

**August 21, 2018**  
**Budget Workshop**  
**12:00 Noon**  
**305 Cecil G. Costin, Sr. Blvd.**  
**Regular Meeting**  
**6:00 P.M.**  
**2775 Garrison Avenue**  
**Port St. Joe, Florida**



## City of Port St. Joe

Bo Patterson, Mayor-Commissioner  
Eric Langston, Commissioner, Group I  
David Ashbrook, Commissioner, Group II  
Brett Lowry, Commissioner, Group III  
Scott Hoffman, Commissioner, Group IV

[All persons are invited to attend these meetings. Any person who decides to appeal any decision made by the Commission with respect to any matter considered at said meeting will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The Board of City Commission of the City of Port St. Joe, Florida will not provide a verbatim record of this meeting.]

# BOARD OF CITY COMMISSION

Budget Workshop  
12:00 Noon  
305 Cecil G. Costin, Sr. Blvd.  
Regular Public Meeting  
6:00 P.M.  
2775 Garrison Avenue  
Tuesday August 21, 2018

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## Call to Order

## Consent Agenda

### Minutes

- Regular Meeting 8/7/18
- Workshop Meeting 8/7/18

Pages 1-4  
Page 5

### PSJRA

- Update

### City Attorney

- Update

### Old Business

- Road Bond Money- Update
- Community Garden- Comm. Langston

### New Business

- Grinder Pump Contract

Pages 6-7

### Public Works

- Fishing Piers- Clifford Sims Park

### Surface Water Plant

- Update

### Waste Water Plant

- Consent Order

Pages 8-15

### Finance Director

- Budget- Update

### City Engineer

- Road Paving- Update

### Code Enforcement

- Update

Page 16

**Police Department**

- Update

**City Clerk**

- Update

**Citizens to be Heard**

**Discussion Items by Commissioners**

**Motion to Adjourn**

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF CITY  
COMMISSIONERS FOR THE CITY OF PORT ST. JOE, FLORIDA, HELD AT  
2775 GARRISON AVENUE, August 7, 2018, AT 6:00 P.M.**

The following were present: Mayor Patterson, Commissioners Ashbrook, Hoffman, Langston, and Lowry. City Manager Jim Anderson, City Clerk Charlotte Pierce, and City Attorney Adam Albritton were also present.

**CONSENT AGENDA**

**Minutes**

A Motion was made by Commissioner Ashbrook, second by Commissioner Lowry, to approve the Minutes of the Special Commission Meeting on May 11, 2018, and the Regular Meeting of May 15, 2018. All in favor; Motion carried 5-0.

A Motion was made by Commissioner Ashbrook, second by Commissioner Langston, to approve the Minutes of the Regular Meeting of July 17, 2018, and the Workshop Meeting of July 17, 2018. All in favor; Motion carried 5-0.

**PORT ST. JOE REDEVELOPMENT AGENCY (PSJRA)** The paving of Reid Avenue has been delayed due to rain and will start at 10 P.M. Sunday, August 12, 2018.

**City Attorney**

*Resolution 2018-07 Tenth Street Park –*

Commissioner Hoffman shared Option #7, the cost analysis that had been done, and information that he had gathered.

Mike Holcombe asked if anyone had talked with the residents of Jones Homestead to see how they felt about having the Field of Dreams in their neighborhood.

Mayor Patterson noted this is a hard choice as to where to place the fields, he has not been bothered by noise or people parking in his yard at the Tenth Street Park. He has been contacted by Pickleball players and they do not want courts at the Tenth Street facility.

Commissioner Ashbrook stated he agrees with Mayor Patterson, money is an issue and we should stay with what we can pay for.

Commissioner Langston noted his concerns of children getting to the Field of Dreams area, money is an issue, and feels the park needs to stay on Tenth Street.

Commissioner Lowry shared that Pickle Ball players want 8 courts, they do not want them in the Tenth Street Park, and money is an issue for providing the park.

The following individuals discussed their thoughts and concerns about the Tenth Street Park and Field of Dreams.

