

**STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION**

The City Council for the City of Marion met in Regular Session on Tuesday evening, March 7, 2023 at 6:00 P.M. at the Marion Community Building, located at 191 North Main Street in Marion.

BOARD MEMBERS PRESENT: Mayor Steve Little, Mayor Pro Tem Woody Ayers, Council Members Billy Martin, Ann Harkey, Don Ramsey and Chet Effler.

OTHERS PRESENT: Bob Boyette, City Manager; Landdis Hollifield, City Clerk/Public Information Officer; Brant Sikes, Public Works Director; Allen Lawrence, Police Chief; Mike Conley, Reporter, McDowell News.

GUESTS PRESENT: Sandra and Robert Ayers, 94 West Glenview Street, Marion; Leighann Ayers, 56 Morgan Street, Marion; Lee Marie and Artie Benshoff, 82 Bridlewood Pine, Concord; Larry and Judy Hartman, 6806 US 221 North, Marion; Sherry Dixon, 4144 Nix Creek Road, Marion; Rob Warren, 100 Water Foil Street, Marion; Jonelle Daniels, 1802 Airport Road, Marion; John and King Tysinger, 840 Lakeview Hills Drive, Marion; Jennifer Thomas, 44 South Main Street; Megan Mace, 182 Willow Street, Marion; Frank Lenoir, 44 South Main Street.

CITIZEN OF THE MONTH: Mayor Pro Tem Ayers advised that the Citizen of the Month he had selected for March 2023 was someone he should have chosen a long time ago. Mayor Pro Tem Ayers reported that, in a time when public schools and teachers nationwide are undervalued, he felt that it was important to recognize someone who had dedicated their life to bettering others through education.

Mayor Pro Tem Ayers stated that he loved the quote “teaching is a profession that teaches all other professions.”

Mayor Pro Tem Ayers recognized his mother, Sandra Ayers, as Citizen of the Month for March 2023. He said that Ms. Ayers was born in Asheville and later moved to Pleasant Gardens. Mayor Pro Tem Ayers advised that his mother graduated from Western Carolina University in 1968 with a Bachelor’s Degree in Mathematics. He reported that she taught at Tuscola High School before moving to Louisiana to be with his father after he came home from Vietnam.

Mayor Pro Tem Ayers stated that his family moved back to Marion in 1971. He said that, upon her return to Marion, Ms. Ayers decided to stay at home with her three children until 1980, when she was hired as a math instructor at McDowell Technical Community College.

Mayor Pro Tem Ayers advised that Ms. Ayers taught math for every curriculum at the College. He reported that it was common for his mother to work morning, noon and night, and to even tutor students at the Ayers residence.

Mayor Pro Tem Ayers stated that he was amazed at all his parents were able to do through the year, including sending four children to college. He said that Ms. Ayers treated everyone equally and with respect, which made him think of another quote: “A good education can change anyone. A good teacher can change everything.”

Mayor Pro Tem Ayers advised that, for 25 years, Ms. Ayers had volunteered for Project Christmas through First Presbyterian Church’s Matthew 7:7 Club. He stated that Matthew 7:7 referred to the following scripture: “Ask and it shall be given. Seek and you shall find. Know and it shall be opened unto you.”

Mayor Pro Tem Ayers said that Ms. Ayers had often served on the Board of Deacons and the Board of Elders at First Presbyterian Church.

Mayor Little thanked Ms. Ayers for her dedication to the people of McDowell County. He advised that recognizing Ms. Ayers was very appropriate, because of the impact she had on the lives of so many.

Council Member Ramsey thanked Ms. Ayers for her service to the community and McDowell Technical Community College, on behalf of the MTCC Board of Trustees on which he serves.

Council Member Martin advised that the word that came to mind when he heard Ms. Ayer’s name was grace. He stated that she had done a marvelous job at MTCC and had raised a beautiful family.

City Manager Bob Boyette said that this recognition was long overdue. He advised that Ms. Ayers was the perfect candidate for the Citizen of the Month honor, given her great service to the community at MTCC and in many other volunteer roles through the years.

Council Member Harkey reported that she was thankful for the Ayers family coming back to McDowell County. Council Member Harkey stated that, as a retired educator herself, she admired Ms. Ayers for teaching so many different types of math at the college level.

Council Member Effler said that Ms. Ayers was a great example of what an educator should be. He advised that Ms. Ayers was a teacher and so was Jesus. He stated that Ms. Ayer’s contribution to McDowell County would be seen for many generations. He then thanked Ms. Ayers and her husband, Robert Ayers, for five decades of serving McDowell County.

