

BAYSHORE FIRE PROTECTION & RESCUE SERVICE DISTRICT
MINUTES OF THE BOARD OF COMMISSIONERS MEETING
April 10, 2018

Meeting called to order at 7:05 p.m. by Chairman Hansen

Invocation – Commissioner Hansen

Commissioner Hansen – Present
Commissioner Griffin – Present
Commissioner Mere - Present
Commissioner Ducrou – Present
Commissioner Cook – Present
Chief Larry Nisbet - Present
Office Manager - Theresa Sharp - Present
Attorney Ian Mann – Absent

Others Present: Some Public

Minutes – Review and Acceptance of the minutes of the February 13, 2018 Board of Commissioners meeting. Motion made by Commissioner Ducrou to accept the minutes. Commissioner Cook and Commissioner Griffin simultaneously seconded the motion. Chairman Hansen calls for questions or comments. With no questions or discussion and none opposed, motion carries.

Minutes – Review and Acceptance of the minutes of the March 13, 2018 Board of Commissioners meeting for which there was no quorum. Motion made by Commissioner Cook to accept the minutes. Commissioner Griffin seconded the motion. Chairman Hansen calls for questions or comments. With no questions or discussion and none opposed, motion carries.

Financial Report - Review & Acceptance of the February 2018 financials. Commissioner Griffin and Commissioner Ducrou simultaneously move to accept the February 2018 financials. Commissioner Cook seconded the motion. Chairman Hansen calls for questions or comments. With no questions or discussion, and none opposed, motion carries.

Financial Report - Review & Acceptance of the March 2018 financials. Commissioner Mere moves to accept the March 2018 financials. Commissioner Griffin seconded the motion. Chairman Hansen calls for questions or comments. With no questions or discussion, and none opposed, motion carries. Chairman Hansen calls for Fire Marshal and Administrative Reports.

Fire Marshal and Administrative Reports (attached) – Chief Nisbet states he will do the Fire Marshal and Administrative reports for March and April concurrently. He reads the March Fire Marshal report for February activities into the record. He reads the March Administrative report into the record. He asks if there are any question on these two reports. Commissioner Mere asks what we are seeing in call volumes compared with last year. Chief Nisbet responds the

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levels are right where they were last year. Commissioner Cook asks how the house is coming (he refers to the live burn house). Chief Nisbet states the DEP inspection is completed and the asbestos abatement is completed and he and Chief Manson will be meeting tomorrow morning about how were going to schedule it, but as dry as it is, we're not going to be able to do the burn until we get some moisture in the air. Commissioner Cook asks where it is at. Chief Nisbet responds "West Samville Rd. almost where Hagee used to live." Commissioner Mere states "you could work multiple fires at the same time as dry as it is." Chief Nisbet laughs, "Yeah, that doesn't pass the headline test." He continues, there was no Fire Marshal report for April, so he reads the April Administrative Report into the record. He calls for questions. Commissioner Mere asks if we have any idea how much we should be getting back from FEMA (for Hurricane Irma). Chief doesn't recall the exact number (it is found to be \$26,175.56) He states the only thing they questioned was the Peanut Butter and Gatorade which was \$120 and once we explained it, their reply was "ok". Hearing no further questions or discussion, Chairman Hansen calls for Petitions/Public Input.

Petitions before the Board/Public Input –Chairman Hansen offers to allow the public to address the Board with their questions at this time. John McCarthy is up first. He states he has a business in the industrial park by the lumber yard near where that giant "refuse" pile is. He states "my concern is, it caught fire a few weeks ago. My business is located just a couple hundred yards from there. Every morning when we go in there we smell burning smoke. You can smell it very strongly, especially when the wind is blowing. I realize that the fire department, your position is to prevent and respond to fires, not the particulate the matter they put into the air. So I won't address the horrible effects they have of dusting and the pollen they inflict upon everybody around there. But what I'm really concerned about is the gigantic pile of combustible material that's stacked there. The business that I have, it's steel building, it probably wouldn't go up in flames, there's residential houses just as you turn off Bayshore Rd. there, the pile behind those houses, I don't know how those houses, I don't know why those people aren't here. The pile behind those houses must go 60-80 feet into the air. The odor, the pollen and the dust from those is unconscionable; and my big concern is, who authorized these people to put that gigantic pile of combustible material. I grew up in Iowa where farmer's hay bales and hay piles, just from natural decomposition, every now and then, would just go up in flames. And I see it there and that's what happened a few weeks ago. So, that's my main concern and I'm just wanting to address that, I don't know what authority you as a Board have, but I'm really upset; I wanted to come down and express my opinion. If that pile goes up and those houses go down, there's going to be a lot of people on tv. It won't be pretty. And I just don't understand the logic; I know when they first started we complained about it, because they were mulching all this c__p. And the dusting was incredible. Every two or three days we'd have a thick pile of dust all over everything and we complained to, I think it was the EPA or one of the County

