The Key Largo Wastewater Treatment District Board of Commissioners met for a regular meeting on May 3, 2006 at 5:00 PM. Present were Chairman Glenn Patton, Commissioners Gary Bauman, Andrew Tobin, Charles Brooks, and Claude Bullock. Also present were General Manager Charles F. Fishburn, District Counsel Thomas Dillon, District Clerk Carol Walker and all other appropriate District Staff.

The Pledge of Allegiance was led by Commissioner Bullock.

Approval of Agenda
Charles F. Fishburn, General Manager, requested that the following item be added: An agreement for the FEMA Phase II Funding for the KLTV Project.

Agenda was approved by consensus.

Public Comment: The following persons addressed the Commission; Jerry Gaddis of 9 Miami Drive, and Don Brown of 21 Lake Shore Drive (please see attachments A & B). Both men spoke about the problems that the neighborhood has been having during the construction of the sewer line. Mr. Gaddis requested clarification of why he was assessed for a vacant lot. Mr. Gaddis will contact the District with the next meeting date of the Key Largo Park’s Homeowner’s Associations so that a representative may attend. Mr. Brown is going to contact the residents about coming to a public meeting on May 17 to talk about the finish work at Key Largo Park.

Presentation on Road Work
General Manager Charles F. Fishburn reported that District Staff and Dave Koppel, Monroe County Engineer, held a conference call on May 1, 2006. Mr. Fishburn explained that the District has $9 million budgeted for paving and repair work for roads on the Island of Key Largo.

Dave Koppel, Monroe County Engineer, explained that the gas tax funding source has been reduced since the incorporations of municipalities within the County. Every year the County budget has declined. In fiscal year 2008 the County will run out of reserves and will have to lay off people or find an alternative source of funds. The policy of the County is that any paving that is necessary because of the sewer work is the
responsibility of the District. The County has no plans to construct storm water improvements on the Island of Key Largo. Mr. Koppel suggested that perhaps there could be a Joint Participation Agreement for work in other areas of the island.

**Legislative Representative**

General Manager Charles F. Fishburn explained that he and Mr. Waits have applied for grants from the Federal Government and he feels that a legislative representative would greatly improve the chances of the District to obtain the grants. He recommends hiring Holland and Knight for $10,000 for the rest of the fiscal year.

Commissioner Tobin thinks that the District should continue to negotiate and get them to identify what they are going to do.

Commissioner Brooks was concerned that there was no agreement on the amount of money that the District would be spending. He agreed with Commissioner Tobin that Holland and Knight should not he hired at this time.

Commissioner Bauman said that the District should partner up with Monroe County and go to the Federal Government as a team.

Commissioner Bullock stated that the District needs some representations (the Manager or Board Member) and would like to see a legislative representative considered in the next fiscal years budget.

Chairman Patton said that the District needs a legislative representative for the next fiscal year if it was only to track the paperwork.

Commissioner Tobin would only agree to hire a legislative representative if it was only for a specific project.

**Motion:** Commissioner Brooks made a motion to table the legislative representative item. Commissioner Bullock seconded the motion.

**Vote on Motion**

<table>
<thead>
<tr>
<th>Member</th>
<th>Yes</th>
<th>No</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commissioner Bauman</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner Brooks</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner Bullock</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner Tobin</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chairman Patton</td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Motion passed 5 to 0

**Commissioner Items**

Nothing at this time.
Bulk Items
Pending Payments list of May 3, 2006.

Motion: Commissioner Tobin made a motion to approve the Bulk Items. Commissioner Bullock seconded the motion.

Vote on Motion

<table>
<thead>
<tr>
<th>Member</th>
<th>Yes</th>
<th>No</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commissioner Bauman</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner Brooks</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner Bullock</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner Tobin</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chairman Patton</td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Motion passed 5 to 0

Financial Officer's Report
2005 Assessment Collection Status
Finance Officer Martin Waits reviewed the 2005 Assessment Collection Status Report.

Agreement for the FEMA Phase II Funding for the KLTV Project

Motion: Commissioner Brooks made a motion to approve Modification Number One to Disaster Relief Funding Agreement. Commissioner Bauman seconded the motion.

Vote on Motion

<table>
<thead>
<tr>
<th>Member</th>
<th>Yes</th>
<th>No</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commissioner Bauman</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner Brooks</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner Bullock</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner Tobin</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chairman Patton</td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Motion passed 5 to 0

Legal Report
General Rules and Regulations Draft Rule Change Log 16
District Counsel Thomas Dillon reviewed the changes that had been made to the Rules and Regulations.

