

Lincoln Avenue - Parking Problem: Sixteen persons were in attendance at the meeting regarding the recently adopted "No Parking" ordinance on Lincoln Avenue. The City Manager advised the persons in attendance that the action taken by the City Council in providing "No Parking" zones on Lincoln Avenue was to protect the safety of the citizens of that area. He stated that Lincoln Avenue has a width of eighteen feet and that a fire truck is eight feet wide and that automobiles are approximately six feet wide. He also stated that due to the narrow width of the street it was impossible for public safety vehicles to move down the street with parking on both sides. He also stated that the City Council, after receiving numerous complaints regarding the "No Parking" Zone decided to have a public meeting and invite all persons living on Lincoln Avenue to attend the meeting and express their opinions with regard to necessary action to provide for public service vehicles to serve the area. The City Manager stated that letters were hand carried by the Marion Police Department to every residence on Lincoln Avenue. A long discussion was held with most persons in attendance at the meeting offering opinions. Many persons attending stated that no parking should be allowed on either side of Lincoln Avenue while other persons stated that parking should be allowed at least on one side of Lincoln Avenue. Mayor Segars asked that a show of hands be given by all persons wishing to have no parking on either side of Lincoln Avenue. Six residents voted in favor. Mayor Segars asked how many wished to have parking allowed on one side of Lincoln Avenue and five residents voted in favor. Mayor Segars thanked all of the residents for attending the meeting and offering their opinions and stated that he hoped the citizens would cooperate with each other and with the City on any decision rendered by the City Council in the matter.

Pine Street - Gene Fowler Presentation: Gene Fowler appeared before the City Council regarding the opening of Pine Street. He was advised by the City Manager that discussion on the opening of Pine Street was not on the agenda and was not scheduled to be discussed at this meeting. He stated that he had several things he wished to discuss with the Council and would like to make a presentation. The City Council agreed to listen to Mr. Fowler's presentation.

Mr. Fowler informed the City Council that five property owners would be agreeable to opening Pine Street from either side, approximately two-thirds of the way into the property owned by Mr. Red Walker. He stated that this would allow access to the property and would save considerable money in developing only a part of the street instead of the total costs of opening the street all the way through from Clay Street to McDowell Avenue. He informed the Council that they were not in total agreement, that one property owner in the area did not agree to opening the street up from Clay Street into the property. Mr. Fowler informed the Council that by opening the street up from one side and not completely through there would not be a traffic problem. Mr. Rodney Hemphill advised the City Council that he was opposed to opening the street up from Clay Street into the property. Mr. Fowler informed the Mayor that the Mayor was wrong in stating that cost was a minor consideration in the opening of the street. Mayor Segars stated that he was of the opinion that there were other reasons why residents did not want the street opened other than just the cost of putting the street in.

Tax Refund Request - Cato Holler, Jr.: The City Manager informed the City Council that Cato Holler, Jr. paid his 1975 taxes on November 12, 1975, in the amount of \$226.28. He advised the Council that on November 13, 1975, First Federal Savings and Loan Association paid Mr. Holler's taxes along with other property owners taxes. He informed the Council that First Federal could not issue a second check excluding Mr. Holler's taxes and that based on this procedure, the City would like permission to reimburse Mr. Cato Holler, Jr. for his payment. Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to reimburse Mr. Cato Holler the amount paid by him on his 1975 City Taxes in the amount of \$226.28.

Lincoln Avenue Parking Problem: The City Council again discussed the parking problem on Lincoln Avenue. Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to rescind the ordinance adopted on October 7, 1975, which established a "No Parking Anytime" zone on both sides of Lincoln Avenue from South Garden Street to Spring Street and to adopt a new ordinance to establish a "No Parking Anytime" zone on the north side of Lincoln Avenue from South Garden Street to Spring Street.

Annexation - Seagle Property: The City Manager informed the City Council that a Resolution was adopted by the City Council on October 21, 1975, calling for a public hearing on November 18, 1975, to consider the annexation of property belonging to Mr. Paul D. Seagle and wife, Mildred B. Seagle, in accordance with a petition filed by Mr. and Mrs. Seagle, dated October 6, 1975. He advised the Council that legal notice was placed in the paper as required by law. There was no one in attendance at the meeting regarding the annexation of the Seagle property. Upon a motion by Councilman Ledbetter, seconded by Councilman Wilkerson, the City Council unanimously voted to adopt the following ordinance annexing property belonging to Paul D. Seagle and wife, Mildred B. Seagle, into the Marion City Limits.

Zoning Ordinance - Proposed Amendment - Yard Sales: The City Manager informed the City Council that a public hearing concerning the proposed amendment had been advertised in the McDowell News.

The City Manager informed the City Council that the Planning Board recommended approval of the new proposed amendment to the Marion Zoning Ordinance.

Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to adopt the following amendment to the Marion Zoning Ordinance:

*A copy of said Ordinance may be found in the safe located in the office at the City Hall, document number 389.

Section 707. Yard Sales: Yard or garage sales will be allowed in any zoning district in the City limits as long as the property is being used as a residence. Sales shall be limited to no more than ten hours per day and may not be held for more than two consecutive days. Sales shall be limited to one (1) per month, per property. Temporary signs of no more than four (4) square feet will be permitted on the property. Signs must be removed when sales are over.

Board of Adjustment - Appoint New Member: The City Manager informed the City Council that with the resignation of Steve Woody from the Board of Adjustment that it would be necessary to appoint a new member. He advised the Council that members of the Board of Adjustment felt that it would be in the best interest of the City to appoint one of the two alternate members to the Board of Adjustment to fill the unexpired term of Steve Woody and to appoint a new member as an alternate on the Board of Adjustment. After a short discussion, the City Council agreed to appoint alternate member of the Board of Adjustment, Ed Rankin, as a full member to fill the unexpired term of Steve Woody. Said term to expire May 1, 1978. The City Council also agreed to appoint Jerry Arnold to fill the unexpired term of Ed Rankin. Said term to expire May 1, 1977.

Clear Creek Intake Work - Bill From Amos Fortenbury: The City Manager informed the City Council that the City paid Mr. Amos Fortenbury on November 10, 1975, \$2,846.84 for labor on the Clear Creek Intake System. He stated that this bill was paid in accordance with a request from Mr. Fortenbury. The City Manager advised the City Council that Mr. Fortenbury had presented a bill for \$1,000.87 for labor which he stated was overlooked when the previous bill was submitted. The City Manager stated that Mrs. Fortenbury, in computing the bill, had overlooked two pages in the work log and therefore did not submit a bill for this labor. Upon a motion by Councilman Ledbetter, seconded by Councilman James, the City Council unanimously voted to pay to Mr. Fortenbury the additional sum of \$1,000.87, as per his request.

Governor's Highway Safety Program - Resolution - Sign Maintenance Program: The following Resolution was offered by Councilman R. E. James and a motion was made by Councilman James that it be adopted. This motion was seconded by Councilman Clark, and upon being put to a vote, was unanimously carried:

WHEREAS, the Governor's Highway Safety Program, hereinafter referred to as GHSP, proposes to implement a program to assist municipalities in improving their traffic signs and establishing a method for performing maintenance on these signs on a periodic basis to achieve an overall upgrading of municipal signing, GHSP will (either directly or through a consultant) train municipal personnel to perform inventories of traffic signs, provide inventory cards, provide advice and general supervision to municipal personnel performing the inventory, determine the overall condition and purchase requirements for necessary traffic signs; order the necessary traffic signs from Prison Enterprises and pay one-half of the cost of such signs, also instruct municipal personnel as to where and how to install the signs and provide general advice on using the inventory as a base for a systematic program of preventive maintenance; provided, the City of Marion agrees to perform the physical inventory using cards supplied by GHSP and municipal personnel trained by GHSP; pay Prison Enterprises one-half of the cost of the signs; install the signs in a reasonable time using municipal personnel; initiate a program to replace signs which need replacing but are not eligible under the GHSP program and establish an effective maintenance program to maintain or replace signs on a periodic basis so as to eliminate the necessity of massive sign replacement programs in the future; and

WHEREAS, GHSP has agreed to (either directly or through a consultant) train municipal personnel to perform inventories of traffic signs, provide inventory cards, provide advice and general supervision to municipal personnel performing the inventory, determine the overall condition and purchase requirements for necessary traffic signs, order the necessary traffic signs from Prison Enterprises and pay one-half of the cost of such signs; also instruct municipal personnel as to where and how to install the signs and provide general advice on using the inventory as a base for a systematic program of preventive maintenance; and

WHEREAS, the City of Marion has agreed to perform the physical inventory using cards supplied by GHSP and municipal personnel trained by GHSP, pay Prison Enterprises one-half of the cost of the signs, install the signs in a reasonable time using municipal personnel, initiate a program to replace signs which need replacing but are not eligible under the GHSP program and establish an effective maintenance program to maintain or replace signs on a periodic basis so as to eliminate the necessity of massive sign replacement programs in the future; and

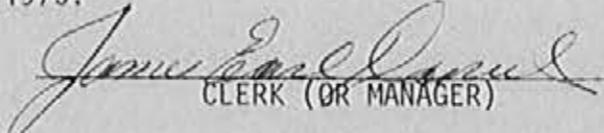
WHEREAS, the signing program hereinabove described is considered most necessary to the preservation of public safety and welfare within the municipality.

NOW, THEREFORE, BE IT RESOLVED that the GHSP signing program set out hereinabove 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 GHSP to acquire the benefits of the signing program hereinabove set out for the municipality.

This Resolution was passed and adopted the 18th day of November, 1975.

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

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


CLERK (OR MANAGER)

City of Marion, North Carolina

NORTH CAROLINA
McDOWELL COUNTY

NORTH CAROLINA DEPARTMENT OF)
TRANSPORTATION)
AND) MUNICIPAL AGREEMENT
CITY OF MARION)

* * * * *

THIS AGREEMENT, made and entered into this the 18th day of November, 1975, between the Governor's Highway Safety Program of the Division of Safety of the North Carolina Department of Transportation, hereinafter referred to as GHSP, and the City of Marion, a municipal corporation, hereinafter referred to as the municipality.

WITNESSETH

WHEREAS, GHSP proposes to implement a program to assist municipalities in improving their traffic signs and establishing a method for performing maintenance on these signs on a periodic basis so that their overall condition is not allowed to become degraded, and

WHEREAS, GHSP proposes that this be achieved through the following steps:

- (1) Perform an inventory of existing signs;
- (2) Based on that inventory, determine the City's sign needs;
- (3) Order from Prison Enterprises the appropriate signs. (Only regulatory and warning signs which are not on the Federal Aid System can be purchased under this program);
- (4) Install the signs described above.
- (5) Using the inventory periodically review and replace as necessary or otherwise maintain traffic control devices throughout the City; and

WHEREAS, in accomplishing the above, GHSP (either directly or through a consultant) agrees to:

- (1) Train municipal personnel to perform the inventory;
- (2) Provide the inventory cards;
- (3) Provide advice and general supervision to municipal personnel performing the inventory;
- (4) Using the inventory, determine the overall condition and purchase requirements and order the necessary signs from Prison Enterprises;
- (5) Pay Prison Enterprises for one-half of the cost of the signs;
- (6) Instruct municipal personnel as to where and how to install the signs and provide general consultation during installation;

- (7) Provide general advice on using the inventory as a base for a systematic program of preventive maintenance; and

WHEREAS, the municipality agrees to cooperate with GHSP to the following extent:

- (1) Perform the physical inventory using cards supplied by GHSP and municipal personnel trained by GHSP;
- (2) Pay Prison Enterprises for one-half of the cost of the signs;
- (3) Install the signs in timely fashion using municipal personnel;
- (4) Initiate a program to replace the signs which need replacing but which are not eligible under this program;
- (5) Establish an effective preventive maintenance program to maintain or replace signs on a periodic basis so as to eliminate the necessity for future massive replacement programs;

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

- (A) GHSP either directly or through a consultant agrees to:
 - (1) Train municipal personnel to perform the inventory;
 - (2) Provide the inventory cards;
 - (3) Provide advice and general supervision to municipal personnel performing the inventory;
 - (4) Using the inventory, determine the overall condition and purchase requirements and order the necessary signs from Prison Enterprises;
 - (5) Pay Prison Enterprises for one-half of the cost of the signs;
 - (6) Instruct municipal personnel as to where and how to install the signs and provide general consultation during installation;
 - (7) Provide general advice on using the inventory as a base for a systematic program of preventive maintenance.
- (B) The municipality agrees to:
 - (1) Perform the physical inventory using cards supplied by GHSP and municipal personnel trained by GHSP;
 - (2) Pay Prison Enterprises for one-half of the cost of the signs;
 - (3) Install the signs in timely fashion using municipal personnel;
 - (4) Initiate a program to replace the signs which need replacing but which are not eligible under this program;
 - (5) Establish an effective preventive maintenance program to maintain or replace signs on a periodic basis so as to eliminate the necessity for future massive replacement programs.

IT IS UNDERSTOOD AND AGREED that should funds become available for the continued operation of this program GHSP shall have no further obligation under this agreement.

ATTEST:

James Earl Daniels
Clerk (Or Manager)

CITY OF MARION

BY *John J. Ley*
Mayor

ATTEST:

N. C. DEPARTMENT OF TRANSPORTATION

BY *James T. Shaw*
Assistant Secretary for Safety

APPROVED AS TO FORM AND LEGALITY:
RUFUS L. EDMISTEN, ATTORNEY GENERAL

BY *Assistant Attorney General*

1975 Municipal Elections - Abstract of Canvassing: The City Manager presented to the City Council the 1975 Municipal Elections Abstract of Canvassing.

ABSTRACT OF CANVASSING

We, the undersigned members of the Municipal Board of Elections, do hereby certify that we met in the City Hall Building on Thursday, November 6, 1975, at 11:00 A.M., and did canvass the original returns of the Registrars and Judges of election of the votes cast for members of the City Council, City of Marion, at the regular municipal election held on Tuesday, November 4, 1975 and that the following is a true and correct tabulation thereof:

| <u>Candidates for Members of the City Council</u> | <u>TOTAL</u> |
|---|--------------|
| Robert E. James | 333 |
| Edwin E. Rankin | 284 |
| Horace R. Wilkerson | 328 |
| <u>Write Ins</u> | |
| T. Walton Clapp, III | 1 |
| Bill Smith, III | 2 |
| Phil Johnston | 1 |
| James R. Brown | 1 |
| Ray Cline | 2 |
| Bill Howle | 3 |

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

Robert E. James, having received 333 votes for City Council, and Horace R. Wilkerson, having received 328 votes for City Council, have been duly elected members of the City Council of the City of Marion, pursuant to law, for a term of four (4) years.

Chairman, Board of Elections _____ Member _____

Date _____ Member _____

Election Officials Pay: The City Manager advised the City Council that based on pay required for use of County Officials he would recommend that the election officials be paid in accordance with the following:

Registrar- \$20.00 per day; \$25.00 per day on election day.
Judges and Assistants - \$20.00 per day on election day.

The City Manager stated that these figures were based on an eight-hour workday, and that since the election required that the officials work from 6:00 A.M. in the morning until 10:00 P.M. in the evening that this should be considered as two workdays. He stated that the Registrar, Judges and Assistants then would be paid based on two days for the Election Day. Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to approve the election officials pay as recommended by the City Manager.

New Fire Truck - Delivery: The City Manager informed the City Council that the new fire truck would be picked up by fire department personnel on November 18, 1975.

Sale of City License Tags: The City Manager requested permission from the City Council to authorize Mr. Charles Israel to sale city tags again this year, as in the past. The City Manager stated that more city license tags were sold by Mr. Israel since he was selling state tags than would be sold by city personnel at the City Hall. The City Council authorized the City Manager to allow Mr. Israel to sell the tags.

Region "C" Meeting - Attorney General: The City Manager advised the City Council that there would be a called meeting of the Region "C" Policy Board on Tuesday night, November 25, 1975, at 6:00 P.M., in Spindale. He advised the City Council that Region "C" had been verbally directed by the Governor's Committee on Law and Order to merge with the Isothermal Planning and Development Commission. He stated that members of the Region "C" Policy Board strongly objected to a mandate being issued by the Governor's Committee on Law and Order forcing a merger of the two agencies without allowing the local governing officials any input into the decision. He stated that the purpose of the meeting was to make elected officials of Region "C" aware of what is being required so that they can determine what direction they wish to take with regard to the merger. He stated that Attorney General Rufus Edmisten would be present at this meeting to speak to the group.

Upon a motion by Councilman Ledbetter, seconded by Councilman Wilkerson, the City Council unanimously voted to adjourn the meeting to reconvene in an executive session to discuss legal matters with the City Attorney. In the executive session the City Manager informed the City Council that Mr. Revis and Mr. Allison of the Clinchfield area had not paid sewer service charges for the use of the Clinchfield sewer system. He informed the City Council that he had sent certified, return receipt requested letters advising these persons that it would be necessary to pay for this service or that the City would have to take appropriate action. He stated that Mr. Revis' letter was returned unopened with the statement that it had been refused written on the face of the letter. He informed the Council that certain other persons who had owed sewer service bills had moved and that it would be difficult to determine the amount owed and that it would be very difficult for the City to keep up with persons moving in and out of these residences since they do not use city water. He advised the Council that he proposed to work with Duke Power and ask if they would advise the City when persons are having lights turned on and off so that we may keep a record of people moving in and out. After a short discussion the City Council unanimously agreed to turn the matter over to the City Attorney for proper action.

There being no further business the meeting was adjourned.

ATTEST: James E. Daniels, Clerk

James H. Segars
Mayor

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

December 2, 1975

The City Council of the City of Marion met in a regularly scheduled session on Tuesday, December 2, 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, Oliver Cross, William R. Ledbetter and Everette Clark.

Others Present: Earl Daniels, City Manager; Arthur Edwards, Fire Chief; and Jim Sheppard, Newspaper Reporter.

Guests: Fred Eslick.

Oath of Office - City Council: Mayor James H. Segars administered the Oath of Office to Councilmen Robert E. James and Horace Wilkerson.

"I, Robert E. James, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina, not inconsistent therewith, and that I will faithfully discharge the duties of my office as Councilman of the City of Marion."

Robert E. James

"I hereby certify that I administered the Oath of Office to Robert E. James on Tuesday, December 2, 1975."

James H. Segars
James H. Segars, Mayor

"I, Horace R. Wilkerson, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina, not inconsistent therewith, and that I will faithfully discharge the duties of my office as Councilman of the City of Marion, North Carolina, so help me God."

Horace R. Wilkerson

"I hereby certify that I administered the Oath of Office to Horace R. Wilkerson on Tuesday, December 2, 1975."

James H. Segars
James H. Segars, Mayor

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

McDowell Arts Center - Permanent Direction Signs: The City Manager informed the City Council that he had received a request from a representative of the McDowell Arts and Crafts Center concerning the location of permanent direction signs throughout the City directing visitors and others to the McDowell Arts Center. He stated that the signs would be similar to signs directing persons to the hospital or signs directing individuals to civic centers. He advised the Council that if there were no objections that he would work with the McDowell Arts Center in selecting proper locations for the signs. The City Manager stated that the expense of purchasing the signs would be paid by the McDowell Arts Center. The City Manager was authorized to proceed in working out the details for locating the permanent direction signs.

Tax Refund Request - Dean Hensley: The City Manager stated that Mr. Dean Hensley paid \$31.91 on October 23, 1975, in the name of "Downtowner Restaurant", c/o Dean Hensley for the 1975 taxes, receipt number 368. He also paid Hensley's Restaurant taxes, c/o Arnold Dean Hensley, in the amount of \$26.25, receipt number 607, on October 23, 1975. He advised the Council that upon investigation of the courthouse listings, these two are duplicate listings and should only be charged as \$26.25 for Hensley's Restaurant. Therefore, Mr. Hensley has requested a refund of \$31.91, which is a non-list.

Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to refund Mr. Hensley in the amount of \$31.91, in accordance with his request.

Verification of Specifications - 1975 Ford Fire Truck: Fire Chief Arthur Edwards appeared before the City Council and advised that he had made a detailed inspection of both the 1975 C-8000 Ford Chassis and the apparatus which was manufactured by Howe Fire Apparatus, Inc. He stated that the 1975 Ford C-8000 chassis was found to meet the requirements with the exception of a few minor adjustments. He stated that the truck was delivered to Tar Hill Ford Truck Sales, Inc. in Charlotte and all repairs and problems were corrected to the Fire Department's satisfaction with one exception, that being the alternator. He informed the Council that Mr. Steve Idol was contacted about the problem and he advised that this would be corrected within the next few days. He informed the City Council that the apparatus had been inspected and found to comply with the City of Marion's specifications with the exception of one ten-foot section of soft suction hose which did not have the type couplings attached that were specified. He reported that Mr. Idol's attention had been called to this matter and that an adjustment had been promised. The Fire Chief stated that the original bid of \$39,654.45 did not reflect the MVSS #121 brake system which became a requirement on vehicles manufactured after December, 1973, and that under the terms of the contract, the City is obligated for an additional expense of \$870.00. He stated that in addition, the truck was provided with regular road tread tires and that snow tires had to be provided at an additional cost of \$135.00. He informed the Council that an additional \$85.00 was charged for the installation of a compartment for radio headphone equipment in the operator's panel. He stated that this was to be provided at no extra charge to the City. In completing his presentation, the Fire Chief suggested that the City send a bill to the Howe Apparatus Company for the expense of the trip to Charlotte, which would include thirty gallons of No. 2 diesel fuel and the expense of two men for sixteen hours. In closing, he stated that both the chassis and apparatus appear to meet and to exceed all specifications as drawn and that the City has an excellent piece of equipment that should provide many years of dependable service. He informed the City Council that upon the completion of negotiations with the salesman regarding certain additional charges that a recommendation would be made at the next regular City Council Meeting regarding payment for the vehicle.

Shop/Garage Plans: A preliminary set of drawings showing a proposed shop/garage for maintenance and storage of City vehicles was presented for Council consideration. Mr. Fred Eslick stated in presenting the plans that he wished no publicity for himself or for the industry for which he works. He stated that the industry had approved the preparation of the plans at no cost to the City but did not wish any publicity regarding the work. After a short discussion, Mr. Eslick agreed to meet with the City Manager at 10:00 A.M. on Wednesday, December 3, 1975, to finalize the preliminary drawings before preparing final specifications.

Annual Christmas Dinner: The City Manager informed the City Council that the Annual Christmas Dinner for City Officials and their wives is scheduled for December 16, 1975, at 6:00 P.M. at the Cross Bow Inn. This time and date was agreeable with all Council members.

Holiday Schedule: The City Manager informed the City Council that under the terms of the Personnel Ordinance, that Wednesday and Thursday, December 24 and 25, would be observed for the Christmas holiday.

Employee Christmas Bonus: The City Manager informed the City Council that for the past few years the City has provided a Christmas Bonus of \$25.00 for employees with one year or less service with the City; \$30.00 for employees with one to three years of service; and \$35.00 for employees with three or more years of service. Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to provide Christmas Bonuses for the employees based on the same schedule as used in the past.

Local Government Employees' Retirement System - Proposed Changes: The City Manager presented the following letter from the North Carolina League of Municipalities concerning proposed changes in local governmental employees' retirement system:

TO: Managers/Clerks
FROM: Ernest H. Ball, General Counsel
SUBJECT: Proposed Changes in Local Governmental Employees' Retirement System

"The Board of Trustees of the Local Governmental Employees' Retirement System is proposing changes in the System identical to the changes made in the State Employees' System by the 1975 General Assembly.

The following paragraphs explain the proposed changes in detail.

The Teachers' and State Employees' Retirement System of North Carolina began operations on July 1, 1941. The North Carolina Local Governmental Employees' Retirement System began operations on July 1, 1945, with participation optional at the discretion of the various local governmental entities. The major structural difference between the two Systems is that in the State System there is essentially only one employer, the State, while in the Local System there are now nearly 500 separate employers.

The purposes of the Systems are very similar in that they strive to provide adequate retirement income at the close of the members active working career for similar classes of public employees. They are administered in the same office by the same people. Their Boards of Trustees are basically the same with the Local System Board being composed of the Board of the State System plus a representative of a participating county and a representative of a participating city. The provisions of the Systems are nearly identical. In the earlier days, liberalizations were usually pioneered by the State System with the Local System following in the next session of the General Assembly. In recent years, however, every effort has been made to introduce improvements in both Systems at the same time.

In 1975, for the first time, a serious problem was encountered. The Boards of Trustees recognized the need for improvement in the retirement benefit structure. Consequently, they considered the following changes:

1. Increase the benefit formula from $1\frac{1}{4}\%$ of the average final compensation not in excess of \$5,600 and $1\frac{1}{2}\%$ of the average final compensation in excess of \$5,600 times years of service to a fixed $1\frac{1}{2}\%$ of the average final compensation times years of service.
2. Change the average final compensation from the average annual compensation of a member during the five consecutive calendar years of membership service producing the highest such average to the average annual compensation of a member during the four consecutive calendar years of membership service producing the highest such average.

In an effort to ease the cost impact on employer contributions, they also considered:

1. An increase in employee contribution rates from 5% of compensation not in excess of \$5,600 and 6% of compensation in excess of \$5,600 to a fixed 6% of all compensation.
2. An increase in the interest assumption rate for actuarial valuation purposes from $4\frac{1}{2}\%$ to 5% partially offset by an increase in the salary increase assumption rate, which had been quite low.

No particular problem was foreseen in the State System because of the one employer contribution rate. Therefore, in accordance with the above, legislation was drafted, approved by the Board, introduced and passed by the General Assembly to be effective July 1, 1975.

In considering identical legislation for the Local System, multiple employer contribution rates caused a significant problem in attempting an equitable distribution of cost among the participating units. The actuary determined that if a cost distribution were attempted on an average basis, the net increase for all units would be approximately 1.14% of payroll. A more detailed examination, however, indicated that a more judicial distribution of cost would range from 0.5% of payroll to 2% of payroll, varying from employer to employer.

In order to achieve an equitable distribution of the additional cost to be incurred for improvements in the benefit structure, a part is properly chargeable to the normal contribution rate and part to the accrued liability contribution rate. The major problem was that about 25% of the units had no accrued liability or having had none at the time participation began. The complexity of the problem was such that the Board wisely decided to defer action until such time as an equitable method of cost distribution could be agreed upon.

The consensus of the Board is that the same changes that were made in the State System should be made in the Local System as soon as possible because of the need to keep the Local System competitive in view of complete transferability between Systems. It is also necessary in order to attract nongovernmental employees into governmental work at the local level. With the assistance of the actuary, the Retirement System has now developed the following plan:

1. For those units with no accrued liability:
 - (a) Determine a new accrued liability contribution rate designed to liquidate the additional liability over a period of ten years; or
 - (b) Determine a lump sum cost for the additional liability which the unit may elect to pay in lieu of the above.
2. For those units with 10 or fewer years remaining in which to liquidate the present accrued liability:
 - (a) Determine a new accrued liability rate designed to liquidate the new total accrued liability over a full 10 year period.
3. For those units with more than 10 years remaining in which to liquidate the present accrued liability:
 - (a) Determine a new accrued liability rate designed to liquidate the new total accrued liability over the same number of years which presently remain for the liquidation of the present accrued liability.

No problem exists with respect to that portion of additional cost which is properly chargeable to the normal contribution rate. This would simply be spread equally among the total number of participating units by an adjustment to the normal contribution rate which is the same for all units.

The Retirement System's actuary is now working on the proposed plan as outlined above and figures should be available soon for your consideration.

In the meantime, we would like some indication from you as to whether you would favor the amendments to the plan in the 1976 Session of the General Assembly, if they will agree to consider it then, or in the 1977 Session at the latest.

Please take this matter up at your next governing body meeting, and advise the League immediately thereafter of the views of your governing body regarding the proposals.

Following a discussion of the proposal, the City Manager was directed to send a letter to the League of Municipalities suggesting that the proposed changes be presented in the 1977 Session.

Proposed "No Parking" Zone - North Madison Street: The City Manager presented a recommendation from the Chief of Police that a "No Parking" zone be established on the east side of North Madison Street beginning at its intersection with East Court Street and extending north for a distance of 281 feet.

After a short discussion the City Manager was directed to advise the Chief of Police to have warning tickets places on those cars parking in violation of the one-hour parking zone. Persons parking in violation of the Ordinance are to be advised that if cars continue to park in that area that it may be necessary to establish a "No Parking" zone.

Newspaper Salesmen - Violation of City Ordinance: Mayor Segars informed the City Council that newspaper salesmen are still selling newspapers by going into the travelled portion of city streets and selling to motorists. He advised the City Manager that he is tired of the same problem coming up again and again and asked that proper procedures be followed in correcting the problem. The City Manager stated that he would work with the Chief of Police in correcting the problem.

City Hall Roof - Repairs: The City Manager informed the City Council that the roof of the City Hall building had been repaired. He stated that the roof had been leaking around the eaves and that the problem had been corrected under a guarantee from the firm that installed the new roof approximately two years ago.

Region "C" Criminal Justice Planning Agency - Proposed Merger With Isothermal Planning and Development Commission: The City Manager informed the City Council that the Region "C" Criminal Justice Policy Board voted, at their last meeting, to employ an attorney to investigate certain matters concerning a mandate by the Governor's Law and Order Commission requiring that Region "C" Criminal Justice Planning Agency be merged with the Isothermal Planning and Development Commission, and certain other matters relating to LEAA funding and administrative procedures being followed.

The City Manager stated that unless Region "C" merges with Isothermal Planning and Development Commission prior to December 31, 1975, that no planning funds will be provided by the State. He stated that the required merger would provide planning funds from the State which would be sent to the Isothermal Planning and Development Commission. He informed the Council that many members of the Region "C" Policy Board did not feel that the Governor's Law and Order Commission has the authority to require the forced merger which, in essence, would rescind actions of local governing bodies in establishing and/or continuing to fund the Region "C" Criminal Justice Planning Agency. In closing, the City Manager stated that he would keep the City Council fully informed of all matters relating to the forced merger.

Downtown Improvements: The City Manager informed the City Council that members of the Marion Parking Commission and certain members of the Chamber of Commerce have been discussing for some time the need for improvements and beautification of the downtown area. The City Manager stated that some of the matters discussed would be providing additional off-street parking and installation of modern-type street lights and possible park benches and shrubbery in the downtown area. The City Manager stated that the discussions were prompted by a recent announcement of the possibility of a new shopping center locating in the Marion area. The City Manager stated that improvements made to the downtown area might prevent stores located in the downtown area from moving out of the City Limits into new shopping centers. The City Council discussed the matter at length and stated that the matter should be fully investigated and directed the City Manager to try to establish a meeting with downtown merchants, landowners, and the Parking Commission and the County to discuss the matter.

Matters discussed by the Council included a discussion concerning the construction of a pedestrian walkway across the streets for traffic and pedestrian safety. Mayor Segars directed the City Manager to call a meeting after the holidays to discuss this matter with parties concerned.

Upon a motion by Councilman Ledbetter, seconded by Councilman Wilkerson, the meeting was adjourned to reconvene in executive session to discuss a legal matter.

There being no further business, the meeting was adjourned.

ATTEST: *James Earl Daniels*
City Clerk

James H. Segars
Mayor

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

January 6, 1976

The City Council of the City of Marion met in a regularly scheduled session on Tuesday, January 6, 1976, at 7:30 P.M. in the City Council Chamber at City Hall.

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

Others Present: Earl Daniels, City Manager, and Jim Sheppard, Newspaper Reporter.

Guests: Fred Eslick; Charlie Cooper and David Butler, representing American Family Life Insurance Company; and Mrs. George Wood.

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

Citizen's Complaint: Mrs. George Wood of 103 West Fort Street appeared before the City Council and advised the Council that cars are parking in front of her residence on Fort Street and also to the side of her residence on Logan Street, leaving no parking spaces available for guests visiting her residence. Mrs. Wood stated that she did not have a

driveway on her property. The City Manager informed Mrs. Wood that the City Council could not reserve a parking space on a public street for her or her guests. After a short discussion it was agreed that the City Manager and Public Works Director would visit Mrs. Wood's residence and determine if a driveway could be constructed on her property, and, if so, the City would remove the curb and install a cement apron to provide a driveway entrance to the property. Mrs. Wood also stated that her grandson had been stopped by several City police officers while attempting to cross a public street with newspapers under his arm. The City Manager informed Mrs. Wood that the officers were enforcing an Ordinance adopted by the City Council which prohibits newspaper salesmen from entering the travelled portion of a street for the purpose of selling a newspaper to motorists. Mrs. Wood stated that she was familiar with the Ordinance but that he was only attempting to cross the street. The City Manager stated that he would discuss the matter with the Chief of Police and ask that the Ordinance be enforced as directed by the City Council.

