.
9. **Byrd Anti-Lobbying Amendment (31 U.S.C. 1352):** For all contracts or Subgrants of \$100,000 or more, the City shall obtain from the contractor or sub-grantee a

certification that it will not and has not used Federal appropriated funds to pay any person or organization for influencing **or** attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Likewise, since each tier provides such certifications to the tier above it, the City shall provide such certifications in all situations in which it acts as a sub-recipient of a sub-grant of \$100,000 or more.

**This policy is hereby adopted by the Quincy City Commission on the \_\_\_\_\_ day of \_\_\_\_\_, 2019.**

APPROVED:

\_\_\_\_\_  
Angela G. Sapp, Mayor and  
Presiding Officer of the City  
Commission and of the City of  
Quincy, Florida

ATTEST:

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

## **ATTACHMENT 3**

### **Updated 504/ADA policy**

#### **City of Quincy**

#### **ADA/Section 504/Title VI Accessibility and Nondiscrimination Policy and Plan**

#### **Policy Statement:**

The Quincy City Commission (the City) recognizes the diversity of residents and businesses in the City and welcomes input from all interested parties, regardless of cultural identity, background or income level. Moreover, the City believes that the best programs and services result from careful consideration of the needs of all of its communities and when those communities are involved in the decision-making process. The City does not tolerate illegal discrimination in any of its programs, services or activities. Pursuant to the Americans with Disabilities Act of 1990, as amended (ADA), Section 504 of the Rehabilitation Act of 1973 (Section 504), Title VI of the Civil Rights Act of 1964 (Title VI) and other federal and state authorities, the City will not exclude from participation in, deny the benefits of, or subject to discrimination anyone on the grounds of race, color, national origin, sex, age, disability, religion, income or family status.

A disabled person (or handicapped person) is defined as any person who (a) has a physical or mental impairment which substantially limits one or more major life activities, b) has a record of such an impairment, or c) is regarded as having such an impairment.

#### **Complaint Procedures:**

The City has established a discrimination complaint procedure and will take prompt and reasonable action to investigate and eliminate discrimination when found. Any person who believes that he or she has been subjected to discrimination based upon race, color, national origin, sex, religion, age, disability, family or income status in any of the City's programs, services or activities may file a complaint with the City Nondiscrimination Coordinator:

Ann Sherman; Director, Human Resources/Risk Management,  
Nondiscrimination Coordinator for ADA, Section 504 and Title VI  
404 West Jefferson Street  
Quincy, FL 32351  
Email: [asherman@myquincy.net](mailto:asherman@myquincy.net)  
Phone: 850-618-1899  
Fax: 850-\_\_\_\_-\_\_\_\_\_  
Hearing Impaired: 711 (para Espanola-English 844-463-9710)



If possible, the complaint should be submitted in writing and contain the identity of the complainant, the basis for the allegations (i.e., race, color, national origin, sex, religion, age, disability or family status), and a description of the alleged discrimination with the date of occurrence. If the complaint cannot be submitted in writing, the complainant should contact the Nondiscrimination Coordinator for assistance.

The Nondiscrimination Coordinator will respond to the complaint within fifteen (15) calendar days and will take reasonable steps to resolve the matter. Should the Coordinator be unable to satisfactorily resolve a complaint, with approval of the City Commission if necessary, the Coordinator will forward the complaint, along with a record of its disposition, to the appropriate party.

However, should the complainant be unable or unwilling to complain to the City regarding a City facility or City service funded by another agency, the written complaint may be submitted directly to the funding agency. For issues regarding transportation, that agency would be the District Office of the Florida Department of Transportation (FDOT). For Community Development Block Grants, funding agency is the Florida Department of Economic Opportunity.

For complaints regarding transportation, Florida Department of Transportation (FDOT) will serve as a clearing house, forwarding the complaint to the appropriate state or federal agency:

Florida Department of Transportation Equal Opportunity Office  
ATTN: Title VI Complaint Processing  
605 Suwannee Street MS 65  
Tallahassee, FL 32399

For complaints regarding other issues, individuals may view the following website for the U.S. Department of Justice, where there are links for various types of complaint forms and contacts.

