

**Lake Asbury Municipal Service Benefit District  
Board Meeting May 7, 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 (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 6:37 p.m.

**2. Roll/Quorum**

The following Trustees were present: Chairman Mark McMillan, Vice Chairman Linda Parrish, Trustees Bill Futch, Janet Lankes, Tom Petrucci, Lige Walden Butch Huggins and Carl Kocher. Staff present: District Attorney Wayne Flowers, District Engineer Mike Kelter and Secretary Diane Walker. Trustee Bob Schiefer arrived at 7:20 p.m. Others in attendance are listed on the sign in sheet

**3. Administrative Announcements**

Chairman McMillan read the Administrative Announcements

**4. Approval of Minutes: April 2, 2012 Regular Meeting; Motion & Approval**

Motion by Trustee Huggins, seconded by Trustee Walden and **carried 8-0 to approve the minutes of the regular meeting of April 2, 2012.**

**5. Treasurer: Treasurer Report for May 8, 2012; Motion & Approval**

Motion by Trustee Huggins, seconded by Trustee Futch, and **carried 8-0 to approve the May 8, 2012 Treasurer Report (attached).**

Treasurer Tom Petrucci reported that he has obtained a storage unit for the records with Climatized Storage. They will give one month free if paid one year in advance. After discussion, motion by Trustee Huggins, seconded by Trustee Lankes and **carried 8-0 to pay one year in advance for the storage unit.**

**6. Approval of Checks: Checks for May 8, 2012; Motion & Approval**

Motion by Trustee Huggins, seconded by Trustee Futch and **carried 8-0 to approve the five checks totaling \$12,731.00.**

7. **Presentations: Mike Kelter – Update on cost estimate for project**

District Engineer Mike Kelter reported that a set of dam plans are on the tables for review. The plans are ready to go to the Water Management District and the design calculations are complete. He requested a vote to authorize the Chairman to sign documents required to be submitted with the plans to the Water Management District. A motion was made by Trustee Huggins, seconded by Trustee Walden and **carried 8-0 to authorize Chairman Mark McMillan to sign the required documentation to get the permit process started.**

Mr. Kelter also reported that the cost estimate looks to be \$16,000 less than three months ago and he will work on getting the cost lower. Bids will be let in August and opened in September. There will be an eight day draw down period in October with a maximum of 4.5 feet in the South Lake, and no draw down in the North Lake at all. As we are entering into the final design phase, the specifications and requirements for the contractor will be put together. He further reported that he and Trustee Kocher are working on the bond and insurance language.

Trustee Futch inquired about the status of obtaining dirt from the county. Mr. Kelter explained that he met with the county manager and discussed financial vs. in-kind assistance. He stated that she assured him and Trustee Petrucci that there would be an answer by June as to how much dirt the county can give.

Trustee Lankes inquired of Mr. Kelter if he has a contract. He stated that he has the contract with the suggested changes of the attorney and will be turning it back to him soon. She also inquired who would be responsible with reviewing the insurance language on the bid documents. Mr. Kelter advised that both Trustee Carl Kocher and attorney Flowers will review all documents.

Discussion was held regarding giving a financial incentive to the contractor if the job is completed early. Mr. Kelter explained that liquidated damages will be included in the contract if the project is not completed on time.

Trustee Kocher expressed concern if the construction contingencies are too lean due to unforeseen things that could happen and cost the Board time and money.

Mike Kelter stated that the value of 350 truck loads of dirt is \$28,000. An extra 50 more trucks loads is needed from the county to give to repair the L.A.C.A. property. Trustee

Huggins stated that L.A.C.A. has granted permission to use their property to store the dirt on.

Chairman McMillan requested information on insurance requirements for the project. Trustee Kocher stated that the general contractor has to carry a minimum of \$5 million including Workers Compensation, and the subcontractors have to carry \$1 million. He further stated that he will suggest that the contractor carry more than \$5 million. A performance bond will also be required. Attorney Wayne Flowers will be reviewing everything as the project progresses.

