

# MINUTES

## Key Largo Wastewater Treatment District (KLWTD) Board of Commissioners Meeting



October 23, 2007  
98880 OVERSEAS HWY, KEY LARGO, FL 33037

The Key Largo Wastewater Treatment District Board of Commissioners met for a regular meeting on October 9, 2007 at 4:00 PM. Present were Chairman Gary Bauman, Commissioners Susan Hammaker, Norman Higgins, Claude Bullock, and Andrew Tobin. Also present were the General Manager Charles F. Fishburn, District Counsel Thomas M. Dillon, District Clerk, Carol Walker, and all other appropriate District Staff.

The Pledge of Allegiance was led by Commissioner Bauman.

### APPROVAL OF AGENDA

District Counsel Thomas Dillon stated that item J10, Calusa Campground will be discussed in closed session. District Manager Charles F. Fishburn asked that the Haskell Settlement be added as item K15. Chairman Bauman requested that item K11, State Representation be changed to a discussion item.

**Motion:** Commissioner Tobin made a motion to approve the Agenda with the requested changes. Motion seconded by Commissioner Higgins.

### Vote on Motion

Member	Yes	No	Other
Chairman Bauman	X		
Commissioner Hammaker	X		
Commissioner Higgins	X		
Commissioner Tobin	X		
Commissioner Bullock	X		

**Motion passed 5 to 0**

**Public Comment:** The following persons addressed the Commission: Steve Gibbs, Key Largo, concerning the settlement with Mr. Jarro. D.A. Aldridge, Tavernier, concerning Resolution 19-10-07, and James Mattson concerning the Fish House assessment.

### COMMISSIONER ITEMS

#### *Fish House Review*

Commissioner Higgins stated that he requested discussion on the Fish House assessment because he would like to see it lowered.

James Mattson, representing the Fish House, stated that he has more information concerning the water use at the Fish House. Mr. Mattson presented the Fish House's package plant data.

Staff explained that package plant data is not used to figure the assessments. All assessments are calculated on the basis of FKAA water meter data because that information is available for all owners. Further, the District does not consider package plant data to be reliable data.

Chairman Bauman requested that the Staff be flexible in reviewing the Fish House's assessment.

Mr. Mattson will be contacting the Staff pertaining to a review for the Fish House's assessment.

Commissioner's Tobin and Hammaker would like to see an established formal approach for assessment reviews.

Mr. Dillon explained that the District has used a consistent method for reviewing assessments where the parcel owner contends that a portion of the potable water flow does not end up in the sewer. As with the Amoray Resort, the District requires a separate water meter for all of the potable water that does not enter the wastewater system, and the District needs records for a reasonable period of time to be able to determine that they represent the actual water usage. Although it may be apparent that a portion of the potable water, such as that used for boat washing, does not enter the sewer, the amount of that portion is not apparent. That is why metered data is needed. In response to a question whether an FKAA meter is required, Mr. Fishburn said that FKAA meter data is preferred, but not required.

#### *Lift Stations*

Commissioner Higgins asked if the District should take over lift stations.

Commissioner Bullock said that he has no objections to taking over lift stations but not the collection systems that feed the lift stations.

Commissioner Tobin said that staff should make a definite recommendation on whether or not to own a lift station when the time comes.

Ed Castle said that the issue is that if the District does not own a lift station then the owner has the cost of operating the station and the maintenance of the station versus if the District owns the lift stations then they have the convenience of control over it.

The District will revisit the issue in a year.

#### *General Manager's Review*

The Board discussed the sentence "A merit increase amount will then be discussed and established at the next Board of Commissioner meeting" and setting goals.

**Motion:** Commissioner Hammaker made a motion to approve the General Manager's Review Form with the words "may be" added before

established in the last sentence on the first page of the form. Motion seconded by Commissioner Bullock.

**Vote on Motion**

Member	Yes	No	Other
Chairman Bauman		X	
Commissioner Hammaker	X		
Commissioner Higgins		X	
Commissioner Tobin	X		
Commissioner Bullock	X		

**Motion passed 3 to 2**

**BULK ITEMS**

*Minutes of October 9, 2007*

**Motion:** Commissioner Higgins made a motion to approve the Bulk Items. The motion was seconded by Commissioner Tobin.

**Vote on Motion**

Member	Yes	No	Other
Chairman Bauman	X		
Commissioner Hammaker	X		
Commissioner Higgins	X		
Commissioner Tobin	X		
Commissioner Bullock	X		

**Motion passed 5 to 0**

**ENGINEER'S REPORT**

*Monthly Report*

Ed Castle reported that the work in Basin A Phase I is almost completed. There is a highway crossing to do and some work on C 905 still to do. GlobeTec is putting in main and setting pits on Basin A Phase III and Fountain Engineering is setting pits and running main on Basin A Phase IV. There was a preconstruction meeting with LaRocco for Basin D Phase II. The South Transmission line's survey will be finished in a few weeks.

*Later Connections*

The latest connections report was presented.

**FINANCIAL REPORT**

Martin Waits pointed out that the Mitigation check for the clearing for the 1.6 acres is being presented in the current pending payments list.

*Pending Payments List for October 23, 2007*

**Motion:** Commissioner Bullock made a motion to approve the Pending Payments List contingent upon the availability of funds. Motion seconded by Commissioner Higgins.

