



MINUTES

The Key Largo Wastewater Treatment District Board of Commissioners met for their regular scheduled meeting at 4:00 PM on July 18, 2017. Present were Chairman David Asdourian and Commissioners Andrew Tobin, Stephen Gibbs and Robert Majeska. Commissioner Susan Heim appeared telephonically. Also present were General Manager Peter Rosasco with Bishop, Rosasco & Co., General Counsel Nicholas Mulick, District Clerk Katherine Jackson and other appropriate District Staff.

Commissioner Tobin led the Pledge of Allegiance.

AGENDA ADDITIONS, CORRECTIONS, OR DELETIONS (D)

- Commissioner Gibbs requested that a discussion on budgeting for solar energy be added under Commissioner's Items.
- Commissioner Tobin requested that a discussion on scanning be added under Roundtable Discussion.
- Chairman Asdourian requested that item M-1 be moved after E.

APPROVAL OF AGENDA (D-1)

Motion: Commissioner Gibbs made a motion to approve the agenda as amended and Commissioner Tobin seconded the motion. The motion passed without objection.

LEGAL REPORT (M)

Wild Bird Center Resolution (M-1)

Mr. Nick Mulick presented the Resolution granting the request by the Florida Keys Wild Bird Rehabilitation Center that the District accept approximately 200 gallons per day of filter backwash from its pelican pond filtration system into the District's wastewater collection system. Following Board discussion, the Resolution was amended to provide that the wild bird center will be billed on a semi-annual basis.

Staff answered questions from the Board. The Board requested that this resolution be brought back in approximately 1 year for review.

Motion: Commissioner Gibbs made a motion to approve Resolution No. 21-07-17 as amended, and Commissioner Majeska seconded the motion.

Vote on Motion

Commissioner Gibbs –	Aye
Commissioner Majeska –	Aye
Commissioner Heim –	Nay
Commissioner Tobin –	Abstain
Chairman Asdourian –	Aye
Motion Passed: 3 to 1	

GENERAL MANAGER’S REPORT (G)

Wastewater Utility Manager Position (G-1)

Mr. Peter Rosasco informed the Board that the matrix has been updated to reflect the results of telephone calls made to references of the top candidates for Wastewater Utility Manager. Commissioner Gibbs stated that he was ready to choose his top 3 candidates, which are 1) Gary Hubbard, 2) Robert Smith, 3) Bert Warner and an alternate 4) John Mzrozek. Chairman Asdourian suggested that the Board make nominations at the July 25, 2017 meeting since the updated matrix had just been handed out, and the Board agreed.

BUDGET AND FINANCE REPORT (H)

Rate Study Proposals (H-1)

Mr. Peter Rosasco presented the rate study proposals and budget, and informed the Board that the last rate study was conducted in 2012. Each Board member shared their various concerns and engaged in debate.

Staff answered questions from the Board and the Board requested that this item be brought back at a future meeting.

Motion: Commissioner Tobin made a motion to table the rate study proposal discussion until a future meeting, and Chairman Asdourian seconded the motion. The motion passed without objection.

COMMISSIONER’S ITEMS (N)

Request to Include in District’s Records (Commissioner Tobin) (N-1)

Commissioner Tobin requested that a memo he authored, requesting that Monroe County use impact fees to assist the District in road renovations, as opposed to the District bearing the expense of repairing and patching the road after construction, be included in the District’s records. Commissioner Tobin stated that he would like the memo appended to the minutes as Attachment A and requested that information provided by Mr. Ed Castle regarding the matter be included, once available. Commissioner Gibbs requested that Commissioner Tobin provide the date of the memo, and Commissioner Tobin agreed.

Parliamentary Procedure E-Mail (Commissioner Tobin) (N-2)

Commissioner Tobin removed this item from discussion.

Budgeting for Solar Energy (Commissioner Gibbs) (N-3)

Commissioner Gibbs requested that the Board and staff begin thinking about budgeting for a solar energy capital project in the near future. Mr. Peter Rosasco informed the Board that staff is in the process of updating information from past solar energy studies and conducting a feasibility.

ROUNDTABLE DISCUSSION (O)

Commercial Use of Residential Property (Commissioner Majeska) (O-2)

Commissioner Majeska shared his concern that certain parcels classified as residential are reportedly being used for non-residential uses, including hosting of weddings and similar events, and are consuming water in excess of 12,000 gallons per month. Mr. Mulick informed the Board that the District utilizes the Monroe County Property Appraiser's records for property use classification.

Staff answered questions from the Board and Mr. Mulick stated that he will investigate the matter and render a report to the Board at a future meeting.

E-Mails (Chairman Asdourian) (O-3)

Chairman Asdourian requested that members of the Board refrain from circulating among other members e-mails reflecting the member's opinions on matters likely to come before the Board. Commissioner Heim informed the Board that she consulted with the District's general counsel, who informed her that e-mails containing facts and reports may be circulated.

