

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION

The City Council of the City of Marion met in a regularly scheduled meeting, Tuesday January 7, 1975 at 7:30 P.M. in the City Council Chamber at City Hall.

Board Members Present: Mayor James H. Segars, Councilmen Everette Clark, Oliver Cross, W. R. Ledbetter and Horace Wilkerson. Councilman R. L. James arrived at 7:55 P.M.

Others Present: Earl Daniels, City Manager; E. P. Dameron, City Attorney; and Don Dillingham, News Reporter.

Approval of the December 3, 1974 Minutes: Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the City Council unanimously voted to approve the minutes of the December 3, 1974 meeting.

Clinchfield Citizen's Complaint - Sewerage Charges: The City Manager advised the Council that he had received a complaint from a citizen from the Clinchfield area regarding the new sewerage charge imposed by the City of Marion. He informed the Council the citizen had claimed that a Deed from Clinchfield Manufacturing Company to Burlington Industries, Inc., recorded in Book 166, Page 66, included a section which allows for those persons bordering on the sewer line to tap onto the line at their own expense so long as the connection did not impair the operation of the Waste Treatment Plant. The Manager stated the individual had interpreted the section to mean that service would be provided at no cost.

City Attorney, E. P. Dameron advised the City Council that he had read the Deed in question and in his opinion the City does have the right to charge for sewerage services. The City Manager was instructed to check the property lines to insure that the sewer line is located within the easement bounds.

"NO PARKING ZONE" - Morgan Street: Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to establish a "No Parking" zone on the west side of Morgan Street from a point located 360 feet from the intersection of Morgan Street and Railroad Street in a southeasterly direction for a distance of 154 feet. O-75-17-1

Spring Street - One-Way Street: The City Manager presented a recommendation from the Marion Chief of Police that a "One-Way" traffic zone be established on Spring Street for a distance of one block with traffic flow westward from South Garden to South Main Street. The City Council was advised that the Street Committee had been out to the site and agreed with recommendations of the Chief of Police. Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to adopt the following Ordinance:

Upon the following designated one-way street, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

- (1) Spring Street from South Garden Street to South Main Street

Adopted this 7th day of January, 1975. O-75-17-2

Newspaper Salesmen: A recommendation from the Chief of Police was presented to the City Council stating that newspaper salesmen be prohibited from selling papers within a distance of 50 feet of any street corner and that all newspaper salesmen must remain on the sidewalk while selling papers and not venture into the street. Upon a motion by Councilman Cross, seconded by Councilman Ledbetter, the City Council unanimously voted to adopt the following ordinance pertaining to the selling of newspapers and other commodities.

Persons selling newspapers and/or other commodities shall be prohibited from selling such items within 50 feet of any street intersection and all persons selling such items shall remain on the sidewalk while selling such items and not venture into the street.

It shall be unlawful for any motorist to stop a vehicle in a traveled portion of any street for the purpose of purchasing newspapers and/or other commodities.

*Approval of the December 17, 1974 Minutes: Upon a motion by Councilman Clark, seconded by Councilman Wilkerson, the City Council unanimously voted to approve the minutes of the December 17, 1975 meeting.

Any person, firm or corporation violating this ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed \$10.00 or thirty days in jail or both.

Adopted this the 7th day of January, 1975. O-75-1-7-3

Bicycle Racks - Downtown Area: The City Manager presented a recommendation from the Chief of Police that two spaces be made available on Main Street for the placing of bicycle racks. One space on the west side of Main Street to be located at the first parking space immediately below an existing fire hydrant near the newsstand. The second to be located on the east side, one parking space in front of the Village Jewelry Store. Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to authorize the purchase and placement of said bicycle racks.

Water/Sewerage Rate Study: This matter was tabled by the City Council until the next regular meeting of the Board.

Evaluation of Wastewater Disposal Alternatives - Report O'Brien & Gere: The City Manager was directed by the City Council to invite C. A. Willis and Sid Riddick from the Engineering Firm of O'Brien & Gere to the next City Council Meeting to be held on January 21, 1975 for the purpose of reviewing completely the Waste Treatment Plant Project. The City Manager was also instructed to invite Roy Davis of the N. C. Department of Natural and Economic Resources, Office of Water and Air Resources.

Morgan's Construction Company - Grave Opening Service: The City Manager informed the City Council that Mr. Johnny Morgan of 338 39th Street Place Southwest, Hickory, N. C. had asked permission to provide grave opening services in the Oak Grove Cemetery. The City Manager stated that he had contacted both funeral homes in the City and that both had agreed they would like for Mr. Morgan to provide this service.

The Manager informed the Council that at the present time employees of the City had to be pulled from the Water and Sewer Department for the purpose of providing grave opening services and that it was very difficult to locate persons on weekends and holidays to provide this service. He stated that he had authorized Morgan's Construction Company to open two graves during the Christmas Holidays and that Mr. Brown had advised that he was well pleased with the work. He recommended the City Council authorize the local funeral homes to deal directly with Morgan's Construction Company whereby the City would only locate the grave plot and check back after the work had been completed to insure that the job was done satisfactorily.

Upon a motion made by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to authorize Morgan's Construction Company to provide grave opening services in the Oak Grove Cemetery provided the construction firm provides adequate insurance to pay for any damages incurred in the cemetery.

Recreation Commission - Joint Meeting: The City Council was advised that Recreation Director, Tom Alexander had requested a joint meeting of all governing bodies in McDowell County to discuss the possible funding of recreation projects. After a short discussion the City Manager was advised to contact Tom Alexander and request the meeting be held on the 14th of January, 1975.

City Manager's Report:

1. The City Manager informed the Council a letter had been received from School Superintendent, Jim Johnson, advising that the School Board would make payment in the amount of \$7,100.00 upon request as a partial payment on the materials purchased by the City for the installation of a main water line from Matilda Avenue to the new school site. The letter stated the balance of \$5,000.00 could be paid to the City following adoption of the 1975-76 School Budget.
2. The City Manager stated \$346,609.69 had been collected on 1974 City Taxes.
3. The Manager advised the Council that certain improvements were being made to downstairs offices. He stated that in addition to improving the appearance of the offices, the redesign of the offices would be more convenient for citizens and employees and make better utilization of floor space. He stated that installing suspended ceilings would save heating and cooling of approximately 2500 cubic feet of space, which should result in lower fuel oil and electric bills. The Council was advised that consideration was being given to replacing four small window-type air conditioners with one central unit which should also reduce electric bills and eliminate noise of the air conditioner units.

4. The Manager informed the Council that Mrs. Lynne Steppe had been employed to replace Mrs. Dianah Becton.

5. The City Manager read a letter from the League stating that a temporary restraining order injoining the U. S. Department of Labor from applying the Fair Labor Standards Act to cities and states had been issued by Chief Justice, Warren E. Burger. The League recommended that cities not alter plans to comply with the Act until additional facts and information are available.

There being no other business, the City Council Meeting was adjourned to go into executive session to discuss the possible acquisition of property.

James H. Segars
Mayor

James Earl Daniels
City Manager

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL
CITY OF MARION

The City Council of the City of Marion met in a regularly scheduled meeting, Tuesday, January 21, 1975 at 7:30 P.M. in the Fire-Police Training Center.

Board Members Present: Mayor James H. Segars, Councilmen Everette Clark, Oliver Cross, W. R. Ledbetter, R. L. James, and Horace Wilkerson.

Others Present: Earl Daniels, City Manager; E. P. Dameron, City Attorney, Ann Vess, News Reporter.

Guests: Charles Willis and Sid Riddick representing O'Brien & Gere Engineers; Roy Davis, Jerry Ellis and Ben White, representing the N. C. Department of Natural and Economic Resources, Office of Water and Air Resources.

Approval of the January 7, 1975 Minutes: Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the City Council unanimously voted to approve the minutes of the January 7, 1975 meeting.

Water Service Disconnect Policy - Relating to Doctors, Dentists, Etc.: The City Manager informed the City Council he had received a request from a doctor that the Water Disconnect Policy be changed so doctors and dentists may be notified of an unpaid bill before someone turns the water service off for nonpayment. After a short discussion the Council decided the existing policy is fair and affords all individuals and firms adequate notification but that under certain circumstances the request is not unreasonable. The City Manager was advised by the Council that schools, hospitals, doctors, dentists, restaurants, and industries using water for production purposes, and new customers possibly should be notified by phone unless the individuals or firms are habitually on the cut-off list. The City Manager was instructed to check the list of firms and individuals to be disconnected for nonpayment and to use his discretion in notifying those firms and individuals where the interruption of water service may result in harm or discomfort to school children and patients or damage to materials produced by industries.

City Properties - Request to Cut Pulpwood: The City Manager presented a request from Arville Honeycutt that he be allowed to cut pulpwood from City property located across from the Water Filter Plant. After a short discussion the City Manager was directed to inform Mr. Honeycutt that cutting of timber and/or pulpwood would not be permitted on any City properties at this time.

Property Purchase - Railroad Street: Mayor Segars informed the City Council that he had talked with Boris Hill regarding the purchase of a lot and house on Railroad Street belonging to the W. R. Chambers Estate. Mayor Segars advised the Council that the

property was just east of a City owned lot presently being developed as an all day parking lot. He stated the lot was approximately 60 feet wide by 140 feet + deep. Mayor Segars advised that the property could be purchased for six-thousand five-hundred dollars (\$6,500.00). Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to purchase said lot with Revenue Sharing Funds for six-thousand five-hundred dollars (\$6,500.00). The City Council directed that the house be turned over to the Marion Fire Department to burn for training purposes.

Planning Board Members - Appointment of New Members: The City Manager informed the City Council that the terms of John Cross, Sue Allen and Dean Wall, had expired as of December 31, 1974. He presented the names of three persons recommended by members of the Planning Board to replace the members whose terms have expired. The names presented were Ed Palmer, Jim McGarr and Harry Patton. Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to appoint the three persons recommended by the Planning Board as members of the Planning Board for terms of three years each providing the proposed members agree to serve.

201 Facility Study: Ben White, representing the N. C. Department of Natural and Economic Resources, Office of Water and Air Resources, presented the following report to the City Council: (See Page 5 - 201 Facility Study - Ben White Report)

Roy Davis discussed with the Council several matters relating to the 201 Facility Study.

The City Council asked that O'Brien and Gere provide a cost estimate for updating the existing Water/Sewerage Study to meet 201 requirements.

Water/Sewerage Rate Study: Upon a motion by Councilman Cross, seconded by Councilman Ledbetter, the City Council unanimously voted to direct the Engineering Firm of O'Brien and Gere to proceed with the Water/Sewerage Rate Study under the existing engineering contract for the Waste Treatment Plant Project.

Evaluation of Wastewater Disposal Alternatives - Estimated Annual Costs: Charles Willis, representing the Firm of O'Brien & Gere presented the following report:

Estimated Annual Costs, Wastewater Facilities

As requested we are providing herein background data on the estimates of annual costs for the City's proposed wastewater facilities. The estimates include allowances for Debt Service and Operations and Maintenance for the Corpening Creek Site Project as defined in our letter of December 27.

Debt service requirements are based on a 12.5 percent local share of the Total Estimated Project Cost (12.5% of \$7,132,000 = \$891,500). The annual cost assumes a six percent interest rate over a 20-year period, resulting in "equal annual" payments of \$77,600. The actual payments would depend upon the Bond "payback schedule" established by the Local Government Commission and the interest rates prevailing at the time the Bonds are sold. In all likelihood the annual payments during earlier years may be slightly higher, but would decline to less than this average rate.

Operations and maintenance allowances include the following categories:

1. Labor - Staffing requirements for the proposed facilities are based on EPA and State Guidelines and include a Superintendent, a Chemist, a Chief Operator, two Operators, and two Laborers. The estimated annual cost is \$65,000.
2. Electrical Power - Allowances for pumping stations and on-site process electrical requirements result in an estimated electrical cost of \$0.12 per thousand gallons of waste treated.
3. Chemicals - The cost of chemicals utilized in the treatment process, including chlorine, aluminum sulfate, and polymers, is estimated at \$0.015 per thousand gallons of waste treated.
4. Fuel - The cost of fuel for vehicles and process requirements is estimated at \$0.005 per thousand gallons of waste treated.
5. Maintenance - Annual maintenance allowance of 0.3 percent of the total capital cost of the wastewater treatment facility and pumping stations is included.

Based on these unit cost allowances and the volume of wastewater to be treated, we computed that the initial annual O & M cost would be about \$150,000, increasing to about \$228,000 after ten years, and averaging about \$190,000 during the period. Since, however, the actual operations will probably not commence for about two and one-half years, we conservatively "escalated" this figure at an annual rate of 10 percent, and arrived at the "estimated average annual operation and maintenance cost" of \$237,500. In no case did we make adjustments or credits for your current treatment operating expenses.

The estimated "Total Annual Cost" of the proposed facilities over ten years includes this figure and the average allowance for debt service, a total of \$315,000.

The estimates for the Catawba River facilities were based on these same criteria but reflecting a slightly less stringent degree of treatment required.

As you can see, these estimates are just that, "estimates"; but they are based on prevailing costs of items involved as well as some traditionally sound assumptions. Since the cost for both alternatives are on the same basis the comparison exists for evaluation of which "project" to pursue. Once designs are completed, bids sold, and construction bids received, all of the cost estimates should be refined to reflect then prevailing conditions, and annual budget amounts can be better identified.

If you have any questions concerning the above information, please advise.

Upon a motion by Councilman Clark, seconded by Councilman James, the City Council unanimously voted to (1) File an application for a grant under the North Carolina Clean Water Bond Funds. (2) Apply to the Environmental Protection Agency for an increase in EPA Grant Funds to cover the increase in cost of the Waste Treatment Plant Project due to changing the site for location of the plant and delays in the project. (3) Authorize the Engineering Firm of O'Brien and Gere to proceed with plans and specifications for the Waste Treatment Plant.

201 Facility Study - Report from Ben White: Ben White, representing the N. C. Department of Natural and Economic Resources, presented the following report to the City Council:

On December 29, 1972, EPA made a \$2,439,750 Grant offer to the City of Marion to assist in the construction of a 3.0 M.G.D. Wastewater Treatment Plant.

Funds, if available, can be approved to take care of the possible increased costs of the presently proposed 3.0 M.G.D. capacity plant.

12 1/2 percent State Grant Funds are available at the present time. Approximately one half of the \$50,000,000 clean water bond grant money for treatment facilities has been granted.

As proposed projects across the state get into the construction phase the remaining will go fast.

No industrial pay back is involved with the \$2,439,750 grant offer and none will be involved with additional increase costs funds. Since a considerable portion of the wastewaters will be from industrial users, this could be a substantial savings to these industries versus what would be involved if the City insisted on a 6.0 M.G.D. capacity plant and reverted to the 201 Facilities planning process.

The plant cannot be increased to a 6.0 M.G.D. capacity without the preparation of a 201 Facilities plan and even then the plan must show that a 6.0 M.G.D. capacity plant is feasible and necessary to take care of the City's needs over the next 10-20 years. Industrial payback would be involved if the City decides to go for a 6.0 M.G.D. plant under the present day EPA's 201 Facilities planning requirements.

If the City proceeds with the 3.00 M.G.D. plant in keeping with the final environmental impact statement the following needs to be done as soon as possible.

1. Complete plans and spec's
2. Determine additional cost
 - a. Town officials should request in writing an increase in the present grant offer.
 - b. Should have information to state by April 1, certainly no later than April 15 so the increase in grant funds can be included on the State 1976 funding list. It will recommend to EPA.

3. Get project to bid as soon as possible

- a. May be a favorable time to offer bids due to state of economy
- b. Make application to state for 12 $\frac{1}{2}$ percent clean water bond grant funds once total cost has been determined by March 31 for July 1 approval. September 30 for January 1, 1976 approval.

Other Points to Remember:

- 1. User charges and sewer charges must be established before 50% of payment is made.
- 2. The approved impact statement is primarily concerned with Marion's need for a 3.0 M.G.D. treatment facility.
- 3. A larger 6.0 M.G.D. facility may or may not be the subject of a future impact statement. (Page 42 of statement).
- 4. The 3.0 M.G.D. capacity plant should be designed to accommodate expansion to a 6.0 M.G.D. capacity should the need arise in the future (Page 42 of statement).
- 5. The 3.0 M.G.D. plant will discharge into Corponing Creek (Page 39, 40, 41 of statement).

201 Facilities Plan for Marion Area:

Shown on 1974 Fiscal Year Funding List

Estimate cost \$75,000; 75% Federal Grant \$6,250

If City proceeds with 3.0 M.G.D. plant, the "Lead Agency" for the 201 Facilities Planning Area could still proceed with the 201 Facilities Plan.

However, in order to take advantage of the '74 Fiscal Year funds earmarked for the plan the following steps should be taken as soon as possible.

- 1. File the Step 1 Application
 - a. Select "Lead Agency"
 - b. "Lead Agency" select consulting engineer
 - c. Secure appropriate resolutions from public bodies within the area
 - d. Consulting engineer prepare a "Plan of Study" to accompany application
 - e. Secure state and regional clearing house comments (CIC Form)

If at this late date the "Lead Agency" and its consulting engineer do not believe they could get the Step 1 process moving right away, you could request that the Marion area be put on the processing schedule for 1976 Fiscal Year. We could then utilize the funds included on the '74 Fiscal Year list for some other area so they would not be lost to the state.

In preparing a 201 Facilities Plan for the area the consulting Engineer would treat the proposed 3.0 M.G.D. plant that you would have underway as an existing plant and determine if it need to be enlarged within the next 10-20 years.

There being no further business the meeting was adjourned.

James Earl Daniel
City Manager

James A. Seyon
Mayor

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STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

The City Council of the City of Marion met in a called meeting, Tuesday, February 11, 1975 at 7:30 P.M. in the City Council Chamber at City Hall.

Board Members Present: Mayor James H. Segern; Councilmen Everette Clark, W. R. Ledbetter, R. L. James and Horace Wilkerson. Councilman Oliver Cross arrived at 9:50 P.M.

Others Present: Earl Daniels, City Manager; Arthur Edwards, Fire Chief; Jack Brown, Public Works Director.

Guests: Neil Raburn and Beverly Bradburn, representing the Student Council of McDowell High School; Tom Aycock, Probation Officer; and Keith Suddeth, representing Brayhill Furniture Company.

Approval of the January 21, 1975 Minutes: Upon a motion by Councilman Ledbetter, seconded by Councilman Wilkerson, the City Council unanimously voted to approve the minutes of the January 21, 1975 meeting.

Fire Hydrants - Request to Paint for Bicentennial: Mr. Neil Raburn and Miss Beverly Bradburn appeared before the City Council to request permission to paint City fire hydrants like cartoon characters of famous Americans of the Revolutionary Period for the Bicentennial. Mr. Neil Raburn, in making his presentation, informed the City Council that the town of Kings Mountain had already painted their fire hydrants for the Bicentennial. He presented drawings and patterns showing how different type hydrants could be painted as cartoon characters of famous Americans. He informed the Council that funds to pay for the paint would either be provided by the Bicentennial Committee or that funds may be provided by the Student Council. He stated that persons living in the neighborhood of the hydrants could be responsible to see that the hydrants are painted and kept up. Fire Chief Arthur Edwards informed the Council that he was concerned about the hydrants being painted. He presented a drawing of a fire hydrant to illustrate how hydrants are serviced and painted. He stated that if the hydrants are painted without taking necessary precautions that the paint would cause the caps to stick and would create a problem when firemen were trying to open the hydrants and that it would be necessary to hammer on the cap thus chipping away the paint in order to get the hydrant open. He also questioned the use of certain types of paint. Fire Chief Arthur Edwards stated that the hydrants were painted a bright red with a silver cap so that hydrants could be seen by firemen prior to getting to the hydrant so they could locate their trucks in a proper location. He stated that he had seen the hydrants in Kings Mountain and that the use of colors on the hydrants there were such that they were not visible. After a short discussion the City Council directed that Mr. Neil Raburn work with the Fire Chief regarding the painting of the fire hydrants for the Bicentennial and that the Fire Chief would make a report back to the City Council with his recommendations.

Parking Tickets - Tom Aycock: Mr. Aycock appeared before the City Council and stated that due to the construction at the Court House there was no parking spaces available in the immediate vicinity of the Court House. He advised the Council that as probation officer it was necessary for him to be able to get to and from his office in a short span of time. He stated this need for parking near the Court House was required due to emergency calls. He asked that the City Council grant permission for him to park in the parking lot adjoining the Court House property for a period of time exceeding the two hour limit without police officers placing tickets on his car.

Mr. Aycock was advised by Councilman Wilkerson that other persons working for the county and state also have automobiles and that they also would like to have parking spaces adjacent to the Court House. He stated that by Council approval of his request that a number of other requests would be forthcoming in all probability with the same or similar needs.

Mr. Aycock was advised by Councilman Clark that the rent and upkeep of the parking lot was paid for by the City of Marion, the downtown merchants and the land owners and that the parking spaces were provided for customer parking in the downtown area.

After a short discussion Mr. Aycock thanked the City Council for hearing his request and left the City Council Meeting. No action was taken by the City Council on his request.

Use of City Property - James R. Poole: The City Manager presented a request from James R. Poole that he be granted permission to use an existing road located on City property across from the Water Filter Plant for logging on adjacent property. The City Manager informed the City Council that he and Public Works Director, Jack Brown had been out to the site and that it was their opinion that the road could be used by Mr. Poole for this purpose. The City Manager recommended that the City Attorney prepare papers requiring that the road be placed back in the same or better condition upon completion of the work and that Mr. Poole be required to post a bond to insure compliance with the contract. Upon a motion by Councilman Wilkerson, seconded by Councilman Ledbetter, the City Council unanimously voted to have City Attorney, E. P. Dameron prepare necessary papers requiring that the road be placed back in the same or better condition upon completion of work and that Mr. Poole be required to post a bond to insure compliance with the agreement.

Deletion from 1974 City Tax Records - Mrs. James R. Waycaster: The City Manager presented a request from Mrs. James R. Waycaster that she not be required to pay 1974 City Taxes in the amount of \$10.31 since she did not reside in the City Limits of Marion in January 1974 nor does she now reside in the City of Marion. The City Manager advised that Mrs. Waycaster's taxes were recorded in error by Municipal employees copying from the County tax records. He recommended that the City Council honor her request.

Upon a motion by Councilman Ledbetter, seconded by Councilman Wilkerson, the City Council unanimously voted to delete from the 1974 tax records the taxes of Mrs. James R. Waycaster in the amount of \$10.31.

Planning Board - Appointments: The City Manager advised the Council that Mr. Ed Palmer and Mr. Jim McGarr had advised the City Manager that they would be unable to serve as members of the Marion Planning Board due to other commitments. Upon a motion by Councilman James, seconded by Councilman Ledbetter, the City Council unanimously voted to appoint Philip Steppe and Marshall Dark, Jr. to the Marion Planning Board for terms of three years each.

Councilman Oliver Cross arrived for the meeting.

Street Closing - West Henderson Street: Mr. Keith Suddreth representing Broyhill Furniture Company, appeared before the City Council to request that the City Council close that portion of old West Henderson Street located from the south right-of-way of the Southern Railroad Tracks, south to the north side of Lail Street. Mr. Suddreth advised the City Council that Broyhill Furniture had been planning for an expansion of their operation and that the closing of that portion of old West Henderson Street would be necessary for them to develop the area as planned. He advised the Council that some of the existing structures would be removed and replaced and that some of the other structures would be retained so that operations could continue during the construction period. He advised the Council that upon completion of the construction that Broyhill Furniture Company may employ one hundred plus people. He advised the City Council that it would take from three to five years to rebuild the facility. Mr. Suddreth presented overlaid drawings showing the proposed location of structures and answered questions raised by City Council members regarding relocation of water lines. He stated that the water lines presently located down old West Henderson Street could be replaced by new water lines which could be placed along new West Henderson By-pass down to Lail Street and then west on Lail Street back into old West Henderson. He stated that the company could build the buildings over the existing sewer lines and leave manholes in the buildings for service to those lines. He advised that at the present time, plans indicated that the construction cost for enlargement of the facilities would run approximately \$7,000,000.00. Upon a motion by Councilman Wilkerson, seconded by Councilman Cross, the City Council unanimously voted to direct City Attorney, E. P. Dameron to prepare the necessary Resolution for closing of Old West Henderson Street from the southern right-of-way of the Southern Railroad Tracks to the north side of the intersection of old West Henderson Street and Lail Street.

Municipal County Recreation Commission - Field Lights: The City Manager presented a letter from Dr. W. L. Bell, Chairman of the Municipal County Recreation Commission. The letter stated that adequate lighting is not available for recreational softball and baseball play this spring and summer. He advised that Bryant Electric Company of Gastonia who usually relamps the East Marion Ball Park stated they would not send their personnel up on the existing poles to replace lights. He advised in the letter that this company had agreed to come to Marion to re-evaluate the situation of replacement of bulbs. The letter stated that the cost of relamping with new equipment would be a low figure of \$20,000.00 and a top figure of \$25,000.00 for poles, brackets and installation which did not include the power for operating the lights. Dr. Bell stated in the letter that James Johnson, Superintendent of Schools has suggested that consideration be given to not relamping the East Marion ballfield because of construction of the new elementary school near the site and that he suggested

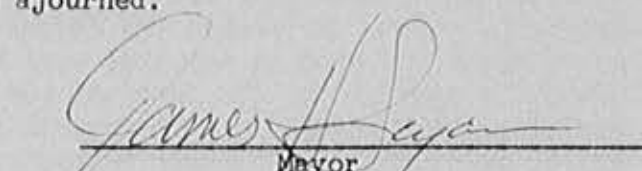
that consideration be given to putting a lighting system at the new ballfield located at McDowell High School. Dr. Bell continued by stating that the idea of construction of a ballfield behind the junior high property belonging to the Recreation Commission is under consideration. Requests were made that joint consideration be given by all governing bodies to provide the needed lighted fields. After a short discussion the City Manager was directed to inform Dr. Bell that the City of Marion will participate in paying for replacement of bulbs for the existing lights in the East Marion ballfield and that the City will participate in the cost of installing new lights at the junior high school property and recommend that immediate action be taken for planning and implementation of such a project.

Region "C" Criminal Justice Planning Agency - Projects Needed 1975-1977: The City Manager informed the Council that he had received a request from Don Shields that the City prepare a list of all projects the City wishes to undertake under Region "C" Criminal Justice Planning Agency for a period of time from Fiscal Years 1975-1977. The City Manager presented the following list of suggested projects.

1. Scrambler equipment for existing communications equipment
2. Complete uniforms and equipment to supply a ten member reserve officers group
3. A Cushman Scooter would be a closed in type that could be used during winter months
4. Additional police training

Mayor Segars suggested that we might wish to add to the list a four wheel drive blazer to be used during inclement weather. The City Manager stated he would be working with the Chief of Police on other projects for submission to Region "C" for funding.

There being no further business the meeting was adjourned.


Mayor


City Manager

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

The City Council of the City of Marion met in a regularly scheduled meeting, Tuesday, February 18, 1975 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, R. L. James, Oliver Cross and Horace Wilkerson

Others Present: Earl Daniels, City Manager; Tom Alexander, Recreation Director; and Don Dillingham, News Reporter.

Guests: Dean Wall, former Planning Board Member; Ray Revis, Ruby Revis, Floyd Allison and Virginia Rowland.

Approval of the February 11, 1975 Minutes: Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the City Council unanimously voted to approve the minutes of the February 11, 1975 meeting.

Planning Board - Certificate of Appreciation: Mayor Segars informed the City Council that he had Certificates of Appreciation to be presented to three former Planning Board Members. He advised the City Council that the certificates were to be presented to John Cross, Sue Allen and Dean Wall for serving three years as members of the Marion Planning Board. He stated that John Cross and Sue Allen were unable to attend the meeting to accept the certificates due to previous commitments. Mayor Segars presented

a Certificate of Appreciation to Dean Wall. In making the presentation, Mayor Segars commended the Planning Board for their outstanding work in preparing the Comprehensive Land Development Plan and also for their work toward adoption of the Marion Zoning Ordinance.

Recreation Department Report - Tom Alexander: Tom Alexander appeared before the City Council and informed the Council that he had talked with three consultants regarding cost estimates for installing new ballfield lights at the junior high property. He stated that the estimated cost ran from \$20,000 to \$25,000. He thanked the City Council for offering to provide funds to pay for a part of the cost to replace existing lights at the East Marion ballfield and also for their offer to provide funds to help in the cost of installing new lights at the junior high property. He also advised the City Council that he had been informed by County Manager, Jack Harmon, that the County did not have any funds available to assist in providing lighting at either location. He advised the Council that he wished to meet with the City Manager regarding the possibility of establishing bike-ways in the City Limits.

Sewer Line Easements - Clinchfield Community: Mr. and Mrs. Ray Revis, Floyd Allison and Virginia Rowland appeared before the City Council regarding certain sewer line easements across property they own in the Clinchfield Community. Mrs. Revis acted as spokesman for the group. She advised the Council that they were informed they would not be required to pay for sewer service when they purchased their property in the Clinchfield Community. She stated they were informed that the sewer main crossed their property and they would be allowed to connect into the sewer main and not be required to pay any sewer service charges. This matter was discussed at length. The City Manager informed the City Council that in reading the document regarding the easements it was his interpretation the City would have to allow connections to the sewer line provided the connections did not impair the operation of the sewer line or the sewer treatment plant. He stated the document required persons making connections to do so at their own expense and that work be performed in a workman-like manner with materials approved by the owner of the line. The Mayor informed the group that no decision could be made by the Council without the City Attorney's opinion. Mayor Segars asked the City Manager to contact representatives of Burlington Industries and asked that they have a representative meet with representatives of the City Council, the City Manager and City Attorney, to discuss the problem.

Tax Adjustment - Mr. and Mrs. James Edward Sherlin: The City Manager presented a request from Mr. and Mrs. James Edward Sherlin that a tax adjustment be made on their 1974 City taxes. The City Manager informed the Council that an error was made by the listers in copying the taxes and Mr. Sherlin's father's property was picked up along with Mr. Sherlin's property. The tax adjustment requested would be a difference of \$9.64 which would be refunded to Mr. and Mrs. Sherlin.

Upon a motion by Councilman Cross, seconded by Councilman Ledbetter, the City Council unanimously voted to make the tax adjustment and refund \$9.64 to Mr. and Mrs. James Edward Sherlin.

Air Conditioning Central Unit - City Hall: The City Manager presented the following bids for the purchase and installation of a five (5) ton air conditioning unit and necessary duct work to be installed in the Marion City Hall.

Condrey Plumbing, Heating and Air Conditioning	\$ 2,885.00
20th Century Heating Co. Inc.	\$ 2,750.00
Pyatt Heating & Air Conditioning Co.	\$ 3,256.84

Upon a motion by Councilman Ledbetter, seconded by Councilman Wilkerson, the City Council unanimously voted to accept the bid submitted by Condrey Plumbing, Heating and Air Conditioning in the amount of two thousand eight hundred eighty-five dollars (\$2,885.00). The bid submitted by Condrey Plumbing, Heating and Air Conditioning was accepted for the following reasons:

- (1) Condrey Plumbing, Heating and Air Conditioning is located within the City Limits of the City of Marion and pay City taxes.
- (2) Representatives of Condrey Plumbing, Heating and Air Conditioning would be readily available for any maintenance repairs or upkeep to the system.

The bid submitted by 20th Century Heating Co., Inc. was \$135.00 lower than the bid submitted by Condrey Plumbing, Heating and Air Conditioning. It was the opinion of the City Council that the taxes paid by Condrey Plumbing, Heating and Air Conditioning would more than offset the difference in cost to the City and for the above reasons accepted the bid of Condrey Plumbing, Heating and Air Conditioning.

Old West Henderson Street Closing - Presentation of Resolution: The City Manager presented the following Resolution entitled "Resolution of Marion City Council Relative to Closing a Portion of West Henderson Street".

RESOLUTION OF MARION CITY COUNCIL
RELATIVE TO CLOSING A PORTION OF WEST HENDERSON STREET

BE IT RESOLVED THAT, Pursuant to the provisions of North Carolina General Status 160A-299, the City Council of Marion, North Carolina, hereby declares its intent to permanently close that portion of West Henderson Street, as it existed prior to its present location, which lies between the following points:

BEGINNING immediately south of the tracks of Southern Railway Company and running southwardly to its intersection with Lail Street

A public hearing is hereby called to be held in the City Council Chamber in the City Hall, Marion, North Carolina at 8:00 o'clock P.M. on the 18th day of March, 1975, at which hearing any person may be heard on the question of whether or not the closing of said portion of said street would be detrimental to the public interest, or the property rights of any individual.

BE IT FURTHER RESOLVED THAT a copy of this Resolution shall be published once each week for four successive weeks in the McDowell News, Marion, North Carolina, prior to the date of said public hearing, and that a copy of the same be sent by registered or certified mail to Otis L. Broyhill Furniture Company, Marion, North Carolina, 28752.

