

City of Quincy

City Hall

404 West Jefferson Street

Quincy, FL 32351

www.myquincy.net



Meeting Agenda

**Tuesday,
September 13, 2016
6:00 PM**

City Hall Commission Chambers

City Commission

**Derrick Elias, Mayor (Commissioner District Three)
Andy Gay, Mayor Pro-Tem (Commissioner District Four)
Keith Dowdell (Commissioner District One)
Angela Sapp (Commissioner District Two)
Daniel McMillan (Commissioner District Five)**

AGENDA FOR THE REGULAR MEETING
OF THE CITY COMMISSION OF
QUINCY, FLORIDA
Tuesday ~ September 13, 2016
6:00 PM
CITY HALL 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 08/23/2016 Regular Meeting
(Sylvia Hicks, City Clerk)

Proclamations

Public Hearings and Ordinances as scheduled or agendaed

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.)

Ordinances

2. Ordinance 1079 - 2016 Millage Rate on First Reading
3. Ordinance 1080 - 2016 Fiscal Year 2017 Budget on First Reading
4. Ordinance 1081 - 2016 on First Reading – Mobile Food Vendors

Resolutions

Reports by Boards and Committees

Reports, requests and communications by the City Manager

5. Draft Ordinance for Commissioner Compensation
(Mike Wade, City Manager; Scott Shirley, City Attorney)
6. Request for Lien Forgiveness at 505 Santa Clara Street
(Mike Wade, City Manager; Bernard Piawah, Building and Planning Director)
7. Capital Item Purchase – Backhoe Loader
(Mike Wade, City Manager)
8. Discussion on the assignment of responsibilities for the FCT Grant Closure
(Mike Wade, City Manager; Scott Shirley, City Attorney)

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(s) 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 request to notify The City Clerk's Office at (850) 618-0020 in advance.

CITY COMMISSION
CITY HALL
QUINCY, FLORIDA

REGULAR MEETING
AUGUST 23, 2016
6:00 P.M.

The Quincy City Commission met in regular session, Tuesday, August 23, 2016, with Mayor Commissioner Elias presiding and the following present:

Commissioner Angela Sapp
Commissioner Daniel McMillan
Commissioner Gerald A. Gay, III
Commissioner Keith A. Dowdell

Also Present:

City Manager Mike Wade
City Attorney Scott Shirley
City Clerk Sylvia Hicks
Finance Director Ted Beason
Public Works Director Reginald Bell
Police Chief Glenn Sapp
Parks and Recreation Director Greg Taylor
Building and Planning Director Bernard Piawah
Human Resources Director Bessie Evans
Interim Fire Chief Curtis Bridges
Customer Service Supervisor Catherine Robinson
Community Redevelopment Agency Manager Regina Davis
Administrative Assistant for the City Manager Vancheria Perkins
Sergeant at Arms Lieutenant Larry Gilyard

Call to Order:

Mayor Commissioner Elias called the meeting to order followed by invocation and the Pledge of Allegiance.

Approval of Agenda

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

Special Presentations by the Mayor or Commission

Recognition of Albert Hill National USDA Maintenance Person of the Year

Commissioner McMillian presented a plaque to Mr. Albert Hill for receiving the National USDA Person of the Year Award. He stated that Mr. Hill has made a difference in the

community. Mr. Hill received a standing ovation for his national recognition. Mr. Hill thanked the Commission.

Approval of the Minutes of the previous meeting

Approval of the Minutes of August 09, 2016 Regular Meeting

Commissioner Sapp made a motion to approve the minutes of the August 09, 2016 regular meeting with corrections if necessary. Commissioner Dowdell seconded the motion. The motion carried five to zero.

Proclamations

Public Hearings and Ordinances as scheduled or agended

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 Board and Committees

Reports, requests and communications by the City Manager

Lien Forgiveness for 318 Stanley Street

Commissioner Sapp asked does the City collect funds via liens. The City Manager stated he would have to check on that. Mayor Elias stated we do recoup our dollars from the time we spend on the property. Commissioner Gay commended Mr. Robinson for purchasing the property and cleaning it up. Commissioner Gay made a motion to approve option 1: forgive the fine associated with the code violations on the property and authorize staff to collect the total cost the City incurred on the property. Commissioner Sapp seconded the motion. The motion carried five to zero.

Preble-Rish Engineers, Inc. Agreement Assignment

Commissioner Dowdell made a motion to accept the assignment of Preble-Rish Inc. Agreements to Dewberry Engineers, Inc. Commissioner McMillan seconded the motion. The motion carried five to zero.

Public Works Capital Item Purchase –Mowers

Commissioner Sapp asked why we didn't purchase the mowers from Massey Ferguson. The City Manager stated we purchased the mowers on state contract and therefore we receive a discounted price. Commissioner Dowdell made a motion to approve the purchase of two mowers. Commissioner Gay seconded the motion. The motion carried five to zero.

Quincy Police Department Monthly Traffic Report – no comments

Finance Reports

P-Card Statement – no comments

Arrearage Report

Cash requirement Reports

Financial Report

Commissioner Sapp thanked Mr. Beason for the arrearage report. Commissioner Sapp had a question as to the overage on telephone line item in the City Manager's budget. The Manager stated we changed carriers thus increasing the amount that was originally budgeted. Commissioner Sapp also had a question in the Police Department line item operating materials and supplies, and the Fire Department line item of over time. There was also question in the CRA line item personnel cost roll over and should have been taken out of contractual services. Commissioner McMillan asked what the chances that the arrears would be the same amount three times were. There was also a question in the Public Works line item operating supplies.

Other items requested to be agendaed by Commission Member(s), the City Manager and other City Officials

Commissioner McMillan – Request to Name a City Park after Ty Bennett

Commissioner McMillan read a short biography Charles Ty Bennett and made a motion to name the park next to the Joe Ferolito Sports Center. Commissioner Gay seconded the motion carried five to zero.

Comments

City Manager

City Manager Mike Wade reported that City Hall will be closed Monday, September 5, 2016 in observance of Labor Day.

City Manager Mike Wade stated that at Jetty Avenue and Camellia Avenue we have done some right of way clearing.

City Manager Mike Wade reported that we have taken care of the erosion on 6th Street.

City Manager Mike Wade reported that the speed hump has been installed on Elm Street.

City Manager Mike Wade stated that the Police Department will hold a Community Meeting for District V, the date is to be determined.

City Manager Mike Wade reported that the Red Eye Velo Bike Race will be held this weekend. Commissioner Gay stated that last year he received calls from some of the

residents and business owners regarding the blocking of the streets. Chief Sapp stated we did better planning this year everyone has been notified by either the Police Department or by the event organizer. Mayor Elias asked how long ago were they informed of the event. Chief Sapp stated that we just recently informed them.

Commissioner Dowdell questioned the parking of semi-tractor trucks parking in residential neighborhoods and on the sidewalks on Arlington Circle. He stated we will be replacing the roads as well as the sidewalks after a while. Then Manager stated he would have to look at the ordinance because if the trucks are unloading in certain areas it is allowed but just parking he would have to check the ordinance on that and get back with him.

