

BAYSHORE FIRE PROTECTION & RESCUE SERVICE DISTRICT
MINUTES OF THE BOARD OF COMMISSIONERS MEETING
July 14, 2009

Meeting called to order at 7:00 p.m. by Commissioner Hansen

Pledge of Allegiance

Invocation by Commissioner Hansen

Roll Call: Commissioner Hansen – Present
Commissioner Cook - Present
Commissioner Ducrou – Present
Commissioner Griffin - Present
Commissioner Klos – Present
Chief Larry Nisbet - Excused (vacation)
Office Manager - Theresa Sharp - Present
Attorney Ian Mann - Absent

Others Present: Union DVP, some staff & some public

Minutes - Review and Acceptance of the June 9, 2009 Board Meeting minutes. Motion made by Commissioner Cook to accept June minutes. Motion seconded by Commissioner Klos. Vote called. Motion passed unanimously.

Financial Report: Commissioner Ducrou motioned acceptance of the June 2009 Financials. Commissioner Griffin seconded the Motion. Vote called. Motion passed unanimously.

Admin/Ops/Fire Marshall's-Report (attached) – Office Manager reads into record the Fire Marshall's report and Admin report. In addition she reads aloud a letter addressed to the Board from Chief Nisbet. In the letter (attached) the Chief proposes the Board allow certain articles of his contract to be temporarily suspended during the financial crisis that the District is currently facing due to the devaluation of property values. The articles he suggests be considered are as follows:

- Freeze Chief's salary at its' current level until further negotiation
- Suspend Section 14 Professional Development – tuition costs for Masters Degree
- Suspend \$500 clothing maintenance allowance per year

Said articles are to be addressed at a later date; after the economic crisis has passed. Commissioner Ducrou motions to accept Chief's recommendations with the stipulation that we may need to reopen it and make further, mutually agreed upon, adjustments depending on what the budget requires. Motion seconded by Commissioner Griffin. Vote called. Motion Passed.

Petitions before the Board – The Board, noticing the Public presence, offer the Public opportunity to speak. The Board instructs the public that they may speak now on any agenda topic, or later in the session on any topic. An unidentified gentleman speaks that a couple of them had questions on comments that were made by the Fire Chief in regards to development in the area when they were proposing North River Village. Chief came to LP Meetings and a meeting here with Commissioner Bigelow stating that Bayshore Fire District supported the Bonita Bay Development and some of them felt it wasn't appropriate for the Fire Commissioner to take a position either in support of, or against a proposed development within the area. He felt it was

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appropriate for him to appear and give the pros and cons of what it means to the Bayshore Fire District. But for the Bayshore Fire District to take a position either in support of, or against a proposed development; he had a problem with that and inquired as to whether he just decides himself or is he directed to make these statements that the District supports the Development? Commissioner Hansen inquires as to whether he stated that the District supports, or that he as a Chief supports...? The gentleman states that he said that the Bayshore Fire District supports the Bonita Bay Development. Another gentleman interjects that more specifically he stated that he supported the change in the comp plan amendment. The first Gentleman then interjects "which was what was before the LPA at that meeting." "And then when Commissioner Bigelow came and we had the meeting here just for our group to meet with Commissioner Bigelow the Fire Chief was here and he again said that the District supported the Development because he felt it could help, maybe provide opportunity to put up a second fire house in that area and provide better service in that area"; which he states he understands. "And I didn't have a problem with him saying this could happen, but I felt it was up to the community to decide whether they wanted to support a development like that." "Some of us just have a little problem with the actual statement that they supported the Development." "There's a lot of reasons to support it and a lot of reasons to be against it," "and like I said, we didn't have any problem with him stating some facts of what it means to the District; but he said he supported, as a for an instance, like Mac said, the Comp Plan changes that would allow the Development to be built. So I just don't know how that comes about...if he's directed to do that...or if he's just free to do that on his own or if that was even discussed." Commissioner Ducrou states the Board has discussed it and why they support it and that Chief has the ability to represent the District in his position. He states that "the District is similar to a special interest, that our interest is providing the best service that we can to the public. I know you guys both belong to your own special interest, which was, I'm not certain of the name" they interject "The Concerned Citizens of Bayshore Community, we are the entity that's sort of responsible for looking over the Community Plan that was instituted several years ago, and hopefully making sure that the provisions of that plan are followed." Commissioner continues to state the Board's position that they are not against growth. He continues to state that their desire is that the growth that comes into the District to be quality, and not cause more issues than they resolve with regard to the roads they put down, the infrastructure, the water, and allow us to provide service to the East and North sections of the Bayshore Community...to provide an ALS life saving measure and a better response time, these are all things that were weighed in his decision to support the project as the Fire Chief, and members of this Board spoke with him and supported him on it. Commissioner Ducrou states he attended a couple of those meetings with the Chief. The gentleman tries again to clarify if the Board had authorized him to take a stand on the Comp Plan amendment changes and advise that they feel that that seems to be a pretty political position and they wonder if Chief goes to the Board for advice and support, or if he just does that on his own. Commissioner Hansen states he doesn't believe Comp Plan Amendments were discussed, we knew about the North River proposal...Commissioner Ducrou states that this was all to try and get the approval for it that was the amendment to the Comp Plan. The Public states that the other side of that was that they wanted to build on the Coastal Flood High Hazard Zone that would have to be evacuated in the case of a hurricane and a potential surge up the river, and about water source problems to supply the Development and drainage issues from the North that potentially could be cut off, and about road issues, and congestion, so there's a lot of issues. He goes on to say that the Concerned Citizens of Bayshore Community following the Bayshore Steering Committee have taken the position that we don't like to see changes in the Comp Plan and the Zoning that would cause increased densities in the rural area, so if Bonita Bay wanted to build under the existing allowable units out there, then they would have a right to do that. Commissioner Ducrou states that we all know that that (1 house per acre) won't work. Their stand is then they just shouldn't build

