

**WEST MANATEE FIRE & RESCUE DISTRICT COMMISSION
REGULAR MEETING**

*Minutes of August 15, 2023
Administration Building*

The meeting was called to order at 6:04 p.m. with the following members present: Robert Bennett, Larry Jennis, David Bishop, Billy Burke, and Derrick Warner. The Pledge of Allegiance was followed by a moment of silence and the oath.

2nd PUBLIC HEARING ORDINANCE 2023-04 AMENDING AND RESTATING THE FF RETIREMENT PLAN: Administrative Assistant (AA) Wright verified that public notice was advertised in The Bradenton Herald on Sunday, August 6, 2023, and read the ordinance summary. An ordinance of the West manatee Fire and Rescue District, Manatee County, Florida, amending Ordinance no. 2013-04 amending and restating the West Manatee Fire and Rescue District Firefighters' Retirement Plan; as subsequently amended; amending section 1, definitions; amending section 4, finances and fund management; amending section 7, pre-retirement death; amending section 8, disability; amending section 16, minimum distribution of benefits; amending section 25, military service prior to employment; amending section 26, prior fire service; providing for severability of provisions; providing for the repeal of conflicting ordinances; providing an effective date. Chairman Bennett opened the public hearing for public comments; there were none. Commissioner Jennis motioned to close the public hearing; seconded by Commissioner Warner. There was no Board discussion. Commissioner Jennis motioned to adopt Ordinance 2023-04 Amending and Restating the FF Retirement Plan; Seconded by Commissioner Burke. Roll call vote was taken. Commissioner Jennis – yes, Commissioner Burke – yes, Commissioner Warner – yes, Commissioner Bishop – yes, Chairman Bennett – yes. Motion passed 5-0.

PUBLIC HEARING 2023-2024 FIRE ASSESSMENT ROLL ADOPTION: Administrative Assistant (AA) Wright verified that public notice was advertised in The Bradenton Herald on July 14th and July 21st, 2023, and read the resolution summary. A resolution of the Board of Commissioners of the West Manatee Fire & Rescue District; Adopting non-ad valorem assessment rates for fiscal year 2023-2024; applying the districts assessment methodology to properties based upon land use categories and actual use; providing for administration of the non-ad valorem assessment roll; designating an individual to review and transmit fire assessment roll to the manatee county property appraiser; and establishing an effective date. Fire Marshal (FM) Kwiatkowski gave a brief presentation defining Transient Public Lodging Establishments (TPLEs) and outlining the codes and statutes that govern the Districts duty to inspect TPLEs. FM Kwiatkowski stated the District mailed letters out to all parcels in the District and explained that District staff fielded 87 calls and received 12 written correspondences regarding the matter. FM Kwiatkowski proclaimed that District staff had conversation with each one and resolved all concerns. Maggie Mooney, the Districts Legal Council, then asked FM Kwiatkowski what TPLE inspections look like to the District and how they differ from commercial fire inspections. FM Kwiatkowski stated the statistics regarding the safety of TPLEs. FM Kwiatkowski explained that the District has identified 3,200 TPLEs that the District will have to inspect each year. Mrs. Mooney then confirmed with FM Kwiatkowski that inspections are not required for residential homes that are not used as vacation rentals, that inspections are required for commercial properties, and that TPLE inspections are akin to commercial property inspections. Mrs. Mooney expressed that this resolution raised some property owners' concerns regarding zoning in municipalities and stated this Board does not have any zoning police powers. Mrs. Mooney suggested adding more Where As's to further distinguish that the sole purpose of this resolution is non-ad valorem fire assessments and has no stake in city or county zoning. Chairman Bennett opened the public hearing for public comments. Doug Hensley of Unincorporated Manatee County addressed the Board regarding his stance on increased assessments stating his opinion that this increase is only harming the public as he has a vacation rental solely to pay off tax debts from the property. Chief Rigney responded to Mr. Hensley stating that once a property owner decides to no longer operate as a TPLE, the District will change the assessment back to the residential amount. Mr. Hensley then asked what the tax impact would be on his property. FM Kwiatkowski stated the residential base rate is \$219.94 and the commercial base rate is \$546.61 which would be about \$300 for a 1,000 Sq Ft property. Aaron Thomas, resident of Tampa, stated he is Partner at Najmy Thompson and represents numerous property owners on Anna Maria Island and Northwest Bradenton. He stated case law has shown that renting residential properties does not transform the property to commercial use. Mr. Thomas stated that renters are using properties to eat, sleep, and wash which are ordinary living activities. Mr. Thomas stated the Board has no grounds to approve this based on the law and enabling act. Commissioner Bishop asked FM Kwiatkowski to describe the sub uses and risks to residential properties in NFPA 101. FM Kwiatkowski explained NFPA 101 is the Life Safety Code that is adopted every 3