Reggie Patrick, Arthur Rogers, Christy McElroy (provided TDC Minutes, City funds received from TDC, Petition, and Star articles on the park for the record), Robert Branch, Jai Bryant, Suzan Marshall, Robert Thomas, Clare Morris, Elaine Rogers, Fred Morris, Ben Ashcraft, Steve Womack, and Brad Knox.

A Motion was made by Commissioner Ashbrook, second by Commissioner Langston, to adopt Resolution 2018-07; approve Option 6A and remove the Pickleball Courts and Splash Pad from the proposed project. Motion carried 4-1 with Commissioner Hoffman voting no.

*Resolution 2018-10 Field of Dreams Park – Did not pass.*

*Special Exception Request Bridgeport – Jim Sickels* shared his concerns about the previously noted set back lines in the Bridgeport Plat. After discussion, and input from Attorney Albritton, consensus was that a blanket approval for Special Exceptions would not be in the best interest of the City. The Commission asked that these requests continue to be presented to the Planning, Development and Review Board and be addressed on a case by case basis.

Mayor Patterson asked that the ARPC Services Agreement be moved up in the Agenda.

*Bruce Ballister – ARPC Services Agreement:* Mr. Ballister explained that all numbers and prices for the project are in and the scoring is not positive. After discussion, a Motion was made by Commissioner Lowry, second by Commissioner Ashbrook, to proceed with the project, provide additional \$66,000 in City dollars for work to improve the overall score. Funds are available in the Sewer Fund for the project. All in favor; Motion carried 5-0.

## **CITY MANAGER’S REPORT – Jim Anderson**

### **Old Business**

*Road Bond Money Update –* The \$97,000 waterline replacement for downtown does not qualify for this project. Commissioners are to provide Staff with suggestions for road paving to use these funds for.

A Motion was made by Commissioner Lowry, second by Commissioner Ashbrook, to award RFQ 2018-11, Port St. Joe Downtown Water Improvements Materials Purchase, and RFQ 2018-12, Port St. Joe Downtown Water Improvements Bores and utilize FL DEP and SRF Funding. All in favor; Motion carried 5-0

*TRIUMP Fund Update, Commissioner Ashbrook* requested that he be allowed to talk with an entity that has successfully written grants for small towns and communities to see if they would be able to help the City get grant funds from the TRIUMP Fund. There were no objections to his request.

### **New Business**

*Health Department – Healthy Community Award:* Sarah Hinds presented the City with the Florida Department of Health 2018 Healthy Community Champions Award for all that has been done to improve the overall health of City residents.

*Red Light at the Intersection of Highway 98 and First Street – Mayor Patterson* shared that he is talking with Chief Herring in hopes of having FL DOT make changes at the First Street intersection to allow for a Left Turn Lane from First Street on to Highway 98.

*Community Garden – Commissioner Langston* requested this item be Tabled until more information could be gathered. He would like to see a spring garden planted and have the community involved in it.

*Core Park Lighting –* A discussion was held concerning the quotes and difference in the bids. A Motion was made by Commissioner Hoffman, second by Commissioner Ashbrook, to accept the quote of Scott’s Quality Electric as it met what was specified. Commissioners Hoffman and Ashbrook voted in favor of the Motion. Mayor Patterson, Commissioners Langston, and Lowry voted no. Motion failed 2-3.

*Bruce Ballister – ARPC Services Agreement:* Moved up on the Agenda.

*Jones Homestead Sewer – Deborah Mays* voiced her displeasure with sewer being installed on Palm Breeze Way, questioned the City’s authority to make such a decision, and shared the feelings of those she had gathered petition signatures from.

Mike Lacour explained the funds were from a Legislative Appropriation, letters were mailed to all Jones Homestead residents about the opportunity to come on to City sewer, noted 52 people have paid for sewer hookups in her area and there are only 13 spaces left for the reduced hookup rate.

The following individuals shared their concerns about the sewer: Reggie Patrick, Mike Holcombe, Randall Walker, and Debby Griswold.

Attorney Albritton referenced FL Statute concerning the mandatory 365 day hookup. It was noted that, in the past, the City had not mandated the 365 day hookup and is not requiring it at this time.

**Public Works – John Grantland** was not present and Mr. Anderson briefed the Commission on the following.

*Grinder Pump Contract* – The current contract is coming to an end and Mr. Grantland would like to have this on the next Agenda to extend the contract.

