



**CITY COUNCIL REGULAR MEETING  
TUESDAY, MARCH 8, 2022, 9:00 A.M.  
PUBLIC WORKS BUILDING**

**Mayor, William A. Cathey**

**Councilman Bobby Pollock  
Councilman Jerry Smith**

**Councilwoman Sharon Call  
Councilman Darrell Key**

---

Clint McCahill, City Attorney

Douglas G. Baber, City Administrator

Tammy Brunson, City Clerk

---

**This meeting will be live streamed on the City of Mexico Beach Government Facebook Page. If you have any questions/comments on the agenda, please mail them up to 2 hours prior to the meeting to [city@mexicobeachgov.com](mailto:city@mexicobeachgov.com)**

---

- I. CALL TO ORDER**
- II. INVOCATION**
- III. PLEDGE OF ALLEGIANCE**
- IV. CITIZENS COMMENTS**
- V. CONSENT AGENDA**
  - 1. MINUTES**
    - a. February 22, 2022
- VI. REGULAR AGENDA**
  - 1. DEPARTMENT REPORTS**
    - a. PUBLIC WORKS REPORT
    - b. UTILITIES REPORT
    - c. SHERIFF'S OFFICE REPORT
  - 2. PRESENTATION – Mexico Beach Community Forestry Program**

**3. RESOLUTION 22-03**

A RESOLUTION OF THE CITY OF MEXICO BEACH, FLORIDA, **RESCINDING** RESOLUTION **19-2019-16** AND **ESTABLISHING** STANDARD FEE/FINE AMOUNTS FOR VARIOUS CODE ENFORCEMENT VIOLATIONS AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE

- a. Motion to read Resolution 22-03. (By Title Only)
- b. Motion to Approve Resolution 22-03.

- 4. **TASK ORDER – Professional Services with Dewberry Engineers, Inc., for Lift Station Bypass Pump Installation in the amount not to exceed \$21,802.00 - Atkins**
- 5. **MEDIATED SETTLEMENT AGREEMENT – John Bailey vs. City of Mexico Beach in the amount of \$30,000.00 and Mediator costs**
- 6. **PARKER PARK DESIGN – City Administrator**
- 7. **CITY ATTORNEY PROPOSAL REVIEW – City Administrator**
- 8. **DISCUSSION – Setback Waiver – Ordinance 715 – City Administrator**
- 9. **DISCUSSION – Residential Stormwater Repairs – Public Works Director & Dewberry Engineers**
- 10. **DISCUSSION – City Council Compensation – Mayor Cathey**
- 11. **PROJECTS LIST UPDATE – City Administrator**

**VII. STAFF REPORTS**

- 1. **CITY ATTORNEY REPORT**
- 2. **CITY ADMINISTRATOR REPORT**
- 3. **CITY COUNCIL REPORT**

**VIII. ADJOURNMENT**

---

Emailed to interested parties and posted on the website on: DATE: 03/07/2022

Note: Copies of the Agenda items are posted on the City's Website [www.mexicobeachgov.com](http://www.mexicobeachgov.com). This meeting will be recorded and also available on the Website.

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

# **CONSENT AGENDA**

**MINUTES**

**02/22/2022**

**City Council Meeting**  
**February 22, 2022, 9:00 a.m.**  
**Public Works Building**

**Present**

Mayor, William A Cathey  
Councilman, Bobby Pollock  
Councilwoman, Sharon Call  
Councilman, Jerry Smith  
Councilman, Darrell Key

**Also Present**

City Administrator, Doug Baber  
City Clerk, Tammy Brunson  
City Attorney Clint McCahill

---

**Meeting was called to order at 9:00 a.m.**

**Citizen's comments**

**Public Hearing opened at 9:02 a.m.**

Kimberly Shoaf with the Mexico Beach CDC thanked the city and its employees for helping to make this year's Gumbo Cook Off a huge success.

Rock Kries commented of the Gumbo Cook Off and what a great event it was for the city. He also asked about the street paving on 15<sup>th</sup> St.

**Public Hearing Closed 9:09 a.m.**

**Consent Agenda**

Meeting minutes from January 25, 2022 and February 8, 2022.

Mr. Pollock motioned, and Ms. Call seconded to approve the consent agenda. Motion passed unanimously.

