

**Lake Asbury Municipal Service Benefit District  
Board Meeting April 2, 2012 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 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, Bill Futch, Janet Lankes, Tom Petrucci, Lige Walden and Butch Huggins. Trustees absent: Vice Chairman Linda Parrish, Trustees Bob Schiefer and Carl Kocher. Staff present: District Attorney Wayne Flowers, District Engineer Mike Kelter and Secretary Diane Walker. Others in attendance are listed on the sign in sheet.

**3. Administrative Announcements**

Chairman McMillan read the Administrative Announcements

**4. Approval of Minutes March 5, 2012 Regular Meeting; Motion & Approval**

Motion by Trustee Walden, seconded by Trustee Futch and **carried 6-0 to approve the minutes of the regular meeting of March 5, 2012.**

**5. Treasurer: Treasurer Report for April 2012; Motion & Approval**

Motion by Trustee Huggins, seconded by Trustee Lankes and **carried 6-0 to approve the Treasurer Report for April 2012 (attached).**

Treasurer Petrucci reported that the survey has not been paid. He will contact Tom Hallquest to find out why. He further reported that he transferred \$10,000 into the checking account. After further discussion, motion by Trustee Petrucci, seconded by Trustee Huggins and **carried 6-0 to authorize payment of the survey invoice.**

6. **Approval of Checks:** Checks for April 2012; Motion & Approval  
Motion by Trustee Huggins, seconded by Trustee Futch and **carried 6-0 to approve the checks.**

7. **Presentations:**

District Engineer Mike Kelter gave a PowerPoint presentation on the Preliminary Design Progress Report for the South Dam Improvement project and answered questions from the Board. Topics discussed included: South Dam Freeboard, Design Alternatives, Culverts: Concrete vs. Aluminum, Alternatives, & Issues; Spillways: Cast-in-Place vs. Articulating Block; Earthwork Options; and Upcoming Activities. He stated that he will be meeting with St. Johns River Water Management and the County Manager next week.

After lengthy discussions, a motion was made by Trustee Huggins, seconded by Trustee Futch and **carried 6-0 to proceed with Aluminum Culverts.** Further, a motion was made by Trustee Huggins, seconded by Trustee Futch and **carried 6-0 to approve the 500 year storm design.**

Attorney Wayne Flowers stated that minor changes are being made to the Engineer's contract.

Trustee Petrucci gave an update on the financing. He reported that the prepayment penalty on the current Wells Fargo loan (\$17,500) is more than what would be saved by paying the loan off early; therefore, it would not pay to pay if off early. If this is kept out of the new loan, it will free up \$44,000 in four years when the Wells Fargo loan is paid off. Wells Fargo has indicated that they have no problem with being subordinate to the new loan. After further discussion, a motion was made by Trustee Huggins, seconded by Trustee Futch and **carried 6-0 to authorize Trustee Petrucci to proceed with the bank to finalize the loan.**

8. **District issues:** None

9. **Trustee Reports:**

Chairman:

- (a) Chairman McMillan reported that he signed the letter to Aquatics Systems terminating the contract and also received a call from them. They indicated that they are agreeable to continuing on an as-needed basis. Chairman McMillan further reported that he has been on the lakes and noticed that the North Lake has vegetation back in the canals and there are a lot of little fish in there from fry that has hatched.

- (b) The second load of Shad delivery was delayed due to a death in the family of the vendor. The delivery is expected on Wednesday.
- (c) A 4 ½ - 5 feet gator was seen in the North Lake.
- (d) Chairman McMillan reported that he has received a letter from LALLOA in response to the letter sent from LAM SBD asking if they would be agreeable to conveying their interest in the dams to LAMSBD. Attorney Flowers advised that the letter indicates that they are willing to consider it, but want to see the actual instrument, more particularly the reversion language before they agree to sign. They are also asking that Attorney Flowers attend their next board meeting and present the proposed language so they can ask questions about it. They have also indicated that they will be obtaining a corporate attorney to review it on their behalf. After discussion, a motion was made by Trustee Huggins, seconded by Trustee Futch and **carried 6-0 to table the issue.**

Carl Kocher – No discussion held due to absence of Trustee Kocher

- (a) Review of Insurance Requirements & Certificates of Insurance
- (b) Approval to attend Insurance Preferred Risk Seminar in Lake Mary, FL; only expense is approx. \$70 in mileage. Motion & Approval

Attorney Wayne Flowers advised that he has sent the letter requesting an opinion from the Attorney General.

