

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

**Meeting called to order** at 7:11 p.m. by Chairman Hansen

**Invocation** – Commissioner Hansen

Commissioner Hansen – Present  
Commissioner Griffin – Present  
Commissioner Mere - Excused  
Commissioner Ducrou – Absent  
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 August 14, 2018 Board Meeting. Motion made by Commissioner Griffin to accept the minutes. Commissioner Cook seconded the motion. Chairman Hansen calls for questions or comments. Hearing none, he calls for any opposed and with none opposed, motion passed.

**Financial Report** - Review & Acceptance of the August 2018 financials. Commissioner Cook moves to accept the August 2018 financials. Commissioner Griffin seconded the motion. Chairman Hansen calls for questions or comments. With no questions or discussion offered, Chairman Hansen asks Chief to tell him again the amount of the roll over. Chief clarifies which and it is determined he is referring to the new budget, as he did not write it down. Chief Nisbet responds \$45,235.69. He then asks what our total in rollover is. Chief Nisbet responds our total reserves would be \$470,877.73. He calls again for any further questions and hearing none, he calls for anyone opposed to the financials. With none opposed, motion carries.

Chairman Hansen calls for Fire Marshal and Administrative Reports.

**Fire Marshal and Administrative Reports** (attached) – Chief Nisbet states he's going to let Captain Underwood update the Board on the activities with MW Horticulture as we've been pretty busy over there the past 2 weeks. Captain Underwood states, "I think before the last meeting, we requested to have you assist with legal staff in the event it went that way; prior to us going to that point she hired an attorney to fight us, so-to-speak, on the code violations to try and prevent us from enforcing them. We of course, obtained Ian Mann to assist with that. We had several meetings with them, with her attorneys, the property owner's attorneys, as well as the County Attorney, and we pushed forward with our 45-day deadline; requiring them to be in compliance with the code. On that meeting, we did make the inspection on the date we identified; and they came into a significant

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amount of increase in compliance with their property. They are not at 100%, it's probably 75% in compliance now, so they made significant headway with their improvements on the property, at this point, they also, based on our recommendations they hired a fire protection engineer to come out and review the site. So, a few days after our inspection we met with the fire protection engineer, which he's a retired fire chief from the east coast, as well as another gentleman that's a retired fire marshal; they came out and reviewed the site. They are in agreement with our code citations, but they're going to offer us, within the next week, offer us some detailed solutions as to how to come into 100% compliance with the property. So, we're going to accept that report and review it and move on from there. We did not issue a stop work order as we were anticipating, based on the significant improvement they made on the property..." Chief Nisbet interjects "that was also in discussion with Ian, his recommendations, his recommendation was we hold off." Captain Underwood continues "we're working on it" Commissioner Cook states "they're working on it though." Chief Nisbet and Captain Underwood agree. Significantly". Captain Underwood states "I would say over a two-week period, from their initial sending us a letter from their attorney to our inspection they made huge amount of improvements on the property. On the commercial buildings, that is; our pile heights are down within probably 4 or 5 feet of the compliance so they're real close in they're pile heights now, so they've made significant headway. Now, the lakeside, what they call lake-side property or the temporary site, that's over by the residential, that is still some controversy that was going on with them and the county, they finally laid it out clear how they wanted them to proceed. We were asked to attend a hearing examiner meeting in October, which we will attend. They are going to be asking them to abate that code violation of that property there and we will voice our opinions and concerns with the hearing examiner on that day as well. We have asked, with us not issuing a stop work order on this last go-around, we're going to ask for several things to be done on that lake-side property before our next 45-day inspection; and that's the one creating... at least a middle 20' fire lane around the entire pile, because at this point there's areas you can't get around because it is property line to property line; as outlined in one of their specialist's report that they hired as well. We've also requested they cut fire lanes in between the piles to break them down. It's over 800' long by about 150' wide so we're requesting a couple fire breaks in between that 800' to reduce the pile lengths with fire lanes in between and then reduce the pile heights within the 45-day period. So, then we'll go out and do a reinspection at that point and then also take into consideration the fire engineer's report on where we'll go from there. So, in 45 days from now, we'll see where we're at and..." Commissioner Hansen asks what is that date? Captain Underwood can't answer that. Commissioner Hansen asks it is 45 days from what date? Chief Nisbet states we're waiting on the fire engineer's report and then we'll issue our letter and then it will be 45 days." Captain Underwood states it should be by the end of the week. And our goals are to, you know it's not going to happen overnight, it took them over 6 months to get all that material on that particular site. We know it's not going to come off overnight, our goal is to have it done before the dry season; whether they

