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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. Roll/Quorum:

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

3. Administrative Announcement:

A. Chairman McMillan gave the Administrative announcements.

4. Approval of Minutes:

A. A motion to approve September 7, 2019 Board meeting minutes was made by Vice Chairman Petrucci. Seconded by Trustee Weisenburger. Carried 5-0.

5. Treasurer's Report:

A. A Point of Order was made by Treasurer Kocher: Treasurer Kocher made a quick statement. He spoke of outraged trustees and reminded how he was chastised four months ago and last month for some things that another trustee had done as well. The other board member was not admonished in the same manner. He asked if we wanted this madness to continue and wanted to know if there could be civility on the board to get things accomplished. Treasurer Kocher stated that he would be civil. Chairman McMillan stated that he is always civil. Vice Chairman Petrucci stated that was fine and to just stick with the program.

B. Treasurer Kocher presented the Treasurer's Report. A motion to approve the Treasurer's report was made by Chairman McMillan. Seconded by Trustee Weisenburger. Carried 5-0.

C. Concerning Groundworks proposed costs, we were given a cost of \$2,350 per cut and not the \$2,150 that was reported by Vice Chairman Petrucci during the September meeting. We need to review. All proposals should be emailed or personally delivered to the District Secretary as Records Custodian due to potential Public Records Requests.

D. Groundworks dam reports are the same every month except, the date has been changed. Do you think we should know where the fire ant control is applied? LAMSBD paid \$825 in fire ant control which appears not to be working. Which Trustee is checking? To determine if Groundworks has an appropriate license and is the fire ant control applicable to fish and aquatic plants? Vice Chairman declared that he would check on the additional \$150 cost to cut the boat ramp What happened? We still paid an additional \$600 and have no update. Vice Chairman states that Groundworks does not have a license. Chairman McMillan says that Groundworks will be asked not to put ant treatment down. This will now change the cost and we will need another proposal. Vice Chairman Petrucci will ask Groundworks to create a new proposal without the ant

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treatment. The Board will contact someone who will treat the ants and is licensed. District Attorney Wayne Flowers states that the Board can authorize up to \$2,350 with a possible change for Groundworks. **Motion to approve Forrest Groundworks up to \$2,350 minus the ant treatment and make Vice Chairman Petrucci the contact was made by Chairman McMillan. Seconded by Trustee Gaver. Carried 5-0.**

E. Emergency Action Plan (EAP): The FL DEP Dam Safety Division has hired an engineer to complete the Inundation Study and it appears the State may pay more than \$60,000 for it.

F. Maria Haney, Clay Emergency Coordinator, has confirmed all the Lake Asbury residents' addresses have been inputted into the NEW: "Alert Clay County Lake Asbury Call Group". An alert was placed on LAMSBD.COM and an email alert was sent to approximately 300 lake residents that they can now register for the Lake Asbury Call Group. Notices were mailed to Dam Property Owners advising that they can also sign up.

G. The FL Dam Safety also provided us the info on the Federal Dam Rehab Grants Programs that may be available in 2020. FEMA is paying 100% for our Inundation Study. Chairman McMillan asked about the other grants and wanted to know who they were through and wants the Board to be aware and notified when anyone is contacted. Treasurer Kocher stated that he has requested information.

6. Approval of Checks:

A. **A motion to approve checks 3495-3501 was made by Chairman McMillan. Seconded by Trustee Gaver. Carried 5-0.**

7. Staff Reports:

A. **Former District Engineer:**

B. **District Attorney:**

1. District Attorney Wayne Flowers passed out a packet to each of the Board members with information pertaining to the prospective engineering contract. He and Trustee Gaver have been in discussions with Toco Engineering. They first determined that, of the one applicant that applied for the position, they were, indeed, qualified. They next talked financial terms with the company. Former District Engineer, Mike Bueme's financial template was given to them to look over. They took some time to review it and get back. A conference call took place. In the packet that was handed out, the differences that Toco Engineering came up with were highlighted. Toco would like to get a reward if LAMSBD is assigned a grant for their work in the process. They are requesting about three and a half times more of a retainer per month than Former District Engineer Mike Bueme's fee. They explained why they required that amount. They would also like to be paid in a percentage over and above the retainer for design management costs. They would also like to charge mileage if they have to travel outside of the county. District Attorney Wayne Flowers does not believe that their payment provisions work for our Board, but will put one in the contract that follows the state statutes. They do not want to be responsible for permit conditions. They stated that the limit of their liability would be whatever the Board would pay them. District Attorney Wayne Flowers says that that will not work, but can discuss with the Board what