**Regular Agenda**

**January 2022 Employee of the Month**

Nic Nicodemus was presented with the Employee of the Month Award

**Department reports**

Financial report was given by Ms. Mcleod, Mr. Reisen updated the Dewberry projects and Mr. Wiedenman reported on Atkins projects.

**Sweetwater Presentation**

Frank James, Richard Ferry and Sean Shanks presented changes made to the final Sweetwater Development plat.

**Discussion – Task order relating to Hurricane Michael Phase II Dredging amending contractors time frame for dredging activities and progress report with Crowder Gulf.**

Reid Loper with Crowder Gulf explained the need to push back the completion date to April 25<sup>th</sup> due to delays on the start of the project.

Mr. Key motioned, and Ms. Call seconded to approve the task order for Crowder Gulf. Motion passed unanimously.

**City Attorney proposal review.**

Mr. Baber explained there was a late proposal received. He asked if Council wanted to include that proposal to the process and if so, could this item be tabled until the March 8<sup>th</sup> meeting to allow for additional review. Council agreed unanimously to add the late submission and table the review until the March 8th meeting

**Parker Park Task Order with Dewberry Engineers – Proposal for professional services not to exceed \$26,428.00 for design, bidding and construction only.**

Mr. Smith motion, and Mr. Pollock seconded to approve the task order for Dewberry Engineers. Motion passed unanimously.

**Projects List**

Mr. Baber updated Council on the ongoing projects in the city.

**City Attorney Report**

Mr. McCahill did not have anything to report at this time.

**City Administrator Report**

Mr. Baber did not have anything additional to report.

**City Council Report**

Mr. Smith thanked the EMS and Fire Department for their work.

**Mr. Pollock motioned to adjourn the meeting.**

**Meeting adjourned at 11:04 a.m.**

By: \_\_\_\_\_  
Mayor William A Cathey

Attest: \_\_\_\_\_  
Tammy Brunson, City Clerk

# **REGULAR AGENDA**

## **ITEM NUMBER**

**1**

## **DEPARTMENT REPORTS**

# **REGULAR AGENDA**

## **ITEM NUMBER**

**2**

## **PRESENTATION**

## **MEXICO BEACH**

## **COMMUNITY FORESTRY**

## **PROGRAM**



# MEXICO BEACH

F · L · O · R · I · D · A

## *Community Forestry Initiative*

*(March 8, 2022)*

Tim Linderman – Grant Specialist, City of Mexico Beach, FL (*Volunteer*)  
Jeff Johnson Senior Forester (Bay & Gulf County) Florida Forest Service)



# Background

- **Mexico Beach Tree Loss**

- 42% Tree Canopy 2017, reduced to 15% after Michael
- Actual 70% loss forecasted (after 2022 tree inventory)

- **Direct impact on quality of life & flood control**

- **Objectives:**

- Improve the quality of life for residents and visitors
- Program enhanced by community involvement
- A sustainable long term Community Forestry Program
- Incorporated with other Mexico Beach programs & efforts (*Recovery Plan, Stormwater Management & Greenspace Plan, Land & Development Regulations, Compressive Plan*)
- Designation as a "Tree City USA"





# ***Tree City USA & Grant Opportunities***

---

- **“Tree City USA” designation - 176 cities in Florida (57%)**
  - Framework for communities to manage and expand their public trees
- **Additional funding opportunities as “Tree City USA”**
  - Several Grants prioritized or required to be “Tree City USA” for eligibility
- **Florida Urban & Community Forestry Grant**
  - Public Tree Canopy Improvement (*Tree Planting*) & *Tree Inventory*
- **Coastal Partnership Initiative Grant**
  - Park planning and improvements & Habitat restoration (*Tree Planting*)

## **Way Ahead**

---

- **Trees in the ground** (*Plant Trees!*)
- **“Tree City USA”** (*designation January 2023*)
- **Obtain Expertise** (*where, how many, & type new tree plantings*)
  - Local Arborists & Master Gardeners
  - State Forestry, Bay County, local Colleges, other volunteers
- **Obtain Resources** (*Grants, Fundraisers, Volunteers, Gov’t Programs*)
- **Community Involvement**
  - Tree Advisory Board & resident input into tree planting program
  - Community Tree Plantings, Education & Fundraisers
- **Develop a 3-year & 10-year plan**
- **Develop long-term plan to support our vision 20+ years**



