

**City Council Regular Meeting  
Tuesday, January 28, 2020 1:00 pm  
City Hall 201 Paradise Path**

**Mayor William A. Cathey**

**Councilman Bobby Pollock  
Councilman Jerry Smith**

**Councilman Jerry Wallace  
Councilman Rex Putnal**

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1. Congressional Record for Andy Anderson
2. Purchase of 300 ft. of Dredge Pipe – Mario Gisbert
3. City Administrator Report
4. City Clerk Report
5. Public Works Report
6. Fire Department Report
7. Hiring Mario Gisbert as City Administrator
8. Proposal from Baxter's Realty, Inc. DBA El Governor Motel
9. Miscellaneous

\*You are hereby notified that in accordance with Florida Statutes, you have a right to appeal any decision made by the Council with respect to any matter considered. You may need to ensure that a verbatim record of the proceedings is made which may need to include evidence and testimony upon which the appeal is based. Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Jenny Myrick, City Clerk, at 201 Paradise Path, Mexico Beach, Florida 32456; or by phone at (850) 648-5700 at least five calendar days prior to the meeting. If you are hearing or speech impaired, and you possess TDD equipment, you may contact the City Clerk using the Florida Dual Party Relay System, which can be reached at 1-800-955-8770 (TDD).

# Temporary Commercial Facilities

**December 12  
2018**

**February 5  
2019**

**December 13  
2019**



Food trucks (not trailers, shacks, mobile homes, etc.) were allowed throughout this time; could be placed without prior approval or a permit if in a location that operated as a restaurant or other business that primarily sold food or drinks immediately prior to Hurricane Michael, but that was destroyed or is no longer inhabitable

Previously placed food trucks must either comply with all normal City requirements or be removed (real food trucks generally will meet City LDC requirements if they were placed consistently with the location requirements of Ordinance 709). Ordinance 709 stopped being relevant to new food trucks on December 13, 2019.

Commercial modular buildings could be placed on any parcel where a business was located prior to Hurricane Michael but that was destroyed or damaged to point of being uninhabitable. Only applied to modular buildings certified by the Department of Community Affairs – not mobile homes, not storage sheds, not any modular building that is exempt from Florida Building Code. Ordinance 709 did not address approval processes, but eliminated doubt as to whether modular construction was allowed and temporarily waived local requirements that a particular modular design might fail (*e.g.* a purely esthetic requirement like roof pitch or foundation skirting)

All commercial modular buildings placed under Ordinance 709 must now either comply with all normal City requirements or be removed. If buildings were placed without normally applicable building permits or approvals, it is appropriate to require those now. If a modular building fails a City requirement, it now must be modified to meet that requirement or removed. Ordinance 709 does not apply to any building placed or requested to be placed on December 13, 2019 and after.

**Practical considerations:** The LDC prohibits “Food Trailers” but not food trucks. Food trucks are retail/restaurant businesses and may only be operated in locations where those types of businesses are allowed. If the food truck does not fall under the local business tax receipt (formerly occupational license) of the brick and mortar business, then the food truck must file for its own local business tax receipt.

True modular buildings comply with the Florida Building Code. I am not aware of any blanket prohibitions or restrictions in Mexico Beach on modular construction. There are probably some very specific LDC requirements that not all modular designs would meet, but that often could be met with reasonable modifications to the original modular design.

If the Council takes no action, that would be direction to staff to begin code enforcement efforts.

# Campers and RVs

**December 12  
2018**

**February 5  
2019**

**August 5  
2019**

**2020**



Campers could be placed during these initial months following the Hurricane and this time did not count toward any maximum days allowed

Ordinance 709 allowed 6 months beginning on February 5, 2019, assuming the owner had secured building permits and was constructing or repairing the home. Realistically, many people could not have secured permits right away on February 5<sup>th</sup> because the building moratorium was ending and new floodplain, Comp Plan, and LDC rules were adopted February 5, 2019

For campers placed in 2018 or Jan 2019, technically the six-month time allowed for a camper expired by mid-August 2019

Around the start of 2020, the six-month time period would have expired even allowing for some lenience for reasonable time to acquire permits after the February 5, 2019 rule changes

**Practical considerations:** The City has not required removal of campers and RVs yet. Some people who have placed campers or RVs are in the middle of construction while other have done little or nothing toward construction. For owners who have done little, should the City begin to require removal now, set a deadline that is soon, or change the rules to allow longer-term placement? For owners who are pursuing construction diligently, should more time be allowed considering the slow progress of construction throughout the area (*i.e.* how much time is reasonable for a major renovation or new construction project given the current conditions and labor availability?).

