

## Cumberland County Fire Chief's Association

### Minutes of November 22, 2010 Monthly Meeting

The meeting was hosted by Vander Fire Department. We thank Chief Bullard and his staff for their hospitality.

**Opening Prayer:** Chief J.F. Hall provided the opening prayer.

**Roll Call:** Roll call was conducted with 20 departments and 7 associate members present.

**Members Absent:** Spring Lake, Westarea #15

**Associate Members Absent:** Forestry, Christian Firefighters, SBI, Hope Mills Police, Fort Bragg EMS

**Approval of Minutes:** Minutes from the October 25, 2010 meeting were approved as presented.

**Guests:** None

**Vendors Present:** Keith Matthews of Lafayette Ford presented information about commercial vehicles available for State contract price. Joey Bright of First Carolina Agency presented information about insurance options available for employees. J.R. Sutters of First Line Safety set up a display of his available items.

**Treasurer's Report:** No report.

#### **Meeting Point of interests:**

**Next Chief's Meeting** will be hosted December 20, 2010 by the Sheriff's Office. Dinner will be served at the detention center as it has been in past years. The meeting will begin at 1900 hours.

- President Johnson briefly discussed the Chief 101 class scheduled January 21,22 2011 at Stoney Point Fire Department. All Chief Officers in Cumberland County are requested to attend. This class meets the new requirement for 9 S ratings.
- President Johnson handed out packets which contained; educational announcements and legal briefs.
- President Johnson let everyone know that the Cumberland County Fire Marshal's office and the County's PIO office can be available for major incidents that a PIO officer is needed.

### **OLD BUSINESS:**

- President Johnson and Secretary Melvin are working on an updated roster for the association.
- President Johnson advised the association that there was no further information at this time regarding the contracts.
- President Johnson reported on several communications issues that were addressed at the last Public Safety Task Force meeting.

### **NEW BUSINESS:**

- None.

### **COMMITTEE REPORTS:**

#### **ID CARD COMMITTEE** Lt. Tara Whitman (Stoney Point) Chairperson

- **FYL.** Fire Chiefs are required to send a signed letter or memo with a firefighter requesting an ID Card. For any questions or an appointment contact 424-0694 or e-mail at tara@stoneypointfire.com

#### **FIRE PREVENTION/EDUCATION COMMITTEE** Chief J. F. Hall (Bethany) Chairperson

- Chief J.F. Hall inquired about smoke detector giveaway programs. Director Currie advised that his office had detectors available and to call his office and they would deliver them to you.
- A motion was made by Chief J.F. Hall, seconded by Chief Hill and approved to send a letter to the Governor's Office in support of residential sprinklers. President Johnson will be drafting the letter in support of same.

#### **COMMUNICATIONS COMMITTEE** Chief B. Bullard (Stedman) Chairperson

- Director Currie advised that FCC was completing the paperwork to release the 6 channels needed to reduce the busy signals on the radio channels. Chief Bill Bullard discussed issues with busy signals and how we must keep routine information off of the radio during peak times.
- Tim Mitchell gave information on some possible grant money from BRAC that could be used to buy additional radios. A motion was made by Chief Marsh, seconded by Chief Herndon and approved to pursue the grant opportunity and try to obtain at least 10 additional WT's for each station along with the needed mobile units.
- Director Currie will be setting up a meeting with Fire House to look at the next phase of the CAI interface issues

#### **STANDARDS & POLICY COMMITTEE** Chief K. Hall (Cumberland Road) Chairperson

- No report.

**MEMORIAL COMMITTEE** Chief R. Marley (Pearce's Mill) Chairperson

- No report.

**AUTOMATIC AID/MUTUAL AID COMMITTEE** Chief Ake (Beaver Dam) Chairperson

- No report.

**FINANCE COMMITTEE** Deputy Chief Freddy Johnson Jr. (Stoney Point) Chairperson

- No report.

**RESCUE COMMITTEE** Deputy Chief Freddy Johnson Jr. (Stoney Point) Chairperson

- No report

**BULK PURCHASE COMMITTEE** Chief Pierce (EMS) Chairperson

- No report.

**ASSOCIATE MEMBERS REPORT**

**EMERGENCY SERVICES DIRECTOR/ ECC-911** Kenny Currie, Director

- No further information.

**EMS DIRECTOR:** Brian Pearce, Director

- Director Pearce advised that EMS would be staffing 9 units 24 hours each day with 5 additional units available during the daytime peak hours. A new Doctor has been hired to pursue a trauma designation for the hospital.