Cancer Care Insurance - American Family Life: Mr. Dave Butler and Mr. Charlie Cooper, representatives of American Family Life Insurance Company appeared before the City Council to discuss increased benefits provided by the Cancer Care Policy and also the increase in premium. Council members interested in increasing the benefits of their coverage or taking out a new policy were asked to complete the applications and return them to the City Hall.

City Manager - Appointment: Upon a motion by Councilman Cross, seconded by Councilman Ledbetter, 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 the year 1976.

Shop/Garage Plans and Specifications: Fred Eslick appeared before the City Council to present the final plans and specifications for the proposed shop/garage building to be constructed on the City Shop property located South of Marion on Rutherford Road. Upon a motion by Councilman Cross, seconded by Councilman Ledbetter, the City Council unanimously voted to approve the plans and specifications as presented, and directed the City Manager to proceed with the invitation for bids for the construction of the facilities and that payment for construction of the facilities be made from Revenue Sharing Funds. Councilman Cross suggested that the City Manager prepare an appropriate letter thanking Mr. Fred Eslick and American Thread Company for the work in preparing the necessary plans and specifications at no cost to the City.

City Code of Ordinances: The City Manager recommended that Mayor Segars appoint three committees composed of City Council members to review with the City Manager and appropriate department heads the draft of Marion's City Ordinances. The City Manager stated that the Ordinances in the draft code consist of nine parts and that each committee could review, in detail, with the appropriate department head and City Manager, three parts of the proposed Code rather than having all City Council members review, in detail, the entire Code. The City Manager stated that upon completion of the recommendations by the committees, the entire Code could be presented to the City Council members and they could review the recommendations of the different committees in formulating the final draft to be submitted to the League of Municipalities for printing. Mayor Segars informed the City Council members that he would review the draft of the City Code of Ordinances with the City Manager and notify the Council members regarding their appointment to the committees.

Parking Meters: The City Manager informed the City Council that all parking meters in the City have remained covered since the Christmas holidays. He stated that over the years there have been several discussions regarding removing parking meters from the downtown area. He also informed the Council that the revenues taken in from the parking meters and parking violations for the fiscal year ending June 30, 1975, amounted to \$11,426.00. He stated that the total revenues received for the year ending June 30, 1974, amounted to a total of \$12,296.89. He asked that if consideration be given to removing the parking meters, that it be made effective in July so that a decrease in anticipated revenues could be incorporated into the budget for the fiscal year 1976-1977. After a short discussion regarding a proposed meeting with downtown merchants and landowners the City Council directed the City Manager to leave the parking meters covered until further notice.

Wastewater Facilities - Subsurface Investigation Proposal: The City Manager presented a letter from O'Brien & Gere Engineering Firm recommending the acceptance of a proposal submitted by Law Engineering Testing Company of Charlotte, North Carolina for subsurface investigation. Upon a motion by Councilman Wilkerson, seconded by Councilman Cross, the City Council unanimously voted to authorize Mayor James H. Segars to execute the document accepting the proposal of Law Engineering Testing Company as recommended by O'Brien & Gere Engineering Firm (NOTE: A copy of the proposal from Law Engineering Testing Company, P. O. Box 11297, Charlotte, North Carolina, is located in the safe under "Document Number 388").

Surplus Equipment - Resolution Authorizing Sale: The City Manager recommended that the City Council authorize the City Manager, after due publication, to sell at private negotiation and sale, one 1974 Chevrolet automobile; one 1967 Ford six cylinder, one and one-half ton truck; and one 1963 V-6 GMC, one and one-half ton truck with no body. After a short discussion the City Council tabled any action on the matter.

Carson House - Water Connection: The City Manager informed the City Council that both the Carson House and the caretaker's house are presently being served by one water meter. He stated that under the terms of City Policy, it is required that each structure be metered independently. The City Manager stated that since the Carson House is not occupied, but is open to the general public as a historical site, that the Council may wish to waive the requirement. Upon a motion by Councilman Ledbetter, seconded by Councilman Wilkerson, the City Council unanimously voted to waive the requirement for separate meters in this particular case.

Downtown Area - Improvements: The City Manager informed the City Council that a meeting of downtown merchants and landowners would be held on Wednesday, January 7, 1976, at 10:00 A.M. in the Fire/Police Training Center for the purpose of discussing improvements in the downtown area. He stated that the purpose of the meeting would be to discuss with the downtown merchants and landowners the effect on the downtown area of one or more shopping centers being constructed in the Marion area.

City Employees: The City Manager reported that employee Calvin Smith underwent surgery on Saturday, January 3, and in all probability would be out of work for an estimated six weeks. He stated that employee Fred Ballard is scheduled to have surgery on the 28th day of January and it is estimated that he will be out of work for approximately eight to ten weeks. He informed the City Council that City employee Emit Lowery fell during the holidays and broke his arm in two places.

Waterwater Treatment Facilities - Contract Drawings: The City Manager informed the City Council that he had received from O'Brien & Gere, contract drawings for major outfall improvements for the Corpener Creek/Garden Creek and collection systems extensions. He stated that he would be preparing letters to landowners requesting rights-of-way for installation of the lines.

Legal - Revis Case: The City Manager informed the Council that Magistrate Frances Atkins had ruled that Mr. and Mrs. Revis and Mr. and Mrs. Allison would be required to pay the City of Marion all back bills for sewer service. He stated that Mr. and Mrs. Allison had paid their bill up to date, but that Mr. and Mrs. Revis had appealed the case to a higher court.

Pine Street - Opening: The City Manager reminded the City Council that prior to the holidays, the City Council had agreed to meet with residents concerned with the opening of Pine Street from South McDowell Street to Clay Street. The City Manager stated that the street name should be changed since there are other streets having the same name in the Marion area, to eliminate confusion. He stated that the name change would be made prior to the opening of the street. After a short discussion, the City Manager was directed to contact those residents and advise them that the opening of the street would be discussed at the next City Council meeting to be held on January 20.

Young's Fork of North Muddy Creek - Soil Erosion Problem: The City Manager reminded the City Council that the Council had agreed to meet with residents owning property adjacent to Young's Fork of North Muddy Creek regarding the soil erosion problem. After a short discussion, the City Council directed the City Manager to notify those persons that they would discuss the matter at the regular City Council Meeting scheduled for February 3, 1976.

Cable Television - Interruption of Service: Mayor Segars asked the City Manager to send a letter to Madison Cablevision asking that they notify City officials, City Police Department and others when cablevision service is to be interrupted for construction purposes or due to weather conditions. He stated that he received a number of phone calls recently when the CATV service was discontinued due to a power failure. The City Council also discussed the matter that time and temperature on channel two needs to be attended to in that the time is incorrect and apparently the camera is in need of repair.

There being no further business, and upon a motion by Councilman Wilkerson, seconded by Councilman Ledbetter, the City Council adjourned to reconvene in executive session to discuss a legal matter regarding the Bishop case.

ATTEST: *James Earl Daniel*
City Clerk

James Segars
Mayor

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

January 20, 1976

The City Council of the City of Marion met in a regularly scheduled session on Tuesday, January 20, 1976, at 7:30 P.M. in the Fire/Police Training Center.

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

Others Present: Earl Daniels, City Manager; E. P. Dameron, City Attorney; John Beck, Chief of Police; Arthur Edwards, Fire Chief; and Jim Sheppard, Newspaper Reporter.

Guests: Yates Hemphill, Route 4, Marion; J. Rodney Hemphill, 305 Clay Street; Mrs. J. Rodney Hemphill; Jerry Arnold, State Street; Gene Fowler, Clay Street; and Charles P. Byas, Pine Street.

Approval of the January 6, 1976 Minutes: Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the City Council unanimously voted to approve the minutes of the January 6, 1976 meeting.

Pine Street - Opening: Several citizens attended the meeting concerning the opening of Pine Street. A short discussion was held during which a street committee reported that they had met on the site with the parties concerned with the street opening. The City Council was informed that all parties seem to agree to opening the street from South McDowell Avenue in to a point sufficient to provide access to the lot needing service without opening the street completely through from South McDowell Avenue to Clay Street. The citizens attending the meeting thanked the City Council for their consideration in the matter. The City Manager stated that a new name should be selected for the street since there already exists a Pine Street in the Marion area. The City Manager advised the City Council that he would direct the Street Superintendent to work with Mr. McKinney in locating a proper drainage tile under the proposed portion of the street to be opened and that the full right-of-way of forty feet would be cleared and that the proposed street would be opened on the North side of the street at a width of twenty feet.

Citizen's Request - Automobile Scratched by Sanitation Employee: The City Manager informed the City Council that Mr. Ted Gayle, who resides at 137 North Main Street, informed the City Manager that his automobile had been scratched by sanitation employees carrying garbage through his driveway past the automobile. Mr. Gayle advised that the vehicle was not scratched when he parked it in his driveway the previous night and that upon opening the car door the next morning he noticed that it had been scratched. He stated that sanitation employees had picked up garbage at his residence that morning. The City Manager advised that the matter had been investigated and that the City could not say definitely that the damage was done by City employees; however, on the other hand, they cannot state that it was not. The City Manager stated that he asked Mr. Gayle to get two estimates on the cost of repairing the vehicle. One estimate was given by Marion Buick Company in the amount of \$30.00. The other estimate was from Ballew Motor Company in the amount of \$36.24. The City Manager recommended that the City Council approve payment of the bill for repairs to Marion Buick Company in the amount of \$30.00.

Upon a motion by Councilman Wilkerson, seconded by Councilman James, the City Council unanimously voted to pay Marion Buick Company for the repair of damages to Mr. Gayle's automobile.

Parking Meters: The City Manager informed the City Council that parking meters were still covered and asked if the Council wished to leave the parking meters covered or have them removed from service or put them back into operation. After a discussion it was decided by Council to have the Merchants Association poll downtown merchants regarding whether or not they wish for the meters to be left in service or removed from service. The City Manager was asked to report back to Council the results of the poll.

Code of Ordinances: The City Council was advised by Mayor Segars that he would divide the proposed municipal code into sections and assign City Council Members particular portions of the Code instead of having each Councilman review in detail the entire Code before its final draft is presented to Council.

Surplus Equipment: Action on the sale of surplus equipment was tabled by the City Council pending the Mayor and City Manager reviewing the equipment and the need of certain pieces of surplus equipment.

Firemen's Relief Fund: Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council unanimously voted to appoint Councilman William Ledbetter as a trustee of the Firemen's Relief Fund for a two-year term. Mr. Ledbetter's term will expire in January of 1978. Councilman Wilkerson's term as a trustee will expire in January of 1977.

No Parking Zone - Academy Street: Upon a motion by Councilman Ledbetter, seconded by Councilman Clark, the City Council unanimously voted to establish a "No Parking" zone on the west side of Academy Street from West Court Street north to Fort Street and on the east side of Academy Street from West Court Street north to a point located 128 feet from West Fort Street.

Old Fort National Guard - Donation: Upon a motion by Councilman Wilkerson, seconded by Councilman James, the City Council unanimously voted to donate \$500.00 to the Old Fort National Guard. These funds are to be used to help in establishing a North Carolina National Guard Unit in McDowell County.

Upon a motion by Councilman James, seconded by Councilman Ledbetter, the City Council unanimously voted to adjourn and to reconvene in executive session to discuss personnel matters.

James Segars
Mayor

ATTEST: *James Earl Daniels*
City Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

February 3, 1976

The City Council of the City of Marion met in a regularly scheduled session on Tuesday, February 3, 1976, at 7:30 P.M. in the Fire/Police Training Center.

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

Others Present: Earl Daniels, City Manager; E. P. Dameron, City Attorney; and Jim Sheppard, Newspaper Reporter.

Guests: Mr. and Mrs. Carroll Toney and Mr. Earl Fitch.

Approval of the January 20, 1976 Minutes: Upon a motion by Councilman Ledbetter, seconded by Councilman Wilkerson, the City Council unanimously voted to approve the minutes of the January 20, 1976 meeting.

Young's Fork of North Muddy Creek - Soil Erosion: The City Manager informed the City Council that all persons attending previous meetings of the City Council regarding the soil erosion problem along Young's Fork of North Muddy Creek were invited to this meeting by letter. The City Manager presented the report from the U. S. Department of Agriculture Soil Conservation Service stating the existing problem and suggested solutions to the problem. The report, dated April 22, 1975, presented the following information:

Inventory and Evaluation

Requested By: City of Marion, North Carolina

Prepared By: Boyce L. Harvey, District Conservationist

Assisted By: W. J. Brady, Area Engineer

SITUATION: Excessive runoff from the surrounding urban area has 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 streambank erosion.

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 the water is being blocked at 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.

RECOMMENDATIONS:

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 that this action would require an environmental impact statement.

The City Manager stated that he had written a letter to Paul Hughes, Executive Director of Isothermal Planning and Development Commission, asking if he knew of any possibility for getting funds for a project to correct a soil erosion problem. He advised the group that Mr. Hughes stated that he had been unable to locate any funds for a project of this nature. The City Manager also stated that he had been in contact with Harry S. Wilson, Jr., Colonel, Corps of Engineers, Department of the Army, and that he too could not furnish any assistance in correcting the problem.

Mayor Segars informed the residents of Broad Street and others owning property adjoining Young's Fork of North Muddy Creek that the City cannot take any action to remedy the situation because the properties involved are privately owned.

Citizen's Complaint - Mrs. James H. Chapman: The City Manager informed the Council that a City sewer main had become blocked and sewage had backed up into Mrs. Chapman's residence located at 247 Lincoln Avenue, resulting in damages to her carpet and furnace in the total amount of \$109.89. Smith's Furniture Company replaced Mrs. Chapman's carpet at a cost of \$71.39 and Pyatt Heating & Air Conditioning Company made repairs to the furnace at a cost of \$38.50.

Upon a motion by Councilman Ledbetter, seconded by Councilman James, the City Council unanimously agreed to pay to Smith Furniture Company the sum of \$71.39 and to Pyatt Heating & Air Conditioning Company the sum of \$38.50, for replacement of and repairs to Mrs. Chapman's property.

Merger - Criminal Justice Planning Agency and Isothermal Planning and Development Commission: City Manager Earl Daniels informed the Council that the executive committees of Region "C" and Isothermal met last week and worked out an agreement which would allow Region "C" to continue operating as it has in the past. Under the agreement, Region "C" would become a division of Isothermal, with its present board serving as a Board of Advisors, and with the staff setup remaining as it is.

The principal difference would be that dealings between the State of North Carolina and Region "C" would go through Isothermal. The Board of Directors of Isothermal would have ultimate authority over Region "C" but the parties involved seem to be of the opinion that Isothermal Directors, for the most part, will go along with Region "C" proposals.

Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the City Council unanimously agreed to have the City Manager forward a letter to Mr. Paul Hughes advising that the Council is in agreement with the merger of the two agencies under the terms as stipulated.

Parking Meters: Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously agreed to table any action regarding removing the parking meters or putting them back into use until the Downtown Beautification Committee and the Merchants Association meet and decide what they want to suggest.

Code of Ordinances: The City Manager requested that each Councilman contact him and make arrangements to meet with the appropriate department heads to review their particular sections of the Code of Ordinances. He stated that the Council needs to move on this soon because the information must be forwarded to the League of Municipalities within the next thirty to sixty days.

Resolution - Wastewater Collection Systems: Upon a motion by Councilman Ledbetter, seconded by Councilman James, the City Council unanimously agreed to adopt a resolution stating that the City will arrange financing for all costs of the project over and above the amount received by means of the State Grant. It was also resolved to execute an Affidavit stating that the City will comply with all federal, state and local laws, rules, regulations and ordinances applicable to collection sewers.

RESOLUTION

By
CITY COUNCIL
City of Marion

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 collection systems, and

WHEREAS, The City of Marion has need for and intends to construct a wastewater collection system project described as new collection sewers to serve the Dogwood Lane - Yancey Road area, and

WHEREAS, The City of Marion intends to request state grant assistance for the project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARION

That the City of Marion will arrange financing for all remaining costs of the project, if approved for a state grant award.

That the City of Marion will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Mayor James H. Segars is hereby authorized to execute and file an application on behalf of the City of Marion with the State of North Carolina for a grant to aid in the construction of the project described above.

That Mayor James H. Segars is hereby authorized and directed to furnish such information as the appropriate state agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application, grant offer or grant award.

That the City of Marion has substantially complied, or will substantially comply, with all federal, state and local laws, rules, regulations and ordinances applicable to the project and to federal and state grants and loans pertaining thereto; and hereby authorizes the above designated representative to execute an affidavit so stating.

ADOPTED this the 3rd day of February, 1976, at Marion, North Carolina.

CITY OF MARION, NORTH CAROLINA

By James H. Segars —
James H. Segars, Mayor

ATTEST: J. Earl Daniels
J. Earl Daniels, City Clerk

CERTIFICATE OF RECORDING OFFICER

The undersigned duly qualified and acting City Clerk of the City of Marion, North Carolina, does hereby certify that the attached Resolution is a true and correct copy of the Resolution authorizing the filing of an application with the State of North Carolina, as adopted at a regularly scheduled and legally convened meeting of the City Council duly held on the 3rd day of February, 1976; and further, that such Resolution has been fully recorded in the journal of proceedings and records in my office.

IN WITNESS WHEREOF, I have hereunto set my hand this 3rd day of February, 1976.

(SEAL)

J. Earl Daniels
J. Earl Daniels, City Clerk

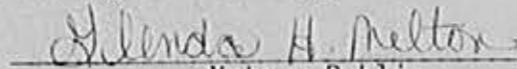
STATE OF NORTH CAROLINA
COUNTY OF McDOWELL

AFFIDAVIT

MAYOR JAMES H. SEGARS, after first being duly sworn, deposes and says: That the City of Marion has substantially complied, or will substantially comply, with all federal, state and local laws, rules, regulations and ordinances applicable to collection sewers, and to federal and state grants and loans pertaining thereto.


James H. Segars, Mayor

SWORN to and subscribed before me, this
4th day of February, 1976.


Linda H. Melton
Notary Public

My commission expires November 20, 1977.

Planning Board - Appointment of New Members: The City Council reappointed Mr. David DeBruhl and appointed Mr. Joe Bagwell to serve on the Marion Planning Board for the upcoming three years. Mr. Bagwell was appointed to fill the expired term of Mrs. Kathleen Noyes.

Parking Lot - Proposed Lease: The City Manager informed the Council that Mr. Dave Blanton has offered to lease the City thirty-four parking spaces now being utilized by the Department of Social Services at their present location on West Henderson Street, at a cost of \$3.00 per space per month. The Council decided that the Parking Commission should make arrangements for leasing the spaces.

Water/Sewer Rate Evaluations: The Council tabled any action on the proposed water/sewer rate changes.

Community Building Rents: The City Manager presented a report showing the income and expenses of the Community Building from October 1, 1974, through September 30, 1975. He reminded the Council of the fact that utilities, fuel oil, etc. have increased in cost to the extent that the City can no longer maintain the facilities without increasing the rentals or paying a greater portion of the expenses from other revenues.

The following rate changes were proposed by the City Manager:

| | <u>Existing Rate</u> | <u>Proposed Rate</u> |
|--------------------------------------|----------------------|----------------------|
| Use of Building for One Day | \$ 5.00 | \$10.00 |
| Utilization of Building and Kitchen | 10.00 | 20.00 |
| Utilization by Civic Clubs (one day) | 5.00 | 5.00 |
| Dances (Per Day) | 25.00 | 50.00 |
| Dances With Use of Kitchen | 30.00 | 60.00 |

It was decided that a \$50.00 deposit would be required of all persons scheduling the use of the Community Building for a dance and that there would be a ten-day limit on all refunds. The City Manager reported that several persons or groups had reserved the Community Building in the past and had decided at the last minute not to use it, resulting in the City's losing that revenue. Therefore, he suggested that the persons or groups reserving the Community Building be required to pay the specified amount whether they actually use the building or not.

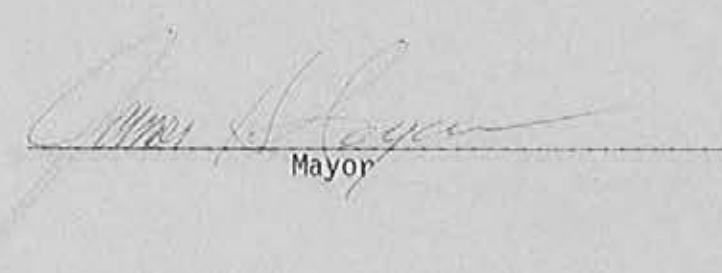
Upon a motion by Councilman Ledbetter, seconded by Councilman Wilkerson, the City Council unanimously agreed to incorporate the rates proposed by the City Manager in the operation of the Community Building. The rate change will become effective April 1, 1976. Refunds will only be allowed if use of the building is cancelled at least ten days prior to the date the building is scheduled to be used.

Fleming Avenue - Sidewalks: The City Council agreed to consider the feasibility of installing a sidewalk from Fleming Avenue to the adjoining sidewalk in front of the Marion General Hospital.

Inclusion of State and Gay Streets in the City Street System: Upon a motion by Councilman Cross, seconded by Councilman Ledbetter, the City Council agreed that City Manager Earl Daniels, send a letter to the State Highway Department notifying them that the City is interested in including State Street and Gay Street in the City Street System.

201 Study: The Council agreed to table any action on the 201 Facility Study Grant until the Council and the City Manager have had the opportunity to review the facts in detail.

There being no further business, the meeting was adjourned to reconvene in Executive Session to discuss a personnel matter.


 Mayor


 City Manager

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

February 9, 1976

The City Council of the City of Marion met in a called meeting Monday, February 9, 1976, at 4:00 P.M. in the Fire/Police Training Center.

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

Others Present: Earl Daniels, City Manager.

Guests: Mr. Sid Riddick of O'Brien & Gere, Inc./Engineers; H. M. Adams, Washington Mills Company; C. W. Norwood, Air Preheater Company; Alex Turner, Drexel Furniture Company; C. E. Richard, Burlington Industries; J. A. Hattaway, Marion Manufacturing Company; John Cross and Eugene Cross, Jr., Cross Cotton Mills Company; and Jim Sheppard, McDowell News.

Water-Wastewater Rate Evaluations: The City Manager introduced Mr. Sid Riddick of the firm of O'Brien & Gere Engineers who presented the findings of a report prepared by the firm he represents entitled "Water-Wastewater Rate Evaluations".

Mr. Riddick informed the Council and industrial representatives that two major factors brought about the compilation of the report; (1) the spiraling cost of operating the water and waste treatment facilities; and (2) the new waste treatment facilities will provide a safer and more effective means of treating waste; therefore, the expense involved will be much more than it has been in the past.

Mr. Riddick reviewed the report briefly, explaining the headings and subheadings. He also informed those in attendance that the major engineering items accomplished during the study include:

1. Review and summary of existing water and sewer rates, billing procedures, and revenues.
2. A review of the existing operating costs and estimates of future operating costs reflecting both current rates of inflation and the proposed new wastewater facilities.
3. Conduct of an analysis of users and user patterns, including both inside and outside customers.
4. A review of past water and sewer sales and projections of sales for the next several years.
5. A review of projected annual costs for the water and wastewater systems, including operations, maintenance, and debt service requirements.
6. Proportionment of the cost of the water and sewerage systems to the various types and classes of users.
7. Establishment of rate trials and revenues to be generated from each.
8. Establishment of a rate structure resulting in fair rates of charge to all customers, which would produce annual revenues adequate to pay costs and meet federal guidelines relating to user charges.
9. Comparison of present and proposed rates as they will affect the City's customers and also a comparison of these rates with other similar cities in the Carolinas.
10. Preparation of a report of findings and recommendations.

Mr. Riddick reported to the Councilmen and industrial leaders that water sales in Marion have declined from 46.6 MG per month in 1970-71 to 37.59 MG per month in 1974-75, and that during this period annual operating budgets have increased from \$206,800.00 to \$310,600.00, while revenues have declined from \$256,500.00 to \$242,400.00. Surpluses and fund transfers currently enable the City of Marion to offset operating losses.

He also reported that while water sales are expected to increase slightly over the next four years expenses will almost double, and that to meet increased costs a twenty-five percent increase in water rates is proposed for both inside and outside customers.

He stated that his firm recommends that the City immediately implement the Water and Waste-water rate increases which are proposed; and have the study up-dated in 12-15 months to more

accurately reflect wastewater system costs and, in light of the prevailing EPA regulations, establish additional wastewater charges.

After Mr. Riddick's review of the entire report, there was a question and answer period.

(There is a copy of the Water-Wastewater Rate Evaluations report on file in the office of the City Clerk, which may be viewed upon request).

There being no further business, the meeting was adjourned.

James Earl Daniels
City Clerk

James H. Segars
Mayor

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

February 17, 1976

The City Council of the City of Marion met in a regularly scheduled session Tuesday, February 17, 1976, at 7:30 P.M. in the Fire/Police Training Center.

Board Members Present: Mayor James H. Segars, Councilmen Robert E. James, Horace Wilkerson, Oliver R. Cross and Everette Clark.

Others Present: Earl Daniels, City Manager; E. P. Dameron, City Attorney; and Glenda Melton, Secretary.

Guests: Clyde Henline, 214 Summit Street; Wayne Simpson, 141 Teal Street; and Coy Wilson, 143 Teal Street.

Approval of February 3 and February 9, 1976 Minutes: Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the City Council unanimously voted to approve the minutes of the February 3 and February 9, 1976 meetings.

Certificate of Appreciation - Kathleen Noyes: The City Manager informed the Council that Mrs. Kathleen Noyes was scheduled to receive a Certificate of Appreciation for her service as a member of the Marion Planning Board for the past three years, but that Mrs. Noyes was unable to attend the meeting. Therefore, the Certificate will be presented at the next regular meeting of the Council.

Citizens' Request - "No Parking" Zone, Teal Street: Mr. Clyde Henline, Mr. Wayne Simpson and Mr. Coy Wilson appeared before the Council to request that a "No Parking" zone not be established on Teal Street. Mr. Henline explained that he owns several houses on Teal Street and that there are no driveways for these houses and no places to install driveways. He further explained that if the residents are not allowed to park on the street he feels they will probably move to a place with adequate parking.

Councilman Wilkerson explained that it would be impossible to get an emergency vehicle through the first curve on Teal Street (entering from the Rutherford Road end) if there were cars parked there, which is usually the case.

The City Manager stated that the Street Committee has been to Teal Street to view the parking situation and to assess the drainage problem (water flows across the street at one point and freezes). He stated that the police department has been asked to talk with the residents in the first house in the corner and ask them not to park within twenty feet of the corner.

The Council decided to have the Street Department paint the curbs on both sides of the road for a distance of twenty feet. The Council agreed not to adopt a "No Parking" Ordinance at this time. It is hoped that painting the curbs yellow in the corner in question will remedy the situation.

The Council discussed the hazardous situations created by persons parking too close to intersections. The City Manager was instructed to have the Street Department paint the curbs yellow for a distance of twenty-five feet, in accordance with state law, at all intersections which are considered to be hazardous.

The City Manager reported that he had received a phone call from a lady requesting that the parking regulations on West Court Street be changed. Presently two-hour parking is permitted

on that particular street. Mr. Daniels stated that perhaps the Council might consider changing the regulations for that particular street to two-hour parking from 7:00 A.M. to 7:00 P.M. and allow all-night parking. The Council decided to leave the regulations as they are since no tickets are issued at night.

Councilman Cross asked if any progress had been made in establishing turning lanes at the intersection of Montevista and Highway 70. The City Manager informed the Council that he had written to Walt Cochran of the State Highway Department in Asheville and had been advised that Montevista is not on the State System. Mr. Daniels stated that he will pursue the matter further and report his findings at the next Council meeting.

Parking Meters: The City Manager informed the Council that the Merchants have suggested that the parking meters remain covered and not in use. He reported that there have been several discussions ranging from installing token meters to removing the meters all together. He also reported that one of the major problems with parking is that of employees parking on the streets rather than in the various lots.

Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council unanimously voted to uncover the meters and to resume their use on February 19, 1976. The Council pointed out that this could be reversed at any time. Mayor Segars asked that the merchants and the Council get together and work out a permanent solution.

Archeologist: Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council unanimously voted to accept O'Brien & Gere's recommendation that Mr. Burton L. Purrington be retained to undertake the archeological survey for the Waste Treatment Plant Project at a fee of \$154.00, as stated in Mr. Purrington's letter of November 18, 1975.

The City Manager informed the Council that seventy-five percent of the funding for the survey will be paid by the Environmental Protection Agency; twelve and one-half percent by the State and twelve and one-half percent by the City.

Grant Offer - EPA (201 Facilities Study): Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to approve the following resolution authorizing acceptance of a federal grant from the Environmental Protection Agency for the preparation of a facilities plan for the planning area designated under Section 201 of the Amendments to the Federal Water Pollution Control Act of 1972:

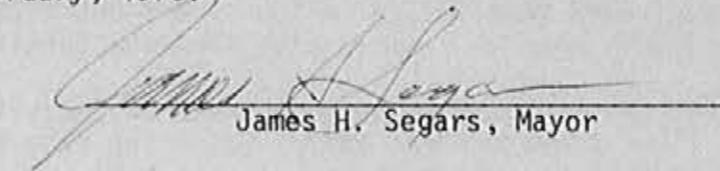
WHEREAS, the City of Marion is in need of a facilities plan for the planning area designated under Section 201 of the Amendments to the Federal Water Pollution Control Act of 1972; and

WHEREAS, the Environmental Protection Agency has made a Grant Offer under the provisions of the Federal Water Pollution Control Act Amendments of 1972; and

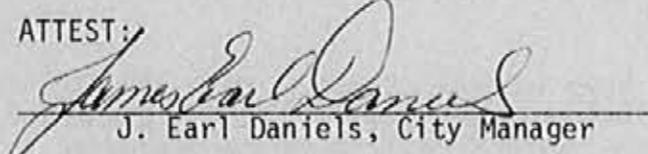
WHEREAS, the City Council of the City of Marion feels that it is in the best interest of the citizens of Marion to accept said Grant Offer.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marion that the Grant Offer from the Environmental Protection Agency entitled "Project Number C370406-01, including all conditions contained therein, executed by John A. Little on behalf of Jack E. Ravan, Regional Administrator and dated January 22, 1976, is hereby accepted by the City of Marion, North Carolina.

ADOPTED this the 17th day of February, 1976.


James H. Segars, Mayor

ATTEST:


J. Earl Daniels, City Manager

Grant Offer - State (201 Facilities Study): Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to approve the following resolution authorizing acceptance of a State Grant from statewide allocated funds under the Pollution Control Accounts of the Clean Water Fund:

WHEREAS, the City of Marion is in need of a facilities plan for the planning area designated under Section 201 of the Amendments to the Federal Water Pollution Control Act of 1972; and

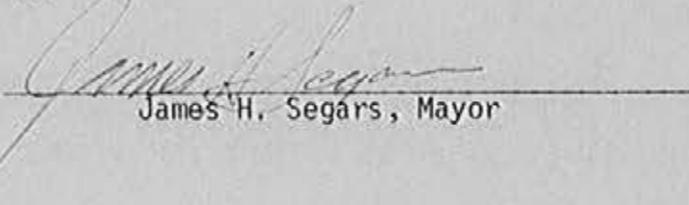
WHEREAS, the City of Marion filed an application with the State of North Carolina Department of Natural and Economic Resources, Division of Environmental Management for State assistance in the preparation of a facilities plan; and

WHEREAS, the North Carolina Department of Natural and Economic Resources, Division of Environmental Management has made a Grant Offer under the provisions of the Pollution Control Account of the Clean Water Fund from the Clean Water Bond Act of 1971; and

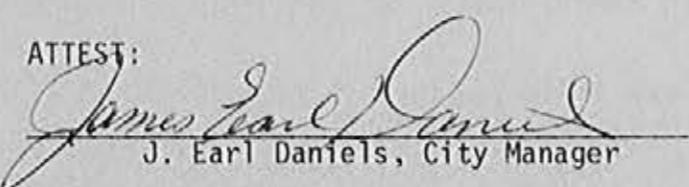
WHEREAS, the City Council of the City of Marion feels that it is in the best interest of the citizens of Marion to accept said Grant Offer.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marion that the Grant Offer from the North Carolina Department of Natural and Economic Resources, Division of Environmental Management, entitled Project Number WT-167-1, including all conditions contained therein, executed by Lewis R. Martin, Director and dated February 4, 1976, is hereby accepted by the City of Marion, North Carolina.

