

# LEHIGH ACRES FIRE CONTROL AND RESCUE DISTRICT

## COMMISSION MEETING

### MINUTES

July 25, 2017

The July 25, 2017 regular Commission Meeting of the Lehigh Acres Fire Control and Rescue District Board of Commissioners was held at Station 104, 3102 16th St SW, Lehigh Acres FL 33976. The meeting was opened at 5:00pm by Chairman Kruse. In attendance: Commissioners Carter, Anderson, Cunningham, and Kruse; Chief Rob DiLallo, Division Chief Jeff Nickell, Finance Mgr. Anita Kressel, Administrative Director Platas, Attorney Pringle. Commissioner Smith was sadly missed due to his passing.

After the Pledge of Allegiance, Commissioner Kruse gave the invocation.

#### **ADOPTION OF AGENDA:**

Commissioner Kruse asked if there are any additions, corrections, or deletions to the Agenda. Commissioner Anderson recommended that separate motions be made on the minutes and Treasurers Reports because they are for separate months. Attorney Pringle stated it is appropriate that everything in the consent agenda, as long as it's approved, it is acceptable for one motion. Commissioner Anderson disagrees with Attorney Pringle. Commissioner Kruse stated we will make "Report" plural. Commissioner Kruse stated she would like to hear Department reports first then proceed with the presentation. Commissioner Carter stated she would like to remove "Fill Board Vacancy" from the Agenda. She stated when Commissioner Shea passed away, we left that position open as a courtesy and respect to Commissioner Shea. She also stated that Commissioner Smith hasn't had a funeral or a burial yet and she feels its disrespectful to Commissioner Smith. She will not vote for this agenda with that on it. Commissioner Cunningham agrees with Commissioner Carter. Commissioner Anderson stated that we can't have ties on the Board. Decisions need to be made. It is proper and the citizens of Lehigh expect that seat to be filled. Commissioner Kruse respectfully requests that this be postponed until a later time. Attorney Pringle stated there are two ways to address this item. First is by an amendment, which is where we are. It will pass by majority vote. Second is that if it's not removed, address the item at the time. The same comments can be made then you can see what action is taken.

***Commissioner Carter motioned to approve Agenda after removing "Fill Board Vacancy". Commissioner Cunningham second. Motion passed 3-1, with the opposing vote from Commissioner Anderson.***

## **DEPARTMENT REPORTS:**

- Currently at 82% of our budget.
- \$31,500 received in impact fees for Jan- March
- 976 calls for the month of June.
- 5 structure fires.
- 2 brush fires
- 51 % transported to FM
- Our average response time for last month was 6.92
- The average response time for fiscal year to date is 6.87.
- Had housing ceremony for Station 103 for Engine 103.
- Closed on property on homestead Rd.
- Hired 5 more employees last month.
- We had one employee resign for personal reasons and one employee off on FMLA that will not be returning. We are still down 5 employees.
- Two new rescues should be here next week.
- We are hoping to kick-off the Explorer program next month.
- FEMA paperwork has been submitted for large brush fire.
- The new Battalion Chief vehicle went into service June 12
- Two Battalion Chief's were promoted last month – Chad Ketron and Lance Delgado
- Allison Carter donated a wreath she made in Commissioners Smith's remembrance.

## **DVP 6 and 19- None**

**ATTORNEY'S REPORT-** PEACH REO land purchase (44 Homestead Road) – we were successfully able to close on the land purchase. Chief did a phenomenal job in regards to obtaining approval for the requirements to allow it to be used for the fire station site.

LAMSID – Hopefully we will be able to meet again and able to come to a solution. We asked the Judge for an extension to possibly allow for us to come to an agreement.

Commissioner Carter recommends that we do not pay LAMSID's fees this year. She feels if they don't pay us, then we don't pay them.

Attorney Pringle offered condolences to Commissioner Smith's family.

