

PARKING VIOLATIONS - REPORT: Police Captain John Beck was present to present a report regarding a survey of persons violating the free two hour parking in the Marion downtown area. City Council members were furnished a list of persons regularly violating the parking regulations. The list was compiled from January 15 to February 16, 1973. The report proved that most persons violating the free two hour parking were employees of different businesses, offices, and firms in the downtown area. Captain Beck's report stated that most shoppers did not leave their cars parked for periods exceeding two hours. He stated that in his opinion two hour parking meters would be the most effective way of enforcing parking regulations in the downtown area. After much discussion regarding the report the City Council indicated that information obtained was not sufficient for them to render a decision regarding leaving or removing the parking meters in the downtown area.

Mayor Segars directed the City Manager to send the report to the Marion Parking Commission and the Merchants Association for their study and recommendations. Reference P. 324, 333- January 2, 1973

TRAFFIC PROBLEM - ROBERT STREET: The City Council discussed the traffic problem in the area of the Marion Elementary School located on Robert Street. The City Manager advised the Board that he had received a request from the Marion Police Department that some action be taken regarding the traffic problem in this area. Mayor Segars stated that the Fire Dept. was very concerned about the traffic congestion and the problem should there be a need for fire service in the area.

After much discussion, the City Manager was directed to contact the Chairman of the McDowell School Board and request a Dutch luncheon meeting for Wednesday, March 7, 1973.

PROPOSED PARKING LOT - RAILROAD STREET: The City Manager presented a request from the Marion Parking Commission that the City Council allow use of the City owned lot located on Railroad Street as a parking lot. The City Manager stated that the Parking Commission had agreed to pay the cost for gravel and cement bumpers to be placed on the lot. Upon a motion by Councilman Wilkerson, seconded by Councilman Ledbetter, the Board unanimously voted to approve the request submitted by the Marion Parking Commission.

ELIZABETH AVENUE - REPAIRS: A discussion was held regarding the need of repairs on Elizabeth Avenue. Upon a motion by Councilman Ledbetter, seconded by Councilman James, the City Manager was instructed to grade where needed and provide adequate drainage ditches for Elizabeth Avenue. The vote was unanimous.

FILTER PLANT PROPERTY - LEASE TO FIRE DEPARTMENTS: The City Manager presented a letter from the Engineering Firm of O'Brien & Gere regarding the amount of property needed for future expansions of the water treatment plant located on old Highway #10. The City Manager presented a general plan of the area, prepared by Mr. W.S. Riddick, Jr., of O'Brien & Gere which indicated that the City would need to maintain property on the northwest side of the existing settling basins for a distance of approximately 300 feet. Reference page 335, January 2, 1973.

The City Manager suggested that the fire departments have a lease agreement prepared, for the area they propose to lease from the City of Marion, and that the lease agreement be presented to the City Council for approval. He advised the City Council that he would work with the Fire Chief to insure that adequate property is maintained for future expansions of the water plant.

WATER BILLING PROCEDURES - APARTMENTS: The City Manager informed the Board that he had received a request from a developer for a mastermeter to meter the water consumption in an apartment building. The City Manager was informed that a policy was established approximately one year ago whereby all apartment units would be individually metered.

ZONING ORDINANCE: The City Manager presented all City Council members with a copy of the proposed zoning ordinance as prepared by the Marion Planning Board. The City Manager informed the City Council that the Planning Board had completed their study and had recommended approval of the zoning ordinance as presented. The City Manager stated that the Planning Board wished for the minutes to reflect the Zoning Ordinance for the City of Marion had officially been presented and that the Planning Board recommended adoption.

Mayor Segars directed the City Manager to inform the Planning Board that the City Council acknowledges receipt of the Zoning Ordinance. Reference page 318, December 12, 1972.

AZALIA STREET SIDEWALK: The City Manager informed the Board that he had talked with Mrs. Craig regarding the removal of trees for the construction of the Azalia Street Sidewalk. He informed the Board that he had talked with Mr. Ray Davis and asked Mr. Davis to prepare the necessary legal documents for the exchange of properties at no cost to the City. He concluded his report by stating that work would start immediately on the construction of the sidewalk. Reference page 315, November 21, 1972.

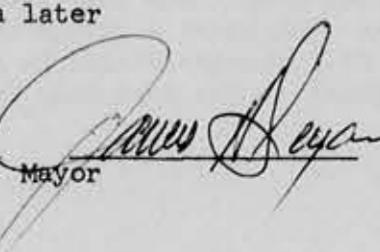
FLEMING STREET SIDEWALK: The City Manager advised the Board that he had met with Mr. Cochran of the State Highway Commission regarding the street right-of-way of Fleming Street. He informed the Board that he was advised by Mr. Cochran to determine the necessary easement for the proposed sidewalk by using the edge of the existing pavement of Fleming Street. The City Manager stated that he was going to prepare a formal letter for presentation to persons owning property adjoining on the west side of Fleming Street from Montevista to Robert Street stating that the City is interested in constructing a sidewalk and requesting an easement. Reference page 299, September 19, 1972.

BELL PROPERTY - INSURANCE COVERAGE: The City Manager advised the Board that a check in the amount of \$24,000 has been deposited with Mr. E.P. Dameron for a payment on the Bell Property. He also stated that Fire Insurance coverage in the amount of \$20,000 had been placed on this property. He advised the Board that he talked with Mrs. Byrd about vacating the building and that Mrs. Byrd had informed him that she had been instructed by Mrs. Bell that she could remain in the office building until July 1, 1973. He stated that he advised Mrs. Byrd the City would start using the parking lot on March 1, 1973. Reference page 323, January 2, 1973.

DAILY TRAFFIC COUNT: The City Manager stated that he had received a daily traffic count map from the State Highway Commission showing the average daily traffic on certain streets in the City of Marion as of December, 1972.

MEETING WITH COUNTY COMMISSIONERS AND ALDERMEN FROM OLD FORT: The City Manager informed the Board that the meeting scheduled at the Lemon Tree Inn with the County Commissioners and Aldermen from Old Fort was canceled by Jack Harmon, County Manager. He stated that Mr. Harmon called on Monday, February 19 and advised that several members of the McDowell County Commissioners would be unable to attend the dinner meeting which was scheduled for February 20. He advised the Board that Mr. Harmon had requested the dinner meeting be postponed and possibly rescheduled for a later date.

There being no further business, the meeting adjourned.


James Earl Daniels
Mayor

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

March 6, 1973

The Marion City Council met in a regularly scheduled Board Meeting on March 6, 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, Oliver Cross and Horace Wilkerson.

Others present: Earl Daniels; City Manager, Don Dillingham; Newspaper reporter, Arthur Edwards; Fire Chief and John Beck; Captain, Police Department.

MINUTES OF THE FEBRUARY 7 and February 20, 1973 MEETINGS: Upon a motion by Councilman Ledbetter, seconded by Councilman Wilkerson, the Board unanimously voted to approve the February 7 and February 20, 1973 Minutes.

FILTER PLANT PROPERTY - LEASE TO FIRE DEPARTMENTS: Fire Chief Arthur Edwards read a proposed lease agreement between the City of Marion and the McDowell Firemen's Association whereby the City of Marion would lease approximately six acres of property to the Firemen's Association. Fire Chief Edwards stated that the lease agreement was needed in order to protect any investment the Firemen's Association might make on the properties. The City Manager suggested that a new paragraph be added to the proposed lease which would allow the City of Marion to reclaim any portion of the property in the future for the expansion of the water treatment facilities. The proposed new paragraph would only allow the City to reclaim these properties when every means of expanding the facilities has been exhausted excepting the purchase of additional property. Mayor Segars asked that the proposed lease agreement be prepared in final form and presented to City Attorney E.P. Dameron for review, before resubmitting the proposed lease agreement to the City Council for final approval.

POLICE REPORT - MINIMUM REQUIREMENTS FOR POLICE OFFICERS: Police Captain John Beck was present and reviewed with the City Council minimum requirements for Police Officers. Captain Beck advised the City Council that any police officers hired after March 15 would have to meet certain minimum standards which have been established by the state of North Carolina. He informed the Board that all existing officers would come under the "grandfather clause" and would not be required to meet the minimum standards. Captain Beck recommended that a Police Reserves Officer Program be established by the City of Marion. He stated that this type of program would be beneficial to the City in two ways. He stated that Reserve Officers could be sworn in as police officers and work with full time policemen when the need arises. In addition the reserve officers could train under the police department and could assume full time duties at such time as vacancies might occur in the Police Department. Councilman Oliver Cross moved that the City of Marion establish a reserve officers program as recommended by Captain John Beck. This motion was seconded by Councilman James and all members voted in favor.

WATER BILLING PROCEDURES: The City Manager stated that under the present water billing procedures water customers could be delinquent as much as six months before service to their premises is disconnected for non-payment. He stated that this procedure created several problems. The City Manager recommended that the present procedure of reading meters every other month be continued, but that persons not paying their water bill on the tenth day of the month following the month in which the bill is received, be disconnected for non-payment. He stated that this procedure would allow all customers forty days to pay after receiving their bill. City Council discussed this proposal and agreed that more time should be allowed the customer to pay his bill. The City Manager was asked to re-draw his proposal to allow customers to be delinquent a period of four months maximum before enforcing the cut-off provision. The City Manager stated he would re-draw the proposal as requested and submit the proposal at the next City Council meeting.

TRAIL BIKE: The City Manager recommended that the Trail Bike purchased for Mr. Alvin Smith to check the water intakes be declared surplus equipment and sold at sealed bids. The City Manager stated that the bike was not presently being used and that Mr. Smith had stated that he cannot ride it to the water intakes. Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the City Council unanimously voted to declare the trail bike surplus and sell it at sealed bids.

POWELL BILL STREET SYSTEM STATUS: The City Manager stated that he had received a letter from the State Highway Commission requesting that the City Council review the street system and advise the State Highway Commission regarding any additions or deletions from the State system due to City limit changes, route changes or other reasons. The City Manager was directed to work with Public Works Director Jack Brown in determining this information and to present the information at the next City Council meeting.

WE LOVE OUR CHILDREN SIGNS: The City Manager advised the City Council that he had received a request from Mr. Jerry Crews, salesman with Safety Services Company, to allow placement of signs on private properties in the City limits. The proposed signs are 18" x 24" and are painted blue with white lettering. The sign shows a girl bouncing a ball and has a space in the lower portion of the sign for some business enterprise to advertise. The City Manager informed the Board that the signs would be located on private property and that the City has no ordinance to prohibit this. He stated that the proposed zoning ordinance now pending would prohibit the location of the signs on private properties. The City Council discussed this problem and directed the City Manager to inform the Merchants Association and the Chamber of Commerce that they do not favor allowing these signs in the City limits.

PROPOSED WATERLINE EXTENSION - J.H. BEAMON: The City Manager informed the City Council that Mr. J.H. Beaman had requested permission to tap the 6" water main which runs along Matilda Avenue and ends at Seagle Lumber Company.

He stated that Mr. Beaman wished to install a 1 1/2" waterline from the 6" main to connect to the 1" line presently serving his home. The City Manager stated that this would tie a loop system back into the 2" private line located along highway 70 east. After much discussion regarding the request the Mayor stated that City forces would undertake installation of a 2" line provided Mr. Beaman would provide all materials and deed the line to the City and provide an adequate easement. Mayor Segars stated that if Mr. Beaman did not wish to follow this procedure, that the City could provide a 1 1/2" connection and charge based on time and materials, and allow Mr. Beaman to undertake the entire job, purchasing the materials and installation. Under this procedure the line would be a private line and would have to be maintained by Mr. Beaman. The City Manager stated that he favored the 2" line being deeded to the City and maintained by the City.

Mayor Segars informed the City Manager that under existing policies the City of Marion would install lines 2" or greater provided all materials are purchased by the person or persons requesting the extension and in addition that adequate easements be given in writing to the City and a deed for the line or lines. The City Manager stated that in the future he would handle such request under existing City policy and would present to the City Council only those cases having unusual circumstances.

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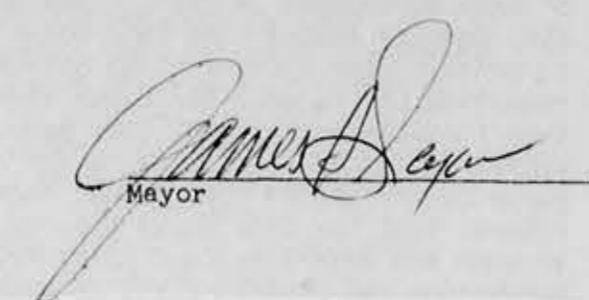
PROPOSED HIGHWAY 226 WATERLINE EXTENSION: Mayor Segars informed the City Council of a meeting held by the McDowell County Commissioners regarding the proposed extension of a water main down highway 226. He informed the Council that representatives of the State Highway Commission, representatives of Henredon Furniture, representatives of McDowell Tech and some members of the City Council were present at this meeting. He advised the City Council that McDowell Tech had stated that they would donate \$35,000 toward extension of the line. He continued by stating that the State Highway Commission District Engineer, Mr. Neal, had indicated that the State Highway would dig the necessary trench for the line. He stated that in addition to the state highway commission and McDowell Tech the county stated that they would assist in financing the project, as well as citizens having property along highway 226 and Henredon Furniture Company. He advised the Board that the basic problem was whether or not the City of Marion could furnish the estimated 600,000 gallons of water per day which would be needed to serve properties on this line.

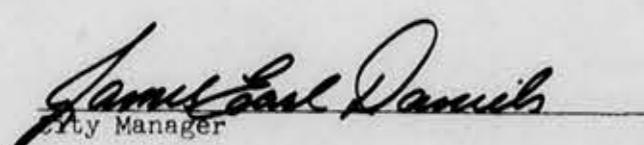
The City Manager read portions of a letter from the Engineering Firm of O'Brien and Gere which stated in part that the estimated cost of such a project would run at a minimum of \$650,000. The letter stated that in order for the City of Marion to provide 600,000 gallons of water per day in addition to present demands would require additional raw water pumping capacity, modifications to the treatment plant including a high rate filter media and appurtenances, additional finished water pumping capacity, additional transmission line capacity between the filter plant and the City reservoir. A long discussion was held regarding this matter but ended in no official action by the City Council.

The City Manager advised the City Council that he was receiving statements from the Engineering Firm of O'Brien & Gere for engineering services regarding the proposed sewer project. He advised the Board that no funds were available for payment of these services because the services were to be included in the project funds. The City Manager was directed to hold all bills regarding the sewer project until such time that the project is finally approved and funds are available.

The City Manager reminded the City Council of the dinner meeting scheduled with the McDowell County Commissioners, and Old Fort Aldermen on Wednesday night, March 7, 1973, at 7 P.M. at the McDowell House.

There being no further business, the meeting was adjourned.


James H. Segars
Mayor


James Earl Daniels
City Manager

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STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

March 20, 1973

The Marion City Council met in a regularly scheduled Board meeting on March 20, 1973 at 7:30 P.M. in the City Council Chamber at City Hall.

Board members present: Mayor James H. Segars, Councilmen, Everette Clark, Oliver R. Cross, Robert E. James, Horace Wilkerson, and William R. Ledbetter. Others present: J. Earl Daniels, City Manager, Don Dillingham, newspaper reporter and Police Captain John Beck.

APPROVAL OF THE MARCH 6, 1973 MINUTES: Upon a motion by Councilman Ledbetter seconded by Councilman Cross, the Board unanimously voted to approve the March 6, 1973 minutes.

WATER/SEWER - PROPOSED MOBILE HOME PARK - STATE STREET: The City Manager advised the City Council that Mr. Ernest House had requested an answer regarding the City providing water/sewer services to a proposed mobile home park on State Street. The City Manager also presented reports from the Marion Police Department and the Marion Fire Department concerning police and fire protection for residents of the proposed park. Upon a motion by Councilman Wilkerson, seconded by Councilman Ledbetter, the Marion City Council unanimously voted to establish the following minimum requirements for mobile home parks within the Marion City Limits:

1. The minimum area for any mobile home park shall be 2 acres.
2. The maximum density shall be eight (8) mobile home sites per acre.
3. The minimum lot size for individual mobile home sites shall be forty (40) feet by eighty (80) feet.
4. All streets must be dedicated and deeded to the City of Marion and meet all specifications required by the City. Minimum right-of-way of thirty (30) feet. Streets shall be designed twenty-four (24) feet wide inside curb to curb, with no parking allowed on either side.
5. There shall be a minimum of two (2) off-street parking spaces for each mobile home space, which shall be on the same site as the mobile home served.
6. Not less than five (5) mobile home sites shall be available at first occupancy.
7. Each mobile home space shall be served by an individual water and sewer tap.
8. All fire hydrants must be located on a water line of no less than four (4) inches in diameter.
9. Final plans for all mobile home parks must be approved by the Marion City Council prior to any construction.

It shall be City policy to :

1. Provide Street lighting.
2. Pay one-half ($\frac{1}{2}$) the cost of paving streets which have been accepted for maintenance by the City, after said streets have been brought up to City specifications.
3. Provide free water and sewer taps up to the cost of materials and installation but not to exceed the number of lots approved in the final plans by the Marion City Council.

The City Manager was directed to write Mr. E.J. House, Jr. and provide him with the minimum requirements for mobile home parks as established.

TRAIL BIKE BIDS: The City Manager presented one bid for the Trail Bike which was offered for sale at sealed bids. The bid received was from Mr. David Setzer in the amount of \$131.99. Upon a motion by Councilman Cross, seconded by Councilman Ledbetter, the City Council unanimously voted to accept the bid submitted by Mr. David Setzer.

WATER BILLING PROCEDURES: The City Manager advised the City Council that he had redrawn the water billing procedures as proposed at the last regular City Council meeting. Upon a motion by Councilman Ledbetter, seconded by Councilman Clark, the City Council unanimously voted to adopt the below listed water billing procedures:

CITY OF MARION
WATER DEPARTMENT

This agreement has been prepared to eliminate any confusion regarding billing procedures to customers being served by the Marion Municipal Water Department.

WATER AND SEWER ACCOUNTS

- (a) Each water meter shall be read once every two months, except for certain business and industrial firms using large amounts of water, which meters shall be read every month.
- (b) Meters shall be read on or before the 28th day of the month in which such meters are read, and statements based upon such reading shall be rendered and all accounts shall be due and payable the first day of each following month.
- (c) Customers who fail to pay the amount charged for either water or sewerage services by the tenth day of the month in which the statement is received, shall be delinquent. Customers who fail to pay the amount charged by the tenth day of the month, in which the second statement is received, without exception, shall have the water service to such premises turned off. Should the tenth day of the month fall on a holiday or a Saturday or Sunday, the bill must be paid on the next working day or the water service to such premises shall be turned off on the following day.
- (d) Delinquent accounts where the water has been turned off, shall not have such services restored until such delinquent account has been paid in full and the reconnect fee, in the amount of seven dollars and fifty cents (\$7.50) per meter, for each service which has been disconnected, has been paid in full.

FAILURE TO RECEIVE BILL DOES NOT ALTER THIS RULE.

NO ADDITIONAL NOTICES WILL BE MAILED

I have read and understand the above billing procedures.

Date _____

Customers Signature _____

Utility Clerk _____

POWELL BILL STREET SYSTEM STATUS: The City Manager informed the City Council that he and Jack Brown had reviewed the Powell Bill Map which designates streets presently being maintained by the City of Marion and streets maintained by the State Highway Commission. He advised the Board that after reviewing all the existing streets maintained by the City it was agreed that no changes be proposed except adding streets in the recently annexed Foxfire Subdivision to the municipal street system. The streets proposed to be added are South McDowell Avenue and Woodland Drive. The City Council accepted the recommendations as submitted.

PARKING METERS: The City Manager advised the City Council that a survey of forty-five mainstreet merchants and businesses, conducted by the McDowell Merchants Association, Inc., resulted in twenty-five merchants in favor of free parking, nine in favor of two hour parking, three in favor of going back to one hour parking, four would go along with the majority, and four who did not reply. He pointed out that those wanting free parking stressed that it would have to be controlled in order to work. He advised the City Council that the Marion Parking Commission had discussed the recommendations as submitted and the Parking Commission recommends that all five-cent one hour meters be changed to five-cent two hour meters and that all parking tickets be one dollar each. Upon a motion by Councilman Cross, seconded by Councilman Ledbetter, the City Council voted unanimously to accept the recommendations of the Marion Parking Commission. The City Manager was directed to order the necessary parts to change the meters and to have the meters changed as soon as possible. The City Manager was directed to continue allowing free two hour parking until such time that the meters can be changed.

MARION JUNIOR HIGH SCHOOL PROPERTY: Mayor Segars reminded the City Council that at a meeting held several weeks back an announcement was made that the McDowell County School Board would donate the Marion Junior High School Property to any governmental organization that would use the property for recreational purposes. He continued by stating the City Council had at that meeting agreed to accept the property and authorized City Attorney E.P. Dameron to prepare the necessary legal papers for the transfer. He stated that at the joint meeting with the McDowell County Commissioners the Chairman of the County Commissioners had stated the City and County should jointly hold title to this property. He advised the Board that although no formal action was taken regarding this suggestion that several persons were of the opinion that the City and County would jointly assume title of the property. The City Manager informed the Board that he was preparing a proposed ordinance which would establish a joint City-County recreation commission. He stated the proposed ordinance would spell out in detail appointment of members to the recreation commission and the operation of such a commission including ownership of property and funding by each of the governmental units involved in the joint commission. After much discussion the City Council agreed that the Marion Junior High School Property should be transferred to the City and that the building should be raised as soon as possible since the building in its present status is a fire hazard. The City Manager was instructed to ask City Attorney Dameron to proceed as quickly as possible in preparing the necessary legal papers for transfer of this property from the McDowell County School Board to the City of Marion. The City Manager was also instructed to prepare the proposed City-County recreation ordinance and submit it to the City Council for review.

AZALIA STREET SIDEWALK: The City Manager advised the Board that Mr. Roy Davis had prepared a deed granting an easement of three feet for the proposed sidewalk in exchange for City owned property. He advised the Board that he had discussed the deed with Mr. Davis and requested an easement of six feet. The City Manager was directed to work out the details with Mr. Davis and to secure a six foot easement for construction of Azalia Street sidewalk.

PROPOSED WATER MAIN EXTENSION - FIRE PROTECTION: The City Manager presented three proposed water main extensions which will help increase pressures in certain areas of the City for fire protection. The City Manager asked that the extensions be considered, priorities established, and funds appropriated in the 1973-74 budget to implement the proposed changes; 1. Valley Street Extension, this proposed extension would tie two existing 6" water mains together, the extension would require an estimated 1950 feet of 6" cast iron pipe. The total estimated cost for materials for this particular extension is estimated at \$5,334.69. 2. Robinson Road Extension: this proposed extension would provide for extending an existing 6" main which ends at the end of Robinson Road straight through an estimated 1470 feet to Fleming Avenue, the estimated cost for materials for this extension is \$4,254.69.

3. Fleming Street Extension: this extension would provide for extending a 6" waterline from Yancey Street north to the City limits which would replace an existing 4" line. The extension would run an estimated 1450 feet and the estimated cost for materials is \$1,038.73. After much discussion the City Manager was directed to immediately start acquiring materials for these proposed waterlines provided funds could be made available within budget limitations.

MILLER STREET - PROPOSED NO PARKING ZONE: The City Manager presented a request from the Marion Police Department that a no parking zone be established on both sides of Miller Street between Ridgecrest and Alabama Avenue. The City Manager stated that he had received a phone call from a lady who complained that her automobile was almost struck by another car at the peak of the hill. She stated she was forced to pull out in the center of the street to go around parked vehicles. She advised the other car was also forced into the center of the street by parked automobiles and that they met head on at the peak of the hill. Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to establish a no parking zone on both sides of Miller street between the intersection of Ridgecrest and Alabama Avenue.

USE OF BELL PROPERTY - PARKING LOT: The City Manager requested permission to establish a municipal parking lot next to the City Hall. He stated that the lot could be used by official City vehicles thus clearing the alley between Main and Logan streets and the lot could also be used for employee parking. He stated it was not the intent of the request to make the lot a permanent parking lot, but to use the lot for that purpose pending a decision on the use of the property by City Council. The City Manager also requested consideration be given to making the alley next to the City Hall a one way street from Main to Logan. The City Council authorized the City Manager to proceed with construction of the off-street parking lot and delayed any action on establishing a one-way street.

RESOLUTION APPOINTING CHIEF ACCOUNTING OFFICER AND TAX COLLECTOR: The City Manager advised the City Council that the Local Government Commission must approve appointment of a single individual as both chief Accounting Officer and Tax Collector. He presented resolution which was provided by the Local Government Commission for that purpose. Upon a motion by Councilman Cross, seconded by Councilman Ledbetter the City Council unanimously adopted the attached resolution.

Also see City of Marion Resolution Book, No. # R-73-3-20-1

PROPOSED PLANNING PROGRAM: Mayor Segars read a letter from Mr. John Cross, Chairman of the Marion Planning Board. Mr. Cross' letter recommended that the City Council consider a Community Appearance Program and a Commercial Area Improvement Program as its planning program of work for May 1973 to June, 1974. The City Council took no formal action on approving funds for the Planning programs.

EDUCATION PROGRAM FOR EMPLOYEES: The City Manager advised that several courses are available at Community Colleges on Law Enforcement which are funded in the amount of 75% by the Federal Government. He recommended the City pay 25% of the cost providing the employee will sign a statement to the effect that he will remain employed with the City of Marion for a specific period of time or repay to the City on a prorated basis all funds advanced by the City of Marion for educational purposes. The City Manager stated that the employee must attend school on his own time and submit a request for permission to attend the school and have the City pay a part of the cost. After discussing this proposal the City Council authorized the City Manager to prepare a plan.

The City Manager presented a letter from Joe Fred Ballard requesting permission to locate a mobile home on City owned property across from the water filter plant on old highway #10. Mr. Ballard stated that if the City would approve his request he could oversee City owned property and prevent persons from littering or destroying said property. City Council approved the request providing Mr. Ballard would agree to move the mobile home without delay when directed.

There being no further business, the meeting adjourned.

James H. Segars
Mayor

James Earl Daniels
City Manager

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

April 3, 1973

The City Council of the City of Marion met in a regularly scheduled session on Monday Night, April 3, 1973 at 7:30 P.M. in the City Council Chamber at City Hall.

Board Members present; Mayor James H. Segars, Councilmen William R. Ledbetter, Robert E. James, A. Everette Clark and Horace Wilkerson.

Others present; Earl Daniels, City Manager, E.P. Dameron, City Attorney, Don Dillingham and Helen Ledford, Newspaper reporters.

APPROVAL OF THE MARCH 20, 1973 MINUTES: Upon a motion by Councilman Ledbetter, seconded by Councilman Wilkerson, the City Council unanimously voted to approve the minutes of the March 20, 1973 meeting.

NO PARKING ZONE - MILLER AVENUE: Mayor James Segars informed the Board that he had received several complaints regarding the no parking zone established at the meeting of March 20, 1973 which prohibited parking on both sides of Miller Avenue from Alabama Avenue to Ridgecrest. He stated that several citizens have asked that consideration be given to establishing a no parking zone only on one side of Miller Avenue. Councilman Ledbetter stated that he had also received several complaints regarding the no parking zone. Following a discussion of the problem, Councilman Ledbetter moved that the no parking ordinance adopted on March 20, 1973 which prohibited parking on both sides of Miller Avenue from Alabama Avenue to Ridgecrest be resended and that a No Parking Zone Ordinance be established to prohibit parking on the east side of Miller Avenue from Alabama Avenue to Ridgecrest. This motion was seconded by Councilman Wilkerson and all members voted in favor of the ordinance.

JUROR PARKING - GARDEN STREET PARKING LOT: The City Manager presented a letter from County Manager Jack Harmon requesting that consideration be given two alternates to provide for juror parking. Alternate number one would provide the all day parking lot lying on the east side of Garden Street for juror parking only during those periods when court is in session.

Alternate number two would be the provision of maps to prospective jurors indicating the all day parking lots and suggesting that they use these lots to avoid an overtime parking citation.

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RESOLUTION

A RESOLUTION OF THE City Council OF The City of Marion APPOINTING OR CONFIRMING THE APPOINTMENT OF James Earl Daniels 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 James Earl Daniels, effective July 1, 1971 and until his successor has been appointed and qualified, as both 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 Oliver Cross, seconded by Councilman William Ledbetter, the foregoing Resolution entitled: "A Resolution of the City Council of The City of Marion Appointing or Confirming the Appointment of James Earl Daniels 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:

<u>Oliver R. Cross</u>	<u>William R. Ledbetter</u>
Ayes: <u>Horace Wilkerson</u>	
<u>A. Everett Clark</u>	<u>Robert E. James</u>
Noes: <u>none</u>	

I, James Earl Daniels, Clerk of the City Council of The City of Marion, North Carolina, Do Herby 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 20th day of March, 1973.

James Earl Daniels

(SEAL)

There being no further business, the meeting adjourned.

James H. Segars
Mayor

James Earl Daniels
City Manager

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

April 3, 1973

The City Council of the City of Marion met in a regularly scheduled session on Monday Night, April 3, 1973 at 7:30 P.M. in the City Council Chamber at City Hall.

Board Members present; Mayor James H. Segars, Councilmen William R. Ledbetter, Robert E. James, A. Everett Clark and Horace Wilkerson.

Others present; Earl Daniels, City Manager, E.P. Dameron, City Attorney, Don Dillingham and Helen Ledford, Newspaper reporters.

APPROVAL OF THE MARCH 20, 1973 MINUTES: Upon a motion by Councilman Ledbetter, seconded by Councilman Wilkerson, the City Council unanimously voted to approve the minutes of the March 20, 1973 meeting.

NO PARKING ZONE - MILLER AVENUE: Mayor James Segars informed the Board that he had received several complaints regarding the no parking zone established at the meeting of March 20, 1973 which prohibited parking on both sides of Miller Avenue from Alabama Avenue to Ridgecrest. He stated that several citizens have asked that consideration be given to establishing a no parking zone only on one side of Miller Avenue. Councilman Ledbetter stated that he had also received several complaints regarding the no parking zone. Following a discussion of the problem, Councilman Ledbetter moved that the no parking ordinance adopted on March 20, 1973 which prohibited parking on both sides of Miller Avenue from Alabama Avenue to Ridgecrest be rescinded and that a No Parking Zone Ordinance be established to prohibit parking on the east side of Miller Avenue from Alabama Avenue to Ridgecrest. This motion was seconded by Councilman Wilkerson and all members voted in favor of the ordinance.

JUROR PARKING - GARDEN STREET PARKING LOT: The City Manager presented a letter from County Manager Jack Harmon requesting that consideration be given two alternates to provide for juror parking. Alternate number one would provide the all day parking lot lying on the east side of Garden Street for juror parking only during those periods when court is in session.

Alternate number two would be the provision of maps to prospective jurors indicating the all day parking lots and suggesting that they use these lots to avoid an overtime parking citation.

The City Council discussed several possible solutions to the problem. The City Manager was directed to contact Mr. Jack Harmon and suggest two methods for resolving the problem.

Method number one, the City of Marion would consider sub-leasing the all day parking lot lying on the east side of Garden Street across from the Court House to the County at the same rate the City is now paying.

Method number two, the City would consider leasing the aforementioned parking lot to the County for those days when court is being held and charge on a prorated basis the City's cost in providing the lot for that period of time.

CITY - COUNTY RECREATION COMMISSION: The City Manager presented a proposed resolution to establish a joint City-County Recreation Commission. Under the terms of the resolution the Recreation Commission would be established for the Town of Old Fort, the City of Marion and the County of McDowell (See attached copy of Resolution). The City Manager reviewed with the City Council the proposed resolution section by section. Following a discussion regarding the proposed resolution the City Manager was directed to furnish copies of the resolution to Aldermen of the Town of Old Fort and the McDowell County Commissioners. The City Manager was also instructed to advise both of these governing bodies that the City of Marion wishes to co-operate with them in providing this badly needed service.

DISCOUNT SCHEDULE FOR PRE-PAYMENT OF TAXES: The City Manager advised the City Council that the discount schedule for pre-payment of taxes was adopted for the year 1972 and subsequent years. He informed the Board that this discount schedule provided for a 2% discount on taxes paid in June, a 1 1/2% discount on taxes paid in July and a 1% discount on taxes paid during August. He advised the Board that this discount schedule was approved by the North Carolina State Board of Assessment and that this schedule would remain in effect until repealed by the City Council. He informed the City Council that no action was required on the part of the City Council if they wished to continue with the same discount schedule for prepayment of taxes. He stated, however, in the event they wished to change the schedule that it would be necessary to receive approval from the State Board of Assessment. The City Council discussed the schedule for pre-payment of taxes and advised the City Manager that the same schedule would remain in effect.

NO PARKING ZONE - BURGIN STREET: The City Manager presented a letter from Mr. W.J. Wilkinson, President of Etta Paper Box Company. Mr. Wilkinson's letter requested that parking be permitted between the driveways to the Etta Paper Box Company parking lot which is located on Burgin Street between West Henderson and West Court Street. The City Manager presented a drawing and informed the Board that to allow parking between the driveways would create a traffic hazard. The City Council discussed this request at great length. Upon a motion by Councilman Ledbetter and seconded by Councilman Wilkerson the City Manager was directed to inform Mr. Wilkinson that the City would establish two parking spaces between the north driveway and the south driveway to the Etta Paper Box Company Parking Lot, providing a cement curb is installed across the center driveway.

LOADING - UNLOADING ZONE - ELEMENTARY SCHOOL - ROBERTS STREET: The City Manager presented a letter from James E. Johnson, Superintendent of Public Instruction for McDowell County. The letter stated that the McDowell County Board of Education at their March 22, 1973 meeting, unanimously voted to make available to the City of Marion sufficient property on the south side of Roberts Street to add an additional lane for loading purposes.

Mayor Segars advised the City Council that he and the City Manager had met with the Chairman of the McDowell County Board of Education and Superintendent James E. Johnson regarding the traffic problem in front of the Marion Elementary School.

He informed the City Council that he suggested that a driveway be installed to run in front of the school to provide for loading and unloading of children to eliminate traffic congestion on Robert Street. He stated that Mr. Johnson was opposed to constructing a driveway across the front lawn of the school but agreed to installing or constructing a drive adjoining Roberts Street in the area of the existing sidewalk. The City Council discussed the need for a loading and unloading area off Robert Street to eliminate the traffic congestion in that area. The City Manager was directed to work with Mr. Johnson in determining the necessary easements and to have the necessary papers prepared by the School Board granting an easement to the City for constructing this proposed loading zone.

Mayor Segars informed the City Council that Mr. Johnson had inquired about the possibility of using the bulldozer belonging to the City of Marion for work on school properties. Mr. Johnson had asked about using the bulldozer at the Marion Elementary school and also at the new High School. The City Council agreed to allow the school board to use the City bulldozer for work at Marion elementary school and at the new High School provided that dozer is returned in the same condition as when borrowed. The Council also stated that the use of the dozer should be scheduled with County personnel at a time which is convenient and will not interfere with land fill operations. The school board would be responsible for moving the equipment from the land fill and back to the land fill and pay all operating expenses including any repairs for damages which might be incurred during the period that the dozer is being used on their properties.

ENVIRONMENTAL IMPACT STATEMENT : Manager's Report: The City Manager informed the City Council that he had called the Environmental Protection Agency in Atlanta regarding the Environmental Impact Statement. He stated that he was advised that the Environmental Impact Statement regarding the proposed sewer treatment plant to be located on the Catawba River above Lake James, would be released the latter part of April.

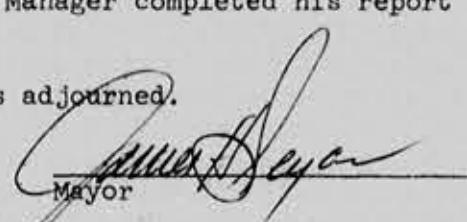
AZALIA AVENUE SIDEWALK: The City Manager advised the Board that the necessary easement had been obtained from Mr. Roy Davis and that construction was proceeding as planned on the Azalia Avenue Sidewalk.

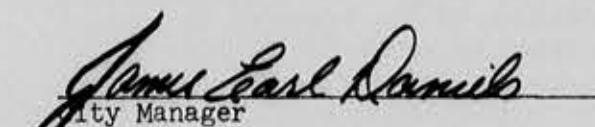
FLEMING AVENUE SIDEWALK: The City Manager stated that he had contacted all property owners regarding the installation of a sidewalk on the west side of Fleming Avenue between Roberts Street and Montevista. He stated that most persons he had contacted regarding easements were in favor of the proposed sidewalk and had indicated they would grant easements for construction.

STREET REPAIRS: The City Manager stated that street repairs would be made the latter part of the week since asphalt could not be obtained from the asphalt plants. He asked that any Board members knowing of areas that needed repair to please notify his office.

TAX LIEN SALE: The City Manager informed the Board that the Tax Lien Sale would be scheduled for June 11, 1973. The City Manager completed his report by discussing several miscellaneous items.

There being no further business, the meeting was adjourned.


James Earl Daniels
Mayor


James Earl Daniels
City Manager

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION

April 17, 1973

The City Council of the City of Marion met in a regularly scheduled session on Tuesday night, April 17, 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, Horace Wilkerson, and Oliver Cross.

Others present: Earl Daniels; City Manager, Don Dillingham and Helen Ledford; newspaper reporters.

APPROVAL OF THE APRIL 3, 1973 MINUTES: Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the City Council unanimously voted to approve the minutes of the April 3, 1973 meeting.

NO PARKING ZONE - BURGIN STREET: The City Manager stated Mr. W.J. Wilkinson had been advised that the City would remove the No Parking Zone between the driveways to the Etta Paper Box Company's Parking lot on Burgin Street provided the center driveway is closed and a curb installed across the driveway. He informed the City Council that Mr. Wilkinson agreed to closing the center driveway and City Forces installing a curb to allow for the two on-street parking spaces. Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the City Council unanimously voted to amend the ordinance adopted on August 9, 1967 as recorded in Minute Book 5, page 39 by deleting that part of the Ordinance which reads as follows: "and on the west side of Burgin Street between the driveways leading to Etta Paper Box Company's parking lot."

BELL PROPERTY: The City Manager advised the City Council he had been approached by several persons interested in removing the brick buildings from the recently purchased Bell Property. He stated the buildings could possibly be removed at no cost to the City by allowing the person or persons removing the buildings to keep the bricks and other materials. The City Council was informed that the balance of \$10,000.00 had not been paid but that funds were available. He stated that Federal Forms were being provided for municipalities to report on the planned use of Revenue Sharing Funds but that the forms had not been received. The City Council directed that the balance of \$10,000.00 be paid from Revenue Sharing Funds to complete the purchase of the Bell Property. After much discussion regarding the future use of the property, the City Manager was directed to contact all persons interested in removing the buildings and work out details on removing the old boiler room building. No other decisions were made regarding the use of the property or building.

TAX LIEN SALE: The City Manager informed the City Council that the last day to hold the sale of tax liens was June 11, 1973, and asked for authorization to begin advertising on May 14, 1973. Upon a motion by Councilman Wilkerson, seconded by Councilman Clark, the City Council unanimously voted to hold the sale of Tax liens on June 11, 1973 and to begin advertising May 14, 1973.

PARKING METER ORDINANCE: The City Manager presented an ordinance to amend the Parking Meter Ordinance adopted August 2, 1955. The City Council was advised that the parts for changing the Parking Meters from one-hour meters to two-hour meters had been received and that the meters would be changed and installed by May 1, 1973. The City Council reviewed the proposed amendments to the Parking Meter Ordinance. Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the City Council unanimously voted to adopt the following amendment to the Parking Meter Ordinance.

See City of Marion Ordinance Book, No 0-73-17-4-1

AN ORDINANCE AMENDING THE ORDINANCE ENTITLED "AN ORDINANCE RELATING TO TRAFFIC AND REGULATING THE USE OF THE STREET AND HIGHWAY OF THE TOWN OF MARION, NORTH CAROLINA, CREATING AND DEFINING PARKING METER ZONES; PROVIDING FOR THE DESIGNATION OF INDIVIDUAL PARKING SPACES; DEFINING AND PROVIDING FOR THE INSTALLATION, OPERATION, AND MAINTENANCE OF PARKING METERS; PRESCRIBING PARKING TIME LIMITS; REQUIRING DEPOSIT COINS FOR THE USE OF PARKING METERS AND PARKING METER ZONES AND PROVIDING FOR THE COLLECTION AND DISPOSITION OF SUCH COINS; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR THE ENFORCEMENT THEREOF; DEFINING OFFENSES AND PRESCRIBING PENALTIES; AND PROVIDING THAT INVALIDITY OF PART SHALL NOT AFFECT THE VALIDITY OF THE REMAINDER, AS ADOPTED AUGUST 2, 1955.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARION, as follows:

Section 1. That the following changes be made to the above named ordinance as adopted August 2, 1955.

- (a) That all reference to Town be changed to read City.
- (b) That all reference to Board of Aldermen be changed to read City Council.
- (c) That Section 2. PARKING METER ZONE be deleted in its entirety and in lieu thereof a new section 2 inserted as follows:

Section 2. PARKING METER ZONE. The following named and described areas, streets, or portions of streets and such other areas, streets, or portions of streets as may hereafter be included in this section by amendment hereto, lying within the corporate limits of the City of Marion, North Carolina, shall constitute a parking meter zone, namely:

1. Main Street - The west side of Main Street from a point 54 feet south of the south curb line of Fort Street to a point 131.6 feet north of the north curb line of Crawford Street.

The east side of Main Street from a point 277 feet south of the south curb line of Fort Street to a point 38.5 feet north of the north curb line of State Street.

2. West Henderson Street - The south side of West Henderson Street from a point 35 feet east of the east curb line of South Logan Street to the west curb line of South Main Street.

3. West Court Street - The north side of West Court Street from Academy Street to Main Street.

The south side of West Court Street from Academy Street to Main Street.

4. East Court Street - The north side of East Court Street from a point 126 feet east of the east curb line of Garden Street to a point 38 feet west of the west curb line of Madison Avenue.

The south side of East Court Street from a point 54 feet east of the east curb line of Main Street to the east curb line of Madison Avenue.

5. Logan Street - The east side of Logan Street from a point 42 feet south of the south curb line of Fort Street to a point 25 feet north of the north curb line of West Henderson Street.

The west side of Logan Street from Fort Street to a point 206 feet north of the north curb line of West Henderson Street.

6. Fort Street - The north side of Fort Street from a point 58 feet west of the west curb line of Main Street to a point 26 feet east of the east curb line of Logan Street.

CCG002

PARKING METER ORDINANCE

An Ordinance Relating to Traffic and Regulating the use of the Street and Highway of the City of Marion, North Carolina, creating and Defining Parking Meter Zones; Providing for the Designation of Individual Parking Spaces; Defining and Providing for the installation, operation, and Maintenance of Parking Meters; Prescribing Parking Time Limits; Requiring Deposit Coins for the Use of Parking Meters and Parking Meter Zones and Providing for the Collection and Disposition of Such Coins; Repealing Conflicting Ordinance; Providing for the Enforcement Thereof; Defining Offenses and Prescribing Penalties; and Providing that Invalidity of Part shall not affect the Validity of the Remainder.

WHEREAS, the narrowness of and the volume of traffic on the streets in certain sections of the City of Marion has the effect of congesting the streets and impeding the movement of traffic, and

WHEREAS, it is the habit of numerous operators of motor vehicles to take advantage of this situation by parking for unreasonably long periods of time in close proximity to other motor vehicles so parked on the most congested parts of the City's busiest streets; and

WHEREAS, such practice tends to further impede traffic and in addition thereto constitutes a danger to the life, limb and property of other motorists, pedestrians and others; and

WHEREAS, IT is the opinion of the City Council of the City of Marion that the best method by which the abovementioned conditions may be remedied is by the designation of individual parking spaces in the said area, by restricting parking in said area to reasonable intervals of time and by compelling the operators of vehicles who enjoy the use of the parking space so designed to pay a portion of the cost of establishing, maintaining and regulating the use of said parking spaces; and

WHEREAS, previous attempts to regulate traffic and parking in the aforesaid area have not been as successful as desirable for the reason that adequate policing of this problem by the Police Department alone requires a larger number of officers for such work than can be spared from other vital functions of the Police Department, and it is therefore desirable to employ some mechanical assistance in the enforcement of said parking limitations; and

WHEREAS, parking meters have been installed in a number of cities as an aid to the Police in reducing traffic difficulties and the public authorities of such cities report favorable results from the installation and operation of parking meters;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARION, NORTH CAROLINA

AN ORDINANCE AMENDING THE ORDINANCE ENTITLED "AN ORDINANCE RELATING TO TRAFFIC AND REGULATING THE USE OF THE STREET AND HIGHWAY OF THE TOWN OF MARION, NORTH CAROLINA, CREATING AND DEFINING PARKING METER ZONES; PROVIDING FOR THE DESIGNATION OF INDIVIDUAL PARKING SPACES; DEFINING AND PROVIDING FOR THE INSTALLATION, OPERATION, AND MAINTENANCE OF PARKING METERS; PRESCRIBING PARKING TIME LIMITS; REQUIRING DEPOSIT COINS FOR THE USE OF PARKING METERS AND PARKING METER ZONES AND PROVIDING FOR THE COLLECTION AND DISPOSITION OF SUCH COINS; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR THE ENFORCEMENT THEREOF; DEFINING OFFENSES AND PRESCRIBING PENALTIES; AND PROVIDING THAT INVALIDITY OF PART SHALL NOT AFFECT THE VALIDITY OF THE REMAINDER, AS ADOPTED AUGUST 2, 1955.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARION, as follows:

Section 1. That the following changes be made to the above named ordinance as adopted August 2, 1955.

- (a) That all reference to Town be changed to read City.
- (b) That all reference to Board of Aldermen be changed to read City Council.
- (c) That Section 2. PARKING METER ZONE be deleted in its entirety and in lieu thereof a new section 2 inserted as follows:

Section 2. PARKING METER ZONE. The following named and described areas, streets, or portions of streets and such other areas, streets, or portions of streets as may hereafter be included in this section by amendment hereto, lying within the corporate limits of the City of Marion, North Carolina, shall constitute a parking meter zone, namely:

1. Main Street - The west side of Main Street from a point 54 feet south of the south curb line of Fort Street to a point 131.6 feet north of the north curb line of Crawford Street.

The east side of Main Street from a point 277 feet south of the south curb line of Fort Street to a point 38.5 feet north of the north curb line of State Street.

2. West Henderson Street - The south side of West Henderson Street from a point 35 feet east of the east curb line of South Logan Street to the west curb line of South Main Street.

3. West Court Street - The north side of West Court Street from Academy Street to Main Street.

The south side of West Court Street from Academy Street to Main Street.

4. East Court Street - The north side of East Court Street from a point 126 feet east of the east curb line of Garden Street to a point 38 feet west of the west curb line of Madison Avenue.

The south side of East Court Street from a point 54 feet east of the east curb line of Main Street to the east curb line of Madison Avenue.

5. Logan Street - The east side of Logan Street from a point 42 feet south of the south curb line of Fort Street to a point 25 feet north of the north curb line of West Henderson Street.

The west side of Logan Street from Fort Street to a point 206 feet north of the north curb line of West Henderson Street.

6. Fort Street - The north side of Fort Street from a point 58 feet west of the west curb line of Main Street to a point 26 feet east of the east curb line of Logan Street.

CCG002

Section 1. DEFINITIONS. For the purpose of this ordinance:

- (a) The word "vehicle" shall mean any device in, upon or by which any person or property is or may be transported upon a highway, except a device which is operated upon rails or tracks.
- (b) The word "street" shall mean any public street, avenue, road, alley, highway, lane, path, or other public place located in the City of Marion, North Carolina, and established for the use of vehicles.
- (c) The word "person" shall mean and include any individual, firm, copartnership, association or corporation.
- (d) The word "operator" shall mean and include every individual who shall operate a vehicle as the owner thereof, or as the agent, employee or permittee of the owner, or is in actual physical control of a vehicle.
- (e) The word "park" or "parking" shall mean the standing of a vehicle whether occupied or not, upon a street otherwise than temporarily for the purpose of, and while actually engaged in, receiving or discharging passengers or loading or unloading merchandise or in obedience to traffic regulations, signs or signals or an involuntary stopping of the vehicle by reason of causes beyond the control of the operation of the vehicle.
- (f) The words "Parking meter" shall mean and include any mechanical devise or meter not inconsistent with this ordinance placed or erected for the regulation of parking by authority of this ordinance, each parking meter installed shall indicate by proper legend the legal parking time established by the City and when operated shall at all times indicate the balance of legal parking time, and at the expiration of such periods shall indicate illegal or overtime parking.
- (g) The words "Parking Meter Zone" shall mean and include any restricted street upon which parking meters are installed and in operation.
- (h) The words "Parking Meter Space" shall mean any space within a parking meter zone, adjacent to a parking meter and which is duly designated for the parking of a single vehicle by lines painted or otherwise durably marked on the curb or on the surface of the street adjacent to or adjoining the parking meters.

AN ORDINANCE AMENDING THE ORDINANCE ENTITLED "AN ORDINANCE RELATING TO TRAFFIC AND REGULATING THE USE OF THE STREET AND HIGHWAY OF THE TOWN OF MARION, NORTH CAROLINA, CREATING AND DEFINING PARKING METER ZONES; PROVIDING FOR THE DESIGNATION OF INDIVIDUAL PARKING SPACES; DEFINING AND PROVIDING FOR THE INSTALLATION, OPERATION, AND MAINTENANCE OF PARKING METERS; PRESCRIBING PARKING TIME LIMITS; REQUIRING DEPOSIT COINS FOR THE USE OF PARKING METERS AND PARKING METER ZONES AND PROVIDING FOR THE COLLECTION AND DISPOSITION OF SUCH COINS; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR THE ENFORCEMENT THEREOF; DEFINING OFFENSES AND PRESCRIBING PENALTIES; AND PROVIDING THAT INVALIDITY OF PART SHALL NOT AFFECT THE VALIDITY OF THE REMAINDER, AS ADOPTED AUGUST 2, 1955.

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3. West Court Street - The north side of West Court Street from Academy Street to Main Street.

The south side of West Court Street from Academy Street to Main Street.

4. East Court Street - The north side of East Court Street from a point 126 feet east of the east curb line of Garden Street to a point 38 feet west of the west curb line of Madison Avenue.

The south side of East Court Street from a point 54 feet east of the east curb line of Main Street to the east curb line of Madison Avenue.

5. Logan Street - The east side of Logan Street from a point 42 feet south of the south curb line of Fort Street to a point 25 feet north of the north curb line of West Henderson Street.

The west side of Logan Street from Fort Street to a point 206 feet north of the north curb line of West Henderson Street.

6. Fort Street - The north side of Fort Street from a point 58 feet west of the west curb line of Main Street to a point 26 feet east of the east curb line of Logan Street.

CCG002

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The west side of Logan Street from Fort Street to a point 206 feet north of the north curb line of West Henderson Street.

6. Fort Street - The north side of Fort Street from a point 58 feet west of the west curb line of Main Street to a point 26 feet east of the east curb line of Logan Street.

The south side of Fort Street from a point 10 feet west of the west curb line of Main Street to a point 26 feet east of the east curb line of Logan Street.

AN ORDINANCE AMENDING THE ORDINANCE ENTITLED "AN ORDINANCE RELATING TO TRAFFIC AND REGULATING THE USE OF THE STREET AND HIGHWAY OF THE TOWN OF MARION, NORTH CAROLINA, CREATING AND DEFINING PARKING METER ZONES; PROVIDING FOR THE DESIGNATION OF INDIVIDUAL PARKING SPACES; DEFINING AND PROVIDING FOR THE INSTALLATION, OPERATION, AND MAINTENANCE OF PARKING METERS; PRESCRIBING PARKING TIME LIMITS; REQUIRING DEPOSIT COINS FOR THE USE OF PARKING METERS AND PARKING METER ZONES AND PROVIDING FOR THE COLLECTION AND DISPOSITION OF SUCH COINS; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR THE ENFORCEMENT THEREOF; DEFINING OFFENSES AND PRESCRIBING PENALTIES; AND PROVIDING THAT INVALIDITY OF PART SHALL NOT AFFECT THE VALIDITY OF THE REMAINDER, AS ADOPTED AUGUST 2, 1955.

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The south side of West Court Street from Academy Street to Main Street.

4. East Court Street - The north side of East Court Street from a point 126 feet east of the east curb line of Garden Street to a point 38 feet west of the west curb line of Madison Avenue.

The south side of East Court Street from a point 54 feet east of the east curb line of Main Street to the east curb line of Madison Avenue.

5. Logan Street - The east side of Logan Street from a point 42 feet south of the south curb line of Fort Street to a point 25 feet north of the north curb line of West Henderson Street.

The west side of Logan Street from Fort Street to a point 206 feet north of the north curb line of West Henderson Street.

6. Fort Street - The north side of Fort Street from a point 58 feet west of the west curb line of Main Street to a point 26 feet east of the east curb line of Logan Street.

(a) Of the above named parking meter spaces the following are hereby designated as 12-minute zones:

Beginning at the intersection of the West side of South Main Street and the South side of West Court Street and extending thence with the West margin of the South Main Street 22 feet to a point in said margin of said street, and beginning at the same beginning point as described above and extending along the South margin of West Court Street 22 feet to a point; beginning at the intersection of the West side of North Main Street and the North side of West Court Street and extending thence along the West margin of North Main Street 22 feet to a point and beginning at the intersection of the North side of West Court Street and the West side of North Main Street and extending thence with the North side of West Court Street 22 feet to a point.

Beginning at a point 21 feet west of the intersection of the west side of Logan Street and the North side of West Court Street and extending thence with the north margin of West Court Street west 20 feet to a point. (1 parking space.)

(b) All other parking meter zones above named are hereby designated as two-hour zones.

(c) The area, beginning at a point located 47 feet north of the intersection of the west curb line of Logan Street and the north curb line of West Court Street and extending thence from said point in a northerly direction with Logan Street a distance of 40 feet, shall be designated as a fifteen-minute parking zone. (2 parking spaces.)

The area, beginning at a point located 164 feet north of the intersection of the east curb line of Logan Street and the North curb line of West Court Street and extending thence from said point in a northerly direction with Logan Street a distance of 20 feet, shall be designated as a fifteen-minute parking zone. (1 parking space.)

No meter shall be installed and no charge made in the above described fifteen-minute parking zones. The parking of a vehicle in said areas for more than fifteen (15) minutes shall constitute a violation of this Ordinance.

All frontages in said Squares, Streets, or Avenues defining said Zones to be included therein.

AN ORDINANCE AMENDING THE ORDINANCE ENTITLED "AN ORDINANCE RELATING TO TRAFFIC AND REGULATING THE USE OF THE STREET AND HIGHWAY OF THE TOWN OF MARION, NORTH CAROLINA, CREATING AND DEFINING PARKING METER ZONES; PROVIDING FOR THE DESIGNATION OF INDIVIDUAL PARKING SPACES; DEFINING AND PROVIDING FOR THE INSTALLATION, OPERATION, AND MAINTENANCE OF PARKING METERS; PRESCRIBING PARKING TIME LIMITS; REQUIRING DEPOSIT COINS FOR THE USE OF PARKING METERS AND PARKING METER ZONES AND PROVIDING FOR THE COLLECTION AND DISPOSITION OF SUCH COINS; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR THE ENFORCEMENT THEREOF; DEFINING OFFENSES AND PRESCRIBING PENALTIES; AND PROVIDING THAT INVALIDITY OF PART SHALL NOT AFFECT THE VALIDITY OF THE REMAINDER, AS ADOPTED AUGUST 2, 1955.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARION, as follows:

Section 1. That the following changes be made to the above named ordinance as adopted August 2, 1955.

- (a) That all reference to Town be changed to read City.
- (b) That all reference to Board of Aldermen be changed to read City Council.
- (c) That Section 2. PARKING METER ZONE be deleted in its entirety and in lieu thereof a new section 2 inserted as follows:

Section 2. PARKING METER ZONE. The following named and described areas, streets, or portions of streets and such other areas, streets, or portions of streets as may hereafter be included in this section by amendment hereto, lying within the corporate limits of the City of Marion, North Carolina, shall constitute a parking meter zone, namely:

1. Main Street - The west side of Main Street from a point 54 feet south of the south curb line of Fort Street to a point 131.6 feet north of the north curb line of Crawford Street.

The east side of Main Street from a point 277 feet south of the south curb line of Fort Street to a point 38.5 feet north of the north curb line of State Street.

2. West Henderson Street - The south side of West Henderson Street from a point 35 feet east of the east curb line of South Logan Street to the west curb line of South Main Street.

3. West Court Street - The north side of West Court Street from Academy Street to Main Street.

The south side of West Court Street from Academy Street to Main Street.

4. East Court Street - The north side of East Court Street from a point 126 feet east of the east curb line of Garden Street to a point 38 feet west of the west curb line of Madison Avenue.

The south side of East Court Street from a point 54 feet east of the east curb line of Main Street to the east curb line of Madison Avenue.

5. Logan Street - The east side of Logan Street from a point 42 feet south of the south curb line of Fort Street to a point 25 feet north of the north curb line of West Henderson Street.

The west side of Logan Street from Fort Street to a point 206 feet north of the north curb line of West Henderson Street.

6. Fort Street - The north side of Fort Street from a point 58 feet west of the west curb line of Main Street to a point 26 feet east of the east curb line of Logan Street.

CCG002

Section 3. DESIGNATION OF PARKING SPACES. The Chief of Police is hereby directed and authorized to mark off individual parking spaces in the parking zones designated and described in Section 2 of this ordinance and in such other zones as may hereafter be established, said parking spaces to be designated by lines painted or durably marked on the curbing or surface of the street. At each space so marked off it shall be unlawful to park any vehicle in such a way that said vehicle shall not be entirely within the limits of the space so designated.