Commissioner Dowdell stated that the Mainline Drive sign is not visible. A resident was ill and the rescue vehicle had a hard time locating the person. The City Manager stated he would take care of the issue.

Mayor Elias asked about the erosion on Sykes Street and if we had gotten in contact with the person in charge of the property. The Manager stated that they went out there but didn't make contact with anyone.

City Clerk – None

City Attorney

City Attorney Scott Shirley stated that the Land Development Code (LDR's) was adopted in 1992 and there have been some high profile first amendments legal issues since its inception. He will be meeting with Mark Miller regarding updating certain first amendment issues.

City Attorney Scott Shirley stated that he and CRA Attorney Hubert Brown met, he stated the Grant was originally awarded to the City of Quincy and the CRA staff wants the City to take over the administration and closeout the grant. The CRA Plan features and mentions Tanyard Creek on numerous occasions and it's appropriate to spend CRA funds to implement those infrastructure costs. He stated that the funds can't be spent on maintenance and special events but it can be spent on upgrading infrastructure/capital items. He stated that the CRA Budget should have those funds made available to the upcoming budget. The Attorney stated that he and City Manager will meet with Florida Communities Trust and report back to them. Commissioner Dowdell asked the Manager if he has someone on staff to complete the grant and if he had reviewed all of the task that needs to be completed. The Manager stated he had reviewed it. Commissioner Dowdell stated that he thinks this should remain with the CRA. Commissioner Gay stated it will be beneficial for them to meet with FTC and report back to us. He stated that he is glad that the two entities can inter mingle to get the project closed out. Mayor Elias stated that this should remain with the CRA. Mayor Elias stated that Ms. Davis should be invited to attend the meeting with FTC.

City Attorney Scott Shirley reported that the parking will be discussed at the next meeting.

City Attorney Scott Shirley stated that the alcoholic beverage ordinance will have to go before the Planning Board and then come back to the Commission.

Commission Members

Commissioner Dowdell asked what the budget schedule was. City Manager Mike Wade stated workshops will be held on Thursday, August 25th, Tuesday, August 30th and Wednesday, August 31st at 6:00 p.m. Mayor Elias stated that August 30th is voting date. Mr. Wade stated that the dates will be August 25th, August 29th and August 31st.

Commissioner Gay congratulated Mr. Hill again on receiving the National recognition the city is very proud.

Commissioner Gay stated that the name changed to Dewberry from Preble Rish. We have had a good working relationship with Matt and Justin and look forward to the new working relationship.

Commissioner Gay stated that at Forest Drive CSX hopefully will be working on the railroad crossing.

Commissioner Sapp thanked Mr. Bell and his department for completing the work on 6th Street regarding the erosion.

Commissioner Sapp announced that everyone should be on high alert in the neighborhood due to people breaking in houses. She stated to make sure you lock your cars. Commissioner Sapp stated that people are watching you so be aware of your surroundings. Commissioner Sapp thanked Chief Sapp for the police department's quick response. Commissioner Sapp stated she would seek funds for additional police officers in the upcoming budget.

Commissioner Sapp asked Chief Sapp the protocol for call when someone calls the police to go and check on an elderly person. Chief Sapp stated the person that calls should have gotten a return call back. He stated he will follow up on the matter.

Commissioner Sapp asked Mr. Wade to have a stop sign installed at 3rd and 10th Streets.

Commissioner Sapp thanked Public Works for their efforts; she knows this is the growing season but the holding pond on 3rd Street has vines all on the fence line. Commissioner Sapp asked the Manager to check records for a 2009-2010 study on infrastructure on 7th Street and along Tanyard Creek.

Commissioner McMillan stated he has had a lot of complaints regarding crimes. We need to do something. He stated that he heard that the police had apprehended someone.

Commissioner McMillan stated that he is glad that the Police Department is going to have a crime watch meeting for the district and once they get a date let him know.

Commissioner McMillan stated he is still receiving complaints regarding speeding on Shelfer Street.

Commissioner McMillan stated that he has received some complaints regarding the traffic light at the intersection of US 90 and Pat Thomas Parkway, traffic backs up.

Commissioner McMillan thanked all the Commissioners for voting for the park to be renamed Ty Bennett Park.

Citizens to be heard

Janie Southerland of 70 lola Davis Drive came before the Commission regarding a peace rally to be held Friday, September 9, 2016 from New Bethel AME Church to the Gadsden County Courthouse along the sidewalk. She stated this is for everyone to be united in a day of prayer for peace and unity. Ms. Southerland stated this is in light of the recent incidents of violence and racial tensions in the communities across the United States.

Angie Barry of 13 North Madison, Gadsden Arts Center & Museum, came before the Commission and thanked them for their pledge of \$25,000 and \$10,000 from the CRA. She gave an update on the expansion project. The Mayor had a question regarding a vote on the funds from the CRA annually.

Denise Hanna of 714 South 9th Street came before the Commission and asked that the City check the Key Farm logging. She stated that the log trucks are tearing up the streets.

Rasharra Whitfield of 842 Arlington Circle came before the Commission regarding customer service at the City and receiving an extension. Ms. Whitfield stated that the Customer Service Supervisor was rude and she tried to speak with the Manager or the Finance Director. The Mayor stated that this issue is a day to day and they don't get involved with the day to day. Mayor Elias directed staff to meet with Ms. Whitfield.

Mayor Elias stated that this is two meetings in a row that former Mayor/Commissioner Forehand needed to see the Manager. He asked the Manager to be more vigilant and meet with the customers.

Mayor Elias congratulated Mr. Hill on his national award.

Mayor Elias stated that school is in session and asked everyone to slow down and watch out for the little ones.

Mayor Elias thanked Mr. Bell and his department as well as Chief Sapp and his Department.

Commissioner Gay made a motion to adjourn. Commissioner Dowdell seconded the motion. There being no further business to discuss the meeting was adjourned.

APPROVED:

Derrick D. Elias Mayor and Presiding
Officer of the City Commission and of
City of Quincy, Florida

ATTEST:

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

ORDINANCE NO. 1079-2016

AN ORDINANCE DETERMINING THE AMOUNT AND FIXING THE RATE OF TAXATION AND STATING THE ANNUAL LEVY FOR THE CITY OF QUINCY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016 AND ENDING SEPTEMBER 30, 2017, AND SETTING THE PERCENTAGE BY WHICH THE MILLAGE RATE TO BE LEVIED DOES NOT EXCEED THE ROLLED BACK RATE.

WHEREAS, the City Commission of the City of Quincy, has now received from the Property Appraiser of Gadsden County Florida, the certification of the taxable values for the year 2016, and it can now be determined what millage rate will provide the same ad valorem, tax revenue for the City of Quincy as was levied during the prior year by a calculation of what is known as the “rolled-back rate” pursuant to Section 200.065(1), Florida Statutes.

