

City Council Regular Meeting  
Tuesday, February 8, 2016 6:00 PM  
Civic Center 105 N. 31<sup>st</sup> St.

Mayor Tom Bailey

Councilwoman Mary Blackburn  
Councilwoman Linda Albrecht

Councilwoman Tanya Castro  
Councilman Jeff Tendler

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**CALL TO ORDER**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**MAYOR'S COMMENT**

**COUNCIL COMMENTS**

**CITIZEN COMMENTS**

**CONSENT AGENDA**

**MINUTES**

\*January 6, 2016 - City Council Pre-Agenda Meeting 6:00 p.m.

\*January 12, 2016- City Council Regular Meeting 6:00 p.m.

\*January 26, 2016- City Council Workshop 6:00 p.m.

\*January 26, 2016- City Council Special Meeting 6:00 p.m.

(Items denoted by \* are on consent agenda and will be considered simultaneously by the Mayor and Council.)

**SCHEDULED APPEARANCES**

1. Preble-Rish

**ORDINANCES**

**2<sup>nd</sup> Reading**

**ORDINANCE 632**

**AN ORDINANCE RELATING TO SERVICES AND CAPITAL  
IMPROVEMENTS PROVIDING A SPECIAL BENEFIT TO**

**City Council Regular Meeting  
Tuesday, February 8, 2016 6:00 PM  
Civic Center 105 N. 31<sup>st</sup> St.**

**SPECIFIC AREAS WITHIN AND ADJACENT TO THE CITY OF MEXICO BEACH, FLORIDA; PROVIDING DEFINITIONS AND FINDINGS; AUTHORIZING THE IMPOSITION AND COLLECTION OF SPECIAL ASSESSMENTS TO FUND THE COST OF CAPITAL IMPROVEMENTS AND SERVICES PROVIDING A SPECIAL BENEFIT SPECIFICALLY IDENTIFIED ASSESSMENT AREAS WITHIN EITHER OR BOTH INCORPORATED AREAS OF THE CITY OR UNINCORPORATED AREAS WITH THE URBAN SERVICE AREA OF THE CITY; PROVIDING FOR THE OPTIONAL AND MANDATORY PREPAYMENT OF ASSESSMENTS; ESTABLISHING PROCEDURES FOR NOTICE AND ADOPTION OF ASSESSMENT ROLLS AND FOR CORRECTION OF ERRORS AND OMISSIONS; PROVIDING THAT ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED PROPERTY UPON ADOPTION OF THE ASSESSMENT ROLLS; ESTABLISHING PROCEDURES AND METHODS FOR COLLECTION OF ASSESSMENTS, INCLUDING ASSESSMENTS IMPOSED ON GOVERNMENT PROPERTY; AUTHORIZING THE ISSUANCE OF OBLIGATIONS SECURED BY ASSESSMENTS; PROVIDING FOR VARIOUS RIGHTS AND REMEDIES OF THE HOLDERS OF SUCH OBLIGATIONS; PROVIDING THAT SUCH OBLIGATIONS WILL NOT CREATE A GENERAL DEBT OR OBLIGATION OF THE CITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

- a. Motion to read Ordinance 632 by title only
- b. Motion to adopt Ordinance 632.

**1<sup>st</sup> Reading**

**ORDINANCE 633**

**AN ORDINANCE RE-ESTABLISHING A SANITATION SERVICE IN THE CITY OF MEXICO BEACH; PRESCRIBING CERTAIN USER FEE CHARGES IMPOSED FOR THE PURPOSE OF FUNDING SAID SERVICE; PROVIDING COLLECTION PRACTICES; AMENDING AND REPLACING ORDINANCE NO. 623 AND REPEALING ANY PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING PENALTIES FOR VIOLATIONS THEREOF; AND, PROVIDING AN EFFECTIVE DATE.**

- a. Motion to read Ordinance 633 by title only

**OTHER BUSINESS**

- 1. National Storm Contracting Agreement- Mr. Hall
- 2. City Hall

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**DEPARTMENT REPORTS AND ACTIONS**

**Police Chief – Chief Glenn Norris**

**Emergency Services- Mark Stangl**

**Department of Public Works – Philip Hall**

**City Clerk – Adrian Welle**

**City Administrator – Mell Smigielski**

**ANNOUNCEMENTS**

**ADJOURNMENT**

**City Council Pre-Agenda Workshop**  
**Wednesday, January 6, 2016 6pm**  
**Civic Center 105 N. 31<sup>st</sup> Street**

**Mayor Tom Bailey**

**Councilwoman Mary Blackburn**  
**Councilwoman Linda Albrecht**

**Councilwoman Tanya Castro**  
**Councilman Jeff Tendler**

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Mayor Bailey called the Workshop to order at 6:00 pm

1. Canal Project- Preble Rish

Dina Bautista from Preble Rish was present to update the council on the canal project and requested the council discuss the sheet piles for the canal wall. Discussion ensued on which type of piles they wanted to use between steel and vinyl. The item will be placed on the regular meeting agenda.

2. FDOT Beautification Grant- Preble Rish

Dina Bautista informed the council that the City has received a FDOT Beautification Grant in December with a completion date of December of 2016. The grant will require a match portion from the City in the amount of \$23,339. Discussion ensued on whether to accept the grant. The item will be placed on the regular meeting agenda.

3. Special Events Business Taxes- City Administrator

City Administrator Smigielski spoke to the council about a farmers market that is being housed under the El Governor Business tax license and the committee is considering moving the event to Parker Park and they would no longer have an umbrella to operate under. He asked what the desire of the council is on if they want to exempt this group from a business tax license. City Administrator Smigielski and City Attorney Beninate will working on getting the details worked out to allow this.

4. Parker Park Finalized Layout- Preble Rish

Dina Bautista discussed with the council the Parker Park layout. She went over a list of items that she wanted the council to think about and discuss what they would like to include in the park. Discussion ensued. At the regular meeting, Mrs. Bautista will bring a plan that includes the items the council was unanimously in favor of the form a plan to get working on the project.

5. Ad Valorem Special Assessments- City Attorney

Mr. Smigielski stated the Ordinance will be ready for a first reading next week if the council doesn't have any further changes. Council has instructed staff to proceed with drafting the Ordinance.

6. Assistance to Firefighters Grant Program- Preble Rish/ESU Coordinator

Dina Bautista and ESU Coordinator Mark Stangl presented options to the council that they would like to apply for in the Assistance to Firefighters Grant Program. Discussion ensued. Consensus of the council was to go ahead and apply for the grant using Fire/ESU Impact fees.

7. Sanitation Ordinance- City Administrator

City Administrator Smigielski presented the council with a draft of the new sanitation ordinance. Discussion ensued on what the best approach would be for charging for dumping at the City yard between pounds and cubic yards. The council further discussed requiring commercial landscapers to dump their debris at the yard not on the side of the road. City staff will make changes and get ready to present the ordinance.

8. CDBG Infrastructure Grant Opportunity- Preble Rish

This item has been tabled.

9. Nominations for the Planning and Zoning Board- Mayor

Mayor Bailey presented to the council some applications for the planning and zoning board. He also stated that he believes that Mr. Joe Thiel should not be reappointed to the planning and zoning board for how he conducted the hotel hearings. Discussion ensued on providing formal training to the board members. The item has been placed on the regular meeting agenda for appointments.

10. Investment of General Fund Reserves- City Clerk

City Clerk Welle expressed to the council his desire to start to place the City General Fund Reserve funds into CD's. The item will be placed on the regular meeting agenda for a formal vote.

11. Purchase of EMS Radio's- ESU Coordinator

Mr. Stangl presented a request to the council to purchase radios for communications with Gulf County EMS. The item will be placed on the regular meeting agenda.

12. SRF Loan for Inflow and Infiltration and Stormwater- Preble Rish

Dina Bautista updated the council that we have qualified for an SRF Loan to address inflow and infiltration. The council consensus was not to apply for a loan at this time and hope a grant becomes available in the future.

13. Resolution 2016-1 Banning Fracking-Council

The fracking resolution will be on the agenda at next week's regular meeting for approval.

14. City Hall- Mayor

Council held discussion on the City Hall location. The council discussed the appraisal for the Foley property at \$490,000 with an asking price of \$510,000. Discussion ensued. The topic will be on the regular meeting agenda.

15. On-going Project List- City Administrator

Mr. Smigielski provided the council with a new form to replace the on-going project list that will be known as the City work plan. He further asked the council for feedback in the next few weeks.

16. Miscellaneous

Corry Property is back on the agenda for Tuesday night's meeting.

Special Events would like to keep the gumbo festival at Sunset Park for one more year.

Mr. Tendler invited anyone that wanted to come to a transportation training meeting at City Hall on February 23 at 3pm they are welcome.

Mrs. Castro brought up the possibility of hiring a land planner and she has written an RFQ and Mr. Welle will send the copy to the council to begin to review. It will be placed on the regular meeting agenda.

17. Review of Draft Agenda- City Clerk

City Clerk Welle presented the draft agenda for the regular meeting to the council.

**Mrs. Castro made a motion to adjourn, Mr. Tendler seconded.**

**Meeting adjourned at 9:19 pm**

By: \_\_\_\_\_  
Mayor Tom Bailey

Attest: \_\_\_\_\_  
Adrian Welle, City Clerk

**City Council Regular Meeting  
Tuesday, January 12, 2016 6:00 PM  
Civic Center 105 N. 31<sup>st</sup> Street**

**Present:**

**Mayor Tom Bailey  
Councilwoman Tanya Castro  
Councilwoman Linda Albrecht  
Councilwoman Mary Blackburn  
Councilman Jeff Tendler**

**Also Present:**

**Mell Smigielski, City Administrator  
Adrian Welle, City Clerk  
Tim Hightower, Police Captain**

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**Mayor Bailey called the meeting to order at 6:00 p.m.**

Mayor Bailey requested the public to let him know if they would like to the invocation any meetings in the coming year.

Mrs. Blackburn stated she was holding a coffee with council February 28 from 5:30-7:30 at the Fish House.

Mrs. Albrecht gave a report from the CDC and that the “celebrate twice” event was a success and thanked the City of Mexico Beach Police, Fire and ESU. CDC has launched a new branding campaign and you can find it on the website [www.mexicobeach.com](http://www.mexicobeach.com). The CDC has planned a Biloxi trip for February, a Thomasville Trip and the Gumbo Festival.

Daryl Key 306 Georgia Avenue spoke to the council about his concerns of misconduct by a councilmember in regards to a Special Meeting held on November 23 regarding the City Charter. He stated that the councilmember lied and misinformed the public. He stated he feels it is his duty to point out this deceit and requested this member resign immediately.

Motion by Mrs. Castro and seconded by Mrs. Albrecht to approve the consent agenda.  
Motion carried unanimously.

