

**Lake Asbury Municipal Service Benefit District
Board Meeting January 6, 2014 Minutes
282 Branscomb Rd. (Lake Asbury Community Center)
Green Cove Springs, FL 32043**

1. Call to Order

The Trustees of Lake Asbury Municipal Service Benefit District (LAMSBD) met in the Lake Asbury Community Center, 282 Branscomb Road, on the above-stated date. Chairman Mark McMillan called the meeting to order at 6:40 p.m.

2. Roll/Quorum

The following trustees were present: Chairman Mark McMillan, Vice Chairman Linda Parrish, Treasurer Tom Petrucci, Trustees Bill Futch, Tom Chandler, Billy Tyrie, and Lige Walden. Absent trustees: Bob Schiefer and Butch Huggins. Staff present: Acting District Attorney Dan Richardson due to the absence of Wayne Flowers, District Engineer Mike Kelter and Secretary Diane Walker. Others in attendance are listed on the sign in sheet.

3. Election of Officers

Secretary Diane Walker opened the floor for nominations for Chairman. Trustee Futch nominated Mark McMillan to continue as Chairman. Nominations for Chairman were closed as there were no further nominations for Chairman. Trustees voted 7-0 to retain Mark McMillan as Chairman until January 2015.

Secretary Diane Walker opened the floor for nominations for Vice Chairman. Trustee Futch nominated Trustee Linda Parrish for Vice Chairman. Nominations for vice chairman were closed as there were no further nominations. Trustees voted 7-0 to retain Linda Parrish for Vice Chairman until January 2015.

Secretary Diane Walker opened the floor for nominations for Treasurer. Trustee Futch nominated Trustee Tom Petrucci for Treasurer. Nominations for Treasurer were closed as there were no further nominations. Trustees voted 7-0 to retain Tom Petrucci as Treasurer until 2015.

Motion by Trustee Parrish, seconded by Trustee Futch and carried 7-0 to continue the services of Diane Walker as Secretary until January 2015.

4. Administrative Announcements

Chairman McMillan read the Administrative Announcements.

5. **Approval of Minutes** December 2, 2013 Regular Meeting

Motion by Trustee Parrish, seconded by Trustee Futch and **carried 7-0 to approve the minutes of the December 2, 2013 meeting**

6. **Treasurer's Report** Treasurer's Report for January 6, 2014

Motion by Trustee Parrish, second by Trustee Walden and **carried 7-0 to approve the Treasurer's Report for January 6, 2014 (attached)**

Trustee Petrucci reported that he had to move \$50,000 into the checking account to cover a payment to Langford Aquatics. He requested approval to transfer \$65,000 into the checking account to cover the dredging loan due on February 1st of approximately \$44,000, for payment of almost \$12,000 to Besch & Smith for work done, and \$400 for the Simmons Trail milling project. Motion by Trustee Parrish, seconded by Trustee Walden and **carried 7-0 to authorize Trustee Petrucci to transfer \$65,000 into the checking account.**

7. **Approval of Checks** Checks for January 6, 2014

Motion by Trustee Parrish, second by Trustee Chandler and **carried 7-0 to approve the checks for January 6, 2014**

8. **Staff Reports**

a. District Engineer Mike Kelter

1. **Title Search firm**

Mr. Kelter reported that the lowest bid received from Title Search firms was from Chicago Title in the amount of \$1,000. Motion by Trustee Parrish, seconded by Trustee Petrucci and **carried 7-0 to hire the firm of Chicago Title in the amount of \$1,000 to perform title search on the properties on the North Dam that belong to the District.** They will be looking for easements and potential liens on adjoining properties, and on a couple parcels that are on the dam as well.

2. **Graph on water levels from Pezometer Readings** – Tabled till the February meeting.

3. **Report on options for North Lake** – Table till the February meeting.

4. Mike Kelter reported the following:

A. The contractor found that the problem causing the erosion was not because of runoff from the dam but rather a septic tank set on the

edge of the property that is way too close to the lake. It is located at the NE quadrant of the South dam at the "A" frame house. Mr. Kelter recommended watching it for algae and vegetation growth. After further discussion, the Board directed Mike Kelter to contact the Clay County Health Department to inspect it and give a report.

- B. He has started the dredging permit project for Bush Court and is working with the Department of Environmental Protection.
- C. The Simmons Trail milling project is completed. The thickness varies from three inches to six inches. Overall it is a good job. The extra sod was a nice improvement and should help the erosion into Bush Court.
- D. There is no new information on Lake Ryan

b. District Attorney Dan Richardson – No report

9. Trustee Reports:

a. Chairman

- 1. Shad – Received 2 deliveries. The third delivery (8,000 to 10,000 depending on size) that was to come today will be rescheduled based on the weather.
- 2. Simmons Trail – Chairman McMillan reported that he looked at Simmons Trail after the rain where the millings had been put down and saw that it was drastically better than what is used to look like. Half the road was not going down the ditch. He also noticed that where water goes underneath Wesley there was a large volume of clear water coming through there. If nothing is coming from Simmons, there is still a lot of water coming from behind the church through the underground pipe that was installed from Henley down the south side of the church. It should be coming from the pond that is behind the house in the pasture. This will have to be watched, especially after dredging Bush Court so if there is issues, we can go back and talk to the county about where the siltation is coming from.