ADOPTED this the 17th day of February, 1976.


James H. Segars, Mayor

ATTEST:


J. Earl Daniels, City Manager

Fire Monitors- Presentation of Bids: The City Manager informed the Council that bid openings for the fire monitors were held in his office at 2:00 P.M., Tuesday, February 17, with only three bids being presented. He also advised that he received a letter of declination from Whitney's Communication Service.

The bids received are as follows:

| | Unit Cost | Totals |
|------------------------------|-----------|--------------|
| <u>Zimmerman-Evans, Inc.</u> | | |
| 50 Receivers | \$ 229.43 | \$ 11,471.50 |
| Amplifiers | 42.56 | 2,128.00 |
| Encoder (TE 100) | | 417.66 |
| Encoder (TE 12) | | 212.25 |
| | Total Bid | \$ 14,229.41 |

Delivery Date - 120/150 Days

| | | |
|-------------------------------------|-----------|--------------|
| <u>Burgess Fire Equipment, Inc.</u> | | |
| 50 Receivers | \$ 224.23 | \$ 11,211.50 |
| Amplifiers | 63.18 | 3,159.00 |
| Encoder (40 call) | | 526.50 |
| Encoder (12 call) | | 384.00 |
| | Tax | \$ 15,281.00 |
| | | 458.43 |
| | Total Bid | \$ 15,739.43 |

Delivery Date - 6 months

| | | |
|-------------------|---------------------------------------|--------------|
| <u>Motorola</u> | | |
| 50 Receivers | \$ 294.00 | \$ 14,700.00 |
| Amplifiers | | 3,050.00 |
| Encoder (12 call) | | 355.00 |
| Encoder (20 call) | | 395.00 |
| Encoder (40 call) | | 395.00 |
| Installation | | 100.00 |
| | | \$ 18,995.00 |
| | Less Discount for 50% cash with order | 2,078.45 |
| | | \$ 16,916.55 |
| | Tax | 676.66 |
| | Total Bid | \$ 17,593.21 |

Delivery Date - Shipped 42 days after receipt of order

Installed 7 days after receipt of merchandise

| | | |
|---------------------------------|-----------|--------------|
| <u>Motorola - Alternate Bid</u> | | |
| Pager & Charger Combined | | \$ 12,200.00 |
| Encoder (12 call) | | 355.00 |
| Encoder (20 call) | | 395.00 |
| Encoder (20-40 call) | | 395.00 |
| Installation | | 100.00 |
| | | \$ 13,445.00 |
| | Tax | 537.80 |
| | Total Bid | \$ 13,982.80 |

Mr. Daniels advised the Council that the Fire Department had not yet made a recommendation as to which bid they would favor accepting and that he would present their recommendation at the next regular meeting of the Council.

Parking-Pulliam Street: Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council unanimously voted to establish a "No Parking" zone on the west side of Pulliam Street from its intersection with Blue Ridge Street to its intersection with West Court Street. The "No Parking" regulation will become effective March 1, 1976.

Speed Limit - Lincoln Avenue: Upon a motion by Councilman Cross, seconded by Councilman Clark, the Council unanimously voted to establish a 25 mile per hour speed limit on Lincoln Avenue to run the entire length of the street.

Parking - Cross Mill Section: The City Council tabled any action on the parking situation on Thole Street, Hoyle Street and Roane Street in the Cross Mill section. Councilman Cross will discuss the matter with officials of the Cross Cotton Mills Company and report back to the Council at the next meeting concerning the parking situation on these streets.

CITY MANAGER'S REPORT:

Mrs. James H. Chapman: The City Manager read a letter to the Council thanking the City for its prompt and courteous response with regard to paying the expenses for repairs made to her furnace and replacing carpet which was damaged when a sewer main overflowed at her residence on Lincoln Avenue.

Tax Department: The City Manager reported that 1975 taxes collected through February 2, 1976, amounted to \$350,661.37; uncollected - \$23,671.74; and outside listings and adjustments were made in a total amount of \$1,308.75. He also presented a list of names of persons who owe more than \$50.00 in taxes and advised that a letter would be sent to these persons with regard to their delinquency. He stated that letters would be sent to those persons who are delinquent in amounts less than \$50.00.

Area Inmate Labor Commission: Mr. Daniels gave a brief report of his trip to Raleigh for the meeting of the Area Inmate Labor Commission. He made a report on the use of prison personnel for projects or services not normally performed by private industry or noninmate labor. The city manager reported on the possibility of utilizing inmate labor for tearing down the old junior high school building and cleaning the bricks for future use. He advised that applications must be sent to the Western Area Inmate Labor Commission for approval and then to the State Chairman. He also advised that the applicant would be required to pay a maximum of \$1.00 per day per prisoner if inmate labor is utilized and must pay the salary of a guard and all travel expenses to and from the site. The applicant would also be responsible for furnishing all special equipment needed.

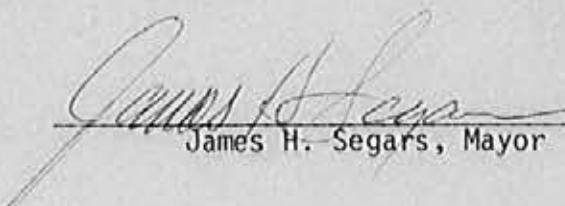
Mr. Daniels informed the Council that he would contact Recreation Director Tom Alexander and advise that he could submit an application for the Recreation Commission for the use of inmate labor.

The City Manager advised the Council that there will be a Councilman and Mayors school conducted in Chapel Hill on February 23, 24 and 25, and on April 29 and 30 and May 1. He advised that if anyone is interested they should contact him and he will make arrangements for them to attend.

The City Manager also advised of a Congressional Reception to be held in Washington, D. C. on March 15, hosted by the League of Municipalities for the N. C. State Delegation. The reception will kick off a two-day seminar for a congressional debate regarding reinactment of total revenue sharing. It was suggested by the Council that Mayor Segars and City Manager Earl Daniels attend.

Mr. Daniels advised that there will be a meeting in the Fire/Police Training Center, Wednesday, February 18, of all department heads to discuss the proposed budget for 1976-1977. He advised that if any of the Councilmen know of any special projects that should be included in the budget they should contact him so they can be incorporated in the new budget.

There being no further business, the meeting was adjourned.


James H. Segars, Mayor

ATTEST


J. Earl Daniels, City Manager

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

March 2, 1976

The City Council of the City of Marion met in a regularly scheduled session Tuesday, March 2, 1976 at 7:30 P.M. in the Fire/Police Training Center.

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

Others Present: J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; and Jim Sheppard, Newspaper Reporter.

Guests: Brady Brooks and Mark Brooks of 619 Montevista Avenue; Kathleen Noyes of 27 New Street; and Misses Dora and Lillie Gregory of Virginia Avenue.

Approval of February 17, 1976 Minutes: Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the City Council unanimously voted to approve the minutes of the February 17, 1976 meeting.

Certificate of Appreciation - Kathleen Noyes: Mayor Segars presented a Certificate of Appreciation to Mrs. Noyes in acknowledgement of three years of valuable and devoted service as a member of the Marion Planning Board.

Private Waterline - Dora and Lillie Gregory: Misses Dora and Lillie Gregory appeared before the Council with regard to a two-inch waterline installed along Virginia Avenue to their property under the terms of a written agreement dated April 29, 1963. They feel that regardless of the written agreement with the City, no one should be allowed to tap on to the waterline which was installed by them at no cost to the City. They advised that through a verbal agreement with Mr. Reese Snyder (Marion City Manager at the time the Agreement was executed), no one would be allowed to tap the line in question except the parties signing the Agreement. They also stated that it was agreed that the City would maintain the waterline.

Mayor Segars stated that the agreement signed by the grantors is a standard form for all water-lines installed by the City and that to his knowledge no deviations from standard policy have been made.

The City Manager stated that he had studied the agreement and had asked the City Attorney's office to render an interpretation of the agreement. He advised the Council members that there are copies of the letter from Mr. Charles Burgin regarding his interpretation in the minute books along with the minutes of the January 20, 1976 Council meeting.

The Council agreed to review the Agreement, the attorney's letter, City policy in this regard, and to discuss the matter in depth. After having done so they will advise the Gregorys of their decision.

Blue Ridge Security: Mr. John Dillard, representing Blue Ridge Security, appeared before the Council to request permission to place an antenna on the City's mast located on Summit Street.

The City Manager informed Mr. Dillard that the City has a contract with Whitley's Communications and that they would have to be consulted as to the ramifications of installing another antenna on the same mast. The City Council tentatively agreed to the installation. However, it was stated that if the antenna is installed and it interferes in any way with the City or County operations, it would have to be removed.

Final decision will be rendered after Whitley's Communication Service has been consulted.

Fire Monitors: The City Manager informed the Council that the Fire Department recommends that the bid from Burgess Fire Equipment, Inc. be accepted by the Council. The Council decided to table any decision until the next regularly scheduled meeting and asked that the City Manager request the Fire Chief to be present at that meeting to discuss the matter more fully.

Parking - Pulliam Street: Upon a motion by Councilman James, seconded by Councilman Ledbetter, the City Council unanimously agreed to rescind the Ordinance establishing a "No Parking" zone on the west side of Pulliam Street from Blue Ridge Street to West Court Street. There is currently a "No Parking" zone on the east side of Pulliam from Blue Ridge to West Court Street.

Parking - Cross Mill Section: It was agreed that the Street Committee would be requested to meet at 10:00 A.M., Thursday, March 4, 1976, to view the parking situation on Roane, Thole and Hoyle Streets in Cross Mill and would report their findings at the next meeting of the City Council.

Parking Meter Ordinance: Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council unanimously agreed to adopt the following Amendment to the existing Parking Meter Ordinance:

An Ordinance amending the Amendment to the Parking Meter Ordinance adopted by the Marion City Council, April 17, 1973.

Be it ordained by the City Council of the City of Marion as follows:

Section 1. That the following change be made to the above described Amendment to the Parking Meter Ordinance: Section 2. PARKING METER ZONE be amended by adding the following item:

7. Garden Street - The west side of Garden Street from a point 63 feet south of the south curb line of East Court Street a distance of 120 feet in a southern direction.

Section 2. That a copy of this Amendment be attached and made a part of the Ordinance and Amendment hereinabove described.

Adopted this the 2nd day of March, 1976.

James H. Segars
James H. Segars, Mayor

ATTEST: *James Earl Daniels*
J. Earl Daniels, City Manager

Tennis Court Lights - Coin Meter: The City Manager informed the Council that the cost to the City for each hour the tennis court lights burn is \$1.08. He suggested that a coin meter be purchased and installed and that it would cost \$1.50 per hour to light all three courts.

The Council requested that the City Manager research the possibility of installing a meter which would provide lighting for the courts at a rate of \$.50 per hour and report his findings at the next Council meeting.

Region "C" Appointments: Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously agreed to elect Mayor James H. Segars as official voting member and John Beck, Police Chief, as ex-officio member to the Region "C" Criminal Justice Planning Agency Advisory Board. They also empowered J. Earl Daniels to vote in the absence of the official member.

Local Governmental Employees' Retirement System: The City Manager reviewed briefly the proposed changes in the employees' retirement system. The following is a portion of a letter regarding the changes received from the Department of the Treasurer, Employees' Retirement and Health Benefits Division:

RECOMMENDATIONS:

1. Increase the benefit formula from 1 1/4% of the average final compensation not in excess of \$5,600.00 and 1 1/2% of the average final compensation in excess of \$5,600.00 times years of service to a fixed 1 1/2% of the average final compensation times years of service.
2. Change the average final compensation from the average annual compensation of a member during the five consecutive years of service producing the highest such average to the average annual compensation of a member during the four consecutive years of service producing the highest such average.

The consensus of the Board is that the same changes that were made in the State System should be made in the Local System as soon as possible because of the need to keep the Local System competitive in view of complete transferability between Systems. It is also necessary in order to attract nongovernmental employees into governmental work at the local level.

Accordingly, the actuary has calculated the approximate change that will be required in your unit's employer rate of contribution if the proposed changes are made by 1976 or 1977 Session of the General Assembly. Please study the following detailed analysis of the effect the proposed changes will have on your employer rate of contribution as of January 1, 1977 or January 1, 1978, depending on the effective date of adoption. As always, these figures are subject to change based on actuarial experience.

CAUTION: FOR STUDY ONLY. DO NOT USE THESE RATES ON YOUR MONTHLY REPORT.

| | PRESENT | PROPOSED |
|---|--------------|--------------|
| Normal Liability | 3.24% | 3.58% |
| Accrued Liability | 7.89 | 8.38 |
| Optional Provisions of the Session Laws of 1973 | NONE | No Change |
| Death Benefits | .39 | No Change |
| <u>TOTAL RATE</u> | <u>11.52</u> | <u>12.35</u> |
| Date of Liquidation of Accrued Liability | 9-30-89 | 9-30-89 |

In an effort to achieve an equitable distribution of the additional costs, the following changes were made in the State System and are proposed in the Local System in conjunction with the employer rate changes:

1. An increase in employee contribution rates from 5% to compensation not in excess of \$5,600.00 and 6% of compensation in excess of \$5,600.00 to a fixed 6% of all compensation.
2. An increase in the interest assumption rate for actuarial valuation purposes from 4½% to 5% partially offset by an increase in the salary increase assumption rate, which had been quite low.

Upon a motion by Councilman Wilkerson, seconded by Councilman Cross, the City Council unanimously agreed to accept the proposed changes in the employees' retirement system.

Recreation Commission - Reserving Tennis Courts: The City Manager advised the Council of a request from Tom Alexander, Recreation Director, to reserve the tennis courts on Tuesdays and Thursdays during the months of March and April for 2½ hours each day for tennis instruction to interested parties. Mr. Alexander also requested the use of the courts for a tournament scheduled for April 29 through May 8.

The City Manager was directed to work with Mr. Alexander regarding the use of the tennis courts on the dates and at the times specified in the letter.

City Directory: The City Council decided not to purchase an ad in the new City Directory at a cost of \$268.80 each year for a period of three years.

Music - Downtown: Councilman Clark informed the Council that he had been asked by the Downtown Beautification Committee to inquire as to whether or not the Council would allow speakers to be installed in the downtown area to play continuous music during shopping hours. He stated that the sound system would be controlled by the Police Department. The Council approved this idea and agreed to give consideration to a more detailed request at a later date.

Traffic Light - Fort and Main Street Intersection: Councilman James stated that walk lights should be installed at the intersection of Fort and Main Streets to protect pedestrians. He advised Council that the traffic lights were synchronized in such a manner that pedestrians don't know when to cross the street. A short discussion followed. No action was taken on the suggestion.

There being no further business, the meeting was adjourned.

ATTEST: James Earl Daniels
J. Earl Daniels, City Manager

James H. Segars
James H. Segars, Mayor

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

March 23, 1976

The City Council of the City of Marion met in a regularly scheduled session Tuesday, March 23, 1976, at 7:30 P.M. in the Fire/Police Training Center.

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

Others Present: J. Earl Daniels, City Manager; Alvin Callahan, Assistant Public Works Director; Arthur Edwards, Fire Chief; and Jim Sheppard, Newspaper Reporter.

Guests: J. E. Neal, III, Jerry Poteat, Jim Young, Charles Presnell, Larry Brown, David M. Setzer, John Brown, Thomas S. Milligan and Fred T. Brown, Firemen; and Bill Coward.

Approval of the March 2, 1976 Minutes: Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to approve the minutes of the March 2, 1976 meeting.

Complaint - Charles D. Tate, 814 Wileheminenia: The City Manager presented the complaint from Charles D. Tate that his water heater was damaged when employees of the City cut off the water near his mobile home to make a water tap. The City Manager stated that Mr. Tate advised that the water from his water heater ran out of the line and that the heating element was damaged. The Assistant Public Works Director, Alvin Callahan, stated that he had seen Mr. Tate working on his water heater when the water connection was made to serve his mobile home. He informed the Council that Mr. Tate had advised him that he had replaced three heating elements in the water heater. Mr. Callahan stated that, in his opinion, the water heater was not damaged through any fault of the City. After a short discussion, and upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to direct the City Manager and Assistant Public Works Director to work with Mr. Tate in determining whether or not the City was at fault for damage to the water heater and to take appropriate action in that regard.

Water/Sewer Rates-Proposed Increase: The City Manager advised all persons present that the McDowell News had announced the City Council would review the proposed water/sewer rate increase at this meeting and that persons interested in the rate increase were invited to attend the meeting. The City Manager asked if anyone was present regarding the proposed water/sewer rate increases. Mr. Bill Coward advised the manager that he was interested in the increase. After a short discussion, Mr. Coward stated that he was primarily concerned with low water pressure at his residence. The City Manager advised Mr. Coward that the Assistant Public Works Director would check the line size of the water line serving the Reservoir Road area and determine if the low water pressure is caused by an inadequately sized water main.

Fire Monitors - Bids: Fire Chief Arthur Edwards and approximately ten volunteer and paid firemen appeared before the City Council regarding the bids submitted to furnish the City of Marion radio monitors for the Fire Department and certain key City employees. Fire Chief Edwards advised the Council that a committee had been appointed to review the specifications of all the radio monitoring equipment offered to the City of Marion. He advised the City Council that the City was presently paying \$82.00 per month for the telephone system to alert firemen for fire calls. He stated that thirty-six firemen could be alerted by the system. He informed the Council that the problem with the system was that all firemen had to be notified since removal of the phone in the Fire Department from its cradle automatically set off the telephones. He stated that the firemen would have to be home in order to receive the call; whereas, with the radio monitors the fireman could carry the monitor with him at all times whether at work, in his car, or wherever he may be. He stated that through the fire monitors he could call each company individually, or he could call all of the firemen simultaneously. After his presentation and a question and answer period, questions raised by members of the City Council were answered by the Fire Chief or a member of the committee who reviewed the specifications. The Fire Chief informed the Council that the committee recommended that the City Council accept the bid proposal submitted by Zimmerman-Evans, Inc. to furnish fifty receivers, fifty amplifiers, one TE-100 encoder and one TE-12 encoder at a total bid price of \$14,229.41, with a delivery date from 120-150 days.

Upon a motion by Councilman Cross, seconded by Councilman Ledbetter, the City Council unanimously voted to accept the recommendation of the Fire Department and accept the low bid submitted by Zimmerman-Evans, Inc. in the amount of \$14,229.41 and to pay for the radio monitoring equipment from Revenue Sharing Funds.

No Parking Zone - Roane Street: Upon a motion by Councilman Ledbetter, seconded by Councilman James, the City Council unanimously voted to adopt the following Ordinance entitled "An Ordinance Establishing a No Parking Zone on Roane Street":

Be it ordained by the City Council of the City of Marion as follows:

Section 1. When signs are erected giving notice thereof, no person shall park a vehicle at any time on the following portions of Roane Street:

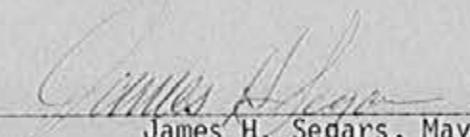
(a) The east side of Roane Street from its intersection with Thole Street north a distance of fifty (50) feet;

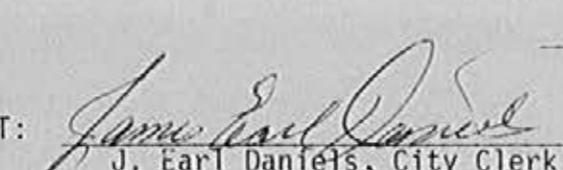
(b) The west side of Roane Street from its intersection with Hoyle Street to its intersection with Thole Street; and

(c) The west side of Roane Street from its intersection with Hoyle Street north for a distance of one hundred and twenty (120) feet.

Section 2. Any person who shall violate or fail to comply with this Ordinance shall be deemed to be guilty of an offense and shall be punished by a fine not to exceed \$50.00 or by imprisonment not to exceed thirty (30) days.

Adopted this the 23rd day of March, 1976.


James H. Segars, Mayor

ATTEST: 
J. Earl Daniels, City Clerk

No Parking Zone - Hoyle Street: Upon a motion by Councilman Ledbetter, seconded by Councilman James, the Council voted unanimously to adopt the following Ordinance entitled "An Ordinance Establishing a No Parking Zone on Hoyle Street":

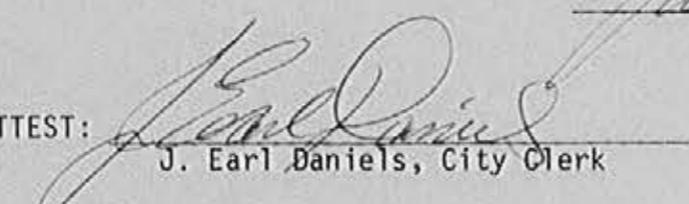
Be it ordained by the City Council of the City of Marion as follows:

Section 1. When signs are erected giving notice thereof, no person shall park a vehicle at any time on either side of Hoyle Street from its intersection with Roane Street west a distance of three hundred and fifty (350) feet.

Section 2. Any person who shall violate or fail to comply with this Ordinance shall be deemed to be guilty of an offense and shall be punished by a fine not to exceed \$50.00 or by imprisonment not to exceed thirty (30) days.

Adopted this the 23rd day of March, 1976.


James H. Segars, Mayor

ATTEST: 
J. Earl Daniels, City Clerk

No Parking Zone-Thole Street: Upon a motion by Councilman Ledbetter, seconded by Councilman James, the City Council unanimously voted to adopt the following Ordinance entitled "Ordinance Establishing a No Parking Zone on Thole Street":

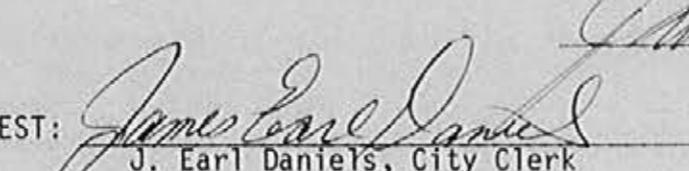
Be it ordained by the City Council of the City of Marion as follows:

Section 1. When signs are erected giving notice thereof, no person shall park a vehicle at any time on either side of Thole Street from its intersection with Roane Street to its intersection with Hoyle Street.

Section 2. Any person who shall violate or fail to comply with this Ordinance shall be deemed to be guilty of an offense and shall be punished by a fine not to exceed \$50.00 or by imprisonment not to exceed thirty (30) days.

Adopted this the 23rd day of March, 1976.


James H. Segars, Mayor

ATTEST: 
J. Earl Daniels, City Clerk

Budget Amendment - Administration: The City Manager informed the City Council that he had authorized a transfer of \$900.00 from Account No. 10-420-14 (maintenance-building and grounds) to Account No. 10-420-14 (travel).

Budget Amendment - Fire Department: The City Manager informed the City Council that a check from Aetna Life and Casualty Insurance Company in the amount of \$3,817.22 had been presented to the City to cover losses of the Fire Department due to the fire at the Otis L. Broyhill Plant on January 14, 1976. He advised the Council that the Fire Department would need to replace equipment which was lost at that fire and that he would recommend that the Fire Department budget account number 10-530-33 be increased by a supplemental appropriation in the amount of \$3,817.22.

Upon a motion by Councilman Wilkerson, seconded by Councilman James, the City Council unanimously voted to amend the Fire Department budget account number 10-530-33 by a supplemental appropriation of \$3,817.22.

Revenue Sharing - Report on Revenues and Expenditures: The City Manager presented the following report on Revenue Sharing Funds:

REVENUE SHARING REPORT
March 19, 1976

| RECEIPTS | | EXPENDITURES | | |
|--|-----------------|---------------------|--------------|---------------------------|
| DATE | AMOUNT | DATE | AMOUNT | FOR |
| 12/11/72 | \$ 14,394.00 | 2/15/73 | \$ 24,000.00 | Payment - Bell Property |
| 1/8/73 | 13,940.00 | *4/30/73 | 10,186.67 | Bell Property |
| 4/16/73 | 6,972.00 | 1/10/74 | 318.53 | Fire Truck Specifications |
| 7/9/73 | 6,973.00 | 5/13/74 | 5,613.50 | Sickle Mower |
| 10/8/73 | 23,501.00 | 12/13/73 | 15,000.00 | Moore Property |
| 1/7/74 | 23,501.00 | 2/8/74 | 20,000.00 | Moore Property |
| 4/8/74 | 23,501.00 | 6/3/74 | 30,000.00 | Moore Property |
| 7/8/74 | 23,501.00 | 8/7/74 | 5,576.48 | 1974 Industrial Tractor |
| 10/8/74 | 24,871.00 | 1/29/75 | 4,612.34 | Asplundh Chipper |
| 1/6/75 | 24,871.00 | 1/28/75 | 6,500.00 | Chamber's Property |
| 4/7/75 | 24,871.00 | 9/25/75 | 8,159.76 | 1975 2½ Ton Truck |
| 7/7/75 | 24,871.00 | 10/5/75 | 1,938.00 | Truck Body |
| 10/6/75 | 23,576.00 | 10/20/75 | 6,140.60 | Sewer Rodder |
| 1/5/76 | 23,576.00 | 1/21/76 | 40,864.45 | Fire Truck |
| Total Interest Earned To Date | <u>8,028.88</u> | Total Spent To Date | 178,910.33 | |
| | | *Minus | 186.67 | (Paid From General Fund) |
| | \$ 290,947.88 | ADJUSTED TOTAL | \$178,723.66 | |
| | | | | |
| Total Revenue Sharing Funds Received to Date | | | | |
| Total Interest Earned to Date | | | | |
| \$ 282,919.00 | | | | |
| <u>8,028.88</u> | | | | |
| | | | | |
| Total Available to Date | | | | |
| Total Spent to Date | | | | |
| \$ 290,947.88 | | | | |
| <u>178,723.66</u> | | | | |
| | | | | |
| BALANCE IN ACCOUNT | | | | |
| \$112,224.22 | | | | |

Trip to Washington, D. C. - Report by Mayor Segars: Mayor Segars informed the City Council that he and the City Manager, in accordance with instructions from the Council, had attended a meeting in Washington, D. C. sponsored by the National League of Cities and the United States Conference of Mayors regarding reinaction of Revenue Sharing. He informed the Council that approximately 3,000 people attended this meeting from cities throughout the United States in an effort to encourage the reinaction of Federal Revenue Sharing. Mayor Segars advised the Council that it appears that most all cities throughout the United States are encountering the same problems. He informed the Council that many cities had used the Revenue Sharing Funds for operating expenses and that if Revenue Sharing is not reinacted many of these cities are going to be in trouble in finding revenues to provide the level of services they have been providing in the past with Revenue Sharing Funds. The City Manager stated that he was pleased that the City of Marion and most other cities in North Carolina, due to efforts of the League of Municipalities, have only used Revenue Sharing Funds for capital outlays and not in operating expenses. He advised the Council that if Revenue Sharing is not reinacted the affect will be minimal on the City of Marion, that it would hurt the City in that the City could not acquire needed equipment and properties but that since the funds have not been used for operating expenses there would be no great affect on the City.

Bid Tabulations - Shop/Garage: The City Manager stated that in accordance with a request for bids which appeared in the February 27, 1976, edition of The McDowell News, bids were received and opened at 2:00 P.M. in the Marion Fire/Police Training Center on March 18, 1976, for the proposed City maintenance facility. He stated that the following persons were in attendance representing the following firms:

Bob Scott, Moss-Marlow Building Company, Inc.
Jim Patton, Burke Construction Company, Inc.
John Laughridge, Laughridge Construction Company
Bill Hudson, Collis Construction Company
Tommy Cooper, Cooper Construction Company
E. M. Esses, H. S. Williams Company
Deryel Clark, Rodgers Builders, Inc.
G. B. Griffin, George B. Griffin Company
J. Earl Daniels, City Manager
Fred Eslick, Architect
Alvin Callahan, Assistant Public Works Director
Glenda Melton, Secretary

He stated that the bids were received and opened and read and that everyone in attendance was presented a list of all bidders, their addresses and a space was provided for insertion of the amounts bid. He also stated that he informed all bidders present that following the bid opening they would be given the opportunity of reviewing any bid submitted. He presented to the Council the following bid tabulations:

BID TABULATIONS
MAINTENANCE FACILITY
City of Marion
March 18, 1976

| <u>Bidder</u> | <u>State License Number</u> | <u>Total Bid</u> |
|------------------------------------|-----------------------------|------------------|
| Wilkie Construction Company, Inc. | 3238 | \$ 65,625.00 |
| Collis Construction Company, Inc. | 6523 | 67,340.00 |
| Moss-Marlow Building Company, Inc. | 802 | 69,845.00 |
| Laughridge Construction Company | 6094 | 69,600.00 |
| Burke Construction Company, Inc. | 3915 | 69,900.00 |
| Rodgers Builders, Inc. | 3947 | 71,900.00 |
| Cooper Construction Company, Inc. | 4763 | 74,000.00 |
| H. S. Williams Company, Inc. | 4080 | 76,008.00 |
| Winkler Construction Company | 5277 | 77,600.00 |

A discussion followed concerning the size of the gasoline tank and the diesel tank. Councilman Ledbetter stated the 5,000 gallon tanks were not large enough to permit a fully loaded tanker to empty. He advised the Council that the City may be able to purchase gasoline at a cheaper rate if adequately sized tanks were available to allow a fully loaded tanker to empty at one stop. He suggested the savings in the price per gallon for gasoline might not justify the additional cost of purchasing and installing larger tanks and that the size of the tanks proposed might be reduced resulting in a savings to the City. Mayor Segars asked Councilman Ledbetter to meet with Fred Eslick and the City Manager regarding the size tanks needed.

Upon a motion by Councilman Clark, seconded by Councilman James, the City Council unanimously voted to accept the low bid submitted by Wilkie Construction Company, Inc. provided an agreeable contract by and between the City and Wilkie Construction Company, Inc. can be executed and that the construction cost be paid with Revenue Sharing Funds.

Mayor Segars suggested to the Council that he would like for the facility to be completed, including everything needed to make the facility fully operational. The City Council agreed and directed the City Manager to secure all necessary equipment to complete the facility.

Code of Ordinances: The City Manager briefly discussed with the Council several chapters of the proposed Codification of Ordinances. He also informed the Council that he would recommend that the City Charter be codified eliminating those obsolete provisions now covered by state general law.

Signals - Railroad Crossings: Councilman Clark advised the Council that he is of the understanding that Southern Railway is cooperating in the installation of signals at dangerous railroad crossings. The City Manager was instructed to write to Southern Railway with reference to the installation of signals at the railroad crossing at Garden Street.

There being no further business, the meeting was adjourned.

ATTEST:

J. Earl Daniels
J. Earl Daniels, City Clerk

James H. Segars
James H. Segars, Mayor

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

April 6, 1976

The City Council of the City of Marion met in a regularly scheduled session Tuesday, April 6, 1976, at 7:30 P.M. in the Fire/Police Training Center.

Board Members Present: Mayor James H. Segars, Councilmen Robert E. James, Horace Wilkerson, Everette Clark and William R. Ledbetter.

Others Present: J. Earl Daniels, City Manager; Alvin Callahan, Assistant Public Works Director; Gary Campbell, Chief Waste Treatment Plant Operator; E. P. Dameron, City Attorney; and Jim Sheppard, Newspaper Reporter.

Guests: Sid Riddick and Recil Wright representing O'Brien & Gere, Inc./Engineers, and Coach Thomas Vann Brackin of the McDowell High School Titans Basketball Team.

Approval of the March 23, 1976 Minutes: Upon a motion by Councilman Ledbetter, seconded by Councilman James, the City Council unanimously voted to approve the minutes of the March 23, 1976 meeting.

Resolution - McDowell High School Titan Basketball Team: Mayor James H. Segars presented a Resolution honoring the McDowell High School Basketball Team to Coach Vann Brackin and stated that the citizens of Marion and McDowell County are indeed proud of the outstanding record of the McDowell Titan Basketball Team for the 1975-1976 season. Each board member in turn praised the work of Coach Vann Brackin and the outstanding play of the members of the basketball team. Coach Vann Brackin, in accepting the award, stated that he was very proud of the players. When asked about next year's basketball team he stated that he would be losing several outstanding basketball players this year and could not forecast what the team would be like next year.

