



ISLAMORADA, VILLAGE OF ISLANDS VILLAGE COUNCIL WORKSHOP

**Founders Park Community Center
87000 Overseas Hwy
Islamorada, FL 33036**

**March 15, 2013
at 3:00 PM**

I. CALL TO ORDER\ROLL CALL

Mayor Ken Philipson called the meeting to order at 3:53 p.m.

The following Council members were present on roll call: Mayor Philipson, Vice Mayor Ted Blackburn, Councilman Mike Forster, Councilwoman Deb Gillis, and Councilman Dave Purdo. Also in attendance were Village Manager Ed Koconis, Village Attorneys Nina Boniske and James White, Village Clerk Ariana Lawson, Finance Director Maria Aguilar and all other appropriate personnel.

II. PLEDGE OF ALLEGIANCE

John Sutter led the pledge of allegiance.

III. PRESENTATIONS

- A. Staff Discussion of the “Report to the Village Council, Islamorada, Village of Islands, on the Solid Waste Services Contract from the Ad Hoc Solid Waste Services Citizens’ Advisory Committee” **TAB 1****

Greg Sullivan, Key West Waste Management, distributed a handout at the beginning of the meeting entitled “Source of MSW Recycling Credits in Florida (Florida DEP 02/08/13).”

John Sutter, Public Works and Parks & Recreation Director, opened discussion with a summary of the circumstances leading to the formation of the Ad Hoc Solid Waste Services Citizens’ Advisory Committee. Mr. Sutter requested that at the end of the workshop Council provide staff direction to either renegotiate the current contract with Advanced Disposal Services or develop and advertise a Request for Proposals (RFP) with sufficient time to ensure continuation of services when the current solid waste services agreement with Advanced Disposal Services expires September 30, 2013. He highlighted several points from the Committee’s report including the Committee’s recommendation for implementation of a mandatory commercial recycling

program; transitioning to an automated pickup system under a longer-term agreement; employing additional staff; and allowing for alternative fuel options.

Mayor Philipson noted that the solid waste services agreement constitutes the second largest contract the Village has ever negotiated. He solicited Council's input regarding mandatory commercial recycling. Councilman Forster voiced his support of mandatory commercial recycling, but noted that businesses might need to increase staff by hiring sustainability coordinators to ensure compliance. He stated the desire to allow commercial entities to select their own recycling provider as long as they are able provide documentation of compliance. Mayor Philipson, Vice Mayor Blackburn and Councilwoman Gillis also voiced support for mandatory commercial recycling. Mayor Philipson elaborated by suggesting that the Village require all recycling providers to be licensed and insured; Vice Mayor Blackburn concurred. Councilwoman Gillis indicated her agreement with the recommendation to hire a Village sustainability coordinator/educator. Councilman Forster and Councilwoman Gillis suggested allowing businesses to pay a commercial recycling opt-out fee. Councilman Purdo expressed his discomfort with mandatory commercial recycling but indicated that he might not oppose it if commercial entities were allowed to select their own recycling provider.

IV. PUBLIC COMMENT

Mayor Philipson called for public comment.

John Jaybro, attorney for Key Lime Roll-Off, suggested providing financial incentives to encourage participation in commercial recycling, citing Key Lime Roll-Off's experience recycling commercial cardboard elsewhere in Monroe County. Mr. Jaybro opined as to the high cost and adversarial nature of enforcement, and stated that the State of Florida already requires commercial recyclers be licensed and insured so compliance in that regard should not be problematic.

Dave Boerner, Ad Hoc Solid Waste Services Citizens' Advisory Committee Chairperson, discussed the Committee's recommendation for enactment of a mandatory commercial recycling ordinance to compel initial program participation, citing successful examples from the Lee County, Florida and the State of California. Mr. Boerner noted that the Village should enact a separate ordinance with regard to licensing, permitting and tracking of commercial recycling provider activities. He opined that initial monetary and staff time investments would lessen over time as the program becomes established.

David Makepeace, Ad Hoc Solid Waste Services Citizens' Advisory Committee member, applauded Key Lime Roll-Off's local recycling activities, acknowledged the value of opt-out fees, and spoke of the data management benefits of a mandatory commercial recycling ordinance.

Angel Borden, Islamorada, stated that over twenty (20) percent of the Village's commercial entities already recycle. Ms. Borden commended the Lee County ordinance set forth as Attachment "C" to the Committee's report, and implored Council not to deviate from the Lee County example.

Mayor Philipson pointed out that recyclable materials other than cardboard had yet to be discussed in the workshop.

Vice Mayor Blackburn stated that the decision of whether or not to mandate commercial recycling is not an issue of governmental involvement, noting that “big government” and “local government” are not the same thing.

Councilwoman Gillis agreed with Councilman Forster’s earlier recommendation that businesses be allowed to choose their recycling provider as long as they comply with the Village’s and State’s reporting requirements. With regard to opting out, she suggested requiring a minimal amount of recycling for businesses.

Councilman Forster reiterated that mandatory recycling would require more staffing of local businesses to quantify commercial recycling efforts and report compliance to the Village.

David Makepeace stated that commercial recycling rates need only be reported to the State by the solid waste service provider unless a business chooses to utilize an independent commercial recycling provider to supply the services, in which case the business would need to report the recycling statistics to the Village.

Dave Boerner stated that reporting only affects the Village to the extent that the Village wants to be reported to. He also stated that franchisees are responsible for reporting their own recycling to the State.

Councilman Forster speculated about how recycling rate quantification and reporting to the Village would increase the fees charged to businesses by independent commercial recyclers. He suggested businesses not be required to report to the Village and instead only be required to document that commercial recycling services have been retained, as would be supported by dumpster inspections by a Village-employed sustainability coordinator. Mayor Philipson suggested simplifying even further to require commercial recyclers rather than local businesses report recycling quantities to the Village. Councilwoman Gillis inquired how the Village could accurately assess opt-out fees in such a situation.