## **PRESENTATION – SWEARING IN OF NEW EMPLOYEES**

5 New employees started June 26, 2017 and were sworn in by Chief Dilallo

- Dane Soderstrom
- John Silvestre
- Kyle Alva
- Andrew Burke
- Matthew McDaniel

## **COMMISSIONERS REPORTS:**

Commissioner Cunningham wanted to extend condolences to Commissioner Smith's family. Commissioner Cunningham stated she is a Commissioner and a taxpayer. She has a problem with a member of our board being arrested for two separate felonies. This member requested that Commissioners receive a pay increase and also be put on health insurance. She feels the proper thing to do is to request Commissioner Anderson take a leave of absence from his seat until items are finalized or step down.

Commissioner Anderson stated he's not resigning or stepping down. The Governor is not doing anything about it. He ran on platform to be transparent and no new taxes. He has a problem with Commissioners attacking him. He stated we need to have 5 people on this Board. He stated he'll be the lone wolf and the lone wolf will win. He's not resigning or stepping down at this time.

Commissioner Carter wanted to extend condolences to Commissioner Smith's family.

**PUBLIC COMMENTS ON AGENDA ITEMS:** None

## **CONSENT AGENDA:**

- Regular Commission Meeting Minutes of May 23, 2017
- Special Meeting Minutes of June 6, 2017
- Regular Commission Meeting Cancellation Notice of June 27, 2017
- Treasurers Report May 23, 2017
- Treasurers Report June 27, 2017

***Commissioner Carter motioned to approve as posted with a second from Commissioner Cunningham. Motion carried 3-1 with the opposing vote from Commissioner Anderson.***

***Commissioner Kruse stated she'd like to have the Minutes approved separately. Commissioner Carter motioned to approve the May and June minutes with a second from Commissioner Cunningham. Motion carries 4-0.***

**UNFINISHED BUSINESS:**

**PURCHASE CARD** – Finance Mgr. Anita Kressel stated the District is transferring banking services from SunTrust Bank to Florida Community Bank. After further review of the Purchase Card program with both banks, the program with SunTrust Bank is the best option at this time. We are requesting that we remain on the SunTrust purchase card.

*Commissioner Carter motioned to approve with a second from Commissioner Anderson. Motion carries.*

**TRANSFER OF BANKING SERVICES** - Finance Mgr Kressel stated during the Special Meeting on June 6, the Board made the decision to transfer the District banking services from SunTrust Bank to Florida Community Bank. This change is in accordance with Florida Statutes and will begin immediately. The transfer of banking services is provided as a Resolution to be signed and approved by the Board. Atty Pringle read Resolution #17-07-01, "A Resolution of the Board of Commissioners of the Lehigh Acres Fire Control and Rescue District, Lee County, Florida, to transfer banking services; providing for severability; providing for an effective date."

*Commissioner Carter motioned to approve with a second from Commissioner Anderson.. Roll Call vote. Motion carries.*

<i>Commissioner Anderson</i>	<i>aye</i>
<i>Commissioner Carter</i>	<i>aye</i>
<i>Commissioner Cunningham</i>	<i>aye</i>
<i>Commissioner Kruse</i>	<i>aye</i>

**BUDGET AND HEARING DATES** - Attorney Pringle stated because we rely solely on an assessment fee, the budget process is different from Ad Valorem. We will have a public hearing to adopt the final Assessment Fee rate Resolution. The proposed date right now is August 29, 2017. We can have this meeting any time. We can recess our regular meeting for the Public Hearing to consider adoption of the final rate resolution. The time can be at 4:00pm Aug 29 or at the beginning of the regular Commission meeting. You can have this in the middle of your regular Board meeting. During discussion, it was determined that we will open our regular meeting at 5:00pm, suspend normal duties and open the special meeting on August 29, at 5:05. Our next budget workshop is August 8 at 4:00pm.

*Commissioner Anderson motioned to approve having the public hearing on August 29, 2017 at 5:05pm with a second from Commissioner Cunningham. Motion carries.*

**NEW BUSINESS:**

**SURPLUS INVENTORY** - Chief Dilallo stated on May 19, 2017, Engine 95-4, a 1995 Emergency One Sentry Pumper, with mileage of 132,881 was retired from the District due to life expectancy and is no longer usable to the District. The engine is now surplus inventory and the District may sell, trade, destroy or donate the capital asset. Chief is requesting Commissioners declare this engine as surplus inventory and allow him to list this on GovDeals.

