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NORTH CAROLINA

McDOWELL COUNTY

CONTRACT AND AGREEMENT

This Contract and Agreement, made and entered into this the _____ day of _____, 1971, by and between the City of Marion, a municipal corporation organized and existing under and by virtue of the laws of the State of North Carolina, party of the first part, and County of McDowell, a body politic, party of the second part:

W I T N E S S E T H:

That Whereas, the parties hereto are desirous of entering into an agreement whereby the party of the first part will furnish fire protection for a portion of McDowell County outside the city limits of Marion, North Carolina, for a period of one year, from July 1, 1971, until and including June 30, 1972;

Now, Therefore, for and in consideration of the sum of Ten Dollars and other valuable considerations, each to the other party paid, the receipt of which is hereby acknowledged, and in further consideration of the agreements and covenants herein contained, the said parties hereto do hereby agree with each other as follows:

1. The party of the first part agrees that its Fire Department shall answer calls to fight fires within the area designated as the Marion Fire District as shown on the map entitled Marion Fire District, 1971. It is understood and agreed that the boundaries of said district shall not be changed without the consent and approval of the Marion City Council and McDowell County Board of Commissioners.

2. The party of the first part agrees that its volunteer fire department will exert its best efforts, under the circumstances existing at the time of any fire in said fire district in combatting fires anywhere in said district, provided, however, neither the Marion Fire Department nor the City of Marion shall be liable for failure or lack of success in the prevention of damage to property or persons. It is agreed that the Marion Fire Department will exercise the same degree of diligence in fighting fires throughout the Marion Fire District - outside as well as inside the

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5. The Marion Fire Department is to be in no way answerable to the County Fire Commission.

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7. Nothing contained in this contract or agreement shall be construed to require the party of the first part to install or maintain water lines, fire hydrants, or other facilities, which it is not otherwise obligated to install or maintain, outside the corporate limits of the City of Marion.

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Contract and Agreement - Page 3

9. The party of the second part will allocate a prescribed amount of money to fire protection in McDowell County each fiscal year and the party of the first part will receive an amount of the total of such allocation equal to the ratio which the percentage of the number of persons residing in the Marion Fire District bears to the total population of McDowell County.

10. This contract is to be re-negotiated for each fiscal year in June of each year, it is understood and agreed that the party of the second part will allocate \$16,960.00 to the City of Marion for providing fire protection to the Marion Fire District for fiscal year 1971-1972. The sum to be paid to the party of the first part, by the party of the second part, pursuant to the provisions of this contract, shall be paid as follows: One-half on or before July 30, 1971, and the remaining One-half on or before January 30, 1972. If this contract and agreement is extended by mutual consent of the parties hereto, the sum to be paid by the party of the second part to the party of the first part each fiscal year, pursuant to the provisions of this agreement, shall be paid one-half on or before July 30 of such year and the remaining one-half on or before January 30 of such fiscal year.

IN TESTIMONY WHEREOF, the parties to this agreement have executed the same in duplicate originals, one of which is retained by each of the parties and the party of the first part has caused this agreement to be signed in its corporate name by its Mayor and attested by its City Clerk and has caused its corporate seal to be hereunto affixed and the party of the second part has caused this agreement to be executed in its corporate name by its Chairman of its Board of Commissioners and attested by the Clerk to the Board, and has caused its seal to be hereunto affixed on the day and year first above written.

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GARDEN STREET RAILROAD CROSSING: The City Manager stated that he checked with the North Carolina League of Municipalities and a couple other communities in the area and has found that there seems to be no set formula for the sharing the cost of installing railroad crossing signals. He stated that the North Carolina General Assembly this past session has enacted a law effective January 1, 1972, making it possible for a City to require a railroad to install signals, under certain conditions, with the city bearing 90% of the cost and the railroad 10% of the cost. The maintenance of the signals under the new law is to be performed by the railroad company with the City paying 50% of the maintenance cost. After considerable discussion regarding the possible location of the signals - as to whether they should be located near the tracks, up the hill, or suspended above the tracks - and after discussing possible problems relating to the signals being activated by switching activity in the vicinity of the railroad station, it was decided to postpone action on this matter. (Ref. June 22, 1971, min. p.222)

GARDEN STREET, PROHIBITION OF TRUCK TRAFFIC: After discussing Mr. Ernie Houses' request to prohibit truck traffic on Garden Street, it was decided to take no action on this matter at this time as it was the general feeling that there is very little through truck traffic on this street. (Ref. July 20, 1971, min. p. 220)

GARDEN STREET - LANE MARKINGS IN FRONT OF HOUSE THEATRE: The City Manager reported that it might be possible to install a left turn lane on Garden Street between the House Theatre and the Courthouse without removing parking on the east side of Garden Street. After some discussion, it was decided to table action on this matter until an investigation can be made as to the width of the street and to whether there is any need to remove parking on the east side of Garden Street to install the left turn lane. The City Manager stated that he would make a further investigation on this matter and report back to the Board at the next meeting.

HAROLD DYSART - WATER SERVICE TO A WAREHOUSE UNDER CONSTRUCTION ON HIS PROPERTY: The City Manager stated that Mr. Dysart is interested in getting water from the City to supply a warehouse that is being constructed on his property on U. S. 70 West. He stated that the water for the warehouse would come from a 2" line that is to be installed to his mobile home court. The City Manager stated that service to the warehouse would not come under the M. M. Burgin or Dysart Agreements, as the warehouse is not being built on the old M. M. Burgin estate. The City Manager stated that the City presently has a meter-service charge of \$600.00 for a two-inch meter. The City Manager stated that he would suggest that we reduce the fee for Mr. Dysart from \$600.00 to \$375.00 and that we install the meter and the meter bypass and that Mr. Dysart be required to install the meter box. The City Manager stated that normally the meter service fee would include the cost of the box, however because of the size of the meter he would recommend that we reduce the connection fee in order to get out from under the responsibility of having to build a sizable meter box. The City Manager also recommended that we charge, on top of the regular monthly water charge, a monthly sprinkler head fee similar to what is being charged to Air Preheater. After some discussion and upon a motion by Councilman Segar, seconded by Councilman Ledbetter, the Board unanimously voted to charge Mr. Dysart \$375.00 for a 2" meter service and that the monthly billing include an additional sprinkler head charge. The fee per sprinkler head is to be the same as charged to Air Preheater.

REAR GARBAGE PACKER TRUCK, FRONT GARBAGE PACKER TRUCK, AND POLICE CAR; ADVERTISING FOR BIDS: The City Manager requested and received permission to advertise for bids for a rear garbage packer truck, a front garbage packer truck and a police car.

ROSAMOND BRALY - RECOGNIZATION: Upon a motion by Councilman Cross, seconded by Councilman Ledbetter, the Board unanimously voted to adopt the following resolution.

Whereas Rosamond Braly has for a number of years attended meetings of the Marion City Council as editor of the McDowell News and has been most helpful to the Council in keeping the public advised of it's actions and deliberations, and whereas Mrs. Braly has recently resigned as editor of the McDowell News to enter the teaching profession, now therefore be it resolved by the City Council of Marion, North Carolina, that the Council expresses its gratitude to Mrs. Braly for the outstanding news coverage which she has given to it's action and wishes her much success in her new undertaking.

CITY-COUNTY FIRE AGREEMENT: The City Manager stated that the County Commissioners reviewed our proposed fire agreement and generally concurred with it except for a few changes that they would like to see made in the agreement before adopting it. After some discussion the Board upon a motion by Councilman Cross, seconded by Councilman Ledbetter unanimously voted to modify the earlier proposed agreement and submit the attached agreement to the Commissions for their consideration. (Ref. June 20, 1971 min. p. 220)

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Contract and Agreement - Page 4

CITY OF MARION

By Wm. H. Deal
Mayor

Attest:

Walter H. Benton
City Clerk & Manager

(Corporate Seal)

COUNTY OF McDOWELL

By _____
Chairman of the Board

Attest:

Clerk to the Board

(Corporate Seal)

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Commerce

Contract and Agreement - Page 5

NORTH CAROLINA
McDOWELL COUNTY

This is to certify that on the 14th day of August, 1971, before me personally came Albert M. Neal, Mayor of the City of Marion, with whom I am personally acquainted, who being by me duly sworn says that he is the Mayor of the City of Marion, and Victor H. Denton is the City Clerk and Manager of the City of Marion, the corporation described in and which executed the foregoing instrument, that he knows the corporate seal of said corporation; that the seal affixed to the foregoing instrument is said corporate seal, and the name of the corporation was subscribed thereto by the said Mayor, and that said Mayor and City Manager subscribed their names thereto, and said corporate seal was affixed, all by order of the City Council to said corporation, and that the said instrument is the act and deed of said corporation.

Witness my hand and official seal, this the 14th day of August, 1971.

Mary Elvyn Sullivan
Notary Public

My Commission Expires:

January 2, 1976

NORTH CAROLINA
McDowell County

This is to certify that on the _____ day of _____, 1971, before me personally came Paul Richardson, Chairman of the Board of County Commissioners of McDowell County, with whom I am personally acquainted, who, being by me duly sworn says that he is the Chairman of the board of County Commissioners for McDowell County, and Billy R. Truett is the Clerk of the Board of Commissioners of McDowell County, the Board described in and which executed the foregoing instrument; that he knows the seal of said County; that the seal affixed to the foregoing instrument is the said seal of the County, and the name of the County was subscribed thereon by the said Chairman and the said Chairman and Clerk of the Board of Commissioners subscribed their names thereto, all by order of the Board of Commissioners of said County, and that the said instrument is the act and deed of said County.

Witness my hand and official seal, this the _____ day of _____, 1971.

Notary Public

My Commission Expires:

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PRESENTATION OF WATER AND SEWER REPORT: Mr. Charles Willis, engineering consultant with O'Brien and Gere, presented a detailed report of their recently completed water and sewer plan for Marion. (Copy on file in the City Manager's office.)

After a lengthy presentation, and after answering several questions relating to their proposals, Mr. Willis stated that if the report is generally acceptable to the Board he would suggest that copies of the report be sent to the North Carolina State Board of Health and the North Carolina Department of Water and Air Resources with cover letters asking for their review and concurrence of the proposals set forth in the plan. After some discussion upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the Board unanimously voted to submit copies of the report to the State Board of Health and the North Carolina Department of Water and Air Resources.

U. S. 70 West-Garden Creek Water Line: The City Manager stated that Mr. John Gilkey and Mr. W. R. Chambers desire to extend a water line from the City's existing 10" water line in the vicinity of a Gulf station owned by Lee Conley east to Garden Creek Road thence into a parcel of land that they are subdividing on the north east side of Garden Creek Road. After discussing this proposed project and upon a motion by Councilman Cross, seconded by Councilman James, the Board unanimously voted to permit this water line extension, provided that it be carried out in accordance with the existing City policies as set forth in a August 11, 1971 letter to Mr. W. R. Chambers with the exception that (1) an 8" rather than a 6" line be installed from the 10" line along U. S. 70 West, to the Garden Creek Road. The City will pay the difference in the cost of installing the 8" rather than a 6" line between the above two roads (2) the City will absorb the total cost of connecting the proposed 8" line into the 10" line.

There being no further business the meeting adjourned.

Albert M. Neal
Mayor

W. R. Chambers
Clerk

September 8, 1971

The Marion City Council met in a regular Board meeting on September 8, 1971 at 7:30 p. m. in the City Council Chamber. Board members present: Mayor Albert M. Neal; Councilmen Oliver R. Cross, William R. Ledbetter, Robert E. James, Horace Wilkerson, and James Segars. Others present: Victor H. Denton, City Manager, E. P. Dameron, City Attorney, Don Dillingham, McDowell News reporter and Brady Brooks, Dr. Robert Keenan, Robert Hunter, Al Richie, Dean Wall, and Pinto Bradley.

APPROVAL OF MINUTES: Upon a motion by Councilman Cross, seconded by Councilman Ledbetter, the Board unanimously voted to approve the July 20, August 3, and August 17, 1971 minutes.

PUBLIC HOUSING: Brady Brooks, member of the McDowell County Public Housing Authority stated that he was present to bring the Board up to date on the status of public housing in the County, and to invite the City to participate with the County in the public housing program. He stated that the County requested several hundred units of public housing several months ago. As of this date the Department of Housing and Urban Development has not had funds for new units; consequently, the County is still waiting for their request to be approved. He stated that if the City desired to participate in the public housing program it would be necessary for the City to sign a cooperation agreement granting the County Housing Authority the authority permission to represent the incorporated area of Marion. He stated that if the Board chose to take this action, it is possible that some of the first units that will be allocated to the County could be constructed in the City. Mr. Brooks, in answer to some questions stated that there are some pathetic housing conditions existing in the County, however, McDowell County probably is average to slightly worse than average in regards to the percentage of the total housing that is substandard - when compared to the State. No immediate action was requested and none was taken on this matter. (Ref. July 20, 1971 min. p. 221)

FLUORIDATION: Dr. Keenan, a local dentist, stated that he was representing a steering committee for a group called "Citizens for Fluoridation". He stated that the purpose of this group was to initiate a program for fluoridating the City water supply. He stated that this group is asking the Board to move forward with the fluoridation program as approved by the Board on two separate occasions. Robert Hunter, another member of the steering committee also stated that the committee asks that the Board proceed with the necessary steps to fluoridate the municipal water supply. He stated that if the Board has some reservations about moving forward with the fluoridation project it is the group's request that a referendum be called on this matter sometime prior to October 31, 1971. (Ref. July 20, 1971 min. p. 219)

After considerable discussion and upon a motion by Councilman Cross, seconded by Councilman Ledbetter, the Board voted, four for and one against, to call for a public vote on the subject of fluoridation. After considerable discussion regarding the date of the referendum and registration, the Board deferred setting forth the details of the referendum until the City Manager and City Attorney can advise the Board on how to proceed. (Ref. June 20, 1971 min. p. 219)

MCDOWELL STREET - EAST COURT STREET TRAFFIC SIGNAL: The City Manager stated that the State Highway Commission representatives request that the City grant them permission to move the Clay - State Street traffic signal to McDowell - East Court Street. After some discussion and upon a motion by Councilman Segars, seconded by Councilman Wilkerson the Board unanimously voted to grant the State Highway Commission permission to move the Clay - State Street signal to the McDowell - East Court Street intersection. (Ref. August 3, 1971 min. p. 223)

CITY-COUNTY FIRE AGREEMENT: The City Manager reported that the City-County Fire Agreement has been formally approved by the County Commissioners. Mayor Neal stated that he would like to see the Fire Committee, composed of Horace Wilkerson and William Ledbetter, appraise the Marion volunteer firemen of the joint approval of this agreement before any action is taken to change the Marion fire service area. (Ref. Aug 3, 1971 min. p. 224)

SPARTAN CONSTRUCTION COMPANY - U. S. 70, 10" WATERLINE: The City Manager reported that the City has received a letter from Midstate Contractors stating that they have no claim against the City of Marion regarding the installation of the U. S. 70 waterline. He stated that upon receipt of this letter the City paid Spartan Construction Company. He stated that Spartan is now asking that we pay them interest in the amount of \$1,407.86. After some discussion and on the advice of our City Attorney, the City Manager was advised to inform Spartan Construction Company that the City of Marion did not consider the account due until we received the letter of release from Midstate Contractors. Since the City of Marion promptly paid the balance in full after receiving this release we feel there is no interest due. (Ref. Feb. 16, 1971 min. p. 192)

GARDEN STREET-CREATION OF A LEFT TURN LANE ON SOUTH GARDEN AT EAST COURT STREET: The City Manager stated that he feels Garden Street is sufficiently wide in front of the House Theatre to create a left turn lane without removing parking on the east side of South Garden. Upon a motion by Councilman Cross, seconded by Councilman Ledbetter, the Board unanimously voted to create a left turn lane on South Garden Street at its intersection with East Court Street. (Ref. Aug. 3, 1971 min. p. 224)

TRASH CONTAINERIZATION: The City Manager stated that after talking with several sanitation superintendents he feels that we should consider a side loading packer truck for containers rather than a front type loader. He stated that he feels, after checking with several communities and talking with several sanitation superintendents, that a front end loader is a too specialized piece of equipment and too large for our needs. He stated that a side loader container truck is more versatile and can be used for residential as well as commercial pickups. He continued by stating that we will be considering the bids on this truck and a rear loader at our next meeting. (Ref. Aug. 3, 1971 min. p. 224)

BROYHILL FURNITURE PLANT-PROPOSED SPRINKLER SYSTEM: The City Manager stated that Broyhill Furniture is considering installing a sprinkler system in their Mountain View plant. He stated that a representative from a sprinkler firm has requested information regarding City requirements for sprinkler systems. After some discussion and upon a motion by Councilman James, seconded by Councilman Cross, the Board unanimously voted to permit Broyhill Furniture to have a 6" unmetered sprinkler line off the 6" municipal line in Hudgins Street provided they supply all the necessary fittings for making the connection and install on the 6" sprinkler line a back flow preventative valve--of a type acceptable to the North State Board of Health, and a flow detector device that will indicate any flow through the line.

REGION "C" CRIMINAL JUSTICE PLANNING AGENCY: The City Manager requested and received permission to not submit at this time a detailed twenty-six page "Law Information Survey" to the State Division of Law and Order.

PROPERTY TAX, CHANGE IN STATE LAWS: The City Manager stated that the 1971 North Carolina General Assembly enacted a new set of laws relating to property tax. He stated that the major changes include: (1) moving the due date for taxes from the first of October to the first of September (2) moving the first day that interest begins to accrue from February 2 back to the first day of January (3) increasing the interest from one percent for the first month to two percent and increasing thereafter the rate from one-half percent per month to three-fourths percent per month and (4) requiring municipalities to adopt a new discount schedule, if they desire to grant discounts for prepayment. The City Manager stated he recommends that we keep the same discount for the remainder of this year and then next spring consider a discount schedule for next year. The Board concurred with this recommendation.

FILTER PLANT PROPERTY - CONSIDERATION OF A REQUEST THAT THE CITY DEDICATE SOME OF ITS PROPERTY FOR A PUBLIC ROAD: The City Manager stated that seven of the property owners on the eastern side of the filter plant property have requested that the City dedicate to the State Highway Commission a strip of land 60 feet wide so a public road can be constructed. The City Manager stated that he was having difficulty determining the filter plant property limits and he would therefore recommend that this matter be tabled until this information can be ascertained. The Board concurred with the recommendation.

MARION AUTO PARTS-CURB CUT REQUEST: The City Manager stated that Mr. Cline, owner of Marion Auto Parts, has requested permission to eliminate the small island dividing the entrance to the parking area in front of his building. The Board expressed favor toward his request as the island is eroded and becomes a mud hole during rainy weather. The City Manager stated that the City has an ordinance limiting the width of driveways and that since this particular business fronts on a State System Street it would be necessary for the State Highway Commission to approve this request. After some discussion the City Manager stated he would further investigate this request and any ordinance that might conflict with approving the request.

SEWER SERVICE REQUEST; RUTHERFORDTON ROAD: The Board approved a request to permit the "Bantam Chef" to connect into the municipal sewer system provided (1) an out of town sewer tap fee is paid and (2) the business pays the standard out of town monthly sewer service charge.

VOLUNTEER FIREMEN; RECOGNITION TO THOSE MEMBERS RETIRING: Upon a motion by Councilman Segars, seconded by Councilman Cross, the Board unanimously voted to extend their appreciation to the retiring volunteer firemen for their many years of dedicated service to protecting the lives and property of the Marion area residents.

GARDEN STREET RAILROAD CROSSING: The City Manager stated that the Southern Railway Superintendent in Asheville recently surveyed the Garden Street crossing and consented to have it repaired. (Ref. Aug. 3, 1971 min. p. 222)

CARSON STREET - RESURFACING: The City Manager stated that the State Highway Division Engineer has informed him that the Commission will try to pave Carson Street next spring.

NEW FIRE TRUCK DELIVERY: The City Manager stated that our new fire truck should be delivered within the next few days. (Ref. Jan. 19, 1971 min. p. 187)

STREET RESURFACING: The City Manager stated that A. R. Thompson Contractors have begun paving several local streets. (Ref. July 20, 1971 min. p. 221)

SIDEWALK - McDOWELL STREET: The City Manager reported that City crews have completed the sidewalk project on South McDowell Street between East Court Street and State Street.

SIDEWALK - WEST COURT STREET: The City Manager stated that it is his understanding that the property owner at the intersection of West Court and Carson Streets has made arrangements with a local concrete contractor to build a new sidewalk over the one that is now covered. (Ref. June 22, 1971 min. p. 218)

STREET SIGNS; INSTALLATION: The City Manager stated that work crews have begun installing new street markers along Main Street.

There being no further business the meeting adjourned.

Albert M. Neal
Mayor

Victor H. Denton
City Manager

September 21, 1971

The Marion City Council met in a regular Board meeting on September 21, 1971 at 7:30 p. m. in the City Council Chamber. Board members present, Mayor Albert M. Neal; Councilmen, Robert E. James, William R. Ledbetter, James Segars and Horace Wilkerson. Councilman absent: Oliver R. Cross. Others present, Victor H. Denton, City Manager, E. P. Dameron, City Attorney, Harry Stolte and Robert Hunter.

APPROVAL OF MINUTES: Upon a motion by Councilman Wilkerson, seconded by Councilman Ledbetter, the Board unanimously approved the September 8, 1971 minutes.

1970-71 AUDIT REPORT: Harry Stolte, C. P. A. with Calder, Crawley and Company, presented the recently completed 1970-71 audit report to the Board along with the attached letter. (Ref. May 24, 1971, min. p. 206)

BANK DEPOSITS: Councilman Segars inquired about the equalibility of having all of the City of Marion certificates of deposits with one bank. No action was taken on this matter, however, the City Manager was asked to get the exact amounts of the certificates and their expiration dates.

FLUORIDATION REFERENDUM: Upon a motion by Councilman James, seconded by Councilman Ledbetter, the Board voted to adopt the following referendum resolution. (Ref. Sept. 8, 1971, min. p. 226)

A Resolution calling a Special Referendum for the purpose of permitting the qualified voters of the City of Marion to express their preference, for the guidance of the City Council, on the question of whether fluoride shall be added to the City's water supply.

1. A Referendum is hereby called for Tuesday, October 26, 1971, for the purpose of permitting the qualified voters of the City of Marion to express their preference on the above question.

2. The polling place will be the Marion City Hall and the polls will be open on election day from 6:30 a. m. to 6:30 p. m.

3. Julia Stanley whose address is 300 Lincoln Avenue, Marion, N. C. is hereby appointed Registrar for said referendum and Ernest Black and Glenn Laughridge are hereby appointed judges of the same.

4. The registrar is hereby directed to open the registration books for the purpose of registering all qualified voters who request registration and who are not now registered to vote in municipal elections.

5. The registration period will be from Friday October 8, 1971, until Friday, October 15, 1971, excluding Saturdays and Sundays. The registration books will be open for registration each day, excluding Saturdays and Sundays, during the registration period from 9 a. m. to 5 p. m. at the City Hall.

6. Challenge day will be Friday, October 22, 1971, and challenges may be entered on said date from 9 a. m. until 5 p. m. at the City Hall.

7. The City Clerk shall, no later than Saturday, October 25, 1971, cause a copy of this resolution to be published in a newspaper having general circulation in the City of Marion and to be posted at the City Hall.

8. The City Council will act as the Board of Elections for purposes of this Referendum.

Albert M. Neal
Mayor

Attest:

Victor H. Denton
Clerk

GARBAGE PACKER BODY - CONSIDERATION OF BIDS: The City Manager stated that the following bids were received on a 16 cubic yard rear loading packer truck.

(Ref. August 3, 1971 Min. p. 224)

Pak-Mor.....	\$ 5,328.00	Worth Keeter, Inc., Charlotte, North Carolina
Heil.....	\$ 5,500.00	Quality Equipment and Supply Co., Inc., Charlotte, North Carolina
Garwood.....	\$ 5,565.00	Cook Body Company, Charlotte, North Carolina
Leach.....	\$ 5,582.00	A. E. Finley and Associates, Inc. Charlotte, North Carolina
Tampo.....	\$ 5,586.29	Tampo Mfg. Company, Inc., San Antonio, Texas
Load-Master.....	\$ 6,370.00	H. D. Russell and Associates, Inc. Charlotte, North Carolina
E. Z. Pack.....	\$ 7,170.00	Controlled Environment, Inc., Charlotte, North Carolina
Dempster.....	\$ 7,645.00	Sanco Corporation, Winston Salem, North Carolina

Upon a recommendation from the City Manager, and upon a motion by Councilman James, seconded by Councilman Segars, the Board unanimously voted to purchase a Pak-Mor body from Worth Keeter, Incorporated, Charlotte, North Carolina for \$ 5,328.00 - this being the low bid.

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GARBAGE PACKER CHASSIS - ADVERTISING FOR BIDS: The Board authorized the City Manager to advertise for bids for a truck (cab and chassis) for the Pak-Mor body.

TRASH CONTAINERIZATION: Mayor Neal appointed the Street Committee to work with the City Manager and Director Public Works in deciding what type of container system would be most suitable for Marion. (Ref. September 8, 1971 Min. p. 227)

CITY-COUNTY FIRE SERVICE: The City Manager requested and received permission to consider the purchase of a used 1000 water tanker - rather than a new tanker for the Fire Department. (Ref. September 8, 1971 Minutes p. 227)

RETIRED VOLUNTEER FIREMEN-FREE WATER: Upon a motion by Councilman Segars, seconded by Councilman Ledbetter, the Board unanimously voted to continue free water service to all volunteer firemen retiring from the Marion Fire Department.

OFF-STREET PARKING - RAILROAD STREET PARKING LOT: This matter was tabled until Mayor Neal can talk with Carl Hall. (Ref. June 8, 1971 Min. p. 209 and June 22 Min. p. 217)

DREXEL FURNITURE - REQUEST FOR AN ADDITIONAL SEWER SERVICE: Upon a motion by Councilman James, seconded by Councilman Segars, the Board unanimously voted to permit Drexel Furniture to empty their "blow-off" water from their boilers into the municipal sanitary sewer system provided 1) Drexel Furniture Company construct a holding tank and discharge the waste water into the sewer system through a sewer tap not to exceed one inch in diameter and 2) they agree to modify, as necessary, the content of the waste to conform with any sewer ordinance that the City might adopt at some later date.

TREMONT STREET EXTENSION: Upon a motion by Councilman Ledbetter, seconded by Councilman Wilkerson, the Board unanimously voted to accept the dedication of Tremont Street Extension for a distance of 200 feet south of its intersection with Alabama Avenue provided Mr. House and Mr. Miller, the subdividers, construct the street in accordance with the specifications set forth in a July 24, 1970 letter to Mr. House. (Ref. March 3, 1970 Minutes)

PARK AVENUE - JUNKED AUTOMOBILES AROUND TWO HOUSES: Councilman Segars and others expressed concern about the numerous inoperative vehicles around two dwellings on Park Avenue. It was pointed out that several of the residents living on Park Avenue are disturbed over the unsightly appearance caused by these vehicles. After some discussion it was suggested that each of the councilmen should discuss this matter with Mr. David Blanton, owner of the property.

WEEDS ON VACANT PROPERTY: Several of the Board members expressed concern about the appearance of 1) the Corbett lot on South Main Street near the Post Office and 2) a lot at the corner of Blue Ridge and Pulliam Street. No action was taken on this matter.

RAT PROBLEMS 1) BEHIND POPE'S VARIETY STORE AND 2) ON THE CORBETT LOT ON SOUTH MAIN STREET: Mr. Dameron stated that he has observed rats behind Pope's Variety Store on West Henderson Street. Mayor Neal stated that he had received some complaints about rats on the vacant Corbett lot on South Main Street.

SNIPER-MORRIS STREET - PAVING: In response to a question from Councilman James regarding the paving of Snipe and Morris Street, it was pointed out that the City would pave these two short streets if the residents would pay one-half the cost of the paving cost. The City Manager estimated the total paving cost would be around \$ 2,500.00.

BLUE RIDGE STREET RESURFACING: Councilman James stated that he thought the Highway Commission would resurface Carson Street this fall. He asked if the City would pave a short portion of Blue Ridge near the intersection of Blue Ridge and Carson Street. The City Manager stated that we have overspent our paving funds for this year and that we would probably have to pay a premium price per ton of asphalt to have this small section of Blue Ridge. No action was taken on this matter, however, the City Manager stated consideration would certainly be given to paving this street next year.

EAST COURT STREET - PROPOSED SIDEWALK: Councilman Wilkerson stated that he would like for consideration to be given to installing a sidewalk on the southside of East Court Street from Freshour's Market to McDowell Street. After some discussion the City Manager and Street Committee were requested to make a study of this request and report back to the Board.

EAST COURT STREET - NARROW WIDTH OF WEST BOUND LANE IN VICINITY OF GILKEY STREET: Councilman Segars stated the west bound lane of East Court Street in the vicinity of Gilkey Street is so narrow that cars traveling west must cross the yellow line if cars are parked on East Court Street. The City Manager stated that he was aware of this problem and an attempt would be made to shift the yellow line toward the center a little the next time it needed painting.

MEETING WITH JACK D. KIRKSEY, NORTH CAROLINA HIGHWAY COMMISSIONER: Upon a suggestion by Councilman James, the Board decided to meet with Mr. Kirksey at a dinner meeting on Tuesday, October 5, at 7:00 p. m. This meeting to take the place of our regular first of the month Board meeting.

GARDEN STREET: Councilman Segars expressed concern about the curb projection on the west side of South Garden Street at a point where the street curves to the west before intersecting with Rutherford Road. He stated that frequently vehicles traveling south hit the curb because it projects out into the street. No action was taken on this matter.

POLICE DEPARTMENT - CAPTAIN BECK: The City Manager read the attached letter to the Board. The City Manager was instructed to write Captain Beck a letter of appreciation for the time and effort he put into his recently completed training. (Ref. July 20, 1971 Min. p. 223)

GARDEN STREET - RAILROAD CROSSING: The City Manager reported that railroad crews have begun work on repairing the Garden Street Crossing. (September 8, 1971, Min. p. 228)

GARDEN STREET - LEFT TURN LANE: The City Manager reported that a left turn lane has been installed on South Garden Street at East Court Street. (Ref. September 8, 1971, Min. p. 227)

STREET RESURFACING: The City Manager reported that the street resurfacing project has been completed by A. R. Thompson Co. (Ref. June 22, 1971, Min. p. 213)


CEMETERY - PAVING OF DRIVES: The City Manager stated that several of the drives in Oak Grove Cemetery have been paved, and that hopefully next year sufficient money can be allocated to complete the project.


NORTH CAROLINA LEAGUE OF MUNICIPALITIES CONFERENCE: The City Manager stated that the North Carolina League of Municipalities Conference will be held in Durham October 10, 11, and 12. He stated that all Board members are invited to attend.

HILLCREST DRIVE: The City Manager read a letter from O. G. Lonon and family stating their appreciation for resurfacing Hillcrest Drive.

SIDEWALK - PEDESTRIAN INJURED: The City Manager reported that he has been informed that a Mrs. Woody Killough fell on the sidewalk in front of the House Theatre and broke her leg. He stated that as of this date he has no more information on this accident.

There being no further business the meeting adjourned.


MAYOR


CITY MANAGER

October 5, 1971

The Marion City Council met in a regularly scheduled meeting on October 5, 1971 at 7:30 p.m. in the City Council Chamber. Board members present: Mayor Albert M. Neal, Robert E. James, William R. Ledbetter, James H. Segars and Horace Wilkerson. Councilman absent: Oliver R. Cross. Others present: Visitor H. Denton, City Manager, and Don Dillingham, newspaper reporter.

Minutes of September 21, 1971 Board Meeting: Upon a motion by Councilman Ledbetter, seconded by Councilman James, the Board unanimously voted to approve the September 21 minutes.

Refuse Containerization: The City Manager reported that the committee on refuse containerization met and decided on a rear loading container system. He stated the primary reason for this decision was that the front loading vehicle is a too specialized piece of equipment for our needs. By using the rear loading system, the City Manager stated that we can reduce our number of refuse trucks from three to two and our manpower for refuse collection from eight to six. (Ref. Sept 21, 1971, Minutes, page 230).

Bank Deposits: Upon a motion by Councilman James, seconded by Councilman Wilkerson, the Board unanimously voted to (1) shift one of the two City checking accounts from First Union National Bank to North Carolina National Bank, and to (2) balance the amount in Certificates of Deposits between the two above named banks. (Ref. September 21, 1971 Minutes, page 228).

Filter Plant Property: Upon a motion by Councilman Ledbetter, seconded by Councilman Segars, the Board unanimously voted to convey to the North Carolina Highway Commission a sixty (60) foot strip of land approximately 1200 feet long, across the rear portion of the filter plant property for a secondary road--if the NC Highway Commission decides to build the above road that is being requested by a petition signed by the residents living in the general area of the proposed public road. (Ref. September 8, 1971 Minutes, page 227).

City-County Fire Service: The City Manager stated that he and the Fire Chief have not had an opportunity to look at used water tankers for the Marion Fire Department. He requested and received permission to table this matter to next meeting. (Ref. September 21, 1971 Minutes, page 230).

East Court Street--Proposed Sidewalk: At the request of the City Manager this matter was tabled till next meeting. (Ref. September 21, 1971 minutes, page 230).

Off-Street Parking-Railroad Street Parking Lot: Mayor Neal reported that Carl Hall is making arrangements to gravel his lot in accordance with an agreement between the City and Mr. Hall dated June 14, 1971. (Ref. Sept. 21, 1971, Minutes, page 230).

Flouridation: The City Manager stated that he and Mr. E. P. Dameron, City Attorney, will soon be working on the wording that will be on the flouridation referendum ballot. The City Manager requested and received permission to have two statements on the referendum--one, for adding flouride to the municipal water system and the other, against adding flouride to the municipal water supply. The Board authorized the use of the two above statements on the ballots, however, the City Manager and City Attorney were granted the authority to develop the precise wording of the statements and other information that is to appear on the ballots. (Ref. September 21, 1971 Minutes, page 229).

Meeting with Jack D. Kirksey, North Carolina Highway Commissioner: After some discussion it was decided to defer setting a meeting date with Jack D. Kirksey, NC Highway Commissioner. (Ref. Sept. 21, 1971 Minutes, page 230).

Ellis Street--Establishment of a No-Parking Zone: Upon a motion by Councilman Ledbetter, seconded by Councilman James, the Board unanimously voted to establish a no-parking zone on the north side of Ellis Street from a point 250 feet from the end of the paved portion of Ellis Street westward to the end of the pavement.

Dogwood Lane--Street Light Request: Upon a recommendation from the City Manager, the Board tabled a request from Mrs. Matt Smith for a street light on Dogwood Lane in front of her house.

Clay-State Street Traffic Signal: Councilman Segars stated that he is opposed to the State Highway Commission moving the traffic signal from Clay and State Streets to McDowell and E. Court Street. After considerable discussion the City Manager was instructed to write the State Highway Commission requesting that the signal at Clay and State Street not be removed. (Ref. Sept. 8, 1971 Minutes, page 226).

Region "C" Criminal Justice Planning Agency--IACP Study: Upon a motion by Councilman Ledbetter, seconded by Councilman James, the Board unanimously voted to enter into an agreement with IACP for a study of the Marion Police Department provided it is done at no expense to the City. The content of this study is set forth in a letter and attachments from the Regional Director dated September 10, 1971, and on file in the City Manager's office.

Isothermal Economic Development Commission: Upon a motion by Councilman Segars, seconded by Councilman Wilkerson, the Board unanimously voted to approve the attached resolution. (Ref. April 6, 1971, Minutes, page 199).

City-County "Quarterly" Meeting: The Board agreed to meet with the County Commissioners and the Aldermen from Old Fort in a dinner meeting on Tuesday, October 19, 1971.

U.S. 221 North: Councilman James stated that Mr. Kirksey, NC Highway Commissioner, informed him that the State is planning to four lane U.S. 221 from the Catawba River Bridge north to the American Thread plant.

Regional Solid Waste: The City Manager reported that the Regional Solid Waste Commission is purchasing two Dempster front-end loaders and approximately one-hundred containers for handling solid waste in the four-county area. He stated that it will probably be four to five months before the equipment will be delivered.

Watershed; City: The City Manager stated there will be a meeting Thursday, October 7, 1971 at 9:30 a.m. in the Council Chamber, with the U.S. Forestry Service to determine if they will permit the City to post and police the Clear Creek and Mackey Creek Watersheds.

Fire Truck: The City Manager reported that the new City fire truck arrived on Friday, October 1. (Ref. September 8, 1970, Minutes, page 165, and Jan. 19, 1971, page 187).

North Carolina League of Municipalities Conference: The City Manager stated that the NCLM Conference will be held in Durham, October 10, 11, 12 and that all Board members are invited to attend.

There being no further business the meeting adjourned.

Albert M. Neal
Mayor

Victor H. Denton
City Manager

November 2, 1971

The Marion City Council met in a regularly scheduled meeting on November 2, 1971 at 7:30 p.m. in the City Council Chamber. Board members present: Mayor Albert M. Neal, Councilmen Oliver R. Cross, Robert E. James, William R. Ledbetter, James H. Segars, and Horace Wilkerson. Others present: Victor H. Denton, City Manager, E. P. Dameron, City Attorney, Tom Chapman, Charles Willis, Consulting Engineers, Fire Chief Glenn Laughridge, and Don Dillingham, newspaper reporter.

A JOINT RESOLUTION CREATING A REGIONAL PLANNING AND ECONOMIC DEVELOPMENT COMMISSION

WHEREAS, THE ISOOTHERMAL PLANNING AND DEVELOPMENT COMMISSION was created to perform Regional Planning and Development Activities for McDowell, Rutherford, and Polk Counties pursuant to the provisions of Article 2 of Chapter 158 and Article 23 of Chapter 153 of the North Carolina General Statutes; and

WHEREAS, THE AFOREMENTIONED COUNTIES, along with Cleveland County, were placed in Multi-County Planning Region C by executive order of the governor; and

WHEREAS, STATE POLICY REQUIRES that all units of general purpose local government must be eligible for membership in any multi-jurisdictional planning and development organization that desires and expects to be designated as a regional clearinghouse and/or a lead regional organization; and

WHEREAS, MEMBERSHIP IN THE PLANNING AND DEVELOPMENT COMMISSION is presently limited to the county governments of McDowell, Polk, and Rutherford Counties;

NOW THEREFORE BE IT RESOLVED that the Isothermal Planning and Development Commission, as presently constituted, is dissolved;

BE IT FURTHER RESOLVED that a new Isothermal Planning and Development Commission is hereby created for the purpose of continuing to carry out the duties and responsibilities pursuant to the provisions of Article 2 of Chapter 158 and Article 23 of Chapter 153 of the North Carolina General Statutes and is established as a Regional Planning and Development Commission pursuant to the provision of Section 158-14 of Article 2 of the North Carolina General Statutes;

BE IT FURTHER RESOLVED that the Isothermal Planning and Development Commission shall be made up of any and all units of general purpose local government within Planning Region C, as presently constituted or as it may be constituted at any time in the future, that wish to join and pass a resolution similar to this resolution;

BE IT FURTHER RESOLVED that the Isothermal Planning and Development Commission shall consist of three appointed officials from each member county and one appointed official from each member municipality.

AGREED AND CONSENTED to this the fifth day of October, 1971.

Albert M. Neal
Mayor, Town of Marion

ATTEST: *Victor H. Denton*
Clerk

City-County Fire Service: The City Manager stated that he and the Fire Chief have not had an opportunity to look at used water tankers for the Marion Fire Department. He requested and received permission to table this matter to next meeting. (Ref. September 21, 1971 Minutes, page 230).

East Court Street--Proposed Sidewalk: At the request of the City Manager this matter was tabled till next meeting. (Ref. September 21, 1971 minutes, page 230).

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There being no further business the meeting adjourned.


Mayor


City Manager

November 2, 1971

The Marion City Council met in a regularly scheduled meeting on November 2, 1971 at 7:30 p.m. in the City Council Chamber. Board members present: Mayor Albert M. Neal, Councilmen Oliver R. Cross, Robert E. James, William R. Ledbetter, James H. Segars, and Horace Wilkerson. Others present: Victor H. Denton, City Manager, E. P. Dameron, City Attorney, Tom Chapman, Charles Willis, Consulting Engineer, Fire Chief Glenn Laughridge, and Don Dillingham, newspaper reporter.

MINUTES OF THE OCTOBER 5, 1971 BOARD MEETING: Upon a motion by Councilman Ledbetter, seconded by Councilman Wilkerson, the Board unanimously voted to approve the October 5, 1971 minutes.

WATER AND SEWER PLANNING: Mr. Charles Willis, engineer with O'Brien and Gere, reviewed the recommendations set forth in their recently completed engineering study and responded to several questions raised by the Board members. It was concluded that the City's next step should be to make arrangements with the North Carolina Local Government Commission for financing the proposed facilities and to make application for a sewer grant that is obtainable through the North Carolina Department of Water and Resources. (Ref., August 17, 1971, Minutes, page 225-226).

CITY-COUNTY FIRE SERVICE--PURCHASE OF WATER TANKER: The City Manager stated that he and the Fire Chief Laughridge have looked at several used petroleum tankers. He stated that it is their consensus that a used tanker can be purchased and modified into a water tanker for approximately \$4,000. The City Manager stated that on this date the Fire Chief was informed by a fire equipment sales representative that a new unit could be purchased for approximately \$6,700. The City Manager stated that since this possibility has developed it is his recommendation that this matter be tabled until it can be determined if a tanker suitable for Marion's needs can be purchased for approximately \$6,700. The Board concurred with the City Manager's recommendation. (Ref., September 21, 1971, Minutes, page 230).

REFUSE PACKER CHASSIS AND POLICE CAR--PURCHASE OF: The City Manager stated that the following bids were received on two refuse packer chassis and one police vehicle.

TRUCK BIDS

Company	Initial Bid For Two Trucks	Initial Ranking	Revised Bid	Revised Ranking	Delivery Time (In Days)
Marion Buick Co.	\$14,349.00	1		1	45-90
Marion Motors	14,838.34	2		4	Approx. 49
East Court Motor Co.	15,503.14	3	\$14,359.74*	2	60-70
Ballew Motor Co.	16,590.00	4	14,598.50*	3	60

*It was stated clearly on the bid request that the bids were not to include taxes. After the bids were opened these two firms stated that their bid included taxes--and requested that we revise their bid to exclude taxes.

POLICE CAR BIDS

Company	Bid For One Car	Delivery Time
Ballew Motor Co.	\$ 3612.11	45 Days
Marion Motors, Inc.	3642.92	90 Days
Marion Buick Co.	3841.32	30-60 Days
Harris Motors	Bid Requested--None Received	

Upon a motion by Councilman Segars, seconded by Councilman Cross, the Board unanimously voted to purchase one refuse packer chassis from Marion Buick Company and one refuse chassis packer from East Court Motor Company, and one police vehicle from Ballew Motor Company for the bid prices submitted by the respective firms. (Ref., August 3, 1971, Minutes, page 223, and October 5, 1971, page 231).

FLUORIDATION REFERENDUM--CERTIFICATION: Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the Board voted to accept the results of the October 26 referendum on fluoridation as submitted by Mrs. Julia Stanley, Registrar. Attached is a copy of the Certification as submitted by the registrar and Judges of the referendum. (Ref., September 21, 1971, Minutes, page 229).

ACCOUNTING MACHINE--PURCHASE OF: Upon a motion by Councilman Cross, seconded by Councilman James, the Board voted to authorize the City Manager to purchase a used accounting machine for approximately \$3,700.00. Before making the above motion Councilman Cross stated that he thought their plant might have an accounting machine that could be made available to the City for a nominal cost. He stated that since he was not sure of it's condition, he favored the purchase of the above machine unless it was determined that Cross Cotton Mills machine would be suitable for the City's needs.

POLICING OF CITY OF MARION WATER SHEDS AND MAINTENANCE OF INTAKES: Upon a motion by Councilman Wilkerson, seconded by Councilman Ledbetter, the Board unanimously voted to authorize the purchase of a trail bike for policing the City of Marion water sheds and for daily checking the Clear Creek and Mackey Creek intakes.

WATER SHEDS--POSTING OF: The City Council authorized the City Manager to post the Clear Creek and Mackey Creek water sheds in accordance with recommendations from the State Board of Health. After some discussion it was also decided that the Buck Creek water shed area should be posted in selected locations.

MACKEY CREEK WATER LINE EASEMENT--PROPOSED AGREEMENT WITH MRS. E. J. BURGIN: The City Manager reported that Mrs. E. J. Burgin is living on a portion of the old M. M. Burgin property that is crossed by the Mackey Creek water line. She desires to pay City rates for her water. The City Manager stated that Mr. Dameron is drawing up an agreement that should be in a form suitable for consideration at our next Board meeting. (Ref., October 20, 1970, Minutes, page 175).

AUDITOR'S RECOMMENDATIONS: Action on this matter was tabled until our next meeting.

CLAY--STATE STREET TRAFFIC SIGNAL: The City Manager reported that after the October 5, 1971 meeting he sent a letter to the North Carolina Highway Commission requesting that they not remove the traffic signal at the intersection of Clay and State Streets. He stated that as of this date he has not received a reply to our request. (Ref., October 5, 1971, Minutes, page 232).

COMMUNITY BUILDING SIGN: The City Manager stated that a new sign has been installed on the lawn in front of the Community Building replacing an old sign that was attached to the front of the building.

COMMUNITY BUILDING ENTRANCE LIGHT: The City Manager stated that a new entrance light has been ordered for the Community Building.

COMMUNITY BUILDING FLOORING: The City Manager stated that city crews are planning to refinish the flooring of the auditorium some time during the month of November.

HENREDON FURNITURE PLANT-WATER SUPPLY: The City Manager stated that he was informed by Jack Harmon, County Manager, that Henredon Furniture Company plans to use well water for their domestic needs and lake water for fire protection instead of City water.

HENREDON FURNITURE PLANT-RAILWAY ACCESS ACROSS CITY PROPERTY: Upon a motion by Councilman Segars, seconded by Councilman James, the Board unanimously voted to permit a railroad spur line to be constructed across the northeast corner of the City of Marion property in accordance with an agreement that is to be drawn up by Mr. Dameron, City Attorney.

REGION "C" CRIMINAL JUSTICE COMMUNICATION: The City Manager stated that he attended a meeting on this date in Shelby that pertained to the region-wide communication system. He stated that it is very likely that the contract will be awarded the low bidder, General Electric, at the Agency's Policy Board Meeting scheduled for November 4, 1971.

CITY COUNCIL MEETING--DECEMBER 21, 1971: After some discussion it was decided to cancel the December 21 regular Board meeting and in it's place have a dinner at the McDowell House for the Councilmen and their wives.

INTERNATIONAL CITY MANAGERS CONFERENCE: The Board authorized the City Manager to attend the International City Managers Association Conference in Hollywood, Florida the week of November 8, 1971.

CERTIFICATE OF RESULTS OF VOTING AND

DECLARATION OF RESULTS OF ELECTION

CITY OF MARION, NORTH CAROLINA.

We, the undersigned Registrar and Judges of election for the City of Marion in Special election held October 26, 1971, do hereby certify the the following is a true and accurate count of the ballots cast in said election:

For adding fluoride to the City of Marion Water System 299

Against adding fluoride to the City of Marion Water system 560

Julia M. Stanley
Registrar

Glenn Roughridge
Judge

F. E. Black
Judge

October 26, 1971
Date

Iman Cross, seconded
d the termination date
taxes from November 1
use of the delay in

November 16, 1971

on November 16, 1971
present: Mayor Albert M.
R. Ledbetter, James H.
Denton, City Manager,
reporter.

by Councilman Ledbetter,
to approve the November 2,

Upon a recommendation
permission to advertise
reference, November 2, 1971

Segars, seconded by
accounting entries to be
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unt of \$24,430.83. The
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it Service Fund by the
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te, Auditor for the City
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*See Page 237 Tax Listings.

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imately \$300.00 to refinish
rence, November 2, 1971,

Meeting the City Manager
Highway Commission that set
and State Street should be
iger was instructed to write
new signal at Court and

removed. The Highway Commission to encourage them to leave the existing traffic signal at Clay and State Street. The letter to the Commission is to be accompanied by a letter from the principal of Marion High School setting forth the school's argument for keeping the above light. If the Commission is not receptive to our recommendation regarding the traffic signal, the Board expressed a desire to meet with the appropriate Highway officials. The Board expressed the view that the light at Clay and State Street should be an automatically timed signal rather than an actuated signal.

SPEEDING ON LOCAL STREETS: After considerable discussion regarding the speeding of vehicles on local streets, especially in the vicinity of the high school, the Board instructed the City Manager to see if some of the off-duty policemen would be willing to use their private cars to operate the radar speed unit in the vicinity of the high school. The policemen who are performing this duty are to be in uniform and are to be reimbursed at a rate determined from their regular pay plus reimbursement for use of their private vehicles.

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CITY COUNCIL MEETING--DECEMBER 21, 1971: After some discussion it was decided to cancel the December 21 regular Board meeting and in its place have a dinner at the McDowell House for the Councilmen and their wives.

INTERNATIONAL CITY MANAGERS CONFERENCE: The Board authorized the City Manager to attend the International City Managers Association Conference in Hollywood, Florida the week of November 8, 1971.

PROPERTY TAX--PRE-PAYMENT DISCOUNTS: Upon a motion by Councilman Cross, seconded by Councilman Ledbetter, the Board unanimously voted to extend the termination date for the one-half (1/2) percent discount on pre-payments of City taxes from November 1 to November 15, 1971, this action being taken primarily because of the delay in mailing tax notices.

There being no further business, the meeting adjourned.


Mayor


City Manager

November 16, 1971

The Marion City Council met in a regularly scheduled meeting on November 16, 1971 at 7:30 p.m. at the City Council Chamber. Board members present: Mayor Albert M. Neal, Councilmen Oliver R. Cross, Robert E. James, William R. Ledbetter, James H. Segars, and Horace Wilkerson. Others present: Victor H. Denton, City Manager, E. P. Dameron, City Attorney, and Don Dillingham, newspaper reporter.

MINUTES OF NOVEMBER 2, 1971 BOARD MEETING: Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the Board unanimously voted to approve the November 2, 1971 Minutes.

CITY-COUNTY FIRE SERVICE--PURCHASE OF WATER TANKER CHASSIS: Upon a recommendation from the City Manager the Board granted the City Manager permission to advertise for bids for a water tanker for the Fire Department. (Reference, November 2, 1971 Minutes, page 233).

AUDITOR'S RECOMMENDATIONS: Upon a motion by Councilman Segars, seconded by Councilman Ledbetter, the Board authorized the necessary accounting entries to be made on the books of the City of Marion to forgive the debt of the Debt Service Fund to the General Fund as of June 30, 1971, in the amount of \$24,430.83. The above amount is to be charged against the reserve for accounts receivable in the General Fund and the deficit is to be reduced in the Debt Service Fund by the same amount. (Reference, November 2, 1971 Minutes, page 233).

TAX CHARGE OFFS: Upon a recommendation from Harry Stolte, Auditor for the City of Marion, the Board, upon a motion by Councilman Cross, seconded by Councilman Ledbetter, unanimously voted to charge off the following taxes due to incorrect listings for the fiscal year that ended June 30, 1971. *See Page 237 Tax Listings.

COMMUNITY BUILDING--AUDITORIUM FLOORING: Upon a recommendation from the City Manager, the Board authorized an expenditure of approximately \$300.00 to refinish the auditorium floor in the Community Building. (Reference, November 2, 1971, Minutes, page 234).

CLAY--STATE STREET TRAFFIC SIGNAL: Prior to the Board Meeting the City Manager distributed to the Board Members a letter from the Highway Commission that set forth the Commission's feeling that the signal at Clay and State Street should be removed. After considerable discussion, the City Manager was instructed to write the Highway Commission to encourage them to install a new signal at Court and McDowell streets and to leave the existing traffic signal at Clay and State Street. The letter to the Commission is to be accompanied by a letter from the principal of Marion High School setting forth the school's argument for keeping the above light. If the Commission is not receptive to our recommendation regarding the traffic signal, the Board expressed a desire to meet with the appropriate Highway officials. The Board expressed the view that the light at Clay and State Street should be an automatically timed signal rather than an actuated signal.

SPEEDING ON LOCAL STREETS: After considerable discussion regarding the speeding of vehicles on local streets, especially in the vicinity of the high school, the Board instructed the City Manager to see if some of the off-duty policemen would be willing to use their private cars to operate the radar speed unit in the vicinity of the high school. The policemen who are performing this duty are to be in uniform and are to be reimbursed at a rate determined from their regular pay plus reimbursement for use of their private vehicles.

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system. He stated that it is very likely that the contract will be awarded the low bidder, General Electric, at the Agency's Policy Board Meeting scheduled for November 4, 1971.

CITY COUNCIL MEETING--DECEMBER 21, 1971: After some discussion it was decided to cancel the December 21 regular Board meeting and in it's place have a dinner at the McDowell House for the Councilmen and their wives.

INTERNATIONAL CITY MANAGERS CONFERENCE: The Board authorized the City Manager to attend the International City Managers Association Conference in Hollywood, Florida the week of November 8, 1971.

PROPERTY TAX--PRE-PAYMENT DISCOUNTS: Upon a motion by Councilman Cross, seconded by Councilman Ledbetter, the Board unanimously voted to extend the termination date for the one-half (1/2) percent discount on pre-payments of City taxes from November 1 to November 15, 1971, this action being taken primarily because of the delay in mailing tax notices.

There being no further business, the meeting adjourned.

Albert M. Neal
Mayor

Hubert H. Denton
City Manager

November 16, 1971

The Marion City Council met in a regularly scheduled meeting on November 16, 1971 at 7:30 p.m. at the City Council Chamber. Board members present: Mayor Albert M. Neal, Councilmen Oliver R. Cross, Robert E. James, William R. Ledbetter, James H. Segars, and Horace Wilkerson. Others present: Victor H. Denton, City Manager, E. P. Dameron, City Attorney, and Don Dillingham, newspaper reporter.