Judy Hartman, a longtime friend of Ms. Ayers, thanked her for always encouraging people to reach for the stars. She said that Ms. Ayers had encouraged her to go back to school, which was something she probably never would have done without her support.

Robert Ayers, Ms. Ayers’ husband, advised that he was so glad he married his high school sweetheart 56 years ago and that she was still his sweetheart.

Ms. Ayers stated that she was humbled by the award. She said that she had always tried to be a good and supportive citizen. Ms. Ayers advised that when she and her husband came back to

Marion, they had no idea they would become so involved in the community. Ms. Ayers stated that she appreciated the Mayor, City Council Members and City Manager Bob Boyette for all that they did for the City and community.

Mr. Boyette shared that 2023 marked the 25th anniversary of the City recognizing Citizens of the Month for the first time in January 1998. Mr. Boyette said that it was great to see Jonelle Daniels, widow of former long-time City Manager Earl Daniels at the meeting. Mr. Boyette advised that Mr. Daniels had been a great mentor and friend to him and had served the City faithfully during his 28+ year career as City Manager of Marion.

CONSENT AGENDA: Upon a motion by Council Member Ramsey, seconded by Council Member Martin, all Council Members voted unanimously to approve the Consent Agenda as follows:

A. Approval of February 20, 2023 City Council Planning Session Minutes and February 21, 2023 Regular City Council Meeting Minutes

B. Approval of Budget Ordinance Amendments

CITY OF MARION, NORTH CAROLINA						
2022-2023 BUDGET ORDINANCE						
(Tenth Amendment)						
BE IT ORDAINED by the City Council of the City of Marion, North Carolina as follows:						
Section 1. That the Budget Ordinance for the City of Marion, North Carolina for the fiscal year 2022-2023 as adopted by the Marion City Council on the 21st day of June, 2022 is hereby amended as follows:						
GENERAL FUND						
Department	Account #	Account Description	Before Amendment	After Amendment	Expenditure Increase/ (Decrease)	Revenue Increase/ (Decrease)
Revenues	10-395-0100	Transfer from ARPA Fund	\$ 608,458	\$ 629,475		\$ 21,017
Administration	10-420-7400	Capital Outlay	\$ 55,000	\$ 76,017	\$ 21,017	
Section 2. Copies of this Budget Amendment shall be furnished to the Budget Officer to be kept on file for direction in the disbursement of Funds.						

Adopted this the 7th day of March, 2023.



Stephen R. Little, Mayor

ATTEST: 
Landdis A. Hollifield, City Clerk/Public Information Officer

Ordinance Number: O-23-03-07-2

PUBLIC COMMENT PERIOD

Jennifer Thomas, of 44 South Main Street, thanked Council Members for the chance to speak. She asked who she should talk to about regulations for property she had recently purchased on Alabama Avenue.

City Manager Bob Boyette stated that City Planner Vance McNeas and Chief Building Official Spencer Elliott would be glad to help Ms. Thomas with any questions that she may have.

Ms. Thomas said that she would contact City staff to learn more about regulations for this property.

REVIEW OF STREET REQUEST

City Manager Bob Boyette advised that the City recently received a request from local resident Peggy Pitman for a no right turn on red restriction on State Street at the South Main Street intersection. Mr. Boyette reported that he had reviewed this request with Police Chief Allen Lawrence and determined that there is likely a sight visibility issue with right turns on red at this intersection.

Mr. Boyette recommended that this request be referred to the Street Committee for review and a recommendation back to Council at a future meeting. He stated that, if the Street Committee proposes action, the City will need to determine if NCDOT input or concurrence will be required, since the intersection is controlled by NCDOT.

Council Member Ramsey asked Police Chief Allen Lawrence if any traffic accidents had occurred in that area. Chief Lawrence said that he would get that information and have it ready for the Street Committee's review.

Mayor Little and Council Members agreed by consensus to refer this matter to the Street Committee for review and a recommendation back to Council at a future meeting.

TREE BOARD UPDATES

2023 Tree City USA Certification

City Clerk/Public Information Officer Landdis Hollifield advised that, in February the City of Marion received news that its Tree City USA Certification had been renewed for 2023. She reported that this was the 34th year the City had received this honor.

Ms. Hollifield stated that, in order to be named a Tree City USA, a City either had to have a Tree Board composed of citizens or a specific department that takes care of all trees on municipal-owned property. She said that the City of Marion has a citizen Tree Board and City staff and contractors that takes care of trees on City-owned properties.