BE IT FURTHER RESOLVED THAT a notice of the closing and public hearing shall be prominently posted in at least two (2) places along that portion of said street which is to be closed.

Adopted by the City Council of Marion, North Carolina, at a regular meeting held on February 18, 1975. R-75-2-18-1


Mayor


City Clerk

Upon a motion by Councilman Wilkerson, seconded by Councilman Cross, the City Council unanimously voted to adopt the Resolution as presented by the City Manager.

Police Information Network - Municipal Agreement with N. C. Department of Justice: The City Manager presented the following Municipal Agreement and Resolution:

THIS AGREEMENT, made and entered into this the 18th day of February, 1975, between the NORTH CAROLINA DEPARTMENT OF JUSTICE POLICE INFORMATION NETWORK, hereinafter referred to as PIN, and the POLICE DEPARTMENT of MARION, NORTH CAROLINA, a municipal corporation, hereinafter referred to as the Municipality;

W I T N E S S E T H :

WHEREAS, the North Carolina Department of Justice plans to make available to law enforcement agencies and other appropriate agencies of the State through the use of a centralized computer system various information now available or to be developed essential to efficient operation of said agencies, such as, but not limited to, information contained in the Department of Motor Vehicles' files, information contained in the National Crime Information Center (NCIC), information contained in the State Bureau of Investigation's files, Department of Corrections' files and information from local law enforcement agencies; and

WHEREAS, funds are available to place video terminals and printers in a limited number of municipalities for a period of one year; and

WHEREAS, it will be necessary for the governing body of the municipalities to assume the rental cost of such terminals after the first year for the continued use thereof, such rental cost to be paid to Police Information Network, 111 East North Street, Raleigh, N. C., 27601; and

WHEREAS, due to the cost of installation and training of personnel to operate Police Information Network terminals, it is necessary that the municipality agrees to future rental costs, prior to installation of PIN terminals, in order that maximum benefits can be realized for the expenditure of limited funds available to PIN.

NOW, THEREFORE, in consideration of the benefits accruing to PIN and the Municipality, it is agreed as follows:

(A) PIN will install and maintain for a period of one year a terminal connected to the Police Information Network System and also train operators selected and paid by the Municipality to operate such terminal.

(B) The Municipality will furnish a proper site for installation of a Police Information Network terminal and also furnish personnel to operate said terminal.

(C) The Municipality will assume the rental cost of the video terminal and printer in the amount of \$153.50 per month, beginning one year from the installation thereof.

IT IS UNDERSTOOD AND AGREED that should funds not be available for the continued operation of the Police Information Network, PIN shall have no further obligation under this Agreement.

L.S.
ATTEST:

James E. Daniels
CLERK (OR MANAGER)

City of Marion

BY: *[Signature]*

MAYOR

L.S.
ATTEST:

SECRETARY

NORTH CAROLINA DEPARTMENT OF JUSTICE
POLICE INFORMATION NETWORK

BY: _____

DIRECTOR

APPROVED AS TO FORM AND LEGALITY:

RUFUS L. EDMISTEN
ATTORNEY GENERAL

BY: _____

ASSISTANT ATTORNEY GENERAL

RESOLUTION PASSED BY THE
CITY COUNCIL OF THE CITY OF
MARION, NORTH CAROLINA

The following resolution was offered by City Manager, Earl Daniels and a motion was made by Councilman Everette Clark that it be adopted, this motion was seconded by Councilman Robert L. James, and upon being put to a vote, was unanimously carried;

WHEREAS, the North Carolina Department of Justice Police Information Network plans to make available to law enforcement agencies and other appropriate agencies of the State through the use of a centralized computer system various information now available or to be developed essential to the efficient operation of said agencies such as, but not limited to, information contained in the Department of Motor Vehicles' files, information contained in the National Crime Information Center, information contained in the State Bureau of Investigation's files, Department of Corrections' files, and information from local law enforcement agencies by the installation of a Police Information Network terminal in the Police Department of the City of Marion for a period of one year provided the City of Marion agrees to furnish a proper site for installing such terminals, and the necessary personnel to operate said terminal,

and further agrees to assume the rental cost of such terminal at the end of one year from the date of installation; that said installation of a Police Information Network terminal is considered to be most necessary to the preservation of law and order and the promotion of public safety within the Municipality; and

WHEREAS, the North Carolina Department of Justice Police Information Network and this Municipality have agreed as follows:

(A) The North Carolina Department of Justice Police Information Network will install and maintain for a period of one year a terminal connected to the Police Information Network System and also train operators selected and paid by the Municipality to operate such terminal.

(B) The Municipality shall furnish a proper site for installation of a Police Information Network terminal and also furnish personnel to operate said terminal.

(C) The Municipality shall assume the rental cost (which cost shall include maintenance) of the Police Information Network terminal in the amount of \$153.50 (per month) ~~(per year)~~ beginning one year from the date of installation thereof.

NOW, THEREFORE, BE IT RESOLVED that the installation of a Police Information Network terminal be and it is hereby formally approved by the City Council of the City of Marion, N. C., and that the Mayor and City Clerk (or Manager) of this Municipality be and they are hereby empowered to sign and execute the required Agreement between this Municipality and the North Carolina Department of Justice Police Information Network.

This Resolution was passed and adopted the 18th day of February, 1975.
R-75-2-18-2

I, _____, Clerk (or Manager) of the City of Marion, North Carolina, do hereby certify that the foregoing is a true and correct copy of excerpts from the minutes of the City Council of this Municipality

WITNESS, my hand the official seal of the City of Marion on this 18th day of February, 1975.

CLERK (OR MANAGER)

CITY OF MARION, NORTH CAROLINA

Budget Priorities 1975 - 1976: The City Manager respectfully requested that City Council members give consideration to priorities of special projects to be undertaken by the City during the fiscal year 1975-1976. He advised the Council that consideration should be given to those projects that would be undertaken by the City other than existing services presently being provided.

Two projects were discussed: construction of new sidewalks and repair of existing sidewalks, and construction of a sign at the City Limits.

There being no further business the meeting was adjourned.


CITY MANAGER


MAYOR

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

The City Council of the City of Marion met in a regularly scheduled meeting Tuesday, March 4, 1975 at 7:30 P.M. in the City Council Chamber at City Hall.

Board Members Present: Mayor James H. Segars, Councilman W. R. Ledbetter, R. L. James, Oliver Cross, Everette Clark and Horace Wilkerson. Councilman Wilkerson arrived at 7:55 P.M. and Councilman James at 8:09 P.M.

Others Present: Earl Daniels, City Manager; Paul Hughes, Executive Director for Isothermal Planning and Development Commission; E. P. Dameron, City Attorney; and Ann Vess, News Reporter.

Approval of the February 18, 1975 Minutes: Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the City Council unanimously voted to approve the minutes of the February 18, 1975 meeting.

Tennis Courts - Request for Scheduled Use by McDowell High School: The City Manager presented a letter from John Anderson, Athletic Director for McDowell High School, requesting permission to use the City tennis courts for home matches. Mr. Anderson's letter stated that the two top players would play their single match on the City court while other matches would be played at East Junior High. His letter stated players would be instructed not to use the City courts for practice. Permission to use the courts for matches to begin at 3:30 P.M. on April 8, 11, 15, 17, 18, and 29 and May 2, was requested.

Upon a motion by Councilman Cross, seconded by Councilman Ledbetter, the City Council unanimously voted to approve the request as submitted.

Community Development Act: Mr. Paul Hughes, Executive Director of the Isothermal Planning and Development Commission, appeared before the City Council at the request of the City Manager to discuss the Community Development Act. Mr. Hughes advised the City Council that should the Council decide to file an application for Community Development Funds, the City would have to address the housing issue. He informed the Board that some private consultants had apparently stated that it would not be necessary if funds were requested for only one year. He continued by stating approximately 11.8 million dollars would be available this year and that amount would increase to approximately 16.7 million next year. He suggested the City, if interested in the Community Development Act, not limit itself to one year but pursue a three year program.

Upon a motion by Councilman Cross, seconded by Councilman Ledbetter, the City Council unanimously voted to authorize the City Manager and Mayor to meet with representatives of the County Commissioners and Old Fort Aldermen regarding the Community Development Act and report back to the City Council regarding the possibility of a joint application for recreational funds.

Clinchfield Waste Treatment Plant - Informal Bids for Monitoring Services: The City Manager presented the following informal bids for monitoring services for the Clinchfield Waste Treatment Plant:

<u>Company</u>	<u>Tests</u>	<u>Cost Per Year</u>
Par Labs	*Chemical Oxygen Demand; Fecal Coliform; Kjeldahl Nitrogen	\$ 576.00
R. S. Noonan, Inc.	**Chemical Oxygen Demand; Fecal Coliform; Kjeldahl Nitrogen	\$ 648.00
J. P. Stevens	**Chemical Oxygen Demand; Fecal Coliform; Kjeldahl Nitrogen	\$ 588.00
Nardine Labs	*Chemical Oxygen Demand; Fecal Coliform; Kjeldahl Nitrogen	\$ 651.00
Burlington Ind. - Chem. Div.	***Chemical Oxygen Demand; Fecal Coliform; Kjeldahl Nitrogen	\$ 544.00

*Will provide sample bottles

**Will provide sample bottles and shipping containers

***Will provide free courier service

Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council unanimously voted to purchase the necessary equipment for providing the Chemical Oxygen Demand monitoring and to authorize an agreement with Burlington Industries Chemical Division for monitoring services for Fecal Coliform, and Total Kjeldahl Nitrogen, for one year.

Region "C" Criminal Justice Planning Project - Additional Personnel: The City Manager advised the City Council that a sub-grant application had been prepared requesting funds for one additional police officer, including fringe benefits, funds for clothing and one police automobile fully equipped. The following resolution was presented:

WHEREAS, the City of Marion City Council herein called the "Applicant" has thoroughly considered the problem addressed in the subgrant application entitled Additional Personnel - City of Marion 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 MARION CITY COUNCIL IN OPEN MEETING ASSEMBLED IN THE CITY OF MARION, NORTH CAROLINA, THIS 4th DAY OF MARCH, 1975, 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 \$13,229.00 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 \$735.00 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. R-75-3-4-1

By James H. Seay
Chairman/Mayor

Commissioner/Councilman Oliver Cross offered the foregoing resolution and moved its adoption, which was seconded by Commissioner/Councilman Everette Clark and was duly adopted.

Date: March 4, 1975

ATTEST:

by James H. Seay

SEAL

Region "C" Criminal Justice Planning Project - Police Reserve: The City Manager advised the City Council that a subgrant application had been prepared, which if approved, would provide funds to purchase a four wheel drive blazer, including necessary blue light, sirens, and speaker; one shotgun, one rifle, four walkie talkies, ten pistols, ten mace, ten handcuffs, ten riot batons, ten complete sets of uniforms for reserve officers and operation expenses for the vehicle. The following resolution was presented:

WHEREAS, the City of Marion herein called the "Applicant" has thoroughly considered the problem addressed in the subgrant application entitled Reserve Unit-City of Marion 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 MARION CITY COUNCIL IN OPEN MEETING ASSEMBLED IN THE CITY OF MARION, NORTH CAROLINA, THIS 4th DAY OF MARCH, 1975, AS FOLLOWS:

1. That the project referenced above is in the best interest of the Applicant and 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 \$14,814.00 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 \$823.00 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 *[Signature]*
Chairman/Mayor

Commissioner/Councilman Oliver Cross offered the foregoing resolution and moved its adoption, which was seconded by Commissioner/Councilman Everette Clark and was duly adopted.

Date: March 4, 1975

ATTEST:

by *[Signature]*
Clerk

SEAL

Young's Fork of North Muddy Creek - Report from Soil Conservation: The City Manager presented recommendations from the Soil Conservation Service regarding needed improvements to Young's Fork of North Muddy Creek to eliminate soil erosion problems. The City Manager informed the City Council that Mayor Segars and the City Manager had met with Mr. Boyce Harvey and Mr. W. J. Brady regarding the recommendations. The following recommendations were made: Step 1 - Clean out all debris from the creek, cut overhanging growth. Step 2 - Clean all vegetation, cut trees to allow sunlight to get into the banks, slope banks and replant with grass. Step 3 - Cut larger channel. This step would in all probability require an environmental impact statement.

A long discussion was held regarding a joint meeting with representatives of the N. C. Department of Transportation and Safety, representatives of the Soil Conservation Service, and residents of the area owning property adjoining Young's Fork of North Muddy Creek.

Upon a motion by Councilman Cross, seconded by Councilman Ledbetter, the City Council unanimously voted to hold a meeting with representatives of the N. C. Department of Transportation and Safety, representatives of the Soil Conservation Service and residents owning property adjoining Young's Fork of North Muddy Creek to discuss recommendations of the Soil Conservation Service to remedy the problem. The City Manager was directed to set up a meeting and provide proper notification to all parties concerned.

Planning Contract - The City Manager presented the following resolution authorizing execution of a contract for planning services:

AGREEMENT

THIS AGREEMENT, entered into by and between the North Carolina Department of Natural and Economic Resources (hereinafter called the "Planning Agency") and the City of Marion, North Carolina (hereinafter called the "Local Government"), WITNESSETH THAT:

WHEREAS, the Planning Agency has been established under authority of the General Statutes of North Carolina, Section 113-15.1 and under authority of a resolution duly adopted by the Board of Conservation and Development of the State of North Carolina on July 2, 1957; and Chapter 1145, Session Laws of 1969, codified as G.S. 143-34, created the North Carolina Department of Local Affairs, and transferred the Planning Agency from the N. C. Department of Conservation and Development to the N. C. Department of Local Affairs; and G.S. 143A-128 transferred the Department of Local Affairs to the Department of Conservation and Development in the Department of Natural and Economic Resources; and

WHEREAS, the General Statutes empower the Planning Agency: (1) "To provide planning assistance to municipalities and counties and joint and regional planning boards established by two or more governmental units in the solution of their local planning problems.

Planning assistance...shall consist of making population, economic, land use, traffic, parking studies, developing plans based thereon to guide public and private development and other planning work of a similar nature. Planning assistance shall also include the preparation of proposed subdivision regulations, zoning ordinances, and similar measures which may be recommended for the implementation of such plans....Provided, that the term planning assistance shall not be construed as including the providing of plans for specific public works. (2) To receive and expend federal and other funds for planning assistance to municipalities, counties, and joint and regional planning boards..... and to enter into contracts with the federal government, municipalities, counties, or joint and regional planning boards with reference thereto;" and

WHEREAS, the State of North Carolina has appropriated monies to be used as matching funds for the purpose of providing local governments with planning and management assistance; and

WHEREAS, the local government has requested the Planning Agency to provide such planning assistance to the local government; and

WHEREAS, the Planning Agency desires to cooperate with the local government in every way possible to the end that a constructive planning program may be initiated or furthered for the improvement and development of the local government;

NOW THEREFORE, the parties hereto do mutually agree as follows:

(1) That during the period of this contract, the Planning Agency will furnish necessary trained personnel who will assist in the development of planning work as described in Exhibit "A" attached hereto and made a part hereof by reference. The local government will: (a) cooperate in every way in the conduct of this project and make available research material, data, maps, and other statistical records of the local government; (b) arrange regular meetings of the planning board and other officials to review work carried out under this contract and make such recommendations as are required; and (c) appropriate to the Department of Natural and Economic Resources its proportionate share of the cost of the project as hereinafter set forth.

(2) That for the purpose of providing the funds for carrying out this contract, the local government will pay the Department of Natural and Economic Resources the sum of ONE THOUSAND AND ONE DOLLARS (\$1,001.00) to be paid as follows: The sum of \$1,001.00 shall be due thirty days after execution of contract. The Planning Agency may withhold the performance of all or any portion of its services until the local government has paid the first or any subsequent installment together with any arrearages, and may defer performance of services hereunder in proportion to the fractional part of the total which the local government has not paid to the Department of Natural and Economic Resources.

3) Equal Employment Opportunity - (a) The Local Government will not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin. The local government shall take affirmative action to ensure that applicants are employed and that employees are treated during employment, without regard to their race, color, religion, sex or national origin. Such actions shall include, but not be limited to the following: employment, upgrading, demotions, or transfers, recruitment or recruitment advertising, layoffs or terminations, rates of pay or other forms of compensation, selection for training including apprenticeship, and participation in recreational and educational activities. The local government agrees to post in conspicuous places available to employees and applicants for employment notices setting forth the provisions of this nondiscrimination clause. The local government will in all solicitations or advertisements for employees state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin. (b) The local government shall keep such records and submit such reports concerning the racial and ethnic origin of applicants for employment and employees as the Planning Agency may require. (c) The local government agrees to comply with such rules, regulations, or guidelines as the Planning Agency may issue to implement these requirements.

4) The planning personnel designated by the Planning Agency to assist in the development of the above planning work shall participate in those meetings and public hearings necessary in the preparation of such planning work for acceptance and adoption, provided that such meetings do not number more than one in any one calendar month unless agreed to by the designated planning personnel or the Planning Agency.

5) Interest of Members of Planning Agency and Others - No officer, member, or employee of the Planning Agency, and no member of its governing body, and no other public official of the governing body of the local government in which the project is situated or being carried out who exercises any functions or responsibilities in the review or approval of the undertaking or carrying out of this project, shall (a) participate in any decision relating to this Contract which affects his personal interest or the interest of any corporation, partnership, or association in which he is, directly or indirectly, interested; or (b) have any personal or pecuniary interest, direct or indirect, in this contract or the proceeds thereof.

6) Funding Contingency - The terms and performance of this Contract shall be contingent upon State approval of the work program, and the availability of State funds. If the contract is written for a period longer than twelve months, that work which is proposed to be carried out after the initial twelve month period, will be performed contingent upon future State funding for planning assistance matching grants.

7) That either party may terminate this contract by giving written notice to the other party of such termination and specifying the effective date thereof, at least thirty (30) days before the effective date of such termination. Upon termination of this Contract as herein provided, the obligation of the Planning Agency to conduct and carry on the work, studies, research and investigations hereinbefore provided shall forthwith cease; any amount determined to be due the local government by prorating the total contribution of the local government on the basis of the amount actually expended or obligated shall be refunded to the local government by the Planning Agency; and any amount determined to be due the Planning Agency on the same basis shall be paid by the local government within the period specified in the Contract as executed.

8) That the State of North Carolina will provide a portion of the cost of the following items associated with the planning work described in Exhibit "A" of this contract: salaries and wages, services by technical consultants, travel, and reproduction and publication of essential project reports and documents.

9) That in all matters relating to the performance of this contract, the Secretary of the Department of Natural and Economic Resources having been authorized by appropriate and proper resolution, shall act for the Planning Agency and the Mayor having been authorized by appropriate and proper resolution, shall act for the local government.

10) Changes - The Planning Agency may, from time-to-time, require changes in the scope of services to be performed hereunder. Such changes, including any increase or decrease in the amount of compensation, which are mutually agreed upon shall be incorporated in written amendments to this contract. In the event the Local Government and Planning Agency determine that the work program herein should be amended to fulfill needs unanticipated at the time the work program was proposed the following procedure shall be used for amendment:

- a) Local Government requests amendment by the Planning Agency
- b) Planning Agency reviews request
- c) Upon verbal agreement of Planning Agency that proposed amendments are in order, and that financial arrangements proposed are satisfactory and properly reflect the magnitude of the changes proposed, the planning agency will prepare four (4) copies of the work program changes in letter form to be signed by both parties.

11) Area Covered - The Planning Agency shall perform all the necessary services provided under this Contract in connection with and respecting the following area or areas, herein called the "planning area".

IN WITNESS WHEREOF, the Planning Agency and the local government have executed this agreement as of this 4th day of March, 1975.

LOCAL GOVERNMENT


Clerk (Seal)


Mayor

To the best of my knowledge, provision for the payment of monies to fall due under this agreement has been or will be made by appropriation duly made or by bonds or notes duly authorized, as required by the Fiscal Control Act.

APPROVED AS TO LEGAL FORM
AND LEGAL ADEQUACY:

Attorney

Accountant

APPROVED AS TO LEGAL FORM
AND LEGAL ADEQUACY:

ROBERT MORGAN, ATTORNEY
GENERAL OF NORTH CAROLINA

NORTH CAROLINA DEPARTMENT OF
NATURAL & ECONOMIC RESOURCES

Assistant
Attorney General

Secretary

EXHIBIT "A" - Marion, North Carolina (Planning Contract Period from date of execution to June 30, 1975)

- A. Continuation Assistance - Technical assistance will be provided to the Planning Board and governing body on matters related to any day-to-day planning problems. Special assistance will be provided in the evaluation of questions arising concerning the town's zoning ordinance and requests for any zoning changes. In rendering this assistance, the Planner-in-Charge will help local officials and citizens involved identify and utilize all available planning studies and other data pertinent to the questions. Included in the assistance will be draftsman's time for an update of existing maps.

When the planner is requested to attend a public hearing, the governing body shall be responsible for conducting the hearing. The planner shall attend only for the purpose of providing technical information.

Upon a motion by Councilman Wilkerson, seconded by Councilman Ledbetter, the City Council unanimously voted to adopt the resolution as presented.

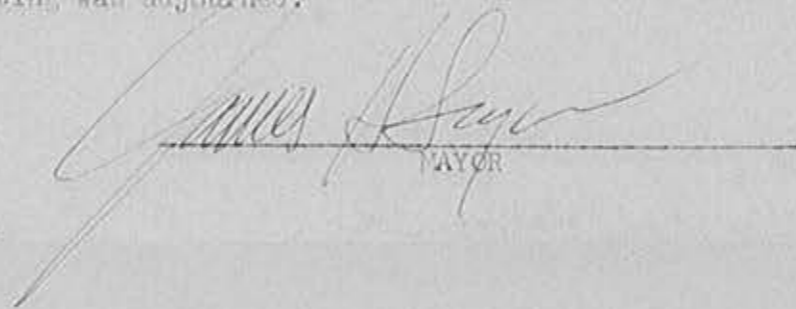
Railroad Street - Proposed Landscaping: The City Manager advised the City Council that he wished to have trees and/or shrubs planted between the paved area of Railroad Street and the Southern Railroad Tracks. He stated that planting trees and/or shrubs in this area would serve two purposes, (1) improve the appearance of the area and (2) muffle the sounds of trains passing through that particular part of the City.

After a short discussion the City Manager was authorized by the City Council to contact Mr. Hoffman of the Southern Railroad in Asheville and proceed with the project upon approval by the Railroad.

Ordinance - Peddlers and Solicitors: The City Manager presented a new ordinance regarding peddlers and solicitors for discussion purposes. After reviewing the proposed ordinance, the City Manager was instructed to work with the City Attorney to draft an ordinance for presentation at the next City Council Meeting.

There being no further business the meeting was adjourned.


CITY MANAGER


MAYOR

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

The City Council of the City of Marion met in a regularly scheduled meeting Tuesday, March 18, 1975 at 7:30 P.M. in the City Council Chamber at City Hall.

Board Members Present: Mayor James H. Segars, Councilmen W. R. Ledbetter, R. L. James, Oliver Cross, Everett Clark and Horace Wilkerson. Councilman Wilkerson arrived at 7:50 P.M.

Others Present: Earl Daniels, City Manager; Arthur Edwards, Fire Chief; Alvin Callahan, Building Inspector; E. P. Dameron, City Attorney; Don Dillingham, News Reporter; Woody Harton, City Planner.

Guests: Don Horn

Approval of the March 4, 1975 Minutes: Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the City Council unanimously voted to approve the minutes of the March 4, 1975 meeting.

Citizen Request - Arthur Jarrett: The City Manager informed the City Council that Mr. Arthur Jarrett who lives on Depot Street in the Clinchfield Community, called the City Hall regarding a sewer line block. City personnel were dispatched to clear the blockage. City personnel inspected all known manholes in the immediate area and could find no block. Mr. Jarrett was advised to call a plumber to check his plumbing system. In checking Mr. Jarrett's system, Condrey Plumbing, Heating and Air Conditioning Company found a manhole located above Mr. Jarrett's house. Mr. Jarrett instructed the plumbing concern to clear the line. Since the block was located on a sewer main, Mr. Jarrett is requesting that he be reimbursed the \$15.00 which he paid to Condrey Plumbing, Heating and Air Conditioning Company for cleaning the line.

Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to reimburse Mr. Arthur Jarrett in the amount of \$15.

Employee Request: The City Manager presented a letter from Mr. Dale Franklin requesting permission to locate a mobile home on City owned property across from the City's Water Filter Plant. After a long discussion, the City Council instructed the City Manager to prepare a policy regarding City employees' use of City property.

Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council unanimously voted to authorize the location of a mobile home as requested by Mr. Dale Franklin upon the condition that the City Manager establish the site for the mobile home and that Dale Franklin be advised that he will have to move the mobile home upon request of the City Council. The City will incur no expense in the location of the mobile home.

Citizen Request - Mrs. Arthur Ditt: The City Council was advised by the City Manager that drainage water from North Garden Street had undermined a cement driveway located at 219 North Garden Street and belonging to Mrs. Ditt. The City Manager stated that he had personally inspected the driveway and that water running from North Garden Street under the driveway had washed a deep hole under the paved area and that a large truck coming out of the driveway had caused the cement to break. He advised the City Council that Mrs. Ditt had requested the City to repair and replace that portion of the driveway damaged due to drainage water. The City Manager recommended that the City Council authorize approval of replacement of that portion of the driveway damaged.

Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the City Council unanimously voted to authorize the City Manager to repair the driveway.

Old West Henderson Street Closing - Public Hearing: The City Manager read a resolution of the Marion City Council relative to closing a portion of West Henderson Street. No one was present at the meeting regarding the closing of said street. The City Manager advised the City Council he had sent a letter to Otis L. Droyhill Furniture Company, signed, certified and receipt requested and that signs had been posted along the street to be closed as required by state law.

Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the City Council unanimously voted to adopt the following ordinance closing that portion of Old West Henderson Street located between the south side of the tracks of the Southern Railway Company and Lail Street. (See April 8, 1975 Ordinance - pg. 25)

Rezoning Request - East Court Street: The City Manager presented a request from the Marion Planning Board that the City Council rezone from general residential to general business all that property located on the south side of East Court Street between East Court Street and the Southern Railway Tracks from McDowell Avenue a distance of 300 feet in a westerly direction.

Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to rezone from general residential to general business that property located on the south side of East Court Street between East Court Street and the Southern Railway Tracks from McDowell Avenue a distance of 300 feet in a westerly direction as recommended by the Marion Planning Board.

Zoning - Cross Mill School Property: The City Manager informed the City Council that the Cross Mill School property recently annexed into the City Limits had not been assigned a zoning designation. He advised the Council that the Marion Planning Board recommends that the Cross Mill School property be zoned general residential both on the existing zoning map and also on the Comprehensive Land Development Plan.

Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to zone the Cross Mill School property as general residential on the official zoning map of the City of Marion and also to designate the Cross Mill School property as residential on the Comprehensive Land Development Plan.

Comprehensive Land Development Plan - Recommended Changes: The City Manager advised the City Council that the Marion Planning Board recommends that the Comprehensive Land Development Plan map be changed as follows:

- A. The below described property designated as Residential property be changed to Commercial property.

Beginning at the northeast corner of the intersection of Rutherfordton Road and Virginia Avenue, thence north, parallel with and adjacent to Virginia Avenue to the west margin of the right-of-way of Georgia Avenue, thence south 230 feet to the north margin of the right-of-way of Rutherfordton Road, thence west with the right-of-way of Rutherfordton Road to the point of beginning.

- B. The below described property designated as Residential property be changed to Industrial property:

1. All of that property on the Southern Railroad right-of-way on the south side of the railroad tracks from South Garden Street northeast to a point located 300 feet northeast of the eastern margin of McDowell Avenue.

2. Beginning at the intersection of the Southern Railroad right-of-way and the west margin of Clay Street, thence, southwest parallel and adjacent to said railroad right-of-way a distance of 307 feet thence, southeast parallel with Clay Street a distance of 336 feet; thence northeast a distance of 307 feet parallel with said railroad right-of-way to the west margin of Clay Street; thence northwest with Clay Street a distance of 336 feet to the point of beginning.

3. Beginning at the intersection of the Southern Railroad right-of-way and the eastern margin of Clay Street; thence northeast parallel and adjacent to said railroad right-of-way a distance of 300 feet; thence southeast parallel with Clay Street a distance of 336 feet; thence southwest a distance of 300 feet parallel with said railroad right-of-way to the eastern margin of Clay Street; thence northwest with Clay Street a distance of 336 feet to the point of beginning.

Upon a motion by Councilman Ledbetter, seconded by Councilman Wilkerson, the City Council unanimously voted to change the Comprehensive Land Development Plan as recommended by the Planning Board.

Ordinance - Peddlers and Solicitors: The City Manager advised the City Council that the City Attorney and the City Manager had not completed the work on the new proposed ordinance concerning peddlers and solicitors and respectfully requested that they be allowed to present the ordinance at the next City Council meeting.

201 Facilities Study: The City Manager informed the City Council that he had been advised by Sid Riddick, representing the engineering firm of O'Brien and Gere that the total cost for the 201 Facilities Study would not exceed \$30,000.00 and that the local share based on \$30,000.00 would be \$3,750. The City Manager also informed the City Council that the engineering firm did not presently have a copy of the proposed area to be included in the 201 Facilities Study but that the City Manager and Roy Davis of the N. C. Department of Water and Air Resources have established the area to be included in the study. The City Manager informed the City Council that the following steps need to be taken regarding the 201 Facilities Plan.

- A. Select the "Lead Agency"
- B. The "Lead Agency" select the consulting engineer
- C. Secure appropriate resolutions from the City Council and the McDowell County Board of Commissioners
- D. Have the consulting engineer prepare a plan of study to accompany the application
- E. Secure state and regional clearing house comments

The City Manager presented a resolution entitled "Resolution Concerning Agreement to Undertake Development of a Section 201 Facilities Plan".

Upon a motion by Councilman James, seconded by Councilman Ledbetter, the City Council unanimously voted to adopt the following resolution:

RESOLUTION CONCERNING AGREEMENT TO
UNDERTAKE DEVELOPMENT OF A SECTION 201 FACILITIES PLAN

WHEREAS, it is desired by the City of Marion to insure the provision of wastewater treatment services and facilities in a most effective manner; and

WHEREAS, the City of Marion recognizes the benefits which can accrue from the cooperative planning of such services and facilities; and

WHEREAS, for purposes of federal grant-in-aid assistance such planning is a prerequisite;

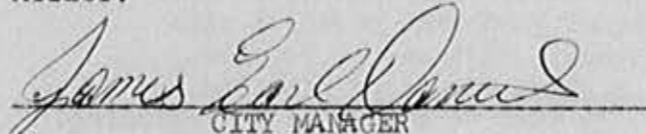
NOW, THEREFORE, BE IT RESOLVED THAT:

- (1) The City of Marion does hereby agree to cooperate and participate with McDowell County in the preparation of a "Section 201 Facilities Plan" as required by Public Law 92-500, and in conformity with Federal Regulations governing facility planning.
- (2) The City of Marion agrees to the designation of "Lead Agency" for making a grant application and for preparing the facility plan for the area, provided that such designation is not meant to presume or otherwise imply any particular role of the "Lead Agency" concerning the provision of sewer services or facilities since such determinations are to be agreed upon among the jurisdictions as a part of developing the plan.
- (3) The City of Marion Agrees to pay its pro-rata share of the cost of preparing such plan based on the share of its population residing within the "City of Marion 201 Planning Complex" as defined by the North Carolina Department of Natural and Economic Resources.
- (4) The Mayor of the City of Marion is hereby authorized to execute the joint agreement with McDowell County to carry out the provisions of this Resolution.

This the 18th day of March, 1975. R-75-3-18-1


MAYOR

ATTEST:


CITY MANAGER

Community Building Basement Ceiling: The City Manager advised the City Council that he had received two cost estimates for materials to install a drop ceiling in the Community Building basement which would allow use of the upstairs and downstairs portion of the Community Building at the same time. He informed the Council that Lowes Associates Store bid for materials on a suspended ceiling with 6" of insulation including grid work and tacks was \$2,338.75. The proposal from Builders Supply Company of Marion for the same materials was \$1,968.89. The Manager advised the Council that he proposed to purchase the materials for this work unless the Council had objections at this time. The City Manager was authorized to proceed with the purchase and installation of the suspended ceiling.

Railroad Street - Plantings: The City Manager informed the City Council that he had received a letter from Southern Railway System acknowledging receipt of a letter requesting permission to plant trees and/or shrubbery on the Southern Railway's right-of-way within the City of Marion between Railroad Street and the Southern Railway Tracks. He advised the City Council that he had received a call asking for a scale drawing showing the location of the shrubs. He informed the City Council that the drawings had been prepared and would be submitted this week.

