

MINUTES
Key Largo Wastewater Treatment District (KLWTD)
Committee of the Whole



August 11, 2009
 98880 OVERSEAS HWY, KEY LARGO, FL 33037

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

Commissioner Tobin led the Pledge of Allegiance.

APPROVAL OF AGENDA

Commissioner Higgins added the White Rhino Property (H-1) at 5 PM. Mr. Waits added a budget item as Item A-1. Mr. Dillon added a resolution as Item H-2. Chairwoman Hammaker added a letter from Mayor Achenberger as Item H-3.

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 | X | | |
| Commissioner Majeska | X | | |

Motion passed 5 to 0

PUBLIC COMMENT

The following persons addressed the Commission: Burke Cannon, Hammer Point, expressed concern over the fact that there are many properties in Hammer Point that will have to go through their drain fields to connect to the sewer. He also told the Board that there are many areas in Hammer Point where there are underground utilities and water lines on both sides of the street. Mr. Cannon reported that Hammer Point Association said that they are willing to listen and if it helps them and it is a customer relationship it might be ok but there is too much turmoil in Islamorada. Pauline Kline, Key Largo spoke in opposition to working with Islamorada and

would like to have a poll done of the residents of Key Largo to see what they want. The name of a polling company is Lake Research Partners Inc. Steve Gibbs, Free Press said that he would suggest that the Free Press run a poll.

MINUTES

Motion: Commissioner Brooks made a motion to approve the Minutes of July 14, 2009. Commissioner Higgins seconded the motion.

Vote on Motion

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

Motion passed 5 to 0

FINANCIAL

Martin Waits, Chief Financial Officer presented the preliminary FY 2010 Wastewater Service Operations budget with a four year projection through FY 2013. (See Exhibit “A”)

VACUUM STATIONS & EARLY CONNECTIONS

Pat Mitchell gave a presentation on how a vacuum system works (See Exhibit “B”). He also reviewed the “how to do a tie in package” that is given to the homeowner with the Board Members. Mr. Mitchell explained that Vacuum Station “D” will have its start up in a few days. He is planning on sending out volunteer notices to connect to the properties that are serviced by Vacuum Station “D” and mandatory 30 Day Notices to the business owners on the North Business Corridor on US 1 who have already had their one year notice for more than a year.

WHITE RHINO PROPERTY

Charles Fishburn, General Manager, explained that there will be one 2.3 MGD treatment plant that will serve all of the Island of Key Largo. There will be six vacuum stations instead of the original planned thirteen vacuum stations. One will be on the Catholic Church’s property servicing Basin’s A and B. One will be on the John Pennekamp Park property servicing Basin’s C and D. One is currently at the Regional Plant site and has been running for over two years with no complaints, servicing Basin’s E and F. One will be in front of Buccaneer Point, where Commissioner Majeska lives servicing Basin’s G and H. One will be in the middle of US 1 south of the Shell Man servicing Basin’s J and K. He said that the vacuum station for Basin I will be at the White Rhino property and that the District’s Engineer had just bought a house in that neighborhood knowing that the vacuum station was going in.

Mr. Fishburn explained that the District had options on four properties for Basin I. One property was by the Bay Harbor neighborhood, one by Snapper’s, one in Key Largo Ocean Resorts, and the White Rhino Property.

Mr. Fishburn told the Board and public that the District will work with the neighborhood on the color of the vacuum station, the style of roof, types of windows and landscaping. He explained that the District is spending \$100,000 on odor control devices for the vacuum stations, and that if there is an odor that the District should be contacted immediately because that means there is a problem that needs to be addressed at once.

District Counsel Thomas Dillon said that the District has already exercised an option for the White Rhino property and we have to purchase the property even if we do not put the vacuum station on it.

Commissioner Higgins expressed disappointment that the District did not keep the residence of the Bay Harbor neighborhood in the loop on the purchase of the White Rhino property for the vacuum station for Basin I.