**WEST MANATEE FIRE & RESCUE DISTRICT COMMISSION
REGULAR MEETING**

*Minutes of August 15, 2023
Administration Building*

years in the state of Florida which mandates the District to perform inspections on TPLEs. Mrs. Mooney then asked FM Kwiatkowski to explain TPLE inspections based on NFPA 101 from a life safety perspective. FM Kwiatkowski stated the District is making sure smoke alarms are working, fire extinguishers are present, proper egress, no exposed electrical. Mrs. Mooney asked FM Kwiatkoski to explain how visiting a TPLE differs from ordinary living activities. FM Kwiatkowski compared it to staying at a hotel stating risks are greater than at your own home because guests are not familiar with safety features especially during an emergency. FM Kwiatkowski also mentioned that the District must also inspect Assisted Living Facilities which are classified as residential properties and gets no complaints regarding those inspections. Mrs. Mooney suggested adding Where As's to appease the concerns that Mr. Thomas's clients have. Mrs. Mooney read, "**WHEREAS**, at the August 15, 2023 public hearing the Board of Fire Commissioners heard and considered written and verbal testimony, concerns and objections from residentially zoned property owners and their representatives regarding the application of the District's commercial assessment rate to residentially zoned properties used as transient public lodging establishments; and **WHEREAS**, in consideration of the concerns raised, the Board of Fire Commissioners hereby clarifies that the application of the District's commercial assessment rate to residentially zoned properties (due to the use of such property as a transient public lodging establishments) shall not alter, amend or modify the general land use and zoning categories of the applicable local general purpose governments (county or cities) having jurisdiction over such properties, nor shall the application of the District's commercial rate schedule to such properties be deemed to authorize or prohibit any land use activities or uses regulated by the general purpose governments; and **WHEREAS**, the Board of Fire Commissioners hereby clarifies that the application of the District's commercial assessment rate to residentially zoned properties used as a transient public lodging establishments is being applied for District purposes only to properly apportion the fire, rescue and emergency medical services assessments amongst the District's benefiting property owners and insure that all specially benefited properties are paying properly apportioned assessments for the services received; and." Commissioner Bishop motioned to amend Resolution 2023-05, 2023-2024 Fire Assessment Roll adding the recommended language from Mrs. Mooney; seconded by Commissioner Burke. Mr. Thomas stated he appreciates the added language, but it doesn't change his stance and advised the Board to not approve this resolution. Chairman Bennett closed the public hearing. There was no Board discussion. A roll call vote was taken to amend the resolution as suggested by District Council. Commissioner Jennis – yes, Commissioner Burke – yes, Commissioner Warner – yes, Commissioner Bishop – yes, Chairman Bennett – yes. Commissioner Jennis voiced his support for this resolution due to the increase effort and inspection the District will have to perform to uphold what the law requires. Commissioner Bishop clarified that this is all based on NFPA life safety guidelines and requirements. Chairman Bennett reiterated the Boards stance. Commissioner Bishop motioned to adopt Resolution #2023-05; seconded by Commissioner Jennis. Roll call vote was taken. Commissioner Jennis – yes, Commissioner Burke – yes, Commissioner Warner – yes, Commissioner Bishop – yes, Chairman Bennett – yes. Motion passed 5-0.

PUBLIC HEARING 2022-2023 BUDGET AMENDMENT: Administrative Assistant Wright verified that public notice was advertised in The Bradenton Herald on Sunday, August 6, 2023, and read the resolution summary. A resolution of the West Manatee Fire & Rescue District of Manatee County, Florida, adopting and amending a final budget for fiscal year 2022-2023, and providing for an effective date. Finance Clerk Larson summarized the need to amend the budget including, rising fuel and supply costs as well as year-end projections. Chairman Bennett opened the public hearing for public comments; there were none. Commissioner Jennis motioned to close the public hearing; seconded by Commissioner Warner. There was no discussion from the Board. Commissioner Jennis motioned to approve the 2022-2023 Budget Amendment - Resolution 2023-06 as presented. Commissioner Warner seconded. Roll call vote was taken. Commissioner Bishop – yes, Commissioner Burke – yes, Chairman Bennett - yes, Commissioner Jennis – yes, Chairman Bennett – yes. Motion passed 5-0.

