

**TOWN OF WEDDINGTON  
SPECIAL TOWN COUNCIL AND  
SPECIAL PUBLIC SAFETY ADVISORY COMMITTEE MEETING  
TUESDAY, NOVEMBER 16, 2010 – 7:00 P.M.  
MINUTES**

The Town Council and the Public Safety Advisory Committee of the Town of Weddington, North Carolina, met in a Special Joint Session in the Town Hall Council Chambers, 1924 Weddington Road, Weddington, NC 28104 on November 16, 2010 at 7:00 p.m., with Mayor Nancy D. Anderson and Chairman Walker Davidson presiding.

Present: Mayor Nancy D. Anderson, Mayor Pro Tem Daniel Barry (Arrived Late), Councilmembers Werner Thomisser, Jerry McKee and Chairman Walker Davidson, Michael Carver, Lorri Elliott, John Houston, Mary Ann DeSimone and Town Administrator/Clerk Amy S. McCollum

Absent: Councilmember Robert Gilmartin

Visitors: Brian Carlton, Jack Parks, Steve Cloutier and Ken Evans.

**Item No. 1. Open the Meeting.** Chairman Walker Davidson called the November 16, 2010 Special Public Safety Advisory Committee Meeting to order at 7:02 p.m. Mayor Nancy D. Anderson called the November 16, 2010 Special Town Council Meeting to order at 7:03 p.m.

**Item No. 2. Determination of Quorum.** There was a quorum of both boards.

**Item No. 3. Deletions to the Agenda.** There were no deletions to the agenda.

**Item No. 4. Consideration of Approval of October 26, 2010 Special Public Safety Advisory Committee Meeting Minutes.** Mr. Jerry McKee moved to approve the October 26, 2010 Special Public Safety Advisory Committee Meeting minutes. All were in favor, with votes recorded as follows:

AYES: DeSimone, Houston, Elliott, Carver, Thomisser, Vice-Chairman McKee and Chairman Davidson  
NAYS: None

**Item No. 5. Consideration of Public Safety Advisory Committee Rules of Procedure.** The Committee received a copy of the Public Safety Advisory Committee Rules of Procedure. Chairman Davidson advised that since all meetings of the Committee are Special that Section 4-5 needed to be revised to say Deletions to the Agenda instead of Additions or Deletions to the Agenda. Mr. McKee moved to approve the Public Safety Advisory Committee Rules of Procedure with the one change as discussed. All were in favor, with votes recorded as follows:

AYES: DeSimone, Houston, Elliott, Carver, Thomisser, Vice-Chairman McKee and Chairman Davidson  
NAYS: None

**Item No. 6. Discussion of Fire Service within the Weddington Town Limits.** Town Administrator/Clerk McCollum read the following agenda item from the November Town Council Meeting: Consideration to Direct Weddington Public Safety Advisory Committee to Determine Whether Recent

Events at the Providence VFD has resulted in their inability to meet the terms of the service contract with the Town of Weddington.

Chairman Davidson read the Providence VFD Fire Suppression Contract dated October 13, 2008.

Mr. Thomisser asked that the Committee discuss the compensation part of the contract and advised that the Town pays \$216,300 to the Providence VFD on top of the fire fees that they receive.

Chairman Davidson - This contract has been around way before any of this compensation took place. I consider this contract independent of that money. There is nothing in here that talks about that money. The only money it talks about is the ability to collect the fire fee. There is no compensation tied to this contract from the general fund of the Town. It is completely separate.

Mr. McKee - There is no contract relative to the money given by the Town. During the budget time, the Providence VFD will come to the Town Council and present their request for funds and the Town Council will go through the process of approving or disapproving the amount. It is part of the Town budget process.

Chairman Davidson reviewed the seven (7) Areas of Terms and Conditions from the Fire Suppression Contract:

1. Service Responsibility – Fire Suppression
2. Service Responsibility – Emergency Medical
3. Compensation
4. Maintenance
5. Assumption of Responsibility
6. Liability Coverage
7. Terms

Chairman Davidson – There is not any language in the contract regarding performance. They have to meet the contract of Union County. If they fail to do something, they are not violating our contract. They are violating the County's contract.

Mayor Anderson - We say in the contract that the fire department shall provide medical services in the Town.