MINUTES OF NOVEMBER 2, 1971 BOARD MEETING: Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the Board unanimously voted to approve the November 2, 1971 Minutes.

CITY-COUNTY FIRE SERVICE--PURCHASE OF WATER TANKER CHASSIS: Upon a recommendation from the City Manager the Board granted the City Manager permission to advertise for bids for a water tanker for the Fire Department. (Reference, November 2, 1971 Minutes, page 233).

AUDITOR'S RECOMMENDATIONS: Upon a motion by Councilman Segars, seconded by Councilman Ledbetter, the Board authorized the necessary accounting entries to be made on the books of the City of Marion to forgive the debt of the Debt Service Fund to the General Fund as of June 30, 1971, in the amount of \$24,430.83. The above amount is to be charged against the reserve for accounts receivable in the General Fund and the deficit is to be reduced in the Debt Service Fund by the same amount. (Reference, November 2, 1971 Minutes, page 233).

TAX CHARGE OFFS: Upon a recommendation from Harry Stolte, Auditor for the City of Marion, the Board, upon a motion by Councilman Cross, seconded by Councilman Ledbetter, unanimously voted to charge off the following taxes due to incorrect listings for the fiscal year that ended June 30, 1971. *See Page 237 Tax Listings.

COMMUNITY BUILDING--AUDITORIUM FLOORING: Upon a recommendation from the City Manager, the Board authorized an expenditure of approximately \$300.00 to refinish the auditorium floor in the Community Building. (Reference, November 2, 1971, Minutes, page 234).

CLAY--STATE STREET TRAFFIC SIGNAL: Prior to the Board Meeting the City Manager distributed to the Board Members a letter from the Highway Commission that set forth the Commission's feeling that the signal at Clay and State Street should be removed. After considerable discussion, the City Manager was instructed to write the Highway Commission to encourage them to install a new signal at Court and McDowell streets and to leave the existing traffic signal at Clay and State Street. The letter to the Commission is to be accompanied by a letter from the principal of Marion High School setting forth the school's argument for keeping the above light. If the Commission is not receptive to our recommendation regarding the traffic signal, the Board expressed a desire to meet with the appropriate Highway officials. The Board expressed the view that the light at Clay and State Street should be an automatically timed signal rather than an actuated signal.

SPEEDING ON LOCAL STREETS: After considerable discussion regarding the speeding of vehicles on local streets, especially in the vicinity of the high school, the Board instructed the City Manager to see if some of the off-duty policemen would be willing to use their private cars to operate the radar speed unit in the vicinity of the high school. The policemen who are performing this duty are to be in uniform and are to be reimbursed at a rate determined from their regular pay plus reimbursement for use of their private vehicles.

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POLICE DEPARTMENT--UNMARKED VEHICLE: The Board expressed the feeling that the police car on order should be an unmarked vehicle. The City Manager stated that the new car would be unmarked initially, however, it could easily be changed to a regular patrol car if at a later date we desired to take this action.

OFF-STREET PARKING--TAINTER PROPERTY: After considerable discussion regarding the purchase of the Tainter property on West Henderson Street, Mayor Neal stated that he would ask Mr. Dan T. Bryson if the property could be acquired for \$35,000.00 with payments extended over an eighteen to twenty-four month period. (Reference, June 8, 1971 Minutes, page 209).

FIRE TRUCK INSURANCE: The Board authorized the City Manager to take out collision insurance on the new fire truck recently purchased by the City.

DOG CONTROL: The City Manager stated that a recent County Dog Warden report indicated that 563 dogs were disposed of during the months of July, August, September, and October.

MACKAY CREEK WATER LINE--PROPOSED AGREEMENT WITH E. J. BURGIN: The City Manager and City Attorney stated that Mrs. E. J. Burgin has sold some of the property she inherited from M. M. Burgin, thus complicating the matter of drawing up a water easement. Mr. Dameron, City Attorney, stated that he is working on this matter and will try to have it resolved in the near future. (Reference, November 2, 1971 Minutes, page 234).

WATER AND SEWER PLANNING: The City Manager stated that a representative from O'Brien and Gere and himself are planning to go to Raleigh within the next two weeks to meet with representatives of the Local Government Commission to try to determine the bonded indebtedness that the City can incur in undertaking the proposed water and sewer project. (Reference, November 2, 1971 Minutes, page 233).

CITY COUNCIL MEETING--DECEMBER 21, 1971: The City Manager stated that arrangements have been made for a dinner "meeting" at the McDowell House for the Councilmen and their wives on December 21, 1971.

INTERNATIONAL CITY MANAGERS CONFERENCE: The City Manager expressed appreciation to the Board for permitting him to attend the International City Management Conference in Hollywood, Florida during the week of November 8, 1971. (Reference, November 2, 1971 Minutes, page 233).

OAK GROVE CEMETERY--VANDALISM: The City Manager displayed pictures of some vandalism that occurred in Oak Grove Cemetery over the weekend. He stated that a Westmoreland-Hawkins tent was partly torn down and that approximately ten or fifteen monuments were pushed over. Of this number some were broken or otherwise damaged.

ACCOUNTING MACHINE: The City Manager stated that the Cross Mill accounting machine that was discussed at the last meeting is not suitable for the City's needs. (Reference November 2, 1971 Minutes, page 234).

WATER SHEDS--MAINTENANCE OF: The City Manager stated that since the purchase of the trail bike, the intakes have been checked every day. He stated that as a result of this action we have been able to insert the proper amount of chlorine into the raw water lines on a continuous basis thus greatly improving the quality of water. (Reference November 2, 1971 Minutes, page 234).

WATER MAPS: The City Manager displayed a binder of maps of the City of Marion. He stated that Mr. Jack Brown, Director of Public Works, has worked with him over the last two years in plotting the City water distribution lines on the area tax maps that are now in this binder.

ELLIS STREET; UP-GRADING--WATER SERVICE: Councilman Segars stated that some of the residents on Ellis Street have complained about low water pressure and that Guy Hensley, of Hensley Hosiery Mill, has registered numerous complaints to the Board about the low water pressure at his mill. After considerable discussion the City Manager was instructed to ask our engineer if it would be feasible to construct a 6" line from Hillcrest to Ellis Street for the purpose of up-grading the water service on Ellis Street.

POST OFFICE DRIVEWAY: After considerable discussion regarding the traffic congestion in front of the Post Office, the City Manager was instructed to determine if the Highway Commission would make a study of the area and to determine how much a traffic engineer would charge to make a study of this problem area. (Reference, October 3, 1971 Minutes, page 225).

There being no further business, the meeting adjourned.

Robert M. Neal
Mayor

Julius M. Dutton
City Manager

CITY OF MARION

Tax Charge Offs Due to Incorrect Listings
For The Fiscal Year Ended June 30, 1971

Receipt Number	Name	Reason	Amount
1970 Levy			
55	Douglas D. Barrier	Outside	\$ 23.80
64	Jimmy Wayne Beek	Outside	1.00
123	James R. Bright	Outside	12.70
170	Bill R. Buchanan	Outside	10.75
235	William E. Church	Lived at Nebo; received mail at South Main	30.10
247	Kathryn Gurley Clayton	In Old Fort	24.75
286	John C. Cowan	Outside	12.70
444	Charles Douglas Frick	Outside	29.05
502	Woodrow Jesse Greene	Outside	7.65
544	Cheryle Hamilton	Outside	15.45
680	Charles David Hunter	Outside	1.20
783	J. O. Laughridge	Charge off per Mr. Denton's instructions 5/31	300.15
865	Mrs. Rosa Ann McCall	Outside	2.70
871	Thomas A. McCoy	Moved to Gastonia	15.85
1064	Pick and Pay Shoes	Merchandise was stored at Tom's Creek (outside)	33.60
1291	Frank Staton, Jr.	Outside limits	18.85
1431	Mary Sue Wilkerson	In Charlotte	28.50
			<u>\$ 568.80</u>
1965 Levy			
160	Kermit Buckner	Outside limits	\$ 3.07
204	Jack Causby Gulf Station	Out of Business	11.50
306	Phil Deyton	Deceased	18.10
666	William K. Lael	Outside on 221 North	56.35
984	Dale and Imogene Poole	In Old Fort 1/1/65	5.92
1268	Jewel Twitty	Outside limits	3.59
1390	Donald R. Hensley	Outside limits	11.21
			<u>\$ 109.74</u>
1964 Levy			
1314	Roger L. Webb	Outside limits	\$ 3.24
1425	Sam Greenlee	Outside limits	.58
13	Naomi Anderson	Outside limits	2.59
122	Roderick Bradley	Outside limits-in Raleigh	2.15
161	Kermit Buckner	Outside limits	3.62
202	Jack Causby Gulf Station	Outside limits	11.50
212	Lester L. Church	Outside limits	3.99
322	Sam Duncan	Outside limits	10.29
393	William D. Frady	Outside limits	25.24
404	Claude Allen Garrett	Outside limits	3.81
542	Harold G. Herrell	Outside limits-in Tennessee	14.51
575	Billy E. Honeycutt	Outside limits	12.14
670	W. K. Lael	Outside limits	58.35
993	A. Ray Poteat	Outside limits	.29
1057	James E. Revis	Outside limits-in West Jefferson	10.27
1252	J. W. Thurkill	Outside limits	1.58
1311	Billy Waycaster	Outside limits	3.99
			<u>\$ 168.14</u>

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STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

December 7, 1971

The Marion City Council met in a regularly scheduled meeting on December 7, 1971, at 7:30 p.m. in the City Council Chamber. Board members present: Mayor Albert M. Neal, Councilmen Robert E. James, William R. Ledbetter, James H. Segars, and Horace Wilkerson. Board member absent: Oliver R. Cross. Others present: Victor H. Denton, City Manager, E. P. Dameron, City Attorney, Don Dillingham, Newspaper Reporter, Mr. Edge, Ernie House, Everett Clark, and Bill Griffith.

MINUTES OF NOVEMBER 16, 1971 BOARD MEETING: Upon a motion by Councilman Cross, seconded by Councilman Ledbetter, the Board unanimously voted to approve the November 16, 1971 Minutes.

OFF-STREET PARKING--TAINTER PROPERTY: Mayor Albert M. Neal stated that Dan T. Bryson was not interested in selling the Tainter property for \$35,000.00. He stated that he would consider a firm commitment from the City for \$40,000.00. The Board upon a motion by Councilman Wilkerson, seconded by Councilman Segars, unanimously voted to request Mayor Neal to ask Mr. Bryson if he would take \$37,500.00 for the property. (Reference, November 16, 1971, Minutes, page 236).

CITY-COUNTY FIRE SERVICE--PURCHASE OF WATER TANKER CHASSIS: The City Manager stated that the following bids were received for the water tanker chassis:

WATER TANKER BIDS

Company	Bid
East Court Motor Company	\$ 3743.56
Marion Buick Company	3828.92
Ballew Motor Company	3933.59
Newton Implement Company*	3979.00
Marion Motors, Inc.	4004.25

*Supplier of chassis of a water truck similar to the type we need.

Upon a motion by Councilman Segars, seconded by Councilman Ledbetter, the Board unanimously voted to authorize the City Manager to purchase a GMC water tanker chassis from East Court Motor Company for the bid price of \$3743.56. (Reference November 2, 1971 Minutes, page 233).

DOWNTOWN PARKING: Mr. Edge, Vice President of the Marion-McDowell County Merchants Association stated that the Association requests that the City Council permit free two-hour parking throughout the downtown area on a trial basis for the next year. After considerable discussion Mayor Neal stated that the Board would give consideration to their request. After the merchants departed, the Board, upon a motion by Councilman Wilkerson, seconded by Councilman Segars, unanimously voted to authorize two-hour free parking on all metered spaces effective as soon as the necessary bags can be obtained to cover the meters, with free two-hour parking continuing until January 1, 1972.

CITY HALL--FLOOR COVERING FOR STAIRWAY AND UPSTAIRS HALL: The City Manager stated that several months ago the Chamber of Commerce and the Merchants Association contributed \$50.00 each for tiling the upstairs hall floor. The City Manager stated that at that time he thought the project could be undertaken for approximately \$100.00. He stated that upon investigation he found it would be necessary to sand the present floor or add a plywood covering over the existing floor before tile can be put down. He stated that this runs the cost up to over \$200.00. He continued by stating that the stairway and upstairs hall can be carpeted for \$290.00. He stated that since the cost was considerably more than anticipated the Board may desire to hold up on this project. After some discussion it was decided to defer making the above improvements. (Reference October 7, 1971, Minutes).

POST OFFICE--TRAFFIC CONGESTION: The City Manager stated that he has written to a traffic engineer regarding the traffic problems around the Post Office. (Reference, November 16, 1971, Minutes, page 236).

STREET MARKINGS--STRIPING MACHINE: The City Manager reported that we are currently being reimbursed by the Highway Commission for painting traffic lane arrows, stop bars, and cross walks. He stated that although there is some cost involved in doing this work, the reimbursement is sufficient to pay for the labor, materials, and to amortize the machine in approximately two years. He stated that since the level of reimbursement is running considerably more than anticipated it would be his recommendation that we do not take on the maintenance of center lines. The Board concurred with his recommendation. (Reference, April 6, 1971, Minutes, page 199).

MACKEY CREEK WATER LINE--PROPOSED AGREEMENT WITH E. J. BURGIN: Mr. E. P. Dameron, City Attorney, stated that he has found that some of the original E. J. Burgin property has been sold--which complicated the matter of drawing up a water line easement with Mrs. E. J. Burgin. He stated that he is working on this matter and that he hoped to have the agreements drawn up by the next Board meeting. (Reference, November 2, 1971, Minutes, page 234).

FREE CITY WATER FOR UNMARRIED VOLUNTEER FIREMEN: Upon a motion by Councilman Ledbetter, seconded by Councilman James, the Board unanimously voted to authorize the City Manager to provide the same free water benefits to unmarried volunteer firemen as are now being provided for married volunteer firemen.

CHRISTMAS BONUSES: Upon a motion by Councilman Wilkerson, seconded by Councilman Segars, the Board unanimously voted to authorize the City Manager to give Christmas bonuses to all City employees; the bonuses to be in accordance with following scale:

Employee Longevity	Amount of Bonus
Under one year	\$ 25.00
One-three years	30.00
Over three years	35.00

SNIPES STREET--MORRIS STREET: Upon a motion by Councilman Segars, seconded by Councilman Ledbetter, the Board unanimously voted to eliminate the name Morris Street and extend Snipes Street northward to West Court Street.

SNIPES STREET--PAVING: Councilman James stated that some of the residents on Snipes Street are interested in signing a paving petition, however, the West Court Baptist Church, which owns a considerable amount of frontage on this street, is not willing to sign a paving petition. Mr. James asked what the procedure is to get a street paved when all of the adjoining property owners are not willing to sign a paving petition. The City Manager stated, under our present policy, it would be necessary for the petitioners interested in the paving project to assume the cost of the property owners not interested in signing the petition. He stated that since the City pays one half the cost of paving, normally, the property owners share is not excessive.

PARKING TICKETS: Councilman Segars stated that he has been receiving numerous complaints that our Police Department frequently fails to give parking violators more than one ticket--although the violations may continue for several hours. The City Manager stated that he asked the Police Department to issue additional tickets for prolonged violations, however, he will talk with the Police Chief again about this matter.

FIRE DEPARTMENT FIRE TRUCK: The City Manager stated that Sherman Pickard, of the North Carolina League of Municipalities, has checked our fire truck against the truck's specifications. He stated that Mr. Pickard is very pleased with the quality throughout and feels that the City "will receive many years of excellent service from this very fine piece of equipment." (Reference, March 3, 1971, Minutes, page 175).

OAK GROVE CEMETERY--VANDALISM: The City Manager stated that shortly after our last Board meeting, Oak Grove cemetery was vandalized again. He stated that the Police Department is checking the cemetery frequently night and day, however, to date no appreciable evidence has been discovered to indicate who the culprits are that's committing the vandalism. (Reference: November 16, 1971, Minutes, page 236).

CLAY-STATE STREET TRAFFIC SIGNAL: The City Manager stated that he wrote a letter to the Highway Commission shortly after the last Board meeting regarding the Clay-State Street traffic signal, however, to date he has not received a reply. (Reference: November 16, 1971, Minutes, page 235).

COMMUNITY BUILDING--ENTRANCE LIGHT: The City Manager stated that an entrance light to the Community Building was ordered several weeks ago in hopes that it would be installed prior to the Christmas activities at the building. He stated as of this date the light has not arrived. (Reference: November 2, 1971, Minutes, page 234).

ELLIS STREET--UP GRADING WATER SERVICE: The City Manager stated that he has discussed the water service problems on Ellis Street with our consulting engineer. He stated that we should have some comments on this matter by our next meeting. (Reference: November 2, 1971 Minutes, page 236).

EAST COURT STREET--NEW SIDEWALK: The City Manager stated that this project has not been forgotten, however, he has not been able to do much work on it in the last several weeks. (Reference: September 21, 1971, Minutes, page 230).

MARION BYPASS: The City Manager requested and received permission to write the Highway Commission on behalf of the City Council requesting the status of this project. (Reference: January 5, 1971, Minutes, page 186).

GARDEN STREET--RAILROAD CROSSING: The City Manager requested and received permission to write the Southern Railroad Company requesting the cost to the City for installing signal at the Garden Street railroad crossing.

1972 CITY TAGS: The City Manager distributed 1972 City tags to the City Council members.

There being no further business, the meeting adjourned.

Albert M. Neal
MAYOR

Valoff Denton
CITY MANAGER

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION

January 4, 1972

The Marion City Council met in a regularly scheduled meeting on January 4, 1972, at 7:30 p.m. in the City Council Chamber. Board members present: Mayor Albert M. Neal, Councilmen William R. Ledbetter, James H. Segars, Horace Wilkerson, and Oliver R. Cross; absent: Councilman Robert E. James and City Attorney, E. P. Dameron. Others present: Victor H. Denton, City Manager, Don Dillingham, Newspaper Reporter.

OFF-STREET PARKING--TAINTER PROPERTY: Upon a motion by Councilman Segars, seconded by Councilman Ledbetter, the Board unanimously voted to purchase the Tainter property from the Tainter heirs for \$37,000.00. The details of this transaction are on file in the City Manager's office. (Reference: 12-7-71 Minutes, page 238).

WASTE-WATER TREATMENT FACILITIES--TIME SCHEDULE FOR UPGRADING FACILITIES: Upon a motion by Councilman Cross, seconded by Councilman Segars, the Board unanimously voted to adopt the following time schedule:

1. Receive planning report from O'Brien and Gere, Inc., in July, 1971. (Completed).
2. File reports and plans with appropriate State agencies on or before January, 1973.
3. Construction to begin on or before April, 1973.
4. Works to be completed and placed in operation on or before December, 1974.

(This revised time schedule was recommended by our consulting engineers, O'Brien and Gere, Inc.) (Reference: April 6, 1971, Minutes, page 199).

POST OFFICE--TRAFFIC CONGESTION: Upon a motion by Councilman Wilkerson, seconded by Councilman Segars, the Board unanimously voted to utilize the services of Traffic and Planning Associates in Hickory, NC, for a fee of \$150.00 to develop a plan for alleviating the traffic congestion problems in the vicinity of the post office. (Reference: December 7, 1971 Minutes, page 238).

ELLIS STREET--UP GRADING WATER SERVICE: Upon a motion by Councilman Ledbetter, seconded by Councilman Segars, the Board unanimously voted to install a 6 inch water line from an existing 6 inch water line on Hillcrest Drive near the crest of the hill, to a 4 inch line that terminates on the upper end of Ellis Street.

DOWNTOWN PARKING: After considerable discussion regarding the Merchants Association concerns about downtown parking, Councilman Segars was asked to either meet with the Merchants Association or set up a meeting between the Board and the members of the Merchants Association to discuss downtown parking. (Reference: December 7, 1971 Minutes, page 238).

CITY HALL--FLOOR COVERING FOR STAIRS AND UPSTAIRS HALL: Upon a motion by Councilman Cross, seconded by Councilman Ledbetter, the Board unanimously voted to authorize the City Manager to purchase and install carpeting on the upstairs hallway and stairs in the City Hall. (Reference: December 7, 1971 Minutes, page 238).

CLAY-STATE-MCDOWELL TRAFFIC SIGNALS: Councilman Segars and other Board members stated that there is an urgent need for a traffic signal at the intersection of McDowell Avenue and East Court Street. The City Manager stated that he had talked with the Highway Commission about this matter several weeks ago and has not, to this date, received a reply. He stated that he would again write the Highway Commission concerning this matter. (Reference: December 7, 1971 Minutes, page 239).

ISOTHERMAL PLANNING AND DEVELOPMENT COMMISSION: Upon a motion by Councilman Segars, seconded by Councilman Cross, the following resolution was adopted:

JOINT RESOLUTION SUPPORTING APPLICATION FOR DESIGNATION
AS LEAD REGIONAL ORGANIZATION

WHEREAS, the Governor declared on May 11, 1971, that one legally constituted organization will be designated as the LEAD regional organization in each of the 17 multi-county regions in North Carolina; AND

WHEREAS, such LEAD regional organization will be expected to provide leadership for effective regional planning and for program implementation; AND

WHEREAS, such LEAD regional organization must be created by general purpose local governments and must have its membership open to all general purpose local governments within its region; AND

WHEREAS, The Isothermal Planning and Development Commission meets all of the above descriptions and stipulations;

NOW, THEREFORE, BE IT RESOLVED that the governing body of the City of Marion joins with such other municipalities and counties in this multi-county planning region as may pass this resolution in support of the designation of Isothermal Planning and Development Commission as the LEAD regional organization in multi-county planning region "C".

AGREED AND CONSENTED to this the 4th day of January, 1972.

Mayor: City of Marion

ATTEST: *Valoff Denton*
Clerk

(Reference: October 5, 1971 Minutes, page 232).

DOWNTOWN CHRISTMAS DECORATIONS--CONTRIBUTION TO MERCHANTS ASSOCIATION: Upon a motion by Councilman Cross, seconded by Councilman Ledbetter, the Board unanimously voted to authorize payment of \$750.00 to the Merchants Association for downtown Christmas decorations. (Reference: September 2, 1969, page 108).

LOCAL GOVERNMENT COMMISSION: Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the Board adopted the attached resolution.

SPEEDING ON LOCAL STREETS: Councilman Segars and others asked the City Manager if the unmarked car was proving effective in apprehending violators of speed ordinances. The City Manager stated that the unmarked car was proving effective. Some of the Board members indicated that there was a need to use our unmarked car on Fern Avenue as there is considerable speeding on this street. The City Manager stated that he would talk with the Police Chief about this matter.

PARKING TICKETS--PROCEDURES: The City Manager distributed to each Board member a diagrammatic sketch indicating the procedures that are followed in processing parking tickets. (This sketch is on file in the City Manager's office).

TAXI SERVICE: The City Manager stated that Carroll Toney is selling his Yellow Cab Company to James T. Hughes, Franklin McCarson, Robert R. Murphy, and Floyd C. Minnish. These individuals were previously operators for Mr. Toney.

REGION "C" CRIMINAL JUSTICE PLANNING AGENCY-COMMUNICATIONS: The City Manager stated that the financing details of the City-County communications system have been worked out. He stated that the local share for the county-wide system will be \$2479.04, and that the local share for Marion communications system will be \$2417.66.

GARDEN STREET RAILROAD CROSSING: The City Manager distributed copies of the following letter to each of the Board members. He stated that he has requested the Southern Railroad System to make the detailed cost study that is referred to in the letter. (Reference: December 7, 1971 Minutes, page 239).

December 18, 1971

Dear Mr. Denton:

This will acknowledge receipt of your letter of December 13 inquiring as to the cost of installing signal protection at Garden Street crossing.

The average cost for such an installation, including lights, bells and gates, is \$25,000.00. The actual figure can be determined with a field survey and if you consider this necessary, please let us know. In the meantime kindly advise if we may be of any assistance possible.

Very Truly yours,
W. H. Brown
Superintendent
Southern Railway System

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There being no further business, the meeting adjourned.

MAYOR

CITY MANAGER

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION

Janu

The Marion City Council met in a regularly scheduled meeting of 7:30 p.m. in the City Council Chamber. Board members present: Councilmen William R. Ledbetter, James H. Segars, Horace Wilke absent: Councilman Robert E. James and City Attorney, E. P. D. Victor H. Denton, City Manager, Don Dillingham, Newspaper Rep

OFF-STREET PARKING--TAINTER PROPERTY: Upon a motion by Council by Councilman Ledbetter, the Board unanimously voted to purchase from the Tainter heirs for \$37,000.00. The details of this to the City Manager's office. (Reference: 12-7-71 Minutes, page

WASTE-WATER TREATMENT FACILITIES--TIME SCHEDULE FOR UPGRADING by Councilman Cross, seconded by Councilman Segars, the Board the following time schedule:

1. Receive planning report from O'Brien and Gere, Inc.,
2. File reports and plans with appropriate State agency
3. Construction to begin on or before April, 1973.
4. Works to be completed and placed in operation on or

(This revised time schedule was recommended by our consultant Gere, Inc.) (Reference: April 6, 1971, Minutes, page 199)

POST OFFICE--TRAFFIC CONGESTION: Upon a motion by Councilman Councilman Segars, the Board unanimously voted to utilize Planning Associates in Hickory, NC, for a fee of \$150.00 to alleviating the traffic congestion problems in the vicinity (Reference: December 7, 1971 Minutes, page 238).

ELLIS STREET--UP GRADING WATER SERVICE: Upon a motion by Councilman Councilman Segars, the Board unanimously voted to install existing 6 inch water line on Hillcrest Drive near the creek that terminates on the upper end of Ellis Street.

DOWNTOWN PARKING: After considerable discussion regarding concerns about downtown parking, Councilman Segars was asked Merchants Association or set up a meeting between the Board Association to discuss downtown parking. (Reference: Dec

CITY HALL--FLOOR COVERING FOR STAIRS AND UPSTAIRS HALL: Cross, seconded by Councilman Ledbetter, the Board unanimously City Manager to purchase and install carpeting on the upstairs City Hall. (Reference: December 7, 1971 Minutes, page 23

CLAY-STATE-MCDOWELL TRAFFIC SIGNALS: Councilman Segars stated that there is an urgent need for a traffic signal at the intersection of East Court Street. The City Manager stated that he had Commission about this matter several weeks ago and has not. He stated that he would again write the Highway Commission (Reference: December 7, 1971 Minutes, page 239).

ISOTHERMAL PLANNING AND DEVELOPMENT COMMISSION: Upon a motion by Councilman Cross, the following resolution was

RESOLUTION

A RESOLUTION OF THE City Council OF the City of Marion APPOINTING OR CONFIRMING THE APPOINTMENT OF Victor H. Denton AS THE CHIEF ACCOUNTING OFFICER AND TAX COLLECTOR, BY AND WITH THE APPROVAL OF THE SECRETARY OF THE LOCAL GOVERNMENT COMMISSION.

Whereas, under the provisions of G.S. 105-349(a), the governing body of each county and municipality shall appoint a tax collector to serve for a term to be determined by the appointing body for the performance of such duties as may be assigned and as expressly enumerated under G.S. 105-350, except where city charter provisions and special legislation relating to the selection of the tax collector provide to the contrary; and

Whereas, under the provisions of G.S. 160-409.1, the governing body shall appoint a person as the municipal accountant who serves as the unit's chief accounting officer with said person having such duties as may be assigned by the appointing body and as imposed upon said person under the provisions of G.S. 160-409.3; and

Whereas, under the provisions of G.S. 105-349(c) "no tax collector shall be allowed to begin his duties until he shall have furnished bond conditioned upon his honesty and faithful performance in such amount as the governing body may prescribe", and as G.S. 159-29, effective July 1, 1973, requires the finance officer of local governments to "give a true accounting and faithful performance bond with sufficient sureties in an amount to be fixed by the governing board, not less than \$10,000 nor more than \$100,000"; and

Whereas, under the provisions of G.S. 105-349(e), "A person appointed or elected as the Treasurer or Chief Accounting Officer of a taxing unit may not be appointed tax collector, nor may the duties of the office of tax collector be conferred upon him, except with the written permission of the Secretary of the Local Government Commission who, before giving his permission, shall satisfy himself that the unit's internal control procedures are sufficient to prevent improper handling of public funds;" and

Whereas, under the provisions of G.S. 160-409.1, it shall be the duty of the governing body to require an annual independent audit of the taxing unit's books and records "if any person upon whom the powers and duties of the municipal accountant are imposed and conferred is a tax collecting officer" of said taxing unit; and

Whereas, under the provisions of G.S. 105-373, it shall be the duty of the tax collector to make an annual settlement, failure to do so resulting in civil and criminal penalties, G.S. 105-352(b) (d); and

Whereas, the potential effect of designating the same person as both the chief accounting officer and the tax collector having been fully considered, the governing body concludes that at this time the person appointed is the only person available and capable of serving in either capacity; that the administrative costs of separating the two functions being a dominant factor, the governing body will undertake to prescribe and require the practice of internal control procedures considered sufficient in the opinion of said governing body to prevent improper handling of public funds, which will include the bonding of the tax collector and finance officer as prescribed.

Now, therefore, be it resolved by the City Council of the City of Marion:

Section 1. That the governing body of the City of Marion does hereby formally request the Secretary of the Local Government Commission to approve or confirm the appointment of Victor H. Denton as the Chief Accounting Officer and the Tax Collector of said taxing unit.

Section 2. That this Resolution shall become part of the public record of the governing body of the City of Marion and two copies shall be duly certified by the clerk of the governing body and forthwith transmitted to the Secretary of the Local Government Commission.

Section 3. This Resolution shall become effective upon its adoption.

Upon motion of Councilman Cross seconded by Councilman Wilkerson, the foregoing Resolution entitled: "A Resolution of the City Council of the City of Marion Appointing or Confirming the Appointment of Victor H. Denton as the Chief Accounting Officer and Tax Collector, by and with the Approval of the Secretary of the Local Government Commission", was passed by the following vote:

Ayes: Councilman James
Councilman Segars
Noes: None

Councilman Cross
Councilman Wilkerson

I, Victor H. Denton, Clerk of the City Council of the City of Marion, North Carolina, Do Hereby Certify that the foregoing Resolution was duly adopted by the governing body of the City of Marion at a regular meeting thereof, a quorum being present.

This 4th day of January, 1972.

(SEAL)

Victor H. Denton

ING APPLICATION FOR DESIGNATION AL ORGANIZATION

On May 11, 1971, that one legally constituted organization regional organization in each of the 17 multi-county

organization will be expected to provide leadership for program implementation; AND

organization must be created by general purpose local ship open to all general purpose local governments

ing and Development Commission meets all of the above

that the governing body of the City of Marion joins counties in this multi-county planning region as may the designation of Isothermal Planning and Development anization in multi-county planning region "C".

the 4th day of January, 1972.

es, page 232).

CONTRIBUTION TO MERCHANTS ASSOCIATION: Upon a motion by Councilman Ledbetter, the Board unanimously voted to authorize Merchants Association for downtown Christmas decorations. (Reference: page 108).

is a motion by Councilman Cross, seconded by Councilman attached resolution.

Councilman Segars and others asked the City Manager if there was any apprehending violators of speed ordinances. unmarked car was proving effective. Some of the Board a need to use our unmarked car on Fern Avenue as there is a street. The City Manager stated that he would talk matter.

The City Manager distributed to each Board member a copy of the procedures that are followed in processing parking tickets in the City Manager's office).

He stated that Carroll Toney is selling his Yellow Cab to Mr. McCarson, Robert R. Murphy, and Floyd C. Minnish. by operators for Mr. Toney.

COMMUNICATIONS-AGENCY: The City Manager stated that the County communications system have been worked out. For the county-wide system will be \$2479.04, and that the communications system will be \$2417.66.

The City Manager distributed copies of the following reports. He stated that he has requested the Southern Railroad cost study that is referred to in the letter. (Reference: page 239).

December 18, 1971

Receipt of your letter of December 13 inquiring as to signal protection at Garden Street crossing.

When an installation, including lights, bells and gates, is made, the total figure can be determined with a field survey and estimate, please let us know. In the meantime kindly thank you for any assistance possible.

Very Truly yours,
Superintendent
Southern Railway System

MARION BYPASS: The City Manager distributed copies of the following letter to each of the Board members. No action was taken on this matter.

December 16, 1971

Dear Mr. Denton:

This is to acknowledge and thank you for your recent letter concerning the proposed By-Pass around the town of Marion.

We can appreciate your concern regarding this By-Pass and can assure you that we are doing everything possible to hasten this project along. I have repeatedly advised the staff of the State Highway Commission that this is certainly one of the primary projects that I am vitally interested in.

It is my understanding that the Advanced Planning Department is now in the process of mapping several alternate routes for this By-Pass, which is in connection with the origin and destination studies made during the past summer.

I am sending your letter along to Mr. Billy Rose, Assistant State Highway Administrator, requesting that he advise you of the status of this project.

If at any time we can be of service, please do not hesitate to call on us.

Sincerely yours,

Jack B. Kirksey

MACKEY CREEK WATER LINE--AGREEMENT WITH MRS. E. J. BURGIN: The City Manager stated that the water line agreement with Mrs. E. J. Burgin has been executed. A copy of this agreement is on file in the City Manager's office. (Reference: December 7, 1971 Minutes, page 239).

POLICE DEPARTMENT--PURCHASE OF NEW VEHICLE: The City Manager stated that the new police car has been delivered. (Reference: November 2, 1971 Minutes, page 233).

There being no further business the meeting adjourned.

MAYOR

CITY MANAGER

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION

January 18, 1972

The Marion City Council met in a regularly scheduled meeting on January 18, 1972, at 7:30 p.m. in the City Council Chamber. Board members present: Mayor Albert M. Neal, Councilmen Oliver R. Cross, Robert E. James, William R. Ledbetter, James H. Segars, Horace Wilkerson. Others present: Victor H. Denton, City Manager, and Don Dillingham, newspaper reporter.

MINUTES OF DECEMBER 7, 1971 AND JANUARY 4, 1972, BOARD MEETINGS: Upon a motion the Board unanimously voted to approve the December 7, 1971 Minutes, and the January 4, 1972 Minutes, with the following correction to the December 7, 1971 Minutes. In Minute Book Number 5, page 238, the motion to approve the minutes of November 16, 1971, was made by Councilman Wilkerson instead of Councilman Cross. (Ref: December 7, 1971 Minutes, page 238).

MUNICIPAL ELECTION PROCEDURES: Upon a motion by Councilman Cross, seconded by Councilman Ledbetter, the Board unanimously voted to approve the following resolution:

The Marion City Council hereby elects to 1) conduct its own municipal elections, 2) appoint a municipal board of elections, 3) adopt the non-partisan plurality method of conducting municipal elections as set out in North Carolina General Statutes 163-292, 4) adopt registration procedure identified as method A in the above cited General Statutes.

COUNCIL ORGANIZATION AND PROCEDURES: The City Manager distributed to each Board member copies of Article 5, Chapter 160A, of the North Carolina General Statutes, and summarized the highlights of this legislation.

REGISTRATION-LOOSE LEAF REGISTRATION: Councilman Segars stated that the City should give consideration to changing to a loose-leaf registration procedure in the near future. After some discussion it was decided that this matter should be placed on the agenda and brought up for discussion sometime in the fall of 1972 so that the City can move into loose-leaf registration well in advance of the 1973 municipal election.

CITY-COUNTY FIRE SERVICE-PURCHASE OF A WATER TANKER: After considerable discussion and upon a motion by Councilman Segars, seconded by Councilman Wilkerson, the Board unanimously voted to purchase a new 1,000 gallon water tanker with a mid-ship power takeoff pump.

FIRE DEPARTMENT-FIRE TRUCK: The City Manager stated that the new Ward LaFrance fire truck has a Clark transmission rather than a Spicer transmission as called for in the specifications. He stated that although the new truck does vary from the specifications, it is his understanding that the Spicer transmission is for a tandem axle truck and that the Clark transmission supplied is the most suitable transmission for the truck we have. He stated that there is no difference in cost between the Spicer transmission called for in the specifications and the Clark transmission that was supplied on the vehicle. (Ref: December 7, 1971, Minutes, page 239).

SEWER PLANT-ACCESS ROAD TO THE HENREDON FURNITURE PLANT: The City Manager stated that the street committee met with representatives from the North Carolina Highway Commission at the sewer plant last week to discuss the proposed location of the access road. After considerable discussion the City Manager was instructed to inform the Highway Commission that the City of Marion will grant the Highway Commission a right-of-way across the sewer plant property provided 1) the existing sewer lines are encased according to North Carolina State Highway Commission specifications, 2) a graveled access road be provided from the new road to the sewer plant.

MACKEY CREEK WATER LINE-MRS. J. E. BURGIN: The City Manager stated that Mrs. J. E. Burgin desires water at City rates. He stated that she feels she should have this compensation as she now owns a portion of the property owned by Mary M. Burgin. The City Manager stated that the Mackey Creek raw water line does not cross her property. Consequently, there is some question whether we should grant any water privileges to her. After some discussion the City Manager was authorized to instruct Mrs. Burgin that since the City's water line does not cross her property we do not deem it necessary to supply her water at in-town rates. (Ref: August 18, 1970, Minutes, page 163).

LOGAN-NORTH MAIN STREET TRAFFIC SIGNAL: The City Manager stated that several accidents have occurred at the intersection of Logan and North Main Street. The City Manager stated that he has written the North Carolina Highway Commission's Division Engineer requesting that they look over the situation to see if some steps can be taken to more clearly mark the intersection.

FIRE DEPARTMENT-ANNUAL REPORT: The City Manager distributed copies of the attached annual Fire Department's report to each of the Board members.

CITY-COUNTY PLANNING BOARD MEETING: The City Manager stated that there would be a Joint City-County Planning Board meeting on January 20, 1972.

ISOTHERMAL PLANNING AND DEVELOPMENT COMMISSION: The City Manager stated that he attended a meeting of this Commission last week. He stated that no major action was taken at the meeting, however, it appears that the Regional Commission will increasingly become involved in many programs that are taking place in the City, County and Region.

REGION SOLID WASTE MEETING: The City Manager stated that last week he attended a meeting of the Regional Solid Waste Commission. He stated that it appears that the packer trucks and containers will be delivered sometime in February or early March and that the region-wide container system will be placed in operation sometime in March.

CCG002

MARION BYPASS: The City Manager distributed copies of the following minutes of the Board members:

GLENN LAUGHRIDGE, Chief

JOHNNY SULLIVAN, Asst. Chief

C. WALTER MORGAN, Sec'y-Treas.

Marion Fire Department

MARION, NORTH CAROLINA

1971 FIRE REPORT		No Men Response	No Man Hours
No	Estimate Loss		
Inside House Fires	2	30	50
Outside House Fires	25	221	411 1/2
Inside Mfg. Fires	4	59	73
Inside Merc. Fires	2	27	11 1/2
Outside Merc. Fires	3	35	16
Inside Auto Fires	6	35	12 1/2
Outside Auto Fires	17	112	46 3/4
Inside Grass Fires	8	70	43 1/2
Outside Grass Fires	26	218	134 1/2
93	\$65,250.00	807	799

No Fire Calls in City ----- 22
No Fire Calls outside City ----- 71

Estimate Loss Inside City ----- \$18,525.00
Estimate Loss Outside City ----- \$46,725.00

City gave Mutual aid ----- 6 Times
City Dept. Answered calls & turned in alarms for County Depts. ----- 97 Calls

Chief Marion Fire Dept.

Glenn Laughridge

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CCG002

CHAMBER OF COMMERCE: The City Manager stated that the Chamber of Commerce has recently appointed a committee on annexation, headed up by Dr. Robert Keenan.

COMMUNITY BUILDING-ENTRANCE LIGHT: The City Manager stated that he has recently talked with the local electrician and was informed that the new light was lost in shipment, however, it has arrived and they hope to have it installed within the next few days. (Ref: November 2, 1971 Minutes, page 234).

CITY MANAGERS' MEETING: The City Manager stated that he would like permission to attend the City Managers' meeting in Chapel Hill from February 2 thru 4. This permission was granted.

BOARD MEETING-FEBRUARY: The City Manager stated that since the first Board meeting of every month is on the first Tuesday after the first Monday, our first meeting in February will be on February 8.

There being no further business, the meeting adjourned.

Albert M. Neal
Mayor

Victor H. Denton
City Manager

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

February 8, 1972

The Marion City Council met in a regularly scheduled meeting on February 8, 1972, at 7:30 p.m. in the City Council chamber. Board members present: Mayor Albert M. Neal, Councilmen Oliver R. Cross, Robert E. James, William R. Ledbetter, James H. Segars, Horace Wilkerson. Others present: Victor H. Denton, City Manager, E. P. Dameron, City Attorney, Don Dillingham, news reporter, and Carroll Williams, consultant with Traffic and Planning Associates, Hickory, NC.

MINUTES OF THE JANUARY 18, 1972 BOARD MEETING: Upon a motion by Councilman Segars, seconded by Councilman Cross, the Board unanimously voted to approve the January 18, 1972 Minutes.

ELLIS STREET-UPGRADING WATER SERVICE: The City Manager reported that Guy Ellis, Woodrow Roper, and Carter Hudgins have signed easement agreements with the City that will permit the City to extend a six-inch water line across their properties. He reported that within the past week the pipe and fittings for this project have been delivered to the City warehouse. (Reference: January 4, 1972 Minutes, page 240).

GARDEN STREET-RAILROAD CROSSING: The City Manager stated that the Division Superintendent of the Southern Railroad System has informed him that it will cost \$18,000.00 to install a signal at the South Garden Street railroad crossing. (Reference: January 4, 1972, Minutes, page 241).

FIRE DEPARTMENT-FIRE DISTRICT: The City Manager stated that Sherman Pickard, of the North Carolina League of Municipalities has informed him that he is ready to begin redrawing the fire district lines around Marion. The City Manager stated that Mr. Pickard informed him that it will probably be eight to ten months before the North Carolina Fire Rating Bureau takes action on the proposed district boundary changes. He stated that this is longer than was anticipated, however, it will give the City an opportunity to acquire a new water tanker before the district is approved by the Rating Bureau.

EMERGENCY EMPLOYMENT ACT: The City Manager stated that under the Emergency Employment Act, governing agencies can employ additional personnel at no cost for the first one or two years of employment. He stated that the City of Marion has only been allocated one position--which cannot be filled by a fireman or policeman. The City Manager stated that he has re-evaluated the City's personnel situation and feels that there is no need to take on any additional personnel at this time. He stated that it is his understanding of the Emergency Employment Act that the Federal Government would pay the employee's salary for one or possibly two years. Thereafter, it will be up to the governing agency to pick up the salary.

OFF-STREET PARKING-TAINTER PROPERTY: The City Manager stated that some of the City crews have been removing shrubbery from around the Tainter house and replanting it around the Logan-Henderson Streets parking lot and the Community Building. He stated that the Tainters would like for us to not disturb the house until after they remove the furnishings. He stated it will probably be around the first of April before the house is completely vacated. (Reference: January 4, 1972 Minutes, page 240).

FILTER PLANT PROPERTY-WAYCROSS ROAD: The City Manager stated that several months ago the City was requested to sign a petition requesting the State to take over, upgrade, and maintain Waycross Road. The City Manager reported that the Highway Commission has responded to the petition by stating that the State does not plan to undertake the project because of the excessive amount of cost that would be required to get the road upgraded to meet highway standards. (Reference: October 5, 1971, Minutes, page 231).

CITY-COUNTY FIRE SERVICE-PURCHASE OF A WATER TANKER: The City Manager stated that he and the Fire Chief are working on specifications for a new water tanker. (Reference: January 18, 1972, Minutes, page 243).

FIRE DEPARTMENT-GLENN LAUGHRIDGE: The Board instructed Mayor Neal and the City Manager to ask Glenn Laughridge, Fire Chief, to retire from his position. The City Manager was instructed to advertise for applications for this position. As soon as the position can be filled, Chief Laughridge is to step down with the understanding that he will continue to receive his regular monthly salary through his 67th birthday (August of this year). Thereafter, he is to receive some yet to be determined monthly supplement.

CARROLL MOORE: The City Manager stated that Carroll Moore has another job offer and is considering terminating his employment with the City. The City Manager stated that Mr. Moore is filling a very responsible position and it would be difficult and costly to replace him. After some discussion, the Board authorized the City Manager to offer Mr. Moore a monthly salary of \$715.90 per month.

PURCHASE OF BACKHOE: The City Manager presented bids for a new backhoe. After considerable discussion the City Manager was authorized to readvertise for bids for a heavier-duty type backhoe.

FUNERAL PROCESSIONS: Councilman Wilkerson stated that a local funeral director expressed interest in having the policemen remove their hats when a funeral procession passes through the town. After some discussion, it was decided to take no action on this matter.

FORT AND NORTH GARDEN STREET: Councilman Cross stated that frequent vehicle accidents occur at Fort and North Garden Street primarily as a result of the on-street parking that greatly reduces the sight distance. Mayor Neal asked the street committee to look into this matter and make a report back to the Council.

TATE STREET: Councilman James stated that there is a drainage problem on the southwest side of Tate Street several hundred feet beyond West Court Food store. He stated that the problem centers around surface water that runs off the Tate Street pavement into the yards of residents living along Tate Street. Other Board members pointed out that this is an annoying problem that has been looked into in the past and that any workable solution to the problem would probably necessitate changing the slope of the road.

ROBERT JARRETT-DRAINAGE PROBLEM: The City Manager stated that the Street Committee has checked on Mr. Jarrett's drainage problem and they feel the solution to the problem would be to pipe the street water from Crescent Street approximately 200-225 feet down a natural ravine to an existing catch basin. The City Manager stated that he would question the City assuming the full cost of this project as we are being requested to pipe water in a natural drainage area. He pointed out that there are several other areas around town with similar situations and that we would be setting a very costly precedence if we assumed the full cost of installing drainage pipe in natural drainage ways. The City Manager stated one possibility might be for the petitioner to pay one-half cost of the material, the City would pay the other half of the cost of the material and assume all of the cost related to the installation. He stated that we already have a policy similar to this for the installation of water lines. After some discussion, Mayor Neal stated that he would talk with Robert Jarrett about this matter.

GARDEN CREEK ROAD-PROPOSED WATER LINE EXTENSION: The City Manager stated that he met with the County Commissioners at their request on Monday, February 7, 1972, to discuss a proposed water line down Garden Creek Road. The City Manager stated that the County Commissioners are interested in this project. He stated that the County Commissioners have asked that the City Council discuss this matter and report back to them regarding 1) the City's interest in undertaking the project, and 2) what level of participation the City would require from the County. Mayor Neal asked that the City Manager look into this matter in more detail and report back to the Council at the next meeting.

CCG002

SEWER PLANT-ACCESS ROAD TO HENREDON PLANT: The City Manager stated that the Highway Commission is willing to comply with the provisions set out by the Board at their January 18, 1972, meeting. He stated that the Commission is also willing to curve the proposed road slightly to the north in the direction of the interstate highway to permit a wider buffer strip between the road and the sewer plant. (Reference: January 18, 1972 Minutes, page 243).

MACKEY CREEK WATER LINE-MRS. J. E. BURGIN: The City Manager reported that Mrs. J. E. Burgin has agreed to pay out of town water rates for her municipal water service. (Reference: January 18, 1972 Minutes, page 243).

LOGAN-MAIN STREET TRAFFIC SIGNAL: The City Manager stated that the Highway Commission has installed a right lane must turn right sign several hundred feet west of the Logan-Main Street intersection. (Reference: January 18, 1972 Minutes, page 243).

CITY VEHICLE: The City Manager stated that the old Fire Chief's car has been sold to the highest bidder for \$316.00.

POST OFFICE-TRAFFIC STUDY: Carroll Williams, traffic consultant with Traffic and Planning Associates in Hickory presented a plan for alleviating the traffic congestion in the vicinity of the Post Office. The highlight of the plan called for a proposed one-way drive on the south side of the Post Office from Main Street to Garden Street. The proposal was discussed in considerable detail, however, no action was taken. (The plan is on file in the City Manager's office).

HOUSING RESOLUTION: The City Manager stated that two separate developers are interested in constructing housing projects in Marion. He stated that within the last month both developers have requested that the City Council adopt a resolution indicating that the City is willing to participate in a Federal rent supplement program. After considerable discussion and upon a motion by Councilman Cross, seconded by Councilman James, the following resolution was unanimously adopted:

WHEREAS, under the provisions of Section 101 of the Housing and Urban Development Act of 1965, the Secretary of Housing and Urban Development is authorized to enter into contracts to make rent supplement payments to certain qualified housing owners on behalf of qualified low-income families who are elderly, handicapped, displaced, victims of natural disaster, or occupants of substandard housing; and

WHEREAS, the provisions of said Section 101 cannot be made available to housing owners in certain localities unless the governing body of the locality has by resolution given approval for such participation in the Federal Rent Supplement Program;

NOW, THEREFORE, be it resolved by the City Council
(governing body)

of Marion as follows:
(City or Town)

Approval is hereby granted for participation in the Federal Rent Supplement Program by qualified housing owners of property located in Marion, McDowell, State of
(City or Town) (County)
North Carolina.

This the 8 day of February, 1972.
(day) (month)


(signature)
City Manager

SOUTH MAIN STREET-VACANT LOT: The City Manager stated that the local Garden Club Council is interested in beautifying a State owned vacant lot at the intersection of South Main and Morgan Streets. He stated that the Garden Club Council has asked if the City would maintain the lot if the Council undertakes the beautification project. The Board agreed that the City should assume the maintenance of the lot if the Council is willing to undertake this project.

There being no further business the meeting adjourned.

Mayor


City Manager

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION


February 22, 1972

The Marion City Council met in a regular scheduled Board meeting on February 22, 1972, at 7:30 p.m., in the City Council Chamber. Board members present: Mayor Pro Tempore James H. Segars, Councilmen Oliver R. Cross, William R. Ledbetter, and Horace Wilkerson. Councilman absent: Robert E. James. Others present: Victor H. Denton, City Manager, E. P. Dameron, City Attorney, Robert Jarrett, Clerk of Court, Don Dillingham, newspaper reporter, and a newspaper photographer.

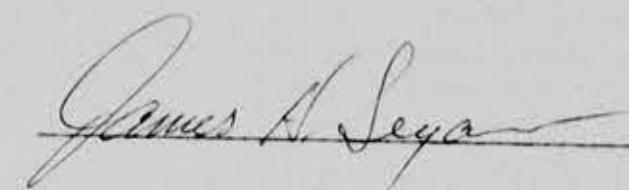
APPOINTMENT OF MAYOR: Upon a motion by Councilman Cross, seconded by Councilman Ledbetter, the Board unanimously voted to appoint James H. Segars as Mayor to replace the late Albert M. Neal, who passed away on February 13, 1972. Councilman Segars, in accepting the appointment, stated that he would do his best to fill the position. The following oaths of office were administered by Robert Jarrett, McDowell County Clerk of Court:

NORTH CAROLINA
MCDOWELL COUNTY

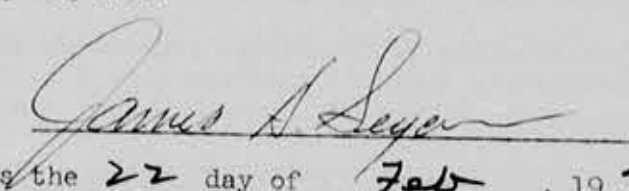
I, James H. Segars, do solemnly swear (or affirm) that I will support the Constitution of the United States; so help me, God.



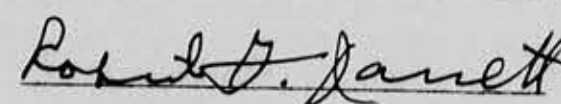
I, James H. Segars, do solemnly swear (or affirm) that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me, God.



I, James H. Segars, do swear (or affirm) that I will well and truly execute the duties of the office of Mayor of the City of Marion according to the best of my skill and ability, according to law, so help me, God.



Sworn to and subscribed before me, this the 22 day of Feb, 1972

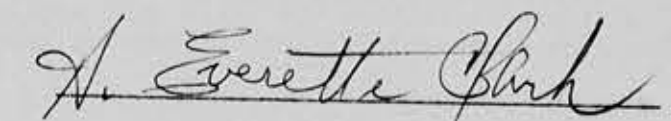


NORTH CAROLINA
MCDOWELL COUNTY

I, _____, do solemnly swear (or affirm) that I will support the Constitution of the United States; so help me, God.



I, _____, do solemnly swear (or affirm) that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me, God.



I, _____, do solemnly swear (or affirm) that I will well and truly execute the duties of the office of Councilman of the City of Marion according to the best of my skill and ability, according to law, so help me, God.

A. E. Smith

SWORN TO AND SUBSCRIBED BEFORE ME, THIS THE 4 DAY OF April 19 72

Robert J. Jarrett

APPOINTMENT OF COUNCILMAN TO REPLACE JAMES H. SEGARS: After some discussion it was decided to table the appointment of a councilman to replace James H. Segars, who resigned to accept the appointment as Mayor.

APPOINTMENT OF MAYOR PRO TEMPORE: Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the Board unanimously voted to appoint William R. Ledbetter as Mayor Pro Tempore.

MINUTES OF THE FEBRUARY 8, 1972 BOARD MEETING: Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the Board unanimously voted to approve the February 8, 1972 Minutes.

CITY-COUNTY FIRE SERVICE-PURCHASE OF A WATER TANKER: The City Manager requested and received permission to advertise for bids for a chassis for a 1,000 gallon water tanker for the Fire Department. (Reference: February 8, 1972 Minutes, page 245).