Jeremy Novak was present on behalf of Corry Coastal Properties. He spoke to the council about the timeline regarding the Corry Property between 33<sup>rd</sup> and 34<sup>th</sup> Street. Mr. Novak informed the council that they have filed an appeal of the denial of the zoning change at the property. He gave a timeline of events to the council from 1999 to current regarding this property. Mr. Novak requested direction or clarification of where to go from here, how does the family move forward.

Mayor Bailey stated that in 1999 the LDR was the same as it is now and a PUD would not have been allowed. Mayor Bailey asked what happened from 1999 until 2010, why did Mr. Corry not come back, he assumed that the PUD idea was gone.

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Mr. Novak responded that a Planning and Zoning meeting, and council meeting did happen in 1999. The PUD was voted approved at both meetings.

Mrs. Castro clarified that a mini-PUD was not in the LDR in 1999 and didn't come into be until the 2010 LDR.

Mr. Novak stated that the Corry family has marched to the beat thinking it was a PUD for years.

Mr. Jack Corry spoke to the council and provided further information on the understanding that they had of the PUD being approved. He stated that his family was under the understanding that zoning was timeless, so they were in no rush to get the project started.

Mrs. Blackburn asked a question clarifying if a plan was supposed to be attached to an approved PUD.

Mr. Novak stated that a PUD is a rezoning and that they work within the parameters of the PUD.

Mrs. Castro stated her concerns that we have told the Corry family repeatedly it was a PUD, but then said no. She worries about what may happen to other property owners.

Mayor Bailey stated that the City also needs to be fair to the neighboring property owners and stated that the City and developer need to continue having dialogue.

Mr. Novak asked the council that whatever they do next to reaffirm the PUD be properly documented and done properly.

Mrs. Blackburn asked where this PUD was left off. She believes that it was left at the PUD-concept stage, then nothing after that.

City Attorney Beninate stated that the council needs to decide as a council where this PUD was left and ratify an Ordinance to rectify it.

The PUD issue will be placed on the January 26 Workshop Agenda.

Dina Bautista of Preble Rish was present to update the city on the projects currently being done within the City.

## **ORDINANCES**

### **1<sup>st</sup> Reading**

#### **ORDINANCE NO. 632**



**City Council Regular Meeting  
Tuesday, January 12, 2016 6:00 PM  
Civic Center 105 N. 31<sup>st</sup> Street**

**AN ORDINANCE RELATING TO SERVICES AND CAPITAL IMPROVEMENTS PROVIDING A SPECIAL BENEFIT TO SPECIFIC AREAS WITHIN AND ADJACENT TO THE CITY OF MEXICO BEACH, FLORIDA; PROVIDING DEFINITIONS AND FINDINGS; AUTHORIZING THE IMPOSITION AND COLLECTION OF SPECIAL ASSESSMENTS TO FUND THE COST OF CAPITAL IMPROVEMENTS AND SERVICES PROVIDING A SPECIAL BENEFIT TO SPECIFICALLY IDENTIFIED ASSESSMENT AREAS, INCLUDING A SINGLE PARCEL, WITHIN EITHER OR BOTH INCORPORATED AREAS OF THE CITY OR UNINCORPORATED AREAS WITHIN THE URBAN SERVICE AREA OF THE CITY; PROVIDING FOR THE OPTIONAL AND MANDATORY PREPAYMENT OF ASSESSMENTS; ESTABLISHING PROCEDURES FOR NOTICE AND ADOPTION OF ASSESSMENT ROLLS AND FOR CORRECTION OF ERRORS AND OMISSIONS; PROVIDING THAT ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED PROPERTY UPON ADOPTION OF THE ASSESSMENT ROLLS; ESTABLISHING PROCEDURES AND METHODS FOR COLLECTION OF ASSESSMENTS, INCLUDING ASSESSMENTS IMPOSED ON GOVERNMENT PROPERTY; AUTHORIZING THE ISSUANCE OF OBLIGATIONS SECURED BY ASSESSMENTS; PROVIDING FOR VARIOUS RIGHTS AND REMEDIES OF THE HOLDERS OF SUCH OBLIGATIONS; PROVIDING THAT SUCH OBLIGATIONS WILL NOT CREATE A GENERAL DEBT OR OBLIGATION OF THE CITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE**

Motion by Mrs. Castro and seconded by Mrs. Albrecht to read Ordinance 632 by title only.

**2<sup>nd</sup> Reading**

**ORDINANCE 631**

**AN ORDINANCE AMENDING ORDINANCE NO. 555. REPEALING ALL ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT, AND PROVIDING AN EFFECTIVE DATE.**

Motion by Mrs. Albrecht and seconded by Mrs. Castro to read Ordinance 631 by title only. Motion carried unanimously.

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Motion by Mrs. Castro and seconded by Mr. Tendler to adopt Ordinance 631.  
Motion carried 4-1 with Mrs. Albrecht voting no.

**RESOLUTIONS**

**RESOLUTION 2016-01**

**A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF MEXICO BEACH FLORIDA SUPPORTING  
PROPOSED LEGISLATION PROVIDING A  
STATEWIDE BAN ON HYDAULIC FRACTURING,  
ACID FRACTURING AND EXTREME WELL  
STIMULATION PERFORMED FOR THE PURPOSES  
OF EXPLORATION OR PRODUCTION OF OIL OR  
NATURAL GAS IN THE STATE OF FLORIDA;  
PROVIDING AN EFFECTIVE DATE.**

Motion by Mrs. Albrecht and seconded by Mrs. Blackburn to  
read Resolution 2016-01 by title only.

Motion by Mrs. Castro and seconded by Mrs. Albrecht to  
adopt Resolution 2016-01. Motion carried 3-2 with Mayor  
Bailey and Mr. Tendler voting no.

**RESOLUTION 2016-02**

**A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF MEXICO BEACH FLORIDA APPROVING A  
BUDGET AMENDMENT FOR CIVIC CENTER  
REPAIRS AND UPGRADES AND PROVIDING AN  
EFFECTIVE DATE.**

Motion by Mrs. Albrecht and Mrs. Castro to read Resolution  
2016-02 by title only

Motion by Mrs. Castro and seconded by Mrs. Albrecht to  
adopt Resolution 2016-02. Motion carried unanimously.

Dina Bautista spoke to the council about the change of the coding of the sheet  
piles to reduce the project cost. Motion by Mrs. Castro and seconded by Mr.  
Tendler to approve change order No. 1 in a reduction of \$88,074. Motion carried  
unanimously.

Motion by Mrs. Castro to accept the FDOT Beautification Grant. Motion dies for  
lack of a second.

**City Council Regular Meeting**  
**Tuesday, January 12, 2016 6:00 PM**  
**Civic Center 105 N. 31<sup>st</sup> Street**

Dina Bautista and Gina Tullo Williams spoke to the council about the Parker Park plan and asked the council to finalize the park layout. Discussion ensued. Consensus of the council was to start with phase 1 of the project including the pavilion.

Motion by Mrs. Albrecht and seconded by Mrs. Castro to appoint to Jim Bush Post 2 of the Planning and Zoning Board. Motion carried unanimously.

Motion by Mrs. Blackburn and seconded by Mrs. Albrecht to appoint Joe Theil to Post 4 of the Planning and Zoning Board. Motion carried 4-1 with Mayor Bailey voting no.

Motion by Mrs. Albrecht and seconded by Mrs. Castro to appoint Rex Putnal as Alternate 1 and Don Coakley as Alternate 2 to the planning and zoning board. Motion carried unanimously.

Motion by Mrs. Albrecht and seconded by Mr. Tendler to invest \$100,000 from the City General Fund into a CD at Centennial Bank for 1 year at a rate of .85%. Motion carried unanimously.

Motion by Mrs. Albrecht and seconded by Mrs. Blackburn to purchase 2 EMS radios in the amount of \$12,711.90 from Fire and ESU impact fees. Motion carried unanimously.

Motion by Mr. Tendler and seconded by Mrs. Castro to put out an RFQ for planning services. Motion carried unanimously.

Discussion was held on the subject of City Hall and purchasing the Foley Property to become the New City Hall.

Motion was made by Mr. Tendler and seconded by Mrs. Castro to begin the process of investigating the purchase of the Foley property. Motion carried 4-1 with Mayor Bailey voting no.

Captain Hightower gave the council the monthly Police Report.

City Clerk Adrian Welle gave his financial report to the council.

City Administrator Mell Smigielski gave his report to the council and provided an update on the City of Mexico Beach Work Plan.

A Special meeting has been called before the workshop January 26, 2016 to discuss the 24<sup>th</sup> street paving project at 6pm.

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Civic Center 105 N. 31<sup>st</sup> Street**

**Mrs. Castro made a motion to adjourn the meeting. Mrs. Albrect seconded the motion. Motion carried unanimously.**

**The meeting adjourned at 9:15 p.m.**

**By: \_\_\_\_\_  
Mayor Tom Bailey**

**Attest: \_\_\_\_\_  
Adrian Welle, City Clerk**

**City Council Special Meeting  
Tuesday, January 26, 2016, 6:00pm  
Civic Center 105 N. 31<sup>st</sup> Street**

<b>Mayor Tom Bailey</b>	
<b>Councilwoman Mary Blackburn</b>	<b>Councilwoman Tanya Castro</b>
<b>Councilwoman Linda Albrecht</b>	<b>Councilman Jeff Tendler</b>

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**Mayor Bailey called the meeting to order at 6:00pm.**

The Special Meeting was called to order to discuss 2 agenda items.

1. Dedication of the Canal Project Site

Motion by Mr. Tendler and seconded by Mrs. Castro to dedicate the area from the mouth of the canal to the Parker Park as a boating access facility. Motion carried unanimously.

2. 24<sup>th</sup> Street project

Motion by Mrs. Castro and seconded by Mrs. Albrecht to approve change order number 8 of the 15<sup>th</sup> street corridor stormwater improvement project to allow sufficient time to complete the 24<sup>th</sup> street paving project. Motion carried unanimously

Motion by Mrs. Albrecht and seconded by Mrs. Castro to adjourn the Special Meeting.

**Meeting adjourned at 6:04pm**

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**Adrian Welle, City Clerk**

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**Mayor Tom Bailey**

**City Council Workshop**  
**Tuesday, January 26, 2016 immediately following Special Meeting**  
**Civic Center 105 N. 31<sup>st</sup> Street**

**Councilwoman Mary Blackburn**  
**Councilwoman Linda Albrecht**

**Mayor Tom Bailey**

**Councilwoman Tanya Castro**  
**Councilman Jeff Tendler**

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Mayor Bailey called the Workshop to order at 6:04 pm.

1. Water/Wastewater Rate Study- Florida Rural Water

Bob Mearns of Florida Rural Water was present to present to the council his findings from a rate study on the City Water and Wastewater rates. Discussion ensued. Mr. Mearns recommends the council adopt the new rates over a 3 year phase in bringing the water rate base rate up by \$9.75 and wastewater base rate up by \$7.47. Mr. Mearns will gather further information to present other options to the council.