Air Conditioning - Merchants' Offices: The City Council was advised that a request had been received from Mr. Dean Wall, President of the Merchants' Association, asking that they be allowed to install duct work from the new central air conditioning unit being installed in the City Hall to provide air conditioning for the Merchants' Association offices. The City Manager stated that he had discussed this matter with Condrey Plumbing, Heating, and Air Conditioning and had been advised that the air conditioner would be large enough to serve the additional spaces. He stated that Mr. Condrey had advised him that the additional cost for the necessary duct work would be approximately \$295. The Manager stated that Mr. Dean Wall had advised that the Merchants' Association would pay for any duct work.

Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to authorize the Merchants' Association to connect to the air conditioning unit provided they pay the necessary cost for duct work.

Additional Water Pumps - Buck Creek and Water Filter Plant: The City Manager informed the City Council that an appropriation had been made in the 1974-75 budget to purchase additional water pumps for the Buck Creek Station and also the Water Filter Plant. He advised the City Council that there were no standby pumps or motors at the Buck Creek Station and that the existing pumps and motors had been in operation for many years. He continued by stating that plans and specifications for the necessary pumps and motors had been acquired from O'Brien and Gere Engineering Firm and that the City would like to request bids for purchase of the necessary equipment. The City Manager stated that the existing pump at the Buck Creek Station operates at a capacity of 1.5 MGD and that the proposed new raw water pump could operate at 2.0 MGD. The new water pump would provide 100% standby and could also be used with one or more of the existing pumps to increase delivery rates to the City. Operating both the new and old pumps together would have to be carefully monitored since the operating pressures on the line are critical.

Upon a motion by Councilman Ledbetter, seconded by Councilman Wilkerson, the City Council unanimously voted to accept sealed bids for the purchase of additional water pumps.

Community Development Act: The City Manager presented a notice of a public hearing to be held jointly by the Board of Aldermen of the Town of Old Fort, City Council of the City of Marion and the Board of Commissioners of the County of McDowell to be held in the Community Building, Wednesday, March 26, 1975 at 7:30 P.M. He advised the Council that the purpose of the hearing would be to receive citizen input as to the priority needs of the Town of Old Fort, City of Marion, County of McDowell, to prepare an application for submission to the U. S. Department of Housing and Urban Development for Community Development Funds. He stated that representatives of the City Council had met with representatives of the County Commissioners and the Old Fort Aldermen to discuss the Community Development Act. He advised that at that meeting Mr. Paul Hughes and Mr. Harold Cannon of the Isothermal Planning and Development Commission discussed the Community Development Act. The City Council was advised that representatives of the different governing bodies had agreed to hold the necessary public hearings and to file an application for funds under the requirements of the Community Development Act. The governing bodies would have to hold two public hearings allowing citizens to appear and have input into the priority needs of the community. He informed the Council that it would be necessary for the City to address the Housing Element and show the need for additional adequate housing but that this did not mean the City would have to undertake construction of public housing.

The City Council was advised that information had been obtained from the Institute of Government regarding the legality of the joint application which would be filed on behalf of the Town of Old Fort, City of Marion and County of McDowell.

The City Manager stated that unless Council members had objections he proposed for the City to provide transportation for persons unable to provide their own to come to the public hearing. The City Manager was authorized to proceed with publishing the notice of public hearing.

Architect Proposal - City Garage: A letter from Mr. Kyle C. Boone, Architect, proposing to provide a master plan for development of the City Shop property was presented to Council. Under the terms of the plan, the City would be required to furnish an accurate plat of the City Shop property showing all existing buildings and utilities. Mr. Boone would prepare a master plan for the long range development of the property which would incorporate the needs and recommendations of key personnel. The master plan would be designed in phases which would attempt to utilize existing buildings where practical. A presentation would be made to the City Council by Mr. Boone describing the master plans and drawings giving cost estimates for these services.

A proposal was submitted on a basis of \$15.00 per hour with a maximum cost not to exceed \$500.

The City Council discussed this proposal at length. The City Manager was instructed to contact a representative of a prefabricated metal building firm to see if they would provide drawings and necessary information for the design of the garage and equipment storage facility.

Tax Notice: A tax notice from McDowell County Tax Office was presented to the City Council. The tax notice was for 1974 taxes due on the property the City of Marion bought from Mrs. Leon C. Moore. The total amount of taxes amounted to \$361.66. The City Manager informed the Council that this amount did not include the parking lot to the rear of the City Hall and that this property was exempt from the taxes, but since the City was leasing the service station on Main Street it was being used as a private and not a public use; therefore, the City would have to pay taxes on that portion of the property. The City Manager was authorized to pay the necessary taxes.

Fire Department Budget - Adjustment: The City Manager informed the City Council that he had made adjustments in the Fire Department Budget upon the request of the Fire Chief. He informed the Council that the following adjustments were made.

<u>Account No.</u>	<u>Department</u>	<u>Amount Requested</u>
10-530-15	Maintenance of buildings and grounds	\$ 150.00
10-530-33	Departmental supplies and materials	500.00
10-530-36	Uniforms and turn-out gear	350.00
10-530-57	Miscellaneous items	100.00
	TOTAL	\$1,100.00

Account Number 10-530-74 (Capital Outlay Request) was reduced by \$1,100.00 to supplement the above accounts.

Street Committee Report: The City Council was advised that the Street Committee had met with Mr. Al Neal of the N. C. Department of Transportation and Safety for a tour of the State maintained streets within the City limits.

The Street Committee discussed needed improvements at the intersection of West Court Street and Carson Street; the intersection of Carson Street and Blue Ridge Street and the intersection of Academy Street and West Court Street. The Street Committee was advised by Mr. Neal that the Department of Transportation and Safety had no funds for making improvements at this time.

The Council was advised that Mr. Neal had informed the Street Committee that bids had been accepted for the resurfacing of State Street and work should be started in the very near future.

The City Manager was directed by the City Council to contact Mr. Neal and request permission for the City to undertake construction to change the radius at the intersection of West Court Street and Academy Street.

City Manager's Report - Community Building Grounds: The City Council was advised that Recreation Director, Tom Alexander and the City Manager had inspected the grounds at the Community Building and that it was proposed to increase the cement slab used for the basketball court and provide an additional goal. Also, the installation of two horse shoe pitching areas; new chains would be installed on the swings, and all the equipment would be repainted; new boards would be placed on the existing benches and gravel and/or wood chips and sand would be installed in areas under the swings which hold water.

Australian Team - Rotary Club Breakfast: The City Council was advised that the City and County Officials had been requested to meet for a breakfast with the Australian Team visiting the area. Breakfast would be held on April 8, 1975 at 8:00 A.M. The City Manager stated that the breakfast probably would be held at the Lake Tahoe Steak House.

Mackey Creek Watershed Area - U. S. Forestry Service Timbering Operations: The City Council was advised that a public hearing would be held on April 22, 1975 at 7:30 P.M. at the East McDowell Junior High School on State Street regarding proposed timbering operations which would include the Mackey Creek watershed area.

The City Manager advised the Council that this might have some affect on the City of Marion. If timber cutting operations caused any infiltration into the watershed area, the Health Department would not allow the City to continue use of the Mackey Creek watershed.

Financial Report: The City Manager presented the following financial report of City funds at the close of business March 18, 1975:

General Fund	\$ 336,287.45
Water/Sewer Fund	126,077.54
Revenue Sharing Trust Fund	67,243.33
TOTAL ALL FUNDS	\$ 529,608.32

First Federal Savings and Loan Association: The City Manager informed the City Council that the First Federal Savings and Loan Association was paying 7.5% interest on deposits. He stated that cities were now authorized to deposit up to \$100,000 maximum in federally insured savings and loan associations.

The Council was advised that local banks were paying from 4.5% to 5% interest on certificate of deposits.

The City Council agreed that the City should get the best return on their money.

The City Manager stated he would investigate the feasibility of depositing funds in the First Federal Savings and Loan Association and balancing as close as possible, funds in both banks located in the City limits.

There being no further business the meeting was adjourned.

James Earl Daniels
City Manager
STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

James H. Segars
Mayor

The City Council of the City of Marion met in a regularly scheduled meeting Tuesday, April 8, 1975 at 7:30 P.M. in the City Council Chamber at City Hall.

Board Members Present: Mayor James H. Segars, Councilmen W. R. Ledbetter, R. L. James, Oliver Cross, Everette Clark and Horace Wilkerson

Others Present: Earl Daniels, City Manager; E. P. Dameron, City Attorney; and Ann Vess, News Reporter.

Guests: Mr. and Mrs. Ray Revis and Mr. Floyd Allison

Approval of March 28, 1975 Minutes: Upon a motion by Councilman Wilkerson, seconded by Councilman Ledbetter, the City Council unanimously voted to approve the minutes of the March 28, 1975 meeting.

McDowell County Firemen's Association - Request for Two Free Water Taps - Training Grounds: The City Manager presented a letter from Larry Hogan, President of the McDowell County Firemen's Association asking that the City Council have installed at the Firemen's Association Training Ground site near the Marion Filter Plant, two water taps. One water tap to enable filling of a 10,000 gallon tank to be used for service testing fire apparatus of the City and County fire departments and in fighting practice fires during training periods. The second water tap would be to supply water to a shower house to be constructed on the site and to supply drinking water.

Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to provide the two water taps at no charge to the McDowell County Firemen's Association.

Ordinance Permanently Closing a Portion of Old West Henderson Street: The City Manager presented the following ordinance entitled "An Ordinance Permanently Closing a Portion of West Henderson Street."

AN ORDINANCE PERMANENTLY CLOSING A PORTION OF WEST HENDERSON STREET

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

SECTION I. THAT, WHEREAS the City Council of Marion, North Carolina at its regular meeting held on February 18, 1975, adopted a Resolution declaring its intent to permanently close that portion of West Henderson Street hereinafter described and calling for a public hearing on said question; and

WHEREAS, said Resolution was published and posted, and copies thereof were sent by registered mail to all owners of property adjoining that portion of said street which was described in said Resolution, as required by the provisions of General Statutes, Section 160A-299, and

WHEREAS, a public hearing was duly held in the Council Chamber on March 18, 1975 at which no individual appeared to express opposition to the closing of that portion of West Henderson Street hereinafter described, and

WHEREAS, it appears to the satisfaction of the City Council, after said hearing, that closing said portion of West Henderson Street is not contrary to the public interest, and that no individual owning property in the vicinity thereof would thereby be deprived of a reasonable means of ingress and egress to and from his property.

SECTION II. IT IS, THEREFORE, ORDERED that that portion of West Henderson Street, as it existed prior to its present location, which lies between the following points: BEGINNING immediately South of the tracks of Southern Railway Company and running Southwardly to its intersection with Lail Street.

BE, AND IT IS HEREBY, permanently closed; provided, however, that the City of Marion reserves the permanent right and easement to maintain, repair and replace all water and sewer lines of the City of Marion which are now located upon or under, or which pass through or over, said portion of said street.

SECTION III. IT IS FURTHER ORDERED that a certified copy of this Ordinance and Order shall be filed in the Office of the Register of Deeds for McDowell County, North Carolina, as required by the provisions of GS 160A-299.

SECTION IV. This Ordinance and Order shall be in force and effect from and after the date of its adoption.

Adopted April 22, 1975. O-75-4-22-1

Ordinance - Peddlers and Solicitors: The City Manager informed the City Council that City Attorney, E. P. Dameron and the City Manager had worked on a proposed ordinance concerning peddlers and solicitors but that numerous problems were encountered in that the ordinance was very difficult to write. He advised the Council that a sample ordinance has been requested from the League of Municipalities to be used in drafting a new ordinance for the City.

201 Facilities Planning Study: The City Manager presented a proposal for engineering services for a 201 Facilities Planning Study for the greater Marion area submitted by O'Brien and Gere Engineers. The City Manager informed the City Council that the McDowell County Commissioners had adopted a resolution designating the City of Marion as "Lead Agency" for a 201 Facilities Study contingent upon proposals for providing the Study being accepted from several engineering firms.

The City Manager was instructed to notify the engineering firm of O'Brien and Gere regarding action taken by the McDowell County Commissioners and to work with the County Manager in requesting proposals from several consultants.

Sewer Line Easements - Clinchfield Community: Mr. and Mrs. Ray Revis and Mr. Floyd Allison were present to discuss with the City Council, certain conditions included in a deed made the 30th day of September, 1961 by Clinchfield Manufacturing Company and Burlington Industries, Inc.

A main sewer line running from the Clinchfield Community to the Clinchfield Waste Treatment Plant crosses several lots belonging to Mr. and Mrs. Revis. They contend that a portion of the aforementioned deed provides that such persons owning lots across which the sewer line passes are entitled to free connections and free sewer service.

City Attorney E. P. Dameron stated that in his opinion that portion of the instrument provides that those persons owning lots of land on either side of the aforementioned sewer line would have the right and privilege, at their own expense, to connect to the line for domestic use only, but that he did not see any provisions concerning free sewer service.

The City Manager read a letter from Mr. John B. Cauthen, Manager, Greige Fabric Division, Burlington Greige Fabric Company, a Division of Burlington Industries, stating the same interpretation as City Attorney, E. P. Dameron.

After a long discussion Mayor Segars advised Mr. and Mrs. Revis and Mr. Allison that he would try to meet with Mrs. Carolina Yancey Tighe and Mr. Glenn Morris regarding the problem. Mr. and Mrs. Revis asked that the City not send anymore bills for sewerage service until the matter is settled. Mayor Segars stated the City would have to continue sending the bills for sewerage service.

Waste Treatment Plant Project Revised Cost Estimates: The City Manager presented the following revised grant data - cost estimates for EPA project C370354 as submitted by the engineering firm of O'Brien and Gere.

I. Project Cost Estimate Summary

	Estimated Total Project Cost	Estimated Cost Eligible for Grant Participation
A. Construction		
Corpening Creek		
Treatment Facility	\$3,795,000	\$3,795,000
Corpening Creek Outfall	1,077,000	1,077,000
Garden Creek Outfall,		
Pump Station, & Force Main	834,000	834,000
Sub-total	\$5,706,000	\$5,706,000
B. Technical Services	745,000	745,000
C. Legal and Fiscal	56,000	56,000
D. Administrative	56,000	56,000
E. Contingency	569,000	569,000
Total	\$7,132,000	\$7,132,000

II. Project Funding	Estimated Total Project Cost	Estimated Cost Eligible for Grant Participation
A. Federal Grants in Aid		\$5,349,000
B. State Grants in Aid		891,500
Sub-total		\$6,240,500
C. Local Share (G. O. Bonds)		891,500
Total		\$7,132,000

The City Council was advised that the North Carolina Division of Environmental Management have requested updated cost estimates on the City's proposed waste water project.

Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the City Council unanimously voted to accept the cost estimates as submitted by O'Brien and Gere Engineering Firm and directed the City Manager to submit this information to the Division of Environmental Management, North Carolina Department of Natural and Economic Resources, requesting that the previous grant application be amended by increasing the EPA Grant Request to \$5,349,000 and the State Clean Water Bond Request to \$891,500.

Amendment to Agreements for Engineering Services: The following amendment to agreements for engineering services was presented by the City Manager.

AMENDMENT TO
AGREEMENTS FOR ENGINEERING SERVICES
BETWEEN
THE CITY OF MARION, NORTH CAROLINA
AND O'BRIEN & GERE, INC/ENGINEERS
CHARLOTTE, NORTH CAROLINA

This Amendment relating to "Access to Records" shall be a part of all Engineering Contracts between the above parties where required by the U. S. Environmental Protection Agency. By execution of this Amendment these Agreements shall be deemed to have inserted:

"Representatives of EPA and the North Carolina State Division of Environmental Management will have access to the work whenever it is in preparation of progress. The Environmental Protection Agency Regional Administrator, the Comptroller General of the United States, or any authorized representative shall have access to any books, documents, papers, and records which are pertinent to the Project for the purpose of making audit, examination, excerpts, and transcriptions thereof."

City of Marion

BY _____ Date _____

O'Brien & Gere, Inc/Engineers

BY _____ Date _____
President

Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to approve the amendment and authorize Mayor James H. Segars to execute same.

Marion Thoroughfare Plan - Proposed Re-evaluation: The City Manager presented a letter from Marion R. Poole Thoroughfare Planning Engineer, Planning and Research Branch, Department of Transportation and Highway Safety inquiring as to whether the City of Marion would be interested in an update study of the Marion Thoroughfare Plan. The existing Marion Thoroughfare Plan is based on 1962 data. The estimated cost for a re-evaluation study of this type is \$19,600. The City's estimated cost would be \$2,200. No action being taken by the City Council, the proposal was tabled.

Ordinance - No Parking Zone: The City Manager presented a letter from Chief of Police, John Beck, requesting that a no parking zone be established between the First Union Drive-in Bank exit and the entrance to Belk's parking lot on Logan Street.

Upon a motion by Councilman Wilkerson, seconded by Councilman Clark, the City Council unanimously voted to establish a no parking at anytime zone on the east side of Logan Street from the intersection of Logan and West Courts Street in a southern direction for a distance of 199 feet.

Board of Transportation Highway Improvement Program Public Meetings: The City Manager informed the City Council that the Board of Transportation again this year will hold public meetings to gain insight through local government in citizen participation in the highway improvement program. The meeting to be held in the western part of North Carolina will be held on Friday, April 25, 1975 at 2:00 P. M. in the auditorium of the main library at 666 West 5th Street, Winston-Salem, North Carolina.

Improvement of Intersections - Department Transportation and Highway Safety: The City Council was advised that the City Manager had been notified by A. L. Neal, District Engineer, that no funds are available at this time to finance any such improvements. He continued by stating, however, that the Department of Transportation and Highway Safety would be able to assist the City with the engineering on the improvements.

Revenue Sharing Information - Census: The City Manager presented a letter from the Office of the Secretary of the Treasury. They have acknowledged receipt of an inquiry concerning the data to be used in calculating revenue sharing allocations for entitlement period VI for the City of Marion. The City Manager informed the City Council that he had questioned the population figures on which the funds are being based. The letter stated that the Bureau of Census would be asked to substantiate or correct all data questioned.

Traffic Problem - Intersection of Logan and West Court Streets: Councilman Wilkerson stated that a problem was created on Thursday and Friday evenings by persons trying to enter South Logan Street from the drive-in window at First Union National Bank. He suggested that police officers might be assigned to check that area on Thursday and Friday evenings to see if they can help resolve the traffic congestion problem.

Cars on Sidewalks: Mr. Wilkerson advised the Council that cars are being parked on the sidewalks on the southeast corner of the intersection of Robert and Fleming Streets. Councilman Clark made a similar statement regarding a car being parked on the sidewalk on Robert Street at the second house on the left entering from Park Avenue. The City Manager advised he would have the police department look into these matters.

Sidewalk Construction: Councilman Clark suggested that a survey be made of all sidewalks in the City limits and that a priority list be made for repair, replacement and new construction of sidewalks. The City Manager advised that a map had already been made concerning the condition of sidewalks in the City and he would be in touch with the Street Committee concerning the setting of a priority list. Mr. Clark suggested that the Street Superintendent look at the sidewalks on Park Avenue, near the new Cordell Apartments. He advised that these sidewalks needed immediate attention.

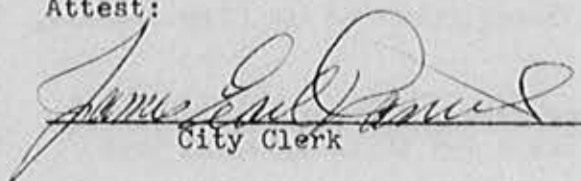
Waterline Construction: A long discussion was held by the City Council regarding their dissatisfaction with the progress being made on the installation of water lines. Councilman Ledbetter asked the City Manager if both City backholes were in constant use. The City Manager advised that they were experiencing some problems with weather and also with personnel. He advised the City Council he had directed the Water and Sewer Department Superintendent to secure the number of personnel necessary to install the water lines so a construction crew could be working continually when weather would permit. He advised that this had not been done. The City Manager advised the City Council that on Monday, April 7, twelve employees that work outside, were absent from work. Of this number, four were public service employees. He stated that on Tuesday April 6, nine outside employees were absent from work. Three of these were public service employees.

The City Manager was directed by the City Council to provide a waterline construction crew whose job would be installation of water lines only and that this group be allowed to start construction of waterlines and not be pulled and used for other matters, except in extreme emergencies.

The City Manager was also instructed to start a sidewalk construction crew to repair and construct sidewalks. The City Manager was advised by the City Council that any necessary budget amendments would be authorized by the City Council to provide the necessary funds for this work to be undertaken, but that the work needed to be done while the weather would permit.

There being no further business the meeting was adjourned.

Attest:


City Clerk


MAYOR

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

The City Council of the City of Marion met in a regularly scheduled meeting, Tuesday, April 22, 1975 at 7:30 P. M. in the Marion Fire-Police Training Center.

Board Members Present: Mayor James H. Segars, Councilmen W. R. Ledbetter, R. L. James, Oliver Cross, Everette Clark and Horace Wilkerson.

Others Present: Earl Daniels, City Manager, E. P. Dameron, City Attorney; Ann Vess, News Reporter; and Boyce L. Harvey, District Conservationist, U. S. Department of Agriculture, Soil Conservation Service.

Guests: Mr. and Mrs. Robert Ayers, 210 Glenview Street; Mr. and Mrs. Carroll Toney, 200 Glenview Street; Mr. and Mrs. Earl Fitch, 206 Glenview Street; R. A. Gourley, 115 Broad Street; Mr. and Mrs. James K. Wilkerson, 105 Broad Street; Ned L. Comerford, 211 Broad Street; J. M. Neal, 102 Glenview Street; Harold D. Randolph, 203 Glenview Street; Mr. H. W. Stauffer, 207 Broad Street; Mrs. R. M. Dark, Sr., 205 Broad Street; Mrs. Doris Hill, Executrix, P. O. Box 310, Marion; Wade H. Boyd, 209 Broad Street.

Approval of April 8, 1975 Minutes: Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the City Council unanimously voted to approve the minutes of the April 8, 1975 meeting.

Young's Fork of North Muddy Creek - Soil Erosion Problem: Mayor James H. Segars explained to all persons attending the meeting in reference to soil erosion problems along Young's Fork of North Muddy Creek that the City of Marion had requested the Soil Conservation Service to conduct a survey along Young's Fork of North Muddy Creek to determine the cause of the soil erosion problems and to make recommendations on correcting the problems.

Mayor Segars introduced Boyce L. Harvey, District Conservationist. Mr. Harvey presented a slide presentation showing pictures of some of the problems along Young's Fork of North Muddy Creek. He informed the citizens that excessive run-off from the surrounding urban area had increased the amount of water flowing in Young's Fork of North Muddy Creek. The increased flow is causing flooding during heavy rains and is also causing extreme bank erosion.

Mr. Harvey presented the following suggested solutions in a report to the City Council. The report in part reads as follows:

The amount of water that can be carried in the existing channel is less than the amount that flows into the channel during storms. The channel capacity has been decreased due to the development along each side of the stream. The tendency to fill in along the stream channel has created a serious problem. In addition, the flow of water is being blocked in several places by debris which is located within the channel. The correction of this problem will involve the cooperation and assistance of all land owners that adjoin the stream. The following list of suggestions can be followed as means to correct the problem.

1. Clean all debris from the channel. This would involve removing all trash, plants, etc. that are interfering with the flow of water during storms.
2. Remove all trees and shrubs along the stream channel to allow more light into the area, then seed the stream banks to a suitable vegetation to protect the stream banks from erosion.
3. Excavate a new stream channel. This would involve widening the existing channel and also deepening the channel on the upper end. There is the possibility this action would require an environmental impact statement.

Following this presentation, Mr. Harvey advised the citizens attending the meeting that he would be happy to answer any questions. Several questions were raised regarding whose responsibility it would be to correct the soil erosion problem. A number of citizens attending the meeting were concerned about pollution of the stream. Mr. Wade Boyd advised the Council that he was a chemist and had tested the water from the branch and had found everything from varnish to dyes in the water. Mayor Segars informed the group that the City of Marion would immediately investigate the pollution problem and this problem would be corrected. He thanked Mr. Boyce L. Harvey for conducting the survey and making a presentation of their findings and recommendations on how to correct the problem.

Mayor Segars stated that the City would contact Federal and State Agencies to find out if any type of funding is available to assist in the cost of correcting the problem. He stated that following this investigation and a discussion by the City Council regarding what course of action to take that another public meeting would be called so the Council may present their recommendations to the citizens as to what course of action to follow.

Mayor Segars stated that 100% cooperation of property owners along the branch would be necessary in order to correct the problem.

Ordinance - Peddlers and Solicitors: An ordinance providing for the regulation of peddlers, solicitors and vendors doing business in the City of Marion, North Carolina was presented by the City Manager. The City Manager reviewed the ordinance with the City Council. Several suggested changes were made in the ordinance.

Upon a motion by Councilman Cross, seconded by Councilman Ledbetter, the City Council unanimously voted to approve the ordinance as amended with an effective date of July 1, 1975.

AN ORDINANCE PROVIDING FOR THE REGULATION OF PEDDLERS, SOLICITORS AND VENDERS DOING BUSINESS IN THE CITY OF MARION, NORTH CAROLINA

BE IT ORDAINED by the City Council of the City of Marion, North Carolina.

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

(a) Peddler - Any person who transports goods from place to place and sells or offers for sale such goods, or who, without traveling from place to place, sells or offers for sale any good from any vehicle or device; provided, that any person who separates the acts of sale and delivery for the purposing of evading the provisions of this ordinance shall be deemed a peddler.

(b) Solicitor - Any person, not a resident of McDowell County who travels from place to place taking or offering to take orders for the sale of goods for future delivery or for personal services to be performed in the future, whether or not samples are displayed or money is collected in advance, and any person who uses or occupies any building or premises for the sole purpose of taking or offering to take orders for sale of goods for future delivery or for personal services to be performed in the future, whether or not samples are displayed or money is collected in advance.

This section should not apply to representatives of wholesale houses regularly calling on retail merchants.

(c) Transient Vendor - Any person who engages in a temporary business of selling and delivering goods and who, for this purpose, uses or occupies any building or premises; provided, that no person shall be relieved from complying with the provisions of this section merely by conducting a transient business in association with any permanently established merchant.

Section 2. PERMIT REQUIRED. In order to protect the public health, safety and welfare, it shall be unlawful for a peddler, solicitor, or transient vendor, as defined by Section 1 of this ordinance, to engage in such business within the City of Marion without first obtaining a permit therefor in compliance with the provisions of this ordinance.

Section 3. PERMIT APPLICATION. Each and every person doing business in the City of Marion as a peddler, solicitor or transient vendor shall file with the City Clerk, on a form to be provided for this purpose an application for a permit, which shall contain the following information:

- (a) Name and address of individual filing application;
- (b) Name and address of principal or employer if applicant is an agent or employee;
- (c) Credentials showing relationship of agent or employee;
- (d) Description of applicant including height, weight, sex, age, color and distinguishing characteristics, if any;
- (e) The goods to be sold or offered for sale, or the type of services to be rendered;
- (f) The period of time during which the business will be carried on in the City of Marion;
- (g) Description of automobile or other vehicle to be used in the business, including the make, model, body style, color and license number;
- (h) Whether or not the applicant, his principal or employer, or any other person having management or supervision of the applicant's business has been convicted of a crime, the nature of the offense, and the punishment assessed therefor; and
- (i) Such other information as to the identity of the applicant or the nature of his business as the City Clerk may deem proper to protect the public health, safety and welfare.

Section 4. ISSUANCE OF PERMIT. Upon receipt of an application, the City Clerk shall cause to be made such investigation of the applicant's moral character and business responsibility as is necessary to protect the public health, safety and welfare. If, as a result of this investigation, the character and responsibility of the applicant appear to be unsatisfactory, the application shall be denied. If, as a result of this investigation, the character and responsibility of the applicant appear to be satisfactory, the City Clerk shall issue a permit, providing that the applicant complies with Section 5 and 7 of this ordinance.

Section 5. BADGE: The City Clerk shall, in addition to the license issued under Section 4, issue to each successful applicant a badge which shall be substantially in the following form:

19__ City of Marion, North Carolina No. ____

SOLICITOR'S BADGE

____ (name) _____ has registered with the City Clerk

as required by Ordinance.

____ (date) _____

City Clerk

During the time the applicant is engaged in the business of a peddler, solicitor, or transient vendor, this badge shall be worn on the front of his outer garment in such manner as to be conspicuous.

Section 6. PERMIT FEE AND PRIVILEGE LICENSE TAX. The City Clerk shall charge and collect a fee of \$5.00 in order to recover the administrative costs of processing each application for a permit. In addition to the permit fee, the City Clerk shall also collect the annual privilege license tax from each successful applicant before issuing a permit to such applicant.

Section 7. No person, whether he/she possesses a permit or not, shall peddle any merchandise upon the following streets or the sidewalks abutting such streets:

Main Street from Crawford Street to Logan Street;
Court Street, from Academy Street to Madison Street;
State Street, from Main Street to Garden Street;
Railroad Street, from Main Street to Willow Street; and
Henderson Street, from Garden Street to Burgin Street

Section 8. The provisions of this ordinance shall not apply to persons domiciled in McDowell County, North Carolina, while engaged in selling farm or dairy products produced by such persons, or members of their immediate families, nor to the sale of newspapers published in the City of Marion.

Nothing contained in this ordinance shall prohibit the sale of articles of merchandise or the solicitation of funds by residents of McDowell County, North Carolina, in behalf of civic, religious or charitable organizations based in said county, or the public schools, for purely religious, educational or charitable purposes.

Section 9. PENALTY. Any person violating the provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction, subject to a fine not exceeding fifty dollars (\$50.00) or imprisonment not exceeding thirty (30) days.

Section 10. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its adoption.

0-75-4-22-1 - Adopted this _____ day of _____, 1975

Mayor

ATTEST:

CLERK

APPROVED AS TO FORM:

ATTORNEY

Tax Lein Sale: The City Manager recommended to the City Council that the tax lein sale be held on June 9, 1975 and that advertisements be placed in the paper starting on Monday, May 12, 1975.

Upon a motion by Councilman Wilkerson, seconded by Councilman Ledbetter, the City Council unanimously voted to authorize the City Manager to begin advertisements on Monday, May 12, 1975 for the tax lein sale to be held on June 9, 1975.

Tax Prepayment Schedule: The City Manager advised the City Council that a tax prepayment discount schedule was adopted in 1972 and included all subsequent years providing for a 2% discount for taxes paid in June; 1½% discount for taxes paid in July; and 1% discount for taxes paid in August. He advised that if the City Council wished to change this schedule it would be necessary for the City to obtain approval of any change in the tax discount schedule from the State Board of Assessment.

After a short discussion, the City Council decided to continue with the same tax discount schedule adopted in 1972.

Board of Adjustment - Expiration of Terms of Office: The City Manager informed the City Council the terms of two members of the Board of Adjustment would expire as of May 1, 1975. The members whose terms will expire are Steve Woody and Alex Turner. The City Manager was asked to contact both of these members and ask if they would be willing to serve additional terms of three years each.

Railroad Street Parking Lot: The City Council was advised that the parking lot on Railroad Street had been graveled and the Parking Commission has agreed to pay for the cost of installing gravel on the lot; said cost being \$1,000.

Park Avenue - Sidewalk: The City Manager informed the City Council the Street Department was replacing the sidewalk on Park Avenue in the vicinity of the Cordell Apartments.

Waterline Extension - Baldwin Avenue: The City Manager informed the City Council the water connection had been made on Matilda Avenue for the extension of the 12" water main along Baldwin Avenue to the intersection of Perry Street. He stated that pending good weather and no problems, the installing of the water line should be completed by May 9, 1975.

Water Rate Study: The City Council was advised that all of the information requested by the Engineering Firm of O'Brien and Gere regarding the water/sewer rate study had been completed and mailed.

201 Facilities Study: The City Manager stated the Isothermal Planning and Development Commission was accepting proposals for the Marion Area 201 Facilities Study. (He advised the Council these proposals for the Marion Area 201 Facilities Study.) He advised the Council these proposals would be presented to the City at their first meeting in May.

Community Development Public Hearing: Mayor Segars reported on the public hearing held in the basement of the County Court House on the Community Development Plan. He advised the Council that most members attending the meeting were in favor of submitting the applications in accordance with the recommendations of the Citizens' Advisory Committee.

Academy and Court Streets - Intersection Modification: Plans were presented to the Marion City Council for modifications to the northwest corner of the intersection of Academy and Court Streets. These plans were prepared by the Department of Transportation and Highway Safety. The City Manager informed the Council that he had submitted copies of these plans to the County Manager and the Clerk of Old Fort and the Recreation Commission for their approval so construction can begin as soon as possible.

Fire Department Monitors: The City Manager advised the City Council that the Fire Department was interested in purchasing thirty six monitors and eliminating the emergency telephone system. He advised the Council that the emergency phones used by the firemen are costing the City of Marion \$75.50 per month and that purchasing monitors which could be carried by each fireman would eliminate this monthly cost. He informed the Council that upon receiving a fire call the fire dispatcher would press a button which would energize the portable monitors carried by the firemen and the dispatcher could give the location of the fire. The monitors would make no noise until keyed by the fire dispatcher. The City Manager was directed to gather information on these monitors in our area and to make a report back to the Council following that investigation with recommendations concerning the need and the cost of the units.

