

Upon motion by Councilman Rhodes, seconded by Councilman Holt the following Ordinance regarding continuity of Municipal Government during emergency was unanimously adopted on second reading:

AN ORDINANCE WITH RESPECT TO CIVIL DEFENSE AND PROVIDING FOR
SUCCESSION OF OFFICERS AND EMERGENCY LOCATION OF CITY GOVERNMENT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE:

Section 1. DEPARTMENT OF CIVIL DEFENSE.

There is hereby created a Department of Civil Defense. The head of the department, to be known as the Director of Civil Defense, shall be appointed by the City Council and shall serve at its pleasure. The Director may be the same person as the Director of Civil Defense of Cumberland County. The Director of Civil Defense shall have the following duties:

- (a) Organizing, administering, and operating the local civil defense organization;
- (b) Formulating plans for the operation of city government in the event of an enemy attack or natural disaster; and
- (c) Coordinating city civil defense plans with those of other civil defense organizations.

Section 2. EMERGENCY INTERIM SUCCESSION.

- (a) Designation, Status, Qualifications and Term of Emergency Interim Successors.

(1) Elective and Other Officers. Within thirty days, and thereafter within thirty days after first entering upon the duties of his office, the Mayor, each member of the City Council, each judge of the Municipal Court, each solicitor of the Municipal Court, and the Clerk of the Municipal Court shall designate emergency interim successors to his office and specify their rank in order of succession so that there will not be less than three nor more than seven duly authorized emergency interim successors for the office.

(2) Appointive Officers. The City Council, upon recommendations of the City Manager, shall, within the time specified in subsection (1) of this section, designate for appointive officers, including but not limited to the City Manager, City Treasurer, City Clerk, City Engineer, City Attorney, City Tax Collector, Chief of Police, City Fire Chief, Building Inspector, Director of Civil Defense, City Auditor, Director of Planning, and Traffic Engineer, such number of emergency interim successors to these officers and specify their rank in order of succession so that there will be not less than three emergency interim successors for each officer.

(2-a) Public Works Commission. If the Public Works Commission shall so resolve, it may designate, by filing with the City Clerk as hereinafter provided, successor commissioners and other officers and agents, to have like powers and duties as in this ordinance specified for other City officials.

(3) Review of Designations. The incumbent in the case of those officers specified in subsection (1) of this section, and the City Council in the case of those appointive officers specified in subsection (2) of this section and the Public Works Commission with respect to those positions specified in subsection (2-a), shall review and, as necessary, promptly revise the designations of emergency interim successors to insure that at all times there are at least three qualified emergency interim successors for each officer specified.

(4) Qualifications. No person shall be designated or serve as an emergency interim successor unless he may under the constitution and statutes of this State and the Charter and ordinances of the City, hold the office of the person to whose powers and duties he is designated to succeed, but no provision of any ordinance prohibiting an officer or employee of this City from holding another office shall be applicable to an emergency interim successor.

(5) Status of Emergency Interim Successor. A person designated as an emergency interim successor holds that designation at the pleasure of the designator; that he must be replaced if removed. He retains his designation as emergency interim successor until replaced by another appointed by the authorized designator.

(b) Assumption of Powers and Duties of Officer by Emergency Interim Successors. If in the event of an attack any officer named in subsections (1) and (2) and (2-a) of Section (a) is unavailable, his emergency interim successor highest in rank in order of succession who is available shall, except for the power and duty to appoint emergency interim successors, exercise the powers and discharge the duties of such officer. An emergency interim successor shall exercise these powers and discharge these duties only until such time as the lawful incumbent officer or an emergency interim successor higher in rank in order of succession exercises, or resumes the exercise of, the powers and discharge of the duties of the office, or until, where an actual vacancy exists, a successor is appointed to fill such vacancy or is elected and qualified as provided by law. In the event of an attack, or warning or impending attack, or if an emergency is duly declared by the proper state authorities, it shall be the duty of the City Manager to give or attempt to give notice to all emergency interim successors. It shall be the duty of all emergency interim successors to report to the location of City government as soon as they have knowledge of an attack or impending attack, regardless of whether notice is received from the City Manager.