2. 33<sup>rd</sup>/34<sup>th</sup> Street PUD Issue

Nick Beninate the City Attorney updated the council on further research that he has done regarding the PUD, he stated that the main thing he was able to determine is that the Planning and Zoning Board in 1999 approved the property to be called a PUD but stressed that was not a rezoning. Discussion ensued with each councilmember giving their opinion of the issue. Mayor Bailey asked the Corry family what they would like to do proceed. Mr. Corry spoke briefly to the council and stated that if this was not ok, why were they told to return and proceed forward by the council over the last few years? Mr. Novak, attorney for the Corry family spoke to the council and stated that he cannot tell the council at this time what the wish of the family is having just heard the council opinions today. He further stated that he will speak with the family how they would like to proceed. Mr. Novak asks that the council vote at their next meeting, giving the family direction. Mr. Beninate stated he believes we are at the step of a concept plan presentation. Mr. Corry stated that they are willing to come forward with a new plan that is more suitable to the public. Mr. Beninate's recommendation at this time is that a rezoning has not taken place, and that that is the step in the process the City is at. Mayor Bailey has called a Special Meeting for Monday, February 1, 2016 at 6pm to vote on a resolution providing direction to the Corry family.

3. Florida League of Cities 2016 Legislative Issues

Mrs. Castro presented a list of action items that the Florida League of Cities will be addressing this 2016 legislative session to the council to keep in mind this upcoming session.

4. National Storm Contracting Agreement

Public Works Director Hall presented the National Storm Contracting Agreement to the council for discussion, allowing the City to have an agreement in place in the case of a declared emergency. Mr. Hall further stated that this would allow the City to have a place to store equipment in the event of a natural disaster. The agreement further engages the City to dump our yard debris on his property, as well as supplemental service to the City in the event of needing further assistance in yard debris cleanup. This item will be placed on the Regular meeting agenda for approval.

#### 5. Procedural Issues

Mayor Bailey brought before the council a series of procedural clarifications. The first issue is that budget amendments need to be done by Ordinance, he stated we need to go back to that. The next issue is that all meetings are voting meetings, whether or not they are workshops. The final item is that the council do more voting and less consensuses to keep things clearly in the record. Discussion ensued.

#### 6. Beautification Grant

Mrs. Castro spoke to the council about the beautification grant and that the state will take care of all the labor and the City would not have staff time expense. Further, Mrs. Castro reminded the council that they voted 4-1 to apply for this grant. Mrs. Castro requested the council vote to accept this grant. Mrs. Albrecht stated that she had spoken to the CDC about additional funding assistance for this project, the CDC is requesting a letter stating how much money the City would like and for what. The item has been placed on the regular meeting agenda for a vote.

#### 7. Dredge Update

Mr. Hall gave the council an update on the dredge. He stated that they had planned to pull the dredge by now but with the weather it has not been able to be completed. The City will need to have an excavator available to keep this project moving forward and may require a budget amendment.

#### 8. Sanitation Ordinance

City Administrator Smigielski discussed with the council the changes to the sanitation ordinance. Mr. Smigielski stated some of the main changes include; requiring trash cans to be brought out to the curb the morning of pickup, unless prior arrangements are made with City Hall, 1 trash pickup per week in the off-season (Oct-March), defining what types of waste will be accepted at the City yard, removed the category of light commercial and increased the charge of extra pickups. Discussion of the council ensued and recommendations were given to staff. Staff will look at commercial rates and present an alternative. Staff will try to have the sanitation ordinance ready for the next meeting agenda for a first reading.

#### 9. City Hall

Mrs. Blackburn updated the council on discussions she has had with the Foley's regarding the purchase of their property. Mrs. Blackburn stated that Mr. Foley has stated he is not negotiable. She further stated that she asked him if a contractor could come in and look at the building to be able to estimate renovation costs and he stated that would be ok. Mrs. Blackburn stated the Foley's request that this not be drug out. Discussion ensued. Mrs. Castro suggested specs be developed and invite contractors to come look and provide an estimate. Mayor Bailey stated to keep in mind we currently have \$512,000 left for this project. Discussion ensued on the cost comparisons on new construction and modification and purchase of the Foley property. The item will be placed on the special meeting agenda for February 1, 2016.

#### 10. Miscellaneous

Mayor Bailey stated that we have no gone through the entire legal budget for the year, and wanted to know the wish of the council to proceed. Staff will look at drafting a budget amendment ordinance for attorney fees.

Mayor Bailey stated that members of the council should not be soliciting money from outside agencies without council backing.

Mrs. Albrecht thanked Public Works Director Hall, Tommy Davis, R D Young and all of the staff that helped in the Civic Center remodel project.

Mr. Tendler asked why the dredge discharge looks like oil, Mr. Hall clarified that it is sediment and is not hazardous.

Discussion ensued on the CDBG grant and the number of applicants, Mrs. Blackburn stated that the application period has been extended to get more applicants.

Police Chief Norris informed the council that effective today the body cameras have been pulled from service, due to the inability for them to work effectively.

Motion by Mrs. Castro and seconded by Mrs. Albrecht to adjourn.

**Meeting adjourned at 9:51 pm**

**By:** \_\_\_\_\_  
**Mayor Tom Bailey**

**Attest:** \_\_\_\_\_  
**Adrian Welle, City Clerk**



ORDINANCE NO. 632

AN ORDINANCE RELATING TO SERVICES AND CAPITAL IMPROVEMENTS PROVIDING A SPECIAL BENEFIT TO SPECIFIC AREAS WITHIN AND ADJACENT TO THE CITY OF MEXICO BEACH, FLORIDA; PROVIDING DEFINITIONS AND FINDINGS; AUTHORIZING THE IMPOSITION AND COLLECTION OF SPECIAL ASSESSMENTS TO FUND THE COST OF CAPITAL IMPROVEMENTS AND SERVICES PROVIDING A SPECIAL BENEFIT TO SPECIFICALLY IDENTIFIED ASSESSEMENT AREAS WITHIN EITHER OR BOTH INCORPORATED AREAS OF THE CITY OR UNINCORPORATED AREAS WITHIN THE URBAN SERVICE AREA OF THE CITY; PROVIDING FOR THE OPTIONAL AND MANDATORY PREPAYMENT OF ASSESSMENTS; ESTABLISHING PROCEDURES FOR NOTICE AND ADOPTION OF ASSESSMENT ROLLS AND FOR CORRECTION OF ERRORS AND OMISSIONS; PROVIDING THAT ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED PROPERTY UPON ADOPTION OF THE ASSESSMENT ROLLS; ESTABLISHING PROCEDURES AND METHODS FOR COLLECTION OF ASSESSMENTS, INCLUDING ASSESSMENTS IMPOSED ON GOVERNMENT PROPERTY; AUTHORIZING THE ISSUANCE OF OBLIGATIONS SECURED BY ASSESSMENTS; PROVIDING FOR VARIOUS RIGHTS AND REMEDIES OF THE HOLDERS OF SUCH OBLIGATIONS; PROVIDING THAT SUCH OBLIGATIONS WILL NOT CREATE A GENERAL DEBT OR OBLIGATION OF THE CITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

**ARTICLE I**  
**INTRODUCTION**

**SECTION 1.01. DEFINITIONS.** When used in this Ordinance, the following terms shall have the following meanings, unless the context clearly requires otherwise:

**"Annual Assessment Resolution"** means the resolution described in Section 2.08 hereof, approving an Assessment Roll for a specific Fiscal Year.

**"Assessment"** means a special assessment imposed by the Commission pursuant to this Ordinance to fund or expedite recovery of the Capital Cost of Capital Improvements or the Service Cost of Essential Services. The term "Assessment" and the reference to non-ad valorem assessments herein means those assessments which are not based solely upon millage and which can become a lien against a homestead as permitted by Article X, Section 4 of the Florida Constitution. "Assessment" may include Capital Costs or Service Costs, or any combination of those costs, associated with the review, planning, investigation, analysis, permitting, notice, enforcement, remediation, improvement, provision of services, demolition or removal, or any combination of those, to abate a public nuisance.

**"Assessment Area"** means any of specific areas created by resolution of the Commission pursuant to Section 2.02 hereof, that specially benefit from Capital Improvements or Essential Services.

**"Assessment Coordinator"** means the City Administrator or such person's designee.

**"Assessment Roll"** means the special assessment roll relating to Capital Improvements or Essential Services containing the information specified in Section 2.04 and approved by a Final Assessment Resolution or an Annual Assessment Resolution pursuant to Section 2.07 or Section 2.08 hereof.

**"Assessment Unit"** means the apportionment unit utilized to determine the Assessment for each parcel of property, as set forth in the Initial Assessment Resolution. "Assessment Units" may include, by way of example and not limitation, one or a combination of the following: front footage, land area, improvement area, equivalent residential connections or units, permitted land use, trip generation rates, rights to future trip generation capacity under applicable concurrency management regulations, property

value or any other physical characteristic or reasonably expected use of the property that is related to the Capital Improvements or Essential Services to be funded from proceeds of the Assessment.

**“Capital Asset”** means property, plant and equipment and intangible assets intended or likely to produce benefits or relieve burdens in future accounting periods beyond the current period.

**"Capital Cost"** means all or any portion of the costs that are properly attributable to the acquisition, design, permitting, preparation, construction, installation, reconstruction, renewal or replacement (including demolition, environmental mitigation and relocation) of a Capital Asset under generally accepted accounting principles; and including reimbursement to the City for any funds advanced for Capital Cost and interest or debt service on any interfund or intrafund loan or other Obligations for such purposes.

**"Capital Improvements"** means one or more Capital Asset acquired, designed, permitted, prepared, constructed, installed, reconstructed, renewed or replaced (including demolition, environmental mitigation and relocation) in whole or in part by the City which provide a special benefit to lands within an Assessment Area. The term shall include the recovery of costs from undeveloped or underdeveloped lands that benefit from the availability of Capital Improvements as a supplemental or alternative means to pay for or reimburse the City for providing such improvements.

**"City"** means the City of Mexico Beach, Florida.

**"Commission"** means the City Commission of the City of Mexico Beach, Florida.

**"Essential Services"** means the services, facilities, or programs which provide a special benefit to, or relieve a burden attributable to, lands within an Assessment Area.

**"Final Assessment Resolution"** means the resolution described in Section 2.07 hereof, which shall confirm, modify or repeal the Initial Assessment Resolution and which shall be the final proceeding for the imposition of an Assessment.

**"Fiscal Year"** means the period commencing on October 1 of each year and continuing through the following September 30, or such other period as may be prescribed by law as the Fiscal Year for the City.

**"Government Property"** means property owned by the United States of America, the State of Florida, a county, a special district, a municipal corporation, or any of their respective agencies or political subdivisions.