Mike Kelter explained that everything is routed that way now so there will be a considerable amount of water from there. What won't be seen is as much water coming down Cokesbury and hitting Simmons Trail. It all should be routing through pipes. He further commented that there is 3,250 cubic yards of dirt in Bush Court.

- 3. South Lake Dam – Chairman McMillan commented that he was walking on the South Lake dam and saw that the bulkhead boards are still slipping up.

One board is still popped up. Mike Kelter stated that he was there today and saw that the board that had been popped up had been anchored down. He will check on it further and report back.

4. Absenteeism of Trustee – Chairman McMillan expressed concern that Bob Schiefer missed 3 to 4 meetings consecutively.
 - Carl Kocher, 256 Lake Asbury Drive, commented that there is nothing in the Charter, but the Board did a directive 10 to 15 years ago that says if a Trustee misses four meetings the Chairman can write a letter to the BCC asking that the Board member be relieved. Secretary Diane Walker inquired if this is still valid now that the Board members are elected.

Attorney Richardson was directed to look into the regulations regarding elected trustee attendance at meetings more thoroughly. He agreed that it would be appropriate to contact Mr. Schiefer and let him know of the Board's concern.

Chairman McMillan directed Secretary Diane Walker to contact Trustee Schiefer and report back at the next meeting.

5. South Lake Level – Appears to be the same as it was during construction on the dam. Mike Kelter responded that it will always be the same plus or minus 2 or 3 tenths of a foot.
 - Ed Wingate, 881 Arthur Moore Drive, inquired if it is now to the level of the overflow. He is getting a lot of wash over the seawall. Mike Kelter explained that inside the kettle it is slightly above the overflow.

b. Vice Chairman – No report

c. Trustees

1. Bill Futch inquired if Mike Kelter had figures on the construction of spillways for Lake Ryan and North Lakes. Mike Kelter responded that he will present the information at the next meeting.

10. **New Business:**

a. Comments from District Members

Chairman McMillan explained the new process that any questions from the

audience are to be directed to the Chairman. The Chairman will then discuss the issues with the trustees if needed and only the Chairman will respond to the question.

1. Carl Kocher, 256 Lake Asbury Drive

- A. Mr. Kocher inquired if the assessment can be used, if necessary, to pay for LALLOA insurances, fees and other expenses. Attorney Richardson commented that he believes it could not be done unless there is a specific act that states this can be done.

Trustee Parrish recommended that Mr. Kocher put the request in writing to be forwarded to Attorney Flowers. Attorney Richardson commented that it does not have to be in writing and does not have to go to an attorney, but having it in writing helps with the specifics when doing research on an issue.

Trustee Petrucci requested that research also be done on if any tax payer dollars are given to an entity that controls the gates does that mean that the gates would have to be open to the public, making the lakes public.

- B. Mr. Kocher also addressed the Board regarding Workers Comp. He commented that he was told that the Board commented that his position on Workers Comp was rather restrictive. As a past trustee and chairman of the board, he took his fiduciary responsibilities very seriously to protect the residents and reminded the Board that when looking at a contractor, they have a responsibility to protect the assets of the residents.

Trustee Petrucci expressed offense to Mr. Kocher lecturing the Board.

There being no further business, the meeting adjourned at 7:30 p.m.

11. Adjournment – The next meeting will be February 3, 2014.

Diane Walker
Secretary



Mark McMillan, Chairman

LAKE ASBURY MUNICIPAL SERVICES BENEFIT DISTRICT

TREASURER'S REPORT

REPORT DATE: January 6, 2014

GENERAL CHECKING ACCOUNT

Balance as of December 1, 2013		\$	5,524.52
Prior Month Transfer from Savings	\$	5,000.00	
Prior Month Checks (Previously Approved)	\$	(4,124.41)	
Prior Month Checks Not on Prior List			
3000 Postmaster	\$	(60.00)	
3001 Langford Aquatics, Inc.	\$	(2,000.00)	
Total Prior Month Checks Not on Prior List	\$	<u>(2,060.00)</u>	
Balance as of December 31, 2013		\$	4,340.11

Current Checks

3002 Diane Walker	\$	(93.13)	
3003 Legacy Civil Engineers	\$	(733.00)	
3004 Lewis, Longman & Walker	\$	(2,384.00)	
3005 Rain-God Irrigation	\$	(95.00)	
3005 Thomas Hallquest CPA, P.A.	\$	<u>(150.00)</u>	
<u>Total Checks for Current Month</u>	\$	<u>(3,455.13)</u>	

Current General Checking Account Balance **\$ 884.98**

MONEY MARKET CHECKING ACCOUNT

Balance as of December 1, 2013		\$	494,044.10
Prior Month Deposits	\$	130,615.04	
Prior Month Transfer	\$	(5,000.00)	
Prior Month Interest	\$	<u>86.10</u>	

Current Money Market Checking Account Balance **\$ 619,745.24**

Current Total Funds Balance **\$ 620,630.22**

Motion to accept Treasurer's Report and approve the Current Month's Checks

Submitted by: _____