

**MINUTES**

**1. Call to order:**

A. The Trustees of the Lake Asbury Municipal Service Benefit District (LAMSBD) met in the Lake Asbury Community Center, 282 Branscomb Road, on the above-stated date. Chairman McMillan called the meeting to order at 6:35 p.m.

**2. Swearing in of new board member, Trustee Jeff Wayne Flowers Gaver by District Attorney.**

**3. Roll/Quorum:**

A. The following trustees were present: Chairman McMillan, Vice Chairman Petrucci, Treasurer Kocher, and Trustees Tyrie, Newton, and Gaver - a quorum of six. Trustee McCallister and Worley were absent. Staff present: District Attorney Wayne Flowers, District Accountant Tom Hallquest, District Engineer Mike Bueme, and Secretary Krysta Caprood.

**4. Administrative Announcement:**

A. Chairman McMillan gave the Administrative announcements.

**5. Approval of Minutes:**

A. A motion was made to approve the May 6, 2019 board meeting minutes by Trustee Tyrie. Seconded by Vice Chairman Petrucci. Carried 6-0.

**6. Treasurer's Report:**

A. Treasurer Kocher presented the Treasurers Report. Trustee Tyrie moved to approve the June 3, 2019 Treasurer's Report. Seconded by Vice Chairman Petrucci. Carried 6-0.

B. Email dated May 30, 2019, Roger A. Suggs, CCPAO, 2019 Est Taxable Value of Property of \$69,272,000 of all lake properties. Copy attached.

C. Email May 30, 2019, Roger A. Suggs, CCPAO, 2019 Parcel Info for LAMSBD from Kelly Brown, Assessment Roll Coordinator, Clay County. Copy Attached. Parcel list sent to District Attorney Wayne Flower's office for assessment certification on May 30, 2019.

D. Second Board review of Draft Budget ending Fiscal Period Sept. 30<sup>th</sup>, 2020(2019/2020). Copy of Draft Budget was posted as required on the LAMSBD Website LAMSBD.COM after the May Board Meeting. Copy attached. Final review and approval July Board Meeting.

E. Suggested Five year Capital Improvement Budget initial comments: to be discussed at July meeting.

F. Loan review with two banks: to be discussed at July meeting.

G. May 8, 2019, District Secretary, my wife Regina, and I cleaned up the storage closet on Blanding. All old accounting, bank and duplicate financial records were pulled for shredding. No engineering related files were touched. This left the fire-resistant cabinet available. Files were shredded at District Accountant Tom Hallquest's office on May 14, 2019 at no cost. We did not need the \$400 approved by the Board. Report being prepared for the end of the year report to the State on destroyed documents.

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H. Costs associated with new LAMSBD Records Maintenance Plan: to be discussed at July meeting.

**7. Approval of Checks:**

A. A motion to approve checks 3455-3459 was made by Chairman McMillan. Seconded by Trustee Tyrie. Carried 6-0.

**8. Staff Reports:**

**A. District Engineer**

1. District Engineer Mike Bueme begins by stating that he has put together a package that he has given to Chairman McMillan. It consists of what is there, what needs to be done, and his opinion of cost. He believes Lake Asbury needs to band together as a group to get things done. *\*Someone from the audience asked about obtaining a copy. Chairman that McMillan stated that he would provide that since it is public record\** District Engineer Mike Bueme stated that there is failed pipe due to the lack of maintenance and old corrugated pipe. *\*Chairman McMillan said that he has warned Mr. Gayward Hendry that the community is "getting their ducks in a row" and are ready to have stuff fixed out here. Chairman McMillan feels that we pay more taxes in our community, but are forgotten by the city because we try to take care of things on our own.\** District Engineer Mike Bueme feels that there needs to be more of a grass roots effort to bring more people to the cause to get more action. He uses Keystone Lakes as an example. He believes it is going to deteriorate and impact more people. He says that it will progress and get a lot worse in this condition and more will be seen after the rainy season.