<http://www.justice.gov/crt/complaint/>

#### **ADA/504 Statement:**

Section 504 of the Rehabilitation Act of 1973 (Section 504), the Americans with Disabilities Act of 1990 (ADA) and related federal and state laws and regulations forbid discrimination against those who have disabilities. Furthermore, these laws require federal aid recipients and other government entities to take affirmative steps to reasonably accommodate the disabled and ensure that their needs are equitably represented in programs, services and activities.

The City will make reasonable effort to ensure that its facilities, programs, services, and activities are accessible to those with disabilities. The City will make reasonable effort to ensure that its advisory committees, public involvement activities and all other programs, services and activities include, or at a minimum do not exclude, representation by the disabled community and disability service groups.

The public may report to the Nondiscrimination Coordinator any facility, program, service or activity that appears inaccessible to those who are disabled. Furthermore, the City will provide reasonable accommodation to disabled individuals who wish to participate in public involvement events or who require special assistance to access facilities, programs, services or activities. Because providing reasonable accommodation may require outside assistance, organization or resources, the City asks that requests be made at least 3 City business days prior to the need for accommodation.

Questions, concerns, comments or requests for accommodation should be made to the City's Nondiscrimination Coordinator (see Complaint Procedure, above).

### **Limited English Proficiency (LEP) Assistance:**

Title VI of the Civil Rights Act of 1964, Executive Order 13166, and various directives from the US Department of Justice (DOJ) and US Department of Transportation (DOT) require federal aid recipients to take reasonable steps to ensure meaningful access to programs, services and activities by those who do not speak English proficiently. To determine the extent to which LEP services are required and in which languages, the law requires the analysis of four factors:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the City's programs, services or activities.
2. The frequency with which LEP individuals come in contact with these programs, services or activities.
3. The nature and importance of the program, service, or activity to people's lives and;
4. The resources available to the City and the likely costs of the LEP services.

#### 1. Number or Proportion of LEP Persons

The 2013-2017 American Community Survey 5-Year Estimates show a total City population of 7,599. The estimates also include 467 foreign-born individuals in Quincy, and an estimated 86 households with Limited English Proficiency. Of the 86 households, 67 spoke Spanish, and 19 spoke an Asian or Pacific Island language.

#### 2. Frequency of Contact with LEP

City staff report very little contact with or requests for services by LEP residents. **Both the City and County** staff indicate that the few LEP individuals they are in contact with bring family members or friends to translate and assist them in transactions such as with arranging/paying for utilities or other business functions.

#### 3. Nature and Importance to People's Lives

Services/facilities provided to the public by the City of Quincy include roads and pedestrian walkways and their maintenance, parks and recreation facilities, **community center**, code enforcement, police protection, **fire protection**, water and sewer services,

electricity supplies, gas supplies and garbage pickup. Other local services are provided by various local and state entities (state health department, county school board, county sheriff, etc.) and not under the control of the City. Although not all residents receive, utilize or need all services/facilities, each of these is important to many or most people.

#### 4. Available Resources and Costs

The City has not received any formal requests for translation or interpretation of its programs, services or activities into Spanish or any other language. On the rare occasion that information is needed, the LEP individual has a relative or friend translating. The Court Administrator has a translator available but services are seldom used. The City has other employees who speak Spanish, as well as other informal contacts who are available to translate orally or in writing.

The City of Quincy has very limited financial resources. The small City budget is not adequate to include fee-based translation services or dual signage/documents.

The analyses of these factors suggest that formal LEP services are not required at this time. However, the City has committed to the following:

1. Maintain a list of employees who competently speak Spanish and other languages and are willing to provide translation and/or interpretation services. Distribute the employee translator list to staff that regularly have contact with the public.
2. Maintain a list of parties available to provide oral and written LEP services with reasonable notification, including voluntary and/or fee-based services. Distribute the translator list to staff that regularly have contact with the public.
3. Utilize online translation programs when necessary and appropriate.
4. Provide readily available Spanish language publications provided by others, regarding public safety and other issues, to accompany English versions.

The City understands that its community profile is changing and the four factor analysis may reveal the need for more or varied LEP services in the future. As such, it will examine its LEP plan approximately every four years to ensure that it remains reflective of the community's needs.

