



**City Council Regular Meeting  
Tuesday, October 24, 2017 9:00 AM  
Civic Center 105 N. 31<sup>st</sup> St.**

**City Administrator – Mell Smigielski**

**ANNOUNCEMENTS**

**ADJOURNMENT**

**City Council Regular Meeting  
Tuesday, October 10, 2017 6:00 PM  
Civic Center 105 N. 31<sup>st</sup> Street**

**Present:**

**Councilman Jerry Wallace  
Councilwoman Linda Albrecht  
Councilman Bill McGlothlin  
Councilman Rex Putnal**

**Also Present:**

**Mell Smigielski, City Administrator  
Adrian Welle, City Clerk  
Police Chief Anthony Kelly  
Fire Chief Danny Simmons  
Philip Hall, Public Works Director**

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**Mayor Pro-Tem Albrecht called the meeting to order at 6:00 p.m.**

Tom Bailey 205 Carolina spoke to the council about temporary sheds and covers on residential lots and asked for code to spend some time out in their neighborhood.

Peggy Wood 2105 Hwy 98 invited everyone to attend the Art and Wine festival at the Driftwood this weekend.

Minutes from the September 26, 2017 meeting were approved without objection or changes.

Jeff Brittain of Dewberry Preble Rish was present to give an update to the council regarding the various projects currently going on in Mexico Beach.

Dennis Dingman was present to provide a status update on the CDBG grant program.

Council members disclosed that none of them have any business or familial relationship with the new applicant Ms. Tarleton.

Motion by Mr. Putnal and seconded by Mr. Wallace to adopt the attached applicant list, dated October 10, 2017, for the City's FFY 2014 CDBG Housing Rehabilitation program. Motion carried unanimously.

**First Reading**

**Ordinance 685**

AN ORDINANCE AMENDING ORDINANCE NO. 651, ADJUSTING THE CURRENT RATES TO BE CHARGED FOR THE USE OF THE MUNICIPAL WATER/SEWER SYSTEM FOR SERVICE INSIDE AND OUTSIDE THE CITY LIMITS OF MEXICO BEACH, ALLOWING FOR A SENIOR CITIZEN DISCOUNT AND VACANT LOT RATES, REPEALING ORDINANCES AND/OR PARTS OF ORDINANCES IN

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CONFLICT WITH THIS ORDINANCE AND PROVIDING AN EFFECTIVE DATE.

- a. Motion by Mr. McGlothlin and seconded by Mr. Wallace to read Ordinance 685 by title only. Motion carried unanimously.

**Ordinance 686**

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 PRACTICIES; AMENDING AND REPLACING ORDINANCE NO. 643 AND THE REPEALING OF ANY PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING PENALTIES FOR VIOLATIONS THEREOF; AND, PROVIDING AN EFFECTIVE DATE.

- a. Motion by Mr. Putnal and seconded by Mr. McGlothlin to read Ordinance 686 by title only. Motion carried unanimously.

Motion by Mr. McGlothlin to restore the last sentence in section 3 letter b except for the words “or contractor”. Motion dies for a lack of a second.

**Ordinance 687**

AN ORDINANCE OF THE CITY OF MEXICO BEACH, FLORIDA, AMENDING THE CITY’S LEAVE NO TRACE ORDINANCE; PROVIDING DEFINITIONS; MODIFYING THE SCOPE OF THE ORDINANCE TO COVER ALL PERSONAL PROPERTY EXCEPT LISTED EXCEPTIONS; PROVIDING MORE DETAILED PROCEDURES FOR PICKING UP DISCARDED ITEMS AND PROCEDURES TO RETRIEVE DISCARDED ITEMS IN SOME CASES; PROVIDING PROCEDURES TO ESTABLISH A VIOLATION OCCURRED THE PRIOR NIGHT; REPEALING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

- a. Motion by Mr. McGlothlin and seconded by Mr. Putnal to read Ordinance 687 by title only. Motion carried unanimously.

Discussion of the council ensued on potential changes to the Ordinance. No changes were made at this time.

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**Ordinance 688**

AN ORDINANCE OF THE CITY OF MEXICO BEACH, FLORIDA PROHIBITING BUSINESSES FROM OPERATING ON THE BEACH WITHOUT A BEACH VENDING PERMIT; PROVIDING AN EXCEPTION FOR BUSINESSES MEETING SPECIFIED CONDITIONS; PROVIDING DEFINITIONS; PROVIDING BEACH VENDING PERMIT APPROVAL PROCESS; PROVIDING PERMISSIBLE LOCATIONS FOR ACTIVITIES CONDUCTED UNDER A BEACH VENDING PERMIT; PROVIDING PERMISSIBLE ACTIVITIES UNDER A BEACH VENDOR PERMIT; PROVIDING A LIMITED EXCEPTION TO LEAVE NO TRACE FOR HOLDERS OF BEACH VENDING PERMITS; REPEALING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

- a. Motion by Mr. Putnal and seconded by Mr. McGlothlin to read Ordinance 688 by title only. Motion carried unanimously.