WHEREAS, the gross taxable value for operating proposed not exempt from taxation within Gadsden County has been certified by the County Property Appraiser to the City of Quincy as \$ 207,991,034; and

WHEREAS, the City of Quincy of Gadsden County, Florida on September 13, 2016 held a public hearing on the proposed millage rate for fiscal year 2016-2017 as required by Florida Statute 200.065; and

WHEREAS, the City of Quincy of Gadsden County, Florida held a second public hearing on 27th day September 2016 to adopt a fiscal year 2016-2017 final millage rate as required by Florida Statute 200.065; and

NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF QUINCY;

SECTION 1. That is hereby found and determined that the ad valorem millage rate of 4.6629 will provide approximately the same ad valorem tax revenue for the City of Quincy as was levied during the prior year and which rate is known as the “rolled-back rate” pursuant to section 200.065(1) Florida Statutes.

SECTION 2. That it is necessary, however, to levy a tax of 4.6629 mills, upon all of the taxable property within the corporate limits of the City of Quincy, Florida excluding exempt property, for the purposes of raising the amount of money necessary to carry on the Government of said City during the fiscal year beginning October 1, 2016 and ending September 30, 2017, which said millage rate is the less than the rolled-back rate.

SECTION 3. That for the purpose of raising the amount of money necessary to carry on the Government of the City of Quincy, Florida during the fiscal year beginning October 1, 2016 and ending September 30, 2017 a direct tax of 4.6629 is hereby levied upon all of the taxable property within the corporate limits of the City of Quincy, excluding exempt property, as listed, described and valued on the assessment roll for the fiscal year 2017 by the proper official as provided by law and revised, equalized and corrected as provided by law.

SECTION 4. This ordinance shall take effect immediately upon its passage and approval as provided by law.

INTRODUCED in open session of the City Commission of the City of Quincy, Florida on the 13th day of September, A.D. 2016.

PASSED in open session of the City Commission of the City of Quincy, Florida, on the 27th day of September, A.D. 2016.

Derrick D. Elias, Mayor and
Presiding Officer of the City
Commission of the City of Quincy, Florida

ATTEST:

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

ORDINANCE NO. 1080-2016

AN ORDINANCE MAKING APPROPRIATIONS FOR THE EXPENDITURES AND OBLIGATIONS OF THE CITY OF QUINCY FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2016 AND ENDING SEPTEMBER 30, 2017; DESIGNATING THE SOURCES AND REVENUES AND SAID APPROPRIATIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Manager of the City of Quincy prepared and submitted to the City Commission of the City of Quincy a proposed budget for said City for the fiscal year beginning October 1, 2016 and ending September 30, 2017 and accompanying message; and

WHEREAS, the City Manager’s proposed budget for definition purposes has been designated, named, labeled, and described on the caption as “2016-2017 PROPOSED BUDGET” in form as prescribed by and in full compliance with the Charter of the City of Quincy;

WHEREAS, the City Commission considered, modified, and adjusted the City Manager proposed budget;

WHEREAS, the Commission adopted budget for definition purposes has been designated, named, labeled, and described on the caption as “2016-2017 ADOPTED BUDGET” in form as prescribed by and in full compliance with the Charter of the City of Quincy; and,

WHEREAS, the City Commission on September 13, 2016 and September 27, 2016 held public hearings, as required by Florida Statutes 200.065.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF QUINCY:

SECTION 1. That the appropriations made in Section 2 herein are based upon the revenues to the City of Quincy for the fiscal year beginning October 1, 2016 from the sources, less transfers, and in the amounts hereinafter as follows:

<u>REVENUES – ALL FUNDS</u>	<u>FY 2017</u>
General Fund Revenue	\$ 8,184,357
Enterprise Fund Revenue	20,919,864
Internal Service Fund	458,148
Community Redevelopment Agency (CRA) Fund	661,591
TOTAL APPROPRIATED REVENUES	\$ 30,223,960
LESS INTERFUND TRANSFERS	<u>(5,864,060)</u>
TOTAL REVENUE	<u>\$ 24,359,900</u>

SECTION 2. That the following sums be, and hereby are, appropriated from the sources of revenues, less transfers, enumerated in Section 1, for the expense and obligation of the City of Quincy, for the fiscal year beginning October 1, 2016 and ending September 30, 2017.

<u>EXPENDITURES – ALL FUNDS</u>	<u>FY 2017</u>
<u>General Fund</u>	
City Commission	\$ 195,593
City Attorney	181,500
City Manager	170,030
Purchasing	12,333
Non-Departmental	1,587,912
City Clerk	102,777
Finance	132,736
Human Resources	117,833
Law Enforcement	2,132,826
Fire Control	1,414,664
Building & Planning	282,254
Recreation & Parks	429,984
Public Works	<u>1,423,915</u>
Total General Fund	\$ 8,184,357
<u>Enterprise Funds</u>	
Business Activity - Customer Services	\$ 220,473
Business Activity - Finance	<u>272,072</u>
Total Business Activity	492,545
Sewer	1,954,054
Electric	13,750,908
Water	1,748,400
Gas	1,491,100
Refuse	1,283,749
Landfill	<u>199,108</u>
Total Enterprise Fund	\$ 20,427,319
Internal Service Fund	\$ 458,148
Community Redevelopment Agency	\$ 661,591
TOTAL APPROPRIATED EXPENDITURES	30,223,960
LESS INTERFUND TRANSFERS	<u>(5,864,060)</u>
TOTAL EXPENDITURES	\$ <u>24,359,900</u>

SECTION 3. This ordinance shall become effective October 1, 2016 and immediately upon passing.

INTRODUCED to the City Commission of the City of Quincy, Florida, on the 13th day of September, A.D., 2016.

PASSED by the City Commission of the City of Quincy, Florida on the 27th day of September A.D., 2016.

Derrick D. Elias, 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

**CITY OF QUINCY
CITY COMMISSION
AGENDA REQUEST**

MEETING DATE: September 13, 2016

DATE OF REQUEST: September 8, 2016

TO: Honorable Mayor and Members of the City Commission

FROM: Mike Wade, City Manager
Bernard O. Piawah, Director, Building and Planning

SUBJECT: First Reading of draft Ordinance Number 1081-2016
Amending the Mobile Food Vending Ordinance

Statement of Issue:

This is a request for First Reading of Ordinance Number 1081-2016 to make some change to the mobile food ordinance. On July 12, 2016 the City Commission met and discussed the proposed changes following a public workshop that was conducted on the subject on June 28, 2016. During the City Commission meeting of July 12, 2016 the Commission voted to direct staff to bring back the proposal in ordinance form. Subsequently, the proposal was taken to Planning and Development Board (PDRB) for review and recommendation. The PDRB met on August 16, to review the proposed changes during which they voted unanimously to recommend approval of the proposal. The version of the draft ordinance for first reading is identical to the version that was reviewed during the City Commission meeting of July 12, 2016 except for the removal of the word “public” in Section (a)4. on page 1, as well as the removal of the associated reference in Section (3)e. of the ordinance. Staff is recommending against changes that would authorize mobile food vending on public property. This is because, upon further consideration, those changes would require a commitment of additional planning, policy making, and resources in order to implement. The City’s staff is asking the Commission to approve the proposed changes to the mobile food vending ordinance. (See attached the draft ordinance and the minutes of the PDRB meeting of August 16, 2016).