1st PUBLIC HEARING 2023-2024 BUDGET: Administrative Assistant (AA) Wright verified that public notice was advertised in The Bradenton Herald on Sunday, August 6th, 2023, and read the resolution summary. A resolution of the West Manatee Fire & Rescue District of Manatee County, Florida, adopting a final budget for fiscal year 2023-2024, and providing for an effective date. Chief Rigney gave a detailed summary of the proposed 2023-2024 Budget Packet presented. Chairman Bennett opened the public hearing for public

**WEST MANATEE FIRE & RESCUE DISTRICT COMMISSION
REGULAR MEETING**

*Minutes of August 15, 2023
Administration Building*

comments; there were none. Commissioner Warner motioned to close the public hearing; seconded by Commissioner Burke. There was no Board discussion. Chairman Bennett adjourned the public hearing.

CHANGES TO AGENDA: None

PUBLIC COMMENTS: Judy Taylor of Unincorporated Manatee County stated she is a registered nurse for a hospital corporation. She stated she heard WMFR was getting an ambulance and requested information regarding the topic while also stating she does not find it necessary when residents already pay taxes for Manatee County EMS. Chairman Bennett responded stating the Total Patient Care portion of the agenda will include this topic. Chairman Bennett stated the District is in very early conversation regarding transport services and that the District is investigating possible issues with EMS. Mrs. Taylor confirmed with the Board that the budget does not include an ambulance. Commissioner Burke mentioned data that was presented at the July meeting and times of surge. Commissioner stated that the District has never done transport, but does allow ambulances to reside in the station bays for a monthly fee. Commissioner Bishop spoke on response times as the reasoning behind ALS services considering WMFR can respond substantially faster than EMS. John McCartney of Unincorporated Manatee County spoke on his appreciation towards first responders. Mr. McCartney stated he received a letter about raising taxes and was questioning fiscal responsibility. Mr. McCartney said he appreciated the Chief's budget presentation but wishes more of the public were aware of it. Mr. McCartney urged Staff to communicate more with the public regarding spending perhaps by questionnaire and getting feedback from residents. Chairman Bennett and Staff pointed out that the Annual Open House is on November 4th.

CONSENT AGENDA: Commissioner Warner motioned to approve consent agenda as presented; seconded by Commissioner Bishop; motion passed unanimously.

COMMUNICATIONS: AA Wright read a letter that came from Camp Flying Eagle thanking WMFR for their presentation on Designated Water Watchers.

CARRIED FROM CONSENT AGENDA: None

OLD BUSINESS:

- A. Total Patient Care: Commissioner Warner explained his meeting with Chief Rigney, Training Chief Tuttle, EMS Chief Crutchfield, Public Safety Director Jan Fisk, and acting Deputy Director Sean Dwyer on August 14th. Commissioner Warner stated that the EMS representatives said they achieved their mission. Commissioner Warner stated EMS and WMFR mottos do not align. Commissioner Warner stated the EMS model is to place ambulances where their data shows the highest call frequencies. Commissioner Warner stated the EMS Representatives say they see no issues with how they respond and the amount of ambulances they have. Commissioner Warner spoke on his dissatisfaction on the teamwork between EMS and WMFR as well as patient care when shifting from one entity to the other. Commissioner Warner explained that he would like the District to continue to look into solutions to the shortcomings he described. Commissioner Bishop thanked Commissioner Warner for his time and effort. Chairman Bennett and Chief Rigney discussed where this issue goes from here. Commissioner Jennis requested to keep this item on the agenda for future meetings.
- B. Vacation Rental Identification: FM Kwiatkowski stated he and Commissioner Burke met with GovOS, Deckard Technologies, and Granicus. FM Kwiatkowski stated Granicus is the only one that offers full integration with Esri which is who the Manatee County Property Appraiser uses. FM Kwiatkowski explained that this is important due to the rate of change these properties experience. Commissioner Burke summarized his experience in meeting with these companies stating he learned a lot and this software will take a large burden off Staff that could be very hard to manage without it. Commissioner Bishop confirmed this is a compliance issue which is a huge benefit. Chief Rigney, Commissioner Burke, and FM Kwiatkowski all spoke more on the technology. FM Kwiatkowski stated pricing for each software: Deckard Technologies - \$138,500 per year; GovOS – Year 1-\$179,000, \$131,000 per year after year 1; Granicus -

**WEST MANATEE FIRE & RESCUE DISTRICT COMMISSION
REGULAR MEETING**

*Minutes of August 15, 2023
Administration Building*

\$149,000 per year. Commissioner Burke's recommendation is Granicus. The Board discussed the timeline of getting started with the software in regard to the tax roll and budgeting. Chairman Bennett gave the direction to Staff to continue to work with Granicus and bring back a timeline of implementation to the September meeting.