**MEXICO BEACH**

F . L . O . R . I . D . A

*Community Forestry Initiative*

# *Questions & Guidance*



# **REGULAR AGENDA**

## **ITEM NUMBER**

**3**

**RESOLUTION 22-03**

RESOLUTION 22-03

**A RESOLUTION OF THE CITY OF MEXICO BEACH, FLORIDA,  
RESCINDING RESOLUTION 19-2019-16 AND ESTABLISHING  
STANDARD FEE/FINE AMOUNTS FOR VARIOUS CODE  
ENFORCEMENT VIOLATIONS AND PROVIDING FOR AN  
IMMEDIATE EFFECTIVE DATE.**

WHEREAS, the City of Mexico Beach (“the City”) enforces its codes pursuant to Florida Law, the Mexico Beach Land Development Code, and the Mexico Beach City Code; and

WHEREAS, the City adopted Resolution 19-2019-16 establishing a Code Enforcement fee/fine schedule; and

WHEREAS, the City desires to update its Code Enforcement Fee/Fine Schedule with the adoption of this Resolution; and

WHEREAS, the Fee/Fine Schedule included in this Resolution is generally in line with nearby localities and is fair and reasonable; and

NOW THEREFORE, be it resolved by the City Council of the City of Mexico Beach, Florida as follows:

1. That Resolution 19-2019-16 is hereby **rescinded**, and this Resolution is hereby **adopted** setting forth a Code Enforcement Fee/Fine Schedule which is attached hereto as Exhibit “A” and incorporated and made a part hereof.
2. Effective date. This Resolution shall become effective immediately upon adoption.

DULY PASSED AND ADOPTED by the City Council of Mexico Beach, Florida this 8<sup>th</sup> day of March, 2022.

The City of Mexico Beach

BY: \_\_\_\_\_  
William A. Cathey, Mayor

ATTEST:

\_\_\_\_\_  
Tammy Brunson, City Clerk

# Proposed

Exhibit A - Code Enforcement Fees			
Violation	1st Offense	2nd Offense	3rd Offense
Construction of fence without a permit — unauthorized height (double permit fee)	\$150.00		
Unauthorized fence height and/or beyond front of home	\$150.00		
Impermissible Accessory Building/Structure	\$50.00		
Accessory Building w/o primary structure	\$50.00		
Display of prohibited signs - see specific violation on citation	\$25.00		
Animal Violations — see specific violation on citation	\$25.00		
Bringing or permitting animals to be on sand beach areas where prohibited	\$25.00		
Failure to comply with beachfront lighting requirements (per light)	\$50.00		
Failure to keep yard free of litter	\$100.00		
Storage of junk cars	\$100.00		
Accumulation of lumber, junk, trash, abandoned materials equip. or undergrowth	\$100.00		
Excessive grass or vegetation	\$50.00		
Stockpiling construction material	\$100.00		
Physical or unsanitary conditions	\$100.00		
Failure to remove dead or damaged plants	\$25.00		
Removal of tree(s) without permit (double permit fee)	\$50.00		
RV violation	\$100.00		
<b>Boat ramp violation</b>	<b>\$150.00</b>		
Entertainment permit violation	\$25.00		
Swimming pool enclosure violation	\$50.00		
Excessive noise (LDR 2.07.03)	\$25.00	\$50.00	\$100.00
Construction noise 10pm-6am	\$25.00	\$50.00	\$100.00
Permanent sign without permit (double permit fee)	\$150.00		

**RESOLUTION 19-2019-16**

**A RESOLUTION OF THE CITY OF MEXICO BEACH,  
FLORIDA ESTABLISHING STANDARD FINE AMOUNTS  
FOR VARIOUS CODE ENFORCEMENT VIOLATIONS AND  
PROVIDING AN IMMEDIATELY EFFECTIVE DATE.**

WHEREAS, the City of Mexico Beach (the "City") enforces its codes pursuant to Florida law, the Mexico Beach Land Development Code, and the Mexico Beach City Code; and

WHEREAS, historically fines and penalties for code violations have been set by City staff or the City's Special Master on a case by case basis; and

WHEREAS, due to Hurricane Michael, code enforcement is more frequent and widespread in the City and it is in the best interest of the citizens and property owners, as well as City staff and officials, to establish standard fines for various code enforcement violations to include in Notices of Violation and that will be pursued through the City's code enforcement processes; and

WHEREAS, the fines included in this resolution are generally in line with nearby localities and are fair and reasonable.