*16<sup>th</sup> Street Lift Station Pump* – The station is down to one pump, should it go out, there will be an emergency situation. A Motion was made by Commissioner Ashbrook, second by Commissioner Langston, to purchase a pump as an emergency repair. All in favor; Motion carried 5-0.

*Fishing Piers – Clifford Sims Park:* Specs are close to being completed and prepared to go out for bid.

**Surface Water Plant – Larry McClamma** did not have any updates for the Commissioners.

**Wastewater Plant – Kevin Pettis**

*RFP 2018-13 Re-Bid of WWTP Repower:* A Motion was made by Commissioner Langston, second by Commissioner Hoffman, to approve RFP 2018-13. The quote was over bid by \$5,550 and these funds will come from other WWTP funds. All in favor; Motion carried 5-0.

**Finance Director – Mike Lacour**

*Budget Timeline -* Due to the progress made in the Budget Workshop today, the next Workshop Meeting will be held on Tuesday, August 21, 2018, at Noon in the Commissioner Conference Room at City Hall.

*Sewer Request – Eventide Drive and Aruba Drive:* Consensus was to proceed with the engineering on Eventide Drive and to proceed with the engineering and construction on Aruba Drive. Both of these are under the bid threshold.

**City Engineer – Clay Smallwood, III**

*Road Paving update* was discussed earlier in the Road Bond Money segment of the Agenda.

Mayor Patterson questioned why stripes had not been placed on the recently paved area of Avenue A. Mr. Smallwood shared that normally, time is given for the road to cure before the thermo plastic striping was applied and the company will strip all new paving at one time. He stated that, if the City wanted to cover the mobilization to have the company make special trip to stripe the road, he would contact them.

**Code Enforcement** no action was required.

**Police Department – Sgt. Russell Burch** did not have anything for the Commission.

**City Clerk - Charlotte Pierce** did not have any updates for the Commission.

**Citizens to be Heard –**

Deborah Mays again questioned the City's authority to place sewer in an area and asked for the FL Statute that allows a City to do this. Mr. Albritton assured Ms. Mays that City has the authority and will provide the FS number for her.

Chester Davis, once again, suggested using the fields in North Port St. Joe for practice and playing fields. He also noted the NPSJ PAC had applied for TRIUMP Funds, was turned down because the County had not approved their application, and offered to help the City with applying for TRIUMP Funds.

Mr. Davis stated the NPSJ PAC is waiting on the City to continue with the MLK Project.

**Discussion Items by Commissioners**

*Commissioner Langston* did not have anything to share with the Commissioners.

*Commissioner Ashbrook* requested that the sidewalk by Sister's Restaurant be checked as there have been some issues with it.

*Commissioner Lowry* did not have anything to share.

*Commissioner Hoffman* asked that the pothole at the Intersection of Twentieth Street and Palm Boulevard be checked as it is becoming larger.

*Mayor Patterson* did not have any updates for the Commission.

A Motion was made by Commissioner Ashbrook, second by Commissioner Lowry, to adjourn the meeting at 9:26 P.M.

Approved this \_\_\_\_\_ day of \_\_\_\_\_ 2018.

\_\_\_\_\_  
James "Bo" Patterson, Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Charlotte M. Pierce, City Clerk

\_\_\_\_\_  
Date

**MINUTES OF THE FY 2018 – 2019 BUDGET WORKSHOP FOR THE BOARD OF CITY COMMISSIONERS FOR THE CITY OF PORT ST. JOE FLORIDA, HELD IN THE COMMISSION CHAMBER, WARD RIDGE BUILDING August 7, 2018, AT 12 Noon.**

The following were present: Mayor Patterson, Commissioners Ashbrook, Hoffman, Langston, and Lowry. City Manager Jim Anderson, City Clerk Charlotte Pierce, Financial Director Mike Lacour, Surface Water Plant Manager Larry McClamma, and Wastewater Plant Manager Kevin Pettis were also present.

The purpose of the Workshop was to provide an overview of the FY 2018 – 2019 Budget.

Copies of the preliminary 2018 – 2019 Fiscal Year Budget were distributed. Mr. Anderson noted that pages 1-5 were a summary of the budget with pages 7 – 42 being the Budget line item detail by fund.