Section 4. INSTALLATION PARKING METERS. In said parking meter zones the Chief of Police shall cause parking meters to be installed upon the curb or sidewalk immediately adjacent to the parking spaces provided in Section 3 of this ordinance, said installation to be placed not more than two (2) feet from the curb nor more than five (5) feet from the front line of the parking space as indicated.

Each devise shall be so set as to display a signal showing legal parking upon the deposit of the appropriate coin, lawful money of the United States of America, for the period of time prescribed by this ordinance. Each device shall be so arranged that upon the expiration of the lawful time limit it will indicate by a proper visible signal that the lawful parking period has expired and in such cases the right of such vehicle to occupy such space shall cease and the operator, owner, possessor or manager thereof shall be subject to the penalties hereinafter provided.

Section 5. OPERATION OF PARKING METERS. Except in a period of emergency determined by an officer of the Fire or Police Department, or in compliance with the directions of a police officer or traffic control sign or signal, when any vehicle shall be parked in any parking space alongside or next to which a parking meter is located, the operator of such vehicle shall, upon entering the said parking meter space, immediately deposit or cause to be deposited in said meter such proper coin of the United States as is required for such parking meter and as is designed by proper directions of the meter, and when required by the directions on the meter, the operator of such vehicle, after the deposit of the proper coin, shall also set in operation the timing mechanism on such meter in accordance with directions properly appearing thereon, and failure to deposit such proper coin, and to set the timing mechanism in operation when so required, shall constitute a violation of this ordinance. Upon the deposit of such coin (and the setting of the timing mechanism in operation when so required) the parking space may be lawfully occupied by such vehicle during the period of time which has been prescribed for the part of the street in which said parking space is located. If said vehicle shall remain parked in any such parking space beyond the parking time limit set for such parking space, and if the meter shall indicate such illegal parking, then, and in that event, such vehicle shall be considered as parking overtime and beyond the period of legal parking time, and such parking shall be deemed a violation of this ordinance.

AN ORDINANCE AMENDING THE ORDINANCE ENTITLED "AN ORDINANCE RELATING TO TRAFFIC AND REGULATING THE USE OF THE STREET AND HIGHWAY OF THE TOWN OF MARION, NORTH CAROLINA, CREATING AND DEFINING PARKING METER ZONES; PROVIDING FOR THE DESIGNATION OF INDIVIDUAL PARKING SPACES; DEFINING AND PROVIDING FOR THE INSTALLATION, OPERATION, AND MAINTENANCE OF PARKING METERS; PRESCRIBING PARKING TIME LIMITS; REQUIRING DEPOSIT COINS FOR THE USE OF PARKING METERS AND PARKING METER ZONES AND PROVIDING FOR THE COLLECTION AND DISPOSITION OF SUCH COINS; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR THE ENFORCEMENT THEREOF; DEFINING OFFENSES AND PRESCRIBING PENALTIES; AND PROVIDING THAT INVALIDITY OF PART SHALL NOT AFFECT THE VALIDITY OF THE REMAINDER, AS ADOPTED AUGUST 2, 1955.

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- (c) That Section 2. PARKING METER ZONE be deleted in its entirety and in lieu thereof a new section 2 inserted as follows:

Section 2. PARKING METER ZONE. The following named and described areas, streets, or portions of streets and such other areas, streets, or portions of streets as may hereafter be included in this section by amendment hereto, lying within the corporate limits of the City of Marion, North Carolina, shall constitute a parking meter zone, namely:

1. Main Street - The west side of Main Street from a point 54 feet south of the south curb line of Fort Street to a point 131.6 feet north of the north curb line of Crawford Street.

The east side of Main Street from a point 277 feet south of the south curb line of Fort Street to a point 38.5 feet north of the north curb line of State Street.

2. West Henderson Street - The south side of West Henderson Street from a point 35 feet east of the east curb line of South Logan Street to the west curb line of South Main Street.

3. West Court Street - The north side of West Court Street from Academy Street to Main Street.

The south side of West Court Street from Academy Street to Main Street.

4. East Court Street - The north side of East Court Street from a point 126 feet east of the east curb line of Garden Street to a point 38 feet west of the west curb line of Madison Avenue.

The south side of East Court Street from a point 54 feet east of the east curb line of Main Street to the east curb line of Madison Avenue.

5. Logan Street - The east side of Logan Street from a point 42 feet south of the south curb line of Fort Street to a point 25 feet north of the north curb line of West Henderson Street.

The west side of Logan Street from Fort Street to a point 206 feet north of the north curb line of West Henderson Street.

6. Fort Street - The north side of Fort Street from a point 58 feet west of the west curb line of Main Street to a point 26 feet east of the east curb line of Logan Street.

CCG002

Section 6. PARKING TIME LIMITS. (a) Parking or standing a vehicle in a designated space in a twelve-minute parking meter zone shall be lawful upon the deposit of a one-cent coin. (b) Parking or standing a vehicle in a designated space in a two-hour parking meter zone shall be lawful for 120 minutes upon the deposit of a five-cent coin. (c) Said parking meters shall be operated in said parking meter zones every day between the hours of nine o'clock a.m. and six o'clock p.m., except Sundays and holidays; provided, however, that within the meaning of this ordinance the term "holiday" shall include the following days only: the first day of January, the 30th day of May, the fourth of July, the first Monday in September, the twenty-fifth day of December, and the day designated and set aside by the President of the United States as a day of Thanksgiving.

Section 7. VIOLATIONS. It shall be unlawful and a violation of the provisions of this ordinance for any person:

(a) to cause, allow, permit, or suffer any vehicle registered in the name of, or operated by such person to be parked overtime, or beyond the period of legal parking time established for any parking meter zone as herein described, or to deposit in any parking meter any coin for the purpose of parking beyond the maximum legal parking time for the particular parking meter zone.

(b) To permit any vehicle to remain or be placed in any parking space adjacent to any parking meter while said meter is displaying a signal indicating that the vehicle occupying such parking space has already been parked beyond the period prescribed for such parking space.

(c) To park any vehicle across any line or marking of a parking meter space or in such position that the vehicle shall not be entirely within the area designated by such lines or markings.

(d) To deface, injure, tamper with, open or wilfully break, destroy or impair the usefulness of any parking meter installed under the provisions of this ordinance.

(e) To deposit or cause to be deposited in any parking meter any slugs, device or metal substance, or other substitute for lawful coins.

Section 8. ENFORCEMENT. It shall be the duty of the Police Department to enforce the provisions of this ordinance.

Section 9. COLLECTIONS. It shall be the duty of the Chief of Police to designate some member or members of the Police Department to make regular collections of the money deposited in said meters and it shall be the duty of such persons so designated to remove from the parking meters the coins so deposited in said meters and to deliver the same of the City Treasurer of the City of Marion, North Carolina.

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4. East Court Street - The north side of East Court Street from a point 126 feet east of the east curb line of Garden Street to a point 38 feet west of the west curb line of Madison Avenue.

The south side of East Court Street from a point 54 feet east of the east curb line of Main Street to the east curb line of Madison Avenue.

5. Logan Street - The east side of Logan Street from a point 42 feet south of the south curb line of Fort Street to a point 25 feet north of the north curb line of West Henderson Street.

The west side of Logan Street from Fort Street to a point 206 feet north of the north curb line of West Henderson Street.

6. Fort Street - The north side of Fort Street from a point 58 feet west of the west curb line of Main Street to a point 26 feet east of the east curb line of Logan Street.

CCG002

Section 10. USE OF FUNDS. The coins deposited in parking meters are required and shall be used exclusively for the purpose of making such regulation effective and for the expenses incurred in the regulation and limitation of vehicular parking, and traffic relating to such parking, on the streets and highways and to cover the cost of purchase, supervision, protection, inspection, installation, operation, maintenance, control and use of parking meters.

Section 11. PENALTY. Any person who shall violate or fail to comply with any of the provisions of this ordinance, or who shall counsel, aid or abet any such violation or failure to comply, shall be deemed guilty of an offense and shall be punished by a fine of not to exceed \$50.00 or by imprisonment not to exceed 30 days.

Section 12. RESERVATION OF POWERS. Nothing in this ordinance shall be construed as prohibiting the City of Marion, North Carolina from providing for bus stops, for taxicab stands and other matters of similar nature, including the loading and unloading of trucks, vans, or other commercial vehicles.

Section 13. REPEAL OF CONFLICTING ORDINANCES. All Ordinances and parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

Section 14. SEVERABILITY. If any section or provision, or parts thereof in this ordinance shall be adjudged invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity of the ordinance as a whole or of any other section or provision of part hereof.

Section 15. EXERCISE OF POLICE POWER. This entire ordinance shall be deemed and construed to be an exercise of the police power of the City of Marion, North Carolina, for the preservation and protection of public safety, and all of its provisions shall be liberally construed with a view to the effectuation of such purpose.

Section 16. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage.

Adopted this second day of August, 1955.

ing amendment to the Parking Meter Ordinance.

See City of Marion Ordinance Book, No 0-73-17-4-1

AN ORDINANCE AMENDING THE ORDINANCE ENTITLED "AN ORDINANCE RELATING TO TRAFFIC AND REGULATING THE USE OF THE STREET AND HIGHWAY OF THE TOWN OF MARION, NORTH CAROLINA, CREATING AND DEFINING PARKING METER ZONES; PROVIDING FOR THE DESIGNATION OF INDIVIDUAL PARKING SPACES; DEFINING AND PROVIDING FOR THE INSTALLATION, OPERATION, AND MAINTENANCE OF PARKING METERS; PRESCRIBING PARKING TIME LIMITS; REQUIRING DEPOSIT COINS FOR THE USE OF PARKING METERS AND PARKING METER ZONES AND PROVIDING FOR THE COLLECTION AND DISPOSITION OF SUCH COINS; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR THE ENFORCEMENT THEREOF; DEFINING OFFENSES AND PRESCRIBING PENALTIES; AND PROVIDING THAT INVALIDITY OF PART SHALL NOT AFFECT THE VALIDITY OF THE REMAINDER, AS ADOPTED AUGUST 2, 1955.

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The west side of Logan Street from Fort Street to a point 206 feet north of the north curb line of West Henderson Street.

6. Fort Street - The north side of Fort Street from a point 58 feet west of the west curb line of Main Street to a point 26 feet east of the east curb line of Logan Street.

CCG002

The south side of Port Street from a point 10 feet west of the west curb line of Main Street to a point 26 feet east of the east curb line of Logan Street

(a) Of the above named parking meter spaces the following are hereby designated as 12-minute zones:

Beginning at the intersection of the West side of South Main Street and the South side of West Court Street and extending thence with the West margin of the South Main Street 22 feet to a point in said margin of said street, and beginning at the same beginning point as described above and extending along the South margin of West Court Street 22 feet to a point; beginning at the intersection of the West side of North Main Street and the North side of West Court Street and extending thence along the West margin of North Main Street 22 feet to a point and beginning at the intersection of the North side of West Court Street and the West side of North Main Street and extending thence with the North side of West Court Street 22 feet to a point.

Beginning at a point 21 feet west of the intersection of the west side of Logan Street and the North side of West Court Street and extending thence with the north margin of West Court Street west 20 feet to a point. (1 parking space.)

(b) All other parking meter zones above named are hereby designated as two-hour zones.

(c) The area, beginning at a point located 47 feet north of the intersection of the west curb line of Logan Street and the north curb line of West Court Street and extending thence from said point in a northerly direction with Logan Street a distance of 40 feet, shall be designated as a fifteen-minute parking zone. (2 parking spaces)

The area, beginning at a point located 164 feet north of the intersection of the east curb line of Logan Street and the North curb line of West Court Street and extending thence from said point in a northerly direction with Logan Street a distance of 20 feet, shall be designated as a fifteen-minute parking zone. (1 parking space.)

No meter shall be installed and no charge made in the above described fifteen-minute parking zones. The parking of a vehicle in said areas for more than fifteen (15) minutes shall constitute a Violation of this Ordinance.

All frontages in said Squares, Streets, or Avenues defining Said Zones to be included therein.

(d) That under Section 6 (b) one hour be changed to read two hour and sixty to be changed to read 120.

(e) That under Section 5. OPERATION OF PARKING METERS the following part of the second sentence be deleted: "provided that any person placing a vehicle in a parking space adjacent to a meter which indicated that unused time has been left in the meter by the previous occupant of the space shall not be required to deposit a coin so long as his occupancy of said space does not exceed the indicated unused parking time."

Section 2. That a copy of this Ordinance shall be attached to the original ordinance which is hereby amended.

ADOPTED THIS 17TH DAY OF APRIL, 1973.

ATTEST:

James Earl Daniels
CITY MANAGER

James Earl Daniels
Mayor

NEW PARKING TICKETS: Police Captain John Beck presented a copy of the proposed new parking tickets. Captain Beck explained that since the yellow payment boxes had been removed from the street and persons could not pay parking violations through the use of such boxes, it was necessary to have new parking tickets printed advising persons to pay for parking violations at the Marion Police Department. He continued by stating that under the proposed changes all parking violations would be \$1.00. The City Council discussed the proposed new parking tickets. It was noted that by requiring persons to pay at the Police Department and by giving receipts, that a number of complaints regarding payments dropped in the yellow boxes which never arrived at the City Hall, were eliminated. Councilman Cross recommended that no receipts be mailed by the Police Department and that wording to that effect be printed on the tickets. He recommended the following: "In payments by mail receipts will be available at the Marion Police Department. No receipts will be mailed."

INTERIM MUNICIPAL BOARD OF ELECTIONS - APPOINTMENT: The City Manager advised the City Council that it would be necessary for the City Council to appoint an Interim Municipal Board of Elections in order for the City to proceed with the necessary requirements pursuant to Chapter 835, Session Laws of 1971. He stated that Mr. Alex K. Brock, Executive Secretary, State Board of Elections, had approved the request to allow the City Council to appoint the Interim Board of Elections to serve until the regular Board of Elections is appointed in August. Upon a motion by Councilman Wilkerson, seconded by Councilman Cross, the following persons were appointed to serve as the Interim Municipal Board of Elections. Mr. Dula Hawkins, Mr. Jim McGarr, and Mr. Larry Brown.

REVENUE SHARING FUNDS: The City Manager presented the following financial statement on Revenue Sharing Funds:

Revenue Sharing Checks received to date	\$13,940.00	Interest Earned \$57.29
	14,453.15	" " 59.40
	6,972.00	0.00
Total Received to Date	\$35,365.15	
	116.00	\$116.00
	35,481.84	
Paid on purchase of Bell Property	24,000.00	
	balance \$11,481.84	

Balance due on Bell Property \$10,000.00 plus interest
Estimated Revenue Sharing Check to be received in July \$8,453.84.

The City Manager was directed by the City Council to pay the balance due on the purchase of the Bell Property from the Revenue Sharing Funds.

The City Manager informed the City Council that a complete explanation of all receipts and expenditures from the Revenue Sharing Fund must be published in the newspaper. He stated that in addition, forms had to be submitted to the Federal Government regarding the purposes for which Revenue Sharing Funds had been spent and the planned use of all Revenue Sharing Funds to be received through and including June. He stated that he had not received the forms but was expecting them in the next few weeks.

STREET PAVING PETITION - TREMONT & ALABAMA STREETS: The City Manager presented a street paving petition requesting that portions of Tremont and Alabama Streets be paved. He informed the City Council that he had not investigated the petition since it had just been received and that it was presented only for the City Council to acknowledge receipt.

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

May 8, 1973

The City Council of the City of Marion met in a regularly scheduled session on Tuesday night, May 8, 1973 at 7:30 P.M. in the City Council Chamber at City Hall.

Board Members Present: Councilmen Oliver R. Cross, Horace Wilkerson, Robert James, and William Ledbetter. Mayor James H. Segars arrived at approximately 9:00 P.M.

Others present: Earl Daniels; City Manager, E.P. Dameron; City Attorney and Don Dillingham newspaper reporter.

APPROVAL OF THE APRIL 17, 1973 MINUTES: Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the City Council unanimously voted to approve the minutes of the April 17, 1973 meeting.

REVENUE SHARING FUNDS - REPORT ON USE: The City Manager advised the City Council that a Planned Use Report for Entitlement Period 3, January 1 through June 30, 1973 must be submitted to the Department of the Treasury on forms provided by the Federal Government. He stated that a copy of the report must be published in a newspaper of general circulation within the City of Marion. He informed the Council that the report submitted by the City would be based on \$13,945.00. He stated that of this amount the City had already spent \$5,677.00 on land acquisition, in the purchase of the Bell Property adjacent to the City Hall, leaving a balance of \$8,268.00. The City Manager advised the Council that Revenue Sharing Funds could be spent for any public purpose but could not be used to match Federal Funds or to displace funds to be used to match Federal Funds. The City Manager recommended that the funds be used for capital outlay expenses and not used for operation expenses. Upon a motion by Councilman Wilkerson, seconded by Councilman James, the City Council unanimously voted to report \$5,677.00 spent on Land Acquisition and the planned use of \$8,268.00 on equipment purchase for Public Safety.

MILL WHISTLES: The City Manager reported that the City was still receiving complaints that MILL WHISTLES are no longer necessary and only annoy persons trying to sleep. The City Council discussed the complaints and directed the City Manager to conduct a survey to determine which mills are using whistles as well as the purpose and necessity to continue the use of whistles in their operation.

FOXFIRE SUBDIVISION: The City Manager informed the Council that Mr. Red Walker has stated that he will grant an easement between lots 4 and 5 of Block B of Foxfire Subdivision to the City of Marion provided the City will furnish and install an 8" sewer line from the back lot lines of lots 4 and 5 of Block B to Woodland Drive and continue the line to McDowell Avenue. The City Council studied the proposal and noted that the area which would be served by the proposed line is located outside the City Limits. A discussion was held regarding the proper size line needed to serve the area, how much area would be served by the line and the elevations necessary for proper operation. The City Manager was directed to advise Mr. Walker that insufficient information is available on which to base a decision, and that the City will have to contact O'Brien and Gere before a decision can be made.

MARION ZONING ORDINANCE: The City Council was advised by the City Manager that the Planning Board had completed work on the Marion Zoning Ordinance and would like for the City Council to adopt the Ordinance. The City Manager informed the Council that a public hearing must be held before the ordinance could be considered for adoption. Notice of such hearing must be published twice in a newspaper of general circulation within the City of Marion, the first time not less than 15 days prior to the date of the hearing. The City Manager was directed to notify the Chairman of the Planning Board that the City Council would like to hold a joint meeting with the Planning Board in July to review the ordinance prior to calling for a public hearing.

TAX REFUND: W.G. Ballew, Jr. and Kathryn B. Gourley- The City Manager informed the Council that W.G. Ballew, Jr. and Kathryn B. Gourley had paid taxes to the City of Marion for a period of two years for lots located on Glenview Street which are outside the municipal limits. He stated that a request had been received asking the City reimburse them for the tax overpayment. The City Manager stated that he had investigated the matter and asked for authorization to make the reimbursement in the amount of \$98.10. Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the City Council unanimously voted to authorize the City Manager to reimburse W.G. Ballew, Jr. and Kathryn B. Gourley in the amount of \$98.10 for over payment of taxes.

MCDOWELL INSURANCE AGENCY - EXISTING AND PROPOSED INSURANCE PROGRAM: The City Manager presented a pamphlet prepared by McDowell Insurance Agency which explains the existing insurance program of the City of Marion. The pamphlet also made recommendations regarding proposed increases in certain coverages. After a discussion regarding the City's Insurance program, the Council asked the City Manager to contact Marshall Dark and request that he attend the next regular meeting of the City Council to explain the City's existing program and his recommendations for updating the program.

MCDOWELL INSURANCE AGENCY: Request for driveway entrance across City Parking lot - Crawford Street - The City Manager informed the Council that he had received a letter from J.E. Neal, Jr., President of McDowell Insurance Agency, Inc. requesting permission to make a rear entrance to property belonging to McDowell Insurance Agency and located on South Main Street by crossing the City owned parking lot which fronts on Crawford Street. The City Council discussed this request and directed the City Manager to advise Mr. Neal that the City Council has no objections to employees and customers crossing the parking lot but that no deed, dedication of right-of-way or easement would be granted by the City since any formal document would prohibit the City's future use of the property for other purposes.

CITY HALL - PROPOSED BUILDING ALTERATIONS: The City Manager requested permission to cut an archway in the wall at the rear of the water department office through and into the office presently being used by the Police Department. He stated the purpose of the alteration was to relocate the billing machine and copy machine in the rear office since the machines, when in operation, make so much noise that it is almost impossible to communicate with customers across the counter or over the telephone. He advised the Council that the project had been discussed with Captain Beck and that Captain Beck had no objections provided a new door is installed from the Police Dispatchers office into the Police Chief's Office. Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously approved the request.

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The City Manager requested permission to have a new door installed from the alley into the Police Dispatcher's office. He advised the Council that the storm door installed last year had been damaged by the wind and removed. He advised the Council that he had asked Captain Beck to get prices on the installation of a commercial 1/4 inch glass door which would have a self closer and open both ways. He advised the Council that the lowest price received was \$295.00 but that the proposal was void after 60 days. Upon a motion by Councilman Ledbetter, seconded by Councilman Wilkerson the City Council unanimously approved the installation as requested.

STREET LIGHT - MORGAN STREET: The City Manager informed the Council that he had received a request to install a new street light in the 400 block of Morgan Street. He stated that he had called the street committee and asked that they check the area and report on the need of a new street light in the area. The Street Committee reported that a new light was needed. Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the City Council unanimously voted to have a new street light installed.

PREACHING - COURTHOUSE LAWN: Mayor Segars informed the Council that a local minister had requested permission to preach on the Courthouse Lawn. He stated the minister had been referred to the City by the County Manager, who had advised the minister that the County had no objections to the use of the Courthouse lawn. A long discussion was held regarding a City Ordinance adopted July 7, 1953 (Page 447, Minute Book 4) which prohibits the blocking of sidewalks and interference with traffic and collecting of alms. Under the terms of the ordinance an application must be filled with the Mayor for a permit. After much discussion the City Council went on record opposing the request. Most opposition was based on the blocking of sidewalks, and traffic hazards created by passing motorists and the use of loud speakers.

WATER STORAGE: The City Manager informed the Council that immediate action should be taken to increase the available supply of water for the municipal water system. He stated that due to increases in the number of customers and extensions of water lines that the City was rapidly approaching the capacity of the existing facilities. He advised that extremely dry weather for a long period of time this summer could possibly result in water shortages. He stated that consideration should be given to increasing the capacity of water storage so that water could be treated and stored during night hours and weekends when demands on the system are lowest. He stated that after meeting with the Superintendent of the Water Treatment Plant and the Public Works Director, the decision had been made to recommend that no major line extensions be made outside the City Limits until additional water facilities can be made available which will insure an adequate supply of water. After a discussion regarding the problem the City Council directed the City Manager to investigate the feasibility of providing the additional storage.

There being no further business the meeting was adjourned and the City Council went into an executive session to discuss personnel matters.

James Segars
Mayor

James Earl Daniels
City Manager

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

May 22, 1973

The City Council of the City of Marion met in a regularly scheduled session on Tuesday night, May 22, 1973 at 7:30 P.M. in the City Council Chamber at City Hall.

Board members present: Mayor James Segars; Councilmen Oliver R. Cross, Horace Wilkerson, Robert James, Everette Clark and William Ledbetter.

Others present; Earl Daniels, City Manager; E.P. Dameron, City Attorney; Helen Ledford, Newspaper Reporter; Arthur Edwards, Fire Chief and Jim Laughridge.

APPROVAL OF THE MAY 8, 1973 MINUTES: Upon a motion by Councilman Cross, seconded by Councilman Ledbetter, the City Council unanimously voted to approve the minutes of the May 8, 1973 meeting.

CITY INSURANCE PROGRAM: Mr. Marshall Dark, Jr., Secretary of McDowell Insurance Agency, Inc. was present to review with the City Council the City's present insurance program. Mr. Dark recommended that several changes be made in the existing program. Listed below are some of the recommended changes:

- a. Add \$2,000 Medical payment coverage for all Class III passenger vehicles.
- b. Add Collision Insurance on all vehicles four years old or less, automobile property damage insurance on a \$100 deductible basis.
- c. Add Liability coverage for the municipality.
- d. Insure all buildings on a replacement cost basis.
- e. Add valuable papers protection for all municipal records, deeds, mortgages, etc.
- f. Add Boiler and Machinery policy.
- g. Add Contractor's Equipment Floater Policy.

After reviewing the existing and proposed program for the City of Marion, the City Council asked that Mr. Dark prepare a breakdown on premium cost to the City of Marion for each of the recommended changes.

M.A. FIRE DISTRICT CLASSIFICATION: The City Manager presented a letter from Colvin M. Worth, Assistant Chief Engineer, North Carolina Fire Insurance Rating Bureau, regarding the Rate Classification of the M.A. Fire District. The letter stated that effective May 15, 1973, the rate classification for the M.A. Fire District would be 9AA.

NORTH CAROLINA FIREMEN'S PENSION FUND - ANNUAL CERTIFICATION OF FIREMEN: Fire Chief Arthur Edwards presented a roster of all active firemen to the City Council. Mr. Edwards asked that the City Council review the roster and approve the list for certification to the North Carolina Firemen's Pension Fund. Mr. Edwards stated that annually the governing body must provide this certification to the North Carolina Firemen's Pension Fund. Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the City Council unanimously approved the roster of firemen, as submitted by the Fire Chief, for certification to the North Carolina Firemen's Pension Fund.

Fire Chief Edwards asked that the City Council approve payment of dues to the Firemen's Pension Fund for Jack Laughridge and Ed Rowe. Mr. Edwards stated that these gentlemen had served the Marion Fire Department before the Firemen's Pension Fund was established. He continued by stating that under the terms of the pension fund each fireman must pay into the fund a total of \$1200 before being able to receive retirement funds. Fire Chief Edwards advised the Council that in order for Jack Laughridge and Ed Rowe to retire and draw retirement funds they would have to pay into the fund a total of \$1200. He informed the City Council that Jack Laughridge and Ed Rowe would need to pay \$360 each in order to qualify for retirement funds. He advised the City Council that the City could pay this amount over a period of six years at \$5 per month per man. He also stated that in his opinion the amount of time and service these men have given the City of Marion warrant the City paying these funds. Upon a motion by Councilman Wilkerson, seconded by Councilman Cross, the City Council unanimously voted to pay the Firemen's Pension Fund dues for Jack Laughridge and Ed Rowe.

COMMUNITY BUILDING RULES AND REGULATIONS: The City Manager advised the City Council that he had received several requests from individuals wishing to use the Community Building for projects that would provide them with personal gain. He stated that rules and regulations covering the use of the Community Building were established by the Mayor and Board of Aldermen several years ago. The existing rules and regulations were reviewed by the City Council. The City Manager pointed out that the rules and regulations did not prohibit the use of the Community Building by individuals for personal gain. The City Council discussed the rules and regulations at great length and agreed that the Community Building should not be used by individuals for commercial purposes to provide personal gain for that individual. Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to establish a new rule that no person, firm or co-operation may use the Community Building for commercial purposes.

RULES AND REGULATIONS COVERING THE USE OF THE MARION COMMUNITY BUILDING AS ESTIMATED BY THE MARION CITY COUNCIL MAY 22, 1973.

1. No one shall be permitted to use this building without first having made proper reservation and made necessary arrangements for payment for the use of the building at the City Clerk's Office at the City Hall.
2. No decorations of any kind, plaques, pictures, or any other objects shall be fastened to the walls, ceiling, windows or lighting fixtures by any device by either nails, tacks, screws or tape.
3. The piano shall not be moved from one spot to the other but must remain at its present location.

4. No one shall be permitted to use the kitchen for any purpose unless the necessary arrangements have been made and the fee for the use thereof has been paid at the City Hall.
5. Each person or group of persons using the kitchen shall thoroughly clean the kitchen and all fixtures, dishes, utensils, and stove before leaving and shall clean and remove all food from the refrigerator.
6. All garbage and refuse shall be removed from the building and placed in containers just outside the kitchen door.
7. No equipment of any kind, including chairs, tables, pots and pans, dishes or silver shall under any circumstances be removed from this building.
8. Any furniture, fixtures, or decorations used must be removed from this building immediately so that the building will be available for the next group.
9. Each person or group of persons using this building will be held responsible for any damage to the walls, floors and the breakage of any china and glassware.
10. No person, firm, or co-operation may use the community building for commercial purposes. (It is the intent of this regulation to prohibit any person from using the community building for personal gain.)

We believe that if the above rules are carried out that the people of this community will have a much nicer and more convenient public gathering place in which to hold their meetings.

CITY PROPERTY - BLUE RIDGE STREET - SALE: The City Manager informed the City Council that he had received a request that the City Council consider the sale of City-owned property located on Blue Ridge Street. He stated that a citizen was interested in purchasing this property. Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the City Council unanimously voted to declare the City-owned lot on Blue Ridge Street as surplus property and to advertise same for sale. The City Manager was advised to follow statutory procedures and to advertise the property for sale at sealed bids.

CITY EMPLOYING VETERANS - RESOLUTION: The City Manager informed the City Council that several cities are adopting resolutions regarding the hiring of veterans to fill vacancies in municipal departments. The City Council discussed the adoption of such a resolution. It was agreed that all applications for employment with the City of Marion should continue to be treated fairly and equally and that no preferential treatment should be given to any specific group, race, color or creed. The City Manager was instructed to advise department heads to continue hiring persons based on their qualifications, including mental and physical capabilities.

GENERAL FUND BUDGET - Discussion: The City Manager presented each Board member with budget study sheets for the General Fund Budget for the fiscal year 1973-74. A special meeting was called for Tuesday night, May 29 at 7:00 P.M. at the Pilot House for the purpose of reviewing and discussing line items for the General Fund Budget.

The City Manager informed the Council that City Employees Harry Phillips and Fred Ballard had asked permission to locate mobile homes on City-owned property across from the water filter plant. He stated that Mr. Phillips and Mr. Ballard each wished to place a mobile home on City property to be used as a residence. The City Council discussed the advantages and disadvantages of approving the requests.

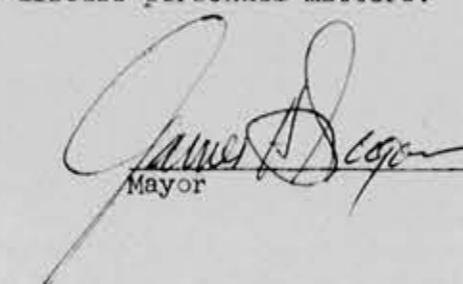
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It was the consensus of opinion that allowing municipal employees to live on City properties had several advantages. The properties could be maintained by the employees, and the presence of the employees may prevent vandalism. In addition the employees would be available at nights and on week-ends for emergency operations.

Upon a motion by Councilman Wilkerson, seconded by Councilman Ledbetter, the City Council unanimously voted to allow Harry Phillips and Fred Ballard to locate one mobile home each on City-owned property across from the water filter plant contingent upon the following conditions:

1. That the City of Marion will incur no cost in the location of said mobile homes.
2. That the employees must personally live in the mobile homes.
3. That the property must be kept clean at all times with no accumulation of junk.
4. That with termination of employment the ex-employee must remove the mobile home within thirty days.
5. That after thirty days notice from the City the employee will be required to move his mobile home.

There being no further business, the meeting was adjourned for the City Council to meet in an executive session to discuss personnel matters.


James Segars
Mayor


Earl Daniels
City Manager

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

June 5, 1973

The City Council of the City of Marion met in a regularly scheduled session Tuesday night, June 5, 1973 at 7:30 P.M. in the City Council Chamber at City Hall.

Board members present: Mayor James Segars; Councilmen Horace Wilkerson, Robert James, Everette Clark and William Ledbetter. Councilman Oliver R. Cross arrived at 8:20 P.M.

Others present, Earl Daniels, City Manager; E.P. Dameron, City Attorney; Don Dillingham, Newspaper Reporter; John Beck, Acting Chief of Police; and James Hughes.

APPROVAL OF THE MAY 22, 1973 MINUTES: Upon a motion by Councilman Ledbetter, seconded by Councilman Wilkerson, the City Council unanimously voted to approve the minutes of the May 22, 1973 meeting.

REVOCATION OF TAXI OPERATOR PERMIT: Police Captain John Beck was present to request that the City Council revoke the taxi operator certificate issued to James Hughes. John Beck advised the City Council that under Section 13 of the Taxi Cab Ordinance adopted January 16, 1973 the City Council could suspend or revoke the taxi cab operator certificate based on the driving record of the operator. Captain Beck stated he had received a report from Sgt. Blankenship and Officer Barrier which stated that on May 23, 1973 while on patrol on East Court Street at 7:30 A.M. a sign and power pole was discovered which had been struck by a blue vehicle. The sign and pole are located at East Court Market. The Officers spotted a blue vehicle at the yellow cab stand which had been damaged on the right side. Mr. Jim Hughes was inspecting the damage and advised the officers he had struck the Lance Cracker truck on Ridge Road. The report stated that Mr. Hughes had been drinking heavily and that the officers found a pint bottle of vodka in the front floor board at the drivers feet with the contents approximately one-half gone.

Police Captain John Beck presented Mr. Hughes' driving record which involved traffic violations from September 9, 1955 to present.

Mr. Jim Hughes was present and informed the City Council that the Officer's report was true, but that he was not intoxicated. He informed the City Council that he was presently operating his taxi cab under a restricted drivers license and the restrictions imposed stated that he could operate the taxi cab from 5:00 A.M. until midnight. He continued by stating that this was the only work that he could perform due to a back operation.

The City Council discussed the recommendations of Police Captain Beck and asked Mr. Hughes a number of questions regarding his past driving record.

Councilman Wilkerson moved that Mr. James Hughes' Taxi Operator Certificate be revoked until September 19, 1973 and that Mr. Hughes be allowed to submit a request for a new certificate at that time contingent upon presentation of an unrestricted drivers license. This motion was seconded by Councilman Ledbetter and the vote was unanimous.

COMMUNITY HOUSE - ICE MACHINE: The City Manager advised the City Council that he had contacted several firms which sell ice makers. He stated that upon investigation regarding the type and size machines that several persons had directed him to contact Mr. Ed Whitson. The three machines under consideration were the Manitowoc, Scotsman and RCA Whirlpool. He informed the council that Mr. Ed Whitson recommended the RCA Whirlpool machine. The price of this machine is \$549.00 plus tax. Councilman Cross moved that the City of Marion pay 1/6 the cost of purchase and installation providing the five major civic clubs using the Community Building each pay an equal share and that the machine be ordered and installed upon receipt of all monies from said civic organizations. This motion was seconded by Councilman James and all voted in favor.

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MUNICIPAL BOARD OF ELECTIONS - APPOINTMENT: The City Manager informed the City Council that he had received a letter from Mr. Alex Brock advising that the legislature had established a new date for appointment of Municipal Board of Elections. He advised the Council that the Board of Elections would have to be appointed at the next regular meeting of the City Council which is to be held June 19, 1973.

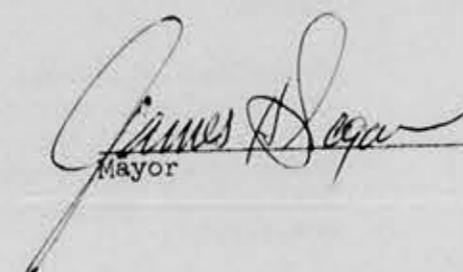
STREET PROBLEM - CROSS MILL AREA: Mayor Segars informed the City Council that he had received several complaints about the condition of the street running parallel with Tate and behind Mr. Bill Early's residence. After much discussion regarding the street location and whether or not the street had been officially dedicated to the City, the City Manager was directed to make the necessary improvements and to investigate the feasibility of placing the street on the Powell Bill map.

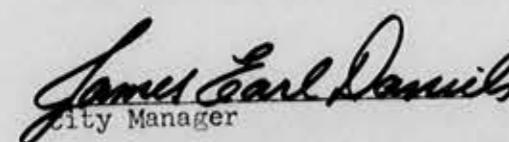
1973-74 BUDGET: The City Manager presented the Water/Sewer Budget, the Powell Bill Budget, and the Revenue Sharing Trust Fund Budget. He reviewed these proposed budgets with the City Council and advised the council that a public hearing would be set for the next regular meeting to be held on June 19, 1973. The City Council discussed the budgets and made several proposed changes to be incorporated in the final draft.

MAYOR - CITY COUNCIL SALARIES: The City Council discussed a proposed increase in salary for the Mayor and City Council. After much discussion, Councilman Wilkerson moved that the Mayor's salary be increased to \$175.00 per month and each City Councilman's salary be increased to \$75.00 per month and that these increases be included in the 1973-74 Budget and become effective upon adoption of said budget. This motion was seconded by Councilman Cross and all voted in favor.

SPINNING WHEELS, OPEN MUFFLERS: The City Manager was instructed by the City Council to direct the Police Department to observe closely and crack down on persons spinning wheels and running vehicles with open mufflers.

There being no further business the meeting was adjourned.


James Segars
Mayor


James Earl Daniels
City Manager

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION

June 19, 1973

The City Council of the City of Marion met in a regularly scheduled session Tuesday night June 19, 1973 at 7:30 P.M. in the City Council Chamber at City Hall.

Board members present: Mayor James Segars; Councilmen Horace Wilkerson, Robert James, Everette Clark, William R. Ledbetter, and Oliver Cross.

Others present: Earl Daniels, City Manager; E.P. Dameron, City Attorney; Don Dillingham, Newspaper Reporter; John Beck, Acting Chief of Police; and Clarence Robinson.

APPROVAL OF THE JUNE 5, 1973 MINUTES: Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the City Council unanimously voted to approve the minutes of the June 5, 1973 meeting.

1973-74 BUDGET - PUBLIC HEARING: Mayor James Segars announced to all persons present that the public hearing on the 1973-74 budget was open for discussion. No citizens were present regarding the proposed budget, however, the City Council briefly discussed certain portions. The City Manager pointed out changes which had been made as directed by the City Council at the last budget meeting. No changes were made in the proposed budget.

CONTRACT TO AUDIT ACCOUNTS - CALDER, CRAWLEY AND COMPANY: The City Manager presented a proposed contract to audit accounts as submitted by Calder, Crawley and Company. Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to approve the contract to audit accounts as presented by Calder, Crawley and Company.

CONTRACT - PLANNING AND ZONING - NORTH CAROLINA DIVISION OF COMMUNITY SERVICES:

The City Manager presented a Resolution Authorizing Execution of a contract for Planning Services whereby the City of Marion would pay a total of \$1,595.00 for Planning Services. The City Manager informed the City Council that the City Planner would attend meetings of the Planning Board and assist with public hearings, requests for zoning changes and amendments, updating, zoning maps and other planning projects within the funds appropriated. The City Manager stated the City Planner would be present at the Public Hearing to consider adoption of the Zoning Ordinance.

Upon a motion by Councilman Ledbetter, seconded by Councilman Wilkerson, the City Council unanimously voted to approve the resolution and contract for Planning Services.

REGION C CRIMINAL JUSTICE PLANNING AGENCY - PROPOSED PROGRAMS 1973-74: The City Manager presented four proposed programs submitted by Region C Criminal Justice Planning Agency:

1. Region - Communications - The City Council was informed that the Region Communications program had already been initiated and that this program included the electronic communications equipment already installed. He advised the City Council that the City of Marion had already paid all costs involved in this particular program. Upon a motion by Councilman Cross, seconded by Councilman Ledbetter, the City Council unanimously voted to approve the Region Communications project as submitted.

2. Operation Identification - The City Manager informed the City Council that under this project electric engravers would be made available to citizens. Citizens would be expected to pick up the engravers and to engrave their drivers license numbers on all metallic objects they own. Upon completing the engraving the citizens would return the metal engravers and receive a sticker to be placed on a window of their home. Should any items bearing the drivers license numbers be stolen, the police officer locating such items could locate the owner by reporting the drivers license number through the Police Information Network. The City Manager stated the project was designed as a means of preventing crime. The City Manager stated that the City's cash cost for this project was \$15.74 with an in kind contribution of \$12.94. Upon a motion by Councilman Cross, seconded by Councilman Ledbetter, the City Council unanimously voted to approve the project as submitted.

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3. Improve Training - The City Manager explained that under this project Police Officers could receive training at technical institutes and through several other methods and the City would be reimbursed for seventy-five percent of the cost of such training. He stated that the City's cash cost of this project is \$64.10 with an in kind contribution of \$256.50. Upon a motion by Councilman Cross, seconded by Councilman Ledbetter, the City Council unanimously voted to approve the project as submitted.

4. Regional Training Officer - The City Manager informed the City Council that this project, if approved, would provide a Police Officer who would be assigned to training all Police Officers in Region C. Police Captain John Beck and the City Manager both agreed that there were numerous training programs presently available. The City Manager stated that the greater problem was allowing officers to be absent from work during the training periods. After much discussion the City Council decided not to approve the project.

INTERIM BUDGET ORDINANCE: The City Manager presented an Interim Appropriations Ordinance for the operation of the different municipal offices until the adoption of the 1973-74 budget ordinance. Upon a motion by Councilman Cross, seconded by Councilman Ledbetter, the City Council unanimously adopted the interim appropriations ordinance.

SUBURBAN CABLEVISION - TAX REFUND: The City Manager informed the City Council that a corrected certificate regarding Suburban Cablevision's appraised evaluations had been received from the State Board of Assessment, North Carolina Department of Revenue. Based on the corrected certification the City of Marion has overcharged Suburban Cablevision in the amount of \$39.33. The City Manager requested permission from the City Council to refund this amount to Suburban Cablevision. Upon a motion by Councilman Wilkerson, seconded by Councilman Clark, the City Council unanimously voted to approve the refund.

PRIVILEGE LICENSE - TAXATION OF NATIONAL BANKS: The City Manager stated that on January 1, 1973, the permanent provisions of the National Bank Tax Act of 1969 became effective. He stated that as a result of this change in the Federal Law, municipalities which are imposing a privilege license tax on State Chartered banks must also impose such a tax on national banks. He requested that the privilege license ordinance be amended to provide for a privilege license tax for national banks. Upon a motion by Councilman Wilkerson, seconded by Councilman Clark, the City Council unanimously voted to charge a privilege license tax of \$50.00 for national and industrial banks.

JAIL: The City Manager advised the City Council that County Manager Jack Harmon had indicated an interest in securing the jail cells which are planned to be removed from the municipal building in the next fiscal year. He stated that Mr. Harmon needed additional cells for confinement of juveniles and women prisoners. The City Manager was instructed to allow the County to have the jail cells provided the County would remove the cells from the municipal building.

SEPARATE WATER METER REQUIREMENT: The City Manager advised the City Council that upon investigation it had been determined that a large number of persons were using municipal water without having a separate water meter. He stated that a large number of mobile home owners had connected their mobile home's water systems into permanent residences rather than having a meter installed to serve each separately. He advised the City Council that action was being taken to insure compliance with the ordinance requiring separate water meters for each separate house, business or unit.

The Meeting was adjourned to re-convene in executive session.

Mayor James Segars informed the City Council that the purpose of this executive session was to discuss personnel matters.

He informed the City Council that he had been advised by the City Manager and Police Captain John Beck that officer Eugene Dixon's sick leave and vacation time had expired. Mayor Segars stated that upon investigation it had been determined that officer Dixon's condition had improved some but not sufficient for his return to duty with the Marion Police Department. After much discussion John Beck was directed to advise Mrs. Dixon that the City would pay Officer Dixon one additional week and then he would be placed in a non-pay status. Officer Beck was instructed to advise Mrs. Dixon that should Dixon's condition improve to the point that he, both mentally and physically, could perform the functions necessary, consideration would be given to his return to duty with the Police Department. A certificate signed by his physician certifying that he is able to perform all functions of a police officer, would be necessary.

Upon a motion by Councilman Wilkerson, seconded by Councilman Ledbetter, the City Council unanimously voted to re-appoint James Earl Daniels as City Manager with duties to include City Clerk, City Treasurer and Tax Collector for fiscal year 1973-74.

There being no further business, the meeting was adjourned.

James Segars
Mayor

James Earl Daniels
City Manager

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION

June 29, 1973

Minutes, Special City Council Meeting, June 29, 1973.

The City Council of the City of Marion met in a special called session, Friday evening June 29th, 1973 at 12:30 P.M. in the City Manager's Office at City Hall.

Board members present, Mayor James Segars; Councilmen Horace Wilkerson, Robert James, Everette Clark and William Ledbetter.

Others present, Earl Daniels, City Manager.

AMENDMENT - 1972-1973 BUDGET ORDINANCE: The City Manager presented an Ordinance entitled "An Ordinance Amending the 1972-1973 Budget Ordinance of the City of Marion." The City Manager informed the City Council that under the existing 1972-1973 Budget Ordinance the total anticipated revenues were balanced against the total estimated expenditures. He continued by stating that the anticipated revenues from the Water and Sewer Fund should be balanced against the estimated expenditures in the Water and Sewer Fund and that the total anticipated revenues for the Debt Service Fund should be balanced with the total estimated expenditures in the Debt Service Fund and finally that the total anticipated revenues for the General Fund should be balanced against the total estimated expenditures in the General Fund. He stated that the auditors report would present the information in this manner by balancing each of these funds separately.

See City of Marion Ordinance Book, Ordinance No. 0-73-29-6-1

AN ORDINANCE AMENDING THE 1973 - 74 BUDGET
ORDINANCE OF THE CITY OF MARION

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

Section 1. The 1973 - 74 Budget Ordinance of the City of Marion, adopted on July 10, 1973 and appearing at page 370 of the Minute Book of the City Council of the City of Marion, is amended by making the following additions and deletions to the below listed accounts:

General Fund Disbursements
General Government
10 - 410 - 00

Salaries, account number 02 is increased from \$41,800 to \$42,000 by transferring \$200.00 from Retirement, account number 07.

FICA, account number 05 is increased from \$2,280.00 to \$2,450.00 by transferring \$170.00 from Insurance & Bonds, account number 54.

Group Insurance, account number 06 is increased from \$1,429.00 to \$1,850.00 by transferring \$421.00 from Insurance & Bonds, account number 54.

Retirement, account number 07 is reduced from \$4,300.00 to \$3,450.00 by transferring \$200.00 to Salaries, account number 02 and \$600.00 to Utilities, account number 13 and \$50.00 to Departmental Supplies, account number 33.

Telephone and Postage, account number 11, is increased from \$960.00 to \$1,225.00 by transferring \$265.00 from Insurance and Bonds, account number 54.

Utilities, account number 13, is increased from \$2,400.00 to \$3,000.00 by transferring \$600.00 from Retirement, account number 07.

Building and Equipment Rents, account number 21, is increased from \$725.00 to \$825.00 by transferring \$100.00 from Insurance and Bonds, account number 54.

Advertising, account number 26, is reduced from \$1,500.00 to \$1,100.00 by transferring \$321.00 to Departmental Supplies, account number 33, and \$79.00 to Contracted Services, account number 45.

Departmental Supplies, account number 33, is increased from \$2,800.00 to \$3,171.00 by transferring \$371.00 from Advertising, account number 26, and \$50.00 from Retirement, account number 07.

Contracted Services, account number 45 is increased from \$1,600.00 to \$1,700.00 by transferring \$79.00 from Advertising, account number 26 and \$21.00 from Insurance & Bonds, account number 54.

Dues & Subscriptions, account number 53, is increased from \$1,400.00 to \$1,500.00 by transferring \$100.00 from Insurance & Bonds, account number 54.

Insurance & Bonds, account number 54, is reduced from \$11,077.00 to \$10,000.00 by transferring \$170.00 to FICA, account number 05; \$421.00 to Group Insurance account number 06; \$265.00 to Telephone & Postage, account number 11; \$100.00 to Building & Equipment Rent, account number 21; \$21.00 to Contracted Services, account number 45; and \$100.00 to Dues & Subscriptions, account number 53.

The Meeting was adjourned to re-convene in executive session.

Mayor James Segars informed the City Council that the purpose of this executive session was to discuss personnel matters.

He informed the City Council that he had been advised by the City Manager and Police Captain John Beck that officer Eugene Dixon's sick leave and vacation time had expired. Mayor Segars stated that upon investigation it had been determined that officer Dixon's condition had improved some but not sufficient for his return to duty with the Marion Police Department. After much discussion John Beck was directed to advise Mrs. Dixon that the City would pay Officer Dixon one additional week and then he would be placed in a non-pay status. Officer Beck was instructed to advise Mrs. Dixon that should Dixon's condition improve to the point that he, both mentally and physically, could perform the functions necessary, consideration would be given to his return to duty with the Police Department. A certificate signed by his physician certifying that he is able to perform all functions of a police officer, would be necessary.

Upon a motion by Councilman Wilkerson, seconded by Councilman Ledbetter, the City Council unanimously voted to re-appoint James Earl Daniels as City Manager with duties to include City Clerk, City Treasurer and Tax Collector for fiscal year 1973-74.

There being no further business, the meeting was adjourned.

James Segars
Mayor

James Earl Daniels
City Manager

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

June 29, 1973

Minutes, Special City Council Meeting, June 29, 1973.

The City Council of the City of Marion met in a special called session, Friday evening June 29th, 1973 at 12:30 P.M. in the City Manager's Office at City Hall.

Board members present, Mayor James Segars; Councilmen Horace Wilkerson, Robert James, Everette Clark and William Ledbetter.

Others present, Earl Daniels, City Manager.

AMENDMENT - 1972-1973 BUDGET ORDINANCE: The City Manager presented an Ordinance entitled "An Ordinance Amending the 1972-1973 Budget Ordinance of the City of Marion." The City Manager informed the City Council that under the existing 1972-1973 Budget Ordinance the total anticipated revenues were balanced against the total estimated expenditures. He continued by stating that the anticipated revenues from the Water and Sewer fund should be balanced against the estimated expenditures in the Water and Sewer Fund and that the total anticipated revenues for the Debt Service Fund should be balanced with the total estimated expenditures in the Debt Service Fund and finally that the total anticipated revenues for the General Fund should be balanced against the total estimated expenditures in the General Fund. He stated that the auditors report would present the information in this manner by balancing each of these funds separately.

See City of Marion Ordinance Book, Ordinance No. 0-73-29-6-1

Police Department
10 - 510 - 00

Fringe Benefits, account number 09, is increased from \$575.00 to \$762.10 by transferring \$187.10 from Uniforms, account number 36.

Maintenance, Buildings, and Grounds, account number 15 is increased from \$1,900.00 to \$2,200.00 by transferring \$300.00 from Uniforms, account number 36.

Uniforms, account number 36, is decreased from \$2,000.00 to \$1,512.90 by transferring \$187.10 to Fringe Benefits, account number 09 and \$300.00 to Maintenance, Buildings, and Grounds, account number 15.

Fire Department
10 - 530 - 00

Fringe Benefits, account number 09, is increased from \$110.00 to \$125.00 by transferring \$15.00 from Departmental Supplies, account number 33.

Telephone & Postage, account number 11, is increased from \$1,213.00 to \$1,413.00 by transferring \$200.00 from Departmental Supplies, account number 33.

Automotive Supplies, account number 31, is increased from \$1,576.00 to \$1,776.00 by transferring \$200.00 from Departmental Supplies, account number 33.

Departmental Supplies, account number 33, is decreased from \$3,422.00 to \$3,007.00 by transferring \$15.00 to Fringe Benefits, account number 09; \$200.00 to Telephone & Postage, account number 11; and, \$200.00 to Automotive Supplies, account number 31.

Street Department
10 - 560 - 00

Salaries, account number 02, is decreased from \$34,355.00 to \$32,155.00 by transferring \$400.00 to Maintenance Equipment and \$1,800.00 to Maintenance Trucks, account number 17.

Maintenance Equipment, account number 16, is increased from \$800.00 to \$1,200.00 by transferring \$400.00 from Salaries, account number 02.

Maintenance Truck, account number 17, is increased from \$2,800.00 to \$4,300.00 by transferring \$1,800.00 from Salaries, account number 02.

Sanitation Department
10 - 580 - 00

Salaries, account number 02, is decreased from \$45,507.00 to \$44,507.00 by transferring \$1,000.00 to Maintenance Trucks, account number 17.

Maintenance Trucks, account number 17, is increased from \$3,000.00 to \$4,000.00 by transferring \$1,000.00 from Salaries, account number 02.

The Meeting was adjourned to re-convene in executive session.

Mayor James Segars informed the City Council that the purpose of this executive session was to discuss personnel matters.

He informed the City Council that he had been advised by the City Manager and Police Captain John Beck that officer Eugene Dixon's sick leave and vacation time had expired. Mayor Segars stated that upon investigation it had been determined that officer Dixon's condition had improved some but not sufficient for his return to duty with the Marion Police Department. After much discussion John Beck was directed to advise Mrs. Dixon that the City would pay Officer Dixon one additional week and then he would be placed in a non-pay status. Officer Beck was instructed to advise Mrs. Dixon that should Dixon's condition improve to the point that he, both mentally and physically, could perform the functions necessary, consideration would be given to his return to duty with the Police Department. A certificate signed by his physician certifying that he is able to perform all functions of a police officer, would be necessary.

Upon a motion by Councilman Wilkerson, seconded by Councilman Ledbetter, the City Council unanimously voted to re-appoint James Earl Daniels as City Manager with duties to include City Clerk, City Treasurer and Tax Collector for fiscal year 1973-74.

There being no further business, the meeting was adjourned.

James Segars
Mayor

James Earl Daniels
City Manager

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STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

June 29, 1973

Minutes, Special City Council Meeting, June 29, 1973.

The City Council of the City of Marion met in a special called session, Friday evening June 29th, 1973 at 12:30 P.M. in the City Manager's Office at City Hall.

Board members present, Mayor James Segars; Councilmen Horace Wilkerson, Robert James, Everette Clark and William Ledbetter.

Others present, Earl Daniels, City Manager.

AMENDMENT - 1972-1973 BUDGET ORDINANCE: The City Manager presented an Ordinance entitled "An Ordinance Amending the 1972-1973 Budget Ordinance of the City of Marion." The City Manager informed the City Council that under the existing 1972-1973 Budget Ordinance the total anticipated revenues were balanced against the total estimated expenditures. He continued by stating that the anticipated revenues from the Water and Sewer fund should be balanced against the estimated expenditures in the Water and Sewer Fund and that the total anticipated revenues for the Debt Service Fund should be balanced with the total estimated expenditures in the Debt Service Fund and finally that the total anticipated revenues for the General Fund should be balanced against the total estimated expenditures in the General Fund. He stated that the auditors report would present the information in this manner by balancing each of these funds separately.

See City of Marion Ordinance Book, Ordinance No. 0-73-29-6-1

Recreation Department
10 - 620 - 00

Utilities, account number 13, is increased from \$1,600.00 to \$2,400.00 by a supplemental appropriation of \$800.00.

Capital Outlay, account number 74, is increased from \$6,000.00 to \$7,500.00 by a supplemental appropriation of \$1,500.00.

Contributions, account number 91, is increased from \$3,500.00 by a supplemental appropriation of \$300.00.

Cemetery
10 - 640 - 00

Retirement, account number 07, is increased from \$00.00 to \$300.00 by transferring \$300.00 from Capital Outlay, account number 74.

Capital Outlay, account number 74, is decreased from \$950.00 to \$650.00 by transferring \$300.00 to Retirement, account number 07.

Water/Sewer Disbursements
30 - 810 - 00

Salaries, account number 02, is increased from \$66,112.00 to \$70,112.00 by transferring \$4,000.00 from Contribution to General Fund, account number 91.

Departmental Supplies, account number 33, is increased from \$17,000.00 to \$27,000.00 by transferring \$10,000.00 from Contribution to General Fund, account number 91.

Capital Outlay, account number 74 is increased from \$16,000.00 to \$26,000.00 by transferring \$10,000.00 from Contribution to General Fund, account number 91.

Contribution to General Fund, account number 91, is decreased from \$24,000.00 to \$00.00 by transferring \$4,000.00 to Salaries, account number 02; \$10,000.00 to Departmental Supplies, account number 33; and, \$10,000.00 to Capital Outlay, account number 74.

Filter Plant
30 - 812 - 00

Maintenance Truck, account number 17 is increased from \$360.00 to \$500.00 by transferring \$140.00 from Maintenance Equipment, account number 16.

Maintenance Equipment, account number 16 is decreased from \$2,400.00 to \$2,260.00 by transferring \$140.00 to Maintenance Trucks, account number 17.

Section 2. That a copy of this ordinance be attached to the 1973 - 74 Budget Ordinance of the City of Marion as adopted on July 10th, 1973.

Adopted this the 25th day of June, 1974.

Mayor

ATTEST:

City Clerk

The Meeting was adjourned to re-convene in executive session.

Mayor James Segars informed the City Council that the purpose of this executive session was to discuss personnel matters.

He informed the City Council that he had been advised by the City Manager and Police Captain John Beck that officer Eugene Dixon's sick leave and vacation time had expired. Mayor Segars stated that upon investigation it had been determined that officer Dixon's condition had improved some but not sufficient for his return to duty with the Marion Police Department. After much discussion John Beck was directed to advise Mrs. Dixon that the City would pay Officer Dixon one additional week and then he would be placed in a non-pay status. Officer Beck was instructed to advise Mrs. Dixon that should Dixon's condition improve to the point that he, both mentally and physically, could perform the functions necessary, consideration would be given to his return to duty with the Police Department. A certificate signed by his physician certifying that he is able to perform all functions of a police officer, would be necessary.

Upon a motion by Councilman Wilkerson, seconded by Councilman Ledbetter, the City Council unanimously voted to re-appoint James Earl Daniels as City Manager with duties to include City Clerk, City Treasurer and Tax Collector for fiscal year 1973-74.

There being no further business, the meeting was adjourned.