**BE IT RESOLVED** that the City hereby adopts the Code Enforcement Fee Schedule attached and incorporated as **Exhibit "A,"** and such fees shall go into effect immediately. Such fees are intended to apply once per violation, except for repeat violations and continuing violations, as provided by the Land Development Code.

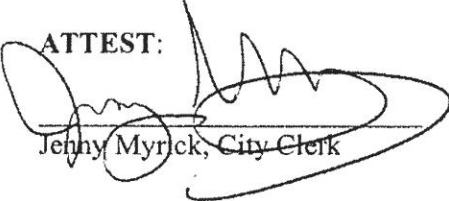
**PASSED** this 8 day of October, 2019.

**CITY OF MEXICO BEACH**

By: 

William A. Cathey, Mayor

**ATTEST:**

  
Jenny Myrick, City Clerk



**Exhibit A - Code Enforcement Fees**

<b>Violation</b>	<b>1st Offense</b>	<b>2nd Offense</b>	<b>3rd Offense</b>
Construction of fence without a permit — unauthorized height (double permit fee)	\$150.00		
Unauthorized fence height and/or beyond front of home	\$150.00		
Impermissible Accessory Building/Structure	\$50.00		
Accessory Building w/o primary structure	\$50.00		
Display of prohibited signs - see specific violation on citation	\$25.00		
Animal Violations — see specific violation on citation	\$25.00		
Bringing or permitting animals to be on sand beach areas where prohibited	\$25.00		
Failure to comply with beachfront lighting requirements (per light)	\$50.00		
Failure to keep yard free of litter	\$100.00		
Storage of junk cars	\$100.00		
Accumulation of lumber, junk, trash, abandoned materials equip. or undergrowth	\$100.00		
Excessive grass or vegetation	\$50.00		
Stockpiling construction material	\$100.00		
Physical or unsanitary conditions	\$100.00		
Failure to remove dead or damaged plants	\$25.00		
Removal of tree(s) without permit (double permit fee)	\$50.00		
RV violation	\$100.00		
Boat ramp violation	\$25.00		
Entertainment permit violation	\$25.00		
Swimming pool enclosure violation	\$50.00		
Excessive noise (LDR 2.07.03)	\$25.00	\$50.00	\$100.00
Construction noise 10pm-6am	\$25.00	\$50.00	\$100.00
Permanent sign without permit (double permit fee)	\$150.00		

# **REGULAR AGENDA**

## **ITEM NUMBER**

**4**

## **TASK ORDER**

**LIFT STATION BYPASS PUMP  
INSTALLATION**

**ATKINS-RYAN WIEDENMAN**



February 28, 2022

Mr. Doug Baber  
 City Administrator  
 City of Mexico Beach  
 PO Box 13425  
 Mexico Beach, FL 32410

Re: Professional Services for Lift Station Bypass Pump Installation

Dear Mr. Baber,

Dewberry Engineers Inc. (DEI) is pleased to provide this proposal for professional services. It is our understanding the City would like to add a diesel-powered bypass pump(s) to Lift Stations #9, #11 and #13. DEI proposes to perform the following services for this project.

**I. A. SCOPE OF WORK**

**Task 1.0 Survey**

- DEI will develop a Topographic survey of the project area locating existing structures/improvements as needed for design.

**Task 2.0 Design**

- Inspect existing lift stations #9, #11 and #13 to evaluate performance and determine the necessary alterations to facilitate the pump connections.
- Prepare construction plans, details, sections, and specifications.
- Respond, if necessary, to any request for additional information (RAI).
- Submit 100% plans and specifications to the City for approval.

**Task 3.0 Bidding and CEI**

- Prepare bid documents and assist city with soliciting bids.
- Conduction periodic site inspections.

Total estimated Fees for the described services shall be:

Task	Task Description	Fee Structure	Fees/ Expenses
1.0	Survey	Lump Sum	\$2,500.00
2.0	Civil Design	Lump Sum	\$16,650.00
3.0	Bidding and CEI	Lump Sum	\$2,652.00
		<b>Estimated TOTAL:</b>	<b>\$21,802.00</b>

## II. EXCLUSIONS

Please note that the tasks outlined in this AGREEMENT should be all-inclusive of the professional services necessary to complete the Project. However, conditions may arise that require services beyond those listed above. The following services are excluded from this AGREEMENT, but we can provide these services under separate authorization:

1. Grant Fund Management: project reporting, financial reporting, etc.
2. Project Management
3. FDEP or WMD Permitting
4. NPDES Permitting
5. Design and Cost Analysis of other parcels
6. Title searches or opinions
7. Utility location
8. Utility design
9. Stormwater analysis
10. Construction stakeout surveying
11. Geotechnical Investigation
12. Wetland delineation or permitting
13. Environmental Assessments

All terms and conditions of this Task Order shall be governed by the terms and conditions in the current Agreement between Mexico Beach and Dewberry Engineers Inc. dated December 11th, 2018.