Summary of the Proposed Changes to the Mobile Food Ordinance:

The proposed change includes the following:

- a) Updating the definition of “mobile food dispensing vehicle” to be consistent with state law;

- b) Clarifying the definition of “mobile food vendor” and “semi-permanent vendor”;
- c) Revising the requirements for mobile food vending permit to be consistent with the requirements of the Department of Business and Professional Regulations;
- d) Removing the truck size requirement; and
- e) Making other changes to make the document internally consistent.

PUBLIC NOTICE:

The notice for this public hearing was properly advertised in the Gadsden county Times on Thursday August 25, 2016. As of the date of this meeting, the Building and Planning Department has not received any written or verbal comment on the proposal to revise the mobile food vending ordinance.

PDRB Recommendation:

The PDRB met on August 16, 2016 and voted unanimously to recommend approval of the proposed changes to the mobile food vending ordinance. See attached the minutes of the PDRB meeting of August 16, 2016.

OPTIONS:

Option 2: Vote to adopt the proposed changes to the mobile food vending ordinance on first reading.

Option 2: Do not vote to adopt the proposed changes to the mobile food vending ordinance on first reading

STAFF RECOMMENDATION:

Option 1

Attachment:

- 1) Draft Ordinance;
- 2) PDRB Meeting Minutes.

ATTACHMENT 1

ORDINANCE NUMBER 1081-2016

AN ORDINANCE OF THE CITY OF QUINCY, FLORIDA, RELATING TO MOBILE FOOD VENDORS, AND MOBILE VENDING CONVEYANCES; AMENDING CODE OF ORDINANCES SECTION 46-233(a) DEFINITIONS; AMENDING SECTION 46-233(b) ANNUAL PERMIT; AMENDING SECTION 46-233(c) REGULATIONS; AMENDING SECTION 46-233(d) REVOCATION OF PERMIT/LICENSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR COPY ON FILE; AND PROVIDING FOR AN EFFECTIVE DATE.

SECTION 1. Findings.

WHEREAS, the City Commission has adopted comprehensive regulations for the permitting and operation of flea markets, vending booths, mobile food vendors, mobile vendors and semi-permanent vendors; and

WHEREAS, the State of Florida, Department of Business and Professional Regulation, Division of Hotels and Restaurants, has recently amended the rules relating to the licensure and operational requirements pertaining to mobile food dispensing vehicles; and

WHEREAS, the City Commission desires to ensure that the City ordinances regulating mobile food dispensing vehicles or mobile vending conveyances are consistent with State regulations for the licensure and operation of mobile food dispensing vehicles; and

WHEREAS, the City Commission desires to eliminate certain standards regarding the operation and length of mobile food dispensing vehicles or mobile vending conveyances.

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

SECTION 2. Purpose and Intent. The purpose of this ordinance is to provide for certain amendments to the City Code of Ordinances relating to mobile food vendors and mobile food conveyances.

SECTION 4. Amendment of Code of Ordinances Section 46-233. Code of Ordinances Section 46-233 is hereby amended as follows:

ARTICLE III ZONING REGULATIONS

46-233 FLEA MARKETS, VENDING BOOTHS, MOBILE FOOD VENDORS, MOBILE VENDORS and SEMI-PERMANENT VENDORS City of Quincy Code of Ordinances

Sec. 46-233. - Flea markets, vending booths, mobile food vendors, mobile vendors and semi-permanent vendors.

(a) *Definitions.*

- (1) Flea market means a permanent ongoing merchandise sale which takes place in a nonresidential area. The display shall not be located in the right-of-way. For this type of use, the vendor may erect a temporary structure and must obtain a permit.
- (2) A "vending booth" is a temporary wheeled cart-mounted food or retail establishment located on public property, or a permanent structure constructed by the City of Quincy at location designated by the city commission. A vending booth cannot be propelled by an internal combustion engine, electric motor or other similar mechanical device. A vending booth, except a permanent structure constructed by the City of Quincy, must be capable of being moved from place to place, but may be stationary during the business day. Examples of vending booths are, but are not limited to, the following: coffee/cappuccino stands; stands selling muffins, bagels and other bakery items; ice cream carts; snow cone and Italian ice carts; fast-food carts; souvenirs carts; clothing and newsstands.
- (3) A "mobile food dispensing vehicle" is a vehicle-mounted public food service establishment that is self-propelled or is otherwise movable from place to place and which may be operated only by obtaining a license from the Department of Business and Professional Regulation, Division of Hotels and Restaurants, or successor agency, under Rule 61C-4.0161, FAC, or successor rule, or by the Department of Agriculture and Consumer Services, Division of Food Safety, or successor agency, under Chapter 5K-4, FAC, or successor rule.
- (34) A "mobile food vendor" is a natural person or business entity, that sells immediately consumable food products and non-alcoholic beverage items from a "mobile food dispensing vehicle" ~~non-permanent cart, trailer, or vehicle (a "mobile food vending conveyance")~~ at a fixed location on ~~public or~~ private property.
- (45) A "mobile vendor" is a natural person or business entity, that sells non-perishable items, such as the following but not limited thereto, souvenirs, clothing, hardware, electronics, etc., from a non-permanent cart, trailer, or vehicle (a "mobile vending conveyance") at a fixed location on private property. For purposes of this article fruit and vegetable vendors are defined as a mobile vendor."
- (56) A "semi-permanent vendor" is a natural person or a business entity that sells from a mobile food dispensing vehicle ~~vending conveyance~~, however, the conveyance is attached to a city utility pole from which it can unplug, have city water and a grease trap and have access to restroom facilities that meet Florida Building Code and other state regulations. A semi-permanent vendor must meet the definition of a "self-sufficient mobile food dispensing vehicle" under Rule 61C-1.001(25), FAC, or successor rule.

(b) *Annual permit.*

(1) A flea market permit, a vending booth permit, mobile food vendor permit, mobile vendor, semi-permanent vendor permit is required and can be obtained from the city manager, or designee, upon payment of the fee specified by city council resolution, along with submitting a completed application that includes a description of the nature, character and quality of food, beverage or retail items to be offered for sale; photographs of the vending booth, mobile food vending conveyance or mobile vending conveyance and sufficient information for city reviewing staff to determine compliance with the requirements listed in subsection (b) or (c) below, the applicable regulations listed in subsection (3) and other applicable code and safety requirements. Flea markets, vending booth, mobile food vendor, mobile vendor and semi-permanent vendors permit expire on September 30 of each year. Vending booth, mobile food vendor permits, mobile vendor permits semi-permanent vendors permits issued between April 1 and September 30 are subject to one-half the permit fees for the initial period (between issuance and September 30). Vending booth, mobile food vendor permits and mobile vendor permits shall not be valid during any event declared to be a special event by the city manager or designee. A separate permit shall be required for vending at these events. Events such as Relay for Life and Quincy Fest and other non-profit and church events shall be exempt from the requirements of this article by resolution of the city commission.