2. **North Lake:** District Engineer Mike Bueme is aware that the North Lake is down 6 or 8 inches. Neither one of the valves in the kettle close all the way. With the drought and heat, the valves are letting out more water than is coming in through the springs. It has just about stabilized though. It has only dropped like ½ inch in the past few days. The valves stay open at least 25% at all times.

3. **Capital Improvement Summary:** We are just looking at the first 8 items on the list. District Engineer Mike Bueme put them in priority. Pertaining to the spill analysis on the dam, we ran into a hiccup and only 80% of the survey was completed. The rest was halted by some owners. The surveyors are not trespassers. *\*District Attorney Wayne Flowers spoke up about the rights of the surveyors and their jobs on private property and how it is not trespassing. \*Vice Chairman Petrucci inquired as to what the hiccup was that they ran into.\** District Engineer Mike Bueme stated that both he and Treasurer Kocher walked the dam to hit the homes and there were two that were not there. They spoke to the homeowners and explained what they were doing and why. Questions were asked and answered. Everything seemed fine. They were informed that they would be notified when the survey was complete and that District Engineer Mike Bueme would go over it with them. The father of the gentleman who lives in the recently sold home was not very cooperative. He reached out to Treasurer Kocher, they spoke, Treasurer Kocher gave the gentleman District Engineer Mike Bueme's telephone number, and they ended the

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conversation. The gentleman never called District Engineer Mike Bueme. District Engineer Mike Bueme stated that he would have loved to have talked to him, but he never reached out. He believes it to be a case of misunderstanding the process. \*Vice Chairman Petrucci asks if letters were passed out. He is also concerned with the home owners not being asked, but rather being told that their properties would be surveyed. He then brings up the eminent domain topic and wants it explained.\* District Engineer Mike Bueme explains that eminent domain was not even a discussion. \*Vice Chairman Petrucci brings up the police being called.\* District Engineer Mike Bueme states that by the time the sheriff's office came, it was the end of the day. \*Vice Chairman Petrucci states that the sheriff's office came and told the surveyors that they cannot come back on the properties.\* District Engineer Mike Bueme states that that is not true or what the surveyor told him. He says that if the home owners are going to be completely uncooperative, we will have to see where that goes. \*District Attorney Wayne Flowers states that they can go to court to get the survey completed.\* \*Vice Chairman Petrucci has an issue taking people to court, even those that are not in our district.\* District Engineer Mike Bueme asks where the home owners are and someone from the audience speaks up. \*The gentleman does not state his name, but addresses the letter that was left at his home. He said that he was the one who spoke to Treasurer Kocher and that the conversation went south because permission was not asked. According to him, Treasurer Kocher said that he could do what he wanted. The gentleman informed him that no one was to be on his property. There was a discrepancy about who gave permission for the surveyors to be on the property. The owner called the police to report trespassers and when they arrived, the surveyors had already packed and left and the police could not arrest them. Then, the next night talk of demolishing homes was brought up. \*Treasurer Kocher interjects and says that did not come from him.\* \*The gentleman pulls out the Capital Improvement Summary and points out soliciting FEMA for the funds to demolish the homes at the two addresses. \*Chairman McMillan then interjects and apologizes for the Board and misunderstanding. Permission should have been asked instead of just passing out letters. He explained what the Capital Improvement Summary was and how the Board has only been focused on #'s 3-4 and that it is only a draft and has not been approved by the Board. He goes on to speak for himself and declare that he will never vote to take those houses off from there.\* \*The gentleman then brought up the blanket easement topic.\* \*Chairman McMillan mentioned getting piezometers placed where needed and enough easement to clean up the spillway and to maintain it.\* \*Treasurer Kocher spoke about the flyer and pointed out the writing about obtaining permission. He knew that the gentleman was excited when he called him so, he hung up to call the District Engineer to see if he was available. Treasurer Kocher called the gentleman back to let him know that the District Engineer was available, but he did not want to call. Treasurer Kocher then inquired as to where the gentleman got a copy of the Capital Improvement Summary, but never received an answer.\* \*Vice Chairman Petrucci interjected and stated that Treasurer Kocher did not get permission, bur sent the surveyors anyways. He stated the issue of the two homes on the backside of the dam was a done issue and was not to be mentioned again and then it is back on the list. He states that only one

