

**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 1, 2022 at 6:00 P.M. in the City Council Chamber located at 194 North Main Street.

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

OTHERS PRESENT: Bob Boyette, City Manager; Landdis Hollifield, City Clerk/Public Information Officer; Brant Sikes, Public Works Director; Allen Lawrence, Police Chief; Julie Scherer, Finance Director; Ben Worley, Water Treatment Plant Superintendent, Bryan Osbon, retired Water Treatment Plant Operator and family.

GUESTS PRESENT: Linda King, 245 5th C Street, Marion, NC; Angela Anderson, Gateway Foundation, Marion, NC; Neil Gurney, Gateway Foundation, Marion, NC; Susan Pyatt-Baker, McDowell Arts Council Association (MACA), Pam Forshey, MACA; Anna Branam MACA; Alecia Morgan, MACA; Treavor Gouge, MACA; Michael Buff, 51 Tremont Street, Marion, NC; Charles Brown, MACA.

CONSENT AGENDA: Upon a motion by Council Member Effler, seconded by Council Member Ramsey, all Council Members present unanimously approved the Consent Agenda as follows:

Approval of February 15, 2022 Regular City Council Meeting Minutes

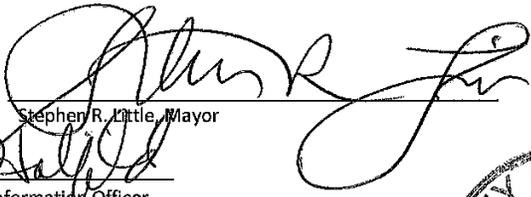
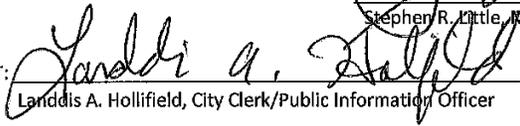
Approval of Budget Ordinance Amendments

CITY OF MARION, NORTH CAROLINA						
2021-2022 BUDGET ORDINANCE						
(Eighth 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 2021-2022 as adopted by the Marion City Council on the 15th day of June, 2021 is hereby amended as follows:						
GENERAL FUND						
Department	Account #	Account Description	Before Amendment	After Amendment	Expenditure Increase/ (Decrease)	Revenue Increase/ (Decrease)

Revenues	10-399-0000	Fund Balance	\$ 971,733	\$ 979,891		\$ 8,158
Recreation	10-620-7400	Capital Outlay	\$ 10,550	\$ 18,708	\$ 8,158	

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 1st day of March, 2022.


 Stephen R. Little, Mayor
 ATTEST: 
 Landdis A. Hollifield, City Clerk/Public Information Officer

Ordinance Number: O-22-03-01-2



RECOGNITION OF BRYAN OSBON RETIREMENT FROM CITY SERVICE

City Manager Bob Boyette advised that Water Plant Operator Bryan Osbon had retired from the City after more than 37 years of service at the Water Treatment Plant, effective that day, March 1. Mr. Boyette reported that it was very bittersweet to see Mr. Osbon retire. He stated, that while everyone is happy for Mr. Osbon, the City is sad to see someone with Mr. Osbon’s experience, knowledge and work ethic retire.

Public Works Director Brant Sikes said that he was honored to recognize Mr. Osbon for his 37 years and 7 months of service to the City. He advised that it was amazing that Mr. Osbon had served the City for so long in such an important role.

Mr. Sikes reported that Mr. Osbon had operated the Water Plant and produced hundreds of millions, if not billions, of gallons of water for the City, often under adverse conditions. Mr. Sikes stated that Mr. Osbon’s dedication to the Water Plant was one of the reasons that the City had received the Area Wide Optimization Program Award from the State for all 19 years that the award had been given.

Water Treatment Plant Superintendent Ben Worley said that Mr. Osbon had been at the Water Plant during his entire 20 year career with the City. He advised that Mr. Osbon's attention to detail helped him go above and beyond in the job. Mr. Worley stated that he hoped Mr. Osbon would have a wonderful retirement and thanked him for all of his hard work over the years.