If the Council takes no action, that would be direction to staff to begin code enforcement efforts.

ORDINANCE 709

AN EMERGENCY ORDINANCE OF THE CITY OF MEXICO BEACH, FLORIDA, ESTABLISHING A 90 DAY TEMPORARY MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS, DEVELOPMENT ORDERS, AND APPROVALS FOR SUBSTANTIAL CONSTRUCTION; DEFINING SUBSTANTIAL CONSTRUCTION; DIRECTING STAFF TO EVALUATE THE ADEQUACY OF LOCAL CONSTRUCTION AND DEVELOPMENT STANDARDS AND THE GUIDANCE OF APPLICABLE AGENCIES AND PROPOSE AMENDMENTS TO THE CITY COUNCIL IN RESPONSE TO THE DAMAGE BY HURRICANE MICHAEL AND TO MAXIMIZE ELIGIBILITY FOR FEDERAL AND STATE REIMBURSEMENTS FOR HURRICANE RESPONSE EXPENSES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Rick Scott, Governor of the State of Florida, Issued Executive Order 18-276 declaring a state of emergency in Bay County as a result of Tropical Storm Michael;

WHEREAS, on October 10, 2018, Hurricane Michael struck the City of Mexico Beach (the "City") as a Category 4 hurricane resulting in massive damages to private and public property, as well as public infrastructure;

WHEREAS, the residents and the citizens of the City sustained massive damages and most buildings were made uninhabitable; and

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, 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, the City has adopted and applies a Comprehensive Plan and Land Development Regulations relating to the development and construction on property and the City issues building permits pursuant to the Florida Building Code and local technical amendments to the Florida Building Code; and

WHEREAS, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of the City of Mexico Beach and City of Mexico Beach participates in the National Flood Insurance Program and derives substantial benefits from the program; and

WHEREAS, the City has made substantial progress toward restoring basic infrastructure in the City and now there will be hundreds of citizens seeking building permits and other City approvals to repair their homes and businesses or to rebuild substantially damaged structures; and

WHEREAS, the City is conducting the substantial damage determination process for all structure in the City pursuant to applicable law and the guidance of State and federal emergency agencies; and

WHEREAS, the City is in the process of researching the adequacy of the currently applicable building and development standards in the Florida Building Code, the City of Mexico Beach Comprehensive Plan, the City of Mexico Beach Land Development Regulations, the City of Mexico Beach Floodplain Ordinances, and other City ordinances (collectively, the “Standards”); and

WHEREAS, the City anticipates strengthening at least some of those applicable Standards, in part as an effort to maximize federal and state reimbursement of the ongoing Hurricane Michael response project; and

WHEREAS, prioritizing the repair of structures with relatively minor damage over new construction and reconstruction projects is in the best interest of the City; and

WHEREAS, the anticipated massive influx new building permits that would be reviewed based on present Standards that may be inadequate for the health, safety, and welfare of the City and that may jeopardize the City’s eligibility for various federal and state reimbursements for Hurricane Michael response costs presents an emergency to the City requiring a temporary moratorium on approvals for Substantial Construction in the City; and

WHEREAS, the City desires to place the public and all interested parties on notice that it is considering amendments to the Standards; and

WHEREAS, the purpose of this ordinance is to place a temporary moratorium on the acceptance or approval of new applications for Substantial Construction for a period of time reasonably necessary for the City to investigate the adequacy of current Standards as a matter of public policy and in relation to eligibility for federal and state reimbursement programs, and if

necessary, to promulgate amendments to the City's Standards for construction and development; and

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

WHEREAS, pursuant to the City Charter, an emergency ordinance may be adopted with or without amendment at the meeting at which it is introduced, but the affirmative vote of at least two-thirds (2/3) of all Council members shall be required for adoption.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MEXICO BEACH, FLORIDA:

SECTION 1. FINDING OF EMERGENCY. The City Council finds an emergency exists, as more fully described by the foregoing recitals, due to the ongoing Hurricane Michael response effort and the need to evaluate and potentially amend City Standards for construction and development prior to allowing Substantial Construction in the City that could be inadequate for the health, safety, and welfare of the City and that could jeopardize the City's eligibility for reimbursement of various Hurricane Michael response costs. Due to this emergency, this ordinance shall not follow the normal requirements of two readings or advanced notice in a newspaper of general circulation.