Chairman Patton said that he thought that the inter-local agreement should be put in as an appendix.

Commissioner Brooks stated that he would meet with Mr. Dillon and Mr. Waits to review the Rules and Regulations.

Commissioner Bullock expressed concern about the items that had been deleted. Mr. Dillon explained that the necessary items will be addressed in the appendix to the Rules and Regulations.
The Board directed staff to bring back the updated Rules and Regulations at the May 17, 2006 for action.

Resolution No. 18-05-06
A RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT AMENDING RESOLUTION NO. 15-04-06 REGARDING MONTHLY RATES AND CHARGES FOR WASTEWATER COLLECTION, TRANSMISSION, TREATMENT, AND DISPOSAL; AND PROVIDING AN EFFECTIVE DATE.

District Counsel Thomas Dillon explained the resolution. Residents that do not have FKAA water meters will be charged a flat rate that will be billed by the District.

Motion: Commissioner Tobin made a motion to approve Resolution No. 18-05-06 with the change in the title to say amending instead of repealing. Commissioner Brooks seconded the motion.

Vote on Motion

<table>
<thead>
<tr>
<th>Member</th>
<th>Yes</th>
<th>No</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commissioner Bauman</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner Brooks</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner Bullock</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner Tobin</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chairman Patton</td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Motion passed 5 to 0

District Counsel Thomas Dillon reported that he has generated a rough draft of the 2006 non ad-valorem assessment resolution and he will present it to the Board at the next meeting. Mr. Dillon told the Board that the Staff will be recommending that all of the properties north of the plant through mile marker 106 be assessed.

Commissioner Tobin was excused from the meeting at 7:57 PM.

Engineers Report

Monthly Status Report

Mr. Castle reviewed the written report presented in the Agenda Package. Mr. Castle reported that ADB’s work product was satisfactory and that there was a video that was taken before construction and the area will be put back to the way it was at the beginning of the construction. He reported that in the KLTV there was a hydraulic problem and it is being addressed. The treatment plant is almost finished.

The Sexton Cove/Lake Surprise southern half of the force main was bid out and LaRocco was the low bidder. Commissioner Brooks stated that the work needs to be done as soon as possible even though the treatment plant will not be finished until 2008. The cost of the construction will be less at today’s cost than in the future. District Counsel Thomas Dillon explained where the District was in the process of awarding the bid to LaRocco and signing a contract with them. The Board requested that the contract be brought to the Board.

KLWTD Board of Commissioners
Board Meeting
May 3, 2006
Mr. Castle told the Board that the Facilities Plan will be presented at the next meeting.

_Lateral Connection Report_
Staff Engineer, Margaret Blank presented an updated report on the amount of passed inspections.

Commissioner Brooks suggested that the Engineer’s Report be moved up to the front of the agenda.

Commissioner Bauman suggested that instead of staff members presenting the material that is in their reports that they just answer questions about the report from the Commissioners that have not previously been covered in a phone call with the Commissioner.

Commissioner Brooks left the meeting.

_General Manager’s Report_
_ACOE Report_
General Manager Charles F. Fishburn reported that the entire $2 million went to the City of Key West.

_20 Million Dollar State Funding for 2006_
Mr. Fishburn reported that the State has given the City of Key West $2 million and the $18 million will go to the County for the BOCC to distribute as they see fit.

_Connection Notice for KLP_
General Manager Charles F. Fishburn stated that 30 days is the minimum notice that can be given to the Key Largo Park for connection and he is planning on giving them a 90 day notice which will be done in three phases.

_Commissioner’s New Items and Roundtable_
Nothing at this time.

_Adjournment_
The KLWTD Board adjourned the Board Meeting at 8:48 PM.
The KLWTD meeting minutes of May 3, 2006 were approved on June 7, 2006.

Chairman

[Signature]

Chairman

[Seal]

[Signature]

Carol Walker, GMC
Board Chair
May 2, 2004

Don,

As we discussed, since I am away on business this week, I would like you to discuss my issues related to the Waste Water Project on Lake Shore Drive and around my property at 17 Lake Shore Drive.

Over the past 5 or 6 months, the whole neighbor has suffered in many ways because of the construction.