(2) Requirements to obtain a vending booth permit:

- a. Proof of liability insurance, in amounts to annually be determined by the city manager, which shall include the city as an additional insured and which shall indemnify, defend and hold harmless the city, its elected and appointed officers, employees and agents, from any resultant claims which may arise from operation of the booth due to intentional or unintentional wrongdoing or negligence by the operator, or employees, contractors or agents of the operator.
- b. Proof of workers compensation insurance or provide a certificate of exemption.
- c. Select an available public property site from the official vending booth site map on file with the city manager or designee. When more than one application is received for a designated site, that site will be made available by random drawing of all qualified applicants. Once an operator has received a space that site will not become available again unless the operator does not renew the permit or the owner's permit is revoked under this article.
- d. Submission of a site drawing clearly depicting the public property site location, size of the vending booth, set up of the vending booth and any other information necessary for the city reviewing staff to determine that the vending booth will comply with all applicable City Codes. The vending booth must be located a minimum of five feet from the curb or improved right-of-way and so positioned as to leave an unobstructed way for pedestrian passage on any sidewalk and shall not be positioned within five feet of any crosswalk or fire hydrant, nor block any ingress or egress from

a building entrance or emergency exit. Vending booths shall be located a minimum of 25 feet from intersections and shall be located outside of the vision triangle.

(3) Requirements to obtain a mobile food vendor and a semi-permanent vendor permit:

- a. Provide the name and address of the applicant's employer, if not self-employed.
- b. Provide written permission or lease from the owner of the property where the mobile food vendor will operate.
- c. Provide documentation of compliance with licensing requirements of the Department of Business and Professional Regulation, Division of Hotels and Restaurants, or successor agency, under Rule 61C-4.0161, FAC, or successor rule, or the Florida Department of Agriculture, Division of Food Safety, or successor agency, Guidelines for Mobile Food Establishments F.S. ch. 500, under Chapter 5K-4, FAC, or successor rule, Florida Administrative Code, (F.A.C.) as may apply, and with the guides referenced in that guideline including 2001 FDA Food Code and the Gadsden County Health Department Regulations and Guidelines.
- d. Submit a site plan meeting the requirements of section 46-105 of the land development code for a minor development plan to include dimensions and the proposed location of the mobile food vending conveyance as well as entrance and exits to the host business, parking and any other information necessary for the city reviewing staff to areas, bus stops, loading zones, fire hydrants, zoning district setbacks determine that the mobile food vending conveyance will comply with all applicable City Codes.
- e. Any mobile food vendor and a semi permanent vendor permit which proposes to operate from a location on public property must also comply with the requirements for a vending booth permit in subsection (b)(2) herein above.

(c) *Regulations.*

(1) The following are the regulations concerning yard sales, and flea markets.

- a. Yard sales. Yard sales may be operated within the city for a maximum of three days each month. These sales may occur in residential areas, but may not take place in the right-of-way.
- b. Flea markets. Flea markets may be operated in nonresidential areas only, but not in the right-of-way. Flea markets are considered a commercial operation and must be properly licensed by the city.

(2) Vending booths, mobile food dispensing vehicles ~~vending conveyances~~, and mobile vending conveyances operating in the city shall be subject to the following regulations:

- a. Compliance with the licensing requirements of the Department of Business and Professional Regulation, Division of Hotels and Restaurants, or successor agency, under Rule 61C-4.0161, FAC, or successor rule, or the Florida Department of Agriculture, Division of Food Safety, or successor agency, Chapter 5K-4, FAC, or successor rule, as may apply, and with the 2001 FDA Food Code and Gadsden County Health Department Regulations and Guidelines.

~~The county/state health department must license any vending booths and mobile food vending operations preparing and selling food items. All applicable codes of the health department shall be met.~~

- b. A trash container must be available on the vending booth, mobile food dispensing vehicle ~~vending conveyance~~, or mobile vending conveyance ~~or semi-permanent conveyance~~.
- c. Lighting may be used to continuously illuminate the vending booth, mobile food dispensing vehicle, or mobile vending conveyance, including any associated canopy, ~~mobile food vending conveyance or semi-permanent conveyance canopy~~ and provide task lighting for night operation, provided it is in conformity with the city's lighting regulations.
- d. Change of ownership, booth/conveyance or location will require that the owner apply for a new vending booth, mobile food vendor permit, mobile vendor permit or semi-permanent permit.
- e. All required licenses must be conspicuously displayed on the vending booth, mobile food dispensing vehicle ~~vending conveyance~~, or mobile vending conveyance ~~or semi-permanent conveyance~~.
- f. Vending booths, mobile food dispensing vehicles ~~vending conveyances~~, or mobile vending conveyances ~~and semi-permanent conveyance~~ must be provided with at least one approved portable fire extinguisher having a minimum rating of 8 BC.
- g. All liquefied petroleum gas containers must be installed on the outside of the vending booth, mobile food dispensing vehicle ~~vending conveyance~~, or mobile vending conveyance ~~or semi-permanent conveyance~~ protected from physical damage and, if enclosed, vented at the lowest point of the enclosure. All liquefied petroleum gas containers must be properly secured and comply with all applicable standards.
- h. Signs using lettering painted on or applied to the canopy valance will be allowed. Additional signs in conformity with the city's sign regulations will be allowed at a maximum size of six square feet, to be mounted on the vending booth, mobile food dispensing vehicle ~~vending conveyance~~, or mobile vending conveyance ~~semi-permanent conveyance~~. No other signs, pictures or advertisements of any kind, such as stickers, flags, balloons, inflatables or lights shall be allowed.

- i. The vendor must obtain a local business tax receipt from the city.
 - j. The vendor shall keep the sidewalks, parking areas and other spaces adjacent to their vending sites or locations clean and free of paper, peelings and refuse of any kind generated from their vending operation.
 - k. Vendors shall not conduct business in a way that will restrict or interfere with the entrance or exit of a business, create a nuisance, create a hazard to pedestrians, life or property, or obstruct vehicular circulation, pedestrian circulation, or access to emergency exits.
- (3) The following additional regulations shall apply to mobile food vendors, mobile vendors and semi-permanent vendors.
- a. Tent structures shall be permitted, but only upon approval of the city building and planning department and must be affixed to the ground in an permanent attractive fashion.
 - b. No alcoholic beverages may be sold.
 - ~~c. All food shall be prepared on site from the mobile food vending conveyance or semi-permanent conveyance.~~
 - ~~d.~~ dc. There shall be only one mobile food dispensing vehicle or mobile vending conveyance ~~or semi permanent conveyance~~ per parcel, location or development.
 - ed. No mobile food vendor or mobile vendor shall be permitted to operate in any of the following areas:
 - 1. Within 25 feet of any loading zone or bus stop.
 - 2. Within 15 feet of a building entrance or exit.
 - 3. Against display windows of a business.
 - 4. Within 25 feet of any fire hydrant, fire escape or fire control device.
 - 5. Within 25 feet of any parking space or access ramp designated for persons with disabilities.
 - 6. Outside of the established building setbacks of the zoning district.
 - 7. Within required parking spaces or within the required interior or terminal islands of the vehicle use area, unless specifically permitted for such use and location.
 - 8. On a vacant lot or property.