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there. Agreement is that that is the stand that the committee takes and the Commissioner Ducrou states he doesn't say it's wrong, they just don't agree. The gentleman continues to press that Chief should have stood up and stated what his opinion is, but to speak for the Fire District shouldn't be taking pro or con positions but just stating the facts as to what it would mean to the community, and that would be one of many factors that the Community and the LPA and the Commission could take into account when they make a decision. Commissioner Ducrou states that he feels the Chief believes that supporting the project is in the best interest of the Department and the taxpayers we serve in the District. That's why he went to the Board with discussions on this and why the Board supported him, while they didn't discuss the Comp Plan, but to try and support Bonita Bay getting the project approved based on the meetings the Board had with Bonita Bay and what they had supplied for a plan. The public gentleman states then that that would imply that every rural area would need a dense development stuck out there so that you could provide better service to everybody, but that some people who move out to a rural area want to live in a rural area. He states that they appreciate everything the District does to provide the best possible service and they also realize that better service can be provided in denser areas where there's more tax support, but there are people that want to live in rural areas, and they hope the District would be able to provide them with the best possible service able under those circumstances, but that doesn't mean they want to have more development. Commissioner Cook states that the key is that for the District to have income, we have to have development. Commissioner Hansen states that we either have to have development or we have to raise taxes for everyone here.

Commissioner Cook says those are the only ways for us to generate revenue. The public spokesperson says so there's no way to have a rural community then. The Commissioners state that there is but that your fire service would have less money coming in. The public spokesman states the Board has then made the decision for them by saying they support the denser development. Another public person states that we have one of the highest millage rates in the county. Commissioner Cook states that while that's true and we don't want to have to raise it, we also have the lowest tax base in the county and we cover a large area. Commissioner Ducrou states that the District has not been in the position to review all the plans for everyone that has tried to have a development, but there were extensive discussions with Bonita Bay as to what their actual project was, and that was the reason the Chief saw to support the project; there were far more pros than cons for the community. The public gentleman inquires as to whether the entire Board supports the Chief's position. He asks if everyone is of the opinion that the Development would be in the best interest of the community. Commissioner Cook states he's not certain whether he's for or against growth in this area, that it's a battle that he's not personally fighting. He states as a Commissioner sitting on this Board, he needs an income into this Department as we can get. But personally as a person living in this District, just as everyone else here lives in this District, he's not personally fighting that battle whether there's 1 house per acre or 1 house per 10 acres, the Public person interrupts here and states that that's the position the Board has taken on this. Commissioner Cook states that he can't say what position the Board has taken, but he didn't ever disagree with what Larry had said on that, but he didn't say he agrees with this man's argument, he didn't say anything. What he knows is Chief said he was going to this meeting, and we're trying to get growth, and we're trying to get them to build us a station and we're trying to get get a truck there and we're trying to get guys out there in that area, stuff like that, that's what I like! The Public gentleman says "so the Board says they support positions supporting growth?" Commissioner Cook says "Yes, I do, Tim does; I'm not saying what the Board does." The Public Gentleman asks "even if it means changing Lee County Plan, even if it means amendments allowing more units than are currently allowed?" Commissioners Cook, Ducrou and Hansen all state that the Board is not taking that position, Commissioner Ducrou states that they were not proposing changing the density cart blanche, they were only talking changing the density for that