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will work. Chairman McMillan wants a number associated with the mileage in the contract. The contract is annual and is terminable by either party. Treasurer Kocher wants their liability to be higher because of the lakes and dams. He believes \$5,000,000 is better. Trustee Weisenburger asked about their qualifications compared to Former District Engineer Mike Bueme. District Attorney Wayne Flowers says that the company is highly qualified. She would like for their liability to be higher, as well. Chairman McMillan is concerned with the cost, but feels it is a bigger firm that can get stuff done more quickly. He, also, wants the liability upped to \$5,000,000 for this cost. He has asked for them to come to the next meeting to answer any other questions that there may be. Discussion of the percentage for grant writing was brought up. Trustee Weisenburger says that they could review the types of grants that the Board would want the firm to write for the 5%. They would get the fee, only if the grant was granted. The Board would have to advise them to go after the grant. An addendum needs to be made in the wordage. Vice Chairman Petrucci asked about the bills and if there is a discount for early payment. District Wayne Flowers will ask about scheduling billing dates around our meetings so that they are paid within their fifteen days. A document for approval should be available at the next Board meeting.

C. **Secretary:**

8. **Trustee Reports:**

A. **Chairman:**

1. Chairman McMillan had a meeting with Gayward Hendry maybe two weeks ago. There are five major issues going on in our area that the county is responsible for. Mr. Hendry wants a legal document with a lawyer and engineer stating what five things are most important to fix. Then, he can go to the county manager and ask for money. He believes Wesley Rd. should be the #1 priority. Clean out boxes- We need to look for the signed agreement paperwork that states that the county would clean out the boxes. Money from the Sandridge project was supposed to come and fix Wesley. Now, there is no money left over. Chairman McMillan wants to wait for the new engineer firm and documentation before going to the new county manager.
2. Mr. Sands is concerned about the free flowing well. He does not want it shut completely. Chairman McMillan wants the new engineer to be on board with it. Mr. Sands wants LAMSBD to pay Partridge to come out and look at it. [A motion to contact Partridge to come out to Mr. Sand's residence was made by Treasurer Kocher. Seconded by Trustee Weisenburger. Carried 5-0.](#)
3. Chairman McMillan needs a check for Langford Aquatics to have shad put in the lakes this Thursday. The check needs to be for \$4,000 for two truckloads. District Accountant Tom Hallquest will have the check ready by tomorrow. [A motion to approve \\$4,000 for Langford Aquatics was made by Treasurer Kocher. Seconded by Trustee Weisenburger. Carried 5-0.](#) A question of a certificate of insurance was brought up. It needs to be updated annually.

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4. A gator has been seen in the lower lake. It is between 6-7 feet long. He is hanging out around the boat ramp and dam. We will keep an eye on him.

B. **Vice Chairman:**

C. **Treasurer:**

1. Treasurer Kocher wanted to know if Hayward Construction had been contacted. There had not been any clear communication made. Treasurer Kocher said that he would contact them and set times up for the kettle repair.

2. Treasurer Kocher wanted to know if we had heard from UMX. Chairman McMillan told him that we had not. Chairman McMillan said that he would contact them and let them know that we are ready for their services.

D. **Trustees:**

1. Trustee Weisenburger needs to give Lake Asbury Community Association a certificate of insurance. She also needed to know about the moving of the records to the center. Treasurer Kocher let her know about the filing cabinet situation and why there is a hold up of getting the records to the center. We need a new cabinet because of a broken lock on the old cabinet. It was ok'd for Trustee Weisenburger to speak to Treasurer Kocher about the certificate of insurance. She also wanted to know when the inundation study would take place. Treasurer Kocher did not have a date.

9. **Unfinished Business:**

10. **New Business:**

1. Comments from District members: A question was asked from the audience, but the microphone did not pick up his voice clearly or loudly. From Chairman McMillan's answer, it was concerning the concrete box with grating by Hazelwood Ct. He would also like the summary of the community meeting put in The Lakelighter.

11. **Adjournment:** Chairman McMillan made a motion to adjourn at 8:25pm. Carried 5-0.

Krysta Caprood
District Secretary

Mark McMillan, Chairman