

accordance with standards of the Public Works Commission of the City of Fayetteville and such improvements also to include the necessary grading as determined by Public Works Commission engineers and to do all other work incidental to the construction and installation of said water and sanitary sewer mains and service laterals and the cost of all such improvements (exclusive of so much of said cost as is incurred at street intersections) to be specially assessed in the amount of two-thirds thereof (except that the entire cost of such water and sanitary sewer service laterals shall be specially assessed) upon the lots and parcels of land abutting upon said improved street portions according to the extent of the respective frontage thereon by an equal rate per foot of such frontage, to be paid after completion of such work and within thirty (30) days after notice of assessment, in cash with no interest, or in five equal annual installments, bearing annual interest at six (6%) per cent, payable annually.

2) This RESOLUTION AND ORDER shall be published once in THE FAYETTEVILLE OBSERVER, a newspaper published in the City of Fayetteville, and shall be in effect immediately following such publication.

Adopted this 23rd day of September, 1963, by the City Council of the City of Fayetteville, North Carolina.

WILBUR CLARK
Mayor

Maurice W. Downs
Clerk

A public hearing having been advertised on the rezoning of the JANIE VAUGHN PROPERTY and there being no opposition present and upon motion by Councilman Holt, seconded by Councilman Rhodes, the City Zoning Ordinance was amended to read as follows by unanimous vote of the Council:

Rezone the following described tract, the JANIE VAUGHN PROPERTY, on the south side of the Fort Bragg Road from R6 RESIDENTIAL DISTRICT to C1 LOCAL BUSINESS DISTRICT:

The Janie Vaughn property on the south side of Fort Bragg Road opposite the intersection of Stamper Road and Fort Bragg Road, and being all that property bounded by Fort Bragg Road on the north, the Y. M. C. A. property on the east, the City Board of Education property on the south and the present C1 Local Business District boundary on the west.

A public hearing scheduled at this time on the rezoning of a tract of land behind the Hillcrest Drive-In Restaurant on Bragg Blvd. was not held due to the petitioners for the rezoning withdrawing their petition.

Mayor pro tem Plummer then advised the other members of the Council of the proceedings of the special meeting held on September 19th in the Council Chamber at which only he and Mayor Clark were present with the City Manager and the Civil Service Commission and at which time the Commission presented a report to the Council regarding the Council's action of August 27th in establishing three desk sergeant positions and the promotion of three policemen to fill such positions. He advised them that at that meeting no official action was taken due to the absence of a quorum of the Council, but it was agreed upon by the two Councilmen present and the Commission that the Commission would proceed with the necessary examinations and have a list of eligibles available when the Council called for it. He stated further that this had been done and he then read the following letter from the Commission:

September 18, 1963

The Honorable Wilbur Clark, Mayor
City of Fayetteville and
The Honorable Members of the City Council
City of Fayetteville

Dear Sirs:

Pursuant to your request we have met with the City Manager and the Chief of Police.

We concur in the view of the City Council that any Civil Service employee residing outside the city limits is not eligible for promotion.

We recommend that the two vacancies now existing in the Office of Sergeant in the Police Department be filled from the eligible list, which we have given to the City Manager and Chief of Police.

We are all in agreement that there is a need for three more Sergeants in the Police Department. We recommend that three new Sergeants be authorized, and that a new examination be given by us at an early date in accordance with existing regulations with a view to filling these three offices.

Very truly yours,

CIVIL SERVICE COMMISSION
BY:

Clif E. Rankin (CHAIRMAN)

John A. Kelly (SECRETARY)

Arthur T. Moore (MEMBER)

Richard L. Hensdale (MEMBER)

H. R. Whitaker (MEMBER)

Following this, Mayor pro tem Plummer stated it was not Council's desire to act at this time on that portion of the Commission's recommendation regarding Civil Service Employees residing outside the City Limits, since the City Attorney had not had a chance to draw a resolution as requested by the Council at an earlier date, but action is desired on all other parts of the Commission's recommendation.

Councilman Rhodes then stated that he had moved for the original action on August 27th before he had given the matter complete thought and that after reading the regulations and listening to further discussion he had come to realize the action was improper. He then entered a motion to rescind Council's action of August 27th in creating the three Desk Sergeants positions and the promotions thereto of the men acting in that capacity and to follow the recommendation of the Civil Service Commission in their letter of September 18th (above letter). Motion seconded by Councilman Plummer.

Councilman Packer entered a substitute motion to table the matter pending the return of Mayor Clark and City Attorney Tally to the City and at that time to instruct the City Manager to call a meeting of the Council, Civil Service Commission, Chief of Police, Captain of Detectives and the City Manager, as soon as practicable for further discussion of the matter. Motion was seconded by Councilman Holt.

During the discussion which followed, Councilman Rhodes stated he felt, in view of all the circumstances, that action should not be delayed further, but that Council should rescind its action of August 27th immediately.

Councilman Holt stated he was completely in favor of waiting for the return of the Mayor and for a full Council before taking any action.

At this point a private citizen, Mrs. Rudolph Singleton, asked for permission to speak on the matter. Mayor pro tem Plummer recognized Mrs. Singleton, and she then expressed her views on the matter in vigorous terms. She stated that in her opinion, Council's action was improper and outside their jurisdiction; and she reminded the Council that in their oaths of office they swore to uphold the constitutions of the State and City. She then pressed for immediate action by the Council on the action of August 27th.

Mayor pro tem Plummer thanked Mrs. Singleton for her expression of interest and called for a vote on Councilman Packer's substitute motion. The vote was as follows: FOR THE MOTION: Councilman Packer and Councilman Holt. AGAINST THE MOTION: Councilman Plummer and Councilman Rhodes.

Councilman Rhodes then withdrew his original motion to rescind Council's action of August 27th and entered instead the following motion:

That the Council accept the recommendations of the Civil Service Commission as stated in their letter of September 18th to the Council (as show above) except for that portion (par. 2) relating to the ineligibility for promotion of a Civil Service employee residing outside the City Limits. Motion seconded by Councilman Holt and approved unanimously.

Upon motion by Councilman Rhodes, seconded by Councilman Holt, the Council and following the recommendation of the Civil Service Commission, the City Manager and the Chief of Police appointed the following named policemen to Sergeant in the Police Department:

W. B. BAREFOOT and R. A. STUDER

Councilman Rhodes then moved that the Council adopt a resolution to follow the recommendation of the Civil Service Commission, the City Manager and the Chief of Police and create three Sergeant positions within the Police Department and that said positions be filled from a list of eligibles who have satisfactorily completed the examination and approved by the Civil Service Commission and that said list of eligibles be submitted to the Council on or before the first regular meeting in November, (November 11, 1963) 1963.

Upon motion by Councilman Rhodes, seconded by Councilman Holt, Council voted unanimously to adopt a resolution granting the following indenture to the Atlantic Coastline Railroad Company: