

# 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 6:44 p.m.

**2. Roll/Quorum**

A. The following trustees were present: Chairman McMillan, and Trustees McCallister, Huggins, Petrucci and Newton, - a quorum of five. Trustees absent: Vice Chair Tyrie and Trustee Worley. Trustee Cottrell emailed his intention to resign to Secretary Pickens on November 11. Seat 1 is vacant. Staff present: District Attorney Wayne Flowers, District Accountant Tom Hallquest 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 October 1, 2018 board meeting minutes by Trustee Huggins and seconded by Trustee Petrucci. Carried 5-0.

**5. Treasurer's Report**

A. District Accountant Tom Hallquest presented the Treasurers Report. Trustee Huggins moved to approve the November 12, 2018 Treasurer's Report, seconded by Chair McMillan. Carried 5-0. Mr. Hallquest noted that the contract requires Forrest Ground Works, Inc. to include a checklist with each invoice. He didn't receive a checklist for the October 1 mowing. He could not issue a check because the checklist is a requirement according to the contract. He also believed that the additional work, treating for ants, must also be approved in advance. Trustee Huggins said that he had the checklist for the October 1<sup>st</sup> mowing and that he had always had the authority to approve extras and had asked Mr. Forrest to treat for ants. Each invoice was for \$1,650.00 plus \$75 for ants. Trustee Huggins made a motion to approve payment of both the Oct 1<sup>st</sup> and Oct 18<sup>th</sup> mowing / ant treatments for a total of \$3,450.00. Seconded by Treasurer Petrucci. Carried 5-0. Mr. Hallquest said that the check needs a second signature. Chair McMillan is the only signer present. He said he would take that check and the other checks to work with him and get Vice Chair Tyrie to come to the fire station to sign them. Mr. Hallquest also advised the board to move \$10,000.00 from the money market account to the checking account to cover future expenses. Trustee Huggins made a motion to have Trustee Tyrie or Chair McMillan move \$10,000.00 from the money market account to the checking account. Seconded by Trustee Petrucci. Carried 5-0.

**6. Approval of Checks**

A. Trustee Huggins made a motion to approve checks 3404-3410. Seconded by Trustee McCallister. Carried 5-0.

## MINUTES

### 7. Staff Reports

A. **District Engineer – position currently vacant**

B. **Attorney Wayne Flowers**

1. Bueme Engineering contract. Mr. Flowers has been working with Trustee McCallister on the contract as directed by the board. He sent a draft contract to the board last week that had been agreed to by Mr. Bueme. Mr. Bueme meets all insurance requirements. He will charge \$800.00 per month for basic services. He will charge a percentage of costs for construction management and design services, which are expected to be between 3% and 5% with a cap at 10%. Each project will be preceded by a proposal that will be approved or disapproved by the board. **Trustee Huggins made a motion to approve the draft contract with Bueme Engineering as read. Seconded by Chair McMillan. Carried 5-0.**
2. Forrest Ground Works contract.
  - a) Mr. Flowers noted that our bid package required the contractor to carry \$1,000,000.00 in auto liability insurance. The board accepted the bid with \$50,000 insurance. He had brought a draft contract in and had talked to Trustee Petrucci Trustee and had believed that the board had waived the \$1,000,000.00 requirement by accepting the bid. Mr. Flowers spoke about Mr. Kocher's concern about whether the board expressly waived the \$1,000,000.00 requirement, since it wasn't on the recording of that meeting. Mr. Flowers believed that the board waived that specification because it was in a hurry to get a contractor on board. Trustee Petrucci said that his impression was that there was no need to waive anything because there were no requirements that were written in stone, so why did it matter if we had them or not. Trustee Petrucci indicated that the board had access to the bid and could have objected.
  - b) Mr. Kocher asked to be recognized by the Chair. Trustee Petrucci said to Mr. Kocher, "You got us into this problem. What more do you want to say? How much did you cost this board for the last ten years?" Mr. Kocher asked him if he was Chairman. Mr. Petrucci said, "You aren't either and you're beating you gums." Chair McMillan asked Mr. Flowers whether there was a policy. Mr. Flowers said that there was and he believed that the minimum for liability was \$1,000,000.00, but the board could waive that. Mr. Kocher said that the board could waive the requirement outlined in the policy, but he believed that \$50,000.00 was too low. The standard is \$1,000,000.00. The current \$50,000.00 the board approved can't be changed for the life of this contract.
  - c) Trustee Huggins said that he spoke to several potential contractors who didn't place bids due to the \$1,000,000.00 insurance requirement, saying it was too high. Chair McMillan said that the board couldn't equal the buying power of the county. A potential contractor told him that they would have to double their bill to pay for the \$1,000,000.00 liability requirement. Trustee Petrucci said that no matter what the insurance coverage is, the insurance company would go for everything we have. He said, "There is something else much, much deeper here. Carl