**"Initial Assessment Resolution"** means the resolution described in Section 2.03 hereof, which shall be the initial proceeding for the imposition of an Assessment.

**"Obligations"** means bonds or other evidence of indebtedness including but not limited to, notes, commercial paper, capital leases or any other obligation issued or incurred to finance Capital Improvements which may be secured, in whole or in part, by proceeds of the Assessments.

**"Ordinance"** means this Capital Improvement and Essential Services Assessment Ordinance.

**"Pledged Revenue"** means, as to any series of Obligations, (A) the proceeds of such Obligations, including investment earnings, (B) proceeds of the Assessments pledged to secure the payment of such Obligations, and (C) any other legally available non-ad valorem revenue pledged, at the Commission's sole option, to secure the payment of such Obligations, as specified by the Ordinance and any resolution authorizing such Obligations.

**"Property Appraiser"** means the Bay County Property Appraiser.

**"Resolution of Intent"** means the resolution expressing the Commission's intent to collect Assessments on the ad valorem tax bill required by the Uniform Assessment Collection Act.

**"Service Cost"** means all or any portion of the expenses that are properly attributable to the provision of Essential Services under generally accepted accounting principles; and including reimbursement to the City for any funds advanced for such expenses and interest on any interfund or intrafund loan for such purposes.

**"Tax Collector"** means the Bay County Tax Collector.

**"Tax Roll"** means the real property ad valorem tax assessment roll maintained by the Property Appraiser for the purpose of the levy and collection of ad valorem taxes.

**"Uniform Assessment Collection Act"** means sections 197.3632 and 197.3635, Florida Statutes, or any successor statutes authorizing the collection of non-ad valorem assessments on the same bill as ad valorem taxes, and any applicable regulations promulgated thereunder.

SECTION 1.02. INTERPRETATION. Unless the context indicates otherwise, words importing the singular number include the plural number and vice versa; the terms

"hereof," "hereby," "herein," "hereto," "hereunder" and similar terms refer to this Ordinance; and the term "hereafter" means after, and the term "heretofore" means before, the effective date of this Ordinance. Words importing either gender include the correlative words of the other gender unless the context indicates otherwise.

## **ARTICLE II**

### **ASSESSMENTS**

**SECTION 2.01. AUTHORITY.** The Commission is hereby authorized to impose Assessments against property located within an Assessment Area to fund the Capital Cost of Service Cost of Capital Improvements or Essential Services incurred by the City. If more than one parcel is assessed, then the Assessment shall be computed in a manner that fairly and reasonably apportions the Capital Costs or Service Costs among the parcels of property within an Assessment Area, based upon objectively determinable Assessment Units related to the value, use or physical characteristics of the property, except where the special benefit or burden relief provided by a Capital Improvement or Essential Service is provided predominantly to a single parcel of property, the resolution shall uniquely assess only that parcel the Capital Cost or Service Cost thereof, as in the case of the capital Cost to abate a public nuisance on a single parcel of property.

**SECTION 2.02. CREATION OF ASSESSMENT AREAS.** The Commission is hereby authorized to create Assessment Areas by resolution. Assessment Areas may be within or without the City limits. Provided, however, any Assessment Area or portion thereof extending outside of the City limits must be within an unincorporated service area created pursuant to the Municipal Public Works Act, Chapter 180, Florida Statutes. Each Assessment Area shall encompass only that property specially benefited by the Capital Improvements or Essential Services proposed for funding from the proceeds of Assessments to be imposed therein. The resolution creating each Assessment Area shall include brief descriptions of the proposed Capital Improvements or Essential Services, a description of the property to be included within the Assessment Area, and specific legislative findings that recognize the special benefit or burden relief to be provided by each proposed by each proposed Capital Improvement or Essential Service to property within the Assessment Area. Properties in any Assessment Area need not be adjacent or contiguous to any other property in an Assessment Area.

**SECTION 2.03. INITIAL ASSESSMENT RESOLUTION.** The initial proceeding for imposition of an Assessment shall be the Commission's adoption of an Initial Assessment Resolution. The Initial Assessment Resolution shall:

- (A) describe the Capital Improvements or Essential Services proposed for funding from proceeds of the Assessments;

(B) estimate, or if known, state the Service Cost or Capital Cost;

(C) if more than one parcel of property is assessed, describe with particularity the proposed method of apportioning the Service Cost or Capital Cost among the parcels of property located within the Assessment Area, such that the owner of any parcel of property can objectively determine the amount of the Assessment, based upon its value, use or physical characteristics; and

(D) include specific legislative findings that recognize the equity provided by the apportionment methodology or, if applicable, that recognize the equity provided by assessing a predominantly benefitted or relieved, individual parcel the Capital Cost or Service Cost uniquely attributable to that parcel.

#### **SECTION 2.04. ASSESSMENT ROLL.**

(A) The Assessment Coordinator shall prepare a preliminary Assessment Roll that contains the following information:

(1) a summary description of each parcel of property (conforming to the description contained on the Tax Roll) subject to the Assessment;

(2) the name of the owner of record of each parcel, as shown on the Tax Roll;

(3) the number of Assessment Units attributable to each parcel;

(4) if applicable, the estimated maximum annual Assessment to become due in any Fiscal Year for each Assessment Unit; and

(5) if applicable, the estimated maximum annual Assessment to become due in any Fiscal Year for each parcel.

(B) Copies of the Initial Assessment Resolution and the preliminary Assessment Roll shall be on file in the office of the Assessment Coordinator and open to public inspection. The foregoing shall not be construed to require that the Assessment Roll be in printed form if the amount of the Assessment for each parcel of property can be determined by use of a computer terminal or otherwise accessible through the internet or similar data base.

**SECTION 2.05. NOTICE BY PUBLICATION.** After filing the Assessment Roll in the office of the Assessment Coordinator, as required by Section 2.04(B) hereof, the Assessment Coordinator shall publish once in a newspaper of general circulation within the Assessment Area a notice stating that at a meeting of the Commission on a

certain day and hour, not earlier than twenty (20) calendar days from such publication, which meeting shall be a regular, adjourned or special meeting, the Commission will hear objections of all interested persons to the Final Assessment Resolution and approval of the Assessment Roll. The published notice shall conform to the requirements set forth in the Uniform Assessment Collection Act.

**SECTION 2.06. NOTICE BY MAIL.** In addition to the published notice required by Section 2.05 hereof, the Assessment Coordinator shall provide notice of the proposed Assessment by first class mail to the owner of each parcel of property subject to the Assessment. The mailed notice shall conform to the requirements set forth in the Uniform Assessment Collection Act. Notice shall be mailed at least twenty (20) calendar days prior to the hearing to each property owner at such address as is shown on the Tax Roll on the twentieth calendar day prior to the date of mailing. Notice shall be deemed mailed upon delivery thereof to the possession of the U.S. Postal Service. The Assessment Coordinator may provide proof of such notice by affidavit.

**SECTION 2.07. ADOPTION OF FINAL ASSESSMENT RESOLUTION.** At the time named in such notice, or to which an adjournment or continuance may be taken, the Commission shall receive written objections and hear testimony of interested persons and may then, or at any subsequent meeting of the Commission, adopt the Final Assessment Resolution which shall:

- (A) confirm, modify or repeal the Initial Assessment Resolution with such amendments, if any, as may be deemed appropriate by the Commission;
- (B) establish the maximum amount of the Assessment for each Assessment Unit;
- (C) approve the Assessment Roll, with such amendments as it deems just and right; and
- (D) determine the method of collecting the Assessments.

**SECTION 2.08. ANNUAL ASSESSMENT RESOLUTION.** The Commission shall adopt an Annual Assessment Resolution during its budget adoption process for each Fiscal Year in which Assessments will be imposed to approve the Assessment Roll for such Fiscal Year. The Final Assessment Resolution shall constitute the Annual Assessment Resolution for the initial Fiscal Year. The Assessment Roll, as prepared in accordance with the Initial Assessment Resolution, shall be confirmed or amended by the Annual



Assessment Resolution to reflect the then applicable portion of the cost of the Capital Improvements of Essential Services, or both, to be paid by Assessments. If the proposed Assessment for any parcel of property exceeds the maximum amount established in the notice provided pursuant to Section 2.05 hereof or if an Assessment is imposed against property not previously subject thereto, the Commission shall provide notice to the owner of such property in accordance with Sections 2.05 and 2.06 hereof and conduct a public hearing prior to adoption of the Annual Assessment Resolution. Failure to adopt an Annual Assessment Resolution during the budget appropriation process for a Fiscal Year may be cured at any time.

**SECTION 2.09. EFFECT OF ASSESSMENT RESOLUTIONS.** The adoption of the Final Assessment Resolution or of an annual Assessment requiring notice as provided in Section 2.08, shall be the final adjudication of the issues presented (including, but not limited to, the apportionment methodology, the rate of assessment, the maximum annual Assessment of each parcel, the adoption of the Assessment Roll and the levy and lien of the Assessments), unless proper steps are initiated in a court of competent jurisdiction to secure relief within twenty (20) days from the date of the Commission's adoption of the Final Assessment Resolution. The Assessments for each Fiscal Year shall be established upon adoption of the Annual Assessment Resolution. If the Assessments are to be collected pursuant to the Uniform Assessment Collection Act, the Assessment Roll, as approved by the Annual Assessment Resolution, shall be certified to the Tax Collector.

**SECTION 2.10. PREPAYMENT OF ASSESSMENTS.**

(A) The Assessment imposed against any parcel of property to fund Capital Improvements shall be subject to prepayment at the option of the property owner, as follows:

(1) Prior to the issuance of Obligations, the Assessment Coordinator shall provide first class mailed notice to the owner of each parcel of property subject to the Assessment of the Commission's intent to issue such Obligations. On or prior to the date specified in such notice (which shall not be earlier than the thirtieth day following the date on which the notice is delivered to the possession of the U.S. Postal Service), or such later date as the Commission may allow in its sole discretion, the owner of each

parcel of property subject to the Assessment shall be entitled to prepay the total Assessment obligation.

(2) Following the date specified in the notice provided pursuant to Section 2.10(A) hereof, or such later date as the Commission may allow in its sole discretion, the owner of each parcel of property subject to the Assessment shall be entitled to prepay the total remaining Assessment upon payment of an amount equal to the sum of (a) such parcel's share of the principal amount of Obligations then outstanding, (b) the premium associated with redemption of such parcel's share of the principal amount of Obligations then outstanding, and (c) interest on such parcel's share of the principal amount of Obligations then outstanding, from the most recent date to which interest has been paid to the next date following such prepayment on which the City can redeem Obligations after providing all notices required by the ordinance or resolution authorizing issuance of such Obligations; provided however, that during any period commencing on the date the annual Assessment Roll is certified for collection pursuant to the Uniform Assessment Collection Act and ending on the next date on which unpaid ad valorem taxes become delinquent, the City may reduce the amount required to prepay the Assessments imposed against any parcel of property by the amount of the Assessment certified for collection with respect to such parcel.

