

MINUTES
EAST NAPLES BOARD OF FIRE COMMISSIONERS MEETING
January 8, 2008

I. MEETING OPENED

Commissioner Cannon called the meeting to order at 5:30 P. M. Present were Commissioner Cannon, Commissioner Gibbons, Commissioner Davis, Commissioner Miller, and Commissioner Boyer. Also present were Chief Schank, Assistant Chief Potteiger, Operations Chief Bogert, Deputy Chief Biondo, Deputy Chief Teague, Deputy Chief Dyer, Captain Hunt, Captain Burkhardt, Captain Schultz, Lt. Packard, Lt. Leal, Lt. Watson, FF P alermo, FF Orsolini and wife, CRO Speers, Mechanic Popiol, Fire Code Officials Riley and Salvaggio, Lt. Richard Gibbons CCSO, S/R Packard, and E/A Friday.

A. Pledge of Allegiance

Commissioner Cannon called the meeting to order with the Pledge of Allegiance.

B. Additions or Deletions to Agenda

Commissioner Cannon said he would like to add, under New Business, Christian Derby from Lanemark Development who would like to speak about a project he has coming into East Naples and an offer he would like to make to East Naples Fire Department. He will be agenda item B under New Business. Commissioner Cannon said he will be moving New Business up in the agenda.

Chief Schank requested the Drug Policy be added under Old Business.

Commissioner Gibbons made a motion to approve the agenda and Commissioner Davis seconded the motion. The motion passed unanimously.

C. Approval of Minutes of December 4, 2007 Meeting

Commissioner Boyer made a motion to approve the minutes of the December 4, 2007 meeting. Commissioner Davis seconded the motion and it passed unanimously.

D. Approval of Minutes of December 13, 2007 Special Meeting

Commissioner Boyer made a motion to approve the minutes of the December 13, 2007 Special Meeting. Commissioner Gibbons seconded the motion and it passed unanimously.

Commissioner Cannon moved into agenda item:

III. NEW BUSINESS

A. Sub Station 21 Lt. Richard Gibbons CCSO

Lt. Gibbons said he wanted to bring the Board up to date on the status of Sub Station 21. He said he is receiving a lot of questions from the residents in the Manor regarding what will happen when they move out. Rich said they definitely want to maintain a presence in the sub-station. He said their Gang Unit and Show Captain might be interested in that space when they move out and that way there would be a good presence of the Collier County Sheriff's Office there. There will be approximately 20/25 people working out of there. That space belongs to the county.

Commissioner Cannon asked if the county would be interested in selling that space back to us, which he doesn't think they are, and he feels that would be ideal for that location. He said we are under a 35/65 split on that property wherein ENFD owns 65% of the building and Collier County owns 35%.

Chief Schank questioned what will happen to the equipment that is on our lot and Lt. Gibbons said all the equipment will go with the Sheriff's Office.

B. Christian Derby Lanemark Development

Mr. Derby advised that they are an affordable housing development and plan on catering to 80% median income and below. He said when the ESP Housing Coalition went before the Board of County Commissioners they requested that anyone who gets CWHIP Funding be allowed to use shift funding, which is down payment assistance for consumers up to 140%, normally it is 80%. The commissioners approved this as well as impact fee deferral up to 140%. He said that is a major advantage for working people that are considered Essential Service Personnel. He said their

intention is to partner with us. Mr. Derby handed out an MOU that he said they can change anyway we like but basically it would be offering ENFD's staff and employees a \$10,000.00 discount on their product. Mr. Derby said it is their intention to get the benefits that the Board of County Commissioners has voted on. He feels the Board of County Commissioners assumed that the ESP Coalition was going to be the only one applying for the funding. He said they are going to apply for something very small as they do not want to compete against the Coalition; they want to be awarded funding along with the Coalition.

Mr. Derby said they need to have an agreement by the 20th/21st. Chief Schank asked what the average cost is and Mr. Derby said the retail price starts off at \$250,000.00 to \$275,000.00 for a 1,400 square foot to 1,900 square foot, two story town house. He said there would be 15% off the retail price as well as impact fee deferrals.

Mr. Derby said the property is located off Myrtle Lane and there will be 36 units on six acres that will be ready to be occupied by October.

Commissioner Boyer said he would make a motion to approve this with the staff reviewing this. Commissioner Cannon said he definitely would like our attorneys to look at it. Commissioner Boyer said he doesn't understand why the Board has to sign this and Mr. Derby said in order to apply for state funding, which is a CWHIP grant, you must have a public/private partnership.