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project. Commissioner Hansen states that it's the same situation as when US Homes wanted to come here as well as Beazer, and we have to look at each and weigh each situation on its own basis. He states he doesn't know if across the Board everyone agrees for this one. We know that we need income. We just read that we are going to lose \$300,000 this year. Now somewhere we've got to replace that...or, we cut their jobs and you have less service than you have now. By looking at that, we can say there's pros and cons about what they want, but there's a possibility of being able to keep our guys on, and being able to add a few more and the possibility of being able to add ALS, that one makes more sense than a couple of these other ones. Commissioner Klos adds that the Board's main job here is to make sure the Department has the right equipment and up to date equipment to keep the current District at its present level of safety. Commissioner Hansen adds that they sit in the middle between the Fire College and the Federal governments that say that we can't fight a fire unless we have 2 in 2 out and those standards that we have to meet that now we have to have instead of mainly volunteer staff, we have to go to paid staff, to provide those services...those cost. They might be called unfunded mandates, but they cost, and we have to meet that standard. He states he has sat on the board for almost 12 years and we have been behind the 8 ball all 12 of those years; playing Catch-up. To say we're for or against that development...we're for some growth...we need some growth. Commissioner Cook simultaneously states his opinion that we need some growth. Commissioner Hansen continues that the only way to keep taxes down is to get some growth...without growth we either disband here or tax people here to death. The public gentleman states that it can create a community in which the people that moved here for a particular lifestyle aren't gonna' want to live here anymore. Commissioner Cook states he's been here all his life, but he doesn't oppose growth. He's been here since the beginning of his life. Public Gentleman states that some of them feel that growth should be more infill in existing developed areas and not jumping north of the river and east, and putting in a development, put one and then you say how can you put in one and not another one and it just keeps expanding. We keep moving goal posts. Commissioner Hansen asks where he would have the existing areas filled in. He responds he doesn't mean in Bayshore so it doesn't help the budget. He refers to Lehigh, and other areas where roads already exist. Commissioner Cook states that he is referring to anywhere but our back yard. He continues that any areas that are already developed, that he felt when they put the university in down south that that was a big mistake; that they had some potential sites by Colonial & I-75 where they already had these big roads and cleared farm fields; that they didn't need to go into another rural area and starting all new development that's going to spread and cover over that section of the county. He states there's not going to be any rural areas left. Commissioner Cook states that there's plenty of rural areas, that you've got to just keep moving further in, that that's just how it is...and if it gets busy in his area he'll just move further in toward Labelle. Public gentleman states that it doesn't have to be that way, and some of us have put a lot in their places. Commissioner Cook agrees. He continues...building barns and putting in fencing and everything to set up our places. It hasn't happened today but potentially... we could be overrun with all this. Commissioner Cook adds that "truly, if it wasn't for some growth and development, I couldn't afford to live in this district, and I love living in this district, I mean, I live in one of those areas you don't care for, quarter acre tract, houses here & there, that's where I live. I live right at the end of Wells Rd. And if wasn't for that neighborhood, or if it wasn't for your neighborhood, would you be able to afford to live here? Do you have a 5 acre tract?" He replies "Well, where I live, over on Durrance, a over the years, a house went in over here, and over there..." he continues to describe a "slow, kind of steady growth" he calls it, "but the area's still the same...but when you start putting in these big subdivisions, you start to change it." Commissioner Cook states he agrees, that you need to be responsible with the growth. He states that it's great that this man is here, stating what he wants, but there are other people here that want something different. Maybe they could meet in the