(B) At the City's election, the Assessment imposed against any parcel of property may be subject to acceleration and mandatory prepayment if at any time a tax certificate has been issued and remains outstanding in respect of such property. In such event, the amount required for mandatory prepayment shall be the same as that required for an optional prepayment authorized by Section 2.10(B) hereof.

(C) The amount of all prepayments computed in accordance with this Section 2.10 shall be final. The City shall not be required to refund any portion of a prepayment if (1) the Capital Cost is less than the amount upon which such prepayment was computed, or (2) annual Assessments will not be imposed for the full number of years anticipated at the time of such prepayment.

## **SECTION 2.11. LIEN OF ASSESSMENTS.**

(A) Upon adoption of the Annual Assessment Resolution for each Fiscal Year, Assessments to be collected under the Uniform Assessment Collection Act shall constitute a lien against assessed property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles and claims,

until paid. The lien shall be deemed perfected upon adoption by the Commission of the Annual Assessment Resolution and shall attach to the property included on the Assessment Roll as of the prior January 1, the lien date for ad valorem taxes.

(B) Upon adoption of the Final Assessment Resolution, Assessments to be collected under the alternative method of collection provided in Section 3.02 hereof shall constitute a lien against assessed property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles and claims, until paid. The lien shall be deemed perfected on the date notice thereof is recorded in the Official Records of Bay County, Florida.

**SECTION 2.12. REVISIONS TO ASSESSMENTS.** If any Assessment made under the provisions of this Ordinance is either in whole or in part annulled, vacated or set aside by the judgment of any court, or if the Commission is satisfied that any such Assessment is so irregular or defective that the same cannot be enforced or collected, or if the Commission has omitted the inclusion of any property on the Assessment Roll which property should have been so included, the Commission may take all necessary steps to impose a new Assessment against any property benefited by the Capital Improvement or Essential Service, following as nearly as may be practicable the provisions of this Ordinance, and in case such second Assessment is annulled, the Commission may levy and impose other Assessments until a valid Assessment is imposed.

**SECTION 2.13. PROCEDURAL IRREGULARITIES.** Any informality or irregularity in the proceedings in connection with the levy of any Assessment under the provisions of this Ordinance shall not affect the validity of the same after the approval thereof, and any Assessment as finally approved shall be competent and sufficient evidence that such Assessment was duly levied, that the Assessment was duly made and adopted, and that all proceedings related to such Assessment were duly had, taken and performed as required by this Ordinance; and no variance from the directions hereunder shall be held material unless it be clearly shown that the party objecting was materially injured thereby. Notwithstanding the provisions of this Section 2.13, any party objecting to an Assessment imposed pursuant to this Ordinance must file an objection with a court of competent jurisdiction within the time periods prescribed herein.

#### **SECTION 2.14. CORRECTION OF ERRORS AND OMISSIONS.**

(A) No act of error or omission on the part of the Commission, Assessment Coordinator, Property Appraiser, Tax Collector, or their deputies or employees, shall operate to release or discharge any obligation for payment of any Assessment imposed by the Commission under the provisions of this Ordinance.

(B) The number of Assessment Units attributed to a parcel of property may be corrected at any time by the Assessment Coordinator. Any such correction which reduces an Assessment shall be considered valid from the date on which the Assessment was imposed and shall in no way affect the enforcement of the Assessment imposed under the provisions of this Ordinance. Any such correction which increases an Assessment or imposes an assessment on omitted property shall first require notice to the affected owner at the address shown on the Tax Roll notifying the owner of the date, time and place that the Commission will consider confirming the correction and offering the owner an opportunity to be heard.

(C) After the Assessment Roll has been delivered to the Tax Collector in accordance with the Uniform Assessment Collection Act, any changes, modifications or corrections thereto shall be made in accordance with the procedures applicable to errors and insolvencies for ad valorem taxes.

## **ARTICLE III**

### **COLLECTION OF ASSESSMENTS**

**SECTION 3.01. METHOD OF COLLECTION.** Unless directed otherwise by the Commission, Assessments (other than Assessments imposed against Government Property) shall be collected pursuant to the Uniform Assessment Collection Act, and the City shall comply with all applicable provisions thereof, including but not limited to (1) entering into a written agreement with the Property Appraiser and the Tax Collector for reimbursement of necessary expenses, (2) certifying the Assessment Roll to the Tax Collector, and (3) adopting a Resolution of Intent after publishing weekly notice of such intent for four consecutive weeks preceding the hearing. The Resolution of Intent may be adopted either prior to or following the Initial Assessment Resolution; provided however, that the Resolution of Intent must be adopted prior to January 1 (March 1 with consent of the Property Appraiser and Tax Collector) of the year in which the Assessments are first collected on the ad valorem tax bill. Any hearing or notice required by this Ordinance may be combined with any other hearing or notice required by the Uniform Assessment Collection Act.

**SECTION 3.02. ALTERNATIVE METHOD OF COLLECTION.** In lieu of using the Uniform Assessment Collection Act, the City may elect to collect the Assessment by any other method which is authorized by law or provided by this Section 3.02 as follows:

(A) The City shall provide Assessment bills by first class mail to the owner of each affected parcel of property, other than Government Property. The bill or accompanying explanatory material shall include (1) a brief explanation of the Assessment, (2) a description of the Assessment Units used to determine the amount of the Assessment, (3) the number of Assessment Units attributable to the parcel, (4) the total amount of the parcel's Assessment for the appropriate period, (5) the location at which payment will be accepted, (6) the date on which the Assessment is due, and (7) a statement that the Assessment constitutes a lien against assessed property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments.

(B) A general notice of the lien resulting from imposition of the Assessments shall be recorded in the Official Records of Bay County, Florida. Nothing herein shall be construed to require that individual liens or releases be filed in the Official Records.

(C) The City shall have the right to appoint or retain an agent to foreclose and collect all delinquent Assessments in the manner provided by law. An Assessment shall become delinquent if it is not paid within thirty (30) days from the due date. The City or its agent shall notify any property owner who is delinquent in payment of an Assessment within sixty (60) days from the date such Assessment was due. Such notice shall state in effect that the City or its agent will initiate a foreclosure action and cause the foreclosure of such property subject to a delinquent Assessment in a method now or hereafter provided by law for foreclosure of mortgages on real estate, or otherwise as provided by law.

(D) All costs, fees and expenses, including reasonable attorney fees and title search expenses, related to any foreclosure action as described herein shall be included in any judgment or decree rendered therein. At the sale pursuant to decree in any such action, the City may be the purchaser to the same extent as an individual person or corporation. The City may join in one foreclosure action the collection of Assessments against any or all property assessed in accordance with the provisions hereof. All delinquent property owners whose property is foreclosed shall be liable for an apportioned amount of reasonable costs and expenses incurred by the City and its agents, including reasonable attorney fees, in collection of such delinquent Assessments and any other costs incurred by the City as a result of such delinquent Assessments including, but not limited to, costs paid for draws on a credit facility and the same shall be collectible as a part of or in addition to, the costs of the action.

(E) In lieu of foreclosure, any delinquent Assessment and the costs, fees and expenses attributable thereto, may be collected pursuant to the Uniform Assessment Collection Act; provided however, that (1) notice is provided to the owner in the manner required by law and this Ordinance, and (2) any existing lien of record on the affected parcel for the delinquent Assessment is supplanted by the lien resulting from certification of the Assessment Roll or to the Tax Collector.

**SECTION 3.03. RESPONSIBILITY FOR ENFORCEMENT.** The City and its agents, if any, shall maintain the duty to enforce the prompt collection of Assessments by the means provided herein. The duties related to collection of Assessments may be

enforced at the suit of any holder of Obligations in a court of competent jurisdiction by mandamus or other appropriate proceedings or actions.

**SECTION 3.04. GOVERNMENT PROPERTY.**

(A) If Assessments are imposed against Government Property, the City shall provide Assessment bills by first class mail to the owner of each affected parcel of Government Property. The bill or accompanying explanatory material shall include (1) a brief explanation of the Assessment, (2) a description of the Assessment Units used to determine the amount of the Assessment, (3) the number of Assessment Units attributable to the parcel, (4) the total amount of the parcel's Assessment for the appropriate period, (5) the location at which payment will be accepted, and (6) the date on which the Assessment is due.

(B) Assessments imposed against Government Property shall be due on the same date as Assessments against other property within the Assessment Area and, if applicable, shall be subject to the same discounts for early payment.

(C) An Assessment shall become delinquent if it is not paid within thirty (30) days from the due date. The City shall notify the owner of any Government Property that is delinquent in payment of its Assessment within sixty (60) days from the date such Assessment was due. Such notice shall state in effect that the City will initiate a mandamus or other appropriate judicial action to compel payment.

(D) All costs, fees and expenses, including reasonable attorney fees and title search expenses, related to any mandamus or other action as described herein shall be included in any judgment or decree rendered therein. All delinquent owners of Government Property against which a mandamus or other appropriate action is filed shall be liable for an apportioned amount of reasonable costs and expenses incurred by the City or its agents, including reasonable attorney fees, in collection of such delinquent Assessments and any other costs incurred by the City as a result of such delinquent Assessments including, but not limited to, costs paid for draws on a credit facility and the same shall be collectible as a part of, or in addition to, the costs of the action.

(E) As an alternative to the foregoing, an Assessment imposed against Government Property may be collected on the bill for any utility service provided to such Government Property. The Commission may also contract for such billing services with any utility not owned by the City.

**ARTICLE IV  
ISSUANCE OF OBLIGATIONS**

**SECTION 4.01. GENERAL AUTHORITY.**

(A) The Commission shall have the power and is hereby authorized to provide by ordinance or resolution, at one time or from time to time in series, for the issuance of Obligations to fund Capital Improvements and any amounts to be paid or accrued in connection with issuance of such Obligations including but not limited to capitalized interest, transaction costs and reserve account deposits.

(B) The principal of and interest on each series of Obligations shall be payable from Pledged Revenue. At the option of the Commission, the City may agree, by ordinance or resolution, to budget and appropriate funds from other non-ad valorem revenue sources to make up any deficiency in the reserve account established for the Obligations or for the payment of the Obligations. The Commission may also provide, by ordinance or resolution, for a pledge of or lien upon proceeds of such non-ad valorem revenue sources for the benefit of the holders of the Obligations. Any such ordinance or resolution shall determine the nature and extent of any pledge of or lien upon proceeds of such non-ad valorem revenue sources.