fe. Mobile food vending and mobile vending shall be limited to the hours between 7:00 a.m. and 10:00 p.m. daily and shall take place only at the approved location. The mobile food vending conveyance or the mobile vendor shall not be set up prior to 6:00 a.m. and must be removed by 11:00 p.m. of that same day

gf. Outdoor seating shall be permitted only to the extent of the allowed tent structure coverage.

hg. ~~A mobile food vending conveyance or a mobile vending conveyance shall not exceed a size of ten feet in width and 20 feet in length.~~ If the mobile food dispensing vehicle vending conveyance is a trailer, the trailer shall be ~~unhitched from the motorized vehicle and~~ stabilized prior to operating ~~the vending conveyance and it is the trailer alone that will be considered the mobile food vending conveyance or the mobile vending conveyance for purposes of the size limitation.~~

ih. The mobile food dispensing vehicle, or vending conveyance mobile vending conveyance ~~or semipermanent conveyance~~ shall not be operated in a manner that destroys existing sodded areas, results in erosion or breaks down the previous or impervious surface of the site. In the event of erosion or destruction of the site surface, the owner of the site shall be required to restore the site to its original condition.

(d) *Revocation of permit/license.* Permits/licenses issued under this article may be revoked by the city manager or designee after written notice and opportunity for hearing for any of the following reasons:

- a. Fraud, misrepresentation or false statement contained in the application for permit.
- b. Any violation of this article.
- c. Conviction of a felony by a court of competent jurisdiction of the operator, or any shareholder, partner or member of a business entity holding a 50 percent or greater interest in the vending booth or mobile food vending conveyance for any of the following: homicide, rape, aggravated battery, burglary, aggravated assault, kidnapping, robbery, child molestation, lewd and lascivious acts, criminal solicitation to commit any of the above, criminal attempt to commit any of the above, or possession, sale or distribution of narcotic drugs, barbituric acid derivatives or central nervous system stimulants.
- d. Conducting business in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.
- e. With respect to a vending booth, failure to operate for more than 14 days during the period from October 1 through September 30 of each year.

- f. Refusal to remove the vending booth, mobile food dispensing vehicle vending conveyance, or mobile vending conveyance, from the site at the end of each business day, unless permitted as a semi-permanent vendor.
- g. The vending booth, mobile food vendor, mobile vendor or semi-permanent vendor has been adjudicated guilty of, been found guilty of with adjudication withheld, waived the right to contest, or pled no contest to, three or more violations of city ordinances with respect to the vending operation.

Such revocation may be appealed directly to the code enforcement board/ magistrate provided such appeal is filed with the clerk of the city commission within 15 days of the time of the revocation by the city manager. The clerk shall schedule the hearing on the appeal at the next regular meeting of the code enforcement board/magistrate scheduled to be at least ten days from the date the appeal is filed. The clerk shall inform the city manager of the appeal, and the city manager shall forward the evidence used to determine the revocation, including minutes of the hearing, if any, to the clerk. No new evidence or testimony may be introduced before the code enforcement board/magistrate, which shall render its decision based upon the record. The code enforcement board/magistrate may reinstate the permit only if it finds an abuse of discretion in the decision of the city manager or designee.

(e)¹ Flea markets, vending booths, mobile food vendors, mobile vendors and semi-permanent vendors shall operate in conformity with the requirements of this Section, provided, however, that mobile food vendors and mobile vendors who, at the time of passage of Ordinance No. 1028, possessed occupational and other licenses and permits shall be allowed to continue in business in the manner such vendors had established prior to January 26, 2010, until said license and/or permit expires and is not renewed. In addition, there shall be provided for limited issuance of holiday/special event occupational and other licenses and permits for mobile food vendors and mobile vendors by the City of Quincy as otherwise provided herein below.

- (1) Mobile food vendors and mobile vendors can sell their items, things and food that reflect holiday/special event days as set forth in subsections (b) and (c) herein.
- (2) The City Manager or Designee may grant a three (3) day occupational license or permit for the following holiday-special event days: Valentine Day, Labor Day, Halloween/Harvest Festival and Thanksgiving Day. The holiday/special event day shall be included in the three day period.
- (3) The City Manager of Designee may grant a ten (10) day occupational license or permit of the following holiday/special events day: Independence Day, Christmas Day and New Year's Day. The Occupational license or permit for these holiday/special events days

¹ This subsection was originally numbered as subsection (6) in Ordinance 1028, Ordinance 1038, and Ordinance No. 1068-2015, but was never included in the codification appearing in Municode (Municipal Code Corporation). The numbering as appears in the ordinances has been revised to conform to the codified numbering.

shall not be issued more than 10 days before the holiday/special event and shall include the holiday/special event day.

SECTION 4. 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 5. Copy on File

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

SECTION 6. 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 13th day of September 2016, A.D. 2016.

PASSED on second and final reading in open session of the City Commission of the City of Quincy, Florida, on this ___ day of ___, A.D. 2016.

Derrick Elias, Mayor
Presiding Officer of the City Commission of
the City of Quincy, Florida

ATTEST:

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

ATTACHMENT 2:

MINUTES OF THE PLANNING BOARD MEETING

PLANNING AND DEVELOPMENT

REVIEW BOARD

QUINCY, FLORIDA

AUGUST 16, 2016

6:00 PM

The Planning and Development Review Board (PDRB) met at City Hall in Quincy, Florida on Tuesday, August 16, 2016 at 6:00 P.M. and the following were present:

Mr. Alvin Young
Mr. Willie Reeves
Ms. Kimberly Williams
Ms. Denise Hannah

Members Absent:
Mr. Thomas Skipper
Mr. Dan Hooker
Ms. Judy Ware

Staff in Attendance:

Bernard Piawah, Director, Building and Planning
Betty Powell, Administrative Assistant

The meeting was called to order by the Acting Chair, Alvin Young, followed by roll call.

A motion to approve the minutes of the previous meetings, May 17, 2016 with any corrections was made by Ms. Denise Hannah. The motion was seconded by Ms. Kimberly Williams and the motion passed. The ayes were unanimous.