Mayor Little thanked Mr. Osbon for his dedicated service to the City and presented Mr. Osbon with a 5-year service pin, because the City had not given Mr. Osbon one when he attained his 5-year Anniversary with the City, a City of Marion Medallion, a water drop shaped memento recognizing Mr. Osbon's 37 years of service and a Mayoral Proclamation Honoring Bryan Osbon, which declared Friday, March 4, 2022 as Bryan Osbon Day in the City of Marion.

Council Member Ramsey thanked Mr. Osbon for his service and wished him nothing but happiness during his retirement. Council Member Ramsey encouraged Mr. Osbon to enjoy time with his family and to consider volunteering with community organizations.

Council Member Martin said that he remembered Mr. Osbon from his time as a guidance counselor at McDowell High School. Council Member Martin advised that he was proud of Mr. Osbon's success and hoped that Mr. Osbon would enjoy retirement.

Mayor Pro Tem Ayers thanked Mr. Osbon for his service. He reported that the City could not thank Mr. Osbon enough for his work ethic and dedication to the City's Water Plant.

City Manager Bob Boyette stated that Mr. Osbon was one of the only employees left that was with the City when he started over 21 years ago. He said that Mr. Osbon was fortunate, like himself, to find a job he loved and could be dedicated to at a young age. Mr. Boyette thanked Mr. Osbon for his dedication to the City and wished him all the best in his retirement.

Council Member Harkey congratulated Mr. Osbon and advised that she was thankful that Mr. Osbon chose to begin and end his career with the City of Marion.

Council Member Effler reported that he was impressed by the Mayor's proclamation, which had stated that Mr. Osbon had treated more than 4.2 billion gallons of water during his career. He said that, because of Mr. Osbon's dedication, so many people in the City and County had not had to worry about having clean drinking water in their homes, schools and businesses.

Mr. Osbon thanked Mayor Little and Council Members for their kind words. He advised that it was a privilege working for the City for so many years. Mr. Osbon stated that he had cared a lot about his job and ensuring that the citizens of Marion had clean drinking water.

PUBLIC APPEARANCE – MCDOWELL ARTS COUNCIL

McDowell Arts Council Association (MACA) Executive Director Susan Pyatt-Baker thanked Council Members for inviting MACA to provide an update. She then introduced her board members who were present at the meeting.

Ms. Pyatt-Baker thanked Council for helping with MACA's terrible roof problem last year, and for coming and shopping and supporting MACA year round. Ms. Pyatt-Baker then presented Council Members with an impact report, which highlighted how much MACA had invested in local artists either through selling those artist's items through MACA's gift shop or by allowing them to teach a class at MACA.

Ms. Pyatt-Baker said that MACA had continued its free art kit program and color distribution sheets. She advised that the nonprofit had also worked hard in their theatre area to do some minor renovations.

Ms. Pyatt-Baker reported that McDowell County Tourism Development Authority Executive Director Carol Price was currently helping MACA find a structural engineer, so that work can move forward to repair MACA's front façade, which partially collapsed last year.

Ms. Pyatt-Baker stated that MACA had continued to send artists into schools virtually through the Mountain Arts Program. She said that the nonprofit had also made their exhibits more accessible by posting them online.

Ms. Pyatt-Baker advised that MACA had become the fiscal agent for the Dia de Muertos event on Main Street, Comfort Quilts, a nonprofit that makes quilts for children in foster care and who had suffered trauma in their lives, and a new nonprofit called Designing Equity.

Council Member Effler thanked Ms. Pyatt-Baker for her presentation. He then asked her if MACA had thought about applying for a Façade Grant that might help offset some of the costs for the façade repairs needed to the front of MACA's building on South Main Street. Mr. Effler noted that grants were due on March 31.

Ms. Pyatt-Baker thanked Mr. Effler for the information and stated that she knew the Façade Grant cycle was open and would touch base with Marion Business Association Executive Director Freddie Killough for more details.