BACKHOE; PURCHASE OF: The City Manager stated that the following bids have been received on a backhoe:

Company	Bid Price
Marion Equipment Co. (Ford)	\$ 9989.76
Arden Equipment Co. (Case)	10015.59
Marion Motors (Long)	10600.00
Hardin-Dixon (Ford)	11128.00
Hilton Tractor & Implement Co. (MF)	11208.55
Farm Equipment Co. (Ford)	11398.00
Baxter Equipment Co. (Long)	11461.84
Blue Ridge Tractor & Equipment Co. (MF)	12700.00

Upon a motion by Councilman Ledbetter, seconded by Councilman Wilkerson, the Board unanimously voted to purchase a Ford backhoe from Marion Equipment Company for the bid price of \$9989.76. (Reference: February 8, 1972 Minutes, page 245).

POST OFFICE-TRAFFIC CONGESTION: Councilman Wilkerson stated that the Marion Post Master, Robert Rowe, informed him that he has requested the Post Office to have a Post Office engineer make some recommendations for alleviating the traffic problem around the Post Office. After some discussion it was decided to take no action on this matter. (Reference: February 8, 1972, page 246).

FORT AND NORTH GARDEN STREET: Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the Board unanimously voted to prohibit parking on Garden Street for a distance of: 1) _____ feet north of the intersection of Fort Street on the west side of Garden; 2) _____ feet south of the intersection of Fort Street on the east side of Garden, and 3) _____ feet south of the intersection of Fort Street on the west side of Garden Street. The above distances are measured along the curb.

EAST COURT STREET-CHANGE IN PARKING METER REGULATIONS: The City Manager stated that the operator of a news stand on East Court Street has requested that a parking meter immediately in front of the news stand be changed from a 60 minute to 15 minute meter. After some discussion, and upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the Board unanimously voted to remove the 60 minute parking meter in front of the news stand on East Court Street and install a 15 minute parking meter.

MONTEVISTA AVENUE-STREET LIGHT: Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the Board unanimously voted to install a street light on Montevista Avenue in the vicinity of Dr. Miller's residence.

MCDOWELL STREET-SPEED ORDINANCE: Upon a motion by Councilman Wilkerson, seconded by Councilman Ledbetter, the Board unanimously voted to adopt a twenty-mile-per-hour speed limit on South McDowell Street between East Court Street and State Street.

FILTER PLANT AND SEWER PLANT-SALARY ADJUSTMENT FOR OPERATORS: The City Manager stated that Carroll Moore has accepted a position in South Carolina and will be terminating City employment the last day of February. The City Manager requested and received permission to 1) increase the salary of the sewer plant operator by approximately five percent, 2) increase the present filter plant operator's salary by approximately five percent, and 3) create the position of Chief Operator at the filter plant with a salary of approximately five percent above the filter plant operator's salary. (Reference: February 8, 1972 Minutes, page 245).

GARDEN CREEK ROAD-PROPOSED WATER LINE EXTENSION: Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the Board unanimously voted to authorize the City Manager to inform the County Commissioners that the City would be interested in extending a waterline along Garden Creek Road for approximately 3600 feet under an arrangement similar to that used for extending the 10 inch water line down U. S. 70 West--that being that the City would contribute one-third toward the project, the County one-third toward the project, and the benefiting residents one-third toward the project--with the understanding that the County would be responsible for collecting one-third from the residents. (Reference: February 8, 1972 Minutes, page 245).

EAST COURT STREET-WATER LINE EXTENSION: Upon a motion by Councilman Wilkerson, seconded by Councilman Cross, the Board unanimously voted to extend a six inch water line on East Court Street approximately 500 feet east of its present termination point, if Mr. Willard Brooks, the petitioner, is willing to enter an agreement similar to that entered into with the City in April, 1970, and recorded in Minute Book 5, page 147, dated May 6, 1970.

FIRE DEPARTMENT-APPOINTMENT OF FIRE CHIEF: The City Manager stated that Chief Laughridge will be stepping down from his Fire Chief's position as soon as a replacement can be employed. The City Manager stated that the announcement of the vacancy has been mailed to all of the volunteer firemen and the Fire Departments in several of the surrounding communities. He stated that the cut off day for accepting applications is March 3--which would make it possible for the Board to review the applications at our next regular Board meeting on March 7. (Ref: February 8, 1972, Minutes, page 245).

OFF-STREET PARKING-TAINTER PROPERTY: The City Manager was instructed to advertise the Tainter house for sale starting the first week in March. (Ref: January 4, 1972, page 240).

CITY LOT ON BLUE RIDGE STREET: After some discussion the Board indicated that some time in the near future the City should sell the City owned lot on Blue Ridge Street.

ROBERT JARRETT-DRAINAGE PROBLEM: After some discussion Mayor Segars suggested that the proposal outlined in the minutes of February 8, be presented to Mr. Jarrett as there was some question as to whether Albert Neal discussed this matter with him before his death. (Reference: February 8, 1972 Minutes, page 245).

SEWER PLANT IMPROVEMENTS: Upon a motion by Councilman Cross, seconded by Councilman Ledbetter, the Board unanimously voted to authorize the City Manager to make application for a PL 660 grant for undertaking the sewer project as outlined by O'Brien and Gere. This application will be on file in the City Manager's office. (Ref: August 17, 1971, Minutes, page 226).

There being no further business the meeting adjourned.

James H. Segars
Mayor

William R. Ledbetter
City Manager

CITY OF MARION
COUNTY OF MCDOWELL
STATE OF NORTH CAROLINA

March 7, 1972

The Marion City Council met in a regularly scheduled Board meeting on March 7, 1972, at 7:30 p.m., in the City Council Chamber. Board members present: Mayor James H. Segars, Councilmen Oliver R. Cross, Robert E. James, William R. Ledbetter and Horace Wilkerson. Others present: Victor H. Denton, E. P. Dameron, City Attorney, and Don Dillingham, newspaper reporter.

MINUTES OF FEBRUARY 22, 1972 BOARD MEETING: Upon a motion by Councilman Cross, seconded by Councilman Ledbetter, the Board unanimously voted to approve the February 22, 1972, minutes.

WATER AND SEWER EXTENSION TO A PROPOSED HOUSING DEVELOPMENT BEHIND MARION SENIOR HIGH SCHOOL: The City Manager stated that Mr. H. Curtis Williams, representative for a housing developer, has been in contact with the City regarding water and sewer service for a proposed 54 unit apartment complex behind Marion Senior High school. The City Manager stated that he gave Mr. Williams a letter indicating that the City would provide sewer and water to the proposed development with the understanding that the financial details of the water and sewer extensions are to be worked out later. The City Manager stated that if this project is implemented, the City needs to give consideration to the following items:

1. Reserving a right-of-way through the area for the extension of South McDowell Street.
2. Whether we desire to permit the developer to build a pump station to pump the project's waste to the Euclid Avenue sewer line or accept a substantial contribution from the developer for extending a gravity to Tennessee Avenue.
3. Requiring the entire project to be annexed before the City agrees to provide utilities to the area.
4. Water and sewer tap fees for the project. (Reference: February 8, 1972, page 246 minutes).

RESOLUTION HONORING THE LIFE AND MEMORY OF ALBERT MALONE NEAL: Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the Board unanimously voted to adopt the following resolution:

WHEREAS ALBERT MALONE NEAL served as a member of the Marion Volunteer Fire Department for more than twenty-seven years; as an Alderman of the Town of Marion from 1959 to 1965, and as Mayor of the City of Marion from 1967 until his death on February 12, 1972.

And, Whereas during said periods of service Albert Malone Neal gave unselfishly of his time and talents to promote the common weal and to insure the best possible governmental services to the people of his native community.

NOW, THEREFORE, Be It Resolved that the City Council in regular meeting assembled on Tuesday, March 7, 1972, express, for its membership and in behalf of the people of the City of Marion, their profound gratitude for the outstanding service rendered by Albert Malone Neal to all of the people of his home community.

CITY-COUNTY FIRE SERVICE-PURCHASE OF A WATER TANKER: The City Manager stated that the following bids have been received on a water tanker chassis:

Company	Bid Price
East Court Motor Co. (GMC)	\$5884.74
Ballew Motor Co. (Chev.)	\$6075.00
Marion Buick Co. (Int'l)	\$6234.31

Upon a motion by Councilman Cross, seconded by Councilman James, the Board unanimously voted to purchase a GMC unit from East Court Motor Company for the bid price of \$5884.74. (Reference: February 22, 1972 Minutes, page 248).

FIRE DEPARTMENT-CITY-COUNTY FIRE SERVICE-ADVERTISING FOR BIDS FOR FIRE APPARATUS: The Board authorized the City Manager to advertise for bids for a 1,000 gallon water tanker--to be mounted on a 1972 GMC chassis. (Reference: January 18, 1972, Minutes, page 243).

FIRE CHIEF, ASSISTANT FIRE CHIEF, APPOINTMENT OF: Upon a motion by Councilman Cross, seconded by Councilman Ledbetter, the Board unanimously voted to let it be known to all concerned that the Marion City Council intends to assume full responsibility now and in the future for the appointment of a full-time fire chief and a full-time assistant fire chief. The above action was taken to clarify some uncertainty regarding the appointment of an assistant fire chief. (Reference: February 8, 1972, Minutes, page 248).

FIRE CHIEF, ASSISTANT FIRE CHIEF AND FIREMEN; SALARIES AND BENEFITS: Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the Board unanimously voted to 1) establish the fire chief's position at \$8164.00, 2) the assistant fire chief's position at \$7384.00, 3) the fireman's position as it currently is at \$6708.00, 4) grant the new fire chief a two week's paid vacation during this calendar year, 5) provide a \$5,000.00 life insurance policy on the fire chief with the understanding that the chief would pay a share on the policy in line with that paid by other City employees, 6) require a physical examination of the new fire chief with the understanding that the City would pay all expenses related to the examination and, 7) have the new fire-chief assume the same work schedule as the present fire chief, that being 24 hours on duty at the fire station and 48 hours off duty. It is also understood that the fire chief would, when possible, respond to all Marion fire calls. The Board unanimously expressed the view that an attempt should be made to employ another fireman on a part-time basis to man the fire station when any of the paid firemen are sick or on vacation. (Reference: February 8, 1972, Minutes, page 248).

FIRE CHIEF-APPOINTMENT OF: Upon a motion by Councilman Cross, seconded by Councilman Ledbetter, the Board unanimously voted to appoint Arthur Edwards as the new Marion Fire Chief. (Reference: February 8, 1972, Minutes, page 248).

ASSISTANT FIRE CHIEF-APPOINTMENT OF: Upon a motion by Councilman Cross, seconded by Councilman James, the Board unanimously voted to appoint John L. Sullivan as Assistant Fire Chief. (Reference: February 8, 1972, Minutes, page 248).

OFF-STREET PARKING-TAINTER PROPERTY: The City Manager stated that he would like permission to defer advertising the Tainter house for sale until the Tainter heirs remove all their belongings from the house. This permission was granted. (Reference: February 22, 1972, page 249).

CITY PROPERTY-BLUE RIDGE AND WEST HENDERSON: Councilman Wilkerson stated that Mrs. Louise Davis is interested in purchasing a parcel of city-owned land at the intersection of Blue Ridge Street and West Henderson--immediately behind her property. After some discussion it was decided to table this matter until the next meeting. (Reference: July 22, 1969, page 102).

CITY PROPERTY-BLUE RIDGE STREET: After some discussion regarding the selling of the City property on Blue Ridge Street it was decided to take no action on this matter until the Board makes some decision regarding the property that Mrs. Davis is interested in. (Reference: February 22, 1972, page 249).

EAST COURT STREET-CHANGE IN PARKING METER REGULATION: The City Manager stated that it was necessary to install a twelve minute rather than a fifteen minute meter in front of the news stand on East Court Street as the City has no fifteen minute meters. Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the Board unanimously voted to authorize the installation of a twelve minute parking meter in front of the news stand on East Court Street. (Reference: February 22, 1972, page 248).

KENT SUBDIVISION: Mayor Segars stated that Mr. Richard Kent is interested in extending an existing street and water and sewer lines a few hundred feet southeast of the end of the existing pavement to serve a proposed dead-end street development (the proposed development is at an elevation higher than the existing street). The Board unanimously agreed that the street and water and sewer lines should be extended the necessary footage to serve this proposed dead-end street development under the same street and water and sewer line extension arrangements followed in the initial construction of the development approximately four years ago on the condition that 1) any further extensions of streets or water and sewer lines will be made only under the street and utility extension policies in effect at the time of the extension request and 2) the City will not participate in the cost of any further extensions of streets or water and sewer lines until at least forty percent (40%) of the plotted lots on paved streets are developed. It was also pointed out in the discussion that the City must reserve the right to do the above work as financial and manpower resources are available. (Reference: April 7, 1970, Minutes, page 143).

NO-BEGGING ORDINANCE: The City Manager stated that the Police Chief is experiencing some minor problems with beggars. After some discussion the City Manager was requested to write the North Carolina League of Municipalities for a "no-beggars" ordinance.

ROBERT JARRETT-DRAINAGE PROBLEM: The City Manager reported that this matter has not been discussed with Mr. Jarrett since the last meeting, however, he and Mayor Segars will attempt to talk with Mr. Jarrett before the next meeting. (Reference: February 22, 1972, Minutes, page 249).

✓ **GARBAGE COLLECTION ORDINANCE:** Prior to the meeting the City Manager gave each of the Board members a copy of the following proposed amendment to the City's Garbage Ordinance:

Under Section Seven of the Garbage Collection Ordinance adopted September 9, 1964, delete "all places...accessible place," and add "Businesses are required to store their waste matter in either 30 gallon cans with handles and lids or the City prescribed metal bulk waste containers. The metal bulk containers are optional if a business has no more than three 30 gallon cans of waste daily. If the daily waste from any one business exceeds three 30 gallon cans, the business must purchase and maintain a prescribed bulk container. The size of the container and its location are to be prescribed by the City of Marion's Director of Public Works. No bulk containers will be emptied if the lids or doors are open and the City's sanitation crews will not be responsible for picking up waste around the bulk containers. If a business's waste exceeds the capacity of one bulk container the business must purchase an additional container. Three pickups per week will be provided by the City. If additional pickups are required a service charge of \$10.00 will be levied for each pickup over three."

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STATE OF NORTH CAROLINA
STATE HIGHWAY COMMISSION
 ROBERT W. SCOTT, Governor
 D. McLAUCHLIN FAIRCLOTH, Chairman



Asheville, N. C.
 April 12, 1972

City of Marion

Subject: Resurfacing of Streets

Mr. Victor H. Denton
 City Manager
 City of Marion
 Post Office Box 536
 Marion, North Carolina 28752

Dear Mr. Denton:

With reference to your letter of April 5, 1972 indicating the Marion City Council would like to have several of the secondary roads within the corporate limits of Marion resurfaced, this is to advise Mr. G. E. Baskerville, Road Oil Supervisor, will be inspecting these streets at an early date. From my knowledge of these streets it appears that the majority of the resurfacing will be handled by our Road Oil forces using a surface treatment type of seal. Any bituminous concrete resurfacing must be let to contract because we have received specific instructions from the Raleigh office that our Maintenance forces are not to use our small paver except for small or short sections of roads.

As soon as Mr. Baskerville has furnished this office with his report we will then develop a program of resurfacing in keeping with funds available for the City of Marion - incidentally, for your information, due to the volume of contract resurfacing we have had at Marion, our budget for Marion is small and it may be that our resurfacing will have to be delayed to some time after July 1st.

When the Highway Commission built the Project on SR 1001 which incorporated the underpass, then old "SR 1001" from the railroad grade crossing to the corporate limits was removed from the State Highway System and became the responsibility of the City of Marion. The new SR 1001 was a replacement for the old one. In preparing your Powell Bill maps for submission to our Planning and Research Department you should incorporate the old section so you will get proper funds.

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Subject: Resurfacing of Streets

Mr. Victor H. Denton
Page 2
April 12, 1972

Very truly yours,


F. L. Hutchison, P. E.
DIVISION ENGINEER

FLH:ek

Cc-Mr. K. W. Rabb
Mr. G. E. Baskerville

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page 1 of 2

Cross Mill Addition to Marion Corporate Limits

Beginning on a concrete monument the southern corner of the Reservoir property (N 18,668.19 E 16,377.51) and runs S 81-24-00 E 893.51' to a concrete monument, the NW corner of Cross Mill Property (N 18,534.00 E 17,260.98).

Thence with Cross Mill line S 30-14-00 W 113.46' to an iron stake, a corner of Cross Mill & Baker (18,436.55, 17,203.85).

Thence N 51-08-00 W 65.81' to an iron stake, corner of Cross Mill & Baker (18,477.85, 17,152.61).

Thence S 37-19-40 W 100.91' to the Margin of Cross St. (18,397.60, 17,091.43).

Thence N 50-40-40 W 83.64' to the intersection of the north margin of Cross St. and the South margin of Tate St. (18,450.60, 17,026.72).

Thence with the South margin of Tate St. the following bearings and distances

S 60-07-00 W 124.13' (18,388.75, 16,919.10)

S 63-25-40 W 65.51' (18,359.45, 16,860.51)

S 83-16-40 W 49.95' (18,353.61, 16,810.90)

N 79-08-40 W 51.00' (18,363.21, 16,760.81)

N 70-58-20 W 189.48' (18,424.99, 16,581.68)

N 76-54-00 W 60.32' (18,438.66, 16,522.93)

S 89-48-00 W 51.21' (18,438.48, 16,471.72)

S 72-38-00 W 50.19' (18,423.50, 16,423.82)

S 52-55-00 W 48.25' (18,394.41, 16,385.33)

S 39-04-00 W 49.72' (18,355.80, 16,354.00)

fire chief a two week's paid vacation during this calendar year, 5) provide a \$5,000.00 life insurance policy on the fire chief with the understanding that the chief would pay a share on the policy in line with that paid by other City employees, 6) require a physical examination of the new fire chief with the understanding that the City would pay all expenses related to the examination and, 7) have the new fire-chief assume the same work schedule as the present fire chief, that being 24 hours on duty at the fire station and 48 hours off duty. It is also understood that the fire chief would, when possible, respond to all Marion fire calls. The Board unanimously expressed the view that an attempt should be made to employ another fireman on a part-time basis to man the fire station when any of the paid firemen are sick or on vacation. (Reference: February 8, 1972, Minutes, page 248).

FIRE CHIEF-APPOINTMENT OF: Upon a motion by Councilman Cross, seconded by Councilman Ledbetter, the Board unanimously voted to appoint Arthur Edwards as the new Marion Fire Chief. (Reference: February 8, 1972, Minutes, page 248).

ASSISTANT FIRE CHIEF-APPOINTMENT OF: Upon a motion by Councilman Cross, seconded by Councilman James, the Board unanimously voted to appoint John L. Sullivan as Assistant Fire Chief. (Reference: February 8, 1972, Minutes, page 248).

OFF-STREET PARKING-TAINTER PROPERTY: The City Manager stated that he would like permission to defer advertising the Tainter house for sale until the Tainter heirs remove all their belongings from the house. This permission was granted. (Reference: February 22, 1972, page 249).

CITY PROPERTY-BLUE RIDGE AND WEST HENDERSON: Councilman Wilkerson stated that Mrs. Louise Davis is interested in purchasing a parcel of city-owned land at the intersection of Blue Ridge Street and West Henderson--immediately behind her property. After some discussion it was decided to table this matter until the next meeting. (Reference: July 22, 1969, page 102).

CITY PROPERTY-BLUE RIDGE STREET: After some discussion regarding the selling of the City property on Blue Ridge Street it was decided to take no action on this matter until the Board makes some decision regarding the property that Mrs. Davis is interested in. (Reference: February 22, 1972, page 249).

EAST COURT STREET-CHANGE IN PARKING METER REGULATION: The City Manager stated that it was necessary to install a twelve minute rather than a fifteen minute meter in front of the news stand on East Court Street as the City has no fifteen minute meters. Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the Board unanimously voted to authorize the installation of a twelve minute parking meter in front of the news stand on East Court Street. (Reference: February 22, 1972, page 248).

KENT SUBDIVISION: Mayor Segars stated that Mr. Richard Kent is interested in extending an existing street and water and sewer lines a few hundred feet southeast of the end of the existing pavement to serve a proposed dead-end street development (the proposed development is at an elevation higher than the existing street). The Board unanimously agreed that the street and water and sewer lines should be extended the necessary footage to serve this proposed dead-end street development under the same street and water and sewer line extension arrangements followed in the initial construction of the development approximately four years ago on the condition that 1) any further extensions of streets or water and sewer lines will be made only under the street and utility extension policies in effect at the time of the extension request and 2) the City will not participate in the cost of any further extensions of streets or water and sewer lines until at least forty percent (40%) of the plotted lots on paved streets are developed. It was also pointed out in the discussion that the City must reserve the right to do the above work as financial and manpower resources are available. (Reference: April 7, 1970, Minutes, page 143).

NO-BEGGING ORDINANCE: The City Manager stated that the Police Chief is experiencing some minor problems with beggars. After some discussion the City Manager was requested to write the North Carolina League of Municipalities for a "no-beggars" ordinance.

ROBERT JARRETT-DRAINAGE PROBLEM: The City Manager reported that this matter has not been discussed with Mr. Jarrett since the last meeting, however, he and Mayor Segars will attempt to talk with Mr. Jarrett before the next meeting. (Reference: February 22, 1972, Minutes, page 249).

✓ GARBAGE COLLECTION ORDINANCE: Prior to the meeting the City Manager gave each of the Board members a copy of the following proposed amendment to the City's Garbage Ordinance:

Under Section Seven of the Garbage Collection Ordinance adopted September 9, 1964, delete "all places...accessible place," and add "Businesses are required to store their waste matter in either 30 gallon cans with handles and lids or the City prescribed metal bulk waste containers. The metal bulk containers are optional if a business has no more than three 30 gallon cans of waste daily. If the daily waste from any one business exceeds three 30 gallon cans, the business must purchase and maintain a prescribed bulk container. The size of the container and its location are to be prescribed by the City of Marion's Director of Public Works. No bulk containers will be emptied if the lids or doors are open and the City's sanitation crews will not be responsible for picking up waste around the bulk containers. If a business's waste exceeds the capacity of one bulk container the business must purchase an additional container. Three pickups per week will be provided by the City. If additional pickups are required a service charge of \$10.00 will be levied for each pickup over three."

WATER AND SEWER EXTENSION TO A PROPOSED HOUSING DEVELOPMENT BEHIND MARION SENIOR HIGH SCHOOL: The City Manager stated that Mr. H. Curtis Williams, representative for a housing developer, has been in contact with the City regarding water and sewer service for a proposed 34 unit apartment complex behind Marion Senior High school.

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S 29-03-40 W 305.64' (18,088.64, 16,205.53)
S 36-21-00 W 117.94' (17,993.65, 16,135.63)
S 42-52-20 W 144.74' (17,887.58, 16,037.15) at intersection of center line of Hoyle St. with the South margin of Tate St.

S 30-10-40 W 245.70' (17,675.17, 15,913.64)
S 36-15-40 W 164.85' (17,542.25, 15,816.13)
S 31-05-00 W 50.93' (17,498.63, 15,789.84) at the intersection of Nix Creek Rd., Greenlee Rd. and Tate St.

Thence with the south margin of Nix Creek Rd. the following bearings and distances:

S 22-35-40 W 50.03' (17,452.44, 15,770.62)
S 10-59-20 W 54.09' (17,399.35, 15,760.31)
S 1-52-40 W 58.02' (17,341.36, 15,758.40)
S 2-05-20 E 85.39' (17,256.02, 15,761.51)
S 8-13-20 E 75.55' (17,181.25, 15,772.31)
S 24-00-20 E 132.19' to a concrete monument at the NW corner of Cross Memorial Baptist Church lot (17,060.49, 15,826.09).

Thence with line of Cross Memorial Church lot N 74-52-59 E 452.12' to a concrete monument at NE corner of church lot (17,178.40, 16,262.57).

Thence S55-35-21E 806.19' to a concrete monument 50' from the center line of main line track of Southern Railroad (16,722.80, 16,927.69).

Thence N 45-01-20 E 187.94' to a point 50' from the center line of Main line track of Southern Railroad (16,855.65, 17,060.64).

Thence N 45-09-31 E 869.22' to a point in the original corporate limits survey described as a concrete monument near the culvert at Cross Mill Pond (17,468.58, 17,676.97). (Said monument now gone paved road where monument was located).

Containing 61.56 acres.

4) grant the new fire chief a two week's paid vacation during this calendar year, 5) provide a \$5,000.00 life insurance policy on the fire chief with the understanding that the chief would pay a share on the policy in line with that paid by other City employees, 6) require a physical examination of the new fire chief with the understanding that the City would pay all expenses related to the examination and, 7) have the new fire chief assume the same work schedule as the present fire chief, that being 24 hours on duty at the fire station and 48 hours off duty. It is also understood that the fire chief would, when possible, respond to all Marion fire calls. The Board unanimously expressed the view that an attempt should be made to employ another fireman on a part-time basis to man the fire station when any of the paid firemen are sick or on vacation. (Reference: February 8, 1972, Minutes, page 248).

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After some discussion it was decided that Mayor Segars and the City Manager should try to arrange a meeting with the Merchant's Association before steps are taken to adopt the proposed ordinance. (Ref: September 8, 1970, page 165).

MCDOWELL TECHNICAL INSTITUTE: The City Manager stated that John A. Price, President of McDowell Tech has invited the City Council to tour the facilities at 6:30 p.m., March 21, this being the night of the next regular Board meeting. After some discussion the Board members agreed to meet at McDowell Technical Institute on March 21, at 6:30 p.m.

SEWER PLANT-DUKE POWER-PROPOSED POWER LINE EXTENSION: The City Manager stated that Duke Power is requesting permission from the City to install a "tree line" across the City's sewer plant property. He stated that by using this type of line it would not be necessary to remove more than a few trees and tree limbs to erect the line. The City Manager stated that Duke Power has indicated a willingness to remove the line at a later date if it interferes with any future sewer plant projects. Upon a motion by Councilman James, seconded by Councilman Wilkerson, the Board unanimously voted to permit Duke Power to construct a tree line across the sewer plant property under the above provisions.

GARBAGE COLLECTION-SECURITY: Councilman James asked the City Manager to consider purchasing safety vests for the City garbage collection personnel. The City Manager stated that he will discuss this matter with the Director of Public Works.

MACKAY CREEK CHLORINATION STATION: The City Manager stated that the new stand-by chlorination facility has been placed in operation on the Mackay Creek raw water line.

POST OFFICE-TRAFFIC CONGESTION: The City Manager stated that Robert Rowe, Post Master, has informed him that he has requested the Post Office authorities to have one of their engineers make a study of the traffic related problem around the Post Office. The City Manager stated that Mr. Rowe informed him that as of this date he has not received a response to his request. (Reference: February 22, 1972, page 248).

GARDEN STREET: The City Manager stated that he has requested permission from the Highway Commission to reduce the speed limit from 35 to 20 miles per hour on North Garden Street between East Court Street and Port Street. He stated that he was informed by the North Carolina Highway Commission Division Engineer that he would send a representative to Marion within the next few days to study this request.

NORTH CAROLINA LEAGUE OF MUNICIPALITIES: The City Manager stated that there will be a District NCIM meeting in Hickory on April 6 and that the Board members have been invited to attend.

TRAFFIC SIGNALS: The City Manager stated that the City has been experiencing some very annoying problems related to the traffic signals in that they occasionally go out of synchronization and do not change for several minutes. He stated that Duke Power has run a voltage check on their line leading into the control box and it appears that the problem relates to low voltage at the control box. He stated that Duke Power is still analyzing the problem.

SEWER PLANT IMPROVEMENTS: The City Manager stated that the City's application for a PL 660 sewer grant has been submitted to the Office of Water Air and Resources. (Reference: February 22, Minutes, page 249).

ORGANIZATIONAL CHART: Prior to the meeting the City Manager gave each of the Board members a copy of the City's new organizational chart. (On file in the City Manager's office).

TAX SCHOOL: The City Manager reported that Mrs. Frances Briscoe will be attending a tax school at Chapel Hill during the week of March 13.

OAK GROVE CEMETERY: The City Manager stated that Japanese cherry trees have been planted along the front property line of the Oak Grove cemetery. He stated that as soon as pine seedlings become available they will be planted along the stream between Rutherfordton Road and the railroad. (Reference: December 8, 1970, Minutes, page 182).

There being no further business the meeting adjourned.

Victor H. Denton
City Manager

James H. Segars
Mayor

CITY OF MARION
COUNTY OF MCDOWELL
STATE OF NORTH CAROLINA

March 21, 1972

The Marion City Council met in a regularly scheduled Board meeting on March 21, 1972, at 7:30 p.m. in the City Council Chamber. Board members present: Mayor James H. Segars, Councilmen Oliver R. Cross, Robert E. James, William R. Ledbetter, and Horace Wilkerson. Others present: Victor H. Denton, City Manager, E. P. Dameron, City Attorney, and Don Dillingham, newspaper reporter.

MINUTES OF THE MARCH 7, 1972 BOARD MEETING: Upon a motion by Councilman Wilkerson, seconded by Councilman Ledbetter, the Board unanimously voted to approve the March 7, 1972 Minutes.

APPOINTMENT OF COUNCILMAN TO REPLACE JAMES H. SEGARS: Councilman Ledbetter submitted the name of Everett Clark to fill the Council vacancy. Councilman Wilkerson submitted the name of Pete Eckard. It was unanimously agreed by all Board members that the vote be taken by written ballots and that the nominee receiving the highest number of votes would be unanimously appointed to fill the vacancy. The results of the written ballots indicated 3 votes for Everett Clark and 1 vote for Pete Eckard. Upon a motion that was seconded, the Board unanimously voted to appoint Everett Clark to fill the unexpired term of James H. Segars on the Marion City Council. (Reference: February 22, Minutes, page 248)

GARDEN STREET-SPEED ORDINANCE: Upon a motion by Councilman Cross, seconded by Councilman Ledbetter, the Board unanimously voted to adopt the following speed ordinance:

CERTIFICATE OF MUNICIPAL ORDINANCE DECLARING MODIFICATIONS TO SAFE AND REASONABLE SPEEDS AND REQUEST FOR CONCURRING ORDINANCE BY STATE HIGHWAY COMMISSION

TO THE NORTH CAROLINA STATE HIGHWAY COMMISSION:

I, Victor H. Denton, Clerk of the City of Marion, do hereby certify that the City Council of Marion duly enacted on the 21 day of March, 1972 an ordinance based upon an engineering and traffic investigation pursuant to authority granted by G.S. 20-141 (g1) and (g2) declaring the following modifications to safe and reasonable speed limits as set forth below on the following described portion of a State Highway System Street:

Rescind The Following Speed Limits

Speed Limit	Ordinance Number	Description
35	13	N. Garden St. (US 70W) from E. Court St. (US 70) to New St. (US 70W), thence along N. Garden St. (SR 1500) to Fleming Ave. (SR 1500).

Declare The Following Speed Limits

Speed Limit	Ordinance Number	Description
20	12	North Garden Street (US 70W) from E. Court Street (US 70) to New Street (US 70W)
35	20	North Garden Street (SR 1500) from New Street (US 70W) to Fleming Avenue (SR 1500)

Said ordinance to become effective upon adoption by the State Highway Commission of a concurring ordinance and the erection of signs giving notice of the authorized speed limit; that said ordinance is recorded in Minute Book 5 at page 253.

In witness whereof, I have hereunto set my hand and the seal of the City of Marion, this 21 day of March, 1972. (Reference: March 7 Minutes, page 252).

Victor H. Denton (Seal)
Clerk

OFF STREET PARKING--TAINTER PROPERTY: Upon a motion by Councilman Cross, seconded by Councilman James, the Board unanimously voted to authorize the City Manager to advertise for bids for selling the house on the Tainter property. (Reference: March 7, Minutes, page 251)

CITY PROPERTY--BLUE RIDGE AND WEST HENDERSON: The City Manager stated the the NC Highway Commission is retaining title to the City property near the corner of Blue Ridge and West Henderson until the final payment is made to the Commission for the property. The City Manager stated that since it will be approximately three years before we make our final payment on the property, it is his recommendation that we defer selling this property until the title is turned over to the City. The Board concurred with this recommendation. (Reference: March 7, Minutes, page 251).

CITY PROPERTY--BLUE RIDGE STREET: Upon a motion by Councilman Cross, seconded by Councilman James, the Board unanimously voted to authorize the City Manager to advertise for bids to sell the City owned property adjoining R. L. James and Son on Blue Ridge Street. (Reference: March 7, Minutes, page 251).

ACCOUNTING MACHINE: Upon a motion by Councilman James, seconded by Councilman Ledbetter, the Board unanimously voted to authorize the City Manager to advertise for bids for a new accounting machine. (Ref: November 2, Minutes, page 234).

NO BEGGING ORDINANCE: After some discussion regarding the need for a no-begging ordinance, the Board requested Mr. Dameron to draw up a proposed no-begging ordinance for consideration at the next Board meeting. (Reference: March 7, Minutes, page 251).

SELLING OF USED GMC GARBAGE TRUCK AND FORD FRONT END LOADER BACKHOE: The City Manager requested and received permission to advertise for bids to sell a 1963 GMC barrel packer and 1962 Ford front end loader-backhoe.

GARBAGE COLLECTION--SAFETY: After some discussion the City Manager indicated that he would purchase safety vests or belts for the garbage collectors and require all garbage collectors, the meter repairman, and the meter reader to wear these vests or belts. (Reference: March 7, Minutes, page 252).

POLICE DEPARTMENT: The City Manager was requested to make a study to determine if it would be feasible to pay the policemen overtime instead of granting them compensatory time off for working on holidays.

CARSON STREET: Councilman James stated that a representative of the NC Highway Commission has informed him that the Commission plans to pave Carson Street this spring.

TATE STREET: Councilman James stated that a representative of the NC Highway Commission indicated to him that the Commission would consider reworking Tate Street between Carson Street and Reservoir Road to eliminate several drainage problems if the City would elevate the existing sidewalk. After some discussion Mayor Segars asked the street committee to look into this matter. (Ref: February 8, Minutes, page 245).

MARION PLAZA SHOPPING CENTER--SPRINKLER SYSTEM: The City Manager stated that a representative of a sprinkler company stopped by his office on Monday to inform him that his company is making plans to install a sprinkler system in the plaza shopping center. The City Manager stated that he has had no contact with Mr. Bradley, the owner of the shopping center, regarding this matter. The City Manager stated that before the City permits any such system to be tied into our water system consideration needs to be given to several matters, including a sprinkler head fee and the installation of a flow meter, check valve and line valve on the sprinkler line. The City Manager was instructed to not permit the proposed sprinkler system to be tied into the City line until the proposal is approved by the Board.

FIREMAN--ADDITIONAL: The City Manager stated that it is his understanding that the City can employ a fourth fireman under the Federal Emergency Employment Act. If approved, a Federal grant would cover at least 90 percent of his salary. After considerable discussion and upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the Board unanimously voted to employ a fourth fireman with the understanding that Arthur Edwards, the new fire chief, is to work a five-day week from 8:00 to 5:00 and fill in as a relief fireman when any of the other firemen are on annual or sick leave. The Board, upon a recommendation by the City Manager, unanimously agreed that the three paid firemen are to continue working 24 hours on duty, 48 hours off duty. It was also unanimously agreed that no additional compensation should be given for holidays as this matter was taken into account in establishing their existing salaries.

RUTHERFORDTON ROAD--WATER LINE: Mayor Segars stated that Mr. Ray Smith has expressed interest in extending a water line down Rutherfordton Road approximately 2,000 feet to serve some property that he is developing. After some discussion it was decided to take no action on this matter at this time.

COMMUNITY BUILDING BASEMENT: After some discussion the City Manager was instructed to permit the Community Building basement to be used for supervised recreational activities for church groups with the understanding that (1) the sponsoring church must provide a high level of adult supervision, (2) the sponsoring church using the facility must be responsible for any malicious damage caused to the building by such use and, (3) use of the basement would be limited to periods when the upstairs is not in use.

NEWS STAND--EAST COURT STREET: Some of the Board members indicated that they have been receiving complaints about the pornography-type magazines that are being sold at the East Court News Stand. After considerable discussion Mayor Segars stated that he would discuss this matter with the operator of the news stand.

SULLIVAN, JOHN--COUNTY ELECTION JUDGE: The City Council authorized John Sullivan, Assistant Fire Chief, to serve as election judge for the May primary.

COUNTY-WIDE CLEAN UP: The City Manager stated that the Chamber of Commerce is sponsoring a county-wide clean up day on April 15. The City Manager requested and received permission to designate the week of April 10 as clean-up week in the City. He stated that extra trash pick-up crews would be used during the week, and the general public would be encouraged to (1) clean up their property and, (2) inform the City Hall of street rights-of-way that need to be cleaned up.

HENREDON FURNITURE COMPANY: Upon a motion by Councilman Cross, seconded by Councilmen Ledbetter and James, the Board unanimously voted to authorize the City Manager to write a letter to the officials of Henredon expressing the City Council's appreciation for naming the Marion plant and a new line of furniture after Marion.

WATER POLICIES: The City Manager distributed to each of the Board members copies of municipal water service policies. Copies of this material are on file in the City Manager's office.

GLENN LAUGHBRIDGE: The City Manager suggested that consideration be given to having a recognition dinner for Glenn Laughridge, past Chief of the Marion Fire Department. After some discussion it was decided to hold up on this recognition dinner until later in the year. (Reference: February 8, Minutes, page 245).

CROSS COTTON MILL--ANNEXATION: The City Manager stated that he met with officials of Cross Cotton Mill earlier in the month to discuss annexation. He stated that the mill representatives appeared to be generally receptive to coming into the City, however, they wanted to further analyze the effects of annexation on their company.

ANNEXATION--CHAMBER COMMITTEE MEETING: The City Manager stated that he has been invited to attend a Chamber Committee meeting on annexation on Wednesday, March 22, 1972.

TRAFFIC SIGNALS: The City Manager stated that except for a few hours on Monday, March 13, the traffic signals have been functioning properly. He stated that if there is a re-occurrence of the problems we have been having with the signals he would procure the services of a traffic engineer to try to determine what is causing the malfunction. (Reference: November 7, Minutes, page 252).

FIRE DEPARTMENT--WATER TANKER APPARATUS: The City Manager requested and received permission to accept bids on the water tanker apparatus through 5:00 p.m., April 17. (Reference: March 7, 1972 Minutes, page 250).

FIRE DEPARTMENT--ARTHUR EDWARDS: The City Manager stated that Arthur Edwards first day of employment will be March 27. (Reference: March 7, 1972 Minutes, page 251).

GARDEN CREEK WATER LINE: The City Manager stated that it is his understanding that some people on Garden Creek Road are having a meeting on Thursday, March 23 to determine the amount of interest on the part of the area residents in extending a water line down Garden Creek Road. (Reference: February 22, 1972, Minutes, page 249).

POST OFFICE--TRAFFIC CONGESTION: The City Manager stated that he has been informed by Robert Rowe, the Marion Post Master, that his request to have the postal authorities study the traffic congestion problems around the post office has been forwarded to the Post Office's district office in Greensboro. (Ref: February 22, 1972, Minutes, page 248).

GARBAGE COLLECTION ORDINANCE: The City Manager stated that Mayor Segars and himself met with the Directors of the Merchants Association on March 14 to discuss containerization of waste in the downtown area. He stated that the Merchants Association is presently setting up a meeting with all of the merchants to discuss this matter. (Reference: March 7, 1972, Minutes, page 251).

NORTH CAROLINA LEAGUE OF MUNICIPALITIES: The City Manager stated that he would like to encourage as many members as possible to attend the April 6 NC League of Municipalities meeting in Hickory.

MCDOWELL--EAST COURT TRAFFIC SIGNAL: The City Manager stated that he has written the NC Highway Commission about the delays in installing the McDowell-East Court Street signal. He stated that he has been informed by the Commission's Division Engineer that the project has been delayed by the need to procure additional signal heads. (Reference: November 16, 1971, Minutes, page 235). There being no further business the meeting adjourned.

James H. Segars
Mayor

William D. ...
City Manager

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

April 4, 1972

The Marion City Council met in a regularly scheduled Board meeting on April 4, 1972, at 7:30 p.m. in the City Council Chamber. Board members present: Mayor James H. Segars; Councilmen Oliver R. Cross, Robert E. James, William R. Ledbetter and Harade Wilkerson. Others present: Victor H. Denton, City Manager; A. Everette Clark, Councilman elect; Don Dillingham, newspaper reporter. Other present: Robert G. Jarrett, Clerk of District Court, Robert E. Rowe, J. E. Spence, and Tom Chapman.

APPOINTMENT OF A. EVERETTE CLARK AS MARION CITY COUNCILMAN: Robert G. Jarrett, Clerk of District Court, administered the oath of office to A. Everette Clark, to fill the unexpired term of James H. Segars. (See February 22, 1972, Minutes, page 247).

MINUTES OF THE MARCH 21, 1972 BOARD MEETING: Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the Board unanimously voted to approve the March 21, 1972 Minutes.

POST OFFICE--TRAFFIC CONGESTION: Mr. J. E. Spence, with the industrial engineering staff of the Greensboro District Office, U. S. Postal Service, and Robert E. Rowe, Marion Postmaster, met with the City Council to discuss traffic congestion in the vicinity of the Post Office. Mr. Spence stated that the Greensboro staff had reviewed the traffic plan compiled by Traffic Planning and Associates and concluded that the proposed plan is not feasible for the following reasons: (1) The existing retaining wall would have to be reinforced. (2) the proposed driveway could not exceed 16 feet in width. (3) the existing traffic onto Garden Street behind the Post Office would have to exit at a point where visibility to the south would be very limited. (4) the back entrances to the Post Office would be too close to the drive--thus inviting increased vandalism. (5) the proposed drive would necessitate the construction of a barrier between the drive and the rear parking area, and (6) the existing sewer line along the south side of the Post Office would have to be relocated. Mr. Spence stated that it would cost between \$12,000.00 and \$15,000.00 to implement the traffic plan. He stated that the values gained by having such a thru drive would not be worth the cost. He stated that the Postal Service has developed an alternate proposal. Their proposal calls for widening the north entrance driveway of the Post Office to 28 feet, and widening the south driveway to 28 feet 10 inches. The north driveway would be an entrance, the south driveway would be an exit. The parking stalls within the parking area would be shifted so that cars entering from the northern entrance could park on an angle. The proposal also calls for relocating the snorkel box on the south side of the lower exit. Mr. Spence stated that it would be desirable for the City to install a traffic signal in the northbound lane of South Main Street at the intersection of Spring Street, and install a center line on the southbound lane of South Main Street to make it possible for the cars turning left into the Post Office to move into a center-holding lane. After considerable discussion it was concluded that the entrance to the Post Office should remain on the south with the exit on the north, and that the two drives should be widened to the dimensions called for in the Postal Service plan, and that the snorkel box should be relocated to the rear on Garden Street. Several of the Council members expressed the feeling that the above action would not correct the traffic congestion relating to the Post Office, however, it might alleviate some of the problems. The view was expressed that the Postal Service should make the above stated modifications and then a reevaluation be undertaken. (Reference: March 21, 1972 Minutes, page 255).

SEWER PLANT IMPROVEMENTS: Upon a motion by Councilman Cross, seconded by Councilman Ledbetter, the Board unanimously voted to execute the "Agreement For Engineering Services Between City of Marion, NC, And O'Brien and Gere, Inc., Engineers In Connection With Waste Water Improvements" with the understanding that a letter is to be attached to the agreement stating that no work is to begin on the project until O'Brien and Gere receives a letter from the City of Marion authorizing them to proceed with the engineering work.

NORTH CAROLINA HIGHWAY COMMISSION--RESURFACING OF SECONDARY ROADS WITHIN THE CORPORATE LIMITS: Upon a motion by Councilman Ledbetter, seconded by Councilman Wilkerson, the Board unanimously voted to authorize the City Manager to write the Division Engineer asking that the Commission resurface the following streets this summer: State Street from a point where resurfacing was terminated two years ago eastward to the corporate limits. Highland Drive between East Court Street and Oak Street. Oak Street between Highland Drive and Virginia Road. Tate Street from its intersection with Reservoir Road west to the corporate limits. Carson Street from the traffic signal south to the corporate limits. Hudgins Street west to the corporate limits. West Henderson Street west to the corporate limits.

ACCOUNTING MACHINE: Upon a motion by Councilman Ledbetter, seconded by Councilman James, the Board unanimously voted to purchase an NCR 36 Modular accounting machine for the bid price excluding all taxes of \$7961.50. (Reference: March 21, 1972, Minutes, page 254).

BEGGING ORDINANCE: Upon a motion by Councilman James, seconded by Councilman Wilkerson, the Board unanimously voted to adopt the following begging ordinance:

Sec. 1. BEGGING IN PUBLIC PLACES WITHOUT PERMIT PROHIBITED.--No person shall beg or solicit alms in or on the streets or other public places of the city nor in the entrances or corridors to or of any public building in the city without a permit therefor from the City Council.

Sec. 2. INDIRECT SOLICITATION OF ALMS IN PUBLIC PLACES WITHOUT PERMIT PROHIBITED.--The selling or offering for sale of pencils, shoestrings, chewing gum and similar objects, and the playing of musical instruments upon the streets of the city being usually done as a blind for, or in connection with, the solicitation of alms, and the people of the city having generally no means of ascertaining whether persons thus indirectly soliciting alms are worthy objects of charity, in order to prevent abuses in connection with such indirect solicitations, it is ordained that no person shall sell or offer for sale any pencils, shoestrings, chewing gum or similar objects in or on the streets or other public places of the city as an indirect method of soliciting alms, nor shall any person offer a cup or other receptacle for the deposit of money or take up any collection in connection with the playing of any musical instrument in or on the streets or other public places of the city, without having a permit therefor issued by authority of the City Council.

Sec. 3. PROCEDURE WITH RESPECT TO APPLICATION FOR PERMIT TO SOLICIT ALMS.--Every applicant for a permit for the direct or indirect solicitation of alms, as provided in the next preceding two sections, shall file a written application with the city clerk, giving in such application such information with respect to age, ability to work, resources, residence, family connections and similar matters as may be necessary for the information of the City Council. Upon the filing of such written application, the city clerk shall cause such investigation of the applicant to be made as may be necessary to determine whether he is worthy of charity and whether any alms given him will be properly used. A report of the facts secured as the result of such investigation shall be transmitted to the City Council together with the written application of the applicant. If the council is of the opinion, after considering said application and report, that the applicant is a worthy object of charity, and that any alms given him will be properly used, it shall issue a permit to him; otherwise, it shall deny such permit.

Sec. 4. BADGE TO BE ISSUED TO AND WORN BY LICENSED BEGGARS.--To every person authorized to solicit alms, directly or indirectly, under the provisions of this article, the city council shall cause to be issued a badge showing on the face thereof, the name of the person to whom it is issued and that such person is authorized by the City Council to solicit alms. Every such person shall wear such badge prominently displayed on his person at all times while he is soliciting or receiving alms on or in the streets or other public places of the city. (Ref: March 21, 1972, Minutes, page 254). See City of Marion Ordinance Book, No. 0-72-4-4-2

SPRINKLER FEES: The City Manager stated that it is his understanding from reading the minutes of past meetings that Air Preheater is being charged a fee of 10 cents per sprinkler head per month. He stated that none of the other industries are being charged a sprinkler head fee. He stated that he has written the NCLM seeking information on sprinkler fees. He stated that the League replied by stating that approximately half the communities in North Carolina do not have the sprinkler fees and the other half uses different methods of arriving at monthly fees. He stated that some of the municipalities are using square feet, other, property valuation, and others a sprinkler head fee. After some discussion, it was concluded that this item should be tabled until it could be determined how many sprinkler heads Cross Mills has--as it was the general feeling that the number of sprinkler heads at Cross Mill would be somewhat representative of the number of sprinkler heads in other textile mills in the Marion area. (Reference: March 21, 1972, Minutes, page 254).

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GARBAGE COLLECTION ORDINANCE: Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the Board unanimously voted to adopt the following amendment to the Garbage Collection Ordinance:

Under Section Seven of the Garbage Collection Ordinance adopted September 9, 1964, delete "all places...accessible place," and add "Businesses are required to store their waste matter in either 30 gallon cans with handles and lids or the City prescribed metal bulk waste containers. The metal bulk containers are optional if a business has no more than three 30 gallon cans of waste daily. If the daily waste from any one business exceeds three 30 gallon cans, the business must purchase and maintain a prescribed bulk container. The size of the container and its location are to be prescribed by the City of Marion's Director of Public Works. No bulk containers will be emptied if the lids or doors are open and the City's sanitation crews will not be responsible for picking up waste around the bulk containers. If a business's waste exceeds the capacity of one bulk container the business must purchase an additional container. IF MORE THAN ONE PICK UP PER DAY IS REQUIRED A SERVICE CHARGE OF \$10.00 WILL BE LEVIED FOR EACH ADDITIONAL PICKUP. (Ref: March 7, 1972 Minutes, page 251). See City of Marion Ordinance Book, No. 0-72-4-4-1

CLEAR CREEK RAW WATER LINE--DONALD JENKINS: The City Manager stated that the Clear Creek raw water line crosses over property owned by Donald Jenkins, and he desires a water tap for a mobile home. The City Manager stated that although the City has an easement over Mr. Jenkins property, Mr. Jenkins in doing work on his property has taken careful measures to protect the line and he is now planning to add some fill dirt over the line in an area where the line is exposed. The City Manager recommended that the tap fee be reduced for this one requested service, as Mr. Jenkins is adding additional protection to the line. Upon a motion by Councilman Cross, seconded by Councilman Ledbetter, the Board unanimously voted to authorize Mr. Jenkins a water service tap to the raw water line for the standard meter service fee of \$200.00 less a \$100.00 credit for his services in adding greater protection to the City's line.

LIFE INSURANCE: Upon a motion by Councilman Wilkerson, seconded by Councilman James, the Board unanimously voted to increase the life insurance coverage of John Sullivan, Assistant Fire Chief, from \$2,000.00 to \$5,000.00 with the understanding that he is to pay his proportionate share of the premium.

METER SERVICE FEE FOR MULTI-METER SERVICES: The City Manager recommended the following service fees for multi-meter services:

Incorporated Area	Unincorporated Area
Single \$80.00	Single \$200.00
2 \$75.00 Each	2 \$180.00 Each
3-5 \$70.00 Each	3-5 \$160.00 Each
Over 5 \$65.00 Each	Over 5 \$140.00 Each

The above reduced fees apply for each grouping of meters. The single rate applies if meters are not grouped together. After some discussion it was decided to table this matter, however, the City Manager was asked to clarify the proposed ordinance so there would be no misunderstanding as to whom would be eligible for the reduced meter service fees.

NORTH CAROLINA LEAGUE OF MUNICIPALITIES: The City Manager stated that he has received a lot of correspondence on the league meeting that is to be held in Hickory on April 6, and he would like to encourage as many of the Board members as possible to attend this meeting.

FIRE DEPARTMENT--EMPLOYMENT OF A FOURTH FIREMAN: The City Manager stated that a fourth fireman was employed by the City on April 1, 1972.

GARBAGE COLLECTION--SAFETY: The City Manager stated that brightly colored safety belts have been procured for the garbage collectors and that they have been instructed to wear these belts on their routes. (Reference: March 21, 1972, Minutes, page 254).

TATE STREET--SIDEWALK: This item was tabled with the understanding that the Street Committee will look into this matter and make a report to the Board at the next regular meeting. (Reference: March 21, 1972, Minutes, page 254).

OFF-STREET PARKING--TAINTER PROPERTY: The City Manager reported that he has had several inquiries regarding the Tainter house, however, he has not received any bids as of this date.

There being no further business the meeting adjourned.

James H. Segars
Mayor
Julia H. DeLo
City Manager

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION

April 18, 1972

The City Council met in a regular scheduled Board meeting on April 18, 1972, at 7:30 p.m. in the Council Chamber. Board members present: Mayor James H. Segars, Councilmen A. Everette Clark, Oliver R. Cross, Robert E. James, William R. Ledbetter, and Horace Wilkerson. Others present: Victor H. Denton, City Manager, E. P. Dameron, City Attorney, Don Dillingham, newspaper reporter, Mrs. Steppe, Malcom Lewis, Dr. Dickson, and Theodore Brooks.

MINUTES OF THE APRIL 4, 1972, BOARD MEETING: Upon a motion by Councilman Wilkerson, seconded by Councilman Ledbetter, the Board unanimously voted to approve the April 4, 1972 Minutes.

TAXI SERVICE: Mrs. Steppe stated that she is dissolving her partnership in Lake City Cab. She continued by stating that two of her cars are being purchased by Grover Taylor and two by Malcom Lewis. After considerable discussion and upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the Board unanimously voted to authorize the granting of a temporary permit to Mr. Taylor and Mr. Lewis to operate under the name of Lake City Cab Company with the understanding that they may later have to re-apply for permits after the City adopts a new taxi cab ordinance. After the above individuals departed, the Board asked the City Manager and the City Attorney to work with the Mayor in drafting a new ordinance for consideration at the next Board meeting.

GARDEN STREET--SPEED LIMIT: Dr. Dickson and Theodore Brooks stated that there is a considerable amount of speeding on S. Garden Street. They requested that the Board give consideration to lowering and enforcing a speed limit on S. Garden Street. Dr. Dickson stated that his property at the corner of State Street and S. Garden Street is infested with dogs and cats and that he would appreciate it if the City would take some steps to correct this problem. He also stated that vehicles turn around and sometimes park in his driveway. Because of these annoying problems, he stated that he is requesting the City to install "No-Turning-Permitted" signs in the block on State Street in front of his dentist office. After Dr. Dickson and Mr. Brooks left, the Board, upon a motion by Councilman Ledbetter, voted to adopt and enforce a 25 mile per hour speed limit on S. Garden Street between State Street and Rutherfordton Road.