James Segars
Mayor

James Earl Daniels
City Manager

CCG002

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

June 29, 1973

Minutes, Special City Council Meeting, June 29, 1973.

The City Council of the City of Marion met in a special called session, Friday evening June 29th, 1973 at 12:30 P.M. in the City Manager's Office at City Hall.

Board members present, Mayor James Segars; Councilmen Horace Wilkerson, Robert James, Everette Clark and William Ledbetter.

Others present, Earl Daniels, City Manager.

AMENDMENT - 1972-1973 BUDGET ORDINANCE: The City Manager presented an Ordinance entitled "An Ordinance Amending the 1972-1973 Budget Ordinance of the City of Marion." The City Manager informed the City Council that under the existing 1972-1973 Budget Ordinance the total anticipated revenues were balanced against the total estimated expenditures. He continued by stating that the anticipated revenues from the Water and Sewer fund should be balanced against the estimated expenditures in the Water and Sewer Fund and that the total anticipated revenues for the Debt Service Fund should be balanced with the total estimated expenditures in the Debt Service Fund and finally that the total anticipated revenues for the General Fund should be balanced against the total estimated expenditures in the General Fund. He stated that the auditors report would present the information in this manner by balancing each of these funds separately.

See City of Marion Ordinance Book, Ordinance No. 0-73-29-6-1

The City Manager also advised the City Council that several different departments had over spent their budgets due to a lack of financial information regarding expenditures.

The City Manager stated that the new purchase order system would eliminate this problem in the 1973-74 Budget.

The City Manager advised the City Council that the proposed amended budget would correct these problems.

Upon a motion by Councilman Ledbetter, seconded by Councilman James, the City Council unanimously voted to approve the ordinance entitled, "An Ordinance amending the 1972-1973 Budget Ordinance of the City of Marion."

There being no further business, the meeting was adjourned.

James Segars
Mayor

James Earl Daniels
City Manager

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

July 10, 1973

The City Council of the City of Marion met in a special called session Tuesday night, July 10, 1973 at 7:30 P.M. in the City Council Chamber at City Hall.

Board members present, Mayor James Segars, Councilmen Horace Wilkerson, Robert James, Everette Clark and Oliver R. Cross.

Others present, Earl Daniels; City Manager and Don Dillingham, newspaper reporter.

METERING MULTI-UNIT BUILDINGS: The City Manager informed the Council that he had received a letter from a local businessman regarding the requirement for separate water meters for each house, mobile home, unit, business and/or combination thereof. The businessman stated in his letter that he had a multi-unit building which had two commercial users with four apartments upstairs. The letter further stated that the owner paid all water bills and did not charge customers and/or tenants for the water used. The letter continued by stating that the owner of the building would follow the new proposed policy if every building, tourist court, and hotel had to pay a minimum water bill for each room or set of rooms that has water.

The City Manager stated that he had talked with this businessman personally and had advised the businessman that his recommendations to the City Council would be to charge the minimum rate for each separate apartment and/or business unit and to multiply the number of gallons of water provided by the minimum bill, times the number of units and deduct that figure from the actual reading on the master meter, then billing the owner for the difference.

The City Manager stated that an undue hardship would be placed on persons owning existing multi-unit buildings having a single meter by requiring the plumbing in the building to be altered to provide for separate meters for each apartment and/or unit. The City Council generally seemed to agree with this proposal. The City Manager was directed to prepare a policy for consideration by the City Council at the next regular meeting regarding billing procedures for existing multi-unit buildings.

1973-1974 BUDGET ORDINANCE - PUBLIC HEARING: The City Manager presented the Budget Ordinance for the fiscal year 1973-1974. Mayor Segars asked if any Board member had any questions regarding the proposed budget or any additions or deletions to the budget. No questions or comments were made by the City Council regarding the proposed budget. Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to approve the 1973-1974 Budget Ordinance.

Privilege LICENSE ORDINANCE: The City Manager advised the City Council that consideration had been given to the preparation and presentation of a new privilege license ordinance for the City of Marion, however, due to the fact the state is presently conducting a study regarding privilege license a new ordinance would be premature. The City Manager advised the City Council that it would be necessary to adopt the 1949 business license ordinance as amended through June 30, 1973. Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to adopt the 1949 business license ordinance as amended through June 30, 1973.

See City of Marion Ordinance Book, No. 0-73-10-7-1

PRIVATE WATER LINE - BALDWIN AVENUE - MR. J.E. LAVENDAR: The City Manager presented a letter from Mr. J.E. Lavendar requesting the City of Marion to accept and maintain a 2" private water line serving Baldwin Avenue and the immediate area. The City Council discussed the request at length and directed the City Manager to conduct a survey to determine the length of the line, the number of customers being served by the lines and the number of services both metered and unmetered.

STATE GRANT APPLICATION FOR WASTEWATER TREATMENT WORKS: The City Manager presented a letter from Mr. E.C. Hubbard, Assistant Director, Office of Water and Air Resources regarding the City's application for 25% State funds for the construction of a waste water treatment plant. Mr. Hubbard acknowledged receipt of the application and supporting documents requesting a 25% State Grant in the amount of \$861,250.00 to aid in construction of the Marion proposed wastewater treatment facility. The letter stated that the Federal Water Pollution Control Act of 1972 did not require a percentage of State matching grant funds for approval of a 75% Federal Grant. Mr. Hubbard explained in the letter that the Board of Water and Air Resources adopted a policy for January 18, 1973 which authorized 12.5% State Grants for projects approved for 75% Federal grants. In the letter Mr. Hubbard advised that the State Grant requested by the City of Marion should be revised to 12.5% of the estimated eligible project cost. He stated in the letter that this will result in a reduction of the State Grant requested from \$861,250.00 to \$406,620.00 which would increase the local share of the estimated project cost to \$418,630.00. Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council unanimously voted to revise to 12.5% the State Grant requested.

CCG002

FILLING WATER WAGONS FROM FIRE HYDRANTS: The City Manager informed the City Council that several requests had been received from persons wishing to fill water tanks from fire hydrants. He stated that no charges had been established for filling of tanks from fire hydrants. He informed the City Council that only persons authorized should be permitted to operate hydrants. The City Manager recommended that a charge of \$7.50 be established to cover expenses of having a fireman fill water tanks from hydrants. After discussing the issue the City Council agreed that a charge of \$7.50 should be made to any and all persons wishing to have tanks filled from fire hydrants and that only qualified firemen be permitted to fill said tanks. It was also agreed that no charge would be placed on fire departments authorized to fill fire trucks from hydrants. The City Council also agreed that the Marion Fire Department would not be authorized to fill swimming pools either from fire hydrants or from fire trucks.

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

July 17, 1973

The City Council of the City of Marion met in a regularly scheduled session Tuesday night July 17, 1973 at 7:30 P.M. in the City Council Chamber at City Hall.

Board members present: Mayor James H. Segars, Councilmen Everette Clark, William Ledbetter, Oliver Cross and Robert James.

Others present: City Manager Earl Daniels, City Attorney E.P. Dameron, Don Dillingham, newspaper reporter, Fire Chief Arthur Edwards and guest Mr. B.A. Dixon, Mr. W.R. Harkey; District Manager, Suburban Cablevision and L.T. Decker; Vice President, Suburban Cablevision.

APPROVAL OF THE JUNE 29, 1973 MINUTES: Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the City Council unanimously voted to approve the minutes of the June 29, 1973 meeting.

The City Manager informed the City Council that the minutes of the July 10, 1973 meeting had not been completed.

Mr. B.A. Dixon was present and informed the City Council that action should be taken by the Marion Police Department to curb speeding on South Garden Street. He advised the Council that many persons were speeding on this street and that some action should be taken to correct the problem. Mr. Dixon advised the City Council that in his opinion a traffic light should be installed on the intersection of Spring Street and South Garden Street to reduce speeding in that area. Mayor Segars informed Mr. Dixon that the City Council was aware of the speeding, not only on Garden Street but on many other streets in the City of Marion. He advised Mr. Dixon that the Marion Police Department had been advised approximately three weeks ago to keep a close check on speeders and to use the Police radar in reducing speeding in all sections of town. Mr. Dixon also explained to the City Council that many persons were turning around in his driveway and that the vehicles were damaging his driveway. He asked if there was some procedures that could be followed to eliminate persons from using his driveway. Mayor Segars discussed this problem with the City Council and also with City Attorney E.P. Dameron. Mr. Dixon was advised that the City could take no action to prohibit persons from using his driveway to turn around. It was suggested, however, that he place a sign in the driveway advising persons not to use the driveway for turn around purposes.

CARR BELL PROPERTY PURCHASED BY CITY - TAXES: The City Manager informed the City Council that Mrs. Margaret Bell had raised a question regarding the 1973 taxes on property which was purchased by the City of Marion. The City Manager stated that the agreement to purchase the property and the deposit for the purchase of the property was made prior to January of 1973. Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously agreed that since the property was purchased by the City under an agreement and a deposit made in December of 1972, that Mrs. Bell would have no obligation to pay City taxes on the property.

SUBURBAN CABLEVISION, INC. - RATE INCREASE REQUEST: Mr. L.T. Decker, Vice President and Mr. W.R. Harkey, District Manager of Suburban Cablevision presented to the Marion City Council a request for a rate increase. The proposed new rates are as follows:

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Proposed CATV Rate Structure

Installation Charges

First Outlet (above ground)	\$15.00
First Outlet (under ground)	\$15.00 plus .25/ft.
Additional Outlets (above ground)	\$ 5.00
Additional Outlets (underground)	\$ 5.00 plus .25/ft.

Monthly Service

First Outlet	\$ 6.00
Additional Outlets	\$ 1.50 ea.
FM Service	\$ 1.50

Miscellaneous Charges

Reconnection Charge	\$ 5.00
Relocate Outlet	\$ 5.00 plus .25/ft. if underground work is required
Transfer (One home to another where cable is installed)	\$ 5.00

Multiple Unit Customers

The rates for apartment houses will be the same as that listed above for residential service. The rates for motels and hotels where one billing only is required for all services will be subject to separate negotiation as to installation fees and monthly service. In no case will charges exceed those calculated on rate structure for ordinary residential service.

The City Council discussed the requested rate increase and asked several questions regarding Suburban Cablevision's operation. Mr. Decker informed the City Council that the present revenues received by the company were not sufficient to pay the cost of operation and needed expansion. Mr. Decker also said that the Company would like to provide some local coverage of local events such as high school football games, etc.

The City Manager was directed to prepare the necessary ordinance amending the franchise to provide for the rate increase as requested. The City Manager informed the City Council that in his opinion approval of the rate increase would require three public readings at three regular City Council meetings. The City Manager was advised to follow legal procedures required by Statute regarding the franchise. (GS 160A-76 requires that amendments to franchise be read twice at two regular meetings of City Council.) Upon a motion by Councilman James, seconded by Councilman Ledbetter, the City Council unanimously voted to approve the rate increase as requested by Suburban Cablevision, Inc. and to hold the second reading of the proposed ordinance amending the franchise on August 7, 1973 at 7:30 P.M. in the City Council Chambers at City Hall.

BIDS - SALE OF CITY OWNED LOT - BLUE RIDGE STREET: The City Manager advised the City Council that no bids had been received for the sale of the City-owned lot located on Blue Ridge Street. The City Manager stated that he has received a phone call regarding sale of the property but that the person wishing to purchase the property had not submitted a legal bid. The City Manager requested permission to re-advertise the property for sale. This request was approved by the City Council.

METERING MULTI-UNIT BUILDINGS - PROPOSED POLICY: The City Manager presented a proposed policy regarding water billing procedures for multi-unit buildings.

**POLICY
REGARDING WATER BILLING PROCEDURES FOR MULTI-UNIT
BUILDINGS**

Existing buildings as of July 1, 1973 having two or more separate units, residential, commercial and/or any combination thereof, presently being served by one water meter will not be required to have a separate water meter for each unit provided all units are an integral part of said building and under the same roof. Owners and/or occupants will be billed according to the following formula:

The minimum water rate will be charged each separate unit and the number of gallons provided for each minimum rate will be added together and the total subtracted from the actual number of gallons used as registered by the water meter. The owner and/or occupant will be billed for any overage according to the standard water rate. This formula will apply whether said units are occupied or not.

The sewer charge, where applicable, will be computed on the same basis as other sewer charges but by using the sum of all minimums or the actual number of gallons used as registered by the water meter, which ever is greater.

The above formula will not apply to Commercial Buildings where two or more offices and/or commercial units share one or more restrooms with the general public unless separate restrooms are provided each separate office or unit.

The above formula will not apply to hotels, motels, tourist courts or boarding houses unless rooms or units contain complete kitchen and bathroom facilities.

Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to approve the proposed policy as presented by the City Manager.

FIRE TRUCK SPECIFICATIONS: The City Manager presented a contract prepared by Sherman Pickard of the North Carolina League of Municipalities regarding the preparations of specifications for a new fire truck to be purchased by the City of Marion. Under the terms of the contract, the City of Marion would pay the N.C. League of Municipalities \$250.00 plus travel expenses, room and board and other miscellaneous charges for the preparation of specifications for the new fire truck. Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to approve the contract with the League of Municipalities as presented.

SALE OF POLICE CAR: The City Manager informed the City Council that the 1969 Ford Police car which was damaged recently in an automobile accident was not in his opinion worth repairing. He stated that estimated costs for repair of the vehicle amounted to \$600.00. The City Manager asked that the vehicle be declared surplus property and sold by sealed bid procedures. Upon a motion by Councilman Cross, seconded by Councilman Ledbetter, the City Council unanimously voted to declare the vehicle surplus property and to sell the vehicle at sealed bids.

PLANNING BOARD - JOINT MEETING: The City Manager informed the City Council that the Planning Board had requested a joint meeting to discuss the proposed Zoning Ordinance for the City of Marion. He stated that the meeting was to be held in July, however, due to the budget and several other important matters, the meeting was not held. The City Council discussed holding a joint meeting with the Planning Board to discuss the proposed Zoning Ordinance prior to holding a Public Hearing for consideration to adopt the Zoning Ordinance. The City Manager was directed to contact the Chairman of the Planning Board, Mr. John Cross, and to advise that the City Council would hold a dinner meeting with the Planning Board on August 28, 1973, at a place to be determined at a later date.

FOXFIRE SUBDIVISION - WATER/SEWER UTILITIES: Several questions were raised regarding the water and sewer utilities for Foxfire Subdivision. The City Manager informed the City Council that the main water line had been extended by City forces from State Street to the property line of Foxfire Subdivision. He advised the City Council that an engineer from O'Brien and Gere had gone with the Public Works Director and the City Manager to Foxfire Subdivision to check on some elevations regarding sewer lines. He stated that upon investigation it was determined that sewer lines had already been installed in a major part of the Foxfire Subdivision without previous knowledge of City forces. The City Manager informed the City Council that on several occasions he had requested complete plans and specifications regarding the water and sewer lines proposed for Foxfire Subdivision but as of this date he had received no plans or specifications for any of the utilities. He informed the City Council that he had been advised by Mr. Red Walker that the Public Works Director had been notified regarding the sewer line installation but that upon questioning Mr. Brown, the Public Works Director, he was advised that Mr. Brown was not aware that the sewer lines were being installed. The City Manager informed the City Council that the lines which were exposed were not installed in a straight line but rather were rolled. He stated that in his opinion this could allow infiltration into the system when it is connected into the City system. The City Council advised the City Manager that approval of plans and specifications for the installation of the sewer system were supposed to be approved by the City Council prior to any construction. The City Council agreed that installation of the sewer lines and manholes without prior approval of the City Council violated the verbal agreement between the developer and the City Council regarding the sewer system for the subdivision.

See Following Page

CCG002

The City Manager stated that all sewer systems in subdivisions had to be approved by the Board of Water and Air Resources before being connected into the City's system. He stated that to the best of his knowledge no one had received the plans and specifications, approved or inspected the sewer system installed in Foxfire Subdivision. The City Manager was directed to send a letter to Mr. Bill Mull with the North Carolina Water and Air Resources advising him of the situation.

There being no further business, the meeting was adjourned.

James Segars
Mayor

James Earl Daniels
City Manager

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

August 7, 1973

The City Council of the City of Marion met in a regularly scheduled meeting Tuesday night, August 7 at 7:30 P.M. in the City Council Chamber at City Hall.

Board members present: Everette Clark, W.R. Ledbetter, Oliver Cross, Robert James and Horace Wilkerson. Mayor James Segars arrived at approximately 9:30.

Others present: City Manager Earl Daniels, City Attorney E.P. Dameron, Fire Chief Arthur Edwards and Mrs. Rosmond Braly, McDowell News Reporter.

APPROVAL OF THE JULY 10, 1973 MINUTES: Upon a motion by Councilman Wilkerson, seconded by Councilman Cross, the City Council unanimously voted to approve the minutes of the July 10, 1973 meeting.

APPROVAL OF THE JULY 17, 1973 MINUTES: Upon a motion by Councilman Wilkerson, seconded by Councilman Cross, the City Council unanimously voted to approve the minutes of the July 17, 1973 meeting.

PUBLIC NUISANCE COMPLAINT: Mrs. Sally Johnson of Pulliam Street came before the City Council to complain about her neighbors. She informed the City Council that she had complained to both the City Manager and the Chief of Police in recent weeks. She stated her neighbors make so much noise at night that it is impossible for her to rest. She informed the City Council that the Police Department had responded to her calls but were unable to observe the problem since the persons involved would hide until the police car passed. She stated she had seen an eleven year old child drinking beer on the front porch of the residence. She also stated that these persons had no respect for anyone's property and that cans, bottles, and other trash were thrown on the property and also that the property was grown up in weeds.

The City Manager informed the City Council that he had investigated the complaints. He stated that the Chief of Police had advised no other persons living on Pulliam Street had filed a formal complaint and therefore it would appear that said persons were not disturbing the neighborhood. He advised the City Council that Mrs. Johnson had been informed that the City could take no action on her complaint unless a Police Officer witnessed a violation of City Ordinance unless she wished to take out a warrant. After much discussion Mrs. Johnson was advised that the City could take no action on her complaint regarding noises disturbing the neighborhood. It was suggested that Mrs. Johnson may wish to contact the welfare department or the McDowell County Health Department regarding sanitary conditions in the particular home which prompted the complaint.

SUBURBAN CABLEVISION INC. FRANCHISE AMENDMENT: The City Manager presented an ordinance amending the Suburban Cablevision Franchise Ordinance. He informed the City Council that the City Attorney had advised that it would be necessary to hold only two readings of the proposed franchise amendment. He informed the Council that this would be the second reading of the proposed franchise amendment. No citizens appeared at the Council meeting to object to the proposed amendment or to speak in favor of the amendment. Councilman Wilkerson moved that the Ordinance amending the Suburban Cablevision Franchise Ordinance be approved by the City Council and that the Ordinance be effective the first day of October 1973. The motion was seconded by Councilman Cross and all voted in favor.

AN ORDINANCE AMENDING THE
SUBURBAN CABLEVISION, INC. FRANCHISE ORDINANCE

WHEREAS, the City Council of the City of Marion adopted an ordinance granting to S.P. McDonald, Jr. and William W. McDonald, and assigns the right to erect, maintain and operate a community television antenna system (Franchise) on the 5th day of October 1965; and

WHEREAS, the City Council of the City of Marion adopted a resolution on the 12th day of December 1965 stating that Marion T.V. Cable, Inc. be granted approval and the right to assign an ordinance heretofore granted to S.P. McDonald, Jr. and William W. McDonald on October 5, 1965, to Jefferson-Carolina Corporation of Greensboro, North Carolina, for the purpose of obtaining a construction loan; and

WHEREAS, the City Council of the City of Marion adopted a resolution on the 7th day of July 1970 stating that upon acquisition of the assets and properties belonging to Marion T.V. Cable, Inc. by Suburban Propane Gas Corporation, the Marion City Council approved the transfer from Marion T.V. Cable, Inc. to Suburban Propane Gas Corporation all rights and privileges appertaining under that certain franchise to erect, maintain and operate a community television antenna system; and

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The City Manager stated that all sewer systems in subdivisions had to be approved by the Board of Water and Air Resources before being connected into the City's system. He stated that to the best of his knowledge no one had received the plans and specifications, approved or inspected the sewer system installed in Foxfire Subdivision. The City Manager was directed to send a letter to Mr. Bill Mull with the North Carolina Water and Air Resources advising him of the situation.

There being no further business, the meeting was adjourned.

James Segars
Mayor

James Earl Daniels
City Manager

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

August 7, 1973

The City Council of the City of Marion met in a regularly scheduled meeting Tuesday night, August 7 at 7:30 P.M. in the City Council Chamber at City Hall.

Board members present: Everette Clark, W.R. Ledbetter, Oliver Cross, Robert James and Horace Wilkerson. Mayor James Segars arrived at approximately 9:30.

Others present: City Manager Earl Daniels, City Attorney E.P. Dameron, Fire Chief Arthur Edwards and Mrs. Rosmond Braly, McDowell News Reporter.

APPROVAL OF THE JULY 10, 1973 MINUTES: Upon a motion by Councilman Wilkerson, seconded by Councilman Cross, the City Council unanimously voted to approve the minutes of the July 10, 1973 meeting.

APPROVAL OF THE JULY 17, 1973 MINUTES: Upon a motion by Councilman Wilkerson, seconded by Councilman Cross, the City Council unanimously voted to approve the minutes of the July 17, 1973 meeting.

PUBLIC NUISANCE COMPLAINT: Mrs. Sally Johnson of Pulliam Street came before the City Council to complain about her neighbors. She informed the City Council that she had complained to both the City Manager and the Chief of Police in recent weeks. She stated her neighbors make so much noise at night that it is impossible for her to rest. She informed the City Council that the Police Department had responded to her calls but were unable to observe the problem since the persons involved would hide until the police car passed. She stated she had seen an eleven year old child drinking beer on the front porch of the residence. She also stated that these persons had no respect for anyone's property and that cans, bottles, and other trash were thrown on the property and also that the property was grown up in weeds.

The City Manager informed the City Council that he had investigated the complaints. He stated that the Chief of Police had advised no other persons living on Pulliam Street had filed a formal complaint and therefore it would appear that said persons were not disturbing the neighborhood. He advised the City Council that Mrs. Johnson had been informed that the City could take no action on her complaint unless a Police Officer witnessed a violation of City Ordinance unless she wished to take out a warrant. After much discussion Mrs. Johnson was advised that the City could take no action on her complaint regarding noises disturbing the neighborhood. It was suggested that Mrs. Johnson may wish to contact the welfare department or the McDowell County Health Department regarding sanitary conditions in the particular home which prompted the complaint.

SUBURBAN CABLEVISION INC. FRANCHISE AMENDMENT: The City Manager presented an ordinance amending the Suburban Cablevision Franchise Ordinance. He informed the City Council that the City Attorney had advised that it would be necessary to hold only two readings of the proposed franchise amendment. He informed the Council that this would be the second reading of the proposed franchise amendment. No citizens appeared at the Council meeting to object to the proposed amendment or to speak in favor of the amendment. Councilman Wilkerson moved that the Ordinance amending the Suburban Cablevision Franchise Ordinance be approved by the City Council and that the Ordinance be effective the first day of October 1973. The motion was seconded by Councilman Cross and all voted in favor.

AN ORDINANCE AMENDING THE
SUBURBAN CABLEVISION, INC. FRANCHISE ORDINANCE

WHEREAS, the City Council of the City of Marion adopted an ordinance granting to S.P. McDonald, Jr. and William W. McDonald, and assigns the right to erect, maintain and operate a community television antenna system (Franchise) on the 5th day of October 1965; and

WHEREAS, the City Council of the City of Marion adopted a resolution on the 12th day of December 1965 stating that Marion T.V. Cable, Inc. be granted approval and the right to assign an ordinance heretofore granted to S.P. McDonald, Jr. and William W. McDonald on October 5, 1965, to Jefferson-Carolina Corporation of Greensboro, North Carolina, for the purpose of obtaining a construction loan; and

WHEREAS, the City Council of the City of Marion adopted a resolution on the 7th day of July 1970 stating that upon acquisition of the assets and properties belonging to Marion T.V. Cable, Inc. by Suburban Propane Gas Corporation, the Marion City Council approved the transfer from Marion T.V. Cable, Inc. to Suburban Propane Gas Corporation all rights and privileges appertaining under that certain franchise to erect, maintain and operate a community television antenna system; and

CCG002

WHEREAS, the City Council of the City of Marion adopted a resolution on the 6th day of February 1973 amending SECTION 18 of the afore mentioned Ordinance to allow Suburban Cablevision Inc., to charge a subscriber an amount not to exceed \$9.95 as a fee for initial installation of the community antenna television service; and

WHEREAS, Suburban Cablevision Inc. has submitted a request that SECTION 18 of the Ordinance adopted the 5th day of October 1965, including all amendments thereto, be amended to provide for a change in the rate schedule.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARION, NORTH CAROLINA AS FOLLOWS:

SECTION 1. That SECTION 18 of the aforementioned ordinance adopted the 5th day of October 1965, including all amendments thereto, is hereby deleted in its entirety and in lieu thereof a new SECTION 18 to read as follows:

SECTION 18. CATV Rate Schedule;

Installation Charges;

First Outlet (above ground)	\$15.00
First Outlet (under ground)	15.00 plus .25/ft.
Additional Outlets (above ground)	5.00
Additional Outlets (Under ground)	5.00 plus .25/ft.

Monthly Service

First Outlet	6.00
Additional Outlets	1.50 each
F.M. Service	1.50

Miscellaneous Charges

Reconnection Charge	5.00
Relocate Outlet	5.00 plus .25/ft.

Transfer (one home to another
where cable is installed)

5.00

Multiple Unit Customers

The rates for apartment houses will be the same as that listed above for residential service. The rates for motels and hotels where one billing only is required for all service will be subject to separate negotiation as to installation fees and monthly service. In no case will charges exceed those calculated on rate structure for ordinary residential service.

Grantee stipulates and agrees with the City that no rates may be changed without the approval of the City Council of Marion

This Ordinance shall be effective the First day of October, 1973.

Adopted and approved this 7th day of August, 1973.

ATTEST

James H. Saylor
Mayor

James Earl Daniel
City Clerk

See City of Marion Ordinance Book, No. 0-73-7-8-1

SALE OF DAMAGED 1969 FORD POLICE CAR - SEALED BIDS: The City Manager informed the City Council that the other individual in the accident which damaged the City Police car had pleaded guilty to all counts according to Police Chief John Beck. He advised the Council that Police Chief Beck submitted a claim for damages to the insurance company of the other individual involved in the accident. He advised the council that as of this date no word had been received on the claim. The City Manager suggested that the bid for the sale of the car be opened but that the car not be sold prior to receiving some word regarding the claim. The City Manager presented a bid submitted by Mr. Travis L. Carroll for the purchase of the 1969 damaged police car in the amount of \$75.00. Upon a motion by Councilman Clark and seconded by Councilman James, the City Council unanimously voted to reject the bid proposal submitted by Mr. Carroll.

COMMUNITY BUILDING REGULATIONS: The City Manager advised the City Council that he had received several complaints from mothers regarding community building regulations which prohibits Mr. Beale Fletcher from teaching dance at the community building. The City Manager stated that Mrs. Jason Bryant has asked that the City Council reconsider the regulations and that consideration be given to making provisions for Mr. Fletcher to continue to use the building as in the past.

After much discussion regarding the use of the community building the manager was instructed to prepare a new regulation for consideration of the council which would allow the use of the Community Building for instruction purposes.

CEMETERY CHARGES - GRAVE OPENINGS: The City Manager advised the City Council that he had talked with the owners of both local funeral homes concerning grave openings on week-ends and holidays. He stated that he had been advised that McDowell Memorial Park charges \$50 week days and \$75 on week-ends and holidays. The City Manager informed the City Council that trying to bring City employees in on week-ends and holidays for grave openings creates problems. The City Manager recommended that consideration be given to increasing rates for grave openings on week-ends and holidays. Councilman Wilkerson moved that the grave opening charges be increased to \$50 for week days and \$70 for week-ends and holidays effective October 1, 1973. This motion was seconded by Councilman Cross and all members voted in favor.

PLANNING BOARD DINNER MEETING - ZONING ORDINANCE: The City Manager advised that Mr. John Cross had stated that the proposed date for the dinner meeting with the Planning Board and City Council of August 28 is inconvenient with the City Planner. Mr. Cross requested that consideration be given to August 14, 16 or 21. The City Manager stated that Mr. Cross advised that the Planning Board would meet any time the City Council directs but that one of the dates suggested would be more convenient for members of the Planning Board and the City Planner.

The City Council discussed the dates for meeting with the Planning Board but no decision was made to set a date for the meeting.

RESOLUTION ESTABLISHING CITY-COUNTY RECREATION COMMISSION: The City Manager informed the City Council that a meeting was held in the City Manager's office which was attended by the City Attorney, the County Manager, the County Attorney and the City Manager for the purpose of amending the proposed resolution to establish a City-County Recreation Commission. The City Manager stated that all changes made were changes in wording to provide clarification in compliance with North Carolina General Statutes. He stated that the changes had no real effect on the practical application of the proposed resolution. The City Manager informed the City Council that the County Commissioners had requested a joint dinner meeting with officials of Old Fort and Marion to discuss the proposed resolution. He stated the proposed date for the dinner meeting was August 14, 1973. The City Council discussed the proposed date for the dinner meeting and suggested that the City Manager contact the County Manager and try to re-schedule the proposed dinner meeting for August 21, 1973.

FAMILY DOLLAR STORES - REQUEST FOR WATER DEPOSIT REFUND: The City Manager informed the City Council the Family Dollar Stores had requested their water deposit be returned so that they can deposit same with a local savings and loan so they can draw interest on their money. The City Manager stated that he had previously notified the Family Dollar Stores that the water deposit could not be refunded for that purpose. The City Manager was instructed to notify the Family Dollar Stores our existing policy and to continue with the same policy.

CITY MANAGER REPORTS: The City Manager advised the City Council that Mary Jane Sullivan had resigned as Bookkeeper and that Kathryn Smith had been employed to assume this position. The City Manager also presented a list of work pending completion.

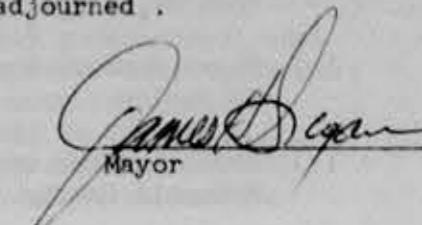
LOADING ZONE - ELEMENTARY SCHOOL - ROBERT STREET: The City Manager informed the City Council he had received a deed granting an easement to the City of Marion to provide for a loading zone to be located directly in front of the elementary school on Robert Street between the existing driveways on both the east and west side of the school building. He stated that under the proposed easement the City would be allowed to install a loading zone parallel to the existing street and that the easement would provide a strip of land 10 feet wide running adjacent and parallel to Robert Street. He stated that this easement included the existing sidewalk. The City Council discussed the proposed loading zone at great length. The City Manager stated that in his opinion providing a loading zone in this location would in effect widen the street but would not eliminate or prohibit persons parking in the street as they are now doing. He stated he did not feel that the loading zone constructed in this manner would eliminate the problem of traffic congestion. The City Manager advised the City Council that Mayor Segars and the Manager had discussed with Mr. Johnson, McDowell County School Superintendent, the feasibility of establishing a loop drive to run between the existing sidewalk and the building and that Mr. Johnson was opposed to this plan. The City Manager was directed to contact Mr. Johnson again regarding the possibility of installing a loop drive in front of the school building between the building and the existing sidewalk.

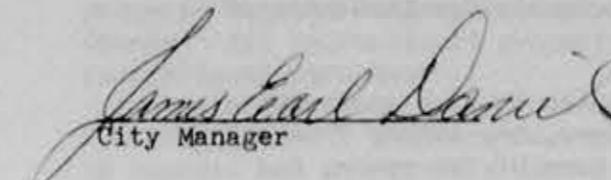
M.A. FIRE DEPARTMENT ROSTER: CERTIFICATION OF MEMBERS: Fire Chief Arthur Edwards presented a list of all firemen presently serving the M.A. Fire Department for Annual Certification to the N.C. Fireman's Pension Fund. Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the City Council unanimously voted to approve the list of members for certification as required.

FIRE TRUCK SPECIFICATIONS: Mayor Segars informed the City Council that the City had received the fire truck specifications prepared by Sherman Pickard with the League of Municipality. Mayor Segars stated that in reviewing the specifications he noted that the specifications named specifically two truck manufacturers and that it appeared that the bids were not open for all manufacturers to submit a proposal for the City's consideration. He advised the City Council that he and the Fire Chief and City Manager have been checking on the different types of diesel engines and specifications to determine our needs and provide for specifications which would permit more than two specific manufacturers to present proposals. Fire Chief Arthur Edwards passed out information sheets showing a comparison of different diesel engines that could be considered for the new fire truck. He proceeded to review and give a comparison of the different engines. Fire Chief Edwards stated that there was different opinions of individuals whom he had contacted regarding types of diesel engines and requirements needed for the new fire truck. He stated that based on information obtained it appeared that it would be impossible to prepare specifications which would allow all truck manufacturers to submit bids.

After much discussion by the Council regarding the specifications for the new fire truck, the Fire Chief was instructed to contact Mr. Sherman Pickard and ask that additional specifications be prepared. It was requested that Mr. Pickard prepare specifications so that the City Council could compare the specifications for a 225 caterpillar engine with a 2-speed axle, with the specifications for a Detroit 71 N-line engine and chassis. In addition to changes and specifications regarding types of diesel engines and types of chassis necessary for installation for certain types of engines, the City Council wished to receive a cost breakdown of the difference in each of the different chassis units.

There being no further business, the meeting adjourned.


James H. Segars
Mayor


James Earl Daniels
City Manager

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

August 21, 1973

The City Council of the City of Marion met in a regularly scheduled session on Tuesday night, August 21, 1973 at 9:20 P.M. at the Cross-Bow Restaurant following a joint meeting with the governing boards of McDowell County and Old Fort.

The purpose of the joint meeting was to review, discuss, and consider a resolution entitled a RESOLUTION TO CREATE A RECREATION COMMISSION FOR THE TOWN OF OLD FORT, THE CITY OF MARION, AND THE COUNTY OF McDOWELL.

Board members present: Mayor James H. Segars, Councilmen William R. Ledbetter, Oliver R. Cross, Robert E. James, Horace Wilkerson, and Everette Clark.

Others present: Earl Daniels; City Manager and Don Dillingham of the McDowell News.

RECREATION COMMISSION - JOINT CITY-COUNTY. The City Manager presented the resolution number R-73-8-21. Upon a motion by Councilman Ledbetter, seconded by Councilman Wilkerson, the City Council unanimously voted to adopt the resolution entitled a RESOLUTION TO CREATE A RECREATION COMMISSION FOR THE TOWN OF OLD FORT, THE CITY OF MARION, AND THE COUNTY OF McDOWELL Effective September 1, 1973.

A RESOLUTION TO CREATE A RECREATION COMMISSION FOR THE TOWN OF OLD FORT, THE CITY OF MARION, AND THE COUNTY OF McDOWELL.

WHEREAS, by virtue of Section 160A-351 of the General Statutes, the lack of adequate recreational programs and facilities has been declared as a matter of public policy to be a menace to the morals, happiness and welfare of the people of this state; and

WHEREAS, the Board of Aldermen of the Town of Old Fort, the City Council of the City of Marion, the County Commissioners of McDowell County believes that adequate recreation programs and facilities for the town of Old Fort, the City of Marion, and the County of McDowell can best be advanced by placing the recreation system under the supervision and direction of a Joint City-County Recreation Commission as authorized by Article 20, Sections 160A-460 through 160A-465 of the General Statutes:

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Now therefore;

BE IT RESOLVED by the Board of Aldermen of the Town of Old Fort, the City Council of Marion, and the County Commissioners of the County of McDowell:

Section 1. That there is hereby created a commission to be known as Old Fort - Marion - McDowell County Recreation Commission.

Section 2. That the Recreation Commission shall be composed of nine members to be appointed as follows:

- (a) Three members appointed by the Board of Aldermen of the Town of Old Fort.
- (b) Three members appointed by the City Council of the City of Marion.
- (c) Three members appointed by the County Commissioners of McDowell County.

For the initial term, one member appointed by each governmental unit shall be appointed for a term of one year, one member from each governmental unit shall be appointed for a term of two years, and one member from each governmental unit shall be appointed for a term of three years, and thereafter members appointed shall serve for a term of three years and until their successors are appointed and qualified.

Vacancies in the Recreation Commission shall be filled for the unexpired term by the original appointing authority. The original appointing authority may remove any member appointed by such authority at any time. The members of the Recreation Commission shall serve without compensation.

The town Clerk of Old Fort, the Marion City Manager, and the McDowell County Manager shall serve as advisors without voting privileges and their terms shall automatically terminate at any time their affiliation with said governmental unit ends.

Section 3. That the Recreation Commission shall appoint from its membership chairman and such other officers as it may deem necessary for the orderly procedure of its business and may adopt by-laws, rules and regulations governing the operation and conduct of the recreational facilities operated by the Recreation Commission. The Recreation Commission shall hold regular monthly meetings. Meetings shall be held at different locations in the County so that residents in each community shall have opportunity to meet with the Commission. All meetings shall be open to the general public, and notice of the time and location of each meeting shall be given to all newspapers published in the County.

Section 4. That the Recreation Commission may provide, maintain, operate and supervise the public parks and playgrounds, athletic fields and recreation centers and other recreational facilities owned or controlled by the Town of Old Fort, the City of Marion, and the County of McDowell or leased or loaned to the Recreation Commission by the owners thereof when requested by said unit. The Recreation Commission shall have complete supervision of the facilities and activities provided and conducted on or in connection with the parks, playgrounds, athletic fields, and recreation centers provided, and shall have the power to conduct any form of recreation or cultural activity.

Section 5. That the Recreation Commission may accept any grant, gift, bequest, or donation of any personal property offered or made for recreational purposes and with the approval of the governing units, may accept any grant, gift, or devise of real estate. Any gift, bequest of money or other personal property, grant or devise of real estate shall be held, used and finally disposed of in accordance with the terms or conditions under which such grant, gift, or devise is made and accepted. The Recreation Commission shall have no authority to enter into any contract or incur any obligations binding upon the governmental units other than current obligations or contracts to be fully executed within the then current fiscal year and all within the budget appropriations made by the governmental units. That any grant or devise of real estate be deeded to the governmental units.

All property donated shall be deeded so that each governmental unit shall hold equal title to the property. In the event this agreement is terminated, all property within municipal boundaries shall be deeded to the municipality in which said property is located. All property outside municipal boundaries shall be deeded to McDowell County. All recreational properties will continue to be used for recreational purposes.

Section 6. That the Recreation Commission shall have power to appoint and designate a director of recreation who possesses the necessary foundation training and who demonstrates by actual work his ability to organize and direct a community recreation system. Such other trained persons as may be necessary in the maintenance of the operation of the recreation facilities and system may be employed by the recreation director with the approval of the Recreation Commission.

Section 7. That funds appropriated by the governmental units and budgeted to the Recreation Commission shall be based on a per capita basis, according to the latest Federal Census, the amount to be agreed to each year by each of the governmental units, and shall be disbursed by the Recreation Commission and within the budget appropriations made. Funds received by the Recreation Commission from sources other than budget appropriations shall be deposited to the credit and for the use of the said commission and disbursed as budget funds are disbursed, except that funds received by gift, bequest or otherwise shall be disbursed in accordance with the terms of such gift or bequest. This Commission is a Public Authority as defined in the Local Government Budget and Fiscal Control Act as amended in 1973 by the North Carolina General Assembly and this Commission shall comply with all provisions of said Act.

Section 8. That the Recreation Commission shall establish a bank account to be entitled Old Fort - Marion - McDowell County Recreation Commission. That all receipts shall be deposited in said account and that all expenditures shall be from said account. That the Recreation Commission shall appropriate funds each year for an annual audit by a Certified Public Accountant. That a copy of said audit shall be furnished each governmental unit. That a copy of said audit shall be published in a newspaper in McDowell County. That all checks for disbursements shall be signed by the Treasurer and co-signed by such other member as shall be determined by the Commission.

Section 9. That the Recreation Commission shall make a full and complete report to each governmental unit upon request of such unit. Each report shall contain a complete financial statement of all receipts and disbursements. Said report shall be given to all newspapers in McDowell County.

CCG002

Section 10. That such powers as are now provided by statute of the State of North Carolina relating to the development and operation of recreation systems, parks and playgrounds are hereby vested in the Recreation Commission to be exercised by it subject to any and all restrictions contained in such powers.

Section 11. Any governmental unit may terminate its obligation under this resolution by giving written notice of its intention to do so on or before May 1 preceding the beginning of the next fiscal year of such governmental units. This resolution shall remain in force and effect unless and until it is terminated as herein provided.

Section 12. That all resolutions and ordinances of each governmental unit in conflict herewith are hereby repealed.

Section 13. That this resolution and agreement may be amended only by agreement of each governmental unit.

Section 14. This resolution shall become effective September 1, 1973.

Adopted this 21st day of August 1973.

Janice Shuford
Mayor

ATTEST

James E. Ballard
City Clerk

STREET PAVING BIDS: The City Manager advised the City Council that Street Paving Bids were opened August 14, 1973 at 2:00 P.M. in the presence of the City Manager, Fred Ballard and Janice Shuford. The Bids received are listed below:

Midstate Contractors, Inc.

Cost per ton for new surfacing City of Marion Streets with type I-2 plant mix asphalt \$18.04 (includes materials, equipment, and labor.) Includes prime for base. Deduct \$1.44 per ton if prime is deleted. Cost per ton for resurfacing City of Marion Streets with type I-2 plant mix asphalt \$13.50. (includes materials, equipment, and labor.) Cost per lineal foot for a 6" x 9" asphalt machined curb \$1.25.

Thompson Contractors, Inc.

Cost per ton for new surfacing City of Marion Streets with type I-2 plant mix asphalt \$11.20. Includes materials, equipment, and labor. Cost per ton for resurfacing City of Marion Streets with type I-2 plant mix asphalt \$10.70. (includes materials, equipment and labor.) Cost per lineal foot for a 6" x 9" asphalt machined curb \$1.10.

Warren Brothers Company

Cost per ton for new surfacing City of Marion Streets with type I-2 plant mix asphalt \$12.50. (Includes materials, equipment, and labor.) Cost per ton for resurfacing City of Marion Streets with type I-2 plant mix asphalt \$12.50. (Includes materials, equipment, and labor.) Cost per lineal foot for a 6" x 9" asphalt machined curb \$1.00.

Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the City Council unanimously voted to accept the bid proposal submitted by Thompson Contractors, Inc.

LEAF LOADER BIDS: The City Manager informed the City Council that Leaf Loader bids were opened August 21, 1973 at 2:00 P.M. in the City Council Chamber at City Hall.

Present: Earl Daniels, City Manager, Fred Ballard, Superintendent Utility Department, and Aaron Adams, Street Superintendent.

Guests: Walter M. Ashley, N.C. Equipment Company
W.G. Renner, H & H Equipment
Ellis P. Maas, Municipal Equipment Company, Inc.

The Bids received are listed below:

1. Interstate Equipment Company, P.O. Box 868 - Statesville, North Carolina 28677

Base Bid as per Specifications	\$3,850.00
N.C. Sales Tax	115.50
Alternate bid 6 cylinder engine, add	600.00
Delivery three weeks	

2. H & H Equipment Company, P.O. Box 3466 - Charlotte, North Carolina 28203

Base Bid as per Specifications	\$4,212.10
N.C. Sales Tax	168.48
Delivery 30 - 45 days	

3. North Carolina Equipment Company, P.O. Box 3247 - Greensboro, North Carolina

Bid 6 cylinder engine	\$6,330.00
N.C. Sales Tax	189.00
Alternate Machine Bid	6,381.00 plus tax
Delivery 45 days	

4. Municipal Equipment Company, Inc., 7020 Linda Lake Drive - Charlotte, N.C.

Base Bid as per Specifications	\$3,598.40
N.C. Sales Tax	107.95
Rider type with single lever hydraulic controlled nozzle - add for option	1,566.92 plus tax
Delivery three weeks	

The City Manager stated that Aaron Adams and Fred Ballard respectfully request that the bid be awarded to Municipal Equipment Company, Inc. and that the Council authorize purchase of the option providing for a rider type unit with single lever hydraulic controlled nozzle. Total cost of the unit with option is \$5,165.32 plus tax of \$206.61 for a total cost of \$5,371.93.

Upon a motion by Councilman James, seconded by Councilman Ledbetter the City Council unanimously voted to accept the bid proposal submitted by Municipal Equipment Company, Inc. and to authorize the purchase of the option providing for a rider type unit.

There being no further business, the meeting was adjourned.

CCG002

James H. Segars
Mayor
James Earl Daniels
City Manager

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

September 4, 1973

The City Council of the City of Marion met in a regularly scheduled session on Tuesday night September 4, 1973 at 7:30 P.M. in the City Council Chamber at City Hall.

Board members present: Mayor James H. Segars, Councilman Everett Clark, W.R. Ledbetter, Oliver Cross, Robert James and Horace Wilkerson. Others present: City Manager Earl Daniels, City Attorney E.P. Dameron and Helen Ledford of the McDowell News.

APPROVAL OF THE AUGUST 7, 1973 MINUTES: Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the City Council unanimously voted to approve the minutes of the August 7, 1973 meeting.

APPROVAL OF THE AUGUST 21, 1973 MINUTES: Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the City Council unanimously voted to approve the minutes of the August 21, 1973 meeting.

CITIZENS COMPLAINT - WATER RECONNECT CHARGE: Mr. Albert Berryhill appeared before the City Council to complain about being charged \$7.50 for a water reconnect fee when he had appeared at City Hall to pay his water bill prior to the water being turned off. Mr. Berryhill informed the Council that his wife came to City Hall on Monday, August 13, 1973 to pay their bill. He stated that his wife was informed that she would be required to pay a \$7.50 reconnect fee and the City employee refused to take the money for the water bill. Mr. Berryhill stated that his wife informed him of the problem and that he came to the City Hall to find out about the problem. The City Manager advised Mr. Berryhill and the City Council that his wife came to the City Hall on August 14 which was a Tuesday instead of Monday. Mr. Berryhill agreed with this date. Mr. Berryhill informed the City Council that the City Manager stated that he would be required to pay a \$7.50 reconnect fee because the work order had been issued to turn the water off at his premises for non-payment. Mr. Berryhill stated that the water service to his premises had not been turned off and that he did not feel that he should have to pay a reconnect fee for services not rendered. The City Manager advised the Council that the work order had been issued for Mr. Berryhill's water service to be disconnected on Monday, the 13th of August along with approximately 43 other persons who had not paid their bills. The City Manager continued by stating that approximately 41 persons had their water disconnected on Monday and that Mr. Berryhill and two other persons were not turned off because the meter readers did not have the time to get to their premises before the end of the work day. The City Manager advised the City Council that he discussed the matter with Mr. Berryhill from thirty minutes to an hour and informed him at that time that the only reason that his water service had not been physically disconnected was that the meter readers had not been able to get to his property to disconnect the water service. Mr. Berryhill was advised by the City Manager that he would be required to pay the \$7.50 reconnect fee as all others who do not pay their bill on time even though the service had not been disconnected.

CCG002

James H. Segars
I find that the said petition is in all respects sufficient and in conformity with all the requirements of Chapter 160A, Article 10 of the General Statutes of North Carolina. I find also that the street proposed by the said petition to be improved is definitely laid out, and that the boundaries of the same have been definitely fixed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Marion, North Carolina, this the 4th day of September, 1973.

James Earl Daniels
City Clerk

Note: Catawba Heights Baptist Church treated as one owner.
Husbands and wives counted as separate owners.

The City Manager presented a Certificate as to Sufficiency of petition for the improvement of a part of Alabama Avenue.

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF MARION:

I, James Earl Daniels, City Clerk of the City of Marion, North Carolina, do hereby certify that the attached petition of property owners for the improvement of Alabama Avenue from Tremont Street to Miller Street was ledgered with me on the 16th day of April, 1973; that I have investigated the sufficiency of the said petition; and that the result of my investigation is as follows:

The total number of owners of the lands abutting upon the street or streets or part of street or streets proposed by the said petition to be improved is 05. The number of said owners who signed the petition is 5, a majority.

The total number of lineal feet of frontage of said lands upon the street or streets or part of street or streets proposed by the said petition to be improved is 511.6'. The number of the said lineal feet of frontage represented by the property of the said owners who signed the petition is 511.6', a majority.

I find that the said petition is in all respects sufficient and in conformity with all the requirements of Chapter 160A, Article 10 of the General Statutes of North Carolina. I find also that the street proposed by the said petition to be improved is definitely laid out, and that the boundaries of the same have been definitely fixed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Marion, North Carolina, this the 4th day of September, 1973.

James Earl Daniels
City Clerk

Note: Catawba Heights Baptist Church treated as one owner.
Husbands and wives counted as separate owners.

Upon a motion by Councilman Wilkerson, seconded by Councilman Ledbetter, the City Council unanimously voted to adopt the two following preliminary assessment resolutions for the above named streets.

CANDIDATES FILING FEES: Upon a motion by Councilman Wilkerson, seconded by Councilman James, the City Council unanimously voted to establish the following filing fees; persons wishing to file for Mayor shall pay to the City a filing fee of \$20.00. Persons wishing to file for the office of City Councilman shall pay to the City of Marion a filing fee of \$10.00.

REGISTRAR AND JUDGES - SALARIES: The City Manager advised the City Council that it would be necessary for the City Council to establish the salaries for the registrar and judges for the upcoming municipal elections. After some discussion the City Manager was instructed to contact the county regarding the salaries paid for the county registrar and judges.

REVENUE SHARING FUNDS - PLANNED USE REPORT FOR ENTITLEMENT PERIOD JULY 1, 1973 THROUGH JUNE 30, 1974: The City Manager informed the City Council that he had received from the Department of the Treasury, Office of Revenue Sharing, the planned use report forms for Entitlement Period IV. He stated that it was necessary that the report forms be submitted back to the federal government no later than September 14, 1973. He stated that the forms indicate that the City of Marion can anticipate receiving \$94,004.00 for Entitlement Period IV which represents the period of time from July 1, 1973 through June 30, 1974. He stated that based on previous decisions made by Council approximately \$26,732.00 of this amount would be needed to purchase the proposed new fire truck, at an estimated cost of \$35,000.00. He informed the Council that this would leave a balance of \$67,272.00 which is presently unobligated. The City Manager informed the City Council that the City is in need of a new tractor and suggests that consideration be given to the purchase of a diesel tractor with mo-trim equipment which would allow the City to mow grass on hillsides. In addition, the tractor could also be equipped with a bucket which would allow departmental personnel to change bulbs in traffic signals. The City Manager stated that the total cost for a diesel tractor with a 17' mo-trim attachment and accessories would be approximately \$13,300.00. Councilman Wilkerson informed the City Council that some additional properties may be available in the downtown area which could be purchased by the City of Marion for future use and that some consideration should be given to setting aside some of the Revenue Sharing Funds for that purpose. Since no definite figures could be established for the properties in the downtown area, the City Manager was instructed to submit on the Revenue Sharing Planned Use Report Forms an executive proposal for the planned use of the funds instead of action by the City Council. The executive proposal would indicate to the Office of Revenue Sharing the proposed planned use of the funds instead of the definite use that had been approved by Council for expenditure of the Revenue Sharing Funds.

BIDS - BLUE RIDGE PROPERTY: The City Manager presented two bids on the City owned lot located on Blue Ridge Street. One bid was from Mr. James C. Harris, P.O. Box 41, Marion, North Carolina. Mr. Harris bid \$1,604.00. The other bid was received from McDowell Realty Company, Inc., 200 Glenview Extension, Marion, North Carolina. McDowell Realty Company bid \$508.00. Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the City Council unanimously voted to reject all bids submitted for the City owned lot on Blue Ridge Street.

MUFFLERS - POLICE DEPARTMENT: The City Manager was instructed to direct the Chief of Police to advise all law enforcement personnel to crack down on loud mufflers in the City limits. It was the consensus of opinion of all City Council members that there are entirely too many automobiles in the City limits having loud mufflers and that some action should be taken by the Police Department to reduce the noise generated by these vehicles.

There being no further business, the meeting was adjourned.

James E. Segars
Mayor

James E. Daniel
City Manager

After discussing the matter with Mr. Berryhill the City Manager called in the meter readers and advised the meter readers to go to Mr. Berryhill's property and disconnect the water service and call the City Hall when this had been done. Mr. Berryhill objected to this procedure. The City Manager pointed out to Mr. Berryhill that the policy stated that the water service to all premises would be disconnected, without exception, when the bill had not been paid by the 10th day of the month. The City Manager advised Mr. Berryhill that he could pay the reconnect fee under protest and appeal the decision of the City Manager to the City Council. The City Manager stated that Mr. Berryhill agreed with this procedure. Mr. Berryhill told the City Council that the letter regarding turn off procedures stated that customers who fail to pay the amount charged by the 10th day of the month in which the second statement is received without exception shall have the water service to such premises turned off and stated that delinquent accounts where the water has been turned off shall not have the services restored until such delinquent account has been paid in full and a reconnect fee in the amount of \$7.50 per meter for each service which has been disconnected has been paid in full. Mr. Berryhill stated that since his water had not been turned off that according to the policy he should not be required to pay the \$7.50. The City Manager agreed with Mr. Berryhill in that the policy stated that where the water service had been turned off would be required to pay the \$7.50 reconnect fee, however, the City Manager stated that in his opinion the water service to Mr. Berryhill's premises was officially turned off at closing time on the 10th day of the month, even though the service had not physically been turned off. The City Manager asked Mr. Berryhill if his water service had ever been disconnected before for non-payment. Mr. Berryhill stated that it had. Mayor Segars asked Mr. Berryhill if he had any other comments he would like to make. Mr. Berryhill stated that he did not. Mayor Segars informed Mr. Berryhill that the City Manager would advise him of the decision of the City Council in this matter.

After Mr. Berryhill left the Council Chamber the City Council discussed the matter openly. It was the consensus of opinion by the City Council that the wording of the letter regarding the policy of disconnecting individuals and charging fees was somewhat misleading. The City Manager stated that he was more concerned with the principal of the matter and with the intent of the policy than with the technicality of wording. He informed the City Council that it would be impossible to immediately disconnect all customers at closing time on the 10th and also that when the policy was adopted that it was inconceivable that it would take longer than one day to disconnect the number of persons not paying their bills on time.

After much discussion regarding the matter the City Council ruled that the City Manager should reimburse Mr. Berryhill in the amount of \$7.50 for the reconnect fee which he had previously paid the City and also that the City Manager should prepare an amendment to the policy regarding turn off procedures to clarify any misunderstandings regarding the intent of the policy.

OLD FORT - MARION - McDOWELL COUNTY RECREATION COMMISSION - APPOINTMENT OF MEMBERS: The City Manager informed the City Council that the McDowell Commissioners had made their appointments to the newly formed Old Fort - Marion - McDowell County Recreation Commission. He stated that under the terms of the resolution establishing the Recreation Commission the City of Marion would need to appoint three members. One member to serve a term of three years, one member to serve a term of two years and one member to serve a term of one year. He stated that all future members of the Commission would be appointed for three year terms. Upon a motion by Councilman Wilkerson, seconded by Councilman Ledbetter, the City Council unanimously voted to appoint the following three members to the Recreation Commission for the terms specified:

David Ramsey - three year term
Mickey Poteat - two year term
Kathleen Noyes - one year term

PLANNING BOARD MEETING: The City Manager informed the City Council that the proposed joint meeting between the Planning Board and the City Council was still pending providing a date could be established that would be convenient for both boards. After a discussion regarding the date, time and location of the meeting, the City Manager was directed to contact the Chairman of the Planning Board and ask if the Board could meet with the City Council on Wednesday the 12th of September at 7 P.M. at the Pilot House.

COMMUNITY BUILDING REGULATIONS - AMENDMENT: The City Manager presented a proposed amendment to the rules and regulations covering the use of the Marion Community Building as directed by the City Council at a previous meeting. Mayor Segars informed the City Council that he called the City Manager after reading an advertisement in the McDowell News stating that dancing lessons would be given in the basement of the Community Building. He stated that the City Manager had informed him that the City Council had tentatively given approval for the use of the basement for this purpose and had asked that the amendment be prepared amending the building (Community) regulations to allow for the use of the building for that purpose. Mayor Segars stated that he was of the opinion that this matter had been resolved with the adoption of the Rules and Regulations on May 22, 1973. Mayor Segars informed the City Council that in his opinion the use of the Community Building by an individual for personal gain was not a good policy. He stated that in principal it would be the same thing should the building be used by an individual to sell clothes or any other item for personal gain. Mayor Segars advised that he would go along with the decision of the City Council but that he wished to express his opinion on the matter.

Upon a motion by Councilman Wilkerson, seconded by Councilman Ledbetter, the City Council unanimously voted to adopt the following amendment to the Community Building Rules and Regulations:

(11. The basement of the Community Building may be used by persons giving instructions in dance, music and painting upon receiving written permission from the City Manager. Said persons shall file an application for the use of the basement with the City Manager. Such application shall state the type of instructions, date, time and estimated number of persons attending and any other information requested by the City Manager. The person requesting permission to use the basement shall pay in advance the sum of \$5.00 per hour for the use of the basement with a minimum charge of \$20.00 per day. Such person shall also be responsible for any damages to the building and shall insure that all regulations as established by the Marion City Council on May 22, 1973 and all amendments thereto are strictly complied with.)

STREET IMPROVEMENTS - ALABAMA AVENUE AND TREMONT STREET: The City Manager presented the following Certificate as to Sufficiency of petition for the improvement of a part of Tremont Street.