## MINUTES

is a retired insurance. Carl, don't take offense to this, but you have insurance on the brain. More than anyone I have ever seen. I guarantee you that you didn't tell the prior boards they could waive that (Mr. Kocher said, "I sure did"). Trustee Petrucci then talked about a contractor that charged the board an extra \$500 a month to cover their insurance requirements and said that Mr. Kocher had cost the board \$60,000. He said, "We could have saved or gotten more done more because Mr. Kocher has his notion of how much we get out, and that we could waive it. And, it just seems ridiculous to listen to one person, when I've spoken to 5 different contractors, 5 different insurance companies – we're the only one who ever asked them for \$1,000,000.00. We're listening to one insurance rep here and so far everything he said hasn't been right when it comes to protecting the community. All he's doing is making the community pay more than it has to." Mr. Kocher said, "The question is, do you want to be safe?" Mr. Kocher asked Mr. Flowers if the board may not be covered for certain claims. Mr. Kocher said that in his experience, if you set limits that low and suffer a series of accidents, the insurance company takes a dim view of it because they want protection too." Trustee Petrucci told Mr. Kocher, "Carl, don't even talk to me about this. My mind is made up. End of conversation, no discussion about it. I'm tired of listening to your [unable to make out]"

d) Chair McMillan pointed out that the contract is approved and can't be changed for one year. In the future we must ensure that our insurance is correct. Trustee Huggins said that it was a mistake to take a bid with lower requirements, when other bidders thought that they must accept the higher insurance requirement.

e) Wayne said there was a requirement for Forrest Ground Works to show the district as an additional insured. He thinks it hadn't been submitted because they weren't told it was required. He emailed them and asked for it and they sent him a certificate that only applies to the automobile liability. He said that the board needs to make sure they do that for all of the other insurances.

f) Trustee Huggins volunteered to be the point of contact for Forrest Ground Works.

g) Trustee McCallister made a motion to allow Trustee Huggins to approve additional work by Forrest Ground Works not to exceed \$200.00 per mowing. Seconded by Treasurer Petrucci. Carried 5-0.

h) Secretary Pickens asked what to do with paperwork coming to her from Forrest Ground Works. Mr. Flowers said to scan and sent to him and Trustee Huggins.

3. Special Election. Still scheduled for early next year. Chair McMillan went to the elections office to ask about applying for Seat 1, recently vacated by Linda Parrish. He was told that he didn't need to apply – he only needed a recommendation from the board. Trustee Huggins asked what would happen to those who didn't qualify at the end of their terms. Mr. Flowers said they could stay in their seats until their successor is elected or appointed. Trustee McCallister made a motion to recommend that the Clay County Board

# MINUTES

of Commissioners replace Seat 1, vacated by Linda Parrish, with Mark McMillan. Seconded by Trustee Petrucci. Carried 5-0. Secretary Pickens will send a letter with the board's decision to Commissioner Hendry.