Chairman Davidson - The first thing that we say is the Town does not provide emergency medical services.

Mayor Anderson - We do not provide fire service either.

Chairman Davidson - We say that the Town desires to provide fire protection to its citizens. We do want to provide fire services. But we said that we do not provide emergency medical services – this being a service provided by Union County. While they are providing services within the Town – it is under the domain of Union County because we said right away that we do not provide emergency services.

Mayor Anderson – The Town Council is not only concerned with fire suppression but also with First Response and EMT. We want to make sure that they have the right training and equipment. For purposes of tonight, we would like for you to consider the medical as well as the fire suppression.

Mr. McKee - It has always been my understanding that they are one and the same. The language may be stated a little differently. The Town still desires to have emergency medical response as well as fire protection.

Chairman Davidson - I am trying to be real strict with the contract based on the motion and what you are introducing is fine. It is public safety of our citizens by a provider.

Mr. Steve Cloutier, President of the Providence Volunteer Fire Department Board of Directors addressed the group:

Good evening to the members of the Weddington Town Council and Public Safety Committee. Thank you for the opportunity to speak to you this evening. Werner Thomisser asked me to address a number of issues and I am prepared to do so. But first I want to express the Fire Department's appreciation and thank you for your past, present and hopefully future financial support. I will try to keep my responses succinct and to the point. The department's staff of firefighters and emergency medical technicians is a diversified group of men and women. We currently have 41 members (22 paid staff, 19 volunteers).

- The Board of Directors makeup consists of nine members (6 non-Fire Department members and up to 3 members from the Fire Department.) Currently there is one vacancy on the board. Werner has voiced some concern that there has been some turnover on the board. Let me set the record straight. Ken Harrison (ex-deputy chief) was the president of the board last year. Ken resigned due to medical reasons as he courageously battles cancer. Rob Kinniburgh was voted by the board to take his place as president. Gary Whipple (ex-PVFD fire chief) passed away this summer. Jack Parks was elected to fill his position on the board. Rob Kinniburgh resigned from the BOD on the afternoon of the August board meeting after 32 years of service. Heather Perryman was elected to fill Rob's seat. At the November 2010 board meeting, I read a letter of resignation from Jim Weiland. Scott Robinson was voted in to fill his vacancy. There is one opening at this time.
- The next question is why has the board elected to change fire chiefs during the past three years. The board felt that the first chief was not fulfilling his responsibilities and relieved him. Dave Banick was Eric's deputy and he moved into the chief's slot. For your information and clarification each year the chief's position is posted and the BOD receives letters of intent from anyone seeking the position. This year was the first time in many years that we had two applicants. One was from Dave Banick and the other was from Andrew Ansley (former PVFD Deputy Chief). The board interviewed both individuals and looked at each person's fire credentials. The majority of the board voted in favor of Andrew. Since that time Andrew has resigned due to personal reasons. The board has appointed Daryl Matthews (current deputy chief) as interim fire chief. He does not want to be the chief long term.
- A complaint was filed with North Carolina Department of Labor OSHA Division alleging that the employer did not provide for a medical evaluation and fit test to determine the employee's ability to wear a respirator a day or two after Andrew became chief. OSHA came and conducted an investigation and found that eleven employees did not have the proper paperwork. Seven of those are career fire fighters that work for surrounding paid fire departments and four were volunteers. They had had all of their fit testing and all of their medical evaluations and all the training, EMT and fire fighting and fire suppression, formally through their day time and full time employers. Seven of those individuals came out of the career department so they had everything. Four are volunteers some of which were on day time paid staff for us. It was the past chief's responsibility to see that these evaluations were conducted. Since the investigation all fire fighters identified have received the medical evaluations and fit tests. The proposed fine was \$1,400 but was reduced to \$910 after I attended an informal conference. I have to certify to them that we have the appropriate paperwork.