**SECTION 4.02. TERMS OF THE OBLIGATIONS.** The Obligations shall be dated, shall bear interest at such rate or rates, shall mature at such times as may be determined by ordinance or resolution of the Commission, and may be made redeemable before maturity, at the option of the City, at such price or prices and under such terms and conditions, all as may be fixed by the Commission. Said Obligations shall mature not later than forty (40) years after their issuance. The Commission shall determine by ordinance or resolution the form of the Obligations, the manner of executing such Obligations, and shall fix the denominations of such Obligations, the place or places of payment of the principal and interest, which may be at any bank or trust company within or outside of the State of Florida, and such other terms and provisions of the Obligations as it deems appropriate. The Obligations may be sold at public or private sale for such price or prices as the Commission shall determine by ordinance or resolution, The Obligations may be delivered to any contractor to pay for the provision of Capital Improvements or may be



sold in such manner and for such price as the Commission may determine by ordinance or resolution to be for the best interests of the City.

**SECTION 4.03. VARIABLE RATE OBLIGATIONS.** At the option of the Commission, Obligations may bear interest at a variable rate.

**SECTION 4.04. TEMPORARY OBLIGATIONS.** Prior to the preparation of definitive Obligations of any series, the Commission may, under like restrictions, issue interim receipts, interim certificates, or temporary Obligations, exchangeable for definitive Obligations when such Obligations have been executed and are available for delivery. The Commission may also provide for the replacement of any Obligations which shall become mutilated, destroyed or lost. Obligations may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions or things which are specifically required by this Ordinance.

**SECTION 4.05. ANTICIPATION NOTES.** In anticipation of the sale of Obligations, the Commission may, by ordinance or resolution, issue notes and may renew the same from time to time. Such notes may be paid from the proceeds of the Obligations, the proceeds of the Assessments, the proceeds of the notes and such other legally available moneys as the Commission deems appropriate by ordinance or resolution. Said notes shall mature within five (5) years of their issuance and shall bear interest at a rate not exceeding the maximum rate provided by law. The Commission may issue Obligations or renewal notes to repay the notes. The notes shall be issued in the same manner as the Obligations.

**SECTION 4.06. TAXING POWER NOT PLEDGED.** Obligations issued under the provisions of this Ordinance shall not be deemed to constitute a general obligation or pledge of the full faith and credit of the City within the meaning of the Constitution of the State of Florida, but such Obligations shall be payable only from Pledged Revenue and, if applicable, proceeds of the Assessments, in the manner provided herein and by the ordinance or resolution authorizing the Obligations. The issuance of Obligations under the provisions of this Ordinance shall not directly or indirectly obligate the City to levy or to pledge any form of ad valorem taxation whatsoever. No holder of any such Obligations shall ever have the right to compel any exercise of the ad valorem taxing power on the part of the City to pay any such Obligations or the interest thereon or to enforce payment of such Obligations or the interest thereon against any property of the City, nor shall such Obligations constitute a charge, lien or

encumbrance, legal or equitable, upon any property of the City, except the Pledged Revenue.

**SECTION 4.07. TRUST FUNDS.** The Pledged Revenue received pursuant to the authority of this Ordinance shall be deemed to be trust funds, to be held and applied solely as provided in this Ordinance and in the ordinance or resolution authorizing issuance of the Obligations. Such Pledged Revenue may be invested by the City, or its designee, in the manner provided by the ordinance or resolution authorizing issuance of the Obligations. The Pledged Revenue upon receipt thereof by the City shall be subject to the lien and pledge of the holders of any Obligations or any entity other than the City providing credit enhancement on the Obligations.

**SECTION 4.08. REMEDIES OF HOLDERS.** Any holder of Obligations, except to the extent the rights herein given may be restricted by the ordinance or resolution authorizing issuance of the Obligations, may, whether at law or in equity, by suit, action, mandamus or other proceedings, protect and enforce any and all rights under the laws of the state or granted hereunder or under such ordinance or resolution, and may enforce and compel the performance of all duties required by this part, or by such ordinance or resolution, to be performed by the City.

**SECTION 4.09. REFUNDING OBLIGATIONS.** The City may, by ordinance or resolution of the Commission, issue Obligations to refund any Obligations issued pursuant to this Ordinance, or any other obligations of the City issued to finance Capital Improvements, and provide for the rights of the holders hereof. Such refunding Obligations may be issued in an amount sufficient to provide for the payment of the principal of, redemption premium, if any, and interest on the outstanding Obligations to be refunded and costs of issuance related thereto. If the issuance of such refunding Obligations results in an annual Assessment that exceeds the estimated maximum annual Assessments set forth in the notice provided pursuant to Section 2.06 hereof, the Commission shall provide notice to the affected property owners and conduct a public hearing in the manner required by Article III of this Ordinance.

**ARTICLE V**  
**GENERAL PROVISIONS**

**SECTION 5.01. SEVERABILITY.** The provisions of this Ordinance are severable; and if any section, subsection, sentence, clause or provision is held invalid by any court of competent jurisdiction, the remaining provisions of this Ordinance shall not be affected thereby.

**SECTION 5.02. ALTERNATIVE METHOD.** This Ordinance shall be deemed to provide an additional and alternative method for the doing of the things authorized hereby and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing or which may hereafter come into existence. This Ordinance, being necessary for the health, safety and welfare of the inhabitants of the City, shall be liberally construed to effect the purposes hereof.

**SECTION 5.03. CITY CODE.** It is the intention of the Commission that the provisions of this Ordinance shall become a part of the City's Code of Ordinances. The provisions of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section," "article" or other appropriate word to accomplish such intention.

**SECTION 5.04. EFFECTIVE DATE.** This Ordinance shall become effective immediately upon its passage.

**PASSED, APPROVED AND ADOPTED** at the regular meeting of the City Commission of the City of Mexico Beach, Bay County, Florida, on the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

CITY OF MEXICO BEACH, FLORIDA

(SEAL)

\_\_\_\_\_  
Tom Bailey, Mayor

ATTEST:

\_\_\_\_\_  
Adrian Welle, City Clerk

## **ORDINANCE NO. 633**

AN ORDINANCE RE-ESTABLISHING A SANITATION SERVICE IN THE CITY OF MEXICO BEACH; PRESCRIBING CERTAIN USER FEE CHARGES IMPOSED FOR THE PURPOSE OF FUNDING SAID SERVICE; PROVIDING COLLECTION PRACTICES; AMENDING AND REPLACING ORDINANCE NO. 623 AND THE REPEALING ANY PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING PENALTIES FOR VIOLATIONS THEREOF; AND, PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the City Council of the City of Mexico Beach, Florida has determined that it is necessary for the protection and preservation of the peace, health, property, and welfare of the City and its inhabitants, that this Ordinance be enacted, therefore

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

### **SECTION 1. Re-Establishment of Sanitation Service**

There is hereby established and re-established for the City of Mexico Beach, Florida a sanitation and debris collection service to serve the existing City limits and as from time to time may be extended by law. The purpose of the sanitation service is the healthful, efficient and economical collection, management, and disposal of garbage and debris as herein defined.

### **SECTION 2. Definitions**

For the purpose of this Ordinance the following words and terms are herein defined:

- (a) "Debris" and "Garden" or "Lawn Trash": All accumulation of grass, leaves, shrubbery, vines, and trimmings. Tree logs or debris shall not be included unless the diameter of the tree or limb is less than 3 inches.
- (b) "Garbage": Every refuse accumulation of animal, fruit, vegetable matter that attends the preparation, use, cooking and eating in, or storage of all foods, meats, fish, fowl, fruit and vegetables, and any other matter of any nature whatsoever, which is subject to decay and the generation of noxious or offensive gases or odors, or which during or after decay, may serve as breeding or feeding material for flies or other germ-carrying insects; and any bottles, cans, or other containers or paper products, utilized in normal household use, which due to their facility to retain water, may serve as breeding places for mosquitoes or other water-breeding insects. This definition of "garbage" shall not include the items contained within the above-referenced definition for "debris", "garden" or "lawn trash." In order to be collected by the sanitation department such "garbage" must be placed in a "trash can" or another approved container. Household debris is defined as anything not created by nature.
- (c) "Garbage/Trash Can": A watertight container, with suitable handles and a tight-fitting lid or cover, of the type commonly sold as a "garbage can" and of a capacity of not more than thirty-two (32) gallons nor less than fifteen (15) gallons.

- (d) "Recycling": Recycling shall be limited to only newspaper, cardboard, metals, and approved plastic items, unless further noticed by the City. If you wish to recycle, any recyclable material must be placed in the appropriate Bay County/City Recycle Dumpster.
- (e) "Refuse": Garbage and trash, as hereafter defined, and all trash, rubbish, paper, glass, metal, and discarded matter which the last owner intends to abandon to the sanitation department for disposal, In order to be collected by the sanitation department, such "refuse" must be properly placed in a "trash can" as defined herein. Recyclable items may be deposited in the appropriate recycling dumpster at the City yard.
- (f) "Trash": Refuse, accumulation of paper, wooded or paper boxes or containers, sweepings, and all other accumulations of a nature other than "garbage" or "debris", as defined herein, which are usual to housekeeping and to the operations of stores, offices, and other business places.
- (g) "White Goods/Appliances": Some examples are, but not limited to: clothes washers and dryers, dishwashers, water heaters, residential furnaces, garbage disposals, trash compactors, conventional and microwave ovens, ranges and stoves, air conditioners, refrigerators, freezers, etc.

### **SECTION 3. Collection Practices.**

The following collection practices shall apply so long as the garbage, trash, refuse, or debris is properly placed in an appropriate trash can or dumpster:

- (a) Garbage and trash accumulated by residences and businesses shall be collected two times per week on regular schedules between March 1 and September 30 and once per week on regular schedules between October 1 and February 28. Trash cans must be taken to the curb on the scheduled day of pickup unless arrangements are made with City Hall. Pickups may not occur on holidays but pickups normally scheduled to be made on a holiday may be rescheduled by the City.
- (b) The City will remove a limited amount of yard debris during the scheduled garbage/trash collection periods. Once per week, the City will remove one pile of yard debris which shall include grass trimmings, cuttings, tree limbs, palm fronds, and small trees, not to exceed the volume dimensions which measures four feet by four feet by eight feet. Limbs and small trees shall be cut so as to not exceed eight feet in length. Individuals placing yard debris for collection which exceeds these size standards, shall coordinate through City Hall for proper removal as a "special pickup" as provided herein. NOTE: residents will not be charged for the initial four feet by four feet by eight feet volume but will be charged a special pick-up fee for the additional volume. Upon the clearing of a lot(s) the owner is responsible for cleaning and removing all debris resulting from such activity within 30 days from the start date of the activity. The owner is responsible for removing such debris and may be cited for a violation of this ordinance should such debris be produced by persons or entities who are not the customer of the City. Yard debris not created from the actual property of the customer's residence or debris created from commercial landscaping or construction projects shall not be collected by the City. Any attempt to have the City collect materials not resulting from the customers property where debris is located or to collect materials from commercial landscaping/construction projects shall be a violation of this Ordinance. Yard debris may be taken to the Public Works Department by the resident or contractor and dumped at no charge.