Tennis Courts - Junior High School Property, State Street: The City Manager stated he had talked with School Superintendent, James Johnson regarding the City removing the wall and grading the property at the East McDowell Junior High School on State Street providing school officials would have the tennis courts enlarged and resurfaced. He informed the Council that Mr. Johnson was very much in favor of the proposal but stated that no funds were presently available in the school budget to cover the cost of enlargement and surfacing of the tennis courts.

Forestry Service - Public Hearing: The City Council was advised that a public hearing was being held on the Draft Environmental Statement covering proposed management actions to take place in the next ten year period within the North Fork Catawba River and Buck Creek Units of the Pisgah National Forest. He advised the Council that this hearing was being held the same time as the present meeting and since no one will be able to appear from the City that written comments could be mailed and postmarked no later than May 5, 1975, regarding the proposed Draft Environmental Impact Statement. The City Manager advised the Council that one of the proposals would be timbering activities in the Mackey Creek and Clear Creek watershed areas. He stated that he had been advised by officials of the N. C. State Health Department that any infiltration into the water intakes would result in the City not being allowed to use the water for municipal purposes until the problem could be corrected.

The City Manager suggested that a letter be sent to the National Forest Service in Asheville, advising them that the City of Marion has no objections to the proposed timbering activities in the Mackey Creek and Clear Creek watershed areas providing such timbering did not result in infiltration into the water systems which would eliminate the use of Mackey Creek and Clear Creek as a water source for the City of Marion. He stated this would be detrimental to the public's health, safety and welfare.

The City Manager was directed to work with Mayor Segars in preparing a letter for submission in accordance with the Manager's recommendations.

Junior High School Property: The City Manager was directed to have City employees cut the grass at the junior high school property. In addition, the City Manager was directed to use public service employees in clearing the vines from the fence on the junior high school property.

There being no further business, the meeting was adjourned.

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

Attest:

Mayor

City Clerk

The City Council of the City of Marion met in a regularly scheduled meeting Tuesday, May 6, 1975 at 7:30 P.M. in the City Council Chamber at City Hall.

Board Members Present: Councilmen Oliver Cross, Robert James, Everette Clark and Horace Wilkerson. Mayor James Segars arrived at approximately 9:25 P.M.

Others Present: Earl Daniels, City Manager; E. P. Dameron, City Attorney; and Ann Vess, News Reporter.

Guests: Mr. Karl Brown and Mr. David Blanton

Approval of April 22, 1975 Minutes: Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to approve the minutes of the April 22, 1975 meeting.

Citizen Petition - Karl Brown: Mr. Karl Brown appeared before the City Council and stated that the water service to his residence was disconnected for nonpayment when in fact the water bills had been paid. He stated that he was out of town on business when he was advised by his wife that the water service to his residence had been turned off for nonpayment. He stated that he immediately returned home to check into the matter. The Council was advised that he had a receipt showing the bill had been paid, and that he could not understand how the City could operate without keeping adequate records. He informed the City Council that his wife had come by the City Hall and made a second payment on the water bill since she did not have the receipt for the earlier payment and that she paid a \$7.50 reconnect fee. He also complained about City employees not being polite toward his wife. He indicated that the water service being turned off may have damaged his heating system. The City Manager advised the Council that the new office employee had collected the bill without removing the card from the files and therefore there was no way to know the bill had been paid. He stated that the water service was disconnected for nonpayment in error and that he had personally apologized to Mr. Brown for the error and explained what had happened. The Council was advised that the City Manager had refunded Mr. Brown's overpayment, including the \$7.50 reconnect fee. The City Manager stated that he had sent a letter to Mr. and Mrs. Brown asking their forgiveness for the error and apologizing. Mr. Brown also complained that he had not received a garbage or trash pick up from the City in approximately three years and that he was experiencing a drainage problem behind his place of business where the City sewer line was installed several years ago. He advised the Council that he felt he received little, if any, service from the City for the taxes he pays.

Councilman Cross advised Mr. Brown that he felt there was little else we could do except to apologize for the error and ask that a statement be presented to Council for any repairs necessary to the heating system which was caused by the water being turned off. He also advised Mr. Brown that the City Manager and Public Works Director would review the garbage pickup problem and see what could be worked out. He stated that the Street Committee would check on the drainage problem to see what could be done to correct the problem.

Parking Lot Leases - David Blanton: Mr. Blanton appeared before the City Council concerning a new lease for the three parking lots being leased under an agreement which would expire on May 19, 1975. Mr. Blanton explained to the Council that the three parking lots contained 95 to 100 parking spaces. He stated that the three lots were leased to the City in 1965 for \$100. He advised the Council that in 1970 a new lease was drawn establishing a price of \$150 per month for the three lots. He proposed to lease the three lots to the City for \$200 per month and asked that the City make a \$25 per month payment to him while a construction crew is using the lot on Garden Street and the City is receiving \$90 per month for a sub-lease. He stated that when the contractor's lease expires and the City stops receiving the lease payment that the \$25 per month lease payment to him could stop at the same time, leaving a payment of \$200 per month for the three lots. The term for the lease would be five years. Mr. Blanton asked that he be allowed to sell any lot at anytime during this period of time contingent upon the City being reimbursed on a percentage bases for any repairs or improvements to the lot after the date of execution of the lease agreement.

Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to lease the three parking lots under the conditions as proposed by Mr. Blanton.

201 Facilities Study: The City Manager informed the City Council that the County Commissioners had requested a joint meeting with the Council for lunch on Monday, May 12, 1975 to review the 201 Facilities Study Proposals and to select an engineering firm to undertake the study. The City Council agreed to meet with the County Commissioners at 12:00 Noon on Monday, May 12, 1975 at the Lemon Tree Inn.

Board of Adjustment Appointment of Members: Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the City Council unanimously voted to appoint Steve Woody and Alex Turner as members of the Marion Board of Adjustment for terms of three years each beginning May 1, 1975.

Sale of Surplus Equipment: The City Manager advised the City Council that four window air conditioners had been removed from the City Hall when the new central air conditioning system had been installed. He asked that these air conditioners be declared surplus and that he be allowed to sell the air conditioners at sealed bids.

Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council unanimously voted to declare the air conditioners as surplus and authorized the City Manager to sell same at sealed bids.

Revenue Sharing - Planned Use Report: The City Council was advised that General Revenue Sharing Planned Use Report for Entitlement Period Six had been received. The City Manager stated that the City can anticipate receiving \$94,306 for the Sixth Entitlement Period which is that period of time from July 1, 1975 through June 30, 1976. He informed the Council that the report must be completed and returned to the Office of Revenue Sharing no later than June 24, 1975. He stated that past reports for planned use of revenue sharing funds had been based on executive proposals. The City Manager suggested that an article be placed in the paper advising City citizens of the amount to be received and asking for input as to needed improvements of City services. The City Council agreed to authorize the City Manager to place an article in the paper whereby the citizens could grade the City services and advise which services are in need of improvement and that this information could be used in determining how to spend the Revenue Sharing Funds for Entitlement Period Six.

Surveying Charges - Waste Water Facilities: The City Manager informed the City Council that he had received a letter from O'Brien and Gere asking that the City pay invoice no. 224 from Mallonee Surveying Inc. for work accomplished for the proposed sewers to serve service area number one. He advised the Council that the engineering firm had reviewed the invoice and that they concur the charges for the \$842.50 are in accordance with the work accomplished. Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to approve payment of a bill in the amount of \$842.50 and advised the City Manager to document payment of the bill so that it could be included under project cost.

Pinecrest Estates - Proposed Water Line Extension: The City Manager presented a letter from Mr. John Gilkey requesting permission to add 280 feet of a 2" water line to serve six lots in the Pinecrest Estates Development. Mr. Gilkey proposed to connect to the end of a 6" water main located in front of lot 17 and continue a distance of 280 feet with a 2" water line. The City Manager advised the City Council that Mr. Gilkey had stated that a cul-de-sac would be installed at the end of the road. A letter dated August 25, 1975 from City Manager, Victor Denton, was presented. The letter states in part: "In regard to smaller lines, we will permit the installation of a 2" line in a development if a developer has (1) a relatively short street with no access roads projected off his property or (2) on a cul-de-sac, a relatively short dead-end street with a turn-around at the end.

In all other instances, streets must have 6" water lines in front of all lots being developed."

After a long discussion the City Council asked that the City Manager inform Mr. Gilkey that the Council recommends that a 6" line be installed from the end of the existing 6" line in front of lot 17 to the north property line of lot 20, whereby the line could be extended at some date in the future, should the need arise.

The City Manager was also directed to respectfully request that a right-of-way be granted for extension of a water line down the private road between lot number 24 and the proposed lot where the Methodist District Parsonage will be constructed.

Water Line Extension - Baldwin Avenue: The City Manager informed the City Council that the Baldwin Avenue water line will not be completed by May 9 as anticipated but that he feels the job can be completed by May 16, weather permitting. He stated that approximately 500 feet of pipe is left to be installed.

Street Lights - Foxfire Subdivision: The City Manager informed the Council that the Street Committee had surveyed the need for street lights in the Foxfire Subdivision and asked permission to have four street lights installed in that area. The City Council agreed to the proposal.

The City Manager also stated that the Street Committee had decided to have a street light installed on Crawford Street in front of the City parking lot.

Sidewalk Survey: The City Manager informed the City Council that the Street Committee had surveyed all sidewalks in the City limits and established a list of priorities on reconstruction and repair to existing sidewalks and that following completion of this work a list would be made of areas where new sidewalks need to be constructed.

There being no further business the meeting was adjourned.

Attest:

James Earl Daniels
City Clerk

James Earl Daniels
Mayor

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

The City Council of the City of Marion met in a regularly scheduled meeting Tuesday, May 20, 1975 at 7:30 P.M. in the City Council Chamber at City Hall.

Board Members Present: Councilman R. L. James, Horace Wilkerson and Everette Clark. Mayor Segars arrived at approximately 9:15 P.M.

Others Present: Earl Daniels, City Manager; E. P. Dameron, City Attorney; and Ann Vess, News Reporter.

Guests: Mickey Poteat and Mack Johnson

Approval of May 6, 1975 Minutes: Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to approve the minutes of the May 6, 1975 meeting.

Recreation Commission Report: Mickey Poteat, Vice Chairman of the Municipal County Recreation Commission appeared before the City Council to express the appreciation of the Recreation Commission for the help and assistance rendered by the City of Marion to the Recreation Commission. Mr. Poteat said he was speaking on behalf of the Commission and that they wish to formally thank the City Council for their help.

City Councilman Clark stated he wished to thank the Recreation Commission for the hours of work they had put forth in developing the recreational programs and facilities for the citizens of Marion, Old Fort and McDowell County.

Citizen Complaint - Mack Johnson: Mack Johnson informed the City Council that his neighbor living directly across the street was parking automobiles in such a manner that he could not use his driveway. Mr. Johnson stated that a car could enter or leave the driveway, but that service trucks could not because his neighbor was parking vehicles directly across the street from his driveway. Mr. Johnson was informed that the Chief of Police and the Street Committee would investigate his complaint and determine whether or not there is a need for a no parking zone in the area across the street from his driveway.

Mr. Johnson also stated that the sidewalk across the street was badly broken up. He was advised that the Street Committee would investigate this matter as well.

Sale of Air Conditioners: The City Manager presented the following tabulation of bids for the sale of surplus air conditioners:

J. C. Gossett - Fedders Model # A11D-3	9,000 BTU	\$35.00
J. M. Waldrop - Carrier Model # 51HA099	9,000 BTU	\$36.56
J. M. Waldrop - Goldspot Model # 253-7110	8,000 BTU	\$45.56

Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council unanimously voted to accept the highest bids submitted by J. C. Gossett and J. M. Waldrop for the air conditioners as presented by the City Manager.

Hand Rails - City Hall Entrance: The City Manager stated that he had received a request from a citizen that the City install hand rails at the entrance of the City Hall. After a short discussion the City Manager was authorized to proceed with the installation of hand rails.

Budget Amendment - Water Filter Plant Department: The City Manager advised the City Council that he had authorized transfers of funds between line items in the Water Filter Plant Department. He stated the following transfers were made:

Account # 30-812-16	(Equipment Maintenance)	decreased by \$800.00
Account # 30-812-45	(Contracted Service)	increased by \$800.00

Academy and West Court Streets Intersection - Modification: The City Manager informed the City Council that he had received a bid from Amos Fortenbury for the modifications to the northwest corner of the intersection of West Court and Academy Street. He advised the City Council that he had contacted approximately five firms requesting proposals for this work and that he had received acknowledgment from only two firms. He stated that he had received only one bid for the work and that bid was from Mr. Fortenbury. The City Manager requested permission to negotiate with Mr. Fortenbury for this work at a figure not to exceed \$2,708.

Upon a motion by Councilman Wilkerson, seconded by Councilman James, the City Council unanimously voted to authorize the City Manager to negotiate with Mr. Fortenbury for the work to be accomplished at a figure not to exceed \$2,708.

Blue Cross/Blue Shield Hospital Insurance: The City Manager passed out information concerning Blue Cross/Blue Shield Hospital Insurance entitled Catastrophic Major Medical Program. The City Manager informed the City Council that this major medical program could be provided for City employees at a rate increase to the City of \$1.04 per month per employee. The City Manager was authorized by the City Council to provide the additional coverage for City employees presently covered by Blue Cross/Blue Shield Hospital Insurance.

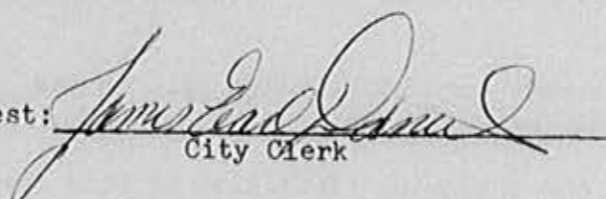
Old Fort Mountain - Weigh Station: The City Manager informed the City Council that a representative of the Department of Transportation and Highway Safety will be at the Court House on Wednesday, May 21, 1975 at 1:00 P.M. in reference to the possible closing of the weigh station at the top of Old Fort Mountain. After a short discussion the City Manager was directed to attend the meeting and inform the Department of Transportation and Highway Safety that the City Council strongly opposes any action for closing the weigh station. In addition, the City Manager was directed to send a letter to the North Carolina Department of Transportation and Highway Safety strongly opposing the closing of this station.

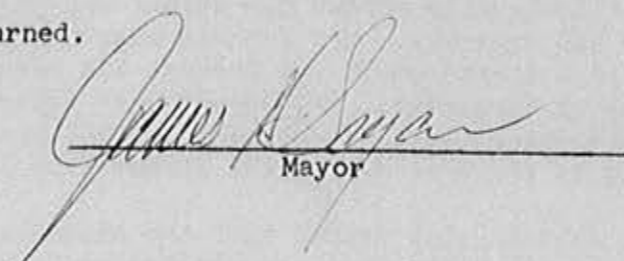
201 Facilities Study: The City Manager informed the City Council that additional proposals had been received from the engineering firm of O'Brien and Gere and Stanley Consultants, to provide the 201 Facilities Study for the Marion area. He informed the Council that Stanley Consultants proposed to do the work at a cost not to exceed \$28,000 and that O'Brien and Gere had submitted a proposal to do the work for a figure not to exceed \$26,800.

The City Manager stated that he had discussed this matter with County Manager, Jack Harmon and that it was agreed to allow O'Brien and Gere to proceed with the study at a cost not to exceed \$26,800. He informed the Council that he had informed O'Brien and Gere by letter that their proposal had been accepted and that he has informed Stanley Consultants of the decision to allow O'Brien and Gere to provide the 201 Facilities Study.

There being no further business the meeting was adjourned.

Attest:


City Clerk


Mayor

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

June 3, 1975

The City Council of the City of Marion met in a regularly scheduled meeting, Tuesday, June 3, 1975 at 7:30 P.M. in the City Council Chamber at City Hall.

Board Members Present: Mayor James H. Segars; Councilmen R. L. James, W. R. Ledbetter, Horace Wilkerson, Everette Clark and Oliver Cross.

Others Present: Earl Daniels, City Manager; E. P. Dameron, City Attorney; Arthur Edwards, Fire Chief; and Alvin Callahan, Building Inspector.

Guests: Woody Harton, N. C. Department of Natural & Economic Resources, Community Planner; Harold D. Randolph - 203 Glenview Street; Gladys Fitch, 206 Glenview Street; R. L. Conley, Cecil J. Clontz, 8 Gilkey Street.

Approval of May 20, 1975 Minutes: Upon a motion by Councilman James, seconded by Councilman Ledbetter, the City Council unanimously voted to approve the minutes of the May 20, 1975 meeting.

Soil Erosion Problem - Young's Fork of North Muddy Creek: Mrs. Earl Fitch appeared before the City Council regarding the soil erosion problem on Young's Fork of North Muddy Creek. Mrs. Fitch stated that some action must be taken in the near future to correct this problem. She advised the City Council that she had discussed this matter with Mr. Al Neal of the N. C. Department of Transportation and Highway Safety and also she had discussed the matter with State Representative, Glenn Morris. She stated that in her opinion the City must take some action to correct the problem. She stated that water coming from State maintained and City maintained streets was the cause of the problem. The City Manager stated that he had written a letter to the Army Corps of Engineers and also to Paul Hughes, Executive Director of Isothermal Planning and Development Commission, asking if any assistance could be made available to correct the problem. He read a letter from the Corps of Engineers stating that there are no authorities under which the Corps of Engineers could provide bank protection work on private property. He continued by stating that technical and engineering services to non-Federal public interest could be provided but that any assistance provided by the Corps of Engineers would have to be on a reimbursable basis.

He read a letter from Paul Hughes, Executive Director of Isothermal Planning and Development Commission, stating that there are no programs available for funding for this type of project. He also advised the City Council that he had discussed this matter with Philip Farland of the ASCS Office and that he was advised that no funds were available for this type of project but that he would investigate the matter more thoroughly to see if there was any possibility of any type funding. Mrs. Fitch asked that the City Manager advise her of any action of the City Council in this matter.

Accident Involving City Mower: The City Manager informed the City Council that he had received a complaint from Mr. Woodrow Roper of Hillcrest Drive concerning his camper being damaged by the City's Motrim mower. He advised the Council that upon investigation it was determined that the camper was damaged by the mower. He informed the Council that he had asked Mr. Roper to get an estimate on the damages to the camper. The estimate was presented to the City Council. Actual cost for repair of the damage was listed at \$12.00 with an additional \$8.00 for gasoline transportation charges for carrying the camper to Forest City for estimate and repair.

Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the City Council unanimously voted to pay for the damages incurred to the camper and for the transportation charges.

Zoning Ordinance Amendment - Public Hearing: The City Manager presented a request from Mr. R. L. Conley that his property located on the north side of East Court Street between Quality Tire Distributors, Inc. and Brown's Garage, be rezoned from General Residential to General Business. The City Manager also presented a request from Mr. Carroll Toney, that his property located on the northeast corner of the intersection of East Court Street and Gilkey Street be rezoned from General Residential to Industrial.

The City Manager informed the City Council that the Planning Board held a meeting on Thursday night, May 29, 1975 to consider these requests. He stated that Mr. Clontz had appeared before the Planning Board and advised the Planning Board that he objected to any expansion of the Quality Tire Distributors, Inc. He stated that there was a considerable amount of noise, odor and materials polluting the air coming from his operation.

The City Manager informed the City Council that the Planning Board recommends that the Comprehensive Land Development Plan be amended to provide that those properties located on the north side of East Court Street, east of Gilkey Street belonging to Carroll L. Toney, R. L. Conley and Karl Brown, be projected as Commercial instead of Residential. Said properties are described as follows:

Description of Carroll Toney Property: Beginning at the S.E. corner of Gilkey Street at its intersection with Highway 70 on East Court Street and running parallel with Highway 70 in an Easterly direction a distance of 250' to the property line of R. L. Conley, thence in a North-Westerly direction and parallel with the Conley property line a distance of 120', thence in a Westerly direction a distance of 157.5' to Gilkey Street, thence in a south-easterly direction running parallel with Gilkey Street a distance of 120' to the point of beginning.

Description of R. L. Conley Property: Beginning at a point 250' east of the intersection of Gilkey Street and Highway 70 and running parallel with Highway 70 in an easterly direction a distance of 100' to the Brown Brothers property line a distance of 138' thence in a westerly direction and parallel with other Conley property on lot no. 11A a distance of 92.5' to the property line of Quality Tire Distributors Inc., thence in a south easterly direction a distance of 138' to the point of beginning. Also lot no. 11A which joins the rear property line in a north westerly direction, thence in a westerly direction running parallel with the Marvin Flack property line a distance of 08', thence in a south easterly direction adjacent to and parallel with the rear property line of Cecil Clontz a distance of 70' thence in an easterly direction a distance of 92.5' to the point of beginning.

Description of Carl M. Brown Property: Beginning on a stake on the north side of Highway leading from Marion to the C.C. & O. underpass, in the line of L.A. Martin and H.M. Holland, runs with said line North 24 degrees 18' West 2.36 chains to a stake, said Hall's corner and a corner of the Clinchfield Manufacturing Company's land; thence with the line of said Manufacturing Company land North 3 deg. 32' east 1.01 chains to a stake, thence still with the line of the said Clinchfield Mfg. Company land North 86 deg. 09' West 4.09 chains to a stake, their corner and L.A. Martin's corner; thence South 33 deg. 33' East 5.47 chains to a stake on the North bank of the road at a point 2.26 chains from the beginning corner of this tract; thence North 60 deg. 15' East 2.26 chains to the Beginning, containing 1.20 acres, by the same more or less.

The above described property is conveyed subject to the right of way of the U.S. Highway #70 (East Court Street).

Scale: 1 chain = 66'
link = .66'

He advised the City Council that the Planning Board also recommends that the City Council rezone from General Residential, to General Business, properties located on the north side of East Court Street, east of Gilkey Street belonging to Carroll L. Toney, R. L. Conley and Karl Brown. Said properties are described above.

The City Manager informed the City Council that the Council could legally rezone the Conley property and the Toney property at this meeting, but that no official action could be taken on rezoning the Karl Brown property until a public hearing is held.

Mr. Clontz was present at the meeting and advised the City Council that he was opposed to any addition to the Quality Tire Distributors, Inc. which would provide for increasing the recapping operation, which he stated was the source of noise and air pollution.

Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to change the Comprehensive Land Development Plan whereby the above described properties would be projected as Commercial property instead of Residential.

Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to rezone from General Residential to General Business, the above described property, being only the Carroll Toney and R. L. Conley properties.

The City Manager was directed to proceed with the public notice for a public hearing for the rezoning of the Brown property.

McDowell County Law Enforcement Officers' Association: The City Manager presented a letter from Officer Queen of the Marion Police Department asking that the City Council donate 100 to 150 feet of drainage pipe to be installed on property presently being used by the McDowell County Law Enforcement Officers' Association on Highway 70 across from the McDowell House.

The City Manager also informed the City Council that they had also asked that the City allow the use of a backhoe and operator for installation of the pipe.

Upon a motion by Councilman Cross, seconded by Councilman Ledbetter, the City Council unanimously voted to approve the request and directed the City Manager to work with Public Works Director, Jack Brown, in selecting the pipe to be donated to the Law Enforcement Officers' Association.

The City Manager was also advised by the City Council that City equipment could be used to install the pipe as requested.

201 Facilities Study - Agreement for Engineering Services: The City Manager presented an agreement for Engineering Services from O'Brien and Gere Engineers for providing the 201 Facilities Study. Several questions were raised regarding the agreement and the City Manager was directed to discuss this matter with representatives of O'Brien and Gere Engineering Firm and to provide this information and the Agreement to the City Council at their next regular meeting.

Contract to Audit City Accounts - Cherry Bekaert & Holland, C.P.A.'s: The City Manager presented a contract to audit City accounts from Cherry, Bekaert & Holland, C.P.A.'s. He advised the Council that this was a standard contract which must be approved by the Local Government Commission. The total cost of the contract was an amount not to exceed \$2,400.

Upon a motion by Councilman Wilkerson, seconded by Councilman James, the City Council unanimously voted to accept the contract agreement submitted by Cherry, Bekaert & Holland, C.P.A.'s.

Speed Limits - Foxfire Subdivision: The City Manager presented a request from the Marion Police Department that speed limits be established on Woodland Drive and McDowell Avenue in the Foxfire Subdivision. The Police Department recommends that speed limits be set at 20 miles per hour.

Upon a motion by Councilman Ledbetter, seconded by Clark, the City Council unanimously voted to establish a speed limit of 20 miles per hour on McDowell Avenue from State Street south to its dead end and also on Woodland Drive from the intersection of McDowell Avenue in a westerly direction to its intersection with McDowell Avenue. Also from the intersection of Woodland Drive and McDowell Avenue in an easterly direction to the intersection of Woodland Drive and McDowell Avenue.

City Properties - Service Station: The City Manager informed the City Council that he had received a request from Charles Dale that the City repair the roof of the service station belonging to the City and located directly behind the City Hall on Main Street. He informed the Council that he had asked Building Inspector, Alvin Callahan, to look at the roof and give an estimate of the cost to repair the roof.

He stated that Mr. Callahan had advised that the estimated cost to install a graveled roof would be approximately \$1,100. He informed the Council that Mr. Dale had advised the Building Inspector that he could have the roof repaired for approximately \$450. The City Manager stated that the City of Marion is presently paying taxes in the amount of \$361.66 per year. He advised the City Council that the City presently receives \$100 per month rent.

After a short discussion the City Manager was asked to talk with Mr. Dale regarding Mr. Dale making the necessary repairs to the station at his own expense, under some type of agreement whereby the City would reimburse Mr. Dale for all or a portion of the cost should the City need the station in the near future. The City Manager was directed to work out the details with Mr. Dale and report back to the City Council at the next regular meeting.

National Guard: The City Manager presented a letter from County Manager, Jack Harmon, advising that it may be possible to establish a National Guard Unit in McDowell County. Certain information regarding payrolls and income based on the letter stated that some commitment needed to be made by the City regarding the contribution for local costs for establishing such a unit in McDowell County. The proposed amount would be for the City of Marion to make a contribution of \$500 annually, with the Town of Old Fort making a \$250 annual contribution and the County of McDowell providing \$750 annually.

The City Council, after discussing the matter, agreed to support the establishment of a National Guard Unit in McDowell County and asked that the City Manager provide the Council with additional information before any formal commitment is made.

Academy Street and West Court Street - Intersection modifications: The Mayor and City Manager discussed with the City Council the modifications being made to the northwest intersection of Academy and West Court Streets.


The City Manager informed the City Council that the bank of land on the school property should be cut back further so the street could be widened back toward the steps going to the front of the high school property.

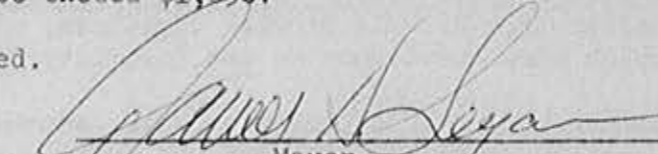
After a long discussion the City Manager presented a proposal from Mr. Amos Fortenbury to make the additional modifications at a cost of \$1,650. Said cost not to include any sidewalk construction.

Upon a motion by Councilman Ledbetter, seconded by Councilman Clark, the City Council unanimously voted to authorize the additional work at a cost not to exceed \$1,650.

There being no further business the meeting was adjourned.

Attest:


City Clerk


Mayor

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

June 17, 1975

The City Council of the City of Marion met in a regularly scheduled meeting, Tuesday, June 17, 1975 at 7:30 P.M. in the City Council Chamber at City Hall.

Board Members Present: Mayor James H. Segars, Councilmen R. L. James, W. R. Ledbetter, Horace Wilkerson, Oliver Cross and Everette Clark.

Others Present: Earl Daniels, City Manager; E. P. Dameron, City Attorney; and Ann Vess, News Reporter.

Guests: Charles Dale, Sam McCormick and Carroll Toney

Approval of June 3, 1975 Minutes: Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council unanimously voted to approve the minutes of the June 3, 1975 meeting.

City Property - City Owned Service Station, Main Street: Mr. Charles Dale appeared before the City Council to discuss the continuation of a lease on the service station purchased last year by the City of Marion. The City Council was informed that Mr. Dale is leasing the station for \$100 per month and that the City pays County taxes on the property and also insurance premiums. County taxes for 1974 were \$361.66 and the insurance premiums are approximately \$60 per year. The City Council was advised that twenty parking spaces could be provided on that piece of property if the station is removed, and that installing parking meters on the property allowing 5¢ per hour parking with no limit on parking time, the lot bring in a maximum of \$2,496.00 per year. Based on 70% occupancy, the lot would bring in \$1,747.

Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the City Council unanimously voted to allow Mr. Dale and Mr. McCormick to continue leasing the station at the rate of \$175 per month, effective October 1, 1975 and that the City repair the roof and to advise Mr. Dale that the City would not sign a lease on the property and that the City would give them 90 days notice should the City need the property, and to explain to Mr. Dale that this is a temporary arrangement.

Zoning Problem - Carroll Toney: Mr. Carroll Toney appeared before the City Council and advised the Council that under the terms of the Marion Zoning Ordinance that he would not be permitted to expand his present business operation located on the northeast corner of the intersection of Gilkey and East Court Streets. He advised the Council that under the terms of the ordinance he was considered a nonconforming use and that a nonconforming use would not be allowed to expand. He stated that it was necessary for him to enlarge his business operation if he is to continue his business in that location. He informed the Council that several other tire recapping operations are also located in the General Business District and that this ordinance would equally apply to them.

The City Council discussed Mr. Toney's problem and asked the City Manager if there were any means that he would be allowed to enlarge his business. The City Manager informed the City Council that in order for Mr. Toney to be permitted to enlarge his business operation, the Zoning Ordinance would have to be amended to allow tire recapping operations in the General Business District or to zone his property as Industrial. He informed the Council that the request that the property be zoned Industrial was denied and therefore the next option would be to request that tire recapping centers be permitted in the General Business District.

The Mayor asked if the City Council could make a recommendation to the Planning Board to give consideration to this matter. The City Manager stated that he would recommend that the Planning Board study the matter and give consideration to allowing tire recapping operations in the General Business District as a special exception, provided all work of a recapping nature be carried on completely in an enclosed building and that certain restrictions be stipulated which would prevent this type of operation from creating problems for adjoining property owners.

The City Manager was directed to inform the Planning Board that the City Council would like to request that they give consideration to this matter.

201 Facilities Study - Agreement for Engineering Services: The City Manager presented a letter from Mr. Sid Riddick explaining conditions of the Agreement for Engineering Services which were questioned at the last City Council regular meeting.

Upon a motion by Councilman James, seconded by Councilman Ledbetter, the City Council unanimously voted to accept the agreement for engineering services and to authorize Mayor James H. Segars to execute same.

AGREEMENT FOR ENGINEERING SERVICES
BETWEEN
THE CITY OF MARION, NORTH CAROLINA
AND O'BRIEN & GERE, INC./ENGINEERS
CHARLOTTE, NORTH CAROLINA
IN CONNECTION WITH A
201 PLANNING AREA STUDY
MARION STUDY AREA, NORTH CAROLINA

This Agreement made this _____ day of _____, 1975, by and between the City of Marion, North Carolina (Owner) and O'Brien & Gere, Inc./ Engineers (Engineer).

WITNESSETH: For and in consideration of the mutual covenants and agreements hereinafter contained, the parties hereto for themselves, their successors and assigns, have mutually agreed and do agree with each other as follows:

Article I. DESCRIPTION OF PROJECT. The project for which professional engineering services shall be rendered under the terms of this Agreement shall be a Facilities Planning Study in accordance with U.S. Environmental Protection Agency Regulations of February 11, 1974, in the designated 201 Planning Area for the Marion Area Study, North Carolina.

Article II. SERVICES TO BE RENDERED. The professional services to be rendered by the Engineer shall be in accordance with accepted professional practice and shall be sufficient to perform the functions herein desired and contemplated by the terms of this Agreement and shall include the following:

1. Conduct a complete inventory of all significant wastewater systems and definition of their service areas.
2. Conduct basic Land Use Plan Reviews applicable to the 201 Study Area.
3. Prepare updated population and waste flow projections, both for the current Marion service area, and the remaining Study Area.
4. Identify reasonable service areas based on development patterns, demographic data, and comprehensive planning of the region.
5. Define conceptual alternates for wastewater disposal as limited by the service areas and available wastewater disposal techniques; and develop basic cost estimates for each. Extensive use will be made of the EIS prepared in 1973-74 relative to wastewater treatment within portions of the Study Area.
6. Perform, in conjunction with the operators of the various existing sewerage systems, infiltration/inflow analyses, identifying those systems or portions thereof where infiltration/inflow study and further evaluation is indicated, but not the performance of such study.
7. Identify and evaluate alternative methods for flow control and waste reduction where reasonable alternatives exist, exclusive of those that might arise as a result of subsequent infiltration/inflow studies.
8. Conduct cost effectiveness analyses as indicated by current EPA standards in effect on February 11, 1974.
9. Prepare environmental assessment statements and aid in holding of public meetings related thereto.
10. Develop plan implementation steps for all feasible alternatives.
11. Aid in the conduct of the necessary public hearings for the various alternative plans.
12. Prepare the appropriate draft study reports and aid in their presentation and evaluation to the approval agencies.
13. Prepare the completed planning study report including step implementation outlines.