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person on the Board wants to do it so, he wants it addressed and put to bed forever, one way or another.\* \*Chairman McMillan speaks up and explains District Engineer Mike Bueme's role and the steps for inspection. He explains the need for the piezometers, property lines, and cleaning up stuff. He speaks of the mess on the Wright's property. [There is inaudible talk from the audience while Mark is talking and blanket easement discussion comes up from the audience again.] Chairman McMillan explains the confusions that have occurred with this process that he has had to clear up with some of the neighbors. He then goes on to explain what piezometers are.\* [An inaudible question is asked about the dam.] District Engineer Mike Bueme speaks up and answers that without getting in there, there is no way of knowing. He is then given the opportunity to explain more of what the plans are to the home owners on the dam. He asks the owners to look at a new copy of the Capital Improvement Summary because, the priorities have changed. \*The gentleman from the audience states that he still has not been asked for permission.\* District Engineer Mike Bueme takes the opportunity to ask him at that time for his permission. He assures that there will not be any damage and if there is, they will take care of it. \*A woman from the audience asked a question about the liability.\* She is informed that the company is insured. \*Vice Chairman Petrucci speaks up about there not being signs of anything being wrong with the dam.\* \*Chairman McMillan states that after everything is done and if there is enough money, the whole side of the dam on the lake side will be sheet piled bulk headed. [Inaudible speaking from the audience occurs.] \*A different gentleman from the audience speaks up and wants reassurance that he will be informed when someone is coming on his property. There was a discrepancy as to when the surveyors were to actually show up.\* \*Chairman McMillan asked to be allowed to finish the survey and offered the owners to speak with other Board members that they may be comfortable with.\* \*Treasurer Kocher lets the audience know that District Engineer Mike Bueme would be happy to discuss the results.\* [Inaudible question from the audience is asked.] District Engineer Mike Bueme explains that he is very concerned about the homes on those dams. He gave more information about dams and destruction. \*Vice Chairman Petrucci makes a motion that the purchase of the two homes on the dam never comes up again. Seconded by Chairman McMillan. Carried 5-1. The descending vote came from Treasurer Kocher. He brought up a question about the motion. He Voted against it because, it did not allow for flexibility in the future. District Engineer Mike Bueme continued to explain the plans that are going to take place and answered inaudible questions from the audience. \*Vice Chairman Petrucci brought up the discussion of the trees in the dam area. He made some phone calls, but was not able to find the right approach on how to handle them. \*Trustee Newton had a question about the trees being cut during the surveying.\* District Engineer Mike Bueme answered stating that it was only limbs and only every 100ft.

4. **Resignation:** District Engineer Mike Bueme informed the Board that he is resigning after 60 days because of things that have transpired. District Attorney Wayne Flowers stated that the bid for a new District Engineer can go out before the current District Engineer's 60 days are up.

B. District Attorney Wayne Flowers

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1. District Attorney, Wayne Flowers had nothing to report.

C Secretary

1. Secretary, Kryta Caprood relayed that all of the batteries had been replaced in the microphones and that both she and Trustee Tyrie had been properly trained on how to set up and operate the recording equipment.

