



# Key Largo Wastewater Treatment District Board of Commissioner's Meeting Agenda

5:00 PM Wednesday, May 5, 2004

Key Largo Civic Club, 209 Ocean Bay Drive  
Key Largo, Monroe County, Florida

## Board Members Present

Gary Bauman, Chairman  
Cris Beaty, Member  
Charles Brooks, Member  
Andrew Tobin, Member  
Jerry Wilkinson, Member

## Staff Members Present

Charles Sweat, Director of Operations (GSG)  
David Miles, Chief Financial Officer (GSG)  
Thomas Dillon, Board Attorney  
Ed Castle, Board Engineer (WEC)  
Faith Doyle, Board Clerk (GSG)

## Guests Present

Pete Kinsley, The Haskell Company  
Charles Kupper, Keys Resident  
Will English, The Haskell Company  
Robert Burt, KLTV Homeowners Association  
Steve Gibbs, Reporter for the Reporter

### A. Call to Order

Chairman Bauman called the meeting to order at 5:01 p.m.

### B. Pledge of Allegiance

The pledge was recited.

### C. Additions, Deletions or Corrections to the Regular Meeting Agenda

Commissioner Tobin requested to add a letter from George Garrett as item K3 concerning site mitigation.

Mr. Dillon requested that Item F5 concerning a tax form request from TIB be added to the legal report.

### D. Minutes – Draft April 21, 2004

**COMMISSIONER WILKINSON MOVED TO APPROVE THE APRIL 21, 2004 MINUTES WITH THE CORRECTIONS REQUESTED BY MR. DILLON. COMMISSIONER BROOKS SECONDED THE MOTION. ALL WERE IN FAVOR AND THE MOTION WAS UNANIMOUSLY APPROVED.**

E. Public Comment

Commissioner Brooks introduced Mr. Charles Kupper as one of the manager applicants.

F. Legal Counsel's Report

1. Update on the Haskell Notice of Delay

Mr. Dillon noted that the design has taken priority, but there would be an item on the May 19<sup>th</sup> agenda as a result of continued discussion.

2. Update on direct/indirect costs issue

Mr. Dillon advised the Board that an update would be provided on this item at the May 19<sup>th</sup> meeting.

3. Update on legislation

Mr. Dillon informed the Board that the legislation has passed both houses and it went to the governor for execution. Ms. Pat Cichon had been contacted and will recommend that the governor sign the legislation.

4. Update on County funds

Mr. Dillon stated that the BOCC legislation was passed and it has gone to the DCA for its approval and then funds would be released.

5. Tax Form requested by TIB Bank

Mr. Dillon stated that TIB requested that the CFO submit a completed IRS form. Mr. Dillon doesn't believe it applies to the KLWTD and requested that research be done by him, or a bond attorney consulted. Mr. Miles stated that he has been requested to fill out these forms for bond issues when they are made for general obligation or revenue bonds. Mr. Miles believes that for a line of credit with zero having been drawn on the debt it should be researched prior to filing the document. Mr. Dillon stated that lines of credit are not listed in the code but it should be researched. It was suggested that Bill Anderson be consulted. Commissioner Tobin believes it should be submitted with out research. Mr. Dillon doesn't believe it should be sent because the District has not issued bonds. Commissioner Tobin suggested that the bonds crossed out and line of credit be written in and the form submitted. Mr. Miles stated he would only sign it the Board's authorization.

**COMMISSIONER WILKINSON MOVED TO APPROVE MR. MILES TO COMPLETE, SIGN AND FORWARD THE DOCUMENT. COMMISSIONER TOBIN SECONDED THE MOTION. ALL WERE IN FAVOR AND THE MOTION CARRIED.**

G. Action Items

1. Approval of the Pending Payments List for May 5, 2004

**COMMISSIONER BEATY MOVED TO APPROVE ITEM G1. COMMISSIONER WILKINSON SECONDED THE MOTION FOR DISCUSSION.** Commissioner Wilkinson asked when the line of credit might need to be used. Mr. Miles believes that with the MSTU funds flowing the line of credit won't be needed in the near future. **THE CHAIRMAN CALLED FOR A VOTE, ALL WERE IN FAVOR AND THE MOTION WAS UNANIMOUSLY APPROVED.**