Article III. PAYMENT FOR SERVICES. Payment for professional services enumerated and described under Article II of this Agreement shall be \$26,800 (Twenty-six thousand, eight hundred dollars). Payment shall be made on the basis of invoices submitted monthly by the Engineer reflecting his certification of the percentage completion of the work; payment to be due 30 days after submission of the invoice.

Article IV. OWNER'S RESPONSIBILITIES. The Owner and participating local units will make available to the Engineer all records and data pertinent to the project and will give all reasonable assistance to the Engineer in obtaining such additional information as may be required. The Engineer will have the opportunity to confer with the local officials and other persons who may be in a position to furnish information relative to the Project.

Article V. ADDITIONAL SERVICES. In the event the Owner desires additional services to be rendered by the Engineer in connection with the completion of the Project beyond the scope of the services described in Article II of this Agreement, the Engineer agrees to perform said additional services, if ordered in writing, on a Per Diem basis. This is a method of payment based on the time actually spent by the principals and technical employees of the Engineer in the prosecution of the work, all computed in accordance with the Engineer's regular schedule of Per Diem rates in effect at the time the services are rendered, plus reimbursement for direct expenses.

Article VI. TERMINATION OF SERVICES. If all or any part of the professional engineering services to be performed under the Agreement are ordered to be suspended or omitted by the Owner, the Owner agrees to make such order in writing at least 30 days prior to the desired date of termination of suspension of service and to pay the Engineer for such suspended or omitted services the accumulated fees to the date of termination of service in accordance with the methods of payment described in Article III, but in case of temporary suspension, the Engineering shall remain obligated to perform and complete the Contract on its part upon written request of the Owner to so resume said services.

Article VII. INSURANCE. The Engineer agrees during the duration of the work to procure and maintain without expense to the Owner insurance of the kinds and in the amounts provided under Schedule A attached hereto.

Article VIII. OTHER PARTIES. The Engineer agrees and stipulates that no member of the governing body of the Owner or officer or employee of the Owner forbidden by law is interested in or will derive benefit from or is a party to this Agreement.

Article IX. SCHEDULE OF WORK. Execution of this Agreement constitutes the authority to proceed with the services described in Article II.

A preliminary draft report of findings for the work outlined herein will be made available to the Owner and reviewing agencies at the earliest practical time. The final report would be submitted within a period of six weeks after the approval of the draft documents.

Article X. MAPS AND REPORTS. All maps, reports, and documents prepared by the Engineer, being instruments of service, shall be considered the property of the Engineer until paid for as herein set forth, and the right to use same shall not pass from the Engineer until all payments agreed to hereunder have been fully made. Engineer shall furnish without reimbursement a maximum of fifty (50) copies of the draft report and one hundred (100) copies of the report. Additional copies shall be furnished if required, at actual cost of reproduction.

Article XI. ACCESS TO WORK. Representatives of the U.S. Environmental Protection Agency and the North Carolina State Division of Environmental Management will have access to the work whenever it is in preparation of progress. The Environmental Protection Agency Regional Administrator, the Comptroller General of the United States, or any authorized representative shall have access to any books, documents, papers, and records which are pertinent to the Project for the purpose of making audit, examination, excerpts and transcriptions thereof.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized officers or representatives on the day and year first above written.

THE CITY OF MARION, NORTH CAROLINA

BY _____

O'BRIEN & GERE, INC/ENGINEERS

BY _____
President

Attachment: Schedule "A"
Authorized by Resolution of the City Council
City of Marion, North Carolina

on _____

by _____



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

1421 PEACHTREE ST., N.E.
ATLANTA, GEORGIA 30309

June 5, 1975

In reply refer to:
C370354-01-1
Marion, NC

Mr. James H. Segars
Mayor, City of Marion
P.O. Box 556
Marion, North Carolina 28752

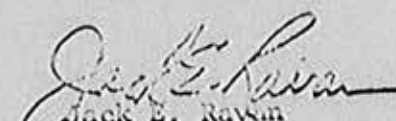
Dear Mayor Segars:

Your request for an increase in the Grant Offer has been approved by the Environmental Protection Agency upon consideration of all the information. Therefore your present Offer in the amount of \$4,997,500 can be increased.

In view of this request, we are pleased to make an additional Offer of \$1,000,250 which increases the total Grant Offer to \$5,997,750.

To accept this Offer, please execute three copies of the attached Grant Amendment form within fifteen days from the date of this letter. When completed, send two copies of the form to the North Carolina Division of Environmental Management who will return one copy to this office.

Sincerely yours,


Jack E. Raven
Regional Administrator

Enclosure

cc: NCDEM
cc: O'Brien and Gere, Inc.

U.S. ENVIRONMENTAL PROTECTION AGENCY

GRANT AMENDMENT

GRANT NO.

C370354-01-1

AMENDMENT NO.

1

NOTE: The original Amendment with one copy must be executed and returned to the Grants Administration Division for Headquarters grant awards and to the Grants Administration Branches for State and local assistance awards within 3 weeks after receipt or within any extension of time as may be granted in writing by EPA. Except as may be otherwise provided, no costs as a result of the Amendment may be incurred prior to the execution of the Grant Amendment by the parties thereto.

Receipt of a written refusal, or failure to receive the properly executed document within the prescribed time will result in the termination of the Grant Amendment by EPA.

GENERAL INFORMATION

APPROPRIATION AND ACCOUNTING DATA

APPROPRIATION NUMBER	ACCOUNT NUMBER	OBJECT CLASS CODE
68X0105	P-364046BV6	41.11

DESCRIPTION OF AMENDMENT: PURSUANT TO EPA GRANT REGULATION 40 CFR 30.500-1 "NOTICE OF PROJECT CHANGES" AND 40 CFR 30.501 "GRANTS AMENDMENTS," GRANT AGREEMENT DATED: AND GRANT AMENDMENT(S) DATED:

Project Cost Increase based on additional requirements of the impact statement
estimated increased cost of construction.

Original Total Cost - \$3,265,000.	Revised Total Cost - \$7,132,000.
Original Eligible Cost - \$3,253,000.	Revised Eligible Cost - \$7,132,000.
Original Grant - \$2,439,750.	
Increase - \$2,909,250.	
Total Grant Amount - \$5,349,000.	

AWARD APPROVAL OFFICE

ORGANIZATION
Office of Regional AdministratorADDRESS
Environmental Protection Agency
21 Peachtree St., N.E.
Atlanta, GA 30309

ISSUING OFFICE

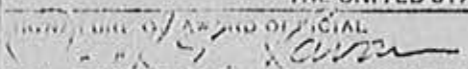
ORGANIZATION
Office of Water ProgramsADDRESS
Environmental Protection Agency
1421 Peachtree St., N.E.
Atlanta, GA 30309

GRANTEE ORGANIZATION

NAME
James H. Segars, Mayor
City of MarionADDRESS
City of Marion
P. O. Box 536
Marion, NC 28752

Except as provided herein all terms and conditions of the basic grant agreement, including prior amendments, remain unchanged and in full force and effect.

THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY

DATE AND SIGNATURE OF AWARD OFFICIAL	TYPED NAME AND TITLE	DATE
	Jack E. Ravan, Regional Administrator	MAY 29 1975

BY AND ON BEHALF OF THE DESIGNATED GRANTEE ORGANIZATION

DATE	TYPED NAME AND TITLE	DATE
	James H. Segars, Mayor	

Schedule "A"
Effective May, 1971

INSURANCE COVERAGE

TYPE INSURANCE	COVERAGE
Workmens Compensation	A policy or policies providing protection for Employees of the Engineer in the event of job related injuries.
Automobile Liability	With the limits of not less than \$250,000 for each person or \$1,000,000 for each accident because of bodily injury, sickness or disease including death at any time, resulting therefrom, sustained by any person, caused by accident, and arising out of the ownership, maintenance or use of owned, non-owned or hired automobiles and with the limits of \$100,000 for damage because of injury to or destruction of property, including the loss of use thereof, caused by accident and arising out of the ownership, maintenance or use of owned, non-owned or hired automobiles.
Comprehensive General	With the limits of not less than \$250,000 per person and \$1,000,000 per accident for Bodily Injury; and \$200,000 per accident and \$500,000 aggregate for Property Damage.

Petroleum Products - Bids: The City Manager informed the City Council that no firm bids were received for petroleum products for the Fiscal Year beginning July 1, 1975 and ending June 30, 1976. He informed the Council that two letters had been received from two firms concerning proposals to provide petroleum products for the City's needs. A proposal was submitted by Pyatt Oil Company to furnish #2 fuel oil at tank wagon price less 1½ cents per gallon at time of delivery. The letter stated that the tank wagon price as of 6-17-75 was 36.5 cents per gallon. The proposal also stated that they would provide premium gasoline at tank wagon price and that tank wagon price as of 6-17-75 is 53.8 cents per gallon. Motor oil would be furnished at dealer price.

A proposal was submitted by McDowell Oil Company to provide a discount of 1½ cent per gallon off tank wagon price on fuel oil. The proposal stated that McDowell Oil Company gasoline prices had increased 1 cent per gallon but this charge had not been passed on to the City and other customers.

Both firms refused to submit a firm bid due to the uncertainty of availability and prices on products.

Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the City Council unanimously voted to accept the proposal as submitted by McDowell Oil Company.

EPA Supplemental Grant Amendment: The City Manager presented a letter from Jack Ravan, Region Administrator, EPA, advising that the City's request for an increase in the EPA Grant Offer had been approved by the Environmental Protection Agency upon consideration of all the supporting information.

Upon a motion by Councilman Cross, seconded by Councilman Ledbetter, the City Council unanimously voted to accept the EPA Supplemental Grant Amendment and to authorize Mayor James H. Segars to execute same on behalf of City.

A copy of the Grant Amendment is attached and made a part of these minutes.

Board of Elections - Appointment: Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the City Council unanimously voted to appoint Dula Hawkins, Jim McGarr and James Hollifield to the City Board of Elections for terms of two years each. Said terms beginning July 1, 1975.

Tax Lein Sale: The City Manager informed the City Council that the Tax Lein Sale was held at noon, June 9, 1975, as advertised. He informed the Council that no persons appeared at the tax lein sale and that no leins were sold.

Privilege License Ordinance: Upon a motion by Councilman Cross, seconded by Councilman Ledbetter, the City Council unanimously voted to adopt the 1949 Privilege License Ordinance as amended through June 15, 1975.

1975 - 1976 Budget Ordinance - Public Hearing: No persons appeared at the City Council meeting reference the public hearing on the proposed Budget Ordinance, for 1975-1976.

Upon a motion by Councilman Clark, seconded by Councilman Ledbetter, the City Council unanimously voted to adopt the following Budget Ordinance:

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, 1975, and ending June 30, 1976, in accordance with the chart of accounts heretofore established for this city:

Administration Department	\$ 85,879
Inspection Department	5,807
Police Department	154,819
Fire Department	72,470
Street Department	98,412
Powell Bill	54,000
Sanitation Department	60,846
Recreation Department	11,830
Cemetery Department	13,464
Non-Departmental	132,561
Special Appropriations	27,404
	<u>\$ 717,492</u>

Section 2. It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 1975 and ending June 30, 1976:

Current year's property tax	\$ 360,599
Prior year's property tax	4,500
Tax Discounts	
Tax Penalties & Interest	1,500
Motor Vehicle License	800
Parking Meter Revenues	6,000
Privilege License	4,900
Interest on Investments	10,000
Rents & Concessions	3,060
Miscellaneous Revenues	1,000
Franchise Tax	45,000
Intangible Tax	17,500
Powell Bill Funds	44,000
Local Option Sales Tax	68,400
Court Fees	590
Police Salary Supplement	500
Parking Violations	5,000
County Fire Protection	16,900
Cemetery Revenues	2,000
Gas Tax Refund	3,300
Special Assessments	200
Maintenance Traffic Control Devices	4,200
Cable TV Revenue	5,600
Sale of Surplus Equipment	1,000
Region "C" Police Training	500
Inspection Fees	500
Estimated Surplus	109,943
	<u>\$ 717,492</u>

Section 3. The following amounts are hereby appropriated in the Debt Service Fund for the payment of principal and interest on the outstanding debt of the City, and the expenses relating thereto for the fiscal year beginning July 1, 1975 and ending June 30, 1976:

Bond Principal	\$ 25,000
Bond Interest	1,125
Coupon Expense	1,279
	<u>\$ 27,404</u>

Section 4. It is estimated that the following revenues will be available in the Debt Service Fund for the fiscal year beginning July 1, 1975 and ending June 30, 1976:

Contribution from General Fund	\$ 27,404
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Section 5. The following amounts are hereby appropriated in the Revenue Sharing Fund for the fiscal year beginning July 1, 1975 and ending June 30, 1976:

Capital Outlay	\$ 189,750
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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, 1975 and ending June 30, 1976:

Interest on Investments	\$ 1,000
Federal Grant	95,600
Fund Balance Appropriated	93,150
	<u>\$ 189,750</u>

Section 7. The following amounts are hereby appropriated in the Capital Project Fund for the fiscal year beginning July 1, 1975 and ending June 30, 1976:

Work in Progress	\$ 239,350
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Section 8. It is estimated that the following revenues will be available in the Capital Projects Fund for the fiscal year beginning July 1, 1975 and ending June 30, 1976:

Bond Anticipation Notes	\$ 239,350
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Section 9. 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, 1975 and ending June 30, 1976, in accordance with the chart of accounts heretofore approved for the City:

Water-Sewer Operations	\$ 167,353
Filter Plant	48,934
Waste Treatment Plant	43,454
Non-Departmental	61,589
	<u>\$ 321,330</u>

Section 10. It is estimated that the following revenues will be available in the Water & Sewer Fund for the fiscal year beginning July 1, 1975 and ending June 30, 1976:

Water Sales & Sewer Service	\$ 220,000
Water Taps	9,000
Sewer Taps	130
Interest Earned on Investments	5,000
Miscellaneous Revenues	5,200
Estimated Surplus	82,000
	<u>\$ 321,330</u>

Section 11. There is hereby levied a tax at the rate seventy-five cents (75¢) per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 1975, 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 estimated total valuation of property for the purpose of taxation of \$50,082,969 and an estimated rate of collection of 96%.

Section 12. 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 expenditures 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 13. Copies of this Budget Ordinance shall be furnished to the 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 17th day of June, 1975.

City Manager's Report: The City Manager asked that the Street Committee meet on Wednesday at 3:00 P.M. to survey for a 1975 - 1976 paving program. The City Manager presented the following budget amendments:

Transfer One-Hundred (\$100.00) Dollars from Account Number 10-530-74 to Account Number 10-530-33 to supplement this account in sufficient amount to cover outstanding invoices that are to be paid prior to June 30, 1975.

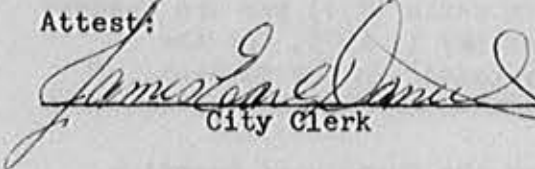
The following miscellaneous items of business were brought up by City Council Members.

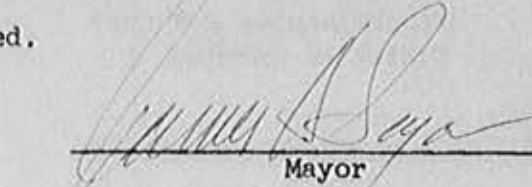
1. Upon a request by Mr. Carroll Toney, the City Manager was directed to inspect the bridge on Claremont Avenue. It was reported that earth around bridge is washing and that it needs to be repaired.
2. The City Manager was asked to report that a street light is out on Pulliam and West Court Streets.
3. The City Manager was asked to check police records to see if a report was filed on street lights being out on the west side of Main Street on Monday evening.
4. The City Manager was asked to have the walk lanes repainted. The Manager informed the City Council that City forces would be installing tape on the walk lanes as soon as possible.
5. The City Manager was directed to move the bicycle racks presently located on Main Street to the Community Building.
6. The City Manager was instructed to contact the Department of Transportation and Highway Safety regarding the traffic hazard at the intersection of Montevista Avenue and Highway 70.
7. The City Manager was asked to contact the Department of Transportation and Highway Safety regarding the possibility of widening Logan Street at the Community Building to provide for safe parking for persons using the Community Building Facilities.
8. The City Manager informed the City Council that he had been in contact with Representative Glenn Morris regarding a meeting with the City Council. He informed the City Council that Mr. Morris stated the Legislature should wind up its business on Friday and that following that day he would be available to meet with the City Council.
9. The City Manager informed the City Council that he had received information regarding the need for the City to acquire certain properties for a sewer lift station. The City Council discussed this matter in private session and directed the City Attorney to make contact with the owner of the property to request an option of 12 to 18 months on the property.

The City Council agreed to hold their next regular meeting on July 15, 1975.

There being no further business, the meeting was adjourned.

Attest:


City Clerk


Mayor

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

July 15, 1975

The City Council of the City of Marion met in a regularly scheduled meeting Tuesday, July 15, 1975 at 7:30 P.M. in the City Council Chamber at City Hall.

Board Members Present: Mayor James H. Segars, Councilmen R. L. James, W. R. Ledbetter, Horace Wilkerson, Oliver Cross and Everette Clark.

Others Present: Earl Daniels, City Manager; E. P. Dameron City Attorney and Ann Vess, News Reporter.

Guests: C. D. Blanton, P. O. Box 429; Mrs. Holden Duncan, Rt. 4, Box 395; Ernie House, 105 Rutherford Road; Carter Hudgins, Hillcrest Drive; Representative Glenn Morris.

Approval of the June 17, 1975 Minutes: Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the City Council unanimously voted to approve the minutes of the June 17, 1975 meeting.

Carson House - Water Supply Problem: Mr. David Blanton appeared before the City Council to advise that the Carson House and other properties in that immediate vicinity are experiencing problems with their water supply. He informed the City Council that at times little, if any, water was being supplied from the Marion municipal water system to serve the needs of these properties. He informed the City Council that a 3/4 inch waterline was presently serving five properties, including the Carson House and that this line was installed from the 6 inch water main in front of Mr. J. H. L. Miller's home place down Highway 70 to the Carson House, approximately 6/10 of a mile. He stated that the line has been repaired on several occasions and that recently approximately 200 feet of new pipe was installed by City forces. The City Council was advised that when an old section of a line was removed it was badly corroded. He asked if the City could assist them in this matter.

The City Manager reviewed existing City policies concerning extension of water lines in unincorporated areas; stating that within 1/2 mile of the corporate limits of the City would install the line if the petitioner would buy the pipe. Beyond 1/2 mile the petitioner must pay the full cost of purchasing the materials and the full cost of installation. The size and type of pipe to be installed would be determined by the City. No pipe smaller than 6 inches would be allowed except on short loop streets and short deadend streets with culdesacs. The City Manager stated that the cost of materials to install a 6 inch pipe from the 6 inch main to the Carson House would be approximately \$12,000. Mr. Blanton stated that they could not afford such a large expenditure of funds. Mrs. Duncan stated that immediately after the installation of the 200 feet of new water line that they were receiving an adequate supply of water.

Mayor Segars stated that if at that time they were receiving an adequate supply of water that there was a good possibility that there was either a leak on the line or that the line was badly corroded and that the problem might be corrected. He stated that it would be poor planning to install a 3/4 inch line or a line smaller than a 6 inch line from the 6 inch water main which would serve only a limited number of people. He stated that consideration should be given to the installation of a 6 inch main from the area in front of the J. H. L. Miller home on Highway 70, down Highway 70 to connect to the water main serving the new high school. Mayor Segars stated that this would form a loop system and that this work could be completed over a period of several years.

The City Manager asked Mr. Blanton if any one had been in contact with the County Commissioners for assistance in helping to pay the cost of a new line to serve the Carson House. Mr. Blanton stated that the Carson House was already receiving funds from the County Commissioners.

Councilman Cross stated the City is presently experiencing many problems with private lines which are inadequate. He stated that for several years the City has been trying to eliminate private lines and to allow additional private lines to be installed would add to the existing problem.

After a lengthy discussion Mayor Segars informed the group that he and the City Manager and the Public Works Director would go out to the Pleasant Gardens area on Wednesday morning to survey the line and see if they could locate the source of the problem.

Mrs. Duncan, Mr. Blanton, Mr. Ernie House and Mr. Carter Hudgins advised the City Council that they would appreciate any assistance that could be rendered to help them in this matter and thanked the City Council for their consideration in this matter. At this point they left the meeting.

Clinchfield Waste Treatment Plant - Sewer Line Easements: Mayor Segars welcomed Representative Glenn Morris to the City Council Meeting.

The City Manager informed Mr. Morris that Burlington Industries had donated the Clinchfield Waste Treatment Plant to the City of Marion along with all lines, appurtenances thereto, and all right-of-ways and easements. He stated that the City of Marion notified all persons being served by the Clinchfield Waste Treatment Plant that the City had accepted the Clinchfield Plant and that they would be receiving bills from the City of Marion for sewerage services.

He continued by stating that at least two meetings were held with residents of the Clinchfield Community to explain to them the cost of operation of the plant and the rate structure. The City Manager stated that several property owners who had purchased property from Carolina Yancey Tighe had informed the City Council that they were to receive free sewerage services because a main sewer line passed through their properties.

The City Manager stated that a deed concerning the easements stated that the owner of any lot of land purchased from Carolina Yancey Tighe and husband, bordering on either side of said sewerage line, would have the right and privilege, at his own expense, under the supervision and direction of the Clinchfield Manufacturing Company and its successors and assigns, to tap or connect for domestic use only to said sewerage line, installed and maintained across said tracts of land.

The City Manager stated that no mention was made of the fact that these persons would receive free sewerage services. He informed Mr. Morris that several of these individuals had stated that Mr. Glenn Morris would have knowledge of the agreement. Mr. Morris stated that he was employed with the Clinchfield Manufacturing Company at the time of the installation of the waste treatment plant. He stated that two sites were considered for the location of the plant; the present site on which the plant is located and the one site closer to the north and south plants. He stated they had been requested to locate the waste treatment plant at its present location so that properties belonging to Carolina Yancey Tighe and husband, could be sold. He stated that the plant was installed to serve the industry and persons working for the industry and that they were not charged for sewer services and that it was agreed that persons owning lots bordering on either side of the sewer main going to the waste treatment plant would have the right and privilege to connect to the line but that no mention was made concerning sewerage service charges since the company was not charging for sewer services. He stated that this was a mute question. He informed the City Council that no one in authority had advised anyone that they would continue to receive sewerage services at no cost.

Upon a motion by Councilman Wilkerson, seconded by Councilman Ledbetter, the City Council unanimously voted to direct the City Manager and the City Attorney to prepare a letter to be sent to those persons' lots over which the waste treatment line runs to the Clinchfield Plant, who are claiming that they are entitled to free sewer service, that after a complete investigation and discussion with Representative Glenn Morris, it has been determined that there is no reason to exempt any person or firm from the sanitary sewer service charged under the existing rate.

The City Manager was instructed to inform those persons who have not paid sewer service charges that appropriate action will be taken in accordance with City policy should all due sewer service charges not be paid by September 10, 1975.

Peddler's Ordinance - Proposed Amendments: The City Manager suggested that several amendments be made to the Peddler's Ordinance. After a short discussion the City Manager was directed to work with the City Attorney in drafting the proposed amendments for consideration at the next City Council meeting.

Privilege License Ordinance - Proposed Amendments: The City Manager informed the City Council that under the existing privilege licenses ordinance, there were no fees established for fortune tellers and persons working under similar trades. After a short discussion it was suggested that the City Manager prepare a new privilege license ordinance for the City of Marion.

Sidewalk Construction - Community Building - Logan Street: The City Manager informed the City Council that there was approximately eight feet from the Community Building fence to the edge of the curb on Logan Street which could be used in widening Logan Street to provide safer on-street parking and for installation of a sidewalk.

Upon a motion by Councilman Cross, seconded by Councilman Ledbetter, the City Council unanimously voted to direct the City Manager to have a sidewalk installed 3½ feet wide from the Community Building fence with a 6 inch cement curb and to work with the Department of Transportation and Safety in widening Logan Street the length of the fence (approximately 374 feet) on the west side of the Community Building grounds.

Fire Department Members - Annual Certification: Upon a motion by Councilman Wilkerson, seconded by Councilman Cross, the City Council unanimously voted to approve the list of Fire Department Members for certification as requested by Fire Chief Arthur Edwards.

Marion Fire Department - Municipal Section

- | | | |
|---|------------------------------|-----------------------------|
| 1. Arthur C. Edwards, Chief | 7. John M. Brown | 13. John W. Beck |
| 2. John L. Sullivan, Asst. Chief (Paid) | 8. Thomas S. Milligan (Paid) | 14. Dennis Price |
| 3. J. E. Neal, III, Capt. | 9. Eugene Smith | 15. James McGarr |
| 4. Larry W. Brown, Lt. | 10. Eddie Laney | 16. Jimmy Young |
| 5. Lee R. Cate, Capt. | 11. Eugene Hall | 17. Kenny L. Street |
| 6. Larry Hogan, Lt. | 12. Fred T. Brown | 18. Charles Presnell (Paid) |
| | | 19. Jerry W. Poteat (Paid) |

Marion Area Fire Department - Rural Section

- | | | |
|------------------------------------|------------------------------|-----------------------|
| 1. Arthur C. Edwards, Chief | 8. John Mack Laughridge, Jr. | 15. Roger Smith |
| 2. Marshall Dark, Jr., Asst. Chief | 9. Jack McHone | 16. Danny Willis |
| 3. David Setzer, Capt. | 10. James R. Hollifield | 17. W. R. Smith, III |
| 4. Bill Poteat, Lt. | 11. Willard Hollifield | 18. Joe Ward |
| 5. James Douglas Parker | 12. Tommy Harris | 19. Larry D. Miller |
| 6. Terry B. Good | 13. Glen S. Shirlin | (Traffic Control Div) |
| 7. Morris S. Laughridge | 14. Hoyle Moody | 20. Rodney Holloway |
| | | 21. Kenneth Epley |
| | | 22. Robert Mann |

City Manager - Appointment: Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the City Council unanimously voted to reappoint James Earl Daniels as City Manager, with duties to include City Clerk, City Treasurer and Tax Collector for Fiscal Year, 1975-76.

Appointment - Member Board of Trustees, Local Fireman's Relief Fund: Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to reappoint Councilman Horace Wilkerson as a member of the Board of Trustees for the Fireman's Relief Fund. Councilman Ledbetter's term on the Board expires in January 1976. Councilman Wilkerson's term expires in January, 1977.

1974-75 Budget Amendments: The City Manager presented the following budget transfers approved by the City Manager on June 20, 1975:

WATER/SEWER		Amt. Requested
<u>Account No.</u>		
30-810-74	Capital Outlay	\$ 1,900.00
Please reduce Account No. 30-810-33 (Supplies) to supplement the above account)		

NON-DEPARTMENTAL		Amt. Requested
<u>Account No.</u>		
10-660-31	Auto Supplies	\$ 1,000.00
Please reduce Account No. 10-660-07 (Retirement) to supplement the above account.		

10-420-13	Utilities	\$ 1,200.00
Please reduce Account No. 10-660-07 (Retirement) to supplement the above account.		

ADMINISTRATION		Amt. Requested
<u>Account No.</u>		
10-420-11	Telephone & Postage	\$ 275.00
Please reduce Account No. 10-420-04 (Professional Services) to supplement the above account.		

RECREATION		Amt. Requested
<u>Account No.</u>		
10-620-11	Telephone & Postage	\$ 25.00
Please reduce Account No. 10-620-15 (Maint. Bldg.) to supplement the above account.		

City Manager's Report:

1. Bishop Case - Legal Expense: The City Manager presented a bill from Crowder Enterprises of Asheville, N. C. in the amount of \$469.61 for 50 petition books printed at the request of Dameron & Burgin, Attorneys. These books were printed concerning the Carl D. Bishop case.

2. Local Government Commission - Report on Trip: The City Manager informed the City Council that Mayor Segars; Sid Riddick, O'Brien and Gere Inc/Engrs. and the City Manager met with Mr. John Barnes at the Local Government Commission Office on Wednesday July 9, 1975.

He advised that a discussion was held regarding the need for interim financing prior to sale of Bonds for the Waste Treatment Plant Project. He advised the City Council that Mr. Barnes recommended that the Local Government Commission sell for the City, Bond Anticipation Notes in the amount of \$250,000.

The funds from the Bond Anticipation Notes would be used to pay off all expenses the City has incurred plus all additional expenses prior to the sale of Bonds the first part of 1976. The Bond Anticipation Notes would be due in May of 1976 and be paid from the sale of Bonds.

The City Manager informed the City Council that it would be necessary to hold a special meeting for the purpose of adopting a resolution prepared by City Bonding Attorneys, Mitchell, Petty and Shetterly, and that an advertisement for the sale of Bond Anticipation Notes must be placed in the McDowell News at least five days prior to the date of the sale.

It was unanimously agreed by the City Council to meet in special session for the purpose of adopting the resolution prepared by the Bonding Attorneys.


Councilman Wilkerson advised the City Council that he would be unable to attend a special meeting of the Council on Monday or Tuesday, July 21 and 22.

The City Manager informed the City Council that he would be on vacation but that he had left the necessary forms and information with his secretary and that that she would place the necessary legal notice in the paper as required and notify the City Council concerning the time of the special meeting.

There being no further business the meeting was adjourned.


Mayor

ATTEST:


City Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

The City Council of the City of Marion, North Carolina, met in special session at the City Hall in Marion, North Carolina, the usual place of meeting, at 12:30 o'clock P.M., on July 22, 1975.

Present: Mayor James H. Segars, presiding and Councilmen William Ledbetter, Everette Clark, Oliver Cross

Absent: Horace Wilkerson, Robert James.

Councilman Oliver Cross introduced the following resolution which was read:

RESOLUTION PROVIDING FOR THE ISSUANCE OF
\$250,000 SANITARY SEWER BOND ANTICIPATION
NOTES

BE IT RESOLVED by the City Council of the City of Marion:

Section 1. The City Council has determined and does hereby find and declare:

(a) That an ordinance authorizing \$1,200,000 Sanitary Sewer Bonds was adopted by the City Council of the City of Marion on August 22, 1972, which ordinance was approved by the vote of a majority of the qualified voters of said City who voted thereon at a special bond election duly called and held on October 14, 1972.

(b) That none of said bonds has been issued and that no notes have been issued in anticipation of the receipt of the proceeds of the sale of a like amount of said bonds.

(c) That it is necessary to issue at this time \$250,000 notes in anticipation of the receipt of the proceeds of the sale of a like amount of said bonds.

Section 2. In anticipation of the receipt of the proceeds of the sale of a like amount of said bonds, the issuance of \$250,000 negotiable notes of the City of Marion is hereby authorized, which notes shall be designated Sanitary Sewer Bond Anticipation Notes", shall be dated August 18, 1975, shall mature on May 19, 1976, without option of prior payment, and shall bear interest at a rate to be determined by the Local Government Commission at the time the notes are sold, which interest shall be payable at the maturity of the notes to which no interest coupons shall be attached. Said notes shall be payable as to both principal and interest at such bank or trust company, shall have such denomination or denominations and shall bear such number or numbers as may be fixed by the Mayor after the aware of the notes by the Local Government Commission, and both the principal of and the interest on said notes shall be payable in any coin or currency of the United States of America which, at the time of payment, is legal tender for the payment of public and private debts.

Section 3. Said notes shall be signed by the Mayor and the City Manager and Clerk and the corporate seal of the City shall be affixed to said notes. The form of said notes and the endorsements to be placed upon the reverse thereof shall be substantially as follows:

No. _____

\$ _____

United States of America
State of North Carolina
County of McDowell

CITY OF MARION

Sanitary Sewer Bond Anticipation Note

The City of Marion, a municipal corporation in McDowell County, North Carolina, is justly indebted and for value received hereby promises to pay to the bearer on the 19th day of May, 1976, the principal sum of

_____ THOUSAND DOLLARS

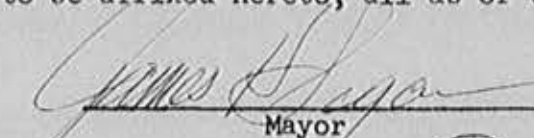
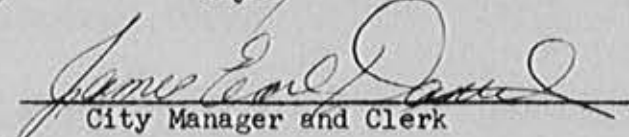
and to pay interest thereon from the date hereof at the rate of _____ per centum (____%) per annum, payable upon the presentation and surrender of this note at its maturity.