C. **Secretary Melody Pickens**

1. Website Update. Secretary Pickens told the board that she had given a skeleton outline of the new website format to Darla Mayo.
2. Letter from State of Florida Commission on Ethics.
  - a) Requested POC info. Secretary Pickens asked Chair McMillan whether the POC info was accurate. He told her that is was.
3. Records Management Compliance Statement from Department of State. Secretary Pickens asked Chair McMillan to sign the annual statement. He did.
4. Request for documentation held by board members. Due to the need to comply with public records requirements and to avoid confusion, Secretary Pickens asked board members to give her documentation they may be holding on to. Mr. Flowers said they needed to do that because Secretary Pickens is the official records custodian.
5. Lakelighter. Secretary Pickens asked for input for the next Lakelighter. It was suggested that she provide general information about the District.

D. **Accountant Tom Halquest.**

8. **Trustee Reports**

A. **Chairman**

1. Shad. Chair McMillan spoke to Freddie Langford who still owes the board a delivery of shad. He is exempt from workman's comp. We have insurance documentation. Trustee Petrucci had it with him and gave it to Secretary Pickens. It expires 12/14/18.
2. Board member participation. Chair McMillan said that each board member will pick a job and do it instead of one or two people doing everything on the board.
3. Brandon Cottrell resignation. Trustee Cottrell sent Secretary Pickens an email yesterday, resigning. His seat expires next month. The board can't appoint to that seat. Trustee Huggins said that Chris Turner wanted to qualify for a seat.

B. **Vice Chairman**

C. **Treasurer**

D. **Trustees**

1. Mowing. Trustee Huggins asked the board to consider having the Lake Asbury dam mowed one more time because it looks shaggy. After discussion, Trustee Huggins decided to ask the board to consider it again at the December meeting and asked Secretary Pickens to add it to the December agenda.

9. **Unfinished Business**

- A. Lake Ryan spillway project update. On hold for new engineer.
- B. Kettle hehab. Trustee Petrucci told the board that he would no longer work on this project, which he initiated, because he will not work on projects anymore. Trustee Huggins volunteered to work with Barry Besch on getting a bid.

**MINUTES**

C. Cleanout boxes. Chair McMillan says that the county has promised to work on this and other issues after the first of the year.

**10. New Business**

A. Comments from District Members.

1. Property Count. Kay Manly, 420 Wesley Road, *again* asked the board to help her reconcile her count of property owners. Mr. Flowers agreed that the discrepancies between the county tax roll and the LALLOA documents need to be addressed, but the changes can't be put into affect until the board adopts the tax roll next year. Chairman McMillan said he would help her.

2. Mowing the Lake Asbury boat ramp. Kay Manly asked if the new mowing contractor is mowing the Lake Asbury boat ramp. She needed to know so she could tell the Lake Asbury Lake Lot Owners mowing contractor, Sharp Cuts, that they didn't need to do it anymore. Chair McMillan told her that Forrest Ground Works was mowing the ramp.

B. Website Issue – Carl Kocher. Mr. Kocher asked Mr. Flowers if the board should vote on following a code of ethics before putting it on the website. Mr. Flowers said it should.

C. Code of Ethics – Carl Kocher. [Trustee Huggins made a motion that the board complies with the Florida Code on Ethics. Seconded by Trustee McCallister. Carried 5-0.](#)

D. Interim Treasurer.

1. Vote on whether to approve Carl Kocher as interim Treasurer. Carl Kocher volunteered to be the Interim Treasurer when he assumes Seat 4 on December 3<sup>rd</sup>. Mr. Hallquest will come to the meetings to assist. He will come to the December 3 meeting. Chair McMillan suggested waiting on making a decision until January when new officers are elected.

**11. Adjournment:** [Chair McMillan made a motion to adjourn at 8:42. Seconded by Trustee Huggins. Carried 5-0.](#)

Melody Pickens  
District Secretary

\_\_\_\_\_  
Mark McMillan, Chairman