Ms. Hollifield shared that Tree Cities also have to hold a yearly Arbor Day Event, have a Tree Ordinance and invest at least \$2 per capita in Tree plantings and beautification projects, criteria that the City continues to meet.

Bradford Pear Removal

Ms. Hollifield advised that, at the Tree Board's February 16 meeting, the Tree Board discussed the Bradford Pear Trees at the Marion City Stage property on North Main Street. She stated that Public Works staff had advised that the root systems of the Bradford Pears are beginning to cause damage to the retaining wall on the Brown Drive side of the City Stage Property and had recommended the removal of these trees.

Ms. Hollifield said that, after discussion about the damage being caused by the Bradford Pears to the retaining wall, and that fact that Bradford Pear trees are highly invasive, the Tree Board voted to recommend that the Bradford Pear trees be removed from the City Stage property and replaced with a native, non-invasive species to be identified later.

Ms. Hollifield advised that Council action was needed to authorize staff to remove the Bradford Pear trees on the City Stage property on North Main Street. She reported that, upon approval of the recommended tree removal, the Tree Board would develop recommendations for plantings at the City Stage property.

Mayor Little stated that, until recently, he had not known how invasive Bradford Pears were. He said that these trees actually harmed the honeybee population, because they did not provide food for them.

Council Member Effler asked if the City could inventory Bradford Pear Trees on other City properties, so that these trees could be scheduled for possible removal in the future. Ms. Hollifield advised that she was sure contracted City Arborist Lawrence Moore could inventory all known Bradford Pear trees on City property.

Upon a motion by Council Member Ayers, seconded by Council Member Effler, all Council Member voted unanimously to authorize staff to remove remaining Bradford Pear Trees on the Brown Drive side of the City Stage property on North Main Street.

Arbor Day 2023

Ms. Hollifield reported that this year's City Arbor Day event is planned for Saturday, April 22, at the State Street Trailhead of the Peavine Trail. She stated that this year's Arbor Day event was

open to the entire community and individuals were encouraged to come out, enjoy a variety of activities and celebrate not only Arbor Day, but also Earth Day, which will be observed on April 22 as well.

Ms. Hollifield said that a variety of community organizations were collaborating with year's Arbor Day event, including the McDowell Trails Association, McDowell Cooperative Extension and Marion East Community Forum.

Ms. Hollifield advised that the Arbor Day event will take place from 10:00 a.m. until 12:00 p.m. on Saturday, April 22. She stated that, in the event of rain, the celebration would be held on Saturday, April 29 at the same time and location.

North Garden Street Trees

Ms. Hollifield said that Tree Board Members had recently discussed potential species of trees that could replace the Chalk Maple trees on North Garden Street. She advised that the Chalk Maple trees were reaching the end of their useful life, because of being too large to be located until power lines. Ms. Hollifield reported that Council had already approved a recommendation from the Tree Board for the City to replace these trees in future years.

Ms. Hollifield stated that Tree Board Members had endorsed a plan to replace the Chalk Maple trees in coming years with another type of tree that would be more suitable for the area and not grow directly into the power lines on North Garden Street. Ms. Hollifield said that the Tree Board had narrowed down their selection to four types of trees, but would not make a recommendation on the matter until their regular May meeting. She advised that Tree Board members were doing additional research about those trees and will make a recommendation to Council in the near future, for presentation to Council.

Mayor Little asked the Tree Board to consider adding the Redbud to their list of possible trees to use. He said this native species would give off beautiful color. Ms. Hollifield reported that she would advise the Tree Board of the Mayor's request for the Redbud to be considered for possible planting on North Garden Street.

ADOPTION OF AMENDMENTS TO FESTIVAL AND EVENTS ORDINANCE

City Manager Bob Boyette presented Council with proposed amendments to the City's Festival and Events Ordinance. He stated that City Clerk/Public Information Officer Landdis Hollifield drafted the proposed ordinance, after it was recognized that the ordinance needed to be updated. Mr. Boyette said that the ordinance had been reviewed by and endorsed by City Department Heads, Marion Business Association Executive Director Freddie Killough and himself.