Both the principal of the interest on this note are payable at _____, in _____, in any coin or currency of the United States of America which, at the time of payment, is legal tender for the payment of public and private debts. For the prompt payment hereof, both principal and interest as the same become due, the full faith and credit of said City of Marion are hereby irrevocable pledged.

This note is given for money borrowed in the amount of the face of this note in anticipation of the receipt of the proceeds of the sale of a like amount of Sanitary Sewer Bonds duly authorized by an ordinance adopted by the City Council of said City on August 22, 1972, which ordinance was approved by the vote of a majority of the qualified voters of said City who voted thereon at a special bond election duly called and held, and this note is issued pursuant to and in full compliance with The Local Government Bond Act, as amended, (succeeding the Municipal Finance Act, as amended), Article 9, as amended, of Chapter 159 of the General Statutes of North Carolina and a resolution duly passed by the City Council of said City.

It is hereby certified and recited that all acts, conditions, and things required by the Constitution and laws of North Carolina to happen, exist and be performed precedent to and in the issuance of this note have happened, exist and have been performed in regular and due form and time as so required, and that the total indebtedness of said City, including this note, does not exceed any constitutional or statutory limitation thereon.

IN WITNESS WHEREOF, said City of Marion, pursuant to resolution of its City Council, has caused this note to be signed by its Mayor and its City Manager and Clerk and the corporate seal of the City to be affixed hereto, all as of the 18th day of August, 1975.


Mayor

City Manager and Clerk

(To be endorsed upon reverse of notes)

Local Government
Commission Serial No.

The issuance of this note has been approved under the provisions of the Local Government Bond Act of North Carolina.

H.E. BOYLES
Secretary, Local Government Commission

BY: _____
Designated Assistant

Section 4. The action of the _____ in applying to the Local Government Commission to approve, advertise and sell said notes and the action of the Local Government Commission in asking for bids for said notes by publishing a sale notice and printing and distributing circulars are hereby ratified and confirmed.

Section 5. This resolution shall take effect upon its passage.

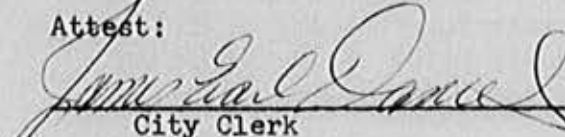
Thereupon Councilman Oliver Cross moved the passage of the foregoing resolution entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF \$250,000 SANITARY SEWER BOND ANTICIPATION NOTES", and Councilman William Ledbetter seconded the motion and the resolution was passed by the following vote:

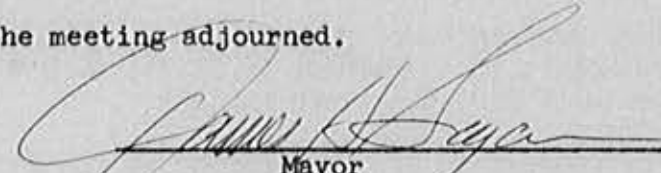
Ayes: Councilmen William Ledbetter, Everette Clark, Oliver Cross

Noes: None

There being no further business the meeting adjourned.

Attest:


City Clerk


Mayor

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

August 5, 1975

The City Council for the City of Marion met in a regularly scheduled meeting on Tuesday, August 5, 1975 at 7:30 P.M. in the City Council Chamber at City Hall.

Board Members Present: Mayor James H. Segars, Councilmen R. L. James, W. R. Ledbetter, Horace Wilkerson, Oliver Cross and Everette Clark.

Others Present: Earl Daniels, City Manager; John Beck, Chief of Police; and Ann Vess, News Reporter.

Guests: Mrs. Charlotte Reel and daughter, 314 Vale Street.

Approval of July 15, 1975 Minutes: Upon a motion by Councilman Ledbetter, seconded by Councilman Clark, the City Council unanimously voted to approve the minutes of the July 15, 1975 meeting.

Approval of the July 22, 1975 Minutes: Upon a motion by Councilman Wilkerson, seconded by Councilman Ledbetter, the City Council unanimously voted to approve the minutes of the July 22, 1975 special meeting.

Mrs. Charlotte Reel appeared before the City Council to advise the Council that she had lost approximately 20 feet off the rear of her property, located at 314 Vale Street, to a branch which runs through the property. She asked if the City Council could assist her in trying to prevent the soil from being eroded away by the branch.

After a short discussion Mrs. Reel was advised that the City Manager, Public Works Director and Street Superintendent would go out to her property on Wednesday, August 6, 1975 to investigate the matter and make a report back to the City Council.

Equipment Bids: The City Manager informed the City Council that equipment bids were opened in the City Manager's office at 2:00 P.M. on August 5, 1975. The City Manager stated that present for the bid opening was Secretary, Lynne Steppe; Street Superintendent, Burdette Carroll; and Rockwell International Representative, Thomas A. Guisinger.

- A. Bids on two police cars: The City Manager informed the City Council that two bid proposals had been received. He stated that one proposal was submitted by Ballew Motor Company to provide the City with two police vehicles at a cost of \$9,332.74 plus tax in the amount of \$186.66 with a delivery date of December 1975. This bid proposal was on two 1976 Chevrolets.

The City Manager advised that the other bid proposal received was from Marion Buick Company but that the bid proposal was unacceptable since no firm figure was quoted. The proposal submitted by Marion Buick stated that the price would fluctuate based on 1976 prices.

The City Manager informed the City Council that Region "C" Criminal Justice Planning Agency recently accepted bids on police vehicles. He stated that the low bid was submitted by McBrayer Motors of Shelby, North Carolina on Plymouth Furys, with 440 cubic inch engines with a bid price of \$4,511.88. He advised that an alternate bid was submitted on a Plymouth Fury with 360 cubic inch engine at a bid price of \$4,451.88. He informed the Council that Don Shields, Region "C" Criminal Justice Planning Agency had stated that the City may purchase from this dealer at prices quoted Region "C" since Region "C" is an agency working for the City of Marion.

Police Chief, John Beck was present and recommended that the City accept the low bid of McBrayer Motors in the amount of \$4,451.88 per vehicle and that the City purchase two vehicles with 360 cubic inch engines.

Upon a motion by Councilman Cross, seconded by Councilman Ledbetter, the City Council unanimously voted to authorize the City Manager to submit a letter to J. Don Shields, Planning Director for Region "C" requesting that he purchase for the City of Marion, two new 1976 Plymouth Furys with 360 cubic inch engines at a bid price of \$4,451.88 per vehicle.

- B. Bids on one ½ ton pickup truck: The City Manager informed the City Council that only one bid was received to provide the City of Marion with a ½ ton pickup truck. He informed the Council that specifications called for a 6 cylinder, 250 cubic inch engine half-ton pickup truck and that a bid was submitted by Ballew Motor Company on a V-8 heavy duty pickup truck in the amount of \$4,033.86 plus N.C. tax of \$80.68 with a guaranteed delivery date of one week.

The City Manager recommended the bid be rejected.

- C. Bids on two 2½ ton trucks: The City Manager informed the City Council that only one bid was received for the two 2½ ton trucks. He advised the Council that Ballew Motor Company submitted a bid price of \$8,735.00 each with N.C. tax of \$120.00 each to provide two 2½ ton trucks, with a guaranteed delivery date of six months.

The City Manager recommended the bid be rejected.

Upon a motion by Councilman Cross, seconded by Councilman Ledbetter, the City Council unanimously voted to reject the bid submitted by Ballew Motor Company to provide the City of Marion with two 2½ ton trucks at a bid price of \$8,735.00 each plus N.C. tax of \$120.00 each.

- D. Bids on one trailer mounted sewer rodder: The City Manager informed the City Council that only one firm had submitted a bid to provide the City of Marion with one trailer mounted sewer rodder. He stated that in addition to submitting a legal advertisement in the paper in accordance with requirements for purchasing, that specifications had been mailed to Rockwell International and also to Mr. H. D. Prichard, Representative of W. H. Stewart, Inc. He informed the Council that Rockwell International submitted a bid in the amount of \$6,404.60 for a hydraulic trailer mounted sewer rodder with a guaranteed delivery date of 45 days after receipt of order and an alternate bid had been submitted in accordance with specifications to provide the City of Marion with one mechanical trailer mounted sewer rodder at a bid price of \$6,140.60 with 45 days delivery following receipt of order. The City Manager recommended the City Council accept the bid on the mechanical sewer rodder for \$6,140.60 plus N.C. tax.

Upon a motion by Councilman Wilkerson, seconded by Councilman Clark, the City Council unanimously voted to accept the bid proposal from Rockwell International to provide the City of Marion with one trailer mounted mechanical sewer rodder at a bid price of \$6,140.60 plus N.C. tax.

The City Manager recommended that the City readvertise in the Raleigh News and Observer for bids on one ½ ton pickup truck with two 2½ ton trucks and that specifications be submitted to local truck dealers as well as truck dealers in other areas.

The City Manager was authorized to proceed with the advertisement and was also instructed to place an advertisement in the Charlotte Observer.

Street Surfacing and Resurfacing Bid Proposals: The City Manager informed the City Council that street surfacing and resurfacing bids were opened in the City Manager's office at 3:00 P.M. on August 5, 1975. The City Manager stated that present for the bid opening was Secretary, Lynne Steppe; Public Works Director, Jack Brown; Street Superintendent, Burdette Carroll; Sanitation Superintendent, Fred Ballard; Dick Davis with Paving Enterprises, Inc.; H. W. Wise with Asheville Paving Co; Harold Thompson, Thompson Contractors.

The City Manager presented the following bid proposals:

<u>Firm Name</u>	<u>New Surfacing Cost Per Ton</u>	<u>Resurfacing Cost Per Ton</u>	<u>6"x9" Asphalt Mach. Curb Cost Per Foot</u>	<u>Proposed Starting Date</u>
Asheville Paving Co.	\$19.00	\$18.00	\$1.00	8-18-75
Paving Enterprises	\$21.00	\$20.00	\$1.25	8-25-75
Mid-State Contractors	\$22.50	\$20.00	\$2.00	10-01-75
Thompson Contractors	\$13.95	\$13.50	\$1.10	10-01-75
R. L. Johnson & Son	\$22.75	\$21.75	\$.90	9 - 75

Upon a motion by Councilman Wilkerson, seconded by Councilman Cross, the City Council unanimously voted to accept the bid proposal submitted by Thompson Contractors of Rutherfordton, North Carolina.

Peddler's Ordinance - Proposed Amendments: The City Manager presented the following proposed amendments to the Peddler's Ordinance.

1. That the title of the Ordinance be changed to read "An Ordinance Providing for the Regulation of Peddlers and Solicitors Doing Business in the City of Marion, North Carolina".
2. That Section 1, subsection (b) be deleted and a new subsection (b) be inserted to read as follows:
 - (b) Solicitor - Any person who travels from residence to residence taking or offering to take orders for the sale of goods for future delivery or for personal services to be performed in the future, whether or not samples are displayed or money is collected in advance.
3. Delete Section 1, subsection (c) in its entirety.

4. Under Section 2, Permit Required, delete "transient vendor" and insert "or" between peddler and solicitor.
5. Under Section 3, delete "or transient vendor" and insert "or" between peddler and solicitor.
6. Under Section 4, last paragraph, delete "or transient vendor" and insert "or" between peddler and solicitor.
7. Delete all of Section 8 and insert new Section 8 to read as follows:

"The provisions of this ordinance shall not apply to persons while engaged in selling farm or dairy products, produced by such persons or members of their immediate families, nor the sale of newspapers.

Nothing contained in this Ordinance shall prohibit the sale of articles of merchandise or the solicitation of funds by residents of McDowell County, North Carolina in behalf of civic, religious or charitable organizations based in said county; or the public schools for purely religious, educational or charitable purposes provided such organizations shall furnish for each person selling articles of merchandise or soliciting funds for said organizations, a hat, badge, pin, uniform or identification card which will identify the organization for whom said person is selling or soliciting."

Upon a motion by Councilman Ledbetter, seconded by Councilman Wilkerson, the City Council unanimously voted to adopt the proposed amendments to the Peddler's Ordinance.

Resolution Relating to Schedule of User Charges: The City Manager presented the following Resolution:

RESOLUTION BY GOVERNING BODY OF APPLICANT

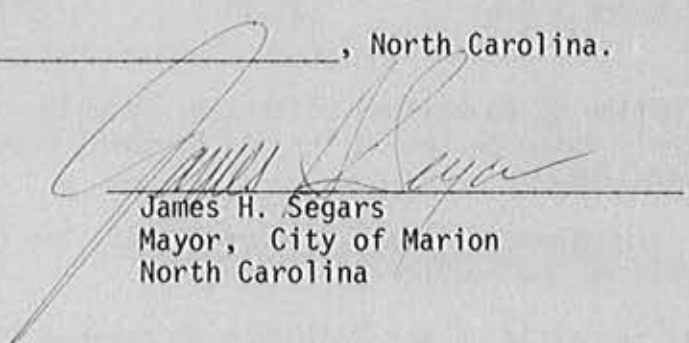
- WHEREAS, The City of Marion is confronted with improvements to its sewerage system, and
- WHEREAS, it is necessary, in order to implement these improvements, to request financial assistance, and
- WHEREAS, the North Carolina Clean Water Bond Act of 1971 and the Federal Water Pollution Control Act Amendments of 1972 have authorized the making of grants to aid eligible units of governments in financing the cost of wastewater construction projects, and
- WHEREAS, The City of Marion intends to request State and Federal financial assistance to aid in the design and construction of the necessary facilities:


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

That the City of Marion will arrange financing for the local share of the projects.

That the City of Marion will submit a Plan and Schedule for the establishment of a system of user charges for proper operation and maintenance of the project based on appropriate federal guidelines prior to completion of 80% of the construction of the project and will adopt and place into effect on or before completion of the project a schedule of fees and charges which will provide adequate funds for proper operation, maintenance and administration of the project.

Adopted this the _____ at _____, North Carolina.


James H. Segars
Mayor, City of Marion
North Carolina

Attest:

J. Earl Daniels
City Clerk

Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to adopt the Resolution as presented.

Resolution - Region "C" Training: The following Resolution was presented by the City Manager:

WHEREAS, the City of Marion herein called the "Applicant" has thoroughly considered the problem addressed in the subgrant application entitled Region "C" Training and has reviewed the project described in the application; and

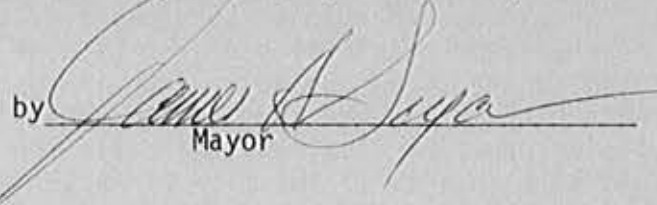
WHEREAS, under the terms of Public Law 90-351 as amended, the United States of America has authorized the Law Enforcement Assistance Administration, through the North Carolina Division of Law and Order to make federal grants to assist local governments in the improvement of the criminal justice system.

NOW THEREFORE BE IT RESOLVED BY THE City Council of Marion

IN OPEN MEETING ASSEMBLED IN THE CITY OF MARION, NORTH CAROLINA THIS ____ DAY OF _____, 197__, 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, in the form prescribed by the Division of Law and Order for a subgrant in the amount of \$1,174.48 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 \$65.24 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 pertainant 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 
Mayor

Councilman Cross offered the foregoing resolution and moved its adoption, which was seconded by Councilman Ledbetter and was duly adopted.

Date:

Attest:

by 
Clerk

Seal

OSHA - Appointment of Safety Director: A letter from W. C. Creel, Commissioner of Labor, addressed to Mayor Segars, was presented to Council. The letter advised that the time is near for municipalities of 1,000 to 4,000 population to begin employee safety programs. The letter further stated that the City would need to appoint a Safety Director.

The City Manager recommended that Fire Chief, Arthur Edwards, be appointed as the Safety Director for the City of Marion.

Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to appoint Fire Chief, Arthur Edwards as the Safety Director for the City of Marion.

Revenue Sharing - Actual Use Report: The following report was presented by the City Manager:

REVENUE SHARING ACTUAL USE REPORT
July 1, 1974 - June 30, 1975

Balance June 30, 1974	\$ 3,426.00
Received July 1, 1974 - June 30, 1975	98,114.20
Interest	<u>2,743.00</u>
Total Available	\$ 104,283.00
Total Expenditures	<u>\$ 11,112.00</u>
Balance June 30, 1975	\$ 93,171.00

Expenditures:

<u>Date</u>	<u>Amount Spent</u>	<u>Purpose</u>
1-29-75	\$ 4,612.34	Asplundh Whisper Chipper
1-28-75	<u>\$ 6,500.00</u>	Purchased Lot
	<u>\$ 11,112.34</u>	

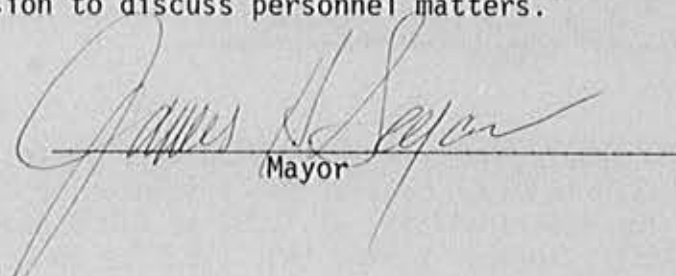
Clear Creek Intake: The City Manager informed the City Council that Mr. Amos Fortenbury and Building Inspector, Alvin Callahan, had inspected the Clear Creek intake and had recommended that the intake be replaced. The City Council was informed that the existing Clear Creek Intake had deteriorated to the point that it would be impossible to repair the intake, and that Mr. Amos Fortenbury had recommended the City build a new intake above the existing intake. The City Manager stated that it is of the utmost importance that work begin as soon as possible to construct the new intake since we have only approximately 90 days before cold weather and the rainy season.

The Council was informed that it would be necessary to work on the road going to the intake so that cement trucks could travel to the intakes for pouring concrete. He informed the Council that Mr. Fortenbury had stated that he could provide five men at an hourly rate of \$25.43 and that the hours Mr. Fortenbury works he would charge \$5.00 per hour. The City would have to furnish all materials. The City Manager stated that work would begin on the construction of the new intake as soon as possible.

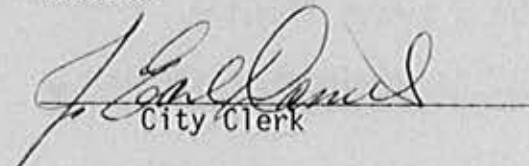
McDowell County Arts and Crafts Association: Mr. Oliver Cross advised the City Council that he had been contacted by members of the McDowell County Arts & Crafts Association concerning the possibility of the City of Marion cutting grass during the summer months at the Eugene Cross School. Councilman Cross stated that the McDowell County Arts and Crafts Association had been advised that they could use the old Eugene Cross School building provided they would maintain the building and the grounds. He stated they would like to know if the City of Marion would keep the grass mowed for them so they could advise the school board that the grounds would be maintained. The agreement provides for the use of the facility by the McDowell County Arts and Crafts Association for a period of three years.

After a short discussion it was decided to look into the matter and determine whether or not these services could be performed by the City.

Upon a motion by Councilman James, seconded by Councilman Ledbetter, the City Council unanimously voted to go into executive session to discuss personnel matters.


Mayor

Attest:


City Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

August 19, 1975

The City Council for the City of Marion met in a regularly scheduled meeting on Tuesday, August 19, 1975 at 7:30 P.M. in the City Council Chamber at City Hall.

Board Members Present: Councilmen R. L. James, W. R. Ledbetter, Horace Wilkerson, Oliver Cross and Everette Clark. Mayor James H. Segars arrived for the meeting at approximately 8:10 P.M.

Others Present: Earl Daniels, City Manager; E. P. Dameron, City Attorney; and Ann Vess, News Reporter.

Approval of the August 5, 1975 Minutes: Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to approve the minutes of the August 5, 1975 meeting.

Street Dedication - Mr. Ken Morgan: The City Manager informed the City Council that he had received a telephone call from Mr. Ken Morgan who lives just northeast of the end of Nancy Tolly Street. Mr. Morgan raised a question as to whether or not the paved road which passes his residence, is a City maintained street or is a private drive. The City Manager presented the Powell Bill map and stated that that particular section was not listed on the Powell Bill map for street maintenance and that he had not been able to find any information, stating that that particular section had ever been officially accepted by the City of Marion. Councilman Clark stated that the paved road was existing when Mr. Morgan moved into the house and that he was not sure whether or not the road was dedicated.

City Attorney, E. P. Dameron stated that Mr. Laughridge had asked that his property be brought into the City limits and he was of the opinion that the private drive was paved prior to the property being brought into the limits and that dedication of the street had never been discussed. Councilman Clark stated that the road served two properties, Mr. Ken Morgan's property and Mrs. Laughridge's property.

After a short discussion, the City Manager was directed to send Mr. Morgan a letter stating the City's policy on accepting dedicated streets and to inform him that if he desires, the City will consider accepting the street for dedication under the City's existing policy.

Resolution - PIN Rent Increase: The City Manager presented the following Municipal Agreement:

NORTH CAROLINA
McDOWELL COUNTY

NORTH CAROLINA DEPARTMENT OF
JUSTICE POLICE INFORMATION NETWORK

AND

POLICE DEPARTMENT OF
MARION, NORTH CAROLINA

MUNICIPAL AGREEMENT

THIS AGREEMENT, made and entered into this the 19th day of August, 1975, between the NORTH CAROLINA DEPARTMENT OF JUSTICE, POLICE INFORMATION NETWORK, hereinafter referred to as PIN, and the POLICE DEPARTMENT OF MARION, NORTH CAROLINA, a municipal corporation, hereinafter referred to as the Municipality;

W I T N E S S E T H :

WHEREAS, the North Carolina Department of Justice plans to make available to law enforcement agencies and other appropriate agencies of the State through the use of a centralized computer system various information now available or to be developed essential to efficient operation of said agencies, such as, but not limited to, information contained in the Department of Motor Vehicles' files, information contained in the National Crime Information Center (NCIC), information contained in the State Bureau of Investigation's files, Department of Corrections' files and information from local law enforcement agencies; and

WHEREAS, funds are available to place video terminals and printers in a limited number of municipalities; and

WHEREAS, it will be necessary for the governing body of the municipalities to assume the rental cost of such terminals from installation, such rental cost to be paid to Police Information Network, 111 East North Street, Raleigh, N.C. 27601; and

WHEREAS, due to the cost of installation and training of personnel to operate Police Information Network terminals, it is necessary that the municipality agrees to pay rental costs, prior to installation of PIN terminals, in order that maximum benefits can be realized for the expenditure of limited funds available to PIN.

NOW, THEREFORE, in consideration of the benefits accruing to PIN and the Municipality, it is agreed as follows:

(A) PIN will install and maintain a video terminal and printer connected to the Police Information Network system and also train operators selected and paid by the Municipality to operate such terminal.

(B) The Municipality will furnish a proper site for installation of a Police Information Network terminal and also furnish personnel to operate said terminal.

(C) The Municipality will assume the rental cost of the video terminal and printer in the amount of \$175.00, beginning January 1, 1976.

IT IS UNDERSTOOD AND AGREED that should funds not be available for the continued operation of the Police Information Network, PIN shall have no further obligation under this Agreement.

CITY OF MARION

BY: James H. Hays
MAYOR

L.S.
ATTEST:

James H. Hays
CLERK

N. C. DEPARTMENT OF JUSTICE
POLICE INFORMATION NETWORK

BY: _____
DIRECTOR

L.S.
ATTEST:

SECRETARY

APPROVED AS TO FORM AND LEGALITY:

RUFUS L. EDMISTEN
Attorney General

BY: _____
Assistant Attorney General

The following Resolution was presented by Councilman James:

The following resolution was offered by Councilman James, and a motion was made by Councilman James that it be adopted, this motion was seconded by Councilman Cross, and upon being put to a vote, was unanimously carried;

WHEREAS, the North Carolina Department of Justice, Police Information Network plans to make available to law enforcement agencies and other appropriate agencies of the State through the use of a centralized computer system various information now available or to be developed essential to the efficient operation of said agencies such as, but not limited to, information contained in the Department of Motor Vehicles' files, information contained in the National Crime Information Center, information contained in the State Bureau of Investigation's files, Department of Corrections' files, and information from local law enforcement agencies by the installation of a Police Information Network terminal in the City of Marion provided the City of Marion agrees to furnish a proper site for installing such terminal, and the necessary personnel to operate said terminal, and further agrees to assume the rental cost of such terminal from the date of installation; that said installation of a Police Information Network terminal is considered to be most necessary to the preservation of law and order and the promotion of public safety within the Municipality; and

WHEREAS, the North Carolina Department of Justice, Police Information Network and this municipality have agreed as follows:

(A) The North Carolina Department of Justice, Police Information Network will install and maintain a video terminal and printer connected to the Police Information Network system and also train operators selected and paid by the Municipality to operate such terminal.

(B) The Municipality shall furnish a proper site for installation of a Police Information Network terminal and also furnish personnel to operate said terminal.

(C) The Municipality shall assume the rental cost (which cost includes maintenance) of the Police Information Network terminal in the amount of \$175.00 (per month) beginning January 1, 1976.

NOW THEREFORE, BE IT RESOLVED that the installation of a Police Information Network terminal be and it is hereby formally approved by the City Council of the City of Marion and that the Mayor and City Clerk (or Manager) of this Municipality be and they are hereby empowered to sign and execute the required Agreement between this Municipality and the North Carolina Department of Justice, Police Information Network.

This Resolution was passed and adopted the 19th day of August, 1975.

I, James Earl Daniels, Clerk (or Manager) of the City of Marion, North Carolina, do hereby certify that the foregoing is a true and correct copy of the excerpts from the minutes of the City Council of this Municipality;

WITNESS, my hand the official seal of the City of Marion on this 19th day of August, 1975.


CLERK (OR MANAGER)

City of Marion, North Carolina

Resolution - Contract for Planning Services: The City Manager presented the following Agreement for planning services:

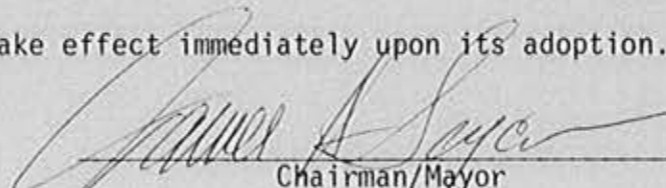
WHEREAS, the City of Marion herein called the "Applicant" has thoroughly considered the problem addressed in the subgrant application entitled Region "C" Training and has reviewed the project described in the application; and

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 IN OPENING MEETING ASSEMBLED IN THE CITY OF MARION, NORTH CAROLINA, THIS 5th DAY OF AUGUST, 1975, 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 \$1,174.48 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 \$65.24 and a local in-kind matching contribution valued under LEAA guidelines at -0- (or 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.

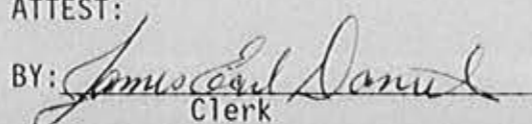

Chairman/Mayor

Commissioner/Councilman Oliver Cross offered the foregoing resolution and moved its adoption which was seconded by Commissioner/Councilman W. R. Ledbetter and was duly adopted.

DATE:

ATTEST:

BY:


Clerk

SEAL

The following Resolution was presented:

RESOLUTION AUTHORIZING EXECUTION OF CONTRACT
FOR PLANNING SERVICES

MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF MARION, NORTH CAROLINA.

A regular meeting of the City Council of the City of Marion, was held in the City Hall, the regular meeting place, on Thursday, August 19, 1975 at 7:30 P.M.

Present: Councilmen R. L. James, W. R. Ledbetter, Horace Wilkerson, Oliver Cross and Everette Clark; Mayor James H. Segars.

Absent: None

The City Council was advised that a proposed contract, between the City and North Carolina Department of Natural and Economic Resources for the provision of planning services was presented and discussed: that under the terms of the said contract, the City will pay a total of \$3,600 as its share of the planning costs.

Councilman Ledbetter introduced the following resolution which was read:

"BE IT RESOLVED, by the City Council of the City of Marion:

1) That the contract between the City of Marion and the North Carolina Department of Natural and Economic Resources be and the same is hereby approved.

2) That the Mayor and the Clerk be and they are hereby authorized to sign and execute the said contract for and on behalf of the City of Marion and forward the same to the North Carolina Department of Natural and Economic Resources.

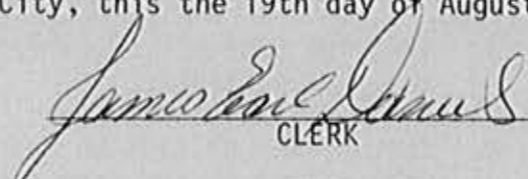
3) That upon final execution a copy of the said contract be filed with the minutes."

Upon a motion by Councilman Ledbetter, seconded by Councilman James, said resolution was unanimously passed.

I, James Earl Daniels, City Clerk of the City of Marion, North Carolina do hereby certify that the foregoing is a true copy of so much of the proceedings of the City Council of the City of Marion, at a meeting held on August 19, 1975, as related to the contract between the City and the N. C. Department of Natural and Economic Resources, relative to the City of Marion planning project.

WITNESS my hand and the corporate seal of the said City, this the 19th day of August, 1975.

SEAL


CLERK

Planning Board Members Resign: The City Manager informed the City Council that Planning Board members, Robert Jarrett and Al Smith, had verbally submitted their resignation as members of the Marion Planning Board. Both gentlemen stated that they would be unable to attend meetings regularly due to other obligations and that they felt they should step down from these offices to allow other persons to be appointed.

The City Manager presented a list of persons the Planning Board would like to have considered for appointment to fill the unexpired terms of Mr. Jarrett and Mr. Smith. The City Manager was directed to contact several of these individuals to see if they would serve if appointed.

Filing Fees - 1975 Municipal Elections: The City Manager stated that the City Council would need to set filing fees for the municipal elections coming up in November. He informed the Council that the fees could range from \$5.00 to \$12.00. After a short discussion and upon a motion by Councilman Cross, seconded by Councilman Ledbetter, the City Council unanimously voted to set the filing fee at \$10.00.

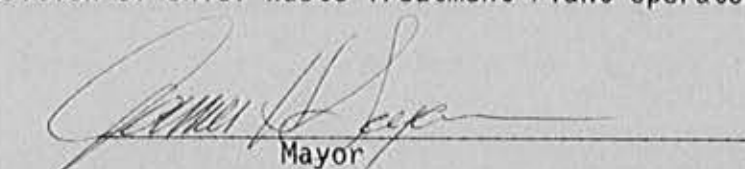
Capital Project Fund - First Union National Bank: The City Manager informed the City Council that the proceeds from the Bond Anticipation Notes sold by the Local Government Commission and finalized on Monday, August 18, 1975 amounting to \$250,003 had been deposited at First Union National Bank. He recommended that a new bank account entitled "Capital Projects Fund" be established at First Union National Bank and that all funds related to the waste treatment facilities' projects be deposited and disbursed from said account.

Upon a motion by Councilman James, seconded by Councilman Ledbetter, the City Council unanimously voted to accept the recommendations of the City Manager and directed the City Manager to open a new account entitled "Capital Projects Fund" at First Union National Bank.

Tables - Community Building: Councilman Wilkerson stated that there seemed to be an inadequate number of tables at the Community Building. The City Manager informed the Council that ten new tables had been ordered and should be delivered in approximately six weeks. He advised the Council that the new tables would have a stain resistant top which would eliminate the need for paper table cloths. A question was raised concerning repairing the existing tables. The City Manager stated that most of the tables not presently in use were too damaged, due to age and being loaned out, to repair at minor expense. He advised the City Council that two organizations had agreed to purchase one or two tables each if the City would order them. He recommended the new tables not be loaned out under any circumstances. Mayor Segars suggested the City should consider purchasing ten tables per year for two or three years to replace the old tables.

Tommy Scott's Family Fun Time - Road Show: The City Council authorized the Police Department to sponsor the Tommy Scott's Family Fun Time Road Show and directed the City Manager not to charge the department a privilege license fee.

Executive Session - Personnel: Upon a motion by Councilman Cross, seconded by Councilman Ledbetter, the City Council unanimously voted to meet in executive session to discuss an application for the position of Chief Waste Treatment Plant Operator.


Mayor

Attest:

BY: 
Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

September 2, 1975

The City Council for the City of Marion met in a regularly scheduled meeting on Tuesday, September 2, 1975 at 7:30 P.M. in the City Council Chamber at City Hall.