- Right after the change in fire chief, the department received notice that an age discrimination charge had been filed with the EEOC from a volunteer member who resides in Concord, NC. To date the department has not received any further information from the EEOC.
- The Weddington Town Council provided \$10,000 for a station needs study earlier in the year. To date we have held discussions with Scott Garner, AIA, and President of Garner & Brown Architects to address future space needs. The station on Hemby Road was built during the 1980's. I met with Scott on October 30<sup>th</sup> at the station. We walked the entire property. We looked at the outside of the building, the first and second floors of the station. He pointed out a number of things such as not having a fire rated wall between the apparatus floor and the rest of the building. We discussed the need to have a fire sprinkler system installed. He said he would get back to me with his recommendations in the next month or so. There is some room on the back side of the station that we can expand out 20 feet and probably go 60 to 80 feet for an upstairs and downstairs that would help enhance the space that we have. To date no monies have been spent on the study.
- The Town Council did provide additional funds to enhance the evening coverage from 6 pm to 6 am. The fire department maintains additional staffing during these times. Night time stipends are paid regularly and annual incentives will be paid out at the end of this year for those that met the requirements.
- The Town Council provided funding in the amount of \$30,000 to upgrade our electrical generation capabilities on Rescue Truck 32. The department contracted with First Class Fire Apparatus LLC service center in Monroe to purchase and install a 20kw Harrison hydraulic generator on the rescue truck. The generator has the capacity to power all electric hand tools, provide scene lighting and the rescue tools. It was installed at the beginning of this year.

Councilmember Thomisser – As of August 15, my records indicate that you had 19 people qualified for EMT and 24 people qualified as firefighters. As of yesterday, my records indicate that you currently have 8 people qualified as EMT and 13 people qualified as Firefighter 1. Since the 15<sup>th</sup> of August, it appears that you have lost 11 people that are qualified as EMT and from discussions that I have had with the Mayor it takes approximately six months for a person to get qualified as an EMT. It does not appear to me you have the same amount of qualified personnel today versus two or three months ago.

Mr. Cloutier – As I mentioned in my comments earlier, we have 22 paid staff. Each one of those firefighters comes to us with the skill sets of being a trained firefighter and with EMT certification.

Mayor Anderson - I am interested in response times and training levels and if the equipment is adequate.

Mr. Cloutier – Our response times have significantly decreased since we put paid staff during the day and put the stipend people at night. I have not witnessed a delay in response because we did not have people at the station. The complaints that I have heard is that we do not have enough calls. The roads out here are not conducive to big fire apparatus. If we are at a scene and something else happens in the community, the telecommunicator will send the next closest department because it is a mutual aid agreement. We do training all the time. We are required by law to have 36 hours of firefighter training during the year. The Chief has to certify that. It is a big responsibility for that individual.

Ms. Mary Ann DeSimone – When you are responding with mutual aid to another department does that leave the Providence station empty?

Mr. Cloutier – Initially, until we get someone else to come in. Daytimes are tough. No one works in this community unless you work from home. It has been a problem out here. We can ask for other departments to help man the station. We have such a small business district down here.

Mr. Houston – Are you comfortable with the number of EMTs that you have on staff right now?

Mr. Cloutier – Our primary concern with the contract is to provide fire suppression services in our area of the town and we do that. We also recognize that we would like to have an EMT on board in case somebody on the scene gets hurt or one of our firefighters gets hurt. But I do not have three EMTs on each engine company.

Mr. Houston – The way this community is growing do you feel this time next year your need is going to be greatly increased?

Mr. Cloutier – Absolutely. I do not have enough people on the engine company now. To go into a working fire, unless it is a rescue, it is two people in and two people standing by ready to go. When you only have three people, you are short off the bat and you are hoping another company is coming right behind you as backup.

Mr. Carver – When a purely medical call comes in, do you respond with a fire truck and EMT? What triggers the EMT truck or paramedics?

Mr. Cloutier – If the telecommunicator hears “heart attack”, we get there first to stabilize the patient. We may start administering CPR, use the AED and when the paramedics get there we exchange information on the patient and then they take over.

Mr. McKee – Are you paying full wages to the nighttime staff you have right now?

Mr. Cloutier – We are paying a stipend to the volunteers and we have a career firefighter staying over and we are paying for that individual. That is an added burden to us.

Mr. McKee – What is that going to do to your budget?

Mr. Cloutier – Right now we are projecting a \$35,000 or \$40,000 deficit on top of being in the hole and that is so we do not decrease our service. It is a budget buster. We have a large sign in the front of the station requesting volunteers. These people will have to get training and get certified and it does not happen overnight.

Ms. Lorri Elliott – On the night shift, how often are you using the paid staff?

Mr. Cloutier – inaudible.