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middle, with responsible growth. Instead of having 1 house per acre, you have 1 house per 2 acres or something. The Public gentleman goes on that different areas are zoned differently which goes back in time. Commissioner Cook says that it's nice for people like him to be able to move to the area, that he otherwise couldn't afford to live here since he can't afford 5 or 10 acres. He doesn't have half a million dollars to move in. Instead he only needed 80 grand to move into this area. And he's a pretty responsible citizen, he sits on the board, and makes decisions, his kids go to school in this area, they play soccer, they play sports in this area, and if wasn't for these little developments, he could not afford to live in this area. Public Citizen concedes that a couple little developments aren't necessarily going to change the area. But there are a lot of things that go into it, but one of the first places for him, where he starts at is he doesn't like to see zoning changes to increase the density. He feels the development should stay within current zoning ordinances be it 1 per acre or 1 per 5, or even 2 per acre in some areas. He states that if they buy a piece of property and that's allowed, they can do that, but again he doesn't want to see zoning changes for density. He's afraid of how far it might go. Commissioner Cook agrees control is good, but as a board, they too must be responsible. Public Gentleman again states his purpose for coming to the meeting tonight was to figure out where the Fire Commissioner (referring to Chief) gets the authority to make the statement. He wondered how it all worked, and to express his view. Commissioner Cook again states that he as a board member would like to see growth, but responsible growth. The agitation on the part of the Public Gentleman is that taking that stand at the public hearing has influence on the decisions, and Commissioner Ducrou states that we were hoping to have influence. Public Gentleman states that there's disagreement there. Commissioner Hansen states that you could go across the board and find disagreement there, that they all have opinions about where they live... Commissioner Ducrou adds that the discussions we had as a board with that particular project, there was no disagreement, and extensive discussions as to what changes needed to be made to meet the needs of the District. Public Gentleman asks if the Board was comfortable with what the Fire Chief said. All Board members state yes they are, and that they are comfortable with some growth. Public Gentleman states again that there's different types of growth, like a house on 5 acres. Commissioner Ducrou states that they as a board don't have control over that type of growth, but when they're brought something like this type of development, they look at the quality of the growth and whether it would benefit the District, and they felt this would benefit everyone in the District and that's why they supported it. However if someone wanted to put up a thousand mobile homes on the property, more likely than not they wouldn't have supported it because it would detract from the District; but because of how it laid out, they approved. He goes on to clarify that they are not just "pro growth" but they look at what is being proposed to be put in. Public Gentleman asks "but wouldn't 1000 mobile homes add to your tax base?" Commissioner Ducrou states that it could, but that it could also detract from the tax base because of the type of the building that they put in makes everyone else's buildings around them go down in value, it could make the tax base go down. Commissioner Cook states that it could go like the ones in NFM where very few of them even pay taxes; they're paying license fees instead, like you pay for your vehicle. So tax dollars are way less. Public Gentleman inquires of the Bonita Bay high rises; wouldn't we then have to look at equipment to service them? And the Commissioners reply that actually Bonita Bay would, since specialty equipment would be required, special additional impact fees would be assessed for that development to cover that expense. Commissioner Hansen explains how it worked when Pelican Preserve went in at colonial, they were made to put in the fire station there to support their impact. They built the station and bought the trucks. Commissioner Griffin states that they also could only put in 500 units and they had to have the station complete, equipment in place and manning, before they do anything else. Commissioner Hansen states that that's a county requirement. As to how much will be done for us, will depend on the county's requirements. He goes on to defend the quality of the Bonita Bay