Mike Lacour distributed a Budget Guidance Time Line sheet and the updated pages 1-5 of the FY '18 – '19 Budget. He discussed the makeup of the budget and explained how figures were determined.

The current Millage rate is 3.5914, with a budget of \$14,138,950, and there is an estimated increase of \$61,346 from AD Taxes.

Mr. Lacour was asked to refigure several items in the budget and bring them back to the August 21, 2018, Workshop.

Consensus of the Commission was that it would not be necessary to have another Workshop until August 21, 2018.

A Motion was made by Commissioner Ashbrook, second by Commissioner Lowry, to adjourn the Workshop at 12:55 P.M.

Approved this \_\_\_\_\_ day of \_\_\_\_\_ 2018.

\_\_\_\_\_  
James "Bo" Patterson, Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Charlotte M. Pierce, City Clerk

\_\_\_\_\_  
Date



**AMENDMENT TO CONTRACT  
EXTENSION AGREEMENT**

**AMENDMENT TO CONTRACT EXTENSION AGREEMENT** (hereinafter “Agreement”) is made and entered into as of this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between the **CITY OF PORT ST. JOE**, hereinafter called (“OWNER”) and **PUMP AND PROCESS EQUIPMENT, INC.**, hereinafter called (“CONTRACTOR”).

**WHEREAS**, Owner and Contractor entered into an Agreement on or about August 5, 2014, (the “Contract”), in which the Owner agreed to purchase from the Contractor two (2) simplex grinder stations described as follows:

1. Grinder Pump Station (10 GPM @ 90’ TDJ) Model No.: OGVH2022AUF
2. Grinder Pump Station (7 GPM @ 180’ TDJ) Model No.: OGVH2022AUF

**WHEREAS**, said Contract specified that after the original three year term of the Agreement, the Agreement between the parties could be extended by mutual agreement for one year periods with regards to price changes that may occur or re-bid in its entirety.

**WHEREAS**, said Contract was previously extended by one year on March 29, 2018 and currently the original Contract has exhausted its three-year term, and is in the year to year phase by mutual agreement.

**WHEREAS**, the Owner would like to extend the Contract according to the terms and conditions of the Contract dated August 5<sup>th</sup>, 2014 for a one-year period to expire on \_\_\_\_\_, 2019. The contract price for the one-year extension shall be **\$2,525.00** Per Station.

Owner and Contractor hereby agree that said Contract is hereby modified as shown hereinabove. Except as expressly modified above, said Contract shall remain unchanged and in full force and effect.

Owner and Contract represent that each has the full authority to enter into this Agreement and such shall be binding on the parties hereto.

**IN WITNESS WHEREOF**, the Owner and Contractor have executed this Agreement the day and year first written above.

*Signature page to follow*

**ATTEST:**

**BY:** \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
Name

**OWNER: CITY OF PORT ST. JOE**

**BY:** \_\_\_\_\_  
Mayor

\_\_\_\_\_  
Name

**APPROVED AS TO FORM AND  
CORRECTNESS:**

**BY** \_\_\_\_\_  
**J. ADAM ALBRITTON, City Attorney**

**ATTEST:**

**BY:** \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
Name

**CONTRACTOR: PUMP AND PROCESS  
EQUIPMENT, INC.**

**BY:** \_\_\_\_\_

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_

BEFORE THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT	)	IN THE OFFICE OF THE
OF ENVIRONMENTAL PROTECTION	)	NORTHWEST DISTRICT
	)	
v.	)	OGC FILE NO. 18-1190
	)	
CITY OF PORT ST. JOE	)	
_____	)	

CONSENT ORDER

This Consent Order ("Order") is entered into between the State of Florida Department of Environmental Protection ("Department") and City of Port St. Joe ("Respondent") to reach settlement of certain matters at issue between the Department and Respondent.

The Department finds and Respondent admits the following:

1. The Department is the administrative agency of the State of Florida having the power and duty to protect Florida's air and water resources and to administer and enforce the provisions of Chapter 403, Florida Statutes ("F.S."), and the rules promulgated and authorized in Title 62, Florida Administrative Code ("F.A.C."). The Department has jurisdiction over the matters addressed in this Order.

