

1. Patrolman J. F. Devane
2. Patrolman J. W. Davis
3. Patrolman J. E. Wade

Yours truly,  
/s/ L. F. Worrell  
L. F. Worrell, Chief of Police

LFW:eos

November 21, 1963

Mayor and Councilmen  
City of Fayetteville

Gentlemen:

Attached is a copy of the Civil Service Commission's report in which they list the top six men in the Police Department, as determined by the recent examination for promotion to Sergeant, and a copy of a letter from Chief Worrell recommending the promotion of the following three: J. F. Devane, J. W. Davis, and J. E. Wade.

I concur in the Chief's recommendation that J. F. Devane and J. E. Wade be promoted to Sergeant, but it is my recommendation that Patrolman J. W. Davis not be promoted due to the fact that he is a non-resident of the City.

Although there is a question as to the legal status of police officers living outside the municipality by which they are employed, my position is based more on the policies and practices that have been followed by the City over the years.

Many years ago the City Council adopted a policy of requiring Civil Service employees to live in the City. Exempted from this requirement, however, were a number of employees who resided outside the City at the time the regulation was adopted. As an encouragement to those Civil Service employees living outside the City to move inside, the Council adopted a provision giving preference for promotion to employees living inside the City. This provision was incorporated as Section 29 of the Regulations of the Fayetteville Police Department which was adopted in August, 1959, and is recited as a part of the attached report from the Civil Service Commission.

Since this regulation was adopted, a number of Civil Service employees who were living outside by permission of the Council at the time the residence requirement was adopted, accepted in good faith the Council's regulation, and gave up their homes outside the City to establish homes within the City to be eligible for promotion. Four of these whom I recall at the moment are: Asst. Chief Bob Hutchinson of the Fire Dept., Lt. Davis, and Sgts. Meckling and Morrison of the Police Dept. In fairness to these men as well as to the scores of other Civil Service employees who over the years have been required to move in the City at the time of employment, it is my recommendation that the third promotion go to J. M. Butler rather than to Patrolman J. W. Davis.

Sincerely yours,  
/s/ G. W. Ray  
City Manager

After the letters were read Mayor Clark asked the members if they had any questions regarding the matter. Councilmen Holt, Plummer, and Rhodes posed several questions to the Commission regarding the manner of grading, submission of names of those men eligible, and number of names submitted for consideration.

Following this, Mayor Clark asked if the Council desired to take action now on the promotion of Police Officers J. F. DeVane and J. E. Wade.

After some further discussion Councilman Plummer moved that the Council accept the recommendation of the Chief of Police, the Civil Service Commission, and the City Manager regarding the promotion (to sergeant) of Patrolmen J. F. DEVANE and J. E. WADE. Motion seconded by Councilman Rhodes and approved unanimously.

Council then moved into a discussion of the recommendation of the third police officer. Councilman Plummer asked the City Attorney to review the state and municipal laws and ordinances regarding the residency of police officers within the corporate limits of municipalities and the various steps in the process of promotions and recommendations of police officers within the Police Department of the City of Fayetteville. This Mr. Tally did.

In response to a question from Mayor Clark, Mr. Ray stated that Patrolman John W. Davis (the third officer recommended by Chief of Police) had been advised some three years ago that he would not be considered for promotion to sergeant unless he established residence within the City and that other police officers, when advised the same, moved into the City. Patrolman Davis did not.

Councilman Rhodes then suggested that Council make no third appointment now, but direct the Chief of Police and City Manager to submit a recommendation for consideration at Council's regular meeting on Monday, November 25th, 1963.

Council recognized Coy E. Brewer, a local attorney, representing himself as "a friend of the public" who reiterated essentially his remarks at Council's meeting of November 11th.

Following some further discussion, Councilman Plummer moved that the promotion-nomination of Patrolman John W. Davis by Chief of Police be disapproved and that the Chief of Police make another promotion-nomination. Motion seconded by Councilman Rhodes. The motion carried by the following vote --- FOR THE MOTION - Councilmen Plummer and Rhodes and Mayor Clark. AGAINST THE MOTION - Councilmen Holt and Packer.

Mayor Clark then asked Chief of Police Worrell if he had another promotion-nomination to make at this time. Chief Worrell answered yes and submitted the name of Patrolman J. M. Butler as his promotion-nomination to sergeant. City Manager Ray concurred with Chief Worrell's recommendation.

Councilman Rhodes moved to follow the recommendation of the Chief of Police and City Manager and promote Patrolman J. M. BUTLER to the rank of Sergeant in the Police Department. Motion seconded by Councilman Plummer and upon being put to vote was approved unanimously.

Councilman Rhodes requested the City Manager give a report on progress made on a plan for retirement for City employees at the Council meeting of Monday, November 25th. Mr. Ray said he had nothing definite as yet to report.

The business of the session then being concluded, motion was made and duly seconded for adjournment at 12:15 P.M. and the meeting was adjourned.

  
Maurice W. Downs  
Clerk