Mr. Boyette advised that the proposed changes to the Festival and Events Ordinance were as follows:

- A. In Section 12-51 subsection (a) of the proposed ordinance, events run by outside organizations and approved by the City have been added to the City and Marion Business Association events covered by the Festivals and Events Ordinance.
- B. The use of the word "Frisbee", which is a brand name, has been changed to the generic term of flying disc.
- C. In Section 12-51 (j), language is added to reflect that service animals are in a different category from other animals and only must comply with Federal ADA regulations, instead of with stricter requirements of the City's Festival and Events Ordinance.
- D. In Section 12-51 (j), language is changed to make it clear that dogs or cats designated as "fierce, dangerous or vicious" are not permitted within the boundaries of the festival. The current ordinance language allows such "fierce, dangerous or vicious" dogs or cats in the festival area if they are muzzled. City staff sees no reason why the City would want such animals at a festival or event.
- E. In Section 12-51 (k), language is added to allow for alcoholic beverages to be sold, distributed, possessed or consumed at events within the boundaries of an approved Social District. The City does not currently have an approved Social District. If one is ever approved, then businesses and the public will have to comply with the State law requirements for Social Districts.
- F. The current Festival and Events Ordinance only allows locally or regionally produced craft beer or wine. Such a limitation is likely not legal, so the language has been changed to simply state "beer and wine."
- G. In Section 12-51 (m), reference to a fine of \$50 per day for violations has been removed and replaced with a reference to Chapter 1 of the City Code, which lists the City's options for enforcement of ordinance. In most cases, civil penalties will likely be issued for ordinance violations.

Council Member Harkey asked about the changes to Section 12-51(j) regarding prohibiting vicious animals from the area of festivals and events.

Mr. Boyette reported that, after discussion, City Staff couldn't think of a good reason why the City would want to allow animals designated as "fierce, dangerous or vicious" under the City's Animal Ordinance in a festival or event area. Upon questioning, Mr. Boyette stated that animals would only be designated as "fierce, dangerous or vicious" under the City's Animal Ordinance as a result of their behavior, such as attacking or threatening a person or another animal.

After discussions regarding the proposed ordinance, Mayor Little and Council Members directed staff to conduct research regarding how other cities regulated animals designated as fierce, dangerous or vicious in festival or event areas, with the research, recommendations and the proposed Festival and Events Ordinance presented to Council for consideration at a future Council meeting.

CITY MANAGER'S REPORT

Community Building Improvements

City Clerk/Public Information Officer Landdis Hollifield said that improvements to the Community Building Main Level meeting room, including installation of a new audio visual system, a new head table and implementing a new room orientation, were scheduled to begin on Monday, March 13 and continuing through the end of the month. Ms. Hollifield advised that the planned improvements were being funded by the Marion Rotary Club.

Ms. Hollifield reported that this project was an exciting change and would result in a better picture and sound for users of the Community Building, as well as a much better looking and mobile head table and podium crafted by a local artisan.

City Hall Renovations

City Manager Bob Boyette stated that City Hall renovations, involving creation of additional office space, were well underway. He said that work had temporarily paused due to scheduling conflicts, but that contractors would be returning to work on the HVAC and electrical systems hopefully later in the week.

Tourism Development Funding Request

Mr. Boyette advised that the City had recently submitted a request to the McDowell Tourism Development Authority (TDA) to reassign \$50,000 in grant funding from the Phillips Landing Canoe Launch on US 221 North Business to the Peavine Trail. He reported that he received word earlier that day of the approval of this request. Ms. Boyette stated that the City was unable to submit a Recreational Trails Program (RTP) grant application for Peavine Trail improvements, due to recent changes to the RTP grant guidelines, but that the TDA funding could pay for planned Peavine Trail improvements.

Mr. Boyette said that he had also recently learned that TDA had approved \$50,000 in funding for the future repair of the Peavine Trail trestles. Mr. Boyette advised that the City planned to apply for a State Parks and Recreation Trust Fund grant later in the year for the trestle repairs, with local funding matches hopefully provided by the City, TDA, McDowell County and the McDowell Trails Association (MTA).

Mr. Boyette thanked Planning and Development Director Heather Cotton for her work with the TDA, MTA and other agencies to make the Peavine Trail project possible.

GEM Graduation

City Manager Bob Boyette reported that 16 people, representing 11 businesses, recently graduated from the Growing Entrepreneurs Marion (GEM) Program. He stated that the GEM Program had graduated 163 people, representing 121 businesses, in its first six years. Mr.

Boyette said that the GEM Program had resulted in 22 new businesses opening in the Downtown area in that time, with over 90 percent of businesses still in operation, a percentage which far exceeded the typical success rate for new businesses.

Crawford Street Work

Public Works Director Brant Sikes advised that the City's contractor had completed work on the Crawford Street water and sewer line and culvert replacements. He reported that City crews were still working on needed replacements of sidewalk and curb and gutter on the street and that paving work would be completed in the spring. Mr. Sikes stated that Crawford Street would soon be reopened to through traffic.