Complaint-Hospital Drive: The City Manager informed the City Council that he had received a citizen's complaint stating that Hospital Drive is a public street and not a private drive. The citizen provided a list of dates and page numbers of City Council Minutes confirming his statements. Excerpts from the minutes reflect that on July 13, 1928, at page 301, the City Council directed that new Hospital Street be covered with sand and gravel. On November 28, 1928, page 308, it was ordered by the City Council that the street or driveway back of the hospital be paved with concrete for a width of 18 feet with curbs and that gravel be put on James Street. On October 11, 1938, page 574, the City Council decided to make application for WPA street improvement projects including Hospital Drive. On December 6, 1938, page 576, assessments were made "on the following streets" for paving completed on them. Included in that list is a part of Hospital Street. The City Manager stated that the citizen furnished a map dated 1950 showing Hospital Drive on the city street system. He stated that later maps of the City do not show Hospital Drive. He advised the Council that the citizen asked that the City Council officially acknowledge that Hospital Drive is a public street and that all new City maps show Hospital Drive as a public street.

The City Council unanimously agreed and directed the City Manager to place on all new city maps Hospital Drive as a public street. The City Manager was also advised to notify any individuals placing signs denoting a private drive to remove such signs. He was also directed to have a street name sign installed.

Request for Preliminary Engineering Report and Copy of NPDES Permit: The City Manager presented a letter from the Lake James Environmental Association requesting a copy of the Preliminary Engineering Report and a copy of the NPDES Permit. The City Manager stated that he advised Mr. George Verbruggen, President of the Lake James Environmental Association, Inc., that plans could be viewed at the City Hall once they are available. He stated that Mr. Verbruggen asked that his organization be furnished a copy of the plans.

After a short discussion and upon a motion by Councilman Ledbetter, seconded by Councilman James, the City Council unanimously voted to allow members of the Lake James Environmental Association or any other citizens to review the plans and specifications in the City Hall following the approval of the plans and specifications by State and Federal agencies. The City Manager was advised that the City would not furnish copies of plans and specifications.

Formal Agreement - Wilkie Construction Company - Maintenance Facility: The City Manager informed the City Council that Councilman Ledbetter met with the City Manager, Mr. Fred Eslick, Mr. Dean Wilkie and other city employees April 2, 1976, in reference to a formal contract for construction of the proposed maintenance facility. He advised the Council that after a short discussion regarding the advantages of installing a 10,000 gallon diesel storage tank and a 10,000 gallon gasoline storage tank in lieu of two 5,000 gallon tanks, it was decided to request a work order change providing for the change in tank sizes. He advised the Council that Councilman Ledbetter stated that the City may possibly save from one to three cents per gallon by providing tanks large enough to permit a tanker to unload a complete tank at one stop and that he would recommend the changed work order to substitute two 10,000 gallon tanks in lieu of the proposed two 5,000 gallon tanks. He advised the Council that Mr. Wilkie of Wilkie Construction Company has advised that the additional cost to the City for installing the two 10,000 gallon tanks in lieu of the 5,000 gallon tanks would be a total of \$2,481.00.

Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council unanimously voted to approve the changed work order calling for the installation of two 10,000 gallon tanks in lieu of two 5,000 gallon tanks at an additional cost to the City of \$2,481.00 to be paid from Revenue Sharing Funds. The City Manager stated that the formal contract seemed to be in order except for the additional work order change approved by Council and that upon changing the formal contract to reflect these figures he would sign the contract on behalf of the City. This brings the total cost of the new facility to \$68,106.00.

Water/Sewer Rate Increase: The City Manager informed the City Council that he had investigated the question raised at the last City Council meeting concerning the proposed water and sewer rates as presented on page marked "Appendix F" of the Water/Wastewater Rate Evaluations prepared by O'Brien & Gere, Inc./Engineers, dated January, 1975. He advised the City Council after discussing the matter with Sid Riddick, an engineer with O'Brien & Gere, that the proposed rates stating "next 60,000 gallons at 38¢ per thousand inside City rate and 56¢ per thousand outside rate" was correct and not a misprint. He advised the Council that Mr. Riddick had stated that deleting that section and providing that the next 60,000 gallons and all over 60,000 gallons at an inside rate of 21¢ per thousand and an outside rate of 32¢ per thousand gallons would reduce the City's anticipated monthly income by \$397.50. Two-thirds of this amount would be paid by outside water users.

After a short discussion the City Council unanimously agreed to change that section of the proposed rates to provide that all over 60,000 gallons, the inside rate would be 21¢ per thousand gallons and the outside rate would be 32¢ per thousand gallons.

Upon a motion by Councilman Wilkerson, seconded by Councilman James, the City Council unanimously voted to adopt the following water/sewer rate schedule with an effective date of May 1, 1976, with the increase in the rates reflected in billings mailed for the month of June, 1976.

WATER-WASTEWATER RATE EVALUATIONS

Marion, North Carolina New Rates

A. Water Sales (Bi-Monthly Billing)

| Bracket | Inside | Outside |
|--------------------|----------------|----------------|
| 0-4000 Gal. (Min.) | \$3.75 | \$5.63 |
| Next 6000 Gal. | 0.81/1000 Gal. | 1.22/1000 Gal. |
| Next 20,000 Gal. | 0.63/1000 Gal. | 0.94/1000 Gal. |
| Next 30,000 Gal. | 0.56/1000 Gal. | 0.84/1000 Gal. |
| Over 60,000 Gal. | 0.21/1000 Gal. | 0.32/1000 Gal. |
| (Monthly Billing) | | |
| 0-2000 Gal. (Min.) | \$1.87 | \$2.81 |
| Next 3000 Gal. | 0.81/1000 Gal. | 1.22/1000 Gal. |
| Next 10,000 Gal. | 0.63/1000 Gal. | 0.94/1000 Gal. |
| Next 15,000 Gal. | 0.56/1000 Gal. | 0.84/1000 Gal. |
| Next 30,000 Gal. | 0.38/1000 Gal. | 0.56/1000 Gal. |
| Over 60,000 Gal. | 0.21/1000 Gal. | 0.32/1000 Gal. |

B. Wastewater Sales

Inside City - 50% of Water Billed
Outside City - 100% of Water Billed

Wastewater Billing Procedures: Upon a motion by Councilman Wilkerson, seconded by Councilman Ledbetter, the City Council unanimously voted to allow large water users to pay sewerage bills based on water meter readings or allow customers to install, at their own expense, wastewater flow meters approved by the City for measuring sewerage discharge to the system and base sewerage charges on gallons discharged to the system.

Upon a motion by Councilman James, seconded by Councilman Ledbetter, the City Council unanimously voted for the City to install water meters at customers expense on all private systems which discharge wastewater to the City sewerage system, unless flow meters are installed to measure wastewater discharge to the City sewerage system.

Blue Ridge Security, Inc. - Antenna Installation: The City Manager informed the City Council that Mr. Ed Whitley of Whitley's Communication Service, has advised that in his opinion, the City would be legally off base to allow a private concern to share facilities purchased under Federal LEAA funding. He also stated that room for another base station is extremely limited at the Reservoir Hill facility. The City Manager stated that in a note from Mr. Whitley, he stated that the frequency spectrum had been searched and no real conflict had been found on installing the antenna on the mast at the facility which presently serves the City, other than an occasional cross modulation. It was agreed that the Mayor and City Manager would meet with Mr. Whitley and Mr. John Dillard regarding the problem.

City Charter - Proposed Contract with League of Municipalities: The City Manager advised the City Council that the League of Municipalities has submitted a proposal to revise and update the City Charter under a contracted agreement for \$485.00. He informed the Council that there are a number of problems with the City Charter that can be corrected by revising and updating the Charter. He stated that several special acts could be deleted since they are presently covered by general law. He advised the Council that he would recommend that the contract be executed authorizing the work.

Upon a motion by Councilman Clark, seconded by Councilman James, the City Council unanimously voted to authorize the execution of the contract with the League of Municipalities to revise and update the City Charter at a contracted price of \$485.00.

Resolution Authorizing Advertising for Bids - Waste Treatment Facility: Sid Riddick and Recil Wright, representing O'Brien & Gere, Inc./Engineers, appeared before the City Council to present to the Mayor and the Council completed plans and specifications for the new wastewater treatment facility. A long discussion centered around the problem of what to do with approximately eight and one-half tons of sludge the new plant is expected to produce each day. Sid Riddick advised that the immediate solution to the problem would be to landfill the sludge in a city-owned landfill approved by state agencies. There seems to be no other solution to the problem; however, it was discussed that this method may not be acceptable to state and federal agencies. Mr. Riddick stated that use of an incinerator was possible and would provide ash that could be disposed of more easily but the incinerator would cost approximately 1.4 million dollars and it was his opinion that the cost involved in the purchase, installation and maintenance of an incinerator would be too great. He advised the Council that he had learned of a rotary type dryer that may cost approximately \$200,000.00 that may help in resolving the problem.

Gary Campbell, Chief Waste Treatment Plant Operator for the City of Marion, advised the City Council that he was very concerned with disposing of the sludge produced by the facility. He stated that in the past he had worked at a facility where transporting sludge seventy-five miles one way was required in order to dispose of it.

Sid Riddick stated that many other municipalities are experiencing similar problems and that it is his opinion that the state and federal agencies would approve the landfill method since there seems to be no other way at this time to dispose of the sludge. He advised the Council that he did not feel that the purchase of a suitable landfill site would hold up approval of the plans and specifications for the project but that the City may be required to purchase a suitable landfill site before the project is completed. The Council was advised that bids would be taken under three or four separate contracts which would allow deletion of portions of the project should funds not be available to complete the entire project.

Upon a motion by Councilman Clark, seconded by Councilman Ledbetter, the City Council unanimously voted to approve the plans and specifications as presented and to adopt the following Resolution:

RESOLUTION AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS FOR THE CONSTRUCTION OF WASTE WATER TREATMENT FACILITIES

WHEREAS, The City of Marion has been directed by the Division of Environmental Management, State of North Carolina and the U. S. Environmental Protection Agency to provide adequate wastewater facilities of increased capacity and capability; and

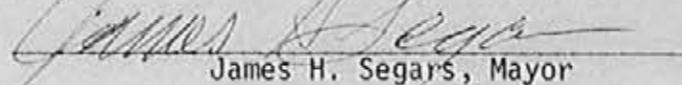
WHEREAS, The City of Marion has undertaken the development of such wastewater facilities, and has retained the services of O'Brien & Gere, Inc./Engineers to prepare plans, specifications, drawings, and other documents as will be required for their construction; and

WHEREAS, O'Brien & Gere has completed the preparation of the plans and associated documents and has presented such to the City,

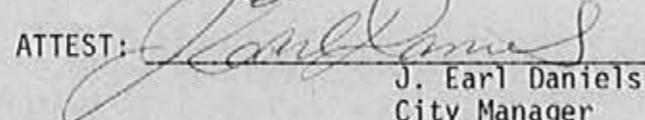
NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARION:

That the City Council authorize the Mayor to seek approval of the State of North Carolina and the U. S. Environmental Protection Agency of the plans and specifications for the proposed wastewater facilities, and to advertise such contracts related thereto for bids upon receipt of approval of these agencies.

This Resolution presented and adopted unanimously at the Regular Meeting of the City Council of the City of Marion, April 6, 1976.


James H. Segars, Mayor

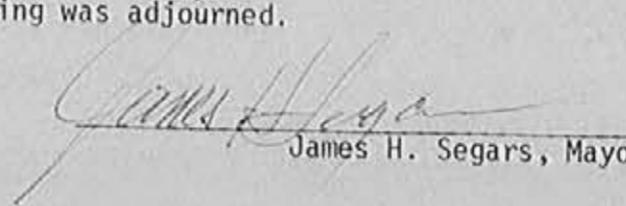
ATTEST:


J. Earl Daniels
City Manager

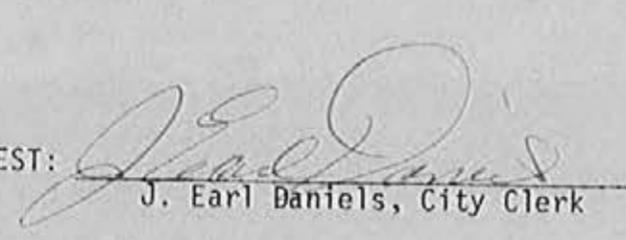
Capital Improvement Budget - Public Improvements Program: The City Manager presented each Councilman with a preliminary report, for study purposes only, on a capital improvement budget and public improvements program for the City of Marion.

The City Manager presented a letter from Southern Railway System acknowledging receipt of a letter from the City Manager concerning possible installation of automatic crossing signal protection devices at the Southern Railway crossing at South Garden Street. The letter advised that matters of this nature come under the jurisdiction of F. J. Kull, Administrator of Grade Crossing Projects in Atlanta, Georgia and that the City Manager's letter would be forwarded to Mr. Kull.

There being no further business, the meeting was adjourned.


James H. Segars, Mayor

ATTEST:


J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

April 26, 1976

The City Council of the City of Marion met in a special called meeting Monday, April 26, 1976, at 10:00 A.M. in the City Council Chambers at City Hall.

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

Others Present: J. Earl Daniels, City Manager and Jim Sheppard, Newspaper Reporter.

Councilman Oliver R. 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 there are outstanding \$250,000 Sanitary Sewer Bond Anticipation Notes of the City of Marion, consisting of ten notes of the denomination of \$10,000 each, numbered 1 to 10, inclusive, and three notes of the denomination of \$50,000 each, numbered 11 to 13, inclusive, dated August 18, 1975, maturing May 19, 1976 and bearing interest at the rate of 5.18% per annum, which notes were issued in anticipation of the proceeds of a like amount of said bonds, and that it is necessary to issue at this time \$250,000 notes in anticipation of the receipt of the proceeds of a like amount of said bonds, the proceeds of such notes to be applied, together with other available funds of said City, to the payment of the outstanding notes at their maturity.

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 will be designated "Sanitary Sewer Bond Anticipation Notes", shall be dated May 17, 1976, shall mature on November 17, 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 award 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

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 an 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 17th day of May, 1976.

James H. Dugay
Mayor
Carl Daniels

(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 City of Marion 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 R. 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 R. Ledbetter seconded the motion and the resolution was passed by the following vote:

vote: Ayes: Councilmen Oliver R. Cross, William R. Ledbetter, Robert E. James, Horace Wilkerson and A. Everette Clark.

Noes: None.

There being no further business, the meeting was adjourned.

ATTEST

Earl Daniels
J. Earl Daniels, City Clerk

James H. Segars, Mayor

STATE OF NORTH CAROLINA
 COUNTY OF McDOWELL
 CITY OF MARION

April 20, 1976

The City Council of the City of Marion met in a regularly scheduled session Tuesday, April 20, 1976, at 7:30 P. M. in the City Council Chamber at City Hall.

Board Members Present: Mayor James H. Segars, Councilmen Robert E. James, Horace Wilkerson, William R. Ledbetter and Oliver R. Cross.

Others Present: E. P. Dameron, City Attorney; J. Earl Daniels, City Manager; and Jim Sheppard, Newspaper Reporter.

Guests: Myron Nelson, City Employee.

Approval of the April 6, 1976 Minutes: Upon a motion by Councilman Wilkerson, seconded by Councilman Ledbetter, the City Council unanimously voted to approve the minutes of the April 6, 1976 meeting.

Myron Nelson - Wastewater Treatment Plant Operator: The City Manager informed the City Council that wastewater treatment plant operator Myron Nelson had received a letter from the North Carolina Department of Natural and Economic Resources, Wastewater Treatment Plant Operators Certification Commission, that he had passed the Grade I Wastewater Treatment Plant Operator's Examination which he took on Thursday, February 26, 1976, at Western Piedmont Community College in Morganton, North Carolina. The Mayor and City Council expressed their appreciation to Mr. Nelson for his work and Operators Certificate.

Bids-New Trucks: The City Manager presented the following bids for Council consideration:

In accordance with a 'Request for Bids' which was published in the April 12, 1976 edition of the McDowell News, bids for two 1976 3/4-ton trucks and/or one 1976 3/4-ton van truck were received and opened this date, April 20, 1976, at 2:00 P.M. in the Office of the City Manager.

Persons present at the time the bids were opened and read were J. Earl Daniels, City Manager; Alvin Callahan, Assistant Public Works Director; and Glenda Melton, Secretary.

Bids received are as follows:

BALLEW MOTOR COMPANY, INC.

| | |
|-----------------|-------------|
| 3/4-Ton Truck | \$ 5,613.00 |
| N. C. Sales Tax | 112.26 |
| Total Bid | 5,725.26 |

| | |
|-------------------|----------|
| 3/4-Ton Van Truck | 4,453.00 |
| N. C. Sales Tax | 89.06 |
| Total Bid | 4,542.06 |

Guaranteed Delivery Dates: Trucks - 60 days
 Van - 120 days

Three official checks accompanied the bid, one in the amount of \$222.65 and two in the amount of \$280.65.

MARION MOTORS, INC.

| | |
|-----------------|-------------|
| 3/4-Ton Truck | \$ 5,825.00 |
| N. C. Sales Tax | 120.00 |
| Total Bid | 5,945.00 |

| | |
|-------------------|----------|
| 3/4-Ton Van Truck | 5,914.00 |
| N. C. Sales Tax | 100.00 |
| Total Bid | 6,014.00 |

Guaranteed Delivery Dates: Trucks - 4 weeks
 Van - 11 weeks

A check drawn by Marion Motors, Inc. in the amount of \$595.00 accompanied the bid.

Mr. Daniels and Mr. Callahan agreed that the best interest of the City would be served by purchasing the two 3/4-ton trucks. It is their opinion that the two 3/4-ton trucks would better serve the purposes for which the City intends to utilize the vehicles. The trucks could be used for multiple purposes whereas the uses of the van would be limited.

Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the City Council unanimously voted to accept the low bid submitted by Ballew Motor Company, Inc. for the purchase of two 1976 3/4-ton trucks at a bid price of \$5,613.00 each with North Carolina sales tax of \$112.26 each, for a total bid of \$5,725.26 each. The Council directed the City Manager to purchase the vehicles with Revenue Sharing Funds.

Tax Lien Sale: The City Manager recommended to the City Council that the Tax Lien Sale be held on June 14, 1976, and that advertisement concerning the sale begin May 17, 1976.

Upon a motion by Councilman Ledbetter, seconded by Councilman James, the City Council unanimously voted to set June 14, 1976 as the date for the Tax Lien Sale with advertisements for said sale to begin May 17, 1976.

Tax Prepayment Schedule: The City Manager informed the City Council that the tax prepayment schedule adopted in 1972 includes all subsequent years, providing for two percent (2%) discount in June, one and one-half percent (1½%) in July, and one percent (1%) discount for taxes paid in August. He advised the Council that if they wish to change the schedule, that permission must be obtained from the State Board of Assessment. The City Manager recommended that the City Council leave the tax prepayment schedule as was adopted in 1972.

Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to continue with the same tax prepayment schedule as adopted in 1972.

No Parking Zone - Clay Street: The City Manager presented the following 'No Parking' Ordinance establishing a 'No Parking' Zone on Clay Street to the City Council, as recommended by the Chief of Police:

AN ORDINANCE ESTABLISHING A NO PARKING ZONE
on
CLAY STREET

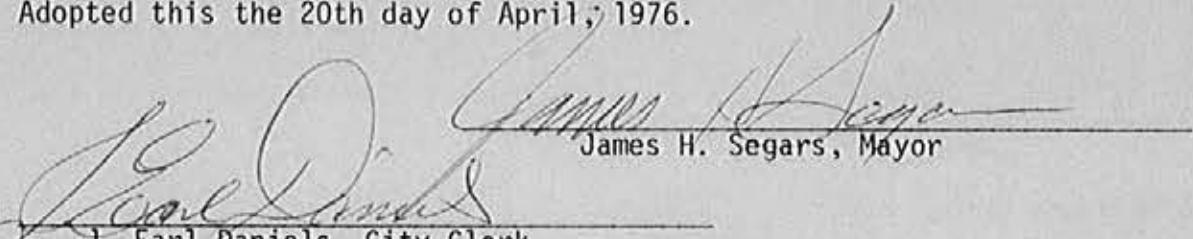
BE IT ORDAINED by the City Council of the City of Marion as follows:

Section 1. When signs are erected giving notice thereof, no person shall park a vehicle at any time on the following portions of Clay Street:

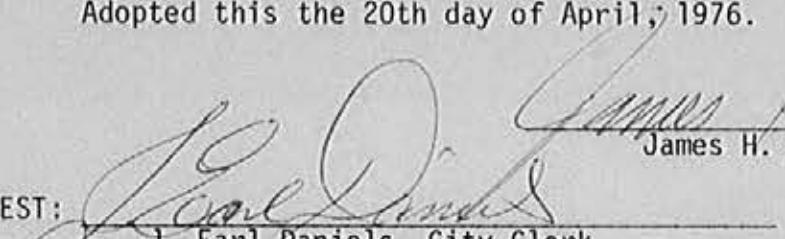
(a) Beginning at a point on the west side of Clay Street at its intersection with the Southern Railroad tracks, a distance of two hundred, forty-five (245) feet in a southern direction.

Section 2. Any person who shall violate or fail to comply with this Ordinance shall be deemed to be guilty of an offense and shall be punished by a fine not to exceed Fifty Dollars (\$50.00) or by imprisonment not to exceed thirty (30) days.

Adopted this the 20th day of April, 1976.


James H. Segars, Mayor

ATTEST:


J. Earl Daniels, City Clerk

Upon a motion by Councilman Ledbetter, seconded by Councilman Wilkerson, the City Council unanimously voted to adopt the 'No Parking' Ordinance as presented.

LEAA Subgrant Application - Marion Police Equipment: The City Manager presented the following Resolution for City Council consideration:

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

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

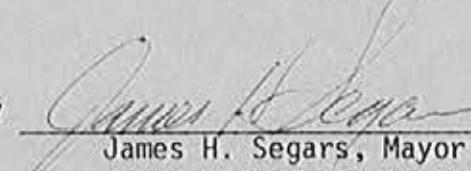
NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MARION IN OPEN MEETING ASSEMBLED IN THE CITY OF MARION, NORTH CAROLINA, THIS 20th DAY OF APRIL, 1976, AS FOLLOWS:

1. That the project referenced above is in the best interest of the Applicant and the general public.
2. That Region "C" Planning Agency 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 \$2,000.00 to be made to the Applicant to assist in defraying

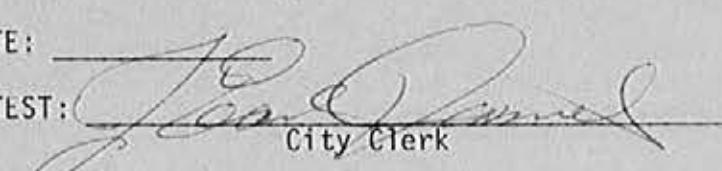
the cost of the project described in the application. This individual shall act as the authorized representative of the Applicant in connection with all aspects of the application process.

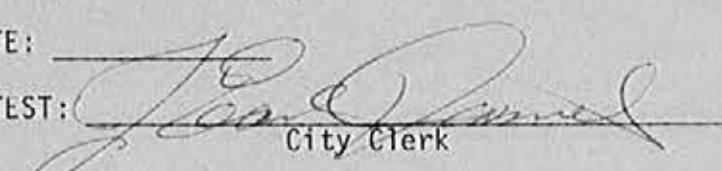
3. That if the subgrant is made, the Applicant shall provide or make arrangements to provide, a local cash matching contribution in the amount of \$111.00 and a local in-kind matching contribution valued under LEAA guidelines at -0- (or proportionately reduced local matching contributions if the subgrant 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 a part of the application referenced above.
6. That this resolution shall take effect immediately upon its adoption.

DONE AND ORDERED in open meeting.

BY 
James H. Segars, Mayor

Councilman Robert E. James offered the foregoing resolution and moved its adoption, which was seconded by Councilman W. R. Ledbetter and was duly adopted.

DATE: 

ATTEST: 

J. Earl Daniels
City Clerk

SEAL

Under the terms of the above grant application, the number one priority and need of the Police Department is a night vision system, the cost of which is estimated at \$4,000.00. The second priority, if the night vision equipment cannot be approved, is a request from the Police Department for one copier, one IBM typewriter, two file cabinets and twelve sets of handcuffs.

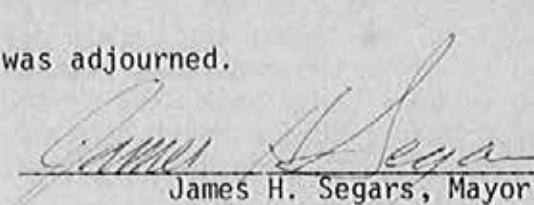
McDowell County Courthouse Lawn - Installation of Walks: The City Manager informed the City Council that The Downtown Development Committee has recommended that a circular walk be installed on the courthouse lawn, that benches be installed along the walk and that trees and shrubs be planted to beautify the lawn. The walks could be used for display of arts and crafts. The City Manager advised that it is his understanding that the County Commissioners have approved, in principle, the installation of the walks. He also advised the Council that some questions have been raised as to whether or not the County will have sufficient funds to purchase and install the walks. He asked the Council if the City Could assist in this matter.

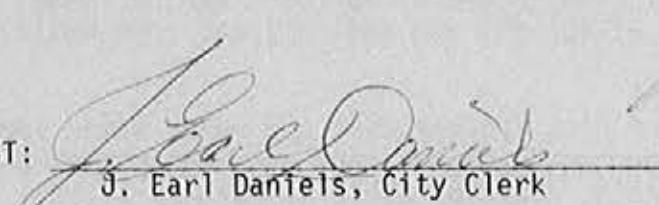
Upon a motion by Councilman Cross, seconded by Councilman Ledbetter, the City Council unanimously voted to direct the City Manager to offer to furnish supervision and labor to install the cement for the walks if the cement could be furnished by the County or some other interested group.

Region "C" Criminal Justice Planning Agency Meeting: The City Manager informed the City Council that the Region "C" Criminal Justice Planning Agency would hold their monthly meeting for the monty of April at the Marion Community Building April 29th, that the meeting would be catered by Freddie Harrell's Port-A-Pig Service. He extended an invitation to all City Council members to attend this meeting.

Code of Ordinances: The City Manager reviewed with the City Council several sections of the proposed Code of Ordinances. The Manager was directed to make corrections to the Code of Ordinances as suggested by the City Council.

There being no further business, the meeting was adjourned.


James H. Segars, Mayor

ATTEST: 

J. Earl Daniels
City Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

May 4, 1976

The City Council of the City of Marion met in a regularly scheduled session Tuesday, May 4, 1976, at 7:30 P.M. in the Fire/Police Training Center.

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

Others Present: J. Earl Daniels, City Manager; Alvin Callahan, Public Works Director; and Jim Sheppard, Newspaper Reporter.

Guest: Gilbert Hollifield.

Approval of the April 20, 1976 Minutes: Upon a motion by Councilman Ledbetter, seconded by Councilman James, the City Council unanimously voted to approve the minutes of the April 20, 1976 meeting.

Approval of the April 26, 1976 Minutes: Upon a motion by Councilman Ledbetter, seconded by Councilman James, the City Council unanimously voted to approve the minutes of the April 26, 1976 meeting.

Gilbert Hollifield - Water Line Extension, Conley Road: The City Manager advised the City Council that Mr. Hollifield was interested in whether or not the City would allow and participate in the cost of installing an 8-inch water main from the intersection of Old No. 10 and Conley Road, a distance of approximately 1,800 feet down Conley Road. Mr. Hollifield stated that an industry presently located within the municipal limits was giving consideration to moving outside the limits in order to enlarge their facilities. Mr. Hollifield stated that the industry is presently considering two locations; one on Conley Road and one on the south side of Interstate 40. He also advised that the industry needs water available for fire protection purposes and also for domestic uses.

After a short discussion, Mayor Segars suggested that in lieu of installing an 8-inch water main down Conley Road, consideration might be given to extending an 8-inch water main from the high school property to Conley Road to connect to the existing 6-inch water main on Conley Road. He stated that this would form a loop system and would be more beneficial to the City. Mr. Hollifield advised the City Council that Mr. Sam Phillips owns the property separating the Conley Road water line from the water main at the high school and that he would be happy to contact Mr. Phillips to see if Mr. Phillips would allow an easement through his property and if he would participate in the cost of installing the line. The City Council advised Mr. Hollifield that the City would give consideration to installing the proposed water main at the high school, provided adequate easements could be obtained and materials would be furnished at no cost to the City and that the line would become the property of the City of Marion.

Accidents Involving City Property: The City Manager stated that Mr. Thomas Blaylock had informed the Police Department that on April 10, 1976, he drove his automobile over a water meter cover located in front of the Cue & Cushion Pool Room on East Court Street. He advised that the large metal cover, due to the weight of the automobile, flipped up, striking his transmission and damaging his automobile. Mr. Blaylock took his automobile to East Court Motor Company and the cost of repairs to the automobile were \$88.60. The City Manager stated that Mr. Blaylock, who is an employee of the City, advised his department head of the accident. The City Manager continued by stating that the Public Works Director and the City Manager checked the water meter cover approximately one week later to determine how the meter cover could be fixed so that a similar accident would not occur in the future.

The City Council was advised that a decision was made to weld angle iron around the lower portion of the cover so that the angle iron would fit down into the hole so that the cover could not be flipped or moved without being lifted straight up.

On April 23, 1976, Mrs. June Greer of Route 1, Spruce Pine, complained to the Police Department that as she was leaving the parking lot in front of the Sav-A-Day Laundry on East Court Street, next to the Cue & Cushion Pool Room, she backed over the water meter cover in the sidewalk and the cover flipped up striking the underside of the left front fender of her automobile. Mrs. Greer was instructed to have three estimates of the cost of repairing her vehicle. One estimate was submitted by the Marion Buick Company in the amount of \$84.70. One estimate was submitted by Ballew Motor Company in the amount of \$87.83; and one estimate from David's Body Shop in the amount of \$97.35.

The City Council discussed the matter and advised the City Manager that the water meter cover should have been fixed immediately after the first car was damaged. The City Manager agreed and advised the Council that in the future prompt action would be taken in matters of this nature. He advised the Council that people have been driving over the water meter cover at that location for many years and that the automobiles mentioned above are the only ones that have been damaged to the best of his knowledge.

Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to direct the City Manager to pay the lowest bids for repair of the automobiles. For repairs to the Blaylock automobile, a total of \$88.60; and for the Greer automobile, \$84.70.

Region "C" Meeting: The City Manager informed the City Council that the Region "C" Criminal Justice Planning Agency was preparing for presentation to the Isothermal Planning and Development Commission, a detailed explanation regarding the points concerning a compromised merger where there seems to be differences between the two agencies. He advised the Council that this information would be presented at the next Isothermal Planning and Development Commission meeting in the hope that a compromised merger of the two agencies could be brought about, thereby providing planning funds from LEAA Criminal Justice to Region "C".

Bond Anticipation Note Sale: The City Manager advised the City Council that the following interest rates were received by the Local Government Commission on the sale of Bond Anticipation Notes in the amount of \$250,000.00:

| | |
|---------------------------|-------|
| Wachovia Bank | 3.45% |
| First Union National Bank | 3.57% |
| The Northwestern Bank | 3.06% |
| Mr. W. H. McElwee | 3.07% |

Powell Bill Report - Engineer's Certificate: The City Manager advised the Council that the information concerning application for Powell Bill funds for 1976 had been received. He stated that in the past the City has used the engineering firm of O'Brien & Gere to certify the Powell Bill Street Map.

Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the City Council unanimously voted to secure the services of O'Brien & Gere engineering firm in certifying the Powell Bill Street Map.

