

Union Street in accordance with the terms and conditions of this Resolution, and in a manner satisfactory to the United States of America:

(Include a description of the parcel of Government land and a plan showing it).

This Resolution was adopted and approved this 9th day of September, 1963.

By: /s/ Wilbur Clark  
Title: Mayor

ATTEST:

/s/ Maurice W. Downs  
Clerk to City Council

Upon completion, Councilman Packer moved for adoption of the foregoing resolution on the widening of Union Street. Motion seconded by Councilman Rhodes and approved unanimously.

City Manager Ray read a letter from the State Highway Commission in which they stated that the signal lights requested for the school crossings on Ramsey Street were under study.

Upon motion by Councilman Holt, seconded by Councilman Packer, Council unanimously approved the appointment of the following named persons to fill vacancies within the Fire Department:  
GORDON R. NUNNERY  
DONALD K. LEWIS

City Manager Ray reported that grading had begun on Parking Lot #5 today.

There was a short discussion on parking meters and spaces following which Councilman Holt moved that the three metered spaces on the northeast corner of E. Russell St. at the Gillespie St. intersection (beside the Professional Building) be and are eliminated and the area be and is designated "no parking at any time". Motion seconded by Councilman Packer and carried unanimously.

Councilman Holt then asked for a discussion of a "stop-turn right on red" system of traffic signals for the City. Mr. Ray said that such a system had been studied some years ago by a traffic engineer and had not been recommended where pedestrian traffic is involved. After some further comment, it was suggested that the matter be given to the City's present consulting traffic engineer for a study and recommendation.

Councilman Packer asked Public Works Commission representatives about the progress of the sanitary sewer system in Massey Hill. Public Works Commission Administrator Muench reported engineering completed on the outfall and that petitions from property owners were now being accepted by the Commission for the collection system. He stated further that petitions had also been received for the East Fayetteville area and were now being checked. He also stated that the sanitary sewer installation in Homewood Street was being delayed for lack of right of way from one (1) property owner.

The extension of Fairfield Road through from Tallywood Sub-division to connect to Foxhall Road in Murray Hills Sub-division was again discussed. Following this, Councilman Packer moved that the City Manager be and is directed to contact the State Highway Commission to determine the amount of their participation, if any, in the extension of Fairfield Road through to the Morganton Road as originally agreed upon by the developers in accordance with the plans as filed with the City Planning Director and in conjunction with the School Board. Motion seconded by Councilman Holt and carried unanimously.

Upon motion by Councilman Rhodes, seconded by Councilman Holt the following Ordinance was adopted by unanimous vote of the Council:

#### AN ORDINANCE TO PROHIBIT THE THROWING OF TRASH IN STREAMS # 1963-3

Section 1. No person shall throw, place, dump or otherwise put in, into or upon any river, creek, or stream of any nature, or the banks thereof, at any place within the City, any trash, refuse, or debris of any kind.

Section 2. This Ordinance shall be in full force and effect from and after its adoption.

Adopted this 9th day of September, 1963.

/s/ Wilbur Clark,  
Mayor

ATTEST:

/s/ Maurice W. Downs  
Clerk

There being no further business and upon motion made and duly seconded, the meeting was adjourned at 10:10 P. M.

Maurice W. Downs  
Maurice W. Downs, Clerk

SPECIAL MEETING  
Friday  
September 13, 1963  
11:45 A.M.  
Council Room

Present:

Mayor Wilbur Clark

Councilman: Eugene Plummer  
Ted O. Rhodes  
Charles Holt

City Manager, G. W. Ray  
City Attorney, J. O. Tally, Jr.

Absent: Councilman Packer

Mayor Clark called the meeting to order and announced that the purpose for calling this meeting was due to a communication received from the Civil Service Commission relative to Council's action of August 27th in creating three Desk Sergeant positions in the Police Department and the promotion of three policemen to the positions.

He then passed copies of the communication to each of the Council Members and to the City Manager and the City Attorney.

Briefly the communication related the history and organization of the Civil Service Commission. It stated that the Commission is charged, among other things with the giving of examinations and passing upon the qualifications of personnel for promotions. The communication then cited Council's action of August 27th in creating the three Sergeants positions and the subsequent promotion of three men to fill such positions and quoted Section 176 of the City Charter which states that promotions in the Police Department shall be made by the Chief of Police, by and with the approval of the City Council and the Civil Service Commission. It quoted further from the Regulations Manual of the Police Department in that the general powers and duties of the Chief of Police, among other things, is the promotion of Police officers; subject to approval of City Council, City Manager and the Civil Service Commission.

The Civil Service Commission, the letter went on to say, was not consulted about the promotions made by the Council on August 27th. The Commission then respectfully requested the Council to rescind its action of August 27th and make a new approach to the problem, within the scope of the City Charter and applicable laws and regulations.

Councilman Rhodes, commenting on the communication's quote from the Police Regulations Manual, stated that since the Council had given its approval for the establishment of the three Desk Sergeant positions and the promotions thereto, there remained to be obtained only the approval of the City Manager and the Chief of Police.

Mayor Clark asked if the Chief of Police had given his written approval of the promotions. This was not established as a fact, but Councilman Holt stated that Acting Chief of Police Earl Melvin had verbally endorsed the positions and promotions on August 27th.

Councilman Plummer, after reading the communication from the Civil Service Commission, stated that it appeared the Council had made a mistake in creating the three positions and promoting persons to said positions on August 27th and that proper procedure had not been followed.

Councilman Rhodes commented on his prior public endorsement of promotions within the Police Department and the reorganization of the Police Department and stated, in his opinion, the error made by the Council was not serious and that the only criticism to date had been from the news media.

Mayor Clark stated his interpretation of the Commission's letter was that the Commission did not want to be involved in the matter but desired the Council to correct its error. He said he felt the only course of action for the Council is to rescind the action of August 27th and follow the proper procedure.

Councilman Holt suggested that the Council meet with the City Manager and the Chief of Police and either ratify or disapprove Council's action of August 27th.

Mayor Clark read paragraph 4 of the Police Regulations, as adopted by the Council on August 10, 1959, as related to Desk Sergeants.

When asked for his ruling on the matter; City Attorney Tally stated that, in his opinion, Council should rescind its action of August 27th since said action is in violation of Municipal and State Laws.

Mayor Clark then asked City Manager Ray if qualified persons had been recommended for promotion to the rank of sergeant within the Police Department.

Mr. Ray replied that they had. Mr. Ray stated further that he felt that an appointment to Desk Sergeant should not restrict such an appointment to the Desk as this would limit the capabilities of able personnel who could also serve in other capacities.