2. Respondent is a person within the meaning of Section 403.031(5), F.S.

3. Respondent is the owner and is responsible for the operation of the City of Port St. Joe Wastewater Treatment Facility ("Facility"). The facility is an existing 3.1 MGD annual average daily flow (AADF) wastewater treatment facility, with reclaimed water discharged to a 1.90 MGD AADF sprayfield land application system. The Facility is operated under Wastewater Permit No. FLA020206 ("Permit"), which was issued on October 30, 2012 and expired on October 29, 2017. Respondent applied for a renewal permit on April 27, 2017, application file number FLA020206-017-DW1P. The existing permit remains effective until there is final agency action on the renewal application.

This permit reauthorizes future construction of Zones 1 thru 3, increasing total permitted capacity from 1.90 to 2.60 AADF and future construction of a 0.350 MGD AADF permitted capacity rapid infiltration basin system. The Facility is located at State Road 382, 0.5

miles East of U.S. Highway 98, in Gulf County, Florida ("Property"). Respondent owns the Property on which the Facility is located.

4. The Department finds that the following violation(s) occurred:

a) Respondent reported effluent quality monitoring results that exceeded the Facility's maximum limit for pH from March 2016 through September 2017 and the maximum, monthly average, and annual average permit limits for Total Suspended Solids from January 2016 through June 2018, as summarized in Exhibit A. These permit limit exceedances are in violation of Rules 62-4.160(6) and 62-611.450(1), F.A.C., and Section 403.161(1)(b), F.S.

Having reached a resolution of the matter Respondent and the Department mutually agree and it is

**ORDERED:**

5. Respondent shall comply with the following corrective actions within the stated time periods:

a) Within 180 days of the effective date of this Order, Respondent shall start the biological dredging of the lagoon, as described in its December 22, 2017 letter (Exhibit B).

b) Within three years of the effective date of this Order, Respondent shall complete biological dredging of the lagoon to comply with its maximum, monthly average, and annual average permit limit for Total Suspended Solids and maximum limit for pH. Respondent shall keep the Department informed of its progress with corrective actions and how Respondent intends to achieve compliance through its semiannual reports, as required by Paragraph 9.

6. Respondent shall comply with the following interim discharge limitations, which shall be effective until three years from the effective date of this Order:

i) Discharge Monitoring and Reporting Requirements

Parameter	Units	Max/Min	Reclaimed Water Limitations		Monitoring Requirements		
			Interim Limit	Statistical Basis	Frequency of Monitoring	Sample Type	Monitoring Site Number
Solids, Total Suspended	mg/L	Max	20.0 30.0 45.0	Annual Average Monthly Average Single Sample	Weekly	Grab	EFB-01
pH	s.u.	Max	Report	Single Sample	Continuous	Grab	EFF-01

7. Every six months after the effective date of this Order and continuing until all corrective actions have been completed, Respondent shall submit to the Department a written report containing information about the status and progress of projects being completed under this Order, information about compliance or noncompliance with the applicable requirements of this Order, including construction requirements and effluent limitations, and any reasons for noncompliance. These reports shall also include a projection of the work Respondent will perform pursuant to this Order during the 12-month period which will follow the report. Respondent shall submit the reports to the Department within 30 days of the end of each semiannual period.

8. Notwithstanding the time periods described in the paragraphs above, Respondent shall complete all corrective actions required by paragraphs 5 within three years of the effective date of this Order and be in full compliance with its permit limits and Rules 62-4.160(6) and 62-611.450(1), F.A.C., regardless of any intervening events or alternative time frames imposed in this Order, other than those excused delays agreed to by the Department, as described in paragraph 16.

9. Within 90 days of the effective date of this Order, Respondent shall submit a written estimate of the total cost of the corrective actions required by this Order to the Department. The written estimate shall identify the information the Respondent relied upon to provide the estimate.

10. Within 30 days of the effective date of this Order, Respondent shall pay the Department \$500.00 in settlement of the regulatory matters addressed in this Order. This amount includes \$500.00 for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of this Order.