Discussion of the council ensued regarding section 7 of the ordinances and the removal of the September 30 deadline for wood chairs.

Motion by Mr. Putnal and seconded by Mr. McGlothlin to remove section 7 from the beach vendor ordinance. Motion carried 3-1 with Mr. Wallace voting no.

The Ordinance will be placed on the November 14, 2017 for a first reading with the changes.

Mr. McGlothlin asked the council to provide direction to City staff to create a minimum size for residential homes of 750 square feet in the City Land Development Regulations. Discussion of the council ensued.

Motion by Mr. McGlothlin to have a minimum home size of 750 square feet be incorporated into the LDR and City Code. Motion dies for a lack of a second.

Police Chief Kelly presented his monthly report to the council and call volume for the month.

Emergency Services Director/Fire Chief Simmons provided his report to the council and the progress they have made. Chief Simmons also spoke to the council about the fire assessment process and that staff has met with the

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consultant GSG. GSG will be coming to speak to the council at the November 14 meeting.

Public Works Director Hall provided his monthly report to the council. Mr. Hall also spoke to the council about damage that occurred at the pier from Hurricane Nate this past weekend.

City Clerk Adrian Welle provided his report to the council and stated that he has begun the closeout process of the FY 17 periods with the financial consultant from Roberson and Associates. Mr. Welle also reminded the council that he will be on vacation visiting family October 18-25.

City Administrator Smigielski provided his report to the council. Mr. Smigielski informed the council that the quarterly luncheon was held and recognized the employees for their years of service. Mr. Smigielski also stated that Garrett Garland was selected as the employee of the quarter.

**Mr. McGlothlin made a motion to adjourn the meeting and Mr. Putnal seconded.**

**The meeting adjourned at 7:50 p.m.**

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

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

ORDINANCE NO. 688

AN ORDINANCE OF THE CITY OF MEXICO BEACH, FLORIDA PROHIBITING BUSINESSES FROM OPERATING ON THE BEACH WITHOUT A BEACH VENDING PERMIT; PROVIDING AN EXCEPTION FOR BUSINESSES MEETING SPECIFIED CONDITIONS; PROVIDING DEFINITIONS; PROVIDING BEACH VENDING PERMIT APPROVAL PROCESS; PROVIDING PERMISSIBLE LOCATIONS FOR ACTIVITIES CONDUCTED UNDER A BEACH VENDING PERMIT; PROVIDING PERMISSIBLE ACTIVITIES UNDER A BEACH VENDING PERMIT; PROVIDING A LIMITED EXCEPTION TO LEAVE NO TRACE FOR HOLDERS OF BEACH VENDING PERMITS; REPEALING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, the City of Mexico Beach includes significant gulf front property on the Gulf of Mexico; and

WHEREAS, the rights of businesses operating on the Beach (as defined herein) relative to the rights of the public have become contentious issues in nearby communities and, therefore, deserve careful attention by the City Council; and

WHEREAS, nearly all of the Beach in the City is either deeded to the City or another public agency or is reserved or dedicated by plat; and

WHEREAS, the Recreation and Open Space Element of the City's Comprehensive Plan includes goals and objectives that relate to preserving public access to beaches and other open space; and

WHEREAS, businesses operating on the Beach sometimes reduce the non-paying public's ability to use portions of the Beach; and

WHEREAS, historically there have been few businesses that operate on the Beach in the City to provide services or goods to the public; and

WHEREAS, those businesses have operated in only four locations, each associated with a gulf front hotel or restaurant; and

WHEREAS, the City Council believes that the types of locations where businesses have operated on the Beach and the types of activities that have been conducted are consistent with the character of the City and the preferences of its citizens and visitors; and

WHEREAS, a large increase in the number and intensity of businesses operating on the Beach would be detrimental to the character of the City and its long-term property values; and

WHEREAS, allowing businesses on areas of the Beach that have zoning and uses similar to the locations where businesses historically have been allowed on the Beach is in the best interest of the City and properly balances the interests of the public and gulf front property owners.