Item for Discussion:

1. Review of Proposed Changes to the Mobile Food Vending Ordinance.

Mr. Piawah addressed the Board and stated that on July 12, 2016 the City Commission met and discussed the proposed changes following a public workshop that was conducted on June 28, 2016. He indicated that the copy of the draft ordinance that was presented to the PDRB for review is the same as what was presented to the City Commission at their meeting of July 12, 2016 except for the removal of

the word “public” from page 1 and the associated reference to it because upon further review the staff concluded that such a change was not necessary. In brief, the proposed changes to the ordinance include the following:

- a) Updating the definition of “mobile food dispensing vehicle” consistent with state law;
- b) Clarifying the definition of “mobile food vendor” and “semi-permanent vendor”,
- c) Revising the requirement to be consistent with the requirements of the Department of Business and Professional Regulations;
- d) Removing the truck size requirement; and
- e) Making other changes to make the document internally consistent.

After summarizing the proposed changes, Mr. Piawah informed the Board of their options:

First Option: Vote to recommend approval of the changes to the mobile food vending Ordinance

Second Option: Vote to recommend denial of the changes to the mobile food vending Ordinance

Ms. Denise Hannah made a motion to accept the First Option and the motion was properly seconded by Mr. Willie Reeves and the motion passed. The ayes were unanimous.

Mr. Young asked for a motion to adjourn, there was a motion to adjourn and was properly seconded by Mr. Willie Reeves. The meeting adjourned.

APPROVED:

Chairman

Date

ATTEST:

Board Secretary

**CITY OF QUINCY
CITY COMMISSION
AGENDA REQUEST**

MEETING DATE: September 13, 2016

DATE OF REQUEST: September 9, 2016

TO: Honorable Mayor and Members of the City Commission

FROM: Mike Wade, City Manager
Scott Shirley, City Attorney

SUBJECT: Draft Ordinance Relating to the Compensation of the Mayor and Commissioners

Statement of Issue:

Section 2-61 of the City of Quincy Code of Ordinances needs to be updated in order to prevent the annual compensation for the Mayor and Commissioner from conflicting with the approved budget. The proposed draft ordinance amends the code such that compensation for the Mayor and Commissioners will be approved in the adopted annual budget.

OPTIONS:

- Option 1: Approve the draft ordinance and authorize staff to bring the ordinance back to the commission for first reading.
- Option 2: Do not approve the draft ordinance.

STAFF RECOMMENDATION:

Option 1

ATTACHMENTS:

1. Draft Ordinance to Amend Section 2-61 of the City of Quincy Code of Ordinances

ORDINANCE NO. ____-2016

AN ORDINANCE OF THE CITY OF QUINCY, FLORIDA, RELATING TO COMPENSATION OF THE CITY MAYOR AND COMMISSIONERS; AMENDING CODE OF ORDINANCES SEC. 2-61 TO PROVIDE THAT MAYOR AND COMMISSIONER COMPENSATION SHALL BE AS IS APPROVED AND ADOPTED AS PART OF THE ANNUAL BUDGET ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR COPY ON FILE; AND PROVIDING FOR AN EFFECTIVE DATE.

SECTION 1. Findings.

WHEREAS, the City Commission adopts an annual budget ordinance that, among other things, establishes the compensation to the Mayor and City Commissioners for their service provided to the City; and

WHEREAS, City Code of Ordinances Sec. 2-61 provides for a specific level of monthly compensation to the Mayor and Commissioners for their service to the City; and

WHEREAS, in order to prevent the Mayor and Commissioner compensation adopted as part of the annual budget from conflicting with the monthly compensation specified in the Code of Ordinances, the City Commission deems it necessary and desirable to amend Code of Ordinances Sec. 2-61 to provide that such compensation shall be as approved and adopted in the annual budget ordinance; and

WHEREAS, the City Commission hereby determines that this ordinance is in the best interest of the public health, safety and welfare.

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

SECTION 2. Amendment of Code of Ordinances Section 2-61. Code of Ordinances, Article II - City Commission, Division 2 - Rules of Order and Procedure, Sec. 2-61 – Compensation and expenses, is hereby amended as follows:

Sec. 2-61. - Compensation and expenses.

(a) Members of the city commission shall receive as compensation for their services such monthly the sum as may be approved and adopted by the commission as part of the annual budget ordinance, which shall include of \$1166.67 each per month, and the mayor shall receive an additional \$100.00 per month for the mayor.

(b) (No change).

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 ___ day of ___, A.D. 2016.

PASSED on second and final reading in open session of the City Commission of the City of Quincy, Florida, on this ___ day of ___, A.D. 2016.

Derrick Elias, Mayor
Presiding Officer of the City Commission
City of Quincy, Florida

ATTEST:

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

**CITY OF QUINCY
CITY COMMISSION
AGENDA REQUEST**

MEETING DATE: September 13, 2016

DATE OF REQUEST: September 8, 2016

TO: Honorable Mayor and Members of the City Commission

FROM: Mike Wade, City Manager
Bernard O. Piawah, Director, Building and Planning

SUBJECT: Request for Lien Forgiveness on the Property located at 505 Santa Clara Avenue

Statement of Issue:

On August 12, 2016 Mr. Richard Anderson wrote the City asking for forgiveness of the code enforcement lien that has accumulated on his property located at 505 Santa Clara Avenue, Quincy, Florida. According to Mr. Anderson, the code violation issue on the property has long been corrected but he had forgotten to inform the City's staff about it. As a result, the fine that was imposed on the property continued to accumulate. Pursuant to Section 2-507(d) of the City's code, neither the Code Magistrate nor the Manager can compromise or reduce the amount owed incident to a recorded lien. The code further states that the "jurisdiction regarding compromise or reduction of such a lien vests with the City Commission". The objective of the code enforcement process is to achieve compliance with the provisions of the code that will ensure the protection of public health and safety as well as the protection of property. That compliance has been accomplished. The City did not incur any additional cost on the property except the lien filing fee. Thus, the City's staff is recommending that the Commission waive the code enforcement lien on the property and direct staff to collect whatever cost the City has incurred on the property.

Background:

The Code Magistrate imposed a fine of \$50.00 per day on this property on October 5, 2009 which, as of August 23, 2016 has accumulated to over \$100,000.00. The nature of the violation involved improper storage of nonoperating vehicles, overgrown grass, and trash and debris accumulation on the property. The City did not perform any corrective work on this property; however, the City's staff will seek to collect the cost of filing the lien which is \$27.00.

Conclusion and Recommendation:

The code, under Section 14-287, grants the City the authority to collect on all costs incurred for corrective actions related to a code violation. In view of that, the City's staff is recommending that the City Commission should forgive the lien associated with the code violation on this property and authorize staff to collect whatever cost the City has incurred on the property before relinquishing the lien.

OPTIONS:

- Option 1: Forgive the code enforcement lien on the property and authorize staff to collect whatever cost the City had incurred.
- Option 2: Do not forgive the code enforcement lien on this property.

STAFF RECOMMENDATION:

Option 1

ATTACHMENTS:

1. Letter from Mr. Anderson requesting that the lien be waived
2. Code Enforcement Letter
3. Picture of the property after clean up

505 Santa Clara Ave.
August 12, 2016

Quincy City Commission
404 W. Jefferson Street

Dear Commissioners:

On September 19, 2009, a lien was filed against my property located at 505 Santa Clara Avenue, Quincy, Florida because code violations pertaining to improper storage of nonoperational vehicles on the property as well as the yard not been maintained. The abandoned vehicles have long been removed and the yard has long been cleaned up.