Ms. Elliott – Currently there is no training officer.

Mr. Cloutier – I believe that position is still open.

Mr. Cloutier – The Town graciously funds us \$216,300. That money goes directly to pay for the paid staff. It does not pay for building maintenance, apparatus upgrades, utility bills, equipment, insurance, or truck payments. We thank you for that money. If you reduce that, we are not going to have as many paid staff during the day.

Chairman Davidson – The term has been used that the Town subsidizes the Providence VFD and what you just said makes me think it is not a subsidy. It is similar to the deputies. It is enhanced service and a choice. Finance Officer Gaylord stated in an email today that, “We are covering the budgeted paid salaries for the day and night shifts plus payroll expenses for training. We are not covering the payroll taxes which are an additional \$20,000.” So the \$216,000 is where the Town of Weddington says that it wants people at

the fire station so that response times are lower and it does not have anything to do with capital improvements and operations.

Mr. Thomisser – It is unfortunate that Mr. Ansley had a personal problem. When you interviewed him on August 15 did he indicate in any way that he may have a potential family problem and he would have to resign?

Mr. Cloutier – No.

Mr. Thomisser – With the exception of Mr. Whipple's death, is it unusual for a VFD to lose so many of their board members in one year?

Mr. Cloutier – No sir. People come and go and serve their time as companies and families allow them.

Mr. Thomisser asked Mr. Cloutier to discuss further the fit testing requirement that was not met.

Mr. Cloutier – We spent an additional \$3,000 so that everyone has their own mask so if a firefighter arrives on the scene and does not have their mask we have additional masks on the engine companies so they can grab one.

Mr. Thomisser – Is the acting fire chief qualified to be in that position? Can you explain to us the qualifications to be fire chief?

Mr. Cloutier – He has been with the department for 20+ years. He is currently the Deputy Chief - no different than when Dave Banick was the Deputy Chief. I do not know specifically what his credentials are and I am not prepared to address that at this time.

Mr. Thomisser – What should the credentials be?

Mr. Cloutier – We will put a job description together at the board's direction and we hope to get a volunteer chief – it may be a paid chief. The time is enormous, the responsibility is larger than that. Requirements have changed.

Chairman Davidson read the following from the contract – The department units and personnel shall be routinely dispatched by the Union County Communications Center to all fire emergencies in the Town and its district.

Mr. Cloutier - We have been doing that.

Chairman Davidson – The department shall record and maintain an alarm record of each incident in the Town in accordance with state requirements.

Mr. Cloutier – We do and we file that with the County after each call.

Chairman Davidson – The department shall be responsible to equip and train its firefighters in a manner consistent with applicable regulations of the North Carolina Department of Insurance.

Mr. Cloutier – We meet those requirements and expectations.

Chairman Davidson – Did anybody think there is an issue with compensation? This piece talks about their ability to collect a fire fee from property owners in the Town. This contract has nothing to do with the

\$216,300 given by the Town. The Town of Weddington has said that they want enhanced service. They want paid people there. I do not consider that a subsidy.

Mayor Pro Tem Barry - You talked about possibly having to pay for a paid chief. Have you assessed that and the impact that it will have on your budget?

Mr. Cloutier – No we have not. I foresee that volunteers cannot do it anymore. It is going to take a paid individual due to the paperwork and reporting requirements.

Chairman Davidson – The department shall be responsible for continuing its customary maintenance activities. The generator is a good example. It is very difficult to anticipate equipment needed to be replaced. What do you think about the current property and equipment at this point? Are there more requests coming? Do you have a CIP?

Mr. Cloutier – We have a Long Range Plan Committee and they put together a report. They also looked at the rolling stock that we have currently and their shelf life. Our Engine #2 was purchased in 1999. It's predicted to have a 15-year replacement life. I do not think it is going to make it. We are spending a lot of money on it. We are spending a lot of money on our Engine #1. Day to day you never know what is going to go down. We are constantly doing maintenance on the building, in the building, and on our apparatus.

Chairman Davidson – Do you feel that you are behind the curve on maintenance?

Mr. Cloutier – We would like to up the curve on the replacement schedule and we may need to go to a 10 to 12-year cycle instead of a 15-year cycle. In the past the trucks did not run as much as they do now. Wear and tear is just enormous.