WHEREAS, in the past the City has reviewed requests to operate a business on the Beach on a case by case basis, with the City Council making a determination for new businesses or locations pursuant to the approval processes described in the City's peddlers ordinance or occupational license (local business tax) ordinance; and

WHEREAS, the City has determined that establishing clear rules for who may operate a business on the Beach, which activities are permissible, and where they may be conducted is in the best interest of businesses and the citizens so that each may plan for where these activities are likely to be conducted,

WHEREAS, the City has determined that establishing a more defined and predictable permitting process would be beneficial; and

WHEREAS, providing an exemption from the Beach Vending Permit requirement for activities prearranged by a customer and not involving the use of a motor vehicle on the Beach will allow for low intensity activities such as family photos and small weddings to continue to occur on the Beach without a Beach Vending Permit.

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

**Section 1. Definitions.**

Beach: Beach shall mean that area of unconsolidated material that extends landward from the mean low-water line of the Gulf of Mexico, to the frontal dune, or where there is no frontal dune, to the line of permanent vegetation or construction, whichever is more seaward.

Beach Vending Permit: an annual permit granted pursuant to this ordinance to allow business activities that are otherwise prohibited under Section 2.

**Section 2. Soliciting, canvassing, selling and renting on Beach prohibited.**

No person shall sell or rent, or solicit or canvass for the sale or rental of merchandise, services, goods or property of any kind or character in, upon or from the Beach without a Beach Vending Permit. This prohibition includes providing goods or services on the Beach in a way that involves even the occasional presence on the Beach of a person affiliated with the business, such as to drop off or pick up items or to provide maintenance.

A Beach Vending Permit is not required for a transaction or service that occurs in part on the Beach if all of the following are true:

1. the transaction is initiated and prearranged by the customer from a business representative who is not located on the Beach, a public beach access, or public parking lot;
2. the transaction or service does not involve the use of a motor vehicle on the Beach, either as part of the activity or for delivery, retrieval, or maintenance related to the activity; and
3. the transaction or service does not involve placing a collection bin or any unattended item on the Beach.

### **Section 3. Beach Vending Permit approval process.**

Applications for a Beach Vending Permit must be made in writing to the City Administrator and provide all information needed to determine if all requirements of this ordinance are met. Applicants are required to use the City application form, but may include additional information. Applications may include a request to operate a work vehicle on the Beach in the area covered by the permit as well as to and from the nearest vehicular access to the Beach. Such requests may be approved as part of the Beach Vending Permit if they are otherwise consistent with the City's ordinances governing driving on the beach. Beach Vending Permits are for 12 months and only apply to the location and activities specified in the application. Additional locations require new applications. More than one Beach Vending Permit may apply to a single location if the all owners of the qualifying upland parcel provide written consent. The City may suspend or revoke a Beach Vending Permit due to violations of the Beach Vending Permit or applicable laws, including City ordinances.

Decisions regarding applications are made by the City Administrator or his designee. An applicant may appeal any denial to the City Council, which may approve the application upon determining that the application meets the requirements of this ordinance.

### **Section 4. Permissible Locations.**

Beach Vending Permits may only be granted for Beach locations that are part of or immediately behind a parcel of property that meets all of the following conditions:

1. the parcel is zoned General Commercial or Tourist Commercial,
2. the parcel is the location of a hotel, motel, restaurant, tavern, or bar that currently operates validly under City and State law; if such use discontinues for more than seven consecutive days (such as for going out of business or seasonal closure), the Beach Vending Permit is automatically suspended and will go back into effect when the hotel, motel, restaurant, tavern, or bar reopens for continuous long-term operations, and
3. the location is not on Beach deeded to the City or another public agency.

The goods permitted by this ordinance to be placed upon the Beach for rental or sale shall be displayed, or stored or placed so as to avoid being an obstacle to emergency and other permitted vehicles.

## **Section 5. Permissible Operators.**

The following parties may be granted a Beach Vending Permit or conduct activities pursuant to a Beach Vending Permit:

1. the owner of the qualifying upland parcel
2. the lessee operator of the hotel, motel, restaurant, tavern, or bar located on the qualifying upland parcel
3. a third party who has written permission from either of the two above parties to conduct business on the Beach that is on or behind the qualifying parcel.

## **Section 6. Permissible Activities.**

The holder of a Beach Vending Permit may solicit, sell, or rent the following goods or services at the location covered by a Beach Vending Permit:

1. Umbrellas;
2. Hobie Cats, Sunfish, Prindles and similar sailboats;
3. Jet skis and other motor driven floating devices;
4. Cabanas;
5. Aqua cycles (same as water cycles);
6. Floats and surfboards;
7. Chairs;
8. Parasail rides, kite rides, and watersled rides;
9. Sailboards (but not kite boards);
10. Kayaks, canoes and similar hand paddled boats;
11. Beach photography, including photographs subsequently purchased and delivered off the Beach.