**HAZMAT** BC Brian Mims, FFD - POC telephone for HAZMAT is 433-1729

- The team will be receiving a new robot in the March time frame for use in at HazMat incidents.

**FORESTRY DISTRICT** Andrew Synder, County Ranger

- No report.

**FTCC** Ernest Ward, Director

- Mr. Ward introduced Joy McPhail as the new Emergency Services Program Director for FTCC.

**SHERIFF'S OFFICE** Sheriff Butler

- No report

**HIGHWAY PATROL**

- First Sgt. Johnson advised that the patrol is seeing an increase in accidents involving large frame commercial vehicles. Please have your personnel to use due caution when operating these vehicles

**CHRISTIAN FIREFIGHTERS** Chaplain Cassanova

- No report.

**COUNTY COMMISSIONERS** Fire Commissioner Ed Melvin

- No report.

**FOR THE GOOD OF THE ASSOCIATION:**

- Chief Hodges advised the association of the annual Hope Mills parade on December 4th. The parade begins at 3:00 pm. Chief Hodges also advised that they are buying PPE and air packs if anyone is interested. Chief Hodges also advised that the Town is in the process of hiring full and part time firefighters. Please contact Chief Hodges ASAP if you have interested personnel.
- BC Mims gave an update on the guns and hoses softball tournament as well as a toys for tots flag football game.
- Chief Hill advised that Wade FD is selling hams for the holidays. Please contact him if you are interested.

**ADJOURNMENT:** A motion was made to adjourn by Assistant Chief Johnson, seconded by Assistant Chief Kevin Murphy. The meeting was adjourned at 2045 hours.

Respectfully Submitted By:

*Freddy L. Johnson*

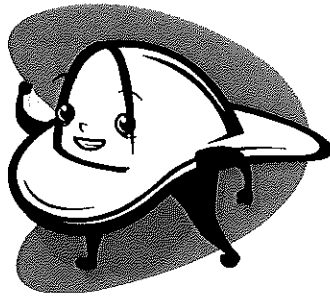
Freddy L. Johnson Sr. CFO  
Fire Chief / President

*Mark A. Melvin*

Mark Melvin, CFO  
Deputy Fire Chief / Secretary

7 Enclosures

1. Training information
2. Legal Briefs
3. Roster
4. Sprinkler letter
5. Roll call vote
6. Roll call vote
7. Roll call form



# Chief 101 Class

FOR ALL CUMBERLAND COUNTY CHIEF OFFICER'S

Friday January 21, 2011

6 – 10 PM

Saturday January 22, 2011

8 – 4 PM

Location to be Announced &  
Depending on class size.

Tentatively scheduled for Station 19 Lake Upchurch

Call Stoney Point @ 424-0694 or Chief Johnson @476-1301

TO REGISTER

# Legal Briefings for Fire Chiefs

How fire chiefs, fire commissioners, and other fire service officers use the law to protect their communities... their departments... their officers... and themselves.

Vol. 23, No. 11

FireChiefLaw.com

November 2010

## In This Issue

### **Fire Chief Demoted—Refuses to Promote Candidates—Racial Motive?**

The city charter provides that the director of public safety is *superior* to the fire chief in the chain of command. When the fire chief refused to carry out a lawful order, he was *insubordinate* and was lawfully demoted. .... Page 2

### **Hiring Procedures Challenged—Less Qualified Candidates Selected**

The appointing authority has *discretion* to select any candidates from the eligibility list. Anyone appealing a hiring decision must establish an *unlawful motive* in selecting less qualified candidates. The burden is clearly on the appellant to establish a *prima facie* case of an unlawful motive. .... Page 3

### **Hiring Practices Challenged by Minority Candidates Not Hired**

The complex hiring process includes a written examination, agility test, and interviews by a panel and by the fire chief. However, the interviews are *subjective*, which may or may not be a way to discriminate. This is a fact issue which a jury must decide. .... Page 4

### **Volunteer Firefighter Injured at Fire—Sues Firefighters and Other Fire Company at Scene**

The injured firefighter already had received workers compensation benefits but opted to sue two firefighters and their fire company alleging wanton negligence. The claims against the firefighters were dropped, but the claims against the other fire company were not. .... Page 6

### **Fatal Heart Attack—42-Year Old Firefighter Training at Home**

Conflicting medical opinions are considered to determine if the death occurred *within the scope of employment*. The deceased firefighter was a member of a special response team requiring higher physical standards. .... Page 7

## In The Next Issue

### **Fire Chief Charged with Race Discrimination—No Immunity**

The fire chief had *discretion* to select for appointment any qualified candidate, notwithstanding test scores, oral interview scores, and other criteria. The evidence points to an intention to ensure the diversity ratios of the fire department and the city are matched.

