

**Lake Asbury Municipal Service Benefit District
Board Meeting November 12, 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 6:40 p.m.

2. Roll/Quorum

The following Trustees were present: Chairman Mark McMillan, Trustees Lige Walden Butch Huggins, Carl Kocher, Bob Schiefer and Tom Petrucci. Staff present: District Attorney Wayne Flowers, District Engineer Mike Kelter and Secretary Diane Walker. Trustees absent: Linda Parrish. Others in attendance are listed on the sign in sheet.

At the request of Trustee Schiefer all veterans in attendance were recognized with applause.

3. Administrative Announcements:

Chairman McMillan read the Administrative Announcements

District Attorney Wayne Flowers performed the swearing in of Trustees Carl Kocher, Bob Schiefer, Lige Walden, Tom Petrucci and Tom Chandler

4. Approval of Minutes: October 1, 2012 Regular Meeting

Motion by Trustee Walden, seconded by Trustee Schiefer, **and carried 7-0 to approve the October 1, 2012 minutes.**

5. Treasurer: Treasurer Report for November 12, 2012

Treasurer Tom Petrucci reported that he transferred \$25,000 from the savings account to the checking account to cover money spent on the survey and other items related to the dredging and dam project. He stated that the check to Besch & Smith Group for

\$33,354.56 is not the correct amount and will not be paid. The correct amount is \$49,993.70. He requested authorization to pay \$49,993.70 to Besch & Smith Group out of the loan for the first payment. Motion by Trustee Huggins, seconded by Trustee Schiefer and **carried 7-0 to pay \$49,993.70 out of the loan to Besch & Smith Group.**

Trustee Petrucci advised that once the guard rail is removed the road can no longer be used. This changes the timeline for closing the road from beginning to end as it is the first item to be removed and the last thing to be reinstalled. He further advised that the dam is now considered a construction zone and is a liability. No bicycles, golf carts or persons walking are allowed. Anyone wanting to see what is going on can get up to the barriers. Chairman McMillan stated that right now they are trying to leave it open to emergency vehicles only and that it is a federal violation punishable by jail time and a fine to go onto the construction site inside of the barriers. Only the construction workers are allowed inside the barriers. Trustee Huggins stated that he was advised that once the trench starts to be dug, a piece of equipment will be put on both sides of the site in the middle of the road so nobody can physically drive over.

Motion by Trustee Huggins, seconded by Trustee Walden and **carried 7-0 to approve the Treasurer's report.**

6. **Approval of Checks:** Checks for November 12, 2012

Motion by Trustee Huggins, seconded by Trustee Walden and **carried 7-0 to approve checks 2897-2905**

7. **Staff Reports:**

a. **District Engineer Mike Kelter**

Mr. Kelter reported that the lake level is down 11.5 feet as of Saturday. The estimated goal is to get it down to 28.4 to inspect the draw tube. If nothing is found, refilling will start right away. If the fish guard is found to be compromised (rusted), it will have to be drained down further to make the repairs to the fish guard. He further reported that sheet piles are being driven now.

Mr. Kelter also reported that a FEMA grant under the Public Assistance Program

was approved for the damage done during Hurricane Debby in the amount of \$100,000. It was not the amount that was wanted and the project work sheet will have to be amended. More information will be brought to the next meeting.

At this time, District Attorney Flower swore in Trustee Bill Futch who had arrived at 7:00.

- b. District Attorney Wayne Flowers – Still working on the fee charges.

8. Trustee Reports:

- a. Chairman – Chairman McMillan spoke about some of the phone calls he received from residents regarding the dam project.
- b. Vice Chairman – Absent
- c. Trustees
Trustee Chandler inquired about putting up fences and signs to protect residents. Chairman McMillan requested Trustee Petrucci to speak to the contractor regarding this issue. Trustee Petrucci agreed.

9. New Business:

- a. Comments from District Members
 - Ann Turner, 246 Circuit Rider Court, inquired where the Board stands on the dual membership and why does the Board want to open the lakes to the public.