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EPA; and they said “oh, they’re not supposed to do this or that and they can only stack so high”, well after the hurricane, they must have waived those regulations because now they’re stacked like crazy and it has just gotten worse. And this is my neighbor here (he indicates the gentleman next to him), he’s in the business right next to me and I think he can confirm everything I’ve said, I’m just wondering, what can we do?” Commissioner Cook asks “What can we do; Chief?” Chief Nisbet responds “actually, I’m glad you gentlemen are here because...” Commissioner Cook states “He’s very aware of it.” Chief continues “we’ve been dealing with this for some time. Myself, Captain Underwood and the DEP inspector, we were out there a couple weeks ago, after the fire. The fire we had a couple weeks ago was a hurricane debris pile fire. It wasn’t in material they had processed yet. Which we were unable to determine the ignition source because of the amount of dirt we had to push in place to extinguish the fire. I can back to that in a second because we deal with fires. The reason...and we have concerns over the size of the pile, we have concerns of the pile being in the area; and we contacted the Florida Department of Environmental Protection. We also contacted Lee County Code Enforcement Agency. And we also contacted the Lee County Attorney. And what we found out is, because the Governor has declared a state of emergency, which is still in effect for the State of Florida, hurricane debris removal... and the County still has a state of emergency, and stuff along those lines, they are permitted to have these piles as long as they need to, to get them processed. I have a County Attorney’s opinion that the Governor’s declaration of emergency supersedes all local ordinances and policies. If it was inside a building, we would have a life-safety issue, we would have a lot more teeth to stand on. Being on the outside, we don’t, even though I realize, and we have pre-planned that if a fire breaks out in that pile up near, I believe it’s Howe Avenue, in that area, we’re immediately going to a second alarm if we get dispatched to that location, to get some aerial trucks in place to protect those structures. The fires we have had in there, MW Horticulture has been a cooperator with us, very heavily, putting fires out, and honestly, their efforts; that night that we had the fire in the debris, a couple weeks ago, their effort that night kept that fire from going any longer than it needed to go because we had a full extinguishment the next day. Once the Governor allows the declaration of emergency to expire, they will have 30 days to have all those piles down to 25’. That’s the fire code, 25’. But as far as County land use, stuff like that, that doesn’t fall into our aspect of it, that falls into County Code Enforcement’s areas of responsibility. We can require by code anything that’s required for fire activity, but for mulch plants or composting facilities, fires are not an uncommon thing, I don’t doubt that you smell smoke every morning when you go in there, and they probably have 10 fires compared to the one that we get called to, that they extinguish with their backhoes, and turning their piles, so, I share your frustration. I’m very concerned about that pile as well, especially the one that you’re talking about; we met out there with the DEP inspector two weeks ago, with the owners of MW Horticulture, and we had to give them 30 days to come out to re-evaluate it. Our goal was to get that pile down to at least a

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manageable level. I don't see the governor lapsing that state of emergency until the keys get cleaned up and from what I understand, there's still a lot of debris down in the keys; and he can't do it County by County, he's limited by legislative power, it's all or nothing. Unfortunately, that's got our hands tied right now. So, we're on top of it and we're out there as much as we can; I do know that MW Horticulture reached out to us, and they've also got an ad in to put a fire watch up 24 hours of somebody on the property, I don't know if they've got somebody hired or not, so unfortunately, our hands are kind of tied right now, but as soon as that order is out, then they have 30 days to get back into compliance with county code ordinances and fire prevention. Commissioner Hansen asks "So as far as who allowed them to have it there, they'd have to go to County Commissioners?" Chief Nisbet responds "yes, it would be County Commissioners, because they... when they first applied for the use clarification, based upon that use, the only thing we provided is, if we provide fire protection there and if we would be able to respond there, which, of course, we could handle. But anything going on with that property that is not within that occupancy order, that falls under County policy." Commissioner Cook states "code violation" Chief Nisbet states "County Code Enforcement; and I know the County got on them prior to Irma, about pile heights, and they're now using drones to measure heights; in all the finished material, the stuff they're putting together, the compost, and the finished mulch. All those piles are currently at pre-Irma level so they're at the 25'. They use an altimeter on the drone. That's how they figure it out." Commissioner Ducrou asks "so they're actually mulching on site?" Chief Nisbet responds "we believe they are, yeah. Well, they are actually grinding on site, which, from what I heard, that wasn't supposed to be permitted out there, but I think that the County is, and I don't want to speak for the County, but I think they're doing that in an attempt to get as much of that material out of there as quick as they possibly can, so, I don't know if they are allowing that, I just don't know if it's really being looked at." Commissioner Griffin asks "Are they still accepting stuff there every day?" Chief Nisbet states "well, they are a business, I mean what they do,..." Commissioner Griffin states "I'm looking at it, it's not gonna ever go down if they keep..." Chief Nisbet states "I agree with you, but they've got a couple things that are working against them right now, they've got an over abundance of debris, but they also do different things with their materials, and I'm just speaking from what I've learned from the place, so we wouldn't have any control over whether they take in any new material or not, again, that's the business, but they have hard woods that they sell to the restaurants for their hardwood ovens, they have composting material. One of the things I think that hurt them was one of the news agencies got on there and told the public not to get that kind of mulch because it was junk mulch and it was going to bring bugs around their house and stuff, and they saw their mulch sales immediately drop right after that. I believe they've opened up a depot, I don't know where the location is, to put some of that material to get it off site. And of course, once they get that pile down to move, we want them to move one of the piles off the interstate so when people are going down and they see hot steam or smoke coming off one of those piles, we don't get called. And this