2. Approval of the rental space short list

The consensus of the Board was to hold on the pursuit of the rental space until a manager has been hired. Commissioner Brooks entertained a motion to amend the list to only include the pediatrics building and the Bank of America space. Discussion ensued on the need to renovate the Dameron Building location. Commissioner Brooks suggested ranking the list as the Bank of America being first, the pediatrics building as second and the Dameron as third. Commissioner Wilkinson believes the manager should do the research on an office location. Commissioner Tobin believes Mr. Dillon should start looking at the leases and terms. Discussion continued on parking and other arrangements.

IT WAS THE CONSENSUS OF THE BOARD TO HAVE MR. DILLON BEGIN RESEARCHING LEASES AND TERMS. Mr. Dillon stated that he would contact the Bank of America for a sample lease for review.

Chairman Bauman then tabled the item.

3. Approval of the Government Services Group, Inc. letter of agreement

Mr. Dillon presented the additional information concerning item G3 entitled Amendment No.1 to the GSG Management Services Agreement. **Commissioner Tobin moved to approve the item. Commissioner Beaty seconded for discussion.** Commissioner Tobin asked Mr. Miles how much time he dedicates to KLWTD business on a weekly basis. Discussion ensued. Mr. Dillon suggested that Chairman Bauman be named the initial contact in the amendment and noted that the amendment is capped at \$10,800 per month. Commissioner Tobin had been concerned that if projects go to 5-hours or more the Board should approve them. Discussion ensued on the overlapping of duties during the transition, coordination of the upcoming budget and transport and disposition of the KLWTD official records. It was noted that Gary Bauman would be listed as the director of the contract.

Mr. Dillon suggested that the item be placed on the May 15 agenda for action.

**Chairman Bauman called the question and asked for a vote. There were no votes in favor of the motion. The motion failed.**

4. Acceptance of the Roe-Vac warranty

**Commissioner Brooks moved to accept the Roe-Vac Warranty. Commissioner Beaty seconded the motion. Chairman Bauman requested a roll call vote.**

**Commissioner Beaty**

**Yes**

Commissioner Brooks	Yes
Commissioner Tobin	Yes
Commissioner Wilkinson	Yes
Chairman Bauman	Yes

The motion was unanimously approved.

#### 5. Approval of Resident's Letter

Mr. Sweat presented the letter. **Commissioner Brooks moved to approve the resident's letter. Commissioner Beaty seconded the motion for discussion.** Commissioner Tobin asked if Haskell would be part of the community meetings. Mr. Kinsley stated that a community information program was part of their public information plan. In addition to participation in the introductory meeting, he will meet with residents as the project progresses. Commissioner Wilkinson stated concern that the information noted by the bullets would not be prepared by the June 29, 2004 meeting date. Discussion ensued on the information to be presented at that meeting.

Mr. Robert Burt asked who would be sending the letter to the property owners. Mr. Sweat stated that GSG as general manager would and that the letter would be produced in Spanish and English. Mr. Burt was requested to supply a list of the owners and residents and their contact information. Mr. Burt also asked about that abandonment of the septic systems and if there is a law that requires it. Mr. Sweat stated that it is the County Health Department's rules and the Florida Administrative Code addresses the issue and that he will provide the pertinent sections at the meeting. Mr. Burt also asked about the installation of lines from the house to the District's connection point and that some residents will want to do the work themselves. Mr. Burt is concerned that there will need to be definite answers for this question. Mr. Burt questioned the financing issue and expressed a need for a financing option. Chairman Bauman stated that there are no agreements yet but it would be provided. Mr. Burt asked if there would be contractors hired by the board. Chairman Bauman stated there would be several recommended contractors. Commissioner Brooks added that authorized and qualified contractors would be recommended but the Board will not be hiring the contractors the homeowner would be. Commissioner Brooks noted that the County will be offering some assistance and there will be a financing package available.

Commissioner Tobin asked that a construction schedule be added as an additional bullet so that this information would be provided at the resident's meeting. He also asked if CDBG forms would be available to hand out. Discussion ensued on the low-income program. It was suggested that Mark Bell of FKAA low-income assistance program be in attendance to provide information on the program.

