

**LAKE ASBURY MUNICIPAL SERVICE BENEFIT DISTRICT
MINUTES FOR MEETING OF
WEDNESDAY, SEPTEMBER 7, 2011**

1. **Call to Order**

The Trustees of 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, Treasurer Trustee Bob Schiefer, Trustee Carl Kocher, Trustee Bill Futch, Trustee Lige Walden, Trustee Janet Lankes, Trustee Tom Petrucci, and Trustee Butch Huggins. Trustee absent: Vice Chairman Linda Parrish. Staff present: 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 Mark McMillan read the Administrative Announcements.

4. **Introductions** – None

5. **Presentation** – Mike Kelter, District Engineer

District Engineer Mike Kelter requested that his presentation be held in conjunction with the Public Hearing.

6. **Approval of Minutes:** August 1, 2011 Regular Meeting and Special Meeting of August 11, 2011

Motion by Trustee Bill Futch, seconded by Trustee Tom Petrucci, and **carried 8-0 to approve the minutes of the August 1, 2011 regular meeting and the August 11, 2011 special meeting.**

7. **Treasurer:** Treasurer Report for September 2011; Approve & Motion

Treasurer Trustee Bob Schiefer reported that a transfer of \$10,000 from the Money Market account to the checking account will be required to pay the bills. The balance on hand is \$2,628.00 and the total of the bills to be paid is \$5,6 . After discussion, motion by Trustee Carl Kocher, seconded by Trustee Bill Futch and **carried 8-0 to transfer \$10,000 from the Money Market account to the checking account.**

After further discussion, motion by Trustee Carl Kocher, seconded by Trustee Bill Futch, and **carried 8-0 to approve the September 2011 Treasurer's Report (attached)**

8. **Approval of Checks:** Checks for September 2011 have been paid in advance except one for Secretary Diane Walker; Approve & Motion

Motion by Trustee Janet Lankes, seconded by Trustee Bill Futch, and **carried 8-0 to approve the checks.**

9. **District Issues:**

(a) **Non Ad Valorem Certification Assessment; Approve & Motion**

Trustee Butch Huggins advised that Wendy Hendricks is unable to complete the assessment certification due to her business obligations. A motion was made by Trustee Butch Huggins, seconded by Trustee Bill Futch and carried **8-0 to hire attorney Wayne Flower's law firm at a cost of up to \$2,500 to complete the certification.**

Bob Rumble, 273 Bush Court, advised that in doing a review, he found that two accounts have been combined putting two lots on one account. Also there is one additional lot. There are now 448 lots instead of 447. He further advised that he went back to 2008 and found that two people who share one lot were under-billed from that time forward. This will require a public hearing which requires 20 days notification and the two people have to be notified that their assessment will increase by 50% due to the error. The account can be back billed for last year for not being billed correctly. He stated that there is great flexibility in the uniform collection act for errors and suggested taking out one account from last year's file and leave the error and the attorney's firm could find the error. Attorney Wayne Flowers concurred with Mr. Rumble's suggestion. Trustee Carl Kocher advised that mistakes have been made in the past. Form 409A is filled out with the information about the correction to be made and is submitted to the Tax Collector. Trustee Bill Futch commended Mr. Rumble for the work he did in the past on the assessment certification. A motion was made by Trustee Huggins, seconded by Trustee Lankes, **and carried 8-0 that the Board approve using the fiscal year 2010-11 non ad valorem assessment roll as the District's fiscal year 2011-12 non-ad valorem assessment roll and further to authorize the Chairman to execute a Resolution of the Board adopting the fiscal year 2011-12 non-ad valorem assessment roll using the data from the fiscal year 2010-11 non-ad valorem assessment roll. The motion passed 8-0.** It was noted by the Board that there are two District accounts on the current non-ad valorem assessment roll that will need to be amended because each should show an additional ½ lot on their assessments. The Board directed its attorney and secretary to advertise a public hearing for purposes of addressing these two accounts at a later Board meeting.

(b) **Update on Easement issue**

Chairman Mark McMillan advised that LALLOA approved the Grant of Easement (formerly Memorandum of Agreement) with amended language from the one the LAMSBD Board approved. Attorney Wayne Flowers explained that the change is in the Ownership Maintenance and Repair paragraph and reviewed the language changes. He recommended that both Boards sign the same document.

Mike Kelter stated that he has no objections as long as the pipe goes underground. After discussion, motion by Trustee Butch Huggins, seconded by Trustee Tom Petrucci and **carried 8-0 to reconsider the previous action taken.**

After further discussion, motion by Trustee Butch Huggins, seconded by Trustee Bill Futch, and **carried 7-1 with Trustee Janet Lankes dissenting to approve the Grant of Easement.**

- (c) Letter to be signed by Chairman to Mr. Heuther that the Board cannot release him from the District; Approve & Motion

After discussion, motion by Trustee Butch Huggins, seconded by Trustee Carl Kocher, and **carried 8-0 to have Attorney Wayne Flowers draft a letter to Mr. Heuther explaining that the Board does not have the authority to release him from the District due to legislature.**

10. Trustee Reports:

Chairman

Chairman Mark McMillan expressed his concern with the poor condition of the Carp due to the lack of vegetation in the lakes. They are eating grass clippings to keep from starving. He advised that there are a good amount of Shad in North Lake but not in South Lake. He stated that he would like to get two orders and put 3,000 in North Lake, 2,000 in South Lake and 1,000 in Lake Ryan. He will contact companies and get quotes.

