

Matlacha/Pine Island Fire Control District
Minutes for Regular Commissioners Board Meeting
May 25, 2022

Call to Order: Commissioner Player called the meeting to order at 5:09p.m.

Invocation: Commissioner Dreikorn led everyone in the invocation.

Pledge of Allegiance: Commissioner Player led everyone in the Pledge of Allegiance.

Roll Call: Commissioner Player, Dreikorn, Price, DeLacey and Cammick were present.

Chief Mickuleit, Assistant Chief Davis, Assistant Chief Allen, Administrative Assistant Miles, Accountant Renee Lynch and Attorney Beverly Grady and Sarah Spector were present.

Public: There were approximately 130+ members of the public in attendance.

Setting of Agenda: Commissioner Player asked to move the annexation impact and budget amendment up to directly after the approval of minutes. **Commissioner Cammick moved to approve the agenda as amended. Motion seconded by Commissioner Dreikorn. Motion passed unanimously.**

Approval of Minutes:

1. April 27, 2022 Regular Meeting Minutes **Commissioner Dreikorn moved to accept the minutes as presented. Motion seconded by Commissioner Price. Motion passed unanimously.**
2. April 25 Workshop Meeting Minutes **Commissioner Cammick moved to accept minutes as presented. Motion seconded by Commissioner Dreikorn. Motion passed unanimously.**

Annexation Impact:

Commissioner Player opened with the facts of what had happened in the previous week. The City of Cape Coral has approved a voluntary annexation of parcels at the Pine Island Rd and Veterans intersection. In addition, Chief Mickuleit was approached the next day by the Fire Chief of Cape Coral stating that the City is interested in purchasing Station 4 from the District and therefore taking over servicing Station 4's zone, at a cost to the District. Each commissioner stated their position on the sale of Station 4. All of which agreed that Station 4 is not, and will not be for sale. The floor was then open to public comment relating to the annexation. There were a multitude of comments against the annexation and sale of Station 4. There were some comments on the possibility of incorporating the island to keep the City from taking any more of unincorporated Lee County which makes up Pine Island and Matlacha. There were a few comments/questions on the possibility of future annexations. There were a couple comments in favor of the annexation and questions on the District's budget.

Commissioner Dreikorn answered the majority of all questions posed by the members of the public. Commissioner Cammick answers a few of the budget related questions. Commissioner Price addresses the City's push to annex the Cape Royal community and their opinion on the annexation. Commissioner DeLacey addressed concerns relating to the sale and annexation.

Commissioner Player asked the district's attorney Beverly Grady what the options are for moving forward. Mrs. Grady presents the Board with the memo provided to the City of Cape Coral Counsel, asking that the District remain the fire service for this annexed property. The City did not amend the annexation, therefore the district has the option of taking what the statute provides, which is 4 years of revenues and service. Or the District can enact chapter 164 which opens the door to negotiations with the City. In hopes to remain responsible for the property for a longer period of time. Given that the annexation was voluntary there is no possibility of overturning the annexation itself, however there is an opportunity to argue our case as the fire service providers.

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Beverly also urged those in attendance to write to their legislators and voice their opinions on the matter. Beverly presented to the board a letter and resolution needing approval if the Board decided to move forward with chapter 164. Commissioner Player read the resolution in its entirety.

Resolution 2022-005: Commissioner Dreikorn moved to approve the resolution as presented. Motion seconded by Commissioner DeLacey. Motion passed unanimously.

The Board discussed the letter and decided on dates to fill in (June 13th, 17th and 21st). **Commissioner Cammick moved to approve the letter as completed. Motion seconded by Commissioner Dreikorn. Motion passed unanimously.**

Given that enacting chapter 164 is going to cost additional amount in attorney fees, Accountant Renee Lynch presented the Board with a budget amendment. **Resolution 2022-004: Commissioner Dreikorn moved to approve the budget amendment as presented, Motion seconded by Commissioner DeLacey. Motion passed unanimously.**

Following the Annexation discussion, the meeting was caucused from 7:24 pm to 7:37 pm. When the meeting reconvened there was approximately 5 members of the public remaining.

