

LEHIGH ACRES FIRE CONTROL AND RESCUE DISTRICT

COMMISSION MEETING

MINUTES

February 19, 2009

The February 19, 2009 meeting of the Lehigh Acres Fire Control and Rescue District Board of Commissioners was opened at 4:00pm by President Berndt. Present were Commissioners Berndt, Adams, Guzman, Barrett, and Hemingway. Chief Don Adams, Assistant Chief Jeff Haugh, Assistant Chief Solon Duncan, Fire Marshal Ken Bennett, Finance Specialist Anita Kressel, Billing Specialist Vanessa Koza and Secretary Jill Marcolini. Attorney Richard Pringle was also in attendance. Administrative Assistant Susan Platas had an excused absence.

After the Pledge of Allegiance, Commissioner Berndt asked Chief Adams to give the invocation.

ADOPTION OF AGENDA:

Commissioner Berndt asked if there were any additions, corrections or deletions to the agenda. Chief Adams stated he would like to add under Presentation Engineer Mike Gonzalez retirement, and under Consent Agenda omit Life Safety Division write off's and add this to New Business. Attorney Pringle stated he would like to add under New Business Verizon Contract. Chief Adams stated he would like to delete Investing Money under Unfinished Business. Commissioner Guzman made a motion to adopt the agenda as amended Commissioner Hemingway second. Motion passed.

PRESENTATION:

Chief Adams made a presentation of an Axe to EMT/Engineer Michael Gonzalez, retiring today after 28 years of service with the Lehigh Acres Fire Control and Rescue District. Engineer Gonzalez addressed the Board, Administration and audience thanking them and stated it was a very hard decision to make but he is ready for another chapter in his life with his family.

Mr. Bo Turberville addressed the Board and gave a review of the Weed and Seed program. He stated it is help from the community and organizations that help get rid of crime in certain areas. Mr. Turberville stated he would like verbal support from the Board and the Lehigh Acres Fire Control and Rescue District. All Commissioners agreed.

Ernie Hartman, Chairman of the Lehigh Spring Festival addressed the Board seeking the Boards authorization to waive inspection fees assessed based upon Resolution 2008-11-01 for the Annual Spring Festival. He stated the festival is a non-profit organization and

community entertainment. Fire Marshal Ken Bennett addressed the Board with the cost and services required this year for the inspections. The total cost to be waived is \$375.00. Commissioner Guzman made a motion to waive the \$375.00 inspection fee for the Lehigh Spring Festival with a second from Commissioner Hemingway. Motion Passed.

PUBLIC COMMENT ON AGENDA ITEMS: None

CONSENT AGENDA:

- Fire Board Meeting Minutes of January 15, 2009
- Treasurers Report

Commissioner Adams made a motion to accept the Consent Agenda as presented. Commissioner Hemingway second. Motion Passed.

DEPARTMENT REPORTS

CHIEF ADAMS:

- The Department had budgeted a new server to replace an aging server which has failed numerous times. The estimated cost of a new server was priced during the budget process, however now the price has increased which puts the Department over budget by \$761.85 in Line Item 522-6643 Computers and over in \$275.53 in Line Item 5322-3526, Computer Supplies.
- Began the process of putting together a Business Plan to address the economic downturn. The first phase is to seek citizen input; the same process will be done with the firefighters and then the Board. After each phase is completed, all the received input will be merged into one document. Those helping form the citizen's phase are: Larry Becker, Bruce Boyd, Jeff McMullen, and Michael Swords.
- During previous meetings it has been discussed the Fire Suppression Training Officer and the department's need. We had one candidate who applied and performed well during the assessment. However, due to concerns of the future revenue being below what we anticipated, Chief Adams stated to continue to allow Assistant Chief Duncan to oversee training. Chief Adams also stated Assistant Chief Duncan has been overseeing training since the previous training officer left over a year ago. Now he will also be doing hands on training himself.

DVP 6 and 19: None

ATTORNEY RICHARD PRINGLE

- Verizon Lease Matter
- ADPI Contract

COMMISSIONER REPORTS: None

UNFINISHED BUSINESS

Attorney Pringle spoke about the committee meeting regarding the Request for Proposal line of Credit. The committee discussed information presented to the District. However Chief Adams and the Committee decided that there were too many unanswered questions to go further. The committee wrote their questions to each of the responders. SunTrust responded to the district with their answers and Synovus also responded in a letter sent to Attorney Pringle's office.

Cell Phone Tower

Attorney Pringle stated to the Board the Lease agreement with Verizon was almost completed with a few exceptions he wanted to go over with the Board to revise the lease agreement. Attorney Pringle stated Verizon did receive the Special Exemption from Lee County for the site at Station 101. Mr. Pringle stated to the Board, if the District cannot put our communication facility on the outside of the tower there would be no deal and Verizon would have to go back to the county for approval. Jackie Quinn from Verizon was in attendance. Attorney Pringle went over various points on the Lease Agreement:

- 1). Commencement date. Agreeable or not to get rid of date. Date of execution of the lease agreement. When the District start collecting rent. Commissioner Guzman motioned to accept Attorney Pringle recommendation to have a commence date 6 month after the date of execution of the contract. Commissioner Barrett second. Motion passed 4-1 with the opposing vote from Commissioner Berndt.
- 2). A Deletion the lease agreement that Verizon pays the District up-front non refundable payment of \$2500 because of the delay of the commencement of the lease. Commissioner Guzman made a motion to put back in the \$2500 fee added back into the lease agreement, Commissioner Barrett second. Motion passed.
- 3). To use straight consumer price index annual rent of 3% adjustment lease as a base. Commissioner Guzman made a motion to accept the consumer price index with a second from Commissioner Hemingway. Motion passed.
- 4). Add new language 30 days notice to cancel lease if the District does not get our Communication facility on the tower or the lease would automatically terminate. Commissioner Guzman made a motion the lease would automatically terminate if the District does not get out communication facility on the outside of the tower. Commissioner Hemingway second. Motion passed.
- 5). Verizon has agreed the District receive 25% to their 75% for the sub-leasing agreement in addition to the rent. (No motion needed) Attorney Pringle stated a motion needs to be made to give him the authority to finish talking to Verizon and finish the above changing language of the lease agreement. Commissioner Guzman made a motion to finish negotiation to flex that 6 month window issue in the 1st action we took and to have the lease agreement signed by the Chairman. Second by Commissioner Hemingway. Motion passed.

ADPI Contract

Chief Adams stated the contract with ADPI is expiring February 28, 2009 and we would need to give them 30 days notice to terminate the contract, to bring the Ambulance Billing back in house. Some discussion with AC Haugh and the Board concerning the new software needed. Commissioner Guzman made a motion to accept Chief Adams' recommendation to terminate ADPI contract pursuant to the requirements of ADPI contract. Commissioner Barrett second. Various questions regarding when the software would come in and the training involved. It was recommended the ADPI contract be terminated in April and the start up date for in house would be May 1st. Commissioner Berndt stated we only used ADPI for one year and he is not in favor of bringing the billing back in house. Motion Carried 4-1 with the opposing vote from Commissioner Berndt. Chief Adams stated a motion needed to be made to purchase the software not budgeted for this year. Commissioner Guzman made a motion to purchase the software for the Ambulance Billing. Commissioner Adams second. Motion Carried 4-1 with the opposing vote from Commissioner Berndt.

Commissioner Hemingway made a motion to approve the maximum amount of \$35,000 for software out of contingencies line item and add support for ambulance billing software Commissioner Barrett second. Motion passed 4-1 with the opposing vote from Commissioner Berndt.

NEW BUSINESS:

Grievances District 6 & 19

Chief Adams discussed with the Board the grievances between District 6 and 19 regarding paying tax on uniforms to comply with Federal Law. The grievance has passed step 1 and 2. Attorney Hament called in on speaker phone for the meeting stating step 3 of the grievance is to either hear the grievance or not hear it and let it go to the next step which is arbitration. Much discussion between Attorney Hament and the Board, Attorney Pringle and Chief Adams. Commissioner Guzman made a motion that the Board hears the grievance at the next scheduled Board meeting on March 19, 2009. Commissioner Hemingway second. Motion passed. The Board also suggested to Chief Adams to write a letter to Mr. William Simpson, Field Representative IAFF Local 1826 for a 30 day extension. In addition the Board encouraged both sides to discuss the IRS requirements of taxable fringe benefits and understand each others' viewpoint in order to resolve the issues.

Life Safety Division Write-Off's

Commissioner Adams had several questions to Fire Marshal Bennett regarding the write-off's for the Life Safety Division. He questioned the several businesses that do not pay and the collection process. Fire Marshal Bennett answered the collection agency does not accept amounts under 25.00. Also some of the businesses have different owners and he stated it is very difficult to get the new owners to pay the past previous owners bills, including inspection fees. Commissioner Guzman made a motion to accept Life Safety Division write off's as presented with a second from Commissioner Barrett. Motion passed 4-1 with the opposing vote from Commissioner Adams.

PUBLIC COMMENTS: None

COMMISSIONER COMMENTS:

Commissioner Hemingway: Reminded Commissioners on the workshop coming up on February 25th, it is going to be the first one, and hope everyone comes with a clear open mind. A lot to discuss.

Commissioner Guzman: Congratulate Mike Gonzalez on his long career at Lehigh and Division of Forestry. When the contract negotiations come up we need to remove the step of the grievance that involves the Board. Commissioner Guzman feels it is the Chief's job to answer the grievances.

Commissioner Berndt: With what Commissioner Guzman said with the Commissioners being involved in the grievance process, he asked, even if the Board listens to the grievance and it ultimately goes to arbitration doesn't it come back to us again? Answer is yes, from Attorney Pringle. Commissioner Berndt stated it could be viewed as an unnecessary step.

Attorney Pringle: That was the comment Attorney Hament was trying to make.

Commissioner Adams: Thanked Mike Gonzalez and wish him the best in the future and to thank him for his service in Lehigh. Thanked the public for coming out.

Commissioner Berndt: Know it was difficult for the Chief to make the decision about the training officer. Appreciates Assistant Chief Solon Duncan for taking on more responsibility. Money is tight and times are hard. Appreciated Mike Pernal for standing up here at the meeting tonight saying his piece and being open-minded. Wants a resolution for everybody. Mike Gonzalez, good for you, man.

ADMINISTRATIVE COMMENTS:

Meeting adjourned at 6:15 pm.

