

# MINUTES

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



Dec. 2, 2008  
98880 OVERSEAS HWY, KEY LARGO, FL 33037

The Key Largo Wastewater Treatment District Board of Commissioners met for a regular meeting at 4:00 PM. Present were Commissioners Robbie Majeska, Norman Higgins, Andrew Tobin, and Chairwoman Susie Hammaker. Also present the General Manager Charles F. Fishburn, District Counsel Thomas Dillon, District Clerk Carol Walker, and other appropriate District Staff.

The Pledge of Allegiance was led by Commissioner Higgins.

Chairwoman Hammaker announced that Commissioner Brooks will not be attending tonight's meeting because of an illness in the family. Commissioner Majeska has had a death in his family and the Board sends their condolences.

### APPROVAL OF AGENDA

Commissioner Hammaker requested an Item 4A (the resignation of FKWAF Chairperson) be added. General Manager Charles Fishburn requested that Item K15 (Vacuum site selection) and Item K16 (Lobbyist) be added. Martin Waits, Chief Financial Officer requested that pending payments be taken off of the Bulk Items. Items 10 and 11 were moved to the front of the agenda.

**Motion: Commissioner Tobin made a motion to approve the agenda as amended. Commissioner Higgins seconded the motion.**

### Vote on Motion

Member	Yes	No	Other
Chairwoman Hammaker	X		
Commissioner Higgins	X		
Commissioner Tobin	X		
Commissioner Brooks			Absent
Commissioner Majeska	X		

**Motion passed 4 to 0**

### PUBLIC COMMENT

The following persons addressed the Commission: Burke Cannon, Hammer Point, stated that he does not agree with not having back up for Commissioner Items that are up for action.

He also stated that we is in favor of the District offering a contribution to employees retirement fund.

## **LEGAL COUNSEL REPORT**

### *Return of Bid Security Meadors Construction*

Meadors Construction has requested withdrawal of its bid due to a clerical error and the recovery its bid security.

Kevin Shemwill, Director of Preconstruction Services, Meadors Construction Co., Inc. explained that there was a clerical error made in the bid documents See Exhibit "A". The mistake was discovered two days after the bid was submitted.

Pat Mitchell, KLWTD Operations Manager, explained to the Board that he has reviewed Meadors Construction's documents and procedures and determined it was an unintentional mistake in their software programming.

**Motion: Commissioner Higgins made a motion to allow Meadors Construction to withdraw their bid and recover their Bid Bond in full. Commissioner Majeska seconded the motion.**

### **Vote on Motion**

<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Other</b>
<b>Chairwoman Hammaker</b>	<b>X</b>		
<b>Commissioner Brooks</b>			<b>Absent</b>
<b>Commissioner Higgins</b>	<b>X</b>		
<b>Commissioner Tobin</b>	<b>X</b>		
<b>Commissioner Majeska</b>	<b>X</b>		

**Motion passed 4 to 0**

### *Assessment Appeal Sweeting's Four Inc.*

District Counsel Thomas Dillon explained that the original assessment for the property was 29.2 EDU's which was reduced to 9.3 EDU's after review. Mr. & Mrs. Sweeting did not accept the reduction and are requesting that the assessment be lowered to 1 EDU.

Martha Carter speaking for the Sweeting's stated that the property has been vacant since February of 2007, the water has been turned off since August of 2007, there are no current plans to use the property, the property is not suitable for use, and the property is currently for sale. They are requesting that the assessment be lowered to 1 EDU at least until the property is being used.

Mr. Dillon stated that the issue is whether the property should be assessed at 9.2 EDU's or nothing at all. The property is not vacant.

Chairwoman Hammaker explained that the assessment is based on historical and potential usage. She asked Ms. Carter what is the Sweeting's proposal. Ms. Carter stated that the Sweeting's would like to see the assessment at 2 EDU's at most.

**Motion:** Commissioner Tobin made a motion continue the Assessment Appraisal for Sweeting's Four Inc. until the next meeting and make it an action item. Commissioner Higgins seconded the motion.