Sincerely,

Approved by:



\_\_\_\_\_  
Doug Baber, City Administrator

\_\_\_\_\_  
David Reisen, PE  
Senior Project Manager  
Dewberry  
324 Marina Drive  
Port St Joe, FL 32456  
850-571-1221  
[dreisen@dewberry.com](mailto:dreisen@dewberry.com)

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

# **REGULAR AGENDA**

## **ITEM NUMBER**

**5**

## **MEDIATED SETTLEMENT AGREEMENT**

**Bailey vs City of Mexico Beach**

IN THE CIRCUIT COURT OF THE  
FOURTEENTH JUDICIAL CIRCUIT, IN AND FOR  
BAY COUNTY, FLORIDA

JOHN BAILEY,

Plaintiff,

vs.

CASE NO.: 2020 CA 001518

CITY OF MEXICO BEACH,

Defendant.

\_\_\_\_\_ /

**MEDIATED SETTLEMENT AGREEMENT**

This Mediated Settlement Agreement (“Agreement”) is made and entered into this 2nd day of March, 2022, by and between the Plaintiff John Bailey and Defendant City of Mexico Beach, Florida, (“City”). Bailey and the City are the “Parties.”

**RECITALS**

WHEREAS, Bailey filed a lawsuit against the City styled as *John Bailey v. City of Mexico Beach*, Case No. 2020 CA 001518 (“Lawsuit”); and

WHEREAS, the City denied, and continues to deny, the validity of the claims and allegations asserted by Bailey and denies that it is subject to any liability; and,

WHEREAS, the Parties and their counsel mediated this matter on March 2, 2022, with mediator Scott Callen and have determined that a compromise, settlement and release of the claims asserted or that could have been asserted in the Lawsuit, with prejudice, will best serve the interests of all concerned; and,

WHEREAS, the Parties and their counsel have also concluded that the terms of this Agreement are fair, reasonable, adequate and in the Parties' mutual best interests; and,

NOW THEREFORE, the Parties, for good and valuable consideration, the sufficiency and receipt of which the Parties hereby acknowledge and stipulate to, agree as follows:

1. Recitals: The recitals set forth above are factually correct and are included herein by reference and form a material part of this Agreement.
2. Terms of Agreement: In connection with the parties' mutual execution of this Agreement and the covenant and terms herein, the parties agree as follows:
  - a. This Agreement is expressly contingent upon approval by the City Council after a properly notice meeting. The signatory, Douglas Baber, City Administrator, will recommend that the City Council approve this Agreement. Mr. Baber will seek approval within 30 days.
  - b. Within 10 days of approval by the City Council as described above, the parties shall execute a settlement agreement and general release.
  - c. Within 10 days from the City's counsel's receipt of the release appropriately signed and dated by Plaintiff, the City shall issue payment in the amount of thirty thousand dollars (\$30,000.00) payable to the Marie A. Mattox, P.A., Trust Account.
  - d. Upon payment of the consideration above, Plaintiff shall cause the Lawsuit to be dismissed with prejudice within ten (10) days of Plaintiff's counsel's receipt of the settlement sum.
  - e. The City shall pay Plaintiff's mediator costs upon the approval by the City Council as described above.
  - f. The Parties hereto shall bear their own attorney fees.

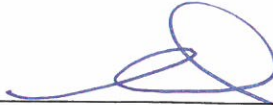


John Bailey v. City of 2022 16:10 CST

John Bailey

Mar 2, 2022

Date



Douglas Baber, City Administrator

3/3/2022

Date



## Tammy Brunson

---

**From:** mccahilllaw@fairpoint.net  
**Sent:** Thursday, March 3, 2022 10:34 AM  
**To:** Tammy Brunson  
**Cc:** Douglas Baber  
**Subject:** RE: Bailey v. City of Mexico Beach -- signature for Mediated Settlement Agreement [RKC-ACTIVE.FID3173562]

**CAUTION:** This email originated from outside of the organization. Do not follow guidance, click links, or open attachments unless you recognize the sender and know the content is safe.