Mr. Castle asked if his email could be corrected and noted that he would route emails that were not engineering related to the appropriate persons.

**The question was called. Chairman Bauman requested a vote. All were in favor and the motion was unanimously approved.**

#### 6. Approval of the May 15, 2004 Workshop Agenda

Commissioner Wilkinson wants the manager selection to be an action item at this meeting not a discussion item. Discussion ensued. It was noted that most Board members have talked with the candidates. Commissioner Beaty stated that he would take the next ten days to contact the candidates and he agrees the Board should move ahead on the manager selection.

Commissioner Brooks does not agree. He believes the Board should move ahead on the manager, but the workshop was to be a global/general agenda and resumes could be received on the 14<sup>th</sup> and may not be properly considered. Chairman Bauman believes the candidates need to be discussed along with their qualifications and how the other members ranked them. Discussion ensued concerning if the manager selection should be a workshop action item. Commissioner Brooks believes the interview should be held in the public so that citizens can be involved in the process.

**Commissioner Brooks moved to change item 4B to read “Interviews of the Manager Candidates” and to move it to the first agenda item of the May 15, 2004 meeting.**

**Commissioner Wilkinson seconded the motion.** Discussion ensued on the need for reviewing the resumes collectively prior to conducting the interview. **The motion was amended to include an item a “Review of resumes received.”** Discussion ensued concerning who would be in attendance from staff at the meeting and if there would be enough information presented at the workshop on the KLP vacant lot issue for the board to give direction to the staff. Mr. Castle believes the information to be presented would assist the Board in giving direction to the staff but not all the final information on the subject would be provided. **Chairman Bauman requested a roll call vote.**

<b>Commissioner Beaty</b>	<b>Yes</b>
<b>Commissioner Brooks</b>	<b>Yes</b>
<b>Commissioner Tobin</b>	<b>Yes</b>
<b>Commissioner Wilkinson</b>	<b>Yes</b>
<b>Chairman Bauman</b>	<b>Yes</b>

#### H. General Manager's Report

##### 1. Update on the Design Team Meeting of 5/4/04

Mr. Sweat reported that the 60% design meeting had been held on May 4, 2004 and was very productive. He noted that all of the changes requested and additional items had been discussed and would be addressed.

Mr. Sweat stated that the Haskell progress report included the review items and Haskell's responses to all of them and were provided for the Board's review. The 60% plans for the plant would be ready for permitting and submitted by the end of next week. The DEO commitment would be filed by the 14<sup>th</sup> May. The application would be reviewed by WEC and GSG and Chairman Bauman would sign it.

Commissioner Brooks stated that there had been comments discussed from all members and several concerns of staff were to be addressed prior to being submitted for permitting. Commissioner Brooks asked the Haskell representatives if they had made any effort to resolve the difficulties. Mr. Kinsley stated that the 3-4 items that are still outstanding would be resolved prior to permit submittal. Mr. Sweat confirmed that the final 60% designs would be reviewed by WEC and GSG to insure that all comments had been addressed prior to submittal. Commissioner Brooks stated concern that the Board be involved in the approval of the documents. Commissioner Brooks wanted to inform the Board that at the design meeting it was decided that Haskell would make the permit application and staff would review it and once

submitted it should not be changed. He is of the opinion that staff would be making the final decision for the Board. Mr. Kinsley noted that once a permit application is submitted there would most likely be comments from the DCA that need to be addressed so there are more opportunities to review and comment.

## 2. Presentation of the Quarterly Financial Reports

Mr. Miles presented the quarterly financial reports. Discussion ensued on the need to report land as a fixed asset. Mr. Miles noted that the land value had been used as an offset match to the FEMA grant.

Discussion ensued on the \$137,000 that the FCAA had forwarded to the Department of Health and how it would be accounted for in the KLWTD budget.

Chairman Bauman recessed the meeting at 7:35 p.m.  
Chairman Bauman reconvened the meeting at 7:48 p.m.