Greg Sullivan, Key West Waste Management, described how his company documents individual business recycling quantities in the course of compiling their reports for submission to the State. He reported the current value of cardboard at \$103-106 per ton

Angel Borden, Islamorada, stated that the Florida Statutes require holders of Recovered Materials Dealer Certificates to report recycling figures quarterly to the State and County, and to municipalities if requested; but that municipalities could not require more frequent reporting of commercial recycling providers than what is required in the Florida Statutes. Councilwoman Gillis inquired whether Key Lime Roll-Off had customer usage reports that it could provide to the Village in the event they were selected to provide recycling services. Ms. Borden stated that that information may be proprietary and the request would have to be considered by the company owner. In response to Mayor Philipson’s request, Ms. Borden described how Key Lime Roll-Off services recycling routes.

Greg Sullivan advised Council that the City of Key West requires commercial recycling companies obtain an occupational license from the City. He suggested the Village consider this tracking option.

John Jaybro suggested providing incentives to encourage commercial recycling and subsequently gather more raw data for analysis prior to enacting a mandatory commercial recycling ordinance.

Councilwoman Gillis pointed out that vegetation is also recyclable. She noted that the Village's current solid waste service provider, Advanced Disposal Services, has been providing recycling reports to the Village but not to the State and stressed that going forward the reports should be clear and filed in a timely manner.

Bruce Williams, Advanced Disposal Services, stated that his company has recycling data that it has been providing it to the Village. Mr. Williams expressed his support for mandatory commercial recycling.

Council agreed that commercial recycling should be mandatory; commercial recycling service providers should be required to register with the Village and provide insurance certificates to the Village; and that commercial customers should be free to select their own recycling service provider. Discussion ensued between Council and John Sutter regarding reporting and the proposed role of sustainability coordinator for the Village.

Village Attorney Nina Boniske confirmed that the Village cannot require more frequent reporting than the Florida Statutes currently require. She noted that the reporting requirements are applicable to counties and cities with populations over 35,000 and that the Village may need to partner with Monroe County to accomplish some of the reporting goals.

Vice Mayor Blackburn expressed support for the Committee's recommended transition to automated residential solid waste collection.

John Jaybro opined that 96-gallon containers may be larger than is necessary for the Village due to the small size of most residential lots. He stated that overhanging trees in the Village may make the use of automated vehicles difficult.

Dave Boerner stated that the Committee's recommendation is to standardize residential pickups using one (1) 96- gallon container twice a week, allowing residences the option of requesting a 64-gallon container in lieu of a 96-gallon container.

Councilman Purdo expressed concern over automated collections potentially putting employees out of work.

Greg Sullivan stated that one (1) automated truck costs around \$300,000 plus maintenance, versus approximately \$225,000 for a standard collection vehicle.

Bruce Williams, Advanced Disposal Services, stated that his presentation to Council last year proposed utilizing a temporary arm on the front of the vehicle rather than a permanent arm on the side, and that utilization of his solid waste collection system would involve no price increase over time.

Councilwoman Gillis and Vice Mayor Blackburn recommended bidders be allowed to provide compressed natural gas (CNG) information as an alternative in responding to an RFP, if issued. Councilman Purdo spoke against CNG based on perceived safety and cost concerns. Dave Boerner stated that CNG is actually very safe and suggested Council consider fuel alternatives as

options during the bid. Angel Borden stated that the safety of CNG is debatable. Dave Boerner encouraged Council to consider other policy issues covered in the Committee's report, particularly with regard to special events.

Mayor Philipson closed public comment.

V. COUNCIL DISCUSSION

Council directed staff to request 5-year and 10-year contract price options; require the provision of standardized containers; incorporate the "General Requirements, Residential, Commercial and Government" as outlined on page 8 of the Committee's report; and eliminate fuel surcharge adjustments in favor of simple CPI increases. Committee member Don Achenberg suggested reviewing the Department of Transportation's interstate carriers' fuel surcharge rates as a guideline.

Councilman Forster and Councilwoman Gillis voted to negotiate with the current contractor and only go out to bid if negotiations are unproductive, stressing the desire to work with an established company with proven loyalty. Mayor Philipson, Councilman Purdo and Vice Mayor Blackburn voted to go out to bid for a new solid waste services contract, citing the Auditor General's recommendations and Advanced Disposal Services' very recent assumption of the services agreement from Veolia ES.

Discussion ensued regarding service provider experience, and Council agreed that years of experience in the State of Florida should be included in the RFP ranking. John Sutter recommended the Ad Hoc Solid Waste Services Citizens' Advisory Committee act as the selection committee to review and rank proposals submitted in response to the RFP. Council accepted the recommendation, and the Committee unanimously agreed to act in such capacity.

Council directed Village staff to prepare an RFP for review by the Committee and approval by Council prior to advertisement.

Council deferred to a later date the decision to include provisions in the RFP precluding proposers from lobbying Council or Committee members once the RFP is released. Council declined to place a timeline on the presentation of the draft RFP, with the understanding that a timeline would be included in the draft RFP. Nina Boniske speculated that staff could produce a draft RFP for Council to review in (8) weeks and be prepared to award a contract in July 2013.

VI. ADJOURNMENT

Councilman Purdo offered a motion to adjourn; Councilwoman Gillis seconded the motion. Council voted All in Favor. The meeting adjourned at 5:55 pm.


Ariana S. Lawson
Village Clerk

Approved by the Village Council this 23rd day of May, 2013.

*Minutes of
Village Council Workshop
March 15, 2013*