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isn't the only location that we're having problems with in the county, San Carlos Park Fire District is dealing with the same thing, same owners, they stepped up helping the County with the hurricane debris and stuff along those lines and they're dealing with a lot of those same issues, both agencies are in the same boat. We're very limited, if anything." Commissioner Ducrou states "yeah but the other locations for the County, they're still not running, they've ground up what they had and they've hauled it off site." Commissioner Cook asks "where'd they haul it?" Commissioner Ducrou states "different places, power plants take a lot of mulch, they'll burn it." Chief Nisbet states "Commissioners, I don't have an answer for you on that." Commissioner Ducrou states "I'm just saying, if they're going to treat everyone equally, I know the state of emergency is still there, but these other locations through Collier and Lee County, that when they set up these temporary FEMA Processing sites up, they're done, you know, they close them." Chief Nisbet states "well, I know that we're dealing with something on Cape Coral right now too, on Veteran's Parkway or off Veteran's Parkway, I know there's a..." Commissioner Ducrou states "That was not part of Irma, it was dropped for the beautification, some landscaping aspect, so it was staged there to be dealt with last Friday, I saw the news report, but it wasn't part of what people left after they ground it. My issue with the grinding is that's where probably a majority of this particulate matter is coming from." Chief Nisbet states "unfortunately Commissioners, we don't have a legislative, that's out of our legislative authority." Mr. Payne of the public states "If you don't mind, I just want to interject on that because it's about the same topic, obviously. The fortunate thing for me is Mac is on the side of me to protect me from the fires so I'm pretty well protected in there, his side would go before mine, but I think our question is, probably more than anything, how do we help you guys get this stopped, and I know there's a limit to what you can do, without someone chopping your head off, so to speak, so you know, can we get together with some commissioners and get some pictures together and show them this mess, I mean; there's several concerns to me is first of all, it ties up all the resources, and it's, the last time we had this big one over here, and we saw what it did to the highway, people looking; and how it didn't cause an accident, or if it did, I'm not even sure, but it stopped everything; slowed it down, you know you've got whatever supply you've got over there, we've got a helicopter flying in, sucking out of the pond and flying around that tower, that came from Charlotte County, and those are things I think are totally unnecessary, besides this mess that Mac's talking about, I mean without a doubt in my mind, unhealthy, I lived behind that stuff behind a mulch plant and a fire station and it was brutal, I was glad I retired and got away from that. Now I'm back in it somehow. So, I'd really like to see that go away, but I guess I can understand what's happening on his site, better than I can now he has spread all around this lake, and that stuff, there's no end to what they're bringing in here. If that piles not 60' high, I'd be shocked. It's ridiculous, and I don't think that anybody with any common-sense downtown, if they saw it, would say this is acceptable." Commissioner Hansen states "Maybe they haven't seen it." Commissioner Cook states "it's almost like if they've got so much stuff they

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can't get rid of it, they almost need to stop bringing it in." Three people are speaking simultaneously now. Chief Nisbet states "Commissioners, that gets into the operation of the business now, everything we're discussing right now, really falls under County Code Enforcement." Commissioner Mere explains "Our jurisdiction is really limited as to what we can do." Three people all speaking at the same time again. Commissioner Cook states "I'd say a County Commissioner would be the person." Chief Nisbet states "the letter I have from the county attorney, states specifically because they are accepting debris removal items..." Commissioner Ducrou asks "currently they are saying they are accepting debris removal items?" Chief Nisbet states "I don't know what they're saying, I can't speak for them" Commissioner Ducrou asks "what the county is saying to you". Chief Nisbet states "well the county said because of the state of emergency, because that's still in place by the Governor, that because, from what I understood, because they took hurricane debris there, it's like they've taken all these piles in, they've got to process them to get them down. We had, what was it, 1.4 billion cubic feet of debris." Commissioner Ducrou corrects him "yards". Chief continues "the most they've ever processed before. If the County would have allowed the burn regulations to relax a little bit after Irma, like we did with Charlie, we probably wouldn't be dealing with as much of a mess as we're dealing with right now. But we are because they said they wanted to grind and chop everything. So, this is where we're at. Right now, we've been keeping the county updated, Dan Notte at County Code Enforcement, everything that we're doing out there, going back out there in 30 days, but when I see an inspector from DEP, who I know very clearly, who is, very tough, would be about the best way to put it, when she tells me she has no room to wiggle or she has no jurisdiction or she can't do anything, it pretty-much tells me that is the way it is right now until that state of emergency is relaxed. And that's a state agency, with a lot more teeth than I have." Commissioner Cook states "it's just a huge problem over there." Chief Nisbet agrees, "and I will tell you right now, I am scared to death of a fire breaking out in that pile." Commissioner Cook states "just think if they walked away from it right this second. Just think if they walked away from the place and said "hey, we're done" It's happened before. People just leave that and now you're stuck with this big huge mulch pile that they couldn't get rid of, now how the heck does the County get rid of it? Burn it, that's basically all you can do. You know, it just sits" Mr. Payne states "those issues are one thing, but if that thing does cause a big problem, it shuts down all those businesses in that park because all these roads are going to be blocked off and it stops, luckily this happened on a weekend so it only blocked up Saturday and Sunday during the day. All those businesses that are in there operating, to me, that's where we need to get some people and the commissioners involved to get a stop put to that. They need to get that under control. They're just running like there's no tomorrow bringing stuff in. I don't see it going out. I don't know about you Mac." Mr. McCarthy agrees, Mr. Payne continues "I see it coming in, a lot, but I don't see it going out." Commissioner Ducrou states "but, it sounds like as long as there's a state of emergency, they're playing the games. If DEP can't do