Ms. Pyatt-Baker then shared that MACA would be celebrating its 50th Anniversary as an arts council this year. She said that MACA hoped to expand their programming during this milestone year.

Ms. Pyatt-Baker advised that MACA would be hosting an event every month during their anniversary. She reported that MACA would be adding documentary films, puppet shows, theater workshops for adults and other events this year.

Mayor Little thanked Ms. Pyatt-Baker for her presentation. Mayor Little stated that he and his wife enjoyed shopping in MACA's gift shop at Christmas and year round.

Ms. Pyatt-Baker said that MACA's Gift Shop had brought in more than \$37,000 during MACA's current fiscal year, which broke a record.

Mayor Little advised that the Arts Council had always played a pivotal role in his family's life.

Council Member Harkey thanked MACA for looking after everyone including canines. She reported that her dog enjoyed stopping during their downtown walks and getting a dog treat at MACA.

Ms. Pyatt-Baker thanked Council Members for their support. She stated that the last few years had been hard for MACA, but that they were doing all right. Ms. Pyatt-Baker asked Council to consider increasing MACA's funding level back to the \$10,000 level it was at prior to the recession, but said that MACA would appreciate any level of funding that the City could provide.

PUBLIC HEARING – ADOPTION OF ANNEXATION ORDINANCE – OLD MORGANTON ROAD/GATEWAY PROJECTS PROPERTY

City Manager Bob Boyette advised that the City had completed the annexation process and schedule a public hearing for the 5.82 acre Old Morganton Road/Gateway Projects property. He reported that this property was currently vacant, but that Gateway planned to construct 26 to 33 dwelling units on the property. He stated that, after the required public hearing, Council could adopt the ordinance to annex the Old Morganton Road/Gateway Projects property, effective immediately.

Mayor Little opened the Public Hearing.

No comments were made.

Mayor Little closed the Public Hearing.

Upon a motion by Council Member Harkey, seconded by Council Member Effler, all Council Members present voted unanimously to adopt the Annexation Ordinance for the Old Morganton Road/Gateway Project Property as follows:

**AN ORDINANCE TO EXTEND
THE CORPORATE LIMITS OF THE
CITY OF MARION, NORTH CAROLINA –
OLD MORGANTON ROAD/GATEWAY PROJECTS PROPERTY - 2022**

WHEREAS, the City Council has been petitioned under G.S. 160A-31 to annex the area described below; and

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency of the petition; and

WHEREAS, the City Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at Marion City Hall at 6:00 P.M. on March 1, 2022, after due notice by publication on Wednesday, February 16, 2022; and

WHEREAS, the City Council finds that the petition meets the requirements of G.S. 160A-31;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Marion, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-31, the following described territory is hereby annexed and made part of the City of Marion as of March 1, 2022:

Parcel 1:

Being all of that + /- 0.90 acre tract, parcel, or lot of real estate situated in McDowell County, North Carolina, and more particularly described in that deed to Johnny Coy Banks, Jr., recorded in the office of the Register of Deeds of McDowell County in Book 591 at Page 711, reference being made for a more particular description by metes and bounds; Together with and subject to easements and restrictions of record. Located at or near the intersection of Ridge Road (SR1514) and Old Morganton Road (SR 1515). McDowell County Parcel Identification Number (PIN): 1712-14-23-5096

Parcel 2:

Being all of Tracts One and Two as described in that deed to Johnny C. Banks recorded in the office of the Register of Deeds of McDowell County in Book 591 at Page 705, reference being made for a more particular description by metes and bounds; Together with and subject to easements and restrictions of record. Located on Old Morganton Road (SR 1515). McDowell County Parcel Identification Number (PIN): 1712-14-23-9366

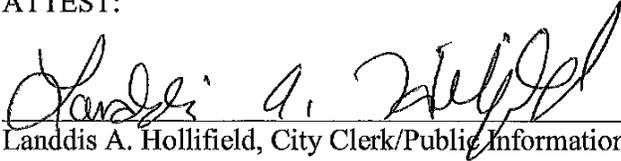
Section 2. Upon and after March 1, 2022, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Marion and shall be entitled to the same privileges and benefits as other parts of the City of Marion. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the City of Marion shall cause to be recorded in the office of the Register of Deeds of McDowell County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the McDowell County Board of Elections, as required by G.S. 163-288.1.