### **Disability Claim—Hearing Loss—Daily Exposure to Loud Noises**

There were conflicting medical testimonies as to the *causation*. The workers' compensation judge's decision to award benefits was supported by substantial evidence.

Former Chief George appealed the demotion to the Civil Service Commission, alleging his demotion was racially motivated and that he was constructively discharged and forced to retire. The Commission affirmed the demotion and decided that the action was *not* racially motivated. Rather, the demotion was for good cause.

Former Chief George sued the Commission, challenging the decision to affirm the demotion.

**Decision: Affirmed.**

The City Charter clearly provided that the fire chief must carry out the orders of the Director of Public Safety who answers to the Mayor. Here, the director's order to the then Chief George to promote the eligible candidates was enforceable, and the resulting demotion for his failure to do so was lawful.

Former Chief George was not demoted because of his race. Rather he was demoted for *insubordination*.

The court also rejected the claim that Former Chief George was *constructively* fired (he had little choice but to resign). Here, the loss of authority and compensation were the natural consequences of a lawful demotion.

The court determined that the City had a legitimate, non-discriminatory reason for demoting Former Chief George.

*Citation: George v. Civil Service Commission of the City of St. Louis, et al., No. ED 93873, Court of Appeals of Missouri, Eastern District, Division One (2010)*

## Hiring Practices Challenged

### Less qualified selected—discretion?

*Lesson Learned: When a candidate for a firefighter position is placed on an eligibility list, s/he is not guaranteed a position if one opens up. The appointing authority still has discretion to fill the needs of the local government.*

Nicholas Foglio is a former applicant to become a firefighter with the Ocean City, New Jersey ("City") Fire Department. After completing an examination and other application procedures, Foglio was informed that he ranked number three on a certified list of eligible applicants. The list was posted on March 15, 2004 and was due to expire on November 2, 2007.

When the decision was made to hire applicants, City officials selected those ranked second, eighth, and tenth on the eligibility list; Foglio was not selected. He appealed to the Division of Local Human Resource Management ("LHRM"), which responded with a letter to Foglio on December 17, 2007, basically affirming the hiring decision, pointing to the certification "rule of three" and the applicable statute. The LHRM reasoned that "the lower ranked eligibles were appointed because they best met the needs of the City."

Foglio was not satisfied with the response from LHRM, and asked the Commission to review the matter. The Commission asked for a more detailed explanation from the appointing authority, which answered that the "lower ranked eligibles were appointed because they best met the needs of

### Mission Statement

Our intention is to report legal matters and the outcomes of lawsuits to fire service officers in order that they learn from the experiences of their colleagues. We do not give legal or any other professional advice, nor do we guarantee the accuracy of our content. Rather, we strongly urge subscribers to have access to competent, experienced attorneys. We hope that this information will help you avoid needless litigation; successfully defend against legal claims that are unavoidable; and use the law to protect your community.

Laws and court decisions are frequently changed, and what you may read in this and other publications might not pertain to all jurisdictions and may have been superseded by new laws, a more current decision, or a different interpretation of the law. Case law and statutes change without notice. Thus, you should not rely on this or other services without first seeking advice from your attorney.

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*department continued to seek applications from persons of complainant's qualifications." McDonnell Douglas Corp. v. Green, 411 U.S. 792 (1973).*

A city adopts a complex hiring policy for new firefighters with a number of steps and criteria, all of which are intended to both facilitate the hiring of the best candidates and to ensure that the diverse staffing of the fire department matches that of the city as a whole.

David Torgeson, a Native American, and Jami Mundell, a white female, brought this action against the City of Rochester, Minnesota ("City"), alleging that they were denied employment by the City's fire department due to unlawful discrimination in violation of *Title VII of the Civil Rights Act of 1964*.

The City's firefighter hiring policy is state-statute driven, and the Rochester Fire Civil Service Commission ("Commission") oversees all aspects of the process. All candidates must meet the minimum requirements to even apply. Then candidates must take and pass a written examination and agility test. Here, the written examination counts for 30 percent of a candidate's final score, and the agility test accounts for another 30 percent. The next phase is an interview by a three-person panel. There, the panel includes representatives from the fire department, the City's human resources department, and the Commission.