Resolution Authorizing Sale of Surplus Equipment: Upon a motion by Councilman Cross, seconded by Councilman Ledbetter, the City Council unanimously voted to adopt the following Resolution authorizing the sale of surplus equipment:

WHEREAS, the City of Marion owns a 1974 Chevrolet automobile, identification number 1C29R4B501028; a 1972 Chevrolet automobile, eight cylinder, identification number 1K69W2D232559; and a 1963 GMC V-6, one and one-half ton truck, identification number V4005PG10650E; and

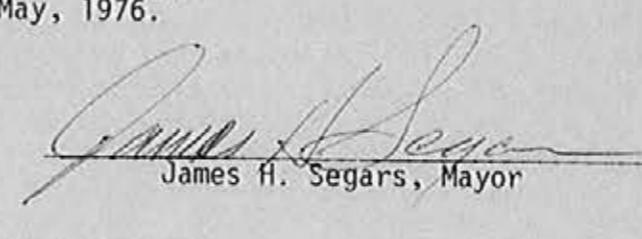
WHEREAS, the Marion City Council hereby declares said vehicles as surplus property.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARION:

That City Manager J. Earl Daniels is hereby authorized and directed to sell said surplus vehicles at private negotiation and sale after 2:00 P.M., Tuesday, May 18, 1976.

That a copy of this Resolution shall be published in the McDowell News Wednesday, May 5, 1976.

ADOPTED this the 4th day of May, 1976.


James H. Segars, Mayor

ATTEST:


J. Earl Daniels, City Clerk

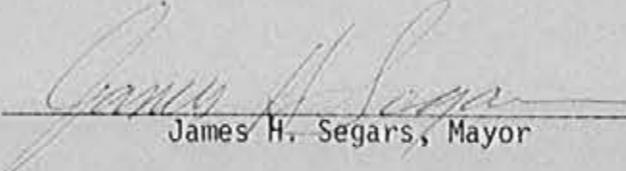
Budget Discussion: The City Manager informed the City Council that he has been working on the General Fund Budget for 1976-1977. He advised the Council that in years past the City has been able to maintain a surplus each year due to revenues exceeding expenditures. He stated that this fiscal year, however, it appears that the revenues will equal the expenditures, or that the expenditures might even exceed the revenues, based on estimates of receipts and expenditures for the balance of the fiscal year. The City Manager stated that the City's revenues will be reduced further by the fact that part of the Broyhill Furniture Company has been destroyed by fire and also based on the information presented by Mr. Hollifield that another industry is planning to relocate outside the municipal limits. The City Manager stated that he will have a detailed report with the budget presentation and that he will be in contact with the City Council members to provide them with this information in the near future.

Capital Project Funds - Expenditures: The City Manager presented each City Council member a copy of a report showing all expenditures under the Capital Project Funds through April 7, 1976.

Tennis Court Lights: The City Manager advised the Council that he has executed a contract with K. C. Byrd, electrical contractor, for the installation of a coin operated meter with timer which provides thirty minutes of light for twenty-five cents, accumulative to two hours, to be installed at the City's tennis courts. The cost of this installation if \$318.67.

City Shop/Garage: The City Manager presented pictures of the work on the City Shop/Garage. He advised the Council that forms have been set for pouring the concrete and foundations.

There being no further business, the meeting was adjourned.

ATTEST:  
J. Earl Daniels, City Clerk

James H. Segars, Mayor

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

May 25, 1976

The City Council of the City of Marion met in a regularly scheduled session Tuesday, May 25, 1976, at 7:30 P.M. in the Fire/Police Training Center.

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

Others Present: J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; and Jim Sheppard, Newspaper Reporter.

Approval of the May 4, 1976 Minutes: Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the City Council unanimously voted to approve the minutes of the May 4, 1976 meeting.

Complaint - Mrs. Nettie Kelley: The City Manager informed the City Council that Mrs. Nettie stepped onto a water meter cover on Logan Street in the street in front of Kelly Jewelry Store and that the cover on the meter 'flipped' over, causing Mrs. Kelley to fall and break her leg.

He advised the Council that Mrs. Kelley's daughter stopped by the City Hall to inform the City Manager of the accident and that she returned to the site of the accident with the City Manager and the Mayor. The manager stated that in discussing the matter with bank tellers at the First Union National Bank, he was advised that an automobile was parked in the 'No Parking' zone in front of the jewelry store and that Mrs. Kelley, in stepping from the automobile, stepped onto the cover causing the accident.

The City Manager advised that the cover is located in the street and the automobile was parked in a 'No Parking' zone and that pedestrians should cross the streets at intersections and not midway of the blocks. He also informed the Council that he had been unable to determine whether or not Mrs. Kelley has hospital or medical insurance to cover the expenses. He said that Mrs. Kelley is seeing Dr. Turnbull in Old Fort and advised the Council that in checking with Dr. Turnbull's office, the only estimate he could obtain on the cost of the medical expenses was an estimate of \$300.00. He also stated that the City does not carry liability insurance to cover accidents of this nature.

Upon a motion by Councilman Cross, seconded by Councilman Ledbetter, the City Council unanimously voted to table any action on the matter pending further investigation and a report from the City Manager at the next City Council Meeting.

Complaint - Community Building Wall: The City Manager presented a letter from Mrs. Sidney R. Moon of Valdese stating that she recently visited the City of Marion at an affair held at the Community Building on Main Street. She advised that the wall at the Community Building on the right side is very dangerous due to the fact that small children can climb up on the wall and possibly fall off the other side onto the rock steps. She stated that she feels some action should be taken to raise the wall so that small children cannot jump onto or climb onto the wall thereby eliminating the possibility of an accident.

The City Council discussed the matter and decided that the City should install a barrier on top of the wall of either wrought iron or galvanized pipe, which would prevent small children from climbing onto the wall and thereby eliminate the possibility of an accident.

The City Manager informed the City Council that action would be taken immediately to correct the problem and that he would direct a letter to Mrs. Moon so stating.

Hilltop House - Sewerage Service: The City Manager informed the City Council that representatives of the Hilltop House would be receiving bids Thursday for the installation of a sewer pumping station and line to connect to the City sewerage system. He stated that in discussing the

matter with Mr. Everette Carnes, that he seemed to be of the opinion that the City would accept title to the pumping station and line and maintain the units. The City Manager stated that this was not his understanding at the meeting of October 7, 1975, regarding this matter.

The City Council discussed the matter at length and the City Manager was directed to contact Mr. Carnes and advise him that there is presently no agreement with the City regarding the operation or maintenance of the pumping station or line by the City. The City Manager was asked to gather information regarding whether or not the line and station would serve any other properties other than the Hilltop House.

Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to table any action on the matter pending additional information.

Audit - Contract to Audit Accounts - Cherry, Bekaert & Holland: The City Manager presented a contract submitted by Cherry, Bekaert & Holland to audit all funds and books of the City of Marion at a price not to exceed \$2,600.00. The audit is to be completed and filed with the City no later than August 31, 1976.

Upon a motion by Councilman Wilkerson, seconded by Councilman Ledbetter, the City Council unanimously voted to accept the audit proposal submitted by Cherry, Bekaert & Holland.

Board of Adjustment - Appointment of Two Members: Upon a motion by Councilman Ledbetter, seconded by Councilman James, the City Council unanimously voted to reappoint Matt Smith and Clay Henline as members of the Board of Adjustment, each to serve three-year terms. Said terms to expire May 1, 1979.

Waste Treatment Plant Project - Pumping Station Site - Pea Ridge Road Area: The City Manager presented a letter from J. Richard Smith advising that he would like to offer the City of Marion a clear deed to land for a pumping station and a road down to the pumping station from Pea Ridge Road in exchange for free sewer connections for fifteen lots. The letter stated that he was referring only to the charge by the City for connecting to the sewer system and not for the installation of pipes from lots to the pumping station.

The City Manager stated that the pumping station proposed would be located in order to provide sewer service to that area in the vicinity of Dogwood Lane.

After a short discussion, the City Council directed the City Attorney to prepare the necessary legal documents providing for the exchange of property for the fifteen free sewer connections. The City Manager advised that he would forward a letter to Mr. Smith advising him that the necessary legal papers were being prepared by the City Attorney.

Business License Ordinance: The City Manager informed the City Council that the proposed Business License Ordinance had not been completed and that he respectfully requested that the matter be tabled until some future meeting.

1976-1977 Proposed City Budget: The City Manager presented the proposed 1976-1977 City Budget. The Council reviewed the budget with the manager and asked several questions concerning different line items in the budget. The Manager stated that the budget proposes a five cent tax increase from seventy-five cents per hundred dollars valuation on taxable property to eighty cents per hundred dollars valuation of taxable property. The Manager asked that Council members review and study the budget and advised that a Public Hearing had been called for June 22, 1976, for adoption of the budget and that the budget must be adopted prior to July 1, 1976.

City Manager's Report:

(1) The City Manager advised the City Council that the Marion Planning Board and the Marion Board of Adjustment would be meeting to give consideration to a 'special exception' to allow construction of a group housing project in the vicinity of Park Avenue and Turner Street. He stated that the Planning Board would be meeting Thursday night, May 27th, and that the Board of Adjustment would be meeting Monday night, May 31st, to take action on the request.

(2) The City Manager presented a letter from the Department of Transportation stating that the Board of Transportation will hold public meetings to update the highway improvement program through local government and citizens participation. The scheduled meeting for this area will be Tuesday, June 8, 1976 at 2:00 P.M. at the lecture hall in Carmichael Humanities Building, University of North Carolina at Asheville.

(3) The City Manager presented a letter from Edwin L. Ware, Administrative Officer of the Isothermal Planning and Development Commission, stating that a mobile geriatric program is being proposed for McDowell County and asking if the City of Marion has any comments regarding the project.

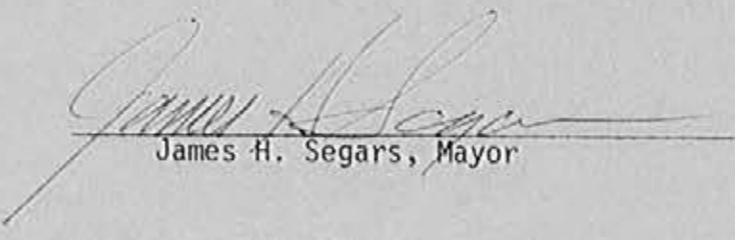
There were no comments from the City Council regarding statements to be mailed to Isothermal regarding the project.

(4) Planned Use Report - Revenue Sharing Funds, July 1, 1976 Through December 31, 1976: The City Manager advised the City Council that the City will receive \$52,104.00 in Revenue Sharing Funds for Entitlement Period 7 and asked if the Council wished to designate specific areas of expenditures. He stated that the administrative proposal for the use of the Revenue Sharing Funds was included in the 1976-1977 City Budget. There were no comments by Council regarding the planned use of Revenue Sharing Funds.

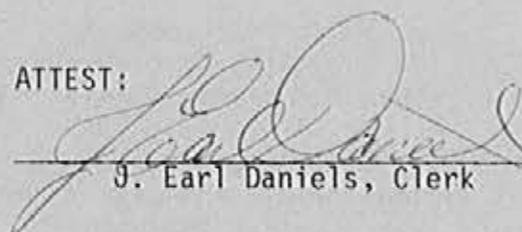
(5) The City Manager informed the City Council that employees Ken Owensby and Danny Stevens were both still out of work after being injured in an automobile accident which occurred Friday, May 14, 1976. The City had two vehicles involved in the accident. A new dump truck stopped on the highway to make a left turn, the City-owned 1974 Chevrolet pickup truck, being used by the meter readers, stopped behind the dump truck and a large truck struck the back of the pickup sandwiching the pickup truck between the back of the City's dump truck and the other truck. He stated that the pickup truck was considered a total loss and he advised the Council that the insurance company wished to settle for \$3,300.00 — \$3,100.00 for the truck and \$200.00 for the metal tool boxes mounted on the truck.

The Council agreed for the City to prepare specifications for the purchase of a new truck to replace the truck totaled in the accident.

There being no further business, the meeting was adjourned to reconvene in Executive Session to discuss a legal matter.


James H. Segars, Mayor

ATTEST:


J. Earl Daniels, Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

June 8, 1976

The City Council of the City of Marion met in a regularly scheduled session Tuesday, June 8, 1976 at 7:30 P.M. in the Fire/Police Training Center.

Board Members Present: Mayor Pro Tem William R. Ledbetter, Councilmen A. Everette Clark, Horace Wilkerson and Oliver R. Cross.

Others Present: J. Earl Daniels, City Manager and Jim Sheppard, Newspaper Reporter.

Approval of the May 25, 1976 Minutes: Upon a motion by Councilman Clark, seconded by Councilman Cross, the City Council unanimously voted to approve the minutes of the May 25, 1976 meeting.

Water Taps - Refund Requested by Mr. Willis Truesdale: The City Manager informed the City Council that Mr. Willis Truesdale paid \$600.00 for three water tap fees October 1, 1969. He stated that the taps had not been made on the property awaiting instructions from Mr. Truesdale. He advised the Council that Mr. Truesdale has sold the property and does not wish for the taps to be made and has asked that the \$600.00 paid for the taps be refunded. The City Manager stated that it was his opinion that the Council should be very careful in refunding monies of this nature in that a precedent may be set and he also suggested that a policy be established which would not allow refunds after a given length of time.

Upon a motion by Councilman Clark, seconded by Councilman Cross, the City Council unanimously voted to refund Mr. Truesdale the \$600.00 fee for the three water taps.

Councilman Wilkerson stated that he wished to abstain from the voting because he felt that it would be bad policy to refund the \$600.00 after such a long period of time. The City Manager advised Mr. Wilkerson that he would be recorded with the 'yes' vote for the motion unless he wished to vote against the motion. Mr. Wilkerson did not vote against the motion, therefore it was carried as a unanimous decision by all Council members present at the meeting.

The City Manager was directed by the City Council to work with the City Attorney in preparing a policy whereby refunds would not be made after a given period of time.

Hilltop House Sewerage Service - Mr. Everette Carnes: Mr. Everette Carnes was not present to discuss with Council sewer service for the Hilltop House. The City Council tabled discussion on the matter.

Hospital Drive: Upon a motion by Councilman Wilkerson, seconded by Councilman Cross, the City Council unanimously voted to rescind action previously taken by the Council at their regular meeting of April 6, 1976, directing the City Manager to place Hospital Drive on all new City maps as a public street and to have street name signs installed.

Blue Ridge Security - Antenna: Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the City Council unanimously voted to execute an agreement to allow Blue Ridge Security to install an antenna on a City-owned mast located at the reservoir contingent upon the following conditions:

- (a) The City will not be liable for any damages to the antenna or injuries sustained by any personnel installing, repairing or maintaining the antenna.
- (b) That Blue Ridge Security, Inc. will be liable to the City for any damages to City property or equipment.
- (c) That Blue Ridge Security, Inc. will remove the antenna immediately upon the request of the City Council.

Maxim Fire Truck: Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to direct the City Attorney to prepare an agreement by an between the City of Marion and the Dysartsburg Volunteer Fire Department whereby the City will permit the Dysartsburg Volunteer Fire Department to use the 1946 Maxim fire truck upon the following terms and conditions:

- (a) The apparatus would remain the property of the City and would be made available to the Marion Fire Department for back up equipment at any working fire in the City's response area.
- (b) The City of Marion may recall the apparatus for permanent use at any time in a future Marion sub-station.
- (c) That the Dysartsburg Volunteer Fire Department would be responsible for the maintenance, insurance and registration plate for operation of the vehicle.
- (d) That the City will not be responsible or liable for any accidents or damages to equipment or injuries to personnel resulting from the use of the vehicle by the Dysartsburg Volunteer Fire Department.

Street Name - Miller Avenue: The City Manager informed the City Council that Post Master Robert Rowe had sent a copy of a letter directed to the Post Master concerning the official name of a street listed on City maps as Miller Avenue, but designated on utility cards as Miller Street.

Upon a motion by Councilman Clark, seconded by Councilman Cross, the City Council unanimously voted to officially designate the name of the street as Miller Avenue.

Truck Bids: The City Manager presented one bid for Council consideration from Ballew Motor Company to furnish the City of Marion one 1976 $\frac{1}{2}$ -ton pick-up truck. The bid submitted was in the amount of \$3, 850.00. The City Manager informed the City Council that the meter readers were presently using an automobile and that the Public Works Director had discussed with him the possibility of allowing the meter readers to use an automobile instead of a pick-up truck. He stated that he had discussed the matter with the Public Works Director at great length and he had also discussed the matter with the meter readers and that there was no reason why the meter readers could not use an automobile instead of a pick-up truck since they have no need to haul anything that cannot be hauled in an automobile. The City Manager suggested that consideration might be given to allowing the meter readers to use the 1974 Malibu Chevrolet previously used by the Police Department in lieu of purchasing a new pick-up truck.

Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the City Council unanimously voted to reject the bid submitted by Ballew Motor Company. The City Manager stated that the 1974 Chevrolet would be used by the meter readers and that if the vehicle begins to give trouble the City could, at that time, purchase a pick-up truck.

Privilege License Ordinance: The City Manager reviewed with the City Council the proposed new Business License Ordinance. He advised the City Council that the fees presently being charged for business license are in accordance with the Privilege License Ordinance adopted in August of 1949.

Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the City Council unanimously voted to adopt the Business License Ordinance as corrected.

NOTE: A copy of the Business License Ordinance may be found in the safe at City Hall under Document No. 394 fed

Pet Problem: The City Manager informed the City Council that he had received a call from a lady Thursday night, June 3, stating that her neighbor has twenty-eight cats. He said the lady complaining had advised that the cats are ruining her automobile and are creating a nuisance on her property. He stated that she wished for the Council to take some action to at least limit the number of animals a person may have inside the City Limits or to require that the animals be kept on the owner's property.

The City Manager stated that Chapter 160A-182 of the General Statutes of North Carolina provides that a city may, by ordinance, regulate, restrict or prohibit the keeping, running or going at large of any domestic animals, including dogs and cats.

After a short discussion, the City Council directed the City Manager to write to the lady owning the cats and ask that she take some action to correct the problem or that consideration would have to be given to adopting an ordinance to correct the problem.

Budget Amendments: The City Manager informed the City Council that a supplemental appropriation of \$4,465.00 would be needed to cover the expense in purchasing a new police automobile. He advised the Council that a grant had been approved by LEAA for the City to purchase the vehicle with the Federal Government paying 95% of the cost. He advised the Council that the City would have to pay for the vehicle and that the City would be reimbursed in the amount of 95% of the cost.

Upon a motion by Councilman Clark, seconded by Councilman Cross, the City Council unanimously voted to increase account number 10-510-74 Capital Outlay by a supplemental appropriation of \$4,465.00 and to increase the estimated general fund revenues by \$4,465.00 as a grant from LEAA.

The City Manager presented the following budget transfers for 1975-1976 authorized by the Manager in accordance with the 1975-1976 budget:

Administration - Transfer \$900.00 from Account Number 10-420-15 Maintenance and Grounds to Account Number 10-420-14 Travel (CC Min. 3/23/76).

Fire Department - Increase Account Number 10-530-33 by a supplemental appropriation of \$3,817.22 (CC Min. 3/23/76).

Increase estimated General Fund Revenue by \$3,817.22, amount paid by insurance company for hose and equipment lost in Broyhill fire.

Police Department - Transfer \$800.00 from Account No. 10-510-17 Automobile Maintenance to Account No. 10-510-02 Salaries.

Transfer \$1,500.00 from Account No. 10-510-45 Contracted Services to Account Number 10-510-74 Capital Outlay.

Increase Account No. 10-510-74 Capital Outlay by a Supplemental Appropriation of \$4,465.00.

Increase Estimated General Fund Revenue by \$4,465.00 - Grant from LEAA.

Cemetery Department - Transfer \$300.00 from Account No. 10-640-74 to Account No. 10-640-16 Maintenance Equipment.

Water/Sewer Operations - Transfer \$1,000.00 from Account No. 30-810-74 Capital Outlay to Account Number 30-810-17 Truck Maintenance.

Waste Treatment Plant - Transfer \$1,000.00 from Account No. 30-816-74 Capital Outlay to Account Number 30-816-33 Departmental Supplies.

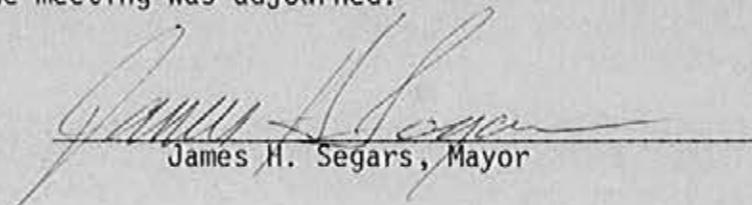
Transfer \$1,000.00 from Account No. 30-816-16 Maintenance Equipment to Account Number 30-816-33 Departmental Supplies.

Transfer \$150.00 from Account Number 30-816-57 Miscellaneous to Account Number 30-816-45 Contracted Services.

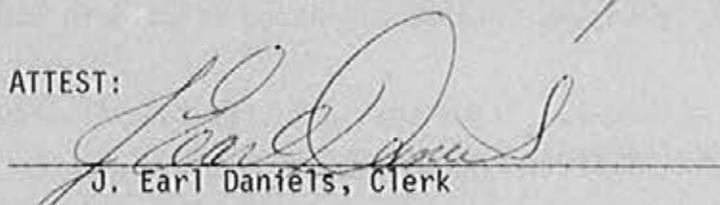
The City Council agreed to meet Tuesday night, June 15, 1976 to discuss the 1976-77 City Budget. The meeting will be a dinner meeting.

The City Manager advised the Council that Mayor Segars had suggested that following the adoption of the budget that the City Council meet once per month for the next three months - July, August and September. The Council agreed with the suggestion of the Mayor to meet only once per month during the months of July, August and September.

There being no further business, the meeting was adjourned.


James H. Segars, Mayor

ATTEST:


J. Earl Daniels, Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

June 22, 1976

The City Council of the City of Marion met in a regularly scheduled meeting Tuesday, June 22, 1976, at 7:30 P.M. in the Fire/Police Training Center.

Board Members Present: Mayor Pro Tem William R. Ledbetter, Councilmen A. Everette Clark, Horace Wilkerson, Oliver R. Cross and Robert E. James.

Others Present: J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; and Jim Sheppard, Newspaper Reporter.

Guests: Mr. C. D. Hawkins and Mr. Everette Carnes.

Approval of the June 8, 1976 Minutes: Upon a motion by Councilman Wilkerson, seconded by Councilman Clark, the City Council unanimously voted to approve the minutes of the June 8, 1976 meeting.

Hospital Drive: Mr. C. D. Hawkins appeared before the City Council to object to action taken by the City Council June 8, 1976, in rescinding the previous action taken by the Council in a regular meeting April 6, 1976, officially declaring Hospital Drive as a public street.

Mr. Hawkins reviewed with the City Council excerpts from previous City Council minutes dating back to 1928. He also presented an official City map authorized to be drawn by the City Council in 1950, which designated on the map Hospital Drive as a part of the street system. However, there was no name on that portion of the street system which is known as Hospital Drive. The excerpts from the City Council minutes presented by Mr. Hawkins is presented in the April 6, 1976 minutes of the City Council.

After a brief discussion, the City Council directed the City Manager to contact Mr. Pat Davis and/or other members of the City Council who were serving at the time the map was prepared, to see if they have any knowledge with regard to whether or not Hospital Drive was ever a public street.

Business License Ordinance - Amendment: The City Manager presented an amendment to the Business License Ordinance adopted by the City Council June 8, 1976. Upon a motion by Councilman Clark, seconded by Councilman Wilkerson, the City Council unanimously voted to approve the following ordinance amending the ordinance for the levy and collection of business license taxes:

BE IT ORDAINED by the City Council of the City of Marion, North Carolina that the Ordinance entitled "Ordinance for the Levy and Collection of Business License Taxes", as adopted by the City Council June 8, 1976, be amended as follows:

Section 1. Insert the following statement under Section 16, Number 75, Plumbers, Heating Contractors and Electricians, page 16:

No combination contractor license fee shall exceed \$25.00 per year.

Section 2. Under Section 16, Number 54, Loan Companies, page 13:

Change License Fee from \$100.00 per year to \$50.00 per year.

Section 3. Under Section 17, page 18, delete drug stores from the list of 'Business or Item Sold'. (Note: Drug Stores shall be charged under 'Merchants and Dealers').

Section 4. Under Section 17, page 18, change the license fee for florists from \$25.00 per year to \$20.00 per year.

This Amendment to the above set out Ordinance shall become effective as of the day of its adoption.

ADOPTED this the 22nd day of June, 1976.

Mayor

ATTEST:

J. Earl Daniels
City Clerk

Pet Problem - Cats: The City Manager informed the City Council that in accordance with their instructions at the last City Council meeting, he had written to the lady owning the cats and asked that she take some action to correct the problem so that the animals would not be a nuisance to her neighbors. He advised the Council that the lady telephoned him and advised that she actually owns only four cats and that the other cats and/or kittens are strays which she feeds twice a day.

After a short discussion, the City Manager was directed to write to the lady and ask if she would have any objections if someone tried to find suitable homes for the stray animals.

Hilltop House - Sewerage Service: Mr. Everette Carnes appeared before the City Council to inform the Council that a sewer lift station was to be constructed at the Hilltop House property with the line running from there down Airport Road and Fleming Avenue to a manhole in the City Limits. He asked that the City take over the pumping station and lines after installation of the system had been completed and paid for by officials of Hilltop House.

The City Manager recommended to the City Council that the City endorse encroachment agreement papers with the state highway to provide for the installation of the sewer line down Airport Road and Fleming Avenue and that the City execute an agreement with the officials representing the Hilltop House whereby the City would provide maintenance services on that part of the sewer line located in the right-of-way of Airport Road and Fleming Avenue but that the City not provide electrical power for the pumping station nor service to the pumping station and that part of the line located on private property. The City Manager stated that since the facility was only large enough to serve the Hilltop House and since the lines were not large enough to serve any other users, that it was his opinion that the City would be subsidizing the Hilltop House to take over the maintenance of the entire system. He asked that an agreement be prepared whereby the City would maintain the line in the right-of-way of Airport Road and Fleming Avenue under the condition that the City be reimbursed totally for the cost of labor, materials and equipment. He stated that the City could provide a sewer charge based on fifty percent of the water charge instead of the one hundred percent charge for outside customers since the sewerage discharge point to the City system is within the City Limits. He stated that the difference in the two charges would probably be sufficient to cover the electrical bills for operation of the pumping station.

Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to accept the recommendations of the City Manager and asked that Mr. Carnes prepare an agreement by and between the City of Marion and the Hilltop House stipulating the conditions of agreement.

State Street - No Parking Zones: The City Manager presented a request from the Chief of Police concerning establishing no parking zones on State Street. This matter was tabled by the City Council for further discussion at a later meeting.

Street Name Signs: The City Manager recommended to the City Council that the City install metal poles with aluminum extruded blades with silver letters on green background on all state maintained streets. He stated the new type signs need to be installed on all major traffic carrying streets primarily due to heavy traffic and parked vehicles. The total cost of installation of one complete sign is \$26.89, which does not include the labor to install the sign. He advised the Council that there are three problems with this type sign - (1) persons removing signs; (2) persons change direction of signs so that they read improperly; and (3) poles lean as a result of persons swinging or pulling on them. The City Manager recommended installing reflective sheeting silver letters with green background street name signs on existing concrete monument markers in residential areas. He advised the Council that the total cost per complete sign will be \$17.48, which does not include the cost of the existing concrete markers. He also advised that there are several advantages to this type sign - (1) less initial cost; (2) the signs cannot be turned to read improperly; and (3) little or no maintenance after installation.

After a short discussion, the City Manager was asked to get a sample of the type signs which would be installed on the concrete markers and present same to the Board.

Tennis Courts - Request for Use by Recreation Commission: The City Manager presented a letter from the Recreation Commission requesting the use of the City tennis courts Monday through Friday from 9:00 until 11:30 A.M. for recreational instruction from June 14 through August 4, 1976.

The City Council discussed the matter and directed the City Manager to write to Mr. Freshour advising that the City would allow the use of one tennis court Monday through Friday from 9:00 until 11:30 A.M. from June 14 through August 4, 1976. It was the general feeling of the Council that they should not obligate all the courts since this would prohibit citizens from using the courts during those hours. The Manager was asked to report any problems with this type of arrangement.

Region "C" Project - Second Year Funding for Additional Personnel: The following Resolution was presented:

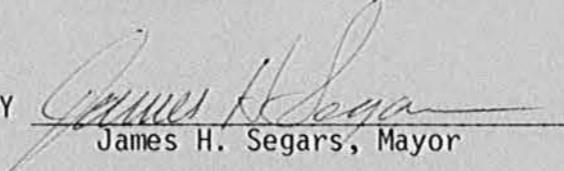
WHEREAS, the City of Marion Police Department, herein called "the Applicant" has thoroughly considered the problem addressed in the subgrant application entitled Additional Personnel-City of Marion and has reviewed the project described in the application; and

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.

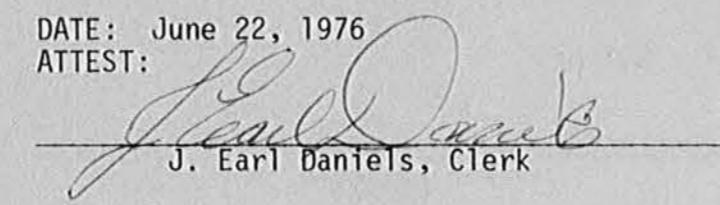
NOW THEREFORE, BE IT RESOLVED by the Marion City Council in open meeting assembled in the City of Marion, North Carolina, this 22nd day of June, 1976, as follows:

1. That the project referenced above in 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 \$4,854.00 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 \$324.00 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 
James H. Segars, Mayor

Councilman Robert E. James offered the foregoing resolution and moved its adoption, which was seconded by Councilman Horace Wilkerson and was duly adopted.

DATE: June 22, 1976
ATTTEST: 

J. Earl Daniels, Clerk

SEAL

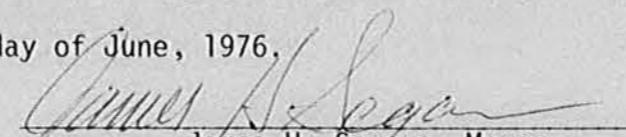
Ice Cream Truck-Loud Speaker: The City Manager informed the City Council that he had received a request for the operation of an ice cream truck and a snow cone truck in residential areas of the City. He advised the Council that the City presently has an ordinance which prohibits the use of loud speakers on vehicles. He also advised that the people operating the business wish to play tunes on the equipment to attract attention to the fact that the truck is working in a particular area. Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to authorize the operation of ice cream trucks within the City and to allow the trucks to use speakers and to play nursery rhyme type music. In making the decision, the City Council asked that the City Manager and Chief of Police select those streets on which the vehicles may operate and those street which would be prohibited due to traffic flow, also the hours of operation are to be determined by the Police Department.

Azalea Street-North McDowell Street-Speed Limit in Curve: Upon a motion by Councilman Clark, seconded by Councilman Cross, the City Council unanimously voted to adopt the following ordinance establishing a speed zone in the curve of the intersection of Azalea Street and North McDowell Street:

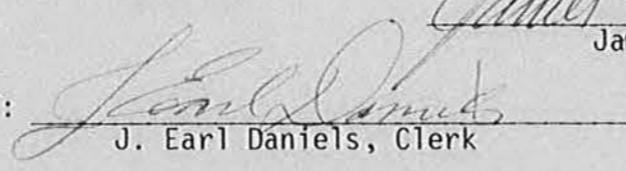
BE IT ORDAINED by the City Council of the City of Marion, North Carolina as follows:

There is hereby established a fifteen mile per hour (15 MPH) speed zone at the intersection of North McDowell and Azalea Streets beginning at a point on North McDowell Street located seventy-five feet (75') South of the center of the intersection of North McDowell and Azalea Streets to a point on Azalea Street located seventy-five feet (75') West of the Center of the intersection of North McDowell Street and Azalea Street.

ADOPTED this the 22nd day of June, 1976,


James H. Segars, Mayor

ATTTEST:


J. Earl Daniels, Clerk

Public Hearing - 1976-1977 City Budget: The City Manager presented the proposed 1976-77 City Budget to the Marion City Council. The City Manager announced that the public hearing was open for comments and recommendations regarding the budget. There were no comments or recommendations.