11. Respondent agrees to pay the Department stipulated penalties in the amount of \$100.00 per day for each and every day Respondent fails to timely comply with any of the requirements of paragraph(s) 5-8 of this Order. The Department may demand stipulated penalties at any time after violations occur. Respondent shall pay stipulated penalties owed within 30 days of the Department's issuance of written demand for payment, and shall do so as further described in paragraph 12, below. Nothing in this paragraph shall prevent the

Department from filing suit to specifically enforce any terms of this Order. Any stipulated penalties assessed under this paragraph shall be in addition to the costs agreed to in paragraph 10 of this Order.

12. Respondent shall make all payments required by this Order by cashier's check, money order or on-line payment. Cashier's check or money order shall be made payable to the "Department of Environmental Protection" and shall include both the OGC number assigned to this Order and the notation "Water Quality Assurance Trust Fund." Online payments by e-check can be made by going to the DEP Business Portal at: <http://www.fldepportal.com/go/pay/>. It will take a number of days after this order is final and effective filed with the Clerk of the Department before ability to make online payment is available.

13. Except as otherwise provided, all submittals and payments required by this Order shall be sent to Assistant District Director, Department of Environmental Protection, 160 West Government St., Pensacola, Florida 32502.

14. Respondent shall allow all authorized representatives of the Department access to the Facility and the Property at reasonable times for the purpose of determining compliance with the terms of this Order and the rules and statutes administered by the Department.

15. In the event of a sale or conveyance of the Facility or of the Property upon which the Facility is located, if all of the requirements of this Order have not been fully satisfied, Respondent shall, at least 30 days prior to the sale or conveyance of the Facility or Property, (a) notify the Department of such sale or conveyance, (b) provide the name and address of the purchaser, operator, or person(s) in control of the Facility, and (c) provide a copy of this Order with all attachments to the purchaser, operator, or person(s) in control of the Facility. The sale or conveyance of the Facility or the Property does not relieve Respondent of the obligations imposed in this Order.

16. If any event, including administrative or judicial challenges by third parties unrelated to Respondent, occurs which causes delay or the reasonable likelihood of delay in complying with the requirements of this Order, Respondent shall have the burden of proving the delay was or will be caused by circumstances beyond the reasonable control of Respondent

and could not have been or cannot be overcome by Respondent's due diligence. Neither economic circumstances nor the failure of a contractor, subcontractor, materialman, or other agent (collectively referred to as "contractor") to whom responsibility for performance is delegated to meet contractually imposed deadlines shall be considered circumstances beyond the control of Respondent (unless the cause of the contractor's late performance was also beyond the contractor's control). Upon occurrence of an event causing delay, or upon becoming aware of a potential for delay, Respondent shall notify the Department by the next working day and shall, within seven calendar days notify the Department in writing of (a) the anticipated length and cause of the delay, (b) the measures taken or to be taken to prevent or minimize the delay, and (c) the timetable by which Respondent intends to implement these measures. If the parties can agree that the delay or anticipated delay has been or will be caused by circumstances beyond the reasonable control of Respondent, the time for performance hereunder shall be extended. The agreement to extend compliance must identify the provision or provisions extended, the new compliance date or dates, and the additional measures Respondent must take to avoid or minimize the delay, if any. Failure of Respondent to comply with the notice requirements of this paragraph in a timely manner constitutes a waiver of Respondent's right to request an extension of time for compliance for those circumstances.

17. The Department, for and in consideration of the complete and timely performance by Respondent of all the obligations agreed to in this Order, hereby conditionally waives its right to seek judicial imposition of damages or civil penalties for the violations described above up to the date of the filing of this Order. This waiver is conditioned upon Respondent's complete compliance with all of the terms of this Order.

18. This Order is a settlement of the Department's civil and administrative authority arising under Florida law to resolve the matters addressed herein. This Order is not a settlement of any criminal liabilities which may arise under Florida law, nor is it a settlement of any violation which may be prosecuted criminally or civilly under federal law. Entry of this Order does not relieve Respondent of the need to comply with applicable federal, state, or local laws, rules, or ordinances.

19. The Department hereby expressly reserves the right to initiate appropriate legal action to address any violations of statutes or rules administered by the Department that are not specifically resolved by this Order.