The panel ranks the candidates, who by this time are considered qualified and are placed on an eligibility list which lasts three years. When a vacancy for a firefighter position occurs, the fire chief contacts the Commission to send a list of eligible candidates and their rankings. The top three candidates are named, in addition to two eligible candidates from a "protected group" for which a disparity exists.

The final candidates who are to be interviewed by the fire chief are also given medical and psychological examinations. If a candidate fails any of these steps, the next highest ranking candidate will be considered. In the end, the City Council makes the final hiring decision.

In 2005, the City sought to hire seven firefighters. The process produced 48 certified candidates who were placed on the eligibility list. Torgeson and Mundell were both on the list, and both had already completed considerable training and certifications, including Fire Fighter I and Fire Fighter II courses; certified Emergency Medical Technician ("EMT") training; and others. Torgeson was already serving as a volunteer firefighter, and Mundell had earned an associate degree and a diploma in intensive care paramedics.

The problem for Torgeson and Mundell was that the other candidates also had impressive qualifications. By the time they completed the panel interview, Torgeson ranked 45<sup>th</sup> and Mundell ranked 40<sup>th</sup> on the list certified by the Commission. Fire Chief David Keller interviewed both Torgeson and Mundell, but he could not find any qualifications that made them superior to other candidates. In the end, neither Torgeson nor Mundell was hired.

The trial court dismissed the case by granting the City a motion for summary judgment, deciding that there were no genuine material issues of fact to be determined. The trial court decided that Torgeson and Mundell failed to provide sufficient evidence that the City's stated reason for not hiring them was a *mere pretext* for discrimination.

Torgeson and Mundell appealed, contending that the stated reasons for not hiring them were a *pretext* for discrimination. Further, Torgeson and Mundell allege that the white candidates with the same or lower

## Around the Nation

to enforce a more strict policy for computer usage. Comprehensive diversity training is also an important element of the settlement agreement.

In the opinion of this reporting service, this incident could have resulted in a much more serious outcome had it not been challenged at an early stage.

While we have not observed the actual challenged internet postings, we do not need to. It is an incident that should not have happened.

### Fired for Viewing Pornography on City Computer

#### Disparate treatment and due process violation?

A recently terminated firefighter ("Plaintiff"), fired for viewing pornography on a city owned computer, has responded by suing the city and city officials, alleging constitutional violations.

The Plaintiff contended that top level city officials also viewed offensive materials on city owned computers. He also alleged that city officials allowed fire stations to subscribe to premium television cable channels that frequently air sexually explicit programs.

The lawsuit was filed in a federal district court and named the city and fire department, as well as a number of city officials, as defendants.

The termination was appealed, but the local review board affirmed the termination decision.

The fire department apparently had a rigid and comprehensive internet policy. Plaintiff allegedly first went on the computer to purchase some personal items that were not offensive or pornographic. However, his continued usage allegedly brought him to at least one site that could be

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employee of his own fire company *and* the one he is loaned to. Thus, if injured working with another fire company, the other fire company would also be immune from liability.

Defendants also contended that under the applicable statute a volunteer firefighter is a state employee and that since Larson, Olicker, and Brown are all state employees workers' compensation benefits are the exclusive remedies.

Defendants filed a motion for summary judgment.

**Decision: Claims against Olicker and Brown were dismissed. The claims against Mill Creek and the issue of the Borrowed Servant Rule are not dismissed.**

Under the *Workers' Compensation Act*, firefighters Olicker and Brown are immune from being sued for liability. However, the same immunity does not necessarily extend to other fire companies. Although Larson alleges wanton negligence, he failed to present sufficient evidence that Olicker and Brown acted in a way that was wanton or malicious. Firefighters should be able to perform their duties at a fire scene without fear of liability claims by fellow firefighters. The fact that Larson comes from a different fire company than Brown and Olicker is of no consequence. They were engaged in the same fire suppression effort.

However, there are also remaining factual issues as to whether the Borrowed Servant Rule applies. Larson and Chief Howell were from different fire companies, but there are other factors that would weigh against finding that he is a *borrowed servant*. Thus, while Olicker and Brown are immune, Mill Creek may not be.

