

WV STATE FIRE COMMISSION MEETING  
WVSFMO • Charleston, WV •

February 5<sup>th</sup>, 2021

CC denotes attendance by Conference Call

The official business meeting was called to order at 10:02am by Chairman Grant Gunnoe.

ROLL CALL: by Kathryn L Burns

Commissioners Present

Edward George CC, Grant Gunnoe, Dave Camp CC, Carl Eastham, Doug Estep CC, Thomas Keefer CC, Doug Mongold CC, Jim Oldaker CC, Ted Shriver CC, Mark Stroop CC, Virgil White CC, Steven Byers CC and Marshal Tyree.

It should be noted that Counsel Stacy Nowicki CC is present as well.

Commissioners Absent

Phil Hart

APPROVAL OF MINUTES:

Commissioner White made a motion to accept and approve the minutes of the December 4th, 2020 Fire Commission Meeting, seconded by Commissioner Eastham. With the ayes and nays have been taken on a voice vote, the motion passed.

SFMO REPORT:

Marshal Tyree gave his February 5th, 2021 report to the Commission containing staffing, legislative, updates, upcoming stakeholders meeting, status of Image Trend program and fire department funding loss updates. He also spoke of planned visits, meetings and received correspondence.

Entertained Questions - None

COMMITTEE REPORTS:

Kathryn Burns gave the Disciplinary Committee report per Commissioner Eastham's request.

Disciplinary Committee Meeting Report

Meeting Minutes  
February 5<sup>th</sup>, 2021

Call to order

Commissioner Eastham called to order the regular meeting of the Disciplinary Committee Meeting at 8:32am on February 5<sup>th</sup>, 2021 at WV State Fire Marshal's Office.

### Roll call

The following commissioners were present.

Carl Eastham  
Doug Mongold – Via Conference Call  
Edward George – Via Conference Call  
Ted Shriver – Via Conference Call

The following commissioners were absent: None

### Unfinished business

None

### New business

#### **1. Consideration of FDC FY 2021-011**

Commissioner Mongold made a motion to go into executive session at 8:34am, seconded by Commissioner George. With the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Mongold made a motion to leave executive session at 9:43am, seconded by Commissioner Shriver. With the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Mongold made a motion to recommend to the full Fire Commission to find probable cause regarding Complaint FDC FY 2021 – 011 on JW, seconded by Commissioner Shriver. With the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Mongold made a motion to recommend to the full Fire Commission to find probable cause regarding Complaint FDC FY 2021 – 011 on JC, seconded by Commissioner George. With the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Mongold made a motion to recommend to the full Fire Commission to find no probable cause regarding Complaint FDC FY 2021 – 011 on SH, seconded by Commissioner George. With the ayes and nays having been taken on a voice vote, the motion passed.

#### **2. Consideration of FDC FY 2021-013**

Commissioner George made a motion to recommend to the Full Fire Commission to find probable cause on FDC FY2021-013, seconded by Commissioner Mongold. With the ayes and nays having been taken on a voice vote, the motion passed.

### Adjournment

Commissioner George moved to adjourn the meeting at 9:49am, seconded by Commissioner Shriver, with all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Eastham made a motion to accept the report, seconded by Commissioner White. With the ayes and nays having been taken on a voice vote the motion passed.

No other Committees met.

UNFINISHED BUSINESS:

**1) Consideration of FDC FY 2021-011**

Hearing the recommendations from the Disciplinary Committee Meeting the following actions were taken.

Commissioner White made a motion to find probable cause regarding Complaint FDC FY 2021 – 011 on subject JW, seconded by Commissioner Eastham. With the ayes and nays having been taken on a voice vote the motion passed.

Commissioner Eastham made a motion to find probable cause regarding Complaint FDC FY 2021 – 011 on subject JC, seconded by Commissioner White. With the ayes and nays having been taken on a voice vote the motion passed.

Commissioner Eastham make a motion to not find probable cause regarding Complaint FDC FY 2021 – 011 subject SH, seconded by Commissioner White. With the ayes and nays having been taken on a voice vote the motion passed.

Chairman Gunnoe named the department as probable cause has been found as the Sophia Area VFD noting the item on the complaint notice letter sent to the department:

**1. Underage Juvenile riding the apparatus and operate at scene of emergency incident (Junior Firefighters)**

Commissioner Mongold made a motion for Marshal Tyree and Legal Counsel to draft a letter to send to the department noting they have been found to be in violation, seconded by Commissioner Eastham. With the ayes and nays having been taken on a voice vote, the motion passed.