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anything, the County's not going to be able to do anything. Once that state of emergency passes, I'd say the county can force them to go to that 25'. On construction sites, even when we have a lot of dust with truck traffic, I've seen them make them put up 10' high visual and dust barriers to try to mitigate some of that; and that's what I would say would be a thing to pursue with the County. You know, they're the ones that are going to be able to enforce that kind of thing. I think your biggest ally is going to be, you know that fires occur there, when they happen, get the media involved. Let people know about it, what kind of an issue this is, because that's what usually turns the popular position." Mr. Payne states "I'm pretty sure that's probably where we're headed next, that's one of the reasons I came here was to give you guys a heads up. I know there's only so much you can do, but it's unlimited as to what we can do." Chief Nisbet states "as you go on to the County, we've probably provided them with a lot of help, I'll provide them anything they need to have, I'll even provide a letter of concern if they want, that's no problem." Commissioner Hansen states "and all of us live here, we all see it, every day." Mr. Payne adds "one of my biggest things too is, all of the resources are tied up when that happens, how long does it take for someone to actually get help in this area." Chief Nisbet states, "well, when we get tied up on a fire like that, one of the things with computer aided dispatch, is we move someone in immediately, and we've gone to automatic mutual aide, and we map coverage, so we're very good with resources, so if we have resources tied up there, on initial response we have someone here standing by. As an example, when we went back out to that fire on the second day, we had two trucks out there but our engine was available for response and we had a strike team of brush trucks from other agencies come in and help us finish that up." Mr. Payne states "I saw them all out there, and I'm well aware of more than one big things going on, we tie up even more resources, then eventually, we wind up with nothing. I just think this is something that is preventable, and somehow, we need to prevent this from happening. Especially with it backed up to houses over there where there's no way to do anything with it, there's no way to get in there and spread that out at that point. It's going to be a big deal." Commissioner Cook asks "Do we have any kind of fee, for responding there on a regular basis like that?" Chief Nisbet responds "Well commissioners, I actually looked at charging for suppression costs on the last fire, but when we left the fire, the fire was still actively burning, we had it contained, my crews had already worked 6 hours, heavily, and I knew the fire was going to stay on the property, MW Horticulture had all their employees come in, and heavy equipment and heavy dozers, and they worked throughout the night covering up that fire and extinguishing it; pretty much taking a 3 day fire down to about a 16 hour fire; so I didn't feel right charging them for suppression costs on that one, because of the hard work that they put in and what that must have cost them. And I know that while they were doing that, they lost an excavator they were renting that caught on fire." Commissioner Cook states "so it is getting into their wallet, at least." Mr. Payne states "one of the things I'm concerned about, is there any limit to how big they can build this; every day they're just bringing in more trucks and trucks of this

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stuff. The piles and those houses..." Chief Nisbet responds "according to the county attorney, I just looked that up, the answer would be no." Commissioner Mere states "not right now, because of the state of emergency. Without the state of emergency, yes there's a limitation, but right now, there's not." Commissioner Hansen states "and they know that." Commissioner Cook states "because they're charging for every pound you dump, right?" Commissioner Ducrou states "I would think that the state of emergency only covers what they collected during the hurricane period, that's identified as that, that they couldn't keep collecting..." Chief Nisbet states "I don't know on that." Commissioner Mere states "I think that would be virtually impossible for them to try and dictate that, what's pre... what's from the storm and what's not from that storm, I still have trees down from the storm." Chief Nisbet states they have a subcontracting relationship with Florida DOT, which probably tells me that's some of the material coming out of the keys, whatever it is, to open those roadways and stuff down there, because they still have issues down there." Mr. Payne states, that stuff coming in there is local stuff, I can assure you. They're blocking the roads, that's local junk from these tree trimming companies and even small guys are in there, dumping trailers, they're lined up in there every day. Not down at the plant, as much as they are down by these houses. They've got somebody out there guarding the gate so that they can keep bringing them in. And if you go out there right now and you look, you wonder where's it going next, where can they possibly put this stuff? They've got this excavator on the top of this hill that's 60' tall." Commissioner Cook states "it probably looks like all the aluminum they're bringing into Garden Street. They just keep stacking it higher and higher and you're like, where they gonna keep putting all this?" Commissioner Ducrou states "I tell you, I think some of that is being caused because for all the area in the Cape and Pine Island, used to have a horticultural acceptance, Cape recycling, and they closed. So everything now is coming off the Cape and Pine Island and coming this way. Very limited options." Chief Nisbet agrees, stating "yeah, they went out of business." Commissioner Cook states "it's the same way at the incinerator; The County incinerator's the same way." Chief Nisbet states "I do know that MW Horticulture is working on an additional staging location or an additional staging site where some of this may get moved to, off of Zimmel Rd. And they're working with permitting in Charlotte County right now, we did hear that a couple weeks ago, but I don't know what the status of that is. Unfortunately, Commissioners, my hands are tied, I can't make this any clearer, the best place for these gentlemen to go to is down to the County and talk to Code Enforcement, if not talk to County Commissioners, talk to the County Manager Roger Desjarlais, just to make sure they are aware, but unfortunately, I think their hands are tied significantly until the Governor's Executive Order relaxes. It's an unfortunate position to be in, and as the fire Chief, I'll be the first one to tell you, I am flat terrified of that pile on I guess what would be the west end of that." Mr. Payne states "if it gets going." Chief Nisbet states "if it gets going, I'm bring in the world to try to hold it. I'm telling you right now, I'm calling the world." Commissioner Hansen state "it sounds like the best suggestion is go ahead and get your