D. Accountant Tom Hallquest

1. District Accountant, Tom Hallquest had nothing to report.

**9. Trustee Reports:**

A. **Chairman**

1. Chairman McMillan is frustrated with the lack of what is being able to be accomplished because of the arguing. He feels that as a Board, we are not getting along with the public or each other. He does not want to be a part of it any longer if things cannot get accomplished. There is miscommunication concerning the dam and feels that is a classic example. There should not be arguing with ones that are experts in their fields. There should not be conflicts with people in the community either. Chairman McMillan asked Treasurer Kocher if he sent paperwork to St. John's River Water Management and asked them questions concerning the dam. Treasurer Kocher answered that he did not send paperwork, but he did ask questions out of personal curiosity. Chairman McMillan asked him if he spoke to Maria Haney about grant money for the Lake Ryan Spillway. District Engineer Mike Bueme went on the record to state that nothing should go to any regulatory agency or outside the Board without the Chairman's approval. Chairman McMillan does not know why anybody is contacting anybody without talking to the rest of the Board members. Treasurer Kocher said he called Maria Haney only in relation to the Lake Ryan Spillway and if the grant was available, it was then turned over to District Engineer Mike Bueme to see what he could do with it. He was not able to get it done in the time period. He said he was intrigued by conversations in the past about dam failure. He then brought up a Board member that had said in the past that FEMA advised if the dam failed, it could not be rebuilt. Treasurer Kocher just wanted to know if the dam did fail could it be rebuilt with concrete or dirt. Chairman McMillan said it caused a lot of confusion and that Treasurer Kocher is the Treasurer and should be talking to the CPA and the bank. Treasurer Kocher disagreed. There was a disagreement on the definition of "treasurer". Chairman McMillan stated that without working together, nothing could be accomplished. Everybody needs to be working within their own scope. He suggested that duties be assigned to individual Board members that should be accomplished each month.

B. **Vice Chairman**

1. Vice Chairman Petrucci gave an update on the refurbishing of the kettles. He does not know the length of time it will take to get it completed, but was given a cost of \$17,100 and Lake Ryan needs to be done first. *Chairman Mcmillan made a motion to hire Hayward Construction to refurbish 3 kettles. Seconded by Vice Chairman Petrucci. Carried 6-0.*

2. The bushes, small trees, and weeds at Lake Ryan at the water side need to be taken care of. *Vice Chairman Petrucci made a motion to approve Forrest Groundworks to clear up debris around Lake Ryan for \$2200. Seconded by Chairman McMillan. Carried 6-0.*

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3. Vice Chairman Petrucci discussed the walkways and accessways to the kettles. He got a quote for \$28,000. District Engineer Mike Bueme feels that spending a little more money to have all aluminum is worth the cost. His experience with pressure treated wood is not great. Chairman McMillan asks for a price for all aluminum.

C. **Treasurer**

1. Motion for Treasurer Kocher to pay \$70.42 to Life Storage was made by Chairman McMillan. Seconded by Trustee Tyrie. Carried 6-0.

D. **Trustees**

1. Nothing to report.

**10. Unfinished Business:**

- A. Bid for Kettle Maintenance- Discussed earlier in Vice Chairman Report.
- B. Shad- There will be more to come in the fall.

**11. New Business:**

A. Comments from District members:

- 1. Tina Tompkins, 247 Cokesbury Ct., Why is the lake going down and what will we do about it? District Engineer Mike Bueme answered this question during his report.
- 2. Debbie Barrett, 254 Wesley Rd., (a)Quality of water in North Lake? There is Bacteria from the hot water and being close to the lower lake where the discharge is causes the lower quality. (b)Gayward came to Lake Lot annual meeting. Does not recommend we go as a group, but he will have everyone from county come to a meeting here at community building.
- 3. Carol Weisenburger, 148 Wesley Rd., Once the inspections are complete there should be a community wide meeting including our neighbors on the other side of the dam. We should all hear the outcomes to prevent misunderstanding and half information. We all have a stake in dam safety. Can this be expected? Chairman McMillan suggests that we will have open Board seats coming up. Earlier, District Engineer Mike Bueme said that he would be happy to discuss the results with anyone who was interested.
- 4. Kay Manly, 420 Wesley Rd., County added dirt to a washout on 423 Wesley by my intake pipe. The problem that originally caused washout was not repaired. More dirt will be in my finger at next rain. Chairman McMillan offered to call Gayward Hendry and speak to him about it. Kay mentioned that she had already called.

**12. Adjournment:** Chairman McMillan made a motion to adjourn at 8:45pm. Carried 6-0.

Krysta Caprood  
District Secretary

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Mark McMillan, Chairman