- (c) Highly flammable or explosive materials or chemicals shall not be placed in trash cans or containers, including dumpsters, for regular collection but shall be disposed of, in each case, as directed by statute at the expense of the owner or possessor thereof.
- (d) Paint in liquid form will not be accepted. Dried paint will be accepted. Cat litter or sawdust can help speed the process of drying the paint.
- (e) Televisions and electronics will not be accepted. Items can be taken to Bay County for disposal.
- (f) The removal of wearing apparel, bedding, or other refuse from homes or businesses where highly infectious or contagious diseases have prevailed shall be performed under the supervision and direction of the Bay County Health Department. Such refuse shall not be placed in regular trash cans or containers for collection.
- (g) Property owners or occupants requesting removal of household appliances, or "white goods", containing refrigerant and fluorocarbons are required, prior to pick-up, to remove the chemicals prior to pick-up as may be directed by the City. All doors on refrigerators and freezers must be removed prior to their placement on the right-of-way. Furniture and other large items as deemed appropriate by the City may also be collected by the sanitation department for a fee upon prior arrangements by the customer. This fee will be established by the City as part of its rate schedule and may be performed by contract or otherwise. Property owners or occupants wishing to utilize the white goods or furniture curb side service must contact City Hall to arrange for pick-up and items should not be placed at the curbside until the day of scheduled pick-up. Items placed on the curb without prior notification to the City are subject to all costs, fees, and charges to the City and by the City, including but not limited to, the white goods/furniture pickup charge and a penalty of \$25 per white good or furniture piece, and/or a code violation citation. Those customers who do not decommission appliances containing refrigerant will be billed for the cost incurred by the City for this service. All charges related to white goods or furniture pickup will either be paid in advance or added to the customer's monthly billing.
- (h) Upon the clearing of a lot(s) or portion of a lot(s), the owner is responsible for cleaning and removing all debris resulting from such activity within 30 days from the start date of the activity, The owner is responsible for removing such debris and may be cited for a violation of this ordinance should such debris produced by persons or entities who are not the customer of the City. Yard debris not created from the actual property of the customer's residence or debris created from commercial landscaping or construction projects shall not be collected by the City. Any attempt to have the City collect materials not resulting from the customer's property where debris is located shall be a violation of this Ordinance.
- (i) Customers may make arrangements with the City Sanitation Department to dump excess debris, garbage, or refuse into the appropriate dumpsters at the City Yard at a determined price per pound. The City yard will be open between the hours of 7:30 a.m. and 3:30 p.m. CST, Monday through Friday, except for holidays. Such arrangements should be made in advance in person or by calling City Hall; customers using this service shall obtain a City dump slip prior to dumping. Customers may contact the City to pick up their debris for a charge of \$25.00 in addition to the weight charge.

**SECTION 4. Debris, Refuse, and Garbage Cans and Containers, Location, Screening, and Containment**

## 1. Residential:

- (a) Refuse, trash, and garbage of any kind shall not be stored on the public right of way and shall be placed in a garbage or trash can or cans as defined herein. Except as set forth below for multifamily dwellings, residential trash, garbage or refuse shall be limited to three (3) 32 gallon trash cans per residence per collection cycle. (For example, if household garbage is collected twice per week, a residence will be limited to 3 trash cans per collection day, twice per week.) Each residential unit is required to maintain a separate sanitation collection account and to pay the residential rate. Refuse, trash, and garbage not placed in a trash can(s) will not be collected by the City Sanitation Department and if such material is left outside of a trash can will be a violation of this Code Section. However, the City Sanitation Department will collect cardboard boxes left adjacent to the required trash cans during the regular collection periods so long as such boxes are empty except for minimal packing materials. Such boxes shall not contain additional trash, refuse, garbage or debris of any nature. Trash can(s) should not be placed at the curb until the day of scheduled service.
- (b) Refuse containers and trash cans shall be designed, constructed and used in such a manner as to preclude offensive odors from disturbing adjacent property owners or occupants. All trash cans or containers for residential collection of garbage, refuse or trash shall be screened from public view and located on the side or rear of the occupant's residence. "Screened from public view" shall be met if trash cans are located in a partially fenced or incased receptacle for such containers.
- (c) Trash cans at multiple dwelling or business units shall be marked to indicate the unit or apartment to which they belong or are assigned.
- (d) Plastic garbage bags are not satisfactory outside storage containers for garbage, refuse, or trash. All garbage, refuse, and trash shall be placed in a trash can as defined herein and screened from public view.
- (e) Certain multifamily residences shall be required to use dumpster(s) instead of individual trash cans. Multifamily developments containing 6 or more units per building or in the entire development if built or developed as a unified development, in the discretion of the City, shall be required to use one dumpster per 18 units. The residential users will pay the standard residential collection rate per unit but use the dumpster(s) to deposit their trash, garbage, or refuse.

## 2. Commercial:

- (a) All commercial facilities shall pay the monthly commercial collection fee(s) as set forth in the Rate Schedule, unless specifically excluded. Unless expressly approved, refuse, garbage, trash, or debris shall not be stored on the public right of way and shall be placed in a garbage or trash can(s). No such materials shall be placed for collection by the City Sanitation Department by commercial customers where the materials to be collected were created from off-premises locations or work sites. This shall specifically include construction, landscaping, clearing, grading, demolition projects and related activities. Construction or renovation projects may obtain a temporary dumpster from a non-City entity for properly permitted construction and renovation projects. The City shall maintain the right to locate or re-locate such temporary dumpster(s).
- (b) All provisions set forth above, in Section 1. Residential, sub-sections (a) through (e) shall apply except as modified herein.
- (c) Unless using the dumpster system, commercial businesses shall be limited to four (4) 32 gallon garbage cans per business per collection cycle. (For example, if commercial garbage is

collected twice per week, then a commercial customer will be limited to 4 garbage cans per collection day twice per week,) Each commercial enterprise is required to maintain a separate sanitation collection account and to pay the commercial rate.

- (d) Certain businesses shall be required to use dumpsters for the collection of its garbage, trash, refuse, and debris. The following businesses are required to use a dumpster(s) for the collection of garbage, trash, refuse, and debris:

- (1) Businesses that operate hotel/motel services with 8 or more rooms;
- (2) Businesses that operate restaurant and/or food and/or beverage preparation services and contain 10 or more tables or space for 40 or more patrons;
- (3) Convenience and grocery stores which exceed 1,200 square feet of gross usable space.

Dumpsters shall be located in an area convenient for City Sanitation Department collection and the City may require moving or re-location of the dumpster(s) by the customer. No roofing materials may be placed into a City dumpster.

**SECTION 5. Initial Schedule of Fees and Charges**

- (a) The following fees and charges shall be the initial fees and charges used by the City for sanitation services and such fees and charges may be altered, amended, or increased by resolution or ordinance duly adopted by the City Council.
- (b) Initial schedule of Fees and Charges — Monthly:

Residential Unit	\$26.86 per residential unit
Commercial	\$40.53 per commercial unit
Dumpster	\$241.80 per dumpster
Additional Pick-Ups	
Commercial	\$10.00 per can
Residential	\$10.00 per can
Dumpster	\$100.00 per pick up
White Goods/Furniture	\$25.00 per item per scheduled pickup plus weight charge
Special Events Collection Rate	Fee TBD Dumpster Rate
Dumping at City Yard by Sanitation Customers	
0 — 100 pounds	\$25.00
101 — 300 pounds	\$50.00
301 — 600 pounds	\$75.00
601 — 1000 pounds	\$100.00
1001 and over	\$100.00 plus \$25.00 for each additional 25 lbs. (Limit of 4,000 pounds)



(c) Payments/Late Fees

1. A user fee is hereby established for the explicit purpose of funding City sanitation services. This fee is applicable to each individual household or commercial enterprise within the City of Mexico Beach. Priorities, categories, and charges will be on file in the City Hall and billing for said user fee will be annotated on the City of Mexico Beach monthly utility usage statements.
2. The date of receipt at the Mexico Beach City Hall shall be considered as the date of payment. Sanitation Department personnel are not authorized to receive money for the payment of bills. If any sanitation bill for sanitation service shall be and remain unpaid after 4:30 p.m. on the 20<sup>th</sup> day of each month, a 10% penalty shall be imposed and added to said bill; if the 20<sup>th</sup> day of the month falls on a weekend, customer will be given until 4:30 p.m. the next regular work day for payment; delinquent after 4:30 p.m.; and if said bill is not paid by the 2<sup>nd</sup> Tuesday of the following month at close of business (4:30 p.m.). Sanitation services will be discontinued and will not be resumed until all current charges shall have been fully paid.
3. Those accounts opened or closed during the billing cycle will be prorated and charges assessed based upon the number of days the account was open during that billing cycle.
4. When a sanitation customer has failed to pay a sanitation bill and two (2) additional billings for the past due amount, the method for collecting the sanitation charges will be identical to those of the water and sewer utility bills.
5. It shall be the duty of Mexico Beach to collect said user fees and remit to the City Sanitation Fund on or before the 20<sup>th</sup> day of each month, or as soon as practicable, all such fees collected during the preceding calendar month.
6. The collector of the user fee shall keep complete records showing all fees collected, price being charged monthly for said service being provided, and the date of payment thereof and the records shall, at all reasonable times, be open for inspection by duly authorized agents of the City during business hours on all business days, and said agents shall have authority to make such transcripts thereof as may be necessary.
7. All "Other billings and emergencies" will be approved and signed by the City Administrator on a case-by-case basis.

**Section 6. Penalties**

- (a) A violation of the provision or provisions of this ordinance shall result in a civil fine of up to \$500 per violation and violations shall be processed through the Code Enforcement Officer and the City's Special Master.
- (b) Any person, firm or corporation found guilty of violating the provisions of this ordinance shall be fined not more than \$500. Such fine, and each and every violation of the provisions of this ordinance, shall constitute a separate offense.

**Section 7.**

If any section portion or clause of this ordinance for any reason shall be held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or invalidate the remaining sections or provisions. This ordinance shall amend, replace, and repeal Ordinance No. 623 and any and all prior ordinances relating to sanitation services, and ordinances in conflict with this ordinance. This ordinance shall take effect as provided by law.

- (a) If any section, portion or clause of this ordinance for any reason shall be held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or invalidate the remaining sections or provisions.
- (b) Funds accruing from this ordinance or the sanitation department shall be dedicated solely for the purpose of sanitation services and equipment.

**INTRODUCED** at a Regular Council Meeting on the 9th of February, 2016, and **ADOPTED** by the City Council on the 8th day of March, 2016.

This ordinance shall be **effective** on June 1, 2016.