*Citation: Larson v. Mill Creek Fire Company et al., CA No. 09C-04-026-JOH, Superior Court of Delaware, New Castle County (2010)*

## Fatal Heart Attack— 42-Year Old Firefighter

### Line-of-duty benefits sought by wife

*Lesson Learned: Fatal heart attacks of firefighters are not uncommon. Presumptively considered work related if the heart attack occurs on duty, if the attack does not occur while on duty, proving eligibility for line-of-duty benefits is all the more difficult. In this case, there was considerable evidence supporting either possible decision.*

Donald Hubbel was a captain firefighter on the Baltimore City Fire Department. He was a member and an assistant team leader of a fourteen-member Special Operations Team ("Team") which is a special unit called on to respond to fire and emergency calls which are considered above the ordinary duties of a firefighter. Team members would respond to fires in high-rise buildings, building collapses, tunnel collapses, and swift water rescues. Team members are charged with being on call 24/7 unless they are excused.

Physical fitness is obviously an important requirement for Team members. There is an annual physical fitness test including a one mile run which must be completed in nine minutes. Other requirements include a specified number of sit-ups and pushups. The Fire Department does not provide a physical fitness center or facilities for Team members. Rather, the

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## Around the Nation

released. Unlike the Philadelphia case recently settled, this case apparently involves the use of a personal computer in sending comments about fire department business to a local newspaper. The postings were anonymous, and it is interesting that the newspaper has not been named in the lawsuit. We again stress the point that information sent in this manner is usually not vetted to the same degree that a newspaper reporter's story would be, especially if that story could result in a libel or defamation lawsuit.

In this instance, the fire chief and deputy fire chief took offense to the anonymous postings on the local newspaper and charged that the comments were libelous. The amount of damages sought has not been reported. The postings allegedly include less than complimentary comments related to treatment of minority firefighters recently hired pursuant to an affirmative action program. While the parties who sent the postings are not identified, the chief and deputy chief are reasonably certain that at least some of the postings came from active and/or retired firefighters.

### Settlement - \$15,000 – Privacy Rights of Firefighter Violated?

The ACLU announced that a firefighter has agreed to drop an invasion of privacy lawsuit. The incident arose out of a recent political campaign wherein a candidate apparently noticed a bumper sticker on an automobile that was offensive to him. The politician allegedly contacted the local police to run a check on the plate number. In doing so, the politician learned that the automobile with the bumper sticker belonged to the firefighter. The firefighter's name was published and this lawsuit followed. The case was recently settled.