Commissioner Boyer made a motion to approve this after staff, Chief Schank, and legal council review it, and if there are no conflicts, give Chief Schank authority to sign it representing the District. Commissioner Cannon seconded the motion and it passed unanimously.

Commissioner Cannon moved to agenda item:

F. Awards and Recognition

Deputy Chief Dyer advised the Board we have four people to recognize tonight for completing their probationary period of one year in service. Those recognized were Lt. Diana Watson, Secretary/Receptionist Michele Packard, FF Chris Diaz, and FF Adam Orsolini.

Commissioner Cannon addressed agenda item:

Old Business, F., East 41 Property Commissioner Boyer

Commissioner Boyer introduced Fred Kermani, the realtor who represents the selling side of the property involved. Mr. Kermani said the land consists of 2.67 acres on Tamiami Trail East at the corner Tamiami Trail East and Lake Park Blvd. which is about five miles east of Collier Blvd. He said Collier County Zoning indicates that lots number 2 and 3 are zoned C3 and lots number 1 and 4 are zoned agriculture. The total price is \$1,025,000.00 which indicates \$6.41 per square foot. The cost to mitigate the wet lands is approximately \$87,000.00.

Commissioner Boyer said he got the chiefs together yesterday and made a first proposal of \$550,000.00 on the property due to the fact we can't use the whole property. We cannot make a retention pond on the property and all the fill must be hauled in. The site is advantageous to the District. The owner of the property, John Kemon, gave the history of this property. Commissioner Cannon asked if 2.4 acres of the 3.67 could be wet lands and Commissioner Boyer said this is true but then you pay the mitigation fees and then we can get about 2.6 acres. Commissioner Cannon asked if this was what the \$87,000.00 that we are talking about is for and Commissioner Boyer said it is. Also, we would need a lot of fill as would anyplace on the East Trail. An environmental study was done in May of 2006. Mr. Kemon said he paid \$635,000.00 for this property and does not plan on taking a loss. Commissioner Boyer asked if they would accept \$625,000.00 for the four lots. Mr. Kemon said why don't we go to \$635,000.00 and call it a done deal. Commissioner Davis said to hold off and let them check this out as the Board has just seen this tonight and there are a lot of wet lands and a lot of unknowns. Commissioner Cannon said he wants our own engineers and site plans to look at instead of relying on what has been said. Commissioner Boyer said Ed came up with an estimate of \$30,000.00 due diligence. He asked if they would go along with our 90 calendar days due diligence and they agreed with the cost of the property being \$635,000.00.

Commissioner Boyer made a motion that we enter into a contract with this property at Lake Park and US 41, lots 1, 2, 3, and 4 for a total purchase price of \$635,000.00 with a

90 calendar day right of refusal to do our due diligence. Commissioner Cannon seconded the motion . Commissioner Boyer said we have to come up with a refundable \$10,000.00 deposit should we not purchase the property. Mr. Kermani said the environmental will be approximately \$4,000.00, another \$4,000.00 for engineering. The motion passed four to one with Commissioner Davis opposing. Commissioner Cannon said he would appreciate it if Commissioner Boyer would keep working on this project. Commissioner Boyer asked if he had authority to sign whatever papers and checks needed for the contract sale and Commissioner Cannon said he did as long as he got a second signature on the check.

Assistant Chief Potteiger asked how the Board wanted to pay for this and Commissioner Cannon said a formula has to be set up and should be brought before the Board at next month s meeting.

Commissioner Boyer made a motion that we allocate funds of up to \$30,000.00 to do the due diligence, environmental studies, and other work that may need to be done. Commissioner Cannon seconded the motion and it passed unanimously.

Commissioner Cannon returned to agenda item:

E. Treasurer s Report

Deputy Chief Dyer said the income and balance sheets are as submitted.

Doug asked how we want to reallocate the renewal of the CD s. Doug said we have \$8,743,892.80 in the bank and he would like to take \$7.5 million of that amount and put it into 30 CD s valued at \$250,000.00 per CD. Ten of those CD s will be at a three month maturity and the following twenty will become mature every pay period after that. Commissioner Cannon said, with Orion, there is no penalty for withdrawal and we have always had it where we had three month s rates, six month s rates, nine month s rates, and twelve month s rates and he thinks this is an inverted rate structure because he feels they are very nervous that the feds are going to come back and lower the rates a couple of more times. So, the lower rate is higher than the longer rate.

Commissioner Davis made a motion to put the \$7.5 million in CD s and Commissioner Boyer seconded the motion . The motion passed unanimously.

