

**AVERY COUNTY FIRE COMMISSION
UNAPPROVED MINUTES**

The Avery County Fire Commission met in a regular meeting on Thursday, April 11, 2013, at 7:00pm in the Commissioners Boardroom, Newland.

Charlie Franklin led in prayer.

Call to Order: Chairman Smith called the meeting to order at 7:10pm.

Additions/Deletions to Agenda – Danny Clark made motion to add Fall Creek to the agenda; with second by Joe Perry, the motion passed unanimously.

Public Comments

Cub Cuthbertson spoke to advise everyone of an earthquake drill to be held on April 26-28 in Mitchell County. Avery County would have to develop a first response team, composed of people from several different departments and decide who will lead the team. They will need to mark all equipment they are taking and an UTV will be needed if you don't want to walk a long way.

Agenda Items

Adoption of Revisions to Personnel Policy

Chairman read aloud the proposed policy regarding employee training. Motion made by Joe Perry with second to approve proposed policy with one change of word in second sentence from "employees" to "people." After discussion, the proposed policy regarding miscellaneous truck repairs was tabled.

Discussion of Gate Damage at Cranberry Estates

There was discussion as to who caused the damages and whether or not a claim was ever filed by Cranberry Estates. Elk Park's insurance company is trying to find out who really caused all the damage and Elk Park's insurance agent says no one from Cranberry Estates has ever contacted him. Chairman Smith said he was told by agent Hall that Elk Park told him not to pay the claim as they did not cause the damages. Linville Central may also be involved in this claim since one of the individuals involved may have been a Linville Central individual.

Banner Elk request for Funds

Banner Elk is requesting \$750 for towing of the old truck and the remainder of \$5,467.29 for items for new truck. All details and invoices attached. Extra money is coming from County which will cover this. Motion made and passed to reimburse bills for Banner Elk up to \$5467 when bills are given to Charlie. Motion passed unanimously.

Linville request for funds

Linville is requesting reimbursement from Commission for \$2,491.90 for emergency lighting which OSHA requested in their inspection. Motion made by Joe Perry with second to pay \$2,491.90 for the emergency lighting. Motion passed unanimously.

Fire Association discussion on Fire Chief being a paid employee

Paul Buchanan wants to discuss the chief being a paid employee and in particular the situation in Crossnore where Gibbs has been elected Chief. Paul understands that Gibbs has been told he cannot be in both positions. Paul said he has read thoroughly the Personnel Policy and nowhere does it state the employee cannot be the Chief. He understands that the County Attorney has said this cannot be done without changes to the Policy, but there is nothing in writing from her. Also when you join a fire department, that person may be striving to become more, like a lieutenant or assistant chief or chief. There is nothing in Personnel Policy that says he cannot become Chief. Chairman Smith said the employee cannot supervise himself. Paul asked "why?--there are chiefs all over the state that supervise themselves." FDC advised that attorney said entire Personnel Policy would have to be rewritten, also for chain of command and also grievance process. Danny Clark said the Fire Commission would then be the immediate supervisor and that would give the Commission control over the department. Paul wants a copy of the letter the attorney produces because he doesn't think the Commission will get one. Jim Brooks said the President of the Board of Directors could then supervise the Chief. Wayne said if that president is not an active member of the department, then he cannot know how to properly supervise. Members of the Board do not have to be firefighters. Daryl reminded everyone that the Commission cannot look at just one department or individual, must look at the overall picture. Daryl advised that the Commission has discussed this at length and took individuals out of the picture and decided that overall it would be best not to begin changing the Policy and SOP's.

FDC – said Commission needs to look at the uniform policy and add to the policy that a tee shirt can be worn on a Search. After discussion, this was tabled for 30 days and FDC will come up with suggestion as to what uniforms can be worn at what times and have everything clearly defined.

Upcoming Meetings and Other Issues of Concern - Next Fire Commission meeting May 9th at 7pm.

Fire Commission then went into Closed Session with (1)Crossnore and (2)Banner Elk and (3)Fall Creek for personnel issues.

Motion made by Joe Perry with second to allow the part time employee at Crossnore to work extra hours until the next meeting when someone is hired full time for that department. Motion approved unanimously.

Being no further business, the meeting was adjourned at 9:00pm.

Transcribed from tape
Sondra Austin

Daryl Smith, Chairman

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Please Respond to Newland

30 April 2013

Mr. Charlie Franklin
Avery County Fire Commission
PO Box 640
Newland, NC 28657

RE: Personnel Policy

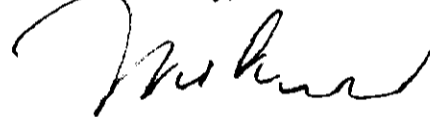
Dear Charlie:

It has come to my attention that the Fire Commission would like to have a written opinion in regard to its personnel policy. As I understand it, the question has been raised as follows: Would it be permissible for an employee of the Fire Commission to become a Chief at on of the Volunteer Fire Departments?

As the Personnel Policy is now written, this would not be permitted. Several problems exist with the current policy and this proposal. First, under Article IX, Section 4, a Fire Commission employee who is probationary is to be monitored by the Chief. If allowed, this would have the employee monitoring himself is he were Chief. Further in the policy (page 33) in Section 3, the Fire Chief is to meet with a Commission employee who has unsatisfactory performance. Again, if the Chief is a Commission employee who was performing unsatisfactorily, then the Chief would have to discuss with problem with himself. Finally, under the grievance procedure, the Commission employee is to meet with the Fire Chief to resolve grievances.

These issues could be cleared up by revisions to the Commission Policy, if the Commission chose to do so. If you wish for me to review the Policy and make any recommendations, please let me know.

Sincerely,



Michaele Poore

/lp