Mr. Cloutier discussed how much equipment costs and what they currently owe on their equipment.

Chairman Davidson – What this committee needs to determine is do the recent events compromise their ability to meet this contract. You can tell there are a lot of financial questions in here but there is nothing in this contract that said they are going to tell you how to run the place. It is all about service.

Mr. Thomisser – I thought when I made the motion I used the word ability instead of inability. I have some concerns of their ability to meet # 2 - emergency medical. I move that the committee recommend that the Providence VFD is not meeting its obligations of the service contract specifically relative to the emergency medical part of the contract.

Chairman Davidson – The Town does not provide emergency medical services. It is a function of Union County. Is Union County giving you grief about your emergency medical services?

Mr. Cloutier – No complaints from Union County.

Mr. Carver – Any documented information where there was failure by Providence?

Mr. Cloutier – Not that I am aware of.

The vote on the motion is as follows:

AYES: Mr. Thomisser

NAYS: DeSimone, Houston, Elliott, Carver, Vice-Chairman McKee and Chairman Davidson

Mayor Anderson - I wanted to talk about the issue that the budget is busted because of personnel issues. As I recall when Chief Banick came and talked with us, the Town wanted to enhance service and we wanted people there in the day. I was astonished that he could get someone to stay overnight at that station for \$30.00 a night. Those days will soon be over. If the Town of Weddington still wants upgraded enhanced service then we are going to have to spend more. I do not want to punish the fire department.

Chairman Davidson reviewed the following factors and information presented by the Former Homeland Security Director Pat Beekman at a Town Council Meeting in 2007:

**Other Factors**

Fire Fee to be eliminated by NC?

Volunteer staffs moving to paid staffs

PVFD 2010 estimated cash flow = (\$99,694)

PVFD Total Current Assets = \$592,228

Property revaluation coming for Union County and Weddington

**January 8, 2007 - Pat Beekman – Homeland Security**

1. Do Nothing – Chairman Davidson – In 2007 Mr. Beekman was using a budget of \$229,000 for Providence. It is \$500,000 now. He basically said if nothing is done Providence is going to fail, they are going to have to reduce their services or the Town is going to have to kick in a lot of money.
2. Fund PVFD through a fire tax – Chairman Davidson - Look how small the district is. I pay 2.2 cents in the Wesley Chapel VFD. With a budget of \$229,000 he is saying it would cost 3 ½ times Wesley Chapel's rate which would be 7.7 cents. We are at \$500,000. You can only do 15 cents. That is the cap by the State. That small of a fire district is not doable either.
3. Create a Weddington Municipal Fire Department – Chairman Davidson - We talked about that and we had a presentation on that concept. I am not sure anyone wants to touch that because that greatly increases the responsibility and redefines what the Town does because it is such a great burden.
4. Do not renew contract with PVFD – Chairman Davidson – This is where I question the Town's contract because the County would have to not renew the contract. The Town does not have a lot to do with it. With this option you are not going to like the response times. It is the most cost efficient.
5. PVFD and WCFD merge into one FD.

Chairman Davidson - There is one option that is not on the list which is to expand the Providence Fire District Boundaries. When I go to the North Carolina Service Reference Manual, it says the North Carolina Department of Insurance guidelines for extending insurance district boundaries is to obtain a current map of the existing insurance district and all surrounding insurance districts. The Chief and the Board of Directors of the department should review the maps to make sure that the district can be extended. It will not overlap another district. Can you do that?

Mr. Cloutier – No.

Chairman Davidson – No changes can be made at this location without the agreement of the adjoining department. Unless you think Wesley Chapel is going to let you take some of their space. There are six scenarios.

Mr. Cloutier –We just cannot take some of Wesley Chapel's area because they have their territory and Waxhaw has their territory. You would have to change all of their lines.



Chairman Davidson – At your meeting on November 7, Jack Parks made a motion to reach out to meet with the Wesley Chapel VFD.

Mr. Cloutier – The step has not been taken yet. The motion passed.

Mayor Anderson – Volunteer Fire Departments are very territorial and are unwilling to lose that competitive edge but now both of those leadership positions have changed over. I have spoken with the Interim Chief Daryl Matthews and some of the Board Members of Providence and they confessed to me that five years ago they would have never considered this scenario and now they see it as an option. I think that Daryl Matthews is in the perfect position right now. He has been with the department for 25 years and he runs with both departments and he does not want to be the chief and he has the personality and gets along well with everyone. His leadership style is very different than some and he has the skill set to initiate the conversation. I feel that we are moving in that direction.