I just received the e-mail from Kayla confirming that the City will not have any costs associated with this settlement agreement, including mediator costs. Thus, yes Doug can execute and get it on the agenda for Tuesday's Council meeting.

Thanks,

Clint

Clinton T. McCahill, P.A.  
817 Marvin Avenue  
Port St. Joe, FL 32456  
850.229.9040

# **REGULAR AGENDA**

## **ITEM NUMBER**

**6**

## **PARKER PARK DESIGN**

**City Administrator**

**REGULAR AGENDA**

**ITEM NUMBER**

**7**

**CITY ATTORNEY  
PROPOSAL REVIEW**

**City Administrator**

## City Attorney RFP Review Cover Page

Applicant	Location Proximity to Mexico Beach	Lead Attorney Experience	Local Govt Experience	Monthly Cost	Ancillary Cost	Notes
Clint T McCahill P.A.	Port St Joe	Yes - 27 yrs	Yes - 13 yrs	\$5,000.00 per month, unlimited hrs	Litigation and extensive travel expenses	Existing Attorney since 1/1/2022 - Works as Port St Joe City Attorney - Code and paralegal service at no additional cost
Warner Law Firm	Panama City	Yes	Yes	\$3,500.00 up to 20 hrs	Litigation, travel expenses outside Bay County	Over 20 hrs rate is \$175.00 per hr. All paralegal work is \$95.00 per hr.
Hand, Arendall, Harrison & Sale	Panama City	Yes - 24 yrs	Yes - 15 yrs	\$7,500.00 per month, unlimited hrs	FEMA, litigation and bond services	Litigation billed at \$295.00 per hr for partners, \$195.00 per hr associates, \$100.00 per hr paralegal - Dropped City contract Dec 2021 with 30 day notice
Nabors, Giblin & Nickerson, P.A.	Tallahassee	Yes	Yes	\$5,000.00 per month, unlimited hrs	Litigation and bond services	Partners billed at \$225.00 per hr and associates at \$175.00 per hr.
Burg Wynn Law Firm	Panama City	Yes	Yes - 12 yrs	\$5,000.00 per month, unlimited hrs	Litigation or unique projects outside of routine City representation	Partners rate at \$300.00 per hr and associates at \$250.00 per hr.

Reviewed and submitted by the City Administrator, Douglas Baber on 3/3/2022

# **REGULAR AGENDA**

## **ITEM NUMBER**

**8**

### **DISCUSSION SETBACK WAIVER ORDINANCE 715**

**City Administrator**

ORDINANCE 715

AN ORDINANCE OF THE CITY OF MEXICO BEACH, FLORIDA PROVIDING FOR A LIMITED WAIVER OF SETBACKS TO REBUILD A PRIMARY STRUCTURE WITHIN ITS PRE-HURRICANE MICHAEL FOOTPRINT; PROVIDING FOR SEVERABILITY, REPEAL, AND AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, on October 10, 2018, Hurricane Michael struck the City of Mexico Beach (the "City") as a Category 4 hurricane resulting in massive damage to structures within the City;

WHEREAS, many parcels where homes and businesses were located will require construction of entirely new buildings rather than just repairs; and

WHEREAS, the City recently updated its Comprehensive Plan and Land Development Code and provided some consideration to situations involving rebuilding structures that were nonconforming uses that typically would lose their grandfathered status after sustaining damages in excess of 50% of their fair market value; and

WHEREAS, as part of those updates, the City modified certain development requirements to reduce limitations on rebuilding something similar to what existed prior to Hurricane Michael, but did not address setback requirements; and

WHEREAS, in some cases the applicable setbacks make parcels unbuildable and in other cases the applicable setbacks would prevent rebuilding something similar to previous building; and

WHEREAS, despite that some buildings in the City did not comply with setback requirements, in some cases the buildings met the rules that existed at their time of construction and the City is unaware of instances when a person built or subdivided in deliberate disregard of the City's rules or orders; and

WHEREAS, the City Council has determined the process and limited waiver provided by this ordinance is an efficient, fair way to facilitate rebuilding of the City and that notice and deliberation on a uniform City-wide rule is preferable to numerous notices and hearings for individual variance requests; and

WHEREAS, as provided in section 2(b), Article VIII of the Constitution of the State of Florida, and section 166.021(1), Florida Statutes, the City, a municipal corporation, enjoys all governmental, corporate, and proprietary powers necessary to conduct municipal government,

perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except as expressly prohibited by law; and

WHEREAS, since the Mexico Beach Comprehensive Plan does not govern setbacks, this Ordinance is consistent with the Mexico Beach Comprehensive Plan; and

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

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

SECTION 1. FINDINGS OF FACT. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this ordinance.