**Vote on Motion**

Member	Yes	No	Other
Chairwoman Hammaker	X		
Commissioner Brooks			Absent
Commissioner Higgins	X		
Commissioner Tobin	X		
Commissioner Majeska	X		

**Motion passed 4 to 0**

*Return of Bid Security for Vacuum Station D, Marlin Holdings*

Marlin Holdings is requesting the return of their Bid Bond due to unforeseeable problems with obtaining a construction bond.

Mr. Fishburn explained that the bid that the District would go with instead of Marlin Holdings is a lesser bid.

District Counsel stated that not being able to obtain a bid bond does not constitute a legal excuse.

**Motion:** Chairwoman Hammaker made a motion to return the Marlin Holding's Bid Bond minus \$1,275 in District expenses. Commissioner Higgins seconded the motion.

**Vote on Motion**

Member	Yes	No	Other
Chairwoman Hammaker	X		
Commissioner Brooks			Absent
Commissioner Higgins	X		
Commissioner Tobin	X		
Commissioner Majeska	X		

**Motion passed 4 to 0**

**COMMISSIONER'S COMMENTS**

*Resolution for Commissioners ability to add items to the agenda for discussion.*

Commissioner Tobin stated that he would like to have the Commissioners to be able to place an item on the agenda for discussion with requiring backup for the item.

**Motion:** Commissioner Tobin made a motion to approve a policy to allow Commissioners to place items on the agenda for discussion without backup. Commissioner Higgins seconded the motion.

**Vote on Motion**

Member	Yes	No	Other
Chairwoman Hammaker	X		

<b>Commissioner Brooks</b>			<b>Absent</b>
<b>Commissioner Higgins</b>	<b>X</b>		
<b>Commissioner Tobin</b>	<b>X</b>		
<b>Commissioner Majeska</b>	<b>X</b>		

**Motion passed 4 to 0**

*Resolution to adopt certain District policies by resolutions*

Commissioner Tobin stated that he felt that the Commissioners should have their policies written down in a small book.

**Motion: Commissioner Tobin made a motion to direct staff to put together a written policy book for Commissioners. Commissioner Higgins seconded the motion.**

**Vote on Motion**

<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Other</b>
<b>Chairwoman Hammaker</b>	<b>X</b>		
<b>Commissioner Brooks</b>			<b>Absent</b>
<b>Commissioner Higgins</b>	<b>X</b>		
<b>Commissioner Tobin</b>	<b>X</b>		
<b>Commissioner Majeska</b>	<b>X</b>		

**Motion passed 4 to 0**

*Moving Commission meeting dates*

Mr. Fishburn stated that the current meeting dates on the first and second Tuesdays do not have any conflicts with any holidays for the 2009 year. The dates need to be advertised before the first of the year.

Mr. Tobin suggested that the major action items be brought up after 5 pm.

**Motion: Commissioner Tobin made a motion to approve the submitted meeting dates of the first and third Tuesday of each month for 2009. Commissioner Higgins seconded the motion.**

**Vote on Motion**

<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Other</b>
<b>Chairwoman Hammaker</b>	<b>X</b>		
<b>Commissioner Brooks</b>			<b>Absent</b>
<b>Commissioner Higgins</b>	<b>X</b>		
<b>Commissioner Tobin</b>	<b>X</b>		
<b>Commissioner Majeska</b>	<b>X</b>		

**Motion passed 4 to 0**

*Public Statements by Commissioners/Staff*

Chairwoman Hammaker explained that Commissioners have to make sure, as much as possible, that when they make a statement it is based on facts. She stated that Commissioner Tobin was correct in his statement to the Board of County Commissioners and Commissioner Tobin is doing a good job.

*FKWAF Inc.*

Chairwoman Hammaker stated that she has resigned from the FKWAF Inc. (Good Water People). Chairwoman Hammaker would like to see the District involved with grants for Key Largo residents.

Mr. Fishburn stated that the FKWAF has requested that a flyer be added to the one year notice to be sent out.