### I. Engineer's Report

#### 1. Report for Period ending April 27, 2004

Mr. Castle presented his report adding that the Design Submittal Protocol had been revised to reflect the procedure that is presently being followed. He noted that the 'master plan' would be used as a planning tool. Mr. Castle stated that the Haskell pay requests have become routine and follow a specific procedure before being paid.

Mr. Castle noted that he had received email correspondence today on comments from the design team meeting.

### J. Public Comment

Mr. Burt stated that the date of June 29<sup>th</sup> for the KLTV meeting would not work. Commissioner Brooks had confirmed that the date was good with the Key Largo Civic Club. Discussion ensued on the date of July 22<sup>nd</sup> at 7:00 p.m. at the Civic Club. The date was agreed upon.

### K. Commissioner's Items

#### 1. Discussion of Laboratory Testing for Near Shore Water Quality – Comm. Tobin

Commissioner Tobin is of the opinion that the KLWTD should not have volunteers do the initial testing it should be professionally done to get a base line. Mr. Dillon stated that he is afraid of half-truths and if it is to be done it should be scientifically design. It was noted that the Marine Sanctuary should have a good base line. Mr. Castle stated that 'storet' should have recorded data on the water in the area and has good environmental sampling information and from the many studies that have been done could provide information for the KLWTD to use.

Commissioner Tobin asked if staff could give a final recommendation. Mr. Castle comments that there is a lot of value in what little Venice is doing with their testing program. The program costs approximately \$100,000 a year.

Commissioner Bauman suggests Mr. Sweat review the data that already exists and to have a conversation with Gus Rios and review the Marine Sanctuary data to assist in formulating a recommendation.

Commissioner Brooks stated that the KLWTD's job is to put in a sewer system NOT to do water testing. There is No point, in his opinion, if the water is not polluted or polluted KLWTD must place a sewer system and the legislation does not mandate testing the water and the tax payer's money should not be spent on this activity.

2. Discussion of KLWTD Lobbyist in Washington, D.C. – Comm. Tobin

Discussion ensued on the issue. Chairman Bauman stated that the local federal representatives are aware of the Boards needs and know that wastewater is a priority and therefore additional lobbying efforts would not be necessary.

3. Discussion of the letter from George Garrett concerning the site mitigation – Comm. Tobin

Commissioner Tobin stated that he had a discussion FEMA on 2.6 acres and with Mr. Garrett concerning the conservation easement. Discussion ensued on the requirement of giving the land away. Chairman Bauman stated that during his conversation with Miles Anderson of the DCA he was informed that FEMA will be firm on the 2.6 acres but Miles did not mention the taking of land. The Board agreed that there should be no land given away.

Mr. English noted that mitigation would coincide with construction and that Mr. Garrett had submitted the plan to Fish and Wildlife. Discussion ensued on the need to get an agreement with Fish and Wildlife.

L. Update on past agenda items:

1. FEMA FONSI Status

Mr. Sweat informed the Board that the FEMA Phase II grant contract is being sent soon. Commissioner Brooks requested that all of staff and the Board be copied as soon as the document is received.

2. Water Quality Testing

Mr. Sweat provided the Board with a memorandum concerning this item.

3. Project Design Protocol

An update of the protocol was included with the agenda.

4. Resolution of \$100K Loan repayment issue

No update was provided on this item.

5. Site mitigation

A copy of the information submitted by Mr. George Garrett of the FKAA was handed out at the meeting.

6. KLP vacant lot resolution

No update was provided on this item.

7. Project request for FEMA deadline extension

No update was provided on this item.

8. CDBG Grants and/or funds for private connections

No update was provided on this item.

9. Procedures

No update was provided on this item.

## 10. Web Site Development

Commissioner Wilkinson stated concern over the information provided on the current website. The information is extremely out dated and the situation needs to be addressed.

### M. Meeting Adjournment

It was suggested by Mr. Dillon that the clerk contact the manager candidates for interviews at the May 15, 2004 meeting beginning at 10:30 a.m. and to schedule the times by alphabetical order of the applicants last names. Mr. Dillon also cautioned the Board not to suggest that the candidates not attend the meeting beyond their interviews because it is a public meeting.

Chairman Bauman adjourned the meeting at 8:35 p.m.