Scanning (Commissioner Tobin) (O-4)


Commissioner Tobin informed the Board that he had discussions with staff regarding the feasibility of making a portion of District records available to the public. He also stated that he understands the immensity of such a project, and that the creation of a database accessible by the public will not happen right away.

ADJOURNMENT (P)

The Meeting was adjourned at 5:29 PM.



David Asdourian, Chairman



Katherine Jackson, Clerk

RESOLUTION NO. 21-07-17

**A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF THE KEY LARGO WASTEWATER TREATMENT
DISTRICT, CREATING AND ESTABLISHING THE
TERMS FOR THE ACCEPTANCE OF WASTEWATER
FROM THE FLORIDA KEYS WILD BIRD
REHABILITATION CENTER, LLC; AND PROVIDING
FOR AN EFFECTIVE DATE.**

WHEREAS, the Florida Keys Wild Bird Rehabilitation Center ("Wild Bird Center"), Inc. is a not-for-profit 501(c)3 conservation organization dedicated to the rescue, rehabilitation, and release of native and migratory wild birds; and

WHEREAS, the Wild Bird Center is located within the service area of the Key Largo Wastewater Treatment District ("District"); and

WHEREAS, the Wild Bird Center has asked the District for permission to discharge approximately 200 gallons per week of filter backwash, from the Wild Bird Center's pelican pond filtration system, into the District's collection system; and

WHEREAS, the District's Engineer has determined that the filter backwash proposed to be discharged into the District's collection system would not cause any harm to the District's infrastructure or treatment process and will not create a threat to public or employee health; and

WHEREAS, at the June 20, 2017 meeting of the District's Board of Commissioners, the Board voted to accept the discharge of filter backwash from the pelican pond filtration system into the District's collection system, subject to the provisions of Section 2 below.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF
COMMISSIONERS OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT
THAT:**

Section 1. Recitals. The above recitals are true and correct and are incorporated into this Resolution by reference.

Section 2. Terms and Conditions of approval.

- a. The Florida Keys Wild Bird Rehabilitation Center's request that it be permitted to discharge approximately 200 gallons per week of filter backwash from its pelican pond filtration system into the Key Largo Wastewater Treatment District's collection system is hereby granted.

- b. The volume of the accepted filter backwash shall be calculated using measurements made by a District approved meter that is read by District staff at a frequency to be determined by the General Manager
- c. Based upon that calculated volume, the District shall bill the Wild Bird Center at the District's normal and customary rates, using the charges listed in KLWTD Rules and Regulations Section 9.03, as this section may from time to time be amended.
- d. The District shall send said bills to the Wild Bird Center semi-annually, via USPS First Class Mail.
- e. The Wild Bird Center shall ensure that all connections to the District's central sewer system are made in accordance with and in compliance with all applicable resolutions, rules, ordinances, codes and laws.
- f. The Wild Bird Center shall further ensure that any connections to the District's central sewer system shall not result in any Infiltration or Inflow into the District's system.
- g. The granting of the Wild Bird Center's request for permission to discharge approximately 200 gallons per week of filter backwash from its pelican pond filtration system, into the District's collection system is, and shall be considered as, "provisional," "experimental," and subject to amendment or revocation at any time. It shall not be considered to have set a precedent for any future consideration or acceptance of non-domestic wastewater from any source or entity.

Section 3. Authorization of District Officials. The General Manager and/or the District Manager's designee(s), the District General Counsel, and the District Engineer are authorized to take all actions necessary to implement the terms and conditions of this resolution.

Section 4. Applicability and Effective Date. This Resolution shall take effect upon adoption by the Board of Commissioners.

RESOLVED AND ADOPTED THIS 18th DAY OF JULY, 2017

The foregoing RESOLUTION was offered by Commissioner Gibbs, who moved its approval. The motion was seconded by Commissioner Majeska, and being put to a vote, the result was as follows:


	AYE	NAY
Chairman Asdourian	<u>✓</u>	_____
Commissioner Gibbs	<u>✓</u>	_____
Commissioner Heim	_____	<u>✓</u>
Commissioner Majeska	<u>✓</u>	_____
Commissioner Tobin	<u>Abstain</u>	_____

The Chairman thereupon declared Resolution No. 21-07-17 duly passed and adopted the 18th day of July, 2017.