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pictures and that..." Commissioner Cook states "I'd say yeah, tell them trucks coming in..." Mr. Payne states, "I think we have plenty of that already, I kind of wanted to give you guys a heads up that that's going to take place." Commissioner Hansen states "and we appreciate that." Mr. Payne states "somehow, you've got to get a stop to that, and they don't seem to want to stop it, so let's do something to protect us all, that's my opinion." Commissioner Mere states "I think we all agree with your concern, it's just what our limitations are." Chief Nisbet states "I will say this, the documents I was looking at, they were actually, at one time given a stop order by the County not to take on any additional stuff, and they had to rescind that within 72 hours, because of the declaration." Commissioner Cook states "So the County already tried." Commissioner Griffin states "see that's what doesn't make sense to me, I can understand them taking in the debris from the hurricane and all that, but where'd the limit go? Do we start putting it in the streets, you know, you've got to stop and get rid of it at some point." Mr. Payne states "well that's just it, we've kind of pushed out of the commercial area, in my opinion, now we're in a residential area doing it, and they keep piling it up. I'm thinking if you tried to pile your own pile back there they'd put a stop to it. These guys are just unlimited." Chief Nisbet states "I will say this, where the majority of the pile is, that actually falls in a commercial zoned area but there is spillover into a residential property line which they were supposed to be addressing last week. I do know that." Mr. Payne states "well they're sitting right on the residential property line as you go in there now on that other street that you're talking about." Chief states "Howe". Mr. Payne states "that might be zoned commercial on the edge of that, but if that pile gets off, and you'll have a good time trying to keep it away from those residences." Chief Nisbet replies "yes, Sir, I'm aware of that." Commissioner Cook states "I think you've got enough concerned people around there to do something though." Mr. Payne states "I think there's a lot of people just in the park alone that are kind of looking for somebody to help figure out how do we deal with this." Commissioner Hansen states "Chief said if you need a letter of concern, he can work you up something like that you said, (he turns to Chief) right?" Chief Nisbet states "Well, actually, what I would do is if County asked us for information on where we're at with our fire codes and that, we'll let them know where we're at, but we've already addressed the County with concerns and already provided them several e-mails on that." Commissioner Ducrou states "I say don't burn down Nortech". Mr. Payne states "I was surprised those guys aren't around, because these guys are trying to paint boats over there, and they've got that dust in the body shop over there, that stuff's so fine, man, it just sheets everywhere; in the building, over all the vehicles, it's just crazy." Commissioner Cook states "well yeah, there's a couple body shops over there. There's one right across the street from it, basically." Mr. Payne states "that's all I want to take up of your time." Chairman Hansen apologizes "I'm sorry we can't be of more help." Mr. McCarthy states "well, we got a start, that's the main thing; a slow start, but we've got to keep pushing." Chief Nisbet states "and Gentlemen, if anything changes, if I hear of anything or anything changes, I'll make sure and

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let you know, I'll make sure I let you know." Mr. Payne states "I appreciate that." Mr. McCarthy states "and if there's anything we can do as private citizens to encourage our Bureaucrats to act a little quicker, let us know." Chief Nisbet responds "like I said, we've got about 2 more weeks on the 30 days that we were working with DEP, let me see where we're at with that, when that goes on; we may talk after that." Commissioner Mere suggests "you need to get a petition of all the people around there too, for when you do go down to the County; so that they understand that it's not just 2 people that are there, it's everybody that's concerned about it. Both the residences, as well as the other businesses. Quite frankly, you go to some of those people, like Nortech and those guys and they're sitting there saying, "hey we're painting half-a-million-dollar boats and we're having to fight with this". It kind of tells a little bit more with their grinding and everything else, what problems it's actually causing to everybody there." Chief Nisbet states "actually it might be beneficial to talk to some of our state legislators on this, because of the state of emergency that's been signed by the Governor which apparently is tying the County's hands, which is why they can't let theirs lapse either. It might be something that our local state Senators and Representatives may need to be aware of because one of the subcontracting agreements is with the Florida Department of Transportation on debris; so that might be." Chairman Hansen again thanks them for their input. Anything we can find out or if there's anything we can help you out with, we'll let you know." The gentlemen agree and thank the Board and staff for our service. They also ask that Chief reach out to them if there is something they can do. Chairman Hansen asks what Mr. McCarthy's business is and he states he sells robotic car wash equipment. Mr. Payne has an air conditioning business. They again mention the respiratory effects of the grinding processes. They thank us again for listening to them. The Board and Chief express thanks again for their input and invite them to come again. The gentlemen depart. Chairman Hansen calls for Union Petitions.

Union Petitions – None, hearing none, Chairman Hansen calls for Old Business.

Old Business – Chairman Hansen calls for anything in old business.

- **Line of Credit Documents** – Chief notes they are not yet ready.
- **Straw Poll** – Chief Nisbet states "in the administration report I discussed the Legislative Delegation letter to the County Commission requesting a straw poll consolidating all fire departments in Lee County into one Independent Special Taxing District was sent to the Chairman, let me step back a little bit on that, in October of last year during the legislative delegation meeting here in Lee County at Edison College, at FSW, Representative Matt Caldwell brought that question to bear. At that point, a lot of Fire Commissioners from different districts, including myself as President of Lee County Fire Chiefs, spoke, asking what was the intent of the straw poll, and if it was going to be, number 1