NORTH GARDEN STREET--SPEED LIMIT: Councilman Cross asked the City Manager if the new twenty mile-per-hour speed limit signs have been installed on North Garden Street. The City Manager stated that he would check on this matter and report back to the Board at the next meeting. (Reference: March 21, 1972 Minutes, Page 253).

NORTH GARDEN STREET--INFESTATION OF RATS: Upon a request from one of the City Council members the City Manager stated that he would re-treat the vacant lot at the intersection of N. Garden Street and Fleming Avenue.

FIRE DEPARTMENT-CITY-COUNTY FIRE SERVICE--FIRE APPARATUS: The City Manager stated that the following bids on the fire truck apparatus were opened at 5:00 p.m., Monday, April 17.

Equipment Co.	Unit With Side Compartments	Unit Without Side Compartments
Burgess	\$ 9647.00	
Carolina Fire Co.	9750.00	\$ 9500.00
Howe		10545.00
Jaco		12970.00
Ward La France		13928.00
Williams	12978.00	12178.00

Upon a motion by Councilman Cross, seconded by Councilman Ledbetter, the Board unanimously voted to accept the bid from Howe for \$10545.00 for a 1000 gallon tanker. (The apparatus is to be mounted on a 1972 GMC chassis). (Reference: January 18, 1972, Minutes, page 243).

TATE STREET: After discussing the sidewalk and drainage problems on Tate Street beyond Carson Street, the City Manager stated that he would check to see if the NC Highway Commission would make the necessary road modifications provided the City reconstructs the existing sidewalk at an elevation higher than Tate Street. (Reference: March 21, 1972, Minutes, page 254).

POST OFFICE--TRAFFIC CONGESTION: Upon a motion by Councilman Cross, seconded by Councilman Ledbetter, the Board unanimously voted to prohibit parking on the west side of South Main Street across from the Post Office. This no-parking zone is to extend from Crawford Street south along the west side of Main Street for 125 feet. (Reference: April 4, 1972, Minutes, page 256).

RUTHERFORDTON ROAD--WATERLINE: Upon a motion by Councilman Ledbetter, seconded by Councilman Wilkerson, the Board unanimously voted to permit the installation of a 6 inch waterline along Rutherfordton Road from the terminal point of the existing 6 inch line south to property owned by Mr. Ray Smith in the vicinity of Marion Equipment Company, provided the petitioner, Ray Smith, and the County Commissioners each pay one-third of the total project cost. The City would pay the remaining third. The City Manager was instructed to write Mr. Smith a letter stating that water service from this line would be limited to domestic uses and fire service needs and that any other use would require approval of the City Council. The City Manager was also instructed to inform Mr. Smith of the limitations of our sewer treatment on 221 South and to advise him that he should check to make sure that a 6 inch line would be adequate to supply the sprinkler system in the building that he is planning to construct. (Reference: March 21, 1972, Minutes, page 254).

SPRINKLER FEES: The City Manager was instructed to (1) inform the local industries outside the corporate limits but on the municipal water system that the City is considering adopting a monthly sprinkler head fee ordinance and (2) determine how many sprinkler heads each of the industries have. (Reference: April 4, 1972, Minutes, page 257).

METER SERVICE FEE FOR MULTI-METER SERVICES: Upon a motion by Councilman Cross, seconded by Councilman Ledbetter, the Board unanimously adopted the following multi-meter service fee ordinance. (Reference: April 4, 1972, Minutes, page 258).

Incorporated Area		Unincorporated Area	
Number of Meters	Fee	Number of Meters	Fee
1	\$80.00	1	\$200.00
2	75.00 Each	2	180.00 Each
3-5	70.00 Each	3-5	160.00 Each
Over 5	65.00 Each	Over 5	140.00 Each

The above reduced fees apply for each grouping of meters. The single rate applies if meters are not grouped together.

For the purpose of this ordinance meters shall be considered grouped when the meter box of each meter in a group either adjoins ^{or is} not more than six inches from the nearest adjoining meter box.

COMMITTEES: Mayor Segars made the following appointments to the City's standing committees: Street Committee: William R. Ledbetter, Oliver R. Cross, and Horace Wilkerson. Cemetery Committee: Robert James, Everette Clark. Recreation Committee: Everette Clark, Oliver R. Cross, Robert James. Firemen's Relief Fund: Horace Wilkerson, Bill Ledbetter.

TAX-LIEN SALE: Upon a motion by Councilman James, seconded by Councilman Cross, the Board unanimously voted to begin advertising the tax-lien sale on May 15 and conduct the tax-lien sale on June 12.

DISCOUNTS FOR PREPAID CITY TAXES: Upon a motion by Councilman Wilkerson, seconded by Councilman Ledbetter, the Board unanimously voted to adopt the following tax discount schedule: June, 2%, July, 1½%, August, 1%.

POLICE DEPARTMENT--FLOOR COVERING: Upon a motion by Councilman Cross, seconded by Councilman James, the Board unanimously voted to authorize an expenditure of approximately \$300.00 to carpet the floor in the communications area of the Police Department.

CARSON STREET--PARKING PROBLEM: Councilman Cross stated that an automobile is frequently parked across from the service station on Carson Street just beyond the Carson-East Court Street traffic signal. He stated that although the vehicle is parking in other than a no-parking zone, there is not sufficient room for two vehicles to safely pass. After some discussion, one of the Board members stated that he would talk with the party owning the car to see if she would be willing to park off-street on private property.

ISOTHERMAL PLANNING AND DEVELOPMENT COMMISSION: Upon a motion by Councilman Ledbetter, seconded by Councilman James, the Board tentatively approved allocating \$782.19 to the Isothermal Planning and Development Commission's budget for 1972-73--this amount being Marion's share of their total budget.

WESTERN CAROLINA TELEPHONE COMPANY: Councilman Wilkerson stated that he would like for the Board to consider taking a stand opposing the rate increase being requested by the Western Carolina Telephone Company. After some discussion, and upon a motion by Councilman Ledbetter, seconded by Councilman Wilkerson and Councilman Cross, the Board unanimously voted to authorize the City Manager to inform the North Carolina State Utilities Commission that the City of Marion is opposed to the rate increase being requested by Western Carolina Telephone Company.

SPONSORING OF BEAUTY CONTESTANT: The City Manager stated that a local beauty contestant has requested the Board to purchase a sponsoring ad in a school magazine. It was concluded that the City does not have the legal authority to spend public funds for such a purpose.

COURT SYSTEM: The City Manager stated that the County Commissioners have called a public meeting on April 27 and invited the judges, and solicitors to this meeting to discuss the problems relating to the failure of the Courts to prosecute or in some cases adequately prosecute the violators of laws. The City Manager stated that the County Board of Commissioners have invited the City Council to this meeting and have requested that we respond to their invitation. Mayors Segars stated that he has discussed this meeting with Mr. Bradley, Chairman of the County Commissioners, and that he is waiting for a return call from Mr. Bradley. No action was taken on the request from the County Commissioners.

CLEAN WATER BOND REFERENDUM: The City Manager stated that the Chamber of Commerce has a committee that is promoting the passage of the State Clean Water bond referendum. He stated that the City has purchased and plans to distribute three thousand brochures that provide information on the referendum.

SEWER SYSTEM IMPROVEMENTS--LOCAL BOND REFERENDUM: The City Manager stated that Mr. Dameron, City Attorney, plans to write Alex Brock, Director of Elections, to obtain the necessary approval to conduct a municipal referendum sometime this summer. (Reference: March 7, 1972, Minutes, page 252).

CHURCHES--WATER METER SERVICES: Upon a motion by Councilman Wilkerson, seconded by Councilman Ledbetter, the Board unanimously voted to (1) install meters on churches and church related facilities at no expense to the churches and related facilities, and (2) begin billing churches and church related facilities for their municipal water consumption.

CEMETERY--LIGHTING: Councilman James stated that he would like for the Board to consider installing some "street" lights in the cemetery. The City Manager stated he would try to determine the cost of installing these lights and report back to the Board at the next meeting.

OFF-STREET PARKING: Councilman Clark stated that the municipal parking lot behind his store is being abused by individuals on days when court is in session. After discussing this and related matters such as "bagging" meters for judges and officers of the Court, the City Manager stated that he would discuss this matter with the Police Chief and try to take some steps to eliminate some of the problems.

ANNEXATION: The City Manager stated that during the past week Cross Mill has obtained additional information from the City regarding annexation. He stated that to his knowledge no decision has been made by Cross Mill regarding annexation. (Reference: March 21, 1972, Minutes, page 255).

MUNICIPAL ELECTIONS 1973: The City Manager stated that he was informed at the League meeting in Hickory that starting in 1973, municipal elections are to be conducted in October or November rather than in May.

GLENN LAUGHRIDGE--DINNER MEETING: The City Manager stated that the Marion firemen will be presenting an award to Glenn Laughridge for his service to the Department some time in the near future. He stated that it would be his suggestion that we defer any sort of recognition dinner until after he officially retires in August. The City Manager stated that at that time it might be desirable to have a joint dinner for Glenn Laughridge and Raymond Bledsoe, another employee that will be retiring this summer. (Reference: March 21, 1972, Minutes, page 255).

NC HIGHWAY COMMISSION--SECONDARY ROADS WITHIN THE CORPORATE LIMITS: Prior to the Board meeting the City Manager distributed to each of the Board members a copy of the attached letter from Mr. F. L. Hutchison, Division Engineer, NC Highway Commission. (Reference: April 4, 1972, Minutes, page 256).

BULK TRASH CONTAINERS: The City Manager stated that several bulk trash containers have been purchased by the merchants in the last two weeks. He stated that the container program is being accepted unusually well by the merchants. (Reference: April 4, 1972, Minutes, page 258).

1963 GMC PACKER TRUCK AND 1962 BACKHOE--SELLING: The City Manager reported that the 1963 GMC barrel packer was sold for \$606.06, and the 1962 Ford backhoe for \$1501.00.

There being no further business the meeting adjourned.

James H. Segars
Mayor

Glenn Laughridge
City Manager

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION

May 2, 1972

The Marion City Council met in a regularly scheduled Board meeting on May 2, 1972, at 7:30 p.m., in the City Council Chamber. Board members present: Mayor James H. Segars, Councilmen A. Everette Clark, Oliver R. Cross, Robert E. James, William R. Ledbetter, and Horace Wilkerson. Others present: Victor H. Denton, City Manager, E. P. Dameron, City Attorney, Don Dillingham, newspaper reporter.

MINUTES OF THE APRIL 18, 1972, BOARD MEETING: Upon a motion by Councilman Wilkerson, seconded by Councilman Ledbetter, the Board unanimously voted to approve the April 18, 1972 minutes.

CLEAN WATER BOND REFERENDUM: Upon a motion by Councilman Cross, seconded by Councilman Ledbetter, the Board unanimously voted to adopt the following resolution:

WHEREAS, on May 6, 1972, the citizens of this community, as well as all North Carolinians, will have the opportunity to approve the issuance of \$150 million in bonds to provide State matching grants to assist local governments in constructing and improving water pollution control and water supply systems to provide adequate, clean water for this State; and

WHEREAS, the City of Marion will be eligible for approximately 80 percent State and Federal grants for water and sewer projects, if the votes approve these bonds; and

WHEREAS, these grants from the bond funds will materially reduce our local share of the cost for constructing and improving the City water and sanitary sewer systems without requiring an increase in State or local taxes; and

WHEREAS, this City and its citizens can make a tangible contribution to the cause of clean water and a better environment in North Carolina if they approve these Clean Water Bonds on May 6;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marion, this, the 2 day of May, 1972, that the City Council does hereby enthusiastically endorse and support the \$150 million Clean Water Bond Issue and urges all citizens to vote "FOR" the Clean Water Bonds on May 6, 1972.

The Board also authorized the City Manager to write a letter to the Marion residents encouraging them to vote for the Clean Water Bond proposal and to have the garbage men distribute the letter along with a brochure to each dwelling along their routes.

TATE STREET: The City Manager reported that the District Highway Engineer is in the process of preparing a proposal to correct the drainage problem on Tate Street. He stated that the District Engineer indicated that he will be glad to make a presentation to the Board when he completes his study. (Reference: April 18, 1972 Minutes, page 260).

CARSON STREET--PARKING PROBLEM: No action was taken on this matter as it was generally decided that an effort should be made to encourage either the property owner to provide off-street parking, or that the resident of the property in question should park in a private parking lot across the street from the dwelling.

TAXI CAB ORDINANCE: The City Manager was requested to compile a proposed up-to-date taxi cab ordinance to be presented at the next Board meeting. (Reference: April 18, 1972 Minutes, page 259).

OFF-STREET PARKING--TAINTER PROPERTY: The City Manager stated that the closing date for accepting bids on the Tainter house has passed and that no bids were received. The City Manager was asked to explore the possibility of obtaining someone to remove the house for the material in it. (Reference: March 21, 1972 Minutes, page 253).

CITY PROPERTY--BLUE RIDGE STREET: The City Manager reported that we have received no bids on the Blue Ridge Street property. No action was taken on this matter. (Reference: March 21, 1972 Minutes, page 254).

SPRINKLER FEES: Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the Board unanimously voted to table the sprinkler fee proposal and to terminate the monthly sprinkler fee for Air Preheater. (Reference: April 18, 1972 Minutes, page 260).

CEMETERY--LIGHTING: The City Manager stated that he requested officials of Duke Power to develop a lighting proposal for the Cemetery. He stated that as of this date, he has not received the proposal. (Reference: April 18, 1972 Minutes, page 261).

PHYSICAL EXAMINATIONS FOR NEW EMPLOYEES: The City Manager stated that the insurance company that has the City's workmen's comprehensive coverage (North American) has requested that all future City employees be given physical examinations. The City Manager stated that Doctor Hagna and Doctor Rowe have volunteered to administer the examinations for a fee of \$7.00 per exam. The Board unanimously agreed to authorize the City Manager to require all new employees to have physical examinations.

WATER SERVICE DISTRIBUTION--UP GRADING: The City Manager stated that the Stumptown area of Marion is served by private waterlines and for the most part the service is inadequate because of the large number of people that are on small lines. He stated that over the last few years we have up-graded the City's water system in most of the urban areas except for Stumptown. He further stated that he would like for the Board to consider the feasibility of putting some yet to be determined amount of money in the 1972-73 budget to begin up-grading the water service in this area. He also stated that there is a need to tie the 6 inch water line on upper Valley Street into the 6 inch water line on lower Valley Street and to construct a line on Oak Street from Gilkey Street east to the corporate limits line. Councilman Wilkerson and other Board members expressed the feeling that they would like for funds to be annually designated in the budget for up-grading the water system. The City Manager was authorized to install the 6 inch line on Oak Street and to annually set funds aside in the Budget for up-grading the water distribution system.

CITY-COUNTY FIRE SERVICE: The City Manager stated that he was contacted by the County Manager to see if the City would accept the same allocation of funds for providing fire service outside the corporate limits as for last year, (\$16,960.00). The Board members expressed the general feeling that the City would be willing to continue providing fire service in the out-lying areas and continue working toward a fire district around Marion if the County would allocate to the City in 1972-73, the same amount that was paid to the City in 1971-72. (Reference: August 3, 1971, Minutes, page 224).

AUDITOR; AWARDING CONTRACT: Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the Board unanimously voted to award the auditing contract for the fiscal year of 1971-72 to Calder, Crawley, and Company.

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COURT SYSTEM: The City Manager stated that representatives of the Institute of Government will be participating in a meeting on Wednesday, May 3, 1972, at 7:30 p.m., in the Court House, to discuss the North Carolina Court system. He stated that the County Commissioners have invited the City Council and the Law and Order Committee of the Chamber of Commerce to participate with them in this meeting.

HENREDON FURNITURE COMPANY: The City Manager stated that there will be a luncheon on Wednesday, May 3, at 12:00 noon, at the Pilot House with Mr. John Collett, President, and Mr. Donnell Van Noppen, one of the founders of the Henredon Furniture Company. (Reference: March 21, Minutes, page 255).

GARDEN CREEK ROAD WATER LINE: The City Manager stated that he was recently informed by the County Manager that it appears that the residents on Garden Creek Road will soon be presenting their share on the cost of a proposed water line down Garden Creek Road to the County Commissioners. The City Manager stated that if they follow through with this, we will need to allocate approximately \$5000.00 in next year's budget to this project. (Reference: March 21, 1972, Minutes, page 255).

GARDEN STREET--SPEED LIMIT: The City Manager stated that he has ordered speed limit signs for Garden Street. He stated that these signs will be installed as soon as they arrive. (Reference: April 18, 1972, Minutes page 259).

WESTERN CAROLINA TELEPHONE COMPANY: The City Manager stated that he wrote the North Carolina Utilities Commission informing them of the City's opposition to the proposed rate increase. He stated that he has received a reply from the Commission acknowledging our letter. (Reference: April 18, 1972, Minutes, page 261).

CEMETERY--DONATION ON MAINTENANCE: The City Manager stated that Mrs. Lloyd, a sister of Mamie Tainter, recently made a donation of \$100.00 toward the maintenance of Oak Grove Cemetery.

TRAFFIC SIGNALS: The City Manager stated that a North Carolina Highway Commission Traffic Engineer has found and corrected the problem that was causing the malfunction in our traffic signals. (Reference: March 21, 1972, Minutes, page 255).

COMMUNITY BUILDING--PAINTING TRIM ON FRONT OF BUILDING: The City Manager stated that he is painting the trim in front of the Community Building a light green and the doors a bright orange, upon recommendation from a Glidden paint decorator in Asheville.

WATER METER SERVICE COSTS: The City Manager distributed to each of the Board members prior to the meeting a copy of fee schedules for water service.

POLICE--COMPENSATORY TIME: The City Manager stated that in order to cut down on the amount of vacation time over and above 12 days that is frequently earned by the policemen, he has requested that the Police Department (1) reduce the work force on holidays--when feasible, and (2) require his approval for all over time work. He stated that rather than permitting the policemen to take overtime work as vacation, they will be paid for their overtime work in their first pay check following the date of their earned overtime.

BURGLER ALARMS: The City Manager stated that the Police Department has had a few requests from residents asking that the Police Department monitor silent alarms in homes. After some discussion, the City Manager was requested to inquire how other cities are handling this matter and report back at the next meeting.

There being no further business the meeting adjourned.

[Signature]
City Manager

[Signature]
Mayor

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION

May 16, 1972

The Marion City Council met in a regularly scheduled Board meeting on May 16, 1972, at 7:30 p.m. in the City Council Chamber. Board members present: Mayor James H. Segars, Councilmen A. Everette Clark, Oliver R. Cross, Robert E. James, William R. Ledbetter, and Horace Wilkerson. Others present: Victor H. Denton, City Manager, E. P. Dameron, City Attorney, Don Dillingham, newspaper reporter, and Gene Fowler, newspaper publisher.

MINUTES OF THE MAY 2, 1972 BOARD MEETING: Upon a motion by Councilman Cross, seconded by Councilman Ledbetter, the Board unanimously voted to approve the May 2, 1972 Minutes.

CROSS COTTON MILLS--ANNEXATION: The City Manager stated that he has received the attached annexation petitions.

CERTIFICATE OF SUFFICIENCY

I, Victor H. Denton, City Clerk, do hereby certify that the attached petitions have been investigated by me and found as a fact that said petitions are signed by all owners of real properties lying in the areas described therein in accordance with G. S. 160-452 as amended.

In witness thereof I have hereunto set my hand and affixed my seal of the City of Marion this the 16 day of May, 1972.

[Signature]
City Clerk

Upon a motion by Councilman Ledbetter, seconded by Councilman Wilkerson, the Board unanimously voted to accept the Certification of Sufficiency from the City Manager, and to adopt the following resolution affixing the date of public hearing on the question of annexation pursuant to G. S. 160-452 as amended.

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160-452, AS AMENDED

Whereas, petitions requesting annexation of the area described herein have been received, and

Whereas, certification by the City Clerk as to the sufficiency of said petitions have been made, now therefore

Be it resolved by the City Council of the City of Marion, North Carolina.

Section 1. That a public hearing on the question of annexation of the area described herein will be held in the City Council Chamber at 7:30 p.m., on the 6 day of June, 1972.

Section 2. The area proposed for annexation is described as follows:

Section 3. Legal notice of said public hearing shall be published once in the McDowell News, a newspaper having general circulation in the City of Marion, at least ten (10) days prior to the date of said public hearing.

ATTEST:

[Signature]
Clerk

[Signature]
Mayor

(Reference: April 18, 1972 Minutes, page 261).

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DOG PROBLEM: The City Manager stated that Dr. Dickson recently stopped by his office to again express his annoyance with the dogs that are leaving droppings in his yard. The City Manager stated that he informed Dr. Dickson that the County has a dog catcher and that if he would call the City Manager when the dogs are in his yard, he would gladly get in touch with the dog catcher. No further action was taken on this matter.

BURGLAR ALARMS: The City Manager stated that the Police Department has surveyed four or five cities to see what their policies are relating to the monitoring of burglar alarm devices for residential dwellings. He stated that because of the sizable monthly expense of these alarms most cities have very few and have no particular policies relating to installing and monitoring the devices. After some discussion the City Manager was requested to check with the NC League of Municipalities to see if they have any information or recommendations that cities should follow in monitoring such alarms. (Reference: May 2, 1972 Minutes, page 264).

SEWER IMPROVEMENTS: After considerable discussion relating to the recent Chamber of Commerce Environmental Committee's negative action on our sewer plant proposal, it was decided that the City should have a meeting with the Board of Directors of the Chamber of Commerce as soon as possible to seek their endorsement of the project. It was tentatively decided that the meeting should be held on Tuesday, May 23, at 7:30 p.m. in the fire room and that invitations should be extended to the Board of Directors of the Chamber of Commerce, the Environmental Committee, the City's Consulting Engineer, and the regional representative for the State Office of Air and Water Resources.

SOUTH McDOWELL--NO PARKING: The City Manager was requested to paint the curb yellow on the west side of South McDowell Avenue for a distance of 15 feet back from the intersection of South McDowell and State Street. It was decided that the Street Committee should inspect this intersection prior to the next meeting to determine if the no-parking area needs to be expanded beyond 15 feet.

PETROLEUM BIDS: Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the Board unanimously voted to authorize the City Manager to advertise for petroleum bids.

NEIGHBORHOOD YOUTH CORPS: Upon a motion by Councilman Cross, seconded by Councilman James, the Board unanimously voted to authorize the City Manager to request 5 Neighborhood Youth Corps workers for summer employment with the understanding that these individuals would work 26 hours a week for nine weeks at no cost to the City of Marion. (Reference: May 24, 1971, page 206).

POLICE DEPARTMENT: The City Manager stated that the Law Enforcement Committee of the Chamber of Commerce has requested a meeting with the Police Chief and the City Manager. He stated that the Committee will probably make recommendations for improving the Department. After some discussion it was decided to ask the Committee to hold up on this meeting until we can resolve the sewer improvement matter with the Environmental Committee.

STREET LIGHT REQUEST: Upon a motion by Councilman Wilkerson, seconded by Councilman Ledbetter, the Board unanimously voted to install a street light at the west end of Wayne Street.

BUSINESS LICENSE FOR SERVICE STATIONS: The City Manager stated that the fee schedule for service stations is not clearly stated in the business license manual. After some discussion the City Manager was requested to write the NCIM to obtain their interpretation as to the license fee for service stations.

PARKING COMMISSION: The Board authorized the City Manager to allocate \$3000.00 in next year's budget to the Parking Commission. This money is to be used as matching money for making off-street parking improvements. It is understood that if the merchants will contribute \$3000.00 to this fund, and the downtown landlords \$3000.00, the City will contribute \$3000.00--or any proportionate amount up to \$3000.00. Upon a motion by Councilman Ledbetter, seconded by Councilman James, the Board unanimously voted to allocate \$3000.00 in next year's budget to the Parking Commission. (Reference: July 20, 1971, page 216).

PARKING FOR COURT OFFICIALS: Upon a motion by Councilman Wilkerson, seconded by Councilman James, the Board unanimously voted to have the City Manager write the County asking them to provide off-street parking for Court officials, and to offer the City's assistance in equipment and manpower to develop an off-street parking area for these officials. (Reference: April 18, 1972 Minutes, page 261).

FIRE DISTRICT: The City Manager stated that he has been advised by the NCIM that the new fire district cannot be named the Marion Area Fire District because of the name similarity to the Marion Fire Department. The City Manager stated that a request has been made to call it the M. A. Fire District. (Reference: February 8, 1972, Minutes, page 244).

PARADE, PICKET, AND GROUP DEMONSTRATION ORDINANCE: Upon a motion by Councilman Cross, seconded by Councilman James, the Board unanimously voted to adopt the following parade ordinance:

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

Section 1. DEFINITIONS. For the purpose of this ordinance, the following terms shall have the definitions ascribed:

- (a) "block" is that portion of any street lying between its intersections with other streets.
- (b) "parade" is any parade, march, ceremony, show, exhibition or procession of any kind in or upon the public streets, sidewalks, alleys, parks or other public grounds or places.
- (c) "person" is any person, firm, corporation, partnership, association, or other organization, whether formal or informal.
- (d) "picket line" is any two or more persons formed together for the purpose of making known any position or promotion of such persons, or of or on behalf of any organization or class of persons.
- (e) "group demonstration" is any assembly together or concert of action between or among two or more persons for the purpose of protesting any matter or of making known any position or promotion of such persons, or of or on behalf of any organization or class of persons, or for the purpose of attracting attention to such assembly.

Section 2. PERMIT REQUIRED. It shall be unlawful for any person to organize, conduct or participate in any parade, picket line or group demonstration in or upon any street, sidewalk, alley, or other public place within the City unless a permit therefor has been issued by the City in accordance with the provisions of this ordinance.

Section 3. REQUIREMENTS AND ISSUANCE OF PERMITS. The City Manager or his designee is authorized to issue permits as required in the preceding section, and in the issuance thereof he shall:

- (a) require a written application for permit to be filed not less than twelve (12) hours in advance of such parade, picket line, or group demonstration. Such application shall be on a form prescribed by the City Manager, shall require the application to be signed by the applicant or applicants, shall require that the applicant show the proposed time, place, purpose and size of such parade, picket line or group demonstration.
- (b) refuse to issue such permit when the activity or purpose stated in the application would violate any ordinance of the City or statute of the State, or when the activity or purpose would constitute a clear and present danger to the public health or safety or would hinder or prevent the orderly movement of pedestrian or vehicular traffic on the streets, alleys, or sidewalks;
- (c) require that the application for a permit shall specify and the permit shall designate the person or persons in charge of the activity. Such person shall be required to accompany the parade, picket line, or group demonstration and shall carry such permit with him at that time. Such permit shall not be valid in the possession of any other person;

CCG002

- (d) the permit may set the starting time, duration, speed of travel, and space between persons or vehicles in the parade, picket line, or group demonstration, may prescribe the portions or areas of streets, alleys, sidewalks, or other public places to be used; and may impose such other reasonable requirements as the City Manager may prescribe for the control and free movement of pedestrian or vehicular traffic, or for the health, safety and property rights of the participants and the general public.

- (e) among other considerations, consider and find as a requisite to issuance the following:

- (1) the activity will not require excessive diversion of police from other necessary duties;
- (2) the activity will not interfere with the right of property owners in the area to enjoy peaceful and lawful occupancy and use of their property;
- (3) the activity can be conducted without unreasonable interference with normal pedestrian or vehicular traffic in the area, and will not prevent normal police and fire protection to the public, and will not be likely to cause injury to persons or property or to provoke disorderly conduct or to create a public disturbance.

Section 4. CERTAIN ACTIVITIES PROHIBITED. The following acts or activities, when performed or undertaken in conjunction with or as a part of, any parade, picket line, or group demonstration, are hereby prohibited and declared unlawful:

- (a) the carrying on or about the person any firearm, or any weapon or article, including but not limited to blackjacks, nightsticks, or flashlights, which by their use might constitute a deadly weapon;
- (b) the taking or keeping of any dog or other vicious animal, whether leashed or unleashed.

Section 5. REVOCATION OF PERMIT. The City Manager shall revoke any permit granted for a parade, picket line, or group demonstration for any of the following causes:

- (a) the violation by any participant of Section 4 of this ordinance;
- (b) the failure to comply with the terms and conditions of the permit;

Section 6. INTERFERENCE PROHIBITED. No person shall hamper, obstruct, impede, or interfere with any parade, picket line, or group demonstration being conducted under authority of a permit duly issued by the City Manager.

Section 7. ADDITIONAL REGULATIONS APPLICABLE TO PICKETING. Picket lines and picketing shall be subject to the following additional regulations:

- (a) picketing may be conducted only on the sidewalks reserved for pedestrian movement, and may not be conducted on the portion of a street used primarily for vehicular traffic;
- (b) not more than ten (10) pickets promoting the same objective shall be permitted to use either of the two sidewalks within a single block at any one time;
- (c) pickets may carry written or printed placards or signs not exceeding two (2) feet in width and two (2) feet in length promoting the objective for which the picketing is done; provided, the words used are not derogatory or defamatory in nature;
- (d) pickets must march in single file and not abreast and not march closer together than fifteen (15) feet, except in passing one another. Pickets shall not be allowed to walk more than five (5) feet from curb line and shall be in continuous motion.
- (e) if pickets promoting different objectives desire to use the same sidewalk for picketing and such use would result in the presence of more than ten (10) pickets thereon, the City Manager shall allot time to each group of pickets for the use of such sidewalk on an equitable basis.

Section 8. EXCEPTIONS. The provisions of this ordinance shall not apply to:

- (a) funeral processions;
- (b) students going to or from school classes or participating in educational or recreational activity where such activity is under the supervision and direction of proper school authorities;
- (c) any governmental agency acting within the scope of its functions.

Section 9. PENALTY. The violation of any provision of this ordinance shall constitute a misdemeanor, punishable upon conviction by a fine not exceeding fifty dollars (\$50) or imprisonment not exceeding thirty (30) days, as provided in G. S. 14-4.

Effective Date: This Ordinance shall become effective on this, the 16th day of May, 1972.

See City of Marion Ordinance Book, No. 0-72-16-5-1

FLEMING AND GARDEN STREETS--WEEDS: The Board requested the City Manager to ask the property owners of the vacant lot at Garden and Fleming to cut their weeds as they are obstructing the visibility at this intersection.

POST OFFICE--MAIL DROP BOX: Some of the Board members asked if the Post Office officials have taken any steps toward relocating the mail drop box that is now in front of the Post Office. The City Manager stated that the drop box has not been moved. It was decided to defer action on this matter until the next regular Board meeting. (Reference: May 24, 1971 Minutes, page 206).

HOSPITAL--HOSPITAL ZONE SIGNS: After some discussion the City Manager was requested to order four (4) hospital zone signs to be installed on the streets in the vicinity of the hospital.

OFF-STREET PARKING ENFORCEMENT: The City Manager stated that he recently asked the legal consultant of the NCLM if the City has legal authority to enforce parking laws on off-street parking lots. He stated that the League advised him that cities do have legal authority to enforce parking laws on off-street parking lots. (See letter in City Manager's file).

GARDEN CREEK WATER LINE: The City Manager stated that he has been advised by some of the people interested in the Garden Creek water line that they have raised approximately \$4500.00 of the needed \$6000.00 for the proposed line. The City Manager stated that since this sum has already been raised, consideration will need to be given to allocating necessary funds in next year's budget to meet our one-third share of the cost of this project. (Reference: May 2, 1972 Minutes, page 264).

U. S. 221 SOUTH WATER LINE: The City Manager stated that he has been advised by the County that they are putting this project in their budget for the coming year. He stated that it will probably be necessary for the City to make an allocation toward this project in next year's budget. (Reference: April 18, 1972 Minutes, page 260).

BYPASS: The attached letter was distributed to the Board prior to the meeting.

TAINTER PROPERTY: The City Manager stated that no one has expressed interest in removing the Tainter house. He stated that if any of the Board members knew anyone that might be interested in removing the house for the materials he would welcome the opportunity to talk with them. (Reference: May 2, 1972 Minutes, page 263).

TAXI CAB ORDINANCE: The City Manager stated that he is still working on this ordinance and will need additional time to get it in a form to be considered by the Board. (Reference: May 2, 1972 Minutes, page 263).

CEMETERY--LIGHTING: The City Manager stated that he is still waiting on the requested lighting study from Duke Power officials. (Reference: May 2, 1972, Minutes, page 263).

TATE STREET: The City Manager stated that he is still waiting on the report from the District Traffic Engineer on this matter. (Reference: May 2, 1972, Minutes, page 263).

There being no further business the meeting adjourned.

[Signature]
Mayor

[Signature]
City Manager

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June 6, 1972

The Marion City Council met in a regularly scheduled Board meeting on June 6, 1972, at 7:30 p.m., in the City Council Chamber. Board members present: Mayor James H. Segars, Councilmen A. Everette Clark, Robert E. James, William R. Ledbetter, and Horace Wilkerson. Member absent: Oliver R. Cross. Others present: Victor H. Denton, City Manager, E. P. Dameron, City Attorney, Don Dillingham, newspaper reporter, and C. D. Blanton.

MINUTES OF THE MAY 16, 1972 BOARD MEETING: Upon a motion by Councilman Ledbetter, seconded by Councilman Wilkerson, the Board unanimously voted to approve the May 16, 1972 Minutes.

OFF-STREET PARKING--C. D. BLANTON PROPERTY ON WEST HENDERSON STREET: Mr. Blanton stated that he was coming before the Board to determine the Board's current feeling about his lot on West Henderson Street that has a brick structure on it housing the County office of the North Carolina Department of Social Services. Mr. Blanton stated that it appears that the Department of Social Services will continue to use the building for an unknown amount of time. He stated that when he appeared before the Board in 1969 he indicated that he would be willing to lease the lot for \$300.00 per month. Mr. Blanton stated that due to increased taxes and other increased costs, he will now have to charge \$325.00 per month for the property. He stated that he desires a ten-year lease on the property, however, if for some reason the property were to be sold during the ten year period the City's investment in the property would be pro-rated back. He stated that he wants to reserve ten to twenty parking spaces for occupants using his buildings. Mr. Blanton estimated that there would be 75 spaces when the structure is removed. He indicated that with the structure on the lot 60 spaces are now being provided. Mr. Blanton stated that he would like to see the City meter this lot if the City decides to lease the property. Mr. Blanton requested no action from the Board and none was taken. (Reference: October 7, 1969 Minutes, page 112).

"RED" WALKER--DEVELOPMENT OF PROPERTY: The City Manager stated that Mr. Walker had asked to appear before the Board this evening in order to discuss the development of some property that he is considering purchasing. However, this afternoon, he notified the City Manager that he would like to defer meeting with the Board until our next meeting.

ANNEXATION, CROSS COTTON MILL--PUBLIC HEARING: A public hearing was held on annexing the Cross Cotton Mill area. No interested parties were present. Upon a motion by Councilman Ledbetter, seconded by Councilman Wilkerson, the Board unanimously voted to adopt the following ordinance:

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF MARION, NORTH CAROLINA

Whereas, the City Council has been petitioned under G. S. 160-452, as amended, to annex the area described herein, and

Whereas, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held in Marion City Hall Council Chamber at 7:30 p.m., on the 6 day of June, 1972, after due notice by publication on the 26 day of May, 1972, and

Whereas, the City Council does hereby find as a fact that said petition meets the requirements of G. S. 160-452, as amended; now therefore

Be it ordained by the City Council of the City of Marion, North Carolina:

Section 1. By virtue of the authority granted by G. S. 160-452, as amended, the following described territory is hereby annexed and made part of the City of Marion as of the 30 day of June, 1972.

* See attached two page description

Section 2. Upon and after the 30 day of June, 1972, 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 levied for the fiscal year beginning July 1, 1972.

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 hereof, together with a duly certified copy of this ordinance.

Section 4. This ordinance shall be published once, following the effective date of annexation, in a newspaper having general circulation in the City of Marion.

Adopted this 6 day of June, 1972.

ATTEST:

Clerk

APPROVED AS TO FORM:

Attorney

(Reference: May 16, 1972 Minutes, page 265).

0-72-6-6-1

ANNEXATION--TATE STREET PROPERTIES: The City Manager stated that he has received annexation petitions from four property owners in the vicinity of Tate Street, Pinnacle Street, and Cross Street. He stated that these petitions had just been turned in and that he would try to get them checked out and have a report for the Board at the next meeting.

TATE STREET: After a presentation by the City Manager the Board authorized the City Manager to repair and reconstruct as necessary the sidewalk on Tate Street between Carson Street and Elizabeth Drive. The Board requested the work to be undertaken some time this summer. (Reference: May 16, 1972, Minutes, page 265).

CEMETERY--LIGHTING: The City Manager presented to the Board a Cemetery lighting plan that was developed by representatives of Duke Power. The proposal calls for 12 lights to be located in the interior part of the cemetery. Each light would cost \$4.69 per month for a total monthly cost of \$56.28. After a discussion centering around the questionable need for lighting the cemetery, the Board decided to take no further action on this matter. (Reference: April 18, 1972, Minutes, page 261).

FUNERALS--TRAFFIC CONTROL: Councilman Wilkerson stated that he has received complaints over the weekend about the level of police traffic control for funerals passing through the downtown area. The City Manager stated that he was somewhat familiar with the incident that occurred with the funeral on Sunday. He stated that he thought part of the problem related to the fact that we generally have a reduced number of policemen on duty on Sunday and that consequently the level of traffic control for Sunday funerals is less than through the week. The City Manager stated that he would discuss this matter with Chief of Police to see if the Rescue Squad could assist the City Police with Sunday funerals.

BUSINESS LICENSE FOR SERVICE STATIONS: Upon a motion by Councilman Wilkerson, seconded by Councilman James, the Board unanimously voted to charge an annual business license fee of \$3.75 for service stations. (Reference: May 16, 1972 Minutes, page 266).

0-72-6-6-3

BUSINESS LICENSE FOR SECURITY PATROL AGENCIES: Upon a motion by Councilman James, seconded by Councilman Wilkerson, the Board unanimously voted to establish a \$15.00 annual business license fee for agencies providing security patrol services.

0-72-6-6-2

BURGLAR ALARMS: The City Manager stated that we have at this time no requests for monitoring residential burglar alarms. He stated that the noise sensor type of alarms are generally proving unsatisfactory for residential dwellings and that the trend is toward telephone alarms. He stated that it was his understanding that the cost of a telephone alarm system is about the same or a little less than a noise sensor alarm system and that because of its advantages, is very probable that individuals desiring burglar alarms will utilize a telephone alarm system. (Reference: May 16, 1972, Minutes, page 266).

TAINTER HOUSE: Upon a motion by Councilman Wilkerson, seconded by Councilman Ledbetter, the Board unanimously voted to authorize Boyd Contractors and Materials to remove the Tainter house and garage for a fee not to exceed \$1000 provided the house and garage can be removed by July 1, 1972. (Reference: May 16, 1972, Minutes, page 269).

SOUTH McDOWELL STREET--ESTABLISHMENT OF A NO-PARKING ZONE: Upon a motion by Councilman Ledbetter, seconded by Councilman James, the Board unanimously voted to establish a no-parking zone on South McDowell Street at the intersection of State Street. The no-parking zone is to extend from State Street north along the east and west curbs of South McDowell for a distance of 25 feet. (Reference: May 16, 1972, Minutes, page 266).

POLICE DEPARTMENT--MEETING WITH THE LAW ENFORCEMENT COMMITTEE OF THE CHAMBER OF COMMERCE: The Board granted the City Manager and the Chief of Police permission to meet with the Law Enforcement Committee of the Chamber of Commerce. (Reference: May 16, 1972, Minutes, page 266).

TAXI-CAB ORDINANCE: The City Manager distributed to the Board copies of the preliminary draft of a proposed taxi-cab ordinance. It was decided that because of the length of the ordinance the Board members should read through it and be prepared to discuss the contents of the ordinance at the next Board meeting. (Reference: May 2, 1972, Minutes, page 263).

TAXI SERVICE: Upon a motion by Councilman Ledbetter, seconded by Councilman James, the Board unanimously voted to authorize Grover Taylor to add a third vehicle to his taxi business operating under the name of Lake City Cab and being operated from a cab stand adjacent to Eckenrodt Studios on East Court Street. (Reference: April 18, 1972, Minutes, page 259).

PARKING FOR COURT OFFICIALS: The City Manager stated that he sent a letter to the County Manager stating the Board's request for the Commissioner's to provide off-street parking for the Court officials. He stated that he has received a reply from the County Manager indicating that a copy of our letter has been forwarded to each of the County Commissioners and the County Attorney. Mayor Segars reported that it was his understanding that the Commissioners are setting aside space for the Court officials. It was decided that we should continue to bag meters for Court officials until this Court session is terminated. (Reference: May 16, 1972, Minutes, page 266).

JOINT CITY COUNCIL-CITY PLANNING BOARD MEETING: It was agreed by the Board that we should have a joint evening dinner meeting with the Marion City Planning Board on Tuesday, June 13.

TRAIN SPEEDS THROUGH MARION: Upon a motion by Councilman James, seconded by Councilman Wilkerson, the Board unanimously voted to authorize the City Attorney, E. P. Dameron, to draft an ordinance limiting the speed of trains to 35 miles-per-hour through Marion.

GLENVIEW STREET-SPEED LIMIT: Upon a motion by Councilman Ledbetter, seconded by Councilman Wilkerson, the Board unanimously voted to establish a speed limit of 25 miles-per-hour on Glenview Street and requested the City Manager to install 25 mile-per-hour speed limit signs on this street.

POLICE DEPARTMENT--TAPE RECORDER: Upon a motion by Councilman Ledbetter, seconded by Councilman Wilkerson, the Board unanimously voted to authorize the City Manager to purchase a tape recorder through the Region "C" Criminal Justice Planning Agency for a local cost not to exceed approximately \$2400. The total cost of the recorder is approximately \$11,000. The Board requested the City Manager to see if it would be possible to provide in kind monies for part if not all of the \$2400.

1972-73 PROPOSED BUDGET: The Board set a luncheon meeting for Tuesday, June 13, to review the proposed 1972-73 budget.

BYPASS: The Board instructed the City Manager to invite a representative of the NC Highway Commission to meet with them on July 18, 1972, to discuss the proposed Marion bypass. (Reference: May 16, 1972, Minutes, page 269).

FIRE DEPARTMENT--DELIVERY OF FIRE TANKER CHASSIS: The City Manager reported that the GMC chassis for the water tanker has arrived and that Chief Edwards will be taking it to the Howe factory in Roanoke, VA within the next few days. (Reference: March 7, 1972, Minutes, page 250).

GARDEN STREET--SPEED LIMIT SIGNS: The City Manager reported that speed limit signs are being installed on North and South Garden Streets. (Reference: April 18, 1972, Minutes, page 259).

HOSPITAL ZONE SIGNS: The City Manager reported that the hospital zone signs have been ordered. (Reference: May 16, 1972, Minutes, page 269).

SEWER BOND REFERENDUM: The City Manager reported that the NC Local Government Commission has verbally "tentatively" approved our proposed bond referendum. He stated that they recommended that we have our City Attorney contact our bonding attorneys in New York. The City Manager stated that before this could be done, our engineers will need to compile some additional information on the project.

WATERLINE--OLD #10 PROJECT: The City Manager reported that the 10" waterline has been installed from Tate Street to Hilltop Drive. He stated that approximately one-third of the project is completed.

FIRE DEPARTMENT--TRAINING FOR VOLUNTEER FIREMEN: The City Manager reported that six volunteer firemen recently completed a week of intensive schooling in Asheville. He stated that some of the volunteers took their vacations to attend this schooling.

POST OFFICE: The City Manager reported that Robert Rowe, Marion Postmaster, informed him that he plans to move the drop box from the front of the Post Office to Garden Street sometime later this week, and that he hopes to have the front driveway improvements completed this month. (Reference: April 4, 1972, Minutes, page 256).

POLICE DEPARTMENT--COMMUNICATIONS: The City Manager reported that the new radio equipment is being installed in the police cars and that the tower on reservoir hill will be installed next week. (Reference: January 4, 1972, Minutes, page 241).

There being no further business, the meeting adjourned.

James H. Segars
Mayor

Robert Rowe
City Manager

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

June 20, 1972

The Marion City Council met in a regularly scheduled Board meeting on June 20, 1972, at 7:30 p.m. in the City Council Chamber. Board members present: Mayor protem William R. Ledbetter, Councilmen A. Everette Clark, Robert E. James, Oliver R. Cross, and Horace Wilkerson. Member absent: James H. Segars, Mayor. Others present: Victor H. Denton, City Manager, E. P. Dameron, City Attorney, Don Dillingham, newspaper reporter, Robert Hunter, Dr. Dickson, Mrs. C. A. Workman, Mr. J. F. Snipes, Mrs. J. F. Snipes, Mrs. Ann Hawkins, Mrs. C. J. Banning, and James Brown.

MINUTES OF THE JUNE 6, 1972, BOARD MEETING: Upon a motion by Councilman Wilkerson, seconded by Councilman Ledbetter, the Board unanimously voted to approve the June 6, 1972 Minutes.

POST OFFICE: The City Manager reported that Robert Rowe, Marion Postmaster, recently informed him that he hopes to have the improvements in front of the Post Office under construction by the end of the month. He stated that Mr. Rowe would like to defer moving the drop box until the construction project is initiated. The Board concurred with this request. (Reference: June 6, 1972 Minutes, page 273).

TAX LIEN SALE: The City Manager stated that the tax lien sale was held at 12:00 noon on Monday, June 12, 1972. He stated that no one was present for the sale and that no sales were made. (Reference: April 18, 1972, Minutes, page 260).

TAXI CAB ORDINANCE: This item was tabled until a later meeting. (Ref: June 6, 1972, Minutes, page 272).

BYPASS: The City Manager reported that a representative from the North Carolina Highway Commission will be meeting with the Board at the July 18, 1972 Board meeting. (Reference: June 6, 1972, Minutes, page 272).

WESTERN CAROLINA TELEPHONE COMPANY--PUBLIC HEARING ON A REQUEST FOR A RATE INCREASE: The City Manager reported that a public hearing has been scheduled by the State Utilities Commission on the request from the WCTC to increase their rates. The City Manager stated that the public hearing is scheduled for June 29 and 30 in Asheville. The City Manager stated that another public hearing is scheduled on the 29th that he considers more important and that if the Board concurs, he will not attend the WCTC public hearing (see next item in minutes). The Board concurred with this request, however, they asked that if there is any change in the date of the other meeting that he try to attend at least a portion of the WCTC public hearing.

CATAWBA RIVER BASIN--PUBLIC HEARING ON RECLASSIFYING PORTIONS OF THE CATAWBA RIVER TRIBUTARIES: The City Manager stated that the North Carolina Department of Water and Air Resources will be holding a public hearing at the Catawba Technical Institute in Hickory on June 29, 1972, to give consideration to reclassifying portions of the Catawba River tributaries. He stated that nothing being proposed would conflict with the interests of the City, however, since we have (1) water intakes on tributaries of the Catawba River, and (2) a waste water treatment plant is proposed on the Catawba River, he feels that he needs to attend this public hearing. No action was requested and none was taken on this matter.

SEWER BOND REFERENDUM: Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the Board unanimously voted to authorize Mr. E. P. Dameron, City Attorney, to contact the bonding firm of Mitchell, Petty, and Shetterly, 30 Broad Street, New York, NY 10004, to inform them that we are planning to hold a bond referendum on sewer improvements and that we would like instructions from them on how to proceed. (Reference: June 6, 1972, Minutes, page 273).

BOARD MEETING: DATE FOR NEXT: The Board set July 18 for the next Board meeting, however, all of the members concurred that there should be a special meeting called around July 4, if there is business that necessitates a meeting.

TRAIN SPEED ORDINANCE: Upon a motion by Councilman Wilkerson, seconded by Councilman James, the Board unanimously adopted the following train speed ordinance with an effective date of August 1, 1972: (Reference: June 6, 1972, Minutes, page 272):

BE IT ORDAINED BY THE CITY COUNCIL OF MARION, NC

1. From and after the effective date of this ordinance, it shall be unlawful, and punishable as herein provided, for any person to drive or operate a railroad locomotive over or through any grade crossing of the railroad upon which said locomotive is operated with a street of the City of Marion, at a speed in excess of thirty-five (35) miles per hour.
2. Any person violating the provisions of this ordinance shall, for each such violation, be guilty of a misdemeanor and shall be punishable by a fine of Fifty (\$50.00) Dollars or by imprisonment for thirty (30) days or by both such fine and imprisonment.
3. This ordinance shall be in force and effect from and after August 1, 1972.

INTERIM APPROPRIATION ORDINANCE: Upon a motion by Councilman Cross, seconded by Councilman James, the Board unanimously voted to adopt the following Interim Appropriation Ordinance.

INTERIM APPROPRIATIONS ORDINANCE

In order to operate the municipality from July 1, 1972 to the date of adoption of the Appropriations Ordinance, funds will be appropriated to pay salaries, principal and interest on indebtedness and ordinary expenses at the same rate of expenditure as provided for in the 1971-1972 Appropriations Ordinance. This Ordinance shall cease to be effective from and after the adoption of the 1972-1973 Appropriations Ordinance and all expenditures made in accordance with the Ordinance shall be chargeable to appropriations made in the 1972-1973 Appropriations Ordinance.

James H. Denton
City Manager

James H. Denton
Mayor

PRIVILEGE LICENSE ORDINANCE: Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the Board unanimously voted to adopt the 1949 Business Privilege License Ordinance as amended through June 20, 1972.

CITY MANAGER--APPOINTMENT OF: Upon a motion by Councilman Cross, seconded by Councilman James, the Board unanimously voted to reappoint Victor H. Denton as City Manager, with duties to include City Clerk, City Treasurer, and Tax Collector for fiscal year 1972-73.

CROSS COTTON MILLS--ANNEXATION: Upon a motion by Councilman Clark, seconded by Councilman James, the Board unanimously voted to adopt the following resolution: (Reference: June 6, 1972 Minutes, page 270):

Whereas, Cross Cotton Mills Company has voluntarily requested the City of Marion to annex to the City the area comprising its manufacturing plant and Mill Village; and

Whereas, the annexation of said area will be completed on June 30, 1972, and the people residing in the annexed territory will, from and after June 30, 1972, be citizens of the City of Marion;

Now, therefore, be it resolved that the City Council expresses its appreciation to the officials of Cross Cotton Mills Company for their public-spirited contribution to the progress of the City and welcome the residents of the annexed territory as new citizens of the City of Marion.

FIRE DEPARTMENT--USE OF A PORTION OF THE MARION FILTER PLANT PROPERTY FOR A FIRE TRAINING CENTER: The City Manager stated that Fire Chief Arthur Edwards has requested permission to use a portion of the filter plant property to develop a fire training center. The City Manager stated that initially the training center was proposed only for the Marion Fire Department, however, considerable interest has been expressed by the rural Fire Departments. As a result, the facility will probably be developed jointly by the Marion Fire Department and the County's rural fire departments. Upon a motion by Councilman James, seconded by Councilman Cross, the Board unanimously voted to permit the Marion Fire Department to use a portion of the filter plant property for a fire training center. It is understood that the fire training grounds will be some distance from the filter plant and will not interfere with the present or proposed expansion of the filter plant.

MARION--MCDOWELL MERCHANTS ASSOCIATION: Upon a motion by Councilman Cross, seconded by Councilman James, the Board unanimously voted to permit the Marion-McDowell Merchants' Association to have a downtown sidewalk sale on August 3, 4, and 5.

STREET RESURFACING BIDS: Upon a motion by Councilman James, seconded by Councilman Wilkerson, the Board unanimously voted to authorize the City Manager to advertise for bids for street resurfacing.

FIRE DEPARTMENT--PAYMENT ON 1971 FIRE TRUCK: Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the Board unanimously voted to authorize the City Manager to make a payment of \$4,699.46 to Ward La France Truck Corporation. Although this expenditure was not a budgeted item, the money is to come from the unanticipated and unbudgeted revenue that was received during this past year from the County for providing fire services to the area around Marion. (Reference: January 19, 1971, Minutes, page 187).

DOG PROBLEM: Dr. Dickson and the following individuals, Mrs. C. A. Workman, Mrs. Ann Hawkins, Mrs. C. J. Banning, Mr. and Mrs. J. F. Snipes, and Mr. James Brown, appeared before the Board to state their annoyance regarding loose dogs in the corporate limits of Marion and in particular in the South Garden Street area. After a lengthy presentation by Dr. Dickson, the Board informed Dr. Dickson and the others present that greater efforts would be made by the City and County to alleviate the dog problem. The Board instructed the City Manager to work with the County Manager and the County Dog Warden to impound numerous untagged dogs in the South Garden Street area.

POLICE DEPARTMENT--REPORT FROM THE LAW ENFORCEMENT-DRUG ABUSE COMMITTEE OF THE MCDOWELL CHAMBER OF COMMERCE: Robert Hunter, Chairman of the Law-Enforcement-Drug Abuse Committee, presented the following report to the City Council. After considerable discussion regarding the Committee's recommendations, Mr. Hunter excused himself from the meeting. The Committee proposals and the Police Department were discussed at length by the Board:

CATAWBA RIVER BASIN--PUBLIC HEARING ON RECLASSIFYING PORTIONS OF THE CATAWBA RIVER TRIBUTARIES: The City Manager stated that the North Carolina Department of Water and Air Resources will be holding a public hearing at the Catawba Technical Institute in Hickory on June 29, 1972, to give consideration to reclassifying portions of the Catawba River tributaries. He stated that nothing being proposed would conflict with the interests of the City, however, since we have (1) water intakes on tributaries of the Catawba River, and (2) a waste water treatment plant is proposed on the Catawba River, he feels that he needs to attend this public hearing. No action was requested and none was taken on this matter.

Be it ordained by the City Council of the City of Marion, North Carolina:

Section 1. APPROPRIATIONS: The amounts set forth in the adopted budget are hereby appropriated for the operation of the City Government and its activities for the fiscal year beginning July 1, 1972, and ending June 30, 1973.