KEY LARGO WASTEWATER TREATMENT DISTRICT


Chairman David Asdourian

ATTEST:


Katherine Jackson, District Clerk

Approved to as to form and legal sufficiency


Nicholas W. Mulick, General Counsel

SEAL



Andrew M. Tobin, Commissioner
Key Largo Wastewater Treatment District

Dear Mayor and Commissioners;

Re: Patching vs. Matching

Thank you for allowing the KLWTD to discuss a proposal whereby the County would contribute "matching" funds of \$1.8 million dollars of impact fees that would be combined with \$2.2 million dollars of KLWTD "patching" money for the purpose of renovating, upgrading and improving existing county's roads during the installation of central sewage collection systems.¹ Because the BOCC is precluded from giving direction to staff or taking a position during the sounding board, I am asking one or more of you to place this item on the agenda for a formal vote at the next meeting.

Because your attorney has expressed reservations on the proposal, I would like to suggest that you direct her to prepare a formal memorandum in advance of the meeting to answer the following questions:

- a) Whether the intent of the impact fee ordinance is to offset the impacts of new development (1986- to present)?
- b) Whether it is reasonable for the BOCC to make a finding that impacts from "new development" includes impacts to county roads caused by: 1) new residential development, 2) new commercial development, or 3) the installation of new central sewage collections systems?
- c) Whether it is reasonable for the BOCC to make a finding that distinguishes between "routine maintenance" of roads vs. renovating, upgrading, and improving roads as more fully defined in the Weiler Memorandum?
- d) Whether a court is required to defer to the findings and interpretations of the BOCC unless the findings and interpretations are clearly erroneous?
- e) Whether commissioners enjoy absolute immunity from personal liability for legislative decisions made at a public hearing that have broad implications even if they vote contrary to the advice of counsel?

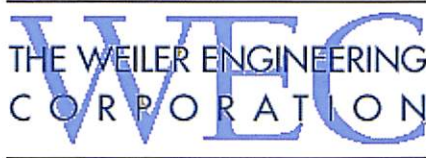
Five years ago, we presented the idea of combining "our money" with "your money" (which is really the citizens money) to your County Administrator and County Engineer. Everyone agreed it was a great idea! Unfortunately, due to budget constraints the County was unable to provide matching funds. Now that \$1.8 million of impact fees has been released, we owe it to the citizens of Key Largo to find a way to make this work. Remember the KLWTD is only required to "repair" any damages to County roads and does not have the legal authority to renovate, improve, or upgrade such roads.

Together we can get this done!

Respectfully yours,

Andrew M. Tobin, Commissioner KLWTD

¹The "match" will allow approximately 13 miles of county roads to be upgraded, improved, and renovated.



"Excellence in Engineering"

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MEMORANDUM

To: Chuck Fishburn
From: Ed Castle, PE
Date: November 14, 2009
Re: Monroe County Impact Fees

In response to your inquiry as to whether overlay of the roads in the Key Largo Wastewater Treatment District is consistent with the intended use of funds generated by the Fair Share Transportation Impact fees, I offer the following.

It is my understanding that Monroe County Code Chapter 126 states that the funds generated by the Fair Share Impact fees shall be used for acquisition, expansion and development of the County's roads. The need for the acquisition, expansion and development of roads is, at least in part, a result of development in the County.

Development not only may create a need for new roads, but also generates a need to expand and improve the load bearing capacity of the existing roads to accommodate the increased traffic loads. As areas are developed and as infill development occurs, the number and nature of trips on existing roads changes. While development is underway, there is a significant increase in loading on the roads as excavating equipment, concrete trucks, material delivery trucks and the vehicles used by construction crews move into and out of the construction area.

After the construction is completed, there is an increase in the number of trips made by passenger vehicles such as cars, SUVs and pickup trucks, and an increase in the number of trips made by heavier vehicles such as school buses, delivery trucks and garbage trucks. The increase in loading applied to the existing roads creates the need for roadways that are able to withstand the heavier loading.

Many roads in the Key Largo Wastewater Treatment District consist of a single thin layer of asphaltic concrete that does not meet current design standards. Loads applied to this thin layer of asphalt may be transmitted to the underlying road base without adequate dispersion of the loads. The resultant compression, repeated over time, will cause cracking of the asphalt, further impairing the ability of the asphalt to adequately disperse the loads evenly across the road base. The result can be a rapidly failing roadway.

The existing roads may be improved and their load-bearing ability expanded to accept the increased loading that accompanies development by applying an additional layer of

asphaltic cement over the existing asphalt. The overlay is bonded to the underlying asphalt, resulting in a thicker, impervious surface that has added structural strength to more effectively distribute the traffic loads over larger areas of the road base, reducing the potential for compression, movement and subsequent failure of the road.

In my opinion, the application of an overlay course will enhance the load bearing ability of the existing roads. This is consistent with my understanding of the intended use of the Fair Share Transportation Impact fees. The current asphalt patching of the roads that is required in the KLWTD sewer project serves to maintain the roads in their current condition. Application of an overlay increases the load bearing capacity of the roads and should be considered an improvement or expansion, rather than maintenance.