

CITY COUNCIL
Regular Meeting
November 25, 1963
Court Room
8:00 P.M.

Present:

Mayor Wilbur Clark

Councilmen: Eugene Plummer
Luther Packer
Charles Holt
Ted Rhodes

G. W. Ray, City Manager
J. O. Tally, Jr., City Attorney
P. O. Hoffer, Chairman, P.W.C.
R. A. Muench, Jr., P.W.C. Administrator

Mayor Clark called the meeting to order and asked the Reverend Ralph Godwin, President of the Fayetteville Ministerial Association to deliver the invocation.

Council recognized Col. Hans C. Larsen, Director of the Office of Civil Defense for the City and County, who presented a proposed ordinance which, if adopted, would provide for the creation of a Department of Civil Defense and for the continuation of Municipal Government in an emergency. Col. Larsen stated this ordinance was adopted "in principal" by the Council in August, 1961, but that formal adoption is recommended and requested at this time.

Following some discussion, Councilman Packer moved for adoption of the ordinance as it appears below on first reading with the provision that the Mayor and Council be provided with copies of the ordinance prior to next regular meeting time on December 9th. Motion seconded by Councilman Holt and approved unanimously.

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 be not 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, 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 pro-

vision 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; provided, 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 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 officer, 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 of 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, North Carolina, or in the event such location shall be or become unavailable, Raeford, North Carolina, 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.

MAYOR

ATTEST:

CLERK

City Manager Ray reported that Mr. Guy Ciampa, President of Motor Vehicle License Agency, Inc. had submitted a request that City's contract for the sale of 1964 City license tags be granted to his agency. (Carolina Motor Club, which formerly handled these sales, is now out of business.)

Councilman Rhodes moved that Council enter into an agreement with Motor Vehicle License Agency, Inc. for the sale of 1964 City license plates and pay them 10¢ per tag. Motion seconded by Councilman Holt and approved unanimously.

An application for a privilege license to drive a taxicab submitted by Nathaniel Dupree was disapproved due to his court record upon motion by Councilman Plummer, seconded by Councilman Packer.

Upon motion by Councilman Rhodes, seconded by Councilman Plummer, the regular Council meeting of December 23, 1963 was cancelled due to its proximity to the Christmas holiday by unanimous vote of the Council.

Planning Board Matters:

Upon motion by Councilman Plummer, seconded by Councilman Packer, a public hearing was ordered advertised for January 13, 1964 on the proposed initial zoning R10 Residential District of the Pamalee Drive-Cain Road area annexed to the City on July 22, 1963, in which area lies all or a portion of the following streets: Pamalee Drive, Cain Road, Scotty Hill Road, Valencia Drive, Valencia Court, and Everglades Drive.

Planning Director Rumbough reported that the Planning Board held a public hearing relative to the zoning of an area on Winslow Street extending back toward Oak Street to C1 Local Business District and to the amending of a portion of the Zoning Ordinance, Section 32-38 and advised that Council had advertised a public hearing on these matters for December 9, 1963.

On a matter of annexing a tract in the vicinity of Gillespie Street, Cude Street and the area between Cude Street and Trade Street, pursuant to petition, Councilman Packer moved that a public hearing be advertised for January 13, 1964. Motion seconded by Councilman Plummer and approved unanimously.