***Commissioner Anderson motioned to go through Chief to use Government Deals as an option with a second from Commissioner Cunningham.***

***After Atty Pringle's advice, Commissioner Anderson amended his motion to first declare the engine as surplus inventory and then to give Chief direction to dispose of by listing on GovDeals. Commissioner Cunningham seconded the amendment. Motion carries 4-0.***

**LEGAL SERVICE CONTRACTS** – Commissioner Anderson believes Attorney Pringle should be under a contract. He feels Attorney Pringle should sign the contract that Commissioner Smith had previously prepared. He believes Commissioner Smith was headed this way. Commissioner Kruse disagrees with this. As she reviewed the document, several things popped out. She doesn't believe an attorneys' contract should have multiple hourly rates.

Commissioner Anderson stated he hasn't seen a bill for the Attorney to attend meetings. Commissioner Kruse stated she would question the legality of certain areas in the proposed contract.

Commissioner Kruse stated she is not in favor of this contact. Commissioner Anderson stated Commissioners can remove things they don't like so we can come up with contact that makes everyone happy.

After much discussion, Commissioner Anderson agreed to table this topic one month.

Commissioner Carter stated it reminds her of micromanaging. She feels that we should have a contract to a degree, but she can't see approving this at all.

Commissioner Cunningham stated she never heard of such a thing. She is with Commissioner Carter. It is micromanaging. She can agree to a yearly contact stating he'll be our attorney. She agrees with Commissioner Kruse to check with other departments to see what they do.

***Commissioner Cunningham motioned to table this item to next month and allow Commissioner Kruse to do her homework and check with other departments with a second from Commissioner Carter. Motion carries 4-1.***

**ADDITION OF NEW ACCOUNTS** – Finance Kressel requested the Board to approve two new accounts:

311- 0200 Fire Fee Assessment  
522-9903 – Debt Service Reserves - Assigned.

No fiscal impact. Basically for audit purposes.

***Commissioner Anderson motioned to approve the addition of the above two new accounts with a second from Commissioner Cunningham. Motion carries 4-0***

**CAPITAL ASSET ITEM** – Finance Mgr is asking the Board to approve the purchase of an air conditioning unit for the server room at Station 105. We need approval to put this in for auditors as a capital item. This item comes with a 7 year warranty.

***Commissioner Anderson moved approval of the air conditioning unit for the server room at St. 105 with second from Commissioner Cunningham. Motion carried 4-0.***

**TREASURERS POSITION** – Commissioner Anderson stated that since Commissioner Smiths' passing, we have to choose a Treasurer. We can redo the entire Board or just elect a Treasurer.

***Commissioner Carter motion that Commissioner Cunningham become Treasurer with second from Commissioner Anderson. Motion carries 4-0.***

**ASSESSMENT FEE** – Chief Dilallo stated we are currently in the second year of the Fire Assessment Fee and have not increased the fee amount. As the District continues to grow, the costs to operate, also, continue to grow. Consideration must be given to fund a future 6<sup>th</sup> fire station and capital items. According to the ballot that was voted on in 2014, the citizens of Lehigh Acres voted for the Fire Assessment Fee with specific tier amounts, allowing for yearly increases limited to the previous 5 years' Florida personal income annual growth rate. For the 2017/2018 fiscal, the allowable amount would be 4.1%, which would amount in \$557,600 in additional revenue. Chief is recommending this.

Attorney Pringle stated the Resolution that was approved by the taxpayers allowed for the department to adjust the amount annually, using the 5 year Florida personal income annual growth rate. The referendum authorizes the Board to have a change in your assessment rate in both fire and EMS. The District is authorized. He went on to state that initially, if we had put a maximum dollar amount the fee could roll up to in the first mail-out notice, we wouldn't have to do another mail-out now.

Attorney Heather Espinoza stated to Attorney Pringle that if our Board wants to change the rate from the rates that are stated in the resolution, the voters authorized this. However, due to a dollar amount not being stipulated, just a percentage, we will have to mail out a notice to all parcels in Lehigh Acres of what the possible new rate will be.