SECTION 2. LIMITED SETBACK WAIVER. For thirty-six months following the effective date of this ordinance, the City will consider development order applications with reduced setbacks as provided below and may approve those applications if all the following requirements are met:

- A. the limited setback waiver allows a new primary structure to be built in the same footprint as the previous primary structure as that footprint existed on October 9, 2018;
- B. this waiver does not apply if the use of the property will change (*e.g.* building a dwelling unit where a business was located or building a business where a dwelling unit was located);
- C. this waiver does not apply if the number of dwelling units on the parcel will increase;
- D. this waiver does not apply to accessory structures, which must comply the applicable current rules;
- E. this waiver follows the land, rather than being personal to an owner;
- F. the waiver expires upon the expiration of the development order, but if the project was constructed pursuant to the development order, it will be protected by the City's regular non-conforming use rules thereafter;
- G. the request for this limited setback waiver must be part of normal development order application and only the regular application fee will apply to it;
- H. applicants must complete forms prescribed by the City Administrator or her designee and provide surveys, building plans and other relevant documents if requested to either confirm the boundaries of the prior building footprint or its distance from the property boundaries or to determine whether the requirements of this ordinance have been met;
- I. all development orders granted with this limited setback waiver shall state that the requirements of this ordinance have been met and shall describe the reduced setbacks or buildable area applicable to the parcel; and

- J. the City shall deny any application that does not strictly meet the requirements of this ordinance, but such requests may be considered under standard variance procedures upon subsequent application by the owner.

Approval of this limited setback waiver does not reduce or modify any obligation to comply with all other rules promulgated by the City and the Florida Building Code.

SECTION 3. SEVERABILITY. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

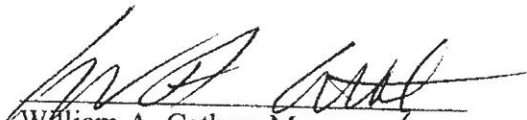
SECTION 4. SCRIVENER'S ERROR. The city attorney may correct scrivener's errors found in this ordinance by filing a corrected copy of this ordinance with the city clerk.

SECTION 5. PUBLICATION. After its adoption, this ordinance shall be published and printed as prescribed for other adopted ordinances.

SECTION 6. REPEAL. All Codes, Ordinances and/or Resolutions or parts of Codes, Ordinances and/or Resolutions in conflict herewith are hereby repealed to the extent of the conflict.

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

PASSED, APPROVED AND ADOPTED at the special meeting of the City Council of the City of Mexico Beach, Florida, this 23<sup>rd</sup> day of April, 2019.

  
William A. Cathey, Mayor

ATTEST:

  
CITY CLERK



# **REGULAR AGENDA**

## **ITEM NUMBER**

**9**

## **DISCUSSION**

# **STORMWATER REPAIRS**

**Public Works Director & Dewberry  
Engineers**

# **REGULAR AGENDA**

## **ITEM NUMBER**

**10**

### **DISCUSSION CITY COUNCIL COMPENSATION**

**Mayor Cathey**

# **REGULAR AGENDA**

## **ITEM NUMBER**

**11**

## **PROJECTS LIST UPDATE**

**City Administrator**

# Project's List

Credit Card Machine

8<sup>th</sup> Street Bathrooms

15<sup>th</sup> Street Bridge Repairs

Additional Boat Ramp Parking

Boat Ramp Expansion

Bypass Pumps

Canal Dredging

City Wide Storm Water Repairs

City Wide Street Paving

DOT Right of Way (North Side Shoulder Work)

Dredge Purchase

Jetty

Manhole Covers Waterproofed

Marina/Boat Ramp, Pavilions & Fish Cleaning Station Repairs

Marina Boat Slips (covered with lifts)

Parker Park

Parker Park Waterway

Pier

Police/Fire/Municipal Building

Street Lights

Sunset Park

Surge Gate for Canal

Under The Palms Park

Underwater Debris Removal