

**MINUTES**

**1. Call to order**

A. 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 McMillan called the meeting to order at 6:40 p.m.

**2. Roll/Quorum**

A. The following trustees were present: Chairman McMillan, Vice Chair Tyrie, Treasurer Petrucci and Trustees, McCallister, Huggins (arrived at 6:42) and Newton, - a quorum of six. Trustees absent: Parrish, Cottrell and Worley. Staff present: Attorney Wayne Flowers, and Secretary Melody Pickens.

**3. Administrative Announcement:**

A. Chairman McMillan gave the Administrative announcements.

**4. Approval of Minutes**

A. A motion was made to approve the July 9, 2018 board meeting minutes by Trustee McCallister and seconded by Treasurer Petrucci. Carried 6-0.

**5. Treasurer's Report**

A. Trustee McCallister moved to approve the August 6, 2018 Treasurer's Report, seconded by Treasurer Petrucci. Carried 6-0.

**6. Approval of Checks**

A. Vice Chair Tyrie made a motion to approve checks 3390-3393. Seconded by Treasurer Petrucci. Carried 6-0.

**7. Staff Reports**

A. **District Engineer**

B. **Attorney Wayne Flowers**

1. Special Election. Mr. Flowers has had discussions with the county attorney who has spoken to the Supervisor of Elections. The Supervisor of Elections believes that the county will not be able to conduct a special election before April 2019. Current seat holders (seats 2, 6, and 8) will be able to remain in their seats until that time if they choose. He will need to prepare another resolution that will indicate qualifying dates. Mr. Carl Kocher will assume Seat 4, currently occupied by Chair McMillan, in December.

2. Letter from Mr. Behnken. Mr. Flowers has replied to Mr. Behnken's request for information. He (and also the Lake Asbury Lake Lot Owners Association) has not heard anything about Mr. Behnken's letter to Representative Cummings.

C. **Secretary Melody Pickens**

1. FASD. The secretary related that FASD asked for updated district information and gave a form to Chairman McMillan to fill out. Called them, gave them Mark's email. They

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asked for more info. Treasurer Petrucci didn't know if we were a current paid up member, but will check. Mr. Flowers said that FASD provides valuable info for Special Districts.

2. ADA compliant website. The secretary told the board that, as a government entity, they need to make the LAMSBD website accessible. The board will wait on Ms. Mayo's analysis and estimate for upgrading the site. Mr. Flowers has memo about what we need to do. Chair McMillan thinks the update is advisable.

3. Dale Smith, County Engineer, on Hazelwood Hole. Secretary Pickens related Mr. Smith's conversation with residents at the Community Associations annual meeting. He told the residents around Hazelwood Hole that he couldn't see where the county would be responsible and wouldn't do anything until it is proved to be a county problem. He said that property owners must provide proof. Chair McMillan has taken Mr. Smith there by boat and walked him around it. Treasurer Petrucci noted that there are nine homes along that finger that are not in the district, but are contributing to siltation. He also noted that that finger had been dredged two times in a five year period, only to quickly fill back in. There is now a fifteen-foot high waterfall there. Trustee McCallister suggested tasking the new district engineer to come up with that information for the county. Mr. Smith is going to update Chair McMillan on what the county is doing for Lake Asbury.

D. **Accountant Tom Halquest**

8. **Trustee Reports**

A. **Chairman.**

1. Follow-up on South Lake dam cleanup. Chair McMillan wants to clean up the North Lake spillway area, including bushes, which he said could be removed incrementally.

2. Follow-up on Lake Asbury Drive curb failure. The county has repaired the curb and a large pothole. The county has also indicated that it still plans to work with Mr. Nordgren and dig a pond on Mr. Lowes property, but is waiting for the ground to dry more.

3. Gator. Chair McMillan saw a six-foot long gator on Lake Ryan.

B. **Vice Chairman**

1. Vice Chair Tyrie wondered if the county would continue making repairs beyond the driveway fix for Mr. Fox.

C. **Treasurer**

1. Has received two RFQ packages from Mr. Bueme and Toco Engineering. He has also received one mowing bid. It wasn't filled out correctly. Treasurer Petrucci will contact the bidder.

D. **Trustees**

1. Wesley road collapse. Trustee McCallister brought up the issue of the dip on Wesley Road. Audience member Kay Manly, 420 Wesley Road, said that the county had repaired Mr. Fox's driveway next to the dip at 166 Wesley Road. They promised him they would repair the road and told him they were waiting on funds. She said that the concrete from beneath the road is sheeting off and falling into the finger – the only thing holding it up is a tree it fell onto. Chair McMillan would like to know when the road repair would take place to get the county to also remove the sediment in the finger that was caused by the problem.