Persons requiring special language services should contact the Nondiscrimination Coordinator in the Human Resource Department.

#### **Public Involvement and Outreach:**

In order to plan for efficient, effective, safe, equitable and reliable services, programs, and facilities, the City must have the input of its public. The City encourages the participation of the entire community. The City holds a number of meetings, workshops and other events designed to gather public input on transportation, public facilities, housing and community services project planning and construction. Further, the City elected officials and staff attend and participates in other community events to promote its services to the

public. Finally, the City is constantly seeking ways of measuring the effectiveness of its public involvement.

Persons wishing to request special presentations by the City, volunteer in any of its activities, or offer suggestions for improvement of City public involvement may contact:

Bernard Piawah; Director, Building and Planning Department.

404 West Jefferson Street

Quincy, FL 32351

Phone (850) 618-1885

Fax (850)-875-7313

Email: bpiawah@myquincy.net

Hearing Impaired: 711 (para Espanola-English 844-463-9710)

**Data Collection:**

The U. S. Department of Housing and Urban Development, Federal Highway Administration and other federal agency regulations require federal-aid recipients to collect racial, ethnic and other similar demographic data on beneficiaries of or those affected by programs, services and activities. The City accomplishes this through the use of U.S. Census Bureau data and reports, its community development department/consultant, grant application beneficiary surveys, records of social and other direct services provided to and/or applied for by individuals, and other methods. From time to time, the City may find it necessary to request voluntary identification of certain racial, ethnic or other data from those who participate in its public involvement events. This information assists the City with improving its targeted outreach and measures of effectiveness. Self identification of personal data to the City will always be voluntary, and anonymous except for certain public record requirements. Moreover, the City will not release or otherwise use this data in any manner inconsistent with the federal and/or state regulations.

Approved by the City of Quincy the 26<sup>th</sup> day of February, 2019

APPROVED:

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Angela G. Sapp, Mayor and Presiding  
Officer of the City Commission and of  
the City of Quincy, Florida

ATTEST:

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

## **ATTACHEMENT 4**

### **ADA TRANSITION PLAN**

#### **CITY OF QUINCY ADA, SECTION 504 and TITLE VI SELF-EVALUATION AND ACCESSIBILITY TRANSITION PLAN**

The City of Quincy is committed to making its facilities, services, programs and employment opportunities available/accessible to persons with disabilities.

City Commission meetings and most other public meetings are generally conducted at the City Hall located at 404 West Jefferson Street. Federal grants are administered by staff located in the City Hall.

An evaluation of the City Hall was completed 2/18/2019 by Dr. Bernard Piawah, Quincy City Planner, Reggie Bell, Public Works Director, and Deborah Belcher, President, Roumelis Planning and Development Services, Inc. The following deficiencies were noted, and the indicated remedies are to be accomplished according to the stated timeframe. The City's Nondiscrimination Coordinator for ADA, Section 504 and Title VI is responsible for implementing the transition plan, as authorized and funded by the City Commission.

The City Hall has 2 separate second floor areas, each containing only 2 rooms, and no access other than by the 2 separate stairways. No services to the public are provided on the second floor, because the rooms are used only for storage. No employee who is unable to use stairs is required to go to the second floor. A reasonable accommodation for mobility impaired employees can be provided by having other employees carry items to and from the second floor storage area. Based on this situation, installation of an elevator is not included in the transition plan.

<b>Deficiency</b>	<b>Remedy</b>	<b>Timeframe</b>
The front (Jefferson Street) entrance is not accessible	Install signage directing to accessible entrance from parking lot	2019-20
Accessible parking does not include van accessible signage	Install a "van accessible" sign at one or both of the 2 designated accessible parking spaces	2019-20
The double doors at the parking lot entry are not individually wide enough	Install sign directing to accessible single entry door, and add tactile universal sign at accessible doorway	2019-20
Accessible-width single entrance door requires too much force to open, and closes too quickly	Adjust or replace door closer mechanism	2019-20
Accessible-width entrance door does not have appropriate pull/handle	Install accessible door handle (loop style or other)	2020-21
The parking lot curb ramp extends into the accessible walkway route, with no	Reconfigure the "flares" to extend farther out at a 1:12 slope	2022-23