Chairman Davidson – At the last meeting I asked, “What is the likelihood of getting the lines moved?” I do not think they are going to be moved. You said, “I think it is doable. First of all the Town has to make the decision and help start the process and then go to Union County and the State.” What decision does the Town need to make?

Mr. Cloutier – If you remember at the last meeting, you had a presentation talking about the “What If Scenarios” of the Weddington Fire Department. If there is a Weddington Fire Department, the Town could purchase a piece of land, build a building, hire staff and get in the fire service. That is the decision that Weddington could make. In my mind it is a \$5 million to \$10 million conversation to get in the business.

Mr. Cloutier – We have already agreed to #5 and we have talked about it at the board and agreed to have those conversations with Wesley Chapel. Wesley Chapel could say no or they could say “How can we combine our assets to provide an enhanced service to the community?” We want to go to calls and save lives and property.

Chairman Davidson – I am trying to figure out who will do what. You are in a situation financially that you will come to the Town, go to Wesley Chapel or go out of business. I am concerned there are going to be checks needed at a time when the Town may not be in the mood or not be able to do it. Is there any role that the Public Safety Committee can help you with in merging with Wesley Chapel? Can we help with a Capital Improvement Plan?

Mr. Cloutier – The role may be that you want a representative here to help facilitate the conversation - bring everyone to the table, look at the map.

Mayor Anderson – I think the Council needs to lay out the goals and objectives of what we want. Providence’s building is not going to go away. I do not think the Council is as concerned with whose name is on the door but the credentials, equipment and training that are there.

Chairman Davidson - If that building is going to stay there, then someone is going to have to start investing some money in it.

Mayor Anderson - It needs to be the fire people to tell us what the best solution is.

Mayor Pro Tem Barry - Does this committee and the Town Council want to tell the fire departments what we want - go figure it out and tell us how much it is going to cost or do you want to shift the role to the fire departments and ask them to tell us how to do it? I think we will end up with the same financial answer if

they merge – if they do not merge a different financial situation because we would have to help with capital improvements.

Chairman Davidson - That is why the CIP is important. The issue about the merger is that I would say the 2.2 cents for Wesley Chapel will go to 2.7 or 2.8 cents.

Mr. McKee - The fire study has been done and their recommendation is to merge the two departments. Now is the opportunity for the Town to be proactive on moving the ball and not waiting. We need to invite both departments here and have an open discussion.

Councilmember McKee moved to have a meeting on Tuesday, November 30 at 7:30 p.m. to discuss Option #5 with the following parties invited: Town Council, quorums of the Boards for the Providence VFD and Wesley Chapel VFD, Weddington Public Safety Advisory Committee, and a representative from the Village of Wesley Chapel. All were in favor, with votes recorded as follows:

AYES: Councilmembers Thomisser, McKee and Mayor Pro Tem Barry  
NAYS: None

**Item No. 7. Discussion of Transportation and Safety Concerns within the Town of Weddington.** Mr. McKee moved that he and Mr. Carver be allowed to work with NCDOT regarding the safety concerns related to the intersection of Beulah Church Road and Antioch Church Road. All were in favor, with votes recorded as follows:

AYES: DeSimone, Houston, Elliott, Carver, Thomisser, Vice-Chairman McKee and Chairman Davidson  
NAYS: None

**Item No. 8. Adjournment.** Ms. Elliott moved to adjourn the November 16, 2010 Special Public Safety Advisory Committee Meeting. All were in favor, with votes recorded as follows:

AYES: DeSimone, Houston, Elliott, Carver, Thomisser, Vice-Chairman McKee and Chairman Davidson  
NAYS: None

Mayor Pro Tem Barry moved to adjourn the November 16, 2010 Special Town Council Meeting. All were in favor, with votes recorded as follows:

AYES: Councilmembers Thomisser, McKee and Mayor Pro Tem Barry  
NAYS: None

The meeting adjourned at 9:17 p.m.

---

Nancy D. Anderson, Mayor

---

Walker Davidson, Chairman

Attest:

---

Amy S. McCollum, Town Clerk