

BAYSHORE FIRE PROTECTION & RESCUE SERVICE DISTRICT
MINUTES OF THE BOARD OF COMMISSIONERS MEETING
May 9, 2023

Meeting called to order at 7:00 p.m. by Chairman Mere
Pledge of Allegiance

Invocation – Commissioner Hansen

Commissioner Hansen – Present
Commissioner Griffin – Present
Commissioner Mere - Present
Commissioner Ducrou – Present (7:05)
Commissioner Cook – Present
Chief Doug Underwood - Present
Office Manager - Present
Attorney Ian Mann – Absent

Others Present: None

Public Input Agenda Items – None

Minutes – Review and Acceptance of the April 11, 2023 Board Meeting minutes - Motion made by Commissioner Hansen to accept the minutes. Commissioner Cook seconded the motion. Chairman Mere calls for any discussion. Hearing none, he calls for vote and with all in favor, motion passed. With no further discussion offered Chairman Mere calls for Review of Financial Reports.

Financial Reports – Review and Acceptance of the Financials for April 2023 - Motion made by Commissioner Cook to accept the financials. Commissioner Hansen seconded the motion. Chairman Mere calls for any discussion. Hearing none, he calls for vote and with all in favor, motion passed. With no further discussion offered Chairman Mere calls for Fire Marshal's Report.

Fire Marshal Report – Chief Underwood states there no Fire Marshal's report for the Month of April, however he has been out to the Civic Center working with them to fix fire code violations to enable them to continue operating until Lee County takes control of it and working with the County staff and a new fire company that has taken over monitoring. Chairman Mere calls for administrative report.

Administrative Report (attached) – Chief Underwood reads the Administrative Report into the record. Commissioner Cook asks if we're going to send them a thank you note for the Board to sign. Commissioner Ducrou suggests we might offer some training to them or something. Chief details the offer he has made and ideas he has had. Commissioner Ducrou asks if our guys are water rescue certified. Chief replies a few are dive rescue and a couple that have USAR surface water rescue; however, it is his intent to have everyone surface water trained. Shores has done it so he intends to mirror what they have done. Chairman Mere calls for any questions. Hearing none, he calls for Union Petitions.

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Union Petitions – NONE

Old Business –

- **MW Horticulture** – Chief states quite a bit has transpired. DEP lawsuit on both north and south yards; which is the suit he testified for in Tallahassee, that called for the stop work order, which was granted by the judge but never heeded. Those parties have reached a settlement agreement. That agreement includes both parcels to be completely cleaned; any debris that was put on both the south yard as of a certain date and all debris on the north yard; within a year from the date of settlement and no new material can be brought in, period. They also have to pay out the fines that were assessed. Commissioner Cook asks if that includes us. Chief specifies, it is all fines to DEP. Chief was supposed to appear in May on that one but was just notified they have reached settlement. He continues, the Lee County case, which is the one we spent more time working on, was only on the North Fort Myers yard, and they are currently in the works, MW has been evicted from the property and they will no longer be allowed to enter the property. Their equipment has been removed. Minus Forty has taken over the cleanup process, and they're working on a settlement agreement with the County to allow them to hire a company to come in and to clean up the remaining debris within 9 months and get the property back to the condition it was in before the occupancy by MW. There's been some efforts to get DEP to permit an air curtain incinerator to assist in that cleanup, however, state law prohibits the burning of any debris that did not originate on the site. They were supposed to know the end of last week but Chief has not heard the final outcome. The judge is leaning toward the county on the cases, to include another case involving the foreclosure of the north lot property which they filed several years ago, and were awarded the foreclosure the middle of last week. So, the settlement, if agreed to by Minus Forty, the county will drop the foreclosure; if not, the County will move forward and take the property from Minus Forty and clean it up and sell it, or auction it as is for the next owner to clean it up. If they make the settlement agreement, we might stand a chance of getting something down the road. If they put it up for auction, our lien may or may not be valid. He urged Ian to get the lien filed last week, if he's legally able, since he finally got the notice from the post office that he had properly notified them; he's not sure where we stand on that. If the County forecloses, all that stuff is wiped clean in the foreclosure; we may be a little late to the game since it was awarded. Ian is looking into it and having conversations with the County Attorney, so we can find out where we stand there. Regardless, that property will be cleaned up in the next nine months and he has received word that the zoning is being changed back to what it was so that property will not be permitted to store horticultural will not be allowed to be stored on industrial property. Commissioner Cook states he thought we had directed a lien months ago. Chief explains the difficulty in notification deliveries as MW denied the service. Commissioner Ducrou asks, so Ian hurt us on this one then? Chief states he believes since the County already had the foreclosure in process, the outcome wouldn't be different. That's what Ian is working on with the County. Commissioner

