

BAYSHORE FIRE PROTECTION & RESCUE SERVICE DISTRICT
MINUTES OF THE BOARD OF COMMISSIONERS MEETING
May 13, 2025

Meeting called to order at 7:07 p.m. by Vice-Chairman Griffin

Invocation – MOS

Commissioner Griffin – Present
Commissioner Ducrou – Present
Commissioner Hansen – Absent
Commissioner Cook – Present
Commission Mere – Absent
Chief Doug Underwood – Present
Office Manager – Present
Attorney Ian Mann – Absent

Others Present: Some Public

Public Input Agenda Items – None

Minutes – Review and acceptance of the April 8, 2025 Board Meeting minutes – Motion made by Commissioner Ducrou to accept the minutes. Commissioner Cook seconded the motion. With no further discussion offered, vote is called and with all in favor, motion passed. Vice-Chairman Griffin calls for Acceptance of March 2025 Financials.

Financial Reports – Review and Acceptance of the Financials for April 2025 - Motion made by Commissioner Cook to accept the financials. Commissioner Ducrou seconded the motion. Vice-Chairman Griffin calls for any discussion. Hearing none, he calls for vote and with all in favor, motion passed. With no further discussion offered Vice-Chairman Griffin calls for Fire Marshal Report.

Fire Marshal Report – Chief Underwood states he has had rough inspections going on at the Terrawalk community at their clubhouse. That's all he has for the Fire Marshals' report. Vice-Chairman Griffin calls for any other questions. Hearing none he calls for the Administration report.

Administrative Report (attached) – Chief Underwood reads the Administrative Report into the record. He adds that since the report was written, Brush 132 which had a catastrophic failure of the pump. We replaced the motor on it shortly after we received it but the pump housing itself has failed and it's no longer serviced. He's trying to locate something that will work, but that's where we were with that. Vice-Chairman Griffin calls for questions, and Commissioner Ducrou asks why under inspections Terrawalk is in as Alva? Chief responds because it is east of 31. It has an Alva zip code. It is not in Alva Fire District but it is considered Alva. Vice Chairman Griffin asks if there's anything else and hearing none, he calls for Union Petitions.

Union Petitions –Vice-Chairman Griffin calls any Union Petitions and hearing none, calls for Old Business.

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Old Business –

Ethics – Chief states Office Manager has sent everyone their links and info to take their ethics class and reminds the commissioners they will need to do the ethics class annually. Vice-Chairman Griffin calls for any other old business. Chief Underwood states he apologizes but does wish to update on the legislative session and also on MW Horticulture. He begins with the Cary Duke Stewardship District was approved which includes Owl Creek and North Olga was approved for that development. Single member districts for the commissioners was approved so it will go before the voters, to only allow you to vote on those commissioners that serve your district. HB 749 now allows coverage for firefighters injured and permanently disabled during approved training events, just as if you were on a fire. The health & Safety bill passed though Chief has spoken with gear manufacturers and they have said that it is pretty-much impossible to comply with the language as it is written. They will not be able to produce gear just for Florida to comply; there are now 10 chemicals that are not allowed to be used in the manufacturing of gear and they are asking for an extension to provide them the opportunity to have the gear tested appropriately as they are working toward solutions, however, there have been performance issues. The law states chemical free and toxic free which there's no gear out there that complies. There's discussion on the changes with the diesel requirements as well as the discussion on the subject of 42-hour work weeks. Chief moves on to the property tax legislation. House speaker wants to reduce sales taxes, the Governor wants to eliminate property taxes, Senate wanted to work toward more homestead exemptions. The House in an effort to appease the Governor, has created a select committee and prepared a publication Property Tax in Florida publication (attached). Chief draws attention to the graph on page 3 which shows how little the Independent Special Districts has changed over the most recent 10 years (across the entire state). The graph shows Independent special Districts has taken some sharp drops, but is barely above 2004 and while municipalities has had fairly steady growth, Counties and School Boards have experienced significant increases over the same period. There are more constraints and governing oversights and less opportunities for Special Districts as we must go through voters to levy assessments and raise taxes. FASD is working on this and trying to get the ear of legislators to address this as the select committee is going to be looking at different ways to eliminate property taxes. Commissioner Ducrou points out that school boards went up 90% in the past 10 years and special districts went up 89%. The school boards started with a bigger number but the percentage is about the same. A lot of that is growth, but when you see 90% in 10 years, you've got to look at all sides. Fifteen years from now, where's it going to be? Can they afford to live here? There's a lot of people moving out of Florida now. Chief agrees, and states that it is the homestead exemption that saves a lot of people from the high taxes. As that discussion wanes Chief Underwood offers any questions and hearing none, moves on to the MW Horticulture/Minus Forty Technologies topic. Chief states he found out today, there is an ongoing lawsuit between Minus Forty Technologies and Paints and Coatings over easement access. The attorney that contacted us is for the people who are interested in buying the property but are leasing it for now and just