Section 2. ESTIMATED REVENUES: It is estimated that the revenue set forth in the adopted budget will be available during the fiscal year beginning July 1, 1972, and ending June 30, 1973, to meet the adopted budget appropriations.

Section 3. TAXES LEVIED: There is hereby levied the following rates of tax on each one hundred dollars (100) valuation of taxable property, as listed for taxes as of January 1, 1972 for the purpose of raising the revenue from current year's Property Tax in the amount set for in the adopted budget.

GENERAL FUND (for the general expenses incident to the proper government of the City) \$1.32

DEBT SERVICE FUND (for the payment of interest and principal on outstanding debt)18

TOTAL RATE per \$100 of valuation of taxable property \$1.50

Such rates of tax are based on an estimated total assessed valuation of property for purpose of taxation of \$18,267,091.00 and an estimated rate of collection of 96%.

Section 4. POLL TAX: There is hereby levied a Poll Tax of \$1.00 on all male persons between the ages of 21 and 50, unless exempt as provided by law, for the purpose of raising the revenue from current year's Poll Tax, as set forth in the following estimates of revenue, and in order to finance the following appropriations.

Section 5. DISBURSEMENT OF FUNDS: Funds shall generally be disbursed in accordance with the allocations set forth in the adopted budget:

PRIVILEGE LICENSE ORDINANCE: Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the Board unanimously voted to adopt the 1949 Business Privilege License Ordinance as amended through June 20, 1972.

CITY MANAGER--APPOINTMENT OF: Upon a motion by Councilman Cross, seconded by Councilman James, the Board unanimously voted to reappoint Victor H. Denton as City Manager, with duties to include City Clerk, City Treasurer, and Tax Collector for fiscal year 1972-73.

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POLICE DEPARTMENT--REPORT FROM THE LAW ENFORCEMENT-DRUG ABUSE COMMITTEE OF THE MCDOWELL CHAMBER OF COMMERCE: Robert Hunter, Chairman of the Law-Enforcement-Drug Abuse Committee, presented the following report to the City Council. After considerable discussion regarding the Committee's recommendations, Mr. Hunter excused himself from the meeting. The Committee proposals and the Police Department were discussed at length by the Board:

TO: Marion City Council

The Board of Directors of the McDowell Chamber of Commerce has directed me to forward to you a list of recommendations for the improvement of law enforcement in the Town of Marion and McDowell County. These recommendations are a result of a comprehensive study made by the Chamber's Law Enforcement - Drug Abuse Committee.

We would like an opportunity for two members of the Law Enforcement Committee to meet with your Council as soon as possible, at your convenience. The purpose of this meeting would be to discuss these recommendations with you and to explain our reasons for these recommendations.

We feel that all citizens of Marion and McDowell County are vitally interested in law enforcement. I am sure the citizens of Marion and McDowell County would appreciate any improvements that your Council can make in the administration of law enforcement in the Town of Marion.

The Law Enforcement - Drug Abuse Committee recommendations are:

1. Salaries be increased to:

Chief - \$10,500
Captain - \$ 9,000
Sergeant - \$ 8,500
Patrolman - \$ 7,200

Radio operator-increase as requested by Chief

2. Designate one person in the Department as identification specialist. His duties would include identification of all persons who are placed under arrest. Such identification includes fingerprinting, photographing and forwarding copies of all identification material to SBI and FBI. Forwarding to Raleigh should be done through Univac and U. S. Mail.

3. That one person in the Department be responsible for sending all investigative reports to the Solicitor. All investigative reports to the Solicitor should be strictly confidential.

Also this person should be responsible for compiling statistics on the number of crimes and money involved to be published in the newspaper and on the radio on a weekly basis.

4. That the Chief require each officer to make a comprehensive, updated report in triplicate of each case he investigates. Each copy of this report would be distributed as follows:

One copy for files
One copy for officer
One copy mailed immediately to Solicitor

5. That the Advisory Committee which has been recommended to the County Commissioners be made available to the City of Marion, should it so desire, with the same areas of responsibilities. An outline of this Advisory Committee is contained in item #8 of a letter to the County Commissioners which is enclosed for your information.

Robert Hunter, Chairman

1972-73 CITY BUDGET: Upon a motion by Councilman Wilkerson, seconded by Councilman James, the Board unanimously voted to accept the proposed 1972-73 budget estimate and authorized the City Manager, in accordance with G. S. 160-410.3, to make it available to the general public for the next 20 days. The proposed budget includes a five percent (5%) salary increase for City employees.

CITY PLANNING--LAND DEVELOPMENT PLAN: The Board accepted the recently completed Land Use Analysis and Land Development Plan. (Reference: March 2, 1971, Minutes, page 194).

There being no further business, the meeting adjourned.

Mayor

City Manager

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION

July 18, 1972

The Marion City Council met in a regularly scheduled Board meeting on July 18, 1972, at 7:30 P.M. in the City Council Chamber. Board members present: Mayor James H. Segars, Councilman A. Everette Clark, Oliver R. Cross, Robert E. James, William R. Ledbetter, and Horace Wilkerson. Others present: Victor H. Denton, City Manager, E.P. Dameron, City Attorney, Don Dillingham, newspaper reporter, Tom Chapman, and W.F. Caddell, Jr.

MINUTES OF THE JUNE 20, 1972 BOARD MEETING: Upon a motion by Councilman Cross, seconded by Councilman Ledbetter, the Board unanimously voted to approve the June 20, 1972 Minutes.

BYPASS: Mr. W.F. Caddell, Jr., with the Planning and Research Section of the North Carolina Highway Commission made a detailed presentation on the routes that are being considered for a bypass around Marion. Mr. Caddell also presented information on the length of each of the routes, the estimated costs, excluding rights-of-way and the number of structures involved in each alternative. The bypass routes were delineated on an aerial photograph and on topographic maps. Mr. Caddell stated that his Section has approximately three more months work on this project. At that time, he stated that they would indicate to the City the route that is preferred by the Highway Commission. He stated that if the Board agreed to support the Commission on their selection of a route a public hearing would be scheduled in the Marion area on the bypass proposal. He stated that after the Planning and Research Section completes their work on the project, it will be forwarded to the engineering section. From there, it will be forwarded to the right-of-way section and when they complete their work on the project it will be ready for construction. Mr. Caddell gave no estimation on the time it would take for this project to reach the construction stage. He stated that because of the topography in the area it will be a very costly project. After considerable discussion Mr. Caddell excused himself from the Board meeting. (Reference: June 6, 1972 Minutes, page 272.)

SEWER BOND REFERENDUM: After a lengthy discussion involving the Board, Tom Chapman, consulting engineer with O'Brien and Gere, and the City Manager, the Board, upon a motion by Councilman Ledbetter, seconded by Councilman Cross, voted to set the local sewer referendum at \$1,200,000. This amount of money, added to the 80% State and Federal funding, that Mr. Chapman assured us that we will get, will provide for all of the sewer improvements called for in phase I in the water and sewer report plus (1) a gravity sewer line from in the vicinity of the back property line of the junior high school down the natural drainage way, under the spur track of the Southern System, tying into an existing line in Tennessee Avenue and (2) sewer service to the Dogwood Lane, Yancy Road and Greenwood Drive area. This area would be sewer by gravity lines and a sewer pump station. (Reference: June 6, 1972 Minutes, page 273.)

SEWER PLANT SITE: The Board authorized the City Manager to write a letter to O'Brien and Gere authorizing them to select one or more alternate sites for the sewer plant.

SEWER BOND REFERENDUM - NOTICE OF INTENT: Upon a motion by Councilman Wilkerson, seconded by Councilman James, the Board voted unanimously to adopt the following resolution:

NOTICE OF INTENTION TO
APPLY TO THE LOCAL GOVERNMENT COMMISSION FOR
APPROVAL OF BONDS

NOTICE is hereby given of intention of the undersigned to file application with the Local Government Commission, Raleigh, North Carolina, for its approval of the issuance of the following proposed bonds of the City of Marion, North Carolina, which bonds shall be subject to the approval of the voters of said City at an election:

\$1,200,000 SANITARY SEWER BONDS for the purpose of providing funds, with any other available funds, for enlarging and extending the sanitary sewer system of said city, including the con-

struction of a new wastewater treatment plant, the enlargement and improvement of the existing wastewater treatment plant of the City and the construction of a pump stations and sewer mains and lines, and the acquisition of any necessary land and rights of way.

Any citizen or taxpayer objecting to the issuance of all or any of said bonds may file with the Local Government Commission a verified statement setting forth his objections as provided in Section 159-7.1 of the General Statutes of North Carolina, in which event he shall also file a copy of such statement with the undersigned, at any time within two days from and after such first publication. A copy of this notice must be attached to the statement so filed. Objections set forth in said statement shall be for consideration by said Commission in its determination of whether or not it may hold a public hearing as provided by law on the matter of issuance of said bonds.

City Council of the City of
Marion, North Carolina

BY: Victor H. Denton
City Manager

ADOPTION OF THE 1972-73 BUDGET: Upon a motion by Councilman Cross, seconded by Council James, the Board unanimously voted to adopt the following appropriation ordinance:

1972 - 1973 Appropriations Ordinance

Be it ordained by the City Council of the City of Marion, North Carolina:

Section 1. APPROPRIATIONS: The amounts set forth in the adopted budget are hereby appropriated for the operation of the City Government and its activities for the fiscal year beginning July 1, 1972 and ending June 30, 1973.

Section 2. ESTIMATED REVENUES: It is estimated that the revenue set forth in the adopted budget will be available during the fiscal year beginning July 1, 1972 and ending June 30, 1973 to meet the adopted budget appropriations.

Section 3. TAXES LEVIED: There is hereby levied the following rates of tax on each one hundred dollars (100) valuation of taxable property, as listed for taxes as of January 1, 1972 for the purpose of raising the revenue from current year's Property Tax in the amount set for in the adopted budget.

GENERAL FUND (for the general expenses incident to the proper government of the City)\$1.33

DEBIT SERVICE FUND (for the payment of interest and principal on outstanding debt)..... .17

TOTAL RATE per \$100 of valuation of taxable property1.50

Such rates of tax are based on an estimated total assessed valuation of property for purpose of taxation of \$20,600,000 and an estimated rate of collection of 96%.

Section 4. POLL TAX: There is hereby levied a Poll Tax of \$1.00 on all male persons between the ages of 21 and 50, unless exempt as provided by law, for the purpose of raising the revenue from current year's Poll tax, as set forth in the following estimates of revenue, and in order to finance the following appropriations.

Section 5. DISBURSEMENT OF FUNDS: Funds shall generally be disbursed in accordance with the allocations set forth in the adopted budget that is attached and made a part of these minutes.

Adopted this 18th day of July, 1972.

James H. Denton
MAYOR, CITY OF MARION

ATTEST:

Charles H. Denton
CLERK, CITY OF MARION

1972-1973 Budget Ordinance as amended by Council action at a Special Session held on June 29, 1973.

1972-1973 BUDGET

CODE NO.	GENERAL FUND REVENUE	ESTIMATED FOR 1972-73
145	Ad Valorem tax @ \$1.33 (Estimated 96% Collection)	264,721.00
10-12	Prior Year Taxes	5,950.00
207	Interest and Penalties on Delinquent Taxes	1,000.00
194,207,210	Business License	4,325.00
251	Intangible Taxes (89%)	12,608.00
253	Franchise Tax	29,000.00
212	Auto Tags	800.00
217	Court Revenue	600.00
219,230	Cemetery Lots & Graves Openings	2,500.00
220	Rent - Community Building	1,500.00
248	Fire Service - Contribution from County	16,960.00
225	Parking Meter Revenue	4,500.00
227	Parking Violations	3,500.00
257	Powell Bill Revenue	39,956.05
254	Gasoline Tax Refund	3,000.00
245,246	Miscellaneous Revenue	2,124.85
213	Cable TV	1,493.32
250	Interest	3,000.00
270	State Contribution for Operation and Maintenance of Traffic Control Devices	2,774.00
255	Sales Tax Revenue	42,315.00
	Contribution from Water/Sewer Fund	22,792.00
	Federal Grant for Firemen	6,700.00
	Surplus From 1971-72	46,000.00
	Total	\$518,119.23
	WATER AND SEWER FUND REVENUE	
233	Water Sales	194,000.00
235	Water Taps, Meters, Meter Boxes and Penalties	8,500.00
231,232	Sewer Taps & Service	24,000.00
264,269	Waterlines - Customer Participation	-
	Total	226,500.00
	DEBT SERVICE FUND REVENUE	
145A	Ad Valorem Tax @ .17 (Estimated 96% Collection)	33,619.00
10A,12A	Prior Year Taxes	1,050.00
251A	Intangible Tax (15%)	2,224.00
	Total	36,893.00
	Estimated Total Revenues	
	General Fund	518,119.23
	Water & Sewer Fund	226,500.00
	Debt Service Fund	36,893.00
		781,512.23

struction of a new wastewater treatment plant, the enlargement and improvement of the existing wastewater treatment plant of the City and the construction of a pump stations and sewer mains and lines, and the acquisition of any necessary land and rights of way.

Any citizen or taxpayer objecting to the issuance of all or any of said bonds may file with the Local Government Commission a verified statement setting forth his objections as provided in Section 159-7.1 of the General Statutes of North Carolina, in which event he shall also file a copy of such statement with the undersigned, at any time within two days from and after such first publication. A copy of this notice must be attached to the statement so filed. Objections set forth in said statement shall be for consideration by said Commission in its determination of whether or not it may hold a public hearing as provided by law on the matter of issuance of said bonds.

City Council of the City of
Marion, North Carolina

GENERAL FUND DISBURSEMENTS

General Government

301	Mayor & Council	36,550.00
301	City Manager	
301	Bookkeeper	
301	Secretary - Office Assistant	
301	Tax Listing & Election Personnel	
304	Fringe Benefits	120.00
301	Janitor (1/2)	
301	City Attorney - Retainer	
306	Retirement	3,153.00
307	Social Security	1,400.00
309	Hospitalization Ins.	945.00
314	Marion Hospital Contribution	600.00
315	Office Supplies & Postage	2,800.00
316	Telephone	1,200.00
317	Printing & Advertising	1,500.00
319	Auditing	2,000.00
320	Electrical Power - City Hall	1,600.00
322	Maintenance of City Hall - includes new roof	1,800.00
326	Memberships & Subscriptions	1,400.00
327	Travel Expenses	500.00
328	Janitorial Supplies for City Hall	400.00
331	Fuel For City Hall	1,000.00
332	Motor Vehicle Expense	200.00
333	Office Equipment, Service & Maintenance	1,200.00
334	Miscellaneous	2,500.00
342	City Planning (Consulting Services)	1,560.00
	<u>Capital Expense</u>	
337A	City Manager's Automobile	3,400.00
337B	Accounting Machine	3,958.00
	Total	
337C	Roof - City Hall	2,834.00
		<u>\$72,620.00</u>

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City Council of the City of

POLICE

401	Chief	108,500.00
401	Captain	
401	Sergeant	
401	Sergeant	
401	Sergeant	
401	Patrolman	
401	Patrolman	
401	Patrolman	
401	Patrolman	
401	Patrolman	
401	Patrolman	
401	Patrolman	
401	Patrolman	
401	Desk Officer- Radio Dispatcher	
401	Desk Officer- Radio Dispatcher	
401	Desk Officer- Radio Dispatcher	
401	Motor Patrolman - Zoning Enforcement (New Position)	
404	Fringe Benefit	560.00
406,406A	Retirement	6,100.00
407	Social Security	6,000.00
409	Hospitalization Ins.	2,206.00
415	Office Supplies	350.00
416	Telephone	720.00
417	Printing	600.00
427	Travel Expense	200.00
432	Motor Vehicle Expense	4,000.00
433	Radio Maintenance	1,000.00
434	Miscellaneous	450.00
435	Uniforms	2,000.00
438	Arsenal Supplies	200.00
439	Regional "C" Criminal Justice Planning	4,900.00
	<u>Capital Expense</u>	
440	Police Car	3,750.00
441	Police Car	
	Total	141,536.00

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City Council of the City of

FIRE

501	Chief	29,733.00
501	Assistant Chief	
501	Fireman	
501	Fireman	
504	Fringe Benefits	110.00
505	Retirement	3,263.00
507	Social Security	1,610.00
509	Hospitalization	547.00
514	Pension Fund	3,300.00
516	Telephone	1,000.00
527	Travel & Training (contribution to Volunteer Firemen)	1,000.00
532	Motor Vehicle Expense	1,600.00
535	Uniforms & Laundry Ser.	900.00
534	Miscellaneous	500.00
538	Supplies	1,300.00
538A	Radio Maintenance	300.00
	<u>Capital Expense</u>	
537A	Pumper	4,412.85
537B	Tanker	10,665.00
537C	Hose	1,500.00
537D	Other	800.00
	<u>Total</u>	
505	Glen Laughridge (Retirement)	1,100.00
		<u>63,640.85</u>

struction of a new wastewater treatment plant, the enlargement and improvement of the existing wastewater treatment plant of the City and the construction of a pump stations and sewer mains and lines, and the acquisition of any necessary land and rights of way.

Any citizen or taxpayer objecting to the issuance of all or any of said bonds may file with the Local Government Commission a verified statement setting forth his objections as provided in Section 159-7.1 of the General Statutes of North Carolina, in which event he shall also file a copy of such statement with the undersigned, at any time within ten days from and after such first publication. A copy of this notice must be attached to the statement so filed. Objections set forth in said statement shall be for consideration by said Commission in its determination of whether or not to issue said bonds.

<u>STREETS</u>		
601	Supt. of Streets	34,946.00
601	Laborer	
601	Laborer	
601	Laborer	
601	Laborer	
601	Laborer	
604	Fringe Benefits	225.00
606	Retirement	1,200.00
607	Social Security	2,015.00
609	Hospitalization Ins.	700.00
<u>Streets & Sidewalk Maintenance</u>		
612A	Contractual (Streets)	25,000.00
612B	City Forces (Streets)	2,500.00
612D	Street Paving Gravel to Hard Surface - (Matching Fund)	1,000.00
612E	Sidewalk - Maintenance & Construction	4,000.00
<u>Municipal Parking Lots</u>		
612F	Improvements	5,000.00
612G	Rent	2,500.00
612H	Contribution to Parking Com.	3,000.00
612J	Purchase of Tainter Property	24,840.00
<u>Right-of-Way Purchase</u>		
612K	Blue Ridge & Henderson	2,865.00
<u>Electrical Power</u>		
620A	Street Lights	17,000.00
620B	Traffic Signals	2,000.00
627	Travel & Schooling	100.00
632	Motor Vehicle Expense	3,000.00
633	Equipment Maintenance	700.00
638	Supplies & Materials	2,500.00
620A 634A	Street Marking Paint	500.00
634	Miscellaneous	200.00
629	Chemicals (Weeds & Insect Control)	400.00
629A	Sand, Salt, & Chemicals (Ice & Snow)	150.00
639	Christmas Street Decorations (Contribution to Merchants Assoc.)	750.00
642	Powell Bill Engineering	510.00
<u>Capital Expense</u>		
637A	Street Signs	1,200.00
637B	Parking Meters (replacements)	1,500.00
Total		140,301.00

struction of a new wastewater treatment plant, the enlargement and improvement of the existing wastewater treatment plant of the City and the construction of a pump stations and sewer mains and lines, and the acquisition of any necessary land and rights of way.

Any citizen or taxpayer objecting to the issuance of all or any of said bonds may file with the Local Government Commission a verified statement setting forth his objections as provided in Section 159-7.1 of the General Statutes of North Carolina, in which event he shall also file a copy of such statement with the undersigned, at any time within two days from and after such first publication. A copy of this notice must be attached to the statement so filed. Objections set forth in said statement shall be for consideration by said Commission

SANITATION

701	Laborer	39,393.00
701	Laborer	
701	Laborer	
701	Laborer	
701	Laborer	
701	Laborer	
701	Laborer	
701	Laborer	
704	Fringe Benefits	205.00
706	Retirement	1,600.00
707	Social Security	2,300.00
709	Hospitalization	625.00
732	Motor Vehicle Expense	2,500.00
734	Miscellaneous	50.00
738	Supplies & Materials	500.00
739	Dog Control	600.00
	(Contribution to County)	

737A	Capital Expense	
	Trash Receptacles	250.00

Total	48,023.00
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Cemetery

801	Laborer	9,300.00
801	Laborer	
804	Fringe Benefits	65.00
806	Retirement	-
807	Social Security	520.00
809	Hospitalization	135.00
833	Equipment Maintenance	250.00
834	Miscellaneous	150.00
838	Supplies & Materials	50.00

837A	Capital Expense	
837B	Edger	
837C	Paving Remainder of Driveways	4,215.00
	Entrance Sign	215.00

Total	14,900.00
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struction of a new wastewater treatment plant, the enlargement and improvement of the existing wastewater treatment plant of the City and the construction of a pump stations and sewer mains and lines, and the acquisition of any necessary land and rights of way.

Any citizen or taxpayer objecting to the issuance of all or any of said bonds may file with the Local Government Commission a verified statement setting forth his objections as provided in Section 100-27 of the Code.

COMMUNITY BUILDING AND RECREATION

1201	Janitor (1/2) Salary	2,330.00
1206	Retirement	290.00
1207	Social Security	150.00
1220	Electrical Power	825.00

1216	Telephone	225.00
1231	Fuel	750.00
1222	Maintenance of Building and Grounds	600.00
1238	Supplies & Materials	1,800.00

Capital Expense

1235	Refinish Floor	858.38
1208	Contribution to Summer Recreation Program	3,000.00
		<u>10,828.38</u>

Total

Petroleum

1301	Gasoline	13,000.00
1302	Oil & Other Lubricants	800.00
		<u>13,800.00</u>

Insurance & Bonds

1401	Fleet Policy	2,100.00
1402	Fire	700.00
1404	Bonds	200.00
1405	Office & Safe	45.00

1407	Volunteer Firemen - Group Life	2,000.00
1408	Volunteer Firemen - Disability	200.00
1409	Employee Life	2,225.00
1403	Workman's Comp.	<u>5,000.00</u>

Total

Debt Service Disbursements

Total		
1971-1972 Fund Deficit		740.71
Debt Service		35,000.00
Miscellaneous Charges		<u>1,152.29</u>
Total		<u>36,893.00</u>

Any citizen or firm

Capital Expense

WATER & SEWER DISBURSEMENTS

FILTER PLANT

1001	Chief Plant Operator	13,900.00
1002	Plant Operator	
1003	Retirement	1,961.00
1007	Social Security	950.00
1004	Fringe Benefits	70.00
1009	Hospitalization Ins.	350.00
1006	Telephone	450.00
1020	Electrical Power	10,400.00
	Filter Plant	
	Back Creek Pump Station	
	Reservoir	
1022	Maintenance of Structures, Buildings & Grounds	600.00
1029	Chemicals	5,500.00
1030	Equipment & Maintenance	1,200.00
1034	Miscellaneous	100.00
1027	Travel & Schooling	100.00
1035	Supplies & Materials	500.00
1031	Fuel	200.00
1023A-1020A	Lake Yahona - Purchase of Water	100.00
1032	Motor Vehicle Expense	200.00
	<u>Capital Expense</u>	
1037B	Lab Equipment	200.00
1037C	Riding Mower	1,703.86
	Total	38,484.86

WATER AND SEWER EXPENDITURES

Waste Water Treatment
Plant

(Includes Two Sewer
Pump Stations)

1101	Plant Operator	7,350.00
1106	Retirement	500.00
1107	Social Security	300.00
1109	Hospitalization Ins.	135.00
1104	Fringe Benefits	30.00
1116	Telephone	300.00
1120	Electrical Power	7,500.00
	Waste Treatment Plant	
	Pump Stations (2)	
1122	Maintenance of Structures,	
	Buildings and Grounds	300.00
1127	Travel & Schooling	600.00
1133	Equipment Maintenance	3,400.00
1131	Fuel (Heat & Steam Control)	400.00
1132	Vehicle Expense	100.00
1138	Supplies & Materials	400.00
	<u>Capital Expense</u>	
1137A	Riding Mower	500.00
1137B	Small Lawn Mower	100.00
	Total	21,915.00

ORDINANCE ESTABLISHING A CAPITAL PROJECTS FUND

Be it ordained by the City Council of the City of Marion, North Carolina:

Section 1. The 1972-73 Budget Ordinance of the City of Marion, adopted on July 18, 1972 and appearing at page 278 of the Minute Book of the City Council of the City of Marion, is amended by inserting therein a new fund as follows:

CAPITAL PROJECTS
FUND

Appropriations

Land Acquisition (Bell Property)	\$ 35,000.00	
Miscellaneous	<u>1,059.00</u>	\$ 36,059.00

Revenue

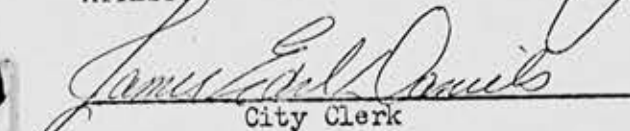
Contribution from Revenue Sharing		
Trust Fund	\$ 36,059.00	
Contribution from General Fund	<u>00.00</u>	
Sale of bonds	<u>00.00</u>	\$ 36,059.00

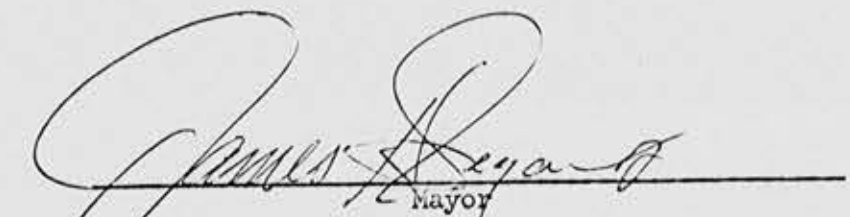
Section 2. Disbursements from the Capital Projects Fund shall be made first from the Contribution from the Revenue Sharing Trust Fund, then from the Contribution from the General Fund, and finally from monies received from sale of bonds.

Section 3. This ordinance is effective upon its adoption.

Adopted this the 6th day of February 1973.

ATTEST:


City Clerk


Mayor

INTERIM APPROPRIATIONS ORDINANCE

In order to operate the municipality from July 1, 1973 to the date of adoption of the Appropriations Ordinance, funds will be appropriated to pay salaries, principal and interest on indebtedness and ordinary expenses at the same rate of expenditure as provided for in the 1972-1973 Appropriations Ordinance. This Ordinance shall cease to be effective from and after the adoption of the 1973-1974 Appropriations Ordinance and all expenditures made in accordance with the Ordinance shall be chargeable to appropriations made in the 1972-1973 Appropriations Ordinance.


Mayor


City Manager

PETROLEUM BIDS: The City Manager reported that two bids have been received for petroleum products for fiscal year 1972-73. These bids are indicated below:

Company	Trade Name of Product	Amount of Bid
McDowell Oil Co.	Union Super	\$14,013.00
Marion Oil Co.	Gulf	14,030.25

Upon a motion by Councilman James, seconded by Councilman Ledbetter, the Board unanimously voted to award the petroleum contract to McDowell Oil Company for fiscal year 1972-73 for the amount set forth in their bid proposal. (Reference: May 16, 1972, page 266)

STREET RESURFACING: The City Manager reported that he has received the following bids for street resurfacing:

Name of Company	I-2 Plant Mix Asphalt Price per ton
Thompson Contractors, Inc.	Rutherfordton \$9.73
R.L. Johnson and Son	Marion 10.75
Asheville Paving Co.	Asheville 12.50
Warren Brothers Company	Asheville 12.87

Upon a motion by Councilman Wilkerson, seconded by Councilman James, the Board unanimously voted to award the street resurfacing contract to Thompson Contractors, Inc., Rutherfordton, North Carolina for \$9.73 per ton for Type I-1 Mix Asphalt. (Reference: June 20, 1972, page 273.)

ANNEXATION; TATE, PINNACLE, CROSS STREET AREA: I Victor H. Denton, City Clerk, do hereby certify that petitions attached hereto have been investigated by me and found to be signed by all owners of real property lying in the area described herein in accordance with GS 160-452 as amended. In witness thereof, I have hereunto set my hand and affixed the seal of the City of Marion, this the 18th day of July, 1972.

Victor H. Denton
City Clerk

The City Manager stated that the area to be annexed will need to be surveyed prior to setting a date for the annexation public hearing. Upon a motion by Councilman Cross, seconded by Councilman James, the Board unanimously voted to pay the survey costs for the annexation with the understanding that the Board needs to give consideration to adopting a policy regarding the survey expenses relating to annexations.

BOARD OF ELECTIONS; APPOINTMENT OF: In accordance with procedures set out in "Temporary Rules of Procedure for the Conduct of Bond Elections for Municipalities in North Carolina adopted by the State Board of Elections of North Carolina," dated July 18, 1972 and signed by Alex K. Broch, State Director of Elections, the Board appointed the following individuals to the City of Marion Board of Elections:

Dula Hawkins
Howard Gouge
Larry Brown

The Board appointed Jim McGarr as an alternate if one of the above three individuals does not accept the appointment.

STREET LIGHTS; CROSS COTTON MILLS VILLAGE: Upon a motion by Councilman Ledbetter, seconded by Councilman Clark, the Board unanimously voted to assume the financial responsibility for maintaining 31 lights in the Cross Cotton Mills Village, and to add three street lights on Tate Street between Hoyle Street and the City of Marion corporate limits boundary near Cross Mill Baptist Church.

ALABAMA AVENUE; ESTABLISHMENT OF A NO-PARKING ZONE: Upon a motion by Councilman Wilkerson, seconded by Councilman Ledbetter, the Board voted unanimously to establish a no-parking zone extending from a point 232 feet north of the railroad on the south side of Alabama Avenue to a point 75 feet north of the above mentioned point.

CCG002

BLUE CROSS-BLUE SHIELD--COORDINATION OF BENEFITS: Upon a motion by Councilman Wilkerson, seconded by Councilman Clark, the Board unanimously voted to authorize Blue Cross-Blue Shield, Inc. to incorporate into our coverage the coordination of benefits provision.

RETIREMENT SYSTEM: EMPLOYEE DEATH BENEFITS: Upon a motion by Councilman James, seconded by Councilman Cross, the Board adopted the following resolution.

RESOLUTION TO ENTER AGREEMENT FOR NORTH CAROLINA LOCAL
GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM TO PROVIDE
EMPLOYEE DEATH BENEFITS

WHEREAS, THE 1969 General Assembly amended the North Carolina Local Governmental Employees' Retirement System laws so as to permit agreements for providing death benefits for employee members pursuant to G.S. 128-27 (1); and

WHEREAS, the governing body of this Unit realizes the desirability of providing its employees with the security and protection provided by a plan for death benefits; and

WHEREAS, Article 3 of Chapter 128 of the General Statutes of North Carolina provides that any employer governmental unit desiring to provide death benefits for its employee members must execute an agreement therefor with the Director of the North Carolina Local Governmental Employees' Retirement System;

NOW, THEREFORE, BE IT RESOLVED BY THE Marion City Council in regular session,

1. That the City of Marion hereby elects to secure death benefits for its employees in the North Carolina Local Governmental Employees' Retirement System, to become effective July 1, 1972.

2. That the City of Marion hereby agrees to comply with all provisions of the North Carolina Local Governmental Employee' Retirement System as defined in Article 3 Chapter 128 of the General Statutes of North Carolina, as amended, and to make such increased employer's contributions as the Local Governmental Employee' Retirement System may determine through its actuary from time to time to be necessary in order to provide employee death benefits.

3. That the City Manager of Marion is hereby ordered and directed to execute an agreement with the Director of the North Carolina Local Governmental Employees' Retirement System to implement the employee death benefits of G.S. 128-27 (1).

Upon motion of Councilman James and seconded by Councilman Cross, the above resolution was introduced for passage. The following number voted in the affirmative: 5. The following number voted in the negative: 0

TRAIN SPEED ORDINANCE: The City Manager stated that Mr. Hoffman, Division Superintendent of Southern Railway System, talked with the Mayor and himself this day. The City Manager stated that Mr. Hoffman would like for the City to consider amending the ordinance to make it apply only to an area extending from the Clay Street crossing to Depot instead of the entire distance through the corporate limits.

Mayor Segars stated that they informed Mr. Hoffman that this request might be considered at a later date, however, for the time being, the ordinance is to apply to all trains within the corporate limits of Marion. (Reference June 20, 1972, page 274.)

SUBURBAN CABLEVISION INCORPORATED: The City Manager read to the Board portions of the following letter:

Dear Mr. Denton:

This will acknowledge receipt of your letter dated June 21, 1972. Page 8 of the franchise states that the franchise fee schedule applies to all gross income derived from operations in McDowell County exclusive of operations in any other governmental unit located in McDowell County which may and does lawfully charge a franchise tax upon such operations.

As you know, we intend to pay our franchise fee on an annual basis on the gross receipts for our fiscal year October 1, 1971, to September 30, 1972. This payment will be in accordance with the terms of the franchise.

In reference to your second question, it is true that Suburban has expanded its system recently. However, it is not anticipated that we will attain gross annual revenue of \$250,000 for several years.

If you have any further questions in this area, please do not hesitate to contact us.

Very truly yours,

James V. Morris
Project Manager

PARKING METERS; BAGGING: The City Manager stated that it is his understanding that the restraining order issued by Judge Woods is still in effect and that the Police Department is still bagging meters. He stated that the County Commissioners plan to tear down the old furniture store building next to the Court House and that it is very possible that within the next 30 to 60 days additional parking will be provided by the County. No action was taken on this matter. (Reference: June 6, 1972, page 272.)

PLASTIC GARBAGE CAN LINERS: The City Manager stated that the City has purchased a quantity of 30 gallon plastic garbage can liners from Broyhill Furniture Company. He stated that these are being sold at cost through the City administrative offices. The City Manager stated that although the City is making no money on the bags, he hopes that an increasing number of local people will use the plastic liners in their garbage containers.

DOG WARDEN'S REPORT: The City Manager stated that the County Dog Warden has submitted a report indicating that from July, 1971 to June, 1972 1192 dogs were disposed of, and that since the program began in September of 1969, approximately 5,000 dogs have been disposed of.

DOG PROBLEM IN THE CITY: The City Manager stated that a dog cage trap has been purchased by the City and is available for catching stray dogs. He stated that the cage -- trap can be used at the request of private property owners to catch dogs on their property and then the dog warden can be called to take the dogs to the dog pound.

POST OFFICE IMPROVEMENTS: The City Manager reported that the front entrance and exit driveways at the Post Office have been widened and that the drop box in front of the Post Office has been removed. He stated that two drop boxes have been relocated on South Garden Street behind the Post Office. (Reference: June 20, 1972 page 273.)

ANNEXATION -- CROSS COTTON MILLS VILLAGE: The City Manager submitted to each of the Board members a copy of the attached letter. He stated that this letter was sent to each of the newly annexed residents in the mill village. (Reference: June 6, 1972 page 270).

CHAMBER OF COMMERCE: The City Manager reported Mr. George Verbruggan, Executive Director, of the Chamber of Commerce has resigned effective July 31.

DATE FOR NEXT BOARD MEETING: The City Manager stated that since our regular Board meeting falls on the first Tuesday after the first Monday of every month our next Board meeting will be on August 8.

CITY MANAGER -- VACATION: The City Manager requested and received permission to take two weeks vacation during the weeks of July 24 and July 31.

PAPER BOYS: Several of the Board members indicated that they have received numerous complaints about the paper boys blocking traffic and endangering their lives by going out into the traveled portion of local streets to sell papers. The City Manager was requested to ask the Chief of Police to inform the newspaper boys that in the future they would have to refrain from getting in the streets if they desire to continue selling papers.

CCG002

FIRE DEPARTMENT -- GLENN LAUGHRIDGE: Upon a motion by Councilman Ledbetter, seconded by Councilman Wilkerson, the Board unanimously voted to pay Glenn Laughridge \$100.00 a month for the next twelve months with the understanding that this arrangement would be considered after twelve months. This monthly salary is being paid to Glenn Laughridge as a form of retirement pay as he was never under the retirement system when employed by the City of Marion. (Ref: February 8, 1972 page 245.)

There being no further business the meeting adjourned.

[Signature]
City Manager

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

August 8, 1972

The Marion City Council met in their regularly scheduled Board Meeting on August 8, 1972 at 7:30 P.M. in the City Council Chamber. Board members present: Mayor James H. Segars, Councilmen, Oliver R. Cross, Robert E. James, William R. Ledbetter and Horace Wilkerson. Councilman absent, A. Everette Clark, other present, Victor H. Denton, City Manager, Charles Burgin, Attorney filling in for E.P. Dameron, City Attorney who is out of town, and Don Dillingham, newspaper reporter.

MINUTES OF THE JULY 18, 1972 BOARD MEETING: Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the Board unanimously voted to approve the July 18 minutes.

SEWER BOND REFERENDUM: The City Manager stated that the North Carolina Local Government Commission has stated in a letter to the City that they feel the \$1,200,000 proposed bond program is within the financial capability of the City. He stated that both the North Carolina Local Government Commission and our bonding attorney in New York have approved October 14, 1972 for the date of the bond referendum. (Reference: July 18, 1972, page 277.)

SEWER PLANT SITE: The City Manager stated that on July 25, 1972, he wrote a letter to Tom Chapman, consulting engineer with O'Brien and Gere, authorizing his firm to proceed with the selection of one or more sites for our proposed sewer plant. He stated that to date he has not received a reply from his letter. (Reference, July 18 minutes, page 277.)

ANNEXATION - TATE, PINNACLE, CROSS STREET AREA: Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, and Councilman Ledbetter, the Board unanimously voted to adopt the following resolution fixing a date for the public hearing on the question of annexation pursuant to G.S. 160-452, as amended. (Reference, July 18 minutes, page 279.)

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION
OF ANNEXATION PURSUANT TO G.S. 160-452, AS AMENDED

Whereas, a petition requesting annexation of the area described herein has been received, and

Whereas, certification by the Town Clerk as to the sufficiency of said petition has been made, now therefore

Be it resolved by the City Council of the City of Marion, North Carolina:

Section 1. That a public hearing on the question of annexation of the area described herein will be held in the City Council Chamber at the Marion City Hall at 7:30 P.M. on the 22nd day of August, 1972.

Section 2. The area proposed for annexation is described as follows:

Section 3. Legal notice of said public hearing shall be published once in the McDowell News, a newspaper having general circulation in the City of Marion, at least ten (10) days prior to the date of said public hearing.

ATTEST:

[Signature]
Clerk

CHANGES IN STATE SYSTEM STREETS: Upon a motion by Councilman James, seconded by Councilman Wilkerson, the Board adopted the following resolution:

The Marion City Council request the North Carolina Highway Commission to

- 1) remove from the State system 707 feet of SR1291 (old West Henderson Street) between the Southern Railroad and Lail Street
- 2) add to the State System 380 feet of Lail Street between SR1291 and SR1001
- 3) add to the State System 842 feet of South McDowell Avenue between US 70 (East Court Street) and SR1700 (State Street)
- 4) that the above changes be made retroactive as of June 30, 1972

WEST HENDERSON AND BURGIN STREET INTERSECTION: Councilman James stated that he would like for it to be recorded in the minutes of this meeting that he feels a traffic signal is needed at the intersection of West Henderson Street and Burgin to alleviate the hazardous traffic conditions that occur at this intersection.

CROSS COTTON MILL VILLAGE HOUSES - WATER SERVICE: The Board instructed the City Manager to record in the minutes that it was agreed upon by the City and officials of Cross Cotton Mills prior to the recent annexation that the City would defer the installation of meters on each of the mill village houses for a period of at least five years from the effective date of annexation. This action was taken by the City in exchange for Cross Cotton Mill Officials' willingness to convey their water system to the City effective on the date of annexation. (Ref: page 270, June 6, 1972.)

PLANNING CONTRACT:

MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF MARION, NORTH CAROLINA.

A regular meeting of the City Council of the City of Marion was held in the City Hall, the regular meeting place, on August 8, 1972. All Councilmen were present.

The Council was advised of notification by the North Carolina Department of Natural and Economic Resources that a Federal Urban Planning Assistance Grant had been approved for the City of Marion, and a proposed contract, designated Municipality Contract No. NCP-1007-74, between the City and North Carolina Department of Natural and Economic Resources for the provision of planning services was presented and discussed; that, under the terms of the said contract, the City will pay a total of \$1,560.00 as its share of the planning costs, the same being due in one payment, to be due September 1, 1972.

Councilman James introduced the following resolution, which was read:

"BE IT RESOLVED, by the City Council of the City of Marion:

1) That the contract between the City of Marion and the North Carolina Department of Natural and Economic Resources be and the same is hereby approved.

2) That the Mayor and the City Clerk be and they are hereby authorized to sign and execute the said contract for and on behalf of the City of Marion and forward the same to the North Carolina Department of Natural and Economic Resources.

3) That upon final execution a copy of the said contract be filed with the minutes."

Upon a motion of Councilman James, seconded by Councilman Wilkerson, said resolution was unanimously passed.

I, Victor H. Denton, City Clerk of the City of Marion, North Carolina, at a meeting held on August 8, 1972, do hereby certify that the foregoing is a true copy of so much of the proceedings of the City Council of the City of Marion, as related to the contract between the City and the North Carolina Department of Natural and Economic Resources, relative to the City of Marion Planning project.

Witness my hand in the corporate seal of the said City, this the 8th day of August, 1972.

[Signature]
City Clerk

SEWER PLANT - MERCURY SEALS IN TRICKLING FILTER: The City Manager reported that the Office of Water and Air Resources has by letter stated that the City will need to replace its mercury seals in the trickling filter to comply with the Federal and State regulations. The City Manager stated that the existing trickling filter is in a deteriorated condition and will be replaced within the next two years. He stated that he questions making a three to five thousand dollar expenditure to modify a facility that will be junked in such a short time. After considerable discussion, and upon a motion by Councilman Cross, seconded by Councilman James, the Board unanimously voted to authorize the City Manager to write the Office of Water and Resources asking that they permit the City of Marion to continue to operate its trickling filter in its present condition for the next two years with the understanding that within this period of time the facility will be replaced. Reference is made to the correspondence on this matter in file in the City Manager's office.

GARBAGE COLLECTION: Cut-Off Date For Emptying 55 Gallon Barrels and Trash Bins: Upon a motion by Councilman James, seconded by Councilman Cross, the Board unanimously voted to adopt a resolution authorizing the City Manager to discontinue servicing 55 gallon barrels and trash bins after September 1, 1972. The City Manager was requested to inform by letter all businesses and industries still using 55 gallon barrels and trash bins of this action and encourage them to purchase bulk trash containers or 30 gallon garbage cans. It is understood that the City will service up to three 30 gallon containers twice a week for any business or industry. If the waste exceeds the amount that can be held in these small containers, the business or industry is required to purchase a bulk container of the size recommended by the City Manager or Director of Public Works. (Reference, page 258, April 4, 1972.)

CITY BOARD OF ELECTIONS: The City Manager reported that Dula Hawkins, Larry Brown and Jim McGarr accepted their appointments to the City of Marion Board of Elections. He stated that Howard Gouge did not desire to serve on the Election Board. The alternate, Jim McGarr accepted the appointment. The City Manager stated that Mayor Segars administered the oath of office to the Board of Elections on July 21 in the City Managers Office. He stated that the Board of Elections held a meeting on July 21 and appointed Mr. Hawkins Chairman and Larry Brown secretary. The Board of Elections on July 21 appointed Mrs. Julia Stanley as election registrar and Mrs. W.F. Grant and Mr. J.E. Black as election judges. (Ref; July 18 minutes, page 279).

TRAIN SPEEDS: The City Manager stated that he received a letter from Mr. W.L. Hoffman, superintendent of the Asheville District of the Southern Railway System stating the he has issued instructions to all train and engine employees stating that they must reduce the speed of trains in the City of Marion in keeping with the City of Marion Ordinance adopted on June 20, 1972 - effective August 1, 1972. (Ref: June 20 minutes, page 274).

HOSPITAL ZONE SIGNS: The City Manager stated that four hospital zone signs have been installed in the vicinity of the hospital. (Reference May 16 minutes, page 269).

ANNEXATION: ZION HILL AREA: The City Manager stated that Rev. Williams, minister of a church on Zion Hill Road, off north Logan Street has indicated an interest in being annexed to the City. The City Manager stated that this matter is being reviewed and a report will be made back to the Board at a later meeting.

STREET - SIDEWALK PROJECTS: The City Manager stated that most of the street and sidewalk projects have been deferred until we can employ a street superintendent. Councilman Wilkerson stated that it would be most helpful to the school children if the planned sidewalk on E. Court Street between south McDowell and Clay Street could be constructed prior to the starting date of school. The City Manager stated that a concerted effort would be made to construct this sidewalk prior to the starting date of school. (Reference, September 21, 1971, page 230).

FLOOD REPORT - ARMY CORP OF ENGINEERS: The City Manager reported that there is a meeting scheduled for Thursday, August 10, 1972 at 10 A.M. in the Court House to discuss flood studies recently completed for the North Fork of the Catawba River and Armstrong Creek. He stated that the County Manager has extended an invitation to the City Council to attend this meeting.

12/2/72 1969 POLICE CAR: The City Manager stated that a new police car has been purchased replacing the 1969 Ford and bids are being accepted on the 1969 vehicle.

CONLEY ROAD - WATER SERVICE: The City Manager stated that several families in the Conley Road area have indicated an interest in participating in the extension of a ten inch water line down Conley Road. He stated that at the present time it is his understanding that an effort is being made by some of the people in the area to determine the number interested in a line and the level of financial participation that could be expected from each of the residents.

DIRECTIONAL SIGNS: The City Manager stated that he received a request from the McDowell County Rescue Squad to install a sign at South Main and State Street directing the general public to the Rescue Squad facilities on State Street. He stated that he has written the Rescue Squad stating that 1) the City generally tries to discourage the installation of directional signs, especially in the downtown area and 2) that the recent steps to upgrade our street name signs will hopefully aid the general public in locating public facilities such as the Rescue Squad in the Marion area.

POLICE DEPARTMENT: The City Manager stated that several weeks ago Dean Bishop was dismissed from the Police Department for failure to perform in an acceptable manner. The City Manager stated that Mr. Bishop has employed an attorney to protest his dismissal. He stated that it is possible that this matter will be taken to Federal Court sometime within the next few weeks. He stated that Chief Wood and Mr. Dameron, City Attorney have discussed this matter in detail and that Mr. Dameron is handling the legal aspects of this matter.

There being no further business, the meeting adjourned.

[Signature]
Mayor

[Signature]
City Manager

August 22, 1972

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

The Marion City Council met in a regularly scheduled Board meeting on August 22, 1972 at 7:30 P.M. in the Marion City Council Chamber. Board members present: Mayor James H. Segars, Councilmen A. Everette Clark, Oliver R. Cross, Robert E. James, William R. Ledbetter and Horace Wilkerson. Others present: Victor H. Denton, City Manager, E.P. Dameron, City Attorney, Don Dillingham, newspaper reporter, John Price, Vernon Eckerd, Alex Turner, Boydston Frisbee, Red Walker and John Gilkey.

MINUTES OF THE AUGUST 8, 1972 BOARD MEETING: Upon a motion by Councilman Cross and seconded by Councilman Ledbetter, the Board unanimously voted to approve the August 8, 1972 minutes.

McDOWELL TECHNICAL INSTITUTE - REQUEST FOR MUNICIPAL WATER SERVICE: Mr. Vernon Eckerd, spokesman for a group representing McDowell Technical Institute stated that the Institute will soon be enlarging their facilities and that they are in need of an additional water supply. Mr. Eckerd stated that they have available twenty-five thousand dollars for developing a water system for the Institute. Mr. Eckerd stated that they would welcome the opportunity to contribute this amount of money to the City to have a municipal water line extended to the Institute. It was stated that the Institute is now supplied by a 6" well that produces approximately 20 gallons per minute and that at least one additional well and standpipe will be needed to serve the enlarged facilities - if they can not obtain municipal water. The City Manager stated that it is approximately 11,200 feet from the end of the City's 6" line on Rutherfordton Road to the Interstate underpass. The City Manager stated that if a line is extended down Rutherfordton Road for that distance it should be at least a 10" facility. It was estimated by the Board that the project would cost seventy to seventy-five thousand dollars. The City Manager stated that we are currently receiving complaints from Marion Manufacturing regarding a lack of water. He stated that the mill's water comes from the Rutherfordton Road line and that before this line is extended consideration needs to be given to re-enforcing the water system in the vicinity of Marion Manufacturing. He pointed out that our consulting engineers call for a part of the waterline loop system around Marion to extend down Baldwin Avenue. He suggested that in conjunction with any project to extend a line down Rutherfordton Road - or preferably prior to such a project - a line should be extended down Baldwin Avenue from the State Street - Matilda Avenue area to the Rutherfordton Road area tying these two segments of the municipal water system together. After considerable discussion the Board asked the Institute representatives to see if the County would be interested in contributing to this project in amount equal to at least one-third the project cost. In response to a question regarding how soon a decision has to be made on this matter, the Institute representatives stated that they would need to reach a decision on water service within a month.

RED WALKER: PROPOSED RESIDENTIAL DEVELOPMENT BEHIND JUNIOR HIGH SCHOOL: Mr. Walker presented to the Board a sketch of a proposed sub-division that he plans to develop on a tract of approximately 15 acres in size behind the junior high school. Mr. Walker stated that approximately 10 acres of the development would be in the City and five acres outside. He stated that he would like to find out what the City's policies are regarding improvements in new sub-divisions within the City. Mr. Walker stated that he would have approximately 31 lots in the development. It was pointed out to Mr. Walker that the Board adopted a utility extension policy on October 21, 1969. It was pointed out that under this policy the developer or subdivider would be expected to develop the sub-division at no cost to the City.

This policy stated on page 118 of Minute Book Number Five was read to Mr. Walker. After considerable discussion the Board specified the following basic requirements for Mr. Walker's proposed sub-division street rights-of-way: fifty feet, graded level for a width of forty feet. Water lines: 6" cast iron extending through the development from South McDowell Street south in the proposed street right-of-way and thence east approximately 150 feet in a proposed street right-of-way thence south along a proposed street right-of-way to the edge of Mr. Walker's property. The Board will permit Mr. Walker to extend a 2" waterline on the loop street to the left and right of the street that will have the 6" water line. The 2" lines are to loop and tie into the 6" waterline at their beginning and terminal points. The Board stated that the right-of-way in the sub-division must be dedicated all the way to the edge of the property and that a plat must be prepared by a registered surveyor before the Board will give approval to the proposal.

PINE CREST ESTATES SUBDIVISION - WATERLINE EXTENSION REQUEST: John Gilkey appeared before the Board to request that permission be granted to extend a 1½" waterline from the end of a 6" line in his sub-division to serve three or four lots beyond the terminal point of the 6" line. After considerable discussion the Board stated that the City's policy for several months has been that all new lines must be a minimum of 6" in size (2" in some cases on loop streets) and that Mr. Gilkey should extend the 6" line to a point where he can serve all of the property that he is planning to develop or sell. The Board agreed that the \$200.00 tap fee should be waived for all the lots in his proposed development - with the understanding that he would have to pay \$50 for the cost of meter, meter box and cut-off for each of the services. This provision is in accordance with the City policies set forth in the City's policy booklet. (Reference August 17, 1971, page 226)

ANNEXATION - TATE, PINNACLE, CROSS STREET AREA: Upon a motion by Councilman Cross, seconded by Councilman James, the Board unanimously voted to adopt the following annexation ordinance:

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF MARION, NORTH CAROLINA.

Whereas, the City Council has been petitioned under G.S. 160-452, as amended, to annex the area described herein, and

Whereas, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held in Marion City Hall Council Chamber at 7:30 o'clock, p.m. on the 22nd day of August, 1972, after due notice by publication on the 11 day of August, 1972, and

Whereas, the City Council does hereby find as a fact that said petition meets the requirements of G.S. 160-452 as amended; now therefore

Be it ordained by the City Council of the City of Marion, North Carolina:

Section 1. By virtue of the authority granted by G.S. 160-452, as amended, the following described territory is hereby annexed and made part of the City of Marion as of the 22 day of August, 1972.

Beginning on a concrete monument coordinate -- N18591.234, E-16886.373 said monument being located S81-24-01 E514.65 from a concrete monument in the original corporate limits located at the southern corner of the reservoir property N18668.19 E16377.51 and runs S22-00-00 E193.69 to a point in the line of Cross Mills addition on south margin of Tate Street--coordinate N18411.647, E16958.930, Thence with the line of Cross Mills addition the following courses and distance N60-07-00 E78.18 to a point in the intersection of the south margin of Tate Street and the east margin of Cross Street, coordinate N18450.599, E17026.715, thence with the east margin of Cross Street S50-40-40 E83.64 to a stake in east margin of Cross Street, coordinate N18397.598 E17091.419, thence N37-19-40 E100.91 to an iron stake, a corner of Cross Mills and Hal Baker coordinate N18477.85, E17152.61, thence S51-08-00 E65.81 to an iron pin a corner of Cross Mills and Hal Baker, coordinate N18436.55, E17203.85, thence N30-14-00 E113.46 to a concrete monument the NW corner of Cross Mills coordinate N18634.58 E17260.98. thence N81-24-01 W378.86 to the beginning, Containing 0.915 Acres.

Section 2. Upon and after the 22 day of August, 1972 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 levied for the fiscal year beginning July 1, 1973.

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 hereof, together with a duly certified copy of this ordinance.

Section 4. This ordinance shall be published once, following the effective date of annexation, in the newspaper having general circulation in the City of Marion.

Adopted this 22 day of August, 1972.

Victor H. Denton
City Manager

ATTEST:

Clerk

(Reference, July 18, 1972, page 279)

See City of Marion Ordinance Book, No. O-72-22-8-1

PARKING METERS: BAGGING: Upon a request from Mayor Segars, Mr. Dameron stated that he would set up a meeting with the Superior Court Judge at the next session of Superior Court to determine what action should be taken to have the restraining order on the City lifted. (Reference page 281, July 18, 1972.)