level landing. Cross slope on the flares exceeds 1:10		
Some interior doors require too much force to open, and close too quickly	Adjust/replace/remove door closer mechanisms	2019-20
No signage to accessible restroom or customer service counter	Install signs directing to accessible restroom, and universal symbol at restroom and service counter area	2019-20
Interior door knobs not accessible	Install accessible levers or loops with separate locks	2021-22
No braille Interior signage	Install braille signs for rooms used by public, appropriately located	2021-22
No coat/purse hooks on restroom door; not required but desirable	Install hook at correct height	2019-20
Hallway door limits access to handicap restroom door	Remove hallway door	2020-21
Paper towel dispense requires manual dexterity to turn roller	Install paper towel dispenser with push lever	2020-21
Accessible restroom does not have 18" space between door and adjacent perpendicular wall	Move wall, or install automatic door opener	2023-24
Toilet located too far (centerline more than 18") from side wall	Extend side wall grab bar closer to toilet Move toilet toward side wall	2021-22 2024-25

The City has posted contact information for accessibility complaints on the City website, and made the website compliant with Section 508 accessibility requirements (which overlap Section 504 and ADA). There is also a link to make complaints or suggestions of any type.

The City offers to provide reasonable assistance and accommodations to persons with disabilities. Examples include personal assistance in filling out forms, and meeting individuals in accessible locations.

Adoption Date: \_\_\_\_\_

APPROVED:

\_\_\_\_\_  
 Angela G. Sapp, Mayor and Presiding Officer of the  
 City Commission and of the City of Quincy, Florida

ATTEST:

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



**City of Quincy  
City Commission  
Agenda Request**

Date of Meeting: March 12, 2019

Date Submitted: March 6, 2019

To: Honorable Mayor and Members of the City Commission

From: Jack L. McLean Jr., Interim City Manager  
Ann Sherman, Human Resources Director

Subject: Human Resources Monthly Report

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Honorable Mayor and Members of the City Commission, per your request please see the attached reports. These are detailed status report covering the period of October 1, 2018 –March 5, 2019.

The reports depicts New Hires, Promotions, Transfers and Terminations by Department, Name, Ethnicity and Gender.

Respectfully Submitted,

Ann Sherman, Director Human Resources/Risk Management

## **New Hires**

Name	Department	Ethnicity	Gender
Carolyn Bush	Human Resources	B	F
Alicia Sherman	Human Resources/ CS	B	F
Jonathan Canceco	Police	H	M
Ebony Denson	Police	B	F
Logan Matlock	Police	W	M
Robert Scavone	Police	W	M
Lisa Vickers	Police	B	F
Enrique Martinez	Fire	H/B	M
DeWayne Ford	Fire	B	M
Michael Thomas	Utilities	B	M
Joshua Cox	Utilities	W	M
Beverly Nash	Grants	B	F
De'Andrea Matheney	Recreation	B	F

## **Promotions**

Admetric Moore	Police	B	F
Joshua Cox	Utilities	W	M
Charlie Parker	Utilities	B	M
Michael Bouie	Utilities	B	M

### **Resignations**

Killian Flint	Police	W	M
Robert Anderson	Building & Planning	W	M
Glen Guerra	Utilities	H	M
Darius Givens	Fire	B	M
Anthony Johnson	Fire	B	M
Ted Beason	Finance	W	M

### **Terminations**

Robert Brandon	Public Works	B	M
Robert Pridemore	Utilities	W	M

### **Re-Assignments**

Diane Matheney	CS to Police	B	F
Melanie House	Recreation to CS	W	F
Alicia Sherman	HR to Recreation	B	F

**City of Quincy  
City Commission  
Agenda Request**

Date of Meeting: March 12, 2019  
Date Submitted: March 8, 2019  
To: Honorable Mayor and Members of the City Commission  
From: Jack L. McLean Jr., Interim City Manager  
Glenn H. Sapp, Police Chief  
Subject: Renewal of the Contract between the City of Quincy and  
The Police Benevolent Association (PBA)

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**Statement of Issue:**

The Collective Bargaining Agreement between the City of Quincy and The Police Benevolent Association expired September 30, 2018. Prior to this agreement expiring The City of Quincy Management Negotiation Team and the PBA Negotiation Team began negotiating a new agreement in September of 2018.