**CUMBERLAND COUNTY FIRE CHIEF'S ASSOCIATION  
EMERGENCY CONTACT NUMBERS (3/1/2007)**

**FIRE DEPARTMENTS**

STA. #	DEPARTMENT	ADDRESS	CHIEF/DEP/ASST	FD PHONE	HOME PHONE	MOBILE (CELL)	FAX	EMAIL ADDRESS
1	Eastover	3405 Dunn Road/Fayetteville, NC 28301	Todd Thurmond Mark McLaurin	483-3770	483-1418 433-2865	308-6868 922-1840	483-5870	efd01@nc.rr.com efd01@nc.rr.com
2	Vander	3509 Clinton Road/Fayetteville, NC 28301	Roddy Bullard David Chavis	483-5042	323-1617 323-9458	624-0103 624-1599	483-7814	vfd02@nc.rr.com vfd02@nc.rr.com
3	Pearces Mill	2998A Gillespie St./Fayetteville, NC 28306	Ronnie Marley Tracy Smith Byran Marley	425-5881	624-8114 624-8115		423-6820	pmf0301@nc.rr.com pmf0302@nc.rr.com pmf0303@nc.rr.com
4	Cotton	PO Box 129/Hope Mills, NC 28348	Owen Harris Hank Harris Kevin Dove	425-9385	425-6075 423-4854 425-2595	308-0097 237-9617 728-5955	425-2105	cf0401@nc.rr.com cf0402@nc.rr.com cf0403@nc.rr.com
5	Cumberland Road	3543 Cumberland Road/Fayetteville, NC 28306	Kenneth Hall Steve Parrish Dale Spiller	425-3119	424-2042 858-3717 425-1452	624-7501 850-6730 309-5705	425-3103	crfd0501@nc.rr.com crfd0503@nc.rr.com crfd0502@aol.com
8	Cedar Creek	4960 Tabor Church Rd/Fayetteville, NC 28301	Roddy Bullard Jay Devane	483-5541	323-1617	624-0103 988-7321	223-2190	vfd08@nc.rr.com jdevane@ci.fay.nc.us
12	Bethany	2140 Wade/Stedman Rd/Stedman, NC 28391	J.F. Hall Bill Autry Keith Jackson	483-1581	483-6239 483-1817 323-9637	850-0946 624-2678 990-2471	483-4397	bfd1201c.rr.com bfd1202@nc.rr.com bfd1203@nc.rr.com
13	Stoney Point	7221 Stoney Point Rd/Fayetteville, NC 28306	Freddy Johnson Sr Freddy Johnson Jr. Matthew Williams	424-0694	424-4279 423-6881 424-5723	476-1301 308-1721 977-2700	425-2795	spfd1301@nc.rr.com spfd1302@nc.rr.com assfirechief@aol.com
15	Westarea #15	6787 Ramsey St/Fayetteville, NC 28311	Don L Moore	488-7503	630-1989	229-1249	829-6050	wfd15@nc.rr.com
16	Wade	PO Box 284 7130 Powell Str, Wade, NC 28395	Mike Hill Daniel Hill Randy Brown	483-2353	980-9961	818-3793 624-3646 984-4791	483-2307	wfd16@nc.rr.com
17	Godwin Falcon	PO Box 23/Falcon, NC 28342	Wayne Lucas Marty Starling Robert Scoggins	980-1066	980-1391 980-1311 980-5538	Fire Dept. Pager	980-1766	gffd17@nc.rr.com
18	Gray's Creek #18	7010 Fire Dept Rd/Hope Mills, NC 28348	Kevin Herndon Danny Matthews Ken Bramble	425-0571	424-4582	624-7028 308-6226 303-0132	425-0571	gcf018@nc.rr.com gcf018@nc.rr.com gcf01803@nc.rr.com
19	Lake Upchurch	7221 Stoney Point Rd/Fayetteville, NC 28306	Freddy Johnson Sr Freddy Johnson Jr. Matthew Williams	424-0694	424-4279 423-6881 424-5723	476-1301 308-1721 977-2700	425-2795	spfd1301@nc.rr.com spfd1302@nc.rr.com spfd1303@nc.rr.com
20	Westarea #20	PO Box 470/Linden, NC 28356	Robert Godwin Scott Bass	980-0126	980-0665 980-0464	303-3111 818-3450	892-2132	wfd2001@nc.rr.com wfd2002@nc.rr.com
21	Hope Mills	5788 Rockfish Rd/Hope Mills, NC 28348	Chuck Hodges Steven Lopez	424-0948	423-0174 865-2892	308-9046 308-7684	424-4566	hmfd21@nc.rr.com lfirecop@aol.com
22	Spring Lake	300 Ruth St/Spring Lake, NC 28390	Robert Doberstein	436-0337		237-1322	436-1083	sifd22@nc.rr.com rdoberstein@spring-lake.org
23	Stedman	7595 Clinton Rd./Stedman, NC 28391	Bill Bullard	323-2592	323-2615	988-4060	223-2191	sfd2301@aol.com
24	Gray's Creek #24	2661 Sandhill Rd/Fayetteville, NC 28306	Joe Marsh J. D. Pone	483-1816	485-3793 323-0007	261-3810 527-2444	483-7234	gcf02401@nc.rr.com gcf02402@nc.rr.com



**CUMBERLAND COUNTY FIRE CHIEF'S ASSOCIATION  
EMERGENCY CONTACT NUMBERS (3/1/2007)**

**LAW ENFORCEMENT**

AGENCY	ADDRESS	DEPARTMENT HEAD	PHONE	HOME PHONE	MOBILE (CELL)	FAX	EMAIL ADDRESS
Cumberland County Sheriff's Office	131 Dick Street Fayetteville, NC 28301-5793	Sheriff Earl R. Butler	323-1500 677-5400		391-1321	677-5571	ebutler@ccsonc.org
North Carolina State Highway Patrol	Troop B Headquarters 2435 Gillespie Street Fayetteville, NC 28301-3051	Captain Alex Greyard	486-1058		818-5948	483-1761	
North Carolina State Highway Patrol (Local)	Troop B District 1 (Cumberland County) 2435 Gillespie Street Fayetteville, NC 28301-3051	District 1 <sup>st</sup> Sergeant Ervin Montgomery	486-1334			483-1761	
Fayetteville City Police Department	467 Hay Street Fayetteville, NC 28301-5798	Chief Bergamine	433-1819			433-1895	
Hope Mills Police Department	5776 Rockfish Road Hope Mills, NC 28348-0000	Chief	425-4103			423-8134	
Spring Lake Police Department	PO Box 617 Spring Lake, NC 28390	Chief	436-0350		237-9045	436-2253	
Stedman Police Department	5110 Front Street Stedman, NC 28391	Chief Harvey Cain	323-1892		391-0793	323-4255	townofstedman@nc.rr.com
Fort Bragg PMO Law Enforcement Center	Building # 2-5634 Armistead Street Fort Bragg, NC 28310	Chief Calvin Prouty	396-0391			396-4414	