ADOPTED this the 1st day of March, 2022.


Stephen R. Little, Mayor

ATTEST:


Landdis A. Hollifield, City Clerk/Public Information Officer



Approved as to Form:

Jennifer Jackson, City Attorney

Ordinance Number: O-22-03-01-1

PUBLIC COMMENT PERIOD

Mayor Little opened the Public Comment Period.

City Clerk/Public Information Officer Landdis Hollifield said that Linda King, of 245 5th C Street, had signed up for Public Comment.

Ms. King advised that she was present to address Council because of stormwater that she believed was washing from a City street, 5th C Street, down to her property and causing flooding in her home. Ms. King reported that the flooding was particularly a problem, because she took care of people with special needs and the flooding was causing damage to her home that might prevent her from continuing to do so.

Ms. King stated that this was an ongoing issue. She said that City staff and the Street Committee had visited her property several times, but there had been no resolution.

Mr. Boyette advised that Public Works Director Brant Sikes had spoken with Ms. King earlier in the day. He stated that the water that was causing flooding was not just coming off of 5th C Street, but also off of adjacent properties, since Ms. King's property and the location of her home was below the elevation of 5th C Street and adjacent properties. Mr. Boyette recommended that the Street Committee schedule another meeting to look at the location, after City staff looks at the problem again. Mr. Boyette said that he could not guarantee that there would be a solution to this problem.

Public Works Director Brant Sikes advised that the natural drainage swale actually went by the corner of Ms. King's house, which was one of the reasons why her home continued to flood.

Mayor Little reported that he was curious to see Ms. King's property and suggested that Council Members also went by Ms. King's property to familiarize themselves with the location. Mayor Little stated that, in some situations like this, there was no good solution.

Ms. King also shared that City Public Works staff had damaged a basketball goal at her house and taken it down, but that it had not yet been replaced. Mr. Sikes said that the new basketball goal was at the Public Works Department and would soon be installed by City staff on Ms. King's property.

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.

Mayor Little thanked Ms. King for coming to the meeting.

CONSIDER APPROVAL OF 2021-22 CITY AUDIT CONTRACT

Finance Director Julie Scherer presented to Council packet an Engagement Letter and an Audit Contract from the Gould Killian CPA Group, PA to completed the City's 2021-2022 Fiscal Year audit. Ms. Scherer advised that the total fixed cost of the audit proposed by Gould Killian for the 2021-22 City audit was \$22,000, equal to the fixed cost for the 2020-21 City audit, and representing a decrease from the 2019-20 City audit fixed cost fee of \$23,500.

Ms. Scherer stated that, based on the City's known federal and state expenditures at this time, the City will be required to have a Single Audit on at least one major program this year. She said Gould Killian had proposed an additional fee of \$3,500 per major Federal or State program if a Single Audit is required. Ms. Scherer advised that the Single Audit fee per major program was an increase over the prior year cost of \$2,950 per major Federal program and \$2,750 per major State program, based on the increased complexities of performing Single Audits and the increased volume of federal and state dollars the City was receiving.

Ms. Scherer stated that, based on a review of audit fees on the Local Government Commission's website, the average audit fee in 2019 for NC municipalities with a population between 5,000-9,999 was approximately \$25,000. Ms. Scherer said that, therefore, the \$22,000 fee proposed by Gould Killian is reasonable.

Ms. Scherer advised that Gould Killian has been in practice in Asheville since the mid-1960s and was well respected in the community. She reported that Gould Killian had performed audits of several counties and municipalities and that this would be their eighth year performing the City's audit.