8. **District issues:** None

9. **Trustee Reports:**

**Chairman** - Chairman McMillan reported that he is still waiting on the second shipment of Shad from Freddie Langford. It is due to arrive on Thursday.

Tom Chandler inquired if the draw down will have an effect on the small Shad escape area and would it behoove the fishery on the South Lake to add more Shad immediately after the lake is refilled. Chairman McMillan stated that he will look at adding more Shad in the spring after the lake is back up. He also stated that because Shad are an open water fish anyway, it will affect the Shad less than it will the other bait fish that aren't going to have as many places to hide like there is now because there is no places to hide now.

**Vice Chairman** – No report

**Trustees:**

*Carl Kocher*

a) Website Proposal – Motion & Approval

Trustee Kocher reported that he contacted six different web design firms in Orange Park. Their cost ran \$45 to \$50 per hour. He also spoke informally with individuals asking what they charge. Darla Mayo submitted a proposal to update and maintain the website for \$25 per hour. In reviewing the current website, 25 items need to be updated. To catch everything up will require approximately 11 hours of work which will cost \$275 initially to get it caught up. After the initial clean up, the cost shouldn't be more than \$25 per month. He further reported that

he will do the email alerts and that Darla will be trained to do them in his absence. He suggested keeping the current webmaster, John Sarman, as a consultant on an as-needed basis. Trustee Futch inquired if the audio will be put on the website. It was explained that because of the amount of memory that would be used and the cost, the audio will not be placed on the website. After further discussion, a motion was made by Trustee Huggins, seconded by Trustee Futch and **carried 8-0 to accept Darla Mayo's proposal for \$25 an hour with an initial cost of \$275 to clean up the website.**

Tom Petrucci

a) Commitment letter for the loan

Trustee Petrucci reported that he received a Commitment Letter from Ameris Bank. Attorney Flowers advised that he has reviewed it and is agreeable. If approved, a check is needed for \$19,500 within three days. Of that, \$17,000 is for their attorney fees. The loan is for 5 years at 2.6% interest and paid once a year. They are also giving a two year extension if needed. The interest rate goes up to ½ point below prime if the extension is used. There are no prepayment penalties. The only stipulation is that the payment is made on the payment date of the loan. The amount of the loan is \$840,000. After further discussion, motion by Trustee Huggins, seconded by Trustee Futch, and **carried 8-0 to authorize a check to be paid to Ameris Bank in the amount of \$19,500 within the next three days.** Attorney Wayne Flowers suggested that he be allowed to work with Trustee Petrucci to prepare a draw procedure and report back to the Board. It was the consensus of the Board to have the draw procedure prepared.

Trustee Petrucci advised that he will need to move more than the amount he is currently authorized to move in order to pay the \$19,500. A motion was made by Trustee Huggins, seconded by Trustee Futch and **carried 8-0 to authorize Trustee Petrucci to move an additional \$25,000 from the savings account to checking.**

b) Use of L.A.C.A. property

Trustee Petrucci reported that a letter is needed asking permission from L.A.C.A. to use their property to store the dirt. A motion was made by Trustee Huggins, seconded by Trustee Futch and **carried 8-0 to write a letter to L.A.C.A. requesting permission to use their property to store the dirt when it is delivered.** Mike Kelter advised that he will draft the letter for signature.

c) Authorization to pay permit fees for St. Johns River Water Management District - Motion & Approval

A motion was made by Trustee Huggins, seconded by Trustee Futch and **carried 8-0 to authorize District Engineer Mike Kelter to pay the permit fees to Water Management District. Mr. Kelter advised that the cost is \$5,200.**