NEW BUSINESS:

**1) Consideration of Fire Officer 1 Applications – Mark Cooper FO 1, Whiteville VFD**

Commissioner Oldaker made a motion to approve *Mark Cooper FO 1, Whiteville VFD*, seconded by Commissioner Eastham. With the ayes and nays having been taken on a voice vote the motion passed.

**2) Consideration of FDC FY2021-013**

Hearing the recommendations from the Disciplinary Committee Meeting the following actions were taken.

Commissioner Eastham made a motion to find probable cause FDC FY 2021-013, seconded by Commissioner Mongold. With the ayes and the nays having been taken on a voice vote the motion passed.

Chairman Gunnoe named the department as probable cause had been found as Cottageville VFD. He updated the Commission on the nature of the complaint and result of the investigation by the Fire Marshal's office. He noted the voluntary shutdown resulting from an evaluation done during the investigation, the correction of the issues on the evaluation and the subsequent re-opening of the department.

Chairman Gunnoe read the notice of complaint notice letter sent to the department, noting the two items on the complaint:

**1.87-6-10.2 B A pattern of failure to provide fire protection service to the department's assigned fire protection district or to other areas served through mutual aid agreements (Failure to respond to emergency calls)**

**2.87-6-10.2 G A practice or pattern of performance that demonstrates a substantial threat to the safety of people and property within the community served, which threat may also include a substantial risk of harm to the safety of firefighting personnel who respond.**

Chairman Gunnoe asked for any comments from the Commissioners.

Commissioner Mongold inquired about the response rate.

Chairman Gunnoe stated that more investigation is being done regarding that issue.

Marshal Tyree explained that in the future we are going to provide a notice to departments that they can use when they chose to voluntarily shut down.

Chairman Gunnoe asked for any public comments on the issue.

Steve McClure thanked the Commissioners and the Fire Marshal's Office for their efforts to try and rectify this issue and offered his assistance as a member of the public.

Commissioner Eastham made a motion to find the department was in violation of 87-6-10.2 B, seconded by Commissioner White. With the ayes and nays having been taken on a voice vote the motion passed.

Commissioner Eastham made a motion to find the department was in violation of 87-6-10.2 G, seconded by Commissioner White. With the ayes and nays having been taken on a voice vote the motion passed.

Commissioner Mongold made motion for Marshal Tyree and Legal Counsel draft a letter to send to the department noting they have been found to be in violation, to arrange a meeting between the department and a committee from the Fire Commission/Fire Marshal's office to see how the Commission/Agency can be of assistance, and in the meanwhile task Marshal Tyree to contact the other departments in the area and the 911 center to set up automatic aid on fire calls without delay until the matter is resolved, seconded by Commissioner Eastham. With the ayes and nays having been taken on a voice vote the motion passed

### **3) Consideration of Review and Update to the Fire Department Funding Application**

Marshal Tyree addressed the Commission regarding the goal of possible changes and the recommendation of Commissioner Mongold to add to the funding application questions regarding the apparatus service.

Commissioner White made a Motion to have Commissioner Mongold and Commissioner Oldaker review the application with Marshal Tyree and update accordingly, seconded by Commissioner Eastham. With the ayes and nays having been taken on a voice vote the motion passed.

RECURITMENT AND RETENTION:

Marshal Tyree read the email that had been received from Chief Cale, Marshal Tyree's follow-up email and response.

SPEAKERS:

Lisa Berger from the ICC (International Code Council) addressed the Commission concerning future Building Code adoptions and wanted to offer support or insight when considering the 2018 or 2021 I-Codes. Ms. Berger gave some information on their premium digital service available for use. She also noted they can provide the cost savings when updating the code, particularly the energy code.

Marshal Tyree inquired if the ICC was trying to eliminate print subscriptions to which Ms. Berger replied they are not but there have been some delays in hardcopies though due to Covid.

PUBLIC COMMENTS:

None

CORRESPONDENCE:

Marshal Tyree noted the receipt of a new certificate provided by the PST and its' acceptance.

GOOD OF THE ORDER:

TIME AND PLACE OF NEXT MEETING(S):

Committee Meetings 10:00am April 15<sup>th</sup>, 2021 (tentative date and time) and Fire Commission Meeting 9:00am April 16<sup>th</sup>, 2021 in Charleston WV location TBD.

ADJOURN:

Commissioner Eastham made a motion to adjourn at 10:52, second by Commissioner Mongold, with all the ayes and nays having been taken on a voice vote, the motion passed.

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