Treasurers Report: 4/23/22 - 5/20/22 Presented by Commissioner Cammick. **Commissioner Dreikorn moved to accept the Treasurers Report as presented. Motion seconded by Commissioner Price. Motion passed unanimously.**

Cash Disbursements: 4/23/22 - 5/20/22 Presented by Commissioner Cammick. **Commissioner Cammick moved to accept the cash disbursements as presented. Motion seconded by Commissioner Dreikorn. Motion passed unanimously.**

Accountants Compilation Report: Accountant Renee Lynch presented the month end report for April 30, 2022 **Commissioner Cammick moved to accept Accountants Compilation Reports. Motion seconded by Commissioner Price. Motion passed unanimously.**

Commissioners' Expenses: None.

Guest Speakers: None.

Public Comment: None

Firefighters: Captain Simer spoke briefly on the MERT training that the personnel participated in with Upper Captiva and Useppa.

Union: None

Old Business:

1. **Station 2 land acquisition:** Beverly updated the board on the purchase of land for Station 2. The engineering firm is working on it and everything is going smoothly so far.
2. **Interlocal agreement with Lee County EMS:** Assistant Chief Allen updated the Board. The County was willing to make the changes we asked for and we are currently checking with the insurance underwriter to be sure that our current policy will cover the agreement.

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Chief's Report:

- We will be presenting some of our employees with a phoenix award next week.
- LZ update: Commissioner DeLacey and Chief Mickuleit updated the Board on the standing with the county. There was a consensus to formally address Mosquito Control with a letter to see if a deal could be met on the property.
- Hurricane Stickers: Chief explained to the board the status of the current hurricane passes, which expire at the end of 2022. After speaking with the sheriff's department, it is apparent that the passes will not save residents any time, since the deputies will be stopping each car for proof of residence anyways. Therefore, they have decided to cancel the program and reiterate to the public that their driver's license or other proof of residency will allow them back on the island in the event of an evacuation and check point.
- It has been apparent in recent months that a ladder truck needs to be on the radar of the District to purchase, not necessarily in the next 5 years, but possibly in the next 10 years.
- With all of the new training supplies we have acquired for the ALS program we are in need of space to keep these items as well as an area that can be used for training. We plan to remove the Station 3 classroom from those available for public use in order to create a designated training room.
- We will be hosting a hurricane seminar this Thursday, put on by Lee County Emergency Management at the Methodist Church.
- We have started the search for new bunker gear. We have talked with three different companies and will be trialing 4 sets of gear in order to be prepared to order gear at the beginning of next fiscal year (when our current gear will be retiring).
- Admin and shift personnel participated in kickball at the school yesterday.
- Paramedic graduation was held last night for our 6 graduating students.
- We are looking into opportunities for additional ALS training and we are pursuing an opportunity to participate in a cadaver lab.
- Assistant Chief Davis presented the monthly call report.

Public Comment:

Good of the District:

Commissioner DeLacey mentioned Hometown Heroes. Chief Mickuleit had a Birthday on Saturday and Assistant Chief Allen's Birthday is today!

Executive Session:

The Board resolved into executive session at 8:23 pm to discuss union negotiations

The Board reconvened into regular session at 8:54 pm.

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Adjournment:

**Commissioner DeLacey moved to adjourn. Motion seconded by Commissioner Cammick.
Motion passed unanimously.**

Meeting adjourned.