Upon a motion by Councilman Wilker, seconded by Councilman Cross, the City Council unanimously voted to adopt the following ordinance establishing a budget for the City of Marion for the year 1976-1977:

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, 1977, in accordance with the chart of accounts heretofore established for this City:

| | |
|---------------------------|-------------------|
| Administration Department | \$ 84,836 |
| Inspection Department | 8,200 |
| Police Department | 162,588 |
| Street Department | 95,619 |
| Powell Bill | 65,000 |
| Sanitation Department | 62,978 |
| Recreation Department | 12,220 |
| Cemetery Department | 15,996 |
| Non-Departmental | 136,646 |
| Fire Department | 74,631 |
| | <u>\$ 718,714</u> |

Section 2. It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 1976 and ending June 30, 1977:

| | |
|-------------------------------------|------------------|
| Taxes-Ad Valorem | \$ 360,785 |
| Prior Year's Taxes | 7,000 |
| Tax Penalties and Interest | 2,400 |
| Motor Vehicle License | 800 |
| Parking Meter Revenue | 6,000 |
| Privilege Licenses | 5,000 |
| Interest on Investments | 12,000 |
| Rents and Commissions | 4,000 |
| Miscellaneous Revenues | 1,000 |
| Franchise Tax | 51,800 |
| Intangibles Tax | 15,800 |
| Powell Bill | 42,900 |
| Sales and Use Tax and Tax Refunds | 69,400 |
| Court Costs Fees | 650 |
| Police Supplement | -0- |
| Parking Violations | 5,000 |
| Fire Protection | 16,960 |
| Cemetery Revenue | 3,000 |
| Special Assessments | 200 |
| Gasoline Tax Refunds | 3,800 |
| Maintenance-Traffic Control Devices | 4,200 |
| Cable T.V. Revenue | 6,200 |
| Sale of Surplus Equipment | 500 |
| Estimated Surplus | 51,619 |
| Inspection Fees (Zoning) | 700 |
| Region "C" - LEAA | 2,500 |
| LEAA Grant Funds | 4,500 |
| Contribution for Water/Sewer | 40,000 |
| | <u>\$718,714</u> |

Section 3. The following amounts are hereby appropriated in the Revenue Sharing Fund for the fiscal year beginning July 1, 1976 and ending June 30, 1977:

| | |
|----------------|-----------|
| Capital Outlay | \$173,082 |
|----------------|-----------|

Section 4. It is estimated that the following revenues will be available in the Revenue Sharing Trust Fund for the fiscal year beginning July 1, 1976 and ending June 30, 1977:

| | |
|---------------------------|------------------|
| Interest on Investments | \$ 2,500 |
| Federal Grant | 75,680 |
| Fund Balance Appropriated | 94,902 |
| | <u>\$173,082</u> |

Section 5. The following amounts are hereby appropriated in the Capital Project Fund for the fiscal year beginning July 1, 1976 and ending June 30, 1977:

| | |
|------------------|-----------|
| Work in Progress | \$260,000 |
|------------------|-----------|

Section 6. It is estimated that the following revenues will be available in the Capital Projects Fund for the fiscal year beginning July 1, 1976 and ending June 30, 1977:

| | |
|---------------|------------|
| Sale of Bonds | \$ 260,000 |
|---------------|------------|

Section 7. The following amounts are hereby appropriated in the Water and Sewer Fund for the operation of the Water and Sewer utilities for the fiscal year beginning July 1, 1976 and ending June 30, 1977, in accordance with the chart of accounts heretofore approved for the City:

| | |
|------------------------|-------------------|
| Water-Sewer Operations | \$ 225,112 |
| Filter Plant | 49,398 |
| Waste Treatment Plant | 55,882 |
| Non-Departmental | 75,654 |
| | <u>\$ 406,046</u> |

Section 8. It is estimated that the following revenues will be available in the Water and Sewer Fund for the fiscal year beginning July 1, 1976 and ending June 30, 1977:

| | |
|--------------------------------|-------------------|
| Water Sales | \$ 252,000 |
| Water Taps | 5,000 |
| Sewer Taps and Service | 96,000 |
| Interest Earned on Investments | 5,000 |
| Miscellaneous Revenues | 5,000 |
| State Grant (201 Study) | 3,350 |
| Federal Grant(201 Study) | 20,100 |
| Estimated Surplus | 19,596 |
| | <u>\$ 406,046</u> |

Section 9. There is hereby levied a tax at the rate of seventy-five cents (75¢) per one hundred dollars (\$100.00) valuation of property as listed for taxes as of January 1, 1976, for the purpose of raising the revenue listed as "Current Year's Property Taxes" in the General Fund in Section 2 of this ordinance.

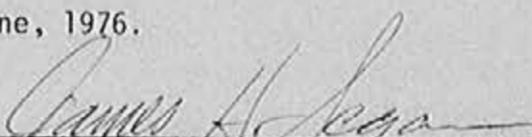
These rates are based on estimated total valuation of property for the purpose of taxation of \$50,109,146.00 and an estimated rate of collection of 96%.

Section 10. The Budget Officer is hereby authorized to transfer appropriations within a fund as contained herein under the following conditions:

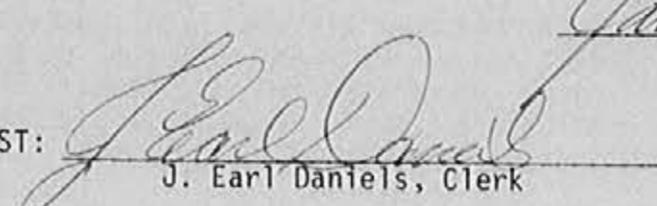
- He may transfer amounts between objects of expenditure within a department without limitation and without a report being required.
- He may transfer amounts up to \$1,000 between departments of the same fund with an official report on such transfers at the next regular meeting of the City Council.
- He may not transfer any amounts between funds nor from any contingency appropriation within any fund.

Section 11. Copies of this Budget Ordinance shall be furnished to 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.

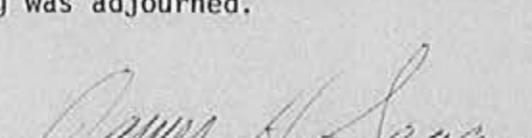
ADOPTED this the _____ day of June, 1976.


James H. Segars, Mayor

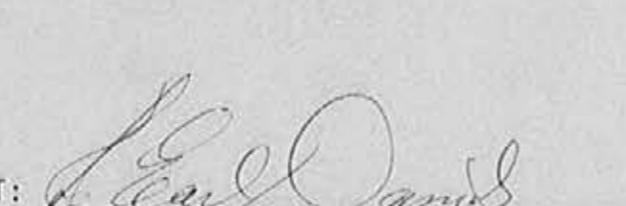
ATTEST:


J. Earl Daniels, Clerk

There being no further business, the meeting was adjourned.


James H. Segars, Mayor

ATTEST:


J. Earl Daniels, Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

July 6, 1976

The City Council of the City of Marion met in a regularly scheduled session Tuesday, July 6, 1976, at 7:30 P.M. in the City Council Chamber at City Hall.

Board Members Present: Mayor James H. Segars, Councilmen William R. Ledbetter, A. Evertte Clark, Horace Wilkerson and Oliver R. Cross. Councilman Robert E. James arrived at 7:40 P.M.

Others Present: J. Earl Daniels, City Manager and Jim Sheppard, Newspaper Reporter.

Approval of the June 22, 1976 Minutes: Upon a motion by Councilman Ledbetter, seconded by Councilman Wilkerson, the City Council unanimously voted to approve the minutes of the June 22, 1976 meeting.

Water Line Extension Request - Currier Piano Company, Inc.: The City Manager presented a letter from J. Phillips L. Johnston, President, Currier Piano Company, Inc., requesting that the City Council formally approve the City paying for the cost of labor for installing an eight-inch water main from McDowell High School back into the main system at the corner of Conley and Greenlee Roads.

Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the City Council unanimously voted to authorize City forces to install an eight-inch cast iron or ductile water line from the McDowell High School water line to the six-inch water main on Conley Road contingent upon the following conditions:

1. The water line installed must connect at both ends to the existing water mains.
2. The petitioners must bear the entire cost for all materials including necessary valves and fittings for connection to the existing system and for tap services to properties of the petitioners.
3. The petitioners must supply necessary rights-of-way deeded to the City of Marion in accordance with existing City Policy.
4. Upon the completion of the construction the entire system will become the property of the City of Marion.

Bids - Gasoline and Fuel Oil: The City Manager informed the City Council that proposals for furnishing the City petroleum products from July, 1976 through June 30, 1977 were requested by advertisement in the June 23, 1976 issue of the McDowell News. He advised the City Council that only one bid was received in accordance with the request even though bid forms were mailed to all local fuel oil and gasoline dealers except the Ledbetter Oil Company. He stated that the bid received was from the present supplier, McDowell Oil Company. He reminded the City Council that last year and the year before last when bids were requested no bids were received except from McDowell Oil Company due to a shortage of product. He stated that McDowell Oil Company offered a discount from tank wagon price of one cent on both unleaded and Union super gasolines and a discount of one and one-half cent on fuel oil. McDowell Oil Company advised in the letter that the present tank wagon price on unleaded gas is 40.2 cents per gallon and premium is 42.7 cents per gallon excluding State Motor Fuel Tax of 9.25 cents per gallon. The City Manager advised that he could re-advertise for bids and request bids from local dealers again, however, he felt that due to the problems encountered the past few years with the shortage of product, the bids probably would not be submitted.

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

Bids-Pipe: The City Manager informed the City Council that bids had been submitted to furnish the City with approximately 1,000 feet of 12-inch and approximately 400 feet of 6-inch cast iron water pipe with an alternate bid for ductile pipe. He advised the City Council that the bids were submitted in accordance with the newspaper advertisement 'Request for Bids' published in the June 23, 1976 issue of the McDowell News.

The City Manager presented the following bids:

| FIRM | 12" CI | 12" Ductile | 8" CI | 8" Ductile | 6" CI | 6" Ductile |
|----------------------------------|--------|-------------|-------|------------|-------|------------|
| Lynchburg Foundry | 9.51 | 8.53 | 5.58 | 5.04 | 3.90 | 3.56 |
| Clow Corporation | 9.91 | 8.56 | 5.82 | 5.06 | 4.06 | 3.66 |
| Glamorgan Pipe & Foundry Company | 9.60 | 8.58 | 5.64 | 5.08 | 3.94 | 3.59 |

Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to accept the low bid submitted by Lynchburg Foundry in the amount of \$8.53 per foot for 12-inch ductile water pipe and \$3.56 per foot for 6-inch ductile water pipe, and authorized the City Manager

to purchase 1,000 feet of 12-inch ductile water pipe, class 50, and 450 feet of 6-inch ductile water pipe, class 50, and to pay for the pipe from Revenue Sharing Funds.

Tax Lien Sale: The City Manager advised the City Council that the Tax Lien Sale was held June 14, 1976, at 12:00 noon in front of the City Hall. He advised that the City of Marion, at its tax lien sale, sold to Jerome Sheridan Smith the tax lien on one lot located on Park Avenue which is listed to Jane Hendrix and that the sale was conducted in the manner provided by law for delinquent taxes from the year 1965 to 1975, and that the City received \$340.23 for the delinquent taxes and interest and advertisement costs for that period of time.

Street Name Signs: The City Council authorized the City Manager to order and have installed reflector sheeting, silver letters with green background, street name signs suitable for installing on existing concrete monument markers in residential areas.

The City will continue to install, on metal poles, street name signs on all state maintained streets.

State Street-Installation of Center Line: Upon a motion by Councilman Clark, seconded by Councilman Ledbetter, the City Council unanimously voted to authorize the State Department of Transportation and Safety to install a center line on State Street from the railroad tracks east to the City Limits. The line to be installed will be offset to provide parking on the south side of State Street from the railroad tracks east to Clay Street. The center line will be painted in the center of State Street from Clay Street to the City Limits.

Councilman Clark complained about personnel of the Department of Transportation and Safety painting the center lines and arrows on State maintained streets. He stated that this work was accomplished during hours when traffic was heavy and that traffic had tracked paint throughout many of the streets of the City. He stated that he had passed through Black Mountain and had noticed that Department of Transportation and Safety personnel were preparing to paint center lines and arrows on streets there at night. The City Manager advised the City Council that he had sent a letter to Mr. Walt Cochran advising that the City was very displeased with the workmanship in painting center lines and arrows on State maintained streets by personnel of the Department of Transportation and Safety.

Mr. Clark asked that the City Manager contact the State with regard to maintenance of Highland Drive from Court Street to Oak Street. He stated that the street is in bad need of attention. He asked the City Manager to advise the State Department of Transportation and Safety that there needs to be installed a 'No Turn on Red' at the intersection of Fort and Main Streets to control traffic traveling south on Main Street.

Councilman Cross stated that the intersection of Montevista and Highway 70 is very dangerous in that traffic has to enter Highway 70 from Montevista in order to see whether or not Highway 70 is clear for entrance.

The City Manager was directed to contact City Attorney Dameron and ask that he check with Judge Pless about permission for the Department of Transportation and Safety to cut back the hill on the north-east side of the intersection of Highway 70 and Montevista to provide for line of sight.

Certification of Fire Department Members: The City Manager presented a list of all firemen presently serving the Marion Fire Department. He advised the City Council that the list had been prepared by Fire Chief Arthur Edwards for the annual certification by the City Council to the North Carolina Firemens Pension Fund.

Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to approve the list of members for certification as requested.

Resolution and Contract-Department of Natural and Economic Resources: Councilman James introduced the following resolution which was read:

"BE IT RESOLVED by the City Council of the City of Marion as follows:

1. That the Agreement 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 Agreement 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 Agreement be filed with the minutes."

Upon a motion by Councilman James, seconded by Councilman Ledbetter, said Resolution was unanimously adopted.

Clinchfield Waste Treatment Plant-Diffused Air System: The City Manager informed the City Council that O'Brien & Gere, Inc./Engineers had been requested to look at the Clinchfield waste treatment plant and to make recommendations for needed improvements at the plant to provide for better operation at that facility. He stated that following their investigation he had received a request from Chief Waste Treatment Plant Operator, Gary Campbell, asking that the City install a diffused air system at the facility. The City Manager stated that the estimated cost of this type system would be approximately \$20,000.00 and that he recommended that the equipment needed for the installation of the diffused air system be purchased with Revenue Sharing Funds.

Upon a motion by Councilman Clark, seconded by Councilman Wilkerson, the City Council unanimously voted to authorize the preparation of specifications to accept bid proposals for the installation of equipment to provide for a diffused air system at the Clinchfield Waste Treatment Plant and that the Equipment be purchased with Revenue Sharing Funds.

Trash Pick-Up Schedule: After a long discussion the City Council voted to establish a new trash pick-up schedule whereby trash will be picked up on the north side of the railroad track, within the City Limits, on Mondays and on the south side of the railroad track, within the City Limits, on Fridays; that there will be no call-backs except in extenuating circumstances and that notice for the new trash pick-up schedule be placed in the McDowell News.

Sidewalk Repairs: The City Manager recommended to the City Council that sidewalk repairs and construction be accomplished through contracting rather than by City forces. He informed the City Council that due to the amount of work necessary in keeping up City properties that sufficient time was not available for City personnel to undertake the sidewalk construction and/or reconstruction. He advised that he had discussed this matter with the Public Works Director Alvin Callahan and Street Superintendent Burdette Carroll. He advised that they agree that it is difficult to employ part-time help who is qualified to install sidewalks and that the delays in having the work accomplished would cost more in the long run than contracting the work out to a reputable contractor who can install the sidewalks without interruptions.

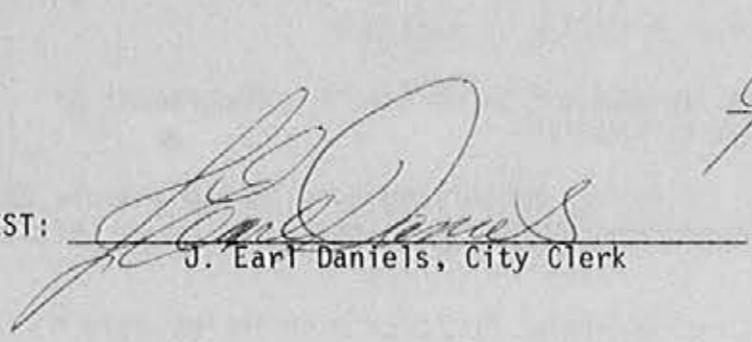
The City Council authorized the City Manager to proceed in advertising for bid proposals for sidewalk construction and/or repairs.

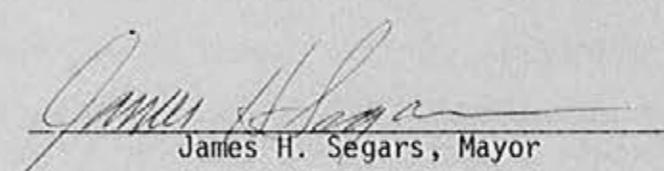
Tree Removal - City Property: The City Manager informed the City Council that he had received a proposal from Long's Tree Service to cut those trees located between the City Hall and the City-owned service station fronting on Main Street. The City Manager advised that these trees were reaching the point where they would be dangerous if not cut back or taken out. He stated that leaves from the trees continually cover the parking lot in the Fall of the year and that the lot cannot be properly cleaned. He recommended that the City Council accept the proposal submitted by Long's Tree Service to remove all trees from the back at a contract price of \$250.00. He advised that this included cutting the trees and hauling the trees off the property.

Upon a motion by Councilman Wilkerson, seconded by Councilman James, the City Council unanimously voted to authorize the City Manager to contract with Long's Tree Service for the removal of the trees at a price not to exceed \$250.00.

Upon a motion by Councilman Wilkerson, seconded by Councilman Ledbetter, the City Council unanimously voted to adjourn the meeting to reconvene in executive session to discuss a possible legal matter.

ATTEST:


J. Earl Daniels


James H. Segars, Mayor

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

August 3, 1976

The City Council of the City of Marion met in a regularly scheduled session Tuesday, August 3, 1976 at 7:30 P.M. in the City Council Chamber at City Hall.

Board Members Present: Mayor James H. Segars, Councilmen William R. Ledbetter, A. Everett Clark and Horace Wilkerson. Councilman Cross arrived at 7:45 P.M., and Councilman James arrived at 7:55 P.M.

Others Present: J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; Alvin Bradburn, Water Plant Operator; and Jim Sheppard, Newspaper Reporter.

Guests: Mr. D. A. Grayson.

Approval of the July 6, 1976 Minutes: Upon a motion by Councilman Ledbetter, seconded by Councilman Wilkerson, the City Council unanimously voted to approve the minutes of the July 6, 1976 meeting.

Water Plant Operator Certification - Alvin Bradburn: The City Manager informed the City Council that Alvin F. Bradburn had received a letter from the Water Treatment Facility Operators Certification Board advising him that he had successfully completed the examination for Class C Water Plant Operators, which was given April 13, 1976, at Western Piedmont Community College at Morganton, North Carolina.

Mayor Segars spoke on behalf of the City Council and congratulated Mr. Bradburn on successfully completing the examination.

Business License Fee-Storage Buildings: The City Manager advised the City Council that he had received several complaints concerning the business license fee for storage buildings. He stated that several businesses in the City had storage buildings used in conjunction with their regular retail businesses. He explained to the City Council that all persons owning buildings within the City Limits used for storage purposes were mailed a Business License Notice advising that a privilege license would be due on all storage buildings. He asked that the City Council give some instructions regarding the definition of 'storage buildings' as it relates to the Privilege License Ordinance. After a short discussion, it was determined that the City would not charge a business license fee for any storage building within the City Limits when said storage building is used in conjunction with another business in the City Limits which has paid a privilege license.

Suggested Projects - Mr. D. A. Grayson: Mr. D. A. Grayson appeared before the City Council and presented copies of a newspaper article published under "Open Forum" in the McDowell NEWS on December 15, 1960.

Mr. Grayson stated that he would like to see the County and City work together to install a 12' water line to Glenwood, Nebo and West Marion. Mr. Grayson stated that he had appeared before the County Commissioners at their regular meeting regarding the need for adequate water service to Glenwood, Nebo and West Marion.

The Mayor and City Council thanked Mr. Grayson for his interest in community affairs.

Bids - Equipment: The City Manager informed the City Council that in accordance with a 'Request for Bids' published in the McDowell News July 23, 1976, sealed bids were received and opened at 2:00 P.M. Tuesday, August 3, 1976, in the City Manager's Office for the following equipment:

| | |
|-----------------------|---------------------------|
| 1. Aeration Equipment | 3. One New Air Compressor |
| 2. Pumping Equipment | 4. One New Impactor |

The following persons were present for the bid opening:

Alvin Callahan, Public Works Director
Burdette Carroll, Street Superintendent
Glen Murdock, Water Filter Plant Superintendent
Glenda Melton, Secretary
J. Earl Daniels, City Manager
Frank Queen, Representing Marion Equipment Company
Carl Capp, Representing Western Carolina Tractor Company
Roy S. Smith, Jr., Representing Interstate Utility Sales, Inc.

A. Impactor Bids:

The City Manager stated that two bid proposals were received to furnish the City with one new impactor. One bid was received from Marion Equipment Company in the amount of \$3,511.04, this figure includes state sales tax in the amount of \$135.04. The bid includes complete installation of the impactor on the City-owned backhoe. The following tools were listed as being available at the following prices:

| | |
|------------------------------|---------------------------|
| 1. 30° Breaker - \$86.00 | 4. Relieve Moil - \$86.00 |
| 2. Asphalt Cutter - \$290.00 | 5. Tamper - \$346.00 |
| 3. Straight Moil - \$86.00 | 6. Spade - \$145.00 |

The bid stated that the equipment could be delivered and installed within thirty days.

A second bid proposal was received from Western Carolina Tractor Company in Asheville, North Carolina. This bid proposal provides furnishing the impactor at a total cost of \$3,097.21, which includes \$90.21 sales tax. The bid did not provide for installation of the impactor on the City-owned backhoe. Working tools are available at the following prices:

| | |
|------------------------------|---------------------------|
| 1. 30° Breaker - \$93.00 | 4. Relieve Moil - \$93.00 |
| 2. Asphalt Cutter - \$290.00 | 5. Tamper - \$290.00 |
| 3. Straight Moil - \$93.00 | 6. Spade - \$167.00 |

The City Manager telephoned Western Carolina Tractor Company in Asheville and asked the service charge to install the impactor on the City-owned backhoe. He was advised that the estimated cost would be from \$250.00 to \$300.00 and that the tractor backhoe would need to be delivered to Asheville for the installation. The City Manager informed the City Council that the Public Works Director and Street Superintendent recommend that the City purchase the impactor from Marion Equipment Company since they are a local dealer and can install and service the equipment locally instead of having to deliver the equipment to Asheville for installation and maintenance purposes. The Public Works Director and Street Superintendent also recommend that the City purchase the asphalt cutter from Marion Equipment Company at a cost of \$290.00 and that the City also purchase the spade for \$145.00.

The City Manager stated that should the installation cost run \$300.00 that the basic difference in price between the bid from Marion Equipment and Western Carolina Tractor would be \$113.83. He stated that should the tractor-backhoe have to be delivered to Asheville for installation of the equipment that there would not be a great difference in the prices submitted by each firm. He stated that having a local dealer would be beneficial to the City for future maintenance of the equipment, since having to deliver the equipment to Asheville would be expensive over the years.

Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to accept the bid proposal submitted by Marion Equipment Company, and directed that the impactor, the cutter and spade be purchased with Revenue Sharing Funds.

B. Air Compressor Bids:

The City Manager presented the following bid proposals:

| <u>FIRM</u> | <u>COMPRESSOR</u> | <u>ALTERNATE</u> | <u>DELIVERY DATE</u> |
|-------------------------------|-------------------|------------------|-------------------------------|
| Western Carolina Tractor Co. | \$5,189.14 | \$6,154.25 | Gas-30 days Diesel-60 days |
| Supply Specialties, Inc. | \$6,136.00 | No Bid | 12 weeks |
| Asheville Const. Equip., Inc. | \$6,051.25 | No Bid | 8-25-76 |

The City Manager stated that the Public Works Director and the Street Superintendent recommend that the City Council purchase the diesel-powered air compressor from Western Carolina Tractor Company at a bid price, including taxes, of \$6,154.25.

Upon a motion by Councilman James, seconded by Councilman Ledbetter, the City Council unanimously voted to accept the bid proposal submitted by Western Carolina Tractor Company in the amount of \$6,154.25, for the purchase of a diesel-powered air compressor, and that the equipment be purchased with Revenue Sharing Funds.

C. Pumping Equipment Bids:

Environmental Products, Total Bid - \$30,400.00
 Worthington Pump Corporation, Total Bid - \$29,913.80
 Goulds Pumps, Total Bid - \$24,825.25
 Supply Specialties, Inc., Raw Water Pump Only - \$9,477.00
 Interstate Supply Company, Total Bid - \$21,723.00

The City Manager recommended to the City Council that these bids be submitted to O'Brien & Gere for their recommendations since the bids consist of motors and pumps and that consideration should be given not only to the purchase price of the equipment but to the efficiency of the equipment and the cost of operation of the equipment.

Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the City Council unanimously voted to accept the recommendation of the City Manager and submit the bid proposals to O'Brien & Gere for their review and recommendations.

D. Aeration Equipment Bids:

The City Manager presented the following aeration equipment bid tabulation:

| <u>FIRM</u> | <u>TOTAL BID</u> | <u>DELIVERY DATE</u> |
|---------------------------|-----------------------------|----------------------|
| Interstate Supply Company | \$17,363.00 | 16-18 weeks |
| Supply Specialties, Inc. | \$ 6,500.00 (Less Aerators) | 8-10 weeks |
| Robert L. Carlson, Inc. | \$19,474.00 | 12-14 weeks |
| Atara Incorporated | \$17,470.00 | 12-14 weeks |

The City Manager recommended that the bid proposals be submitted to O'Brien & Gere for their review and recommendations.

Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the City Council unanimously voted to submit the bid proposals on aeration equipment to O'Brien & Gere for their review and recommendations.

E. Street Paving:

The City Manager presented the following bid tabulation for surfacing and resurfacing of City-maintained streets:

| <u>FIRM</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>Project Starting Date</u> |
|-----------------------------|-----------------------------------|---------------------------------|---|------------------------------|
| Midstate Contractors, Inc. | \$18.50 | \$18.50 | \$1.00 | 9/6/76 |
| Warren Brothers Company | \$20.00 | \$19.50 | \$1.00 | 8/15/76 |
| Fred Callahan Company, Inc. | \$26.00 | \$21.50 | \$1.45 | 10/1/76 |
| Paving Enterprises, Inc. | \$21.56 | \$20.56 | \$1.25 | 8/16/76 |
| Thompson Contractors, Inc. | \$19.10 | \$18.75 | \$1.00 | 10/15/76 |

Upon a motion by Councilman Cross, seconded by Councilman Ledbetter, the City Council unanimously voted to accept the low bid submitted by Midstate Contractors, Inc. in the amount of \$18.50 per ton for surfacing and resurfacing, and \$1.00 per running foot for a six-inch by nine-inch asphalt machine curb.

F. Sidewalk Construction Bids:

The City Manager presented the following bid tabulation for sidewalk construction:

| <u>Firm</u> | <u>Repair/Replace</u> | <u>New Construction</u> | <u>Total Bid</u> |
|-----------------------------------|-----------------------|-------------------------|------------------|
| Padgett's Concrete and Block Work | 3,007 ft.-\$11,821.55 | 298 ft.-\$1,236.70 | \$13,058.25 |
| Valdese Concrete Works | 3,007 ft.-\$11,407.40 | 298 ft.-\$1,192.00 | \$12,599.50 |

The City Manager recommended that sidewalk work proposed for Pulliam Street, New Street and State Street be deleted since sufficient funds are not available to contract for all the sidewalk work.

Upon a motion by Councilman James, seconded by Councilman Ledbetter, the City Council unanimously voted to award the sidewalk work to Valdese Construction Company, low bidder, and to delete sidewalk work proposed for Pulliam Street, New Street and State Street.

Resolution - Region "C" Police Training - Training for Coming Year:

WHEREAS, the City of Marion, herein called the "Applicant" has thoroughly considered the problem addressed in the subgrant application entitled 'Region C Police 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 in open meeting assembled in the City of Marion, North Carolina, this 3rd day of August 6, 1976, 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 \$1,350.00 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.

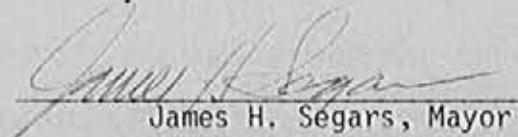
3. That if the subgrant is made, the Applicant shall provide or make arrangements to provide, a local cash matching contribution in the amount of \$75.00 and a local in-kind matching contribution valued under LEAA guidelines at -0- (or proportionately reduced local matching contributions if the subgrant 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.

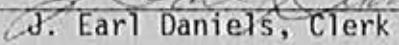
DONE AND ORDERED in open meeting.


James H. Segars, Mayor

Councilman Oliver Cross offered the foregoing resolution and moved its adoption, which was seconded by Councilman Robert E. James and was duly adopted.

DATE: August 3, 1976

ATTEST:


J. Earl Daniels, Clerk

Resolution - Region "C" Police Training - Three-Month Extension:

WHEREAS, the City of Marion, herein called the "Applicant" has thoroughly considered the problem addressed in the subgrant application entitled "Region C Police 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 in open meeting assembled in the City of Marion, North Carolina, this 3rd day of August, 1976, 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 \$117.00 to be made to the Applicant to assist in defraying the cost of the project in the application. This individual shall act as the authorized representative of the Applicant in connection with all aspects of the application process.

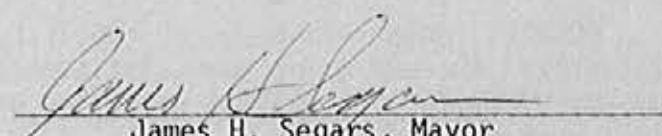
3. That if the subgrant is made, the Applicant shall provide or make arrangements to provide, a local cash matching contribution in the amount of \$6.00 and a local in-kind matching contribution valued under LEAA guidelines at -0- (or proportionately reduced local matching contributions if the subgrant 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.

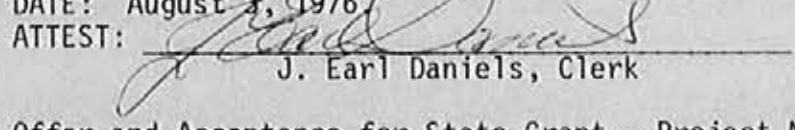
DONE AND ORDERED in open meeting.


James H. Segars, Mayor

Councilman Oliver R. Cross offered the foregoing resolution and moved its adoption, which was seconded by Councilman Robert E. James and was duly adopted.

DATE: August 3, 1976

ATTEST:


J. Earl Daniels, Clerk

Offer and Acceptance for State Grant - Project No. WT-215: Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the City Council unanimously voted to adopt the following Resolution authorizing acceptance of a state grant:

WHEREAS, the City of Marion is in need of wastewater treatment facilities; and

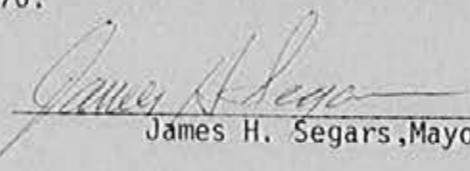
WHEREAS, the City of Marion filed an application with the State of North Carolina for a State grant from Statewide Allocated Funds under the Pollution Control Account of the Clean Water Fund for assistance in the construction of wastewater treatment facilities; and

WHEREAS, the Environmental Management Commission for the State of North Carolina has made a grant offer under the Clean Water Bond Act of 1971; and

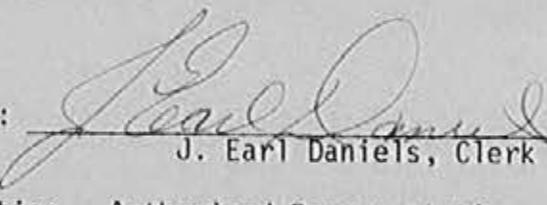
WHEREAS, the City Council of the City of Marion feels that it is in the best interest of the Citizens of Marion to accept such grant offer.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Marion that the grant offer from the Environmental Management Commission for the State of North Carolina entitled 'State Project Number WT-215', including all conditions contained therein, executed by A. F. McRorie, Chief Planning and Management Section and dated July 16, 1976, is hereby accepted by the City of Marion, North Carolina.

ADOPTED this the 3rd day of August, 1976.