20. Respondent is fully aware that a violation of the terms of this Order may subject Respondent to judicial imposition of damages, civil penalties up to \$10,000.00 per day per violation, and criminal penalties.

21. Respondent acknowledges and waives its right to an administrative hearing pursuant to sections 120.569 and 120.57, F.S., on the terms of this Order. Respondent also acknowledges and waives its right to appeal the terms of this Order pursuant to section 120.68, F.S.

22. Electronic signatures or other versions of the parties' signatures, such as .pdf or facsimile, shall be valid and have the same force and effect as originals. No modifications of the terms of this Order will be effective until reduced to writing, executed by both Respondent and the Department, and filed with the clerk of the Department.

23. The terms and conditions set forth in this Order may be enforced in a court of competent jurisdiction pursuant to sections 120.69 and 403.121, F.S. Failure to comply with the terms of this Order constitutes a violation of section 403.161(1)(b), F.S.

24. This Consent Order is a final order of the Department pursuant to section 120.52(7), F.S., and it is final and effective on the date filed with the Clerk of the Department unless a Petition for Administrative Hearing is filed in accordance with Chapter 120, F.S. Upon the timely filing of a petition, this Consent Order will not be effective until further order of the Department.

25. Respondent shall publish the following notice in a newspaper of daily circulation in Gulf County, Florida. The notice shall be published one time only within 15 days of the effective date of the Order. Respondent shall provide a certified copy of the published notice to the Department within 10 days of publication.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



NOTICE OF CONSENT ORDER

The Department of Environmental Protection ("Department") gives notice of agency action of entering into a Consent Order with CITY OF PORT ST. JOE pursuant to section 120.57(4), Florida Statutes. The Consent Order addresses the domestic wastewater effluent quality violations at Port St. Joe WWTP. The Consent Order is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, 160 West Government St., Pensacola, Florida 32502.

Persons who are not parties to this Consent Order, but whose substantial interests are affected by it, have a right to petition for an administrative hearing under sections 120.569 and 120.57, Florida Statutes. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition concerning this Consent Order means that the Department's final action may be different from the position it has taken in the Consent Order.

The petition for administrative hearing must contain all of the following information:

- a) The OGC Number assigned to this Consent Order;
- b) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding;
- c) An explanation of how the petitioner's substantial interests will be affected by the Consent Order;
- d) A statement of when and how the petitioner received notice of the Consent Order;
- e) Either a statement of all material facts disputed by the petitioner or a statement that the petitioner does not dispute any material facts;
- f) A statement of the specific facts the petitioner contends warrant reversal or modification of the Consent Order;
- g) A statement of the rules or statutes the petitioner contends require reversal or modification of the Consent Order; and

- h) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Consent Order.

The petition must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS# 35, Tallahassee, Florida 32399-3000 within 21 days of receipt of this notice. A copy of the petition must also be mailed at the time of filing to the District Office at Northwest District Office, 160 West Government St., Pensacola, Florida 32502. Failure to file a petition within the 21-day period constitutes a person's waiver of the right to request an administrative hearing and to participate as a party to this proceeding under sections 120.569 and 120.57, Florida Statutes. Before the deadline for filing a petition, a person whose substantial interests are affected by this Consent Order may choose to pursue mediation as an alternative remedy under section 120.573, Florida Statutes. Choosing mediation will not adversely affect such person's right to request an administrative hearing if mediation does not result in a settlement. Additional information about mediation is provided in section 120.573, Florida Statutes and Rule 62-110.106(12), Florida Administrative Code.

26. Rules referenced in this Order are available at:

<https://softlive.dep.state.fl.us/ogc/ogc/content/rules>

**Code Enforcement 2018 Activity  
As of 8/14/2018**

	Open	Closed	Total	Increase
Unlawful Accumulation	47	175	222	17
Substandard Structure	8	6	14	
Abandoned Vehicle	13	12	25	
Unlawful Sewer				
Land regulation Violation	6	15	21	
Business Lic. Violation		20	20	
Special Master Hearings				
Building Demolition	5		5	
Waste Violation	29	191	220	12
Sign Violation	5	26	31	1
<b>Total</b>	<b>113</b>	<b>445</b>	<b>558</b>	<b>30</b>