Chairman McMillan responded that the only reason LALLOA is still here is because we could not keep the boat ramps private in 1986 when the LAMSBD was made. He further stated that LAMSBD can keep control of the boat ramps, and technically, it would be public.

Ms. Turner inquired who has the authority to make it public or would it be voted on. Chairman McMillan responded that it would have to be voted on.

Trustee Huggins stated that the lakes are public lakes with private access.

Since 1986, the laws have changed so LAMSBD can now own the boat ramps. If we own the boat ramps, a higher fee can be charged to non-residents to have access. The law also states that a resident can launch as many boats off their property as they want. He further stated that right now LAMSBD cannot pursue people who are trespassing on the lake; however, if LAMSBD owns the boat ramps cameras will be installed to monitor them and pursue the people who are illegally using the lakes. Renee Dotseth stated that LALLOA has been pursuing trespassers.

Trustee Petrucci stated that a plan is needed in case the judge takes it out of LAMSBD's hands.

Attorney Flowers stated that the county would have to take over the function if the LAMSBD were disbanded and that the revenue at hand would be used to pay the debt service. He further stated that to date the governor has never disbanded any special districts.

Discussion was held regarding the Covenants and By-Laws.

- Wendy Hendricks, 207 Aldersgate, spoke about the difference between Covenants and Restrictions and By-Laws and the history of the creation of the District.
- Ken Pelfrey, 1013 Haynes Court, spoke about the history of paying dues since he became a resident, the pending lawsuit, charging high fees to use the boat ramp and expressed his opinion of the need to get back to being a community. He further spoke about how LALLOA came to placing liens on people's property.

Trustee Huggins explained that if the cameras are installed. Anyone in violation would be sent a certified letter advising of the violation. They would then come before the Board and view the tape. The violator's membership would then be dropped.

Chairman McMillan expressed his concern that no answers can be given by LALLOA to questions. Trustee Schiefer suggested that a special meeting be held with LALLOA and LAMSBD to get questions answered.

Wendy Hendrix reported that the judge asked them what they needed the \$50 a month for. The attorneys told the judge they needed the money to maintain the lakes. Our attorney interjected and said No, that we pay a \$600 assessment as a special tax. The judge then asked them if they pay a tax assessment why do they need \$50....to pad their pockets and pay their attorneys? The judge then told them he better not see any of these lawsuits in his courtroom and they need to go home and think about dissolving their association.

Mr. Benkins confirmed that it is about word for word what the judge said.

- Cyndi Bigley, 228 Jessie Lee Ct., asked where the water is coming from that is on her property. Trustee Petrucci advised that the water is coming from a retention pond that is going to be dug. The water is being drained from the ground deep enough so that they can start digging it.
- Crystal Maynor asked when her property is going to be fixed. Trustee Petrucci stated that he spoke to a supervisor from the construction company who stated that the best time would be when the lake is down. Trustee Petrucci further stated that he informed him that the lake is down. He further stated that he spoke to the County Manager and Shawn Thomas and they are now aware of it also. They assured him that the contractor will be contacted to make it right when the time is right.

Mike Kelter reported that he spoke to the contractor's superintendent, Andy Booth, and he is aware of it also. St. Johns River Water Management is also aware. He further reported that they are waiting for the bottom to firm up to put the equipment in and it will be fixed right.

Chairman McMillan stated that he met with Shawn Thomas and Jeff Beck on site. They told him that the contractor has been told by the county that they will make it right before they leave the project.

Crystal Maynor further stated that there is too much traffic by residents. The easement is not public access and it is not safe.

An unidentified woman talked about the dangerous condition that exists and that an orange fence and/or cones are needed. Chairman McMillan directed Mike Kelter to contact the contractor and have it roped off until it's fixed. Debbie Chandler suggested taking pictures and putting them on the website to satisfy people's curiosity.

The meeting adjourned at 8:05 p.m.

10. Adjournment – The next meeting will be December 3, 2012.

Diane Walker
Secretary

Mark McMillan, Chairman