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have to grind it, the county won't let them grind it, whether they grind it if they get the county's approval to do so; haul it off in truck loads, they had initially wanted to cover it in dirt; which we were not in support of, Chief did a lot of research on that, and I spoke with several experts in the field that said that's not the best option, but... They hired a gentleman named David Hill, an industry specialist so to speak, he, even in his report to us; he sent us a report based on the property, he even said based on the property, it's not able to conduct best practices because they're beyond capacity; they're from property line to property line and he felt that the best practice at this point would be to cover it. We completely disagreed with that because covering it will create a significant increase in heat build up inside that pile allowing the fire to grow larger. So, at this point we feel like they are going to make a significant improvement on that site; which they were already working on the day we started our inspection and the day we met with the protection engineer, so, hopefully at this point they realize that we're where we're at and if we have to move forward with a stop work order if they stop doing any more work on the property, we will do so." Chief Nisbet states "and that was made very clear to them also, that we allow them to; if we work out an agreement with them that they're going to address this over a certain period of time, that if at any point they don't meet a deadline, we will immediately issue a stop work order. That was made very clear to them on Friday." Captain Underwood states "we told them our goal is that we do not want to go through a brushfire season with this property not having 100' setbacks from the structures on that, because last season that was definitely sketchy and this season is going to be worse because it is even that much drier and there's a lot of hardwoods in that pile along with regular vegetation so it's going to be even worse this year if it happens to break out. And we told them the best time to start breaking it out, because they have concerns about breaking the pile apart right now because of the heat built up internally; which we agreed, there's going to be some fire breaking out, but we prefer to have them start breaking it out now while the humidity and the rain are still here versus waiting until February or March to do so. That's where our stance is at and that's where we're going to stay including our comments to the hearing examiner, to maintain that we want the pile to be broken apart now, not covered for 4 or 5 months and then broke apart." Chief states we kept Ian pretty the last couple weeks. Commissioner Cook states "it seems like giving them notice worked. They're doing something about it." Chief agrees. Commissioner Hansen states "when you're travelling down the interstate and you look at the piles, they look totally different than what they usually look like." Commissioner Cook states "I saw them out there loading stuff the other day." Chief Nisbet states "me and Doug when we went over there, we were pretty-much expecting to see what we've been seeing; that we were going to have to take a stance that we really didn't want to have to take; and when we pulled in; to say we were surprised would be an understatement and to say we were pleasantly surprised would be an understatement. We still have an issue with the site safety plan, they need a decent site safety plan, their site safety plan is about a paragraph on a page; we told them that was not sufficient, they still have some work to do, but we again reiterated that the goal of the District and of course the