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF MARION:

I, James Earl Daniels, City Clerk of the City of Marion, North Carolina, do hereby certify that the attached petition of property owners for the improvement of Tremont Street from Alabama Avenue to Dead End was ledgered with me on the 16th of April, 1973; that I have investigated the sufficiency of the said petition; and that the result of my investigation is as follows:

The total number of owners of the lands abutting upon the street or streets or part of street or streets proposed by the said petition to be improved is 08. The number of said owners who signed the petition is 8, a majority.

The total number of lineal feet of frontage of said lands upon the street or streets or part of street or streets proposed by the said petition to be improved is 360'. The number of the said lineal feet of frontage represented by the property of the said owners who signed the petition is 360', a majority.

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

September 18, 1973

The City Council of the City of Marion met in a regularly scheduled session on Tuesday night, September 18, 1973 at 7:30 P.M. in the City Council Chamber at City Hall.

Board members present: Mayor James H. Segars, Councilmen Everette Clark, W.R. Ledbetter, and Horace Wilkerson. Councilman Robert James arrived at approximately 7:50 P.M. Others present: City Manager Earl Daniels and Don Dillingham, McDowell News Reporter.

APPROVAL OF THE SEPTEMBER 4, 1973 MINUTES: Upon a motion by Councilman Ledbetter, seconded by Councilman Wilkerson, the City Council unanimously voted to approve the minutes of the September 4, 1973 meeting.

1972-1973 AUDIT REPORT: Mr. Harry Stolte, representative of Calder, Crawley and Company, Certified Public Accounts, appeared before the City Council to present the 1972-73 audit. Mr. Stolte stated that he wished to compliment the City for proceeding with certain phases of the uniform accounting system and the purchase of a new record keeping machine to implement the new accounting system. He recommended that all practical aspects of the system be adopted by the City. He suggested that a collection effort be made to collect back paving assessments or that Council approve the write-off of the balance due. He informed the City Council that he had discussed with the City Manager the fact that records of accumulations of the N.C. sales taxes paid by the City was eliminated upon the installation of the NCR record keeping system. He stated that an alternate method of accumulating the amount of sales tax paid needs to be established so that claims can be filed on a timely basis. He informed the City Council that the books were in good order and that the City was in good financial condition. He informed the City Council that tax charge-offs should be included in the minutes and approved by the Council. These charge-offs are due to incorrect listings for the fiscal year ending June 30, 1973. Mayor Segars thanked Mr. Stolte for the audit report and complimented him on the work of his firm. Upon a motion by Councilman Ledbetter, seconded by Councilman Wilkerson, the City Council unanimously voted to provide tax charge-offs due to incorrect listings for the fiscal year ending June 30, 1973. A list of receipt numbers, names, reasons and amounts are as follows:

Receipt Number	Name	Reason	Amt.
1972 Levy			
295	Guy Crawley	Outside	\$.75
1052	Carl Poteat Estate	Outside	39.00
1491	J.C. Hogan	Outside	44.78
929	Terry Moore	Dogs - Outside	8.00
1117	John A. Roberta	Outside	25.30
1463	Ross Young	Outside	30.83
1151	Rutherford Electric Membership		
114	Lillian and Forrest L. Past	Personal Property Taxed in Old Fort	6.32
139	Brady H. Brooks Ins. Company	Outside	10.65
315	D & B Finance Company	Outside	7.05
401	Patricia Ann Estes	Outside	62.18
963	J. Steve Neighbors	Outside	13.88
969	Frank W. Noles	Incorrect Amount Charges	.75 42.38
970	Sandra Noles	Outside	8.63
1168	James H. Seagle	Outside	32.93
1227	Edward E. and Argyle B. Smith	Outside	47.58
1523	Duke Power Company	Electric Property Reduced by Law	328.08
			\$ 709.09

CCG002

STREET SWEEPER BIDS: The City Manager informed the City Council that bids were opened for a new street sweeper unit on September 18, 1973 at 2:00 P.M. in the City Manager's office. Present at this meeting was Mr. Larry Davis, Carolina Equipment Company, Mr. Rex Sparks, Interstate Equipment Company, Jack Brown, Public Works Director and Earl Daniels, City Manager.

The City Manager informed the Council that bids were received on two type units. The City Council reviewed the bids received:

	Vacuum Type	Broom Type
Model	Tymco Model 350	Wayne Model 2-945
Bid Less, N.C. tax	\$18,000.00	\$17,558.00
N.C. Tax	120.00	526.74
Delivery Date	90-120 days	60-75 days

ALTERNATE BID ON SINGLE GUTTER BROOM

Model	Tymco Model 350	Wayne Model 1-945
Bid less, N.C. Tax	\$17,000.00	\$16,598.00
N.C. Tax	120.00	497.94
Delivery	90-120 days	60-75 days

The City Manager informed the City Council that Public Works Director Jack Brown and Street Superintendent Aaron Adams had reviewed the specifications and called several cities regarding both types of equipment. The City Manager stated all persons contacted had stated the broom type sweeper is a high maintenance item. Only one city had in use a Tymco vacuum type unit. The public works director in that city advised the City Manager that if they were purchasing a new unit he would recommend the vacuum type unit as opposed to the broom type since the maintenance for such unit has been less. After much discussion regarding the units, the City Manager advised the City Council that both Jack Brown and Aaron Adams recommended that the City purchase the Tymco Model 350 vacuum type unit based on the fact that it appears this unit would be cheaper to maintain and would not be down for repairs as often as a broom type sweeper.

Upon a motion by Councilman James, seconded by Councilman Ledbetter, the City Council unanimously voted to purchase the unit recommended by the Public Works Director and Street Superintendent. The Tymco Model 350 with dual gutter brooms at a base bid price less North Carolina Tax of \$18,000.00.

WATER DISCONNECT FEE - POLICY AMENDMENT: The City Manager presented a proposed amendment to the policy regarding water disconnect fees charged when water services are turned off for non-payment. Under the terms of the proposed amendment water services would be considered disconnected, whether actually turned off or not, should the bill not be paid prior to the date established for services to be disconnected for non-payment. All persons not paying their water bills prior to the established date would be required to pay a fee of \$7.50 plus all back bills or the water service to such premises would be disconnected.

After much discussion regarding the proposed amendment to the policy, the City Manager was directed to continue with the existing policy. Under the terms of the existing policy persons actually turned off would be required to pay the re-connect fee. Persons paying their water bills prior to being turned off would not be required to pay the reconnect fee.

COMPENSATION - REGISTRARS AND JUDGES: The City Manager informed the City Council that the compensation of members of the municipal Board of Elections and that of the Registrar and Judges are fixed by the City Council. He stated that if County Election Officials are utilized then they shall be compensated by paying registrars \$20 per day and \$25 on election day. Judges, \$15 per day and \$20 on election day. Upon a motion by Councilman Ledbetter, seconded by Councilman Clark, the City Council unanimously voted to pay the same rate as applies to County officials.

Registrars - \$20 per day except \$25 on Election Day
Judges - \$15 per day except \$20 on Election day.

PLANNING BOARD MEETING: The City Manager stated that Planning Board Chairman John Cross had suggested that the proposed joint meeting of the City Council and the Planning Board be held on October 4, 1973. This date was agreeable with the City Council and the City Manager was directed to notify Mr. Cross and to establish a meeting place and notify all parties concerned.

FREE ENTERPRISE WEEK PROCLAMATION: The City Manager presented a proclamation entitled "Free Enterprise Week" which was submitted for Council approval by Chamber of Commerce Executive Director Bill Swearingen. The City Council approved the proclamation as presented and the proclamation was signed by Mayor Segars. A copy of the proclamation is as follows:

WHEREAS, the United States of America is the significant bulwark of the system of Free Enterprise in the world today and also has been the leader in initiating and developing that system, and

WHEREAS, this system of Free Enterprise can exist only in a nation whose people are free from the regulations of a totalitarian form of government, and

WHEREAS, this system of Free Enterprise allows an individual to own his own business or to work for a company with the possibility of owning a portion of that company and/or other companies, and

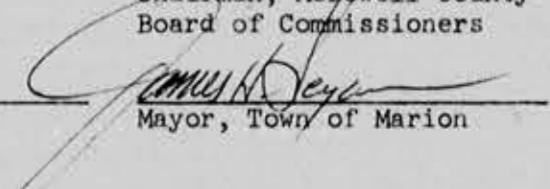
WHEREAS, the people of the United States enjoy the highest standard of living in the world today as a direct result of this system of Free Enterprise, and

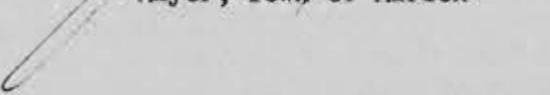
WHEREAS, this Free Enterprise system has been achieved in a nation whose people have faith in God and dignity of the individual

THEREFORE, we dedicate ourselves to continue making this nation the leading example of the FREE ENTERPRISE SYSTEM and hereby proclaim the second week in October as "FREE ENTERPRISES WEEK", throughout the townships of Marion and Old Fort, and all other communities throughout McDowell County.

Adopted as a Joint Resolution:

Chairman, McDowell County
Board of Commissioners


Mayor, Town of Marion


Mayor, Town of Old Fort

STREET IMPROVEMENT - PEA RIDGE ROAD: The City Manager informed the City Council that he had received a request from Mr. C.W. Bobo that the City pave approximately 259 feet of Pea Ridge Road. The City Manager advised the City Council that he had explained to Mr. Bobo the proper procedures to follow regarding presentation of a paving petition. He stated that Mr. Bobo indicated that there are only two or three persons owning property adjoining the improvement and suggests that he may be able to contact these persons and provide to the City the property owners proportional share of the cost in advance of the work. The City Council approved of the improvement request and directed the City Manager to make the necessary arrangements to include the work under the street improvement program.

CITY MANAGER'S REPORT: The City Manager advised the Council that Thompson Contractors, Inc. had not started the street surfacing and resurfacing work due to the illness of their foreman in charge of paving.

The Manager stated that Mr. Sherman Pickard has been contacted regarding the specifications for the new fire truck. The specifications have been prepared and are presently being typed and will be mailed to the City upon completion.

The City Manager stated that the jail cells have been removed from the Police Offices and that this will make way for a new radio dispatcher room and lockers for the Police Officers. In addition, he stated that the Police Department sign which is to be located on main street has not been completed. He advised the Council that the City would be placing an advertisement for bids for two new police cruisers and that bids would be presented at the next City Council meeting.

The City Council was advised that candidates may file for office until 12:00 noon October 12, 1973. The City Manager stated that new voting booths and ballot boxes have arrived.

The City Manager reported that approximately seventy-five percent of the materials needed to light the tennis courts at the Community Building has been received. He stated that the poles were to have been set on Monday, September 17 but that due to a problem of acquiring poles of the proper heights, this work has been delayed. He stated that immediately upon acquiring the proper size poles, the work will be accomplished.

The City Manager stated that presently there are five major water line extensions pending:

- a. Old Highway #10 1200 feet of cement asbestos 10" pipe
- b. Valley Street 1950 feet of cast iron 6" pipe
- c. Robinson Road 1470 feet of cast iron 6" pipe
- d. Fleming Street 1450 feet of cement asbestos 6" pipe
- e. Conley Road 1600 feet of cast iron 6" pipe

He stated that all persons living in the area of the Old Highway 10 line are presently being served and that this work has been delayed so work could be started on the Valley Street line. He stated that materials had been ordered for the Valley Street line several weeks and that the City had received approximately 970 feet of pipe but that the work could not be started due to the fact that valves and hydrants had not been received.

He stated that as soon as the materials arrive the City will install the Valley Street line followed by Robinson Road and Fleming Street. He advised the City Council that the citizens living on Conley Road are working hard to provide their share of the cost of materials for the installation of a new water line on Conley Road. He stated that the work would be done when the funds have been raised and materials ordered and received.

The City Manager stated that the N.C. League of Municipalities 64th Annual Convention would be held at Pinehurst, North Carolina October 11 through 13, 1973.

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

October 2, 1973

The City Council of the City of Marion met in a regularly scheduled meeting Tuesday night, October 2, 1973 at 7:30 P.M. in the City Council Chamber at City Hall.

Board members present: Mayor James H. Segars, Councilman Everette Clark, W.R. Ledbetter, Robert James and Horace Wilkerson.

Others present: City Manager Earl Daniels, City Attorney E.P. Dameron and Helen Ledford, McDowell News Reporter.

APPROVAL OF THE SEPTEMBER 18, 1973 MINUTES: Upon a motion by Councilman Ledbetter, seconded by Councilman Wilkerson, the City Council unanimously voted to approve the minutes of the September 18, 1973 meeting.

BIDS ON TWO NEW 1974 POLICE CARS: The City Manager informed the City Council that bids for two new 1974 Police vehicles were opened at 2:00 P.M., October 2, 1973, in the City Manager's Office in the presence of Police Chief John Beck, Public Works Director Jack Brown and Utility Superintendent Fred Ballard. The City Manager stated that bid requests were mailed to Marion Buick, Ballew Motor Company, Harris Motor Company, Inc., East Court Motors and Marion Motors, Inc. He stated that only three bids were received, Ballew Motor Company, Inc., East Court Motor Company and Marion Motors.

	<u>Ballew Motor Co., Inc.</u>	<u>East Court Motor Co.</u>	<u>Marion Motors</u>
Bid:	\$ 7,049.02	7,147.88	7,310.96
N.C. Tax:	140.98	142.94	148.00
Total:	7,190.00	7,290.82	7,458.96
Delivery Date:	2 months	45 days	
	Chevrolet	Cutlass	Ford

The City Council reviewed the bids submitted. The low bid for the two 1974 new Police Cars were submitted by Ballew Motor Company, Inc. in a total amount of \$7,190.00 for both cars with a delivery date of approximately two months. A question was raised regarding the size of engine offered by Ballew Motor Company. The specifications call for a minimum engine size of 350 cubic inches. The bid submitted by Ballew Motor Company was for a 400 cubic inch engine. The question regarding the size of engine was raised because it had been previously decided that the City would no longer purchase large interceptor type engines.

The City Manager informed the City Council that he had been assured by Mr. Winslow Ballew that the 400 Cubic inch engine offered was a small block V-8 for Police Use and was not the high speed pursuit large 454 type engine. The City Manager was directed to have Mr. Ballew submit a letter of confirmation that this engine is not a large police interceptor type engine. Upon a motion by Councilman Ledbetter, seconded by Councilman Wilkerson, the City Council unanimously voted to accept the low bid submitted by Ballew Motor Company, Inc. in the amount of \$7,190.00 for the purchase of two new 1974 police cars.

TRUCK BIDS: The City Manager informed the City Council that truck bids were opened at the same meeting, for one 1974 new 3/4 ton 4-wheel drive truck. He stated that three bids were received from the same companies bidding on the Police cars.

One 1974 New 3/4 Ton 4 wheel Drive truck

	Ballew Motor Co., Inc.	East Court Motor Co.	Marion Motors
Bid:	\$ 3,775.00	3,939.85	3,919.88
N.C. Tax:	75.50	78.70	79.00
Total:	3,850.50	4,018.55	3,998.88
Delivery Date:	2 months	February	-
	Chevrolet	GMC	Ford

Upon a motion by Councilman Ledbetter, seconded by Councilman Clark, the City Council unanimously voted to accept the low bid of Ballew Motor Company in the amount of \$3,850.50 for one 1974 new 3/4 ton 4-wheel drive truck, with a delivery date of approximately two months.

STREET IMPROVEMENTS: The City Manager informed the City Council that he has requested a cost break-down from Thompson Contractors, Inc. for improvements to certain streets on the City system. He stated that Mr. W.P. Anderson, Vice President of Thompson Contractors, Inc. submitted a letter providing the information requested. The following information was presented to Council:

<u>Snipes Street</u> (from W. Court to end)	
428' x 18' or 1,116 s/y @ \$1.23 per s/y	\$ 1,372.68
<u>Turner Street</u> (from Park Ave. to pavement)	
293' x 18' or 586 s/y @ \$1.23 per s/y	720.78
<u>Alabama Street</u> (from Tremont to pavement)	
256.5' x 22' or 625 s/y @ \$1.23 s/y	768.75
<u>Tremont</u> (from intersection of Ala. to end)	
180' x 22' or 400 s/y @ \$1.23 per s/y	541.20
<u>Intersection of Alabama and Trenton</u>	
25' x 24' or 67 s/y @ \$1.23 per s/y	82.41
<u>Pea Ridge Road</u> (from pavement to City Limits)	
200' x 16' or 356 s/y @ \$1.23 per s/y	437.88
	<hr/>
	\$3,923.70

In the event you want us to condition the streets, a Cat. #12 motorgrader fully operated is \$18.00 per hour and a roller fully operated is \$12.50 per hour; water truck to be furnished by the City.

The City Manager stated that in addition to the prices quoted, the cost to condition the streets by Thompson Contractors, Inc. based on the use of a Caterpillar #12 motorgrader is \$18.00 per hour and the use of a roller and operator is \$12.50 per hour. The City Manager advised the City Council that a public notice had been placed in the McDowell News calling for a public hearing for this meeting regarding the preliminary assessment resolution for the improvement of a portion of Tremont Street and also a portion of Alabama Avenue. In addition, the following certification was presented stating that copies of the preliminary assessment resolution previously adopted by the City Council were mailed first class to all persons owning property fronting on the improvements.

No persons were in attendance at this meeting regarding the preliminary assessment resolution for either of the street improvements.

Upon a motion by Councilman Wilkerson, seconded by Councilman Ledbetter, the City Council unanimously voted to adopt the following resolution directing that the project to pave, curb and gutter that portion of Alabama Avenue be undertaken.

See City of Marion Resolution Book, No. # R-73-10-2-1

Upon a motion by Councilman Clark, seconded by Councilman James, the City Council unanimously voted to approve the following resolution directing that the project to pave, curb, and gutter that portion of Tremont Street be undertaken.

See City of Marion Resolution Book, No. # R-73-10-2-2

PLANNING BOARD MEETING: The City Council was advised that the meeting with the planning Board previously set for October 4, 1973 had been called off. The City Manager stated that City Planner Mike Gouge could not be present for this meeting. He stated that Planning Board Chairman John Cross had asked that consideration be given to setting the meeting for either October 16 or October 18. The date of October 18, 1973 was tentatively set providing necessary arrangements could be made and members of both boards could attend.

LAW ENFORCEMENT PERSONNEL MINIMUM SALARIES: A resolution was presented by the City Manager authorizing the execution of a contract for receipt of funds to supplement local law enforcement personnel salaries. The City Manager advised that the resolution and associated contract would have to be executed by the City in order for those officers working with the Police Department making less than \$6000 annually to be increased to the \$6000 annual minimum salary by supplemental funds provided by the State of North Carolina through the North Carolina Criminal Justice Training and Standards Council.

Upon a motion by Councilman Wilkerson, seconded by Council Ledbetter, the City Council unanimously voted to approve the following resolution authorizing execution of a contract for receipt of funds to supplement local law enforcement personnel salaries.

CG002

**RESOLUTION AUTHORIZING EXECUTION OF A CONTRACT
FOR RECEIPT OF FUNDS TO SUPPLEMENT LOCAL LAW
ENFORCEMENT PERSONNEL SALARIES.**

A regular meeting of the City Council was held in the City Council Chamber at City Hall on the 2nd day of October, 1973. Board members present: Mayor James H. Segars and Councilman Everette Clark, Horace Wilkerson, Robert James and William R. Ledbetter. Absent: Councilman Oliver R. Cross.

The Council discussed a proposed agreement between the City of Marion and the North Carolina Criminal Justice Training and Standards Council for receipt of funds from the State of North Carolina through the North Carolina Criminal Justice Training and Standards Council for the purpose of supplementing the salaries of certain law enforcement personnel of the City. Under the terms of the contract, the City will have to keep records and make reports to the Council and disperse the funds received according to law.

The following Resolution was introduced and 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 Criminal Justice Training and Standards Council be and the same is hereby approved.
2. That the Mayor of the City of Marion 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 Criminal Justice Training and Standards Council.
3. That upon final execution a copy of said contract be filed with the minutes.

Upon motion of Councilman Wilkerson, seconded by Councilman Ledbetter, said Resolution was passed unanimously.

I, James Earl Daniels, Clerk of the City of Marion, 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 the 2nd day of October, 1973, as relates to the contract between said City and the North Carolina Criminal Justice Training and Standards Council.

WITNESS my hand and the SEAL of the City of Marion, this the 2nd day of October, 1973.

ATTEST: *James Earl Daniels*
James Earl Daniels
City Clerk

LOCAL GOVERNMENT CONTRACT

Contract Number _____

CONTRACT

This Agreement, entered into by and between the North Carolina Criminal Justice Training and Standards Council (hereinafter called "Council") and the City of Marion, North Carolina (hereinafter called "Local Government");

W I T N E S S E T H

Whereas, the Council has been authorized by Chapter 766 of the 1973 Session Laws to implement and administer the granting of funds to Local Government for the purpose of supplementing the salaries of certain law enforcement personnel of Local Government, and

Whereas, Local Government has law enforcement personnel who are eligible to receive funds under the provisions of said Chapter 766 and Local Government desires to receive said funds;

Now, therefore, Council and Local Government do hereby mutually agree as follows:

1. Local Government will pay any funds received under this Agreement only to qualified law enforcement personnel, and only in such amounts, as are authorized by Chapter 766, Session Laws of 1973.

2. Local Government will complete and promptly return to the Council forms containing information necessary for the efficient administration of the act and at such times as the Council may require.

3. Local Government will keep such records as may be required by the Council and will, during regular office hours, permit duly qualified employees of the Council to inspect and make copies of such records.

4. The Council will pay to the Local Government on a quarterly basis such sums as the Local Government is entitled to under the provisions of Chapter 766, Session Laws of 1973.

This Agreement shall remain in full force and effect until September 30, 1975.

In Witness Whereof, the Council and Local Government have executed this contract this 2nd day of October, 1973.

ATTEST:

J. H. Raynor
Mayor
City of Marion

James Earl Daniels
(Clerk)

(Seal)

Approved as to Legal Form and Legal Adequacy:

Attorney for Local Government

N.C. CRIMINAL JUSTICE TRAINING
AND STANDARDS COUNCIL

Director

Approved as to Form and
Legal Adequacy

ROBERT MORGAN
Attorney General

By: Assistant Attorney General

POLICY REGARDING WATER/SEWER LINE EXTENSIONS: An ordinance relating to the installation of water and sewer utilities and sub-divisions inside and outside the corporate limits of the City of Marion was presented by the City Manager for discussion purposes. The City Manager stated that the intent of establishing a new policy would be to provide procedures to be followed by parties wishing to have water and sewer lines extended. Under the terms of the proposed ordinance the following procedures would be followed:

1. The party requesting a water and sewer line extension in the area outside the City limits and undeveloped areas inside the City limits would be required to supply all materials, rights-of-way and labor for the installation.

2. The party requesting service would submit a preliminary application to the City Manager, the application would state in general terms the size, location and length of the proposed water and/or sewer line. The City Manager and Public Works Director would review the application and present the application with recommendations to the City Council.

Upon approval by the City Council, the Party requesting the service would be authorized to have final plans and specifications prepared by a licensed plumber.

CCG002

Upon motion of Councilman Wilkerson, seconded by Councilman Ledbetter, said Resolution was passed unanimously.

I, James Earl Daniels, Clerk of the City of Marion, 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 the 2nd day of October, 1973, as relates to the contract between said City and the North Carolina Criminal Justice Training and Standards Council.

WITNESS my hand and the SEAL of the City of Marion, this the 2nd day
of October, 1973.

ATTEST: *James Earl Daniels*
James Earl Daniels
City Clerk

LOCAL GOVERNMENT CONTRA

Contract Number

CONTRAC

This Agreement, entered into by and between the North Carolina Criminal Justice Training and Standards Council (hereinafter called "Council") and the City of Marion, North Carolina (hereinafter called "Local Government");

W I T N E S S E T

Whereas, the Council has been authorized by Chapter 766 of the 1973 Session Laws to implement and administer the granting of funds to Local Government for the purpose of supplementing the salaries of certain law enforcement personnel of Local Government, and

Whereas, Local Government has law enforcement personnel who are eligible to receive funds under the provisions of said Chapter 766 and Local Government desires to receive said funds;

Now, therefore, Council and Local Government do hereby mutually agree as follows:

1. Local Government will pay any funds received under this Agreement only to qualified law enforcement personnel, and only in such amounts, as are authorized by Chapter 766, Session Laws of 1973.
2. Local Government will complete and promptly return to the Council forms containing information necessary for the efficient administration of the act and at such times as the Council may require.
3. Local Government will keep such records as may be required by the Council and will, during regular office hours, permit duly qualified employees of the Council to inspect and make copies of such records.
4. The Council will pay to the Local Government on a quarterly basis such sums as the Local Government is entitled to under the provisions of Chapter 766, Session Laws of 1973.

This Agreement shall remain in full force and effect until September 30, 1975.

In Witness Whereof, the Council and Local Government have executed this contract this 2nd day of October, 1973.

ATTEST

~~Mayor~~
City of Marion

James Earl Ray
Clark

CERTIFICATE SHOWING THAT PRELIMINARY RESOLUTIONS WERE MAILED
TO OWNERS OF ALL PROPERTY SUBJECT TO ASSESSMENT

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF MARION:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Marion, North Carolina, this the 21st day of September, 1973.

City Clerk

Upon motion of Councilman Wilkerson, seconded by Councilman Ledbetter, said Resolution was passed unanimously.

I, James Earl Daniels, Clerk of the City of Marion, 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 the 2nd day of October, 1973, as relates to the contract between said City and the North Carolina Criminal Justice Training and Standards Council.

WITNESS my hand and the SEAL of the City of Marion, this the 2nd day of October, 1973.

ATTEST: *James Earl Daniels*
James Earl Daniels
City Clerk

LOCAL GOVERNMENT CONTRACT

Contract Number _____

CONTRACT

This Agreement, entered into by and between the North Carolina Criminal Justice Training and Standards Council (hereinafter called "Council") and the City of Marion, North Carolina (hereinafter called "Local Government");

WITNESS STATEMENT
Whereas, the Council has been authorized by Chapter 766 of the 1973 Session Laws to implement and administer the granting of funds to Local Government for the purpose of supplementing the salaries of certain law enforcement personnel of Local Government, and

Whereas, Local Government has law enforcement personnel who are eligible to receive funds under the provisions of said Chapter 766 and Local Government desires to receive said funds;

Now, therefore, Council and Local Government do hereby mutually agree as follows:

1. Local Government will pay any funds received under this Agreement only to qualified law enforcement personnel, and only in such amounts, as are authorized by Chapter 766, Session Laws of 1973.

2. Local Government will complete and promptly return to the Council forms containing information necessary for the efficient administration of the act and at such times as the Council may require.

3. Local Government will keep such records as may be required by the Council and will, during regular office hours, permit duly qualified employees of the Council to inspect and make copies of such records.

4. The Council will pay to the Local Government on a quarterly basis such sums as the Local Government is entitled to under the provisions of Chapter 766, Session Laws of 1973.

This Agreement shall remain in full force and effect until September 30, 1975.

In Witness Whereof, the Council and Local Government have executed this contract this 2nd day of October, 1973.

ATTEST:

J. Earl Daniels
J. Earl Daniels
Mayor
City of Marion

James Earl Daniels

CERTIFICATE SHOWING THAT PRELIMINARY RESOLUTIONS WERE MAILED
TO OWNERS OF ALL PROPERTY SUBJECT TO ASSESSMENT

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF MARION:

I, J. Earl Daniels, City Clerk of the City of Marion, North Carolina, do hereby certify that copies of the preliminary resolution adopted on the 1st day of September, 1973, pertaining to the proposed street improvement project on Alabama Avenue between Tremont Street and Miller Street, were mailed by first-class mail on the 21st day of September, 1973, to the owners of all property subject to assessment should the project be undertaken.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Marion, North Carolina, this the 21st day of September, 1973.

City Clerk

Upon motion of Councilman Wilkerson, seconded by Councilman Ledbetter, said Resolution was passed unanimously.

I, James Earl Daniels, Clerk of the City of Marion, 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 the 2nd day of October, 1973, as relates to the contract between said City and the North Carolina Criminal Justice Training and Standards Council.

WITNESS my hand and the SEAL of the City of Marion, this the 2nd day of October, 1973.

ATTEST: *James Earl Daniels*
James Earl Daniels
City Clerk

LOCAL GOVERNMENT CONTRACT

Contract Number _____

CONTRACT

This Agreement, entered into by and between the North Carolina Criminal Justice Training and Standards Council (hereinafter called "Council") and the City of Marion, North Carolina (hereinafter called "Local Government");

W I T N E S S E T H
Whereas, the Council has been authorized by Chapter 766 of the 1973 Session Laws to implement and administer the granting of funds to Local Government for the purpose of supplementing the salaries of certain law enforcement personnel of Local Government, and

Whereas, Local Government has law enforcement personnel who are eligible to receive funds under the provisions of said Chapter 766 and Local Government desires to receive said funds;

Now, therefore, Council and Local Government do hereby mutually agree as follows:

1. Local Government will pay any funds received under this Agreement only to qualified law enforcement personnel, and only in such amounts, as are authorized by Chapter 766, Session Laws of 1973.

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3. Local Government will keep such records as may be required by the Council and will, during regular office hours, permit duly qualified employees of the Council to inspect and make copies of such records.

4. The Council will pay to the Local Government on a quarterly basis such sums as the Local Government is entitled to under the provisions of Chapter 766, Session Laws of 1973.

This Agreement shall remain in full force and effect until September 30, 1975.

In Witness Whereof, the Council and Local Government have executed this contract this 2nd day of October, 1973.

ATTEST:

John C. Daniels

RESOLUTION DIRECTING THAT THE PROJECT BE UNDERTAKEN

WHEREAS, on the 16th day of April, 1973, the property owners on that portion of Alabama Avenue lying between Tremont Street and Miller Street filed with the City Clerk a petition for improving said street in the following manner:

Condition, Pave, Curb and Gutter

and,

WHEREAS, the City Clerk has certified to the City Council that said petition is sufficient in all respects, the same having been duly signed by a majority in number of the owners, whose property represents a majority of all the lineal feet of frontage of the lands abutting upon the street or portion of street hereinabove described:

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

1. That that part of Alabama Avenue lying between Tremont Street and Miller Street be improved in the following manner:
Condition, Pave, Curb and Gutter

under and by virtue of Chapter 160A, Article 10, of the General Statutes of North Carolina and the procedure therein established, and that said improvement be done by contract after due notice and advertisement for bids as outlined by Chapter 143, Section 129 of the General Statutes of North Carolina.

2. That 50 percent of the total cost of said improvement, exclusive of so much of the total costs as is incurred in improving the street intersections, be hereafter assessed upon the property receiving the improvements based on the front footage of property bordering on said improvement.

3. That the assessment herein provided for shall be payable in cash or if any property owner shall so elect and give notice of that fact to the City Council in accordance with Chapter 160A, Sections 232 and 233, of the General Statutes of North Carolina, he shall have the option and privilege of paying the assessment in 5 equal annual installments, said installments to bear interest at the rate of 6 percent per annum.

Upon motion of Councilman Wilkerson, seconded by Councilman Ledbetter, said Resolution was passed unanimously.

I, James Earl Daniels, Clerk of the City of Marion, 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 the 2nd day of October, 1973, as relates to the contract between said City and the North Carolina Criminal Justice Training and Standards Council.

WITNESS my hand and the SEAL of the City of Marion, this the 2nd day of October, 1973.

ATTEST: *James Earl Daniels*
James Earl Daniels
City Clerk

LOCAL GOVERNMENT CONTRACT

Contract Number _____

CONTRACT

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Whereas, Local Government has law enforcement personnel who are eligible to receive funds under the provisions of said Chapter 766 and Local Government desires to receive said funds;

Now, therefore, Council and Local Government do hereby mutually agree as follows:

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3. Local Government will keep such records as may be required by the Council and will, during regular office hours, permit duly qualified employees of the Council to inspect and make copies of such records.

4. The Council will pay to the Local Government on a quarterly basis such sums as the Local Government is entitled to under the provisions of Chapter 766, Session Laws of 1973.

This Agreement shall remain in full force and effect until September 30, 1975.

In Witness Whereof, the Council and Local Government have executed this contract this 2nd day of October, 1973.

ATTEST:

John W. Clark

This the 2nd day of October, 1973.

Mayor

ATTEST:

(Clerk)

The following City Council members voted for passage of the above resolution: Everette Clark, W.R. Ledbetter, Robert James,
and Horace Wilkerson

The following City Council members voted against the passage of the above resolution: None

Upon motion of Councilman Wilkerson, seconded by Councilman Ledbetter, said Resolution was passed unanimously.

I, James Earl Daniels, Clerk of the City of Marion, 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 the 2nd day of October, 1973, as relates to the contract between said City and the North Carolina Criminal Justice Training and Standards Council.

WITNESS my hand and the SEAL of the City of Marion, this the 2nd day of October, 1973.

ATTEST: *James Earl Daniels*
James Earl Daniels
City Clerk

LOCAL GOVERNMENT CONTRACT

Contract Number _____

CONTRACT

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4. The Council will pay to the Local Government on a quarterly basis such sums as the Local Government is entitled to under the provisions of Chapter 766, Session Laws of 1973.

This Agreement shall remain in full force and effect until September 30, 1975.

In Witness Whereof, the Council and Local Government have executed this contract this 2nd day of October, 1973.

RESOLUTION DIRECTING THAT THE PROJECT BE UNDERTAKEN

WHEREAS, on the 16th day of April, 1973, the property owners on that portion of Tremont Street lying between Alabama Avenue and Dead End of Tremont Street filed with the City Clerk a petition for improving said street in the following manner:

Condition, Pave, Curb and Gutter

and,

WHEREAS, the City Clerk has certified to the City Council that said petition is sufficient in all respects, the same having been duly signed by a majority in number of the owners, whose property represents a majority of all the lineal feet of frontage of the lands abutting upon the street or portion of street hereinabove described:

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

1. That that part of Tremont Street lying between Alabama Avenue and Dead End of Tremont St. be improved in the following manner:
Condition, Pave, Curb and Gutter

under and by virtue of Chapter 160A, Article 10, of the General Statutes of North Carolina and the procedure therein established, and that said improvement be done by contract after due notice and advertisement for bids as outlined by Chapter 143, Section 129 of the General Statutes of North Carolina.

2. That 50 percent of the total cost of said improvement, exclusive of so much of the total costs as is incurred in improving the street intersections, be hereafter assessed upon the property receiving the improvements based on the front footage of property bordering on said improvement.

3. That the assessment herein provided for shall be payable in cash or if any property owner shall so elect and give notice of that fact to the City Council in accordance with Chapter 160A, Sections 232 and 233, of the General Statutes of North Carolina, he shall have the option and privilege of paying the assessment in 5 equal annual installments, said installments to bear interest at the rate of 6 percent per annum.

Upon motion of Councilman Wilkerson, seconded by Councilman Ledbetter, said Resolution was passed unanimously.

I, James Earl Daniels, Clerk of the City of Marion, 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 the 2nd day of October, 1973, as relates to the contract between said City and the North Carolina Criminal Justice Training and Standards Council.

WITNESS my hand and the SEAL of the City of Marion, this the 2nd day of October, 1973.

ATTEST: *James Earl Daniels*
James Earl Daniels
City Clerk

In Witness Whereof, the Council and Local Government have

This the 2nd day of October, 1973.

Mayor

ATTEST:

(Clerk)

The following City Council members voted for passage of the above resolution: Everette Clark, W.R. Ledbetter, Robert James, and Horace Wilkerson

The following City Council members voted against the passage of the above resolution: None

LOCAL GOVERNMENT CONTRACT

Contract Number _____

CONTRACT

This Agreement, entered into by and between the North Carolina Criminal Justice Training and Standards Council (hereinafter called "Council") and the City of Marion, North Carolina (hereinafter called "Local Government");

W I T N E S S E T H
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Now, therefore, Council and Local Government do hereby mutually agree as follows:

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3. Local Government will keep such records as may be required by the Council and will, during regular office hours, permit duly qualified employees of the Council to inspect and make copies of such records.

4. The Council will pay to the Local Government on a quarterly basis such sums as the Local Government is entitled to under the provisions of Chapter 766, Session Laws of 1973.

This Agreement shall remain in full force and effect until September 30, 1975.

3. Final plans and specifications when completed would be presented to the City Manager. The City Manager and Public Works Director would review the detailed plans and specifications and present same to the City Council with recommendations, for approval or for alterations of the plans before approval. The City would require three sets of the final plans as approved by Council. Two copies of the plans and specifications would be maintained by the City, one copy returned to the party requesting service. All three copies would be signed and dated by the City Manager.

4. The party requesting service would be permitted to undertake construction based on the final plans and specifications as approved by Council. The contractor making the installation would not be permitted to cover any pipe or materials prior to inspection by the Public Works Director or his authorized agent. Any pipes or materials covered prior to inspection would be uncovered by the contractor for inspection or the City would reject the entire installation.

5. The party requesting service would pay to the City of Marion a meter fee in lieu of the normal connection charges for lots owned by the party requesting service. Other persons wishing to connect to the water and/or sewer lines would pay to the City of Marion the normal connection fees in effect at that time. The City would deduct from this amount the meter fee. The difference between the connection charges and the meter fee would be paid to the party financing the installation until said party had received the total amount of the investment in the installation or until 5 years had elapsed from the date of the final approval of the plans and specifications, whichever comes first.

6. City owned water and/or sewer lines within the City limits would be enlarged where necessary by the City of Marion and property owners would not be assessed for any part of the cost excepting a meter change over fee.

7. Privately owned water and/or sewer lines within the City limits would not be enlarged by the City of Marion unless property owners being served by such lines provide the entire cost for materials to enlarge such lines. Said funds must be paid to the City of Marion in advance.

8. The City of Marion will not enlarge water lines outside the municipal limits unless the property owners being served by such lines pay the entire cost for materials for enlarging such lines. Said funds to be paid to the City of Marion in advance.

9. Each and every case will stand on its own merits and be subject to approval of the Council.

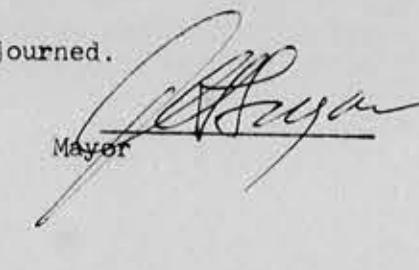
After much discussion regarding the proposed ordinance, the City Manager was directed to re-draw the ordinance inserting recommendations made by the City Council during the discussion.

DRAINAGE PROBLEM: Mayor Segars informed the City Manager that the new catch basin installed at the intersection of Snipes Street and West Court Street was too high and that water did not drain into the basin but rather went around the basin. The City Manager was instructed to have the catch basin lowered.

BLUE RIDGE STREET SIDEWALK: Councilman James informed the City Manager that he had received several complaints regarding the grass growing along Blue Ridge Street. He stated that several persons had complained to him concerning the problem. The City Manager was directed to have the grass cut in the aforementioned area.

There being no further business, the meeting was adjourned.


Earl Daniels
City Manager


James H. Segars
Mayor

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

October 16, 1973

The City Council of the City of Marion met in a regularly scheduled meeting Tuesday night, October 16, 1973 at 7:30 P.M. in the City Council Chamber at City Hall.

Board members present: Mayor James H. Segars, Councilmen Everette Clark, W.R. Ledbetter, Robert James, Oliver Cross and Horace Wilkerson.

Others present: City Manager Earl Daniels and Helen Ledford, McDowell News Reporter.

APPROVAL OF THE OCTOBER 2, 1973 MINUTES: Upon a motion by Councilman James, seconded by Councilman Ledbetter, the City Council unanimously voted to approve the minutes of the October 2, 1973 meeting.

LIST OF OUTSTANDING PAVING ASSESSMENTS: The City Manager presented a list of outstanding paving assessments as directed by City Council at a previous meeting. Mayor Segars asked that a review of the outstanding paving assessments be postponed and presented at a later meeting.

PROPERTY PURCHASE: The City Council discussed the purchase of a piece of property located between the Marion City Hall and Main Street. The property abuttes the alley way running between Logan Street and Main Street. After much discussion regarding the advantages of purchasing the property, it was agreed by City Council that the property should be purchased as a possible site for a new City Hall to be constructed at some date in the future. Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council unanimously voted to purchase said property with Revenue Sharing Funds at a price not to exceed \$65,000, and that details of the purchase be worked out by the City Attorney.

RENOVATIONS POLICE DEPARTMENT OFFICES: The City Manager informed the City Council that renovation of the Police Department Offices was almost complete. He advised the Council that Miss Fannie Bertalot of the Appalachia Regional Health Council had assured Chief Beck and the City Manager that an order had been placed for the tape recorder which is to be installed in the department for the purpose of recording all calls and radio transmissions on a twenty-four hour basis. The City Manager stated that the City's share of the cost of the recorder had been paid in June of 1973. The City Manager asked that consideration be given to authorizing the Police Department to secure electronic equipment, through proper channels, for a tie-in with the Police Information Network. The City Manager stated that the City would have to agree to lease the equipment at the end of one year from the date of installation. He advised the City Council that he had been informed that the equipment could be installed at no cost to the City and that the City would not have to pay any funds on the lease of the equipment for the first year. He advised the Council that the lease after the first year would cost approximately \$160.00 per month. He stated that in his opinion the equipment was badly needed and was one of the most important pieces of equipment available to Police Departments. The City Council discussed the renovation of the Police Department and the request presented by the City Manager.

The City Manager was instructed to proceed with an application for the equipment.

CCG002

POLICY REGARDING WATER/SEWER LINE EXTENSIONS: The City Manager informed the City Council that the policy regarding water and sewer line extensions had not been submitted to Council in time for the Council to thoroughly review the proposed policy. He suggested that action on the proposed policy be delayed to allow Council members time to study the proposed new policy. The City Council agreed to postpone action on the proposed policy pending a thorough review and discussion at the next City Council meeting.

RECREATION COMMISSION REPORT: The City Manager informed the City Council that he had requested from the newly formed Recreation Commission a report of progress being made by the Commission. He stated that Kathleen Noyes, temporary secretary to the Recreation Commission had submitted a letter stating the progress being made by the Recreation Commission. The City Manager read the following letter:

October 9, 1973

Dear Mr. Daniels:

As you requested, I am sending a very brief resume of the County Recreation Commission meetings. Hope your board finds these satisfactory.

The September 27th meeting at the Court House was very brief after the presentation of Mr. Jack Frausin, Western District Director of Recreation for the North Carolina Department of Natural and Economic Resources. Officers were elected: Dr. William Bell, Chairman; Mrs. Kathleen Noyes Vice-Chairman and Temporary Secretary-Treasurer. Mrs. Noyes will serve as Secretary-Treasurer until a permanent Director is selected. We discussed the by-laws.

During the October 3rd meeting, Dr. Bell reported that he had three telephone calls showing interest in the Director's job. To that date he had not gotten any written applications.

The by-laws were reviewed and adopted unanimously. Committees were named as follows:

Plans & Finance: Dr. Bell, Mrs. Josey and Mrs. Noyes

Facilities: Frank Tate, David Ramsey, J.W. Carpenter

Nominating: Ramsey, Josey, Carpenter

The time of the Commission meeting was set for the 4th Thursday in every month, rotating meeting places in the County.

Goals of the Commission were set up. I am enclosing a copy of these goals.

A motion was made and seconded to hire a Director. Details of fringe benefits would be worked out later.

The Commission stated interest in the old Junior High School located at West Court and Academy Streets. As a body, the group would go to the McDowell Board of Education to make the request for this property.

The Temporary Secretary and Treasurer was instructed to open a checking account at the Northwestern Bank, Marion. The County and Old Fort money has been deposited. To this date, I have not received the appropriated funds from the Town of Marion.

This Commission will meet Thursday, October 25, Town Hall, Old Fort, at 7:30 P.M.

Dr. Bell and I went to Morganton to look at their set-up. We felt that we needed to know what we were looking for as a Director, facilities, and just general information. We have a long way to go. Their budget is over \$200,000.00. We feel when all three governing bodies work together with the State and released Federal Funds, we too, will appeal to all ages, toddlers to Golden Age Groups.

If there are any further questions, please do not hesitate to call. I will try to answer your questions.

Sincerely yours,

Kathleen R. Noyes
Temporary Secretary

enc. 1

cc: Dr. Wm. Bell
Mr. Jack Harmon
Mayor Hathway

The Old Fort - Marion - McDowell County Recreation Commission hereby adopts as its immediate goals, the following:

1. To employ an experienced and qualified professional recreation administrator and set him up with an office, and phone, salary and fringe benefits to be set according to comparable rates of other counties. A part-time secretary could be hired to assist.
2. Make a preliminary survey of existing recreational programs, problems, needs, opportunities and deficiencies of the county for further action by the Recreational Director.
3. Determine financial, physical and human resources available and evaluate these resources to determine the extent recreation services can extend. We will try to provide finances for leadership, program, and facilities as far as our budget will allow.
4. Keep the people of McDowell County informed of our findings regarding funding, facilities, programs and leadership availability.
5. Enlist support of additional financial assistance from private groups, industry, commercial organizations, civic groups, individuals and government.
6. Secure adequate budget appropriations for both our immediate needs and long range goals.
7. Implement our comprehensive planning as soon as possible.
8. Initiate recreation program and services with the help of the Recreational Director and volunteers throughout the county.
9. Continue to interpret recreation aims, objectives, programs and financial needs for all the people of Marion, Old Fort and McDowell County with equality of services for the elderly, the young, male and female, without discrimination against race, religion, sex or creed.

CCG002

MARION BY-PASS: The City Council held a long discussion regarding the deletion of the Marion by-pass from the projects announced by the North Carolina Department of Transportation and Highway Safety. Following the discussion the City Manager was directed to submit a letter to the Honorable James E. Holshouser, Jr., Governor of North Carolina stating the City Council's disappointment in the deletion of the Marion by-pass project, which had previously been considered a priority project for McDowell County. The City Manager was directed to state that the City Council strongly opposes the deletion of the Marion By-Pass Project.

DREXEL FURNITURE SIDEWALK - BLUE RIDGE STREET: Councilman James suggested that the City contact officials of Drexel Furniture and ascertain if the firm is interested in leasing City owned property located on Blue Ridge Street for a parking lot. Mr. James also stated that he would like for the City to give consideration to the construction of a sidewalk along Blue Ridge Street so that employees of Drexel Furniture would not have to walk in the street, thereby creating a safety hazard. Mayor James H. Segars stated that he and the City Manager would contact officials with Drexel Furniture and discuss the possibility of installing a sidewalk along Blue Ridge Street. The City Manager stated that he would like to get a legal interpretation from the City Attorney regarding the City leasing property for a parking lot as suggested.

WINN-DIXIE PARKING LOT - TRASH: Councilman Wilkerson stated that he had noticed a lot of trash in the ditch between the Winn-Dixie parking lot and Etta Paper Box Company. He suggested that some action be taken to correct this problem.

SIDEWALK CLEANING: Councilman James stated that he had received several complaints regarding the appearance of sidewalks in the City limits. The City Manager informed Mr. James that the City forces did not clean sidewalks, that merchants in the downtown area are expected to brush trash and debris from the sidewalk into the gutter and that the street flusher would wash the trash and debris away cleaning the streets. The City Manager stated that he was aware that the street flusher and other large trucks passing along Main Street blow the trash and debris back up on the sidewalk and in some cases into the stores. He advised the City Council that the new street sweeper which is expected in December will vacuum the trash and debris up into the truck and it can be hauled away. He stated that trash and debris washed along the street by the flusher creates a problem since the trash and debris washes down into box drains and then City employees have to clean the box drains.

It was suggested that the City Manager contact the Chamber of Commerce and/or the Merchants Association and inform merchants that the City would greatly appreciate the merchants cleaning the sidewalks by brushing the trash into the gutter which will be cleaned by City employees.

There being no further business the meeting was adjourned to re-convene in executive session for a discussion on personnel matters.

J. H. Segars
Mayor

James Earl Daniels
City Manager

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

November 6, 1973

The City Council of the City of Marion met in a regularly scheduled meeting Tuesday, November 6, 1973 at 7:30 P.M. in the City Council Chamber at City Hall.

Board members present: Mayor James H. Segars, Councilmen Everette Clark, W.R. Ledbetter, Robert James, Oliver Cross and Horace Wilkerson.

Others present: City Manager Earl Daniels and City Attorney E.P. Dameron. Guest: Mrs. Mickey Seagle.

APPROVAL OF THE OCTOBER 16, 1973 MINUTES: Upon a motion by Councilman Ledbetter, seconded by Councilman James, the City Council unanimously voted to approve the minutes of the October 16, 1973 meeting.

PINECREST SUBDIVISION WATER LINE - REQUEST FOR CONNECTION: Mrs. Mickey Seagle appeared before the City Council to request permission to connect to a 6" water line located in Pinecrest Subdivision. Mrs. Seagle informed the City Council that her husband was out of town and unable to attend the meeting and had asked that she attend and request some clarification from the City Council regarding permission to connect to the 6" water main. Mrs. Seagle stated that she and her husband had been advised by Mr. Gilkey that it would be necessary for them to pay Mr. Gilkey the sum of \$800 before connecting to the water main. The City Manager presented a deed showing that the 6" water main belongs to the City of Marion. City Attorney E.P. Dameron read the deed to the City Council. After much discussion the City Council agreed that Mr. & Mrs. Seagle could be granted permission to connect to the water line providing they obtain the necessary easement and extend a line from their property to the water main. Mrs. Seagle was informed by Mayor Segars that he and the City Manager would contact Mr. John Gilkey regarding the problem and would be in contact with her or her husband at some time during the week.

FIRE TRUCK SPECIFICATIONS: Fire Chief Arthur Edwards appeared before the City Council to discuss the Fire Truck specifications prepared by Mr. Sherman Pickard of the League of Municipalities. During his presentation, Fire Chief Edwards suggested that the following changes be incorporated in the specifications prior to requesting bids for the new Fire Truck:

<u>Item</u>	<u>Minimum Requirements</u>
1. Axle Gear Ratio	6.57 to 6.65 - High torque characteristics for pulling power, plus min, top-end speed of 65-68 MPH required. Must specify capabilities.
2. Batteries	Dual - 12 Volt - 155 Amp. each (Total 310 Amp. Hrs.)
3. Fuel tank - Min. 40 gallons furnished and installed by apparatus builder, steel required.	
4. Lights required in Items 4 and 7 to be connected through a motor-driven type flasher. Two (2) 155 Amp batteries - Total 310 Amp - Supplied with chassis. Both batteries mounted in water protected steel treadplate encasement boxes with removable top. Mounted on running board. One (1) Each Side.	
5. Two, 6-inch red lights, one each on left and right cowl. (Federal Soloray Class 18 wig wag or approved equal.)	
6. Clearance Lights - Signal Stat 12M - Twenty-Twenty SAEP, or approved equal.	
7. Chrome, Stainless Steel, or polished aluminum helper steps on front of forward side compartments and at rear of tailboard area. Total of 4 required. Fold up type.	
8. Four (4) 2½" discharge outlets; two on pump panel, two on right side of apparatus. (Option to operate gates of outlets on right side from operator panel.)	
9. All 2½" and 1½" discharge gate control handles chrome plated.	

10. Steady valves on all guages where necessary for accurate readings.
11. Hose body cover neatly fitted - Snap-type fasteners - extend downward at rear to completely cover hose load - 12 ounce herculite material - Color. Black.
12. Tank fill located at front of body. (Also bucket fill at rear center.)
13. 10 - 2½" spanner wrenches
14. 2 - C.P. 2½" double female connection.
15. 2 - C.P. 2½" double male connection.
16. 4 sets C.P. stacked tips, 1" - 1 1/8" - 1 1/4". Attachable to 1730 playpipes.
17. 10 Spring-loaded mounts 2½". Akron 373 or approved equal.
18. 1 C.P. Style 535 Akron distributor nozzle.
19. 1 Scott Air Pak - 30 Minutes type with Mask, Nose Cups and Carrying Case.

Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the City Council unanimously voted to approve the suggested changes in the fire truck specifications.

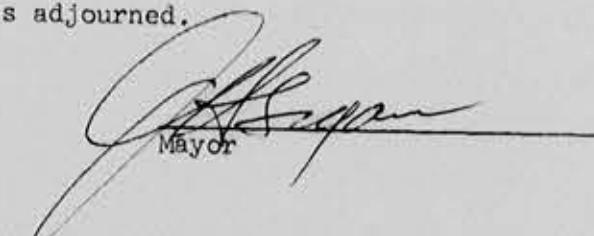
PROPERTY PURCHASE - LOT BETWEEN CITY HALL AND MAIN STREET: City Attorney E.P. Dameron informed the City Council that the necessary legal papers for the purchase of the lot located between the City Hall and Main Street had been submitted to the owner for execution. The City Manager stated that the property would be paid for from Revenue Sharing Funds as directed by City Council and that arrangements for said payment had been made.

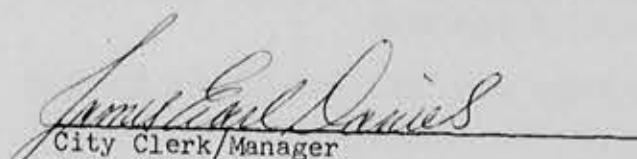
CITY HALL PARKING LOT: The City Manager requested permission to pave the parking lot located next to the City Hall. Upon a motion by Councilman Cross, seconded by Councilman Ledbetter, the City Council unanimously agreed to pave the parking lot.

VACUUM LEAF MACHINE - ARRIVED DAMAGED: The City Manager informed the City Council that the leaf vacuum machine had arrived damaged. He stated that due to the need for the use of the machine, that he had authorized the maintenance department to repair the section of the machine damaged so that it could be put in use as soon as possible. He advised the City Council that the machine was over nine weeks late and that leaves had accumulated throughout the City and the machine should be put in operation as quickly as possible.

STREET PAVING: The City Council was advised by the City Manager that he had been in contact with Mr. Bill Thompson of Thompson Contractors, Inc. regarding the delay in street paving. He stated that Mr. Thompson had assured the City Manager that the work would begin within two weeks.

There being no further business, the meeting was adjourned.


Mayor


James Earl Daniels
City Clerk/Manager

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

December 4, 1973

The City Council of the City of Marion met in a regularly scheduled meeting Tuesday, December 4, 1973 at 7:30 P.M. in the City Council Chamber at City Hall.

Board members present: Mayor James H. Segars, Councilmen Everette Clark, W.R. Ledbetter, Robert James, Oliver Cross and Horace Wilkerson.

Others present: City Manager Earl Daniels, City Attorney E.P. Dameron and Chief of Police John Beck.

Guests: Dr. W.L. Bell, Chairman of the Old Fort-Marion-McDowell County Recreation Commission and Mrs. Lockie Duncan, Notary Public.

The City Manager presented the below listed abstract of canvassing for the November 6, 1973 Municipal Elections as provided by the Municipal Board of Elections.

We, the undersigned members of the Municipal Board of Elections, do hereby certify that we met in the Marion City Hall on November 8, 1972, and did canvass the original returns of the Registrars and Judges of Election of the votes cast for Mayor and members of the City Council of the City of Marion at the regular municipal election held on November 6, 1973, and that the following is a true and correct tabulation thereof:

Candidates for Mayor	Total
James H. Segars	596

Write-Ins

Raymond Bledsoe	4
Robert James	2
Pat Davis	1
Larry Hogan	1
Bill Smith	1
Angus Stronach	1
Elsie Pyatt	1
Tom Milligan	1
Gary Rockett	1
Oliver Cross	1
Jim McGarr	1
Doris Hill	1
Dula Hawkins	1
Jim Evans	1
Nancy Corpener	1
Lee Conley	1
Bill Ledbetter	1

Candidates for Members of City Council

Everette Clark	577
Oliver R. Cross	561
Larry (Butch) Hogan	335
W.R. Ledbetter	438

Write-Ins

Pat Davis	1
John Burgin	1
Jim McGarr	1
Ed Rankin	1
Joyce McCall	1
Margurete Gilkey	1

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We, therefore, certify that pursuant to such tabulation, we have determined that:

James H. Segars having received 596 votes for Mayor; and

Everette Clark having received 577 votes,
Oliver R. Cross having received 561 votes,
W.R. Ledbetter having received 438 votes for City Council have been duly elected
Mayor and members of the City Council of the City of Marion, pursuant to law, for
a term of four years.

Chairman, Board of Elections

Member

Date

Member

Administration of the Oath of Office to Mayor James H. Segars and Councilmen
William R. Ledbetter, Oliver R. Cross and A. Everette Clark.

Mrs. Lockie Duncan, Notary Public administered the following Oaths of
Office:

"I, James H. Segars, do solemnly swear (or affirm) that I will support
and maintain the Constitution and laws of the United States,
and the Constitution and laws of North Carolina not inconsistent therewith,
and that I will faithfully discharge the duties of my office as Mayor of
the City of Marion, North Carolina, so help me God."

"I, A. Everette Clark, do solemnly swear (or affirm) that I will support
and maintain the Constitution and laws of the United States, and the Constitution
and laws of North Carolina not inconsistent therewith, and that I will faithfully
discharge the duties of my office as Councilman of the City of Marion, North
Carolina, so help me God."

"I, Oliver R. Cross, do solemnly swear (or affirm) that I will support and
maintain the Constitution and laws of the United States, and the Constitution
and laws of North Carolina not inconsistent therewith, and that I will faithfully
discharge the duties of my office as Councilman of the City of Marion, North Carolina,
so help me God."

"I, William R. Ledbetter, do solemnly swear (or affirm) that I will support
and maintain the Constitution and laws of the United States, and the Constitution
and laws of North Carolina not inconsistent therewith, and that I will faithfully
discharge the duties of my office as Councilman of the City of Marion, North
Carolina, so help me God."