NEW BUSINESS:

- A. Memorandum Of Understanding – Inspector Position: Chief Rigney explained that current qualifications to be an inspector include being a 1st class firefighter which creates a pay cut. Chief Rigney stated no interest has been shown from WMFR 1st class firefighters which led management and labor into conversation about changing guidelines to match the inspector hiring guidelines to firefighter hiring requirements along with the ability to obtain an Inspector I certification within 6 months. Chief Rigney stated this MOU was presented to the Union and passed with a vote of 9-0. Chief Rigney stated the MOU also changes the Payroll Work Period from Monday through Friday to Monday through Saturday. Chief Rigney explained that this allows our inspectors to succumb to the needs of vacation rental owners by offering inspections on Saturdays. Commissioner Bishop motioned to adopt the Inspector Position MOU as presented; Seconded by Commissioner Jennis; Motion passed unanimously.
- B. Drones: Commissioner Bishop requested research on drones to investigate if it would provide value to the District. Chief Rigney tasked Captain Bill and FF Pollock with presenting on this matter. Chief Rigney stated he tasked them with this presentation because Captain Bill is the leader if the WMFR Rescue Swimmers and FF Pollock works with Manatee County Search and Rescue as a drone pilot. Captain Bill first stated that Manatee County Search and Rescue and Southern Manatee Fire District both have drones that are available to WMFR if needed. Captain Bill spoke on the Florida Blue List which limits drone manufacturers. Captain Bill went through statistics in which a drone may have been useful as well as the benefits of drone usage. Captain Bill then spoke on pricing ranging from \$16,000 to \$40,000 not including Federal Aviation Administration (FAA) training, pilot schooling, and staffing as drones require a minimum of two people to operate. Commissioner Bishop gave a scenario regarding a water rescue at Robinson's Preserve and asked what would currently be done. Commissioner Bishop and Captain Bill conversed on if a drone would be necessary considering the community partners who already offer the service. Commissioner Bishop recommended a drone program be added to the budget. Chief Rigney spoke on staffing issues if we did introduce drone services stating that by the time current personnel are able to access the scene and begin drone operations, one of the other drone baring entities would already be arriving to assist. Jacob Kyser, President of Aero Alliance Consulting, addressed the Board and spoke on the FAA requirements in regard to public safety, training, and regulations. FF Pollock spoke on the Manatee County Search and Rescue team as an extension of the Sherrif's Department who also has helicopters, however pilot staffing can be a shortfall in some cases. Chief Rigney spoke on the joint training WMFR has been participating in in order to create relationships with surrounding entities that can assist in circumstances that require more resources.

CHIEF'S REPORT: Chief Rigney stated that Manatee County Commissioners reached out to him inquiring about Safe Haven Baby Boxes and the possibility of WMFR Stations housing one or more. Chief Rigney stated research has been done and the cost would be roughly \$16,000 per box. Chief Rigney stated that this topic will be discussed at the County Commission Meeting.

OTHER REPORTS: None

COMMISSIONER'S COMMENTS: Commissioner Burke thanked FM Kwiatkowski for his work in researching software. Commissioner Burke then stated he would like the Total Patient Care topic to remain on the agenda to be investigated further. Commissioner Warner agreed and stated WMFR does not accept mediocrity. Chairman Bennett thanked Commissioner Warner for his diligence on the Total Patient Care.

Commissioner Bishop motioned to approve the excused absence of Chairman Bennett from the July 18th Commission Meeting; seconded by Commissioner Warner; motion passed unanimously.

**WEST MANATEE FIRE & RESCUE DISTRICT COMMISSION
REGULAR MEETING**

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NEXT MEETING: Tuesday, September 12, 2023, at 6:00 p.m. at Administration building.

ADJOURNMENT: Chairman Bennett adjourned the meeting at 8:04 p.m.



Chairman



Secretary

(Seal)