**Cumberland County  
Fire Chiefs' Association**  
7221 Stoney Point Road  
Fayetteville, North Carolina 28306  
Phone # (910) 424-0694  
Fax # (910) 425-2795  
Email: [spfd1301@nc.rr.com](mailto:spfd1301@nc.rr.com)



**Freddy L. Johnson Sr.**  
President  
**Ronnie Marley**  
Vice President  
**Freddy L. Johnson Jr.**  
Treasurer  
**Mark A. Melvin**  
Secretary  
**Edward Melvin**  
Fire Commissioner  
**Mike Cassanova**  
Chaplain

December 7, 2010

North Carolina Building Code Council  
322 Chapanoke Road, Suite 200  
Raleigh, North Carolina 27603

Dear Council Members:

The Cumberland County Fire Chief's Association has taken the position supporting efforts across the great state of North Carolina in adopting legislation for residential fire sprinklers systems. Statistical information clearly identifies that a high percentage of fire fatalities occur in residential occupancies, and we find it very disturbing that the one place most people feel safest is actually the deadliest at risk from unwanted fires. The real threat of fire is the rapid spread potential and deadly smoke in most cases. Smoke detectors, fire alarms, family escape plans, fire resistive construction and plenty of easily accessible ways out in an emergency are all helpful to save lives and reduce injuries in a fire. However, the single most effective way to protect the life of family and friends in a residential fire is to have a fire sprinkler system.

Therefore it is the position of the Cumberland County Fire Chief's Association that all homes, regardless of size or construction or type should be protected by a residential fire sprinkler system. The Association recognizes that the economic realities of trying to retrofit existing homes with fire sprinkler systems can be prohibitive but the CCFCA advocates for fire sprinkler systems in all new construction and encourages those with the financial ability to retrofit their homes. Firefighters in several communities around North Carolina have installed fire sprinkler systems in Habitat for Humanity homes and those systems have proven their effectiveness in several incidents by saving the families in those homes. Fire sprinkler systems work, even in affordable housing!

Furthermore, The National Fallen Firefighters Foundation developed the 16 Life Safety Initiatives and developed the program "Everyone Goes Home." Item number 15 of the initiative states that "*Advocacy must be strengthened for the enforcement of codes and the installation of home fire sprinklers.*" These initiatives only strengthen our commitment for life safety on all fronts.

Our position follows the overall mission of the fire services, "*to save lives and protect property.*" And in fact, the intent of the North Carolina Building Code is to provide for that very same mission as stated in Section 101.3. The sprinkler initiatives not only protect the lives of others, but provide an added measure of safety for our firefighters.

Sincerely;

FREDDY L. JOHNSON SR.  
Fire Chief / President



*Preservation of Life and Property through Organization*



**Cumberland County Fire Chief's Association**

**Roll Call Vote Document**

Motion TO ASK FOR 10 ADDITIONAL RADIOS PER STATION  
UNDER BRAC GRANT OR ADDITIONAL RADIOS W/ MOBILE COMMUNICATIONS  
J. MARSH - MOTION K. HERNDON - SECOND

Department	Yes	No	Abstain	Other
Beaver Dam # 26	/			
Bethany #12	/			
Cedar Creek #8	/			
Cotton #4	/			
Cumberland Road #5	/			
Eastover #1	/			
EMS	/			
Fayetteville FD	/			
Fort Bragg FD	/			
Godwin-Falcon #17	/			
Grays Creek #18	/			
Grays Creek #24	/			
Hope Mills #21	/			
Pearce's Mill #3	/			
Pope Air Force Base FD				EXCUSED
Spring Lake #22	/			
Stedman #23	/			
Stoney Point #13	/			
Stoney Point #19	/			
Vander #2	/			
Wade #16	/			
Westarea #15				ABSENT
Westarea #20	/			

Date 22-NOV-10 Motion Carried 20 Motion Denied \_\_\_\_\_

**Cumberland County Fire Chief's Association**

**Roll Call Vote Document**

Motion SUPPORT FOR SPRINKLERS IN RESIDENTIAL  
HOMES BEING CONSTRUCTED IN NEW BUILDING CODE  
CHIEF HALL - MOTION      CHIEF HALL - SECOND