Basically if this District wants to increase the rate this year by the 4.1%, then you're going to have to mail out a notice. If you want to avoid to mail out a notice within the next few years - put out a dollar amount that is higher than all assessment tiers – keeping it in the proper order.

A lot of discussion regarding "Stand By Readiness" as a source of income. Commissioner Carter is adamant about having the stand by readiness in effect now.

Commissioner Anderson stated if we implement this 4.1%, we have to pay out over \$160,000 in costs. We'll end up only getting an additional \$389,000. He wants to consider Commissioner Carters idea or a user fee – if you use it, you pay,

Commissioner Kruse stated as much as she hates to increase the fee, she has to think both ways. She doesn't want to see the public have raised fees, but she has a tremendous responsibility to provide the service the community expects. She's talking about protecting life and property.

Commissioner Kruse questioned if we can we put aside or have an agreement that we need other sources of revenue and make that a priority. With that said, it brings us back to tonight and the decision we need to make. She feels that if we don't do something, we're going to be right back where we started. Commissioner Kruse stated if we were with Ad valorem, we would have had an increase.

Commissioner Cunningham is not thrilled about an increase. She agrees with both Commissioner Kruse and Commissioner Anderson, but is it fair to sacrifice the ambulance service. If we have to cut the ambulances, we have to rely on Lee County EMS, which at one time offered us 2.5 ambulances.

Chief stated we have a high class ALS transport service. We have 5 rescues in service the majority of the time. We run non-stop. Bottom line is we cut and cut – we can't cut anymore. Chief stated, as the Fire Chief, I'll look at every option for more money. He gives his word he will continue to look at the best possible options for money in this dept.

Commissioner Carter stated she doesn't want to do this but we have to look evenly across the Board. Firefighters need the equipment and tools to protect and serve the community.

Commissioner Anderson stated if we mail out one notice this time, putting the maximum amount of residential as \$400, with an estimated \$303, people are going to read the \$400 not the \$303. He stated we will have a bay full of people who are going to be very angry.

**Commissioner Kruse handed gavel to Commissioner Carter. Commissioner Kruse motioned that we consider the maximum rate for our assessment fee for fiscal year 17-18 of 4.1%**

**Fire:**

<b>Residential</b>	<b>248.80</b>
<b>Commercial</b>	<b>.32</b>
<b>Industrial/Warehouse</b>	<b>.05</b>
<b>Institutional</b>	<b>.43</b>
<b>Agricultural/Vacant Property</b>	<b>21.86</b>

**EMS:**

<b>Residential</b>	<b>55.17</b>
<b>Commercial</b>	<b>.04</b>
<b>Industrial/Warehouse</b>	<b>.01</b>
<b>Institutional</b>	<b>.11</b>

**In addition to that, not to exceed the far right column for the future and maximum rate of:**

**Fire:**

<b>Residential</b>	<b>286.12</b>
<b>Commercial</b>	<b>.37</b>
<b>Industrial/Warehouse</b>	<b>.06</b>
<b>Institutional</b>	<b>.49</b>
<b>Agricultural/Vacant Property</b>	<b>25.14</b>

**EMS:**

<b>Residential</b>	<b>63.45</b>
<b>Commercial</b>	<b>.05</b>
<b>Industrial/Warehouse</b>	<b>.01</b>
<b>Institutional</b>	<b>.13</b>

**Second from Commissioner Cunningham.**

**Motion is preliminary rate resolution  
Max rates to be added for future.**

**Being put to a roll call vote:**

<b>Commissioner Anderson</b>	<b>nay</b>
<b>Commissioner Carter</b>	<b>aye</b>
<b>Commissioner Kruse</b>	<b>aye</b>
<b>Commissioner Cunningham</b>	<b>aye</b>

**Motion carries 3-1.**



Attorney Pringle states - If the Board determines that a rate change should occur, what you have is a procedural Resolution that was adopted by taxpayers. What is before you tonight is a Preliminary Rate Resolution for fire protection and Emergency Rescue Services.