He also expressed his concern with the amount of spraying that is being done. He stated that he will meet with the man that does the spraying and show him the areas that do not need to be sprayed. He suggested putting flags in certain areas of the lake to show where not to spray. Chairman McMillan stated that he is considering putting an article in next month's Lake Lighter making a suggestion that people put their Christmas trees under their dock where nobody swims to make a good place for fish habitat. Placing Christmas trees in the lake was done previously with good results.

Trustees:

Carl Kocher: Grants and Insurance

Trustee Kocher advised that the application for the Pre-Disaster Mitigation grant was sent to Tallahassee on August 31st. Award of the grant will not be known until the second or third quarter of next year. This is a FEMA grant that requires 25% participation. He stated that he will continue to look for other grants that will fill in the participation amount. He suggested that the Board review the capital improvement plan list again and decide how items on the plan are to be paid for or if there are items to be removed. Mike Kelter explained why the Board should consider purchasing property on the north face of the dam.

Trustee Carl Kocher reported that he received a quote from Preferred Government Insurance Trust, which appears to be better than the current carrier as it includes dam breakage and is \$2,100 less than the current plan. The current insurance plan with the Florida League of Cities is a good plan that combines general liability and errors and omissions and includes volunteers, but does not include dam breakage. This plan will expire on October 1st. He further reported that another company declined to give a quote because they had concerns with that fact that there are homes on the Lake Asbury dam and that there are homes on Lake Asbury South Lake and no spillway, and with the dual ownership by LALLOA and LAMSBD. Trustee Kocher stated that he will continue to do research on coverage.

Trustee Kocher discussed the Board carrying a worker's compensation policy and gave his opinion that he feels it is not needed. Trustee Huggins expressed his opinion that it is not needed. Lengthy discussion was held on the pros and cons of having worker's comp.

After further discussion, a motion was made by Trustee Huggins, seconded by Trustee Walden, **and carried 8-0 that Trustee Kocher continue to review insurance policies and if he finds a new one that is adequate with good savings, that he be allowed to do it.**

Butch Huggins: Water Levels

Trustee Huggins reported that since the hurricane never came through, the lakes did not have to be lowered.

Bob Schiefer

Trustee Schiefer stated he has noticed an explosion of ducks/geese on the South Lake and asked if it ever happened before. Mark said you can tell who feeds them because they stay in their yards. Trustee Butch Huggins stated that they can be trapped and relocated.

Members:

- Ken Pelfry stated that when he was on the board, feeders were put out for the fish. When the feeders went off, the carp lined up to eat at the feeders and ignored the vegetation.
- Rick Dotseth, 122 Wesley, stated that he is starting to take bids on the repair of the boat ramp and the contractors want to know a time frame closer than 'sometime this winter' when the lake can be lowered before submitting a bid. It can make a difference in the bid amount. Also LALLOA members would like to know when the lakes will be lowered so they can schedule work to be done on their bulkheads during that time. He stated that in the last month over 50%

of the lily pads have been lost and suggested that resident's advise when they want the lily pads sprayed at their property. He stated his opinion that spraying is being overdone. Trustee Huggins stated that the lily pads are only being sprayed on the top and they will grow back. Chairman McMillan stated that we will error on the side of not spraying. He further stated that he spoke to the man doing the spraying and was assured that the mixture is slowly soaked into the leaves and will not affect anything. After further discussion, Chairman McMillan requested that this matter be tabled and placed on the agenda for further discussion at the October meeting.

11. New Business:

- (a) Meeting dates for 2012: 1/2, 2/6, 3/5, 4/2, 5/7, 6/4, 7/2, 8/6, 9/10, 10/1, 11/12, 12/3 NOTE: All regular meetings are held on the first Monday with the exception of September (Labor Day) and November (elections).

Approve & Motion

After discussion regarding the January 2, 2012 meeting date, motion by Trustee Carl Kocher, seconded by Trustee Bob Schiefer and carried **8-0 to approve the meeting dates for 2012, amending the January 2, 2012 meeting date to January 9, 2012.**

- (b) Review of Wells Fargo (Wachovia) Bank Note change amendment. There is a subordination issue that needs to be resolved. Approve & Motion

Chairman Kocher explained that the current bank note with Wachovia/Wells Fargo is poorly written and currently states that all of the assessment must be held in a bank account and cannot be touched until the loan is paid that year. The note needs to be revised so that only \$100 per lot of the assessment is assigned to pay the Wells Fargo annual bill of \$43, 407, which is paid on February 7th . After discussion, motion by Trustee Kocher, seconded by Trustee Futch and **carried 8-0 to amend the Wachovia/Wells Fargo note.**

12. Adjournment

There being no further business, the meeting adjourned at 8:52 p.m.

Diane Walker
Secretary

Mark McMillan, Chairman