APPROVAL OF THE NOVEMBER 6, 1973 MINUTES: Upon a motion by Councilman Wilkerson,
seconded by Councilman Cross, the City Council unanimously voted to approve the
minutes of the November 6, 1973 meeting.

RECREATION COMMISSION REPORT: Dr. W.L. Bell, Chairman of the Old Fort-Marion-
McDowell County Recreation Commission was present and advised the City Council
that the Recreation Commission had appointed a full time director who would be
reporting for work in January of 1974. Dr. Bell informed the City Council that
he had attended the meeting of a State organization of recreational directors
and recreation commissioners at his own expense. He stated that McDowell County
and the Town of Old Fort had turned over funds appropriated for recreation to
the Recreation Commission, but that funds appropriated by the City of Marion
had not been received.

Mayor James H. Segars advised Dr. Bell that the funds appropriated by the City
of Marion were available and would be turned over to the Recreation Commission
at such time as the disposition of the Marion High School property has been
resolved and further provided that the end result regarding the donation and
acceptance of the high School property was not in violation of Section V of
the Resolution establishing the Recreation Commission. Mayor Segars further
explained that Section V of the Resolution establishing the Resolution
Commission stated that all properties donated for recreational purposes
would be deeded so that each governmental unit will hold equal title to the
property. He stated that it is of the utmost importance that all governmental
units abide by the regulations established in the Resolution which was con-
sented to and adopted by all governmental units in McDowell County. Dr. Bell
stated that he did not wish for the Recreation Commission to become a political
football between the governmental units. Dr. Bell requested Mayor Segars to
meet with the County Commissioners to resolve the problem regarding the high
school property so that the funds appropriated by the City of Marion could be
turned over to the Recreation Commission. Mayor Segars stated that he would
meet with the Chairman of the County Commissioners to try and work out a
solution to the problem which would be in compliance with the Resolution
adopted by all governmental units.

NATIONAL FLOOD INSURANCE PROGRAM: The City Manager informed the City Council
that the National Flood Insurance Program was established to make specified
amounts of flood insurance available under Federal auspices. He stated that
in return for the provision of subsidized insurance to existing properties the
program required that state and local governments adopt and enforce land use and
control measures that will guide land development in flood prone areas. The City
Manager stated that the program was explained at a meeting of the Isothermal
Planning and Development Commission, but that the City of Marion was not designated
as being in a flood prone area. He stated that sections of McDowell County were
located in a flood prone area and that the county could become involved in the
program by adopting the necessary resolutions and establishing and enforcing
land use and control measures.

SEDIMENTATION ORDINANCE: The City Manager advised the City Council that the state
had granted authority to local governments to adopt and enforce sedimentation
ordinances after such ordinances had been submitted and approved by state agencies.
He stated that the ordinances adopted by the local governments would have to
comply with regulations already established by the state but that adoption of
local ordinances would require local enforcement. The City Manager suggested
that since the City of Marion does not have adequate personnel to enforce such
ordinances and that since construction within the City limits would be limited,
the City Council may wish to table any action on such an ordinance and allow the
state to enforce state laws regarding sedimentation control. The City Manager
was directed to investigate all matters relating to such an ordinance and the
need for such an ordinance for the City of Marion and report back to the City
Council at a later date.

INSTALLATION AND MONITOR OF ALERT TEAM COMMUNICATIONS CHANNEL: The City Manager
presented a letter from Mr. Rodney Holloway, Chief Officer of the McDowell Alert
Team, requesting permission to tie in the McDowell Alert Team radio frequency,
as approved by the Federal Communications System, to the radio console in the
Marion Police Department. Police Chief John Beck was present and advised the
City Council that three channels were available in the radio console and that
the alert team on numerous occasions had helped the Marion Police Department
and recommended approval of the request.

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Upon a motion by Councilman James, seconded by Councilman Cross, the Marion City Council unanimously voted to approve the request to tie the alert team radio frequency into the Police console provided that all expense for installation and maintenance be paid by the Alert Team and further provided that the City of Marion not incur any expense in the operation and further provided that the Alert Team will have such radio frequency removed immediately upon request by the City Council.

ORDINANCE ESTABLISHING A RESERVE POLICE FORCE: An Ordinance entitled "An Ordinance Establishing a Reserve Police Force and Providing for its Use and Control," was presented to the City Council by the City Manager. Police Chief John Beck informed the City Council that he had reviewed the proposed ordinance and that he wished to recommend approval of the ordinance. The City Council reviewed the ordinance and a question was raised regarding Section VII concerning carrying of firearms. After some discussion the City Council asked that Section VII be amended to provide that no member of the Reserve Police Force would be allowed to carry firearms until said member had received adequate training in the use of firearms. Upon a motion by Councilman Cross, seconded by Councilman Ledbetter, the City Council unanimously voted to adopt the following ordinance entitled, "An Ordinance Establishing a Reserve Police Force and Providing for its Use and Control."

AN ORDINANCE ESTABLISHING A RESERVE
POLICE FORCE AND PROVIDING FOR ITS
USE AND CONTROL

BE IT ORDAINED by the City Council of the City of Marion as follows:

SECTION I. Reserve Police Force Established.

A reserve Police Force is hereby established, to be a volunteer organization, composed of not to exceed ten members, separate and distinct from the Police Department of this City, but to be headed by the Chief of Police.

SECTION II. Chief of Police to Have Control

The Chief of Police of this City shall have complete authority, control and command, subject, of course to the provisions of this ordinance, over the Reserve Police Force. He may appoint as members thereof, subject to approval by the Mayor and City Council, any persons he may deem to be qualified, and he may reject any applications for membership. He shall provide for the training of candidates for membership, and for the further training of members.

SECTION III. Method of Appointment

No person shall be deemed a member of the Reserve Police Force until he has been registered as such in the Roster to be kept by the Chief of Police, and until he has taken his oath that he will observe and obey the Constitution of the United States, the Constitution of this state, and the Laws of this Nation, this State and the City, and he will carry out the duties of a member of the Reserve Police Force of this City to the best of his ability. Persons wishing to apply for membership may do so by completing the standard application for employment form and must meet all standards as set forth by the training and standards council of North Carolina.

SECTION IV. Duties

The duties of the Reserve Police Force, subject at all times to the direction, supervision and control of the Chief of Police, shall be to assist the regular members of the Police Department of this City in the enforcement of law and the maintenance of peace. The Chief may by order establish rules and regulations to govern the Reserve Police Force, to fix the specific duties of its members, and to provide for the maintenance of discipline. He may change such orders from time to time, and he may command members of the Reserve Force to obey the instructions of regular Police Officers in carrying out their duties. Duties will consist mainly of special assignments such as ballgames, parades, and other functions. Reserve Officers shall be assigned with a regular Police Officer at times for on the job training.

Each Reserve Officer shall be required to work a minimum of two hours per week. The Chief of Police may prescribe other duties than those mentioned herein to be performed by the Reserve Police Force not inconsistent with the provisions hereof.

SECTION V. Identification

One complete uniform and identification card and such other insignia or evidence of identity as the Chief may prescribe shall be issued to each member, who must carry the card and other identification at all times while on duty, and he must surrender them upon the termination of his membership.

SECTION VI. Removal from Membership - Resignation

The membership of any person may be terminated by the Chief of Police at any time, and any member may resign from the Reserve Police Force at any time, but it shall be his duty to notify the Chief of Police of his resignation.

SECTION VII. Carrying of Firearms

No member of the Reserve Police Force shall while on duty carry or use any firearms except upon the express written order of the Chief of Police; except that no member shall carry firearms until and unless said member has received training in the use of firearms.

SECTION VIII. Breaking - Entering

No member of the Reserve Police Force shall break into or otherwise forcibly enter upon any private property or enter the dwelling or habitation of another without the consent of the owner or occupant, except when immediately accompanied by a regular member of the Police Department of this City who then and there request his aid in the enforcement of the law.

SECTION IX. Power of Arrest

Reserve Officers will have the same power of arrest as regular officers; however, all arrests shall be made by regular members of the Police Department, except in those cases where regular members of the Police Department are not available and it becomes necessary for the Reserve Officer to exercise this authority.

SECTION X. Diminishing the Force

The Chief of Police may by order diminish or expand the membership of the Reserve Police Force as exigency may require, within the limit herein above established.

SECTION XI. Summary, Dismissal and Publication

In addition to the penalties provided by law, any violation of law under color of the performance of his duties as a member of the Reserve Police Force, and any breach of the rules and regulations established by the Chief shall subject any member to summary expulsion and the fact thereof may be published at the order of the Chief.

SECTION XII. False Personation

It shall be unlawful for any person to wear, carry or display a Reserve Police Force identification card or insignia or otherwise deceitfully represent himself to be connected with that force, unless he is in fact a member thereof.

ADOPTED this 4th day of December, 1973.

ATTEST:

James Paul Daniel
City Clerk/Manager

J. H. Ryan
Mayor

Also, see City of Marion Ordinance Book, No. 0-73-4-12-1

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WEST END CAB COMPANY APPLICATION: Police Chief John Beck presented an application from Mr. Wilburn G. Wright to allow the establishment of the West End Cab Company to be located at 22 Park Avenue. Chief Beck advised the City Council that Mr. Wilburn G. Wright wished to dissolve his partnership with the Yellow Cab Company of Marion and that approval of the application would not increase the number of cabs in the City of Marion. The City Council reviewed the application and noted the recommendations for approval from Chief of Police John Beck. Upon a motion by Councilman Wilkerson, seconded by Councilman Ledbetter, the City Council unanimously voted to adopt the following Resolution:

RESOLUTION DECLARING THAT PUBLIC CONVENIENCE AND NECESSITY REQUIRE THE NEW TAXI CAB SERVICE:

Whereas, the City Council of the City of Marion adopted an Ordinance entitled, "An Ordinance to Regulate and Control the Operators and Operation of Taxi Cabs within the City of Marion and to create the office of inspector of taxi-cabs on January 16, 1973 and;

Whereas, an application has been filed with the Chief of Police requesting a certificate for the operation of a new taxi-cab company and;

Whereas, Section III of the above mentioned Ordinance requires that no certificate be granted until the City Council shall declare by resolution that Public Convenience and Necessity require the proposed taxi-cab service;

Now therefore, be it resolved by the City Council of the City of Marion that Public convenience and necessity require the proposed taxi-cab service,

Be it further resolved that the application for a certificate for the operation of one or more taxi-cabs within the City of Marion as submitted by Mr. Wilburn Wright under the trade name of West End Cab Company be granted by the City Council of the City of Marion contingent upon said firm meeting all requirements as set out in the ordinance adopted by the City Council on January 16, 1973.

John G. Wright
Mayor

ATTEST:

James E. Davis
Clerk

PARKING PROBLEM NORTH SIDE OF STATE STREET BETWEEN MAIN AND SOUTH GARDEN STREETS: The City Manager advised the City Council that he had received a complaint stating that elderly persons and injured persons wishing to visit the offices of Dr. Allen and Dr. Ramsey cannot find a parking space close to these offices. The complainant stated that the five unmetered marked off spaces are almost continually filled. It was suggested that the City might establish a patient loading and unloading zone in front of these offices. The City Manager stated that in his opinion the width of State Street was such that parking should probably be prohibited on both sides of the street. The City Council discussed the complaint and noted that providing a patient loading and unloading zone at this location might prompt other businessmen to request a similar service in other sections of the downtown area. Police Chief John Beck informed the City Council that some persons were using the no parking zone, where the curb is painted yellow, to load and unload patients. He stated that police officers did not tag these vehicles for illegal parking if the vehicle was occupied and located temporarily only for the purpose of loading and/or unloading a person. He suggested that the City Council might wish to enlarge the no parking zone by deleting one of the marked off parking spaces. He stated that Police Officers would issue parking citations to any vehicles left unattended for any length of time but that officers could be directed not to tag vehicles in the process of loading and unloading persons. Upon a motion by Councilman Ledbetter, seconded by Councilman James, the Council unanimously voted to enlarge the no parking zone by extending the no parking zone an additional twenty feet from its present termination point which is located a distance of sixty-two feet from the northwest corner of the intersection of State and Garden Streets.

CITIZENS REQUEST: The City Manager presented a letter from Mr. Gene Fowler requesting that consideration be given to amending the policy requiring separate water meters so as to allow existing permanent, separate dwellings to be served by one water meter and billed under the existing procedure for multi-unit buildings. Mr. Fowler stated in his letter that in order to install the additional water meter to serve his garage apartment that he would have to disturb his lawn and a wall and go to considerable expense. The City Manager stated that in this particular case where the owner of the property occupies one of the dwelling units and pays the entire bill that no problem exist in billing the owner two minimums as opposed to one. He stated that this procedure would insure that the City receive the proper amount of water rent. The City Council was advised by the City Manager that the only problem with amending the ordinance is that in numerous cases where two separate permanent dwellings exist on one lot being served by one meter that both units are leased and under these conditions only one person would receive a water bill. He stated that should the person that does not receive a water bill refuse to pay for the water that the person in whose name the water has been turned on would have to pay both bills. Under such conditions refusal of the person to pay the bill would result in disconnecting the water which would mean that neither person would receive water service. He stated that he had received a complaint from a lady who was paying two water bills in order to continue her water service when the party living in the other apartment refused to pay their half of the bill.

After much discussion, it was determined by the City Council that the existing policy should not be changed, however, it was stated that under certain conditions consideration should be given to allowing exceptions to the existing policy. The City Manager was directed to contact Mr. Fowler and to go out to the property and determine if the existing policy would work an undue hardship on Mr. Fowler. The City Manager was directed to treat all other cases in similar manner where the party complains that installation of an additional meter to serve a separate permanent dwelling would work an undue hardship. Decisions regarding whether or not the persons requesting an exception to the policy would be made by the City Manager with an option that the person making such a request could appeal the decision of the City Manager to the City Council.

FIREMEN - POLICEMEN RECREATION BUILDING: The City Manager requested permission to allow the firemen and policemen to renovate the old boiler building recently purchased from Margaret Bell and located across the alley from the Police Department as a recreation building for the police and fire departments. The City Manager stated that the cost involved in removing the building would be greater than the cost of repairing and using the building. He advised the City Council that he felt that policemen and firemen would volunteer their services to repair the building if they could use it as a lounge and recreation building. The City Manager stated that after renovation the building could be used by volunteer firemen and policemen as a sort of home away from home where they could meet, take training classes, have coffee, watch TV, play cards, checkers and billiards. The City Council discussed the request and felt that the project would improve the morale in the police and fire departments and would be beneficial to the City. The City Manager stated that he felt the building could be renovated without a great deal of expense to the City of Marion. He informed the Council that he felt donations could be made and labor could be provided by personnel, both regular and volunteer in the police and fire departments. Upon a motion by Councilman James, seconded by Councilman Ledbetter, the City Council unanimously voted to allow the fire and police personnel to renovate the building as requested.

COMMUNITY BUILDING REGULATIONS: The City Council was advised that on numerous occasions local industries and churches requests permission to borrow silverware, tables, chairs, etc., from the Community Building. The City Manager stated that the existing Community Building regulations under Item VII prohibits the removal of any type of equipment from the building. The Manager stated that on several occasions local industries had requested permission to use tables, chairs, dishes, and silverware and that based on the fact that most of these industries had made donations to the City, either to the Police or Fire Departments or other departments of the City, that it was difficult to refuse these persons. After much discussion regarding Section VII of the regulations, it was determined that Section VII should be amended. Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the City Council unanimously voted to amend Item VII of the rules and regulations covering the use of the Marion Community Building to read as follows:

7. No equipment of any kind including chairs, tables, pots and pans, dishes or silverware shall under any circumstances be removed from this building without approval of the City Manager.

EMPLOYEE CHRISTMAS BONUS: The City Council discussed the annual employee christmas bonuses. The City Manager was directed to use the same Christmas Bonus schedule used last year. The Schedule follows:

Employees working one year or less -----	\$25.00
Employees working one year to three years -----	\$30.00
Employees working over three years -----	\$35.00

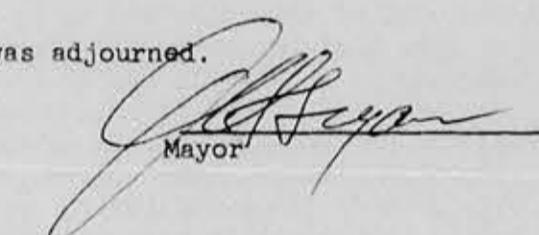
The City Manager was directed to include in the Christmas bonus program retired Police Chief Bill Wood and Police Officer Eugene Dixon.

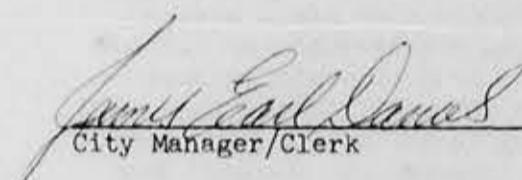
CHRISTMAS LIGHTS - ENERGY CRISIS: Mayor Segars informed the City Council that Mickey Poteat, President of the Merchants Association had requested that the City Council express an opinion regarding the use of Christmas lighting in the downtown area since the President has requested that all persons conserve energy. Councilman Everette Clark stated that the President's request was that energy be conserved in the amount of twenty-five to thirty percent. He stated by not using the lighting in the downtown areas, we would be conserving one hundred percent. He stated that in his opinion the lighting should be used at least on a limited basis. After discussing the matter, the City Manager was directed to advise Mickey Poteat, President of the Merchants Association, that the City Council suggests that the Christmas lighting in the downtown area be turned on for limited periods of time each night or on alternate nights or on week-ends to be determined by the Merchants Association.

CITY TAGS: The City Manager informed the City Council that the 1974 City tags have been received and suggested that Mr. Charles Israel sell the City tags along with North Carolina State Auto plates. Upon a motion by Councilman Cross seconded by Councilman Wilkerson, the City Council unanimously voted to allow Mr. Israel to sell City tags under the same agreement used last year. The City is to pay Mr. Israel \$.15 for each City tag sold.

MAYOR PRO TEM: Mayor Segars advised the City Council that it would be necessary to elect a new Mayor Pro Tem. Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to elect Councilman W.R. Ledbetter as Mayor Pro Tem.

There being no further business, the meeting was adjourned.


Mayor


Earl Daniels
City Manager/Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

December 18, 1973

The City Council of the City of Marion met in a regularly scheduled meeting, Tuesday December 18, 1973 at 7:30 P.M. in the City Council Chamber at City Hall.

Board members present: Mayor James H. Segars, Councilman Everette Clark, W.R. Ledbetter, Robert James, Oliver Cross and Horace Wilkerson.

Others present: Earl Daniels, City Manager and news reporter Anna Jo Asa.

Guests: Mrs. Mickey Seagle and Attorney Charles Brown.

APPROVAL OF THE DECEMBER 4, 1973 MINUTES: Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the City Council unanimously voted to approve the minutes of the December 4, 1973 meeting.

CITY SEAL - EMBLEM: The City Manager asked that consideration be given to conducting a contest, open to the general public, whereby citizens could submit drawings of proposed seals or emblems from which could be selected an emblem or seal for the City of Marion. The City Manager stated that the emblem would be displayed on all City vehicles and on City stationery. Several seals from other cities were presented for the Board's review, along with drawings by Mr. Floyd Broome of seals which were submitted by Mr. Broome for the Marion-McDowell County quasi-centennial held in 1968. The City Manager suggested that the Mayor may wish to appoint a committee to select a seal for the City of Marion from those submitted for consideration. Upon a motion by Councilman Wilkerson, seconded by Councilman Cross, the City Council unanimously voted to place a notice in the paper advising citizens of the contest, stating that all proposed seals would be submitted prior to 7:30 P.M., March 5, 1974 and that a \$50 bond will be presented to the person submitting the seal selected by a committee appointed by Mayor Segars.

PINECREST SUBDIVISION WATER LINE - REQUEST FOR CONNECTION: Mrs. Mickey Seagle and Attorney Charles Brown appeared before the City Council and advised the Council that Mr. John Gilkey claimed ownership of the road leading to the Seagle property and that Mr. Gilkey refused to grant permission to cross his property with a water line to connect to the 6" water main belonging to the City of Marion.

At a previous meeting the City Council had advised Mrs. Seagle that the City would permit connection to the City-owned watermain providing access to the main could be acquired by Mr. Seagle. Attorney Charles Brown informed the City Council that he had been in contact with representatives of the North Carolina State Highway Department and that he was awaiting an answer from the department regarding the status of the road.

After discussing the matter, Attorney Charles Brown advised the City Council that he would try to obtain a fifteen foot easement from other property owners in the immediate area so that a waterline could be extended to serve the Seagle property without crossing property claimed by Mr. John Gilkey. Mr. Brown stated that he would contact the City Manager later in the week as soon as he was able to obtain this information.

CCG002

POLICE ORDINANCE - ORGANIZATION AND REGULATIONS: The City Manager presented a new Police Ordinance establishing proper organization and regulations for the operation of the department. The City Manager informed the City Council that the ordinance had been prepared by the Chief of Police and incorporated existing ordinances and regulations. The City Manager suggested that the City Council review and study the proposed ordinance for consideration at the next regular meeting of the City Council. The City Council agreed that the ordinance should be studied in detail before taking any action.

SCHOOL FOR NEWLY ELECTED OFFICIALS: The City Manager informed the City Council that a school for newly elected Mayors and Councilmen would be conducted at the Institute of Government in Chapel Hill in February, 1974. He stated that the school is conducted every two years by the Institute of Government with the cooperation of the North Carolina League of Municipalities. He advised the City Council that it was a very good school which covered every phase of municipal operations and suggested that those members of the City Council who have not attended the school may wish to do so. He stated that those persons wishing to attend should contact the City Manager and he would make reservations.

PROPERTY ON BLUE RIDGE ADJACENT TO R.L. JAMES MILL: Councilman Wilkerson stated that he had been asked about the status of the property belonging to the City of Marion and located on Blue Ridge adjacent to R.L. James Mills. He stated that the person inquiring was interested in purchasing the property. After discussing the matter, it was decided to advertise the property for sale at sealed bids. Upon a motion by Councilman Ledbetter, seconded by Councilman Wilkerson, the City Council unanimously voted to advertise the City-owned property on Blue Ridge for sale to the highest bidder at sealed bids reserving the right to the City of Marion to reject any and all bids.

CITY MANAGER'S REPORT: 1. Street Paving- The City Manager informed the City Council that Thompson Paving Contractors of Rutherfordton had completed all paving excepting the installation of curbs. He stated that he had advised Mr. Thompson that some members of the City Council were dissatisfied with the appearance of some of the streets resurfaced.

2. Fire Truck Bids: The City Council was advised that the bids for the new fire truck would be presented at the January 8, 1974 meeting.

3. New Police Cars: The City Manager advised the City Council that he had been informed by Mr. Winslow Ballew that the Police vehicles which were to be delivered in December would be delayed and that the vehicles would probably be received some time in the latter part of January.

4. Conley Road Water Line: The City Manager informed the City Council that the materials had been ordered for installation of a water line on Conley Road.

5. Mo-Trim Mower: The City Manager informed the City Council that he had finally received some specifications on the Mo-Trim mower and that he was trying to obtain specifications on diesel tractors. He stated that bids would be prepared for these types of equipment in the spring.

6. Recreation Director Office: The City Manager stated that the Chairman of the Old Fort-Marion-McDowell County Recreation Commission had inquired as to whether or not the City could provide office space for the new recreation director. The City Manager stated that space could be provided if the City Council so directed.

The City Manager was instructed to advise the Recreation Commission that the City could provide an office for the Recreation Director and to submit a letter to the recreation commission stating this fact and also copies to Old Fort and McDowell County.

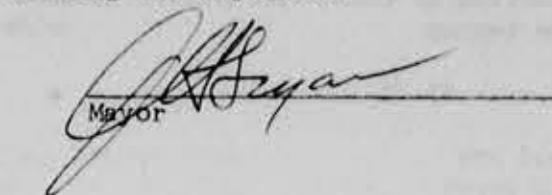
7. Payment on Moore Property: The City Manager advised the City Council that the first payment on the Moore property had been submitted in the amount of \$15,000.

8. Budget-Sanitation Department: The City Manager informed the City Council that the budget line item for vehicle maintenance in the sanitation department had been exceeded due to major repairs to one of the garbage packer trucks.

9. Christmas Party: The City Manager stated that a Christmas Party would be held for City employees on Friday evening at 5 P.M. and encouraged all City Council members and the Mayor to attend the party. He stated that entertainment would be provided by City employees.

10. Energy Crisis: The City Manager stated that at the present time the City has been able to obtain a sufficient quantity of gasoline for all municipal operations. He stated that in the event a cut-back in the amount of fuel available becomes a reality, that it may be necessary to reduce the number of sanitation pick-ups from twice to once a week. He informed the City Council that consideration is being given to the possibility of providing plastic bags for citizens and requesting citizens to place their garbage at the curb side for pick-up to reduce the amount of gasoline necessary for the operation. He advised the Council that he sincerely hoped that it would not be necessary to go to this type of operation.

There being no further business the meeting was adjourned.


Mayor


James Earl Daniels
City Manager

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

January 8, 1974

The City Council of the City of Marion met in a regularly scheduled meeting Tuesday night, January 8, 1974 at 7:30 P.M. in the City Council Chamber at City Hall.

Board members present: Mayor James H. Segars, Councilman Everette Clark, W.R. Ledbetter, Robert James, Oliver Cross and Horace Wilkerson.

Others present: Earl Daniels; City Manager, E.P. Dameron; City Attorney, Arthur Edwards; Fire Chief and Don Dillingham, news reporter. Mr. Dillingham arrived at approximately 8:40 P.M.

Guests: Grover Taylor, Lake City Cab Company, James Shelton, Eagle Cabs, James Hughes, Yellow Cabs, Raymond Waycaster, Red Top Cabs, Paul Nunnally, Red Top Cabs, Henry Burgess, Burgess Fire Equipment, and Steve Idol, Triad Fire and Safety Equipment Company, Inc.

CCG002

APPROVAL OF THE DECEMBER 18, 1973 MINUTES: Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the City Council unanimously voted to approve the minutes of the December 18, 1973 meeting.

TAXI - REQUESTED RATE INCREASE: Mr. Paul Nunnally was present, requesting local taxi firms, to request that the taxi-cab Ordinance adopted January 16, 1973 be amended to provide for a rate increase. Mr. Nunnally advised the City Council that the rate increase was necessary due to the added increase in the cost of vehicle operation. Upon a motion by Councilman Wilkerson, seconded by Councilman Ledbetter, the City Council unanimously voted to delete all of Section I of Article 3 of the Ordinance entitled "An Ordinance To Regulate and Control The Operators and Operation of Taxi Cabs within the City of Marion and to Create The Office of Inspector Of Taxi Cabs," as adopted by the City Council January 16, 1973 and insert in lieu thereof the following amendment:

Article III

✓ Section 1. The rates of fare to be charged for taxicab service by any person owning, operating or controlling any motor vehicle operated as a taxicab within the City of Marion shall not be in excess of the following rates: (JANUARY 22, 1974)

ZONE 1 --- \$1.25

Intersection Morehead Street and Rutherford Road
Intersection Ann Street and State Street
Intersection Oak & Gilkey Street
Intersection Yancey Road and Airport Road
Ray Simmons Service Station
Perry Novelty Shop
Intersection Pinnacle & Reservoir Road
Lail Street
Intersection E. Court and Baldwin Avenue
Alabama Avenue

ZONE 2 --- \$1.25

Glenwood Ave
C C & O Depot
Bob Finley house, Yancey Rd
Intersection 221 & 70 W.
Hilltop House, Airport Rd
Luther Elliott House, Nix Creek Rd
Flowers Store, W. Marion
Britts House, W. Marion
Stokes Proctor House, Ridge Rd.
Bud Fisher house, Tunnel Rd.
Vess House, Moody Town
R R Crossing, Seagle St
Lowes Hardware
Intersection, Slaughter Pen
Marvin Sartin house, W. Marion

ZONE 3 --- \$1.65

Three Point Service Station
Pyatt Heights Rd
Uptons Store Hwy #10
Intersection 221 & Chapel Hill Rd
Yancey Camp
Frank Goforth House
Laughridge House - Airport Rd.
Trinks House, Ashworth Rd.
Catawba Grocery
Catawba River Bridge 70W
Filter Plant
Intersection Nix Creek Rd and W. Marion
R R Crossing, Moody Town
Smile Station, Sygar Hill Rd.

ZONE 4 --- \$2.05

Intersection 221 S & I-40
Intersection 226 S & I-40
Williams Store on 70 East
Al's Place
Airport
Fish Hatchery
Hill Top Grill 221 North
Lake Tahoma Steak House
Old River Bridge
West House on Nix Creek Rd
Lee Cheek House on Glenwood & W. Marion Rd.
Rev. Parker's House, Jacktown
Forks of road Pleasant Hill Church
Roland Chapel Church Rd. # 10

ZONE 5 --- \$2.45

Elliott House on Rutherford Rd.
Avery Jimison house
Hall house on Prison Camp Rd.
Nebo Road
R.R. Crossing at Hankins
Jim Gray House, #10 East
Tom's Creek Rd. on 221 N.
J.C. Rabb house
Ridgeway Church
Davis Motor Co. 70W
Gills Dairy #10
Ballew House, Nix Creek Rd.
Providence Church
Top Stacy Hill
Burnettes Store, Yancy Rd.

Return trips 50¢
Fares Beyond Zone #5 = \$2.20 Plus 40¢ Per Mile

All stops 25¢
Waiting Time \$5 per Hour
All Extra Pick-ups 50¢
An Extra Charge will be made for Transporting Ice or Coal
Extra Charge Made for Taking Taxi Off Route
Extra Charge May be made for Loading and unloading

FIRE TRUCK BIDS: The City Manager informed the City Council that only three bids had been received on fire apparatus and chassis as requested and advertised in the McDowell News on November 28, 1973. Fire Chief Arthur Edwards was present and opened the bids at 8:15 P.M. Mr. Henry Burgess was present representing Burgess Fire Equipment, Incorporated and Mr. Steve Idol was present representing Triad Fire and Safety Equipment Company. The three bids received were as follows:

Ballew Motor Company, Inc.

Chassis Bid	13,584.64
N.C. Sales Tax	120.00
Total	<u>13,704.64</u>

Triad Fire & Safety Equipment Company
Howe Fire Apparatus Company, Inc.

Chassis Bid	12,343.00
Apparatus Bid	27,311.45
Chassis & Apparatus	39,654.45
N.C. Sales Tax	120.00
Total	<u>39,774.45</u>

Burgess Fire Equipment, Inc.

Chassis	19,194.00
Apparatus Bid	26,922.00
Chassis & Apparatus	46,116.00
N.C. Sales Tax	120.00
Total	<u>46,236.00</u>

CCG002

The City Council discussed the bids presented by Mr. Steve Idol and Mr. Henry Byrgess with the bidders. After much discussion, Mr. Burgess and Mr. Idol thanked the City Council for allowing them to submit bids and left the meeting. The City Council reviewed the specifications with the Fire Chief. Upon a motion by Councilman Ledbetter, seconded by Councilman Wilkerson, the City Council unanimously voted to accept the low bid submitted by Triad Fire and Safety Equipment Company in the amount of \$39,774.45. This was the low bid received on the chassis and apparatus.

POLICE ORDINANCE - ORGANIZATION AND REGULATIONS: No formal action was taken by the City Council regarding the proposed Police Ordinance. Mayor Segars suggested that the Ordinance be presented at the next regular Council meeting.

PLANNING BOARD MEMBERS - APPOINTMENT: The City Manager informed the City Council that the terms of three members of the Marion Planning Board have expired as of December 31, 1973. The members whose terms have expired are James Hollifield, Mrs. David Setzer and Ray Cline. The City Manager presented a list of names submitted by the Marion Planning Board of persons the Planning Board would suggest be appointed by the City Council. Upon a motion by Councilman Cross, seconded by Councilman James, the following persons were appointed to the Marion Planning Board for terms of three years each. Said terms to expire December 31, 1976; Winslow Ballew, Jim Lancaster and Bob Jarrett, Jr.

ZONING ORDINANCE - PUBLIC HEARING: The City Manager recommended that the City Council call for a Public Hearing for adoption of the Marion Zoning Ordinance. The City Manager suggested that the Public Hearing be held on February 19, 1974. Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the City Council unanimously voted to call for a Public Hearing to be held on February 19, 1974 to consider adoption of the Marion Zoning Ordinance.

BOARD OF ADJUSTMENT - ZONING ADMINISTRATOR: The City Manager advised the City Council that it would be necessary to appoint a Board of Adjustment and a Zoning Administrator if the proposed Zoning Ordinance is adopted by City Council. He stated that the Board of Adjustment would render decisions regarding variances, special use permits, appeals from the decision of the Zoning Administrator and interpretation of the Zoning Ordinance. He advised the City Council that once the Board of Adjustment had rendered a decision the only avenue left available to the party aggrieved is appeal to the Courts. The City Manager recommended Fire Chief Arthur Edwards be appointed the Zoning Administrator in addition to his present position as Fire Chief. The City Manager stated that in his opinion it would not be necessary to appoint a full-time Zoning Administrator at this time.

The City Manager stated that the Fire Chief's position was more closely related to building inspections and safety than other positions with the City. The City Manager stated that the Fire Chief and the City Manager together could issue permits for Zoning compliance until such time that it becomes necessary to hire a Zoning Administrator. The City Manager informed the City Council that a Zoning Administrator School would be held by the Institute of Government in Chapel Hill from February 4 through February 9, 1974. He requested permission to allow Fire Chief Arthur Edwards to attend this school so that he would be familiar with the zoning laws prior to the zoning ordinance being considered for adoption. The City Council discussed this matter and authorized the City Manager to send Fire Chief Arthur Edwards to the Zoning Administrator School.

CARDINAL LANE - ACCEPTANCE FOR MAINTENANCE: The City Manager advised the City Council that he had received a request from Mr. Harold Sluder that Cardinal Lane be widened. He stated that in checking the Powell Bill Map, he found that Cardinal Lane is not on the Street system. He suggested that the City Council consider placing this street on the City system for maintenance purposes. Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to accept Cardinal Lane for maintenance purposes and directed the City Manager to place this street on the City street system.

CITY MANAGER'S REPORT: A letter was presented to the City Council from County Manager Jack Harmon regarding a willingness of the County Board of Commissioners to meet with the City Council in hopes of resolving any misunderstanding with regard to the Jr. High School property.

January 8, 1973

Mr. Earl Daniels, City Manager
Mr. James Segars, Mayor
Members, City Council
City of Marion
Marion, N.C. 28752

Subject: Junior High School Prop.

Gentlemen:

In formal session on January 7, the McDowell County Board of Commissioners instructed me to write you, expressing their concern at the recent suggestion by Marion City Council, that McDowell County had violated Section 5 of the Resolution establishing the Old Fort-Marion-McDowell County Recreation Commission.

In reviewing section 5 of the Resolution and the action taken by the Board of Commissioners in connection with the Junior High Property, the Board was of the opinion that in no way had they violated section 5, nor any other section of the Resolution.

You will note that Section 5 declares that any property offered or donated to the Recreation Commission will be titled in order that each governmental unit holds equal interest. At this point in time the Board of Commissioners are not aware of any property which has been offered to the Recreation Commission, nor of any property which has been donated. Therefore, there has been no violation of the Resolution.

The Board of Commissioners expressed a willingness to meet with you to discuss this matter further, in hopes of resolving any misunderstanding which has arisen, and in order that the Recreation Commission can get on with the work which has been assigned to them.

Very truly,
Jack H. Harmon
County Manager

cc: Mr. Don Dillingham
Dr. William Bell

The City Manager was directed to contact County Manager Jack Harmon and set a tentative date of February 12, 1974 for an evening dinner meeting with the County Commissioners.

MARION POLICE - FIRE TRAINING CENTER: The City Manager discussed with the City Council the possibility of using the boiler building located across the alley from the Police Department for a meeting room for the City Council and other City Boards and Commissions. The City Council had previously authorized the renovation of the building to be used for a training and recreation building for the Police and Fire Departments. Mayor Segars advised the City Council that additional funds were necessary to renovate the building and suggests that the City Council authorize the work on the building to proceed with the understanding that use of the building in addition to training and recreation purposes, could be decided at a later date. The City Council agreed to authorize the City Manager to proceed with renovations of the building.

ADDITIONAL HELP - CITY OFFICE: The City Manager requested permission to hire additional part-time help in the City office. He informed the City Council that since Mrs. Shuford would be leaving employment with the City in the late spring or early summer, that he would like to hire someone to work part-time and train under Mrs. Shuford so that this person could replace Mrs. Shuford when she leaves employment with the City. He advised the Council that during this period of time this person could be trained not only to replace Mrs. Shuford but also to do the work of the other ladies in the office. The City Council was advised that in order to hire an additional person on a part-time basis, it would be necessary to amend the salary appropriation under General Government. The City Manager stated that an additional appropriation of approximately \$600 should cover the additional cost.

CCG002

He advised the City Council that actual figures could be presented at a later date. Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council unanimously voted to allow the City Manager to hire the additional help needed.

FINANCIAL REPORT: The City Manager presented the following financial report:

Financial Report
Jan. 8, 1974

Checking Accounts

General Fund	21,849.63
Water/Sewer Fund	14,321.81

Revenue Sharing Fund	776.55
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Certificates of Deposits

General Fund	300,000.00
Water/Sewer Fund	95,381.40

Revenue Sharing Fund	40,160.10
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Grand Total All Funds	\$472,488.49
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REPORT ON 1973 CITY TAXES: The City Manager gave the following report on 1973 City Taxes:

\$ 346,380.89 Charge	\$837.28 Charge Offs
- 322,335.02 -----	\$321,497.74 Collected
\$ 24,045.87 Uncollected	

WALK - DON'T WALK LIGHTS: Councilman James suggested that consideration be given to the installation of Walk - Don't Walk lights at the intersection of Fort and Main Streets and also at the intersection of State Street and Main Street. The City Manager stated that he thought the cost of the installation of lights at these intersections would be prohibitive at this time. He stated that he would gather the necessary information and report at the next meeting.

CITY MANAGER'S SEMINAR: The City Manager requested permission to attend the Seminar for City and County Managers to be held at the University of North Carolina at Chapel Hill January 30 through February 1, 1974. This request was approved by City Council.

There being no further business, the meeting was adjourned.

James Earl Daniels
City Manager/Clerk

James H. Segars
Mayor

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

January 17, 1974

The City Council of the City of Marion met in a special called session on Thursday morning, January 17, 1974 at 10:00 A.M. in the City Council Chamber at City Hall.

Members present: Mayor Pro Tem W.R. Ledbetter, Councilman Horace Wilkerson, Everette Clark and Robert James.

Others present: Earl Daniels, City Manager, Arthur Edwards, Fire Chief and John Beck, Police Chief.

PICKET - DEMONSTRATION BY NATIONAL SOCIALIST WHITE PEOPLE'S PARTY:

The City Manager informed the City Council that the purpose of this meeting was to advise Council members the City had received an application for a permit to allow a picket and demonstration on the lawn of the McDowell County Courthouse by the National Socialist White People's Party. The City Council was advised that the application had been requested by Frank Braswell.

After much discussion regarding the requested permit, it was determined that the City Council had no authority to prohibit freedom of speech or the right of public assembly which is guaranteed by the Constitution.

The City Manager suggested that in issuing the permit that requirements could be placed in the permit to provide for the safety and welfare of the citizens of Marion. He stated that any violation of the requirements contained in the permit will result in the Police Department directing the demonstrators to disband and leave the area. Upon a motion by Councilman Wilkerson, seconded by Councilman Clark, the City Council unanimously voted to issue the permit requested and to incorporate in the permit certain requirements to be established by the City Manager and Chief of Police to insure the safety, health and welfare of the citizens of Marion.

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

January 22, 1974

The City Council of the City of Marion met in a regularly scheduled meeting Tuesday night, January 22, 1974 at 6:30 P.M. in the City Council Chamber at City Hall.

Board members present: Mayor James H. Segars, Councilmen Everette Clark, W.R. Ledbetter, Robert James, and Horace Wilkerson.

Others present: Earl Daniels, City Manager, City Attorney E.P. Dameron, Police Chief John Beck and Ann Vess, News reporter.

Guests: Mrs. David Setzer and James Hollifield

APPROVAL OF THE JANUARY 8, 1974 MINUTES: Upon a motion by Councilman Ledbetter, seconded by Councilman Wilkerson, the City Council unanimously voted to approve the minutes of the January 8, 1974 meeting.

POLICE

POLICE ORDINANCE - ORGANIZATION AND REGULATIONS: Mayor Segars asked the City Council members if there were any questions, suggestions, additions or deletions to the Police Ordinance as submitted for consideration. A discussion was held by the City Council regarding Item C under Article I, Section C pertaining to pay increases. This section was amended by the City Council to provide that the yearly cost of living pay increase shall be granted as determined by the City Council and that other pay increases be on a percentage basis based on the officer's attitude and professionalism. The City Manager suggested that under Operation, Article III - Vehicles; that reference to two black and white patrol cars be deleted and reference to the three wheel cycle be deleted since the department may not always have two black and white vehicles and one three wheel cycle.

Upon a motion by Councilman Ledbetter, seconded by Councilman Wilkerson the City Council unanimously voted to approve the Police Department Standard Organizations and Regulations as amended.

CITY OF MARION
POLICE DEPARTMENT
STANDARD ORGANIZATIONAL & OPERATIONAL PROCEDURES

PURPOSE:

The purpose of these rules and regulations are to set forth a uniform and comprehensive list of responsibilities, policies, and procedures for the organization and operation of the Marion Police Department; to better serve the citizens of the municipality in the enforcement of Federal, State, and local laws; and to provide a more efficient protection, assistance, and enforcement of all aspects of Police responsibilities.

POLICY:

The Department will operate in conformity with laws and procedures set forth by the Federal Government; State Government; local ordinances; and any other directions provided, or directed, by the City Council of the City of Marion.

SCOPE:

These rules and regulations shall apply to all employed and sworn officers of the Marion Police Department; and any Reserve or Auxillary personnel.

RESPONSIBILITY:

It will be the responsibility of all members of the Marion Police Department to conform to the procedures set forth in this regulation.

RESOLUTION - POLICE DEPARTMENT

ORGANIZATION
AND REGULATIONS

I. The normal personnel complement of the Department shall consist of the Chief of Police; Senior Sergeant; Shift Sergeant; Patrolmen; and the Dispatchers. The actual number of personnel employed to be set by the Chief of Police, or limited by the City Council.

A. Chief of Police: The Chief of Police has the overall responsibility for the operation and administration of the Department. These duties shall consist of, but are not limited to, assignment of personnel, hiring and firing of personnel, overall operational control, administration (reports, communications, etc.), maintenance and accountability of Department vehicles and equipment; promotion, demotion, and disciplinary actions of Department personnel, and any other duties and/or responsibilities as directed by the City Manager or City Council.

B. Senior Sergeant: The Senior Sergeant shall, in addition to the duties and responsibilities outlined below in Patrol Sergeant, be in a position to assume the duties and responsibility of the Chief of Police in the event of his extended absence. (i.e. sickness, etc.)

CCG002

C. Patrol Sergeant: The Patrol Sergeant will be responsible to the Chief of Police for the efficient performance of the personnel assigned his shift and that the performance complies with the rules set forth in the Operational section of this regulation. He is further directed to take corrective action, and to report visible disregard and non-conformance with the directions set forth in these regulations. He is also required to make recommendations to the Chief of Police on any aspects concerning the Department.

D. Patrolmen: Patrolmen will be assigned shift duty by the Chief of Police, and will be responsible to the shift Sergeant for their job performance and compliance with these regulations.

E. DISPATCHERS: Dispatchers shall be under the direct supervision and direction of the Chief of Police. In addition to their duties as radio dispatcher they will be responsible for the accomplishment of any reports turned in during their tour of duty; (i.e. complaints, accident, etc.); maintain the Daily Activity Report, Arrest Book, and any other duties that may be assigned by the Chief of Police. The Dispatcher on duty shall be responsible for the physical appearance of the communications room, and the security and operation of the equipment therein.

PERSONNEL

I. Personnel of the Department are employed by the City of Marion on a per month salary basis after application and meeting the requirements set forth by the North Carolina Criminal Justice Training and Standards Council. Final approval rests with the Chief of Police and the requirements of the Department.

A. Employment: Individuals seeking employment with the Department shall accomplish the standard application for employment with the City of Marion form. In addition, the application forms in reference to personal history, physical, and mental examinations as set forth by Chapter 17A of the General Statutes of North Carolina, will be accomplished prior to any consideration for employment.

B. Salary: Employees and/or officers of the Marion Police Department are employed on a monthly fixed salary, and not hourly wages. Normal working hours shall consist of five (5) eight hour shifts averaging a 40 hour work week. Additional requirements such as court appearances, training classes, traffic control at public functions, investigations, may occur, these are considered normal in Police work.

C. Promotions, Demotions, Pay Increases: Promotions, demotions, and pay increases shall be made on the recommendation of the Chief of Police.

1. Promotions: Promotions to a higher rank will be made on the basis of overall job performance, personal appearance, attitude, and professionalism by the Chief of Police.

2. Demotion: Demotion will be accomplished by the Chief of Police in accordance with personnel policies established by the City Council and incorporated into the City Ordinances for inefficiency, attitude, and any other considerations that may be detrimental to the department and the City of Marion.

3. Pay Increases: Pay increases shall be made upon the recommendation of the Chief of Police. Yearly cost of living increases shall be granted as determined by the City Council, other pay increases shall be in accordance with a percentage basis, based on overall job performance, attitude and professionalism.

4. Vacation, Sick Leave, Etc.: Vacation, sick leave, etc., shall be in accordance with policies set forth in the City of Marion personnel ordinance.

D. Termination of Employment: The City of Marion, through the Chief of Police, retains the right to terminate and discharge any employee for inefficiency, insubordination, maleficence, moral conduct, and/or any other circumstances which would interfere with the orderly enforcement of the law, or prove detrimental to the Department or the City of Marion.

E. Personal Equipment: The Department will provide each employee with necessary uniforms. This will be limited to clothing, i.e. shirts, trousers, jackets, caps, raincoats. All other equipment, including weapons, are to be furnished by the individual officer. All equipment issued by the Department remains the property of the City of Marion, and will be turned in upon termination of employment.

F. Line, or Beat: Sergeants and Patrolmen shall wear the standard accepted equipment for street officers. The four inch barrel, .38 cal. Police Special shall be considered normal, required equipment. Weapons of a similar specification are optional. The Sam Browne belt, holster, handcuffs, Mace shall be considered standard equipment for patrol officers. A uniform personal appearance is a visual standard of the Police professionalism. Patrol, or beat officers will not wear the two inch barrel, detective type firearms except as a complement to their regular equipment.

Training

I. From time to time in-departmental training classes and outside training classes at the local Technical Institutes or at other locations will be scheduled. These classes are scheduled for the benefit of all officers and the Department. Schedules will be posted well in advance of classes and all personnel concerned will be notified. All training classes are mandatory attendance unless otherwise excused by the Chief.

Operations

I. Operations: Operations of the department includes the routine patrol of police vehicles, traffic control, investigation of accidents, investigation of crimes of any category, traffic control through issuance of parking tickers, arrests, court appearances, filing reports, foot patrols, security of business establishments, communications and numerous other procedures for law enforcement and providing for public safety.

II. Normal Routine: Normal routine operation of the department shall consist of a duty shift of one Sergeant, one Patrolman and one Dispatcher. It is the responsibility of the Duty Sergeant to maintain an effective patrol of the streets, either himself on foot or motorized; with one patrolman on constant patrol in a vehicle. It is the duty of the Dispatcher to take and record all calls or reports that may be given him, either in person or otherwise and see that the street officers are aware of them. It is the responsibility of the Duty Sergeant to see that proper action is taken.

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III. Vehicles: Department marked vehicles are to be utilized for normal patrol and police activities. The unmarked car is primarily for the exclusive use of the Chief of Police.

IV. General Instructions: The following are set forth for mandatory compliance in an effort to establish a more efficient and uniform operation of the department:

A. Reports: The Marion Police Department participates in the Uniform Crime Reporting (UCR) as set forth by the U.S. Department of Justice, the N.C. Attorney General's Office, PIN(Police Information Network), and Region "C" Criminal Division Reports on all activities involving the Department are necessary to fulfill our obligation to the above agencies.

1. Accident Reports: All vehicular accidents occurring within the jurisdiction of the Department will be investigated and a report filed. Accidents involving less than \$200.00 property damage will be accomplished in two copies. One for the department master files, one for agencies requiring a copy. Accidents with property damage exceeding \$200.00 or with personal injury will be accomplished in triplicate. The original remaining in the master file, one copy to the N.C. Department of Motor Vehicles, Raleigh and one copy for interested agencies.
2. Complaint Reports: When a complaint is filed with the Department and the duty Patrolman is dispatched to investigate the complaint, a report will be filed UCR as defined above required a complete report, whether an actual crime has occurred or a false report has been received. Both must be reported.

B. Reporting for Duty: The following instructions are to be considered mandatory:

1. All officers will report for duty 15 minutes prior to shift change in order 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 report for duty in a clean, neat uniform, clean shaven, shoes shined and present an attractive professional appearance to the public. Long hair, beards, "kookie" Hair styles will not be tolerated.

C. Patrol Duties: The following additional instructions are directed for foot and vehicle patrols:

1. Officers will inspect their vehicles when coming on duty, will note in writing any need of service or unusual conditions. The failure to do so shall result in the officer on duty held responsible for any repairs to the vehicle. Any maintenance resulting from the laxity of the oncoming officer in the inspection of his vehicle, or any damage due to negligence during his tour of duty will be his responsibility, and costs for repairs will be deducted from his salary. Bona fide explanations are exempted.
2. Officers will not permit unauthorized personnel in the Police vehicles. (These vehicles are the property of the taxpayers of the City of Marion and are not for anyone's personal use under any circumstances.) Joy riding by off duty personnel and officers from other departments are prohibited.

3. Officers will always be courteous to the general public, but firm when necessary.
4. Officers will not leave the City limits unless in pursuit assisting other law enforcement agencies, directed by the 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 inside the limits.
5. Officers will not discuss Police matters in Public places or with citizens not directly involved in such matters.
6. Officers stopping vehicles will before leaving the Police vehicle, give the license number of the vehicle stopped, make, model and color, if known. He will wait for an acknowledgement from the dispatcher before leaving his vehicle. If the officer does not report back to the dispatcher within ten minutes from his last communication, the dispatcher without hesitation will send assistance.
7. 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.
8. Officers will be required to appear in court for all cases requiring their presence.

D. Personal Responsibilities:

1. All officers will conduct themselves as gentlemen at all times and keep their personal affairs in such a manner that it will not embarrass the Department or the City of Marion.
2. All officers will arrange their personal affairs and commitments so that they will not infringe upon their duty hours. The City of Marion pays each officer a salary to enforce the law, and to engage in Police activities. The City does not pay a man to get his hair cut, arrange club activities, go shopping and various other activities of a personal nature during his tour of duty. Any officer engaging in such extra-curricular activities shows little or no concern for his responsibility to the public.

Adopted this the 22 day of January, 1974.

ATTEST

James Earl Daniel
James Earl Daniel
City Clerk/Manager

Jeffrey
Jeffrey
Mayor

PEDESTRIAN - WALK LIGHTS: The City Manager informed the City Council that he had investigated the cost of pedestrian lights for the intersections of Main Street and Fort Street and the intersection of Main Street and State Street. He advised the City Council that each unit would cost \$150 plus installation. He continued by advising the City Council that he had been in contact with Mr. Carly Smith of the Governor's Highway Safety Program to try and determine if funds could be made available through this program to provide for the cost of the pedestrian lights. He stated that a meeting had been set with Mr. Smith for Tuesday morning, January 29 at 10:30 A.M. in the City Manager's office to discuss this matter. He advised the City Council that he would report back to them regarding this matter at the first City Council meeting in February.

MARION PLANNING BOARD - CERTIFICATES OF APPRECIATION: Mrs. David Setzer and James Hollifield were present at the City Council meeting and Mayor Segars personally thanked them for their assistance in preparing the proposed Marion Zoning Ordinance. Mayor Segars advised them that a Public Hearing had been called for February 19 to consider adoption of the proposed Zoning Ordinance. Mrs. David Setzer stated that she was not a professional planner but that she had enjoyed working with the Planning Board and seeing how plans were prepared for the growth of a City, and that she felt the most interesting part was the preparation of the map outlining the different zoning districts. Mayor Segars stated that in his opinion efforts of local interested citizens as members of the Planning Board helped to incorporate a degree of realistic and practical attitudes in the Zoning Ordinance. Mr. Hollifield stated that he enjoyed working with the Planning Board and asked that the City Council review and study the Ordinance very closely before considering adoption in that some sections were very restrictive. The Mayor presented a certificate of appreciation from the City Council to both Mrs. David Setzer and Mr. Hollifield. The City Manager stated that Mr. Ray Cline could not be present for this meeting due to a previous engagement. Mayor Segars asked that the City Manager insure that Mr. Cline receive his certificate of appreciation from the City Council for his two years of service on the Marion Planning Board.

FIRE TRAFFIC - SAFETY: The City Manager informed the City Council that certain streets in the City limits were too narrow to provide for parking on both sides of the street and still leave enough room for safe passage of a fire truck. He advised the Council that he had directed the police Department to conduct a survey to determine which streets are involved in this problem. The City Manager recommended that the Street Committee meet and review the recommendations of the Police Department regarding this matter. The City Manager was directed by Mayor Segars to call a special meeting of the Street Committee to consider the recommendations of the Police Department and that a report be presented at the next City Council meeting.

NO PARKING ZONE - LOGAN STREET: The City Manager requested a no parking zone be established on the East side of Logan Street from the Marion City Hall to the intersection of Logan Street and West Court Street. Police Chief John Beck advised the City Council that it was difficult for trucks to make a turn from West Court Street to Logan Street due to cars being parked near the intersection. He also advised the City Council that the view of motorists leaving the City parking lot and the alleyway entering Logan Street was blocked by vehicles being parked in the aforementioned area. Upon a motion by Councilman James, seconded by Councilman Ledbetter, the City Council unanimously voted to establish a no parking zone on the East side of Logan Street from the Marion City Hall to West Court Street.

COMMERCIAL CARDBOARD - PASTERBOARD - PRIVATE PICKUP: The City Manager informed the City Council that he had received a request from Mr. Jock Wall for permission to collect, at night, pasteboard, cardboard boxes from commercial establishments in the City limits. The City Manager stated that removing pasteboard and cardboard boxes from refuge containers would in all probability create a litter problem. After a long discussion regarding the request the City Manager was directed to inform Mr. Wall to contact all of the merchants and obtain from them written permission for his personnel to remove cardboard and pasteboard boxes from their containers. The City Manager was also directed to inform Mr. Wall that his personnel would be responsible to insure that trash and debris would not be spilled from the containers or would be collected and placed back in the containers so as not to create a problem for City sanitation personnel.

LITTER PROBLEM: The City Manager advised the City Council that the downtown area was being cleaned seven days a week by the new street vacuum sweeper. He stated that the City had received several compliments regarding their efforts in keeping the downtown area clean. He asked that the City Council give consideration to strict enforcement of State and local littering laws in the downtown area. The City Council discussed this problem and noted that sufficient refuge containers had been placed in the downtown area and that persons could place trash in these receptacles without any inconvenience. The City Council asked that due public notice be given in the paper advising citizens that an effort would be made by the City to enforce littering laws in the downtown area.

MARION BEAUTIFICATION COMMITTEE: The City Manager requests that consideration be given to appointment of a Beautification Committee to plan and implement a program of appearance improvement for properties in the City limits with specific consideration given to public properties and the downtown area. Although no formal action was taken by the City Council, the recommendation seemed to meet with the approval of each of the members. The City Manager advised the City Council that he would have more information regarding Beautification Committees at the next meeting of the City Council.

CITY MANAGER'S REPORT - PARKING LOT: The City Manager informed the City Council that an effort was being made by the Parking Commission to transfer all controls of parking lots leased to the Parking Commission to the City of Marion for enforcement of parking regulations.

PARKING METER REPAIRS: The City Manager informed the City Council that he had discussed with Police Chief John Beck and Officer Earl Webb the possibility of transferring all parking meter repairs to the Police Department. He advised the Council that this was agreeable with Police Chief John Beck and that Officer Earl Webb had indicated a desire to learn parking meter repair.

TENNIS COURT LIGHTS: The City Manager informed the City Council that K.C. Byrd Electrical Construction Company would complete the tennis Court lighting at the Community Building.

FLEMING STREET SIDEWALK: The City Manager advised the City Council that work had started on the Fleming Street Sidewalk. He stated that Duke Power had relocated several electrical poles in the area to provide for construction of the sidewalk.

VALLEY STREET WATERLINE: The City Council was informed that approximately one-half of the Valley Street waterline had been installed. The City Manager stated that upon completion of this waterline, the water department would next install the Conley Road waterline.

EMBLEM CONTEST: The City Manager presented a drawing prepared by Mr. Floyd Broome for consideration for the emblem contest.

There being no further business the meeting was adjourned.

James Earl Daniels
City Manager

J. E. Daniel
Mayor

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

February 5, 1974

The City Council of the City of Marion met in a regularly scheduled meeting Tuesday night, February 5, 1974 at 7:30 P.M. in the City Council Chamber at City Hall.

Board Members present: Mayor James H. Segars, Councilmen Everette Clark, W.R. Ledbetter, Oliver Cross, Robert James and Horace Wilkerson.

Others present: Earl Daniels, City Manager, City Attorney E.P. Dameron, and News reporter Anne Vess.

APPROVAL OF THE JANUARY 17, 1974 MINUTES: Upon a motion by Councilman Ledbetter, seconded by Councilman James, the City Council unanimously voted to approve the minutes of the January 17, 1974 meeting.