**10. District Members**

- Mr. Paul Pierce, 117 Simmons Trail, Board member of Lake Asbury Community Association, addressed the Board regarding the trucks bringing the dirt in via Arthur Moore Drive. There is a small gate that may have to be enlarged to accommodate the trucks. He requested that enough space be preserved for parking for the Halloween Carnival and expressed his concern over the dump trucks speeding and tearing up the road. Chairman McMillan stated that the County Manager will be contacted regarding county trucks using the roads to haul the dirt in.
- Tom Chandler, 290 Dow Court, spoke about the condition of the valves and asked if the valves on both lakes are in need of repair. Trustee Huggins responded that the east valve on North Lake has been rebuilt and that the west valve was inspected and is in good shape. The valve on South Lake was found to be in good shape as well. Mr. Chandler commented that the retaining wall on the South Lake dam on the north side is in pretty bad shape so while the lake is down would be a good time to work on it. He further commented that the cap board needs replacing on the South dam North Lake side.

Trustee Schiefer joined the meeting at 7:20 p.m.

**11. New Business**

1. Trustee Huggins reported that the North Lake is below normal due to no rain.
2. Trustee Lankes reported that she drove Arthur Moore Drive and saw what looks like a drainage ditch. Mike Kelter explained that the bank next to the lake has been sodded. It looks like dirt is being dug out of a pond. When that is done the bank will be seeded and mulched. Further discussion was held.

3. Trustee Futch expressed concern about the height of the sidewalk off Branscomb Road. Further discussion was held.
  4. Chairman McMillan commented that the North Lake will not be lowered when the South Lake is lowered. He further commented that when South Lake gets lowered the boat ramp needs to be closed and no wake. This needs to be discussed with LALLOA.
  5. Attorney Flowers reported that he has not received a response from the Attorney General's office.
  6. Chairman McMillan stated that LALLOA requested a written response of the Board's action taken on the matter of them turning their interest in the dams over to LAMSBD. Trustees commented that the Board's action is in the minutes.
  7. Trustee Kocher suggested getting an agreement with LALLOA to put a common lock on the boat ramp. Further discussion was held on notices to be sent about lowering the lake.
  8. An unidentified woman inquired if there is a level that will be acceptable to use the lake. She suggested putting a notice in the Lake Lighter stating what level the lake is at. Chairman McMillan stated that notices can be placed on the website.
12. **Adjournment** – Motion by Trustee Huggins, seconded by Trustee Futch, **carried 8-0 to adjourn.** The next meeting will be June 4, 2012.

Diane Walker  
Secretary

  
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Mark McMillan, Chairman

**LAKE ASBURY MUNICIPAL SERVICES BENEFIT DISTRICT**

**TREASURER'S REPORT**

**REPORT DATE: May 7, 2012**

**GENERAL CHECKING ACCOUNT**

Balance as of April 1, 2012		\$	20,379.76
Prior Month Transfer from Savings			
Prior Month Checks (Previously Approved)	\$ (12,188.00)		
Prior Month Checks Not on Prior List			
2833 C&C Land Surveyors	\$ (2,860.00)		
2835 Climatized Self Storage	\$ (48.15)		
Total Prior Month Checks Not on Prior List	<u>\$ (2,908.15)</u>		
Balance as of April 30, 2012		\$	5,283.61

**Current Checks**

2836 Diane Walker	\$ (101.71)		
2837 Legacy Civil Engineers, Inc.	\$ (11,094.29)		
2838 Lewis, Longman, & Walker	\$ (1,000.00)		
2839 Clay Electric Cooperative	\$ (100.00)		
2840 Thomas Hallquest CPA, P.A.	\$ (75.00)		
<b><u>Total Checks for Current Month</u></b>	<b><u>\$ (12,371.00)</u></b>		

**Current General Checking Account Balance** \$ (7,087.39)

**MONEY MARKET CHECKING ACCOUNT**

Balance as of April 1, 2012		\$	317,293.19
Prior Month Deposits	\$ 16,737.16		
Prior Month Transfer to operating A/C	\$ -		
Prior Month Interest	\$ 101.73		

**Current Money Market Checking Account Balance** \$ 334,132.08

**Current Total Funds Balance** \$ 327,044.69

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

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