Doug said in our sick leave contingency we have \$523,902.16 and he would like to take \$500,000.00 from that, leaving a balance of \$23,902.16. This gets paid out each October so we have plenty of time to regain that money. He would like to put the \$500,000.00 into CD s. In the hydrant account we have \$248,166.80 and Doug would like to take \$200,000.00 from that account and put all of those into three month CD s. One would be valued at \$100,000.00 and the other two valued at \$50,000.00 each.

Commissioner Boyer made a motion to put the above funds into the CD s as specified and Commissioner Davis seconded the motion. The motion passed unanimously.

Doug said the Fire Code Official s Office has \$1,029,726.50 and he would like to take \$800,000.00 and put that into CD s, four \$200,000.00, for three month s each.

Commissioner Davis made a motion to move that money from the Fire Code Official s Office operating account into CD s. Commissioner Gibbons seconded the motion and it passed unanimously.

G. Reports

1. Fire Administration

a. Personnel

Chief Schank reported that Ben Brown is working full duty with the permanent restriction of not lifting over 30 pounds.

Brian Anderman is still off on Workman s Comp as is Jeff Inabnitt.

Ray Kilmer is still working light duty as is Nate Behrens.

Chief Schank advised we lost two employees last month. We lost Marlon Pierre from shift and Lisa Herndon has retired from the District.

b. Other

Chief Schank reminded everyone the Steering Committee meeting will be on January 17th at 6 P.M. here at Station 20.

Chief Schank reminded everyone the next meeting date has been changed to February 19th.

c. Public Comments

No comments were presented.

2. Administration: Assistant Chief

a. Fire Code Official s Office (with fuel report)

A/C Potteiger turned the meeting over to Fire Code Official Ed Riley to speak regarding the Task Force.

Ed said at the last meeting of the Fire Review Task Force they had allegations and Ed gave them a binder full of documentations showing mistakes. Ed said the next meeting is Friday, the 18th and they have a whole packet of information to pass out. Ed said during the Month of February they have a meeting on every Friday afternoon and the information will go before the Board of County Commissioners on March 18th for the final results.

Ed said they gave the county back the 61G Reviews and agreed to train them for the next month. During the month of December, between Ricco and Maggie, they had a little over 64 hours of time available for training, except for 15 hours of that, on how to do 61G for fire alarms. Ed put a list of the everyday activities that went on with their training, what was covered, etc., and they had 64 hours allocated to them and they took approximately sixteen and a half hours and one hour of that was on their own time so they did not take advantage of the training we had offered them. Ed said, since the

first of January, they are coming to them daily asking questions with plans in hand and he is documenting how much time they are spending with them helping them through the process. He said it is taking some of their review time away from them but they hope to be caught up in about thirty to sixty days.

Ed said they had a meeting with an outside engineer and they wanted to know what they had to do. The engineer told them they have to do everything Ed told them they had to do as Ed was doing it correctly. Ed said he has the feeling the county wants to take over everything the Fire Code Office does.

Pott said he thinks the County Commissioners will put in a complaint about how much the new building is costing them because they have changed the flooring all around and Fire Code has rejected it so that is causing a problem. The county wants to make an assembly with four chairs. Ed said they had two rooms the county had designated as training rooms, 460 square feet each, and when they did the occupant load it came to an assembly occupancy and then they had problems with egress out of there so Fire Code rejected it. The county resubmitted showing four chairs in a 460 square foot room and said that was the going occupancy load of four people. Ed said, however, the county did agree to put a sign up that would limit the occupant load to thirty people.

Ed said, regarding the first right of refusal, Chad Lund has verbally agreed to a change to the first right of refusal documents that they purchased the property on to allow them to waive the first right of refusal for government agencies should they sell to a government agency, or if they wanted to, in the future, sell to another government agency, there will not be a first right of refusal, it will be waived. If either party wanted to sell to the general public they want their first right of refusal for that. Ed said they sent the paperwork to the attorney for SWFWM

to author the change since they are the ones who have been picky about it. Once Ed receives the paperwork he will send same to Laura Donaldson and go forward with getting the actual document changed.

Pott advised that next month Ed will be bringing in the disposition of some of the vehicles that other governmental agencies can bid on and we will probably request the Board's permission to bid on some of them.

Commissioner Boyer questioned the mileage on one of Ed's employee's vehicles and told Ed, that as a Board member, he feels it is his obligation to watch over this matter.