APPROVAL OF THE JANUARY 22, 1974 MINUTES: Upon a motion by Councilman Ledbetter, seconded by Councilman James, the City Council unanimously voted to approve the minutes of the January 22, 1974 meeting.

FIRE TRAFFIC SAFETY - NARROW STREETS: The City Manager presented a report from the Marion Police Department requesting the establishment of NO PARKING ZONES on certain narrow streets to provide for safe movement of Fire and Rescue vehicles. He stated that Councilman Wilkerson had toured these streets with Police Chief Beck and the City Manager for a report to the City Council. He informed the Council that while touring these streets they found many other streets which should also be considered. Councilman Clark suggested that a complete survey be made prior to establishing any NO PARKING ZONES, rather than be confronted by citizens inquiring as to why certain streets were singled out for NO PARKING ZONES and other streets having the same problem left alone. Councilman Clark suggested that all citizens be requested to park their vehicles in their driveways or on private properties wherever possible.

MARION ELEMENTARY SCHOOL - ROBERT STREET: The City Council discussed again the problem of traffic congestion in front of the Marion Elementary School on Robert Street. Councilman Ledbetter informed the City Council that he had recently observed cars parked in front of the school in such a manner that fire or rescue vehicles could not pass safely down the street. After discussing the matter, Mayor Segars stated that he would meet with School Superintendent James Johnson regarding the problem.

APPOINTMENT - MEMBER BOARD OF TRUSTEES LOCAL FIREMAN'S RELIEF FUND: The City Manager informed the City Council that it would be necessary for the Council to appoint one member of the City Council to the Board of Trustees for the Local Fireman's Relief Fund. He stated that the appointment would be for a term of two years to expire in January 1976. Upon a motion by Councilman Cross, seconded by Councilman Clark, the Council unanimously voted to appoint Councilman W.R. Ledbetter as a member of the Board of Trustees of the Local Fireman's relief fund for a term of two years. Councilman Ledbetter joins Councilman Wilkerson who is presently a member of the Board of Trustees of the Local Fireman's relief fund. Councilman Wilkerson's term on the Board expires in January of 1975. The present membership of the Board of Trustees of the Local Fireman's Relief Fund are as follows: Councilman W.R. Ledbetter, Councilman Horace Wilkerson, Fire Chief Arthur Edwards, Marshall Dark and M.S. Laughridge.

CITY MANAGER APPOINTMENT - ISOTHERMAL PLANNING AND DEVELOPMENT COMMISSION: Mayor Segars informed the City Council that he had appointed City Manager Earl Daniels as the City's representative to the Isothermal Planning and Development Commission. Mayor Segars informed the Council that the City Manager's term as a member of the Commission will expire in April, 1977.

MEETING - COUNTY COMMISSIONERS - OLD FORT BOARD OF ALDERMEN: The City Manager informed the City Council that he had received a letter from County Manager Jack Harmon advising that the County Commissioners would meet with the City Council regarding the Junior High School Property. The City Manager stated that Mr. Harmon had requested that the time and location of the meeting be established by the City Council. The City Manager also suggested that members of the governing board of Old Fort also be invited to the meeting. After much discussion it was decided that the meeting would be held at the Pilot House at 7:00 P.M. on February 12, 1974.

POLICE VEHICLE - DECLARED SURPLUS: The City Manager requested that the City Council declare the 1972 Chevrolet previously used by the Police Department as surplus equipment and authorize the sale of the Police car at sealed bids. Upon a motion by Councilman James, seconded by Councilman Ledbetter, the Council unanimously voted to declare the vehicle as surplus equipment and authorize its sale at sealed public bids.

COMMUNITY BUILDING - TENNIS COURT LIGHTS: A question was raised regarding the status of the lighting for the tennis courts at the Community Building. The City Manager advised the City Council that a contract had been signed with K.C. Byrd electrical contractor for completion of the electrical wiring for the tennis court lights. He stated that weather permitting the work should be accomplished within the month of February. The City Manager was advised that at a recent meeting in the Community Building someone plugged a hotplate into the electrical system which resulted in blowing a fuse and that upon inspection it was found that electrical wiring in the building in some areas appeared faulty. The City Manager stated that he was unaware of the problem. He was advised to contact K.C. Byrd and ask that the electrical wiring in the building be inspected and rewired where necessary to make the wiring safe. The City Manager was also directed to report to the City Council on the types and costs of materials necessary to insulate the basement of the Community Building from the first floor so that both areas may be used simultaneously without the noise from either area interfering with the other.

BLUE RIDGE STREET - TRAFFIC PROBLEM: Mayor Segars advised the City Council that he had met with Mr. Alex Turner, Manager, Drexel Furniture concerning several problems including, (1) parking on Blue Ridge Street by the Drexel Building, (2) the need for a sidewalk to prevent employees of Drexel from having to walk in the street during shift changes, and (3) a trash container to be placed on the lot across from the Drexel building. Mayor Segars stated that Mr. Turner had indicated that he would co-operate with the City and move the fence located next to Blue Ridge Street back far enough to provide space for a sidewalk, and that Drexel Furniture would work with the City in constructing the sidewalk. Upon a motion by Councilman Ledbetter, seconded by Councilman James, the City Council unanimously voted to establish a No Parking Zone on the southside of Blue Ridge Street from Henderson Street to Carson Street.

PEDESTRIAN WALK SIGNALS: The City Manager advised the City Council that he had met with Mr. Carlie Smith, Representative of the Governor's Highway Safety Program on January 29, 1974 regarding the possibility of receiving grant funds to finance all or a part of the cost of installing pedestrian walk lights at the intersection of Main and Fort Streets and the intersection of State and Main Streets. He advised the Council that funds were not available to purchase or install pedestrian walk lights under the Governor's Highway Safety Program. He informed the City Council that the total estimated cost to install pedestrian walk lights at the named intersections would be approximately \$2,500.00. Councilman James moved that the City Council amend the 1973-1974 budget to provide \$2,500.00 for the purchase and installation of pedestrian walk lights. This motion did not receive a second. The City Manager stated that it was possible for the City to receive a grant from the Governor's Highway Safety Program to pay 50% of the cost of changing and up-dating all traffic control signs located on City maintained streets. He informed the Council that Mr. Carlie Smith had indicated that he would be happy to meet with Council and explain the program. The City Manager recommended that the City Council invite Mr. Smith to a Council meeting to explain the program. Mayor Segars directed the City Manager to write to Mr. Smith and invite him to the City Council meeting to be held on March 19, 1974.

TRAFFIC SIGNAL INTERSECTION OF LOGAN AND HIGHWAY 70: Mayor Segars informed the City Council that the traffic light located at the intersection of Logan Street and Highway 70 is confusing to motorists. He advised the City Council that traveling along Highway 70 in a southern direction approaching the intersection of Highway 70 with Logan Street motorists will observe a green arrow signal and a sign directing that all traffic in the extreme right hand lane must turn right. He stated the arrow signal changes to a green ball signal and that some motorists try to drive straight through the intersection when such a traffic move cannot safely be made. After discussing the matter, the City Manager was directed to write to Mr. Walter B. Cochran, Division Traffic Engineer for the State of N.C. and request that the traffic light be changed so that motorists traveling south on Highway 70 in the extreme right hand lane, upon approaching the intersection of 70 with Logan Street will observe the right turn only signs and a green arrow requiring that the motorists turn right.

CITY OF MARION - DEPARTMENTAL SURVEY: The City Manager asked that all City Council members fill out a survey form indicating their opinion regarding the services rendered by the different departments of the City. He advised the City Council that this survey would help in determining the specific services which need to be improved and can serve as a guide in preparing the budget for 1974-75.

NEW POLICE CARS - UNIVAC COMPUTER: The City Manager informed the City Council that the two new black and white police cars had been delivered by Ballew Chevrolet. He stated that several compliments had been received concerning the appearance of these vehicles. He also advised the City Council that the Police Information Network computer had been received and would be installed in the very near future.

There being no further business, the meeting was adjourned.

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James Earl Daniels
City Manager/Clerk

J. H. Segars
Mayor

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

February 19, 1974

The City Council of the City of Marion met in a regularly scheduled meeting Tuesday night, February 19, 1974 at 7:30 P.M. in the City Hall.

Board members present: James H. Segars, Mayor, Councilman Everette Clark, W.R. Ledbetter, Oliver Cross, Robert James and Horace Wilkerson.

Others present: Earl Daniels, City Manager, City Attorney E.P. Dameron and Fire Chief Arthur Edwards.

Guests:

Will be listed in Minute Book

APPROVAL OF THE FEBRUARY 5, 1974 MINUTES: Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the City Council unanimously voted to approve the minutes of the February 5, 1974 meeting.

ZONING ORDINANCE - PUBLIC HEARING: Mayor Segars extended a warm welcome to all persons attending the Zoning Ordinance Public Hearing. He stated that the proposed Marion Zoning Ordinance was prepared by local citizens and would be enforced by local citizens. He thanked the Planning Board and Planning Board Chairman John Cross for the many hours spent over the past few years in studying the needs of the City and in preparing the proposed Zoning Ordinance. The Public Hearing was declared officially opened and the meeting was turned over to Planning Board Chairman John Cross. Chair-

man Cross outlined the activities of the Planning Board and the studies conducted by the Planning Board in preparing the proposed Zoning Ordinance. He then turned the meeting over to City Planner, Mike Geouge to answer questions from the floor regarding the proposed Zoning Ordinance. Several questions were raised regarding continuation of nonconforming uses, appeal procedures, and procedures for requests for zoning amendments. All persons present were given an opportunity to ask questions or make comments regarding the Zoning Ordinance. After reviewing the proposed Zoning Ordinance and answering questions from the floor, City Planner Mike Geouge turned the meeting back over to Mayor Segars.

Mayor Segars asked of there were any questions or comments regarding the proposed Zoning Ordinance. There were no further questions. Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the City Council unanimously voted to declare the Public Hearing closed. Upon a motion by Councilman Wilkerson, seconded by Councilman James, the City Council unanimously voted to adopt the Marion Zoning Ordinance with an effective date of April 1, 1974. Mayor Segars stated that the delay in the administrative details regarding enforcement of the ordinance to be worked out and also time to appoint a Board of Adjustment consisting of five members and two alternates.

BLUE RIDGE PROPERTY - BID PROPOSALS: One bid proposal was received for the sale of property located on Blue Ridge Street better described as lots 8 and 9 of the Sonders-McCanless property as shown on Map of same recorded in McDowell County B Registry in Map book 1 page 73. The City Manager stated that the property was purchased from C.D. Hawkins, Executor, will of Frances D. Hawkins at a cost of \$4,000 on August 23, 1966. It was determined by Council that the price paid by the City for the property included a house which has since been removed. The City Manager stated that this was the third advertisement for sale of the property in the last year. Upon a motion by Councilman Ledbetter, seconded by Councilman Clark, the City Council unanimously voted to accept the bid submitted by Mr. Phil Johnson in the amount of \$1300. Following action by the City Council, it was discovered that the bid advertisement placed in the McDowell News called for a bid opening date of March 19 instead of February 19. The City Manager advised all City Council members of the error. A question was raised regarding the legality of a sale under such conditions. The decision was made to request Mr. Johnson to submit another bid to be opened on the 19th of March, and that consideration would be given to formally accepting his bid at that time since his bid was submitted in good faith and accepted in good faith. The City Manager advised all City Council members that the error in the advertisement placed in the McDowell News was certainly not a fault of Mr. Johnson and that he had complied in every way with proper procedures. The City Manager advised that both February 19 and March 19 were City Council meeting nights and that his calendar was marked for the bid opening to be held on February 19, and that Mr. Johnson's letter stated on the outside that the bid would be opened on February 19. The City Manager accepted full responsibility for the error in the newspaper advertisement.

CITY EMBLEM: The City Manager presented a proposed City emblem prepared by Mr. Floyd Broome and advised the City Council that the City Emblem Contest would close on March 5, 1974.

REQUEST FOR SEWER SERVICE - AME ZION CHURCH: The City Manager informed the City Council that Reverend Williams of the AME Zion Hill Church had requested sewer service to be extended to the Zion Hill Church and four homes in the immediate area. He advised the City Council that the estimated cost to provide this service was \$1590 and the property was located outside the City limits. He advised the Council that Reverend Williams had also asked that the water line serving the area be enlarged. After discussing the matter thoroughly it was decided that Councilman Wilkerson would contact Mr. Carter Hudgins, owner of the property in question, regarding the possibility of requesting annexation to the City limits prior to making a decision regarding extending of services.

EMPLOYEE BENEFITS - LIFE INSURANCE: The City Manager presented several insurance proposals submitted by different firms to provide life insurance including AD & D for City employees and their dependents. The City Manager advised the City Council that the information regarding premium cost had been gathered over the past several months. He stated that all insurance firms had indicated that the prices proposed would not be firm, however, the premium would be based on the number of employees and the amount of the insurance.

Proposals will be included in Minute Book

COMPANY	MONTHLY PREMIUM PER \$1,000	AD & D	DEPENDENT COVERAGE	TOTAL
U.S.F. & G	1.27	.06	.90	2.23
Metropolitan Life	1.36 (includes AD & D)		.69	2.05
Coastal Plain	.84	.06	.82	1.72
Nationwide	1.40	.12	.65	2.17
Minnesota Mutual	1.02	.10	.83	1.95

Present Life Insurance carried:

Minnesota Mutual	1.92 (includes AD & D)	.56	2.48
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The City Manager recommended coverage of \$10,000 for City Council members and Department Heads, and \$5,000 coverage on all other employees. In reviewing the itemization of insurance proposals, the City Manager stated that the City was presently paying almost twice the premium cost bid by two of the firms. After thoroughly discussing the matter, the City Council asked that the City Manager contact Coastal Plains Life Insurance and Minnesota Mutual asking they submit proposals for firm prices based in present employment and that this information be presented to the City Council at their next regular meeting.

There being no further business, the meeting was adjourned.

J. H. Segars
Mayor

Jane Earl James
City Manager/Clerk

NOTE: List of Persons attending Zoning Public Hearing.

Martha Ramsey	Dept. of Natural & Economic Resources
Tom Ditt	WLOS-TV, Asheville
Mack Johnson	
Roberta N. Whitaker	Marion, N.C. - Homeowner
Mrs. W. S. Cofer	View Point Dr., Marion, N.C.
Jim Lancaster	Marion, N.C.
Alton Smith	Marion, N.C.
Gilbert Hollifield	Marion, N.C.
John Cross	Marion, N.C.
Dean Wall	Marion, N.C.
Mike Geouge	Dept. of Natural & Economic Resources

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

March 5th, 1974

The City Council of the City of Marion met in a regularly scheduled meeting Tuesday night, March 5th, 1974 at 7:30 P.M. in the City Council Chamber in the City Hall.

Board Members present: James H. Segars, Mayor; Councilmen, Everette Clark, W.R. Ledbetter, Oliver Cross, Robert James, and Horace Wilkerson.

Others Present: Earl Daniels, City Manager and Ann Vess, News Reporter.

APPROVAL OF THE FEBRUARY 19, 1974 MINUTES: Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the City Council unanimously voted to approve the minutes of the February 19, 1974 meeting.

CITY EMBLEM CONTEST: The City Manager stated the City Emblem Contest ended prior to the City Council meeting and that a total of five (5) proposed emblems had been received. Two proposals were submitted by Floyd Broome, two proposals were submitted by Jody Gouge and one proposal was submitted by Michael Loftis. All proposed emblems were circulated so that each Councilman could study each. No decision was reached by the City Council. During the discussion that followed, it was suggested that Floyd Broome be invited to the next Council meeting to discuss ideas for an emblem.

LIFE INSURANCE PROGRAM - PROPOSALS: The City Manager presented proposed employee group life insurance programs submitted by Coastal Plains Life Insurance and Minnesota Mutual. The proposed premiums submitted were as follows:

COMPANY	MONTHLY PREMIUM PER \$1,000	AD & D	DEPENDENT COVERAGE
Coastal Plains	\$.89	.06	.82
Minnesota Mutual	\$ 1.19	.10	1.11

The City Council discussed the insurance programs and premiums at great length. Upon a motion by Councilman Ledbetter, seconded by Councilman Wilkerson, the City Council unanimously voted to accept the proposal submitted by Coastal Plains Life Insurance contingent upon the condition that all employees, retired employees, and other officials would be covered by at least the same amount of insurance coverage they presently hold with Minnesota Mutual.

BUILDING INSPECTION DEPARTMENT: The City Manager asked that the City Council consider establishing a Building Inspection Department and that building permits be issued by the City Zoning Administrator for all construction inside the city limits. He advised the Council that unless this change is made, two permits will have to be purchased for all construction inside the city limits. One building permit from the County Inspector and one zoning compliance certificate from the City Zoning Administrator. He informed the City Council that he had discussed this matter with the Fire Chief, the County Building Inspector and the County Manager. All agreed that effective April 1, 1974 with the Zoning Ordinance becoming effective it would be desirable for persons inside the city limits to purchase only one permit from the city. The City Manager stated that he had sent a letter to the County Commissioners requesting that the understanding between the County Commissioners and the City Council regarding the County Inspector issuing permits and inspecting all building construction, wiring and plumbing inside the city limits be changed to allow the City to issue building permits. He stated that the letter asked that the County Inspector continue issuing permits and inspecting plumbing and electrical systems inside the city limits. The City Manager informed the Council that Fire Chief Edwards stated that he would try to enforce the Zoning Ordinance, the State Building Code, and the Fire Code provided additional clerical help could be provided. The City Manager stated that additional help was also needed in the front office. The City Manager advised the Council that a Budget adjustment would be needed before the end of the fiscal year to provide the additional funds to employ a lady for the front office. Upon a motion by Councilman Wilkerson, seconded by Councilman Cross, the City Council unanimously voted to establish the Building Inspection Department, whereby building permits would be issued by the Zoning Administrator, and allow the County Inspector to continue issuing plumbing and electrical permits inside the city limits. The City Manager stated that he would provide the Budget adjustment figures at a later date.

PROPOSED BUDGET AMENDMENT - REVENUE SHARING: The City Manager advised the Council that a Budget adjustment was necessary due to Council decision to purchase property adjoining the City Hall property through the use of Revenue Sharing Funds. He stated that funds were not appropriated for the purchase of the property at the beginning of the fiscal year since there was no way of knowing that the property would be up for sale. Upon a motion by Councilman Clark seconded by Councilman Wilkerson, the City Council unanimously voted to adopt the following Budget Amendment:

See City of Marion Ordinance Book, No 0-74-5-3-1

AN ORDINANCE AMENDING THE 1973 - 74 BUDGET
ORDINANCE OF THE CITY OF MARION

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

Section 1. The 1973 - 74 Budget Ordinance of the City of Marion, adopted on July 10, 1973 and appearing at page 270 of the Minute Book of the City Council of the City of Marion, is amended by making the following additions and deletions to the below listed accounts:

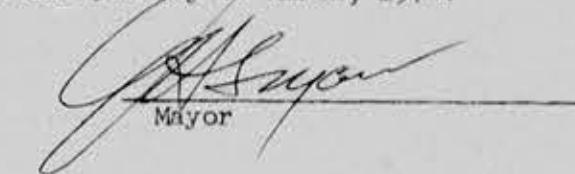
a. Capital Outlay, account number 50-530-74 is increased from \$29,185.00 to \$71,798.00 by a supplemental appropriation of \$42,613.00.

50-530-74	Capital Outlay
Fire Equip. Specifications	\$ 319.00
Property Purchase	60,000.00
Equipment Purchase	<u>11,479.00</u>
	\$ 71,798.00

b. Federal Revenue Sharing Grant, account number 50-349-00, is increased from \$27,890.00 to \$70,503.00 by an increase in anticipated funds of \$42,613.00.

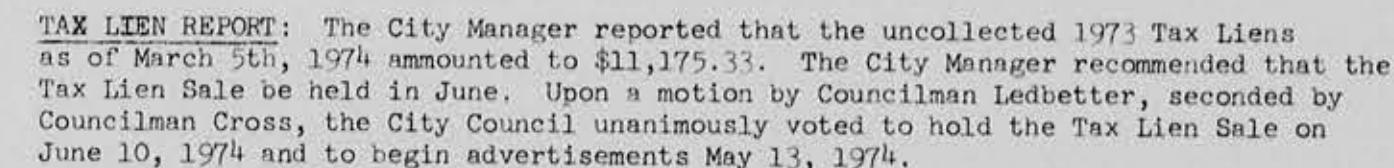
Section 2. That a copy of this Ordinance be attached to the 1973 - 74 Budget Ordinance of the City of Marion as adopted on July 10, 1974.

Adopted this the 5th day of March, 1974.


James H. Segars
Mayor

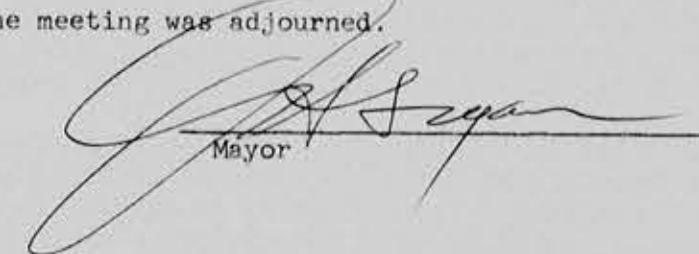
Attest:

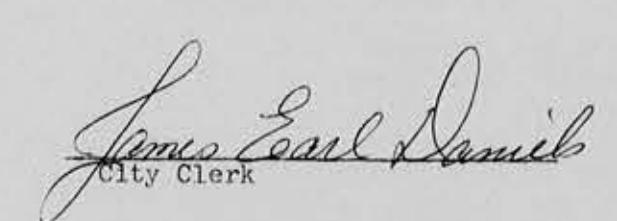
* City Clerk


James Earl Daniels
City Clerk

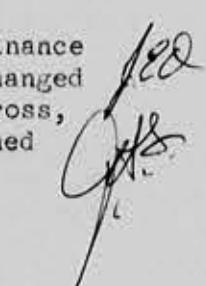
TAX LIEN REPORT: The City Manager reported that the uncollected 1973 Tax Liens as of March 5th, 1974 amounted to \$11,175.33. The City Manager recommended that the Tax Lien Sale be held in June. Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the City Council unanimously voted to hold the Tax Lien Sale on June 10, 1974 and to begin advertisements May 13, 1974.

There being no further business, the meeting was adjourned.


James H. Segars
Mayor


James Earl Daniels
City Clerk

*PROPOSED PERSONNEL ORDINANCE: The City Council reviewed the proposed Personnel Ordinance with the City Manager. Councilman Wilkerson suggested that the word "laborer" be changed to "worker". There were no other suggested changes. Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to adopt the attached Personnel Ordinance. (See attached Personnel Ordinance)


James H. Segars
Mayor

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

March 19th, 1974

The City Council of the City of Marion met in a regularly scheduled meeting Tuesday night, March, 1974 at 7:30 P.M. in the City Hall.

Board members present: Mayor, James H. Segars; Councilmen, Everette Clark, W.B. Ledbetter, Oliver Cross, and Horace Wilkerson.

Others Present: Earl Daniels, City Manager; E.P. Damerson, City Attorney; and Ann Vess, News Reporter.

Guests: Darrell Herndon, North Carolina Division of Health Services.

APPROVAL OF THE MARCH 5th, 1974 MINUTES: Upon a motion by Councilman Cross, seconded by Councilman Wilkerson the City Council unanimously voted to approve the minutes of the March 5th, 1974 meeting.

MACKY CREEK WATERSHED: Mr. Darrell Herndon was present to discuss with the City Council the effect of proposed lumbering activities in the Macky Creek Watershed area. Mr. Herndon advised the City Council that Mr. W.J. Stevenson, Chief of the State Board of Health, received a letter dated January 31, 1973 from William D. Zeedyk, Wildlife and Watershed Staff Officer concerning proposed lumbering activities in the Macky Creek Watershed area. He stated that approximately 90 acres are planned for regeneration. The letter stated there would be approximately 2 years timber cutting and 2 years cultural treatment. Mr. Herndon stated that should the area be clear-cut that a turbidity problem could be created. He advised the City Council that should silt and other matter get into the Macky Creek Water line, that his office would have to require the city to discontinue use of the water from the Macky Creek Watershed. Mr. Herndon stated that the division of Health Services is opposed to clear cutting of timber in the Macky Creek Watershed area, as requested and proposed by the National Forrestry Service. He suggested to the City Council that a joint meeting be held with the Division of Health Services, representative of the Forrestry Service, and the City Council to discuss this matter further.

CITY EMBLEM: Upon a motion by Councilman Cross, seconded by Councilman Ledbetter, the City Council unanimously voted to accept the City Emblem Proposal submitted by Mr. Floyd Broome. The City Emblem can be described as a circle having the words "City of Marion, N.C." printed inside and around the circumference of the circle. A shield is located in the center of the circle. The shield is divided into 4 sections with symbols representing, Fellowship, Worship, Culture, and Justice. A formal presentation of the \$50 bond will be made by Mayor Segars at a later date.

BLUE RIDGE PROPERTY - BID OPENING: The City Manager informed the City Council that 2 bids had been received in accordance with the advertisement for the sale of certain city owned property located on Blue Ridge Street.

Described as follows:

One bid was received from Mr. James Zayne Harris in the amount of \$356.00. One bid was received from Mr. J. Phillips L. Johnston in the amount of \$1300.00. Upon a motion by Councilman Ledbetter, seconded by Councilman Clark, the City Council unanimously voted to accept the bid submitted by Mr. J. Phillips L. Johnston in the amount of \$1300.00.

BUILDING REGULATIONS ORDINANCE: The City Manager presented and reviewed with the City Council a proposed ordinance on Building Regulations. Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the City Council unanimously voted to adopt the ordinance entitled, "An Ordinance Providing for the Adoption, Administration, and Enforcement of Regulatory Codes, and Specifying Other Duties of Inspection Officials for the City of Marion", with an effective date of April 1, 1974.

(This Ordinance will be Inserted in the Minutes)

Also, See City of Marion Ordinance Book, No. 0-74-19-3-1

BUILDING PERMIT FEES: The City Manager presented an ordinance entitled, "An Ordinance Establishing Fees for Building Permits, Sign Permits, and Certificates of Occupancy". The City Manager explained that the purpose

of the Building Permit Fees was to help offset the cost of providing the service. The City Council discussed the need for Building Permit Fees, Sign Permit Fees, and Certificates of Occupancy, and also the amount of the fees proposed by the City Manager. Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the City Council unanimously voted to adopt the ordinance entitled, "An Ordinance Establishing Fees for Building Permits, Sign Permits, and Certificates of Occupancy" with an effective date of April 1, 1974.

AN ORDINANCE ESTABLISHING FEES FOR BUILDING PERMITS, SIGN PERMITS, AND CERTIFICATES OF OCCUPANCY.

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

Section 1. Building Permits and Inspection Fees: Building Permits and inspection fees for buildings constructed inside the City Limits shall be as follows:

New Buildings and Additions to Existing Buildings
\$1.00 for each 100 square feet of fraction thereof, of floor space. The floor space shall be determined by measuring the outside dimensions of the building. The total floor space shall be used in computing the fee and not just ground coverage.

Minimum Building Permit Fee for any one permit, \$5.00.

Maximum Building Permit for any one permit for a single family dwelling, \$50.00.

Maximum building permit for any one permit for a commercial building - \$150.00.

Section 2. Sign Permits: Sign permit fees for signs constructed or located inside the City Limits shall be as follows:

Size (Square Feet)	Fee
Not more than 15	\$ 3.00
Over 15 to 50	4.00
Over 50 to 100	6.00
Over 100 to 200	9.00
Over 200	12.00

No permit or fee will be required for nonilluminated "For Sale" or "For Rent" signs not exceeding four (4) square feet in area.

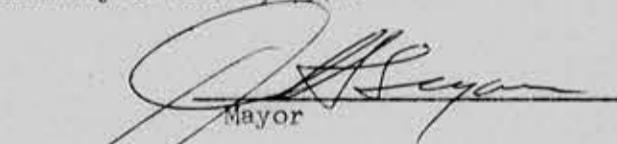
No permit or fee will be required for any governmental signs.

Section 3. Certificate of Occupancy: Certificate of Occupancy fees inside the City Limits shall be \$2.00.

Section 4. Plumbing and Electrical Permits: Plumbing and Electrical permits shall be issued by the McDowell County Inspector. Plumbing and Electrical permits and fees shall be such as required by the McDowell County Inspector. It shall be required that all persons, firms or corporations undertaking any plumbing or electrical work inside the City Limits must first secure a permit from the McDowell County Inspector.

Section 5. Effective Date: This Ordinance shall be in full force and effect April 1, 1974.

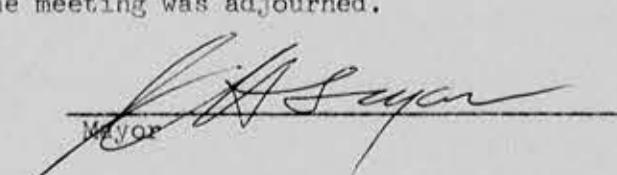
Adopted this the nineteenth day of March, 1974.

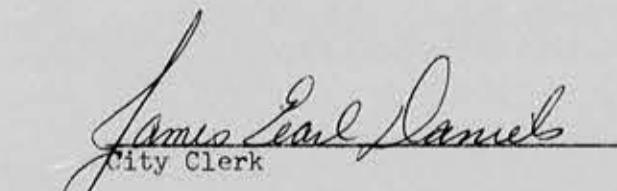

Mayor

ATTEST:

Also, see City of Marion Ordinance Book, No. 0-74-19-3-2

There being no further business, the meeting was adjourned.


City Clerk


James Earl Daniels

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

April 2, 1974

The City Council of the City of Marion met at the regularly scheduled meeting Tuesday night, April 2, 1974 at 7:30 P.M. in the City Hall.

Board members present: Mayor, James H. Segars; Councilmen, Everett Clark, Oliver Cross, Robert James, and Horace Wilkerson.

Others present: Earl Daniels, City Manager; Ann Vess, News Reporter.

Guests: Mr. Everett Carnes.

Approval of the March 19th, 1974 minutes. Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to approve the minutes of the March 19th, 1974 meeting.

Sidewalk, East Henderson Street between Main Street and South Garden Street. Mr. Everett Carnes appeared before the City Council to request that a portion of the sidewalk located on the south side of East Henderson Street between Main Street and South Garden Street be removed. Mr. Carnes stated that he wished to have his building, located adjacent to the sidewalk, brick veneered. He stated that the building was unsightly and that he wished to improve its appearance. He advised the Council that in order to brick veneer the building, a foundation would have to be poured which would be substantial to support the brick wall. The City Manager informed the City Council that the walk is $\frac{1}{2}$ feet wide and that construction of the brick wall would leave a 5 ft. sidewalk. He stated that the existing sidewalk is badly cracked and needs replacing. Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to allow Mr. Carnes' contractor to remove the portion of the sidewalk necessary to provide the foundation for the brick wall and that upon completion of the work, the city would construct a new sidewalk.

Annexation Petition: Eugene Cross Memorial School. Property: The City Manager presented an annexation petition signed by Mr. Roger White and Mr. James E. Johnson, Chairman and Secretary of the McDowell County Board of Education requesting that the City annex the Eugene Cross Memorial School Property. The City Manager informed the City Council that upon visiting the school property regarding access to the property for sanitation services, he met one adjoining property owner who indicated a possible desire to be annexed into the city limits. He advised the Council that this property owner had also indicated that other property owners in the immediate area may also wish to be annexed into the city limits. The City Manager informed the City Council that annexing the school property would reduce the water and sewer costs to the school facilities and would require the city to provide sanitation services, police and fire services to the facility. The City Manager was directed to initiate the necessary legal procedures for the annexation of the school property.

Proclamation - Senior Citizens. Mayor James H. Segars signed a proclamation submitted by Rev. Turner L. Corkran, Jr. declaring the month of May as Senior Citizens Month in Marion. (Inserted in Minutes)

Tractor - Mower Bids. The City Manager informed the City Council that bids were received and opened at 2:00 P.M., April 2, 1974 in the City Managers office for the purchase of one new Diesel tractor and one new hydraulic extention type mower for tractor mounting. The City Manager stated that the bids were opened after 2:00 P.M. in the presence of Street Superintendent, Aaron Adams, Public Works Director, Jack Brown, and that Mr. Frank Queen attended the meeting following the bid opening. The following bids were received: Bid #1 - Marion Equipment Company bid on one new Ford 4400 Diesel Tractor, \$5,362.00, N.C. Sales Tax - \$214.48, guaranteed delivery date - 90 days, probable delivery date - 30 to 45 days. Bid #2 - Marion Motors bid on a new Massey-Ferguson Diesel Tractor, bid price - \$5,675.00, N.C. Sales Tax - \$227.00, guaranteed delivery date, April 4th, 1974. Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council unanimously voted to purchase the Ford Tractor bid by Marion Equipment Company at a price of \$5,362.00 plus N.C. Sales Tax of \$214.48 from Revenue Sharing Funds.

The City Manager advised the City Council that only one bid was received for the new hydraulic extention type mower. He advised the Council that this bid was submitted by Porter Brothers, Inc. of Shelby, N.C. The bid price for the 17' Mowtrim Sickle Mower was \$5,450.00, with N.C. Sales Tax of

\$163.50. Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to accept the bid proposal submitted by Porter Brothers of Shelby for the purchase of one new hydraulic extention type mower at the bid price of \$5,450.00, plus N.C. Sales Tax of \$163.50 from Revenue Sharing Funds. The City Manager stated that bids were requested by letter form, 1 - Case Tractor, Arden Equipment Company, Arden, N.C. 2 - Western Carolina Tractor Company, P.O. Box 6008, Asheville, N.C. 3 - Marion Equipment Company, Hwy. #221 South, Marion, N.C. 4 - Porter Brothers, 1005 East Dixon Blvd., Shelby, N.C., and 5 - Marion Motors, Inc., Hwy. #70 and #221, Marion, N.C.

Resolution Regarding Existing City Employees Maintaining Accumulated Sick Leave. The City Manager stated employees retiring under the Local Government Retirement System would be given credit for all accumulated sick leave as additional time in service with the City which would result in an increase in the monthly retirement income of the employee. The City Manager presented the following resolution: Upon a motion by Councilman Wilkerson, seconded by Councilman Cross, the City Council unanimously voted to adopt the resolution entitled "Resolution Regarding Existing City Employees Maintaining Accumulated Sick Leave In Excess of Maximum Allowed By City Personnel Ordinance", Adopted March 5th, 1974. (Resolution will be inserted in the Minutes)

See City of Marion Resolution Book, No. R-74-4-2-1

Preliminary Assessment Roll Tremont Street and Alabama Avenue. The City Manager presented two resolutions declaring cost exclusive of cost incurred at street intersections and ordering preparation of preliminary assessment roles and setting time and place for public hearings on the preliminary assessment rolls. Upon a motion by Councilman Wilkerson, seconded by Councilman Clark, The City Council unanimously voted to adopt the following resolution:

See City of Marion Resolution Book, No. R-74-4-2-2

Upon a motion by Councilman Wilkerson, seconded by Councilman Clark, the City Council unanimously voted to adopt the following resolution:

See City of Marion Resolution Book, No. - R-74-4-2-3

Ordinance Regarding the Moving of Any Building or Structure through or Over Any City Street. The City Manager presented an ordinance entitled "An Ordinance Governing The Moving of Any Building or Structure Through or Over Any Street in The City of Marion." The City Manager explained in detail the need and purpose of the proposed ordinance. Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to adopt the following ordinance:

See City of Marion Ordinance Book, No. O-74-2-4-1

Maximum Building Permit Fee - Commercial Buildings. The City Manager informed the City Council that a request had been received concerning establishing a maximum building permit fee for commercial buildings. The City Manager presented sample building permit fees charged by other communities. Upon a motion by Councilman Clark, seconded by Councilman Cross, the City Council unanimously voted to amend Section #1 of the ordinance entitled "Ordinance Establishing Fees for Building Permits, Sign Permits, and Certificates of Occupancy" by deleting the last sentence in Section which reads as follows: "No limit on commercial or multi family dwellings" and inserting in lieu thereof "Maximum building permit for any one permit for a commercial building, \$150.00".

Board of Adjustment - Appointment. After much discussion regarding the appointment of members to the Board of Adjustment, the City Council decided to delay the appointment until the next City Council meeting.

Foxfire Subdivision. The City Manager informed the City Council that he had sent a letter to Mr. Red Walker regarding back-filling and seeding behind the asphalt curbs installed in Foxfire Subdivision. He stated that Mr. Walker come by the office and informed the Manager that there was no discussion or agreement regarding the responsibility for back-filling and seeding behind the asphalt curbs. After much discussion regarding the matter, The City Manager was directed to send a letter to Mr. Walker advising that back-filling and seeding behind the asphalt curbs in Foxfire Subdivision would be the responsibility of the developer and not the City. That upon completion of the work, the city Public Works Director would inspect the work and officially accept it and that any future maintenance of the curbs and grass area would be provided by the City of Marion.

CCG002

PRELIMINARY ASSESSMENT RESOLUTION

R-74-4-2-2

WHEREAS, on the 16th day of April, 19 73, the property owners on that portion of Tremont Street lying between Alabama Avenue and Dead End filed with the City Clerk a petition for improving said street in the following manner:

Condition, Pave, curb and gutter

and,

WHEREAS, the City Clerk has certified to the City Council that said petition is sufficient in all respects, the same having been duly signed by a majority in number of the owners, whose property represents a majority of all the lineal feet of frontage of the lands abutting upon the street or portion of street hereinabove described;

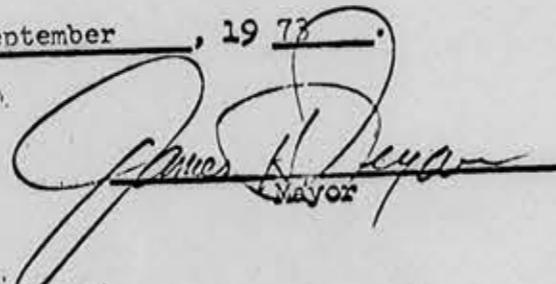
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marion, North Carolina:

1. That the above mentioned petition is found to be sufficient in all respects;
2. That it is intended that part of Tremont Street lying between Alabama Avenue and Dead End be improved in the following manner: Condition, Pave, curb and gutter

under and by virtue of Chapter 160A, Article 10, of the General Statutes of North Carolina and the procedure therein established;

3. That 50 percent of the total cost of said improvement, exclusive of so much of the total cost as is incurred in improving street intersections, be hereafter assessed upon the property receiving the improvements based on the front footage of property bordering on said improvements.
4. That the assessments herein provided for shall be payable in cash or if any property owner shall so elect and give notice of that fact to the City Council in accordance with Chapter 160A, Sections 232 and 233, of the General Statutes of North Carolina, he shall have the option and privilege of paying the assessment in 4 equal annual installments, said installments to bear interest at the rate of 8%.
5. That a public hearing on all matters covered by this resolution shall be held on the 2nd day of October, 19 73, at the Marion City Hall in the City of Marion, North Carolina.

This the 4th day of September, 19 73.



ATTEST:

James Earl Daniels
City Clerk

The following City Councilmen voted for the passage of the above Resolution: Everette Clark, W.R. Ledbetter, Oliver Cross, Robert James and Horace Wilkerson

The following City Councilmen voted against the passage of the above Resolution: None

\$163.50. Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to accept the bid proposal submitted by Porter Brothers of Shelby for the purchase of one new hydraulic extension type mower at the bid price of \$5,450.00, plus N.C. Sales Tax of \$163.50 from Revenue Sharing Funds. The City Manager stated that bids were requested by letter form, 1 - Case Tractor, Arden Equipment Company, Arden, N.C. 2 - Western Carolina Tractor Company, P.O. Box 6008, Asheville, N.C. 3 - Marion Equipment Company, Hwy. #221 South, Marion, N.C. 4 - Porter Brothers, 1005 East Dixon Blvd., Shelby, N.C., and 5 - Marion Motors, Inc., Hwy. #70 and #221, Marion, N.C.

Resolution Regarding Existing City Employees Maintaining Accumulated Sick Leave. The City Manager stated employees retiring under the Local Government Retirement System would be given credit for all accumulated sick leave as additional time in service with the City which would result in an increase in the monthly retirement income of the employee. The City Manager presented the following resolution: Upon a motion by Councilman Wilkerson, seconded by Councilman Cross, the City Council unanimously voted to adopt the resolution entitled "Resolution Regarding Existing City Employees Maintaining Accumulated Sick Leave In Excess of Maximum Allowed By City Personnel Ordinance", Adopted March 5th, 1974. (Resolution will be inserted in the Minutes)

See City of Marion Resolution Book, No. R-74-4-2-1

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See City of Marion Resolution Book, No. R-74-4-2-2

Upon a motion by Councilman Wilkerson, seconded by Councilman Clark, the City Council unanimously voted to adopt the following resolution:

See City of Marion Resolution Book, No. - R-74-4-2-3

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See City of Marion Ordinance Book, No. O-74-2-4-1

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CCG002

R-74-4-2-3

PRELIMINARY ASSESSMENT RESOLUTION
 WHEREAS, on the 16th day of April, 19 73,
 the property owners on that portion of Alabama Avenue
 lying between Tremont Street and Miller Street
 filed with the City Clerk a petition for improving said street in
 the following manner:

Condition, Pave, Curb and Gutter

and,

WHEREAS, the City Clerk has certified to the City Council that
 said petition is sufficient in all respects, the same having been
 duly signed by a majority in number of the owners, whose property
 represents a majority of all the lineal feet of frontage of the
 lands abutting upon the street or portion of street hereinabove
 described;

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

1. That the above mentioned petition is found to be sufficient
 in all respects;
2. That it is intended that part of Alabama Avenue
 lying between Tremont Street and Miller Street
 be improved in the following manner: Condition, Pave,
curb and gutter

under and by virtue of Chapter 160A, Article 10, of the
 General Statutes of North Carolina and the procedure
 therein established;

3. That 50 percent of the total cost of said improvement,
 exclusive of so much of the total cost as is incurred in
 improving street intersections, be hereafter assessed upon
 the property receiving the improvements based on the front
 footage of property bordering on said improvements.
4. That the assessments herein provided for shall be payable
 in cash or if any property owner shall so elect and give
 notice of that fact to the City Council in accordance
 with Chapter 160A, Sections 232 and 233, of the General
 Statutes of North Carolina, he shall have the option and
 privilege of paying the assessment in 4 equal annual
 installments, said installments to bear interest at the
 rate of 8%.
5. That a public hearing on all matters covered by this resolution
 shall be held on the 2nd day of October, 19 73,
 at the Marion City Hall in the City of Marion, North Carolina.

This the 4th day of September, 19 73.

ATTEST:

James Earl Daniel
 City Clerk

The following City Councilmen voted for the passage of the above
 Resolution: Everette Clark, W.R. Ledbetter, Oliver Cross, Robert
James and Horace Wilkerson.

The following City Councilmen voted against the passage of the above
 Resolution: none.

The following City Councilmen voted against the passage of the above
 Resolution: none.

\$163.50. Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to accept the bid proposal submitted by Porter Brothers of Shelby for the purchase of one new hydraulic extention type mower at the bid price of \$5,450.00, plus N.C. Sales Tax of \$163.50 from Revenue Sharing Funds. The City Manager stated that bids were requested by letter form, 1 - Case Tractor, Arden Equipment Company, Arden, N.C. 2 - Western Carolina Tractor Company, P.O. Box 6008, Asheville, N.C. 3 - Marion Equipment Company, Hwy. #221 South, Marion, N.C. 4 - Porter Brothers, 1005 East Dixon Blvd., Shelby, N.C., and 5 - Marion Motors, Inc., Hwy. #70 and #221, Marion, N.C.

Resolution Regarding Existing City Employees Maintaining Accumulated Sick Leave. The City Manager stated employees retiring under the Local Government Retirement System would be given credit for all accumulated sick leave as additional time in service with the City which would result in an increase in the monthly retirement income of the employee. The City Manager presented the following resolution: Upon a motion by Councilman Wilkerson, seconded by Councilman Cross, the City Council unanimously voted to adopt the resolution entitled "Resolution Regarding Existing City Employees Maintaining Accumulated Sick Leave In Excess of Maximum Allowed By City Personnel Ordinance", Adopted March 5th, 1974. (Resolution will be inserted in the Minutes)

See City of Marion Resolution Book, No. R-74-4-2-1

Preliminary Assessment Roll Tremont Street and Alabama Avenue. The City Manager presented two resolutions declaring cost exclusive of cost incurred at street intersections and ordering preparation of preliminary assessment roles and setting time and place for public hearings on the preliminary assessment rolls. Upon a motion by Councilman Wilkerson, seconded by Councilman Clark, The City Council unanimously voted to adopt the following resolution:

See City of Marion Resolution Book, No. R-74-4-2-2

Upon a motion by Councilman Wilkerson, seconded by Councilman Clark, the City Council unanimously voted to adopt the following resolution:

See City of Marion Resolution Book, No. - R-74-4-2-3

Ordinance Regarding the Moving of Any Building or Structure through or Over Any City Street. The City Manager presented an ordinance entitled "An Ordinance Governing The Moving of Any Building or Structure Through or Over Any Street in The City of Marion." The City Manager explained in detail the need and purpose of the proposed ordinance. Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to adopt the following ordinance:

See City of Marion Ordinance Book, No. O-74-2-4-1

Maximum Building Permit Fee - Commercial Buildings. The City Manager informed the City Council that a request had been received concerning establishing a maximum building permit fee for commercial buildings. The City Manager presented sample building permit fees charged by other communities. Upon a motion by Councilman Clark, seconded by Councilman Cross, the City Council unanimously voted to amend Section #1 of the ordinance entitled "Ordinance Establishing Fees for Building Permits, Sign Permits, and Certificates of Occupancy" by deleting the last sentence in Section which reads as follows: "No limit on commercial or multi family dwellings" and inserting in lieu thereof "Maximum building permit for any one permit for a commercial building, \$150.00".

Board of Adjustment - Appointment. After much discussion regarding the appointment of members to the Board of Adjustment, the City Council decided to delay the appointment until the next City Council meeting.

Foxfire Subdivision. The City Manager informed the City Council that he had sent a letter to Mr. Red Walker regarding back-filling and seeding behind the asphalt curbs installed in Foxfire Subdivision. He stated that Mr. Walker come by the office and informed the Manager that there was no discussion or agreement regarding the responsibility for back-filling and seeding behind the asphalt curbs. After much discussion regarding the matter, The City Manager was directed to send a letter to Mr. Walker advising that back-filling and seeding behind the asphalt curbs in Foxfire Subdivision would be the responsibility of the developer and not the City. That upon completion of the work, the city Public Works Director would inspect the work and officially accept it and that any future maintainence of the curbs and grass area would be provided by the City of Marion.

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Baldwin Avenue Water Line. The City Council discussed at length the proposed installation of a water main from State Street down Baldwin Avenue to its intersection with Perry Street. The City Manager was directed to contact Mr. Jim Johnson, Superintendent of Schools and discuss the cost of installing a water line from Baldwin Avenue down Perry Street to site of the proposed new elementary school.

Old High School - Use of Grounds for Carnival Site. The City Manager informed the City Council that the Marion McDowell County Firemen's Association Annual Carnival was being scheduled to be located on the Old Junior High School Property on Academy Street. The Manager stated that in his opinion the Marion Zoning Ordinance would prohibit the location of a Fair, Carnival, or Circus in a residential area. The City Council discussed the matter at length and generally agreed that locating the carnival on the school property would create a number of problems. The City Manager stated he would discuss the matter with the Fire Chief and request that consideration be given to locating the Carnival in a more suitable location allowed by the Marion Zoning Ordinance.

Rescheduled Meeting. The City Council agreed to reschedule the April 16th meeting to April 23 because of Easter Holidays.

There being no further business, the meeting was adjourned.

James H. Segars
Mayor

James Earl Daniels
City Clerk/Manager

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

April 23rd, 1974

The City Council of the City of Marion met in a regularly scheduled meeting Tuesday night, April 23rd, 1974 at 7:30 P.M. in the City Hall.

Board members present: James H. Segars, Mayor; Councilmen, Horace Wilkerson, Robert James, Everette Clark, and Oliver Cross. Councilman Clark arrived at 9:16 P.M. and Councilman Cross arrived at 9:18 P.M.

Others present: Earl Daniels, City Manager; E.P. Dameron, City Attorney; and Police Chief, John Beck; Ann Vess, News Reporter.

Guests: Mr. J.W. Casey, Jr., Mr. J.W. Casey, III, Mr. Charles Brown, Mr. Tom Alexander, and Mr. Gary Wayne Phillips.

Approval of the April 2nd, 1974 Minutes. Upon a motion by Councilman Wilkerson, seconded by Councilman Clark, the City Council unanimously voted to approve the minutes of the April 2nd, 1974 meeting.

Sewerline Connection and Extension - Proposed New Motel. Mr. James W. Casey, Jr. presented plans to the City Council showing a proposed sanitary sewerline extending from his property located on the Northwest corner of the intersection of interstate 40 and highway N.C. #226 down highway N.C. #226 to its intersection with a paved road leading to McDowell Technical Institute. The proposed sewerline would extend down this paved road to an existing manhole presently serving McDowell Technical Institute. Mr. Casey informed the City Council that he would like to have a letter prepared by the City Manager stating that the City of Marion would allow connection to the sanitary sewer main and provide sewer service to a proposed new Motel. Mr. Casey stated that in all probability it would be a year or longer before this service would be required. The City Manager was directed to prepare a letter stating that the City would allow connection to the Sanitary Sewer System.

Waterline - Old Seagle Lumber Company Property. The City Manager informed the City Council that he had received a verbal request from Mr. Henry Wilkinson that the City move a 2" waterline located on property previously owned by Mr. Seagle. The Manager stated that Mr. Wilkinson proposed to construct a new building, which would be located over the 2" waterline. The Waterline was cut by a contractor working on the property, thus bringing the line to the attention of Mr. Wilkinson. Mr. Wilkinson advised the City Manager that a title search of the property had not revealed an easement for the waterline. The City Manager stated that upon investigation into the matter he found that Mr. Seagle had installed a 6" main from the City water system to the Seagle Lumber Company property and that a 2" galvanized line was connected from the 6" main across his property and served 2 street. The line was given to the City of Marion by Mr. Seagle and an easement was given for the City to maintain the line. Attorney Charles Brown was present at the Council Meeting and stated that he did the title search on the property and that he questioned the legality of the easement, since the easement was granted by Mr. Seagle and not the firm owning the property. City Attorney, E.P. Dameron stated that Mr. Seagle was the owner of Seagle Lumber Company. Mr. Charles Brown was advised by Mayor Segars that the City of Marion would have no objections to the waterline being relocated by the new property owners as long as the materials and installation were inspected and approved by the City of Marion and provided a new easement would be granted to the City for maintenance and upkeep of the new line.

Taxicab Drivers Permit Denied. Mr. Gary Wayne Phillips appeared before the City Council to appeal the decision of Chief of Police, John Beck, in the denial of a taxicab drivers permit. Mr. Phillips stated Police Chief John Beck denied issuance of a permit based on his police record. Mr. Phillips after presenting his case to the City Council was asked to leave the Council Chambers for the City Council to discuss the matter. Police Chief, John Beck stated that in his opinion the permit should be denied based on Mr. Phillips police record. It was the consensus of opinions of the City Council to abide by the decision rendered by Chief of Police, John Beck.

Recreation Commission - Supplemental Budget Appropriation. Mayor Segars informed the City Council that the Old Fort-Marion-McDowell County Recreation Commission was in need of additional funds. He stated that the Soft Ball League and the Little League had approached the Recreation Commission requesting assistance to help with their cost of operation. He stated that in the past, the Soft Ball League had received some financial assistance from the governmental units to offset a part of their cost of operation. He advised the Council that the Recreation Commission in trying to provide an overall recreational program for the entire County had indicated that they did not have sufficient funds to provide the Soft Ball League with financial assistance as requested. After much discussion regarding the matter, it was decided by the Council to provide funds to the Recreation Commission based on the City's population according to the 1970 Census. Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to make a supplemental appropriation to the Old Fort-Marion-McDowell Recreation Commission in the amount of \$1,530.76. This amount brings the total contribution to the Recreation Commission from the City of Marion to \$3,335.00 for the fiscal year 1973-74. This amount equals \$1.00 per capita based on the 1970 Census. The City Manager was directed to prepare the necessary budget amendment to provide for the supplemental appropriation.

Card of Appreciation - Mrs. Wesley Smith. The City Manager presented a card of appreciation from Mrs. Wesley Smith. He advised the City Council that a check in the amount of \$2,500.00 was delivered to Mrs. Smith on April 15th, 1974, for the death claim submitted by the City of Marion to Minnesota Mutual Life Insurance for the life insurance policy of Mr. Wesley Smith.

ARTRAIN. The City Manager advised the City Council that the McDowell Arts and Crafts association had submitted a letter requesting financial assistance for the Artrain project. The City Manager stated that in addition to the contribution, the City had been requested to provide equipment and personnel to help prepare the site for the location just north of State Street and that City personnel had been asked to cut and clear fallen trees and other debris in the wooded area between the fair grounds and the railroad tracks on property belonging to Mr. E.J. House. The City Manager stated that in his opinion, a dozer could be used to clear the property leaving marked trees and prepare the site for grassing and planting of flowers and shrubbery. He stated that otherwise, the City did not have sufficient personnel to undertake this project along with other existing

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PERSONNEL ORDINANCE
CITY OF MARION

ARTICLE I. ADMINISTRATION OF THIS ORDINANCE

The City Manager shall be responsible for the administration of this personnel ordinance which shall apply to all appointed employees of the City of Marion.

ARTICLE II. APPOINTMENTS, PROMOTIONS AND DISMISSELS

Section 1. Appointments. Appointments to positions with the City shall be made on the basis of ability, training and experience. Department heads shall be appointed, promoted, suspended and dismissed by the City Council. Other employees will be appointed by the Department head supervising the employee, subject to the approval of the City Manager; however, a worker may be employed by a department head whenever an approved vacancy exists.

Applicants for employment by the City of Marion may be required to pass appropriate competitive written or physical examinations to determine if they meet the established standards. Standards are established by the City Manager, and examinations, if required, shall be prepared and given under his direction or under the direction of his designated representative. Physical examinations, if required, will be at the expense of the City of Marion.

Section 2. Vacancies. In filling vacancies, efforts will be made to promote qualified employees from within the City forces before seeking an outside replacement.

Section 3. Probationary Period. All appointments to positions in the service of the City shall be for a probationary period of six months, except the probationary period for police and fire department personnel shall be for one full year. Before the completion of the probationary period, the department head shall indicate in writing to the City Manager:

- A. that he had discussed the new employee's progress (accomplishments, strengths, failures, and weaknesses) with the new employee, and
- B. whether the new employee is performing satisfactory work,
- C. whether the employee's probationary period should be extended six months
- D. whether the employee should be retained
- E. whether the employee should be discharged

If retained, the employee shall be considered a regular employee. An employee may be dismissed during the probation period at any time if the department head believes that the employee is not capable of doing his assigned duties. At the end of the probationary period, an employee becomes eligible for annual leave computed from the date of appointment.

Section 4. Salary Increases. Salary increases, after any automatic increase at the end of probationary period, shall be granted only in recognition of superior service, improved performance, prevailing wage rate increases, or change in duties. Increases will be recommended to the City Manager by the department head, usually at the time the Annual Budget is under consideration.

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Section 5. Suspension or dismissal. An employee may be suspended without pay for not more than three days by a Department head for misconduct on the job. Such suspension shall be reported to the City Manager. An employee may be suspended by the City Manager for a period longer than three days whenever it appears to be in the best interest of the City. After such suspension, pay for this period may be recovered only through action of the City Council.

While on duty, the use of alcoholic beverages or other substances, including medicine that may cause the employee to be, or appear to be, intoxicated, or may render him incapable of adequately and/or safely performing his duties is strictly prohibited; and this may be cause for immediate discharge. Reporting for work in a condition considered to be intoxication or in a state as described above will be cause for immediate discharge.

Employees who are irregular in reporting for work and who report for work without acceptable reason therefore may be discharged or suspended for irregular attendance.

Each employee will be expected to keep his personal affairs arranged in such a way that the City will not be embarrassed.

Department heads will adequately warn, in writing, an employee of any unsatisfactory service or activity which unless corrected would require suspension or dismissal. A copy of such warning shall be directed to the City Manager.

Section 6. Appeal. An employee who has been discharged or suspended may appeal to the City Manager after notifying the Department Head of his intention to appeal. An employee may appeal to the City Council, if not satisfied with the decision of the City Manager, by notifying the City Manager of his intention to appeal.

Section 7. Demotion. Any employee whose work in his present position is unsatisfactory but who offers promise of becoming a satisfactory employee in another position may be demoted by the City Manager.

Section 8. Reduction in Force. In the event that a reduction in force becomes necessary consideration will be given to the needs of the City, the quality of each employee's past performance, and seniority, in that order, to determine those employees to be retained.

ARTICLE III CONDITIONS OF EMPLOYMENT

Section 1. Hours of Work. The standard work hours of employees of the City of Marion shall be determined by the City Manager in association with the heads of all departments. The length of the work week is subject to change as directed by necessity, but the standard hours of work for municipal employees shall, until changed, be as follows:

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a. City Hall Employees	40 hours
b. Public Works Department	45 hours
c. Cemetery Department	45 hours
d. Water & Sewer Plant	45 hours (avg. shift.)
e. Police Department	40 hours
f. Fire Department	56 hours
g. Sanitation Department (some employees)	45 hours 63 hours

Daily work hour schedules shall be established by the Department Heads and employees will be governed by the policies of the department within which they are employed.

Overtime shall be required in case of emergency, or when in the best interest of the City. Compensatory time may be granted for overtime work on an hour-for-hour basis at the time which will in the opinion of the employee's supervisor interfere least with the operation of the office or department, or employees may be paid for their overtime work with the approval of the department head at the regular hourly rate.