Janet Lankes

- (a) Trustee Lankes inquired about when to start telling property owners when the lake will be lowered. Mike Kelter advised that the lowering of the lake is planned for October. Chairman McMillan stated that he would like to start putting a notice in the Lake Lighter a couple of months before to give property owners advance notice. Trustee Huggins stated that a letter has to be sent out to every resident as well as the county, sheriff's office and others.
- (b) Trustee Lankes inquired about an email regarding a board member serving as webmaster. Attorney Flowers stated that there are certain circumstances that it

could become an issue. It becomes a legal issue if the board member is being compensated. Trustee Huggins expressed concern with a board asking another board member to add an item to the website under the Sunshine Law. Mike Kelter asked if the Board would have an objection to having the webmaster post a link to Legacy Engineering's website. This would allow viewing of the engineering reports for Lake Asbury. The Board expressed their agreement. After further discussion, it was the consensus of the Board to have the Secretary contact Trustee Kocher and relay the Board's desire that he continue discussions with the individual he has contacted about becoming the webmaster.

**10. New Business**

- Rick Dotseth, 122 Wesley Road, inquired about the kettle on the North Lake. Trustee Huggins explained that years ago a few people got together and put fencing around the kettle on the South Lake to keep fish from jumping through a crack and getting into Black Creek where they would die.

Mr. Dotseth also inquired on the cost for 540 loads of sand and if the cost could be offset by dredging some out of the material out of lake. Mike Kelter reported that it is an option being explored.

**11. Adjournment** – There being no further business, the meeting adjourned at 8:10 PM.

The next meeting will be May 7, 2012.

Diane Walker  
Recording Secretary

  
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Mark McMillan, Chairman

**LAKE ASBURY MUNICIPAL SERVICES BENEFIT DISTRICT**

**TREASURER'S REPORT**

**REPORT DATE: April 2, 2012**

**GENERAL CHECKING ACCOUNT**

Balance as of March 1, 2012		\$	18,840.30
Prior Month Transfer from Savings	\$	10,000.00	
Prior Month Checks (Previously Approved)	\$	(8,460.54)	
Prior Month Checks Not on Prior List			
Total Prior Month Checks Not on Prior List	\$	-	
Balance as of March 31, 2012		\$	20,379.76

**Current Checks**

2824	Diane Walker	\$	(122.60)
2826	Florida UC Fund	\$	(14.64)
2827	United States Treasury	\$	(72.11)
2828	Legacy Civil Engineers, Inc.	\$	(7,974.40)
2829	Lewis, Longman, & Walker	\$	(2,015.00)
2830	Thomas Hallquest CPA, P.A.	\$	(75.00)
2831	Clay Electric Cooperative	\$	(100.00)
2832	Florida Municipal Insurance Trust	\$	(1,814.25)
	<b><u>Total Checks for Current Month</u></b>	\$	<u>(12,188.00)</u>

**Current General Checking Account Balance** \$ 8,191.76

**MONEY MARKET CHECKING ACCOUNT**

Balance as of March 1, 2012		\$	318,463.54
Prior Month Deposits	\$	8,725.92	
Prior Month Transfer to operating A/C	\$	(10,000.00)	
Prior Month Interest	\$	103.73	

**Current Money Market Checking Account Balance** \$ 317,293.19

**Current Total Funds Balance** \$ 325,484.95

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

**Submitted by:** \_\_\_\_\_