(c) Recording and Publication. The name, address, and rank in order of succession of each duly authorized emergency interim successor shall be filed with the City Clerk and each designation, replacement, or change in order of succession of an emergency interim successor shall become effective when the designator files with the City Clerk the successor's name, address, and rank in order of succession. The City Clerk shall keep on file all such data regarding emergency interim successors and it shall be open to public inspection.

Section 3. EMERGENCY LOCATION OF CITY GOVERNMENT.

The emergency location of the city government shall be Clinton, N. C., or, in the event such location shall be or become unavailable, Raeford, N. C., or, in the event such location shall be or become unavailable, such location as the City Council may from time to time designate.

Section 4. EFFECTIVE DATE.

This ordinance shall be in full force and effect from and after its adoption.
Adopted this 25th day of November, 1963.

/s/ Wilbur Clark
Mayor

ATTEST:

/s/ Maurice W. Downs
Clerk

Council heard Mr. Sneed High, a local Attorney representing Mr. Robert Huffman from Norfolk, Virginia, on a request to hold public dances in a building located at the corner of Hay Street and Robeson Street. Mr. High stated Mr. Huffman would not serve or allow alcoholic beverages on the premises.

Following some discussion, Councilman Plummer moved that Council not approve the request, citing, among other reasons, the proximity of a church to the location. Motion seconded by Councilman Packer and approved unanimously.

Mr. Ray advised Council of a request for City participation in a storm drainage installation off Bragg Blvd. between McDonald's Drive-In and Kay's Grill (north side of Bragg Blvd. and east of Westmont Drive). Assistant City Engineer, Bob Bennett, showed Council the location on a map and stated that cost, less materials, to the City would be approximately \$4,695.00. After some discussion, Councilman Plummer moved that the City enter into an agreement for the installation of the requested storm drainage pipe under the City's regular policy subject to the acquisition of the necessary rights of way. Motion seconded by Councilman Rhodes and approved unanimously.

On matters of Bond Anticipation Notes and Bonds:

Councilman Rhodes introduced the following resolution which was read:

RESOLUTION PROVIDING FOR THE ISSUANCE
OF A \$100,000 FIRE STATION BOND ANTICIPATION
NOTE

BE IT RESOLVED by the City Council of the City of Fayetteville:

Section 1. The City Council has determined and does hereby find and declare:

(a) That an ordinance authorizing \$100,000 Fire Station Bonds was passed on January 27, 1960, which was approved by the vote of a majority of the qualified voters of said City who voted thereon at an election duly called and held on March 22, 1960.

(b) That none of said bonds has been issued and that a \$100,000 note is outstanding which was issued in anticipation of the receipt of the proceeds of a like amount of said bonds, which note is designated "Fire Station Bond Anticipation Note", is dated August 19, 1963, matures on December 19, 1963 and bears interest at the rate of 1.82% per annum.

(c) That the holder of said note has consented to accept in exchange for said note of like aggregate principal amount, dated December 19, 1963, maturing February 19, 1964, and bearing interest at the rate of 2.15% per annum.

Section 2. In anticipation of the receipt of the proceeds of said bonds the issuance of a \$100,000 negotiable note of the City of Fayetteville, North Carolina, is hereby authorized which note shall be designated "Fire Station Bond Anticipation Note", shall be dated December 19, 1963, shall mature on February 19, 1964, without option of prior payment, shall be numbered 1 and shall bear interest at the rate of 2.15% per annum, payable at the maturity of the note to which no interest coupons shall be attached. Both the principal of and the interest on said note shall be payable at The Chase Manhattan Bank, ed. Both the principal of and the interest on said note shall be payable at The Chase Manhattan Bank, ed. in the Borough of Manhattan, City and State of New York, in any coin or currency of the United States of America which, at the time of payment, is legal tender for the payment of public and private debts.

Thereupon Councilman Rhodes moved the passage of the foregoing resolution entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF A \$100,000 FIRE STATION BOND ANTICIPATION NOTE" and Councilman Plummer sec-