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as Chapter 189 declared, District Specific, by district, and the study that was required for 189... , there's a lot of steps that had to be taken care of and we, our concern was, what was the plan. And of course, our question at that point was, was the Lee County EMS agency included in that consolidation, as well as the airport. Those were two areas that weren't identified. The Representative stated he just wanted to ask the question, but it to bed. Everybody voted for it, and it moved on, so we figured it would be a local bill, it goes through the process in Tallahassee, just like any other local bill does, never happened. Because at that point we could have had, we could have discussed the ballot language, we could have made sure that 189 was followed and that we had the answers. Again, the problem was not the straw poll, the problem was the straw poll without a plan and not being specific to 189. We were concerned about legalities. Also, the legalities of including the cities into this. So, they didn't do anything in Tallahassee, they adjourned this legislative session, and Representative Dane Eagle took over as the Chairman and cleaned the slates off and a letter to the Lee County Chairman of the Board. So, as it went to Lee County Board, I got contacted, we got asked to come down to the meeting, same topic we discussed at legislative delegation meeting we discussed at the Lee County Commission meeting. A couple questions came up in the County Commission meeting which were of additional concerns. One of the things was, the County Commission thought they couldn't include the cities because the cities have their own legislative authority to provide the services they want to within the city. There was a lot of discussion about the concerns about well then does that take it away from the intent of the legislative delegation and then does it now become the County's straw poll. So, more and more questions opened up, they have now sent a letter back to the legislative delegation asking for clarification and we'll see if they get a response in time to place it on the November ballot. If they don't, I would say it is probably dead for a while. If they do, then we may have a straw poll. Mr. Chairman, I would expect for you to be contacted by the Florida Association of Special Districts soon, probably by their attorney Terry Lewis because if there are certain items that aren't identified as the intent of what the legislators intended in this, then FASD's going to have some problems with it. And if it goes the way the legislators are intended, then Cape Coral and the City of Fort Myers are going to have some problems with it. Either way, the best thing would be to let it die, and if you want to ask the question, ask it again, but ask the question after you've done the study. Ask the question after you have a plan to move it forward. And they just want to ask the question. And in my opinion, they just want to ask the question and then if it's successful, they want to put it back on us, all on the County Fire Districts to do it." Commissioner Cook agrees, "yeah, to get it done, you guys get it done." Chief Nisbet continues, "and then of course, here's the thing, and this is the part where I really have some difficulty with this, Chapter 189 talks about all these plans and everything has to be identified, before you merge independent special taxing districts into one district. So, they're expensive. When we

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actually looked at this, the DMG study in, I believe, 1997, that study back then, I want to say, cost..., well, it was over \$200,000. That was then. I don't even know what it would cost now. But my concern is, we get the straw poll, we go through this, we put this big package together, county-wide consolidation, we have the vote, one district has to say no. Because each vote has to be independent district specific. One district says no, and it's done. It's easier for us to merge districts together." Commissioner Cook agrees, "yeah, and a little bit of time. We talked about this years ago." Chief Nisbet states "and that's what Collier's done. But Collier's merger has not gone very well either. They're dealing with some legal challenges. They're dealing with some issues right now. And they don't know how it's going to end up. I just wanted to keep you apprised of what it was and so I know that... The News Press did a very good job of quoting me, they didn't come interview me, they pulled it off the tape, so I thought they were very fair. But it was specifically just asking the questions, and of course our thing was, are you including the EMS agency in this. Because if you're going to do it, let's do it right. All or nothing. And also, Local 1826 is working very closely with the fire chiefs on this. Any questions, any concerns?" Commissioner Ducrou asks "to ask the question to get the feel from the public on what they would like to see, just strictly asking the question, what does that hurt?" Chief Nisbet responds "we have a 20/20 program right now just by asking the question. That never went to a referendum. 20/20 is a county program with an 84% approval rate, by the voters; on a straw poll. It never went to a legislative vote." Commissioner Cook states "and they never stopped it." Commissioner Ducrou points out "the taxpayers voted on it." Chief Nisbet states "they voted on a non-binding straw poll, so the County started a program." Commissioner Ducrou states "ok, so the County took the input from the citizens and decided to follow it." Chief Nisbet states "it's a program that could actually disappear tomorrow. They used that as a binding vote, that's actually one of the areas the county commissioners are concerned about with this straw poll; that if they're the ones that push this straw poll out and we have such a large return to do this, then it's going to be expected upon the county commissioners to foot the bill for the study. That's one of their major concerns." Commissioner Ducrou states "it just seems like we want to bury our heads in the sand. I say ask the question. If you total all the fire department budgets together that's a huge number So, paying for a study, even if it's three times the amount it used to be, collectively with the districts, it's do-able. I'm just trying to figure out, it seems like, half the time, this is what I heard last time, "well our fire department is different, we're special, we do things differently, fighting fire here is completely different than in Iona." Which is a load of s__t. So ask the question, let the people that we serve tell us if they would like that. If they would like to go down that road. If it's not possible, then we can explain that, why it's feasibly not possible. But I get so frustrated with the fact that it just seems like we so nicely fight this tooth and nail. We're so politically correct in our answers about it. But it's ugly and I don't know why, because in '97 I was for it. The Union was for it." Chief Nisbet states "I was for

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it.” Commissioner Ducrou continues “there will be growing pains.” Commissioner Cook agrees “there will be.” Chief Nisbet states “understand Commissioners, I’m not saying I’m against it, I’m also not saying I’m for this. I’m saying, let’s have the voters make an educated decision. It’s like saying, “Hey, do you want a million bucks”, who’s going to say no? “Do you want to consolidate all your fire departments into one?” What if it’s more expensive? Here’s the thing...” Commissioner Ducrou states “I think it would be at first.” Chief Nisbet states “It would be more expensive for a lot of areas. For us, we’d go down because right now the basic millage rate that we calculated 2 years ago when Representative Caldwell brought this up, was 2.53 mills to maintain a level of service that was currently being provided in the county. For us, that’s a 1 mill decrease. For Sanibel, that’s a 250% increase. For Captiva, 250% increase. For a lot of these areas. Here’s the other thing that I think will happen, and of course I’m just spit balling here, trying to figure it out, but who’s to stop the City of Bonita Springs from forming their own fire department? Who’s to stop the Village of Estero from forming their own fire department? Who’s to stop the City of Sanibel from forming their own fire department and taking on that fire district’s assets from Sanibel and all these other places?” Commissioner Ducrou states “don’t most of these do that, even on the East coast?” Chief Nisbet states “yes, but what I’m saying is, if you consolidate the fire districts, and then you take away all of the funding mechanism of the south; now you’ve just created a large, poor fire district.” Commissioner Ducrou states “so we’d be no worse off than we are now.” Chief Nisbet states “we wouldn’t be, but I can tell you right now, we probably would have a single engine company out of this house. Maybe a brush truck.” Commissioner Ducrou states “ok”. Chief Nisbet states, “I’m just saying, because we utilize our volunteers, I think we actually provide a better service right now than I think we would under a consolidated aspect. But that’s just my opinion. Don’t think I’m fighting against this, I’m just...” Commissioner Ducrou states “It just seems like... no, you’re politically correct answering all the questions.” Chief Nisbet responds “of course I am, because I’ve done my research. Look, the Representative that’s pushing this, didn’t do any research.” Commissioner Ducrou states “I’m not saying they did, I have no idea, who’s backing this, somebody’s backing this if it keeps coming up, that’s got deep pockets.” Commissioner Cook states “it’s always going to come up”. Commissioner Ducrou disagrees, “No, somebody with pull keeps bringing this up, and I have no idea who it is, but in a consolidated department, I don’t need 3 brush trucks. Why? Because other departments that are in my agency are going to be responding so I don’t have to have 3 of everything in case something breaks. That’s the redundancy aspect that costs us a lot of money. I mean there are costs that we wouldn’t have, and ...” Chief Nisbet states “and there’s some we would.” Commissioner Ducrou states “when the market takes a hit, you can spread that more evenly. The districts that didn’t see a revenue decrease or nearly not what we saw...” Chief Nisbet states, oh nah, I think everybody saw at least 10%” Commissioner Cook jumps in, “they did, but it

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didn't kill them, they didn't lay off half their department". Commissioner Ducrou states "not 50%". Chief Nisbet agrees "South of Colonial Blvd. was ok." Commissioner Cook states "their reserves went down, but at least they didn't lose their department, they didn't close a fire station, they didn't do any of that stuff, like people in the north do. You know, they have to close down a fire station, get rid of 10 people, 12 people, 6 people." Chief Nisbet states "Commissioners I'm just giving you an update as to what's going on, I don't say I disagree with you Commissioner Ducrou, I just think the public should make an educated decision. That's just my opinion." Commissioner Mere states "I think that's our biggest problem right there, you said it in the simplest words, because it's no different than 20/20 land. The straw poll came out and the number of people that knew what they were truly asking in the 20/20 poll and actually went out to participate in that straw poll, was minimal. That's why you have an 86% acceptance rate. Because about 3% of the total population gave 86%. Commissioner Cook states "yeah, what was the total amount of people." Chief states "we lost 10% of our district to 20/20. We lost all the property along the river. We lost high value property." Commissioner Ducrou states "and here's your 20/20 issue, the Governor now says you can't have votes for funding on special elections. We all did that, because that's the way we passed things. Because we didn't want the people to come out, unless they voted for what we wanted. Now it's all going to be in November. So, put it on the table and let everybody vote on it." Commissioner Mere states "but you've still got to put money into it to properly educate them on it. Because you can't just put that out in a news report and say this is what's going on, and they're going to sit back and they're not going to know all the details, and they're going to say ah, it sounds good, or it doesn't sound good, or else they aren't even gonna show up, depending on what year it is on the election cycle, so when you don't have a proper participation of people actually going to the election on that particular day and then participating in this poll, then you wind up in the debacle we are in right now with our 20/20 land. And personally, I don't think combining these things and making a bigger department is going to save anybody money. Cause you tell me any business as it gets bigger, becomes more efficient. We're pretty efficient, most of the districts are pretty efficient with the funds that they have." Commissioner Ducrou states "I would disagree with that theory right off the bat; because I've run the numbers of the districts. I know they're not that efficient." Commissioner Cook agrees. Commissioner Ducrou continues "most government agencies, whether they're big or small, are not the most efficient with our money." Commissioner Mere states "I don't disagree with that but do you think making them bigger is going to make them more efficient?" Commissioner Ducrou states "I think, what I'd like to see is some standardization across the board. Not what they did in the past with fire chiefs getting together trying to utilize "well we're going to do things where we do collective purchases. What they did was they saw where there was a real desire to consolidate and they wanted to kill it because they wanted their fiefdoms, that's my belief, that's my personal belief and I get

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rather vocal about the subject, but, so they did these little share things where “Hey, this is an issue, we need to cut this off so we look like we’re consolidating some operational, some cost cutting measures, so we can cut this off from ever happening again. So, they try to skirt this, but, I just think if it’s what the people want, and it’s still not do-able, after they vote on it, then explain to them while it’s...what the options are. I don’t want to spend 3 or 6 or \$800,000 on a study for something where they go to the ballot and they say “well, we don’t want it anyways, what did you spend the money on?” Commissioner Mere states “Right.” Commissioner Ducrou states “I’m done.” Chief Nisbet states “Commissioners this is all I have in old business.” Chairman Hansen calls for new business.