James H. Segars, Mayor

ATTEST:


J. Earl Daniels, Clerk

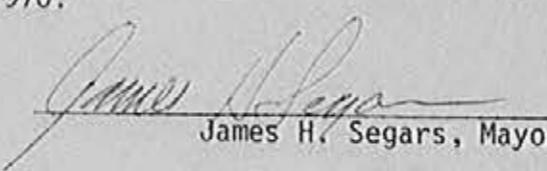
Resolution - Authorized Representative: Upon a motion by Councilman Ledbetter, seconded by Councilman Cross the City Council unanimously voted to adopt the following Resolution designating Mayor James H. Segars as authorized representative:

WHEREAS, the City of Marion has accepted a Grant Offer from the Environmental Management Commission of the State of North Carolina entitled Project Number WT-215; and

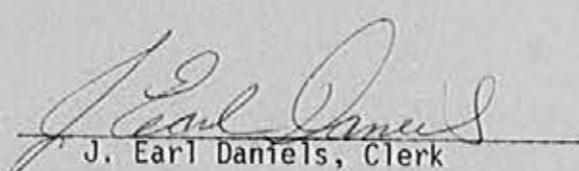
WHEREAS, it is necessary for the City Council to designate an authorized representative to execute official documents regarding said project.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Marion that Mayor James H. Segars be and hereby is designated as its authorized representative to execute documents regarding Project Number WT-215.

ADOPTED this the 3rd day of August, 1976.


James H. Segars, Mayor

ATTEST:


J. Earl Daniels, Clerk

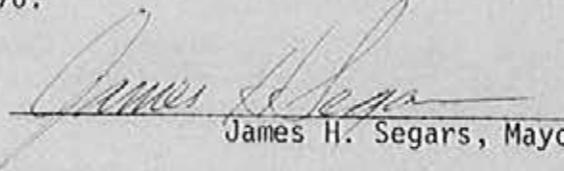
Offer and Acceptance for State Grant - Project No. WC-135: Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the City Council unanimously voted to adopt the following Resolution designating Mayor James H. Segars as authorized representative:

WHEREAS, the City of Marion has accepted a Grant Offer from the Environmental Management Commission of the State of North Carolina entitled Project No. WC-135; and

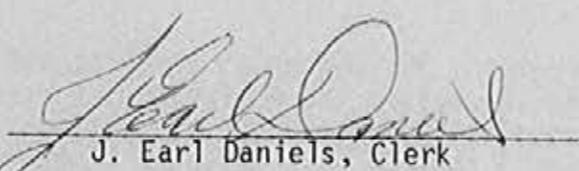
WHEREAS, it is necessary for the City Council to designate an authorized representative to execute official documents regarding said project.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Marion that Mayor James H. Segars be and is hereby designated as its authorized representative to execute documents regarding Project Number WC-135.

ADOPTED this the 3rd day of August, 1976.


James H. Segars, Mayor

ATTEST:


J. Earl Daniels, Clerk

Offer and Acceptance for State Grant - Project No. WC-135: Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the City Council unanimously voted to adopt the following Resolution authorizing acceptance of a state grant:

WHEREAS, the City of Marion is in need of additional wastewater collection sewers, a submersible pump station and force main; and

WHEREAS, the City of Marion filed an application with the State of North Carolina for a State grant from county allocated funds under the Pollution Control Account of the Clean Water Fund for aid in the construction of a wastewater collection system, a submersible pump station and force main; and

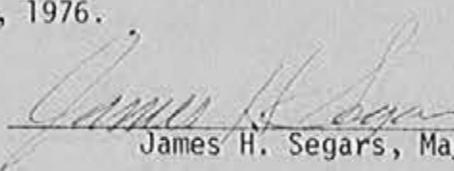
WHEREAS, the Environmental Management Commission for the State of North Carolina has made a grant offer under the Clean Water Bond Act of 1971; and

WHEREAS, the City Council of the City of Marion feels that it is in the best interest of the Citizens of Marion to accept such grant offer.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Marion that the grant offer from the Environmental Management Commission for the State of North Carolina entitled State Project Number WC-135, including all conditions contained therein, executed by A.F. McRorie, Chief Planning and Management Section dated July 16, 1976, is hereby accepted by the City of Marion, North Carolina.

ADOPTED this the 3rd day of August, 1976.

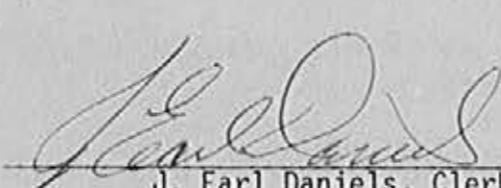
ATTEST: 
J. Earl Daniels, Clerk

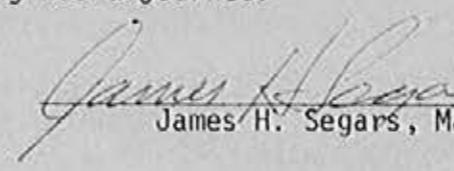

James H. Segars, Mayor

201 Facilities Study - Public Hearing: The City Manager informed the City Council that it would be necessary to establish a date, location and time for a public hearing concerning the 201 Facilities Study being prepared by the engineering firm of O'Brien & Gere, Inc.

After a short discussion, it was decided that the public hearing should be held Wednesday, September 15, 1976, at 10:00 A.M. in the Fire/Police Training Center.

There being no further business, the meeting was adjourned.


J. Earl Daniels, Clerk


James H. Segars, Mayor

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

September 7, 1976

The City Council of the City of Marion met in a regularly scheduled session Tuesday, September 7, 1976, at 7:30 P.M. in the City Council Chamber at City Hall.

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

Others Present: J. Earl Daniels, City Manager; Alvin Callahan, Public Works Director; E. P. Dameron, City Attorney; and Jim Sheppard, Newspaper Reporter.

Guests: Mr. Bob Boyd representing Standard Life and Casualty Insurance Company; Mickey Poteat, member of the Old Fort-Marion-McDowell County Recreation Commission; and James C. Hardin, newly appointed Recreation Director.

Approval of the August 3, 1976 Minutes: Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the City Council unanimously voted to approve the minutes of the August 3, 1976 meeting.

Standard Life and Casualty Insurance Company - Program: Mr. Bob Boyd, a representative of Standard Life and Casualty Insurance Company, appeared before the Marion City Council to present a program of accident and cancer care insurance available to Marion City employees. Mr. Boyd, in making his presentation, informed the City Council that he is a salaried employee and not an employee working for commission. He stated that benefits from his company are paid directly to the insured in addition to any other hospital insurance which the individual may carry. The City Council was advised that the program is only available if premiums are payroll deducted and mailed to the company.

Mr. Boyd presented the City Manager with a pamphlet covering the program including benefits available and premiums. The City Manager informed Mr. Boyd that he would circulate the pamphlet among the department heads so that they could review the program with City Employees and that if

enough interest was shown by City employees in taking the insurance through the payroll deduction plan he would be in contact with Mr. Boyd to set up a meeting between the employees and Mr. Boyd.

Newly Appointed Recreation Director - James C. Hardin: Mickey Poteat, one City representative on the Old Fort-Marion-McDowell County Recreation Commission was present to introduce to the City Council James C. Hardin, the newly appointed Recreation Director. He advised the Board that Mr. Hardin was appointed to fill the position previously held by Mr. Tom Alexander. Mr. Hardin stated that he was happy to be working with the Recreation Commission and that he looked forward to working with the City of Marion.

Citizen's Petition: The City Manager presented a petition containing the signatures of thirty-eight citizens of the City of Marion concerning the unsightly appearance, health and fire hazard of house number twelve on Turner Street. The City Manager, in presenting the petition, advised that he had sent a letter, dated February 15, 1974, to Mr. David Penley, the occupant of the residence, advising him that he was in violation of a City Ordinance. He stated that following that letter there was an attempt by Mr. Penley to make the property more presentable and to abide by the regulations contained in the Ordinance. He informed the Council that for a period of time thereafter he had received no complaints. He stated that upon receiving the petition he sent a letter to Mr. Penley dated August 10, 1976, again advising Mr. Penley that he is in violation of a City Ordinance adopted April 5, 1967, and further stating that unless some action is taken to comply with the Ordinance the matter must be pursued by the City in accordance with the Ordinance. He stated that copies of this letter were sent to Mayor Segars, Attorney E. P. Dameron and Mr. J. A. Cannon, owner of the property.

The City Manager recommended that the matter be turned over to City Attorney E. P. Dameron. The City Council agreed with the City Manager and directed the City Attorney to handle the matter.

Water Line Extension Request - John Hawkins: The City Manager presented a request from Mr. John Hawkins that permission be granted for the installation of a 2-inch galvanized water line for a distance of approximately eight hundred feet to serve three houses in the vicinity of Clear Creek Road. The City Manager recommended approval of the installation of the two-inch galvanized water line subject to the following conditions:

1. That the entire cost of all materials and the cost of labor for installation be paid in full by the applicant.
2. That a two-inch valve and valve box be installed at the main line.
3. That a fifteen-foot right-of-way centered on the two-inch water line be deeded to the City of Marion along with the water line.
4. That the City charge the applicant \$50.00 per meter instead of the regular \$200.00 tap fee for the three houses to be served.

Upon a motion by Councilman Wilkerson, seconded by Councilman Cross, the City Council unanimously voted to accept the recommendation of the City Manager.

Pumping Equipment - Water Filter Plant: The City Manager presented a letter from O'Brien & Gere, Inc. Engineers recommending that the City Council accept the low bid submitted by Interstate Supply Company of Charlotte, North Carolina, in the amount of \$21,723.00 for pumping equipment in accordance with the specifications prepared by O'Brien & Gere.

Upon a motion by Councilman Clark, seconded by Councilman James, the City Council unanimously voted to accept the recommendations of O'Brien & Gere, Inc. to award the contract for pumping equipment to Interstate Supply Company of Charlotte, North Carolina, in the amount of \$21,723.00 and directed the City Manager to pay for the equipment from Revenue Sharing Funds.

Aeration Equipment - Clinchfield Waste Treatment Plant: The City Manager presented a letter from O'Brien & Gere, Inc./Engineers recommending that the City Council accept the low bid submitted by Interstate Supply Company of Charlotte, North Carolina for aeration equipment for the Clinchfield Waste Treatment Plant in accordance with specifications prepared by O'Brien & Gere, Inc./Engineers at the low bid price of \$17,363.00, contingent upon the following conditions:

1. The amount of 3-inch pipe supplied be sufficient to construct the proposed layout.
2. Blowers with a pressure rating which meets the requirements shown on Figure 9 of the submittal be supplied.
3. Check valves of a size to correspond to the outlet pipe size be supplied for each blower.
4. Detailed layout drawings be submitted for approval.

Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the City Council unanimously voted to accept the recommendations of O'Brien & Gere, Inc./Engineers and to award the contract to Interstate Supply Company, Charlotte, North Carolina, for the low bid price of \$17,363.00 and directed the City Manager to pay for the equipment from Revenue Sharing Funds.

Resolution - Housing and Community Development - Cooperation with County: Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to adopt the following Resolution:

WHEREAS, Certain Federal Funds are available to provide one hundred per cent (100%) financing for community development under the Housing and Community Development Act; and

WHEREAS, There are certain areas in McDowell County located within one and one-half miles of the City Limits of the City of Marion which are in need of adequate housing, water/sewer services, streets, street lighting, sidewalks and playgrounds, etc.; and

WHEREAS, Said areas may, at some future date, be annexed into the City Limits of the City of Marion.

NOW THEREFORE, BE IT RESOLVED by the County Commissioners of McDowell County and the City Council of the City of Marion that both governmental units will work together in filing an application for Federal funds under the Housing and Community Development Act for the purpose of community development within that area located in McDowell County within one and one-half miles of the Marion City Limits.

ADOPTED this the _____ day of _____, 1976.

Resolution - Region "C" Police Communications: Upon a motion by Councilman Ledbetter, seconded by Councilman James, the City Council unanimously voted to adopt the following Resolution:

WHEREAS, the Marion City Council, herein called the "Applicant" has thoroughly considered the problem addressed in the subgrant application entitled Marion Communication 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 7th day of September, 1976, as follows:

1. That the project referenced above is in the best interest of the Applicant and the general public.
2. That Region "C" CJPA 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 \$7,675.00 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 \$426.00 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.

ATTEST:

Paul Davis
Clerk

James H. Saya
Mayor

Recreation Commission - Appointment of Two Members: The City Manager informed the City Council that the terms of two representatives of the City on the Recreation Commission had expired and that one new member would need to be appointed for a term of two years and one for a term of three years.

After a short discussion, the City Council tabled the matter until a later date.

Cemetery - Maintenance: The City Council discussed, at length, the problems concerning maintenance of the Oak Grove Cemetery. The City Manager stated that just under \$16,000.00 was appropriated in the budget for the maintenance of the cemetery. He stated that two men are working full time during the summer months in the cemetery but that they seem to be unable to keep the grass cut to the satisfaction of some citizens.

The City Manager reviewed with the City Council portions of the agreement by and between the City of Marion and persons purchasing cemetery lots. He specifically reviewed items two through five, as listed below:

2. All grave stones or markers placed upon said premises must be of the kind and type known as "Grass Markers", and all such markers installed must not protrude above the level of the ground, and must be flush or even with the level of the ground, EXCEPT, however, one family marker or grave stone of any kind or type may be installed on said premises.
3. All curbs, walls and walkways placed on said premises shall be flush or level with the surface of the ground.
4. No walls, curbs, walkways, trees, shrubs or other improvements shall be made upon or placed on said premises until and unless plans for same shall have been submitted to and approved by the Cemetery Committee of the City Council of the City of Marion.
5. The grantor specifically reserves the right at all times to make reasonable rules and regulations for the burial of the dead and the care and maintenance of said premises.

The City Manager stated that had all persons complied with these regulations, maintenance of the cemetery would be much easier for City personnel. He informed the Council that the only income from the cemetery is in the sale of lots and that in a short period of time all the lots will be sold and that following that time the cemetery would be maintained solely at the expense of the taxpayers.

Councilman Cross stated that in accordance with the agreement by and between the City and purchasers of cemetery lots, the City does not state that they will provide perpetual care to the lots. He stated that in his opinion, the City would need to consider, at some future date, the fact that persons owning cemetery plots might need to maintain their own lots with the City maintaining the entrance to the cemetery and all streets and walkways. The City Council discussed the matter at great length and considered various methods and means of trying to provide better maintenance to the cemetery.

Dameron & Burgin - City Attorneys: Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to name the firm of Dameron and Burgin, Attorneys at Law, as official legal representative of the City of Marion and that Attorney Charles Burgin be provided with free water and sewer services and the same life insurance coverage now provided by the City for Attorney E. P. Dameron.

Parking Meters - Removal: Councilman Clark stated that he feels it to be in the best interest of the downtown merchants for the City to remove the parking meter heads to provide free downtown parking.

Upon a motion by Councilman Clark, seconded by Councilman James, the City Council unanimously voted to remove the parking meter heads to provide free downtown parking for a six-month trial period.

City Manager's Report:

1. Sidewalk Construction - The 1976 sidewalk construction program is completed except for a small portion of sidewalk to be installed from Fleming Avenue to the hospital.
2. Street Paving - The 1976 street paving program has been completed including a modification of the intersection of Garden Street and Rutherford Road and modification of the intersection of Blue Ridge Street and Carson Street.
3. City Garage - Work is complete except for connection of electrical power from Duke Power Company, inspection of premises held and a list of discrepancies provided the contractor.
4. Impactor - The impactor purchased through the use of Revenue Sharing Funds has been received and installed on one of the City's backhoes. The equipment has saved numerous man hours since it was placed into operation.
5. Monitors - All volunteer firemen, paid firemen and department heads have been provided monitors so that they can be paged at any hour. These monitors were purchased with Revenue Sharing Funds.

6. Dam at Mackey's Creek - The Mayor, City Manager, Public Works Director and three City employees made repairs to the Mackey's Creek dam Sunday, September 5th. Approximately twenty bags of concrete was mixed by hand and poured into forms to support the face of the dam.

7. New 12-inch Water Main Along West Henderson From the Railroad Overpass South to Lail Street - The proposed date of completion of installation of the water line is Friday, September 17th.

8. Conley Road - Water Line - All materials have been ordered for installation of an eight-inch cast iron water main along Conley Road through the wooded area to inter-connect with the water main at McDowell High School.

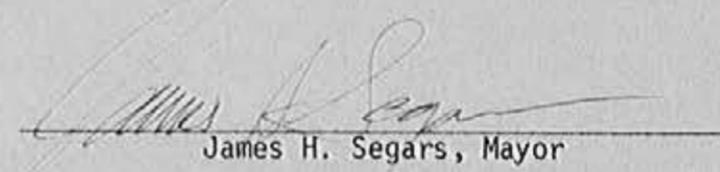
9. Community Building Renovation - The installation of a drop ceiling in the basement of the Community Building has been completed. Recessed lighting has been installed. The floor has been repaired and all windows on the South side and rear of the building have been puttied and painted and metal doors have been installed.

10. Water Supply - The water supply at Clear Creek and Mackey's Creek are lower than usual. The situation is not critical, however, citizens will be asked not to use water unnecessarily.

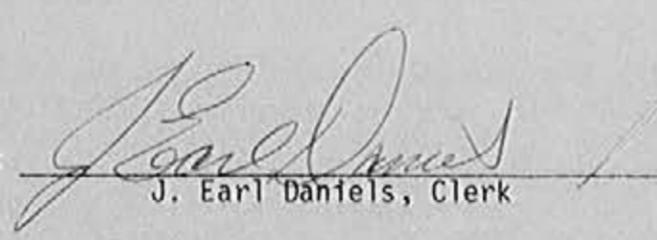
11. Weapons Carrier - The City purchased a weapons carrier through Civil Defense for \$544.00. The truck will be kept at the City-owned dwelling on Mackey's Creek and will be used to go to and from the intake at Mackey's Creek. The equipment can be used for carrying pipe and other materials to the intake.

201 Facility Study - Public Hearing: The City Manager informed the City Council that a Public Hearing would be held Wednesday, September 15, 1976 at 10:00 A.M. in the Fire/Police Training Center to present to the general public the 201 Draft Facility Study. He informed the Council that the Public Hearing was also being held September 15, 1976 in Raleigh by the Wastewater Treatment Plant Operators Board of Certification. He stated that as a member of that Board he would like to attend the meeting in Raleigh and therefore would be unable to attend the 201 Draft Facility Study Public Hearing. Mayor Segars stated that he would be in attendance at the Public Hearing and that the City Manager could be excused from that meeting.

There being no further business, the meeting was adjourned.


James H. Segars, Mayor

ATTEST:


J. Earl Daniels, Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

September 21, 1976

The City Council of the City of Marion met in a regularly scheduled session Tuesday, September 21, 1976 at 7:30 P.M. in the City Council Chamber at City Hall.

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

Others Present: J. Earl Daniels, City Manager; Alvin Callahan, Public Works Director; and Jim Sheppard, Newspaper Reporter.

Guests: Mr. Jimmy English.

Approval of the September 7, 1976 Minutes: Upon a motion by Councilman Ledbetter, seconded by Councilman James, the City Council unanimously voted to approve the minutes of the September 7, 1976 meeting.

Employee Jimmy English - Discharged From Employment With the City: Mr. Jimmy English was present to discuss with the Council the reasons concerning his discharge from employment with the City. The City Manager informed the City Council that Mr. English became an employee of the City in January, 1976. He continued by stating that two letters, one dated June 28, 1976, the second dated August 20, 1976, were given to Mr. English concerning unexcused absence from work. He stated that in a meeting with Public Works Director Alvin Callahan, September 20, 1976, Mr. Callahan stated that he had replaced Jimmy English as a result of his not reporting for work Friday, September 17, 1976. Mr. Callahan stated that Mr. English picked up his check about 12:00 or 12:30 Friday, September 17th, and promised to report for work at 2:00 P.M. He stated that later

Mr. English called and said that he would be in at 3:00 P.M. Mr. Callahan reported that when he did not come in by 3:00 P.M. he went to his home and was advised by some lady that Jimmy had gone to get a part for his car. At 4:00 P.M. Mr. Callahan went back to Mr. English's home and the lady advised him that Jimmy had gotten his car fixed, had left and would not be in to work that day. Mr. Callahan stated that following this he employed someone to replace Mr. English as a member of the Sanitation Department.

The City Manager informed the Council that after reviewing all the facts he agreed with the replacement based on the information presented.

Mr. English was asked if all the facts presented were accurate. He stated that they were. He advised the City Council that he would like to keep his job and that that was the reason he was present at the meeting.

The City Council asked if he had any other facts he wished to present regarding the matter before a decision was made. He stated that he did not and left the meeting. The City Council held a short discussion concerning the facts of the case and unanimously agreed with the action taken by the Public Works Director and City Manager.

Recreation Commission - Appointment of Two Members: Upon a motion by Councilman Clark, seconded by Councilman Ledbetter, the City Council unanimously voted to appoint John Cross to a three-year term on the Recreation Commission beginning September, 1976 and running through September, 1979; and to appoint Andy Symmes, Jr. to a term on the Commission beginning January 1, 1977 and running through September, 1978.

Community Building Charges - Basement: The City Manager informed the City Council that charges need to be established for the use of the basement. He made the following recommendations:

(1) That all groups holding dances use the basement and not the upstairs assembly room unless they wish to use the kitchen facilities in conjunction with the dances. Also, any group using the upstairs facilities must comply with the charges as set out in the current fee schedule for the building.

(2) That we continue to require the established fee of \$5.00 per hour, with a minimum of \$20.00 per day, when any individual or group receives personal gain from the use of the facilities.

NOTE: I would consider personal gain to mean any amount of money over and above actual travel expenses to and from the facilities.

(3) That we establish a fee of \$25.00 per night for the use of the basement for dances when no one is receiving personal gain.

(4) That no band or individual be allowed to use the building for personal gain by having dances and charging an admission fee. This, of course, would not apply to civic organizations and other non-profit organizations raising funds for charitable purposes.

The City Council discussed the matter at length and it was suggested that the amount of revenues received from the use of the building should be sufficient to offset the cost of maintenance and operation. Councilman Ledbetter asked the City Manager to review the cost of operation of the facilities for the last fiscal year and to prepare a report showing the cost of operation and the amount of revenues received. He also suggested that the Council delay any action on the matter until the requested report is received.

Ordinance - Two Hour Parking, S. Garden St.: Upon a motion by Councilman Wilkerson, seconded by Councilman Ledbetter, the City Council unanimously voted to adopt the following Ordinance establishing a two-hour parking zone on Garden Street:

BE IT ORDAINED by the City Council of the City of Marion as follows:

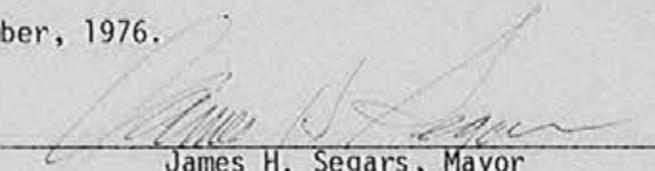
Section 1. When signs are erected giving notice thereof, no person shall park a vehicle longer than two consecutive hours on the east side of South Garden Street beginning at a point located sixty (60) feet north of the curbline of Rutherford Road in a northerly direction to a point located twenty-five (25) feet south of the curbline of Lincoln Avenue.

Section 2. A 'No Parking' zone is hereby established on the east side of South Garden Street from the curbline of Rutherford Road in a northerly direction a distance of sixty (60) feet.

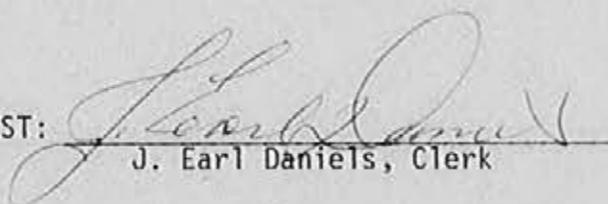
Section 3. Any person who shall violate or fail to comply with this ordinance shall be deemed to be guilty of an offense and shall be punished by a fine not to exceed \$50.00 or imprisonment not to exceed thirty (30) days.

Section 4. All ordinances in conflict with this ordinance are hereby repealed.

ADOPTED this the 21st day of September, 1976.


James H. Segars, Mayor

ATTEST:


J. Earl Daniels, Clerk

Ordinance - No Parking Zone, Maple Avenue: Upon a motion by Councilman Wilkerson, seconded by Councilman Ledbetter, the City Council unanimously voted to adopt the following Ordinance concerning establishing a 'No Parking' zone on Maple Avenue:

BE IT ORDAINED by the City Council of the City of Marion as follows:

Section 1. When signs are erected giving notice thereof, no person shall park a vehicle at any time on the following portions of Maple Avenue:

A. On the west side of Maple Avenue from its intersection with East Court Street north to its intersection with North McDowell Avenue.

B. On the east side of Maple Avenue from its intersection with East Court Street in a northerly direction for a distance of four hundred and twenty-five (425) feet.

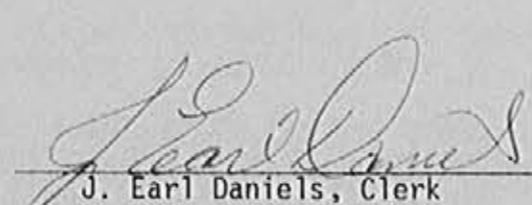
Section 2. Any person who shall violate or fail to comply with this ordinance shall be deemed to be guilty of an offense and shall be punished by a fine not to exceed \$50.00 or imprisonment not to exceed thirty (30) days.

Section 3. All ordinances in conflict with this ordinance are hereby repealed.

ADOPTED this the 21st day of September, 1976.


James H. Segars, Mayor

ATTEST:


J. Earl Daniels, Clerk

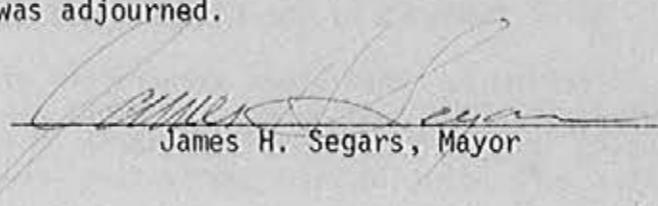
Waste Treatment Plant Project - Authorization to Construct: The City Manager informed the City Council that final plans and specifications for the proposed new waste treatment plant project had been reviewed and found to be satisfactory by the North Carolina Department of Natural and Economic Resources, Division of Environmental Management. He stated that the plans have now been submitted to the Environmental Protection Agency for their review.

1976 Street Improvement Program: The City Manager informed the City Council that the 1976 street improvement program had been completed and that the total cost for improvement amounted to \$32,465.60. He stated that, in addition, paving had been installed around the new City Garage at a cost of \$5,750.00 and that the street leading to the Clinchfield Sewer Treatment Plant had been paved at a cost of \$2,110.00.

Waste Treatment Plant Project - Trip to Harrisburg, Pennsylvania: The City Manager informed the City Council that several questions had been raised by the Mayor, City Manager and Chief Waste Treatment Plant Operator concerning the use of centrifuges and also problems involved in land-filling of sludge from the new waste treatment plant. He stated that the engineering firm of O'Brien & Gere, Inc. had invited the Mayor, City Manager and Chief Waste Treatment Plant Operator to go to Harrisburg, Pennsylvania to observe the operation of a waste treatment plant which is similar to the plant proposed for the City of Marion. On several occasions during discussions concerning the use of the centrifuge as opposed to the vacuum filter for dewatering of sludge the City Manager, Mayor and Waste Treatment Plant Operator have been advised that the sludge from the new waste treatment plant is different from the sludge in other plants in the immediate area.

The Mayor, City Manager and Chief Waste Treatment Plant Operator are to leave Marion September 28, 1976 and will return on the night of Wednesday, September 29th.

There being no further business, the meeting was adjourned.


James H. Segars, Mayor

ATTEST:


J. Earl Daniels, Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

October 5, 1976

The City Council of the City of Marion met in a regularly scheduled session Tuesday, October 5, 1976 at 7:30 P.M. in the City Council Chamber at City Hall.

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

Mayor James H. Segars and City Manager J. Earl Daniels arrived at approximately 7:40 P.M.

Others Present: J. Earl Daniels, City Manager; Alvin Callahan, Public Works Director; Gary Campbell, Chief Waste Treatment Plant Operator; E. P. Dameron, City Attorney; and Jim Sheppard, Newspaper Reporter.

Guests: Roger Sprinkle and Al Shiver of Cherry, Bekaert & Holland, Certified Public Accountants.

Approval of the September 21, 1976 Minutes: Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to approve the minutes of the September 21, 1976 meeting.

Audit Report - Cherry, Bekaert & Holland: Mr. Roger Sprinkle and Mr. Al Shiver were present to review with the City Council the audit report for City accounts for the year ended June 30, 1976. Mr. Sprinkle advised the City Council that the City records were in order and that the City was in good financial condition. He submitted, for Council consideration, comments and suggestions on improvements of the accounting records of the City. Most of the recommendations made were on bookkeeping procedures.

A copy of the audit and a copy of the recommendations of the accountants are filed in the City Manager's Office and are open to public inspection.

Jonas Owensby - Request for Payment: The City Manager presented a request from Jonas Owensby, who resides at 529 Maple Avenue, that he be reimbursed in the amount of \$8.58 for repairs to a storm door which he stated was damaged by a rock thrown by the City's bush hog on September 22, 1976. The Public Works Director, Alvin Callahan, was present and advised the City Council that he had investigated the matter and could not state for certain that the door was not damaged by the bush hog, but that it was his opinion that it was very unlikely. The City Council discussed the matter and it was determined that there were no witnesses to state that the door was or was not damaged by the City mowing equipment.

Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the City Council unanimously voted to direct the City Manager to reimburse Mr. Owensby in the amount of \$8.58 for repairs to the storm door.

Recreation Commission - Appointment of One Member: The City Manager informed the City Council that he had discussed with Mr. John Cross his appointment to the Recreation Commission and advised the Council that Mr. Cross considered the matter for several days and then phoned to advise the Manager that he would be unable to accept the appointment due to other commitments. After a short discussion, it was decided that several Council members would approach Mr. Cross and encourage him to accept the appointment.

Community Building Charges: The City Manager presented a report on the income and expenditures for the Community Building for a period of time beginning July 1, 1975 through June 30, 1976. After a short discussion, the City Manager was directed to meet with Councilman Robert James and Councilman W. R. Ledbetter to review the report and to make recommendations to the City Council on rates to be charged for the use of the Community Building facilities.

Ordinance - "No Right Turn on Red" - North Main to West Fort: The City Manager informed the City Council that he had discussed the need for a "No Right Turn on Red" from North Main Street to West Fort Street with officials of the State Traffic Control Division. He advised the Council that the State official had advised the Manager that appropriate signs would be installed to prohibit a right turn on red from North Main to West Fort.

Report on Trip to Harrisburg, Pennsylvania: Mayor James H. Segars presented a detailed report to the City Council on the trip to Harrisburg, Pennsylvania, which was made by the Mayor, City Manager and Chief Waste Treatment Plant Operator for the purpose of touring the Sharpless Centrifuge Manufacturing Plant and also to tour the Lower Allentown, Pennsylvania Regional Waste Treatment Plant. The City Council was advised that the City was not billed for any expenses of the trip except for an overnight parking charge at the Charlotte airport.

Mayor Segars stated that he had discussed with the City Manager and Chief Waste Treatment Plant Operator the use of centrifuges as opposed to vacuum filters and that they had agreed that at this point they cannot make a definite recommendation on whether to use or not use centrifuges. He informed the Council that in order to make a recommendation he was of the opinion that it would be necessary to view the vacuum filter equipment in the same manner as the centrifuges in order to draw a conclusion. The Mayor stated that he would be willing to make a trip at his own expense in order to make a comparison of the two types of equipment. He informed the Council that he could not see how the sludge from the centrifuge could be landfilled. He stated that after viewing the centrifuge manufacturing plant and seeing the centrifuge in operation that he was probably more opposed to the centrifuge than before the trip. He stated that the Lower Allentown, Pennsylvania

Regional Waste Treatment Plant had two centrifuges and that one was under repair and that the other, which was in operation, had already been repaired and that the plant was only three years old. He continued by stating that the waste treatment plant was approximately one hundred miles from the Sharpless Manufacturing Plant and that in addition to the two centrifuges, they also have a spare conveyor. In concluding his report, he stated that he was not pleased with the operation of the centrifuge and was not sure that the City of Marion needs centrifuges in its waste treatment plant facility, but that he was not ready to make a recommendation to the City Council to use vacuum filters until he had had the opportunity to view the vacuum filter equipment under the same conditions as the centrifuge equipment.