Ms. Scherer said that the audits performed by Gould Killian had gone very smoothly and that Gould Killian had been very timely completing their fieldwork and submitting their audit reports. Ms. Scherer added that auditing firms were required to have peer review studies every 3 years. She advised that Gould Killian's last review was in 2020 and they obtained a rating of "pass" which is the highest rating possible.

Ms. Scherer stated that staff recommends that Council approve a contract with Gould Killian CPA Group, PA of Asheville to perform the City's audit services for the 2021-2022 fiscal year.

Mayor Little said that Gould Killian had always done a fantastic job for the City.

Upon a motion by Council Member Martin, seconded by Mayor Pro Tem Ayers, all Council Members present voted unanimously to approve the City's contract with Gould Killian CPA Group, PA of Asheville to perform the City's audit services for the 2021-2022 fiscal year for a fixed cost of \$22,000, plus a cost of \$3,500 per major Federal or State program if a Single Audit is required.

MASTER GARDENERS REQUEST TO PLANT NATIVE TREES AND SHRUBS AT THE CATAWBA RIVER GREENWAY

City Clerk/Public Information Officer Landdis Hollifield advised that the Master Gardeners had recently contacted the City to seek permission to apply for a grant that would pay for additional native trees and shrubs at the amphitheater at the Catawba River Greenway. She reported that these plants and shrubs would be in addition to the native plants the Master Gardeners had already planted in the area.

Ms. Hollifield stated that the Master Gardeners had made it clear that the project was solely dependent upon grant funding, so if grant funding was not received they would not have the funding to complete the planting.

Ms. Hollifield said that, if Council was good with the Master Gardeners request, she would have a meeting with Tree Board Members the following day, Wednesday, March 2, and would get the Tree Board's opinion of the project before contacting the Master Gardeners.

Council Member Harkey advised that she thought this was an exciting project.

Mayor Little reported that he was fascinated by the plants that were selected, especially since he had not heard of two of them.

Upon a motion by Council Member Harkey, seconded by Council Member Martin, all Council Members present approved the request from the Master Gardeners to plant native trees and shrubs at the Catawba River Greenway, in consultation with City staff.

ARBOR DAY UPDATE

City Clerk/Public Information Officer Landdis Hollifield stated that, because of ongoing COVID-19 restrictions in local schools, the Tree Board had chosen to hold a more inclusive, public event to celebrate Arbor Day this year.

Ms. Hollifield said that the event would be on Saturday, March 12, from 10:30 a.m. – 11:30 a.m. at the Marion Community Building Park. She advised that the event would kick off with the Mayor's presentation of the City's Arbor Day Proclamation.

Ms. Hollifield reported that, following this presentation, members of the public would be invited to help plant several trees at the Marion Community Building Park. She stated that, during the hour-long event, families could enjoy family-friendly activities and t-shirt and prize giveaways.

Mayor Little said he looked forward to this event.

OPEN HOUSE

City Clerk/Public Information Officer Landdis Hollifield advised that this year's City Open House was still up in the air. Ms. Hollifield reported that she had contacted Baxter Healthcare staff, whom had directed her to contact them again in mid-March to see if funding was available for Baxter to sponsor lunch for the Open House this year.

Ms. Hollifield stated that elementary school principals said they didn't know if their students would be able to attend because of bus driver shortages and the current gas crisis.

Ms. Hollifield advised that, if students couldn't come in person to this year's Open House, perhaps the City could send a virtual field trip to students. Ms. Hollifield reported that she would keep in touch with Baxter and all the elementary schools to determine whether or not Open House could occur this year.

CITY MANAGER'S REPORT

Stroud Street Sewer Extension

City Manager Bob Boyette stated that he had received a request for a water and sewer extension to a house at 321 Stroud Street from David Patneau. He said that Mr. Patneau had offered to pay half of the estimated \$36,000 cost of the water and sewer line extension. Mr. Boyette advised that he thought the project was a good idea, because there was a chance that 12 houses could eventually connect to the City's sewer system if the sewer extension continue in the future. Mr. Boyette reported that any properties connected to City utilities would be required to submit annexation petitions.