Employees who are on week-end standby shall be paid four (4) hours overtime for the week they are scheduled, whether or not they are called out. If they work more than four hours overtime, they will be paid for the hours worked.

Section 2. Leave. All time off work with pay except approved compensatory time, shall be charged as one of the following types of leave:

- Annual Leave
- Sick leave
- Military leave
- Civil leave
- Educational leave
- Leave without pay

Section 3. Vacation and Leave. For the purpose of the following leave regulations a working day is any day on which the employee actually works, or would work under ordinary circumstances. Saturday is not a working day unless the employee normally works on Saturday. A year shall be a Municipal Fiscal Year. Regular holidays and/or Saturdays or Sundays occurring during a vacation or sick leave period shall not be considered as a day's vacation or sick leave unless the employee would have been scheduled to work on such holiday and/or Saturday and Sunday.

- Vacation Earned. Each employee of the City shall earn vacation leave based on the following schedule:

The 40-Hour per week employee shall earn 80 hours of vacation leave annually (6.67 hours per month).

The 45-Hour per week employee shall earn 90 hours of vacation leave annually (7.5 hours per month).

Waterline - Old Seagle Lumber Company Property. The City Manager informed the City Council that he had received a verbal request from Mr. Henry Wilkinson that the City move a 2" waterline located on property previously owned by Mr. Seagle. The Manager stated that Mr. Wilkinson proposed to construct a new building, which would be located over the 2" waterline. The Waterline was cut by a contractor working on the property, thus bringing the line to the attention of Mr. Wilkinson. Mr. Wilkinson advised the City Manager that a title search of the property had not revealed an easement for the waterline. The City Manager stated that upon investigation into the matter he found that Mr. Seagle had installed a 6" main from the City water system to the Seagle Lumber Company property and that a 2" galvanized line was connected from the 6" main across his property and served 2 street. The line was given to the City of Marion by Mr. Seagle and an easement was given for the City to maintain the line. Attorney Charles Brown was present at the Council Meeting and stated that he did the title search on the property and that he questioned the legality of the easement, since the easement was granted by Mr. Seagle and not the firm owning the property. City Attorney, E.P. Dameron stated that Mr. Seagle was the owner of Seagle Lumber Company. Mr. Charles Brown was advised by Mayor Segars that the City of Marion would have no objections to the waterline being relocated by the new property owners as long as the materials and installation were inspected and approved by the City of Marion and provided a new easement would be granted to the City for maintenance and upkeep of the new line.

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The 56 -Hour per week employee shall earn 112 hours of vacation leave annually (9.3 hours per month).

The first year of employment each of the above employee classifications shall earn one half ($\frac{1}{2}$) the vacation leave stated above.

b. Approval of Annual Vacation Leave. Vacation leave may be taken as earned by an employee when the employee's department head approves the leave and can arrange for the leave to be taken without increasing the expense of operating the Department. No employee will be permitted to take vacation leave while serving his probationary period. Employees wishing to take vacation leave must submit an application to their immediate supervisor at least two weeks (14 days) prior to the date they wish to begin their vacation leave. Permission must be granted, in writing, by the department head.

c. Annual Vacation Leave is Cumulative. Vacation leave may accumulate to a maximum of 24 days. When the maximum has been accumulated, no additional vacation leave will be earned until some of the accrued leave has been taken. No employee will be absent from his job for a period of time longer than sixteen (16) consecutive calendar days unless permission is granted, in writing, by his immediate supervisor.

d. Terminal Pay. An employee resigning from the municipal service shall be paid for vacation leave accumulated to the date of separation provided he has completed his probationary period and provided he has submitted notice to his immediate supervisor at least two weeks (14 days) in advance of the effective date of resignation. An employee who is involuntarily separated without fault or delinquency on his part shall be paid for vacation leave accumulated to the date of separation. Compensation shall not be paid an employee who does not submit the required notice. Upon the death of a regular employee, there shall be paid to his estate a sum equal to all unused annual leave.

Section 4. Holidays. All City employees will receive full pay for the following holidays:

New Year's Day
Easter Monday
July 4th

Labor Day
Thanksgiving
Christmas (see schedule below)

When Christmas falls on:

Sunday
Monday
Tuesday
Wednesday
Thursday
Friday
Saturday

The following days shall be observed as holidays:

December 26	(Mon.)
December 25,26	(Mon., Tues.)
December 24,25	(Mon., Tues.)
December 24,25	(Tues., Wed.)
December 24,25	(Wed., Thurs.)
December 24,25	(Thurs., Fri.)
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Employees who, for reasons in the best interest of the public, are required to work on a holiday shall be granted compensatory time off as soon as thereafter practical following said holiday. The following schedule will be used to determine time off:

The 40 Hour per week employee shall receive annually 40 hours off with pay for the above listed holidays and an extra 3 hours when Christmas falls on any day except Saturday or Sunday.

The 45 Hour per week employee shall receive annually 45 hours off with pay for the above listed holidays and an extra 9 hours when Christmas falls on any day except Saturday or Sunday.

The 50 Hour per week employee shall receive annually 50 hours off with pay for the above listed holidays and an extra 12 hours when Christmas falls on any day except Saturday or Sunday.

Section 5. Sick Leave

a. Sick Leave is a Privilege. Sick leave with pay is not a right which an employee may demand but a privilege granted by the City. Notification of the desire to take sick leave should be submitted to the employee's supervisor prior to the leave, or not later than two hours after the beginning of the scheduled workday, or as required by departmental rules or regulations.

b. Definition. Leave from work with pay may be charged as sick leave if the absence is due to sickness, bodily injury, quarantine, required physical or dental examinations or treatment, exposure to a contagious disease when continued work might jeopardize the health of others, illness in the employee's immediate family which requires the care of the employee, or the funeral of a member of the employee's family or of a close personal friend.

c. Sick Leave Earned. Each regular employee shall earn sick leave as follows:

The 40-Hour per week employee shall earn annually 40 hours.

The 45-Hour per week employee shall earn annually 45 hours.

The 50-Hour per week employee shall earn annually 50 hours.

d. Sick Leave is Cumulative. Sick leave shall be cumulative up to a maximum of 1,680 hours for 40-hour per week employees; 1,170 hours for 45-hour per week employees; and 1,080 hours for 50-hour per week employees.

e. Physician's Certificate. Department heads may require a physician's certificate as to the nature of the illness and as to the employee's physical capacity to resume his duties the next occasion on which an employee uses sick leave.

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The employee may be required to submit to such medical examination, or inquiry as the department head deems desirable. The department head shall be responsible for the application of this provision to the end that (1) employees shall not be on duty when they might endanger their health or the health of other employees, and (2) there will be no abuse of sick leave privileges.

- f. Advancing Sick Leave Credit. The City Council may on the recommendation of the City Manager advance sick leave to an employee who has exhausted his sick leave because of a major operation or illness.
- g. Separated Employees Lose Sick Leave Credit. Employees who retire or resign or are dismissed from City employment shall lose all sick leave credits. No employee shall be paid for any accrued sick leave.
- h. Sick Leave as Workman's Compensation Leave. An employee injured in an accident arising out of and in the course of employment may elect to use his sick leave and/or vacation in order to receive the difference between the Workman's Compensation payment and his regular salary while he is disabled. The employee's sick leave or vacation leave shall be charged with that fraction of a day which the supplemental payment is of his daily salary for each day the supplemental payment is made.

Section 6. Military leave. The City Manager, upon the recommendation of the department head, may grant up to two weeks of military leave in any fiscal year to any regular City employee for Reserve or National Guard Training. While on military leave, each employee shall be compensated by the City the amount that this military compensation is less than his City compensation. Military leave shall not be charged against annual leave for which the employee may be eligible.

Section 7. Civil Leave. An employee summoned for jury duty or as a witness in any court shall be entitled to leave for such duty during the required absence. While on Civil leave, each employee shall be compensated by the City the amount that his Civil leave compensation is less than the City compensation.

Section 8. Education Leave. A leave of absence at full or part pay for two weeks may be granted upon the recommendation of the department head to the City Manager to permit a municipal employee to take courses of study which will better equip the employee to perform his duties. A leave of absence at full or part pay for longer periods may be granted by the City Council upon the recommendation of the City Manager.

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Section 9. Leave Without Pay. A municipal employee may be granted a leave of absence without pay for up to one (1) year by the City Manager upon the recommendation of the supervising department head for reasons of personal or family illness, completing education, or special work which will permit the City to profit by the experience gained or the work performed.

Section 10. Social Security. Each municipal employee covered by Old Age and Survivors' Insurance may become eligible for disability or retirement benefits in accordance with the provisions of the Social Security program.

Section 11. Compulsory Retirement. Excluding disability or voluntary earlier retirement, each City employee shall be retired on June 30 following his 65th birthday, subject to the recommendations of a medical examiner and approval of the City Manager, the employee may be granted one or more than one year extensions.

Section 12. Retirement. Regular employees of the City shall become members of the N.C. Local Governmental Employee's Retirement System. Employees shall not be eligible until they have completed their probationary period. This section shall not apply to Police Personnel who are or may become members of the Law Enforcement Officer's Benefit and Retirement Fund.

Section 13. Insurance. The City of Marion will provide each regular employee with life insurance and hospitalization insurance. Each employee will be permitted to subscribe to both the life and hospital insurance plans by paying the additional premiums necessary, for his dependents, through payroll deductions.

ARTICLE IV. CONFLICT OF INTEREST AND POLITICAL ACTIVITY

Section 1. Applicability of Article. The provisions of this article shall be applicable to all municipal employees except elected officials.

Section 2. Outside Employment. The work of the City should have precedence over the other occupational interests of employees. All outside employment for salary, wages or commissions and all self-employment must be reported to and approved by an employee's department head. Conflicting outside employment shall be grounds for dismissal.

Section 3. Political Activity Restricted. No employee of the City except those subject to popular election shall seek nomination, election, or appointment to a political office or as an officer of a political party, club or organization, or take an active part in, or solicit contributions or donations to, any political campaign, or distribute badges, pamphlets, or handbills of any kind favoring or opposing any candidate; nor use any municipal supplies or equipment for political purposes. Provided, however, that nothing in this article shall be construed to prevent any employee from becoming or continuing to be a member of a political party, or from attendance at a political meeting, from enjoying entire freedom from interference in casting his or her vote. Failure to comply with this section is grounds for immediate dismissal.

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Section 4. Gifts and Favors. No official or employee shall accept any valuable gift, whether in the form of service, loan, thing, or promise from any person, firm, or corporation which to his knowledge is interested directly or indirectly in any manner whatsoever in business dealing with the City; nor any such official or employee (1) accept any gift, favor, or thing of value that may tend to influence him in the discharge of his duties, or (2) grant in the discharge of his duties any improper favor, service, or thing of value.

Section 5. Travel Time. Regular pay will continue during any authorized absence from Marion, N.C. on official business. When an employee is away from the job on official City business or is participating in authorized training courses or attending authorized professional conferences, it will be considered as officially working. Such time will not be counted against his vacation or other authorized leave. Employees absent from Marion on official business will be covered by Workman's Compensation insurance in accordance with the N.C. Workman's Compensation Act. The travel portion of the personnel manual applies to regular City employees, volunteer firemen, auxiliary police, City Attorney, Mayor and City Council.

City employees traveling on official business will be reimbursed for all actual expenses paid by them from their personal funds. Employees requesting reimbursement should furnish appropriate bills to validate expenses claimed. Included in travel expense are costs for meals, 10¢ per mile for use of private car when City vehicle is not available, boarding expenses in hotel or motel, registration fees, tuition fees, etc. The department head shall approve each expense reimbursement application.

Section 6. City Vehicles. City vehicles will be provided to serve personnel for City business only. These vehicles will not be used for personal purposes. If a city vehicle is involved in an accident, either on the public street, or on private property, do not move the vehicle; notify the police and department head immediately.

Section 7. Penalty for Violation. Any employee violating the provisions of this Article shall be subject to suspension and removal.

ARTICLE V. CONFLICTING ORDINANCES REPEALED

Section 1. All Ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Article VI. EFFECTIVE DATE

Section 1. This ordinance will become effective as of March 5, 1974.

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City work schedules. The City Manager was directed to contact Mrs. Ustrum and Mrs. Hartley about the Artrain project and advise that in lieu of a cash donation, the City would provide certain employees and equipment to help in preparing the site.

Horses, Cattle - Keeping in City Limits. The City Council was advised that several complaints had been received regarding the keeping of horses and cattle in the city limits. The City Manager stated that the existing ordinance provides that no stables shall be located closer than 40 feet to any residence or 25 feet to any public street. After much discussion regarding the matter, no formal action was taken by the City Council to amend the ordinance.

Tax Overpayment - Request for Reimbursement. The City Manager presented a letter from Mr. R. Lee Conley requesting reimbursement for overpayment of taxes based on an error in the assessed value of his property located on East Court Street. The City Manager stated that the refund would be in the amount of \$115.89. Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the City Council unanimously voted to reimburse Mr. R. Lee Conley in the amount of \$115.89.

Board of Adjustment - Appointment. Mayor Segars asked that each Council member give consideration to persons who could be named to the Board of Adjustment. He asked that each member bring 2 names to the next City Council Meeting for consideration by the Board in appointing members to the Board of Adjustment.

Tennis Court Lights - Electric Utility Cost. The City Manager informed the City Council that the estimated cost for operation of the new tennis court lights is \$14 per hour. After much discussion regarding scheduling of use of the courts, fees for use of lighting, etc, the City Council decided to turn the tennis court lights on without charging fees for a trial period. Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to turn the tennis court lights on seven nights a week for a trial period of time providing there be no scheduling of use of the courts during the trial period and that the lights be turned on at dark and off at 10:30 P.M.

Waste Water Treatment Facility - Temporary Use Permit. The City Manager presented a letter from Mr. E.C. Hubbard, Director, Office of Water and Air Resources providing for temporary permit No. # T-436 to remain in effect until December 31st, 1974. The extension of this permit was based on delays in the Waste Treatment project, primarily the preparation of the Environmental Impact Statement.

Ordinance - No Left Turn From U.S. #221 Onto U.S. #70. Upon a motion by Councilman Wilkerson, seconded by Councilman James, the City Council unanimously voted to adopt the following Ordinance.

See City of Marion Ordinance Book, No. #0-74-4-23-1

Revenue Sharing Funds - Resolution of Intent Regarding Use of Property Purchased With Revenue Sharing Funds. The City Council was advised by the City Manager that it would be necessary to adopt a Resolution of Intent on the proposed use of all properties purchased by use of Revenue Sharing Funds. The City Manager stated that the planned use of the property is needed if the property will not be developed immediately. The City Council discussed the request of the City Manager and directed that a Resolution of Intent be prepared for consideration by the City Council at the next regular meeting. The proposed use of the properties would be for future expansion of the City Hall facilities.

Community Shelter Plan - Division of Civil Preparedness. The City Manager presented 3 copies of the Community Shelter Plan for review by the City Council. The plans were provided by the Division of Civil Preparedness.

Federal Minimum Wage Law Applicable to City Employees. The City Manager informed the Council that Congress has amended the Fair Labor Standards Act to make it applicable to municipal employees. He stated that this means effective May 1st, 1974 all municipal employees in North Carolina except Fire and Police personnel come under the provisions of the Fair Labor Standards Act. He stated that all employees working in excess of 40 hours per week would be paid time and a half for all hours over 40. He stated that this does not apply to Policemen and Firemen.

Sale of Police Car. The City Manager stated that the 1972 Chevrolet previously declared surplus by the City Council and advertised for sale has not been sold. He asked that a Resolution be adopted authorizing the sale of the police car by private negotiation and sale as authorized by State Law. Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council unanimously voted to adopt the following Resolution:

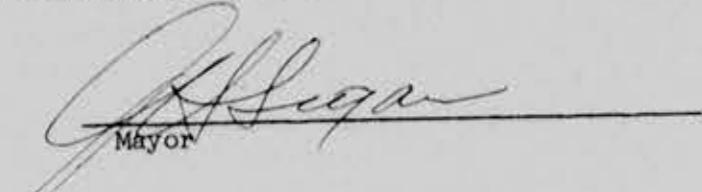
See City of Marion Resolution Book, No. # R-74-4-23-1

City Manager Report. The City Manager presented the following Financial Statement:

<u>Checking Accounts</u>	<u>Certificates of Deposit</u>	<u>Totals</u>
General Fund	\$7,792.49	215,000.00
Water/Sewer Fund	6,956.73	110,000.00
Revenue Sharing Fund	<u>398.88</u>	<u>44,001.00</u>
	\$15,148.10	369,001.00
		384,149.10

He advised the City Council that the cost of fuel oil had doubled since last year. He stated that for the fiscal year 1972-73, the City Hall used 5,906 gallons of fuel oil at a total cost of \$897.99. He advised the Council that this year to date, the City Hall had used 4,237 gallons of fuel oil at a cost of \$1,293.22. He stated that budget appropriations for fuel oil, gasoline, postage, and electric utilities may have to be increased due to the increases in prices since preparation of the budget last year. He advised the City Council that a budget amendment would be prepared incorporating all of these proposed changes.

There being no further business, the meeting was adjourned.


Mayor


James Earl Daniels
City Clerk/Manager

CCG002

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

May 7th, 1974

The City Council of the City of Marion met in a regularly scheduled meeting Tuesday night, May 7th, 1974 at 7:30 P.M. in the City Council Chamber at City Hall.

Board members present: Mayor James H. Segars; Councilmen, Everette Clark, W.R. Ledbetter, Robert James, and Horace Wilkerson. Councilman James arrived at 7:50 P.M.

Board members absent: Councilman, Oliver Cross.

Others present: Earl Daniels, City Manager; John Beck, Chief of Police.

Guests: Dean Wall and Roy Finley.

Approval of the April 23rd, 1974 Minutes: Upon a motion by Councilman Ledbetter seconded by Councilman Wilkerson, the City Council unanimously voted to approve the minutes of the April 23rd, 1974 meeting.

Rescue Squad and Ambulance Services: Mr. Dean Wall was present and explained the intent of the following agreement at the request of the City Manager:

* A G R E E M E N T
NORTH CAROLINA *
McDOWELL COUNTY *

THIS AGREEMENT, Made and entered into this the _____ day of _____, 1974, by and between McDOWELL COUNTY RESCUE SQUAD, hereinafter called "rescue squad", and McCALL'S FUNERAL HOME, hereinafter called "McCall's", and WESTMORELAND HAWKINS FUNERAL HOME, hereinafter called "Westmoreland", all of McDowell

County, North Carolina,

WITNESSETH

In order to facilitate the most effective use, and coordinate the efforts of the McDowell County Rescue Squad and McCall's Funeral Home and Westmoreland-Hawkins Funeral Home, the following information is published for your guidance and use:

The above parties hereby agree that effective May 1, 1974, all calls for emergency service will be referred to the Marion City Police Dispatcher by direct line giving all known details. The Marion Police Dispatcher shall determine whether the Rescue Squad or a private ambulance should respond based upon the following information, and the dispatcher will clear the organization to respond.

I. McDOWELL COUNTY RESCUE SQUAD:

A. The McDowell County Rescue Squad shall be responsible for the following:

1. To attend sport functions and public gatherings upon request and administer first aid and transport persons as may be required at such functions.
2. To assist in handling persons confined or to be confined to iron lungs or chest respirators and to assist in moving such equipment upon the request of doctors or hospitals.
3. To rescue entrapped persons and transport them as may be required. Entrapped persons are those that become victims of cave-ins, drownings, or near drownings, electrical shock, or who are trapped in buildings, vehicles, or equipment in such a manner that rescue would be impossible or dangerous without the use of special tools and equipment.
4. To assist in blood runs when requested by proper authorities.
5. To stand by and assist at major fires upon the request of the Fire Department.

II. McCALL'S FUNERAL HOME & WESTMORELAND-HAWKINS FUNERAL HOME:

McCall's and Westmoreland shall be responsible for the transportation of all persons upon request by the Marion City Police Department, Town of Old Fort Police Department, the State Highway Patrol, the McDowell County Sheriff's Department, all agencies of the County and City governments, companies, corporations, or individuals to and from medical attention.

The dispatcher shall alternate dispatches between McCall's and Westmoreland when no preference is expressed. No law enforcement officer shall indicate a preference.

III. JOINT RESPONSIBILITY:

Both the Rescue Squad and McCall's and Westmoreland shall have the authority to request assistance from each other when in the judgment of either organization such assistance is required.

IV. DISPATCHING OF AMBULANCES

All calls received by departments of the Sheriff or McDowell County, City of Marion, Town of Old Fort, where the services of an ambulance are required shall be referred to the Marion Police Dispatcher.

The telephone listed for the McDowell County Rescue Squad shall be moved to the Marion Police Department and answered by the Marion Police Dispatcher. Only those calls covered in Section 1 above shall be referred to the McDowell County Rescue Squad.

All calls received by the McDowell County Rescue Squad and McCall's and Westmoreland for emergency ambulance service shall be properly reported to the Marion Police Dispatcher by direct line telephone service giving all known details.

The Police Department dispatcher shall determine which of the three organizations should respond based upon Sections I and II above and clear that organization to proceed to the scene.

V. AUTHORITY OF LAW ENFORCEMENT AGENCIES

All law enforcement agencies shall be privileged to request the services of the McDowell County Rescue Squad or private ambulance service when circumstances or the number of persons requiring medical attention dictates.

IN TESTIMONY WHEREOF, the parties to this agreement have hereunto set their respective hands and seals, this the day and year first above written.

McDOWELL COUNTY RESCUE SQUAD

By: _____

McCALL'S FUNERAL HOME

By: _____

WESTMORELAND-HAWKINS FUNERAL HOME

By: _____

After a short discussion, the City Council advised Mr. Wall that the Marion Police Department would be authorized to provide services as stipulated in the Agreement, upon acceptance and execution of the Agreement by all parties concerned.

Clear Creek Water Line - Construction of Barn Over Line: The City Manager presented a letter from Mr. William Dover requesting permission to complete construction of a barn over the Clear Creek Water Line on an easement granted to the City by J.G. Patton and wife, Savannah S. Patton, dated October 22, 1909. After a short discussion, Councilman Ledbetter moved that permission be granted upon the condition that Mr. William Dover execute an agreement prepared by City Attorney E.P. Dameron granting to the City an easement for the purpose of maintenance and repair of the water line, including ingress and egress to and from the water line and that the City of Marion would not be responsible for any damages to the building or its contents, or other properties as a result of water leaks or repairs or maintenance of the line. This motion was seconded by Councilman Clark. The following Councilmen voted in the affirmative: Councilmen Ledbetter, Clark, Wilkerson, and James.

Bicycle Safety Week, May 19 - 25, 1974: A letter was presented by the City Manager from Thomas E. Alexander, Recreation Director, requesting that the week of May 19th, through 25th, 1974 be declared Bicycle Safety Week. Upon a motion by Councilman Wilkerson, seconded by Councilman Clark, the City Council unanimously voted to declare May 19th through 25th, 1974 as Bicycle Safety Week.

Parking Meters, Removal For Construction at McDowell County Courthouse: The City Manager presented a letter from County Manager, Jack Harmon requesting that the parking meter located just south of the driveway entrance from Main Street to the McDowell County Courthouse property be permanently removed and that permission be given to remove all parking meters on the south side of East Court between Main and Garden Street for construction of a protected pedestrian walkway. The City Manager was instructed to replace the parking meter south of the driveway entering the McDowell County Courthouse property and to remove only those meters necessary for construction of the pedestrian walkway.

Tremont Street - Public Hearing on Assessment Roll: No persons attended the Public Hearing regarding the preliminary assessment roll. Upon a motion by Councilman Ledbetter, seconded by Councilman James, the City Council adopted the following Resolution:

See Resolution Book R-74-4-2-2 (Also inserted into Minutes)

Alabama Avenue - Public Hearing on Assessment Roll: No persons attended the Public Hearing regarding the preliminary assessment roll. Upon a motion by Councilman Wilkerson, seconded by Councilman Clark, the City Council adopted the following Resolution:

See Resolution Book R-74-4-2-3 (Also inserted into Minutes)

Board of Adjustment - Appointment: Upon a motion by Councilman Clark, seconded by Councilman Ledbetter, the City Council unanimously voted to appoint the

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following members to the Board of Adjustment for the terms specified.

Harold Simmons	three years	term to expire May 1, 1977
Matt Smith	two years	term to expire May 1, 1976
R.C. Henline	two years	term to expire May 1, 1976
Alex Turner	one year	term to expire May 1, 1975
Steve Woody	one year	term to expire May 1, 1975

Alternates Appointed:

Ed Rankin	three years	term to expire May 1, 1977
Robert Gourley	three years	term to expire May 1, 1977

Tennis Court Lights: The City Manager presented a report on the use of the tennis court lights at night. No decision was made regarding changing the schedule for turning the lights on and off. Mayor Segars stated that consideration should be given to resurfacing the tennis courts prior to covering the courts with a colored sealer. The City Manager was instructed to have the courts inspected to determine if they should be resurfaced.

Revenue Sharing Budget Amendment: The City Manager stated that the Revenue Sharing Budget Amendment adopted by the City Council on March 5, 1974 as recorded in the minute book included an error in the amount of appropriation for "Property Purchase." Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council unanimously voted to adopt the following ordinance entitled, "An Ordinance Amending the 1973 - 74 Budget Ordinance of the City of Marion."

0-74-5-3-1 AN ORDINANCE AMENDING THE 1973 - 74 BUDGET ORDINANCE
OF THE CITY OF MARION

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

Section 1. The 1973 - 74 Budget Ordinance of the City of Marion, adopted on July 10, 1973 and appearing at page 370 of the Minute Book of the City Council of Marion, is amended by making the following additions and deletions to the below listed accounts:

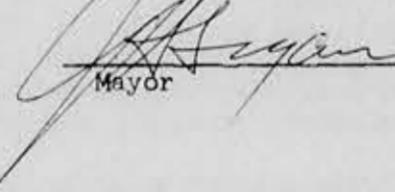
A. Capital Outlay, account number 50-530-74 is increased from \$29,185.00 to \$71,798.00 by a supplemental appropriation of \$42,613.00.

50-530-74	Capital Outlay
Fire Equip. Specifications	\$ 319.00
Property Purchase	65,000.00
Equipment Purchase	<u>11,479.00</u>
	\$ 76,798.00

B. Federal Revenue Sharing Grant, account number 50-349-00, is increased from \$27,890.00 to \$75,503.00 by an increase in anticipated funds of \$47,613.00.

Section 2. That a copy of this Ordinance be attached to the 1973 - 74 Budget Ordinance of the City of Marion as adopted on July 10, 1974.

Adopted this the 5th day of March, 1974.


J. H. Segars
Mayor

ATTEST:


James Earl Daniel
City Clerk/Manager

Ordinances - Regulation of Begging and Canvassing: The City Council reviewed existing ordinances concerning begging and canvassing as requested by the City Manager. No action was taken by the City Council.

Resolution - Region "C" - Subgrant Application for Training:

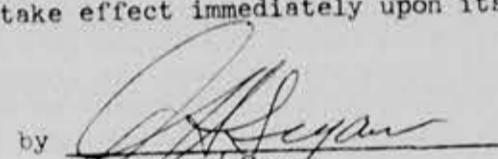
WHEREAS, the City of Marion herein called the "Applicant" has thoroughly considered the problem addressed in the subgrant entitled "Training & Training Materials" and has reviewed the project described in the application; and

WHEREAS, under the terms of Public Law 90-351 as amended, the United States of America has authorized the Law Enforcement Assistance Administration, the North Carolina Division of Law and Order to make Federal grants to assist local governments in the improvement of the criminal justice system.

NOW, THEREFORE BE IT RESOLVED BY THE CITY OF MARION IN OPEN MEETING ASSEMBLED IN THE CITY OF MARION, North Carolina, THIS 7th DAY OF MAY, 1974, AS FOLLOWS:

1. That the project referenced above is in the best interest of the applicant and the general public.
2. That J. Don Shields be authorized to file, in behalf of the Applicant, an application in the form prescribed by the Division of Law and Order for a subgrant in the amount of \$400.00 to be made to the Applicant to assist in defraying the cost of the project described in the application. This individual shall act as the authorized representative of the Applicant in connection with all aspects of the application process.
3. That if the subgrant is made, the Applicant shall provide or make arrangements to provide, a local cash matching contribution in the amount of \$33.34 and a local in-kind matching contribution valued under LEAA guidelines at -0- (or proportionately reduced local matching contributions if the subgrant amount is reduced) as required by the Act to defray the cost of the project.
4. That the Project Director designated in the application form shall furnish or make arrangements for other appropriate persons to furnish such information, data, documents, and reports pertaining to the project, if approved, as may be required by the Division of Law and Order.
5. That certified copies of this resolution be included as part of the application referenced above.
6. That this resolution shall take effect immediately upon its adoption.

DONE AND ORDERED in open meeting

by 
J. H. Segars
Chairman Mayor

Commissioner/Councilman Ledbetter offered the foregoing resolution and moved its adoption, which was seconded by Commissioner/Councilman Clark and was duly adopted.

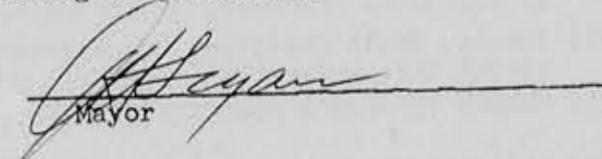
Date:
ATTEST:
by 
James Earl Daniel
Clerk

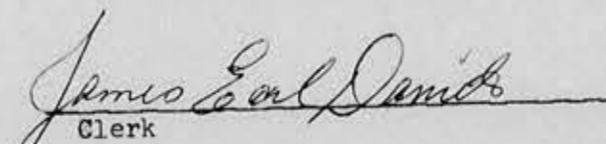
Audit - 1973 - 74: Upon a motion by Councilman Wilkerson, seconded by Councilman Ledbetter, the City Council unanimously voted to enter into a contract with Calder, Crawley, and Co. to audit the City's accounts.

Powell Bill Engineering: The City Manager stated that it would be necessary to engage the services of an engineering firm to complete necessary forms for the Powell Bill Report. He advised the City Council that this service was performed by O'Brien and Gere last year. Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to engage the services of O'Brien and Gere to complete the necessary work.

Ordinance - No Parking Zone - North Madison Street: Upon a motion by Councilman Clark, seconded by Councilman Ledbetter, the City Council unanimously voted to establish a No Parking Zone on North Madison Street. The No Parking Zone is established to prohibit parking on the east side and west side of North Madison Street from New Street to Fleming Avenue.

There being no further business, the meeting was adjourned.


J. H. Segars
Mayor


James Earl Daniel
Clerk

STATE OF NORTH CAROLINA
There being no further business, the meeting was adjourned.

James H. Segars
James H. Segars
City Clerk/Manager

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

May 21st, 1974

The City Council of the City of Marion met in a regularly scheduled meeting Tuesday night, May 21st, 1974 at 7:30 P.M. in the City Council Chamber at City Hall.

Board Members Present: Councilmen W.R. Ledbetter, Everette Clark, Robert James, Oliver Cross, and Horace Wilkerson. Mayor James H. Segars arrived at approximately 9:20 P.M.

Others Present: Earl Daniels, City Manager; Ann Vess, News Reporter.

Guests: Mrs. Barbara York, President of the Marion Elementary P.T.A., and Mrs. Toddy Wilkerson.

Approval of the May 7th, 1974 Minutes: Upon a motion by Councilman Wilkerson, seconded by Councilman Cross, the City Council unanimously voted to approve the minutes of the May 7th, 1974 meeting.

Marion Elementary School - Circle Drive: Mrs. Barbara York, and Mrs. Toddy Wilkerson appeared before the Marion City Council to advise that the McDowell County School Board had approved the installation of a circle drive in front of the Marion Elementary School, located on Robert Street. Mrs. York advised the City Council that the school did not have funds available for the project. She stated that Mayor Segars had informed her that funds could be made available either on the city or state level. The City Council thanked Mrs. York and Mrs. Wilkerson for their efforts and stated that they would take the matter into consideration.

Annexation Petition - Paul B. Owensby: The City Manager presented a request from Mr. Paul B. Owensby that his property located on North McDowell Street be annexed into the City limits. The City Manager stated that he had not completed his investigation regarding the annexation and that no formal action was required by the City Council at this time.

Driveway - McDowell County Courthouse: Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to remove the parking meter and parking space located just south of the driveway entrance to the McDowell County Courthouse property from Main Street to provide for widening of said driveway.

McDowell County Firemens' Association - Lease Agreement Portion of Filter Plant Property: Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the following agreement was approved by the City Council, contingent upon acceptance by the McDowell County Firemens' Association.

STATE OF NORTH CAROLINA

AGREEMENT OF LEASE

COUNTY OF McDOWELL

This Agreement of Lease, made and entered into this _____ day of May, 1974, by and between the CITY OF MARION, a municipal corporation of McDowell County, North Carolina, hereinafter referred to as Lessor and McDOWELL COUNTY FIREMEN'S ASSOCIATION, INC., a corporation, hereinafter referred to as Lessee.

WITNESSETH:

That for and in consideration of the benefit to be derived by the

citizens of the City of Marion from the training of its volunteer firemen and the other volunteer firemen of McDowell County, North Carolina, the Lessor does hereby let and lease unto the Lessee and the Lessee does hereby accept as tenant of the Lessor the lands hereinafter described to be used for the construction and operation of a fire training ground facility: in Marion Township, McDowell County, North Carolina, located on old No. 10 Highway and bounded and described as follows: BEGINNING at a point in the center of Old No. 10 Highway and the center of the culvert which carries Nix Creek under said roadway and running thence with the center line of said roadway the following courses and distances: South 77 degrees 30 minutes East 330 feet; South 75 degrees East 100 feet; South 68 degrees 35 minutes East 100 feet; South 58 degrees East 100 feet; South 47 Degrees 30 minutes East 100 feet; South 42 degrees 30 minutes East 211.2 feet; thence leaving said roadway South 45 degrees 15 minutes West 384 feet to a stake in the center of Nix Creek; thence North 52 degrees 45 minutes West 406 feet to an iron pin; thence North 19 degrees West 198 feet to a stake in the center of Nix Creek; thence with the center of said creek North 61 degrees West 172 feet to a point in said creek; thence North 2 degrees West 165 feet to the BEGINNING. Containing 6.48 acres, more or less as shown on a plat prepared by Robert V. Snypes February, 1973.

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THE TERMS AND PROVISIONS OF THIS LEASE AGREEMENT ARE AS FOLLOWS:

1. This agreement shall remain in force and effect for an indefinite period of time and shall continue in effect unless and until it is terminated by the City Council of the City of Marion. It is understood and agreed, however, that the Lessee will expend a considerable sum of money in constructing improvements on the demised premises and that this Lease will not be terminated by the City Council of Marion, North Carolina unless the demised premises are found to be necessary in connection with expansion of the City water filtration plant and facilities on the adjoining property. If such expansion proves to be necessary the City of Marion will make a diligent effort to acquire other adjoining property to accommodate such necessary expansion and this Lease will be terminated only if such additional property can not be acquired at a reasonable cost to the City of Marion.

2. It is also agreed that the area between the above described property and the rear corner (West side) of the water settling tank may be used by the Lessee as a parking area for motor vehicles but no permanent structure or improvements shall be erected in or upon the area between the rear corner

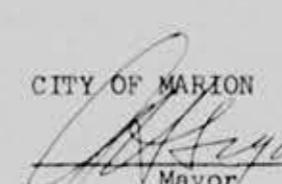
(west side) of the water settling tank and the southwestern margin of the above described property.

3. The Lessee shall have the use of the demised premises without the payment of any rental to the Lessor so long as said property is used for the purposes herein stated, that is, for the training of members of the Marion, North Carolina fire department and the members of the other fire departments of McDowell County.

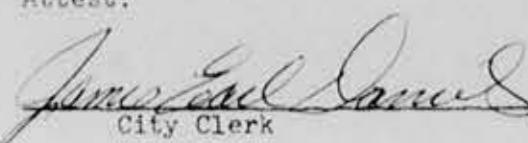
4. If the Lessee should discontinue using said premises for the purposes stated in Paragraph 3 above, the Lessor may there upon terminate this agreement.

IN TESTIMONY WHEREOF the City of Marion has caused this instrument to be executed in its corporate name by its duly authorized officers of the McDowell County Firemen's Association, Inc. has caused this instrument to be executed in its corporate name by its duly authorized officers.

CITY OF MARION


Mayor

Attest:


City Clerk

McDOWELL FIREMEN'S ASSOCIATION, INC.

By: _____
President

Attest:

Secretary

STATE OF NORTH CAROLINA

COUNTY OF McDOWELL

I, _____, Notary Public, do hereby certify that before me this day personally appeared EARL DANIELS, who after being duly sworn, says:

That he is Clerk of the City of Marion, North Carolina, and that he is acquainted with JAMES SEGARS, who is Mayor of said City; that he knows the common seal of the City of Marion, and that he saw the said Mayor sign the foregoing Agreement of Lease in the name of the City by him as Mayor of the City of Marion, North Carolina, and that he saw the said Mayor affix the corporate seal of said City thereto; that he, the said Clerk of the City of

Marion, signed his name in attestation of the execution thereof, all as ordered by the Mayor for said City.

Witness my hand and notarial seal, this the _____ day of May, 1974.

Notary Public

My commission expires:

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL

This _____ day of May, 1974, personally came before me _____, Notary Public for said County, _____, who being by me duly sworn says that he knows the common seal of the McDOWELL COUNTY FIREMEN'S ASSOCIATION, Inc. and is acquainted with _____ who is the President and presiding member of said Corporation, and that he, the said _____, is the Secretary of the said Corporation and saw the said President sign the foregoing instrument and saw the said common seal of said Corporation affixed to said instrument by said President and that he, the said Secretary signed his name in attestation of said instrument in the presence of said President of said Corporation.

Notary Public

My commission expires:

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL

The foregoing certificate of _____, Notary Public is certified to be correct. This instrument was presented for registration this _____ day of _____, 1974, at _____ a.m., p.m., and duly recorded in the office of the Register of Deeds of McDowell County, North Carolina, in Book _____ at page _____.

This the _____ day of _____, 1974.

Register of Deeds

Assistant, Deputy Register of Deeds

Board of Adjustment - Appointment: The City Council unanimously agreed to appoint Mr. Robert Gourley as an alternate member of the Board of Adjustment for a term of three years.

Resolution of Intent - Use of Property Purchased With Revenue Sharing Funds: Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to adopt the following Resolution:

R-74-21-5-1

RESOLUTION OF INTENT CONCERNING PLANNED USE
OF PROPERTIES PURCHASED WITH REVENUE SHARING
FUNDS

WHEREAS, the City of Marion has purchased certain property, located just west of and separated by an alley from the City Hall property, from Carr Bell and wife, Margaret A. Bell; and,

WHEREAS, the City of Marion is in the process of purchasing certain property, located just east of and adjacent to the City Hall property, from Leona Cuthbertson Moore; and,

WHEREAS, SAID properties cannot be immediately developed as planned.

Now, THEREFORE, BE IT RESOLVED by the City Council of the City of Marion that it is the intent of the City Council to use the aforementioned properties for the future expansion of and/or additions to the existing City Hall facilities, including but not limited to Police, Fire, and General Administration facilities.

Adopted this the 21st day of May, 1974.

ATTEST: *James E. Daniel*
City Clerk

J. H. Segars
Maybr

Right Turn on Red Lights - Letter From League: The City Manager informed the City Council that he had received a letter from the League of Municipalities on red lights at all intersections, except intersections where ordinances have been adopted and signs erected prohibiting right turns on red lights.

Resolution - Lease Purchase Ford Backhoe: Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to adopt the following Resolution:

R-74-21-5-1

R E S O L U T I O N:

After a full discussion of the immediate need for a backhoe and the availability of a used 1971-4500 Ford tractor backhoe at Marion Motors, Inc., the City Council unanimously adopted the following resolution:

RESOLVED that the City Manager be authorized to enter into a lease-purchase agreement with Marion Motors, Inc. to lease said 1971 model 4500 Ford tractor backhoe at an annual rental of \$7500.00, representing a rental cost of \$31.25 per day based on a 240-day work year, or a total annual rental of \$7500.00. The lease-purchase agreement shall provide that the City of Marion may exercise the option to purchase said backhoe at any time during the lease period at a total of \$7500.00 and that any rental payments made before said option is exercised shall be applied on the purchase price of \$7500.00.

Adopted this the 21st day of May, 1974.

ATTEST:

James E. Daniel
City Clerk

J. H. Segars
Mayor

Revenue Sharing Fund - 1974 - 75 Planned Use Report: The City Manager stated that the planned use report of General Revenue Sharing Funds received by his office indicated that the City of Marion will receive \$99,487.00 for entitlement period 5 which represents July 1st, 1974 through June 30th, 1975. He advised the City Council that although the report shows the figure of \$99,487.00 that the City can only budget \$74,615.25 as anticipated income for the Revenue Sharing Trust Fund, based on the fact that the last quarterly check will not be received until after July 1st, of 1975. The City Manager stated that the estimated balance in the Revenue Sharing Trust Fund account for the end of this fiscal year would be \$3,426.41, bringing the total funds available for the fiscal year 1974-75 to \$78,041.66. He stated that of this amount \$39,774.45 has been obligated for the purchase of a new firetruck, leaving an estimated balance of \$38,267.21.

There being no further business, the meeting was adjourned.

J. H. Segars
Maybr

James E. Daniel
City Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

June 4th, 1974

The City Council of the City of Marion met in a regularly scheduled meeting Tuesday night, June 4, 1974 at 7:30 P.M. in the City Council Chamber at City Hall.

Board members present: Mayor James H. Segars; Councilmen, Everette Clark, W.R. Ledbetter, Robert James, Oliver Cross, and Horace Wilkerson.

The City Manager informed the Council that kids working under the Neighborhood Youth Corp program would begin work with the City on Monday, June 10th.

Budget Discussion - 1974 - 75 Budget Estimate: The City Manager discussed briefly with the City Council the proposed budget for 1974 - 75. After a short discussion regarding the proposed budget, the City Council adjourned to go into executive session to discuss personnel matters.

There being no further business, the meeting was adjourned.

J. H. Segars
Mayor

James Earl Daniels
City Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

June 18th, 1974

The City Council of the City of Marion met in a regularly scheduled meeting Tuesday night, June 18th, 1974 at 7:30 P.M. in the City Council Chamber at City Hall.

Board members present: Mayor James H. Segars; Councilmen, Everette Clark, W.R. Ledbetter, Robert James, Oliver Cross, and Horace Wilkerson. Councilman James arrived late.

Others present: Earl Daniels, City Manager; E.P. Dameron, City Attorney; John Beck, Chief of Police; and, Ann Vess, News Reporter.

Guests: Charles Dale, Marshall Dark, and Recreation Director, Tom Alexander.

Approval of the June 4th, 1974 Minutes: Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the City Council unanimously voted to approve the minutes of the June 4th, 1974 meeting.

Lease of City Property: Mr. Charles Dale was present and advised the City Council that he was interested in continuing to lease the Service Station located on Main Street directly behind the Marion City Hall. Mr. Dale stated that the roof on the station was in need of repair. Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the City Council unanimously voted to lease the Service Station to Mr. Dale for a period of 12 months, beginning July 1st, 1974 at a rental rate of \$100.00 per month. The City Council also agreed to repair the roof.

Insurance Program: Marshall Dark reviewed with the City Council the City of Marion's existing insurance program and recommended that certain changes be made. Mr. Dark stated that the value of all of the City's buildings had increased, but that the insurance coverage on the buildings had not been increased accordingly. He also recommended a package comprehensive automobile liability policy, a policy covering fires and explosions by boilers, and a general liability policy. Upon a motion by Councilman Wilkerson, seconded by Councilman Ledbetter, the City Council unanimously voted to accept the proposal to revalue City buildings and to insure same on a replacement cost basis. The City Manager was instructed to investigate the need for insurance coverage for boilers and to determine the difference in cost in the comprehensive automobile liability coverage for specified vehicles as opposed to a package coverage for collision insurance on a \$100.00 deductible basis.

Recreation Program, Report from Recreation Director: Mr. Tom Alexander was present and reviewed with the City Council the Summer recreation program and future plans for development of the Junior High School Property.

Bids on Petroleum Products: The City Manager informed the City Council that no bids were received on Petroleum products for the fiscal year beginning July 1st, 1974 through June 30th, 1975. The City Manager stated that in addition to the newspaper advertisement requesting bids, that forms and invitations to bid were mailed to local dealers. He also stated that he had personally talked with some of the dealers and that no bids had been received and that he was advised that he would be unable to acquire any bids. He advised the City Council that McDowell Oil had indicated that they would continue to serve the City on the same basis as this past fiscal year, depending on the availability of product. The City Manager was instructed to continue purchasing product from McDowell Oil under existing procedures.

Dangerous Intersection - Crescent Avenue and Fleming Avenue: The City Manager stated that he had received a request from Mrs. Conley that the City have installed some type of traffic control device to slow or stop traffic at the intersection of Crescent Avenue and Fleming Avenue. The City Manager stated that since Fleming Avenue is a state maintained road that the state highway would have to install or approve the installation of any type of traffic control device. The City Manager was asked to contact Mr. Bill Gladden and ask that the city be given permission to cut back the hill located on the northwest side of the intersection to allow for an adequate line of site for motorists.

Resolution - Regency "C" Crime Prevention Bureau Project: The City Manager presented a Resolution authorizing Mr. Don Shields to act on behalf of the City of Marion in requesting funds for a Regency Crime Prevention Bureau Project. No action was taken by the City Council on this resolution.

Bids on Cast Iron Water Pipe: The City Manager presented the following bids on Cast Iron Water Pipe:

TABULATION ON BIDS RECEIVED FOR CAST IRON PIPE 6/18/74

	12" Per Ft.	6" Per Ft.
American Cast Iron Pipe Co.	\$ 9.16	\$ 3.76
Lynchburg Foundry Company	9.16	3.79
Glamorgan Pipe & Foundry Co., Inc.	9.22	3.82
Glow Corporation	9.57	3.92

Tax Lien Sale and Report: The City Manager informed the City Council that no tax liens were sold at the tax lien sale held on June 10th, 1974. The City Manager presented the following report on taxes:

TAXES AS OF JUNE 18, 1974

Year	Charge	Real Uncollected	\$ 4,810.68
1973	\$ 348,013.60	Personal Uncollected	6,088.15
		Total Uncollected	\$ 10,898.83

Collected	\$ 335,938.52
Charge Offs	1,176.25 . . . Outside listings
Uncollected	10,898.83
	\$ 348,013.60

The 1974 - 75 Budget Estimate: The City Manager reminded the City Council members that the public hearing on adopting the 1974 - 75 budget is to be held on June 25th, 1974. The Manager also stated that he would present a request for a budget amendment to the 1973 - 74 budget.

There being no further business, the meeting was adjourned to reconvene in executive session to discuss personnel matters.

James Earl Daniels
City Clerk

J. H. Segars
Mayor

The City Manager informed the Council that kids working under the Neighborhood Youth Corp program would begin work with the City on Monday, June 10th.

Budget Discussion - 1974 - 75 Budget Estimate: The City Manager discussed briefly with the City Council the proposed budget for 1974 - 75. After a short discussion regarding the proposed budget, the City Council adjourned to go into executive session to discuss personnel matters.

There being no further business, the meeting was adjourned.

John H. Segars
Mayor

James Earl Daniels
City Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

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There being no further business, the meeting was adjourned to reconvene in executive session to discuss personnel matters.

James Earl Daniels
City Clerk

John H. Segars
Mayor

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

July 2nd, 1974

The City Council of the City of Marion met in a regularly scheduled meeting Tuesday night, July 2nd, 1974 at 7:30 P.M. in the City Council Chamber at City Hall.

Board Members present: Mayor James H. Segars; Councilmen, Everette Clark, W.R. Ledbetter, and Horace Wilkerson. Absent: Councilmen, Oliver Cross and Robert James.

Others present: Earl Daniels, City Manager; and, Ann Vess, News Reporter.

Approval of the June 18th, 1974 Minutes: Upon a motion by Councilman Ledbetter, seconded by Councilman Clark, the City Council unanimously voted to approve the Minutes of the June 18th, 1974 meeting.

Lease of Parking spaces to U.S. Forest Service: The City Manager informed the City Council that the U.S. Forest Service was interested in continuing to lease parking spaces located at the rear of the City Hall. He stated that the City had made the final payment on the property and that a lease agreement should be prepared between the Forest Service and the City, should the Council desire to continue leasing spaces to the Forest Service. The City Manager was advised to continue the lease to the Forest Service at the rate of \$120.00 per year.

Annual Certification of Fire Department Members: Upon a motion by Councilman Wilkerson, seconded by Councilman Ledbetter, the City Council unanimously voted to approve the list of Fire Department members for certification as requested by Fire Chief, Arthur Edwards.

Municipal Section

John L. Sullivan, Asst. Ch.
J.E. Neal, Jr., Capt.
Larry Brown, Lt.
Lee R. Cate
Eugene Smith
John M. Brown
Larry W. Hogan
Tom S. Milligan
Edward Lanney
Eugene Hall
Fred T. Brown
John W. Beck
Dennis Price
Jim C. McGarr
Jimmy Young
Arthur O'Dear
Joe N. Ward
W.R. Smith

Rural Section

R. Marchall Dark, Jr., Asst. Chief
David M. Setzer, Capt.
Jerry W. Poteat, Lt.
Morris S. Laughridge (Sec. & Treas.)
Mike Waycaster
Jack E. McIone
Billy R. Poteat
Charles L. Presnell, Jr.
James R. Hollifield
Willard Hollifield, Jr.
Tommy R. Harris
Terry B. Good
James Douglas Parker
Glen Sherlin
Hoyle Moody
Roger Smith
Danny Willis

Traffic
Rodney Holloway
Kenneth Epley
Steve Freeman

Region "C" Policy Board - Appointment of City Representatives: Mayor Segars appointed City Manager, Earl Daniels, and Chief of Police, John Beck as City representatives to the Region "C" Criminal Justice Planning Agency. The new members replace Mayor James H. Segars and retired Chief of Police, William Wood.

Privilege License Ordinance: Upon a motion by Councilman Wilkerson, seconded by Councilman Ledbetter, the City Council unanimously voted to adopt the 1949 Business Privilege License Ordinance as amended through June 30th, 1974.

Garbage Pickup: The City Manager was instructed to advise Public Works Director, Jack Brown to change the garbage pickup schedule so that there would be no residential pickup before 6:00 A.M.

Street Repairs: The City Manager was instructed to contact the building contractor constructing the new addition to the Courthouse and direct that the holes in Garden Street be resurfaced. The City Manager was also asked to contact building contractor, Ray Cordell and direct that the sidewalks in front of the new apartments located on Park Avenue be cleaned.

There being no further business, the meeting was adjourned.

Mayor

James Earl Daniels
City Clerk/Manager

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

June 25th, 1974

The City Council of the City of Marion met in a scheduled meeting, Tuesday night, June 25th, 1974 at 7:30 P.M. in the City Council Chamber at City Hall.

Board members present: Mayor James H. Segars; Councilmen, Everette Clark, W.R. Ledbetter, Oliver Cross, and R.L. James. Councilman Horace Wilkerson was absent.

Others present: Earl Daniels, City Manager; and, News Reporter, John Dillingham.

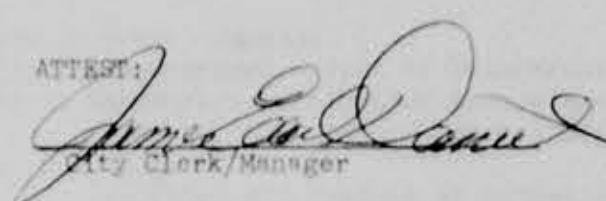
Ordinance Amending the 1973 - 74 Budget Ordinance of the City of Marion: The City Manager presented an ordinance amending the 1973 - 74 Budget Ordinance of the City of Marion. The City Manager reviewed with the City Council the transfer of funds between line items. Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the City Council unanimously voted to adopt the ordinance entitled, "An Ordinance Amending the 1973 - 74 Budget Ordinance of the City of Marion."

See City Ordinance Book, No. 0-74-5-3-1

(SEE ATTACHED ORDINANCE)

CCG002

ATTEST:



1974 - 75 Budget Ordinance - Public Hearing: No persons attended the public hearing to question or discuss the proposed Budget Ordinance for the fiscal year beginning July 1st, 1974 and ending June 30th, 1975. The City Manager stated that the most important change in this year's budget is the proposed adoption of the so called Single Tax Levy. He stated that under this concept, all property taxes are levied for the General Fund, which in turn will make up any required revenues in other funds by an appropriation. He stated that due to an anticipated large surplus, a tax increase is not proposed. The City Council discussed the budget at length. Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the City Council unanimously voted to adopt the 1974 - 75 Budget ordinance providing for a single tax rate of 75¢.

BUDGET ORDINANCE

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

Section 1. The following amounts are hereby appropriated in the General Fund for the operation of the City government and its activities for the fiscal year beginning July 1, 1974, and ending June 30, 1975, in accordance with the chart of accounts heretofore established for this city:

Administration Department	\$ 72,519.
Police Department	144,651.
Fire Department	65,449.
Inspection Department	4,925.
Street Department	75,342.
Powell Bill	44,000.
Sanitation Department	57,182.
Recreation Department	13,468.
Cemetery Department	12,985.
Non-Departmental	119,683.
Special Appropriations	26,175.
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	\$ 636,379.
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Section 2. It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 1974, and ending June 30, 1975.

Current year's property tax	\$ 355,458.
Prior year's property tax	6,050.
Tax Discounts	(1,000.)
Tax Penalties & Interest	1,500.
Motor Vehicle License	900.
Parking Meter Revenues	6,000.
Privilege License	4,500.
Interest on Investments	6,000.

Rents & Concessions	\$ 2,500.
Miscellaneous Revenues	2,000.
Franchise Tax	36,500.
Intangible Tax	21,000.
Powell Bill Funds	44,000.
Local Option Sales Tax	56,000.
Court Fees	500.
Police Salary Supplement	2,600.
Parking Violations	5,000.
County Fire Protection	16,960.
Cemetery Revenue	4,000.
Gas Tax Refund	3,500.
Special Assessments	600.
Maintenance Traffic Control Devices	4,200.
Cable TV Revenue	1,300.
Sale of Surplus Equipment	600.
Region C Police Training	1,900.
Inspection Fees	1,000.
Estimated Surplus	52,261.
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	\$ 636,379.
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Section 3. The following amounts are hereby appropriated in the Debt Service Fund for the payment of principal & interest on the outstanding debt of the city, and the expenses relating thereto for the fiscal year beginning July 1, 1974, and ending June 30, 1975:

Bond Principal	\$ 25,000.
Bond Interest	1,125.
Coupon Expense	50.
	<hr/>
	\$ 26,175.
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Section 4. It is estimated that the following revenues will be available in the Debt Service Fund for the fiscal year beginning July 1, 1974, and ending June 30, 1975:

Contribution from General Fund	\$ 26,175.
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Section 5. The following amounts are hereby appropriated in the Revenue Sharing Fund for the fiscal year beginning July 1, 1974, and ending June 30, 1975:

Capital Outlay	\$ 103,542.66
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Section 6. It is estimated that the following revenues will be available in the Revenue Sharing Trust Fund for the fiscal year beginning July 1, 1974, and ending June 30, 1975:

Interest on Investments	\$ 2,000.00
Federal Grant	98,116.25
Fund Balance appropriated	<u>3,426.41</u>
	\$ 103,542.66

Section 7. The following amounts are hereby appropriated in the Water & Sewer Fund for the operation of the Water & Sewer utilities for the fiscal year beginning July 1, 1974, and ending June 30, 1975, in accordance with the chart of accounts heretofore approved for the city.

Water/Sewer Operations	\$ 178,557.
Filter Plant	52,232.
Waste Treatment Plant	22,530.
Non-Departmental	51,014.
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	\$ 304,333.

Section 8. It is estimated that the following revenues will be available in the Water & Sewer Fund for the fiscal year beginning July 1, 1974, and ending June 30, 1975:

Water Sales	\$ 200,000.
Water Taps	12,000.
Sewer Taps & Service	24,000.
Interest Earned on Investments	3,500.
Miscellaneous Revenues	833.
Estimated Surplus	64,000.
	<hr/>
	\$ 304,333.

Section 9. There is hereby levied a tax at a rate seventy - five cents (75¢) per one hundred dollars (\$100.00) valuation of property as listed for taxes as of January 1, 1974, for the purpose of raising the revenue listed as "Current Year's Property Taxes" in the General Fund in Section 2 of this ordinance.

These rates are based on an estimated total valuation of property for the purpose of taxation of \$49,373,085 and an estimated rate of collection of 96%. The estimated rate of collection is based on the fiscal 1973 - 74 collection rate of 95 1/2%.

Section 10. The Budget Officer is hereby authorized to transfer appropriations within a fund as contained herein under the following conditions

- a. He may transfer amounts between objects of expenditure within a department without limitation and without a report being required.

b. He may transfer amounts up to \$1,000. between departments of the same fund with an official report on such transfers at the next regular meeting of the City Council.

c. He may not transfer any amounts between funds nor from any contingency appropriation within any fund.

Section 11. Copies of this Budget Ordinance shall be furnished to Finance Officer and to the Budget Officer of this city to be kept on file by them for their direction in the disbursement of funds.

Adopted this 25th day of June, 1974.

There being no further business, the meeting was adjourned.

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APPEAL

City Clerk Manager

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION

July 16th, 1974

The City Council of the City of Marion met in a regularly scheduled meeting Tuesday night, July 16th, 1974 at 7:30 P.M. in the City Council Chamber at City Hall.