Board Members Present: Mayor James H. Segars, Councilmen R. L. James, W. R. Ledbetter, Horace Wilkerson and Everette Clark. Councilman Oliver Cross arrived at approximately 8:40 P.M.

Others Present: Earl Daniels, City Manager; E. P. Dameron, City Attorney; and Ann Vess, News Reporter.

Guests: Charles M. Brown, Jr.; William M. Jones; James H. Hall; and Ernest A. Epley.

Approval of August 19, 1975 Minutes: Upon a motion by Councilman Ledbetter, seconded by Councilman Wilkerson, the City Council unanimously voted to approve the minutes of the August 19, 1975 meeting.

N. C. National Guard - Proposed McDowell County Unit: Major William M. Jones, Sgt. James H. Hall and 1st Sgt. Ernest A. Epley, appeared before the City Council to request the City Council's support in establishing a National Guard Unit in McDowell County. Major Jones acted as spokesman for the group. He informed the City Council of the many advantages of having the National Guard Unit located in the Marion area and some of the obligations on the part of local government in helping to establish this unit.

After a short discussion and upon a motion by Councilman Wilkerson, seconded by Councilman James, the City Council unanimously voted to provide an amount up to \$500 this fiscal year for support in establishing a National Guard Unit in the Marion area.

Clay Street - Petition for Closing Certain Portions: Attorney Charles Brown appeared before the City Council and presented a petition requesting that a portion of Clay Street, located from the South side of the Southern Railway Company Tracks to a point 150' north of the northern edge of State Street, be closed. Mr. Brown advised the City Council that consideration was being given to expanding the Currier Piano Company. He stated that the company had explored tunneling under Clay Street and also building an overpass over Clay Street to provide for such expansion. He provided a traffic count showing that approximately 500 cars per day utilized Clay Street.

After a long discussion the City Council decided that the closing of that portion of Clay Street would not be in the best interest of the general public.

Upon a motion by Councilman Wilkerson, seconded by Councilman Clark, the City Council unanimously voted to oppose the closing of that portion of Clay Street.

Planning Board - Appointment of Two Members: Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to appoint Mrs. Jim "Kristi" Neal to complete the unexpired term of Robert Jarrett; and Mr. David DeBruhl to complete the unexpired term of Mr. Al Smith. Mrs. Neal's term in office will expire on December 31, 1976 and Mr. DeBruhl's term in office will expire on December 31, 1975.

Request for Sewer Tap - Paul Seagle: The City Manager informed the City Council that Mr. Paul Seagle had requested permission to tap onto the sanitary sewer system. He advised the Council that Mr. Seagle lives on Oak Street adjacent to the City limits, but lives outside the limits. The City Manager was directed to contact Mr. Seagle and encourage Mr. Seagle to consider requesting that his property be annexed into the City limits.

The City Manager was asked to explain to Mr. Seagle the many advantages of being a resident of the City.

SWAN Corporation - Request to Construct Building Over Sewer Line Easement: The City Manager presented a request from Mr. John Ervin that SWAN Corporation be allowed to construct a new building on U.S. 221, just west of Kentucky Fried Chicken, over the sewer outfall lines. The City Manager stated that Mr. John Ervin, Jr. had advised the Manager that SWAN Corporation would be happy to enter into an agreement with the City whereby said corporation would provide another easement and relocate the sewer mains, should any problems occur in the existing lines during or after construction of the building.

Upon a motion by Councilman James, seconded by Councilman Ledbetter, the City Council unanimously voted to consider a formal agreement prepared by Mr. Ervin at the next regular City Council meeting. The City Manager was directed to contact Mr. Ervin and advise him that if he will have an agreement prepared, the City Council will consider same.

Tax Reimbursement - Jimmy Nelson Willis: The City Manager presented a request from Jimmy Nelson Willis that he be reimbursed in the amount of \$106.38 paid on December 31, 1974 for 1974 taxes which was a duplicate listing of Ben and Mary Etta McKinney of 710 Robert Street.

The City Manager informed the Board that Mrs. Frances Briscoe had stated that this was a duplicate listing and that both parties had paid tax on the same property.

Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to refund Mr. Jimmy Nelson Willis in the amount of \$106.38.

City Manager's Report: The City Manager made the following report:

1. 1975-76 Street Surfacing & Resurfacing Program is complete.
2. New parking lot on Railroad Street is complete.
3. Sidewalk work complete at Community Building. Cement work for basketball court and shuffle board completed.
4. Work on Clear Creek Intake beginning today (8-28-75)
5. Sidewalk work in front of old junior high is scheduled next week.
6. Work on water line installation along old Highway #10 is underway.
7. Duke Power drilled into a 10" water main on Highway #70 east of Hardees. Water off west of damaged line 5-6 hours (8-25-75). Duke Power was installing poles for traffic signals.
8. Another good application received for waste treatment plant operator position.
9. Mackey's Creek water line damaged 8-28-75. Bad leak just east of Air Preheater. Water off west of damaged line approximately 6 hours.
10. Region "C" Project for Additional Police Personnel has been disapproved.

Executive Session: Upon a motion by Councilman Clark, seconded by Councilman James, the City Council unanimously voted to go into executive session to discuss personnel matters and the proposed acquisition of properties. During the executive session the City Council decided against purchasing two pieces of property which were offered to the City.

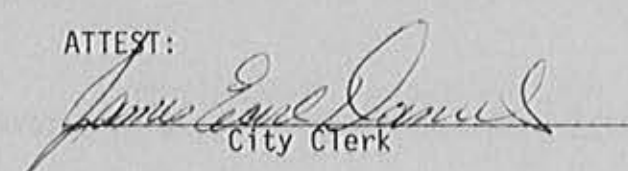
The City Council authorized the Mayor and City Manager to negotiate for an option to purchase a piece of property for a proposed sewer lift station under the waste treatment plant project.

The City Council reviewed applications for the position of Waste Treatment Plant Operator. After a short discussion the City Manager and City Council unanimously agreed to employ Mr. Gary Campbell as Chief Waste Treatment Plant Operator. Mr. Campbell will report for work on September 15, 1975.

There being no further business, the meeting was adjourned.


Mayor

ATTEST:


City Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

September 16, 1975

The City Council of the City of Marion met in a regularly scheduled meeting on Tuesday, September 16, 1975 at 7:30 P.M. in the Fire Police Training Center adjacent to Marion City Hall.

Board Members Present: Mayor James H. Segars, Councilmen R. L. James, W. R. Ledbetter, Horace Wilkerson and Everette Clark.

Others Present: Earl Daniels, City Manager; E. P. Dameron, City Attorney; Alvin Callahan, Building Inspector; Arthur Edwards, Fire Chief; Woody Harton, City Planner; and Ann Vess, News Reporter.

Guests: Ted Bright, P. O. Box 566; Howard Randolph, P.O. Box 29; Wayne Ollis, Rt. 4; Cecil J. Clontz, 8 Gilkey Street; Carroll L. Toney, 200 Glenview Street.

Approval of the September 2, 1975 Minutes: Upon a motion by Councilman Ledbetter, seconded by Councilman Clark, the City Council unanimously voted to approve the minutes of the September 2, 1975 meeting.

Zoning Ordinance Amendment - Crawford Terrace: The City Manager presented a request from Mr. Ted Bright, that certain property located on Crawford Terrace just east of house # 202, be rezoned from R-1 General Residential to C-2 General Business. Building Inspector, Alvin Callahan, passed out drawings of the property under question and pointed the property out on the zoning map. The description of the property is as follows:

Beginning at the south-west corner of the property lines of J. Will Pless, Jr., and Ralph Rector on Crawford Terrace and continuing East 51 deg. for 100 feet to a corner, thence North 24 degrees, West 89 feet to a corner, thence West 51 deg. 59 feet to a corner, thence South 24 degrees 33 feet to a corner, thence 55 deg. West 58 feet, thence South 38 deg. 68 feet to the point of beginning.

Mr. Ted Bright was present at the meeting and spoke briefly to the Council requesting that they give favorable action to the request. The City Manager advised the City Council that the Planning Board recommended the property be rezoned in accordance with Mr. Bright's request.

Upon a motion by Councilman Ledbetter, seconded by Councilman James, the City Council unanimously voted to rezone the property from R-1 General Residential to C-2 General Business.

Zoning Ordinance Amendment - East Court Street: The City Manager presented a request that property belonging to Karl M. Brown and James R. Brown, located on East Court Street, be rezoned from R-1 General Residential to C-2 General Business. The property is described as follows:

Beginning on a stake on the north side of highway leading from Marion to the C.C. & O. underpass, in the line of L. A. Martin and H. M. Holland, runs with said line North 24 degrees 18' West 2.36 chains to a stake, said Hall's corner and a corner of the

Clinchfield Manufacturing Company's land; thence with the line of said Manufacturing Company's land North 3 deg. 32' east 1.01 chains to a stake, thence still with the line of the said Clinchfield Manufacturing Company's land North 86 deg. 09' West 4.09 chains to a stake, their corner and L.A. Martin's corner; thence South 33 deg. 38' East 5.47 chains to a stake on the North bank of the road at a point 2.26 chains from the beginning corner of this tract; thence North 60 deg. 15' East 2.26 chains to the Beginning, containing 1.20 acres, be the same more or less.

The above described property is conveyed subject to the right-of-way of U.S. Highway # 70 (East Court Street). (1 chain = 66'; 1 link = 66').

No one appeared at the City Council meeting regarding this request. The City Manager informed the City Council that the Marion Planning Board recommended the property be rezoned from R-1 General Residential to C-2 General Business.

Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council unanimously voted to rezone from R-1 General Residential to C-2 General Business, the above described property as recommended by the Marion Planning Board.

Zoning Ordinance Amendment - Special Exception - Tire Recappers: The City Manager presented a request that Article VIII, Section 803.3 of the Marion Zoning Ordinance, be amended by adding a new section as follows:

803.3 Special Exceptions. The following uses are permitted as special exceptions as provided for in Article XII, Section 1204.2 of this ordinance.

(1) Tire Recapping Centers (provided all recapping activities are conducted completely within an enclosed building and in such a manner that noise, odor, smoke, and any other debris associated with this type operation will not be offensive to adjoining property owners. Further provided that there will be no outside storage of any materials, including tires, old or new. It is not the intent of this section to prohibit tire displays. Tire displays shall be limited to no more than ten (10) tires.)

Mr. Carroll Toney was present and advised the City Council that he had a tire recapping business located on East Court Street and that approval of this special exception could possibly allow him to expand his business. He advised the Council that he did not agree with the proposed amendment to the ordinance--he thought it was too restrictive, but that he could live with it.

Mr. Cecil Clontz of 8 Gilkey Street was present and advised the City Council that Mr. Toney's business, located adjacent to Mr. Clontz's residential property, was a nuisance and that it created noise and air pollution. A long discussion was held regarding the proposed amendment.

Upon a motion by Councilman Ledbetter, seconded by Councilman Clark, the City Council unanimously voted to adopt the proposed new section.

Zoning Ordinance Amendment - O & I Office and Institutional District: The City Manager informed the City Council that the Marion Planning Board had submitted a request that the area of property in and around the hospital be rezoned to Office and Institutional and that a new district be established. He stated that at the Planning Board Public Hearing held on Thursday evening, September 11, 1975, several future plans for the hospital were brought to light which had a direct bearing on the request. The City Manager stated that the Planning Board was advised that the hospital would possibly be relocated to another area within a ten year period. The City Manager advised the City Council that the Planning Board wishes to withdraw the request for the rezoning in establishing an Office and Institutional District.

No action was taken by the City Council.

Madison Cablevision - Mr. Robert Spiegel Requests Rate Increases: Mr. Robert Spiegel appeared before the City Council to advise the Council that due to increased cost in operation of the cable television system that it was necessary to request an increase of 50¢ per month on the first outlet. He advised the Council that there would be no increase in the second outlet for television or FM, nor would there be an increase in installation charges.

City Attorney, E. P. Dameron advised that it would be necessary, in order to change the franchise ordinance, to draft an amendment authorizing the increase and that the proposed amendment to the ordinance must be read at two regular meetings of the City Council before it can become effective.

Upon a motion by Councilman James, seconded by Councilman Ledbetter, the City Council unanimously voted to have the necessary franchise ordinance amendment drafted to provide for a 50¢ increase in the monthly rental fees on the first outlet.

Equipment Bids - Two New 2½ Ton Trucks: The City Manager informed the City Council that bids were opened at 2:00 P.M. in the City Manager's office on September 16, 1975 for the purchase of two new 2½ ton trucks. He advised the Board that the following bids were received:

EAST TENNESSEE TRUCKS - Knoxville, Tennessee

2½ Ton Truck (156" wheel base) 1975 model Ford	\$ 7,859.86
2½ Ton Truck (167" wheel base) 1975 model Ford	\$ 8,159.76
Total (N. C. tax not applicable)	\$16,019.62

Guaranteed Delivery Date: 15 days after receipt of order

½ Ton Pickup Truck	no bid
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BALLEW MOTOR COMPANY - Marion, N.C.

2½ Ton Truck (167" wheel base) 1976 model Chev.	\$ 8,692.44
2½ Ton Truck (167" wheel base) 1976 model Chev.	\$ 8,692.44

Sub total	\$17,384.88
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N.C. Sales Tax	\$ 240.00
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Total	\$17,624.88
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Guaranteed Delivery Date: 6 months

½ Ton Pickup Truck - 1976 Model Chev.	\$ 3,435.00
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N.C. Sales Tax	\$ 68.70
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Total	\$ 3,503.70
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Guaranteed Delivery Date: 60 Days

Upon a motion by Councilman Ledbetter, seconded by Councilman James, the City Council unanimously voted to accept the bids submitted by East Tennessee Trucks in the amount of \$7,859.86 for one new 1975 Ford 2½ ton truck with 158" wheel base and \$8,159.76 for one new 1975 Ford 2½ ton truck with 167" wheel base.

The City Manager advised the City Council that only one bid was received on the ½ ton pickup truck. That bid was submitted by Ballew Motor Company on a 1976 model Chevrolet ½ ton pickup truck in the amount of \$3,435.00 with N.C. Sales Tax of \$68.70 for a total of \$3,503.70, with a guaranteed delivery date of 60 days.

Upon a motion by Councilman Ledbetter, seconded by Councilman James, the City Council unanimously voted to accept the bid submitted by Ballew Motor Company in the amount of \$3,435.00 with \$68.70 North Carolina Sales Tax.

Sewer Outfall Line - Rutherfordton Road: The City Manager presented the following proposal submitted by SWAN Corporation.

North Carolina
McDowell County

EASEMENT

THIS DEED AND EASEMENT made this _____ day of September, 1975 by and between SWAN CORPORATION, a North Carolina corporation with principal offices in Burke County, North Carolina, hereinafter called GRANTOR; and the CITY OF MARION, a municipal corporation of McDowell County, North Carolina, hereinafter called GRANTEE.

W I T N E S S E T H:

THAT WHEREAS, said Grantor is the owner of a certain lot of land lying on the South side of N.C. Highway # 226 and # 221 South of the Town of Marion, which property is hereinafter described; and

WHEREAS, the land owned by the Grantor is subject to a Deed of Easement recorded in Book 124, page 227, in the McDowell County Public Registry, granting to the City of Marion the perpetual right, privilege and easement to lay, construct, re-construct, maintain and repair a certain sewer line on the lands owned by the Grantor; and

WHEREAS, the Grantor desires to construct a building which will be built over a portion of the existing sewer line of the City of Marion; and

WHEREAS, the City of Marion has agreed that the Grantor may construct said building over said sewer line subject to the terms and conditions hereinafter set forth;

NOW, THEREFORE, the Grantor for and in consideration of being allowed to construct a building over the sewer line as hereinabove set forth, does hereby give, grant and convey unto the Grantee a perpetual right and easement to construct and maintain across and upon the said land of the Grantor an underground sewer line, having a width of twenty (20) feet, and to go upon said lands whenever the same is reasonably necessary for the purpose of inspecting, maintaining, and repairing said sewer line; provided, that in the event the Grantor and the Grantee may not agree on the exact location of the sewer line, that the same shall be placed as near as possible along the Northern and Western boundary lines of the Grantor, and that in constructing and repairing said sewer line that the Grantee shall remove all surplus earth, make level the surface of the ground above said sewer line, and interfere as little as is reasonably possible with any plants, fences, buildings or other improvements upon the land of the Grantor.

The land across which this easement is granted is more particularly described as follows:

BEGINNING on an iron pipe in the edge of the pavement on the South side of N.C. Highway #226 and #221; a common corner with the Kentucky Fried Chicken lot; thence with the Kentucky Fried Chicken lot South 35 deg. 25' West 185 feet to an iron stake; thence with the back line of the Kentucky Fried Chicken lot, South 56 deg. 22' 30" East 125 feet to an iron stake; thence continuing South 56 deg. 22' 30" East 30 feet to an iron stake; thence South 34 deg. 44' West 57.10 feet to an iron stake in the creek; thence North 70 deg. 2' West 100 feet to an iron stake; thence North 43 deg. 31' West 49.82 feet to an iron stake; thence North 34 deg. 10' West 122 feet to an iron stake in said creek; thence leaving the creek North 21 deg. 30' East 174.78 feet to an iron stake which is located within the right-of-way of N. C. Highways #226 and #221; thence within the right-of-way of said highway South 70 deg. 40' East 152 feet to an iron stake, the point of BEGINNING, and containing 0.856 acres, more or less.

The additional terms and conditions of this easement are as follows:

1. In the event the sewer line is damaged in the construction of a building or improvements upon the land hereinabove described, or in the further event that the sewer line needs to be replaced, altered or maintained, which alteration, maintenance or repair may not be performed because of the location of the building of the Grantor, then it shall be the responsibility of the Grantor to bear all expense necessary for the re-location of the sewer line on the premises hereinabove described.
2. In the event a re-location of the said sewer line is necessary within the easement hereby conveyed by the Grantor, then the Grantee agrees that it will relinquish its rights to any easement which is abandoned as a result of the re-location of the sewer line, and shall re-convey to the Grantor, Grantee's rights of easement in the sewer line which is abandoned.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed the day and year first above written.

SWAN CORPORATION

BY _____
President

(SEAL)

ATTEST:

Secretary

Upon a motion by Councilman James, seconded by Councilman Ledbetter, the City Council unanimously voted to approve the easement as presented.

Recreation Commission - Appoint New Member: The City Council was advised by letter that Mickey Poteat's term as a member of the Recreation Commission, would expire in October and that it would be necessary to name a new person to fill that position. The City Council held a short discussion and delayed any action on a new appointment.

Police Salary Supplement Contract: The City Manager presented the following contract for the City Council's consideration;

LOCAL GOVERNMENT CONTRACT
CONTRACT NUMBER TSC # 43

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 Senate Bill Number 678 of the 1975 General Assembly 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 Senate Bill 678 and Local Government desires to receive said funds;

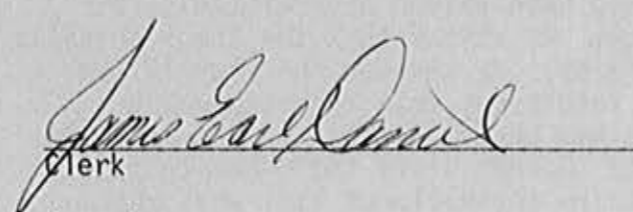
Now therefore, Council and Local Government do hereby mutually agree as follows:

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 Senate Bill 678 of the 1975 General Assembly.
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 Senate Bill 678 of the 1975 General Assembly.

This Agreement shall remain in full force and effect until October 1, 1977.

In Witness Whereof, the Council and Local Government have executed this Contract this _____ day of _____, 197__.

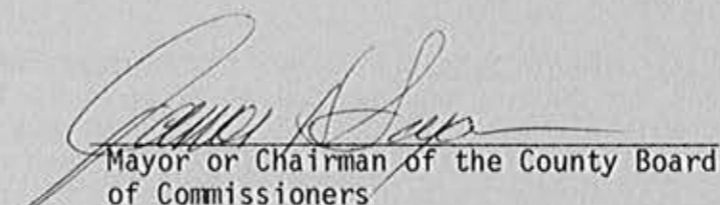
ATTEST:


Clerk

(SEAL)

Approved as to Legal Form and
Legal Adequacy:

Attorney for Local Government


Mayor or Chairman of the County Board
of Commissioners

NORTH CAROLINA CRIMINAL JUSTICE
TRAINING AND STANDARDS COUNCIL

Director

Approved as to Form and
Legal Adequacy:

RUFUS L. EDMISTEN
Attorney General

By: _____
Assistant Attorney General

Upon a motion by Councilman Wilkerson, seconded by Councilman James, the City Council unanimously voted to approve the contract as submitted.

Pine Street - Request that Street be Opened from Clay Street to McDowell Avenue: The City Manager informed the City Council that he had received a request from Red Walker that Pine Street be opened from Clay Street to McDowell Avenue.

After a short discussion, the City Manager was asked to go out to the site with the Street Superintendent and look at the area and make a report to the City Council.

Academy and West Court Street Intersection Modification: The City Manager informed the City Council that the bill received from Mr. Amos Fortenbury for the work on the modification of the intersection of Academy Street and West Court Street was \$350.00 higher than figures previously reported to the City Council by the City Manager. The City Manager advised the Council that an error was made in Mr. Fortenbury's computations resulting in the difference of the bill. The City Manager recommended that the City Council approve payment of the bill in the amount of \$4,708.

Upon a motion by Councilman James, seconded by Councilman Ledbetter, the City Council unanimously voted to approve payment of the bill in the amount of \$4,708.

Waste Treatment Plant - Part-time help: The City Manager advised the City Council that Mr. Jack Hendrix had assisted the Waste Treatment Operators in work at the Clinchfield Plant. Mr. Hendrix was previously the Waste Treatment Plant Operator for Burlington Industries. The City Manager stated that he had worked a total of 24 hours and that it was recommended that he be paid \$2.50 an hour for that time for a total of \$60.00.

Upon a motion by Councilman Wilkerson, seconded by Councilman Ledbetter, the City Council unanimously voted to approve payment to Mr. Hendrix in the amount of \$2.50 per hour for the 24 hour period.

New Police Cars: The City Manager informed the City Council that he had received a phone call from Don Shields, Planning Director for Region "C" Criminal Justice Planning Agency, advising that EPA had not approved the emission standards on the 360 cubic inch engines for the Plymouth Fury Police Cars ordered by the City of Marion. The City Manager informed the Council that he was advised that it would be necessary either to accept the 440 cubic inch engines or to wait for the approval of the emission standards by the EPA in order to get the 360 cubic inch engines.

He informed the Council that he talked with the Mayor about the possible delay in receiving the new police cars and that the decision was made to authorize Region "C" to order the new cars with 440 cubic inch engines instead of 360 cubic inch engines so the cars could be received at the earliest possible date.

The City Manager advised that the additional cost would run approximately \$60 per vehicle.

The City Council unanimously agreed with the decision made by the Mayor and City Manager.

City Manager's Report: The City Manager informed the Council that the forms had been set for pouring the new dam at Clear Creek Intakes and that the Intake had been cleaned completely and that the walls of the Intake house had been raised approximately 20 inches to eliminate some infiltration into the system. He stated that the interior walls of the intake house had been plastered to prevent leaks. He advised the Council that a new road had been constructed into the Clear Creek Intake but that the road was not passable due to recent rains. He stated that plans had been made to pump the concrete approximately 200 feet at an elevation of 20 feet to the dam since the concrete trucks could not go closer. He stated that the work was to be accomplished last week but due to rain it had to be postponed and that it was rescheduled for the concrete to be poured on Wednesday morning, September 17, 1975.

Upon a motion by Councilman Wilkerson, seconded by Councilman James, the City Council unanimously voted to go into Executive Session to discuss legal matters relating to the Clinchfield Waste Treatment Plant.


In Executive Session the City Manager informed the City Council that some customers from the Clinchfield area had not paid for sewer service charges as billed by the City.

After a short discussion the City Manager and City Attorney was directed to advise these persons one more time that it would be necessary to pay their bills and that if the bills were not paid by a given date that the City would take necessary action as required.

There being no further business, the meeting adjourned.


Mayor

Attest:


City Clerk

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STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

October 7, 1975

The City Council of the City of Marion met in a regularly scheduled meeting on Tuesday night, October 7, 1975 at 7:30 P.M. in the City Council Chamber at City Hall.

Board Members Present: Mayor James H. Segars, Councilmen R. L. James, Horace Wilkerson and Everette Clark. Councilman W. R. Ledbetter arrived at 8:25 P.M.

Others Present: Earl Daniels, City Manager; E. P. Dameron, City Attorney; John Beck, Chief of Police and Ann Vess, News Reporter.

Guests: Rodney Hemphill, 305 Clay Street, Box 95; Minnie F. Conner, 642 South McDowell Avenue; Charles P. Byas, P.O. Box 222; Jerry Arnold, 640 State Street; Sam J. Hall, 250 South McDowell Avenue; Robert Spiegel, Madison Communications; William J. Greene, Madison Cablevision, Gene Fowler, 221 Clay Street; Howard Randolph, Madison Cablevision; Wayne Ollis, Madison Cablevision.

Approval of the September 16, 1975 Minutes: Upon a motion by Councilman Clark, seconded by Councilman Wilkerson, the City Council unanimously voted to approve the minutes of the September 16, 1975 meeting.

Ordinance - Madison Cablevision - Rate Increase: The City Manager presented the following ordinance.

AN ORDINANCE AMENDING THE ORDINANCE ENTITLED
AN ORDINANCE AUTHORIZING TRANSFER OF THE COMMUNITY
TELEVISION ANTENNA SYSTEM (FRANCHISE) TO
MADISON COMMUNICATIONS, INC. AND/OR MADISON CABLEVISION, INC.

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 1967 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 5th, 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,

WHEREAS, The City Council of the City of Marion adopted a resolution on the 6th day of February 1973 amending SECTION 18 of the aforementioned 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, the City Council of the City of Marion adopted an ordinance on the 7th day of August 1973 deleting SECTION 18 of the aforementioned ordinance adopted on the 5th day of October, 1965, including all amendments thereto, and adopted a new SECTION 18 establishing new rate schedules; and

WHEREAS, The City Council of the City of Marion adopted an ordinance entitled "AN ORDINANCE AUTHORIZING TRANSFER OF THE COMMUNITY TELEVISION ANTENNA SYSTEM (FRANCHISE) TO MADISON COMMUNICATIONS, INC. AND/OR MADISON CABLEVISION, INC.:" and

WHEREAS, MADISON COMMUNICATIONS, INC. AND/OR MADISON CABLEVISION, INC. has submitted a request that SECTION 18 of the aforementioned ordinance adopted the 5th day of October, 1965, including all amendments thereto, be amended to provide for a change in the monthly service rate for the first outlet.

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

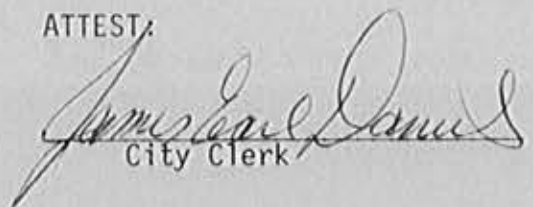
SECTION 1. That SECTION 18 of the aforementioned ordinance adopted on the 5th day of October, 1965, including all amendments thereto, is hereby amended by increasing the monthly service rate for the first outlet, from \$6.00 to \$6.50 per month.

This Ordinance shall be effective the 1st day of November, 1975.

Adopted and approved this ____ day of October, 1975.


Mayor

ATTEST:


City Clerk

The City Manager asked if anyone present at the meeting wished to speak to the City Council concerning the proposed ordinance. No questions were raised by persons attending the meeting.

The City explained to all persons attending the meeting that under State law it would be necessary to present the ordinance at two regular consecutive meetings of the City Council. He stated that this would be the first presentation of the ordinance and that the ordinance would be again presented to the City Council on October 21, 1975.

Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to approve the first reading of the ordinance.

Tax Overpayment - McDowell Savings and Loan: The City Council was advised that Mr. John W. and Annette F. Evans of 519 Forest Heights, was picked up for 1975 City taxes as a non-lister for valuation of \$28,080 at 75¢ for a total tax due of \$210.60. The City Council was advised that Mr. Ralph Carl Galloway, 519 Forest Heights, really owned the property on the first day of January, 1975 and has now been picked up for 1975 City taxes for valuation of \$24,165 at 75¢ for a total tax due of \$181.24.

The City Manager stated that McDowell Savings and Loan had paid the \$210.60 tax due for Mr. John W. and Annette F. Evans and that since Mr. Evans did not own the property on the first day of January, that it would be necessary to reimburse McDowell Savings and Loan in the amount of \$29.36 as overpayment since the taxes actually due on the property were \$181.24.

Upon a motion by Councilman Wilkerson, seconded by Councilman Clark, the City Council unanimously approved the reimbursement to McDowell Savings and Loan in the amount of \$29.36.

Vehicle Damages - Mr. Woodrow Hunter: The City Manager informed the City Council that Mr. Woodrow Hunter had submitted a letter requesting reimbursement for expenses paid by him for damages to the oil filter of his vehicle which were caused by a City sign. Mr. Hunter stated that he ran over a "men at work" sign which was laying flat on the street and not standing up where visible. One leg of the sign struck the oil filter, puncturing the filter and causing Mr. Hunter to lose two quarts of oil. Mr. Hunter asked that the City reimburse him in the amount of \$4.22.

Upon a motion by Councilman Clark, seconded by Councilman James, the City Council unanimously voted to authorize payment to Mr. Hunter for damages.

✓ Resolution - Wastewater Project: The following resolution was presented for Council consideration:

RESOLUTION

WHEREAS, The North Carolina Clean Water Bond Act of 1971 has authorized the making of grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, and waste supply systems, and

WHEREAS, The City of Marion has need for and intends to construct wastewater treatment facilities including a waste treatment plant, necessary pumping stations and collection lines, and

WHEREAS, The City of Marion intends to request State and Federal grant assistance for the project,

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARION

That the City of Marion will arrange financing for all remaining costs of the project, if approved for a State and Federal grant award.

That the City of Marion will adopt and place into effect on or before completion of the project a schedule of fees and charges which will provide adequate funds for proper operation, maintenance and administration of the system.

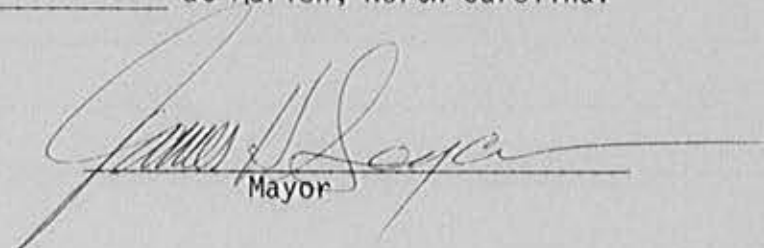
That the City of Marion will provide for efficient operation and maintenance of the project on completion of construction thereof.

That James H. Segars, Mayor, and successors so titled, is hereby authorized to execute and file an application on behalf of the City of Marion with the State of North Carolina and EPA for a grant to aid in the construction of the project described above.

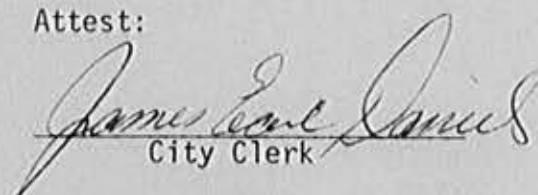
That James H. Segars, Mayor, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State Agency may request in connection with such application of the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the City of Marion has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinance applicable to the project and to Federal and State grants and loans pertaining thereto; and hereby authorized the above designated representative to execute an affidavit so stating.

Adopted this the _____ day of _____ at Marion, North Carolina.


Mayor

Attest:


City Clerk

Upon a motion by Councilman James, seconded by Councilman Clark the City Council unanimously voted to adopt the resolution as presented.

Pine Street - Report: Several persons were in attendance at the meeting regarding the request that Pine Street be opened. Mr. Gene Fowler asked that consideration be given to the overall cost of opening the street as opposed to the benefits derived from the street being opened. He stated that all persons in attendance at the meeting regarding the street were presently being served by a roadway and that opening the street would only benefit three lots.

After a long discussion Mayor Segars advised those in attendance that the City Council would have the street staked off so that we could determine the exact location of the street and that another meeting would be held at which all persons would be invited to attend prior to a decision being made by the Council as to whether or not the street would be opened.

Councilman Ledbetter arrived during the discussion on the Pine Street opening.

Hilltop House - Sewerage Line: Everette Carnes appeared before the City Council and informed the City Council that renovations would be taking place at Hilltop House to provide for 50 additional beds and that the project has been in the planning stages for approximately one year.

He stated that they wished to install a pumping station and line to connect into the City's sewage system.

After a long discussion concerning the possibility of connecting into the City sewer system, it was suggested that Mr. Carnes may wish to talk with the City's engineering firm of O'Brien and Gere. Mr. Carnes was advised that the City's engineers would already have a considerable amount of information regarding the feasibility of serving the Hilltop House with a pumping station and sewer line. Mr. Carnes thanked the City Council and advised that he would work with the City Manager in contacting the engineering firm.