**Vote on Motion**

<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Other</b>
<b>Chairman Bauman</b>	<b>X</b>		
<b>Commissioner Hammaker</b>	<b>X</b>		
<b>Commissioner Higgins</b>	<b>X</b>		
<b>Commissioner Tobin</b>	<b>X</b>		
<b>Commissioner Bullock</b>	<b>X</b>		

**Motion passed 5 to 0**

**LEGAL REPORT**

*RESOLUTION 18-10-07*

*A RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT, AMENDING THE DISTRICT GENERAL RULES AND REGULATIONS TO PROVIDE FOR A CHARGE TO BE IMPOSED ON PERSONS WHO FAIL TO CONNECT TO THE DISTRICT WASTEWATER SYSTEM AFTER PROPER NOTICE, AND PROVIDING FOR AN EFFECTIVE DATE*

No action was taken.

*RESOLUTION 19-10-07*

*A RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT, AMENDING THE DISTRICT GENERAL RULES AND REGULATIONS TO PROVIDE FOR INSTANCES WHERE CONSTRUCTION OF WASTEWATER FACILITIES CAUSES DAMAGE TO PROPERTY IN PUBLIC RIGHTS-OF-WAY, AND PROVIDING FOR AN EFFECTIVE DATE*

Chairman Bauman stated that this resolution is taking some of the flexibility that the Board has away.

**Motion: Commissioner Hammaker made a motion to approve Resolution No. 19-10-07. Motion seconded by Commissioner Bullock.**

**Vote on Motion**

<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Other</b>
<b>Chairman Bauman</b>		<b>X</b>	
<b>Commissioner Hammaker</b>	<b>X</b>		
<b>Commissioner Higgins</b>		<b>X</b>	
<b>Commissioner Tobin</b>		<b>X</b>	
<b>Commissioner Bullock</b>	<b>X</b>		

**Motion Failed 2 to 3**

**GENERAL MANAGER'S REPORT**

*State Representative*

Commissioner Hammaker feels that there should be better communication from Mr. Levy.

Chairman Bauman stated that Mr. Levy was instrumental in getting Representative Mayfield down to the Keys, especially to the District's office. He will call and get a detailed report of the work done in the last three months.

*Medical Insurance*

Charles F. Fishburn explained to the Board that the employee medical insurance rates have gone up to \$515.64 a month and the Board has established \$500 a month as the maximum payout for employee medical insurance. He is requesting that the Board raise the maximum payout.

**Motion: Commissioner Tobin made a motion to raise the maximum employee coverage for medical insurance to \$515.64 a month. Motion seconded by Commissioner Tobin.**

**Vote on Motion**

Member	Yes	No	Other
Chairman Bauman	X		
Commissioner Hammaker	X		
Commissioner Higgins	X		
Commissioner Tobin	X		
Commissioner Bullock	X		

**Motion passed 5 to 0**

*Forklift Purchase*

Charles F. Fishburn reported that Mark Weis was not able to purchase a forklift at the auction in Orlando. He explained the need for a forklift.

**Motion: Commissioner Higgins made a motion to approve the expenditure of \$15,500 for the purchase of a forklift. Motion seconded by Commissioner Bullock.**

**Vote on Motion**

Member	Yes	No	Other
Chairman Bauman	X		
Commissioner Hammaker	X		
Commissioner Higgins	X		
Commissioner Tobin	X		
Commissioner Bullock	X		

**Motion passed 5 to 0**

*2007 DCA Report*

Mr. Fishburn reported that the DCA report has come out and it is unfavorable compared to last year. The County did not have the opportunity to review the report.

Commissioner Tobin proposed that Whit Van Cott be a liaison for the County and the DCA in Tallahassee. Mr. Fishburn will be contacting the County offering Mr. Van Cott's services to the County.

*Haskell Settlement*

Mr. Fishburn explained to the Board that he proposes that the District makes a lump sum settlement agreement of \$200,000 to Haskell. The Board agreed by consensus.

District Counsel Thomas Dillon requested of the Board permission to go into an Attorney/Client session because he desired advice concerning the Calusa Campground issue.

**The regular session of the KLWTD Commission meeting was recessed at 5:48 PM**

The Key Largo Wastewater Treatment District Board went into Attorney/Client Session to discuss the Calusa Campground issue. The following persons were in attendance: Chairman Gary Bauman, Vice-Chairman Andrew Tobin, Commissioners Claude Bullock, Norman Higgins, and Susan Ford Hammaker. Also in attendance were General Manager Charles Fishburn, and District Counsel Thomas Dillon, and the court reporter. A transcript of the session will be made and sealed until the Calusa litigation is concluded.

The Commission returned from the Attorney/Client Session at 6:25 pm and reconvened the public meeting.

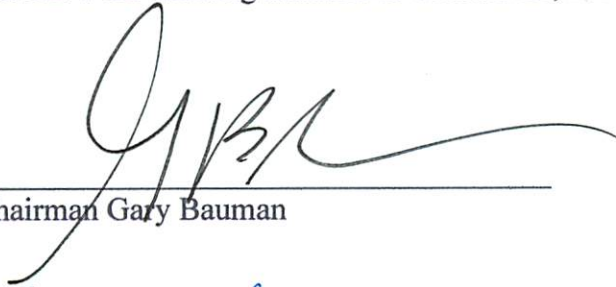
**COMMISSIONER'S ROUND TABLE**

N/A

**Adjournment**

The KLWTD Board adjourned the Board Meeting at 6:30 PM.

The KLWTD meeting minutes of October 23, 2007 were approved on November 6, 2007



---

Chairman Gary Bauman



---

Carol Walker, CMC  
District Clerk