CITY OF MEXICO BEACH, FLORIDA

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Tom Bailey, Mayor

ATTEST:

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Adrian Welle, City Clerk

SEAL



# MEXICO BEACH POLICE DEPARTMENT

118 N. 14th St. • PO Box 13425 • Mexico Beach, FL 32410

Phone 850.648.4790

Fax 850.648.4579

Chief J. Glenn Norris

To: City Council and City Administrator

From: Chief J. Glenn Norris

Date: 2/05/2016

Re: Council Report for Police Department January, 2016

## ADMINISTRATION

"Celebrate Twice" was a great success this year. We had many visitors and large volume of vehicle traffic. Thanks to all that helped and worked hard to make this another safe and successful year's celebration. Thank you to Mexico Beach CDC and Kimberly Shoaf for the coordination of this event.

The body worn cameras were removed from service due to the ineffective cameras we were using. The cameras were not functioning as advertised and sold. The battery's were not holding charge and were virtually of no use. The policy for the body worn cameras is still valid, but has been suspended until functional replacement cameras are able to be funded. The cameras are successful in eliminating false claims against officers, the City and allow us to see how the officers are doing, and is vital in successful prosecutions of criminal cases. We have searched and found replacement cameras for the officers, and in car video systems; Watchguard. This is a highly reputable company that has been tried and is in use by many police agencies. We have attained a proposal quote and are working with the City Administrator and City Clerk for financing or purchase options.

Officer Hunter Kelly was unable to return to work at the police department due to unforeseen circumstances on his behalf. His position was advertised and we received applicants that were interviewed before a hiring board. Two candidates scored very high during the board. We hired one of these candidates for the open position. We are proud to present to the City, Officer Mark T. Beverland, as our new police officer. He began his field training officer program on 01/16/2016. This is Officer Beverland's first police position but has served previously as a full time firefighter in New York for several years. Officer Beverland has been in Florida several years since moving from New York. He and his wife Gizelle and children live in Wewahitchka.

SGT John Bailey was selected from the Code Enforcement applicants to be the Code Enforcement Officer. SGT Bailey has over 30 years experience in various law



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Chief J. Glenn Norris

enforcement agencies. He has been an excellent officer for the police department and will be a great asset in his new position. Code Enforcement is now under the supervision of the police department.

As mentioned above, two candidates scored very high. With the move of SGT Bailey to Code Enforcement, we had a full time position open in the police department. Steven Daniel House, the second candidate that scored very high during the interview process, was selected to fill SGT Bailey's position. Officer House comes to us from the Port St Joe area and served in the US Army Infantry obtaining the rank of SGT. We welcome him aboard.

The supervision of the ESU Section has been removed from the police department, and now falls under the City Administrator.

The movement of the supervision of ESU, Code Enforcement, hiring of SGT Bailey as Code Enforcement and hiring of Officer House, occurred the first week of February but we wanted the Council, staff, and citizens to be aware of the changes and new positions/officers.

## **RELAY FOR LIFE:**

As this year's Relay gets into full swing we are asking you all to support our team "Beachin For A Cure". As this disease has touched all our lives in one way or another we ask you to remember these times and join us by walking, and/or donating. There are updates done often by our Team Captain, Ms. Metcalf, on our facebook page, so you can see your friends and neighbors as they join our team. Won't you also give of yourself for this worthwhile cause? We thank you and if you have further questions feel free to call our office at 648-4790.

## **TRAINING:**

We have a new online training program for the police officers, namely Virtual Academy. The new training allows the training to be credited for college training and has a vast array of in-depth classes related to advanced police training to include supervisor management classes. We are also using the Police Law Institute as we had in the past.

Our training for the month of January included Computer Aided Dispatch (CAD) which is the in car computer reporting/ dispatching program, Officer Safety on traffic stops and



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working crash scenes, Virtual Academy user training, and Departmental policy and updates.

**The January 2015, and 2016 case breakdowns are attached.**

# CAD Call Summary Report

Summary From 01/01/2015 @ 00:01 To 01/31/2015 @ 23:59

Included Agencies : Mexico Beach Police

All Zone/Areas Included

All Dispositions Included

Signal	Call Type	Count
02	Drunk Pedestrian	2
03V	Hit & Run Vehicle	1
04N	Accident W/ No Injury	1
08J	Missing Juvenile	2
10	Stolen Vehicle	1
11	Abandoned Vehicle	1
12	Reckless Driver	4
13	Suspicious Vehicle	5
13P	Suspicious Person	5
14	Information	4
21	Burglary	2
22P	Disturbance / Physical	1
22V	Disturbance Verbal	2
32	Theft	1
41	Alarm /Business	2
41R	Alarm / Residence	2
42	Trespass / Unwanted Guest	1
43	Civil	3
45	Animal Complaint	14
46	Sick / Injured	9
47	Aid Other Agency	3
53	Building Check	55
54	Public Service	15
56	Noise Complaint	2
60	Traffic Stop	31
61	Recovered Property	1
63	Harassments / Threats	1
65	Unverified 911	1
67V	Domestic Violence Related - Ve	2
68A	Fraud / Credit Card / Etc	1
73	Gas Leak	1
77	Welfare Check	2
90	Follow Up	7

Signal	Call Type	Count
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~~Vehicle LOCATED - NOT STOLEN~~

~~(1) Pending - Felony (1) CLOSED Property Located~~

~~(1) misdemeanor pending~~

~~(1) Felony Pending~~

Total Calls For Service : 185

# CAD Call Summary Report

Summary From 01/01/2016 @ 12:01 To 01/31/2016 @ 11:59

Included Agencies : Mexico Beach Police

All Zone/Areas Included

All Dispositions Included

Signal	Call Type	Count
04N	Accident W/ No Injury	2
12	Reckless Driver	4
13	Suspicious Vehicle	10
13P	Suspicious Person	4
14	Information	3
15	Special Detail	5
16	Highway Obstruction	1
22V	Disturbance Verbal	2
25	Fire /Other	2
31	Drug Offense	1
32	Theft	4
32D	Theft / Gas Drive Off	1
41	Alarm /Business	2
42	Trespass / Unwanted Guest	3
43	Civil	4
45	Animal Complaint	2
46	Sick / Injured	12
47	Aid Other Agency	2
48	Ncic / Fcic Hit	1
53	Building Check	69
54	Public Service	17
54D	Disabled Vehicle	1
54S	Supervisor Contact	1
54U	Unlock Vehicle	1
55	Backup	1
56	Noise Complaint	4
57	Fireworks	1
58	Other Offense	3
60	Traffic Stop	48
63	Harassments / Threats	1
67P	Domestic Violence Related Phys	1
67V	Domestic Violence Related - Ve	2
68A	Fraud / Credit Card / Etc	2
77	Welfare Check	1
90	Follow Up	7

Signal	Call Type	Count
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unfounded

(1) closed by arrest (1) possible lost property (2) unfounded

(1) closed by Exception

CODE CITATIONS

VICTIM REFUSAL TO COOPERATE

NO CHARGES

(1) Felony to St. Atty for charges (1) Felony under investigation

## Monthly Report

Jan-16

### Utilities Department

31 Locates  
150 Rereads/Gulf County  
10 Read in Read Out  
12 Service Line Repair  
3 New Installation  
79 Field Maintenance (meter boxes, degreasing, weed trimming, etc.)  
21 Costumer Service (check readings, check for leaks, locate meter, etc.)  
19 Turn Offs  
25 Reconnects  
6.735 Million gallons of water used  
0.227 Max Daily Usage  
0.217 Daily Avg.  
208 Lift Stations checked for the month (26 lift stations checked 8 times each)

### Public Works Departments

17 Field Maintenance  
12 Beach Cleaning  
2 Beach Raking

### Canal Department

We dredged twice for the month of December, the 21st and the 31st

### Sanitation Department

Waste Pro- 180,540 lbs / 90.27 tons  
New Incinerator Operation- 54,360 lbs / 27.18 tons  
Yard Debris- 15-17





**City of Mexico Beach**  
**Financial Report FY 2015/2016**  
**Month Ended December 31, 2015**  
*Unaudited – Intended for Management Purposes Only*

**GENERAL FUND AT-A-GLANCE**

Category	Budget	YTD Actual	% To Date	% Prior Year
Revenues	\$3,137,212	\$1,087,711.24	34.67%	41.13%
Expenditures	\$3,137,212	\$850,251.59	27.10%	22.74%
<b>Revenues Over Expenditures</b>		\$431,878.14		

**GENERAL FUND REVENUES**

General Fund Revenues for the month ended December FY 16 were \$1,087,711.24. Last year's revenues for the month were \$965,901.63; \$121,809.62 LESS than FY 16 collected revenues.

**GENERAL FUND EXPENDITURES**

General Fund expenditures for the month ended December FY 16 were \$850,251.59 and FY 15 expenditures were \$534,023.48 a difference of \$316,228.11. The breakdown of expenses for FY 16 is: \$277,814.04 for personnel costs, \$119,876.68 in operating costs, and \$431,611.93 in capital.

Description	Fiscal Year 2015 Budget	Fiscal Year 2016 Budget	2015 Actual	2016 Actual
<b>Revenue</b>				
Property Taxes	\$1,627,635	\$1,684,316	\$810,246.33	\$865,458.36
Other Taxes	\$363,344	\$373,372	\$90,124.50	\$51,270.20
Licenses & Permits	\$21,000	\$36,500	\$5,254.99	\$9,840.40
Intergovernmental Revenue	\$129,300	\$136,866	\$32,404.54	\$110,002.20
Charges for Services	\$66,709	\$66,325	\$15,845	\$13,241.66
Fines & Forfeitures	\$2,000	\$2,000	\$867.85	\$2,990.94
Miscellaneous Revenue	\$103,000	\$112,500	\$11,158.41	\$34,907.48
Other Sources	\$35,000	\$725,333	\$0	\$0
<b>Revenue Total</b>	<b>\$2,347,988</b>	<b>\$3,137,212</b>	<b>\$965,901.62</b>	<b>\$1,087,711.24</b>
<b>Expense</b>				
Personal Services	\$1,421,973	\$1,389,025	\$323,682.11	\$277,814.04
Operating Expenditures	\$521,672	\$605,239	\$116,968.84	\$119,876.68
Capital Outlay Expenditures	\$77,384	\$756,373	\$86,605.72	\$431,611.93
Debt Service	\$110,531	\$118,575	\$6,766.81	\$20,948.94
Other Sources	\$211,428	\$268,000	0	\$0
<b>Expense Total</b>	<b>\$2,347,988</b>	<b>\$3,137,212</b>	<b>\$534,023.48</b>	<b>\$850,251.59</b>

\*Items will be confirmed during audit

<b>Cash Account</b>	
General Fund Operating	\$752,084
General Fund Reserve	\$1,102,927
Canal Reserve	\$951,598
Paving & Maintenance	\$548,632
Utility Tax Fund	\$693,122
Parks & Recreation Impact Fees	\$123,382
Police Impact Fees	\$36,084
Fire/ESU Impact Fees	\$102,489
Water Operating	\$96,692
Water Impact Fee	\$158,576
Sewer Operating	\$597,544
Sewer Impact Fee	\$847,688
Sanitation Operating	\$359,054

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, Adrian Welle.