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Ducrou asks how that works, if DEP has it that they have to have the property cleaned up within a year, and they can't get onto the property or have their equipment on the property, how are they going to get it cleaned up? Chief states Minus Forty had MW evicted, so Minus Forty would have to have the property cleaned up within the year. Commissioner Ducrou states if the settlement agreement was with MW wouldn't they have to clean it up? Chief states he doesn't know exactly how all that works out, but one party or the other is going to have to clean it up, and fortunately for us we haven't had any responses over the last few months. Chief asks if any one has any more questions on that, and hearing none, he assures the Board if he hears anything pressing on the topic before the next meeting, he will notify them. Chairman Mere calls for the next old business item.

- **Gas Cards** – Chief states as directed; we did get the new state contracted gas cards. We received three. One is in the possession of the captains in their safe, the other he has, and the third is in case someone is sent out of town or whatever. We have collected the old one from Lawhon's and have sent the letter requesting closure of that account. Chairman Mere calls for the next item.
- **Hurricane Tax Refund** – Chief states we are now receiving notifications from the Tax Collector pertaining to the Hurricane Tax Relief Refunds. The information they have provided is in the meeting packets and to date is \$2,170 from 15 applications from our district. He understands there have been a total of about 7,000 applications processed of a total of 40,000 applications received out of the 450,000 homes in the County. He feels optimistic, maybe as much as \$10,000 we might have to give up. Chairman Mere calls for any further discussion and hearing none he calls for new business.

New Business –

- **2022/2023 Budget Amendment First Appropriation** – Office Manager requests the budget amendment to increase the carry forward into the budget and since we now have much of the uncollectable receivables offset with an adjustment in the balance sheet, she requests we roll all excess revenues into the expense lines for reserves at this time. Chairman Mere calls for a motion to adopt the Amended Budget by way of Appropriation One, Resolution 2023-01. Commissioner Cook moves to adopt the Appropriation One Budget Amendment, seconded by Commissioner Ducrou. Commissioner Ducrou moves to adopt Resolution # 2023-01 Amending the Budget for fiscal year 2022/2023. Commissioner Hansen seconded the motion and with all in favor, motions passed.
- **Ethics Training for Board Members** – Chief notifies the Board that legislation has passed that requires the Board Members to take 4 hours of Ethics training each year, beginning with 2024. He will look into possible options for online training. Chairman Mere calls for any other New Business, and hearing none, calls for Chief Items.

Chief Items – Chief states the FRS legislation did pass, returning to some of the pre-2011 benefits as well as some new changes. He states the 3% COLA for retirees did not clear the Senate. The pre-2011 retirement age was reinstated to 25 years or age 55. Drop was increased to 8 years if you enroll in drop after July 11. HIS was increased to \$225 per year max or \$7.50 per year of service. Good benefits for the members but they will come

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at a cost to employers, for instance the health care subsidy went up almost ½ percent. So, he anticipates at least a 1.5% to 2% increase in employer expense. Hearing none Chairman Mere calls for Commissioner Items. Commissioner Ducrou points out that you want to be able to work less and retire, but you want to stay in the drop longer. Chief states they started with law enforcement and then the teachers, because they're having troubles with people retiring and filling positions. Chairman Mere calls for any other Chief's Items, and Chief has none but notes he did order the trailer for the Polaris with the extended height for about \$8,800. There's a bit of discussion on that and with no other Chief's items, Chairman Mere calls for Commissioner Items.

Commissioner Items –With no Commissioner Items offered and no public present, Chairman Mere calls for adjournment.

Public Input – None

Adjournment – Commissioner Cook moves to adjourn and motion is seconded by Commissioner Hansen and with none opposed, meeting is adjourned 7:39 p.m.