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starting to move in. They want to purchase the entire 5 acres and build a large building back there doing equipment rental and repair and maintenance. The problem is they can't come across the field because Paints and Coatings is refusing easement access that has been there for years. What Chief can ascertain is Minus Forty is prevailing on all motions so far. The Summary judgement was issued yesterday in favor of Minus Forty, which is not to say there won't be appeals, but when it is all resolved and they're able to move forward with the purchase, our lien will need to be satisfied in order to close the sale. Chief states he feels that is around the corner soon and it is in the final stages. Chief states that's all the old business he has. Vice Chairman Griffin calls for New Business.

New Business –

- **LCEMS Lease Agreement** – Chief states we are coming up on the lease renewal which is an autorenewal, if we opt not to change the terms; he adds that he has scheduled an executive session on the agenda in case the Board wishes to discuss the contract or we can move forward. Commissioner Ducrou and Commissioner Cook ask what Chief's thoughts are, as he works with them and knows what others might be receiving. Chief states he knows there are several departments that are renegotiating; Pine Island has been in talks a couple years; they finally had to hire an attorney to negotiate a contract. He believes they were requesting \$18,000 a year and he's not certain of the exact square footage they have, he feels it is about equivalent to ours when it comes to the common areas, the bunk room, the bay area; the square footage should be similar. Our contract allows for a two percent increase a year if we renew, if we decide to renegotiate, we can ask for a different increase; a couple of other departments are looking at CPI, you could use 2% per year as a minimum and base it on CPI. Commissioner Griffin asks what the 2% puts us at. Chief responds right now we're at \$12,947. Commissioner Ducrou asks if we've ever done a study, to compare what others are charging, so you can have comparables as far as square footage. Chief states they are using some local numbers and I know they're not what anyone else would be paying. He states he gets it, it's kind of an act of kindness or gesture to let them use it, but ultimately, it still costs Bayshore citizens to keep them here. They basically cover our electric bill; not that they're using all that electric... Commissioner Ducrou agrees, they aren't, but at \$24,000 a year is not what they could find anywhere else. Chief states he put out a request to all the Chiefs that actually do have EMS in their stations, of course Pine Island called me, South Trail does not charge anything, Boca does have a pretty decent contract, Tice responded; they are all over the board. They are taking the area and facility into consideration. He does know the county is pushing back really hard on any price increases on the leases they have. Commissioner Ducrou feels we need to get together with Tice and Alva and the Shores and come up with a reasonable rate to propose a standard across the board. Chief Underwood agrees all the fire chiefs should. He adds that Alva does not charge anything, Shores has a temporary contract for a 12-hour unit only, EMS is putting in a station across the street in River Hall. Tice has 1 unit. North does not any more. They have a stand-alone facility on North Station 1's property, and Pine Island has one in their station. Cape Coral has a contract with them, as does Boca Grande, Bonita, Estero, and