Board Members Present: Mayor James H. Segars; Councilman, W.R. Ledbetter, Everette Clark, Oliver Cross, Horace Wilkerson, and Robert James.

Others Present: Earl Daniels, City Manager; John Beck, Chief of Police; Arthur Edwards, Fire Chief; E.P. Dameron, City Attorney; and, Ann Vess, News Reporter.

Guests: Richard Landy, Madison Cablevision (Speaker); Bob Spiegel, Madison Cablevision; Anthony C. Leonard, Suburban Propane; Lynn Decker, Suburban Cablevision; Wayne Ollis, Suburban Cablevision; Howard Randolph, Suburban Cablevision.

Approval of the July 2nd, 1974 Minutes: Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the City Council unanimously voted to approve the minutes of the July 2nd, 1974 meeting.

Suburban Cablevision Franchise: Mr. Lynn Decker, representing Suburban Cablevision, appeared before the City Council to request that the Council approve a transfer of the CA TV Franchise, presently held by Suburban Cablevision to Madison Communications, Inc. Mr. Lynn passed out printed material to City Council members, giving information about Madison Communications, Inc, and Madison Cablevision, Inc. Mr. Richard Landy of Madison Cablevision talked with the City Council concerning the request. Mayor Segars thanked Mr. Decker and Mr. Landy and the other gentlemen with their group for the printed information and advised them that the City Council would be in contact with them regarding their request at a later date.

Vehicle Bids: The following bid proposals, received by the City Manager and opened in the presence of the City Manager and Public Works Director at 2:00 P.M., July 16th, 1974 in the City Manager's Office, were presented

for consideration:

Ballew Motor Company	Bid	
2 1/2 Ton Pickups	\$5,667.74	
N.C. Tax	<u>113.36</u>	
		\$5,781.10 or
Delivery - 1 week	\$2,890.55	each
2 Chevrolet Impalas	\$7,949.50	
N.C. Sales Tax	<u>159.00</u>	
		\$8,108.00 or
Delivery - Immediately	\$4,054.25	each
No bid on 1/4 Ton Pickup.		

No other bids received.

The City Manager stated that bid request were hand delivered to all local new car dealers, but that bids were only submitted by Ballew Motor Company, Inc. He stated that no bids were received for the purchase of one new 1974 1/2 ton Pickup Truck. The City Manager stated that bids were requested on new 1974 models for the following reasons: (1) 1975 models will carry a price increase; (2) Only NO LEAD gasoline can be used in all 1975 models; (3) to delay purchase until the 1975 models come out may result in increase maintenance cost to operate vehicles to be replaced. Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the City Council unanimously voted to accept the bid proposals submitted by Ballew Motor Company. The City Manager was directed to prepare specifications for the purchase of one new 1974 1/2 ton Pickup truck with automatic transmission.

Street Paving and Resurfacing Bids: The following bid proposals, received by the City Manager and opened in the presence of the City Manager, and Public Works Director and 2 representatives of Paving Enterprises, Inc., Asheville at 3:00 P.M. on July 16th, 1974 in the City Managers office, were presented for consideration:

Starting Date		New Surfacing Cost Per Ton	Resurfacing Cost Per Ton	Curb Cost
10-1-74	Midstate Contr., Inc. Hickory	\$26.00	\$20.50	\$2.00
9-1-74	Warren Brothers, Co. Asheville	15.00	14.50	1.25
10-1-74	Thompson Contr., Inc. Rutherfordton	14.50	13.65	1.10
8-15-74	Asheville Paving Co. Asheville	17.00	17.00	1.00
7-22-74	Paving Enterprises, Inc. Asheville	20.75	19.75	1.00

Upon a motion by Councilman Ledbetter, seconded by Councilman Wilkerson, the City Council unanimously voted to accept the bid proposal by Thompson Contractors, Inc.

City Emblem: The City Manager asked that the City Council decide on the colors to be used in the City Emblem so that stationary and vehicle decals could be ordered. After much discussion, it was decided by Council that colors for the Emblem would be green, white, and yellow.

Standing Committees Appointed: Mayor James H. Segars appointed the following Standing Committees:

Street Committee - Councilman Everette Clark, W.R. Ledbetter, and Horace Wilkerson.

Cemetery Committee - Councilman Oliver Cross, and Robert James.

Recreation Committee - Councilman W.R. Ledbetter.

Yellow Cab Request For One Additional Taxi: Police Chief, John Beck advised the City Council that a request had been received from the Yellow Cab Company requesting that they be allowed one additional taxi cab to operate in the City Limits. On a motion by Councilman Ledbetter, seconded by Councilman James, the City Council unanimously voted to allow the Yellow Cab Company to increase their Taxi service by adding one additional vehicle.

Sidewalk Sale: Councilman Everette Clark advised the City Council that the Merchants Association wished to conduct a Sidewalk Sale on the 1st, 2nd, and 3rd of August. Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to permit the Sidewalk Sale on the 1st, 2nd, and 3rd of August under rules previously established by the City Council for conducting Sidewalk Sales.

Public Hearing - Zoning Ordinance Amendment: The City Manager presented a request from Sign Maintenance Company of Atlanta, Georgia that the Marion Zoning Ordinance be amended so as to allow billboards, and ground signs to be erected to a height not to exceed thirty (30) feet above ground level. The City Manager stated that the present requirements allow the construction of billboards or signs not to exceed a height of twenty (20) feet. No persons attended the Public Hearing regarding this request. Upon a motion by Councilman Clark, seconded by Councilman Cross, the City Council unanimously voted to amend Article VII, Section 706, Subsection 1 - (d) of the Zoning Ordinance of the City of Marion, as follows:

Delete the words, "No billboard or ground sign shall be erected to exceed twenty (20) feet above ground level or fifty (50) feet in length," and insert new section as follows: "No billboard or ground sign shall be erected to exceed thirty (30) feet above the ground level or fifty (50) feet in length."

Free Water Service - City Employees: Fire Chief Arthur Edwards requested some clarification from the City Council regarding the policy concerning free water service to retired city employees. Chief Edwards said that a retired employee of the City received free water service but stated that he was not aware of the policy regarding continuation of free water service to the family of the retired employee upon the employees death. Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the City Council unanimously voted to provide free water service to retired employees until the death of the employee. Free water service would terminate with the death of the employee.

Fire Prevention Bureau - Appointment of Chief: Fire Chief Arthur Edwards submitted a request to the City Council that John L. Sullivan be appointed as the Chief of the Fire Prevention Bureau in addition to his duties as Assistant Fire Chief of the Marion Fire Department. Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the City Council unanimously voted to appoint John L. Sullivan as Chief of the Fire Prevention Bureau in addition to his duties as Assistant Chief of the Marion Fire Department.

Fire Extinguishers - Servicing: Fire Chief Arthur Edwards informed the City Council that the Marion Fire Department had discontinued servicing of Fire Extinguishers due to requirements for additional equipment. He informed the City Council that certain members of the Fire Department have been providing this service and that these individuals had received the funds for providing this service. He stated that this service had been discontinued because it was questionable as to whether or not the persons inspecting extinguishers and requiring that they be serviced should also provide the service on a profit basis. Councilman Ledbetter stated that the service was badly needed and that several individuals had approached him regarding the need for fire extinguisher service. After a long discussion regarding this matter, the Fire Chief was asked to conduct a study to determine whether or not this service should be provided by the City, by the Firemens' Association, or by individuals wishing to establish such a business.

Resolution - Forensic Equipment: Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the City Council unanimously adopted the following Resolution:

WHEREAS, the Region C Criminal Justice Planning Agency herein called the "Applicant" has thoroughly considered the problem addressed in the subgrant application entitled Forensic Equipment and has reviewed the project described in the application; and,

WHEREAS, under the terms of Public Law 90-351 as amended, the United States of America has authorized the Law Enforcement Assistance Administration, through the North Carolina Division of Law and Order to make federal grants to assist local governments in the improvement of the criminal justice system.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL of Marion, N.C. IN OPEN MEETING ASSEMBLED IN THE CITY OF Marion, NORTH CAROLINA. THIS 16TH DAY OF JULY, 1974, AS FOLLOWS:

1. That the project referenced above is in the best interest of the applicant and the general public.
2. That J. Don Shields be authorized to file, in behalf of the Applicant, an application in the form prescribed by the Division of Law and Order for a subgrant in the amount of \$1,275.00 to be made to the Applicant to assist in defraying the cost of the project described in the application. This individual shall act as the authorized representative of the Applicant in connection with all aspects of the application process.
3. That if the subgrant is made, the Applicant shall provide or make arrangements to provide, a local cash matching contribution in the amount of \$71.00 and a local in-kind matching contribution valued under LEAA guidelines at _____ (or proportionately reduced local matching contributions if the subgrant amount is reduced) as required by the Act to defray the cost of the project.
4. That the Project Director designated in the application form shall furnish or make arrangements for other appropriate persons to furnish such information, data, documents, and reports pertaining to the project, if approved, as may be required by the Division of Law and Order.
5. That certified copies of this resolution be included as part of the application referenced above.
6. That this resolution shall take effect immediately upon its adoption.

DONE AND ORDERED IN open meeting.

by *J. H. Segar*
Mayor

Commissioner/Councilman _____ offered the foregoing resolution and moved its adoption, which was seconded by Commissioner/Councilman _____ and was duly adopted.

Date: _____
ATTEST:
by *James Earl Daniel*
Clerk

Seal

There being no further business, the meeting was adjourned to reconvene in executive session to discuss personnel matters.

James Earl Daniel
City Clerk

J. H. Segar
Mayor

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

August 6th, 1974

The City Council of the City of Marion met in a regularly scheduled meeting Tuesday night, August 6th, 1974 at 7:30 P.M. in the City Council Chamber at City Hall.

Board Members Present: Councilmen, W.R. Ledbetter, Everette Clark, Oliver Cross, Horace Wilkerson, and Robert James. Mayor James H. Segars arrived at 9:10 P.M.

Others Present: Earl Daniels, City Manager; and, Ann Vess, News Reporter.

Guests: Mack Johnson, 49 Pullam Street; Howard Randolph, representing Suburban Cablevision; Gene Fowler, 221 Clay Street; Bob Spiegel, representing Madison Communications, New York City; Wayne Ollis, Suburban Cablevision; Ricky Davis, Boy Scout, 15th Rowan Street; and, Anthony C. Leonard, representing Suburban Cablevision.

Approval of the June 25th, 1974 Minutes: Upon a motion by Councilman Wilkerson, seconded by Councilman James, the City Council unanimously voted to approve the minutes of the June 25th, 1974 Meeting.

Approval of the July 16th, 1974 Minutes: Upon a motion by Councilman Wilkerson, seconded by Councilman James, the City Council unanimously voted to approve the minutes of the June 16th, 1974 Meeting.

Suburban Cablevision - Requested Transfer of Franchise: Mr. Bob Spiegel, representing Madison Communications, and Mr. Anthony Leonard, representing Suburban Cablevision appeared before the City Council concerning the status of the requested transfer of the CA TV franchise from Suburban Cablevision to Madison Communications. They were advised that a discussion of the request for transfer of the franchise was on the agenda. A question was raised regarding the possibility of the City Council voting for the transfer of the franchise at this meeting. The City Manager stated that an amendment or change to the franchise ordinance would require the change or amendment to be passed at two regular meetings of the City Council, in accordance with G.S. 160A-76. The City Manager stated that it may be possible to approve the transfer under some other authority, but that he was unaware of how the transfer could be made without amending the ordinance. He stated he would not advise regarding the legal means of transfer since this would be decided by the City Attorney. Mayor Pro Tem Ledbetter suggested that Mr. Spiegel, Mr. Leonard, and the City Manager meet with the City Attorney on Wednesday, August 7th, 1974 to work out the details on preparing the necessary papers for transfer of the franchise.

Boy Scout Observer: Mayor Pro Tem Ledbetter recognized Boy Scout, Ricky Davis. Master Davis informed the City Council that he was present to observe the meeting and that he was working on a Communications Merit Badge.

Citizens Complaint - Mack Johnson: Mack Johnson appeared before the City Council concerning a dwelling located on Pullam Street. He stated the dwelling was not fit for human habitation and asked that some action be taken to have the dwelling repaired. He suggested that Council give consideration to adopting an ordinance establishing minimum standards for dwellings in the City Limits. He advised the Council that he had requested that the dwelling be inspected by the Fire Chief to determine whether or not it is a fire hazard. After a short discussion, the City Manager was instructed to write the owner of the dwelling, Mr. Hubert Stepp and advise Mr. Stepp of the condition of the dwelling and ask his cooperation in resolving the problem, by having the dwelling repaired where necessary and having the weeds and grass cut on the property.

Community Building Chairs: The City Manager stated that he had received a request from Jaycee, Larry Ramsey that the Jaycees be allowed to borrow 100 chairs from the Community Building. He informed the City Council that under the terms of the regulations for operation of the Community Building that he could not allow the removal of any chairs or other items from the building. He stated that he advised Mr. Ramsey of this regulation. Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council unanimously voted to allow the Jaycees to borrow 100 chairs from the Community Building provided Mr. Ramsey would sign a letter stating that he would be responsible for any damages to the chairs and that they would be returned to the Community Building on Thursday night, August 8, 1974.

Cemetery Upkeep: The City Manager informed the City Council that several complaints had been received regarding the appearance of the Cemetery. He advised the City Council that it takes approximately 12 to 15 days to cut all the grass in the Cemetery. The City Manager was instructed to place additional personnel in the Cemetery to help with the cutting of grass and weeds until the regular schedule can be maintained.

Bids - 1974 1 Ton Pickup: The City Manager presented the following bid proposals received at 2:00 P.M. on August 6th:

Bid #1	Marion Motors Marion, N.C.	\$ 3,300.00
	N.C. Sales Tax	<u>66.00</u>
	Immediate Delivery	\$ 3,366.00
Bid #2	Marion Buick Company Marion, N.C.	\$ 3,732.75
	N.C. Sales Tax	<u>74.65</u>
	Immediate Delivery	\$ 3,807.40
Bid #3	Ballew Motor Company Marion, N.C.	\$ 3,225.00
	N.C. Sales Tax	<u>64.50</u>
	Guaranteed Delivery - 1 week	\$ 3,289.50

Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council unanimously voted to accept the bid submitted by Ballew Motor Company in the amount of \$3,225.00 plus N.C. Sales Tax \$64.50 for a total bid price of \$3,289.50.

Sale of Surplus Vehicles: The City Manager presented the following bids for the sale of surplus vehicles as advertised by the City of Marion to be sold at private negotiations and sale. The City Manager stated that bids were opened at 2:00 P.M. on August 5th, 1974, in the City Manager's office, with Fred Ballard, and Diana Becton present at the opening.

Bid #1	Street Superintendent Chevrolet Fred Ballard, Marion, N.C.	\$ 178.00
Bid #2	1 Ton Chevrolet Pickup Truck Romey D. Leakey Sr., Marion, N.C.	\$ 207.00
Bid #3	1967 1/2 Ton Chevrolet, Water Dept. Marion Lake Club, Inc., Marion, N.C.	\$ 255.00
Bid #4	1967 GMC Glen Murdock, Marion, N.C.	\$ 100.00

Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to direct the City Manager to obtain an estimate of the value of the vehicles to be sold from a car dealer and that the City Manager be directed to sell the vehicles based on those estimates.

1974 Street Surfacing and Resurfacing Program: The Street Committee presented a report on the streets to be surfaced and resurfaced under the 1974 Street Program. Mayor Pro Tem Ledbetter informed the Council that new surfacing would be completed first and that the resurfacing of other streets would be completed on a priority basis within the funds provided in the budget. The Streets to be surfaced and/or resurfaced are as follows:

<u>New Pavement</u>	<u>Between</u>	<u>Priority</u>
Zeb Vance Street	Miller to Dead End	1
Washington Street	Alabama to Dead End	2
Columbia Avenue	Virginia Ave. to Dead End	1
Ellis Street Ext.	Ellis to Dead End	1
Pat Davis Drive	Depot St. to Dead End	1
Vine Street	Park Avenue to Dead End	
Elizabeth Drive		
Granby Street	Cross St. to Existing Pavement	

Streets to be Resurfaced

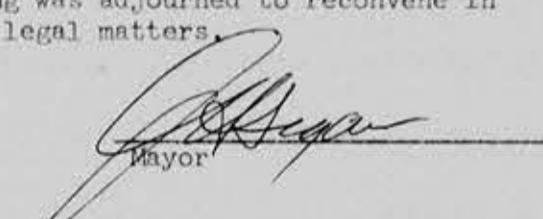
Roane	0
Maple Avenue	1
Summit & Pinnacle Sts.	2
Ridgecrest Street	3
South McDowell	4
State to Foxfire Sts.	5
Spring Street	6
South Garden Street	7
Port Street	8
Terrace Street	9
Forest Heights	
Near Dead End	

Policeman Resigns Position: Ken Ledbetter appeared before the City Council and stated that he wished to express his appreciation to the Council for the opportunity to serve as a police officer with the Marion Police Department. He informed the City Council that he would be attending school at the Institute of Government in Chapel Hill to prepare for a position with the State Highway Patrol.

EPA News Release: Mr. Gene Fowler, representing McDowell News appeared before the City Council to question an article in the Asheville Citizen regarding the City of Marion challenging the EPA Environmental Impact Statement. He asked if the City Council had voted on challenging the statement issued by the Environmental Protection Agency. Mayor Segars informed Mr. Fowler that the City Council had not voted on challenging the Environmental Impact Statement, but that he had sent a letter to the Council on Environmental Quality formally requesting a hearing regarding the Impact Statement. He informed Mr. Fowler that several very important questions need to be answered concerning the Impact Statement and the treatment facilities, as proposed by EPA, before the City Council could render a decision as to what course of action they should take. He informed Mr. Fowler that after the information had been received and the hearing held, that the Council would certainly take some type of formal action regarding the project. Mayor Segars and the City Council talked with Mr. Fowler and explained the City's position in the matter.

There being no further business, the meeting was adjourned to reconvene in executive session to discuss personnel and legal matters.


James Earl Daniel
City Manager



Mayor

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

August 20, 1974

The City Council of the City of Marion met in a regularly scheduled meeting, Tuesday night, August 20th, 1974 at 7:30 P.M. in the City Council Chamber at City Hall.

Board Members Present: Mayor James H. Segars; Councilmen, W.R. Ledbetter, Everett Clark, Oliver Cross, R.H. Wilkerson, and Robert James.

Others Present: Earl Daniels, City Manager; E.P. Dameron, City Attorney; and, Ann Vess, News Reporter.

Guests: Lynn Decker, Jack Cox, and Bill Green - representing Suburban Cablevision; Bob Spiegel, representing Madison Communications, and/or Madison Cablevision, and Jerry Hyche, Manager, Clinchfield Manufacturing Company.

Approval of the August 6th, 1974 Minutes: Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the City Council unanimously voted to approve the Minutes of the August 6th, 1974 meeting.

Clinchfield Waste Treatment Plant - Donation to City of Marion: Jerry Hyche, Manager of the Clinchfield Manufacturing Company appeared before the Marion City Council to advise that Burlington Industries has agreed to donate to the City of Marion its Waste Treatment Facilities in the Clinchfield community. Mr. Hyche stated that Burlington Industries had agreed to donate the facilities, at no cost to the City of Marion, as requested in a letter from Mayor James H. Segars. He advised the Council that the local plants have only been using a fraction of the Treatment Plant's total capacity. He stated that it seemed reasonable and appropriate for Burlington Industries to turn the plant over to the City to own and operate. Customers presently served by the facility are Burlington's Clinchfield Manufacturing Plants, 239 residences, 1 school, 1 bank, and a Supermarket. He stated that Burlington Industries expected to purchase Sewer Service from the City the same as other customers. Upon a motion by Councilman Cross, seconded by Councilman Ledbetter, the City Council unanimously voted to adopt a Resolution accepting the donation of the Waste Treatment Facilities from Burlington Industries.

R-74-3-20-1

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

R E S O L U T I O N

BE IT RESOLVED, the Mayor and City Council of the City of Marion, North Carolina, has determined that it is in the best interest of the citizens and residents of the City to acquire the Waste Treatment Plant, Plant Site, Collection System Lines, and Right of Ways, owned by Burlington Industries, Inc., which presently serves Clinchfield Manufacturing Company and residences located in the immediate area, and,

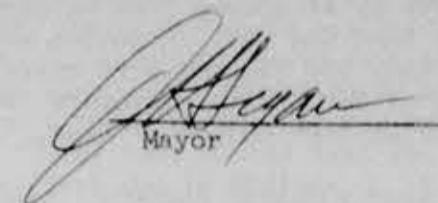
BE IT FURTHER RESOLVED, the Mayor and City Council of the City of Marion, North Carolina, has requested that Burlington Industries, donate, give, and convey to the City, the said sewer system, and,

BE IT FURTHER RESOLVED, such request has been duly authorized by this, the governing body of the City of Marion, North Carolina, and,

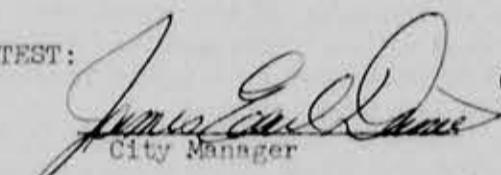
BE IT FURTHER RESOLVED, Burlington Industries, Inc., has agreed to grant such request, and,

BE IT FURTHER RESOLVED, by the Mayor and City Council of the City of Marion, North Carolina, in lawful meeting assembled, that the gift of the Waste Treatment Plant and Sewer System be, and the same hereby is accepted.

THIS THE TWENTIETH DAY of August, 1974.


Mayor

ATTEST:


James E. Daniels
City Manager

Zoning Amendment - Public Hearing: The City Manager presented a Zoning Amendment request from Mr. Jack Walker for City Council consideration. The City Manager stated that Mr. Walker had requested that a certain piece of property located on the west side of Park Avenue between East Court Street and Vine Street (Old American Legion Building) be re-zoned from General Residential to General Business. He informed the City Council that the Marion Planning Board met on August 15th, 1974 to consider this request. He advised the Council that the Planning Board recommended that the request for re-zoning of the property be approved by City Council and that Council's attention be directed to off-street parking requirements. Mayor Segars asked if any persons present would like to speak regarding this request. There were no persons attending the meeting with regard to the Public Hearing for the Zoning Amendment. Upon a motion by Councilman Clark, seconded by Councilman Wilkerson, the City Council unanimously voted to approve the change in Zoning from General Residential to General Business as per the request.

CA TV Franchise - Assignment: The City Manager asked Mr. Lynn Decker if he had a certified statement of the gross revenues received by Suburban Cablevision from McDowell County operations for the period from October 1st, 1972 through September 30, 1973 and from October 1st, 1973 to date. The City Manager stated that he had requested this information from Mr. Anthony Leonard, but that the information had not been received prior to the meeting. Mr. Decker stated that Mr. Decker was on vacation and that he did not have the information with him. The City Manager stated that under the terms of the Franchise Ordinance, Section 16, the City of Marion is to be paid as a franchise tax a percentage of the annual gross income derived from CA TV 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. He informed Mr. Decker that the franchise tax payments submitted by Suburban Cablevision, in his opinion, were not in accordance with this section. The City Manager stated that the City of Marion received in a letter dated October 22nd, 1973 a check in the amount of \$1,760.50 to cover the franchise fee due the City of Marion for the 12 month period commencing October 1st, 1972 and ending September 30th, 1973, based on a total gross revenue received by Suburban Cablevision with a request to allow an increase in rates presented to the City Council in the fall of 1973, showed the

revenue received by Suburban Cablevision from October 1st, 1972 through April, 1973, a period of 6 months, a total of \$44,184.00. He stated that this 6 month period, with a total income of \$44,184.00 was the first 6 month of the 12 month period on which the City was advised that the total income for the full 12 months was \$35,211.25. Mr. Decker agreed that there was definitely an error and that he was of the opinion that the figures quoted the City of Marion for the 12 month period was probable based on the subscribers inside the city limits. Mr. Spiegel stated that he could see that there was a problem, but that he was very anxious to have the assignment authorizing the transfer of the franchise from Suburban Cablevision to Madison Communications and/or Madison Cablevision, in order to meet their deadline on closing. It was agreed that under the terms of Section 15, of the franchise ordinance that the grantee has the right to sign the Franchise Ordinance upon approval of the Mayor and City Council. A discussion was held regarding the procedures to follow. It was unanimously agreed by the City Council to authorize the assignment on Wednesday, August 21, 1974 upon receipt of accurate figures concerning the gross revenues received by Suburban Cablevision from July 7th, 1970 to date. It was agreed that City Auditor, Harry Stolte could receive these figures by telephone from an accountant of Suburban Cablevision. It was also agreed that the City of Marion would receive a letter from Suburban Cablevision certifying that the figures were correct and that Suburban Cablevision would pay to the City of Marion the necessary franchise fees based upon the gross revenues received during that period of time.

No Parking Zone - Robert Street: Upon a motion by Councilman Cross, seconded by Councilman Ledbetter, the City Council unanimously voted to establish a "No Parking Zone" on Robert Street. The No Parking Zone will prohibit parking from 8:00 A.M. to 4:00 P.M. Monday through Friday in the area on the North Side of Robert Street from a point located 200 feet east of the intersection of Robert Street and Fleming Avenue for a distance of 600 feet east to a point located 148 feet west of the intersection of Richard Drive and Robert Street.

Fire Extinguisher Service - Report from Fire Chief: Fire Chief Arthur Edwards informed the City Council that he had completed his investigation regarding Fire Extinguisher Service for businesses for the City of Marion. He advised the City Council that the Marion Fire Department cannot presently provide the service due to a lack of equipment required by CGMA. He informed the City Council that it would cost the City approximately \$4,000.00 to begin providing the service. He stated that one piece of equipment to test extinguishers would cost approximately \$12,000.00. He stated that in order for the City to provide the service, the charges made by the department would be close to the charges presently made by Boyce Ford of Asheville. After a long discussion regarding the matter, it was agreed by the City Council that Fire Extinguisher Service should not be provided by the City Fire Department due to the anticipated service cost to the customer, the need for expensive equipment, and the lack of fire personnel to provide the service without jeopardizing other fire services.

James H. Segars
James H. Segars
City Manager

STATE OF NORTH CAROLINA
COUNTY OF McDowell
CITY OF MARION

September 3rd, 1974

The City Council of the City of Marion met in a regularly scheduled meeting Tuesday night, September 3rd, 1974 at 7:30 P.M. in the City Council Chamber at City Hall.

Board Members Present: Mayor James H. Segars; Councilmen, W.R. Ledbetter, Oliver Cross, Everette Clark, Horace Wilkerson, and R.L. James.

Others Present: Earl Daniels, City Manager; and, Ann Vess, News Reporter.

Approval of the August 20th, 1974 Meeting: Upon a motion by Councilman Cross, seconded by Councilman Ledbetter, the City Council unanimously voted to approve the minutes of the August 20th, 1974 meeting.

Tax Reimbursement Request - Roger L. Miller: The City Manager presented a letter from Mr. Roger L. Miller requesting reimbursement in the amount of \$43.81 for 1974 taxes paid by Mr. Miller. Mr. Miller stated in his letter that he had listed his taxes with McDowell County as he had done in the past, but that he was actually living in Jackson County on the 1st of January, 1974. The City Manager stated that Mr. Miller's address given in listing was his mother's residence and that the tax listing was picked up by the City. Upon a motion by Councilman James, seconded by Councilman Ledbetter, the City Council unanimously voted to reimburse Roger L. Miller in the amount of \$43.81.

Tax Reimbursement Request - Pat Davis: The City Manager presented a request from Mr. Pat Davis that he be reimbursed in the amount of \$22.27 for 1974 taxes paid the City of Marion. The City Manager stated that there was an error in the tax listing and that the McDowell County Tax Department had confirmed the error. Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the City Council unanimously voted to reimburse Mr. Pat Davis in the amount of \$22.27.

Taxi Service - Complaint on Overcharges: The City Manager presented a letter from Mr. Royce W. Owens of West Palm Beach, Florida stating that he had been overcharged by a taxi-cab operator for Lake City Cabs. Mr. Owens stated in his letter that Mr. Keith Dills charged \$2.25 for returning Mr. Royce Owen's party from the Marion Tourist Motel to the Dolphin Fish House. A written report was submitted by Police Chief, John Beck stating that Mr. Owens was overcharged a total of 20¢ for the trip from Marion Tourist Court to the Dolphin Fish House. Chief Beck stated that Mr. Owens was charged \$2.25 by Dills, but that the actual fare set by Article 3, Section 1, of the Taxi-Cab Ordinance established the fare as 12.0¢. The report stated that due to the violation of the cab ordinance, the taxi-cab driver's permit of Keith Dills has been suspended for a minimum of 30 days. After 30 days, a review will be made to ascertain reinstatement of his permit. Mayor Segars stated that he would send a letter to Mr. Owens advising him of action being taken by the City.

CA TV Franchise Ordinance Amendment - First Reading: The City Manager presented an ordinance prepared by City Attorney, E.P. Cameron amending the CA TV Franchise Ordinance and authorizing the transfer of the Community Television Antenna System to Madison Communications, Inc., and/or Madison Cablevision, Inc. No one appeared before the City Council concerning the ordinance amendment. Upon a motion by Councilman Ledbetter, seconded by Councilman James, the City Council unanimously voted to approve the 1st reading of the ordinance entitled, "An Ordinance Authorizing Transfer of the Community Television Antenna System (Franchise) to Madison Communications, Inc., and/or Madison Cablevision, Inc.

No Parking Zone - Vale Street: Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to establish a "No Parking Zone" on one side of Vale Street between Rutherford Road and Lincoln Avenue, subject to action by the Street Committee.

Baldwin Avenue Water Line: The City Council discussed at length the proposed waterline to be installed from Matilda Avenue down Baldwin Avenue and Ferry Street to the East Marion Ball Park gate. The City Manager was directed to send a letter to the Superintendent of Schools, James Johnson, advising that the City would have installed a 12" Cast Iron Water Main from Matilda Avenue down Baldwin Avenue to Ferry Street and a 6" Cast Iron Waterline from Baldwin Avenue down Ferry Street to the East Marion Ball Park gate, provided the McDowell County Board of Education would pay to the City of Marion a sum of \$12,000.00. The \$12,000.00 figure represents the cost of pipe, fittings, valves, freight charges, and taxes based on the installation of a 6" Cast Iron Water Main for the entire distance. The City would absorb the price difference between the 6" Cast Iron Pipe price and the 12" Cast Iron Pipe.

There being no further business, the meeting was adjourned.

James H. Segars
James H. Segars
City Manager

James H. Segars
James H. Segars
City Manager

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

September 17th, 1974

The City Council of the City of Marion met in a regularly scheduled meeting Tuesday night, September 17th, 1974 at 7:30 P.M. in the City Council Chamber at City Hall.

Board Members Present: Mayor James H. Segars; Councilmen, W.R. Ledbetter, Oliver Cross, Everett Clark, Horace Wilkerson, and R.L. James.

Others Present: Earl Daniels, City Manager; E.P. Dameron, City Attorney; and, Don Billingham, Newspaper Reporter.

Guests: Ted Smith, Secondary Roads Commissioner, Joe Taylor, Guy Jarrett, Robert Hunter, and Mike Geoge, City Planner.

Approval of the September 3rd, 1974 Minutes: Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the City Council unanimously voted to approve the minutes of the September 3rd, 1974 meeting.

Traffic Hazard - Intersection of West Court and Carson Street: Mr. Ted Smith appeared before the City Council regarding a traffic hazard on West Court Street. The City Council discussed with Mr. Smith the problem created by the sharp right turn on West Court Street just west of its intersection with Carson Street. A sharp right turn traveling west on West Court prohibits adequate side distance for safe traffic movements. Mr. Smith advised the City Council that it would be necessary for the City Council to adopt a resolution requesting the Department of Transportation and Safety to investigate the matter. He stated that many roads on the state highway system 20 to 30 years old do not have adequate right of ways. He stated that the resolution should be sent to F.L. Hutchinson, Division Engineer with a copy to Mr. Smith. Upon receipt of the resolution, the matter will be investigated and he will report back to the City Council. He advised the City Council that Sugar Hill Road is in line for secondary improvements and that construction will begin next spring to widen Sugar Hill Road to a width of 24 feet from the Marion City limits to I-80. He stated that a request had been received asking that the speed limits be reduced from 55 to 35 miles per hour in some residential sections along Sugar Hill Road.

Zoning Ordinance Amendment: The City Manager presented a request from Mr. Fred T. Boyd acting on behalf of Max J. Hollifield, B.H. Byrd and Wayne Adams as owners of property located at 301 Rutherford Road that their property be rezoned from R-1, General Residential to C-2, General Business. The City Manager stated that the Marion Planning Board recommends that the below described property belonging to Mr. R.L. Conley be rezoned from R-1, General Residential to C-2, General Business.

Property Description: Beginning at a point located on the east side of Virginia Avenue a distance of 110 feet from the northeast corner of the intersection of Rutherford Road and Virginia Avenue; thence north a distance of 120 feet; thence east a distance of 165 feet; thence south a distance of 120 feet to the north property line of property belonging to Max J. Hollifield, B.H. Byrd, and Wayne Adams; thence west parallel with and adjacent to said property line a distance of 165 feet to Virginia Avenue, the point of beginning. Upon a motion by Councilman Wilkerson, seconded by Councilman Clark, the City Council unanimously voted to rezone the above described property as recommended by the Planning Board from R-1 General Residential to C-2 General Business.

Zoning Ordinance Amendment: The City Manager presented a request from Mr. Walter W. Rowe, Treasurer of Currier Piano Company, Inc., 100 South Clay Street that certain property which is owned by that company and which is located directly across the street from the present operation be re-zoned from its present status of R-1 General Residential to that of M-1 Industrial zone. The City Manager stated that the Planning Board in reviewing the request noted that the Comprehensive Land Development Plan for the City of Marion projected future use for that property as General Residential. The City Manager stated that the planning Board in reviewing the request determined that the property under consideration should be projected for future use as Industrial and not Residential. He advised the Council that the Planning Board recommended that the Comprehensive Land Development Plan Map be amended to designate that the property in question be projected to be used as Industrial instead of Residential, but that the existing property on which the Currier Piano Plant is presently located is still projected as Residential property. The City Manager informed the City Council that the Planning Board recommends that the below described property be re-zoned from R-1 General Residential to M-1 Industrial.

Property Description: Beginning at the intersection of Southern Railroad track and the west side of Clay Street; thence Southeast a distance of 336.83 feet; thence southwest a distance of 307 feet; thence Northwest a distance of 336.83 to the Southern Railroad tracks; thence Northeast parallel with and adjacent to Southern Railroad tracks a distance of 307 feet to Clay Street and the point of beginning.

Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to accept the recommendations of the Planning Board and re-zone from R-1 General Residential to M-1 Industrial the above described property and that the Marion Planning Board be directed to review the Comprehensive Land Development Plan regarding the need for changing the projected use of properties in that area.

Tax Assessment - Laughridge Construction Company: The City Manager presented a request from Mr. John C. Laughridge that the tax assessment on vehicles and equipment belonging to Laughridge Construction Company be removed from the City Tax Assessment roles.

Mr. Laughridge stated that the vehicles and equipment belonging to Laughridge Construction Company are not stored or kept within the City limits, that only the office of Laughridge Construction Company is in the City limits. Upon a motion by Councilman Clark, seconded by Councilman James, the City Council unanimously voted to remove from the tax assessment roles all vehicles and equipment owned by Laughridge Construction Company which are not kept or maintained within the City limits.

CA TV Franchise Ordinance Amendment - Second Reading: The City Manager presented the following TV Franchise Ordinance amendment for Council Consideration. No General Public was present regarding the CA TV Franchise Ordinance Amendment. Upon a motion by Councilman Ledbetter, seconded by Councilman Wilkerson, the City Council unanimously voted to adopt the following CA TV Franchise Ordinance Amendment:

Ordinance # 0-74-3-17-1 (See City of Marion Ordinance Book)

AN ORDINANCE AUTHORIZING
TRANSFER OF THE COMMUNITY TELEVISION ANTENNA SYSTEM (FRANCHISE)
TO MADISON COMMUNICATIONS, INC. AND/OR MADISON CABLEVISION, INC.

WHEREAS, the City of Marion, North Carolina, by an ordinance adopted on October 5, 1965, granted to S.P. McDonald, Jr. and William W. McDonald the right to construct, maintain and operate a community television antenna system (Franchise); and

WHEREAS, S.P. McDonald, Jr., and William W. McDonald assigned and transferred said Franchise to Marion TV Cable, Inc., a North Carolina corporation (Marion); and

WHEREAS, Marion thereafter merged with and into Lenoir TV Cable, Inc., a North Carolina corporation (Lenoir); and

WHEREAS, Lenoir subsequently assigned and transferred said Franchise to Suburban Cablevision, Inc., a New York corporation (Suburban); and

WHEREAS, Suburban has assigned and transferred said Franchise to Madison Communications, Inc. and/or Madison Cablevision, Inc., both Delaware corporations (Assignees) and Assignees have assumed all liabilities and obligations of Suburban under said Franchise as amended.

NOW, THEREFORE, be it ordained by the City Council of the City of Marion, North Carolina, as follows:

SECTION 1: That the assignment and transfer of said Franchise from Suburban Cablevision to Madison Communications and/or Madison Cablevision, Inc. is approved and authorized.

SECTION 2: That Madison Communications, Inc. and/or Madison Cablevision, Inc. shall be bound by all of the terms and provisions of the ordinance originally adopted on October 5, 1965, as subsequently amended, and Suburban Cablevision, Inc. is hereby relieved of any further obligations or responsibilities under said ordinance subsequent to the effective date of said transfer.

SECTION 3: That Section 13 of the aforesaid ordinance, as amended on July 7, 1970, is further amended to provide that the Franchise therein granted shall continue in force and effect until and including December 31, 1990, unless sooner repealed by the City of Marion as provided in Section 14 of said ordinances.

This ordinance shall be effective immediately upon its adoption after reading and passage at two regular meetings of the City Council of the City of Marion, North Carolina.

Board Members Present: Mayor James H. Segers; Councilmen, W.R. Ledbetter, Oliver Cross, Everett Clark, Horace Wilkerson, and R.L. James.

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NOTICE OF PUBLIC HEARING

Notice is hereby given that the Planning Board of the City of Marion will hold a Public Hearing on Tuesday evening, September 12, 1974 at 7:30 p.m. to consider the following request:

Mr. Walter W. Rowe, Treasurer of Currier Piano Company, Inc., 100 South Clay Street, Marion, requests that property which is owned by that Company and which is located directly across the street on the west side from the present operation be rezoned from its present status as a General Residential Zone, to that of an M-1 Industrial Zone.

Mr. Rowe states that this property has been used as a residence by his employees since 1970, but also states that this property runs northwest along the Southern Railroad tracks for a length of 100 feet and has frontage on the street of 83 feet.

Mr. Rowe states that the Marion City Council will hold a public hearing at 7:30 P.M. on Tuesday evening, September 12, 1974, in the City Council Chamber at the City Hall to consider the recommendations of the Planning Board on this matter. All persons are invited to attend these Public hearings.

ARTHUR C. EDWARDS
Building Inspector
City of Marion

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Board of Adjustment for the City of Marion will hold a Public Hearing on Tuesday evening, September 12, 1974 at 7:30 p.m. in the Marion City Hall to consider the following request:

Mr. Peppers, a dentist, requests that a special use permit be granted which would allow the placement of dental offices on property located on Robert Street at its intersection with Franklin Avenue in the General Residential District.

In conjunction with Mr. Peppers request for a Special Use Permit, he also states that he be allowed to expand the structure closer to the side of curb than is permitted under Article IX - R-1, General Residential District (Minimum Yard Set-back).

Mr. A. L. Conley requests that

Property Description
west side of Clay Street; thence Southeast a distance of 336.83 feet; thence southwest a distance of 307 feet; thence Northwest a distance of 336.83 to the Southern Railroad tracks; thence Northeast parallel with and adjacent to Southern Railroad tracks a distance of 307 feet to Clay Street and the point of beginning.

Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to accept the recommendations of the Planning Board and re-zone from R-1 General Residential to M-1 Industrial the above described property and that the Marion Planning Board be directed to review the Comprehensive Land Development Plan regarding the need for changing the projected use of properties in that area.

Tax Assessment - Laughridge Construction Company: The City Manager presented a request from Mr. John C. Laughridge that the tax assessment on vehicles and equipment belonging to Laughridge Construction Company be removed from the City Tax Assessment roles.

REQUIREMENTS OF THE MARION ZONING ORDINANCE

All interested persons are invited to attend this meeting.

ARTHUR C. EDWARDS
Building Inspector
City of Marion

A 28, S 6 C NOTICE OF PUBLIC HEARING

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All interested persons are invited to attend these Public Hearings.

ARTHUR C. EDWARDS
Building Inspector
City of Marion

A 28, S 6 C NOTICE OF PUBLIC HEARING

Notice is hereby given that the Board of Adjustment for the City of Marion will hold a Public Hearing on Tuesday evening, September 12, 1974 at 7:30 p.m. in the Marion City Hall to consider the following request:

Mr. Peppers, a dentist, requests that a special use permit be granted which would allow the placement of dental offices on property located on Robert Street at its intersection with Franklin Avenue in the General Residential District.

In conjunction with Mr. Peppers request for a Special Use Permit, he also states that he be allowed to expand the structure closer to the side of curb than is permitted under Article IX - R-1, General Residential District (Minimum Yard Set-back).

All interested persons are invited to attend these public hearings.

ARTHUR C. EDWARDS
Building Inspector
City of Marion

A 28, S 6 C NOTICE OF PUBLIC HEARING

Notice is hereby given that the Planning Board for the City of Marion will hold a Public Hearing on Tuesday evening, September 12, 1974 at 7:30 p.m. to consider the following request:

Mr. A. L. Conley requests that

Mr. Laughridge stated that the vehicles and equipment belonging to Laughridge Construction Company are not stored or kept within the City Limits, that only the office of Laughridge Construction Company is in the City Limits. Upon a motion by Councilman Clark, seconded by Councilman James, the City Council unanimously voted to remove from the tax assessment roles all vehicles and equipment owned by Laughridge Construction Company which are not kept or maintained within the City Limits.

CA-TV Franchise Ordinance Amendment - Second Reading: The City Manager presented the following CA-TV Franchise Ordinance amendment for Council Consideration. No General Public was present regarding the CA-TV Franchise Ordinance Amendment. Upon a motion by Councilman Ledbetter, seconded by Councilman Wilkerson, the City Council unanimously voted to adopt the following CA-TV Franchise Ordinance Amendment:

Ordinance # 0-74-9-17-1 (See City of Marion Ordinance Book)

AN ORDINANCE AUTHORIZING TRANSFER OF THE COMMUNITY TELEVISION ANTENNA SYSTEM (FRANCHISE) TO MADISON COMMUNICATIONS, INC. AND/OR MADISON CABLEVISION, INC.

WHEREAS, the City of Marion, North Carolina, by an ordinance adopted on October 5, 1965, granted to S.P. McDonald, Jr. and William W. McDonald the right to construct, maintain and operate a community television antenna system (Franchise); and

WHEREAS, S.P. McDonald, Jr., and William W. McDonald assigned and transferred said Franchise to Marion TV Cable, Inc., a North Carolina corporation (Marion); and

WHEREAS, Marion thereafter merged with and into Lenoir TV Cable, Inc., a North Carolina corporation (Lenoir); and

WHEREAS, Lenoir subsequently assigned and transferred said Franchise to Suburban Cablevision, Inc., a New York corporation (Suburban); and

WHEREAS, Suburban has assigned and transferred said Franchise to Madison Communications, Inc. and/or Madison Cablevision, Inc., both Delaware corporations (Assignees) and Assignees have assumed all liabilities and obligations of Suburban under said Franchise as amended.

NOW, THEREFORE, be it ordained by the City Council of the City of Marion, North Carolina, as follows:

SECTION 1: That the assignment and transfer of said Franchise from Suburban Cablevision to Madison Communications and/or Madison Cablevision, Inc. is approved and authorized.

SECTION 2: That Madison Communications, Inc. and/or Madison Cablevision, Inc. shall be bound by all of the terms and provisions of the ordinance originally adopted on October 5, 1965, as subsequently amended, and Suburban Cablevision, Inc. is hereby relieved of any further obligations or responsibilities under said ordinance subsequent to the effective date of said transfer.

SECTION 3: That Section 13 of the aforesaid ordinance, as amended on July 7, 1970, is further amended to provide that the Franchise therein granted shall continue in force and effect until and including December 31, 1990, unless sooner repealed by the City of Marion as provided in Section 14 of said ordinances.

This ordinance shall be effective immediately upon its adoption after reading and passage at two regular meetings of the City Council of the City of Marion, North Carolina.

Adopted and approved this 17th day of September, 1974.

J. Segars
Mayor of the City of Marion,
North Carolina

ATTACHED

James Earl Daniels
City Clerk

No Parking Zone - Vale Street: The Street Committee recommended to the City Council that a No Parking Zone be established on the east side of Vale Street from Rutherfordton Road to Lincoln Avenue. Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the City Council unanimously voted to establish a No Parking Zone on the East side of Vale Street from Rutherfordton Road to Lincoln Avenue.

Property Improvements - Blue Ridge Street: Mayor Segars informed the City Council that certain properties located on the north side of Blue Ridge Street from R.L. James Mill west were in bad need of improvements. He asked that the City Council give consideration to allowing City equipment and personnel to improve and grade that portion of the property adjacent to the street so that the property can be maintained in an acceptable manner. Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the City Council unanimously voted to direct the City Manager to have city forces and equipment to clean, clear, and grade the banks of this property adjacent to the street curb line, so that the property appearance can be improved and the property can be maintained in an acceptable manner.

City Owned Property - Intersection of Blue Ridge Street and Old West Henderson Street: Councilman Wilkerson stated that he was approached by a citizen who is interested in acquiring the City-owned property located on the Northwest corner of the intersection of Blue Ridge Street and old West Henderson Street. The City Manager was instructed to have this property surveyed so that the property can be declared surplus and sold at sealed bids.

Soil Erosion Problem - Creek South of Broad Street: The City Manager informed the City Council that Mr. Leroy Miller of the Soil Conservation Service had advised that an engineer will be in Marion this week to inspect the soil erosion problem on the creek just south of Broad Street and following his investigation that recommendations will be made to the City Council regarding what type of action will be necessary to correct the problem.

No Parking Zone - Wayne Street: The City Manager presented a request from the Marion Police Department that a No Parking Zone be established on the south side of Wayne Street from the intersection of Carol Street southwest to the dead end of Wayne Street. Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the City Council unanimously voted to establish a No Parking Zone on the south side of Wayne Street from its intersection with Carol Street Southwest to the dead end of Wayne Street.

Annexation - Cross Mill School: The City Manager was instructed by Mayor Segars to proceed with the necessary legal requirements for the annexation of Cross Mill School.

Governors' Committee on Law and Order: The City Manager presented a letter from Region C Criminal Justice Planning Agency requesting that the City Council adopt a Resolution or submit a letter to State Senator, and Representatives requesting that the make up of the Governors' Committee on Law and Order be restructured so that at least a minimum of 40% of that board be made up of members of local government. The request was prompted by action of the Region C Policy Board stating that projects of local government are not being funded because funds are being diverted to other agencies, primarily due to the fact that local government does not have equal representation on the board. The City Manager was instructed to gather additional information regarding the make up of the Governors' Committee on Law and Order and how members are appointed to that committee.

Waste Treatment Plant Project: Mayor Segars informed the City Council that Councilman Ledbetter, City Manager, Earl Daniels, and the Mayor had traveled to Washington, D.C. for a meeting on September 10th, 1974 with Charles Willis, representing O'Brien and Gere, Earl Hubbard, representing State Board of Water and Air Resources, John White, representing the Environmental Protection Agency, and Bill Matzuski, Attorney for the Council on Environmental Quality. Mayor Segars stated that EPA and State Officials agreed to advise Charles Willis, concerning acceptable effluent standards so that cost estimates can be determined based on the treatment necessary for the Waste Treatment Plant. He stated that EPA officials did not believe that it would be necessary for an Environmental Impact Statement to permit construction of a Waste Treatment Plant on Corpening Creek; however, they could not guarantee that such a statement would not be required. He informed the Council that EPA officials had stated that additional treatment, other than treatment included in the project would not be required prior to 1983, but that EPA and State officials would not obligate themselves beyond the period of time stipulated in the discharge permit. He advised the City Council that both State and Federal grants would be based on the actual bid prices accepted by the City of Marion, due to the increase in cost of the project because of the delay and added increase for labor and materials. He stated it was also agreed that engineering cost incurred by the City of Marion to this point would be included in the grant funds from both state and Federal agencies. The City Council was informed that Mayor Segars pointed out to EPA and State officials that the City of Marion was interested in constructing a 6 million gallon Waste Treatment Plant, not just a 3 million gallon plant. He informed the City Council that he was advised that EPA and State Officials believed that it would not be necessary for the Environmental Impact Statement to increase the size of the plant but that they would not give any guarantees that it would not be necessary. Mayor Segars stated that there were still several unanswered questions pending. The City Council was advised that as soon as the engineer received the information regarding the type treatment required to meet effluent standards, that he will be able to project an estimated cost for the project and that at that time the City Council will need to make a decision as to what course of action they wish to pursue. Either to accept the decision of the EPA or to appeal the decision to the courts.

There being no further business, the meeting was adjourned.

J. Segars
Mayor

James Earl Daniels
City Manager

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

October 8th, 1974

The City Council of the City of Marion met in a regularly scheduled meeting Tuesday night, October 8th, 1974 at 7:30 P.M. in the City Council Chamber at City Hall.

Board Members present: Councilmen, W.R. Ledbetter, Everette Clark, Horace Wilkerson, and R.L. James. Mayor James H. Segars arrived at 9:39 P.M.

Others Present: Earl Daniels, City Manager; E.P. Dameron, City Attorney; John Beck, Chief of Police; and, Don Dillingham, Newspaper Reporter.

Guests: J. Don Shields, Region C Criminal Justice Planning Agency, and Mr. and Mrs. James Lunsford.

Approval of the September 17th, 1974 Minutes: Upon a motion by Councilman Wilkerson, seconded by Councilman James, the City Council unanimously voted to approve the minutes of the September 17th, 1974 meeting.

Citizen Complaint: Mr. and Mrs. James Lunsford appeared before the City Council to request that the No Parking Zone established on the south side of Wayne Street from the intersection of Carroll Street southwest to the dead end of Wayne Street, established by the City Council at their meeting of September 17th, 1974 be eliminated. Mr. Lunsford stated he had a driveway, but during wet weather, it was difficult to get his car in and out. He advised the City Council that when guests visit his home, there is nowhere for them to park unless they are allowed to park on the street. Mayor Pro Tem W.B. Ledbetter advised Mr. Lunsford that Council action on establishing a No Parking Zone was based on a recommendation from the Marion Police Department. Chief of Police, John Beck stated that, in his opinion, the No Parking Zone was needed.

After a long discussion regarding the matter, Mayor Pro Tem Ledbetter advised Mr. Lunsford that the Street Committee would investigate the matter and report back to the City Council with their recommendations concerning the No Parking Zone.

Tax Reimbursement Request - R.E. Blanton: The City Manager presented a request from Mr. R.E. Blanton that he be refunded \$38.79 for incorrect listing of real estate valuation for the years 1971, 1972, 1973. After reviewing the matter, the City Manager was directed to present to the City Council at their next meeting a detailed report of the error and a letter from the County Tax Collector, stating that the County has made the necessary corrections in their records and approved the refund.

Marion - McDowell County Merchants Association, Inc. - Request for Donation of \$750.00 for Marion Beautification Fund: The City Manager presented a letter from the Marion - McDowell County Merchants Association, Inc. requesting a donation of \$750.00 for the Marion beautification Fund. Upon a motion by Councilman Wilkerson, seconded by Councilman Clark, the City Council unanimously voted to provide the donation of \$750.00 as per the request.

Citizen Request for 2" Waterline Installation on Carolina Avenue: The City Manager presented a letter from Rev. Harold Davis requesting that the City Council authorize the installation of a 2" waterline on Carolina Avenue from its intersection with Yancey Street in a westward direction to the dead end of Carolina Avenue. Mr. Davis stated that the existing privately owned waterline is too small and does not furnish adequate water pressure. The City Manager informed the City Council that he had advised Rev. Davis concerning the City's policy regarding the installation of waterlines, but that Rev. Davis had asked that the letter be presented to the City Council. After a short discussion, the City Manager was directed to send Rev. Davis a letter advising that the City Council would continue with the existing policy regarding waterline extensions and improvements.

Cross Mill School - Certificate of Sufficiency and Resolution Fixing Date of Public Hearing on Annexation: The City Manager presented a Certificate of Sufficiency and Petition requesting Annexation of the Cross Mill School Property. Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council unanimously voted to adopt the following Resolution fixing a date for a Public Hearing on the question of annexation of said property:

(Inserted into Minutes)

No Parking Zone - Fleming Avenue: Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council unanimously voted to establish a No Parking Zone on the east side of Fleming Avenue from a point located 203 feet north of the intersection of North Madison Street and Fleming Avenue, north a distance of 588 feet.

No Parking Zone - North McDowell Avenue: Upon a motion by Councilman Clark, seconded by Councilman Wilkerson, the City Council unanimously voted to establish a No Parking Zone on the west side of North McDowell Avenue from Oak Street to Azalia Street.

2 Hour Parking Zone - South Garden Street: Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council unanimously voted to establish a 2 Hour Parking Zone from 8:00 A.M. to 6:00 P.M., Monday through Saturday on the east side of South Garden Street from East Court Street south a distance of 210 feet.

Clinchfield Sewer Service - Billing Procedures: The City Manager informed the City Council that the deed for the Clinchfield Waste Treatment Plant and the pumping station site on Baldwin Avenue donated to the City of Marion by Burlington Industries was recorded on Friday, September 27th, 1974. He advised the City Council that in discussing electrical service to the Waste Treatment Plant with employees of Duke Power, he had been advised that it would be necessary for Duke Power to construct a 3 phase electric power line down Gilkey Street and Virginia Avenue to the plant site. The City Manager was advised that construction of the new power line could be completed by the end of October. The City Manager was

advised that construction of the new power line could be completed by the end of October. The City Manager suggested that he contact Burlington Industries and request that the power bill for operation of the Waste Treatment Plant be paid by Burlington Industries for the month of October since Duke Power would be unable to meter the sewer plant facilities separately until November. The City Manager further suggested that sewer service charges for all new customers begin on October 29th, 1974. The City Manager stated that under this procedure, Clinchfield Manufacturing would receive their first bill for sewer service in December for November's service and that other customers being served by the Clinchfield Waste Treatment Plant would receive their first bill in January for service for the months of November and December. He advised the Council that a letter is being sent to all of the customers being served by the Clinchfield Waste Treatment Plant, explaining the billing procedures and advising the customers of procedures regarding complaints. The City Council approved the recommendations of the City Manager.

Water/Sewer Rate Study: Councilman Wilkerson suggested that it might be wise to have a water and sewer rate study prepared due to the rising cost of operation of both the water and sewer systems. The City Manager informed Councilman Wilkerson that he had discussed a water sewer rate study with Charles Willis with the engineering firm of O'Brien and Gere. He advised the City Council that he would request a quotation on the cost to provide the study.

Recreation Commission - Appointment of New Member: The City Manager advised the City Council that Mrs. Kathleen Noyer's term as a member of the Recreation Commission expired October 1, 1974. He presented a list of names of individuals suggested by the Recreation Commission to be considered by the City Council in making an appointment to the Recreation Commission. After a short discussion, the City Council agreed to consider the appointment at their next meeting on October 22nd.

Recreation Commission - H.U.D. Funds: The City Manager informed the City Council that he had received certain information from Recreation Director, Tom Alexander, stating that it may be possible for the Recreation Commission to obtain 100% financing for development of the Junior High property located in the City Limits. He advised the City Council that Mr. Alexander was working with H.U.D. representative, Jerry Fowler and that Mr. Fowler feels that the Recreation Commission has a good chance of getting the funds. Mr. Alexander stated in his correspondence that he needs support from the Marion City Council and other local governing bodies in order to make application for the funds. The City Manager advised the City Council that more definite information regarding the funds and application would be presented to the City Council at a later date.

Executive Session - Legal Matter: Upon the request of the City Manager, the City Council went into executive session to discuss a legal matter concerning personnel. The City Manager advised the City Council that legal services rendered had exceeded the amount appropriated in the budget. He advised the City Council that the legal fees were unanticipated when the budget was being prepared and that it would be necessary to amend the budget in order to make payment. Upon a motion by Councilman Clark, seconded by Councilman Wilkerson, the City Council unanimously voted to amend the 1974 - 1975 General Fund Budget under administration Department to increase professional services account No. 10-420-04 from \$4,000.00 to \$10,000.00 and that the City Manager be authorized to make payment of legal fees submitted by Attorney, Charles Burgin in the amount of \$4,210.97.

Region C Legal Advisor: Don Shields, Planning Director for Region C Criminal Justice Planning Agency appeared before the City Council to request that the City Council give consideration to adopting a Resolution which would authorize Mr. Shields to file in behalf of the City of Marion an application for a subgrant in the amount of \$604.00 to assist in defraying the cost of a project to provide a legal advisor for Region C. Mr. Shields informed the City Council that the total cost to the City for the project would be \$50.32. Following a long discussion, the City Council decided to table the matter until the October 22nd meeting.

Governors' Committee on Law and Order: The City Manager presented a list of the members on the Governors' Committee on Law and Order to each City Council member. Mr. Don Shields informed the City Council that local government did not have equal representation on the Governors' Committee on Law and Order. He stated that all Federal Funds coming into the State of North Carolina for use by law enforcement agencies are controlled by the Governors' Committee on Law and Order. He advised the City Council that the Region C Policy Board is