SECTION 2. FINDINGS OF FACT. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this ordinance.

SECTION 2. TEMPORARY MORATORIUM. Beginning immediately upon adoption of this Ordinance and continuing for ninety (90) days, a moratorium is hereby imposed on the acceptance or approval of applications for building permits, development orders, and any other construction or development approvals which would involve the approval of Substantial Construction.

"Substantial Construction" means the construction of any new building or the placement of a mobile home or a manufactured home, the repair or reconstruction of any structure determined to be substantially damaged pursuant to the City's applicable substantial damage determination process (generally meaning that repair costs exceed 50% of the value of the building prior to the damage), the repair or reconstruction of any structure declared to be unsafe by any authorized official, or any increase in the square footage of a structure.

SECTION 3. STUDY AND RECOMMENDATIONS. During the moratorium period described in Section 2 of this ordinance, City staff is hereby directed to study the City's existing Standards and their impact on the health, safety, and welfare of residents and businesses located within the City and to develop and recommend amendments and recommendations for consideration by the City Council and Planning Board.

SECTION 5. 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 6. SCRIVENER'S ERROR. The city attorney may correct scrivener's errors found in this ordinance by filing a corrected copy of this ordinance with the city clerk.

SECTION 7. PUBLICATION. After its adoption, this ordinance shall be published and printed as prescribed for other adopted ordinances.

SECTION 8. REPEAL. Pursuant to the City Charter of Mexico Beach, this emergency ordinance shall automatically stand repealed as of the ninety-first (91st) day following the date on which it was adopted, but this shall not prevent reenactment of this ordinance under regular procedures, or if the emergency still exists, in the manner specified in the City Charter. This emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

SECTION 7. EFFECTIVE DATE. This ordinance takes effect immediately upon adoption.

PASSED, APPROVED AND ADOPTED at the special meeting of the City Council of the City of Mexico Beach, Florida, this 6 day of November, 2018.

  
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William A. Cathey, Mayor

ATTEST:  
  
\_\_\_\_\_  
CITY CLERK





**City of Mexico Beach**  
**Financial Report FY 2019/2020**  
**Month Ended December 31, 2019**  
*Unaudited – Intended for Management Purposes Only*

**GENERAL FUND AT-A-GLANCE**

Category	Budget	YTD Actual	% To Date	FEMA Funds
Revenues	\$3,596,337	\$2,527,044	70.27%	\$20,910,069
Expenditures	\$3,596,337	\$1,320,052	36.71%	\$18,476,502
<b>Revenues Over Expenditures</b>	\$0	\$1,436,716		

**GENERAL FUND REVENUES/FEMA FUND REVENUES**

General Fund Revenues YTD for the month ended December FY 19/20 were \$2,527,044. FEMA Fund Revenues YTD for the month ended December FY 19/20 were \$20,910,069. FEMA Funds include not only FEMA Reimbursements, but also grants and donations.

**GENERAL FUND EXPENDITURES/FEMA FUND EXPENDITURES**

General Fund Expenditures YTD for the month ended December FY 19/20 were \$1,362,052. FEMA Fund Expenditures YTD for the month ended December FY 19/20 were \$18,476,502.

<b>Cash Account</b>	
General Fund (Pooled Cash)	\$3,326,010
FEMA Fund	\$2,433,567
Recreation Impact Fees	\$96,788
Police Impact Fees	\$25,839
Fire/ESU Impact Fees	\$55,047
Water Impact Fee	\$336,558
Sewer Impact Fee	\$1,196,002
	<b>\$7,469,811</b>

\*All above amounts pending year-end reconciliation.

**Summary**

This report is based on detail information produced by the City Clerk's Office. If you would like additional information, or have any questions about this report, please call 648-5700 ext. 205, Adrian Welle.



