

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



December 7, 2005  
 98880 OVERSEAS HYW, KEY LARGO, FL 33037

The Key Largo Wastewater Treatment District Board of Commissioners met for a regular meeting on December 7, 2005 at 5:00 PM. Present were Chairman Glenn Patton, Commissioners Gary Bauman, Andrew Tobin, Claude Bullock and Charles Brooks. Also present were General Manager Charles Fishburn, District Counsel Thomas Dillon, Board Clerk Carol Walker, and all other appropriate District Staff.

The Pledge of Allegiance was led by Chairman Patton.

***Approval of the Agenda***

Chairman Patton requested that Items I 5 & I 6 be moved to the front of the agenda. He also requested that a Manager's Report on Calusa Campground be added as K 7.

Commissioner Bullock requested that K10 be made F 2.

Tom Dillon District Counsel requested that a discussion on Homeowner's Parks be added as I 8.

**MOTION: Commissioner Bauman made a motion to approve the agenda as amended. Commissioner Bullock seconded the motion.**

Vote on motion

MEMBER	YES	NO	OTHER
Commissioner Tobin	X		
Commissioner Brooks	X		
Commissioner Bullock	X		
Commissioner Bauman	X		
Chairman Patton	X		

Motion passed 5 to 0

**Public Comment**

The following persons addressed the Commission: No public comment at this meeting.

### **One-Year Notice to Calusa Campground**

Commissioner Bullock asked what the impact would be on the District's budget if Calusa had to put in their own system instead of the District doing it. Mr. Dillon responded by explaining that the budget would be improved.

Chairman Patton explained that the current KLWTD Rules and Regulations say that the District does not go on private property. If a Park falls under 513 then the Rules and Regulations now state that they will be charged according to their flow.

Mr. Dillon, District Counsel, stated that the KLWTD Rules and Regulations are currently a draft. The Board has the authority and the opportunity to think about how they want to treat hotels, motels, and RV parks. Mr. Dillon explained to the Board that if they want to come up with a different way to charge the hotels, motels, and RV parks an assessment no precedent has been set yet. He further explained that the Rules are not final and the Board has the authority to do what is fair and reasonable based on substantial evidence in the record.

Commissioner Bullock would like the Board to consider putting in a caveat in the one-year notice that says if a lot is converted to a single-family lot then it converts to one EDU.

Commissioner Bauman suggested that instead of the one-year notice having two different subjects a letter should be sent to the Homeowner's Association covering Commissioner Bullock's concerns.

Commissioner Tobin would like to see all of the rate issues dealt with in one document. He does not have a real philosophical problem with charging Calusa Campground by flow but he would like to see how all of the RV Parks work. Commissioner Tobin would like staff to come back with a report and a recommendation.

Mr. Dillon said that he had asked Nabors, Giblin if Calusa Campground had to be treated the same as hotels, and motels and they said yes because they have a permit under 513.

Commissioner Brooks asked if the rate issue is going to be brought up and is the Board going to change the rates that have already been adopted.

Mr. Dillon stated that they have been approved in draft form.

Commissioner Brooks stated that he sees problems with passing a separate rate resolution. He asked which has priority the resolution or the Rules and Regulations.

Mr. Dillon explained that the last one adopted takes precedence.

Mr. Dillon asked for clarification: One, the Board wants to take the rates out of the Rules and Regulations and address them by resolution, two, the Board wants Mr. Dillon to

contact Nabors Giblin to assist in what should be in the rate resolution, three, is Calusa Campground a Park, four, is Silver Shores the same as Calusa Campground.

Commissioner Tobin made a motion to approve the one-year notice to Calusa Campground and Commissioner Bauman seconded the motion. After discussion from the Board the motion was withdrawn.

Commissioner Brooks stated that in the one-year notice the last paragraph states that the property owner has to get a permit and abandon their system. They do not have systems and the Association has to pull the permit. This just raises the pressure on the property owners. Commissioner Brooks would like to see the letter state that the Association is the one to pull the permits.

Mr. Dillon explained that the letter in the agenda package is not the letter that had been rewritten at the Board's request.

The Board elected to table the matter until the next meeting.

#### **Commissioner Items**

##### *Discussion of Treatment Plant Expansion and Federal Funding.*

Charles F. Fishburn, General Manager reviewed him memo that was in the agenda package and told the Board that the FONSI for the expansion is being held up environmentally. The \$500,000 should come some time next year.

Commissioner Bullock expressed concern over the Army Corps wanting say over the entire KLWTD Project. He was concerned that the District does not have a green light permit for the expansion yet.

Commissioner Brooks clarified that there is a document that states that Monroe County will do the mitigation for the District.

Commissioner Bullock stated that the District should go forward with the documents, let it work through the system, get the documents signed, and bring the projects up to speed to get the District's \$29.5 million as time goes on.

The Board directed staff to go forward with making a case for obtaining the additional 1.6 acre of land for the plant expansion.

