

**SPECIAL STATE FIRE COMMISSION MEETING
STATE FIRE MARSHAL OFFICE
CHARLESTON, WV
MARCH 1, 2013**

The official business meeting was called to order at 10:00 AM by Chairman Bob Sullivan.

COMMISSIONERS PRESENT:

Bob Sullivan, Chairman	Gary Bonnett
Grant Gunnoe	John Holstein
Thomas Keefer	Robert S. Miller
Doug Mongold	Rick Scott
Ted A. Shriver	Carl Sizemore
Virgil White	

COMMISSIONERS ABSENT:

Michael Butcher	Larry Goodwin
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NEW BUSINESS

FIRE CODE RULE FOR 2014 87CSR1

Counsel spoke about the 2.1.a 2012 addition

2.1.a.1 taking out 101

Commissioner Gunnoe 2.1.f can be left in.

Staff would like to exclude 101A as it is presently excluded.

Commissioner Shriver would like a language change on 2.2.d.10

Commissioner Gunnoe would like a change to 2.2.k.1. Ken Tyree also spoke on this change. Staff is fine with this change.

Commissioner Keefer asked why 87-1.3 is thirty (30) days. Deputy Chief Joe Leake says it is to keep the Fire Departments turning in reports. Commissioner Holstein thinks 87-1.3 should match the current statute. Discussion followed.

Commissioner Miller would like a change to 2.1.a.1.A. Discussion followed and Commissioner Miller decided to have staff research this more before changing.

AMMENDMENTS

1. To amend 87-1-3 to read 180 days from date of incident.

Motion made by Commissioner Keefer seconded by Commissioner Miller.

In favor; Bonnet, Gunnoe, Holstein, Keefer, Miller, Mongold, Scott, Shriver, Sizemore, and White. Abstain from vote; Sullivan.

2. To amend 2.2.k.1 to specify that the sales are (in sq. footage) be included.

Motion made by Commissioner Gunnoe seconded by Commissioner Sizemore.

In favor; Bonnett, Gunnoe, Holstein, Keefer, Miller, Mongold, Scott, Shriver, Sizemore, and White. Abstain from vote; Sullivan.

3. To amend 2.2.d.10 the first sentence of 2.2.d.10 shall read "2.2.10 Smoke detectors shall be placed a maximum of 15 feet from ends of corridors or walls and 30 feet on center including all toilet rooms over one occupant and in any other rooms that are a part of the means of egress without doors and open to the corridors, where required by occupancy."

Motion made by Commissioner Shriver seconded by Commissioner Gunnoe.

In favor; Bonnett, Gunnoe, Holstein, Keefer, Miller, Mongold, Scott, Shirver, Sizemore, and White. Abstain from vote; Sullivan.

4. To amend 2.1.e and 2.1.f to remove them and to add NFPA 101A to the exclusion list.

Motion made by Commissioner Gunnoe and seconded by Commissioner Shriver.

In favor; Bonnett, Gunnoe, Holstein, Keefer, Miller, Mongold, Scott, Shriver, Sizemore, and White. Abstain from vote; Sullivan.

5. Motion to send 87CSR1 State Fire Code to public comment as amended. Motion made by Commissioner White and seconded by Commissioner Miller.

In favor; Bonnett, Gunnoe, Holstein, Keefer, Miller, Mongold, Scott, Shriver, Sizemore, and White. Abstain from vote; Sullivan.

HOME INSPECTOR RULE FOR 2014 87CSR5

Counsel spoke about the technical cleanup that was made to the rule.

4.4 on page 3 was changed

Commissioner Shriver discussed 4.4

Counsel; rules are to protect the public not license. This was the staff's decision.

Mike Reel the representative from WV Home Inspectors are in favor of the rule and are pleased. The only issue is with the E&O Insurance. The home inspectors believe the high rates will put people out of business. \$2,200.00 a year now once a claim is put through it raises to \$10,000.00. Home inspectors can't afford this.

Commissioner Sizemore asked if they had bonds. Counsel doesn't know.

Counsel says if you take 4.4 out you will have to make an amendment to do that.

Counsel spoke about the changes to 4-6.3 people were not renewing so they could avoid the education credits needed.

7.4 late renewal fees added to rule

87 5-8 prohibited acts-numerous acts prohibited

Mike Reel asked if 28-7 on page 18 includes home inspectors and counsel said it does if they are engineering.

Motion made by Commissioner Gunnoe and seconded by Commissioner Shriver to accept and send Home Inspector Rule 2014 series 5 87CSR5 to 30 day public comment. All in favor; Bonnett, Gunnoe, Holstein, Keefer, Miller, Mongold, Scott, Shriver, Sizemore, and White. Abstain from vote; Sullivan.

HEARING PROCEDURE RULE 87CSR9

Counsel spoke about the new rule. It is a rule for hearing procedures. It has been filed with the Secretary of State's office. It does not take any legislative process it only needs a 30 day comment period. Agency will look at and then file as a final rule.

Motion made by Commissioner Miller and seconded by Commissioner Scott to send 87CSR9 the Hearing Procedure Rule to 30 day public comment. All in favor; Bonnett, Gunnoe, Holstein, Keefer, Miller, Mongold, Scott, Shriver, Sizemore, and White. Abstain from vote; Sullivan.

CEDAR CREEK VOLUNTEER FIRE DEPARTMENT

Cedar creek volunteer fire department has applied for a substation.

Commissioner Gunnoe ask for the staff opinion on this matter. Fire Marshal Sterling Lewis Jr. says they have met all the requirements and the staff recommends approval of this.

Motion made by Commissioner Holstein and seconded by Commissioner Miller to approve Clear Creek Volunteer Fire Department application for substation. All in favor; Bonnett, Gunnoe, Holstein, Keefer, Miller, Mongold, Scott, Shriver, Sizemore, and White. Abstain from vote; Sullivan.

TIME AND PLACE OF NEXT MEETING

The next Fire Commission Meeting will be held at Days Hotel in Flatwoods, WV on April 4-5, 2013.

ADJOURN

Commissioner Sullivan made a motion to adjourn. Commissioner Miller seconded the motion. Motion passed at 11:19AM.