A fine of \$50.00 per day was imposed against the property and as of today, has amounted to over \$100,000.00, which I cannot afford to pay. I am requesting that the City Commission forgive me this fine and remove the lien on my property since the code violations have been corrected.

I appreciate your cooperation in this matter.

Sincerely



Richard Anderson



Record Fee: 27.00



City of Quincy Code Enforcement Board/Magistrate

City of Quincy, Incorporated
Of the State of Florida,

Petitioner,

Vs.

Richard Anderson
Respondent(s)

CASE NO: 11 & 60

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

This Cause came for public hearing before the Magistrate on October 5, 2009 and having heard testimony under oath and received evidence, and being advised in premises, the magistrate issues his findings of fact and conclusions of law and enters its Order in this case as follows:

FINDINGS OF FACT

1. That Richard Anderson is the owner(s) of the said property, and was served with proper notice.
2. That a Notice of Violation And Appear Before The Board/Magistrate letter was provided to the respondent(s) and/or owner(s) on or about September 9, 2009 requesting that the violation(s) be corrected within 10 days. A copy of said notice was received into evidence by the Magistrate.
3. The violation(s) was not corrected, as requested, which resulted in an automatic appearance before the Board/Magistrate. The Respondent did not appear as the notice of violation and notice to appear letter informed him to do if he did not come into compliance with the violations.

4. That on and between September 19, 2009 and the date of hearing before the Magistrate, the violation existing on the subject property, located at 505 Santa Clara Ave. Quincy, Florida, Tax ID# 3-12-2N - 4W-1100-0000B-0130 was in violation of the Code of Ordinances for the City of Quincy, Florida, Article II, Section 30-31 by virtue of improper storage of nonoperating vehicles(s) and was in violation of the Code of Ordinances for the City of Quincy, Florida, Article II, Section 30-26 by virtue of accumulated trash/debris and grass and weeds exceeding 12 inches.
5. Respondent has not been found by the Magistrate to be in Violation of the same Ordinance provision within the five year period immediately preceding the date of hearing on this matter and therefore the violation does not constitute a repeat violation.

CONCLUSIONS OF LAW

Article II, Section 30-31 of the City Code of Ordinances specifically states that all vehicles stored in the public view for a period of more than 10 days is a violation of City of Quincy Ordinances and Article II Section 30-26 specifically stat that accumulated junk, trash and debris must be removed from premises and grass and or weeds must be below twelve inches and if not it must be cut.

ORDERS

Based upon the forgoing Findings of Fact and Conclusions of Law, and pursuant to the authority granted in Chapter 162, Florida Statutes and City of Quincy Ordinance it is hereby **ORDERED**:

That Respondent(s) shall correct said violation Article II Section 30-31 within 5 business days of this order, or by October 23, 2009 the deadline being 5:00 PM October 23, 2009 and correct said violation Article II section 30-26 within 5 days of this order, or by October 23, 2009 the deadline being 5:00 PM October 23, 2009 and obtain from the Code Enforcement Division an Affidavit of Compliance to be filed with the Magistrate on or before the ordered compliance deadline date, and

That if the respondent(s) does/do not comply with the Orders on or before the above stated compliance deadline date, then, and in the event, Respondent(s) is (jointly and/or severally) ordered to pay a fine of **\$50.00** per day per violation for each and every day any violation(s) continues past the compliance deadline date. Thereafter, this Magistrate authorizes filing of a lien against the land on which the violation exists and upon any other real and personal property owned by the violator(s) (jointly and severally), upon which the fine amount shall continue to accrue as a lien by the per day fine amount ordered above for each and every day until an Affidavit of Compliance is filed, or a final judgment is entered on a suit to foreclose the lien, whichever occurs first.

COMPLETE LEGAL DESCRIPTION FOR PARCEL 3-07-2N-3W-0750-00010-0010
OR 338 P 1804 LOT 1 BLOCK 10 OF SELMAN'S ADDITION AND BEING A PART OF THE SE
1/4 OF SECTION 7, TWS 2 NORTH, RANGE 3 WEST.

DONE AND ORDERED this 16th day of October 2009.

CITY OF QUINCY MAGISTRATE

BY: B L Roman
Magistrate

ATTEST:

Suzana Hicks
CEB/MAGISTRATE Administrator



09/07/2016



09/07/2016

**CITY OF QUINCY
CITY COMMISSION
AGENDA REQUEST**

MEETING DATE: September 13, 2016

DATE OF REQUEST: September 9, 2016

TO: Honorable Mayor and Members of the City Commission

FROM: Mike Wade, City Manager

SUBJECT: Capital Equipment Purchase – Backhoe/Loader

Statement of Issue

The Utilities Department is requesting approval for the purchase of a John Deere 310EL 4- wheel drive Backhoe/Loader tractor for \$63,101 to replace the current 1996 Ford 555E model that is used primarily by the water and sewer department.

Background and Analysis

The utilities department maintains the water distribution and wastewater collection systems for the City of Quincy. These two systems are comprised of approximately 1.2 million feet or 230 miles of underground mains and services that require regular repairs and maintenance as well as new installations and upgrades. Much of the time the utility crews use a backhoe on a daily basis when maintaining the utility systems. The backhoe that is currently used has served the utilities department well over the previous twenty years but has become less dependable with regular need of repair and periods of extended down time over the last couple of years.

A replacement backhoe is quoted by Beard Equipment Company in Tallahassee through the Florida Sheriffs Contract # 15-13-0904, Specification #023, Backhoe/Loader with Canopy at a 41% discount from Manufacturers Suggested Retail Price (MSRP). The backhoe purchase is funded through a shared expense capital replacement item for the water and sewer department in the 2016 fiscal year budget.

Options

Staff is proposing the following options for consideration by the commission:

Option 1: Approve the purchase of a replacement backhoe for the utilities department.

Option 2: Do not approve the purchase of the backhoe.

Staff Recommendation:

Option 1

Attachment: Beard Equipment Company Quote



7566 West Tennessee St.
Tallahassee, FL 32304
PH(850)575-5600

To : City of Quincy

Attn: Mike Wade

Date : 11/9/2015

Phone No. _____

Fax No. : _____

Equipment Model:
Deere 310EL

From: Jerry Shirah
Mobile(850)251-1168
jshirah@beardequipment.com

Quantity	Description	Price
1	Deere 310EL Backhoe Loader Fla Sherriffs Contract # 15-13-0904, Specification #023, Backhoe/Loader with Canopy	\$62,100.00
	Non Stated Options :	
	Code 9117 Headliner	\$94.25
	9119 Floormat	\$236.60
	9210 Cup Holder Console	\$51.35
	9505 Driveline Gard	\$271.05
	9515 Oil Sampling Ports	\$130.65
	9920 Exterior Mirrors	<u>\$217.10</u>
	Total	\$63,101.00

By: _____