- We have not had any peace and quiet during the day because of all of the construction noise.
- All of the houses, landscaping, cars, pools and other outdoor furniture have been coated with fine coral dust daily which has taken the shine, polish or finish off everything.
- Riding bicycles and motorcycles, skating or even driving has become a danger because of the uneven streets and debris from tearing up the streets to install the new sewage pipes.
- Walking our dogs, taking a stroll, walking to the community beach and docks or just being out talking to our neighbors has become a danger during the day because of the number of trucks driving and working throughout the neighborhood.
- The piles of debris, equipment stored while working, mounds of pipes, stone and equipment has been an eyesore every day. Other construction sites have walled or fenced areas where this debris and equipment is stored.

Personally, my house at 17 Lake Shore Drive has suffered untold damage because of the construction work.

- Debris from tearing up the streets has been piled on my grass destroying it.
- A slurry of muck/cement has been sprayed on my Bougainvillea and other plants around my mail box killing them.
- More muck/cement has pooled on the grass and Silver Buttonwood hedges killing 2 of them leaving a large space between the bushes.
- Brick pavers around the mail box have been crushed or torn up.
- A Decorative Palm in front of the house has been destroyed.
- As my truck is always covered with dust no matter how often I wash it, I would not be surprised if the finish was damaged. This is probably true of some of the other outdoor furniture around my yard.

This damage to my property should be repaired or replaced as it greatly affects the visual look or image of the house, causes it to be an eyesore to the neighborhood and greatly diminish the value of the house.

I strongly request that since the damage was caused by the construction crew, all of the damages should be repaired or replaced at your cost. If we do not get satisfaction, I would strongly support a neighborhood class action law suit to recover our losses.

Ray & Jody Yu

17 Lake Shore Drive, Key Large, Fl. 33037

(305) 451-4208
May 3, 2006
To: KLWTD Commissioners, Residents Key Largo Park
Residents Key Largo and the Florida Keys
From: Don Brown, Resident Key Largo Park, 21 Lake Shore Drive, Key Largo
(305) 453-1771
Subject: Continued shoddy construction methods, processes, inspection and management of sewer installation project in Key Largo Park.

Dear Commissioners:

THE PROBLEM

I'm here today to put you, plus the residents of Key Largo Park and greater Key Largo on notice that the sewer installation methods and processes being used to install the sewer are substandard, of the lowest quality possible and are a disservice to home owners and residents of Key Largo Park. The results of which are devaluing our homes, devaluing our property, increasing future service and repair costs to the sewer system, increasing repair and servicing costs of the roads and creating a safety hazard to bicyclists, motorcyclist, skateboarders and those who rollerblade.

Attached you will find a CD loaded with photographs of busted sewer vacuum curtains (the 360 degree concrete retainer pored around the top to stabilize and support the sewer vacuum lids), holes in the roadway, gouges in the new "patches" of blacktop and incomplete paving work in so called "finished" areas. I've also included photos of the pumping of raw, unfiltered trench water into the manatee nursery bordering Lake Shore Drive and in the process destroying a resident's property and the adjacent waterfront.
The attached photos show the shoddy quality of quiltwork patching done on Lake Shore Drive and how it's destroyed the once beautiful street/walkway residents once enjoyed in the evenings and weekends. The photos show how the roads are gouged because the contractor didn't take the time to setup his equipment to isolate the stabilizers and prevent them from destroying our roads. The photos prove that these gouges are an eye sore but more important are a sever hazard to bicyclists and motorcyclist which will lose traction and fall when stopping and cornering.

I presented some, if not most, of these issues during the board meeting on or about April 9th, 2006. At that time I was lead to believe that you, the commissioners, understood what was going on and had agreed to properly address these issues and specifically address the horrendous destruction of Lake Shore Drive and correct it. Since then very little if nothing has happened. No positive action to correct these problems has been taken. Yes, I understand that it was “looked into” and it was determined that to “fix” the problem would take $30,000 instead of $10,000 to pave Lake Shore Drive. It was determined that “patching it” was good enough for now (whatever that means). Well it’s not good enough for now.