Respectfully submitted,

Sarah Miles

District Administrative Assistant

Board Secretary

RESOLUTION 2022-005

RESOLUTION OF THE MATLACHA / PINE ISLAND FIRE CONTROL DISTRICT

WHEREAS, the Matlacha / Pine Island Fire Control District is an independent special fire control district under Chapter 191, Florida Statutes, and Special Act 2000-396 Laws of Florida (hereinafter "District"); and

WHEREAS, the City of Cape Coral is a municipality under Article VIII of the Florida Constitution Chapter 165, Florida Statutes (hereinafter "City"); and

WHEREAS, the City and the District qualify as local government entities as defined in Section 164.1031, Florida Statutes; and

WHEREAS, the City adopted Ordinance 41-22 on May 18, 2022 , an ordinance providing for the annexation of parcels of land being 15.47 acres described in Exhibit A (hereinafter referred to "Annexed Territory 1"); and

WHEREAS, the City adopted Ordinance 42-22 on May 18, 2022 , an ordinance providing for the annexation of parcels of land being 25 acres described in Exhibit B (hereinafter referred to "Annexed Territory 2"); and

WHEREAS, the term Annexed Territories includes Annexed Territory 1 and Annexed Territory 2; and

WHEREAS, the Annexed Territories are located wholly within the service boundaries of the District; and

WHEREAS, the District historically and currently provides fire and first responder services (Services) to the Annexed Territories including the private commercial businesses and church that occupy this property; and

WHEREAS, this Resolution is adopted as a "Local Government Resolution" as defined in Section 164.1031, Florida Statutes; and

WHEREAS, contrary to the City's Comprehensive Plan, Inter-Governmental Coordination Element, there was no communication from the City to the District regarding the annexation of the Annexed Territory 1; and the communication regarding Annexed Territory 2 was notice to a property owner and not a local government; and

WHEREAS, the District appeared at the public hearings on May 18, 2022, and requested that the City permit the District to continue to provide Services to the Annexed Territories; and

WHEREAS, the City adopted Ordinances 41-22 and 42-22 on May 18, 2022.

NOW THEREFORE, this Resolution is adopted by the Board of the Matlacha/Pine Island Fire Control District and states as follows:

1. The Whereas recitals are hereby incorporated in this Resolution.
2. It is the intention of the District by adoption of this Resolution to initiate the conflict resolution procedures provided by Chapter 164, Florida Statutes.
3. It is the intent of the District to initiate the conflict resolution procedures prior to initiating court proceedings pursuant to Chapter 164, Florida Statutes.
4. The issues of conflict include the following:
 - (a) Municipal annexation of the Annexed Territories historically and currently served by the District on May 18, 2022; and
 - (b) Conflict over provision of service to the Annexed Territories as to fire and first responder services; and
 - (c) Failure to notify the District, a local government, of the proposed annexation.
5. Within five (5) days of passage of the Resolution, a certified copy of this Resolution shall be provided to the Chief Administrator of the City.

This Resolution is adopted on the 25 day of May, 2022.

MATLACHA / PINE ISLAND FIRE CONTROL DISTRICT

By: Tonya Player
Tonya Player, Chair

Attested to:

By: [Signature]
Secretary

RESOLUTION 2022-004

A RESOLUTION OF THE MATLACHA/PINE ISLAND FIRE CONTROL DISTRICT OF LEE COUNTY, FLORIDA, APPROVING BUDGET AMENDMENT #2022-004; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Matlacha/Pine Island Fire Control District (The District) faces the loss of ad valorem tax revenue from the annexation of certain properties in Matlacha by the City of Cape Coral; and

WHEREAS, there are sufficient funds in the District's Reserve for Contingencies to address the legal fees associated with representing the District in this matter and desires to amend its adopted Fiscal Year 2021-2022 for this issue.

NOW, THEREFORE, BE IT RESOLVED by the Matlacha/Pine Island Fire Control District of Lee County, Florida, that:

1. The attached Budget Amendment #2022-004, which is attached hereto and incorporated herein by this reference, is hereby adopted.
2. This resolution will take effect immediately upon its adoption.

DULY ADOPTED at a public hearing the 25th day of May 2022.

Matlacha/Pine Island Fire Control District



Tonya Player, Chair

ATTEST:



Neil Price, Secretary