The purpose of allowing these activities pursuant to a Beach Vending Permit is to reasonably permit the solicitation and immediate sale or rental of certain goods and services which serve a public need to certain commercially oriented locations of the Beach and that are not themselves a nuisance or detriment, without unreasonably interfering with the flow, recreation, enjoyment and privacy of persons otherwise upon the Beach.

## **Section 7. Limited Exemption from Leave No Trace.**

Booths, stalls, and storage boxes used by a holder of a Beach Vending Permit to conduct business or store items are exempt from the City's Leave No Trace requirements. In addition, it is not a violation of the Leave No Trace ordinance for a holder of a Beach Vending Permit to leave other items and equipment unattended on the Beach overnight within the area covered by the Beach Vending permit if (1) they are typical for the type of business activities approved under the Beach Vending Permit and (2) they are moved landward to the seawall or the toe of the dune.

## **Section 8. Repealer.**

All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

**Section 9. Codification.**

The appropriate officers and agents of the City are authorized and directed to codify, include and publish in electronic format the provisions of this Ordinance within the City of Mexico Beach Code of Ordinances. Section numbers may be assigned and changed whenever necessary or convenient.

**Section 10. Effective Date.**

This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Council of the City of Mexico Beach, Florida, this \_\_\_ day of \_\_\_\_\_, 2017.

CITY COUNCIL  
CITY OF MEXICO BEACH, FLORIDA

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William A. Cathey, Mayor

ATTEST:

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Adrian Welle, City Clerk



**City Council**  
Agenda Abstract Form

Meeting Date: 10-24-17  
 Department: Admin  
 Public Hearing:  Yes  No  
 Date of Public Hearing: \_\_\_\_\_

For Clerk's Use Only  
AGENDA ITEM #

<i>Consent Agenda</i>	<i>Regular Agenda</i>	<i>Closed Session</i>

**PRESENTER/INFORMATION CONTACT: Mell Smigielski**

**ITEM TO BE CONSIDERED**

Subject:

Golf Cart Inspections and Registration

Attachment(s):

None

Brief Summary:

The City Code requires a golf cart registration and inspection to operate a golf cart within the City. We have given the responsibility of the inspection to Code Enforcement. Code Enforcement reports approximately 213 inspections this year. Assuming it takes about 30 minutes for an inspection, that is well over 100 hours spent inspecting golf carts.

Action Requested:

Repeal the registration and inspection requirement.

**ISSUE OVERVIEW**

Background Information & Issue Summary:

Pro: The registration fee as stated in the City Code (listed below) says the fee is used to fund the inspection process, stickers and signs. Rescinding the fee will save staff time (especially now that Code Enforcement is a part-time position). Should Police Officers view a golf cart that is not compliant, they have the authority to issue a citation.

Con: When an empty golf cart is found without a sticker, there will be no way to track the owner.

City Code Section:

§ 71.06 GOLF CART REGISTRATION.

(A) All golf carts operated on city streets must first be registered.

(B) Registration must be made by the owner who is at least 18 years of age. The owner will be charged an annual registration fee of \$15. There will be no prorated registrations. Funds from the registration fees will support costs of street designation signs, police inspection of golf carts and registration stickers, which are to be placed on the driver side rear fender area of the golf cart.

(C) All registrations must be renewed annually during January. Owners re-registering after January 31 of each year will be considered expired until they re-register, and shall not be permitted for to use such golf cart(s) on designated city streets.

(D) A list of all golf cart registrations shall be maintained by the city.

Financial Impacts:

The savings in staff time will outweigh the fees received; not to mention the savings in time and effort for the public.

Staff Recommendations/Comments:

Rescind golf cart registration and inspection.



**City Council**  
Agenda Abstract Form

Agenda items must be received by the City Clerk by Noon on the Thursday preceding the desired agenda, or it will not be considered per City Ordinance.

For Clerk's Use Only  
AGENDA ITEM #

Consent Agenda	Regular Agenda	Closed Session

**PRESENTER/INFORMATION CONTACT:**

**ITEM TO BE CONSIDERED**

Subject:

CHANNEL MARKER

Reason For Agenda Item:

DISCUSS COST OF MOVING CHANNEL MARKER # 2 40' TO THE EAST. COST - \$7,500.00

Action Requested:

APPROVE BUD OF \$7,500.00 TO MOVE CHANNEL MARKER

Agenda Requested (ie: Regular Mtg, Pre Agenda, Workshop, and Special Mtg.):

REGULAR

**ISSUE OVERVIEW**

Background Information & Issue Summary: