

**MINUTES OF MEETING  
SPRING LAKE IMPROVEMENT DISTRICT**

The Regular meeting of the Board of Supervisors of the Spring Lake Improvement District was held Wednesday, February 9, 2022, at the District Office, 115 Spring Lake Boulevard, Sebring, Florida.

**Present were:**

Tim McKenna  
Kay Gorham  
Brian Acker  
Sue Dean

Chairman  
Secretary  
Asst. Secretary  
Asst. Secretary

**Absent:** Bill Lawens, Vice Chairman

**Also present were:**

Bill Nielander  
Joe DeCerbo  
Diane Angell  
Clay Shrum  
Israel Serrano

District Attorney  
District Manager  
District Administrator  
Director of Operations  
Utility Superintendent

**Residents & Guests**

“See Sign in Sheet”

**FIRST ORDER OF BUSINESS**

**Call to Order**

Chairman McKenna called the meeting to order and led the pledge.

**SECOND ORDER OF BUSINESS**

**Upcoming Meetings/Events/Correspondence**

- A. February 15<sup>th</sup>, HCBOCC @ 9:00 a.m.
- B. February 16<sup>th</sup>, Pre-Bid Meeting, here @ 11:00 a.m. Pickleball Project
- C. February 17<sup>th</sup>, RPAC @ 2:00 p.m.
- D. February 21<sup>st</sup>, Presidents Day, Office open (not a Holiday)
- E. March 8<sup>th</sup>, Bid Opening, here, @ 1:00 p.m., Pickleball Project

Jim Reed President, Friends of Istokpoga Lake Association invited the District to an Expo on February 17<sup>th</sup>. It will give the district the opportunity to tell others about current and future events at Spring Lake. Tim McKenna and Joe DeCerbo will be attending the event and will have 50<sup>th</sup> Anniversary Booklets and Keychains to distribute.

County Commissioner Kevin Roberts, "Thank you Joe for your helpful remarks at the Board meeting. I'm excited about this development breaking ground, and then watching it grow to become an outstanding, classy, and much needed asset to our community."

Phil Gentry, "Thank you very much for your assistance installing the street signs in the Blue Heron community. Al and Parker did a superb job with the installation and leaving the grounds in perfect order upon completion. We were complimented by 6 residents and 4 of those thought it great we worked together to eliminate the public safety issue they've experienced for some time. Thanks again for you and your staff's assistance."

County Commissioner Scott Kirouac, "It was apparent to me with the behavior and disrespect shown to the developer and lady that spoke in favor of this project that this group was motivated by very few people that were spreading misinformation and fear amongst the residents of Spring Lake. That's why in this line of work you must have thick skin and make decisions based on facts and what is best for a majority of the citizens of Highlands County."

### **THIRD ORDER OF BUSINESS**

#### **Approval of Minutes**

The Board received copies of the minutes from January 12, 2022, for review. There being no further questions.

ON MOTION by Sue Dean, seconded by Kay Gorham with all in favor the minutes from January 12, 2022 were approved.

### **FOURTH ORDER OF BUSINESS**

#### **Approval of Financials**

The Board received copies of the January 2022 Financials for review. There being no further questions.

ON MOTION by Sue Dean, seconded by Brian Acker with all in favor the financials from January 2022 were approved.

### **FIFTH ORDER OF BUSINESS**

#### **Treasurer Report**

##### **A. Update**

Diane reported to the Board that the Florida Commission on Ethics is now requiring that Board Members file their annual Financial Disclosure notices electronically. Instructions will be emailed to the Board in March.

The FY 2021 District Audit should be finalized and presented to the Board at the April meeting.

Diane said at the last meeting Utilities Superintendent Israel Serrano presented a briefing to the Board on Utility Policies and Procedures. The Board directed that a resolution be prepared to attach this briefing to the Districts Utility Policies and Procedures.

ON MOTION by Brian Acker, seconded by Kay Gorham with all in favor Resolution 2022-01 Utility Policies and Procedures was approved.

**SIXTH ORDER OF BUSINESS**

**Manager**

**A. Fiber Grant**

The Fiber Optic project update written for the Board will be attached in its entirety to these minutes.

Brian Acker requested that representatives of Comcast attend the next meeting and update the Board on exactly what their intentions are.

Joe will continue to work with the County on options we still may have in using the ARPA funds.

**B. CAS Appropriations Project**

An opportunity was presented to provide the District with a State Appropriation for the purpose of equipping the districts critical infrastructure with structural integrity sensors which will continuously monitor the structural health of the district's stormwater pump station. CAS will coordinate the efforts obtaining the grant and the installation of the specified equipment to be certain the project is completed as specified.

ON MOTION by Brian Acker, seconded by Sue Dean with all in favor to approve the CAS Appropriations Project.

**C. Succession Planning**

This item was tabled until March.

**SEVENTH ORDER OF BUSINESS**

**Attorney**

Bill updated the Board on the status of the surplus land closing. A legal issue was discussed and the closing will be extended 60 days.

**EIGHTH ORDER OF BUSINESS**

**Utility Rates and Fees**

Israel and Clay have been working with FRWA on utility rates and fees. The rates need to meet Debt Service and Reserve requirements. Residential and Commercial classifications need to be defined. The Board needs to look at Fire Protection, tap and connection fees as well as all miscellaneous fees and charges. Clay and Israel will be meeting with each HOA in the District and a Public Hearing will take place at the March Meeting. Fee implantation will begin in April and will be reevaluated during the budget process.

Brian Acker said that between April and the end of the Fiscal Year we need to look at billing the General Fund for water usage. He asked Clay what developer agreements were already in place. Clay said we currently have two agreements, one with Signature H for the apartments and cabins and one with the RV Park. Brian said that after April we need to start looking at out of District fees. He also said he would like to see Street Lighting and Mosquito charges be removed from the utility billing and the total cost of these services be placed on the General Fund Assessment.

The Pinedale Estates project should be complete by the end of the month, and we can begin putting water meters in service.

Resident Arlene Klingbiel asked Clay to include her when they met with the HOA Associations.

**NINTH ORDER OF BUSINESS**

**Supervisor Requests**

Brian Acker said in reviewing the equipment evaluations he had no problem with the Batwing Mower but asked why we would need to replace the Bad Boy Mowers after only 2 years of service. Clay said that the mowers are just not holding up and staff will be looking at going back to Hustler mowers.

Resident Butch Copeland asked why we didn't look into the Big Green Tractors. Clay said we had a John Deere, but the deck wore out within 300 hours of service. We do have three John Deere's for lot mowing.

**TENTH ORDER OF BUSINESS**

**Public Comments**

Phil Gentry ran into a Supervisor from Xfinity, and they did say that they should have the new fiber in the ground by June.

**ELEVENTH ORDER OF BUSINESS**

**Next Meeting**

The next meeting will be on Wednesday February 9, 2022 @ 10:00 a.m.

- Public Hearing on Rates and Fees

**TWELFTH ORDER OF BUSINESS**

**Motion to Adjourn**

ON MOTION by Bill Lawens, seconded by Kay Gorham  
with all in favor the meeting adjourned at 11:15 a.m.

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Tim McKenna, Chairman

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Kay Gorham, Secretary

## Fiber Optic Project Update

Joe DeCerbo  
February 4, 2022

I started working with the County in April of 2021 to secure ARPA funding, and once the district received approval of \$1.25 million in ARPA funds from the County in October 2021, numerous meetings have taken place with our engineer and County personnel overseeing the project. With Gene and Corbett's assistance, a legal notice was prepared and published, a pre-bid meeting was held, and the bid-opening was set for January 27<sup>th</sup>. On January 22<sup>nd</sup> I received an e-mail from County Purchasing that because our legal notice omitted the word "price" it was being rejected. The bid opening was cancelled, and we were sent an alternative notice, which as of this update I have not received. While I was waiting for a return call from our County Rep, Liz Barber, to discuss the bid process, I received the following e-mail:

From: O'Hare, Patrick <Patrick\_OHare@comcast.com>  
Sent: Monday, January 24, 2022, 10:22 AM  
To: Joseph DeCerbo <jdecerbo@springlakefl.com>  
Cc: Cooper, Derek (Florida) <Derek\_Cooper@comcast.com>  
Subject: Comcast Network Upgrade for Spring Lake

Joe,

Thank you for taking my call this morning. It was nice to catch-up and to be able to update you on our network upgrade in Spring Lake. As I shared, we are moving forward with the network upgrade where we will offer full residential and commercial services in Spring Lake this year. This includes our X1 video, high speed internet, voice and Xfinity mobile services for both residential and commercial. The project involves constructing fiber into the area to tie into our existing network. We will be also performing some additional upgrades to the existing network. The network will support additional growth buildouts to ongoing development in the area. We have already begun initial work in the field and expect to begin submitting permits for the fiber work in the next few weeks.

Again, thanks for taking the time today and I will keep you updated on our progress.

Patrick O'Hare  
Comcast

I originally met Mr. O'Hare on October 5, 2021, when he was here to close on a house for his son. Supervisor Sue Dean, who was his realtor, was aware of all the past issues with COMCAST, the lack of communication, and general apathy towards Spring Lake. She thought it would be a good idea to meet Patrick, and the three of us met in my office. It was a very successful conversation and he wanted to return on October 7<sup>th</sup> with another COMCAST colleague and discuss our future needs. That meeting was successful as well, but I told him I needed what he just told me in writing. He said I would have it early the next week and I never received anything, which was no surprise. Liz Barber was also at the meeting on the 7<sup>th</sup> and when we didn't get any follow-up from them, we completed the ARPA application without any consideration for COMCAST.

As a result of the above e-mail, I phoned Patrick and we had a very spirited conversation on why I had not been communicated with, and still needed some time to digest what he has said. I told him that I had a meeting already set up with all of the HOA managers for Friday, January 28<sup>th</sup> to discuss another matter, but if he was really being honest about COMCAST'S plans, he could send his reps to the meeting. He followed up our call with the next e-mail below.

**From:** O'Hare, Patrick <Patrick\_OHare@comcast.com>  
**Sent:** Wednesday, January 26, 2022, 7:19 AM  
**To:** Joseph DeCerbo <jdecerbo@springlakefl.com>  
**Cc:** Harbin, Christopher <Christopher\_Harbin@comcast.com>; Sturm, Elizabeth <Elizabeth\_Sturm@comcast.com>; Visbal, Rafael <Rafael\_Visbal@comcast.com>  
**Subject:** Spring Lake Meeting on Friday

Joe,

**Thanks for allowing us to meet with you and the HOA presidents this coming Friday. Chris Harbin and Elizabeth Sturm from our community development team will join you to discuss the various residential and commercial products that will be available following our network upgrade in Spring Lake as well as bulk and retail options available for the different areas in your community. If possible, please let us know who from the community will be attending as it will help the team prepare.**

**To confirm, the meeting will be at 10:00 am this Friday, 1/28, at your district office, 115 Spring Lake Boulevard, Sebring. If you have any questions or agenda suggestions prior to that time, please don't hesitate to reach out.**

**Thanks again,  
Patrick O'Hare**

On January 28, 10:00 a.m. I met with the COMCAST reps along with: Tim McKenna, Phil Gentry, Bill Brown, Arlene Klingbiel, Joe Troia, Mike Smith, Bob Rider, and Steve Gorham. It was a most productive meeting, and all the HOA groups were setting up separate times with COMCAST to discuss package programs. The meeting was taped if anyone wants to listen to it. At its conclusion I sent the e-mail below.

**From:** Joseph DeCerbo  
**Sent:** Tuesday, February 1, 2022, 12:23 PM  
**To:** Cooper, Derek (Florida) <derek\_cooper@comcast.com>  
**Subject:** Spring Lake

Derek,

Elizabeth and Christopher are here meeting with various groups for bundle packages, i.e., the apartment owners.

Chris mentioned you would meet with me and see if there is a way for us to still utilize some of the \$1.25 million ARPA grant we received.

Please let me know the next time you are in the area, and we can get together.

**From:** Cooper, Derek (Florida) <Derek\_Cooper@comcast.com>  
**Sent:** Tuesday, February 1, 2022, 1:31 PM  
**To:** Joseph DeCerbo <jdecerbo@springlakefl.com>  
**Subject:** RE: Spring Lake

Good afternoon, Joe and thank you for your email and follow-up. I would welcome the opportunity to do so. Let me check my calendar and send you a few dates to see if they work with your schedule. I look forward to catching up and seeing you in person very soon.

Have a great day!

Very truly yours,

Derek Cooper  
Vice President – External Affairs  
 Comcast - Florida Region



After all the time and effort that was spent in getting the ARPA grant and starting the bid process, this development is a two-edged sword. While our project would have put ownership of the system in our hands, we also know that it will take around 3 years to connect everyone due to the lack of startup funds. COMCAST can connect every resident by the end of the year, with connections starting by the summer. The purpose of this initiative was to get better internet to our residents; do we want that this year, or over three years or more?

I am researching the possibility of a change order that might let us use the funds in another manner. The COMCAST person, Derek Cooper, has some experience with this in other communities and will be meeting with me. We have until 2025 so spend the funds, but if there is no viable way to redirect the funds, it would be appropriate to return the funds when there are no more options.

Before I completed this update and sent it out, I wanted to make sure I met with Board Chair Tim McKenna, County Administrator Randy Vosburg, ARPA funds coordinator Liz Barber, and County Board Chairman Kathy Rapp. While the meeting on the 28<sup>th</sup> with the HOA reps identified the issue, no discussion took place on what the Board was now going to do. In my meeting with Liz Barber, she gave me a copy of the RFI that was submitted by COMCAST to the County relative to the County wide broadband project they have. Section D of that RFI contained further evidence that COMCAST was indeed bringing fiber into Spring Lake

**“We are in the process now of extending our service to the Spring Lake community and have provided that information to the district. This extension will save the Spring Lake community and County well over \$1 million. This includes our X1 video, high speed internet, voice, and Xfinity mobile services for both residential and commercial. The project involves constructing fiber into the area to tie into our existing network. The network will support additional growth buildouts to ongoing development in the area. Extensions like this from current privately owned providers is the most cost efficient to reach the greatest number of unserved residents in the County.”**

I am sure that you have noticed the number of COMCAST and XFINITY trucks that are now in Spring Lake installing the new system. It has become apparent that they are very serious in providing fiber optic after years of ignoring the district.

**As I see it, the Board has several options to consider:**

- 1) Continue to move forward with the ARPA project and become a competitor with COMCAST**
- 2) Determine if ARPA funding can encompass other fiber options**
- 3) If other options are not found, officially notify the County**
- 4) Immediately inform the County we will not be using the funds**

**I HOPE TO HAVE MORE INFORMATION AT THE BOARD MEETING, AND THIS UPDATE WILL ALSO BE INCLUDED AS PART OF THE PUBLIC RECORD IN ITS ENTIRETY.**