Attorney Pringle discussed this extensively with Heather Espinoza and Jeff Rackley (GSG) – as long as your rate change is within that rolling rate change, you don't have to do another mail-out.

**FILL BOARD VACANCY –**  
Dismissed

**PUBLIC COMMENTS ON NON-AGENDA ITEMS: -**

Phil Yakimchick, resident of Lehigh Acres thanked our EMS for taking care of him. Also thanked Chief for trying to open Station 6. He scolded Commissioner Anderson for calling residents stupid and idiots.

Alison Carter, resident of Lehigh Acres stated Commissioner Anderson is not a role model. He puts things on the Gazette that he shouldn't. He stole from Lehigh Fire Dept. He wants insurance. He wants to be paid more. The firefighters deserve more. They deserve the pay.

**COMMISSIONERS CLOSING REMARKS:**


Commissioner Carter stated her comments cover oaths of office. She handed out Lehigh Acres Fire Dept's policy for public records requests 100.10.1; Florida Statutes 119 – Public Records; and Florida Statutes 112.313 – Standards of conduct for public officers, employees of agencies and local government attorneys. Commissioner Carter gave a power point presentation of the highlights of these documents.

Commissioner Cunningham thanked everyone.

**ADMINISTRATIVE CLOSING REMARKS:**

Chief thanked staff for hard work and dedication.

**ADJOURN:** 8:09 p.m.

  
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Commissioner Signature

<b>Fire Protection Assessment Rates</b>					
	Current Rates	Proposed Rates (4.1% Increase from Current Rates)	Proposed Maximum Rates (6% Increase from Proposed Rates)	Proposed Maximum Rates (10% Increase from Proposed Rates)	Proposed Maximum Rates (15% Increase from Proposed Rates)
<b>Residential Property Use Category</b>	<b>Rate Per Dwelling Unit</b>	<b>Rate Per Dwelling Unit</b>	<b>Rate Per Dwelling Unit</b>	<b>Rate Per Dwelling Unit</b>	<b>Rate Per Dwelling Unit</b>
Residential	\$239.00	\$248.80	\$261.24	\$273.68	\$286.12
<b>Non-Residential Property Use Categories</b>	<b>Rate Per Square Foot</b>	<b>Rate Per Square Foot</b>	<b>Rate Per Square Foot</b>	<b>Rate Per Square Foot</b>	<b>Rate Per Square Foot</b>
Commercial	\$0.31	\$0.32	\$0.34	\$0.35	\$0.37
Industrial/Warehouse	\$0.05	\$0.05	\$0.05	\$0.06	\$0.08
Institutional	\$0.41	\$0.43	\$0.45	\$0.47	\$0.49
<b>Agricultural/Vacant Property Use Category</b>	<b>Rate Per Acre</b>	<b>Rate Per Acre</b>	<b>Rate Per Acre</b>	<b>Rate Per Acre</b>	<b>Rate Per Acre</b>
Land (Minimum of 1 acre; Maximum of 10 acres)	\$21.00	\$21.88	\$22.95	\$24.05	\$25.14
<b>Emergency Rescue Assessment Rates</b>					
	Current Rates	Current Rates	Current Rates	Current Rates	Current Rates
<b>Residential Property Use Category</b>	<b>Rate Per Dwelling Unit</b>	<b>Rate Per Dwelling Unit</b>	<b>Rate Per Dwelling Unit</b>	<b>Rate Per Dwelling Unit</b>	<b>Rate Per Dwelling Unit</b>
Residential	\$53.00	\$55.17	\$57.93	\$60.69	\$63.45
<b>Non-Residential Property Use Categories</b>	<b>Rate Per Square Foot</b>	<b>Rate Per Square Foot</b>	<b>Rate Per Square Foot</b>	<b>Rate Per Square Foot</b>	<b>Rate Per Square Foot</b>
Commercial	\$0.04	\$0.04	\$0.04	\$0.05	\$0.05
Industrial/Warehouse	\$0.01	\$0.01	\$0.01	\$0.01	\$0.01
Institutional	\$0.11	\$0.11	\$0.12	\$0.13	\$0.13