**Background:**

This agreement is entered into by and between the City of Quincy and The Big Bend Chapter of the Florida Police Benevolent Association referred to as PBA. The purpose of this contract agreement is to promote harmonious and peaceful procedures for the settlement of differences which might arise between members of this bargaining unit and The City.

**Conclusion:**

The new Contract implements a “3 Year Step Pay Plan” for all collective bargaining unit members over the next three years only. Every member would receive at least a 3.5% increase as they are placed on the new step plan. Some Sergeants and Lieutenants would receive a “bonus check” to make a 3.5% increase the first year. In year 2 and 3 of this contract all bargaining unit members would receive a 2.5% increase. Quincy Police Officers, via their union procedures, have voted and

agreed to these terms for wages. (The union initially rejected these contract terms)

**Options:**

Option 1: Motion to approve the new Contract between the City of Quincy and The Big Bend Chapter of the Florida Police Benevolent Association.

Option 2: Motion not to approve the new Contract between the City of Quincy and The Big Bend Chapter of the Florida Police Benevolent Association.

**Staff Recommendation:**

Option 1

**CITY OF QUINCY  
CITY COMMISSION  
AGENDA REQUEST**

Date of Meeting: March 12, 2019

Date Submitted: March 8, 2019

To: Honorable Mayor and Members of the City Commission

From: Jack L. McLean Jr., Interim City Manager  
De'Cody Fagg, Parks and Recreation Director

Subject: Renaming of the Hillside Park to Billy Redding Sr. & Johnny Burns Park at Hillside

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**Issue:**

Quincy Parks and Recreation Department is requesting approval for the renaming of Hillside Park to Billy Redding Sr. & Johnny Burns Park at Hillside

**Background:**

Mr. Billy Redding Sr. and Mr. Johnny Burns are two brothers that grew up in the Hillside area. Mr. Redding was involved in many sports and served as a coach for Quincy Parks and Recreation for many years. Mr. Burns was a trainer and coach of Karate for many young men in Quincy. He also was one of the first Quincy residents to obtain a Black Belt in Martial Arts.

We think it would be befitting to honor these great men for their efforts by renaming the Hillside Park to Billy Redding Sr. & Johnny Burns Park at Hillside.

If this request is approved for the renaming of Hillside Park, Quincy Parks and Recreation Management and Staff will:

- Announce a date for the Hillside Park Renaming Ceremony.
- Invite Mr. Billy Redding and Mr. Johnny Burns to the Ceremony.
- Notify residents in the Hillside Neighborhood of the renaming of the Park.
- Have a new Park sign made.

**Options:**

- Option 1: Motion to approve the renaming of the Hillside Park to Billy Redding Sr. & Johnny Burns Park at Hillside.

- Option 2: Motion to not approve the request to rename the Hillside Park.

**Staff Recommendation:**

- Option 1.

**CITY OF QUINCY  
CITY COMMISSION  
AGENDA REQUEST**

**MEETING DATE:** March 12, 2019

**DATE OF REQUEST:** March 8, 2019

**TO:** Honorable Mayor and Members of the City Commission

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

**SUBJECT:** Update on Wolf Tree Contracted Tree Trimming

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**Statement of Issue:**

The information provided herein concerns an update on Wolf Tree/Davey Company tree trimming on City right of way.

**Background Information:**

As a result of the devastating damage caused by Hurricane Michael, the City Commission approved the contracting of an outside source for tree trimming the City power lines within our system. Wolf Tree was contracted through an existing contract they currently have with the City of Tallahassee. Contract was signed on 11/29/18 by the City Manager.

**Update:**

As of this date, the crews have trimmed or cleared over 4 miles of line. This work has taken place along South Adams, Stewart Street, Joe Adams Road, and High Bridge Road. All trimming has occurred with disposal or mulching included. As of this date, total invoices paid amounts to \$19,505 with actual work beginning during the second week of January, 2019.

The Department currently has a FDOT request for work to take place on US 90 from Little River to G. F. & A. Drive. Approval for the work along this section of distribution line is expected with the next period.

**Options:**

- 1) None Required

**Attachments:**

- Photographs