Ed and Bob Salvaggio requested that service awards be presented to their employees as we do for ENFD employees. Bob Salvaggio proudly announced the assets we have in the Fire Code Official's Office.

b. GRIT

No report.

c. Public Comment

There were no public comments.

3. Fire Prevention: Deputy Chief

Nick said his report is as submitted. He thanked everyone for their help and support with the toy drive and said they had about 1500 kids.

4. Support Services Report: Deputy Chief

Doug said they finished moving the Finance Office into Support Services Office.

a. Shop

Doug said they are getting the new Engine 23 ready to go. At the end of the month Engine 23 is going up to Fire Rescue East in Jacksonville. Commissioner Boyer asked why it is going up there and Pott said that was part of the deal we made with them. Also, the personnel going up with the truck are taking classes while they are there.

b. Fuel Reports (Shop)

As submitted.

5. Training Report: Deputy Chief

Keith said his report is as submitted. He said they are still tabulating the results for the Best Engine Company. Keith thanked Chief Potteiger for getting us Emergency Management Command Post for three days for both weeks. He also thanked Chief Bogert for his help.

Commissioner Boyer questioned entries on page 46 of Chief Teague's report from December 14th as there are four reports that are all the same. Keith said they are four different motor vehicle accidents. Commissioner Boyer told Chief Schank that he is appalled at some of this report.

6. Fire Operations: Deputy Chief

Eugene said his report is as submitted. He said the year to date total calls are 7376 so we had a pretty good year this year.

Eugene said the Operations Chief submitted that report for the consolidation study and it didn't go over well. Commissioner Cannon said he was supposed to receive a copy of that report before it was submitted but he did not receive it. Commissioner Cannon said somehow the media got the report though. He said he was going to write a letter to the editor, had it three-quarters finished, and deleted it. He said instead he wrote a letter to all five commissioners and County

Manager Mudd voicing his displeasure at one of their employees who was sounding off in the paper on a concept that the County Commissioners originally threw out. He also made mention that it is an insult to all the fire service with Dr. Tober mentioning that the fire departments have nothing to do. Commissioner Cannon said he will handle the two chiefs in his own way. Nick said no one from Fire Prevention was invited to be involved. D/C Bogert said EMS and the county fire departments attended two meetings and were asked not to come anymore and were told they were not allowed to participate. Commissioner Cannon asked who made the decision that they not participate and Eugene said they were told they couldn't participate by someone above them.

Commissioner Cannon asked Chief Schank to ask at the next Chiefs Meeting on the 17th how the media got this paper before the commissioners. Commissioner Cannon said he feels the correct format would be that this should have been presented to the Steering Committee which would have brought it back to each individual Board in a draft form.

II. OLD BUSINESS

A. On-Going

Nothing was presented.

B. Fire Review Task Force Commissioner Davis

Commissioner Cannon asked if there was anything further on this subject and Commissioner Davis said she was unable to attend.

C. FCO New Building

Nothing further was presented.

D. ALS Expense Commissioner Cannon

Commissioner Cannon said he was happy with the last report and we will keep monitoring what our expenses are.

E. 175 Retirement Chief Potteiger

Pott said he and Tom will be going to Tallahassee to try and get our actuary to come in and do everything for us. Commissioner Boyer asked when we will pay the one million twenty thousand dollars and Pott said we already have. He said we are doing it with the 8% life and the contributions and will be paid over five years. Commissioner Boyer asked about the start/stop and Pott said he offered the union, in negotiations, what the Board approved and has not yet heard back from them. This was a couple of weeks before Christmas. Pott said he recommends we send the union a letter and Commissioner Cannon said to do that, to have it in writing.

Commissioner Cannon said he would like to add two more things to New Business even though we have approved the agenda. He said to add Administrative Raises and Election of New Officers.

G. Criteria for Chief's Position Commissioner Cannon

Commissioner Cannon said he has not had a chance to work on this but he will try his best by the next meeting.

H. Drug Policy

Chief Schank said we asked Reynolds Allen to review the paragraph we added onto random drug testing and he got back with us late today and he made some typo repairs to the policy and did accept the verbiage we put in there for random testing. He recommended we have an Executive Session to discuss it but there is really nothing to discuss. The Board has approved it and before the Board is the clean policy as of this afternoon.

Commissioner Boyer made a motion to adopt Policy 2007 -07 Drug Free Workplace and Alcohol Policy as written on 01/08/2008. Chief Schank said this would be pending union approval and Commissioner Boyer said yes, pending union approval. Commissioner Gibbons seconded the motion and it passed unanimously.