#### **Designated Board Seats for Election**

Commissioner Bauman was concerned that there would not be enough community spirited people in Key Largo to run for the Seats and one may go unfulfilled. He would like to see the District go through one more election at large and see what type of qualified candidates turn out.

Commissioner Bullock could support either way.

Commissioner Brooks supports the Designated Seats. The only qualification should be the willingness to serve.

Commissioner Tobin stated that he has mixed emotions about the subject. Some people like the non-adversarial election.

Chairman Patton would like to keep it at-large.

**MOTION: Commissioner Brooks made a motion to change the election process to Designated Seats. Commissioner Bullock seconded the motion.**

Vote on motion

MEMBER	YES	NO	OTHER
Commissioner Tobin		X	
Commissioner Brooks	X		
Commissioner Bullock		X	
Commissioner Bauman		X	
Chairman Patton		X	

Motion failed 1 to 4

#### **Bulk Items**

*Minutes of November 16, 2005*

**MOTION: Commissioner Bullock made a motion to approve the minutes of November 16, 2005. Commissioner Bauman seconded the motion.**

Vote on motion

MEMBER	YES	NO	OTHER
Commissioner Tobin	X		
Commissioner Brooks	X		
Commissioner Bullock	X		
Commissioner Bauman	X		
Chairman Patton	X		

Motion passed 5 to 0

Commissioner Bauman was excused from the meeting at 6:55 PM.

#### **Financial Officer's Report**

*Pending Payments List of December 7, 2005*

Martin Waits presented the pending payments list.

Commissioner Brooks expressed concern that he had not had time to read the Pending Payments list and would not be voting for approval of it.

**MOTION: Commissioner Tobin made a motion to approve the pending payment list of December 7, 2005 contingent upon availability of funds. Commissioner Bullock seconded the motion.**

Vote on motion

MEMBER	YES	NO	OTHER
Commissioner Tobin	X		
Commissioner Brooks		X	
Commissioner Bullock	X		
Commissioner Bauman			Absent
Chairman Patton	X		

Motion passed 3 to 1

Staff was directed to report back to the Board on the insurance limits and rates.

**Legal Counsel Report**

*RFQ for Billing*

After discussion from the Board members it was decided to have Chairman Patton work with Tom Dillon and they would contact companies and outline specific scopes of the KLWTD Projects with them.

*Trustee for Employees 401K Plan*

**MOTION: Commissioner Bullock made a motion to appoint Martin Waits as the Trustee for the Employees 401K Plan. Commissioner Tobin seconded the motion.**

Vote on motion

MEMBER	YES	NO	OTHER
Commissioner Tobin	X		
Commissioner Brooks	X		
Commissioner Bullock	X		
Commissioner Bauman			ABSENT
Chairman Patton	X		

Motion passed 4 to 0

*Homeowner Association Parks*

Mr. Dillon explained that there have been two requests from Homeowner Association Parks to exempt their parks from the Wastewater Assessment.

Commissioner Tobin suggested that the Homeowner Associations pass a resolution asking for an exception, agreeing that the land will not be develop, and if it is developed they will pay full price for a hook up. The District Counsel should develop a form for exemption.

**Engineer's Report**

*Monthly Report*

Ed Castle reviewed the monthly report that he submitted in the agenda package.

Mr. Castle reported that it was decided at the FDEP meeting that only one deep well will be required for the KLWTD Treatment Plant.

After a discussion on the process of getting permits to put in the property owners laterals the Board directed staff to submit recommendations on streamlining the permitting process for homeowners.

**Manager's Report**  
*Board Meeting Dates for 2006*

**MOTION:** Commissioner Bullock made a motion to approve the first and third Wednesday of each month except for July and August which will be the second and fourth Wednesday of those months for the regular meeting dates for 2006. Commissioner Tobin seconded the motion.

Vote on motion

MEMBER	YES	NO	OTHER
Commissioner Tobin	X		
Commissioner Brooks	X		
Commissioner Bullock	X		
Commissioner Bauman			Absent
Chairman Patton	X		

Motion passed 4 to 0

Commissioner Brooks wanted to make sure that the meetings would be advertised in the local papers during the year. The Clerk assured Commissioner Brooks that they will be advertised locally on a monthly basis.

**Commissioner's New Items and Roundtable**

Commissioner Bullock wanted to remind the Board that they need to continue to move forward with the Rules and Regulations.

Chairman Patton assured Commissioner Bullock that the Rules and Regulation will be changed to agree with the resolutions setting fees in the future.

Commissioner Tobin feels that "how to determine an EDU" should be in the rate resolution. He would like anything to do with rates in one document. Chairman Patton feels that it should be in the Rules and Regulations.

**Adjournment**

The KLWTD Board adjourned the meeting at 8:24 PM.

The KLWTD meeting minutes of December 7, 2005 were approved on December 21, 2005



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Chairman Glenn Patton



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Carol Walker, CMC  
Board Clerk