SEWER BOND REFERENDUM:

A regular meeting of the City Council of the City of Marion, North Carolina, was held at the City Hall, the regular place of meeting at 7:30 o'clock p.m. on August 22, 1972.

Present: Mayor James H. Segars, presiding, and Councilmen A. Everette Clark, Oliver R. Cross, Robert E. James, William R. Ledbetter and Horace Wilkerson

Absent: None

Also present: Victor H. Denton, City Manager and Clerk

Councilman Cross introduced the following ordinance authorizing bonds which was read:

ORDINANCE AUTHORIZING
\$1,200,00 SANITARY SEWER BONDS

BE IT ORDAINED by the City Council of the City of Marion:

Section 1. That, pursuant to The Municipal Finance Act, 1921, as amended, the City of Marion, North Carolina, is hereby authorized to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Sanitary Sewer Bonds in an aggregate principal amount not exceeding \$1,200,00 for the purpose of providing funds, with other

available funds, for enlarging and extending the sanitary sewer system of said City, including the construction of a new wastewater treatment plant, the enlargement and improvement of the existing wastewater treatment plant of the City and the construction of pump stations and sewer mains and lines, and the acquisition of any necessary land and rights of way.

Section 2. That a tax sufficient to pay the principal of and the interest on said bonds shall be annually levied and collected.

Section 3. That a statement of the debt of the City has been filed with the clerk and is open to public inspection.

Section 4. That this ordinance shall take effect when approved by the voters of the City at an election as provided in said act.

THEREUPON Councilman Wilkerson introduced the following resolution which was read:

WHEREAS, there has been introduced and there is now pending before the City Council an ordinance authorizing bonds of the City of Marion; now, therefore,

BE IT RESOLVED by the City Council of the City of Marion that the City Manager is hereby designed as the officer who should make and file with himself as clerk the sworn statement of the indebtedness and assessed valuation of said City which The Municipal Finance Act, 1921, as amended, requires to be filed after the introduction and before the passage of bond ordinances.

Upon motion by Councilman Ledbetter, seconded by Councilman James, the foregoing resolution was passed by the following vote:

Ayes: Councilmen, Clark, Cross, James, Ledbetter and Wilkerson

Noes: None

Thereupon the City Manager filed with himself as clerk, in the presence of the City Council, the statement of indebtedness and assessed valuation as so required.

Thereupon, upon motion of Councilman Clark, seconded by Councilman Wilkerson, the ordinance entitled: "ORDINANCE AUTHORIZING \$1,200,000 SANITARY SEWER BONDS", hereinabove set forth, was passed by the following vote:

Ayes: Councilman Clark, Cross, James, Ledbetter and Wilkerson

Noes: None

Thereupon Councilman Cross introduced the following resolution which was read:

RESOLUTION CALLING A SPECIAL BOND ELECTION
BE IT RESOLVED by the City Council of the City of Marion:

Section 1. A special bond election is hereby called to be held on October 14, 1972 between the hours of 6:30 A.M. and 7:30 P.M., at which there shall be submitted to the qualified voters of the City the question set forth in Section 3 hereof.

Section 2. The registration procedure, the precinct, the voting place, the registrar and the judges of election shall be as provided in the form of notice set forth in Section 3 hereof. The Municipal Board of Elections of the City of Marion shall conduct and canvass election on the question of issuing bonds of said City in accordance with Article 23 of Chapter 163 of the General Statutes of North Carolina and especially G.S. 163-288 (c) (1) and is hereby directed and requested to take all necessary steps to that end.

CCG002

8/22/72

Section 3. Notice of said election shall be published in the McDowell News at least thirty days before the date hereinabove fixed for said election, and again not later than twenty days before such date, reading substantially as follows:

NOTICE OF SPECIAL BOND ELECTION IN THE
CITY OF MARION ON OCTOBER 14, 1972.

NOTICE IS HEREBY GIVEN that a special bond election will be held on October 14, 1972 between the hours of 6:30 A.M. and 7:30 P.M., at which there shall be submitted to the qualified voters of the City of Marion the following question:

Shall an ordinance passed on August 22, 1972, authorizing the City of Marion, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Sanitary Sewer Bonds in an aggregate principal amount not exceeding \$1,200,00 for the purpose of providing funds, with other available funds, for enlarging and extending the sanitary sewer system of said City, including the construction of a new wastewater treatment plant, the enlargement and improvement of the existing wastewater treatment plant of the City and the construction of pump stations and sewer mains and lines, and the acquisition of any necessary land and rights of way, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, be approved?

The question hereinabove set forth contains a statement of the purpose for which the bonds are authorized by the ordinance referred to in such question.

If said bonds are issued a tax will be levied upon all taxable property in the City of Marion for the payment of the principal of and the interest on said bonds.

For said election, the regular registration books for elections in said City will be used. The City of Marion has established a permanent, full-time registration office in the City administrative office on the first floor of the City Hall, and the registration books of the City will be open for the registration of qualified persons not theretofore registered on Monday to Friday, inclusive, of each week, between the hours of 8:00 A.M. and 11:00 A.M. and of 12 o'clock Noon and 5:00 P.M.

The 1st day for the registration of those not now registered under the City's permanent registration system is Friday, September 15, 1972.

Qualified voters who are not certain whether they are registered should contact the voter registration office in City Hall.

The registration books will be open to public inspection by an elector of the City on Monday to Friday, inclusive, of each week, between the hours of 8:00 A.M. and 11:00 A.M. and between the hours of 12 o'clock Noon and 5:00 P.M. at said City administrative office on the first floor of the City Hall and said days are Challenge Days upon which the registration records of those who are registered to vote may be challenged.

The Municipal Board of Elections of the City of Marion appointed by the City Council of said City will conduct and canvass said election upon the question of issuing bonds of said City.

The precinct, voting place and the names of the election officials appointed by said Municipal Board of Elections for said election on the question of issuing bonds of said City are as follows:

Precinct No	Voting Place	Registrar	Judges
1	City Hall	Mattie Hemphill	Mrs. W.D. Grant Mr. J.E. Black

By Order of the City Council of the City of Marion.

Victor H. Denton
City Clerk

Section 4. The form of the ballot to be used at said election shall be substantially as follows:

OFFICIAL BALLOT
SPECIAL BOND ELECTION
CITY OF MARION, NORTH CAROLINA

October 14, 1972

Instructions

1. To Vote "YES" make a cross (X) mark in the square to the right of the word "YES".
2. To vote "NO" make a cross (X) mark in the square to the right of the word "NO".
3. If you tear or deface or wrongly mark this ballot, return it and get another.

YES	Shall an ordinance passed on August 22, 1972 authorizing the City of Marion, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Sanitary Sewer Bonds in an aggregate principal amount not exceeding \$1,200,00 for the purpose of providing funds, with other available funds, for enlarging and extending the sanitary sewer system of said City, including the construction of a new wastewater treatment plant, the enlargement and improvement of the existing wastewater treatment plant of the City and the construction of pump stations and sewer mains and lines, and the acquisition of any necessary land and rights of way, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, be approved?
NO	

Section 5. The City Clerk is hereby directed to certify copies of this resolution to the Municipal Board of Elections of the City of Marion, the McDowell Board of Elections, and the State Board of Elections.

Section 6. This resolution shall take effect upon its passage.

Thereupon Councilman Ledbetter moved the passage of the foregoing resolution entitled: "RESOLUTION CALLING A SPECIAL BOND ELECTION", and Councilman Wilkerson seconded the motion, and the resolution was passed by the following vote:

Ayes: Councilmen Clark, Cross, James, Ledbetter and Wilkerson

Noes: None

I, Victor H. Denton, City Clerk of the City of Marion, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of the proceedings of the City Council of the City of Marion at a meeting held on August 22, 1972, so far as the same relate to the authorization of bonds of said City, the calling of a special bond election and the selection of the method of registration therefor, as such proceedings are recorded in Minute Book No. five, beginning at page 288 and ending at page 292.

WITNESS my hand and the corporate seal of said City this the 22 day of August, 1972.

Victor H. Denton
City Clerk

(Reference, page 277, July 18, 1972.)

SEWER BONDS - REPAYMENT SCHEDULE: The City Manager stated that the North Carolina Local Government Commission has submitted to the City two schedules for repayment of \$1,200,00 sewer bonds. He stated that one schedule is a twenty-five year repayment; the other a twenty year repayment. The City Manager stated that under the twenty year schedule the interest is computed at 5 1/2% and that the annual payments including principal and interest will start out in 1973-74 at \$89,750 increasing to \$134,062.50 in 1976-77 and then declining for the balance of the repayment period. Under the twenty-five year repayment schedule the interest is computed at 5 1/2% with annual payments including principal and interest at \$92,750 increasing to \$117,125 in 1974-75 then declining for the balance of the repayment period. (Reference, July 18, 1972 page 277.)

1972-73 BUDGET - AMENDMENT: Upon a motion by Councilman Wilkerson, seconded by Councilman James, the Board unanimously voted to transfer \$11,336.15 from 537A to 612J and \$1003.85 from 937C account to 612J. (Reference, July 18, 1972, page 278.)

MARION MANUFACTURING - WATER SERVICE: Mayor Segars and the City Manager stated that Robert Twitty, President of Marion Manufacturing, recently requested a meeting with them to discuss water service to Marion Manufacturing. The City Manager reported that they met with Mr. Twitty and were informed that Marion Manufacturing is experiencing some difficulties with their present wells and they want to give consideration to obtaining additional City water. The City Manager stated that Mr. Twitty would like for the City to take whatever steps necessary to get more water to the mill. In exchange Mr. Twitty indicated that they would consider letting the City collect the revenues from the metered water customers in the mill village. Mr. Twitty stated that he would want the City to maintain the lines and meters, read the meters and do the billing, however, he wanted the mill to retain ownership to the lines. Mr. Twitty stated that if it were necessary for the mill to make a contribution to a new line the City should make some concessions in water rates to the mill.

After considerable discussion, it was decided that the following proposal should be made to Mr. Twitty. 1) That the City of Marion will, at no expense to Marion Manufacturing, tie a 10" water line into the mill's 6" line in the vicinity of the East Marion Elementary School, thus placing East Marion on a loop system between the City's Rutherfordton Road line and the State Street line, 2) that Marion Manufacturing stop using their wells and depend on the City for water, 3) that Marion Manufacturing will pay a sewer charge based on water consumption, 4) that Marion Manufacturing will deed the East Marion Village water and sewer system to the City with the understanding that the City will be responsible for the maintenance of these two utilities and 5) that if the above is instituted, the City of Marion will no longer charge Marion Manufacturing a monthly sewer charge of \$248.75 (175 houses @ 1.25 per house plus \$30.00 for industrial waste.) Reference page 109, September 2, 1969.

CHARLES CLEVENGER - STREET ASSESSMENT ON ALABAMA AVENUE: Upon a motion by Councilman James, seconded by Councilman Ledbetter, the Board unanimously voted to void an old street assessment against the Charles Clevenger property on Alabama Avenue. This action was taken because of the uncertainties that relate to this assessment; namely the assessment was levied against a prior property owner that dedicated a part of his property for the street and that sometime in the past the City of Marion voided a similar assessment for adjoining property owner that dedicated some of this property for the street.

LOG CABIN ON COMMUNITY BUILDING GROUNDS: Upon a motion by Councilman Ledbetter, seconded by Councilman Cross the Board unanimously voted to grant the Arts and Crafts Association permission to use the log cabin on the Community Building grounds provided 1) the Arts and Crafts Association can work out an agreement with a church group that is using the building and 2) that the Arts and Crafts Association understands that the City of Marion does not plan to make any expenditures for improving the building.

TAXI SERVICE - GROVER TAYLOR: Upon a motion by Councilman James, seconded by Councilman Cross, the Board unanimously voted to grant Grover Taylor permission to add another station wagon to his taxi service. The City Manager stated that this will be his fourth vehicle (his second station wagon). He stated that Mr. Taylor does not plan to purchase any additional units. (Reference page 272, June 6, 1972.)

STREET LIGHT - CROSS COTTON MILLS VILLAGE: Upon a motion by Councilman James, seconded by Councilman Ledbetter, the Board unanimously voted to authorize Duke Power to install a street light at the corporate limits line on Tate Street.

BAXTER INDUSTRIES: Mayor Segars stated that officials of Baxter Laboratories have invited the Board to tour their facilities. The Board suggested that the Mayor and City Manager work out a convenient time to tour the plant.

BYPASS - ENVIRONMENTAL STATEMENT: The City Manager read an environmental statement prepared by the Marion Planning Board relating to the proposed bypass routes. The City Manager stated that this environmental statement from the Planning Board was required by the North Carolina Department of Natural and Economic Resources. (Statement on file in the City Manager's Office.)

STREET RESURFACING: The City Manager stated that A.R. Thompson Contractors unexpectedly notified him this evening that they would like to start resurfacing City streets tomorrow morning. The City Manager requested and received permission to compile a preliminary resurfacing map and then meet with the Street Committee tomorrow afternoon to finalize the map. (Reference page 279, July 18, 1972.)

EAST COURT STREET SIDEWALK PROJECT: The City Manager stated that the new sidewalk between Freshour Market on East Court Street and South McDowell Avenue has been completed. (Reference August 8, 1972, page 285)

REGISTRATION: The Board authorized the City Manager to take the necessary steps to convert to loose-leaf registration and establish a fulltime registration office in City Hall that will be staffed either by the registrar or an individual designated by the registrar.

SEWER PLANT - MERCURY SEALS IN TRICKLING FILTER: The City Manager stated that he has written a letter to the North Carolina Office of Water and Air Resources setting forth the City's concern about the State's requirement to modify our trickling filter to eliminate the mercury seals when it will be junked in such a short time. He stated that as of this date he has not received a reply to his letter. (Letter on file in City Manager's Office.) Reference August 8, 1972 page 284.

GARBAGE COLLECTION - CUT-OFF DATE FOR EMPTYING 55 GALLON BARRELS AND TRASH BINS: The City Manager reported that a copy of the following letter has been sent to all that do not have bulk containers.

Dear Sir:

Effective September 1, the City of Marion will discontinue emptying all trash containers except (1) standard type 30-32 gallon garbage cans with lids and handles and (2) 2-8 cubic yard bulk containers.

If your waste exceeds the amount that can be held in three standard 30-32 gallon garbage cans serviced twice a week, you will need to purchase a bulk container of a type that can be serviced by the City's new garbage trucks.

In some locations it may be desirable and more economical for two or more adjoining merchants to purchase one medium or large bulk container rather than each purchasing a small bulk container.

The 30-32 gallon garbage cans are to be of a type that can be purchased at most any grocery or hardware store. The City has in stock a supply of bulk containers. Upon request these will be delivered. Billing will be directly from the container distributor.

If you have any questions on this matter or desire to purchase a bulk container, please call me at 652-3551.

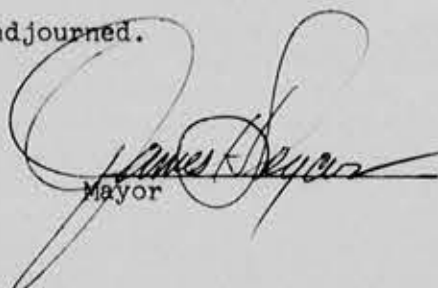
Sincerely yours,

(Reference April 4, 1972 page 258.)

POLICE DEPARTMENT: Mr. Dameron reported to the Board that he has filed an answer to the summons that has been issued on the City. He stated that to his knowledge this matter will not be acted on until the next term of Court. (Reference August 8, 1972 page 285.)

There being no further business the meeting adjourned.


City Manager


Mayor

September 5, 1972

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION

The Marion City Council met in a regularly scheduled Board Meeting on September 5, 1972 at 7:30 P.M. in the Marion City Council Chamber. Board members present; Mayor James H. Segars, Councilmen A Everette Clark, Oliver R. Cross, William R. Ledbetter and Horace Wilkerson. Member absent: Robert E. James. Others present; Victor H. Denton, City Manager, Ruby Reel, newspaper reporter, Jack Walker, Red Walker, Mrs. E.B. Whitaker and Mrs. N.L. Corbett.

MINUTES OF THE AUGUST 22, 1972 BOARD MEETING: Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the Board unanimously voted to Approve the August 22, 1972 Minutes.

MORGAN STREET - CONCERN ABOUT A NEARBY CARWASH THAT IS OPEN TWENTY-FOUR HOURS A DAY AND A LAUNDERMAT THAT IS UNDER CONSTRUCTION: Mrs. E.B. Whitaker and Mrs. N.L. Corbett stated that a carwash near their homes is open twenty-four hours a day and is responsible for alot of traffic and noise late at night. Mrs. Whitaker and Mrs. Corbett indicated that they are fearful that the laundermat under construction in close proximity to the carwash will accentuate the noise and general nuisance problem. They stated that in addition to the noise generated by the carwash, it at times is a hang-out for loafers. They stated that they would appreciate it if the City could take whatever action necessary to prevent the carwash and laundermat from being operated all night.

RED WALKER: PROPOSED RESIDENTIAL DEVELOPMENT BEHIND JUNIOR HIGH SCHOOL: Mr. Walker stated that he has made some modifications in his proposed sub-division. He stated that he would like to get approval of the new layout. After considerable discussion it was decided to take no action on this request until a projected route for S. McDowell Street extension could be determined. Mr. Walker indicated that he might be interested in working with the City in extending the S. McDowell Street right-of-way through his sub-division if some concessions could be made on the water lines in the development. (Reference, July 22, 1972 page 286)

AUDITOR'S REPORT: The City Manager distributed copies of the Auditor's Report for 1971-72 to each Board member. (Reference, May 2, 1972 - page 263.)

POLICE DEPARTMENT -HIGH SPEED CHASES: After discussing this matter it was decided to invite Police Chief Wood to the next Board meeting if Mr. Dameron, City Attorney could be present.

FLEMING AVENUE - SIDEWALK REQUEST: Mayor Segars stated that he has received a request from Mrs. Matt Smith to install a sidewalk on the west side of Fleming Avenue between Robert Street and Dogwood Lane. He stated that Mrs. Smith also requested a street light on Dogwood Lane. The Board requested the Street Committee to investigate this request and report back at the next Board meeting.

AZALIA STREET - SIDEWALK: The City Manager stated that Mr. Owensby is developing the property on the east side of Azalia Street and that he has offered to dedicate to the City a strip along the east side of this street for a sidewalk. After discussing this matter in some detail, it was concluded that a sidewalk is needed on this street, however, it could be on the west side rather than the east side. The City Manager was requested to investigate the possibilities of trading a City owned lot at the corner of Park Avenue and Azalia Street for a strip of land along the west side of Azalia Street so that a sidewalk can be constructed. The City Manager and Street Committee was requested to look into this matter and report back at the next Board meeting. (Reference, April 1, 1969, page 78)

OFFSTREET PARKING LOT BEHIND MOORES DEPARTMENT STORE: Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the Board unanimously voted to install a street light in the parking lot behind Moores Department Store.

ROBERT JARRETT - DRAINAGE PROBLEM: After discussing a drainage problem that Robert Jarrett has on his property fronting on Fern Avenue, the Board requested the Street Committee to look into this matter and report back at the next Board meeting. (Reference, March 7, 1972, page 251)

MCDOWELL TECHNICAL INSTITUTE - REQUEST FOR MUNICIPAL WATER SERVICE: One or two of the Board members stated that they have heard that the County Commissioners are willing to participate in a water line down to US 221 and NC 226 to McDowell Technical Institute. The Board expressed the feeling that if this water line project is undertaken, the Technical Institute should contribute at least \$25,000 toward the project and the balance of the project cost should be split equally between the City and County. No action was taken on this matter. (Reference, August 22, 1972, page 286)

SEWER BOND REFERENDUM: The City Manager distributed to each of the Board members a copy of the re-payment schedule that was submitted to the City by the North Carolina Local Government Commission. (Reference, August 22, 1972, page 292)

SEWER BOND REFERENDUM: THE NORTH CAROLINA LOCAL COMMISSION (GOVERNMENT) APPLICATION: The City Manager stated that he has received a letter from the North Carolina Local Government Commission stating that the Commission has received and approved our application for a sewer bond referendum. (Reference, August 22, 1972, page 288)

MARIMONT PLANT DEDICATION: The City Manager stated that Henredon Officials had originally scheduled the Marimont Plant dedication for October 14, 1972, however, they have postponed the dedication because of some unanticipated delays in completing the plant. (Reference May 2, 1972, page 264)

STREET RESURFACING: The City Manager reported that the street resurfacing program has been completed. (Reference July 18, 1972, page 279)

OAK GROVE CEMETERY PAVING OF REMAINING DRIVES: The City Manager stated that the paving contractor has completed the paving project in Oak Grove Cemetery. He stated that all the drives in the cemetery are now paved.

OFF STREET PARKING TAINTER PARKING LOT: The City Manager stated that sometime within the next two weeks the Tainter parking lot will be marked off. The Board authorized the City Manager to limit the entrance and exit for the entire parking lot to the existing entrance and exit that are controlled by the traffic signal at West Henderson and Logan Street.

REGISTRATION: The City Manager reported that the City is in the process of converting to loose-leaf registration. (Reference August 22, 1972, page 294.)

GARBAGE COLLECTION - BULK TRASH CONTAINERS: The City Manager stated that most of the local businesses have either purchased bulk containers or are utilizing thirty gallon garbage containers. (Reference August 22, 1972, page 294)

POLICE DEPARTMENT - COMMUNICATIONS RECORDER: Upon a motion by Councilman Wilkerson, Seconded by Councilman Cross, the Board authorized the City Manager to inform the Regional Health Council of Eastern Appalachia that the City of Marion will be responsible for handling all emergency communications system in the County, this included the County Fire Department, the County Rescue Squad, and the County hospital ambulance communication networks. This action was taken by the Board at the request of the Regional Health Council. (See letter from RHCOEA dated August 30, 1972 in City Manager's File) Reference June 6, 1972, page 272.

STREET DEPARTMENT: The City Manager stated that the Street Department will soon begin re-marking all the crosswalks and lane arrows in the City. He stated that as soon as this is completed they plan to begin work on the Tate Street sidewalk.

There being no further business, the meeting adjourned.

Mayor

City Manager

September 19, 1972

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION

The Marion City Council met in a regularly scheduled Board meeting on September 19, 1972 at 7:30 p.m. in the Marion City Council Chamber. Board members present; Mayor James H. Segars, Councilman A. Everette Clark, Oliver R. Cross, Robert E. James, William R. Ledbetter and Horace Wilkerson. Others present: Victor H. Denton, City Manager, E.P. Dameron, City Attorney, Ruby Reel; newspaper reporter and Harry Stolte.

MINUTES OF THE SEPTEMBER 5, 1972 BOARD MEETING: Upon a motion by Councilman Ledbetter, seconded by Councilman Cross the Board unanimously voted to approve the September 5, 1972 Minutes.

AUDITOR'S REPORT: Harry Stolte with Calder, Crawley and Company, certified public accounts made a brief presentation of the auditor's report for the City's fiscal year ending June 30, 1972. Mr. Stolte's comments were limited primarily to statements set forth in a July 23, 1972 letter to the Mayor and City Council. (The auditor's report and letter are on file in the City Manager's office.) Reference May 2, 1972, page 263 and September 5, 1972, page 295

MORGAN STREET - CONCERN ABOUT THE NEARBY CARWASH THAT IS OPEN TWENTY-FOUR HOURS A DAY AND A LAUNDERMAT THAT IS UNDER CONSTRUCTION: Councilman Wilkerson stated that he has looked into this matter and that he recommends that no action be taken on this matter at this time. The Board concurred with this request. Reference September 15, 1972, page 295

POLICE DEPARTMENT - COMMUNICATIONS RECORDER: The Board authorized the City Manager to send the following letter to the Regional Health Council of Eastern Appalachia:

Mrs. Fannie N. Bertalot, Comptroller
Regional Health Council of
Eastern Appalachia
201 Green Street
Morganton, North Carolina 26655

Dear Mrs. Bertalot:

The Marion City Council discussed the contents of your letter at their September 20 meeting. It was concluded at this meeting that the City of Marion will be glad to serve as the required point of coordination for emergency medical services in the County.

If at some future date the participating agencies decide to no longer participate in the system, it is understood that the tape recorder will revert to the Commissioners of McDowell County at such time that the City of Marion is reasonably compensated for their investment in the recorder.

As in all of our communications we will endeavor to adhere to the applicable policies and procedures.

The Board has appropriated in this year's budget an amount that should equal our matching 20% of the total purchase price of the recorder. Needless to say we are anxious to move forward on this project.

Sincerely yours,

Victor H. Denton
City Manager

VHD:jas

cc: James Segars, Mayor

Reference September 5, 1972, page 296

MARION MANUFACTURING - WATER AND SEWER SERVICE: Mayor Segars and the City Manager stated that they met with Bob Twitty, President of Marion Manufacturing this afternoon and stated that Mr. Twitty informed them that Marion Manufacturing is not interested in coming into the City and they will resist any action to take them into the City. The City Manager stated that Mr. Twitty made these remarks even though they did not introduce the subject of annexation. They stated that Mr. Twitty still feels that the City should abide by the 1951 agreement between the City of Marion and Marion Manufacturing and that if there is a need to increase sewer charges it should be done in accordance with a procedure spelled out in the 1951 contract, that being to increase the \$1.25 domestic sewer charge per service to some higher level. After discussing this matter in considerable detail it was decided to take no action on this matter at time time. (Reference is made to notes on file in the City Manager's office regarding this subject.) Reference August 22, 1972 page 292.

FIRE DEPARTMENT - FIRE PREVENTION CODE: Fire Chief Arthur Edwards recommended to the Board that consideration be given to adopting the 1970 Abbreviated Edition of the fire prevention code that is recommended by the American Insurance Association. After considerable favorable discussion it was decided to request the newspaper to announce that the Board is considering the adoption of a Fire Prevention Code at its October 3 meeting.

MCDOWELL TECHNICAL INSTITUTE - REQUEST FOR MUNICIPAL WATER SERVICE: After considerable discussion it was concluded that the City Manager should contact our consulting engineers, O'Brien and Gere, to determine what it would cost to compile bid specifications for this project. Reference September 5, 1972 page 296.

FLEMING AVENUE SIDEWALK: Upon a motion by Councilman Cross, seconded by Councilman Ledbetter, the Board unanimously voted to install a sidewalk on the west side of Fleming Avenue from Montevista Avenue to Robert Street.

DOGWOOD LANE - STREET LIGHT REQUEST: The Board unanimously voted to table a street light request from Mrs. Matt Smith.

SUMMIT STREET AND ELLIS STREET - STREET LIGHT REQUESTS: Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the Board unanimously voted to install a street light on Summit Street and on a narrow graveled drive that extends east off of Ellis Street.

ROBERT JARRETT-DRAINAGE PROBLEM: Upon a motion by Councilman Wilkerson and seconded by Councilman James, the Board unanimously voted to pipe the surface water that comes off of Crescent Drive behind Bob Jarrett's residence down to an existing catch basin behind Mr. Jarrett's house. This project is to be undertaken at City expense. Reference September 5, 1972 page 296

RED WALKER - PROPOSED RESIDENTIAL DEVELOPMENT BEHIND THE JUNIOR HIGH SCHOOL: After considerable discussion, the Board offered the following proposal to Mr. Walker. The the City will extend 1) a 6" waterline down the street right-of-way of South McDowell to the property line of Mr. Walker's subdivision and 2) South McDowell Street to the property line of Mr. Walker's subdivision at no expense to Mr. Walker if he will dedicate a sixty foot right-of-way for the continuation of South McDowell Avenue through his subdivision to his property line on the southern edge of his subdivision. As noted in prior Board action Mr. Walker is to grade the right-of-way reasonably level for a width of forty feet. The 6" water line is to extend down South McDowell Avenue to the southern edge of the east-west street. Mr. Walker is to gravel, pave and gutter the streets in accordance with City standards. The paving costs are to be paid one-half by Mr. Walker and one-half by the City of Marion. Pine Street on the northern edge of Mr. Walker's property is to be opened between Clay Street and South McDowell Street. The City is to bare the cost of opening and graveling this street. The above proposal is to be incorporated with the recent Board actions regarding this project. Reference July 22, 1972 page 286 and September 5, 1972 page 295

UNPAVED STREETS: PAVING: Upon a motion by Councilman Ledbetter, seconded by Councilman James, the Board unanimously voted to initiate a paving project to pave all of the long existing unpaved streets in the City. Property owners along the unpaved streets are to be assessed one dollar per front foot. The paving is to be done without curb and gutter and for only the width of the traveled portion of the street.

PINE STREET: Mr. Dameron, City Attorney, stated that he has checked the deeds of the property owners along Pine Street. He stated that it is his opinion that the right-of-way for this street has been clearly dedicated for a street. He made reference to the Park Hill Subdivision Book One, Page 115. Reference July 22, 1972 page 286.

CCG002

SOUTH McDOWELL AVENUE: Mr. Dameron, City Attorney stated that it is his opinion that South McDowell Avenue is a dedicated street from a point where it now terminates in the vicinity of Pine Street and South McDowell southward thence curving westward to the point where it intersects with Tremont Street. He made reference to the Catawba Heights Subdivision Book One, page 108.

AZALIA STREET - SIDEWALK: Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the Board unanimously voted to authorize the City Manager and the City Attorney to initiate steps to exchange the City owned lot at the corner of Azalia and Park Avenue for a strip of land along the southwestern side of Azalia Street for a sidewalk. It is understood that this property is owned by attorney Roy Davis. Reference, September 5, 1972, page 295.

POLICE DEPARTMENT - HIGH SPEED CHASES OUTSIDE THE CORPORATE LIMITS OF MARION: After discussing this matter the City Manager stated that he and the Police Chief will meet with Mr. Dameron to discuss the legal aspects of high speed chases outside the corporate limits of Marion. Reference, September 5, 1972, page 295.

TENNIS COURTS - LIGHTS: The City Manager stated that the City of Morganton is in the process of spending approximately \$6,000 to light three tennis courts. He stated that their courts are laid out similar to ours. He stated that the North Carolina Division of Recreation estimates that it will cost between twenty-five hundred and three thousand dollars to light three tennis courts. The City Manager stated that he has requested officials at Duke Power Company to make a lighting study of our tennis courts.

CROSS MILL PROPERTIES - PROPERTY TAXES-TAX ADJUSTMENT: Upon a motion by Councilman James, seconded by Councilman Ledbetter, the Board unanimously voted to make the following changes in Cross Mill's property tax because the properties are totally or partially outside the corporate limits of Marion. Stocks in Merchandise: reduce the original listing from \$498,250 to \$412,113. Real Properties: reduce the original listing from \$619,940 to \$601,714. The total adjustment equals \$104,363 in assessed valuation.

MARION FIRE DEPARTMENT ROSTER OF VOLUNTEERS: The City Manager submitted to each of the Board members a current listing of individuals in the Marion Fire Department. The listing includes the following names:

James E. Austin
John W. Beck
Clyde Bobo
John M. Brown
Larry W. Brown
Fred T. Brown
Lee R. Cate
R.M. Dark, Jr.
Arthur E. Edwards - Chief
Michael E. Gaddy
George Goldsmith
Terry B. Good
Marvin E. Hall
Tommy W. Harris
Larry A. Hogan
James R. Hollifield
Williard Hollifield
Ernest E. Laney
Jack Laughridge
John M. Laughridge
Morris S. Laughridge
Phillip Laughridge

James L. Mathis
James C. McGarr
Jack E. McHone
Thomas S. Milligan
J.E. Neal III
Arthur E. O'Dear
James D. Parker
Jerry W. Poteat
Billy Ray Poteat
Charles Presnell
Dennis M. Price
Edward Rowe
Ray E. Seagle - 2nd Ass't Chief
David M. Setzer
Charles H. Smith
Harold Smith
John L. Sullivan - 1st Ass't Chief
Joe N. Ward
Michael E. Waycaster
Earl Webb
William J. Young, Jr.

MARION BYPASS: The City Manager stated that he noted in a recent news article in the McDowell News that the Highway Commission now states that the improvement of 221-226 north of town will be tied in with the Marion bypass improvement. Reference July 18, 1972, page 277.

SEWER PLANT SITE: The City Manager stated that our engineers have stated that they have completed the study of a site location for the proposed sewer plant. He will be submitting this to the City within the next few days. Reference July 18, 1972, page 277.

GARBAGE COLLECTION - BULK TRASH CONTAINERS: The City Manager stated since initiating the bulk trash containerization program several months ago, fifty-seven bulk containers have been set out. Reference August 5, 1972, page 284.

OAK STREET WATERLINE EXTENSION: The City Manager reported that the Public Works Department is in the process of extending a 6" waterline on the south side of Oak Street from Gilkey Street east to a point in Oak Street where it curves northward.

CITY MANAGER EMPLOYMENT TERMINATION: The City Manager informed the Board that he has accepted a job in Mt. Airy as City Manager and that he will be terminating his employment with the City effective the last day of November, 1972.

There being no further business, the meeting adjourned.

Mayor

City Manager

October 3, 1972

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

The Marion City Council met in a regularly scheduled Board meeting on October 3, 1972 at 7:30 P.M. in the City Council Chamber. Board members present; Mayor James H. Segars, Councilmen A. Everette Clark, Oliver R. Cross, Robert E. James, William R. Ledbetter and Horace Wilkerson. Others present; Victor H. Denton, City Manager, E.P. Dameron, City Attorney and Don Dillingham, newspaper reporter.

MINUTES OF THE SEPTEMBER 19, 1972 BOARD MEETING: Upon a motion by Councilman Cross, seconded by Councilman Ledbetter, the Board unanimously voted to approve the September 19, 1972 minutes.

FIRE DEPARTMENT - FIRE PREVENTION CODE: Upon a recommendation from the City Manager, the Board tabled action on the Fire Prevention Code. The City Manager stated that the Fire Chief and himself are attempting to clarify a few items in the code and that it should be ready for adoption at the next Board meeting. Reference September 20, page 299.

SEWER TAP FEES: Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the Board unanimously voted to increase the intown sewer tap from \$30.00 to \$50.00.

RED WALKER - PROPOSED RESIDENTIAL DEVELOPMENT BEHIND JUNIOR HIGH SCHOOL: The City Manager stated that Mr. Walker has requested permission to shift several feet to the east the southern portion of South McDowell Avenue (the section that he plans to dedicate but on open). The City Manager stated that South McDowell is on the Marion Throughfare Plan and that any sharp curves or jogs in this street may later jeopardize the possibilities of the Highway Commission accepting this street as a throughfare. After considerable discussion the Board decided not to honor Mr. Walker's request. The Board reiterated their earlier stated desire to have South McDowell Avenue extended south entirely through Mr. Walker's subdivision - without any offsets or jogs in the right-of-way. Reference September 20, page 299.

SEWER SERVICE TO THE ABOVE SUBDIVISION: After considerable discussion the Board asked the City Manager to inform Mr. Walker that the City should be in a position to provide sewer service to his subdivision within the next several months if the October 14 sewer bond referendum passes. Reference September 20, page 299.

PROPERTY SURVEYS: The City Manager requested and received permission to employ the services of a surveyor to survey: 1) the City lot at the corner of Azalia and Park Avenue 2) the right-of-way for Pine Street 3) the area along Fleming Avenue that will be used for a sidewalk 4) South McDowell Avenue and 5) the rear property line of Mrs. Inez Craig's property on Park Avenue.

BURGIN STREET - STREET LIGHT REQUEST: The City Manager stated that Mrs. Louise Davis has requested a street light in front of her house. After some discussion and upon a suggestion by the City Manager, the Board authorized the City Manager to ask Duke Power to replace the 7500L Street light at the corner of Burgin and Henderson with a 20000L light.

GARDEN CREEK WATER LINE: Upon a motion by Councilman Ledbetter and seconded by Councilman Cross and Councilman Wilkerson, the Board unanimously voted to authorize the City Manager to advertise for bids for the Garden Creek Waterline. Reference May 16, 1972 page 269.

PULLIAM STREET - SIDEWALK: Mayor Segars stated that there is a need for some sidewalk repairs on Pulliam Street. He requested the Street Committee to look into this matter prior to the next Board meeting.

AZALIA STREET - STREET LIGHT: The Board unanimously agreed that a street light should be installed on the West side of Azalia Street, approximately midway between McDowell Avenue and Park Avenue. The light installation is to be deferred until the sidewalk easement agreement with Mr. Davis is executed.

ACADEMY STREET - WEST COURT STREET: Some of the Board members indicated that the northwest corner of Academy and West Court Street should be cut back to improve the turning radius and sight distance at this intersection. As this project will involve the corner of the old Marion Junior High School property, Mayor Segars stated that he would discuss this matter with the School Board.

OAK STREET WATERLINE EXTENSION: The City Manager stated that the Public Works Department has completed a waterline project that extends a six inch line east on the south side of Oak Street from Gilkey Street to a point where Oak Street curves to the north and becomes Virginia Avenue. Reference September 19, 1972, page 301.

OAK GROVE CEMETERY - SIGN: The City Manager stated that an entrance sign to Oak Grove Cemetery has been completed and that it will be installed within the next few days.

TATE STREET - SIDEWALK: The City Manager stated that the Public Works Department has done some work on the Tate Street sidewalk project, however, due to several emergencies during the past two weeks, the project is not very far along at this point. Reference May 2, 1972, page 263.

COMMUNITY BUILDING - REFINISHING FLOORS: The City Manager stated that Isaac Logan is refinishing the floors at the Community Building.

COMMUNITY BUILDING - LEAK IN ROOF: The City Manager stated that last week during the heavy rains, a leak in the Community Building roof was detected. He stated that the Director of Public Works will be making a check on the roof as soon as it dries to determine if the defective area can be patched or if the roof will need to be replaced.

REGISTRATION FOR THE OCTOBER 14 SEWER BOND REFERENDUM: The City Manager reported that the closing date for registration for the October 14 sewer bond referendum has passed and that Mrs. Hemphill, Registrar for the referendum, is in the process of setting up the loose-leaf registration books for the referendum. Reference September 5, 1972 page 296.

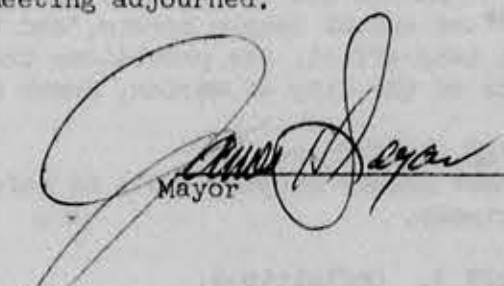
REPLACEMENT OF CITY VEHICLES: The City Manager stated that the City is advertising for bids for a new pick-up truck for the Director of Public Works and a new automobile for the City Manager. He stated that the bids will be in by the October 17 Board meeting.

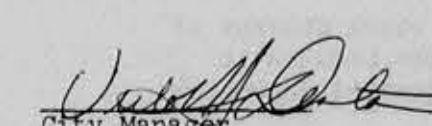
SEWER PLANT SITE: The City Manager stated that O'Brien & Gere has proposed four alternate locations for the sewer plant site. He stated that due to some questions that have arisen regarding the sites, the engineers asked for more time to analyze their recommendations. Reference August 8, 1972 page 282.

MAYOR'S OFFICE: The City Manager stated that he is in the process of setting up an office for the Mayor on the second floor in the City Hall.

NORTH CAROLINA LEAGUE OF MUNICIPALITIES CONVENTION- OCTOBER 29,30,31: The City Manager stated that League Convention will be in Greensboro October 29,30,31. He encouraged all Board members to attend the convention and to bring their wives to the banquet on the closing night.

There being no further business, the meeting adjourned.


Mayor


City Manager

CCG002

October 17, 1972

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION

The Marion City Council met in a regularly scheduled Board meeting on October 17, 1972 at 7:30 P.M. in the Marion City Council Chamber. Board members present; Mayor James H. Segars, Councilmen A. Everette Clark, Robert E. James, William R. Ledbetter and Horace Wilkerson. Councilman absent; Oliver R. Cross. Others present; Victor H. Denton, City Manager, Don Dillingham, newspaper reporter, Firechief Arthur Edwards, Red Walker and Jack Walker.

- * MINUTES OF THE 1972 BOARD MEETING: Upon a motion by Councilman Ledbetter, seconded by Councilman Clark, the Board unanimously voted to approve the October 3, 1972 minutes.

RED WALKER - PROPOSED RESIDENTIAL DEVELOPMENT BEHIND JUNIOR HIGH SCHOOL: Red and Jack Walker presented to the Board a sketch of their proposed subdivision. They stated that they would like to know what the City's policy will be regarding sewerage service to their development. The Board stated that the area should be sewer, however, several details would need to be discussed with the City's engineer before any sewer plans are finalized. The Board instructed the City Manager to contact the City's engineer to determine what lines are included in the proposed cost estimate for providing sewer service to the area that encompasses the Walker subdivision. Reference page 302 - October 3, 1972.

FIRE PREVENTION CODE: Upon a motion by Councilman Wilkerson and seconded by Councilman James, the Board unanimously voted to adopt the 1970 Abbreviated Edition of the Fire Prevention Code as recommended by the American Insurance Association.

AN ORDINANCE ADOPTING A FIRE PREVENTION CODE PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION

Be it ordained by the City Council of the City of Marion, North Carolina,

SECTION 1. Adoption of Fire Prevention Code.
There is hereby adopted by the City Council of the City of Marion for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Fire Prevention Code recommended by the American Insurance Association, being particularly the 1970 edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended (by section 8 of this ordinance), of which code not less than three (3) copies have been and now are filed in the office of the Clerk of the City of Marion and the same as hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling within the limits of the City of Marion, North Carolina.

SECTION 2. Enforcement.
The code hereby adopted shall be enforced by the Chief of the Fire Department.

SECTION 3. Definitions.
Wherever the word "Municipality" is used in the Fire Prevention Code, it shall be held to mean the City of Marion.

SECTION 4. Establishment of Limits of District in which Storage of Explosives and Blasting Agents, Storage of Flammable Liquids in Outside Aboveground Tanks, and Bulk Storage of Liquefied Petroleum Gases is to be Restricted.

* OCTOBER 3, 1972

The limits referred to in section 53b of the code hereby adopted in which storage of explosives and blasting agents is prohibited, the limits referred to in section 74a of the code hereby adopted in which storage of Class I liquids is outside aboveground tanks is prohibited, and the limits referred to in section 114 of the code hereby adopted, in which bulk storage of liquefied petroleum gas is restricted are hereby established as follows.

SECTION 5. Amendments Made in the Fire Prevention Code.
The Fire Prevention Code is amended and changed in the following respects:

Page 14, Section 53b - Delete "The storage of explosives, and blasting agents is prohibited within the limits established by laws as the limits of the district in which such storage is to be prohibited, except for:" Add "The storage of explosives, and blasting agents is prohibited within the corporate limits of the City of Marion, except for:"

Page 23, Section 74a - Delete "The storage --- to be prohibited" Add a. RESTRICTED LOCATIONS. The storage of Class I liquids in aboveground tanks outside of buildings is prohibited within the Fire Zone of the City of Marion.

Page 52, Section 114 - Delete "Within the limits --- water capacity;" Add Within the established Fire Zone of the City of Marion, the aggregate capacity of any one installation shall not exceed 2,000 gallons water capacity;

con't - page 306

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SECTION 6. Modifications.

The Chief of the Fire Department shall have power to modify any of the provisions of Fire Prevention Code upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modifications when granted or allowed and the decision of the Chief of the Fire Department thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

SECTION 7. Appeals.

Whenever the Chief of the Fire Department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the Fire Department to City Council, City of Marion within 30 days from the date of the decision appealed.

SECTION 8. Penalties.

Any person who shall violate any of the provisions of the code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the City Council, City of Marion or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine of not less than nor more than \$50 or by imprisonment for not less than days nor more than 30 days or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

b. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

SECTION 9. Repeal of Conflicting Ordinances.

All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the code hereby adopted are hereby repealed.

SECTION 10. Validity.

The City Council of the City of Marion hereby declares that should any section, paragraph, sentence, or word of this ordinance or of the code hereby adopted be declared for any reason to be invalid, it is the intent of the City Council of the City of Marion that it would have passed all other portions of this ordinance independent of the elimination herefrom of any such portion as may be declared invalid.

SECTION 11. Date of Effect.

This ordinance shall take effect and be in force from and after its approval as required by law.

Reference, page 302 - October 3, 1972.

PURCHASE OF CITY VEHICLES: The City Manager stated that the following bids have been received for 1) replacement of a 3/4 ton pickup truck for the Director of Public Works and 2) replacement of an automobile for the City Manager.

3/4 TON PICKUP TRUCK

<u>Company</u>	<u>Type of Vehicle</u>	<u>Bid</u>
Marion Buick	International	\$3,135.47
East Court Motor Co.	GMC	3,135.79
Ballew Motor Co.	Chevrolet	3,190.00
Marion Motors, Inc.	Ford	3,476.00

AUTOMOBILE

<u>Company</u>	<u>Type of Vehicle</u>	<u>Bid</u>
Ballew Motor Co.	Bel Air - Chevrolet	3,373.00
Marion Motors, Inc.	Custom 500 - Ford	3,476.00
East Court Motor Co.	Catalina - Pontiac	3,535.25
Marion Buick Co.	La Sabre - Buick	3,739.66

Upon a motion by Councilman Wilkerson seconded by Councilman James the Board unanimously voted to purchase an International 3/4 ton pickup truck from Marion Buick Company for the bid price of 3,135.47 and a Bel Air Chevrolet from Ballew Motor Company for a bid price of 3,373.00. Reference, page 303 - October 3, 1972

MCDOWELL TECHNICAL INSTITUTE - REQUEST FOR MUNICIPAL WATER SERVICE:

It was decided that no action could be taken on this matter as there is 1) some uncertainty regarding the County's willingness to participate in this project and 2) the limited amount of money that McDowell Tech can contribute to the project. Reference page 299 - September 19, 1972.

PULLIAM STREET - SIDEWALK: Mayor Segars stated that some residents on Pulliam Street have asked that a portion of the sidewalk on this street be replaced. After some discussion the Street Committee was requested to investigate this matter and report back to the Board at the next meeting. Reference, page 302, October 3, 1972.

ACADEMY STREET - WEST COURT STREET: Mayor Segars stated that he possibly would be in a position to make a report on this matter at the next Board meeting. Reference, page 302, October 3, 1972

SEWERAGE SYSTEM IMPROVEMENTS: The City Manager stated that Tom Chapman with O'Brien & Gere will be meeting with him on Thursday to discuss a possible site location for the sewer plant. He stated that the Office of Water and Air Resources have requested a meeting in Raleigh with the City and its engineers on Wednesday, October 25. He stated that it was his understanding that this meeting will be a pre-application conference. Reference, page 303 - October 3, 1972

SEWER BOND REFERENDUM: The Board expressed delight over the passage of the sewer bond referendum. The City Manager was asked to write 1) Jim Lancaster and Howard Hawkins to express appreciation to them for publicly supporting the Bond referendum and 2) the members of the Board of Elections for devoting time and effort to insure that the referendum was carried out in a legally acceptable manner. Reference, page 303 - October 3, 1972.

BURGIN STREET - STREET LIGHT REQUEST: Some of the Board members indicated that Burgin Street is unusually dark in the vicinity of Mrs. Louise Davis's residence. The street committee was requested to look into this matter and report back to the Board at the next meeting. Reference, page 302 - October 3, 1972

A special meeting of the City Council of the City of Marion, North Carolina, was held at the City Hall, the usual place of meeting, at 11 o'clock A.M., on October 17, 1972.

Present: Mayor James H. Segars, presiding, and Councilmen A. Everette Clark, Robert E. James, Bill Ledbetter, Horace Wilkerson

Absent: Oliver Cross

" Oliver Cross, who is not present has signed the following acknowledgement of service of notice of the meeting:

" I hereby acknowledge due service of notice of a special meeting of the Municipal Board of Elections to be held at 11 A.M. on October 17, 1972 at the City Hall, concerning the canvassing of the returns of the election upon the question of issuing bonds of the City of Marion held on October 17, 1972, but I am not able to be present at said meeting.

Oliver R. Cross

PURCHASE OF CITY VEHICLES: The City Manager stated that the following bids have been received for 1) replacement of a 3/4 ton pickup truck for the Director of Public Works and 2) replacement of an automobile for the City Manager.

3/4 TON PICKUP TRUCK

Company	Type of Vehicle	Bid
Marion Buick	International	\$3,135.47
East Court Motor Co.	GMC	3,135.79
Ballew Motor Co.	Chevrolet	3,190.00
Marion Motors, Inc.	Ford	3,476.00

AUTOMOBILE

Company	Type of Vehicle	Bid
Ballew Motor Co.	Bel Air - Chevrolet	3,373.00
Marion Motors, Inc.	Custom 500 - Ford	3,476.00
East Court Motor Co.	Catalina - Pontiac	3,535.25
Marion Buick Co.	La Sabre - Buick	3,739.66

Upon a motion by Councilman Wilkerson seconded by Councilman James the Board unanimously voted to purchase an International 3/4 ton pickup truck from Marion Buick Company for the bid price of 3,135.47 and a Bel Air Chevrolet from Ballew Motor Company for a bid price of 3,373.00. Reference, page 303 - October 3, 1972

MCDOWELL TECHNICAL INSTITUTE - REQUEST FOR MUNICIPAL WATER SERVICE:

It was decided that no action could be taken on this matter as there is 1) some uncertainty regarding the County's willingness to participate in this project and 2) the limited amount of money that McDowell Tech can contribute to the project. Reference page 299 - September 19, 1972.

PULLIAM STREET - SIDEWALK: Mayor Segars stated that some residents on Pulliam Street have asked that a portion of the sidewalk on this street be replaced. After some discussion the Street Committee was requested to investigate this matter and report back to the Board at the next meeting. Reference, page 302, October 3, 1972.

ACADEMY STREET - WEST COURT STREET: Mayor Segars stated that he possibly would be in a position to make a report on this matter at the next Board meeting. Reference, page 302, October 3, 1972

SEWERAGE SYSTEM IMPROVEMENTS: The City Manager stated that Tom Chapman with O'Brien & Gere will be meeting with him on Thursday to discuss a possible site location for the sewer plant. He stated that the Office of Water and Air Resources have requested a meeting in Raleigh with the City and its engineers on Wednesday, October 25. He stated that it was his understanding that this meeting will be a pre-application conference. Reference, page 303 - October 3, 1972

SEWER BOND REFERENDUM: The Board expressed delight over the passage of the sewer bond referendum. The City Manager was asked to write 1) Jim Lancaster and Howard Hawkins to express appreciation to them for publicly supporting the Bond referendum and 2) the members of the Board of Elections for devoting time and effort to insure that the referendum was carried out in a legally acceptable manner. Reference, page 303 - October 3, 1972.

BURGIN STREET - STREET LIGHT REQUEST: Some of the Board members indicated that Burgin Street is unusually dark in the vicinity of Mrs. Louise Davis's residence. The street committee was requested to look into this matter and report back to the Board at the next meeting. Reference, page 302 - October 3, 1972

The City Council met with the Municipal Board of Elections of the City of Marion and the City Council and the Board, as two separate bodies, separately received from the registrar and judges of election the returns of the special bond election held on October 14, 1972 upon the question of issuing bonds of the City of Marion.

After said returns had been canvassed, Councilman Robert E. James introduced the following resolution which was read:

RESOLUTION DETERMINING AND DECLARING
THE RESULT OF THE SPECIAL BOND ELEC-
TION HELD ON OCTOBER 14, 1972

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

Section 1. The returns of the special bond election held on October 14, 1972, in the City of Marion, having been received from the proper election officers and having been canvassed, the City Council does hereby find, determine and declare:

(a) That the registrar and each judge of the special bond election held in the City of Marion on October 14, 1972, were duly qualified by law and had taken the necessary oath.

(b) That the election officers had incorporated in their returns not only the number of votes cast for and against the question submitted but also the number of voters registered and qualified to vote in said election.

(c) That at said election the following question was submitted to the qualified voters of said City:

PURCHASE OF CITY VEHICLES: The City Manager stated that the following bids have been received for 1) replacement of a 3/4 ton pickup truck for the Director of Public Works and 2) replacement of an automobile for the City Manager.

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MCDOWELL TECHNICAL INSTITUTE - REQUEST FOR MUNICIPAL WATER SERVICE: It was decided that no action could be taken on this matter as there is 1) some uncertainty regarding the County's willingness to participate in this project and 2) the limited amount of money that McDowell Tech can contribute to the project. Reference page 299 - September 19, 1972.

PULLIAM STREET - SIDEWALK: Mayor Segars stated that some residents on Pulliam Street have asked that a portion of the sidewalk on this street be replaced. After some discussion the Street Committee was requested to investigate this matter and report back to the Board at the next meeting. Reference, page 302, October 3, 1972.

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BURGIN STREET - STREET LIGHT REQUEST: Some of the Board members indicated that Burgin Street is unusually dark in the vicinity of Mrs. Louise Davis's residence. The street committee was requested to look into this matter and report back to the Board at the next meeting. Reference, page 302 - October 3, 1972

Shall an ordinance passed on August 22, 1972, authorizing the City of Marion, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Sanitary Sewer Bonds in an aggregate principal amount not exceeding \$1,200,000 for the purpose of providing funds, with any other available funds, for enlarging and extending the sanitary sewer system of said City including the construction of a new wastewater treatment plant, the enlargement and improvement of the existing wastewater treatment plant of the City and the construction of pump stations and sewer mains and lines, and the acquisition of any necessary land and rights of way and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, be approved?

(d) That no complaints have been made to the City Council against the regularity of said election.

(e) That said election and the registration therefor were duly and properly held in accordance with law.