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Iona; and they're all over the board. Commissioner Ducrou suggests if you want a negotiating tool; any place that they have a stand-alone unit, where they're paying everything themselves, do a public information request and find out how much that costs them to fund that in a year. Then you can show the request is not unreasonable. Captain LeMieux notes that in another 4 or 5 years we are going to be negotiating with them in our station 2. Commissioner Ducrou states he believes they will be kicking in to fund the station. Captain LeMieux advises they have our land. Chief Underwood states they are building 4 stand-alone EMS stations and this one will be their 4th. Commissioner Ducrou states it was his understanding that we were all going in together, that it was going to be Sheriff's office, Fire and EMS. Chief states Sheriff's Office has not communicated any involvement. A year or more ago, Lee County said they have enough money to fund the whole project, we'll build it and just do a lease buyback. Chief explains because they own nothing for themselves, they get almost no impact fees. They get like \$50 a home. They are trying to build capital investment and infrastructure so in the future they can show how much it costs to service an area; because they can't use their leases with us to justify Impact Fees. Chief states now the plan is they build their side, we build our side they take care of their inside, we take care of our inside, and the outside is like a condo association. We own our half and take care of it and they own their half. Commissioner Cook can't remember if it was Tice or what Chief he was talking to but they said they built together and the initial payment went fine, but down the road it was a nightmare. Chief Underwood states the Iona one is owned by Lee County because they have the Tax Collector and the Sheriff's Office and Iona reached out because they needed a station. One person from the public is there and states it is Station 6, we own the land, they own the building. Commissioner Griffin asks, that land that was being donated to us is now owned by the County? Chief Underwood explains that that happened a number of years ago when he and Chief Nisbet had met with Syd Kitson and Larry told him he needed to communicate with EMS directly, and the Sheriff. So the County pretty-much started rolling the ball with their development order; and Chief Underwood got it increased to 3 acres from 2 so we could build a landing pad and maybe a training tower at some point. So, Kitson Partners donated the land to DOT and then it was turned over to Lee County for the build. Commissioner Ducrou asks if the County is going to donate part of that back to us? Chief Underwood explains, that was the plan that we were going to build it together and do a lease buy-back since we don't have the eight to ten million to build a 10,000sf station. So the County said they'll do a lease buy-back or some kind of agreement where interest free, we'll build the station and you can do a lease buy-back, if you have the money to pay up front now, we can do a fifty year buy-back; that was the initial conversation not long after Chief Nisbet left. So, everything has been delayed, they're still doing the plans for their first station. So Chief Underwood's conversations with Director Abes are geared toward dual ownership, we'll own our portion and they'll own their portion. Commissioner Ducrou states, we have got to have ownership in the land. We are not putting a building on someone else's land. Chief states if it went to a condo association, the land would go to the association name, and we would build our portion and they would build their portion, or the other concept is, give us an acre and we'll build a station. We'll build a station and do fire and EMS separate. They we also talking about this being a fallback

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station; more bunk rooms and more rooms like this (the training room where our meeting is held) to be able to facilitate moving people further inland vs. the North Ft. Myers Rec Center for staging. He states every time there's conversation, it's different, however, his conversations with Director Abes indicates they're still planning on moving forward and working jointly; and the Assistant County Managers also understand our financial constraints and want to work with us any way they can to make it as feasible as possible for us to move in there and still be able to support staffing. We can't afford a building payment with 8% interest and to staff it. If we have a building out there, we can't put anyone in, it's useless. Commissioner Ducrou states we couldn't afford a building with no percent interest and afford staffing. Actually, I think we'll have to get Ben and Kitson to front us the building and we'll have to try to scrape together to do the staffing. Us not buying it back would be part of their impact fee structure, where they front the building; because that was originally discussed with them too, because they knew that we couldn't..., even equipment... He continues, We're going to be here servicing that for the next five years, easy, we're not going to have anything out there; and I'm not going to be wanting to string us out on a 50-year loan; that's crazy. Chief Underwood states that the Impact Fees is how we'd make that payment. Commissioner Ducrou points out that you're banking on future growth to make your payments on that; if it slows down... Chief Underwood states, yea, in a 50-year period, if everything grows out, you have projected 3 or 4 million in impact fees. The Board is over the 50-year discussion. Commissioner Griffin asks how's the Charlotte County station built right there now? Chief states way back when, Lee County said they wanted nothing to do with Babcock, so they started on the Charlotte County side and the County got them, in lieu of impact fees, to buildout, he believes 4 shells, and the county was to do the interior buildouts. So they were to provide the land, utilities, infrastructure, and shells; and the county would do the interior buildout, provides all the equipment and stuff needed for the station. Also, an ambulance that was included in that and maybe an engine and a ladder; but that was in lieu of impact fees, so Babcock is not paying any impact fees to Charlotte County. However, with today's impact fee rates, it would cost them way more money to build a station and provide an engine than they would pay in Impact fees. Because we talked about that, but because of the cost, and it was way too far, too late, in our last conversation when Chief Nisbet was here, it was already past the deal, where there was no "in lieu of impact fees". We didn't have the ability to negotiate; costs were too high at that point. Commissioner Ducrou states he feels our negotiating tactic is going to be "we're going to be servicing your area from here". Because we don't have the ability to build anything, because we don't have the moneys, it'll come to the point where they're going to say "we have to do something for the District to make it happen". Commissioner Cook asks "I was out there the other day, and wondered are we going to run out there to just the one street? When it's all built out, you're going to have a station for Bayshore here and a Charlotte County Station and it depends on where you live? Chief explains that Charlotte County is close to the county line and ours is further south, close to Shirley. Towards the end of this year, we are going to have better technology to communicate with Charlotte County, so dispatchers will be able to send information over a console to Charlotte County dispatchers and the closest unit would be able to respond for the high priority calls. Commissioner Griffin states well that just knocks

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us down on being able to negotiate because they have them to run it. Chief Underwood states that just before Chief Nisbet left, that's a conversation he had with Charlotte County and Babcock, that they would just run the whole area; but county line cannot cross county lines. Commissioner Ducrou states the good news is closest unit response, they'll be running the calls and we can collect the impact fees and tax money and try to save that to try to help grow something up there when we have the ability to do it. There's some discussion about them becoming a city or their own special district, but Chief Underwood points out they wanted nothing to do with fire, EMS or Sheriff duties; only utilities infrastructure. They can always change their mind as they are a special district so their boundary crosses county lines. But Charlotte County cannot operate here unless we have an agreement to do so. Captain LeMieux states he is just thinking we need to keep in mind that we may have to negotiate arrangements for up there and they will hold the cards. Commissioner Ducrou suggests that at minimum we should go back to the term of the contract and look at what the cost of living has been compared to what we've gotten, at least start with what that difference is, because that's your break-even number. Chief states that's why he would go back to look at the CPI and put a clause in there for 2% or CPI, whichever is greater. Chief states he will get some more information for the board.

- **July Board Meeting** – Permission to cancel. Commissioner Ducrou moves to cancel July meeting. Commissioner Cook seconds the motion and with all in favor, motion passed. Vice-Chairman Griffin calls for Chief Items

Chief Items –. Chief thanks the board for permitting him the use of the vehicle but it turned out not to be necessary; but he appreciates the consideration. He announces Ft. Myers Beach has a couple Conex containers for \$1,500 each and as previously discussed, he had wanted to create a training facility on-site and wondered if the board wished to take advantage of the special pricing being offered so they would be on-hand for future use. Site prep would have to be done as well as possibly some engineering and design. It is decided to hold off as they would need to be brought here and we are not equipped to store them above flood level until such time as their use. Chief inquires of the board with regard to the November board meeting, as it will fall on veteran's day. The board is fine with meeting that day.

Vice-Chairman Griffin calls for any other questions and hearing none, he calls for Commissioner Items.

Commissioner Items – None. Hearing none, Vice-Chairman Griffin calls for Public Input.

Public Input – Hearing None Vice-Chairman Griffin thanks the public for attending and calls for Motion to Adjourn.

Adjournment – Commissioner Cook moves to adjourn and motion is seconded by Commissioner Ducrou and with none opposed, meeting is adjourned 8:25p.m.