Recreation Commission - Appointment of Member: The City Manager informed the City Council that Recreation Commission member, Mickey Poteat, had agreed to serve one additional year on the Recreation Commission.

Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council unanimously voted to appoint Mickey Poteat to the Recreation Commission for a term of one year.

The City Manager informed the City Council that he had received a letter from the Recreation Commission asking that a new member be appointed to fill the unexpired term of Melvin Rutherford. The letter stated that Mr. Rutherford had not been attending the Recreation Commission meetings. After a short discussion the City Manager was directed to personally contact Mr. Rutherford to ask if he wished to continue to serve.

Water-Sewer Service Connection Fees: The City Manager advised the City Council that due to increase in cost in the price of equipment, materials and labor, it was necessary to request an increase in the fees charged for water-sewer connections. The following proposed rates were presented to the City Council:

Water Meter Service Fees: (Includes meter and cut-off valve. A valve box is included in this fee for 3/4" services. For larger meters the customer must construct the meter box.)

Meter Size	Incorporated Area			Unincorporated Area		
	*Dirt Street	Asphalt Street	Concrete Street	*Dirt Street	Asphalt Street	Concrete Street
3/4"	100	125	150	200	250	300
1"	175	200	225	350	400	450
1 1/2"	300	325	350	600	650	700
2"	400	425	450	800	850	900

Sewer Tap Fees:

Meter Size	Incorporated Area			Unincorporated Area		
	*Dirt Street	Asphalt Street	Concrete Street	*Dirt Street	Asphalt Street	Concrete Street
4"	100	125	150	200	250	300
6"	150	175	200	300	350	400

Multi-Meter Service Fees: 3/4" Services Only

No. of Meters	Incorporated Area	Unincorporated Area
2	90 each	190 each
3 - 5	80 each	180 each
Over 5	75 each	175 each

The above reduced fees apply for each grouping of meters when the group of meters are installed at the same time. When return trips are required, the single rate shall apply. The single rate applies if meters are not grouped together.

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

*The fees listed under "Dirt Street" shall apply only when removal and replacement of asphalt and/or concrete is not necessary in making the installation.

Upon a motion by Councilman Wilkerson, seconded by Councilman James, the City Council unanimously voted to approve the new water-sewer connection rates as proposed by the City Manager with an effective date of December 1, 1975.

Shop/Garage Plans: The City Council was informed that the preliminary drawings for a shop and garage to be located on City property, had been prepared by the Engineering Department of American Thread. The City Manager presented the plans for Council consideration.

After a short discussion it was decided that the City Council would have dinner with the engineer preparing the plans and discuss the plans in detail. The new shop/garage facilities are proposed to be constructed from Revenue Sharing Funds.

Ordinance - No Parking Zones, South Garden Street: The following ordinances regarding no parking on South Garden Street were presented to the City Council as recommended by the Marion Police Department.

Upon a motion by Councilman James, seconded by Councilman Ledbetter, the City Council unanimously voted to establish a "No Parking Anytime" zone on the east side of South Garden Street from Rutherford Road north to State Street.

Upon a motion by Councilman James, seconded by Councilman Ledbetter, the City Council unanimously voted to establish a "No Parking Anytime" zone on the west side of South Garden Street from Rutherford Road north a distance of 345 feet.

Upon a motion by Councilman James, seconded by Councilman Ledbetter, the City Council unanimously voted to establish a "No Parking from 7:00 A.M. to 7:00 P.M." zone on the west side of South Garden Street from a point located 345 feet north of the intersection of South Garden Street and Rutherford Road north to Spring Street.

Ordinance - No Parking Zone - Lincoln Avenue: Upon a motion by Councilman James, seconded by Councilman Ledbetter, the City Council unanimously voted to establish a "No Parking Anytime" zone on both sides of Lincoln Avenue from South Garden Street to Spring Street.

Ordinance - No Parking - Hillcrest Drive: Upon a motion by Councilman Clark, seconded by Councilman Ledbetter, the City Council unanimously voted to establish a "No Parking Anytime" zone on both sides of Hillcrest Drive from the intersection of Hillcrest Drive and Reservoir Road, a distance of 700 feet in a north easterly direction.

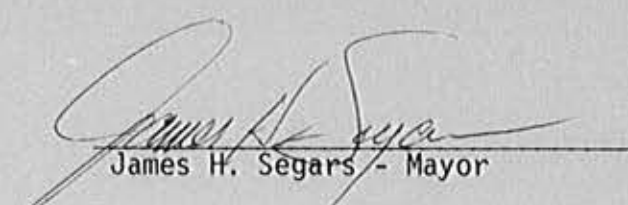
State Maintained Streets: The City Manager was directed to contact the N. C. Department of Transportation & Highway Safety regarding the following problems:

1. The need to line the center of West Henderson Street at the intersection of Burgin Street.
2. The need to line or install a median strip on West Court Street at the intersection of Academy Street.
3. The need to install a center line on State Street.
4. The need to position the "No Turn on Red" signs at the intersection of Main, Henderson and Main and New Streets.

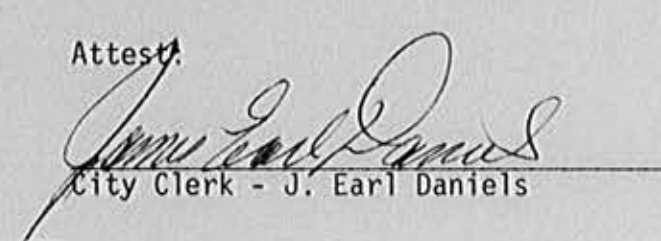
The City Manager was directed to have the "No Parking" signs installed on West Court Street which were removed for construction of the new sidewalk.

The Street Committee agreed to meet and consider the need for a "No Parking" zone on Main Street in front of Pearlmans.

Upon a motion by Councilman Ledbetter, seconded by Councilman Wilkerson, the City Council unanimously voted to adjourn and meet in Executive Session to discuss the acquisition of property for a sewer pumping station.


James H. Segars - Mayor

Attest:


City Clerk - J. Earl Daniels

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

October 21, 1975

The City Council of the City of Marion met in a regularly scheduled meeting on Tuesday night, October 21, 1975 at 7:30 P.M. in the City Council Chamber at City Hall.

Board Members Present: Mayor James H. Segars, Councilmen R. L. James, Horace Wilkerson, Oliver Cross and Everette Clark.

Others Present: Earl Daniels, City Manager; Alvin Callahan, Building Inspector; John Beck, Chief of Police; and News Reporter Jim Shepard.

Guests: Robert Spiegel, Madison Cablevision; William J. Green, Madison Cablevision; Robert Holthouse, Marion General Hospital; Howard Randolph, Madison Cablevision; Wayne Ollis, Madison Cablevision; Harry Stolte, Accountant; Roger Springle, Accountant.

Approval of the October 7, 1975 Minutes: Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to approve the minutes of the October 7, 1975 meeting.

Madison Cablevision - Ordinance Amendment - Rate Increase - Second Reading: The City Manager presented "An Ordinance Amending the Ordinance Entitled An Ordinance Amending the Transfer of Community Television System (Franchise) To Madison Communications Inc., and/or Madison Cablevision, Inc.". The City Manager stated that this would be the second reading of the proposed ordinance which if adopted would increase the monthly rate for the first outlet from \$6.00 to \$6.50. Mayor Segars asked if anyone wished to speak to the Board regarding this proposed ordinance amendment. No one present voiced an objection to the proposed ordinance amendment.

Upon a motion by Councilman Wilkerson, seconded by Councilman James, the City Council unanimously voted to approve the ordinance amendment with an effective date of November 1, 1975.

AN ORDINANCE AMENDING THE ORDINANCE ENTITLED
AN ORDINANCE AUTHORIZING TRANSFER OF THE COMMUNITY
TELEVISION ANTENNA SYSTEM (FRANCHISE) TO
MADISON COMMUNICATIONS, INC. AND/OR MADISON CABLEVISION, INC.

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 1967 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 5th, 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,

WHEREAS, the City Council of the City of Marion adopted a resolution on the 6th day of February 1973, amending SECTION 18 of the aforementioned 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, the City Council of the City of Marion adopted an ordinance on the 7th day of August 1973 deleting SECTION 18 of the aforementioned ordinance adopted on the 5th day of October, 1965, including all amendments thereto, and adopted a new SECTION 18 establishing new rate schedules; and

WHEREAS, The City Council of the City of Marion adopted an ordinance entitled "AN ORDINANCE AUTHORIZING TRANSFER OF THE COMMUNITY TELEVISION ANTENNA SYSTEM (FRANCHISE) TO MADISON COMMUNICATIONS, INC. AND/OR MADISON CABLEVISION, INC.:" and

WHEREAS, MADISON COMMUNICATIONS, INC./OR MADISON CABLEVISION, INC. has submitted a request that SECTION 18 of the aforementioned ordinance adopted the 5th day of October, 1965, including all amendments thereto, be amended to provide for a change in the monthly service rate for the first outlet.

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 on the 5th

day of October, 1965, including all amendments thereto, is hereby amended by increasing the monthly service rate for the first outlet, from \$6.00 to \$6.50 per month.

This Ordinance shall be effective the 1st day of November, 1975.


Mayor

ATTEST:


City Clerk

Zoning Ordinance - Proposed Amendment Article VII, Section 702: The City Manager presented a request from the Planning Board that the City Council amend the Marion Zoning Ordinance Article VII, Section 702 by adding the following:

Uses: Hospitals - Required Parking: One (1) space per bed intended for patients (except bassinets) plus one (1) space for each medical staff member plus one (1) space for each two employees on shift of greatest employment.

Mayor Segars asked if anyone present wished to address the Board in regard to the proposed amendment to the Marion Zoning Ordinance. There was no one present in opposition to the proposed amendment.

Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to adopt the proposed amendment as proposed by the Planning Board.

Complaint - No Parking Zone - South Garden Street and Lincoln Avenue: The City Manager informed the City Council that he had received several complaints regarding the "no parking" zones established on South Garden Street and on Lincoln Avenue.

After a long discussion the City Council decided to table any action on the "no parking" zone on South Garden Street pending further investigation by the Street Committee.

With regard to the "no parking" zone on Lincoln Avenue, the City Manager was directed to have letters hand carried to residents on Lincoln Avenue inviting the citizens to a meeting on November 18, to discuss the "no parking" zones and the need for same on that street.

City Audit - Cherry, Bekaert & Holland: Mr. Harry Stolte and Mr. Roger Sprinkle was present to present the City audit for the year ending June 30, 1975. Mr. Stolte informed the Board that he was being transferred to another City and that Mr. Sprinkle would be replacing him and working with the City in the future. Mr. Stolte reviewed with the City Council several recommended changes and stated that some of these had already been incorporated in the City's operation.

A question was raised by Councilman Cross regarding the great difference in the expenditures in non-departmental expenses in year ending June 30, 1975 as opposed to year ending June 30, 1974. The City Manager stated that there was not a non-departmental department expenditure in the budget ending June 30, 1974 and this was incorporated in the budget ending June 30, 1975.

Harry Stolte stated that they pulled expenses from the budget ending June 1974 to show a comparison and that he would check these figures out and report back to the City Manager the reason for the great difference in expenses.

Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council unanimously voted to accept the City audit as presented. Mayor Segars presented a check in the amount of \$1500 to Mr. Harry Stolte for the audit.

The Board expressed their sorrow in seeing Mr. Stolte leave the City and stated that they had enjoyed working with him. Mr. Stolte stated that he had enjoyed his work with the City and was sorry to leave.

Pine Street - Estimated Expense to Open: The City Manager informed the City Council that a contractor had been asked to look at Pine Street to give a rough estimate of the cost to complete this street. He stated that the contractor had advised that to clear the trees and underbrush, to backfill, gravel and pave the street 24 feet wide with curb and gutter, and drainage basins, would run approximately \$8,000 to \$9,000 complete. No action was taken by the City Council regarding the opening of Pine Street.

Certificate of Sufficiency - Annexation - Seagle Property. The City Manager presented the following certificate of sufficiency.

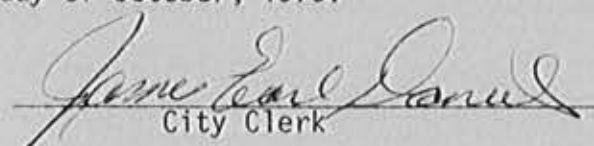
CERTIFICATE OF SUFFICIENCY

To the City Council of the City of Marion, North Carolina

I, James Earl Daniels, City Clerk, do hereby certify that the petition attached hereto has been investigated by me and found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G. S. 160-452, as amended.

In witness whereof, I have hereunto set my hand and affixed the seal of the City of Marion, this 21st day of October, 1975.

(SEAL)


City Clerk

Resolution Fixing Date of Public Hearing on Question of Annexation: Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to adopt the following resolution:

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

Whereas, a petition requesting annexation of the area described herein has been received, and

Whereas, certification by the Town Clerk as to the sufficiency of said petition has been made, now therefore

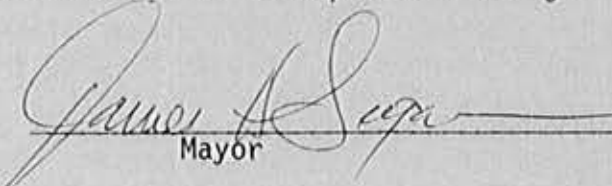
Be it resolved by the City Council of the City of Marion, North Carolina:

Section 1. That a public hearing on the question of annexation of the area described herein will be held at Marion City Hall at 8:00 o'clock, P.M. on the 18th day of November, 1975.

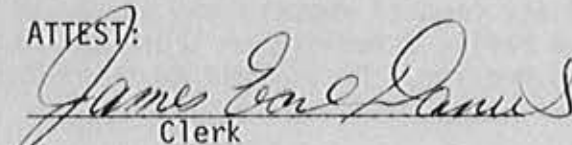
Section 2. The area proposed for annexation is described as follows:

BEGINNING on an iron stake on the East side of Martin Street, said stake located the two following courses and distances from the Southeast corner of Albert Rader's brick house, S 33-27 E 137.5 feet; S 31-08 E 455 Feet to iron stake, the point of beginning, and runs S. 30-03 E 134.8 feet to a stake at intersection of Martin and Oak Streets; thence N 43-34 E with Oak Street 139.7 feet to iron stake; thence N 26-42 W 125 feet to iron stake; thence S 48-13 W 144.3 feet to the beginning.

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


Mayor

ATTEST:


Clerk

Melvin Rutherford - Resignation - Recreation Commission: The City Manager presented a letter from Melvin Rutherford stating that he would have to resign from the Recreation Commission due to other obligations. Upon a motion by Councilman Wilkerson, seconded by Councilman Cross, the City Council unanimously voted to appoint Mr. Perry Hall to fill the unexpired term of Mr. Melvin Rutherford.

Bid Tabulations - Asphalt Roller: The City Manager presented the following bid tabulations for the purchase of an asphalt roller:

BID TABULATIONS

Asphalt Roller
Tuesday, October 21, 1975 - 2:00 P.M.

<u>Firm</u>	<u>Amt.</u>	<u>N. C. Tax</u>	<u>Total Bid</u>
1. Tri-City Equipment Corp. P. O. Box 8687 Greensboro, N. C.	\$2,725.00	\$ 67.87	\$2,792.87
Guaranteed Delivery Date: <u>14 Days</u> (Firm did not comply with specifications)			
2. Inter-State Equipment Co. P. O. Box 868 Statesville, N. C.	\$5,450.00	\$ 163.50	\$5,613.50
Guaranteed Delivery Date: <u>Three (3) Weeks</u>			
3. Mitchell Distributing Co. P. O. Box 5323 Asheville, N. C.	\$3,974.00	\$ 119.22	\$4,093.22
Guaranteed Delivery Date: <u>Immediate - From Factory Stock</u> (Firm did not comply with specifications)			
4. Rol-Mol, Inc. P. O. Box 1686 Hickory, N. C.	\$4,150.00	\$ 166.00	\$4,316.00
Guaranteed Delivery Date: <u>11-23-75</u>			

The City Manager stated that the bids were opened at 2:00 P.M. in the City Manager's office in the presence of Public Works Director, Jack Brown; Water/Sewer Superintendent, Fred Ballard; Street Superintendent, Burdette Carroll; Secretary, Lynne Steppe. The City Manager stated that the bids submitted by Tri-City Equipment Company and Mitchell Distributing Company did not comply with minimum specifications. He stated that the Street Superintendent, Public Works Director and Water/Sewer Superintendent recommend that the City purchase the Rol-Mol Inc. asphalt roller, in the amount of \$4,150.00 plus \$166.00 sales tax for a grand total of \$4,316.00. Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to purchase the Rol-Mol asphalt roller as recommended by City department heads.

Code of Ordinances - Draft: The City Manager presented a draft copy of the Code of Ordinances which are being codified by the League of Municipalities. He informed the City Council that he has requested department heads to review those chapters and sections relating to their departments and to give a commentary of proposed amendments and deletions in those sections. He stated that these comments would be given to the City Council with a copy of the draft ordinance so that the Council could make final decisions.

Region "C" Meeting: The City Manager stated that the Region "C" Criminal Justice Planning Agency would be holding a dinner meeting in Charlotte at the Pineville Theatre on December 18, 1975. He informed the Board that all City Council members are invited to attend the meeting which will begin at 6:00 P.M. There will be a dinner and show. He stated that the expense for this meeting was \$12.00 per person. It was agreed by the City Council to pay the expenses of the City Manager, Chief of Police, Mayor and any Council members and wives wishing to attend. The City Manager stated that Region "C" would be having a meeting on Thursday, October 23, in Shelby and there would be a "pig pickin'" at this meeting. He offered an invitation to all of the City Council members to attend this meeting.

City Manager's Report:

1. Community Development Discretionary Funds: The City Manager informed the City Council that approximately \$16,000,000 was being made available for discretionary funds for the Community Development Act for this fiscal year. He stated that a preapplication had to be completed and submitted to A-95 Clearinghouse no later than November 15, 1975. Prior to that time it would be necessary to review any proposed project, fill out a necessary pre-application form and hold public hearings. He stated that he had been advised that the forms were not available but would be available in approximately two weeks and that after filling out the preapplication and submitting the same that the City would receive a rate and it would be determined as to whether or not the City could submit an application for funding.

He informed the Board that again the funds for the Community Development Act are directed primarily to housing. He informed the Board that it was his opinion that the City would not have sufficient time to put together a project and meet all the deadlines in light of the fact that the City has approximately five applications pending regarding the Waste Treatment Plant and 201 Studies. He stated that upon direction by the City Council he would be more than happy to try to complete the application and submit same for their review but that it was his opinion that if the application was not directed towards housing that it would not be funded.

No action was taken by the City Council in directing the City Manager to complete a pre-application.

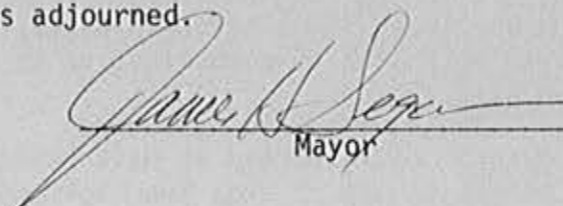
2. FCC Citation: The City Manager informed the City Council that he had received a letter from the FCC stating that two transceiving units of the City were off frequency. He stated that he advised the FCC that the units were under contract through Whitley's Communication Service and directed a letter to Mr. Whitley asking that the units be checked out immediately and corrected. He advised the City Council that he informed the FCC that the units were drifting frequency because they were being operated by City personnel before adequate warm-up time. He also stated that City personnel had been directed not to use the transmitting equipment on tube type units until the units had sufficient time to warm up.

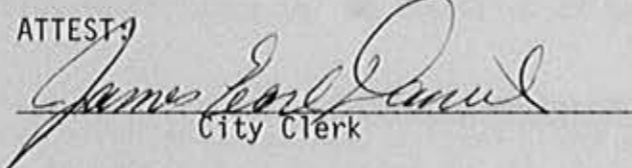
3. Terry Franklin Resignation: The City Manager informed the City Council that Terry Franklin has resigned from his position with the Street Department.

4. The City Manager stated that he had received a letter from W. B. Cochran, Division Traffic Engineer, stating that a mini skip yellow line will be installed on Henderson Street through its intersection with Burgin Street and Blue Ridge Street. The letter also stated that a center line would be installed on State Street prior to the end of October, and that "no turn on red" signs at Main Street and New Street, Henderson Street and Main Street respectively, would be changed so that the signs would not be misaligned and confusing to motorists. The letter also stated that the channelization and median island on West Court at its intersection with Academy, would need to be resolved with Mr. A. L. Neal, District Engineer.

5. The City Manager stated that he sent a letter to Mr. Sam Phillips respectfully requesting a donation of properties on Highway #70 Southwest of the McDowell House to be used for a sewer pumping station. He stated that in the letter he advised Mr. Phillips that should funds not be available to complete the entire Waste Treatment Plant Project that it was his opinion that this particular section of the project would be dropped first since the City's primary responsibility is to provide service for City citizens. He stated that he asked Mr. Phillips in the letter for a donation of the property, contingent upon the City being able to install a pumping station. The City Manager informed the Council that he was pleased to report that Mr. Phillips had agreed to donate the property to the City contingent upon the installation of the pumping station and that Mr. Dameron would be asked to prepare the necessary papers.

There being no further business, the meeting was adjourned.


Mayor

ATTEST:

City Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

November 4, 1975

The City Council of the City of Marion met in a regularly scheduled meeting on Tuesday, November 4, 1975, at 7:30 P.M. in the City Council Chamber at City Hall.

Board Members Present: Mayor James H. Segars, Councilmen R. E. James, Horace Wilkerson, Everette Clark and William R. Ledbetter.

Others Present: Earl Daniels, City Manager; E. P. Dameron, City Attorney.

Guests: Red Walker

Approval of October 21, 1975 Minutes: Upon a motion by Councilman Wilkerson, seconded by Councilman Clark, the City Council unanimously voted to approve the minutes of the October 21, 1975, meeting.

Tax Receipt Error - Roy Byers: The City Manager presented a letter to the City Council requesting that Mr. Roy Byers, 503 Tremont Street, Marion, N. C. be refunded his overpayment to the City of Marion in the amount of \$35.11. The City Manager informed the City Council that Mr. Byers paid his 1974 City taxes on August 29, 1975, in the amount of \$53.81, plus advertising fee of \$2.25 and interest of 39.01, for a total payment of \$95.07.

The amount of interest should have been \$3.90 and the total should have been \$59.96. This error was a result of a decimal point being incorrectly placed when the taxes were paid by Mr. Byers.

Upon a motion by Councilman Clark, seconded by Councilman Wilkerson, the City Council unanimously voted to refund Mr. Byers for tax overpayment in the amount of \$35.11.

Oak Street Speed Limit - Letter from Dr. M.A. McCall: The City Manager presented a letter to the City Council from Dr. M. A. McCall in reference to the speed limit on Oak Street from Clay Street to Virginia Road. Dr. McCall's letter stated that the present speed limit for Oak Street is 35 m.p.h., which, he feels, is too fast for the narrow, curving road which is without shoulders or sidewalks and is located in the residential district.

Dr. McCall respectfully requested that the City Council reduce the speed limit on Oak Street which lies within the City limits to 20 m.p.h. His letter stated that he is also requesting the State Highway Traffic Division to take action to lower the speed limit in that portion of Oak Street which is not in the City limits.

After a brief discussion a motion was made by Councilman James and seconded by Councilman Ledbetter to establish a speed limit of 20 m.p.h. on that portion of Oak Street which lies within the City limits.

The City Manager was directed to have Chief of Police John Beck to check other streets in the City limits to see if they too might possibly need to be looked at for consideration of changing the speed limit.

Resignation Letter - Steve Woody, Chairman of Marion Board of Adjustment: The City Manager presented a letter to the City Council from Mr. Steve Woody stating that he is being transferred to the Asheville area and that he wished to submit his resignation as Chairman of the Marion Board of Adjustment. The City Council praised the work Mr. Woody has done while serving on the Marion Board of Adjustment and regretfully accepted Mr. Woody's resignation.

The City Council directed the City Manager to send a letter to Mr. Woody asking him to attend the November 18, 1975, City Council meeting so the Mayor and City Council could present Mr. Woody with a Certificate of Appreciation for his dedicated work as Chairman of the Marion Board of Adjustment.

The City Council was asked to have someone in mind to fill the unexpired term of Mr. Woody at the next City Council meeting.

No Parking Zone - South Garden Street: The City Manager informed the City Council that the Street Committee had met regarding the parking situation on South Garden Street due to numerous complaints from residents regarding the recent "no parking" ordinance passed by the City Council.

Upon a motion by Councilman James, seconded by Councilman Ledbetter, the City Council unanimously voted to establish a "No Parking From 7:00 A.M. to 7:00 P.M." zone on the east side of South Garden Street from a point one hundred feet (100 feet) north of the intersection of South Garden Street and Rutherford Road north for a distance of two hundred, sixty feet (260 feet).

Pine Street: Mr. Red Walker was present to request that the City Council decide upon opening Pine Street as agreed earlier or to allow residents to use that property to install their own private drive.

After considerable discussion the City Council directed the Street Committee to meet at 9:00 A.M. on Friday, November 7, 1975, with Mr. Walker on the McDowell Street side of the property and to make a recommendation back to the City Council.

Bid Opening - Hoist & Body for F-700 Ford Truck: The City Manager informed the Council that a bid opening was held on Monday, November 3, 1975, at 2:00 P.M. for one hoist and body to be furnished and installed on City owned truck.

The City Manager informed the Council that the following two bids were received:

	<u>Sub-Total</u>	<u>N. C. Tax</u>	<u>Total</u>
Machine Service, Inc. Marion, N. C.	\$2,575.00	-0-	\$2,575.00

Delivery Date: Two weeks after receipt of truck.

Twin-State Truck Equipment Co. Charlotte, N. C.	\$1,900.00	-0-	\$1,938.00
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Delivery Date: Ten Days after receipt of chassis

The City Manager stated that the truck would have to be delivered to Twin-State in Charlotte if their low bid was accepted.

After a brief discussion and upon a motion by Councilman Ledbetter, seconded by Councilman Clark, the City Council unanimously voted to accept the low bid of Twin-State Truck Equipment for the purchase and installation of one hoist and body for F-700 Ford Truck in the amount of \$1,938.00.

Sidewalk Display: Members of the City Council stated that they felt the ordinance relating to sidewalk displays needed to be equally enforced. A brief discussion followed concerning sidewalk displays where the building entrance was recessed and not interfering with pedestrian traffic.

The City Manager was advised to have Chief of Police John Beck talk with local merchants regarding enforcement of the ordinance.

City Manager's Report:

Audit Report: The City Manager informed the Council that the difference shown in City audit in the amount of \$26,000.00 for Non-Departmental expenses in 1975, as compared to 1974, were \$19,936.65 in utilities. The balance of that amount had to do with increased social security, retirement, insurance and fringe benefits due to less turnover in personnel.

Region "C": The City Manager advised the City Council that he had attended a meeting called by Don Nichols, Administrator for the Governor's Committee on Law and Order in reference to a forced merger of Region "C" with Isothermal Planning and Development Commission.

The City Manager informed the City Council that he was Chairman of the Region "C" Planning Board and that the executive committee will be meeting to discuss what course of action Region "C" will take.

The City Manager informed the City Council that Region "C" personnel had worked very closely with the City of Marion in keeping them advised of new projects available for funding and even filled out applications.

He also stated that Region "C" handled only police projects and that they were able to keep the four counties and 15 municipalities they represent well informed.

He stated that police projects would only be a small portion of the work handled by Isothermal Planning and Development Commission and that he hoped they would be able to be as helpful to the small towns as Region "C" if the merger actually occurs.

Blind Driveway - Intersection of West Court and Carson Street: The City Manager advised the City Council that he had received a carbon copy of a letter mailed to Mrs. Geraldine Pitman from Mr. Walt Cochran of the N. C. Department of Transportation in reference to blind driveway located just east of the intersection of West Court Street and Carson Street.

The letter stated that no action could be taken by the N. C. Department of Transportation in correcting the problem.

Deed - Sam Phillips - Sewer Pumping Station: The City Manager informed the City Council that Mr. Dameron had completed the deed from Mr. Sam Phillips, Great Meadows, Inc. for the property donated to the City of Marion for the purpose of installing a sewer pumping station. The said property is to be donated only if the sewer pumping station is to be constructed.

Local Government Commission - Cash Investments and Uncollected Taxes: The City Manager informed the City Council that he had received a report from the Local Government Commission in reference to Cash Investments and Uncollected Taxes for 1974 which were listed by population. He informed the City Council that the City of Marion had 98.33% of all municipal funds earning interest as of June 30, 1975, as compared to 97.33% for June 30, 1974. He informed the Council that the amount of invested earnings as of June 30, 1975 was \$23,430, and that 96.9% of 1974 taxes had been collected; leaving \$14,635.00 in uncollected taxes.

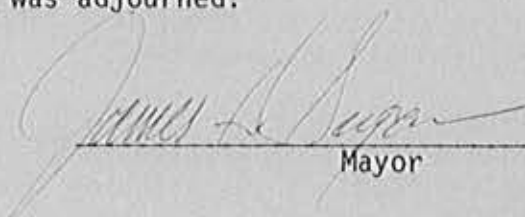
The City Manager informed the Council that some taxes had been paid since the June 30, 1975, tabulation.

Clearinghouse Report - Waste Water Collection Facility: The City Manager informed the Council that he had received a letter from Isothermal Planning and Development Commission advising they recommend favorable approval of the Waste Water Collection Facility Application.

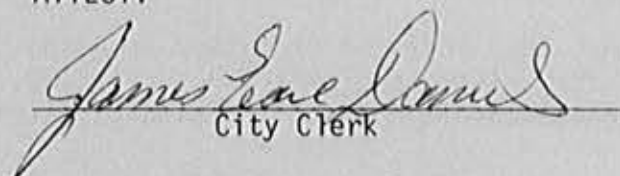
Public Hearing - Yard Sales: The City Manager informed the City Council that at the November 18, 1975 meeting the Council would hold a public hearing to consider the Planning Board's Recommendation on amending the Marion Zoning Ordinance by adding a new section under Article VII, which, if adopted, would allow yard/garage sales in the Marion City Limits.

The City Manager informed the City Council that he and the Mayor would be going to Charlotte to meet with O'Brien and Gere Engineers in reference to the Waste Treatment Project.

There being no further business the meeting was adjourned.


Mayor

ATTEST:


City Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

November 18, 1975

The City Council of the City of Marion met in a regularly scheduled session on Tuesday, November 18, 1975, at 7:30 P.M. in the City Council Chamber at the Fire-Police Training Center.

Board Members Present: Mayor James H. Segars, Councilmen R. E. James, Horace Wilkerson, William R. Ledbetter and Oliver Cross. Councilman Everette Clark arrived at approximately 8:15 P.M.

Others Present: Earl Daniels, City Manager; E. P. Dameron, City Attorney; Alvin Callahan, Building Inspector; and John Beck, Chief of Police.

Guests: Mr. and Mrs. Gordon F. Morris, 125 Lincoln Avenue; Mrs. W. G. Best, 130 Lincoln Avenue; Mr. Charles P. Byas, P. O. Box 266; Mr. J. Rodney Hemphill, P. O. Box 95; Mr. Eugene Fowler, 221 Clay Street; Mr. John Gates, 227 Lincoln Avenue; Ms. Myrtle McWilliam, 142 Lincoln Avenue; Mr. and Mrs. Guy Lawing, 245 Lincoln Avenue; Mr. and Mrs. Donald Roland, Marion; Ms. Candie Parker, 241 Lincoln Avenue; Mr. Albert Parker, Jr., 241 Lincoln Avenue; Mr. Harold Simmons, 235 Lincoln Avenue; Mr. and Mrs. Myron E. Nelson, 150 Lincoln Avenue; Ms. Billie Ann Vess Hendley, 152 Lincoln Avenue; and Mr. A. M. Evans, 42 Lincoln Avenue.

Approval of November 4, 1975 Minutes: Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the City Council unanimously voted to approve the Minutes of the November 4, 1975 meeting.

Certificate of Appreciation - Presented to Steve Woody: In presenting the certificate of appreciation to Steve Woody for serving one and one-half years as Chairman of the City of Marion Board of Adjustment, Mayor Segars stated that he and the City Council were very well pleased with the decisions of the Board of Adjustment under Mr. Woody's capable leadership. Mayor Segars and members of the City Council thanked Steve Woody for his service to the City of Marion and praised him for his dedication and leadership. Mr. Woody stated in accepting the certificate that he would be living in the City of Marion but would be commuting to his work in Asheville for a period of time. He stated that he thought the Council was doing an excellent job for the City of Marion and praised the City Administration for the services rendered to the citizens.