

**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, Building and Planning Director

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

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	\$0.113 <u>0</u>
> 1,600 square feet	Dwelling unit	180.08 <u>0</u>
Non Residential	Square feet	0.113 <u>0</u>
Multi Family	Square feet	\$0.113 <u>0</u>
Non Residential in Downtown District	Square feet	0.090 <u>0</u>
Mobile Home	Dwelling unit	\$135.60 <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	\$0.073 <u>0</u>
> 1,600 square feet	Dwelling unit	\$116.80 <u>0</u>
Non Residential		
Multi-family	Square feet	\$0.073 <u>0</u>
Non Residential in Downtown District	Square feet	\$0.058 <u>0</u>
Mobile Home	Dwelling unit	\$87.60 <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	\$0.111 0
> 1,600 square feet	Dwelling unit	\$177.60 0
Multi-family	Square feet	\$0.111 0
Mobile Home	Dwelling unit	\$133.20 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	\$0.163 0
- > 1,600 square feet	Dwelling unit	\$260.80 0
Multi Family	Square feet	\$0.163 0
Non Residential	Square feet	\$0.163 0
Non Residential in Downtown District	Square feet	\$0.130 0
Mobile Home	Dwelling unit	\$195.60 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 12TH 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:

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 to the Commission thereof

RESOLUTION NO. 1385-2019

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF QUINCY, FLORIDA, ESTABLISHING SUPPLEMENTAL PROCEDURES APPLICABLE TO CITY COMMISSION INVESTIGATIONS OF INDIVIDUALS, AND PROVIDEING AN EFFECTIVE DATE.

WHEREAS, under Section 2.15 of the Charter of the City of Quincy, Florida, the City Commission may “make investigations into the affairs of the city and conduct of any city department, office or agency, and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of pertinent evidence of any kind,” and

WHEREAS, Section 2-27 of the Code of Ordinances provides that, “No person shall fail or refuse to obey a lawful order issued by the City Commission in the exercise of its power to investigate the affairs of the city or the conduct of any city department, office or agency,” and

WHEREAS, through approval of Resolution No. 1316-2014 the City adopted procedures for a fair procedural framework for the conduct of the Commission’s investigations; and

WHEREAS, the Commission deems it necessary and advisable for the Commission to adopt by this Resolution additional and supplemental procedures applicable to Commissioner investigations of the conduct of individuals associated with the City to provide a fair order of proceedings and to supply additional procedural safeguards applicable to such proceedings.

NOW THEREFORE, BE IT adopted and resolved by the City Commission of the City of Quincy, Florida, as follows:

Section 1. Supplemental Procedures Applicable to Investigations of Individuals

A. Order of Investigation Proceeding:

1. The Mayor convenes the investigation.
2. Staff reads the written complaints into the record.
3. The party being investigated, or that party’s attorney, is given an opportunity to make opening remarks.
4. Testimony and evidence is presented by the City staff concerning matter(s) being investigated.

5. The party being investigated is provided an opportunity to present such additional testimony and evidence as that party asserts is necessary for a full and complete understanding of the matter(s) being investigated.
6. The party being investigated, or that party's attorney, is given an opportunity to make closing remarks.
7. Commissioners are provided an opportunity to make a statement.
8. Opportunity for motions concerning findings of fact by the Commission.

B. Supplementary Evidentiary Rules:

1. After each witness testifies, Commissioners shall be given an opportunity to question such witness as provided in Resolution No. 1316-2014. In the alternative, a special outside counsel may be given the task of asking any questions on behalf of the City.
2. Following Commissioner questions, if any, the party being investigated, or that party's attorney, shall be afforded an opportunity to cross examine any witness.
3. All evidence of a type commonly relied upon by a reasonable, prudent person in the conduct of his affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of this state.
4. Irrelevant, immaterial or unduly repetitious evidence shall be excluded by the Mayor.

Section 2. Effective Date.

This Resolution shall become effective upon adoption by the City Commission and signature of the Mayor.

PASSED AND ADOPTED in open session by the City Commission of the City of Quincy, Florida, this 12th day of February, 2019.

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

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