Section 2. The following schedule correctly shows the designation of the voting place at which said election was held, the number of voters registered and qualified to vote, the number of votes cast in favor of the question submitted and the number cast against said question:

Voting Place	City Hall
Voters registered and qualified to vote.	1666
Votes for question submitted.....	317
Votes against question submitted.....	27

Section 3. A majority of the qualified voters of said City who voted at said election voted in favor of the approval of the ordinance authorizing the City of Marion to contract a debt and in evidence thereof to issue not exceeding \$1,200,000

PURCHASE OF CITY VEHICLES: The City Manager stated that the following bids have been received for 1) replacement of a 3/4 ton pickup truck for the Director of Public Works and 2) replacement of an automobile for the City Manager.

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Sanitary Sewer Bonds of the City for the purpose of providing funds, with any other available funds, for enlarging and extending the sanitary sewer system of said City, including the construction of a new wastewater treatment plant, the enlargement and improvement of the existing wastewater treatment plant of the City and the construction of pump stations and sewer mains and lines, and the acquisition of any necessary land and rights of way, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, and said ordinance was thereby approved and is in force and effect.

Section. 4. The City Council has prepared the following statement showing the result of said election and declaring the result thereof:

STATEMENT OF THE RESULT OF THE
SPECIAL BOND ELECTION
held in the
CITY OF MARION, NORTH CAROLINA
on October 14, 1972

At a special bond election held in the City of Marion, North Carolina, on October 14, 1972, 1666 voters were registered and qualified to vote.

At said election 317 votes were cast for the ordinance authorizing the City of Marion to contract a debt and in evidence thereof to issue not exceeding \$1,200,000 Sanitary Sewer Bonds of the City for the purpose of providing funds, with any other available funds, for enlarging and extending the sanitary sewer system of said City, including the construction of a new wastewater treatment plant, the enlargement and improvement of the existing wastewater treatment plant of the City and the construction of pump stations and sewer mains and lines, and the acquisition of any necessary

-4-

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land and rights of way, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, and 27 votes were cast against said ordinance, and said ordinance was thereby approved and is in force and effect.

This statement is given by order of the City Council this 17th day of October, 1972.

James H. Segars
Mayor
H. R. Wilkerson
R. E. Jones
A. Everett
W. R. Smith

Section 5. When the foregoing statement shall have been signed by a majority of the members of the City Council and delivered to the City Clerk, the latter shall record it and such statement shall be filed in his office and published by him once in the McDowell County News. A notice substantially in the following form shall be appended to the copy of the foregoing statement which is published:

TO THE CITIZENS AND TAXPAYERS OF THE CITY OF MARION:

No right of action or defense founded upon the invalidity of the election mentioned in the foregoing statement shall be asserted, nor shall the validity of such election be open to question in any court upon any ground whatever, except in an action or proceeding commenced within thirty days after the publication of the foregoing statement.

VICTOR H. DENTON
City Clerk

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Section 6. This resolution shall take effect upon its passage.

Upon motion of Concilman Horace Wilkerson, seconded by Councilman William R. Ledbetter, the foregoing resolution entitled: "RESOLUTION DETERMINING AND DECLARING THE RESULT OF THE SPECIAL BOND ELECTION HELD ON OCTOBER 14, 1972" was passed by the following vote:

Ayes: Councilmen Clark, James, Ledbetter & Wilkerson

Noes: None

I, Victor H. Denton, City Clerk of the City of Marion, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of the City Council of the City of Marion at a meeting held on October 17, 1972, as relate in any way to special bond election held on October 14, 1972, said copy having been made from the recorded minutes of said meeting, and said record having been made in Minute Book No. 5, beginning at page 304 and ending at page 305.
I FURTHER CERTIFY that the statement of the result of the election adopted by the resolution set forth in the foregoing transcript has been recorded by me in the Book of Ordinances No. 1 beginning at page 35, and ending at page 40, and the original, signed by a majority of the members of the City Council, has been filed in my office.
WITNESS my hand and the corporate seal of said City, this 17 day of October, 1972.

(Seal)

Victor H. Denton
City Clerk

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SOUTH MAIN STREET - PARKING IN FRONT OF PEARLMANS: Councilman Clark stated that with the establishment of a new parking lot across from Westmoreland-Hawkins he would like for consideration to be given to removing on-street parking on the west side of Main Street from its intersection with State Street south to Crawford Street. After some discussion, it was decided that the Board should set up a meeting with the Merchants in this area to see if they would be receptive to the removal of on-street parking.

PINECREST SUBDIVISION - REIMBURSEMENT FOR THE INSTALLATION OF AN 8" WATERLINE: Upon a motion by Councilman Ledbetter, seconded by Councilman Clark, the Board unanimously voted to refund John Gilkey 1) the cost of installing an 8" rather than a 6" line from US 70 West to Garden Creek Road (\$878.56) and 2) the cost of three out of town water services, less cost of three meters, three boxes and three cut-off valves (\$450.00). The total refund equals \$1328.56.

LOGAN STREET - ON STREET PARKING: The Board instructed the City Manager to ask the US Forestry Service to limit their parking in front of the library to no more than fifteen minutes.

COMMUNITY BUILDING - POOL TABLE: The Board authorized the City Manager to donate an old and damaged pool table to the Rescue Squad for a fund raising auction that they plan to hold the latter part of the month.

CITY HALL - ROOFING: Upon a motion by Councilman Ledbetter, seconded by Councilman Wilkerson, the Board unanimously voted to authorize the City Manager to take the necessary steps to replace the roof on the City Hall. The City Manager stated that he has received two estimates of approximately \$3500 for this project.

1972-73 BUDGET - AMENDMENT: The Board authorized the City Manager to make the following amendments to the 1972-73 budget to derive sufficient funds to replace the roof on the City Hall Building, 1) establish account #337C for reroofing City Hall 2) transfer \$400.00 from 337A to 337C 3) transfer 300.00 from 937H to 337C 4) transfer \$2800.00 from 937C to 337C.

WATERSERVICE TO PROPOSED SUBDIVISION THAT IS BEING DEVELOPED BY HAWKINS LUMBER COMPANY IN THE VICINITY OF US 70 WEST AND MACKEY'S CREEK ROAD: Upon a motion by Councilman Wilkerson and seconded by Councilman James, the Board unanimously voted to authorize Hawkins Lumber Company to tie into the Mackey Creek Line with a 6" waterline to serve a proposed subdivision with the understanding that the 6" line would extend from the Mackey Creek Line to a point in the subdivision that would be suitable to install a fire hydrant. Hawkins Lumber Company is to absorb the full cost of installing this line and hydrant. The subdivision beyond the 6" line can be served by a 2" line provided that at no time in the future will it be permitted to serve from this 2" line an area larger than what is being subdivided at this time. The Board instructed the City Manager to work with the Director of Public Works in drafting a letter to Hawkins Lumber Company setting forth the rules and regulations that they must follow in installing this new line.

POST OFFICE - DROP BOXES: The Board expressed general dissatisfaction that Robert Rowe, Postmaster, elected to move the drop boxes from Garden Street back to the front of the Post Office without notifying the Board. Reference, May 4, 1972 - page 256.

COMMUNITY BUILDING - TENNIS COURT LIGHTS: The City Manager stated that he would continue his efforts to obtain a lighting plan and cost estimate for lighting the tennis courts at the community building.

REVENUE SHARING: The City Manager reported that he has recently received information from the N.C. League of Municipalities that indicate that the City should receive approximately \$85,957.00 in revenue sharing for the first year.

TATE STREET - SIDEWALK: The City Manager stated that the Public Works department is working on the Tate Street sidewalk project. Reference October 3, 1972 page 303.

PROPERTY SURVEYS: The City Manager stated that he has contacted a local engineering firm regarding the property surveys discussed at the last Board meeting. He stated that the surveyor will be starting on the surveys within the next few days. Reference October 3, 1972 - page 302.

AZALIA STREET - SIDEWALK: The City Manager stated that Attorney Roy Davis contacted him and stated that he wanted to work with Mrs. Craig in a property trade at the corner of Azalia and Park Avenue. The City Manager stated that Mr. Davis told him that he would be back in touch with him when this matter can be checked out.. Reference 10-3-72, page 302.

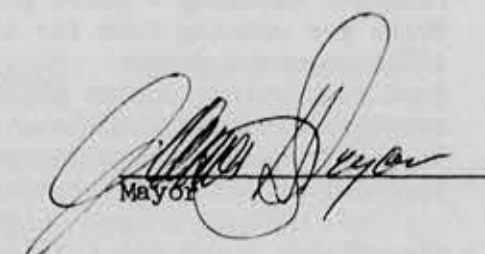
GARDEN CREEK WATERLINE PROJECT: The City Manager stated that he and Jack Brown, Director of Public Works have been working on specifications for this waterline project. He stated that he hopes to get this out to bid within the next few days. Reference 10-3-72 - page 302.

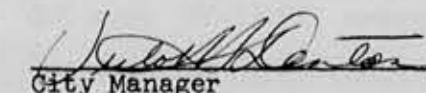
N.C. LEAGUE OF MUNICIPALITIES CONVENTION-OCT. 29,30,31: The City Manager reminded the Board of the League Convention and encouraged the Board members to attend.

FIRE DEPARTMENT: The Board authorized the City Manager to employ a new fireman to replace Earl Webb.

POLICE DEPARTMENT: The Board authorized the City Manager to shift Earl Webb from the Fire Department to the Police Department to serve in the position as Meter Enforcement Officer - Zoning Enforcement Officer. This shift being undertaken because of Earl Webb's recent heart attack and a letter from his doctor stating that he is not medically able to serve as a fireman.

There being no further business, the meeting adjourned.


Mayor


City Manager

CCG002

November 7, 1972

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION

The Marion City Council met in a regularly scheduled Board meeting on November 7, 1972 at 7:30 P.M. in the Marion City Council Chamber. Board members present: Mayor James H. Segars, Councilmen A. Everette Clark, Oliver R. Cross, Robert E. James, William R. Ledbetter and Horace Wilkerson. Others present: Victor H. Denton, City Manager, E.P. Dameron, City Attorney.

MINUTES OF THE OCTOBER 17, 1972 CITY COUNCIL MEETING: Upon a motion by Councilman Ledbetter, seconded by Councilman Wilkerson the Board unanimously voted to approve the October 17, 1972 minutes.

CITY MANAGER - EMPLOYMENT OF EARL DANIELS: Mayor Segars reported that Earl Daniels has accepted the position of City Manager. He stated that Mr. Daniels will be reporting to work on Monday, December 4, 1972. Mayor Segars stated that Mr. Daniels plans to spend a couple of days with Mr. Denton prior to Mr. Denton's termination of employment on November 30, 1972. Reference 9-14-72, page 301.

GARDEN CREEK WATERLINE PROJECT: The City Manager reported that he has received the following bid proposals on the Garden Creek waterline project:

Item:	HOBSON CONSTRUCTION	TAYLOR & MURPHY	HUNTLEY CONSTRUCTION
Price per running foot for installing 6" slip joint pipe	2.25	2.35	4.65
6" Mechanical joint pipe	2.50	2.70	4.90
Price per running foot for installing 8" slip joint pipe	2.35	2.45	4.90
8" Mechanical joint pipe	2.75	2.80	5.25
Unit price for installing pipe fittings			
6" Valve (Mechanical Joint) and box	25.00	30.00	75.00
6" Valve (Slip - Joint) and box	20.00	20.00	65.00
8" Valve (Slip - Joint) and box	25.00	30.00	80.00
8" x 8" x 8" (Slip - joints) Tee	39.00	45.00	45.00
6" x 6" x 6" Tee (Slip - joint)	26.00	30.00	40.00
6" 22 1/2° Bends (Mechanical Joint)	16.00	14.00	35.00
6" 90° Bends	17.50	14.00	35.00
8" x 6" Reducer (Slip - joint)	20.50	30.00	20.00
8" Plug (Mechanical Joint)	7.50	10.00	25.00
Hydrant (with 3/4" rods from hydrant to tee)	70.00	100.00	95.00
Concrete blocking - price per cubic yard	50.00	60.00	65.00
Price per running foot for installing 15" encasement pipe	7.50	10.00	3.50
Rock excavating - cost per cubic yard, measured along pipe route. Applies only to hard rock that requires drilling, blasting or use of air hammer	25.00	25.00	26.00

Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the Board unanimously voted to award the Garden Creek waterline project to Hobson Construction, Inc. Arden, North Carolina. Reference 10-17-72 page 309

RED WALKER - SEWER SERVICE TO PROPOSED RESIDENTIAL DEVELOPMENT BEHIND JUNIOR HIGH SCHOOL: The City Manager reported that the City's engineering firm of O'Brien & Gere in their recent Miller Avenue Sewer extension estimate of \$70,000 sufficient money to extend an 8" sewer line from Rutherfordton Road up Tennessee Avenue, under the Southern Railroad and on to a point where South McDowell Avenue now terminates. It was decided that the implementation of this sewer project will have to be deferred until 1) our municipal bonds are sold and 2) the necessary engineering is completed, no date could be given to Mr. Walker as to when sewerage service would be extended into his residential development. Reference 10-17-72 page 304

SEWERAGE SYSTEM IMPROVEMENTS - PLANT SITE: The Board requested Mr. Dameron to determine the ownership of the property in the site location selected as first choice by our engineers. Reference 10-17-72 page 307

SEWERAGE SYSTEM IMPROVEMENTS - FINAL DESIGN PLANS: Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the Board unanimously voted to authorize the engineering firm of O'Brien & Gere to proceed with final design plans for our sewer improvements. Reference 10-17-72, page 307.

COMMUNITY BUILDING - REPLACEMENT OF RANGE: The City Manager stated that he has received two price quotations on a replacement range for the Community Building. He stated that Asheville Showcase quoted a price of 991.00 and 43.00 for legs for a General Electric CR40. Rex Equipment quoted a price of \$842.35 plus \$36.55 for legs for the same unit. Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the Board unanimously voted to authorize the City Manager to purchase a new General Electric CR40 range for the Community Building from Rex Equipment Comp any for 842.35 plus 36.55 for legs for the range.

REVENUE SHARING - ALLOCATION OF FUNDS: Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the Board unanimously voted to allocate a portion of the revenue sharing funds to 1) paying the remaining balance owed to the North Carolina Highway Commission for the purchase of property for Blue Ridge Street Extension 2) purchase a range for the Community Building 3) pay the balance on the 1971 Ward LaFrance Fire Truck and 4) allocate \$650.00 to the \$500.00 in 1037C and the \$500.00 in 1137A in order to purchase a Yazoo 60" Mower for \$1650.00 from Porter Brothers, Inc., Shelby, North Carolina.

PULLIAM STREET - SIDEWALK: The Board requested the City Manager to add to the public works project the replacement of the bad portions of the sidewalk on Pulliam Street.

BURGIN STREET - STREET LIGHT: Upon a motion by Councilman Wilkerson, seconded by Councilman James the Board unanimously voted to install a street light on Burgin Street in front of Mrs. Louise Davis' residence. Reference 10-17-72, page 307

SOUTHMAIN STREET - PARKING IN FRONT OF PEARLMANS: The Board requested Mr. Clark to talk with the manager of Pearlman's to see if he would be receptive to removing parking on the west side of South Main street in front of Pearlman's Furniture Store. Reference 10-17-72, page 308.

TATE STREET ESTABLISHMENT OF A NO PARKING AREA: Upon a motion by Councilman Cross, seconded by Councilman Ledbetter the Board unanimously voted to establish a no parking zone on the southside of Tate Street from Carson Street to Elizabeth Drive.

FIRE AGREEMENT WITH COUNTY FOR SERVING THE MA FIRE DISTRICT: Upon a motion by Councilman James, seconded by Councilman Cross, the Board unanimously voted to approve the following "Contract and Agreement." The City Manager was instructed to submit the contract and agreement to the County for their concurring approval. Reference 8-3-71 page 224.

*included

NORTH CAROLINA
MCDOWELL COUNTY

CONTRACT AND AGREEMENT

This Contract and Agreement, made and entered into this the _____ day of _____, 1972, by and between the City of Marion, a municipal corporation organized and existing under and by virtue of the laws of the State of North Carolina, party of the first part, and County of McDowell, a body politic, party of the second part:

W I T N E S S E T H:

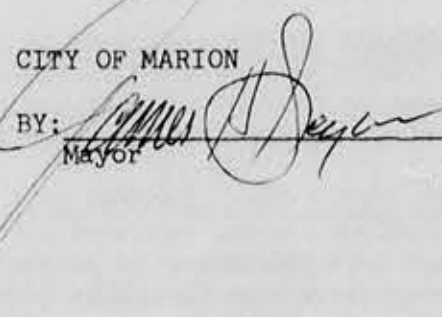
THAT the contract and agreement entered into by the parties hereto on September 7, 1971 pertaining to fire protection in the vicinity of Marion, North Carolina is hereby amended as follows:

1. At all places in said contract where the name "Marion Fire District" is used, the name "M.A. Fire District" is substituted in lieu thereof.


2. As thus amended, it is agreed that the effective date of said contract is hereby extended until and including June 30, 1973, and it is understood and agreed that, subject to the terms and provisions of said agreement as hereby amended, the City of Marion will provide fire protection for the area designated as "M.A. Fire District".

IN TESTIMONY WHEREOF the parties hereto have executed this agreement in duplicate on the day and year first above written.

CITY OF MARION

BY: 
Mayor

Attest:


City Clerk & Manager

COUNTY OF MCDOWELL

BY: _____
Chairman, Board of Commissioners

Attest:

Clerk to the Board

SEWER SERVICE TO A PROPOSED MOTEL COMPLEX ON THE NORTHWEST SIDE OF THE INTERSECTION OF NC 226 AND INTERSTATE 40: Councilman Cross stated that a motel firm is considering constructing a large motel at the intersection of NC 226 and I40. He stated that the firm has requested to tie into the municipal sewer system. Mr. Cross stated that it would be late 1973 before the facility would be constructed. No formal action was taken on this matter, however, none of the Board members indicate any objection to permitting the motel facility to tie into the municipal sewer line.

CITY HALL - FIRE DEPARTMENT EXPANSION: The Board indicated considerable interest in using some of the revenue sharing money to purchase the Kirby property across the street from the City Hall for a future fire station and possibly the Bell property beside the City Hall for future expansion of the City Hall. Some of the Board members indicated that they would try to determine the price of these two parcels prior to the next Board meeting.

EAST COURT STREET - PROPOSED ESTABLISHMENT OF A LEFT TURN LANE: The Board asked the City Manager to look into the feasibility of establishing a left turn lane outbound from the downtown on East Court Street at the intersection of Madison and at the A & P parking lot.

TATE STREET - SIDEWALK: The City Manager reported that the Tate Street sidewalk project has been completed and that a request has been made to the NC Highway Commission to pave Tate Street over to the new sidewalk. Reference 10-17-72, page 309

COMMUNITY BUILDING - POOL TABLE: The City Manager stated that within recent weeks someone has extensively vandalized the pooltable at the Community Building to a point where he feels it might as well be junked. 10-17-72 Reference, page 308

EARL WEBB-CONTINUATION OF EMPLOYMENT WITH THE CITY: The City Manager stated that Earl Webb has been transferred from the Fire Department to the Police Department. His duties are to include the enforcement of parking meter regulations and the zoning ordinance - when it is adopted.

AZALIA STREET - SIDEWALK: The City Manager stated that it appears that an agreement for a property exchange between Mrs. Craig and Roy Davis cannot be worked out. After some discussion Mayor Segars stated that he would discuss this matter with Roy Davis. Reference 10-17-72, page 309

ROBERT JARRETT - DRAINAGE PROBLEM: The City Manager reported the City crews have begun work on installing a storm drain from Crescent Avenue down to an existing storm sewer back of Robert Jarrett's home. Reference 9-19-72 page 299

SURBURBAN CABLEVISION: The City Manager read the following letter from Surburban Cablevision, Inc. The City Manager stated that all previous annual payments have been limited to \$1200.

CCG002

October 24, 1972

Dear Mr. Denton:

Enclosed is our check in the amount of \$1,493.33 to cover our franchise fee due the City of Marion for the twelve month period commencing October 1, 1971, ending September 30, 1972. Also attached is an itemized breakdown of the gross revenue received for CATV service each month of the period involved.

You will note that the amount of the franchise fee exceeds the minimum annual payment of \$1200 as specified in the franchise ordinance.

If you have any questions concerning this matter, please contact me.


Very truly yours,

Lynn I. Decker
Vice President

ANNEXATION - CROSS MILL SCHOOL: The City Manager stated that he was recently contacted by James Johnson, School Superintendent. He stated that Mr. Johnson expressed interest in having the City annex Cross Mill Elementary School. The City Manager stated that it is his understanding that Mr. Johnson is having the school property surveyed in preparation to making a formal request for annexation.

WATERSERVICE TO PROPOSED SUBDIVISION THAT IS BEING DEVELOPED BY HAWKINS LUMBER COMPANY IN THE VICINITY OF US 70W AND MACKEY'S CREEK ROAD: The City Manager stated that the 2" waterline that is proposed for the above development will be a dead-end line initially, however, at a later date, Hawkins Lumber Company plans to loop the line through another portion of the property that is to be developed and tie it back into existing 2" line in the vicinity of the 6" line. Reference 10-17-72, page 308.

There being no further business, the meeting adjourned.


City Manager


Mayor

November 21, 1972

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION

The Marion City Council met in a regularly scheduled Board meeting on November 21, 1972 at 6:30 P.M. in the Marion City Council Chamber. Board members present: Mayor James H. Segars, Councilman A. Everette Clark, Oliver R. Cross, Robert E. James, William R. Ledbetter and Horace Wilkerson. Others present: Victor H. Denton, City Manager, E.P. Dameron, City Attorney and Don Dillingham, newspaper reporter.

MINUTES OF THE NOVEMBER 7, 1972 BOARD MEETING: Upon a motion by Councilman Ledbetter and seconded by Councilman Wilkerson, the Board unanimously voted to approve the November 7, 1972 minutes.

AZALIA STREET SIDEWALK: The Board authorized the City Manager to clear the City owned lot at the corner of Azalia and Park Avenue and execute a property exchange agreement with Roy Davis in preparation for constructing a sidewalk on the west side of Azalia Street. Reference November 7, 1972, page 313

SEWERAGE SYSTEM IMPROVEMENT - PLANT SITE: Mr. Dameron stated that he had talked with Mr. J.O. Laughridge, owner of the property that was selected as the first choice for our proposed sewer plant. He stated that Mr. Laughridge stated that there are sixty-three acres on the back side of his property near the river that was originally under separate ownership. Mr. Laughridge implied that this would be the property he would possibly consider selling to the City. Mr. Dameron stated that Mr. Laughridge indicated he would want considerably more than a suggested price of \$600.00 per acre. Mr. Laughridge informed Mr. Dameron that he would have to think about this matter and would get back in touch with him within the next few days. Reference November 7, 1972 page 311.

BYPASS: The Board authorized the City Manager to write Governor Elect Jim Holshouser expressing the need for a bypass around Marion. Reference July 18, 1972 page 277.

EAST COURT STREET - PURPOSED LEFT TURN LANE: The Board requested the City Manager to write the North Carolina Highway Commission asking that they consider establishing a left turn lane on East Court Street between Garden and Clay Streets. Reference November 7, 1972 page 313

DOWNTOWN CHRISTMAS DECORATIONS - CONTRIBUTION TO MERCHANTS ASSOCIATION: Upon a motion by Councilman Cross and seconded by Councilman Ledbetter the Board unanimously voted to authorize payment of \$750 to the Merchants Association for downtown Christmas decorations.

CHRISTMAS PARADE - SANTA CLAUS FLOAT: Upon a motion by Councilman Clark and seconded by Councilman Cross the Board unanimously voted to contribute one-half the cost of providing a Santa Claus float for the Christmas Parade. Mayor Segars stated he understood that the total cost of the float would be \$195.00.

DOG PROBLEM-SINCLAIR AVENUE AND SPRING STREET: After considerable discussion regarding unleashed dogs throughout town and in particular on Sinclair Avenue and Spring Street, the Board asked the newspaper reporter to inform the general public that if residents owning dogs do not take steps to prohibit the dogs from chasing cars and annoying pedestrians, the City may consider adopting a lease ordinance.

CCG002

GARBAGE COLLECTION: Upon a motion by Councilman Cross and seconded by Councilman Ledbetter, the Board unanimously voted to reimburse Mrs. Robert Teeter for \$54.53 for items that were unintentionally picked up by one of the City's garbage men.

STATE STREET - STREET LIGHT: Upon a motion by Councilman Cross and seconded by Councilman James, the Board unanimously voted to have a street light installed on the South Side of State Street at the intersection of Gay Street.

ROBERT JARRETT DRAINAGE PROBLEM: The City Manager stated that the storm drainage project behind Robert Jarrett's home has been nearly completed. Reference November 7, 1972 page 313.

CAROLINA AVENUE: The City Manager stated that work crews are in the process of installing a 6" waterline down the north side of Carolina Avenue between Yancey Street and a point approximately 600' east of the intersection of Carolina Avenue and Yancey Street.

GARDEN CREEK WATERLINE PROJECT: The City Manager stated that the supplies have been delivered for the Garden Creek waterline project and that Hobson Construction Company will probably begin work on this project within the next few days. Reference November 7, 1972, page 310.

CITY HALL - REPLACEMENT OF ROOF: The City Manager stated that Stroud Sheet Metal and Roofing Company in Asheville have been awarded the contract to replace the City Hall roof for \$2834. He stated that they will begin the work within the next few days. Reference October 17, 1972, page 308.

POLICE MOTORCYCLE: The City Manager reported that the new police motorcycle has been delivered. He stated that this vehicle was ordered over a year ago through Region C and that the local cost for this item will be less than \$1000. He stated that this was a budgeted item for this fiscal year.

POLICE DEPARTMENT - CHIEF WOOD: Mayor Segars stated that Chief Wood was admitted to the Rutherfordton Hospital Monday morning, November 20. He stated that it appears that his problems are related to high blood pressure.

ALBERT M. NEAL - MEMORIAL RESOLUTION: The City Manager read the following resolution to the Board. He stated that he will forward a copy of the resolution to Mrs. Neal.

WHEREAS, during the past year death has taken from our midst a man, who as Alderman and Mayor, served his community faithfully and well for thirteen (13) years; and

WHEREAS, he was a diligent worker and a loyal supporter of the North Carolina League of Municipalities,

NOW, THEREFORE, BE IT RESOLVED by the North Carolina League of Municipalities in Annual Convention assembled this 31st day of October, 1972, that the delegates do hereby express their sorrow at the passing of the Honorable Albert M. Neal, Mayor of Marion, who made a lasting contribution to good municipal government and whose memory we are proud to honor.

BE IT FURTHER RESOLVED that a copy of this resolution be made a part of the permanent records of the League, and that copies be forwarded to Mr. Neal's family and to the Mayor and City Council of Marion.

Resolution A-4

SUNDAY BLUE LAW: The City Manager stated that Roses 5&10¢ Store is giving consideration to opening on Sunday. He stated he has reviewed the City Ordinances and that he doesn't feel the City has any firm legal grounds for prohibiting this business from opening on Sunday.

FREE ON STREET PARKING: Upon a motion by Councilman Clark, seconded by Councilman James the Board unanimously voted to permit 2 hour free parking at all metered spaces starting Wednesday, November 22 and terminating the last day of December 1972.

SPEED ORDINANCE: Upon a motion by Councilman James and seconded by Councilman Cross the Board unanimously voted to adopt the attached speed ordinance.

UNFINISHED PROJECTS: The City Manager stated that when he terminates his employment November 30 there will be several unfinished projects that have been authorized by the Board. These include a revised taxi ordinance, piping the overflow water from the reservoir, developing plans and cost estimates for the lighting of the tennis courts at the Community Building, paving the unpaved streets within the corporate limits and constructing the Valley Street and Stumptown waterlines. He stated that the projects given a highest priority by the Board have or will be completed by the end of November. He stated that these include the Jarrett drainage project, Tate Street sidewalk project and the Oak Street waterline project.

There being no further business, the meeting adjourned.

Mayor

City Manager

December 12, 1972

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION

The Marion City Council met in a regularly scheduled Board meeting on December 12, 1972 at 7:30 P.M. in the Marion City Council Chamber. Board members present: Councilman A. Everette Clark, Oliver R. Cross, Robert E. James, William R. Ledbetter and Horace Wilkerson. Mayor James H. Segars arrived at 9:12 P.M. having attended an earlier meeting on behalf of the City. Others present, Earl Daniels, City Manager, E.P. Dameron, City Attorney, Don Dillingham, newspaper reporter and J. David Butler, Cancer Care Insurance representative.

MINUTES OF THE NOVEMBER 21, 1972 BOARD MEETING: Upon a motion by Councilman Wilkerson and seconded by Councilman Cross, the Board unanimously voted to approve the November 21, 1972 minutes.

ANNEXATION REQUEST - FOXFIRE SUBDIVISION: The City Manager was directed to have a formal petition prepared and to work with the City Attorney on this project.

CERTIFICATE OF MUNICIPAL ORDINANCE DECLARING MODIFICATIONS TO SAFE AND REASONABLE SPEEDS AND REQUEST FOR CONCURRING ORDINANCE BY STATE HIGHWAY COMMISSION

TO THE NORTH CAROLINA STATE HIGHWAY COMMISSION:

I, Victor H. Denton, Clerk of the Town of Marion, do hereby certify that the (City) (Town) of the (Governing Body) duly enacted on the day of , 19 an ordinance based upon an engineering and traffic investigation pursuant to authority granted by G.S. 20-141 (g1) and (g2) declaring the following modifications to safe and reasonable speed limits as set forth below on the following described portion of a State Highway System Street:

Rescind The Following Speed Limits

<u>Speed Limit</u>	<u>Ordinance Number</u>	<u>Description</u>
<u>35</u>	<u>5</u>	<u>W. Henderson St. (SR 1001) from Burgin St. to the southern corporate limit.</u>
<u>35</u>	<u>6</u>	<u>Hudgins St. (SR 1174) from W. Henderson St. (SR 1001) to the southern corporate limit.</u>

Declare The Following Speed Limits

<u>Speed Limit</u>	<u>Ordinance Number</u>	<u>Description</u>
<u>35</u>	<u>21</u>	<u>McDowell Avenue (SR 1818) from State Street (SR 1700) to East Court Street (US 70).</u>
<u>35</u>	<u>22</u>	<u>Lail Street (SR 1300) from New West Henderson Street (SR 1001) to old West Henderson Street (SR 1291).</u>

said ordinance to become effective upon adoption by the State Highway Commission of a concurring ordinance and the erection of signs giving notice

Form TE 70-10 (pp 1 of 2)

SUNDAY BLUE LAW: The City Manager stated that Roses 5&10¢ Store is giving consideration to opening on Sunday. He stated he has reviewed the City Ordinances and that he doesn't feel the City has any firm legal grounds for prohibiting this business from opening on Sunday.

FREE ON STREET PARKING: Upon a motion by Councilman Clark, seconded by Councilman James the Board unanimously voted to permit 2 hour free parking at all metered spaces starting Wednesday, November 22 and terminating the last day of December 1972.

SPEED ORDINANCE: Upon a motion by Councilman James and seconded by Councilman Cross the Board unanimously voted to adopt the attached speed ordinance.

UNFINISHED PROJECTS: The City Manager stated that when he terminates his employment November 30 there will be several unfinished projects that have been authorized by the Board. These include a revised taxi ordinance, piping the overflow water from the reservoir, developing plans and cost estimates for the lighting of the tennis courts at the Community Building, paving the unpaved streets within the corporate limits and constructing the Valley Street and Stumptown waterlines. He stated that the projects given a highest priority by the Board have or will be completed by the end of November. He stated that these include the Jarrett drainage project, Tate Street sidewalk project and the Oak Street waterline project.

There being no further business, the meeting adjourned.

Mayor

City Manager

December 12, 1972

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION

The Marion City Council met in a regularly scheduled Board meeting on December 12, 1972 at 7:30 P.M. in the Marion City Council Chamber. Board members present: Councilman A. Everette Clark, Oliver R. Cross, Robert E. James, William R. Ledbetter and Horace Wilkerson. Mayor James H. Segars arrived at 9:12 P.M. having attended an earlier meeting on behalf of the City. Others present, Earl Daniels, City Manager, E.P. Dameron, City Attorney, Don Dillingham, newspaper reporter and J. David Butler, Cancer Care Insurance representative.

MINUTES OF THE NOVEMBER 21, 1972 BOARD MEETING: Upon a motion by Councilman Wilkerson and seconded by Councilman Cross, the Board unanimously voted to approve the November 21, 1972 minutes.

ANNEXATION REQUEST - FOXFIRE SUBDIVISION: The City Manager was directed to have a formal petition prepared and to work with the City Attorney on this project.

of the authorized speed limit; that said ordinance is recorded in Minute

Book #5 at page 317.

In witness whereof, I have hereunto set my hand and the seal of
the (City) (Town) of _____, this ____ day of _____,
19____.

 (Seal)

Form TE 70-10 (pp 2 of 2)

Marion.

Resolution A-4

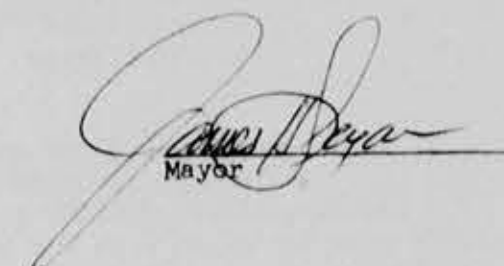
SUNDAY BLUE LAW: The City Manager stated that Roses 5&10¢ Store is giving consideration to opening on Sunday. He stated he has reviewed the City Ordinances and that he doesn't feel the City has any firm legal grounds for prohibiting this business from opening on Sunday.

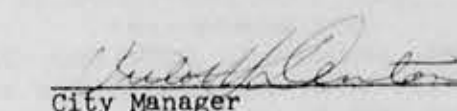
FREE ON STREET PARKING: Upon a motion by Councilman Clark, seconded by Councilman James the Board unanimously voted to permit 2 hour free parking at all metered spaces starting Wednesday, November 22 and terminating the last day of December 1972.

SPEED ORDINANCE: Upon a motion by Councilman James and seconded by Councilman Cross the Board unanimously voted to adopt the attached speed ordinance.

UNFINISHED PROJECTS: The City Manager stated that when he terminates his employment November 30 there will be several unfinished projects that have been authorized by the Board. These include a revised taxi ordinance, piping the overflow water from the reservoir, developing plans and cost estimates for the lighting of the tennis courts at the Community Building, paving the unpaved streets within the corporate limits and constructing the Valley Street and Stumptown waterlines. He stated that the projects given a highest priority by the Board have or will be completed by the end of November. He stated that these include the Jarrett drainage project, Tate Street sidewalk project and the Oak Street waterline project.

There being no further business, the meeting adjourned.


Mayor


City Manager

December 12, 1972

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION

The Marion City Council met in a regularly scheduled Board meeting on December 12, 1972 at 7:30 P.M. in the Marion City Council Chamber. Board members present: Councilman A. Everette Clark, Oliver R. Cross, Robert E. James, William R. Ledbetter and Horace Wilkerson. Mayor James H. Segars arrived at 9:12 P.M. having attended an earlier meeting on behalf of the City. Others present, Earl Daniels, City Manager, E.P. Dameron, City Attorney, Don Dillingham, newspaper reporter and J. David Butler, Cancer Care Insurance representative.

MINUTES OF THE NOVEMBER 21, 1972 BOARD MEETING: Upon a motion by Councilman Wilkerson and seconded by Councilman Cross, the Board unanimously voted to approve the November 21, 1972 minutes.

ANNEXATION REQUEST - FOXFIRE SUBDIVISION: The City Manager was directed to have a formal petition prepared and to work with the City Attorney on this project.

CERTIFICATE OF MUNICIPAL ORDINANCE DECLARING MODIFICATIONS TO SAFE AND REASONABLE SPEEDS AND REQUEST FOR CONCURRING ORDINANCE BY STATE HIGHWAY COMMISSION

TO THE NORTH CAROLINA STATE HIGHWAY COMMISSION:

I, Victor H. Denton, Clerk of the Town of Marion, do hereby certify that the (City) (Town) of the (Governing Body) duly enacted on the day of , (City) (Town)

19 an ordinance based upon an engineering and traffic investigation pursuant to authority granted by G.S. 20-141 (g1) and (g2) declaring the following modifications to safe and reasonable speed limits as set forth below on the following described portion of a State Highway System Street:

Rescind The Following Speed Limits

<u>Speed Limit</u>	<u>Ordinance Number</u>	<u>Description</u>

Declare The Following Speed Limits

<u>Speed Limit</u>	<u>Ordinance Number</u>	<u>Description</u>
35	24	Old West Henderson Street (SR 1291) from Buncombe Street to Lail Street (SR 1300).
35	25	Hudgins Street (SR 1174) from Mitchell Street (SR 1177) to Old West Henderson Street (SR 1291).

said ordinance to become effective upon adoption by the State Highway Commission of a concurring ordinance and the erection of signs giving notice

Form TE 70-10 (pp 1 of 2)

SUNDAY BLUE LAW: The City Manager stated that Roses 5&10¢ Store is giving consideration to opening on Sunday. He stated he has reviewed the City Ordinances and that he doesn't feel the City has any firm legal grounds for prohibiting this business from opening on Sunday.

FREE ON STREET PARKING: Upon a motion by Councilman Clark, seconded by Councilman James the Board unanimously voted to permit 2 hour free parking at all metered spaces starting Wednesday, November 22 and terminating the last day of December 1972.

SPEED ORDINANCE: Upon a motion by Councilman James and seconded by Councilman Cross the Board unanimously voted to adopt the attached speed ordinance.

UNFINISHED PROJECTS: The City Manager stated that when he terminates his employment November 30 there will be several unfinished projects that have been authorized by the Board. These include a revised taxi ordinance, piping the overflow water from the reservoir, developing plans and cost estimates for the lighting of the tennis courts at the Community Building, paving the unpaved streets within the corporate limits and constructing the Valley Street and Stumptown waterlines. He stated that the projects given a highest priority by the Board have or will be completed by the end of November. He stated that these include the Jarrett drainage project, Tate Street sidewalk project and the Oak Street waterline project.

There being no further business, the meeting adjourned.

Mayor

City Manager

December 12, 1972

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION

The Marion City Council met in a regularly scheduled Board meeting on December 12, 1972 at 7:30 P.M. in the Marion City Council Chamber. Board members present: Councilman A. Everette Clark, Oliver R. Cross, Robert E. James, William R. Ledbetter and Horace Wilkerson. Mayor James H. Segars arrived at 9:12 P.M. having attended an earlier meeting on behalf of the City. Others present, Earl Daniels, City Manager, E.P. Dameron, City Attorney, Don Dillingham, newspaper reporter and J. David Butler, Cancer Care Insurance representative.

MINUTES OF THE NOVEMBER 21, 1972 BOARD MEETING: Upon a motion by Councilman Wilkerson and seconded by Councilman Cross, the Board unanimously voted to approve the November 21, 1972 minutes.

ANNEXATION REQUEST - FOXFIRE SUBDIVISION: The City Manager was directed to have a formal petition prepared and to work with the City Attorney on this project.

of the authorized speed limit; that said ordinance is recorded in Minute Book #5 at page 317.

In witness whereof, I have hereunto set my hand and the seal of the _____ of _____, this _____ day of _____, 19____.

 (Seal)

Form TE 70-10 (pp 2 of 2)

Resolution A-4

SUNDAY BLUE LAW: The City Manager stated that Roses 5&10¢ Store is giving consideration to opening on Sunday. He stated he has reviewed the City Ordinances and that he doesn't feel the City has any firm legal grounds for prohibiting this business from opening on Sunday.


FREE ON STREET PARKING: Upon a motion by Councilman Clark, seconded by Councilman James the Board unanimously voted to permit 2 hour free parking at all metered spaces starting Wednesday, November 22 and terminating the last day of December 1972.

SPEED ORDINANCE: Upon a motion by Councilman James and seconded by Councilman Cross the Board unanimously voted to adopt the attached speed ordinance.

UNFINISHED PROJECTS: The City Manager stated that when he terminates his employment November 30 there will be several unfinished projects that have been authorized by the Board. These include a revised taxi ordinance, piping the overflow water from the reservoir, developing plans and cost estimates for the lighting of the tennis courts at the Community Building, paving the unpaved streets within the corporate limits and constructing the Valley Street and Stumptown waterlines. He stated that the projects given a highest priority by the Board have or will be completed by the end of November. He stated that these include the Jarrett drainage project, Tate Street sidewalk project and the Oak Street waterline project.

There being no further business, the meeting adjourned.


Mayor


City Manager

December 12, 1972

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION

The Marion City Council met in a regularly scheduled Board meeting on December 12, 1972 at 7:30 P.M. in the Marion City Council Chamber. Board members present: Councilman A. Everette Clark, Oliver R. Cross, Robert E. James, William R. Ledbetter and Horace Wilkerson. Mayor James H. Segars arrived at 9:12 P.M. having attended an earlier meeting on behalf of the City. Others present, Earl Daniels, City Manager, E.P. Dameron, City Attorney, Don Dillingham, newspaper reporter and J. David Butler, Cancer Care Insurance representative.

MINUTES OF THE NOVEMBER 21, 1972 BOARD MEETING: Upon a motion by Councilman Wilkerson and seconded by Councilman Cross, the Board unanimously voted to approve the November 21, 1972 minutes.

ANNEXATION REQUEST - FOXFIRE SUBDIVISION: The City Manager was directed to have a formal petition prepared and to work with the City Attorney on this project.

CERTIFICATE OF MUNICIPAL ORDINANCE DECLARING MODIFICATIONS TO SAFE AND REASONABLE SPEEDS AND REQUEST FOR CONCURRING ORDINANCE BY STATE HIGHWAY COMMISSION

TO THE NORTH CAROLINA STATE HIGHWAY COMMISSION:

I, Victor H. Denton, Clerk of the Town of Marion, do hereby certify that the (City) (Town) of the (Governing Body) duly enacted on the day of , (City) (Town)

19 an ordinance based upon an engineering and traffic investigation pursuant to authority granted by G.S. 20-141 (g1) and (g2) declaring the following modifications to safe and reasonable speed limits as set forth below on the following described portion of a State Highway System Street:

Rescind The Following Speed Limits

<u>Speed Limit</u>	<u>Ordinance Number</u>	<u>Description</u>

Declare The Following Speed Limits

<u>Speed Limit</u>	<u>Ordinance Number</u>	<u>Description</u>
<u>35</u>	<u>23</u>	<u>New West Henderson Street (SR 1001) from the southern corporate limits, approximately 0.20 mile south of Lail Street (SR 1300), to Burgin Street.</u>

said ordinance to become effective upon adoption by the State Highway Commission of a concurring ordinance and the erection of signs giving notice

Form TE 70-10 (pp 1 of 2)

Resolution A-4

SUNDAY BLUE LAW: The City Manager stated that Roses 5&10¢ Store is giving consideration to opening on Sunday. He stated he has reviewed the City Ordinances and that he doesn't feel the City has any firm legal grounds for prohibiting this business from opening on Sunday.

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UNFINISHED PROJECTS: The City Manager stated that when he terminates his employment November 30 there will be several unfinished projects that have been authorized by the Board. These include a revised taxi ordinance, piping the overflow water from the reservoir, developing plans and cost estimates for the lighting of the tennis courts at the Community Building, paving the unpaved streets within the corporate limits and constructing the Valley Street and Stumptown waterlines. He stated that the projects given a highest priority by the Board have or will be completed by the end of November. He stated that these include the Jarrett drainage project, Tate Street sidewalk project and the Oak Street waterline project.

There being no further business, the meeting adjourned.

Mayor

City Manager

December 12, 1972

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION

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MINUTES OF THE NOVEMBER 21, 1972 BOARD MEETING: Upon a motion by Councilman Wilkerson and seconded by Councilman Cross, the Board unanimously voted to approve the November 21, 1972 minutes.

ANNEXATION REQUEST - FOXFIRE SUBDIVISION: The City Manager was directed to have a formal petition prepared and to work with the City Attorney on this project.

of the authorized speed limit; that said ordinance is recorded in Minute Book #5 at page 317.

In witness whereof, I have hereunto set my hand and the seal of the (City) (Town) of _____, this ____ day of _____, 19____.

 (Seal)

Form TE 70-10 (pp 2 of 2)

SUNDAY BLUE LAW: The City Manager stated that Roses 5&10¢ Store is giving consideration to opening on Sunday. He stated he has reviewed the City Ordinances and that he doesn't feel the City has any firm legal grounds for prohibiting this business from opening on Sunday.


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There being no further business, the meeting adjourned.


Mayor


City Manager

December 12, 1972

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION

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MINUTES OF THE NOVEMBER 21, 1972 BOARD MEETING: Upon a motion by Councilman Wilkerson and seconded by Councilman Cross, the Board unanimously voted to approve the November 21, 1972 minutes.

ANNEXATION REQUEST - FOXFIRE SUBDIVISION: The City Manager was directed to have a formal petition prepared and to work with the City Attorney on this project.

CANCER CARE INSURANCE: Mr. J. David Butler (39 Raymouth Road- Asheville, N.C. Phone 254-0869) presented a Cancer Care Insurance program for the City Council's consideration. Mr. Butler informed the Council of the Basic and Extended Benefits of the policy. Mr. Butler stated the Insurance Company would pay claims directly to the insured or whomever the insured designates. He also stated that Cancer Care pays in addition to any other insurance with all other companies. Councilman Clark raised a question as to whether Blue Cross-Blue Shield would pay for the same claims paid by Cancer Care. Mr. Butler stated the Cancer Care policy would not reduce the payments made by Blue Cross-Blue Shield. The City Manager stated Mr. Butler had been given permission to talk individually with City employees regarding the insurance and that payroll deductions would be made if desired by the employee. Each City Councilman and the City Attorney were given an application blank to fill out, if interested in the policy, with instructions to return the application to the City Manager.

UNITED FUND: Councilman James made a motion that the City Council strongly endorse the local effort of the United Fund and urge the citizens of the community to support this very worthwhile cause. This motion was seconded by Councilman Cross and the Board unanimously voted to approve same. Mr. Don Dillingham was asked by the City Council to please give good coverage of this endorsement in the McDowell News.

CHRISTMAS BONUSES: Upon a motion by Councilman Wilkerson, seconded by Councilman James, the Board unanimously voted to authorize the City Manager to give Christmas bonus to all City employees according to the same schedule used last year.

Employee Longevity	Amount of Bonus
Under One Year	\$25.00
One-three Years	30.00
Over three Years	35.00

CITY TAGS: Upon a motion by Councilman Wilkerson, seconded by Councilman Cross, the City Manager was directed to contact Mr. Charles Israel, local representative for the Department of Motor Vehicles, and ascertain if he is willing to sell 1973 City tags for \$1.00 with the provision that the City pay him 15¢ for each tag he sells.

SURPLUS VEHICLES: Upon a motion by Councilman Cross, seconded by Councilman Clark, the Board unanimously voted to declare as surplus the below listed equipment and directed the City Manager to advertise the same for sale by receipt of sealed bids.

1968 Chevrolet
1964 Harley-Davidson Motorcycle

I.A.C.P. STAFF STUDY MARION POLICE DEPARTMENT: The City Manager presented each Councilman with a booklet entitled "A Staff Study of the Police Department Marion, North Carolina." The study was prepared by the Field Operations Division, International Association of Chiefs of Police. The City Manager stated that he had read the report but had not really had time to study it in any great detail.

Councilman James stated that he understood the Chamber of Commerce was planning to establish a Committee to act as a recommending body to local governmental units regarding law enforcement in the immediate area. The Committee would make citizens aware of police problems in law enforcement and make police aware of citizens complaints.

ZONING ORDINANCE: The City Manager presented each Councilman with a copy of the proposed Zoning Ordinance for the City of Marion. The City Manager suggested that several public meetings be held by the Planning Board to allow citizens to ask questions and become more informed about zoning before any Public hearing is held to consider adoption of the ordinance. Councilman Cross suggested that some member of the Planning Board or someone familiar with zoning should appear before civic clubs and present a program about zoning. Don Dillingham stated that articles had been published in the McDowell News about zoning and that he would be happy to continue to co-operate in presenting articles in the newspaper. (9:12 P.M.)

CRAVEN-JONES COUNTY CIVIL DEFENSE AGENCY - COMMENDATION CERTIFICATE; CITY MANAGER: Mr. John Sullivan, Marion Civil Defense Director, appeared before the City Council and presented a Certificate of Commendation to the City Manager. Mr. Sullivan read a letter from Mr. Paul Cox, Civil Defense Director for Craven-Jones County Civil Defense Agency, requesting the certificate be presented at the first Council meeting in December.

RESOLUTION TO ESTABLISH A CAPITAL RESERVE FUND; "WATER AND WASTEWATER": Upon a motion by Councilman Ledbetter, seconded by Councilman James, the Board unanimously voted to adopt the following resolution:

RESOLUTION

WHEREAS, The City Council of the City of Marion realize the need for improvements and/or expansion of the water and wastewater facilities in future years, and

WHEREAS, The City Council desires to have adequate Local Funds available when the improvements and/or expansion are needed,

THEREFORE BE IT RESOLVED, by the City Council of the City of Marion:

That a Capital Reserve Fund - Water and Wastewater, be established Under the water and wastewater account.

That surplus revenues from charges and fees for water and wastewater service in excess of funds required for operation, maintenance and debt services of the systems be placed in the Capital Reserve Fund - Water and Wastewater.

Adopted this 12th day of December, 1972

Signed *James H. Beggs*
James H. Beggs, Mayor

See City of Marion Resolution Book,
No. R-72-12-12-1

Attested *James Earl Daniels*
Clk

RESOLUTION FOR A GRANT TO AID; WASTEWATER FACILITIES: Upon a motion by Councilman Cross, seconded by Councilman Ledbetter, the Board unanimously voted to adopt the following resolution:

RESOLUTION BY GOVERNING BODY OF APPLICANT

WHEREAS, The North Carolina Clean Water Bond Act of 1971 has authorized the making of grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, and water supply systems, and

WHEREAS, The City of Marion has need for and intends to construct a 3.0 MGD secondary wastewater treatment plant on the Catawba River using a series of outfalls and pumping stations to divert wastewater into this basin. The title of "Wastewater Facilities" shall be used to describe this project, and

WHEREAS, The City of Marion intends to request State grant assistance for the project.

NOW THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF MARION:

That the City of Marion will arrange financing for all remaining costs of the project, if approved for a State grant award.

That the City of Marion will provide for efficient operation and maintenance of the project on completion of construction thereof.

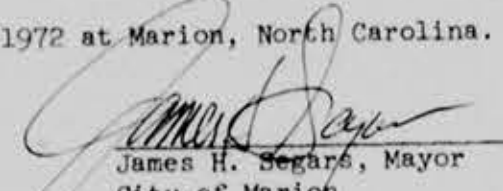
That James H. Segars, Mayor is hereby authorized to execute and file an application on behalf of the City of Marion with the State of North Carolina for a grant to aid in the construction of the project described above.

That James H. Segars is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application, grant offer, or grant award.

That the City of Marion substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto; and hereby authorizes the above designated representative to execute an affidavit so stating.

Adopted this the 12th Day of December, 1972 at Marion, North Carolina.

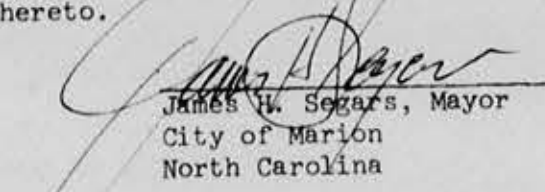
** See City of Marion Resolution Book,
R-72-12-12-2


James H. Segars, Mayor
City of Marion
North Carolina

North Carolina
McDowell County

AFFIDAVIT OF COMPLIANCE WITH FEDERAL, STATE, AND LOCAL LAWS, RULES,
REGULATIONS, AND ORDINANCES

James H. Segars, Mayor, being duly sworn, deposes and says; That the City of Marion has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to Wastewater Facilities and to Federal and State grants and loans pertaining thereto.


James H. Segars, Mayor
City of Marion
North Carolina

Sworn to and subscribed
before me _____,
1972.

Notary Public

My Commission expires _____, 19 ____.

CERTIFICATE OF RECORDING OFFICER

The undersigned duly qualified and acting City Clerk of the City of Marion does hereby certify; That the attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the City Council duly held on the 12th day of December, 1972; and further, that such resolution has been fully recorded in the Journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this 12th day of December, 1972.

(Signature of Recording Officer)

(Title of Recording Officer)

(SEAL)

RESOLUTION ESTABLISHING A REVENUE SHARING TRUST FUND: Upon a motion by Councilman Wilkerson, seconded by Councilman Cross, the Board unanimously voted to adopt the following resolution:

A RESOLUTION ESTABLISHING A TRUST FUND TO ACCOUNT FOR FUNDS RECEIVED UNDER THE STATE AND LOCAL FISCAL ASSISTANCE ACT OF 1972.

Be it resolved by the City Council of the City of Marion, North Carolina:

Section 1. There is hereby established on the books of the city of Marion a trust fund to be known as the "Revenue-Sharing Trust Fund." The trust fund shall remain available without fiscal year limitation and shall consist of such amounts as may be appropriated to it and deposited in it from funds made available to the City of Marion by the United States Treasury pursuant to the State and Local Fiscal Assistance Act of 1972 together with any interest earned on investments.


(Pub. Law 92-512).

Sec. 2. All monies disbursed from the trust fund established by this resolution shall be disbursed through a special account established for the trust fund in an official depository of the City of Marion

Sec. 3. The City Manager of the City of Marion is authorized to invest and reinvest all or any portion of the monies in the trust fund in deposits and securities eligible for investment of local funds under the General Statutes of North Carolina until such time as the monies are actually needed.

Sec. 4. This resolution is effective upon its adoption.

Adopted this 12th day of December, 1972.