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Several home on that finger have lost their waterfront. Chair McMillan said that this is a Public Works issue. Trustee Tyrie has seen the road sink noticeably. Chair McMillan will add the problem to his list of items to discuss with Mr. Smith.

### 9. Unfinished Business

#### A. Lake Ryan spillway project update.

1. Engineer RFQ update. Treasurer Petrucci said that he has received two RFQ's so far from Mr. Bueme and Toco Engineering from the ads in Clay Today. Mr. Flowers said to email the RFQ packages to the board prior to the next meeting. Chair McMillan would like to invite the engineers to the next meeting. Treasurer Petrucci will call them.

#### B. Mowing contract.

1. Simplified Contract. Trustee Huggins asked Mr. Flowers to look at the current package and see if it can be simplified. Mr. Flowers informed the board that they must decide what the minimum requirements are.

2. Mowing RFP Update. Treasurer Petrucci has received one bid (we already know what Raingod will charge). He hasn't seen responses from the advertisements as expected. Secretary Pickens pointed out that we only put the ads in for one week. Treasurer Petrucci told the board that one company told him it costs them \$700 extra a month to carry the insurance we require. Mr. Flowers instructed the board about how to evaluate and act on the bids. Trustee Huggins said that he talked to two potential bidders who backed out after reading the long list of requirements. Trustee McCallister asked Trustee Huggins what parts of the bid package the mowing companies found most onerous. Trustee Huggins hadn't asked them for fear of overstepping his authority. Mr. Flowers told the board that they could change the requirements and resubmit the packages. The dams are mowed ten times a year during the growing season, and twice in June July, and August. No mowing from November through March. Vice Chair Tyrie noted that most contractors carry \$1 million in liability, Workman's Comp for 500K or a million or an exemption, and a business license.

a) Mowing limbo. Chair McMillan asked if anyone would like to suggest paying Raingod another \$2,500 to mow. There was no more discussion.

3. Cleanout boxes. Chair McMillan is working with the county to get them to honor the contract we have with them to clean out the boxes.

### 10. New Business

#### A. Comments from District Members.

##### 1. Carl Kocher, 256 Lake Asbury Drive.

a) Mr. Kocher asked again to see Freddie Langford's (shad supplier) certificate of insurance for auto liability, general liability and workman's comp (or workman's comp exemption).

2. Mr. Kocher offered help the Secretary bring the website in compliance with *Florida Law Chapter 189 - Special District Accountability Act*. [Trustee Huggins made a motion to](#)

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allow Mr. Kocher to work with the Secretary to analyze how to get our website up-to-date. Seconded by Trustee McCallister. Carried 6-0.

a) Mr. Kocher asked whether we had an Emergency Action Plan (EAP), which was an agenda item for many months. He spoke to Mr. Ward who said there was no approved EAP for Lake Asbury or any kind of phone notification system. Chairman McMillan said that the Emergency Director, Mr. Ward, told him that we could raise and lower the lakes at our discretion - It would be great if the board let him know - the Sheriffs office would do evacuations. Mr. Kocher told the board that having an EAP is a state requirement through Florida DEP, Dam Safety. Treasurer Petrucci said he didn't think that having an EAP was a state requirement. When he explained to Mr. Ward what our protocol was, he said that was fine and there was nothing we had to do. Mr. Flowers said that the board has discussed what to do, which is to contact the county to let them know what we are doing. Chair McMillan said we need a simple procedure based on expected rainfall; we will execute a plan that includes lowering the lakes and contacting the county. Mr. Flowers believes that the board voted on that. Chair McMillan said the board did vote on it and just needs to put that in writing. Mr. Kocher asked what our criteria were for lowering the lakes and Trustee Huggins said there wasn't one because the situation varies from storm to storm. The board will wait for a new engineer to help with a plan. Chair McMillan said that John Ward told him, that if Emergency Operations Center (EOC) was activated, Mr. Ward would contact him. Mr. Kocher asked what would happen if he was not available. Chair McMillan said the Vice Chair, etc. and said it should be written down. Mr. Kocher said that he was just suggesting a basic protocol that everyone could understand. Chairman McMillan asked Mr. Flowers about being a member of FASD. It is not required and costs about \$565 annually. He asked if they could provide a plan from another district. Trustee McCallister asked if we could vote on renewing membership at the next meeting. Chair McMillan will call FASD and ask if we've paid dues and will fill in some of the information from the FASD form.

3. Ms. Caputo, 478 Branscomb Road, asked about easement in the Hazelwood Hole area. Treasurer Petrucci noted that there were eight or nine properties in the area that were not part of the district.

**11. Adjournment:** Treasurer Petrucci made a motion to adjourn. Chairman McMillan adjourned the meeting at 8:03 p.m. Carried 6-0.

Melody Pickens  
District Secretary

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Mark McMillan, Chairman