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Fire Chief is not to cause any business hardship, but to meet fire code compliance; and the minute you do that, we're happy. And of course, the fire protection engineer did explain to them that as the AHJ (Authority Having Jurisdiction) we could have required a lot more if we wanted. Which we have not done." Captain Underwood states "the County was fortunate as well; one of the issues their lawyer brought up; was our lack of being able to properly measure the heights of the pile so what we did, actually the day of our inspection, the County actually brought their survey crew out and did an actual survey of the pile heights and provided those numbers with us..." Chief Nisbet states "he gave us a certified measurement" Captain Underwood continues "and we had that happen in May for us as well. And through the survey numbers realized that the lakeside property dropped about 4' just from rotting." Chief Nisbet states "Commissioners, my hope is that, at least by the end of the year, we meet the setbacks and have the pile height down to where it is within code. I don't expect it to be gone by the end of the year, by any means, but, at least, manageable." Captain Underwood states "so, they definitely came a long way, we were impressed by the amount of work they did over the last 45-day period we gave them so; we decided to give them another 45 days to see if they can make the same amount of improvements, and I believe they can do so." Chief Nisbet reiterates "that has yet to have been issued; until we get the fire engineers report. We are not going to wait forever for that report either. If we don't have it by the end of the week, then we're going to go with our recommendations, our finding, and we're going to start the clock." Captain Underwood states "he said he'd have it within a few days or so; I don't see a reason we won't have it by the end of the week. And that gentleman is very familiar with these types of operations being the fire chief over there, they had quite a few of these issues over on the east coast as well with mulch piles and a lot of plants over there; he was very knowledgeable in the process; as soon as he...you could tell he had expertise in the field the minute we started speaking with him. We're confident with what he'll put in the report." Commissioner Cook says "that's good." Chairman Hansen asks for any other questions for him. Hearing none he calls for the Administrative Report.

Chief Nisbet reads the Administrative report into the record. He asks for any questions. Chairman Hansen calls for any questions for the Chief, and with none offered he calls for Petitions/Public Input.

**Petitions before the Board/Public Input** – Hearing none he calls for Union Petitions.

**Union Petitions** – DVP Swindle states "on behalf of all the guys here, I want to say Thank You, all of you; it was very much appreciated and it took us by surprise. Everyone was very pleased and very thankful for it. It really meant a lot." Chairman Hansen states "we've only been saying for four years we'll catch you up when we can; not caught up, but..." Commissioner Cook states "first chance we could, right?" Chairman Hansen agrees and states Old Business was covered (early) with the discussion of MW Horticulture. He calls for New Business.

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**New Business –**

- **2018-2019 Board Meeting dates** – Chief Nisbet states “Commissioners 2<sup>nd</sup> Tuesday of the month, Theresa’s bringing the dates there for you. If you want to maintain the dates, we just need a motion to do so.” Commissioner Cook moves to keep it the same as it has been; the 2<sup>nd</sup> Tuesday of every month. Commissioner Griffin seconded the motion and with all in favor, motion passed.

- **Impact Fee Account** – Chief Nisbet states “the Impact Fee account has \$5,344.74. The Impact Fee Fund still owes the General Fund quite a bit of money. It has been suggested that we go ahead and move \$5,000 of that Impact Fee money back over into the General Fund Account and we can close out the budget year the end of the month.” Commissioner Cook states “It sounds good. I’d like to make a motion to move \$5,000 from our Impact Fund Account into our General Fund.” Commissioner Griffin seconded the motion. Chairman Hansen calls for any discussion and hearing none, he calls for vote and with all in favor, motion passed.

- **Approval of Bargaining Unit Contract** – Chief Nisbet notes “no changes from what we covered when we were in the Executive Session; if you need me to, I can go over those articles again with you that we discussed that were going on in the negotiation process. We were requested to do our comparison with the other Districts and stuff; we are still within firefighter’s ranges, we’re right there with everybody else; but we’re still in the lower end with the other positions; but what you have proposed definitely does help. The bargaining unit had their vote, they passed it unanimously; downtown has signed off on it, the DVP and myself have signed off on it, and if you ratify the contract tonight we’ll have Commissioner Hansen as the Chairman sign it and the contract will take effect October 1<sup>st</sup>.” Chairman Hansen calls for a motion to ratify it. Commissioner Cook moves to ratify the Bargaining Unit contract. Commissioner Griffin seconded the motion. Chairman Hansen calls for any discussion and hearing none, calls for vote and with all in favor, motion passed.

**Chief Items** – Covered above. Chairman Hansen calls for Commissioner Items.

**Commissioner Items** – Hearing none Chairman Hansen calls for Public Input

**Public Input** - As there’s no public input offered, Commissioner Cook moves to adjourn. Chairman Hansen has received a motion to adjourn by Commissioner Cook and calls for a second. Commissioner Griffin seconds the motion and with none opposed meeting is adjourned

**Adjournment** – 7:31p.m.