ATTEST: 
City Clerk


Mayor

Reference Nov. 7, 1972. page 311

* checking

SEWERAGE SYSTEM IMPROVEMENT - PLANT SITE: Mr. Dameron stated that he had received no word from Mr. J.O. Laughridge owner of the property that was elected as the first choice for the proposed sewer plant, regarding an acceptable selling price. It was suggested that Mayor Segars contact members of the Tyler family reference an adjoining tract of land as an alternate site for the plant. Reference November 21, 1972, page 315

OLD HIGH SCHOOL PROPERTY: The appearance of the Old High School Property was discussed by the Board. Don Dillingham stated that the Board of Education had indicated that they would be willing to transfer the Deed for said property to any local governmental organization that would use the property for recreational purposes provided that the property would revert back to the Board of Education should the property be used for any other purpose. Mayor Segars stated that he would contact the Board of Education regarding a clear understanding of their policy regarding the property.

PURCHASE ORDER SYSTEM: The City Manager informed the Board that a Purchase Order System was badly needed to insure that expenditures not exceed budget appropriations. He stated that the financial report presented showing expenditures through November indicated a lack of control being exercised to insure compliance with required budgetary procedures. He advised the Board that a Purchase Order System would be established as soon as possible.

POLICE REPORTS: The City Manager stated that monthly Police Reports would be presented to the Board starting in January 1973.

VEHICLE MAINTENANCE REPORTS: The City Manager informed the Board that vehicle maintenance reports would be kept on all City equipment starting in January 1973.

ORDINANCES; UPDATING: The City Manager stated that all City Ordinances should be updated and codified. He advised the Board that every phase of the municipal operation should be spelled out in written ordinances, resolutions, and policies that are understood by the governing body and the employees.

SPECIAL PROJECTS PENDING: The Mayor explained to the City Manager several projects which are still pending. These projects included:

1. Taxi Ordinance
2. Tennis Court Lighting - Community Building
3. Street Paving
4. Waterlines - Valley Street and Stumptown

Reference November 21, 1972; page 317

BUS FRANCHISE: The City Manager informed the Board that he had received an inquiry regarding the operation of a City bus service. He stated that a full report would be made at the next meeting since information requested from the League had not been received in time for the meeting.

OATH OF OFFICE, CITY MANAGER: The City Manager raised a question regarding the legal requirement of an Oath of Office. Mr. Dameron stated that an Oath of Office for City Manager was not necessary but suggested an Oath of Office as City Manager - Clerk would be advisable.

The City Council agreed to schedule the next meeting for January 2, 1973 unless it becomes necessary to call a special meeting before that time.

There being no further business, the meeting was adjourned.

James Earl Daniels
City Manager

James Earl Daniels
Mayor

STATE OF NORTH CAROLINA

COUNTY OF MCDOWELL

CITY OF MARION

December 22, 1972

The Marion City Council met in a Special Session on December 22, 1972 at 10:00 A.M. in the vacant lot next to the Marion City Hall. Board members present: Mayor James H. Segars, Councilman A. Everette Clark, Oliver R. Cross, Robert E. James, William R. Ledbetter and Horace Wilkerson. Others present; Earl Daniels, City Manager.

Mayor Segars informed the City Council that someone was trying to purchase Mrs. Margaret A. Bell's property, located next to the Marion City Hall, and that she was giving consideration to selling the property. The Mayor stated he had requested that no decision be made until 11:00 A.M. to allow time for the City Council to meet and consider this matter since the City had been interested in purchasing the property for some time. He advised the Council the price had already increased to \$32,500.00 and that it could increase more.

Councilman Cross made a motion that the City of Marion purchase Mrs. Margaret A. Bell's property located next to the Marion City Hall and that Mayor Segars be authorized to contact Mrs. Bell regarding said purchase. This motion was seconded by Councilman James and all voted in favor. Reference page 129-131.

There being no further business, the meeting adjourned.

James Earl Daniels
Mayor

James Earl Daniels
City Manager

STATE OF NORTH CAROLINA

COUNTY OF MCDOWELL

CITY OF MARION

January 2, 1973

The Marion City Council met in a regularly scheduled Board meeting on January 2, 1973 at 7:30 P.M. in the Marion City Council Chamber. Board members present; Mayor James H. Segars, Councilman A. Everette Clark, Oliver R. Cross, Robert E. James, William R. Ledbetter and Horace Wilkerson. Others present; Earl Daniels, City Manager, E.P. Dameron, City Attorney and Don Dillingham, Newspaper Reporter.

MINUTES OF THE DECEMBER 12 and DECEMBER 22, 1972 BOARD MEETINGS: Upon a motion by Councilman Ledbetter and seconded by Councilman Cross, the Board unanimously voted to approve the December 12 and December 22, 1972 minutes.

PURCHASE OF BELL PROPERTY ADJOINING CITY HALL: Mayor Segars informed the City Council that following the December 22 meeting he called Mrs. Margaret A. Bell regarding purchase of her property adjoining the City Hall. He advised the Board that Mrs. Bell agreed to sell the property for \$35,000.00 and that a binder check was placed in the mail for this property. He continued by advising the newspaper reporter that the City had been interested in purchasing this property for some time and that someone had approached Mrs. Bell regarding the sale of this property and the City Council had to move fast or the property would possibly be sold to someone else and the City would have been unable to secure the property. Reference page 129-131.

PARKING METERS: Mayor Segars advised the City Council that he had directed the Police Department to conduct a survey to determine the number of parking violations during the holiday season while the meters were bagged. The officers were instructed not to tag vehicles unless the vehicles were parked in the same space for a period of time exceeding two hours. The report submitted by the Police Department appeared to be very thorough. The survey indicated that the majority of shoppers did not leave their vehicles parked in the same space for periods exceeding two hours. The survey showed that some professional persons working in the downtown area left their vehicles parked for longer periods of time and in some cases all day. Some employees working in the downtown area also left their vehicles parked for longer periods of time. Reference page 288, Aug. 22, 1972.

Mayor Segars stated he had discussed parking ticket enforcement problems with the City Manager, John Beck and Mrs. Janice Shuford. He informed the City Council that 42 Summons had been issued, 39 letters had been mailed by the Police Department, 84 red violations issued, 12 tickets being held for vehicle identification, 12 persons had been mailed second notices, 14 persons had been mailed third notices. He stated that a considerable amount of time was spent by several employees in these procedures.

The Council discussed this problem at great length. It was suggested that if sufficient off street parking places were provided employees working in the downtown area that the parking meters could be removed.

Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the Council unanimously voted to leave the parking meters covered until the Parking Commission could hold a meeting, study certain problems, and prepare recommendations for the Council's consideration regarding removal of the meters. Reference page 288, Aug. 22, 1972.

BIDS ON SURPLUS EQUIPMENT: The City Manager stated that no bids had been received for the 1968 Chevrolet but that 4 bids had been received for the Harley Davidson Motorcycle. He informed the City Council that bids were opened at 3:20 P.M., January 2, 1972 in the City Hall. (Bids listed below.)

Terry Keseckee	Box 332	Marion	bid - \$500.00
Robert Jones	Rt 1	Box 178	167.67
Dennis Barrier			151.50
H.D. Lowery			277.00

Upon a motion by Councilman James, seconded by Councilman Ledbetter, the Council unanimously voted to accept the bid submitted by Terry Keseckee (\$500.00). The City Manager was directed to readvertise the 1968 Chevrolet for sale. Reference page 318, Dec. 12, 1972

PLANNING BOARD BY-LAWS: Mayor Segars read a letter from Mr. John Cross, Chairman of the Marion Planning Board. The letter requested that terms of office and appointment procedures be established for Planning Board Members. Upon a motion by Councilman James, seconded by Councilman Wilkerson, the Council unanimously voted to amend the By-Laws for the Marion Planning Board by providing a new Article II Membership and Vacancies and changing the present Article II to Article III and moving each following article number up one number. As approved by the City Council Article II reads as follows:

Article II Membership and Vacancies

The Planning Board shall consist of eight members who shall be citizens and residents of the City of Marion and shall be appointed by the City Council. Three members terms to expire on December 31, 1973. Three members terms to expire on December 31, 1974. Two members terms to expire on December 31, 1975. Their successors shall be appointed for terms of three years. Vacancies occurring for reasons other than expiration of terms shall be filled as they occur for the period of the unexpired term.

PROPOSED NEW TAXI ORDINANCE: Mayor Segars suggested that any discussion on the new Taxi Ordinance be postponed to allow the City Manager time to review changes recommended by the City Attorney, and in addition would allow members more time to study the lengthy ordinance. Reference page 273, June 20, 1972

WATER/SEWER DEPARTMENT; Proposed new Policies: The City Manager advised the City Council that a considerable amount of his time was spent discussing adjustment of excessive water bills with customers. He stated that adoption of a written policy regarding adjustment of excessive water bills, caused by a leak in the customer's water lines, would allow the Utility Clerk to make adjustments in the majority of cases thus providing more time for the City Manager to apply to other important matters. The City Manager informed the City Council that a written policy was also needed regarding Water Meter Testing. A number of customers receiving a high bill insists that the fault lies with the water meter. The City Manager stated that based on his experience faulty meters work in favor of the customer, since the meters generally stop completely or allow water to pass through the meter and around worn parts without registering. The City Manager stated that in many cases when a customer complains about a faulty meter and the meter is replaced the customer's bill increases. Upon a motion by Councilman Cross, seconded by Councilman Ledbetter the Council unanimously adopted the proposed policies regarding Water Meter Testing and Adjustment of Excessive Water Bills.

WATER METER TESTING

If a water customer has an excessive bill and thinks that it is caused by a faulty meter, he may, by making a \$7.50 deposit with the City, request that the meter be removed and checked. If the meter is found to be in error, the \$7.50 deposit will be refunded and the bill adjusted for two months. The adjustment will be based on the percentage of error in the meter.

ADJUSTMENT OF EXCESSIVE WATER BILLS

When it is discovered by a City employee that an unusually large amount of water has passed through a customer's water meter, the customer shall be notified either in person, by telephone or by letter. If the excessive usage is the result of a leak, the water bill will be adjusted up to the time of notification. Water wasted after notification will be the sole responsibility of the customer. No more than two adjustments will be made in any fiscal year. (July 1 - June 30). The method of adjustment shall be as follows.

The customer will be required to pay the equivalent of his average bill plus $\frac{1}{2}$ of the difference between the excessive bill and his average bill. The City will absorb the difference, but in no case will an adjustment cover a period longer than the current month plus the preceding month.

NO PARKING ZONE - CRESENT AVENUE: The City Manager presented a request from the Police Department that a No Parking Zone be established on the west side of Crescent Avenue from the intersection of U.S. 70 a distance of 126 feet in a northern direction. Upon a motion by Councilman Cross, seconded by Councilman Ledbetter, the Council unanimously adopted the following ordinance:

The Board unanimously voted to establish a no-parking zone on Crescent Avenue at the intersection of US Highway 70. The no-parking zone is to extend from US Highway 70 north along the west curb of Crescent Avenue for a distance of 126 feet.

NO PARKING ZONE; North Logan Street: The Mayor stated that a No Parking Zone was needed on North Logan Street in the vicinity of Ingles driveway. The Council agreed that a No Parking Zone should be established in this area but could not determine the exact location. It was agreed that the Street Committee would go out to the site to establish a proper location for the zone.

MOBILE HOME PARK ORDINANCE: The City Manager asked if a Mobile Home Park Ordinance had ever been considered and if it would be desirable to have such an ordinance. The City Manager was directed to contact the League for a model ordinance and to prepare an ordinance for Mobile Home Parks.

TRAFFIC CONTROL: Right Turn on Red Light, Leading Green Light: Councilman James stated that in his opinion "Right Turn on Red Lights" could be permitted at certain intersections in the community without creating traffic problems. Several other suggestions were made regarding no left turns on certain streets and leading green lights. The City Manager was directed to work with the Police Department and the Street Department in preparing a study of the traffic patterns in the downtown area, including recommendations regarding Right Turn on Red Lights, Leading Green Lights, etc.

PROJECT OUT-REACH: Councilman James read a letter from the Foothills Mental Health Center of McDowell County regarding a project entitled Project Outreach. The project deals with problems relating to alcohol.

There being no further business the meeting was adjourned.

James Earl Daniels
City Manager

James H. Segars
Mayor

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION

January 16, 1973

The Marion City Council met in a regularly scheduled Board meeting on January 16, 1973 at 7:30 P.M. in the City Council Chamber of the City Hall. Board members present: Mayor James H. Segars, Councilmen A. Everette Clark, Oliver R. Cross, Robert E. James, and Horce Wilkerson. Others present: Earl Daniels, City Manager, E.P. Dameron, City Attorney and Don Dillingham, Newspaper reporter. Guests: Rev. Slade, Elmer Macopson, Deputy Sheriff, James Boyce.

MINUTES OF THE JANUARY 2, 1973 MEETING: Upon a motion by Councilman Wilkerson seconded by Councilman Cross, the Board unanimously voted to approve the January 2, 1973 minutes. Reference January 2, 1973, page 323.

ELMER MACOPSON, APPLICATION FOR EMPLOYMENT, MARION POLICE DEPARTMENT: Rev. Slade appeared before the City Council to speak on behalf of Elmer Macopson. Rev. Slade stated that Elmer Macopson was very interested in becoming a Police Officer with the Marion Police Department and that in his opinion he would be a good representative of the black community. Rev. Slade stated that in his opinion Elmer Macopson would be a very good help in two ways, 1) create interest among black in and around the City 2) create a sort of responsibility. He informed the City Council that in this field there was a need to build up responsibility.

Rev. Slade stated that James Boyce serving the McDowell County Sheriff's Department was doing a very good job. Elmer Macopson advised the Council that he was 21 years old, married and the father of two children. He stated that he was employed at the Marion Manufacturing Company. He continued by stating he had filed an application with the Chief of Police approximately 1 1/2 months ago and that he was advised that he would be notified regarding his application. He stated he had received no word and returned to the Police Department to discuss his application. He advised the Council that the Police Captain informed him that his application was still on file but that there were no openings in the Department. He informed the Council that he was still interested and felt that he could be a good officer if given the chance to try. He stated that he lived at 214 Morehead Road and has lived in Marion about three years.

Councilman Wilkerson asked if he had any training as a Police Officer. He stated that he had not but that he was a graduate of Chase High School in Forest City. Mayor Segars stated that he was not aware of the application, but that this was not unusual since only a very few employees (such as certain Department Heads and Supervisory personnel) were hired directly by the City Council. He stated that applications for other employees were not reviewed by the Council unless submitted by Department Heads or the City Manager for some specific reason. Mayor Segars stated that under no circumstances would there be a shifting or sorting of applications to prevent Elmer Macopson or any other person qualified to become a police officer from working with the Marion Police Department. Mayor Segars advised Elmer Macopson that his application would be treated in the same manner as all other applications, when openings are available, and that it would not be downed in any manner.

Rev. Slade thanked the City Council for this consideration in this matter.

NO PARKING ZONE - NORTH LOGAN STREET: The City Manager presented an Ordinance to establish a No Parking Zone on North Logan Street. The proposed Ordinance would prohibit parking on the east side of North Logan Street for a distance of 40 feet on either side of the driveway to the Ingles Store. Upon a motion by Councilman Cross, seconded by Councilman James the Board unanimously voted to adopt the following Ordinance;

CITY OF MARION ORDINANCE
SUBJECT: NORTH LOGAN STREET - ESTABLISHMENT OF A NO-PARKING ZONE
DATE ADOPTED: JANUARY 16, 1973

Upon a motion by Councilman Cross, seconded by Councilman James, the Board unanimously voted to establish a "no-Parking" zone on North Logan Street. The no-parking zone is to extend from a point located 80 feet north of the intersection of the centerline of Hillcrest Drive and North Logan in a northerly direction on the eastside of North Logan for a distance of 125 feet. Reference January 2, 1973 - page 325

See City of Marion Ordinance Book, No. 0-73-2-1-1

HENDERSON APARTMENTS - GARDEN STREET - CARS PARKING VIOLATION OF ORDINANCE: Councilman Cross stated that he had observed on several occasions cars parked on the yellow curb in front of the Henderson Apartments on Garden Street. The City Manager was directed by the Mayor to have "no parking" signs installed and to have the Police Department warn persons violating the no-parking regulations one time, and the second time to issue tickets.

CCG002

BIDS ON 1968 CHEVROLET: The City Manager presented three bids which had been received in accordance with the legal advertisement for the sale of the 1968 Chevrolet previously used by the Fire Chief. The three bids received were:

- | | |
|----------------------|--------|
| 1. Golden Arrowood | 202.25 |
| 2. Alfred Dillingham | 201.00 |
| 3. Fred Ballard | 155.00 |

Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the Board unanimously voted to accept the high bid. Reference, January 2, 1973, page 324.

TAXI ORDINANCE: The Taxi Ordinance was presented as amended for final adoption. The City Council reviewed and discussed the Ordinance at great length and noted certain existing problems that the Ordinance would correct. Upon a motion by Councilman James, seconded by Councilman Cross, the Board unanimously voted to adopt the Taxi Ordinance as amended. Ordinance #73-16-1-2 (Copy attached in minutes) Reference Jan. 2, 1973 page 325. *See Minutes Book 6 Page 423*
See City of Marion Ordinance Book, No. 0-73-16-1-2

FOXFIRE SUBDIVISION - ANNEXATION PETITION - CERTIFICATE OF SUFFICIENCY: The City Manager presented a formal petition signed by property owners requesting annexation of certain properties into the City Limits and a certificate of Sufficiency for said petition. Upon a motion by Councilman Wilkerson, seconded by Councilman Cross the Board voted unanimously to accept the petition and Certificate of Sufficiency.

PETITION REQUESTING ANNEXATION

Date: 12/15/72

To the City Council of the City of Marion, North Carolina

1. We the undersigned owners of real property respectfully request that the area described in Paragraph 2. below be annexed to the City of Marion.

2. The area to be annexed is contiguous to the City of Marion and the boundaries of such territory are as follows:

(Description of Boundaries)

Beginning at point in the line of Fox Fire subdivision, which point is located N15 - 34 - 33 E 19.28' from a concrete monument on the corporate limit line of the City of Marion, and runs S 88 - 03 - 37 E 24.38' to a corner in Fox Fire subdivision, thence S 00 - 04 - 07 E 94.98' to a concrete monument, a corner of Fox Fire sub-division and Marion Mfg. Co., thence with the line of Fox Fire subdivision and Marion Mfg. Co., S 89 - 40 E 393.93' to an iron stake a corner of Fox Fire subdivision and Marion Mfg. Co., thence N 00 - 08 - 46 W 653.08' to a concrete monument in the corporate limits line, thence N 87 - 50 - 42 W 259.48' to a concrete monument in the corporate limits line, thence S 15 - 34 - 33 W 586.35' to the beginning. Containing 5.2 acres.

Name.	Address
1. J.B. Walker, Sr.	Marion, North Carolina
2. J.B. Walker, Jr.	Marion, North Carolina
3. Jack Walker	Marion, North Carolina

NORTH CAROLINA

MCDOWELL COUNTY

The undersigned, who are purchasing one or more lots in Foxfire Subdivision, understand that J.B. Walker, Sr., J.B. Walker, Jr. and Jack Walker, from whom we are purchasing said lot or lots, have petitioned the City of Marion to annex the territory including said lot or lots and include the same in the corporate limits of the City of Marion.

Having purchased said lot or lots and being the present owners of the same, we hereby join in said petition and request that our said lot or lots in the foxfire Subdivision be annexed to and included within the City Limits of Marion, North Carolina, this 16th day of December, 1972.

Mary Swanee Ricks

James Joseph Ricks

J. Ramsey Grant, Jr.

Mary K. Grant

CERTIFICATE OF SUFFICIENCY

To the City Council of the City of Marion, North Carolina.

I, James Earl Daniels, City Clerk, do hereby certify that the petition attached hereto has been investigated by me and found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160-452, as amended.

In witness whereof, I have hereunto set my hand and affixed the seal of the City of Marion, this 16th day of January, 1973.

James Earl Daniels
City Clerk

Reference, August 22, 1972 - page 286.

See City of Marion Annexation Ordinance Book, No. A-72-15-12-1

RESOLUTION - PUBLIC HEARING - ANNEXATION: The City Manager presented a Resolution Fixing Date of Public Hearing on Question of Annexation of certain properties into the City Limits. Upon a motion by Councilman Clark, seconded by Councilman James the Board unanimously voted to adopt the following resolution. (Resolution # 73-16-1-1)

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160-452, AS AMENDED

Whereas, a petition requesting annexation of the area described herein has been received, and

Whereas, certification by the City Clerk as to the sufficiency of said petition has been made, now therefore

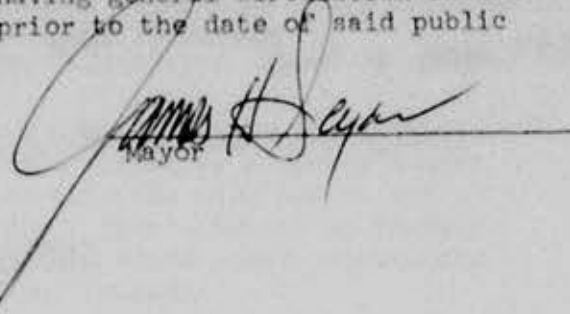
Be it resolved by the City Council of the City of Marion, North Carolina:

Section 1. That a public hearing on the question of annexation of the area described herein will be held at the Marion City Hall at 8 o'clock on the 6th day of February, 1973.

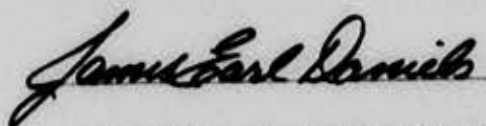
Section 2. The area proposed for annexation is described as follows:

Beginning at a point in the line of Fox Fire subdivision, which point is located N 15 - 34 - 33 E 19.28' from a concrete monument on the corporate limit line of the City of Marion, and runs S 88 - 03 - 37 E 24.38' to a corner in Fox Fire subdivision, thence S 00 - 04 - 07 E 94.98' to a concrete monument, a corner of Fox Fire subdivision and Marion Mfg. Co., thence with the line of Fox Fire subdivision and Marion Mfg. Co. S 89 - 40 - 40 E 393.93' to an iron stake a corner of Fox Fire subdivision and Marion Mfg. Co., thence N 00 - 08 - 46 W 653.08' to a concrete monument in the corporate limits line, thence N 87 - 50 - 42 W 259.48' to a concrete monument in the corporate limits line, thence S 15 - 34 - 33 W 586.35' to the beginning. Containing 5.2 acres.

Section 3. Legal notice of said public hearing shall be published once in the McDowell News, a newspaper having general circulation in the City of Marion, at least ten (10) days prior to the date of said public hearing.


Mayor

ATTEST:

 Clerk

See City of Marion Resolution Book, No. R-73-16-1-1

REMOVE ICE - DRIVEWAY MARION GENERAL HOSPITAL: Councilman Wilkerson stated that the City should establish a policy of removing ice from the driveway at the Marion General Hospital. The City Council agreed that this policy be established and that the driveway be cleared of ice and snow as soon as possible when weather permits equipment to work.

EPA OFFER OF FEDERAL GRANT IN SEWERAGE TREATMENT WORKS: Mayor Segars presented the EPA Offer of Federal Grant For Sewerage Treatment Works and advised the Council that the offer contained several conditions with which the City had to agree. He stated that one condition required the abandonment of the existing Corpening Creek sewer treatment plant and that a sewer lift station be used in lieu of same. He advised the Council that the Offer must be accepted by the Council no later than January 29, 1973 or it becomes invalid. The City Council discussed the Offer and conditions at great length.

RESOLUTION ACCEPTING EPA GRANT: The City Manager presented a Resolution accepting the EPA Grant Offer including conditions of the offer. Upon a motion by Councilman Cross, seconded by Councilman Clark, the Board unanimously voted to adopt the following resolution: (Resolution # 73-16-1-2)

See City of Marion Resolution Book, No. # R-73-16-1-2

CCG002

RESOLUTION AUTHORIZING ACCEPTANCE OF A
FEDERAL GRANT FROM THE ENVIRONMENTAL
PROTECTION AGENCY FOR THE CONSTRUCTION
OF WASTEWATER TREATMENT FACILITIES.

WHEREAS, the City of Marion is in need of wastewater treatment facilities;
and

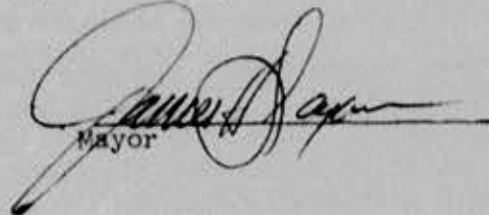
WHEREAS, the City of Marion filed an application with the Environmental
Protection Agency for a Federal Grant for assistance in the construction
of wastewater treatment facilities; and

WHEREAS, the Environmental Protection Agency has made a Grant offer under
the provisions of the Federal Water Pollution Control Act, Amendments of
1973; and

WHEREAS, the City Council of the City of Marion feel that it is in the best
interest of the citizens of Marion to accept said Grant Offer.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Marion
that the Grant Offer from the Environmental Protection Agency entitled Project
Number C 370354 including all conditions contained therein, executed by James
R. Westlake on behalf of Jack E. Raven, Regional Administrator and dated
December 29, 1972 is hereby accepted by the City of Marion, North Carolina.

ADOPTED this the 16th day of January 1973.


Mayor

ATTEST:


City Clerk/Manager

RESOLUTION - AUTHORIZED REPRESENTATIVE: The City Manager presented a
resolution establishing Mayor James H. Segars as authorized representative
to execute documents regarding the Project. Upon a motion by Councilman
Clark, seconded by Councilman James, the Board unanimously voted to adopt
the following resolution. (Resolution # 73-16-1-3)

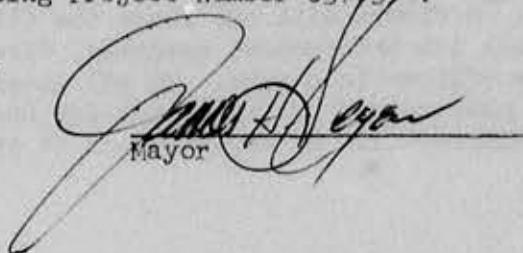
RESOLUTION DESIGNATING MAYOR
JAMES H. SEGARS AS AUTHORIZED
REPRESENTATIVE

WHEREAS, the City of Marion has accepted a Grant Offer from the Environmental
Protection Agency entitled Project Number C370354; and


WHEREAS, it is necessary for the City Council to designate an authorized
representative to execute official documents regarding said project.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Marion
that Mayor James H. Segars be and is hereby designated as its authorized
representative to execute documents regarding Project Number C370354.

ADOPTED this the 16th day of January 1973.


Mayor

ATTEST:


City Manager/Clerk

CCG002

APPOINTMENT PLANNING BOARD MEMBERS: The City Manager presented recommendations from the Planning Board that Mr. Al Smith and Mrs. Kathleen Noyes be appointed to replace Mr. Dula Hawkins and Mrs. Jane Miller. The City Manager asked that all members terms of office be established and recorded in the minutes. Upon a motion by Councilman Wilkerson, seconded by Councilman Clark, the Board unanimously approved the following terms of office for Planning Board members and the appointment of Mr. Al Smith and Mrs. Kathleen Noyes.

John Cross	term to expire December 31, 1974
Sue Allen	term to expire December 31, 1974
Dean Wall	term to expire December 31, 1974

James Hollifield	term to expire December 31, 1973
Mrs. David Setzer	term to expire December 31, 1973
Ray Cline	term to expire December 31, 1973

New Members as proposed by the Planning Board

Al Smith	term to expire December 31, 1975
Kathleen Noyes	term to expire December 31, 1975

Reference January 2, 1973 page 324

POLICE REGULATIONS: The City Manager presented Police Regulations which were prepared as a guide for the efficient operation of the Marion Police Department. The City Council reviewed the Proposed regulations. Upon a motion by Councilman Wilkerson, seconded by Councilman Cross, the Board unanimously adopted the following Police Regulations:

POLICE REGULATIONS

1. All Officers will report for duty 15 minutes before the shift change to be briefed by the officer going off duty.
2. Officers will not drink any alcoholic beverage at least five hours prior to coming on duty.
3. Officers will not report for duty in a state which may appear to be intoxication.
4. Officers will conduct themselves as gentlemen at all times and keep their personal affairs in such a manner that it will not embarrass the City.
5. Officers will keep their uniforms and shoes neat and attractive.
6. Officers will always be courteous to the General Public but firm when necessary.
7. Officers will not allow unauthorized personnel in the Police vehicles.
8. Officers will not discuss police matters in public places or with citizens not directly involved in such matters.
9. Officers will inspect Police vehicles when coming on duty and note in writing need of service or unusual conditions.
10. Officers will not leave the City limits unless in pursuit, assisting other law enforcement agencies, directed by dispatcher, or by direction of the officer in charge. In all cases when an officer leaves the City limits he must report to the dispatcher that he is leaving, the reason, and his estimated time of arrival back in the limits.

11. Officers must request permission, from the dispatcher, to take meals and coffee breaks. It shall be the duty of the Dispatcher to insure that only one officer is taking meals or coffee breaks at any one time, as well as knowing the location of the officer during such periods of time.

12. Officers stopping vehicles will before leaving the police vehicle, give the license number of the vehicle stopped and the make, model and color, if known. He will wait for an acknowledgement from the dispatcher before leaving the police vehicle. If the officer does not call the dispatcher within ten minutes from the last communications, the dispatcher without hesitation will send assistance.

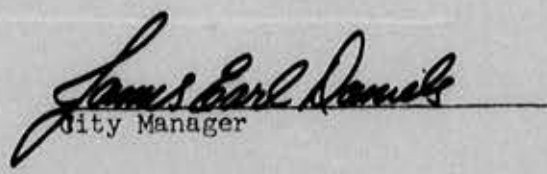
13. Officers will be required to appear in court for all cases requiring their presence.

These regulations have been prepared as a guide for the efficient operation of the Marion Police Department. Any officer taking issue with any or all of the above regulations is not only invited but encouraged to present his views to Captain John Beck.

PARKING METERS: The Mayor stated that he had attended the meeting with the Parking Commission and the merchants regarding parking meters. The City Council discussed the pros and cons of parking meters. The City Manager was directed to leave the parking meters bagged for thirty days, remove all pay boxes and require payment at the City Hall, charge \$1.00 for parking violations, ticket cars parked in the same parking space for periods of time in excess of two hours. Reference January 2, 1973, page 324.

There being no further business the meeting was adjourned.


Mayor


City Manager

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION

January 26, 1973

The Marion City Council met in special session on January 26, 1973 at 10:00 a.m. in the Marion City Hall. Board members present: Mayor James H. Segars, Councilman A. Everette Clark, William Ledbetter and Horace Wilkerson. Others present: Earl Daniels, City Manager, Gene Fowler and Don Dillingham, McDowell News.

Mayor Segars informed the City Council that the purpose of the meeting was to advise Board members regarding the present status of the EPA Project for Wastewater Treatment Facilities. He stated the project would be delayed for several months due to an Environmental Impact Statement being required because of a petition submitted to EPA and the North Carolina Department of Water and Air Resources stating the proposed sewerage treatment plant would pollute Lake James. Mayor Segars had a copy of the petition and read the cover letter aloud. Several questions were raised because some of the statements contained in the cover letter were in conflict with the engineering report and appeared to be completely false. Several members questioned the legality of the petition.

Mayor Segars stated the delay may increase the cost of the project by as much as 1 1/2% a month. He stated this increase would be paid by our citizens and customers paying for water and sewer services.

Mayor Segars suggested a meeting be held with a committee representing persons signing the petition and the City's engineers. The City Council agreed to the proposal.

The City Manager was directed to phone Attorney Dan R. Simpson of Morganton and schedule a meeting.

There being no further business the meeting was adjourned.

James Earl Daniels
City Manager

James H. Segars
Mayor

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION

February 6, 1973

The Marion City Council met in a regularly scheduled Board meeting February 6, 1973 at 7:30 P.M. in the City Council Chamber of the City Hall. Board members present, Mayor James H. Segars, Councilmen A. Everette Clark, Robert E. James, William R. Ledbetter and Horace Wilkerson.

Others present: Earl Daniels, City Manager, E. P. Dameron, City Attorney, Don Dillingham, Newspaper reporter, Jack Corpening, Fire Chief-Nebo, Arthur Edwards, Fire Chief, City of Marion and Tommy Milligan.

MINUTES OF THE JANUARY 16 and 26, 1973 MEETINGS: Upon a motion by Councilman Ledbetter, seconded by Councilman Wilkerson, the Board unanimously voted to approve the January 16 and 26, 1973 minutes. Ref. Page 326-334.

LEASE OF PROPERTY ADJOINING FILTER PLANT: Fire Chief Arthur Edwards appeared before the City Council to request the lease of approximately five to six acres of property belonging to the City of Marion and located on old #10 highway adjoining the filter plant site. Fire Chief Edwards stated that in the past the City had authorized the use of this property for training purposes for Fire Departments in McDowell County. He stated that these fire departments had spend approximately \$3000 in improving the property for training purposes. Edwards stated that the fire departments needed to construct other buildings and improvements on the property for training purposes, but needed some indication that the City would not reclaim the property for a specific period of time before spending funds for said improvements.

After much discussion regarding the request, Mayor Segars advised that prior to preparing such a lease agreement it would be necessary to contact the City Engineers, O'Brien & Gere and ascertain whether this property would be needed for planned future expansion at the filter plant. Reference - page 275 - June 20, 1972.

AZALIA STREET SIDEWALK: Mayor Segars asked the City Manager the present status of the proposed Azalia Street Sidewalk. The City Manager advised that he had discussed the project with Mr. Roy Davis and that a survey of the property had been prepared. He advised that the survey of the property would be given to Mr. Davis and that Mr. Davis would be asked to draw the necessary legal documents for the exchange of properties. He advised that upon execution of these documents construction could be started. The City Manager asked if the scrubs and plantings to be removed from the property should be given to Mr. Davis or Mrs. Craig. The Mayor stated that Mrs. Craig could take the plants if she so desired, if not the City could dispose of them. Page 315 - November 20, 1972 Reference.

Mr. Robert E. James asked to be excused from the meeting and apologized to the Council for having to leave.

FLEMING STREET SIDEWALK: Mayor Segars inquired regarding the present status of the Fleming Street Sidewalk. The City Manager advised that he was unaware of this particular project. The Mayor stated that a sidewalk was proposed on Fleming Street between Montevista and Roberts Streets. He stated that it would be necessary to obtain a right-of-way from the State Highway Commission for the installation of such a sidewalk.

The City Manager stated that he would begin work on the project immediately. Reference page 299 - September 19, 1972.

CCG002

ANNEXATION FOX FIRE SUBDIVISION - PUBLIC HEARING: Mayor Segars asked if anyone was present for the public hearing regarding the annexation of Fox Fire Subdivision, as advertised in the McDowell News. No one was present in the City Council Chambers regarding the proposed annexation. Don Dillingham left the City Council Chambers to check the downstairs area of the City Hall to insure that if any persons were present regarding the annexation that they could be given the opportunity to be heard. Mr. Dillingham returned and stated that no one was in the downstairs area regarding the public hearing. Upon a motion by Councilman Ledbetter, seconded by Councilman Wilkerson the City Council unanimously adopted the following ordinance to extend the corporate limits of the City of Marion.

See City of Marion Annexation Book, No. A-73-6-221

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF MARION, NORTH CAROLINA.

Whereas, the City Council has been petitioned under G.S. 160-452 as amended, to annex the area described herein, and

Whereas, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held in Marion City Hall Council Chamber at 8:00 P.M. on the 6th day of February, 1973, after due notice by publication on the 19th day of January, 1973 and

Whereas, the City Council does hereby find as a fact that said petition meets the requirements of G.S. 160-452 as amended; now therefore

Be it ordained by the City Council of the City of Marion, North Carolina:

Section 1. By virtue of the authority granted by G.S. 160-452, as amended, the following described territory is hereby annexed and made part of the City of Marion as of the 6th day of February, 1973.

Beginning at a point in the line of Fox Fire subdivision, which point is located N15 - 34 - 33 E 19.28' from a concrete monument on the corporate limit line of the City of Marion, and runs S88 - 03 - 37 E 24.38' to a corner in Fox Fire subdivision, thence S 00 - 04 - 07 E 94.98' to a concrete monument, a corner of Fox Fire subdivision and Marion Mfg. Co., thence the line of Fox Fire subdivision and Marion Mfg. Co. S 89 - 40 - 40 E 393.93' to an iron stake a corner of Fox Fire subdivision and Marion Mfg. Co., thence N 00 - 08 - 46 W 653.08' to a concrete monument in the corporate limits line, thence N 87 - 50 - 42 W 259.48' to a concrete monument in the corporate limits line, thence S 15 - 34 - 33 W 586.35' to the beginning. Containing 5.2 acres.

Section 2. Upon and after the 6th day of February, 1973 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 levied for the fiscal year beginning July 1, 1973.

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 hereof, together with a duly certified copy of this ordinance.

Section 4. This ordinance shall be published once, following the effective date of annexation, in the newspaper having general circulation in the City of Marion.

Adopted this 6th day of February, 1973.

ATTEST:

James Earl Daniel
City Manager/Clerk

0-73-6-2-1

Ref. Pg. 328 1-16-73

SUBURBAN CABLEVISION INCORPORATED: The City Manager presented a letter from Thomas N. Starnes, Representing Suburban Cablevision, Inc. requesting an amendment to the Marion Community Antenna Television Ordinance. The City Council discussed the amendment which would provide for an installation charge not to exceed \$9.95. Upon a motion by Councilman Wilkerson, seconded by Councilman Ledbetter, the City Council unanimously adopted the following resolution of amendment to the Marion Community Antenna Television Ordinance;

**RESOLUTION OF AMENDMENT TO
MARION COMMUNITY ANTENA TELEVISION ORDINANCE**

WITNESSETH: Under date of October 6, 1965 the City of Marion adopted a certain ordinance granting to S.P. McDonald, Jr. and William W. McDonald the right to conduct a community antenna television service within the City of Marion, North Carolina; that under date of July 7, 1970, by due action of the Marion City Council, resolutions were adopted approving the transfer of all rights appertaining under the aforesaid ordinance from Marion TV Cable, Inc. to Suburban Propane Gas Corporation and, subsequently, to a corporation controlled by Suburban Propane Gas Corporation; that SECTION 18 of said ordinance provides that the services therein contemplated shall be supplied "with no installation charge"; that Suburban Cablevision, Inc., the existing owner and operator of said CATV system and licensee under the aforesaid ordinance of the City of Marion has heretofore petitioned the Marion City Council for amendment of the above stated SECTION 18 be deletion of the words "with no installation charge", and insertion of the following: "Grantee shall be entitled to charge a subscriber an amount not to exceed \$9.95 as a fee for initial installation of the Community antenna television service for which provision is herein made."

NOW, THEREFORE, be it ordained by the City Council of the City of Marion that:

The community antenna television franchise to which reference is hereinabove made and which is now held by Suburban Cablevision, Inc. be and the same hereby is, amended in the following particular respect:

1. The following words are hereby deleted and removed from SECTION 18 thereof: "with no installation charge";
2. The comma immediately following the words "additional set" on the third line of Section 18 is hereby changed to a period;
3. The following new paragraph shall be added as a second paragraph in SECTION 18: "Grantee shall be entitled to charge a subscriber an amount not to exceed \$9.95 as a fee for initial installation of the community antenna television service for which provision is herein made."

* * *

Adopted by the City Council of the City of Marion this 6th day of February, 1973.

ATTEST:

James Earl Daniel
City Clerk

James Earl Daniel
Mayor

Ref. Page 313 11-7-72

Also, See City of Marion Resolution Book, No. # R-73-2-6-1

REVENUE SHARING FUNDS - CAPITAL PROJECTS FUND: The City Manager presented an Ordinance amending the 1972-73 budget ordinance and providing for the spending of Revenue Sharing Funds for the purchase of the Bell property, which is located next to the Marion City Hall Property. The Manager advised the Board that the use of the Revenue Sharing Fund should be well publicized so that the citizens would be aware of how the City is spending these funds. He stated that \$1,000 had been paid as a binder for the purchase of the Bell property. He continued by advising the Board that a check in the amount of \$24,000 would be drawn to provide for an initial downpayment on the property of \$25,000. He stated that the balance of \$10,000 would be paid prior to June 30, 1973, thereby, paying the total amount of \$35,000 for the property and that all of these funds would be derived from the Revenue Sharing Funds.

Upon a motion by Councilman Ledbetter, seconded by Councilman Wilkerson, the City Council unanimously adopted the following ordinance establishing a Capital Projects Fund.

ORDINANCE ESTABLISHING A CAPITAL PROJECTS FUND

Be it ordained by the City Council of the City of Marion, North Carolina:

Section 1. The 1972-73 Budget Ordinance of the City of Marion, adopted on July 18, 1972 and appearing at page 278 of the Minute Book of the City Council of the City of Marion, is amended by inserting therein a new fund as follows:

CAPITAL PROJECTS FUND

Appropriations

Land Acquisition (Bell Property)	\$35,000.00	
Miscellaneous	1,059.00	
		\$36,059.00

Revenue

Contribution from Revenue Sharing Trust Fund	36,059.00	
Contribution from General Fund	00.00	
Sale of bonds	00.00	
		\$36,059.00

Section 2. Disbursements from the Capital Projects Funds shall be made first from the Contribution from the Revenue Sharing Trust Fund, then from the Contribution from the General Fund, and finally from monies received from sale of bonds.

Section 3. This ordinance is effective upon its adoption.

Adopted this the 6th day of February 1973.


Mayor

ATTEST:


City Clerk

See City of Marion Ordinance Book, No. O-73-6-2-1

The City Manager was directed to advise Mrs. Katie Mae Byrd that she will have to vacate the office building she is presently using which is located on the Bell Property that is being purchased by the City of Marion. The City Manager was advised to allow her a reasonable period of time in which to find another office building.

MOBILE HOME PARK - WATER/SEWER SERVICE: The City Manager presented a request for water/sewer service for forty mobile homes submitted by Mr. Ernest House. The proposed mobile home park would be located on East State Street. A proposed layout of the mobile home park was presented for the Board's review. The City Council discussed the drawing of the proposed mobile home park at great length. Several questions were raised regarding the problems which would be encountered in providing police protection, fire protection and sanitation service to residents occupying the park, due to the width of the proposed private drive being only twenty-five feet. In addition questions were raised regarding the number of mobile homes to be located on the property. The City Council postponed any action on the request pending a study of the proposed park design. The study would include providing police protection, fire protection and sanitation service for the area.

SEWER USE ORDINANCE - PRE-TREATMENT OF WASTE: The City Manager advised the City Council that Mr. Roy Davis of the North Carolina Water and Air Resources visited his office on February 6, 1973. Mr. Davis stated that the City would need to consider adopting a sewer use ordinance which would prohibit the discharge of certain chemicals and materials into the Marion Sanitary Sewer System. In addition Mr. Davis had advised that the ordinance in all probability would require that certain Industrial customers pre-treat their waste prior to discharging it into the sanitary sewer system.

PRIVATE WATER LINES LEAD TO PROBLEMS: The City Manager advised the City Council that he had received several calls regarding waterlines belonging to private developers. He stated that the City had been notified by several individuals of leaking waterlines and the City had been requested to repair these lines. He advised the Board that Public Works director Jack Brown had stated that several of these waterlines belong to private developers and that they were responsible for the maintenance and upkeep of said lines. The City Manager stated that he was going to try and locate a map of all of these private lines and reach an agreement with all of the persons involved in the private lines, whereby the developer would be required, upon notification, to immediately have the line repaired or the City would repair the line and submit a bill to the developer for the cost involved in such a repair.

PROPOSED COUNTY FIRE MARSHALL SYSTEM: The City Manager presented a letter from Mr. Carroll W. Hemphill, Secretary of the McDowell County Fire Commission, inviting the City Council members to a commission meeting to be held on February 13, 1973 at 7:30 P.M. at Pleasant Gardens Fire Station. The purpose of the meeting is to give consideration to the possibility of going into the operation of a County Fire Marshall System.

SPEED LIMITS - MCDOWELL AVENUE, LAIL STREET, NEW WEST HENDERSON STREET, OLD WEST HENDERSON STREET, HUDGINS STREET: The City Manager presented a letter from the State Highway Commission relative to the adoption of an ordinance covering speed limits on certain sections of streets and/or highways of the City of Marion. A copy of the municipal speed zone modifications is as follows:

Municipal Speed Zone
Modifications
Town of Marion
Declare the following Speed Limits

Page 11-7
Enacted Jan. 4, 1973

Speed Limit	Ordinance Number	Description
35	21	McDowell Avenue (SR 1818) from State Street (SR 1700) to East Court Street (US 70.)
35	22	Lail Street (SR 1300) from New West Henderson Street (SR 1001) to Old West Henderson Street (SR 1291).
35	23	New West Henderson Street (SR 1001) from the southern corporate limits, approximately 0.20 mile south of Lail Street (SR 1300), to Burgin Street.
35	24	Old West Henderson Street (SR 1291) from Buncombe Street to Lail Street (SR 1300).
35	25	Hudgins Street (SR 1174) from Mitchell Street (SR 1177 to Old West Henderson Street (SR 1291).

Rescind the Following Speed Limits

35	5	W. Henderson St. (SR 1001) from Burgin St. to the southern corporate limit.
35	6	Hudgins St. (SR 1174) from W. Henderson St. (SR 1001) to the southern corporate limit.

TEACHING GOVERNMENT IN THE PUBLIC SCHOOLS: The City Manager advised the City Council that he had received a letter from S. Leigh Wilson, Executive Director of the N.C. League of Municipalities encouraging governing bodies to support the plan to improve the curriculum for teaching government in the public schools of N.C. The letter stated in part that Mr. Albert Coates, Professor Emeritus at the University of N.C. at Chapel Hill had provided several publications outlining the need of such a curriculum. The letter request that municipal officials work with high school principals or superintendents and help develop local plans that will expand and enhance the teaching of government at high school students.

HENREDON - DEDICATION OF MARIMONT: The City Manager presented a letter from Donnell Van Noppen stating that the dedication of the Marimont plant in McDowell County would be held on Saturday morning, April 14, at 11:00 A.M..

MOBILE HOME PARK ORDINANCE: An ordinance establishing regulations governing mobile home units, mobile homes, trailers and mobile home parks was presented by the City Manager. The City Manager advised the Board that the Ordinance was being presented for study purpose only and that a copy of the proposed ordinance would be given the members of the Planning Commission for their review and recommendations. The Manager stated there was a need to control the development of mobile home parks in the City of Marion. In order to eliminate problems of overcrowding land areas and problems involving sanitation, fire and police services. Ref. Page 326 1-16-73.

CITY - COUNTY MANAGERS SEMINAR: The City Manager reported on the seminar for City/County Managers held at the Institute of Government from January 31 to February 2, 1973. He stated that the seminar in part covered some of the items listed below:
Protecting the Environment, Water pollution control and water supply Control, Certification of Water and waste water operators, Problems in developing water supply sites, Air pollution, Solid waste, Management, Noise pollution, Recycling, Local Environment planning, Legal problems of environmental impact, Local governments responsibility in environmental protection and General Revenue Sharing.

JOINT MEETING - MCDOWELL COUNTY COMMISSIONERS, OLD FORT ALDERMEN, MARION CITY COUNCIL: The City Manager advised the Board that the County Manager was trying to establish a dinner meeting tentatively set for February 15, 1973 at 7:00 P.M. between the McDowell County Commissioners, the Old Fort Aldermen and the Marion City Council. The City Council reviewed the proposed meeting date and it was determined that several members would be unable to meet on February 15. The Manager was directed to contact Jack Harmon, County Manager and request that the meeting be set at another time more suitable to members of the Marion City Council.

There being no further business the meeting was adjourned to reconvene in an executive session to discuss personnel matters.

James H. Segars
Mayor

James Earl Daniels
City Manager

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION

February 7, 1973

The Marion City Council met in Special Session on February 7, 1973 at 7:30 P.M. in the City Council Chamber of the City Hall. Board members present, Mayor James H. Segars, Councilmen A. Everette Clark, Robert E. James, William R. Ledbetter and Horace Wilkerson.

Others Present: Earl Daniels, City Manager, E.P. Dameron, City Attorney and Don Dillingham, Newspaper reporter.

Guests:	Robert G. Wall	P.O. Box 214, Marion
	Glenn W. Hollifield, Jr.	Route 5 Box 359, Marion
	Ronald E. Lunsford	Route 5 Box 382B, Marion
	George J. Verbruggen	Route 2, Nebo
	Finley W. Davis	Box 825, Morganton
	Wilmer L. Brown	422 West Court St., Marion
	C.C. Van Denburgh	Rt .2 Box 252, Nebo
	Ed Spears	Asheville Citizen
	Edna Mae Herman	News Herald, Morganton
	B.A. Dickson	Box 576, Marion

A group of persons representing Lake James residents and others appeared before the City Council to discuss the proposed construction of a waste treatment plant for the City of Marion on the Catawba River above Lake James. Mr. Dan Simpson, Attorney with offices in Morganton, acted as spokesman for the group.

Mayor Segars opened the meeting by welcoming all guests.

Mr. Simpson stated that some two months ago representatives of a group of some 4600 persons, at that time, now an estimated 5,000, came by his office regarding the proposed sewer treatment plant. They were concerned that the plant at the proposed site would result in pollution to Lake James.

Mr. Simpson stated that the group wanted to know what was going to be done, if and how it would affect them and if it was going to affect them adversely they wished to do whatever possible to protect what they considered a major asset in the area. Mr. Simpson advised the Council that the first thing they did was to mail a copy of the signed petition to the City of Marion, The Board of Water and Air Resources, the Environmental Protection Agency, and some unsigned petitions to various Congressmen, Senators, and State Representatives.

He stated the group tried to get as broad a coverage as possible, informing them of what the group thought was going to be done and stating objections thereto. Mr. Simpson stated that the Water and Air Resources and the Environmental Agency received the pleas of the group because they had the manpower to find out the effect of the proposed sewer treatment facility on the Catawba River and Lake James. He stated that he included in his cover letter that he would be happy to meet with the City Council or the City Attorney. He stated that he felt that the State and Federal Agencies would require an Environmental Impact Statement. The Council was advised that the group did not have closed minds on the subject of a treatment plant on the Catawba River provided there would be no pollution of Lake James. He informed the council that the group was opposed to any pollution of Lake James and was prepared to talk, to help in any way but the group was prepared to go as far as possible to prevent any pollution. Mayor Segars stated that the City was just as interested in pollution as the group but that it was frustrating to know that neighbors down the road are objecting to the City doing what they are doing.

Mayor Segars pointed out that the Council knew of the opposition when they received the petition and noted copies had been sent to the Environmental Protection Agency and the Board of Water and Air Resources. Mayor Segars informed the group that the City of Marion had followed all procedures outlined by the Environmental Protection Agency and the North Carolina State Board of Water and Air Resources. The Mayor pointed out that these agencies would not have approved the project if it were detrimental or if it would allow pollution of streams or lakes. He stated the fact that the grant had been approved by the Environmental Protection Agency would indicate that they are satisfied with the project.

During the course of the meeting, Mr. Simpson was asked if the Environmental Impact Statement presented facts that the sewer plant would not be detrimental to Lake James, would this satisfy the group represented. Mr. Simpson stated that in his opinion the group would not be satisfied if the Environmental Impact Statement indicated the plant would be only 90% effective.

Mayor Segars asked Mr. Simpson if he knew what 90% effective meant. Mr. Simpson stated that he was not an engineer but that it meant to him 10% was not being treated. It was apparent from the conversation that members of the group were of the opinion that 10% of the daily input of waste water to the plant would be dumped raw into the Catawba River.

Persons attending the meeting were informed that the City had been advised by the Engineering Firm of O'Brien & Gere that the effluent from the wastewater treatment plant would be purer than the waters in Lake James.

Mr. Simpson stated that even if the water was pure enough to drink, it wouldn't be pure enough.

Several questions were raised by members of the City Council regarding the authenticity of the petition. Mr. Simpson was asked if in his opinion all persons signing the petition had even taken the time to read the petition. It was indicated by some members of the City Council that some persons had signed the petition after being given a verbal description of the affect of the waste treatment plant on the Catawba River.

It was suggested that the City of Marion consider constructing a new facility on Corpening Creek in lieu of the proposed site on the Catawba River. The group was advised that studies had shown the stream flow was too small for the proposed plant and future needed expansions.

It was also suggested that the City consider going to a different class of treatment such as a tertiary. It was stated the cost involved in such treatment plants is considerably higher than the proposed plant.

Mr. Simpson indicated that the group may be taking the matter to the courts should the Environmental Impact Statement not meet with their approval.

Mayor Segars pointed out that the City of Marion had been directed to abandon the Corpening Creek Sewer Treatment Plant and to provide for adequate treatment of waste for the City of Marion. He stated that the Council had spent a long time trying to work out a solution to provide for treatment facilities which included a bond referendum, filing applications with Federal and State Agencies for grants to help in construction of the treatment facilities and that now when everything had been approved by the State and Federal Agencies and the City about ready to move ahead, the petition came and was delaying the project.

He pointed out to all present that the delay in this project was going to be very costly to the City of Marion and the cost could run as high as 1 1/2 per month.

There being no further business the meeting was adjourned.

James H. Segars
Mayor

James Earl Daniels
City Manager

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION

February 20, 1973

The Marion City Council met in a regularly scheduled Board meeting February 20, 1973 at 7:30 P.M. in the City Council Chamber at City Hall. Board members present, Mayor James H. Segars, Councilmen A Everette Clark, Robert E. James, William R. Ledbetter and Horace Wilkerson.

Others present, Earl Daniels, City Manager and Don Dillingham, Newspaper Reporter.

MINUTES OF THE FEBRUARY 6, 1973 MEETING: Upon a motion by Councilman Ledbetter, seconded by Councilman Wilkerson, the Board unanimously voted to approve the February 6, 1973 minutes. Reference p. 335.