The following persons addresses the Council about their neighborhood (Bay Harbor) and the purchase of the White Rhino Property for Vacuum Station I: Russell Yagel, David Ayala, Jason Brindle, Tom Domiano, Bob Workman, and Carl Roy. The residents expressed the following concerns: The sign notifying of the proposed sale of the property was not placed properly, the sign could not be seen from the street, the dates on the sign were wrong, proper procedure was not followed, the location is not within the circle, other property was not looked at, foul smells, and a decrease in property values. They would like the District to take no further action, rescind their action, and to re-notify the public and hold another meeting.

Mr. Fishburn explained that other properties had been considered. The White Rhino property was exactly where the vacuum station needed to be to service Basin I.

Commissioner Tobin explained that the property that Monroe County had purchased with Preservation 2000 funds cannot be sold and the District is restricted as to what percentage of trees on a property that they can cut down.

Chairwoman Hammaker said that the neighborhoods with vacuum stations in them will be the last to lose electricity and the first to regain it in an emergency.

Commissioner Brooks said that the vacuum stations are very passive and he has visited one and there was no odor. He also said that sewers increase the value of property.

Commissioner Majeska is looking at the vacuum station on the White Rhino property as a beautification project.

Ms. Nelson said that she has been coming to the meetings and that the White Rhino property has been discussed for months.

Motion: Commissioner Tobin made a motion to have Staff and a Commissioner meet with the Bay Harbor neighborhood (within a week) to discuss what they would like to have the vacuum station look like. Commissioner Higgins seconded the motion.

Vote on Motion

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

Motion passed 5 to 0

RESOLUTION

**Motion: Commissioner Tobin made a motion to approve Resolution No. 27-08-09
Commissioner Majeska seconded the motion.**

Vote on Motion

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

Motion passed 5 to 0

LETTER TO ISLAMORADA

Chairwoman Hammaker requested a reply to the letter from Islamorada asking if the KLWTD Board would consider a five on five meeting.

Commissioner Tobin would like to have an agenda, and a reason for the meeting. He would like the agenda limited to discussion on a possible inter-local agreement between Islamorada and Key Largo for the treatment of Village wastewater. Commissioner Tobin would like to have a discussion by each staff about the advantages and disadvantages of a joint treatment agreement. Then have a discussion by staff of a proposed time table to complete an inter-local agreement and then have a discussion by staff if the Engineers should meet to discuss technical issues. Then a discussion by Legal Counsel about if the Village and District Legal Counsel should meet to discuss issues related to the inter-local agreement. He would also like to have a discussion on, if each of the Financial Officers should meet to discuss the issues related to the inter-local agreement.

Commissioner Higgins does not think a meeting would be a good idea. He would not be at the meeting. He might consider it after Key Largo is completed and up and running.

Commissioner Brooks asked Commissioner Majeska how much funds he would be willing to spend on working with Islamorada.

Commissioner Majeska stated he could not give an amount.

Commissioner Brooks said that meeting with Islamorada is risking investing capital. The District would build the pipeline, and finance it and then Islamorada would pay it off. Commissioner Brooks said that Mr. Waits said the District would make money on the project.

Commissioner Brooks cannot make a decision without knowing what the cost would be. He feels that the Major problem with working with Islamorada is that they cannot make up their mind on what they are going to do.

Commissioner Majeska said that the meeting agenda should be to have the staff discuss the advantages and disadvantages of joint treatment plant, each financial person, and engineers speaking for five minutes.

Motion: Commissioner Brooks made a motion to write a letter to Islamorada telling them that the time is not prudent for a five on five meeting until Islamorada has an idea of what they are going to do, at least on the collection system, and the District has finished sewerage the Island of Key Largo. Commissioner Higgins seconded the motion.

Vote on Motion

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

Motion failed 2 to 3

Motion: Commissioner Majeska make a motion to send Islamorada a letter stating that the KLWTD District would like to have a meeting with the five Council Members, their financial person and engineer and the District five Board Members, financial person and engineer with the Commissioner Tobin second the motion.

Vote on Motion

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

Motion passed 3 to 2.

ADJOURNMENT

The KLWTD Board adjourned the Board Meeting at 7:49 PM.

The KLWTD meeting minutes of August 11, 2009 were approved on Oct. 13, 2009.



Chairwoman Hammaker



Carol Walker, CMC
District Clerk