K. Board of Fire Commissioners
(Topics initiated by the Board)

Commissioner Boyer requested D/C Bogert put all line items on his report so they match up.

Commissioner Boyer asked if the mutual aid at Station 24 was given or received as the report does not specify. D/C Bogert said those are medical assistance calls that we went on that were not classified under the Emergency Medical Services. Commissioner Boyer said we should list mutual aid received and mutual aid given as that gives the Board some indication if we need more stations, more manpower, and what the call load is. Eugene said the CAD system does not address mutual aid.

D/C Teague requested some direction regarding his reports. He wanted to know if it was the format, specifics, non-specifics or what. He said he has used the same format as Support Services. He said appalled is a very strong word and said if he could get some specifics so he doesn't appall anyone else that would help him greatly. Commissioner Cannon told Keith to come and see him sometime this week.

III. NEW BUSINESS

A. Sub Station 21 Lt. Richard gibbons CCSO

This agenda item was previously presented.

C. Staff Raises Commissioner Cannon

Commissioner Cannon said we usually wait for union negotiations to end prior to giving Administration a raise but we could be getting a lot grayer so he feels it is time to look seriously at staff increases that should have been done in October. Commissioner Cannon said we budgeted 4% and the last offer to the union was 6%.

Commissioner Cannon made a motion to increase staff salaries 6% effective October 1, 2007. Commissioner Davis seconded the motion. Pott asked if we could include Fire Code or if he wanted this as a separate item. Commissioner Cannon said this would be a separate item.

Chief Schank said if the Board decides to give the 6% he asked that his 6% be cut in half, give him 3% and give Pott the other 3% who has carried us for the past year. Pott said he rejects that offer. Pott said he appreciates the offer. Chief Schank said the offer still goes to the Board. Chief Schank said they started off at a \$5,000.00 difference in salary and because of the way we give raises he pulled away quite a bit. Commissioner Cannon said Chief Schank is allowed to give an individual up to \$12,000.00 a year as a gift before there would be any taxes on it. Pott declined the offer.

The motion passed unanimously.

D. Election of New Officers for the Board

Commissioner Gibbons made a motion to nominate Thomas G. Cannon as Chairman of the Board. Commissioner Boyer seconded the motion and it passed unanimously.

Commissioner Davis made a motion to keep Commissioner Gibbons as Vice-Chairman. Commissioner Gibbons declined the motion and nominated Commissioner Davis as Vice-Chairman. Commissioner Cannon seconded the motion and it passed four to one with Commissioner Boyer casting the nay vote.

Commissioner Cannon made a motion to appoint Commissioner Boyer as secretary. Commissioner Gibbons seconded the motion and it passed unanimously.

Commissioner Cannon returned to the Treasurer's Report:

Doug said his report is as submitted. Commissioner Cannon said we have already collected \$10 million of our \$13.7 million.

B. Board of Fire Commissioners
(Topics initiated by the Board)

Commissioner Boyer said during the seminars we attended for the Special Independent Districts the attorneys recommended all Independent Districts educate the people on how this vote works, the pros and cons.

Commissioner Cannon said maybe Greg Speers can contact the Citizen and have an article put in their paper. Commissioner Cannon said there is a forum coming up, he believes on the 17th at North Naples, and the Lt. Governor is going to be there, Fred Coyle, Jim Mudd and they will go into the pros and cons. He said the East Naples Civic Association newsletter will have a pros and cons article in the issue that went to print today. Commissioner Boyer asked if we should have Greg Speers get in contact with Dave Ramba who is with the Independent Districts and Commissioner Cannon said it wouldn't hurt. Commissioner Cannon said the only sad part is that we are fighting a losing battle.

Chief Schank said some of us met with Jeannie Kungle today, she is the one that put the petition out for the Port of Islands, and she told us she has received over 100 petitions back and so far only 3 were against. Her next action is to take this to Jim Coletta and see what his thoughts are as far as coming into our District. Commissioner Boyer said he was told Friday by D. J., who runs the sporting events out there, that they have set aside three acres on the north side of 41 for a fire and emergency services station. Commissioner Cannon said we know what Coletta will say.

Commissioner Cannon made a motion we increase the salaries of Fire Code 6% retroactive to October 1, 2007. Commissioner Davis seconded the motion and it passed unanimously.

IV. ADJOURNMENT

Commissioner Gibbons made a motion to adjourn and Commissioner Boyer seconded the motion. The meeting adjourned.

Thomas G. Cannon

Karen M. Miller

Richard Gibbons

Robert A. Boyer

Angela S. Davis