Kathy Street Construction

Mr. Sikes said that construction on the Kathy Street repairs had been completed by the City's contractor. He advised that there were only a few minor punch list items left for the contractor to complete. Mr. Sikes reported that final payment would not be issued to the contractor until these items were completed.

This is the final project related to the October 2021 flooding event affecting the City. All costs related to this project will be reimbursed by the State.

Electric Vehicle (EV) Charging Plan

Mr. Boyette stated that, during the February 21 Council meeting, Council adopted the Electric Vehicle Charging Station Plan prepared by Foothills Regional Commission (FRC). He said that, as authorized by Council, he had asked FRC staff to seek grant funding for the replacement of two Level 2 electric vehicle charging stations at the Tailgate Market Shelter Parking Lot on West Henderson Street and for two Level 2 charging stations in the South Main Street Parking Lot next to Phillips Financial.

Mr. Boyette advised that it appeared that grant funding would cover 100 percent of the expected cost for the four charging stations to be requested.

Open House Event

Mr. Boyette reported that Ms. Hollifield had scheduled this year's City Open House event for Friday, April 28, from 8:00 a.m. until 2:00 p.m. He stated that this year's event schedule may have to be changed, if the City Hall renovations are still taking place.

Local Government Federal Credit Union

Mr. Boyette said that he and County Manager Ashley Wooten had attended a meeting on March 1 concerning the planned split of the Local Government Federal Credit Union (LGFCU) and the State Employees Credit Union (SECU). Mr. Boyette advised that he was able to convey the City's concerns about the impact of the split on City employees, the City's request for LGFCU to

have a physical presence in each County after independence from SECU and have some one on one discussion time with the LGFCU CEO about this matter.

Mr. Boyette stated that he delivered a letter to the LGFCU CEO and e-mailed it to the Chairperson of the LGFCU Board of Directors, requesting that LGFCU maintain a physical presence in each County after the split.

Mr. Boyette said that he hoped that LGFCU would listen to local government concerns. Mr. Boyette advised that he would let Council Members know as the City heard more concerning this matter.

COUNCIL COMMENTS

Council Member Effler invited everyone present to the McDowell Chamber of Commerce's Annual Banquet on Saturday, March 25. Council Member Effler reported that he would be dancing in this year's competition.

Council Member Harkey stated that she was glad that a location was found at the South Main Street Parking Lot owned by Westmoreland Funeral Home for the Marion Cruise Ins in 2023.

Council Member Martin said that he was glad that the City and other local governments were actively working to lobby the State to bring back passenger rail service to Western North Carolina. Mayor Little gave an update on the request by the Western North Carolina Rail Committee and local governments in Western North Carolina to restore passenger rail service to Western North Carolina between Salisbury and Asheville. This plan could involve a new train station in Marion, with three trains per day running between Salisbury and Asheville. Mayor Little advised that available Federal funding presents the best opportunity to return passenger rail service to Western North Carolina since service ended in 1975.

Upon a motion by Council Member Martin, seconded by Council Member Effler, all Council Members voted unanimously to endorse the plan to restore passenger rail service to Western North Carolina between Salisbury and Asheville.

Council Member Martin asked that Council remember the Town of Canton and the many workers who were recently laid off at the Canton Paper Mill. Council Member Martin reported that this mill was likely as important to Canton as Baxter Healthcare is to McDowell County, so the impacts on Canton would be devastating.

Council Member Ramsey stated that he was glad that the Cruise In events had found another location in downtown Marion.

Mayor Little said that the eastbound billboard advertising Marion on I-40 looked faded and that he thought that the design did not reflect well on the community, unlike previous versions of the billboard that contained actual images of Marion.

City Clerk/Public Information Officer Landdis Hollifield advised that the new version of the billboard had been designed by the Marion Business Association's (MBA) Marketing Committee. She reported that the billboard was rewrapped periodically, so it would not be long until a new billboard wrap would be planned. Ms. Hollifield stated that she would pass on to the Marketing Committee the City's desire to use actual images of the City that were more visible to motorists to the MBA Marketing Committee to see if a new wrap could be designed and installed soon.

MEETING ADJOURNMENT

Upon a motion by Council Member Martin, seconded by Council Member Ramsey, all Council Members voted to adjourn the meeting at 7:45 p.m. in remembrance of the Town of Canton and the workers who were recently laid off at the Canton Paper Mill.

STEPHEN R. LITTLE, MAYOR

ATTEST:

LANDDIS A. HOLLIFIELD, CITY CLERK/PUBLIC INFORMATION OFFICER