New Business –

- **2017 SAFER Grant** – Chief Nisbet states “Commissioners, just letting you know, I did talk to each of you individually, since we did meet in March; I’m working on the 2017 SAFER grant, again, as I discussed in the administrative report, our match would be, for first year salaries 25% for the first year, 25% for the second year, 65% for the third year. I’ve got it about 80% complete. It’ll probably be about July or August before we hear anything. I think last time I was in Canada when we got the notice. I just wanted to keep you updated on that. And of course, if we get an award, I’ll bring it back to you for acceptance. Commissioner Cook states “I like the way they set that up, personally. It’s something we could keep. You know what I mean? We could hire three people and three years from now we could actually still have these three people.” Chief Nisbet states “and that was my thing, actually, we need 6, to be honest, we need 6.” Commissioner Cook states “but we’ll take what we can get.” Chief Nisbet agrees “but here’s the thing, I’ll take what I can get, the match is, and I’m not going to apply for a waiver of the matches, because what they want this year is, there are 13 sections this year. I’ve been working on it for 2 ½ weeks, and then of course, if you go for the waiver, they want economic profiles and everything for the area, which we wouldn’t qualify with the construction industry and everything else. But if we start seeing an influx of income where we can start hiring positions, first I’m going to correspond with the DVP, the other 3 positions we can start getting those replaced, stuff like that, then we may have to do 1, 2 or 3, however we’ve got to make that happen. But my goal is to get us back to where we were prior to SAFER. Hopefully that will happen before I leave.” Commissioner Ducrou states “ I do appreciate all the work you put in on it. I know you’ve gotten us a ton of money on SAFER and other grants.” Commissioner Cook states “oh, a lot of grants.” Commissioner Ducrou states “I don’t know anybody in the county that’s been as aggressive with it as you have and it’s really sustained us. Without it, I think our doors would have shut a while ago. So, thank you.” Chief Nisbet thanks him. Commissioner Cook states “You’re obviously good at it.” Chief modestly states “Don’t ask me how, I just follow the directions.”

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- **2017 Independent Audit** – Chief Nisbet reads to note from the Auditor as he couldn't be present tonight. (Auditor's Notes are attached rather than transcribed as no special comments are made and all is compliant.) Chief adds the liabilities of the District are increased, due to the unfunded liability through the FRS, which is beyond our control but we are required to report. He notes due to the layoffs, that will go down next audit. It's a moving target but they have to report it. He notes on the budget to actual page 33, Theresa's closeout was 100% accurate. He offers to answer any questions and the auditor is available should anyone wish for further clarification from him. Chairman Hansen calls for questions or comments and hearing none...
- **Motion to approve 2017 Independent Audit** – Commissioner Cook moves to accept the 2017 Fiscal Year End Audit. Commissioner Mere seconded the motion, vote is called and with all in favor, none opposed, motion is passed.
- **Note to Seats 1, 3, & 5** – With no other discussion offered, Chairman Hansen calls for anything in New business. Hearing none, he calls for Chief Items.

Chief Items – Chief Nisbet states he has Chief states he has no other items but would like to again thank the Board for the positive comments. He also states the six full time people plus the volunteers that have been holding us together since we had the layoff have been doing a heck of a job. Captain Swindle ran a fire on Saturday night and did an outstanding job. Captain Underwood ran the mulch pit fire and did an outstanding job. He concludes we have some very good leadership in the organization. Commissioner Mere asks "are our volunteers stepping up and filling in holes?" Chief Nisbet responds "Not as much as I would like. Not as much as I would like, but it's the newer generation, and we've got some good ones, and hopefully we'll get the other ones in there and get them motivated. You know, we all ways get some good ones, and we get the rest, we get the ones that aren't so good and we get rid of them and we get some new ones, and we get a couple good ones, ... The problem is, our really good volunteers get hired pretty quick." Chief points out to the Board the FL CLASS packets for the board to review. It is an investment solution for public funds. He asks to have the gentleman come in to speak before the Board for consideration of setting up an account for a higher interest rate. He states "Capital Bank has been fairly good, but they don't reach out to us, we reach out to them, we've been working with Libby a long time, but she doesn't adjust our rate, she doesn't contact us yearly, with suggestions or offers. I think that we should look at this gentleman at least to put our money market reserves in that we can pull from and transfer into the checking account. It's not the SBA, for those of you that might be concerned about that; and there's a lot of big district and government agencies that are a part of this. They evaluate interest rates daily, so I'd like to have him come in and us to take a look at that, so I would like authorization to do an RFP for a new bank. I think the fact that Capital Bank the last two months has known to provide the Line of Credit documents for us, they have failed to do that, and I think it's time for us to shop." Commissioner Cook states "it never hurts to shop. They're Tennessee Bank now, or whatever it's called." Commissioner Ducrou

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states he agrees. There's some discussion as to when Capital became/becomes Tennessee Bank. After some discussion about the FL CLASS, Commissioner Mere asks if we are going to look at someone else for the LOC and such since FL CLASS doesn't offer the other services we require. Chief Nisbet states that's why we will shop the other institutions. Commissioner Cook asks if we can please try to stay locally owned. We will attempt to procure those proposals, for sure. Chairman Hansen is good with having FL Class do a presentation next month. The Board is in favor of getting banking proposals. Chairman Hansen calls for Commissioner Items.

Commissioner Items –Hearing none, Chairman Hansen calls for Public Input.

Public Input - Hearing no Public Input offered, Chairman Hansen calls for motion to adjourn.

Adjournment - Commissioner Cook moves to adjourn. Commissioner Mere seconded the motion, and with none opposed, meeting adjourned at 8:15 p.m.