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developments compared to all the others around. He goes on to state how they trade off the density with greens pace, woods and such. Public Gentleman states again how they want to go 2 ½ times the current density and while they build lovely communities he doesn't like to see them going into rural communities and what if other projects come along. He again presses that the board should only state the impact to the community as it relates to fire protection and how they shouldn't take a stand to either support or not support a project. That they should just state the pros and cons and let the community and the politicians make the decisions. Commissioner Cook does remind him that the entire board is comprised as elected officials. A different Public Gentleman inquires as to where the board stood with US Homes when it wanted to come in. Commissioner Hansen advises that they did not come to us, but that Bonita Bay specifically came to the Chief to discuss the plans. He states he himself has not seen the details of the plans in consult with Bonita Bay to say how he feels as an individual homeowner; however, he knows growth wise and budget wise, we've got to have something here, or start axing jobs, start axing equipment, not have the coverage that we have... Commissioner Cook states not even have a Department. Commissioner Hansen continues, that's where we're at, we're getting ready to go into this budget here, this next 2 months, and where do you cut \$300,000 when we have been scraping by. Commissioner Cook adds that to our benefit we didn't see the huge triple and quadruple market impacts of the recent years, but had only a little boom and so we haven't had the huge let down that other nearby areas are having to contend with. Public Gentleman #1 inquires as to whether there has been discussion about combining with other nearby departments and whether it would benefit us or not. Commissioner Cook states we discuss it every year. All the Commissioner state that there is much variation depending on the perspective and Commissioner Hansen states that even if we did, they too would want to put a station out there. He goes on to state the desperate need out there since response time is so long. And asks the Public if they lived out there and were having a heart attack, would they want us there in 2 minutes or 6 minutes? Public Lady asks if we are opposed to putting a station out at the Civic Center and since it's County land we should be able to get it cheap and how it would make sense for us to be out there whenever there is a big event. It's discussed how the Civic Center leases that land from the county, and that we are out there for every event as it is required for them to have us. In reply to Public Lady's inquiry about further expenditures for leasing, Public Gentleman #1 advises her that we are discussing our budget woes. He then turns to the board and thanks them for listening to their concerns. Commissioner Cook advises them to please remember that opinions they have as board members may not always be the opinions they have as individual homeowners; that they as commissioners must consider the impact on the District as a whole and that we really must have tax dollars to support the department and its' services to the District. Public Lady begins the inquisition regarding the Chief's powers to speak for the District at other meetings. Public Gentleman #1 explains that this was discussed prior to her arrival to the meeting. She goes on to inquire as to the flooding at Wellburn and other key areas. She explains at length her story about culverts and the donations she had solicited of 30 cuverts and how when Chief Campbell was here he had stated that it was too political for him or another representative for the department to go around showing the contractors where to place the culverts at the washouts. Commissioner Ducrou explains that it was not too political but that it is not within our scope to do so, that it is the Department of Transportations' authority to do so. She had thought that since we could tell them where to place gravel in flooding, that we could do it. Commissioner Ducrou explains that if we had them placed, any repercussions of ill effect would make us liable. She argues that she had only wanted us to show them where the washouts are since we survey those areas in flooding conditions. Commissioner Ducrou mentions how a community in Naples did just that and now South Florida Water Management District is ripping them all out. She argues that they are actually replacements for crushed ones and cites the difference in time and expense of South Florida

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Water Management permits verses county issued ones and explains how everyone said theirs were fine but when you get down & look they are all clogged. Commissioner Griffin explains that the roads have always been an issue and getting anyone to agree as to the solutions is a never ending battle. He also explains that the times Chief can direct is during state of emergency, and then he tells them the impassable roads and they handle the placement. Commissioner Hansen explains that is the only time we can get involved and even then they are hesitant with regard to the private roads. Public Lady explains how dumping that gravel only further impedes the flow of water causing more severe backup. She explains further that DNR wants to come in and raise some of the roads and how much more detrimental that would be and that they need to leave the grade alone and just clean culverts so that properties can drain. Commissioner Hansen inquires as to any further questions. All public express their questions are answered and appreciate the Board addressing their concerns.

Union Petitions/Discussions – None

Old Business –

- **Final Certification of Taxable Values** – Chief's Letter read into record earlier states our the statistics, impact to revenues and his position and request for Maximum Millage for advertisement purposes.

New Business –

- **Set Proposed Maximum Millage for TRIM Notice**– Commissioner Ducrou states that we know the position that we are in and that it's not getting any better and that wreve going to have to make a lot of deep cuts and concessions and still go into our limited reserves. Since we can always go down from our initial proposed millage and we are at 3.45 he motions we advertise 3.50, our District imposed cap for the tentative proposed millage. Motion seconded by Commissioner Cook. Discussion Called. No discussion. Vote called. Motion passed unanimously.

- **Dates for September 2009 Budget Hearings** – After Board discusses available dates Commissioner Ducrou Motions that preliminary Budget Hearing be set for September 15th and Final Hearing be scheduled for September 29 Both hearings scheduled for 7:00pm. Commissioner Griffin seconds the Motion. Discussion called. No Discussion. Vote called. Motion passed unanimously.

- **Clarification is made that usual Board Meeting for September 8th stands as scheduled.**

Public Input – Public Lady inquires of the charges once discussed that we would be charging for the use of the meeting room. The Board advises her that a later meeting after discussion with the District's attorney determined that we would not be charging due to the increased liability exposure, however, donations would continue to be accepted. Public Gentleman #2 inquires as to websites' unavailability today. Office Manager explains that our web host is having server issues and is soon replacing the server that hosts it.

Motion to Adjourn – Motion to adjourn made by Commissioner Cook, Seconded by Commissioner Klos. Vote Called. Motion passed unanimously. Meeting adjourned at 7:53pm.