P.O. Box 13425 • Mexico Beach, Florida • 32410  
PHONE: 850-648-5700 • FAX: 850-648-8768

Mayor and Council:

This is a formal request to use Adrian Welle's services for a period of two days. This would require 16 hours at a rate of \$35 an hour, for a total of \$560. The tasks that will be completed during these hours are as follows:

Completion of spreadsheets for July 2019 to October 2019 in preparation for the audit  
Completion of budget amendments for 2019

Each monthly spreadsheet takes roughly half a day to complete. We will get through as many as possible on the first day. I feel confident once I get through at least two months' worth I should be comfortable enough to complete them on my own. The budget amendments should take a day and will help to build my finance report. I also plan to try to coordinate the time with Mr. Welle to have Michael McKenzie on site for one of the days, so I understand the working roles we have between the City and Roberson and Associates. Once these duties are complete, there will no longer be a need for Mr. Welle's service. Thank you for your consideration.

Respectfully,

Jenny Myrick, City Clerk



Jim House & Associates, Inc.  
 1401 Georgia Road  
 Irondale, AL 35210  
 PO Box 101957 (35210)  
 (205) 592-6302 (800) 292-6335  
 Fax: (205) 951-0291



Since 1957

Gulf Coast Office  
 24312 Highway 98  
 Fairhope, AL 36532  
 (251) 928-7867 (800) 919-7867  
 Fax: (251) 928-7804

## Quote

Name / Address
CITY OF MEXICO BEACH P.O. BOX 13425 MEXICO BEACH, FL 32410

PROJECT	Date	Quote #
PS-1 Replacement Pump	1/15/2020	12363
FREIGHT	allowed	

*Dear customer,  
 As requested, we are pleased to provide a quotation for the following equipment:*

Qty	Manufacturer	Item Description
1	Flygt	NP3127.060-489 (FLS, 230/3/60, 7.5HP) submersible pump with "Hard Iron" (25% chrome cast iron) impeller and volute insert, 50' of electrical cable, and float leakage sensor. Pump shall be capable of producing 440 GPM @ 36' TDH.
1		PMR2 MINI-CAS RELAY
1		27E123 11 PIN RELAY SOCKET
1		Drill volute face to accept existing pump slide rail bracket
1		JHA Service Technician install pump on existing slide rail system, install minicas relay in existing control panel, and perform equipment start-up
NOTES: 1) Owner responsible for providing existing slide rail bracket to JHA so it can be installed on new pump. 2) Owner responsible for providing a helper for assistance during installation. 3) Pump is in stock in Irondale, AL. Allow 5 days to have volute face drilled once owner provides slide rail adapter to JHA.		

Only the items mentioned specifically herein are included. Additional equipment required for installation such as main electrical service, conduit and wire, discharge piping and/or valves, concrete, or any other necessary items are not included in our proposal and are to be provided by others. Pricing is subject to the attached terms and conditions. Service is available at the per diem rates shown in the attached terms and conditions. All pricing is firm for 30 days from the above date.

<b>Sales Tax (0.0%)</b>	\$0.00
<b>Total:</b>	\$12,853.00

**Baxter's Realty, Inc.  
DBA El Governor Motel  
P. O. Box 938  
Marianna, FL 32447**

**Kathy Sloan, President  
Wylie Petty, Manager**

**850-209-2905  
850-227-6201**

January 24, 2020

City of Mexico Beach  
P. O. Box 13425  
Mexico Beach, FL 32410

RE: Street End Property Between El Governor Motel and El Governor Annex property

Dear Mayor and City Council Members,

We are of the understanding that the City of Mexico Beach has either sold or is interested in selling property to help with the financial position of the City. We would be interested in purchasing the street end property between the El Governor High Rise and the El Governor Annex property. It is unique in the fact that it is a street end to the El Governor RV Park. That street does not go anywhere other than the RV Park.

Baxter's Realty, Inc. DBA El Governor Motel has maintained that property for 30 plus years. We have paved it and provided the stairway access to the beach for all these years. We would like the opportunity to help the City of Mexico Beach as well as be able to control the traffic on that property.

We would be able to offer fair Market Value to the city.

Respectfully,



Kathy Sloan  
President

[sloank@hotmail.com](mailto:sloank@hotmail.com)

850-209-2905