Department	Yes	No	Abstain	Other
Beaver Dam # 26		✓		
Bethany #12	✓			
Cedar Creek #8	✓			
Cotton #4	✓			
Cumberland Road #5	✓			
Eastover #1	✓			
EMS	✓			
Fayetteville FD	✓			
Fort Bragg FD	✓			
Godwin-Falcon #17	✓			
Grays Creek #18		✓		
Grays Creek #24		✓		
Hope Mills #21	✓			
Pearce's Mill #3	✓			
Pope Air Force Base FD				EXCUSED
Spring Lake #22				
Stedman #23	✓			
Stoney Point #13	✓			
Stoney Point #19	✓			
Vander #2	✓			
Wade #16	✓			
Westarea #15				ABSENT
Westarea #20		✓		

Date 22-NOV-10 Motion Carried 16 Motion Denied 4



**CUMBERLAND COUNTY FIRE CHIEF'S ASSOCIATION  
ROLL CALL**

MEMBERS PRESENT (22)	21	21	21	19	19	23	18	21	22	17	20	
ASSOCIATES PRESENT (12)	10	11	10	7	7	11	7	8	10	8	7	
<b>CC Fire Chiefs DEPARTMENT ORGANIZATION</b>  * Chief's Only Meeting	* 25-JAN-10	22-FEB-10	22-MAR-10	26-APR 10*	24-MAY-10	28-JUN-10	26-JUL-10*	23-AUG-10	27-SEP-10	25-OCT-10*	22-NOV-10	20-DEC-10
<b>MEMBERS</b>												
BEAVER DAM STA 26	P	P	P	P	P	P	P	P	P	P	P	
BETHANY STA 12	P	P	P	P	P	P	P	P	P	P	P	
CEDAR CREEK STA 8	P	P	P	P	P	P	P	P	P	P	P	
COTTON STA 4	P	P	P	P	P	P	A	P	P	P	P	
CUMBERLAND ROAD STA 5	P	A	P	P	P	P	P	P	P	A	P	
EASTOVER STA 1	P	P	A	A	A	P	P	P	P	P	P	
EMS EMERGENCY MEDICAL SERVICES	A	A	A	P	A	P	P	P	P	P	P	
FAYETTEVILLE FIRE DEPT	P	P	P	P	P	P	P	P	P	P	P	
FORT BRAGG FIRE DEPT	P	P	P	P	P	P	P	P	P	P	P	
GODWIN – FALCON STA 17	P	P	P	P	P	P	P	P	P	P	P	
GRAYS CREEK STA 18	P	P	P	P	P	P	P	P	P	P	P	
GRAYS CREEK STA 24	P	P	P	P	P	P	P	P	P	P	P	
HOPE MILLS STA 21	P	P	P	A	A	P	A	P	P	A	P	
PEARCE'S MILL STA 3	P	P	P	P	P	P	P	P	P	P	P	
SPRING LAKE STA 22	P	P	A	A	P	P	A	A	P	A	A	
STEDMAN STA 23	P	P	P	P	P	P	P	P	P	A	P	
STONEY POINT STA 13	P	P	P	P	P	P	P	P	P	P	P	
STONEY POINT STA 19	P	P	P	P	P	P	P	P	P	P	P	
VANDER STA 2	P	P	P	P	P	P	P	P	P	P	P	
WADE STA 16	P	P	P	P	P	P	P	P	P	P	P	
WESTAREA STA 15	P	P	P	P	A	P	A	P	P	A	A	
WESTAREA STA 20	A	P	P	A	P	P	P	P	A	A	P	
<b>ASSOCIATE MEMBERS</b>												
HAZMAT	P	P	P	P	A	P	P	P	P	P	P	
SHERIFF'S OFFICE	P	P	P	A	A	P	P	P	P	P	P	
HIGHWAY PATROL	P	P	P	P	P	P	P	P	P	P	P	
CC EMERGENCY SERVICES	P	P	P	P	P	P	P	P	P	P	P	
FORESTRY	A	P	P	A	A	A	P	A	P	P	A	
FTCC	P	A	A	A	P	P	A	P	A	A	P	
COUNTY COMMISSIONERS	P	P	P	P	P	P	A	P	P	P	P	
CHRISTIAN FIREFIGHTERS	P	P	P	P	P	P	P	A	A	P	A	
LIFE LINK	P	P	A	P	A	P	P	A	P	A	P	
SBI	P	P	P	A	P	P	A	A	P	A	A	
HOPE MILLS POLICE	A	P	P	A	A	P	A	P	P	A	A	
FORT BRAGG EMS	P	P	P	P	P	P	A	P	P	P	A	

Special Notes:

CODES: (P) – Present (A)-Absent (E) - Excused