When I was here last time Charles Fishburn felt that paving the destroyed section of Lake Shore Drive was a bad idea because it would set a “precedent”. Well commissioners and Mr. Fishburn it’s too late to worry about setting a precedent because you already have and it’s ugly. You have set a precedent of tearing up our roads for months at a time (six months for Lake Shore Drive and it’s still not done) when it should only take a few weeks if proper procedures were in place and enforced. You’ve set a precedent for letting the contractor destroy sections of our beautiful roads while looking the other way and without fixing them or having the contractor pay to fix them out of their own profits. You’ve set a precedent for accepting shoddy, substandard construction procedures and processes by letting your supervisors look the other way and their not taking personal responsibility for the busting up of the concrete curtains surrounding the airvac lids. You’ve set a precedent for ignoring the safety hazards of the gouges in the roads at intersections where bicyclist and motorcyclists are braking and leaning into corners creating smaller contact patches and endangering their lives in crushing falls. You’ve set a precedent for “not caring” what our neighborhood looks like and how you’ve destroyed it. You’ve set a precedent for not caring that our neighborhood and our homes are being devalued. You’ve set a precedent (in this residents mind) of not listening and taking the proper action to correct a wrong done. And the question is.... why? Or more important.... where do we go from here?

THE SOLUTION

Step One - Get your feet on the street. It’s time for all of you, the commissioners, at one time, drive down to Lake Shore Drive and take a first hand look at what’s happening to our neighborhood and our streets. You need to go tomorrow so you can see the process in person and while in action. Invite the county road maintenance department. Take a look at the busted up concrete curtains located at:

- 21 Lake Shore Drive
- 23 Lake Shore Drive
- 41 Lake Shore Drive
- 43 Lake Shore Drive
- 8 Madeira Drive
- 10 Madeira Drive
- 16 Hibiscus Drive
- 9 Miami Drive
- 15 Park Drive
- 55 Orange Drive
- 53 Orange Drive

Note: I only inspected these streets and everyone had busted and disintegrating concrete curtains

And while you’re at it take a look at Lake Shore Drive from Buttonwood to Madeira and see for yourself how horrible it looks. Take a look at the intersection of Lake Shore Drive and Miami and note the gouges and scars which are typical everywhere. Take a look at how the contractors have destroyed the
surrounding blacktop that “patching” doesn’t fix. Do it together so you can gain consensus on the spot, first hand. Just look at the damage you’ve done.

Step Two – Form a citizens committee. Form a committee of residents and homeowners in the neighborhood where work is being performed and capture their feedback. They are your quality assurance program. You won’t have to wait until the contract is finished and the contractor is paid the last 20% before you find out you have problems. Right now you have a problem with shoddy work being performed, shoddy work being overlooked and accepted, and shoddy work not being reported up the chain of command. People living there will give you better feedback than all your managers combined. And all it will cost you is time.

Step Three – Immediately fine the contractor for destroying adjacent, unpatched road surfaces. Filling in the trenches and patching them is one thing. But the contractor, through neglect and improper trenching techniques, has destroyed our roads and we want them fixed. Use the money to resurface the roads in a coordinated effort with the county.

Step Four – Immediately contact all governmental agencies. Immediately task a responsible individual with contacting all federal, state, county programs, departments and agencies to coordinate the resurfacing or reconditioning of our streets. This includes the restriping of streets, intersection crosswalk painting and reinstalling the lane separator reflectors down the middle of the streets (which are all missing now). You’ve got to coordinate this now.

Step Five – Set a precedent of doing the right thing. It’s time for you, the commissioners, to take charge of this situation and hold people accountable for doing a quality job. You’re not getting a true picture of what’s happening in the field and how bad the situation is. Go down to the intersection of Lake Shore Drive and Miami Drive and see how the contractor and the language of the contract has destroyed our scenic walkway, streets and neighborhood.

SUMMARY
Through negligence and improper equipment operation the contractor for the sewer project has destroyed the adjacent pavement while trenching. The gouges must be repaired at their expense. Immediate corrective action must be taken to prevent further damage to new neighborhoods and new roads being trench. Those streets that have already been damaged need to be immediately resurfaced using fines from the contractor and a coordinated effort with county road maintenance. Lake Shore Drive in Key Largo Park is a primary artery for foot traffic, bicycle traffic and cars and is so torn up it must be resurfaced as a priority one item. Homeowner life style and homeowner property has been devalued through shoddy work and it must be corrected and made right. Lake Shore Drive is the central street running the entire length of Key Largo Park and it parallels the water and community center. It’s lighted at night and is enjoyed by everyone. The wrong done to this central street and walkway must be made right. To leave it as is and “hope” that neighbors, residents and homeowners will accept your solution is foolish thinking and does nothing more than motivate this group to take legal action against the board, the contractors and management. It’s time for this board to reverse the negative precedent setting actions of the contractors and management of the project. It’s time remedy these problems and not ignore them. I anxiously await your timely response to these issues. Thank you for your time.