Mayor Little and Council Members agreed by consensus to authorize City staff to proceed with the requested water and sewer extension to 321 Stroud Street, on the condition that any properties connected to City utilities are annexed and that Mr. Patneau paid for at least one-half of the costs of the water and sewer extension.

Lincoln Avenue Culvert Project

City Manager Bob Boyette asked Public Works Director Brant Sikes for an update on the Lincoln Avenue Culvert Project. Mr. Sikes stated that the project remained under construction and would hopefully be completed by the end of April or by early to mid May.

Finance Director Julie Scherer said that the City had received approval from FEMA to extend the City's March 14 deadline for the completion of the project to August 14, because the project was behind the original timeline.

Council Member Ramsey asked if damages from the project on private property would be repaired. Mr. Sikes advised that all damaged areas would be repaired by the City's contractor.

Kathy/Seagle Street Project

City Manager Bob Boyette asked Public Works Director Brant Sikes if there was an update on the Kathy/Seagle Streets Project, related to damage from the October flooding event. Mr. Sikes reported that the City was still waiting on its contracted engineer to submit the recommended design for the project.

Street Light Request on Claremont Street

City Manager Bob Boyette asked for Council's permission to refer a street lighting request on Claremont Street, a striping request on Fleming Avenue and Linda King's drainage issue at 245 Fifth C Street, as discussed earlier in the meeting, to the Street Committee for review and recommendations back to Council at a future meeting.

Mayor Little and Council Members agreed by consensus to refer these matters to the Street Committee for review and recommendations back to Council at a future meeting.

Riverbreeze Drive Foreclosure

City Manager Bob Boyette stated that the Riverbreeze Drive foreclosure process had likely ended the day before, as one of the two parties bidding on the property had advised City Attorney Jennifer Jackson that they did not intend to submit additional upset bids. Mr. Boyette said that the sale of

the property could therefore hopefully take place in the near future, followed by the demolition of the dilapidated structure on the property.

COUNCIL COMMENTS

Fifth Third Bank Building Purchase

Mayor Little asked if the Fifth Third Bank building deed had been recorded yet. After some quick online research, Council Member Effler advised that the deed had been recorded earlier that day at the McDowell County Register of Deed's Office in Deed Book 1389 at Page 960.

Mayor Little reported that he was eager to see if the building's dome was made of copper and to develop a plan for restoring the dome. Council Member Effler stated that he knew of a man from Greensboro, who had worked on copper steeples for churches and might be a good resource for the City, and that he would provide City Manager Bob Boyette with contact information.

City Manager Bob Boyette said that City staff would be issuing a Request for Qualifications for architectural services for the Fifth Third Building renovation, in order to develop the proposed building design and the estimated cost of the project. Mr. Boyette advised that he and Finance Director Julie Scherer recently met with USDA staff about a potential loan and/or grant for the project and received confirmation that securing an architect to develop a proposed design and estimated cost for the project was the first step.

Ms. Scherer reported that USDA staff indicated that the design and financing approval phase of the project could take as much as a year.

Officer Breanna Toney

Council Member Effler stated that he was glad to hear that Police Officer Breanna Toney, who was severely injured in an automobile crash in late January, was recuperating.

Master Gardeners Project

Council Member Harkey said that she was excited about the Master Gardeners proposed project to plant native trees and shrubs at the Catawba River Greenway Amphitheater. She advised that Master Gardener Karen Dark always did an amazing job on projects like this.

Ukraine/Russia Situation

Council Member Ramsey asked that Council Members and staff keep the people of the Ukraine in their thoughts and prayers.

MEETING ADJOURNMENT

Upon a motion by Council Ramsey, seconded by Council Member Martin, the meeting was adjourned at 7:39 p.m.

STEPHEN R. LITTLE, MAYOR

ATTEST:

LANDDIS A. HOLLIFIELD, CITY CLERK/PUBLIC INFORMATION OFFICER