Staff was directed to bring back an information sheet with contact information of plumbers, banks offering low interest loans, and contact information of organizations that help low income property owners.

**BULK ITEMS**

*Pending Payments*

Martin Waits, Chief Financial Officer, informed the Board that an invoice for W.F. McCain for \$22,046 has been added for payment and the District has received \$22, 131.01 in wastewater service revenue since the agenda package went out.

**Motion: Commissioner Tobin made a motion to approve Pending Payments as amended, contingent upon the availability of funds for the pending payments. Commissioner Majeska seconded the motion.**

**Vote on Motion**

<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Other</b>
<b>Chairman Hammaker</b>	<b>X</b>		
<b>Commissioner Brooks</b>			<b>Absent</b>
<b>Commissioner Higgins</b>	<b>X</b>		
<b>Commissioner Tobin</b>	<b>X</b>		
<b>Commissioner Majeska</b>	<b>X</b>		

**Motion passed 4 to 0**

**ENGINEER’S REPORT**

Mr. Castle reviewed his written report. He reported that there was no cracking due to shrinkage on the pour for the tank bases. The permits were issued for the storm water injection wells.

**FINANCIAL REPORT**

*457 (b) Plan Update*

Martin Waits presented a report on a volunteer plan for the District to contribute up to 3% of each eligible employee’s annual compensation to the Plan.

Staff was directed to bring this item back to the next meeting.

**LEGAL COUNSEL REPORT**

*Employee Handbook Revisions*

Mr. Dillon reviewed the revisions

**Motion:** Commissioner Tobin made a motion to approve the revision with the amendment that the vacation earned in one year has to be used within the next year's first three months.

Mr. Waits explained that the current revision reduces the Districts liability.

Commissioner Tobin withdrew his motion.

**Motion:** Commissioner Tobin made a motion to approve the revisions to the employee handbook as presented. Commissioner Higgins seconded the motion.

**Vote on Motion**

Member	Yes	No	Other
Chairman Hammaker	X		
Commissioner Brooks			Absent
Commissioner Higgins	X		
Commissioner Tobin	X		
Commissioner Majeska	X		

**Motion passed 4 to 0**

**GENERAL MANAGER'S REPORT**

*Basin A-1 Open Cut*

Mr. Fishburn presented the Change Order for the US-1 crossing in Basin A-1 that was designed for jack and bore under US-1 but due to interference with the 36" water main an open cut is required.

**Motion:** Commissioner Tobin made a motion to approve the Change Order for Basin A-1 for an open cut for Fountain Engineering. Commissioner Majeska seconded the motion.

**Vote on Motion**

Member	Yes	No	Other
Chairman Hammaker	X		
Commissioner Brooks			Absent
Commissioner Higgins	X		
Commissioner Tobin	X		
Commissioner Majeska	X		

**Motion passed 4 to 0**

*Future of the Keys Summit*

Mr. Fishburn told the Board that Representative Saunders is holding a Keys Summit on December 10 at 2 PM.

General Manager Charles Fishburn and Chairwoman Hammaker will be attending the meeting.

*WWTP Tour*

A slide show of the tour of the plant was presented.

*Vacuum Site*

Mr. Fishburn would like to make offers for properties for vacuum station sites.

The Board confirmed that the General Manager has the authority to offer options to the property owners.

*Lobbyist and Liaison for Tallahassee*

Mr. Fishburn asked the Board to consider a Lobbyist and/or a Liaison for Tallahassee.

Commissioner Tobin suggested that former Commissioners Claude Bullock or Gary Bauman be considered for Liaison.

Chairwoman Hammaker stated that experts should be used for Lobbyist or Liaison.

Commissioners Higgins and Majeska feel that it is a good idea.

Mr. Fishburn was directed to contact Mr. Bullock and Mr. Bauman..

**ADJOURNMENT**

The KLWTD Board adjourned the Board Meeting at 7:20 PM.

The KLWTD meeting minutes of December 2, 2008 were approved on December 16, 2008.



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Chairwoman Hammaker



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Carol Walker, CMC  
District Clerk