Proposal - O'Brien & Gere, Inc. - Redesign for Vacuum Filters: The City Manager presented a letter from W. S. Riddick, Jr. of O'Brien & Gere, Inc./Engineers, stating that in order that the bidding of the waste treatment project not be delayed any longer than necessary, that the engineering firm be authorized to redesign the dewatering facilities to provide for vacuum filters for sludge dewatering instead of centrifuges. The letter stated that the redesigns including structural, electrical and other required changes, are expected to cost approximately fifteen to twenty thousand dollars and take approximately six weeks to complete. The letter stated that the City currently owes O'Brien & Gere approximately \$45,000.00 for engineering services on the project and requests that invoices for these services be paid and that the invoices for any additional engineering services related to the dewatering facilities be handled promptly.

The City Manager presented a report showing the total amount of funds paid on the project through October 5, 1976. The report included monies paid to O'Brien & Gere and to Mallonee Surveying. A copy of the report follows:

INCOME:

| | |
|-------------------------------------|-----------------|
| Sale of Bonds | \$ 250,003.00 |
| Premium on Bonds | 6.00 |
| Interest on Certificates of Deposit | <u>4,338.76</u> |
| TOTAL | |
| | \$ 254,347.76 |

EXPENSES:

| | |
|---|---------------|
| Local Government Commission | \$ 156.93 |
| O'Brien & Gere, Inc. | 210,852.96 |
| Mallonee Surveying, Inc. | 24,027.52 |
| Chase Manhattan Bank | 9,748.47 |
| Law Engineering Testing Company | 3,699.20 |
| First Union National Bank (Printing of Checks) | <u>12.67</u> |
| TOTAL | |
| | \$ 248,497.75 |

BALANCE ON HAND: \$ 5,850.01

The City Manager informed the City Council that the Bond Anticipation Notes in the amount of \$250,000.00 are maturing November 17, 1976, and that it will be necessary to renew the notes since bonds cannot be sold before bids are received. He advised the Council that due to delays in the project it would be impossible to receive bids and sell bonds by that deadline.

The City Manager asked if the City Council wished to sell bonds for a larger amount than \$250,000.00 in order to make payment to O'Brien & Gere as requested in the letter from Mr. Riddick. The City Council held a short discussion regarding the matter.

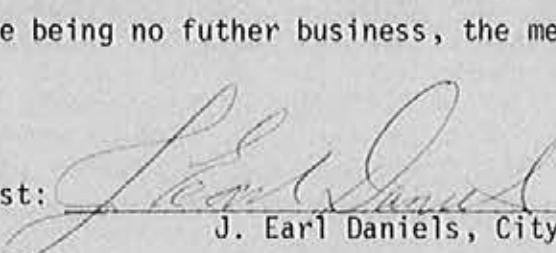
Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to authorize the City Manager to contact the Local Government Commission and request that the \$250,000.00 Bond Anticipation Notes maturing November 17, 1976, be renewed again for a period of time long enough to receive bids on the project and sell bonds.

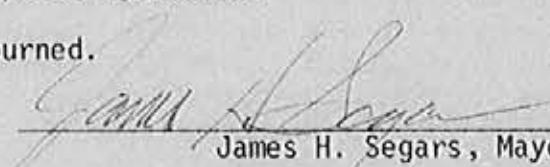
Trip to View Vacuum Filter Equipment: Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the City Council unanimously voted to authorize the Mayor, City Manager and Chief Waste Treatment Plant Operator to make any necessary trips at City expense to view the manufacture and operation of vacuum filter equipment in order to make a recommendation regarding which type of dewatering equipment should be included in the City's waste treatment plant project.

City-Owned Properties: Councilman Clark advised the City Council that Mr. Charles Dale had approached him regarding remodeling the City-owned service station on Main Street directly behind City Hall. Mr. Clark stated that Mr. Dale would be interested in spending some monies on the building for remodeling purposes provided some agreement could be reached by and between Mr. Dale and the City whereby he could be reimbursed for any expenses on a pro-rated basis in the event the City would need to claim the property prior to any agreed lease term expiration. The City has previously indicated to Mr. Dale that they could not sign a lease for any set period of time due to the fact that the City may need the property for redeveloping City related facilities. The City Manager was instructed to discuss the matter with Mr. Dale and make recommendations to the City Council regarding any type of agreement.

There being no further business, the meeting was adjourned.

Attest:


J. Earl Daniels, City Clerk


James H. Segars, Mayor

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

October 26, 1976

The City Council of the City of Marion met in a special session Tuesday, October 26, 1976, at 7:30 P.M. in the City Council Chamber at City Hall.

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

Others Present: J. Earl Daniels, City Manager; Gary Campbell, Chief Waste Treatment Plant Operator; and Jim Sheppard, Newspaper Reporter.

Guest: Pierce Bradley.

Approval of the October 5, 1976 Minutes: Upon a motion by Councilman Ledbetter, seconded by Councilman Cross, the City Council unanimously voted to approve the minutes of the October 5, 1976 meeting.

Community Building Charges: The City Manager presented a report from a committee, appointed by Mayor Segars, consisting of Councilman W. R. Ledbetter, Robert E. James and the City Manager, concerning proposed new rates for the use of the Marion Community Building.

Upon a motion by Councilman Wilkerson, seconded by Councilman Clark, the City Council unanimously voted to adopt the following new rates for the use of the Community Building effective January 1, 1976:

| | |
|--|---------|
| Assembly Room - One Day | \$15.00 |
| Assembly Room with Kitchen - One Day | \$30.00 |
| Civic Clubs - Assembly Room - One Day | \$ 5.00 |
| Civic Clubs - Assembly Room with Kitchen - One Day | \$10.00 |
| Assembly Room - Dances | \$15.00 |
| Dances Charging Admission | \$50.00 |
| Assembly Room with Kitchen - Dances | \$30.00 |
| Dances Charging Admission | \$65.00 |
| (There is a \$50.00 deposit charged when the building is reserved for a dance when an admission charge is levied.) | |
| Basement - One Day | \$10.00 |

The basement of the Community Building may be used for instructional purposes, i.e., dance, arts and crafts, etc., under certain conditions. There is a charge of \$5.00 per hour with a minimum charge of \$20.00 per day when the basement is used for instructional purposes.

Waste Treatment Plant Site - Highway 226: Attached to and made a part of these minutes is a map entitled "Proposed Wastewater Treatment Plant Site, Town of Marion, North Carolina", prepared by Mallonee Surveying, Inc.

The City of Marion acquired from McDowell County Tract II, containing 27.67 acres of land for a proposed new waste treatment plant for the City of Marion. Mr. Pierce Bradley purchased from McDowell County Tract I. The deed conveying Tract II to the City of Marion from McDowell County included the major portion of that property shown on the attached drawing as belonging to the Carolina, Clinchfield and Ohio Railroad and shown as Tract IV, being 6.34 acres.

At the time of transfer of the property the City of Marion was unaware that the CC&O Railroad owned any property which was deeded to the City from McDowell County. Since the CC&O Railroad owns that property shown on the attached drawing as Tract IV and being 6.34 acres, this divides the property deeded to the City from the County so that the City owns a large tract to the southeast of the CC&O Railroad property and owns a small tract of land to the northwest of that property.

Mr. Pierce Bradley appeared before the City Council and advised the Council that he had been working with the railroad on obtaining a lease on that property owned by the CC&O Railroad, shown as Tract IV on the map. He advised the Council that he had a tentative agreement; however, formal papers had not been signed. Mr. Bradley stated that he would like to sub-lease to the City that portion of Tract IV located to the southwest of the City property between the branch and the property owned by the City, with an option for the City to purchase the property under an MAI land appraisal. If the City would agree to lease, with an option to buy that portion of the City-owned property to the northwest of the railroad property and to the southwest of the property belonging to Bradley Lumber Company to Mr. Bradley.

The City Manager stated that in the deed from McDowell County to the City of Marion there is a provision that the property would revert back to the County if the City, at any time in the future, ceased to use the property as a sewerage disposal facility and that under that condition the City would be unable to sell the property to Mr. Bradley. The City Manager also stated that should the City desire to sell the property to Mr. Bradley it would be necessary to follow legal requirements for advertisements for sale of the property. The City Manager recommended that the City purchase directly from the CC&O Railroad that portion of property needed by the City between

the branch and the City-owned property and that the City deed back to the County that piece of property which Mr. Bradley wishes to acquire and then let the County deal with Mr. Bradley on the sale of that property.

The City Council informed Mr. Bradley that the City's main interest in that portion of property which Mr. Bradley wishes to acquire is for a right-of-way for utility lines and an access road to serve the City-owned property and that the City really has no objections to Mr. Bradley's use of the property so long as it does not interfere with the City's purposes.

Mayor Segars suggested that the City Manager meet with Mr. E. P. Dameron, City Attorney, to discuss the matter and that the details concerning resolving the problem be worked out between the City Attorney, Mr. Bradley and railroad officials.

City Charter - First Draft of Revised and Consolidated Charter: The City Manager informed the City Council that the proposed new City Charter would change the City's form of government to a Council-Manager form of government. He advised the Council that at the present time the City Manager's office is established by an ordinance and that the City Manager's office could be eliminated by rescinding the ordinance. He also stated that if the new Charter were established the City Council could discharge the City Manager but that the City would be required to employ another City Manager unless and until the Charter was changed to eliminate that form of government.

After a short discussion regarding the conditions outlined in the proposed Charter, it was agreed by the City Council and the City Manager that department head appointments should be made jointly by the City Council and the City Manager. It was agreed that it would be unfair to the City Manager to be held directly responsible for the operation of the administrative offices of the City if he had no input into the employment of department heads and general control of the different departments.

It was also agreed that it would be unfair for the City Manager to make all appointments of department heads since the City Manager could resign his position leaving the City with unqualified department heads to run the City's operation prior to the appointment of another City Manager.

The City Manager informed the City Council that he would return a copy of the proposed City Charter to the League of Municipalities with the Council's comments and ask that the proposed Charter be changed to incorporate provisions for joint appointment by Council and Manager of all department heads.

Ordinance Prohibiting Use of Water During Water Shortage: Upon a motion by Councilman James, seconded by Councilman Ledbetter, the City Council unanimously voted to adopt the following Ordinance:

WHEREAS, at times there may exist an abnormal shortage of water for the City of Marion causing a substantial reduction in the reserve supply of water, and such supply may be reduced to such a point that an emergency exists which may seriously threaten the health and safety of the residents of the City; and

WHEREAS, it is essential for the protection of the health and safety of the citizens of Marion that restrictive measures be imposed upon the use of water from the City water supply during the time such emergency exists.

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

Section 1. The Mayor of the City of Marion shall be authorized to declare a state of emergency whenever there is a shortage in the City water supply threatening the health and safety of the citizens of the City.

Section 2. The Mayor or his designee shall advise the local news media when such emergency exists.

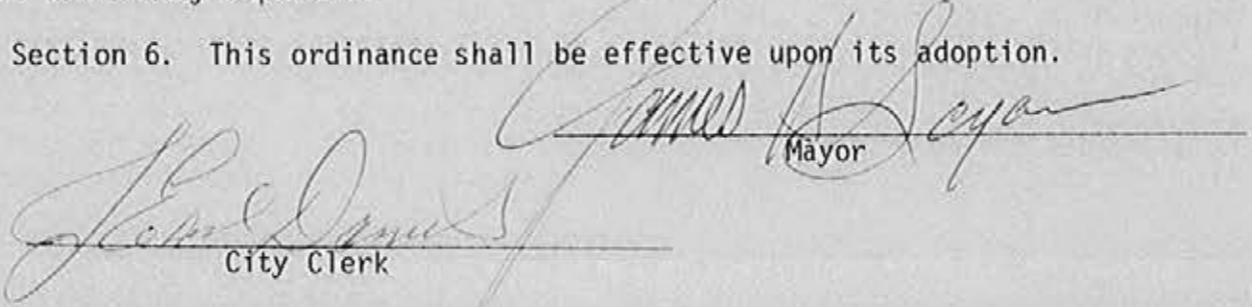
Section 3. During such declared emergency it shall be unlawful for any person, firm or corporation to use or permit the use of water from the water system of the City for any of the following purposes:

- (a) To wash any automobile or other vehicle.
- (b) To water or sprinkle any lawns, shrubs, yards, streets, sidewalks, or to use water for any similar purpose.
- (c) To operate any air conditioning system which does not recover and reuse the water used in connection therewith; provided this shall not apply to the use of water in connection with refrigeration for the preservation of perishable foods.

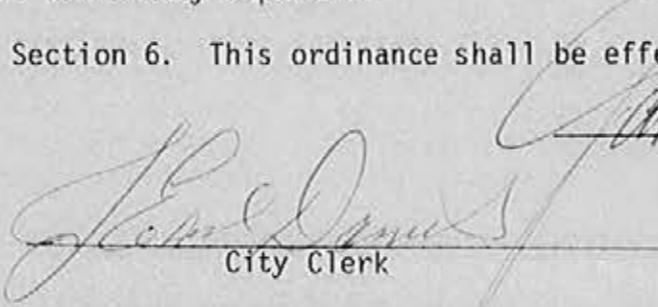
Section 4. Any violation of the provisions of this ordinance shall constitute a misdemeanor punishable as provided by G.S. 14-4.

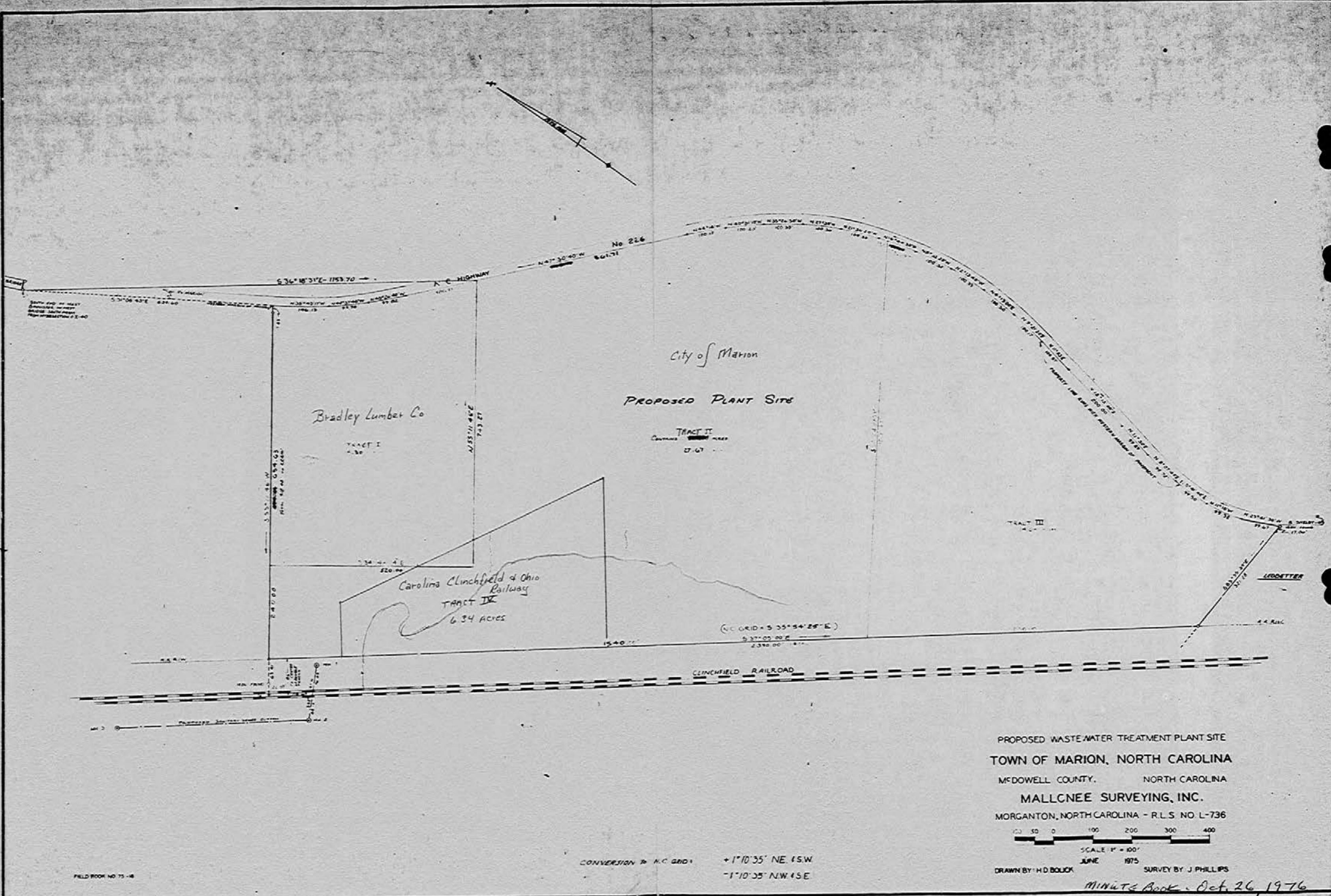
Section 5. All ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section 6. This ordinance shall be effective upon its adoption.


Mayor

ATTEST:


City Clerk



Report on Trip to Peapack, New Jersey: Mayor Segars informed the City Council that the City Manager, Chief Waste Treatment Plant Operator and himself, along with two representatives of the engineering firm of O'Brien & Gere, travelled to Peapack, New Jersey, October 19th and 20th to tour the Komline-Sanderson vacuum filter manufacturing plant.

Mayor Segars presented drawings and pictures showing the operation of a vacuum filter and explained in detail the operation of the equipment. He informed the Council that the Chief Waste Treatment Plant Operator, City Manager and he were in agreement that this would be the type of equipment desired for the City's new waste treatment plant facility instead of the centrifuges which were proposed by the engineering firm of O'Brien & Gere, Inc.

Chief Waste Treatment Plant Operator, Gary Campbell, presented to the City Council lime sludge produced from the use of the vacuum filter and also sludge produced from the use of a centrifuge. The City Council was advised that the operator in charge could change the operation of the vacuum filter through three methods to vary the type sludge produced.

The Council was also advised that City personnel could make most, if not all, repairs to the vacuum filter equipment and could obtain most of the parts either here in Marion or in a nearby city. They were also advised that Chief Waste Treatment Plant Operator Gary Campbell was very much concerned about the design of aeration basins proposed for the new facility. Mr. Campbell stated that the pumps and motors would be mounted on a concrete foundation and that there would be a concrete wall around the basins, but that between the concrete foundation on which the equipment is mounted and the walls, stone would be installed. Mr. Campbell stated that if the operation of the blowers created sufficient turbulence in the water in the basin that it would be possible for the stones to wash down and clog the drain lines so that the basins could not be drained. He also stated that should the basins have to be drained that there is a possibility that the stones installed could wash down into or onto the concrete foundation for the blowers. He suggested that consideration be given to installing basins made completely of concrete and not using stone.

After a short discussion, the Council authorized the Mayor, City Manager and Chief Waste Treatment Plant Operator to discuss with the engineering firm of O'Brien & Gere the Council's dissatisfaction with centrifuges for dewatering in the new facility, and also the design of the aeration basins. They were instructed by the Council to discuss the redesign of the facilities to include vacuum filters instead of centrifuges for dewatering purposes, and also to install a concrete foundation for the aeration basins, including any additional costs for redesign with complete justification of the costs.

The City Council also asked that the Mayor, City Manager and Chief Waste Treatment Plant Operator discuss with the engineers, including plans and specifications, taking alternate bids on an incinerator for the facility including costs for design.

City Warehouse - Plans and Specifications: The City Manager informed the City Council that the City warehouse building located across the alleyway from the City Hall is in bad need of repairs. He advised the Council that the roof is leaking and that immediate repairs are necessary to maintain the building. He stated that he had talked with Fred Eslick concerning the cost involved in preparing plans and specifications for bids to renovate the warehouse so that it would be more suitable for storage of municipal supplies. He advised the Council that Mr. Eslick had looked at the building and had stated that the cost to prepare plans and specifications would be \$600.00 and that cost of the renovation would range from fifteen to twenty thousand dollars. The City Manager advised the Council that renovation of the building would be the first step in the City working toward having a stock of supplies and complete control of inventory. He also stated that the cost for preparing plans and specifications and renovation to the building would need to be paid from Revenue Sharing Funds. He informed that an appropriation in the budget this year was made to purchase a new garbage packer truck from Revenue Sharing Funds and that it was quite possible that should the building be renovated that the purchase of the new garbage packer truck may have to be delayed until next year.

Upon a motion by Councilman Wilkerson, seconded by Councilman Cross, the City Council unanimously voted to authorize the City Manager to contract with Fred Eslick to prepare plans and specifications for the renovation of the City warehouse building at a cost not to exceed \$600.00 and to pay for the services with Revenue Sharing Funds.

Bond Anticipation Notes: The City Manager advised the City Council that he had sent a letter to the Local Government Commission requesting that the Bond Anticipation Notes coming due November 17, 1976, be renewed until May 18, 1977. He also advised the Council that necessary resolutions would be presented to the City Council at their regular meeting November 2, 1976, regarding the renewal of these Notes. The amount of the Bond Anticipation Notes is \$250,000.00.

Halloween: The City Manager advised the City Council that he had been asked to provide the news media with the date of the Halloween observance. After a short discussion the City Council decided that Halloween falls on Sunday, October 31st and that that date would be officially recognized as Halloween.

The City Manager presented a letter to the City Council from the Merchants Association asking whether or not the City Council would take part in the Christmas Parade to be held at 4:00 P.M., Saturday, November 27th. The City Manager was directed to inform the Merchants Association that the City would have a car in the parade.

Councilman W. R. Ledbetter - Resignation: Councilman W. R. Ledbetter read a letter of resignation to the City Council. The letter reads as follows:

October 26, 1976

Honorable Mayor and Marion City Council
Marion, North Carolina

Gentlemen:

Effective this date, October 26, 1976, I would like to submit my resignation from the Marion City Council.

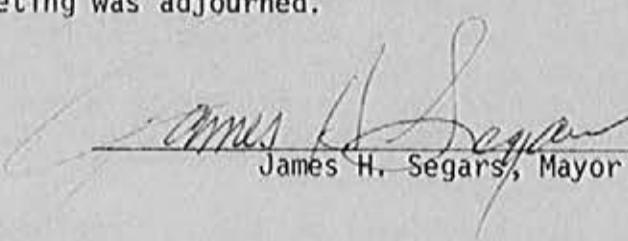
Very truly yours,

W. R. Ledbetter

Councilman Ledbetter stated that he felt it was in the best interest of all concerned that he offer his resignation as a member of the City Council. He stated that he had enjoyed working with the Council. He also stated that it was not so much rewarding but that he felt that some accomplishments had been made. Mayor Segars stated that he felt bad about the whole thing and was sure that all the Councilmen would agree with him that Councilman Ledbetter had always been one of the very best men to have on the City Council. He also stated that Councilman Ledbetter had done a good job and that he was the kind of man you would need on City Councils or any other governing body. Mayor Segars praised Councilman Ledbetter for making decisive decisions as a member of the Board and stated that he had served the City in an admirable way and was a credit to City government. Each of the Council members expressed to Councilman Ledbetter their feelings regarding his resignation and stated how much they had enjoyed working with him and that they appreciated his input into the operation of the City's government.

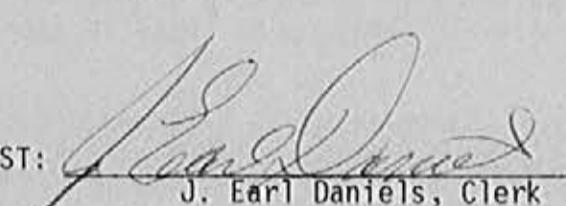
Councilman Cross stated that he felt that City Attorney E. P. Dameron should prepare a Resolution of Appreciation to be presented to Mr. Ledbetter and to be spread upon the minutes of the City Council meeting.

There being no further business, the meeting was adjourned.



James H. Segars, Mayor

ATTEST:



J. Earl Daniels, Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

November 2, 1976

The City Council of the City of Marion met in a regularly scheduled session Tuesday, November 2, 1976, at 7:30 P.M. in the City Council Chamber at City Hall.

Board Members Present: Mayor James H. Segars, Councilmen Oliver R. Cross, A. Everette Clark, Horace Wilkerson and Robert E. James.

Others Present: J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; and Jim Sheppard, Newspaper Reporter.

Guests: Wayne Ollis and Bill Green, representatives of Madison Cablevision.

Approval of the October 26, 1976 Minutes: Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to approve the minutes of the October 26, 1976 meeting.

Madison Cablevision - Proposed Franchise Amendment: Mr. Bill Green and Mr. Wayne Ollis, representatives of Madison Cablevision, appeared before the City Council to present a proposed amendment to the Madison Cablevision Franchise Ordinance.

Mr. Green advised the City Council that the proposed amendment was prepared in order to incorporate new Federal Communications Commission regulations required by March, 1977. The City Manager questioned several items in the proposed amendment.

After a short discussion, the City Manager and City Attorney were directed to review the proposed amendment with Federal Communications Commission regulations and to prepare a proposed amendment to incorporate what is required by the FCC regulations by leaving out some of the items included in the proposed amendment submitted by Madison Cablevision.

Proposed Budget Amendment: The City Manager presented a proposed budget amendment to the

1976-1977 Budget Ordinance of the City of Marion, adopted June 22, 1976. He advised the City Council that the City's debt was paid off as of June 30, 1976, except for certain outstanding coupons. He stated that funds were left in an account to pay off all coupons due during the fiscal year but that since the coupons were not turned in they are an outstanding liability as of June 30, 1976. The City auditors stated in the audit the City had a deficit of \$365.00 in the debt service account.

The City Manager stated the City has sufficient funds to pay off those amounts but did not do so because the coupons were not turned in. He advised the Council that the State Budget and Fiscal Control Act required an appropriation to cover all deficits and that the budget amendment proposed would cover all outstanding liabilities in the debt service account.

Water Deposits: The City Manager advised the Council that the City presently holds numerous unclaimed utility deposits which have been marked off in past years by the City auditors. He stated that a budget amendment is necessary to refund said unclaimed deposits to the proper individuals or to the State Escheats Officer.

Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to adopt the following ordinance amending the 1976-1977 Budget Ordinance:

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

Section 1. The 1976-1977 Budget Ordinance of the City of Marion, adopted June 22, 1976, by the City Council of the City of Marion, is hereby amended by making the following additions and deletions to the below listed accounts:

GENERAL FUND DISBURSEMENTS

Debt Service Fund, Account Number 20-397-10 is increased from -0- to \$1,143.00.

GENERAL FUND REVENUES

Estimated surplus is increased from \$51,619.00 to \$52,762.00.

DEBT SERVICE FUND

Coupon Expense, Account Number 20-660-88 is increased from -0- to \$778.00. 1976 Deficit Pay Off is increased from -0- to \$365.00.

DEBT SERVICE REVENUES

Contribution from General Fund, Account Number 20-397-10 is increased from -0- to \$1,143.00.

WATER/SEWER DISBURSEMENTS

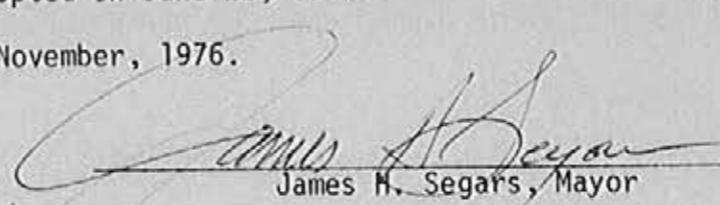
Escheats and/or past deposit refunds (non-departmental), Account Number 30-660-100 is increased from -0- to \$3,820.00.

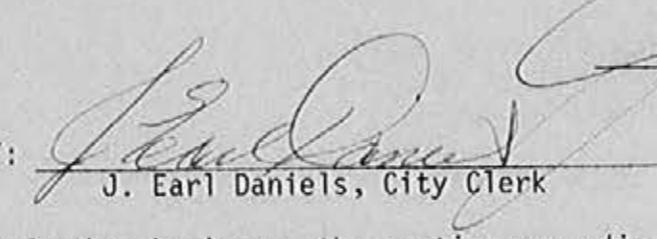
WATER/SEWER REVENUES

1976 Surplus is increased from \$19,596.00 to \$23,416.00.

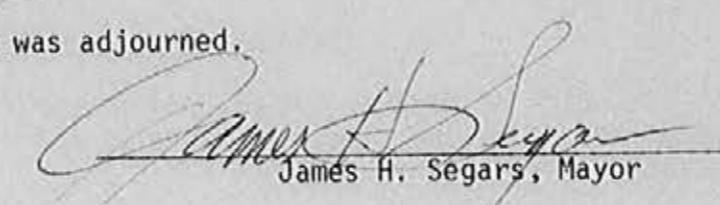
Section 2. That a copy of this amendment be attached to the 1976-1977 Budget Ordinance of the City of Marion as adopted on June 22, 1976.

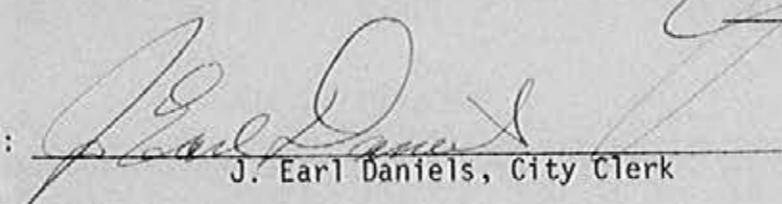
ADOPTED this the 2nd day of November, 1976.


James H. Segars, Mayor

ATTEST: 
J. Earl Daniels, City Clerk

There being no further business, the meeting was adjourned.


James H. Segars, Mayor

ATTEST: 
J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

November 9, 1976

A special meeting of the City Council of the City of Marion, North Carolina, was held at the City Hall, the usual place of meeting, at 12:00 o'clock noon, November 9th, 1976.

Members Present: Mayor James H. Segars, Councilmen Oliver R. Cross, A. Everette Clark, Robert E. James and Horace Wilkerson.

Members Absent: None.

Others: J. Earl Daniels, City Manager and Jim Sheppard, Newspaper Reporter.

Sanitary Sewer Bond Anticipation Notes - Resolution: Councilman 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 August 22, 1972, which ordinance was approved by the vote of a majority of the qualified voters of said City who voted thereon at an election duly called and held on October 14, 1972.

(b) That none of said bonds has been issued and that there are outstanding \$250,000 Sanitary Sewer Bond Anticipation Notes of the City of Marion, dated May 17, 1976, maturing on November 17, 1976 and bearing interest at the rate of 3.45% per annum.

(c) That the holder of said \$250,000 Sanitary Sewer Bond Anticipation Notes has consented to accept new notes in the aggregate principal amount of \$250,000 to be dated November 17, 1976, and to bear interest at the rate of 3.35% per annum.

Section 2. In anticipation of the receipt of the proceeds of a like amount of said bonds, the issuance of \$250,000 negotiable notes of the City of Marion are hereby authorized, which notes shall be designated "Sanitary Sewer Bond Anticipation Notes", shall be dated November 17, 1976, shall mature on May 18, 1977, without option of prior payment, and shall bear interest at a rate of three and thirty-five hundredths per centum (3.35%) per annum, which interest shall be payable at the maturity of the notes to which no interest coupons shall be attached. Both the principal of and interest on said notes shall be payable at The Chase Manhattan Bank (National Association), in the Borough of Manhattan, City and State of New York, 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 18th day of May, 1977, the principal sum of

THOUSAND DOLLARS

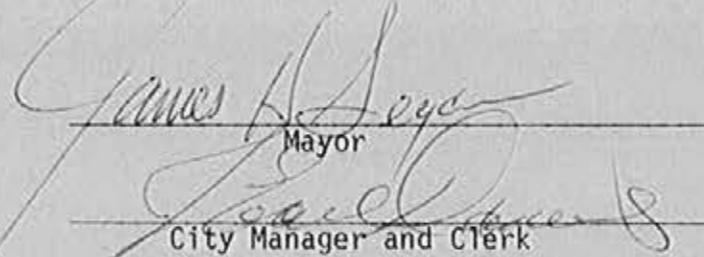
and to pay interest thereon from the date hereof at the rate of three and thirty-five hundredths per centum (3.35%) per annum, payable upon the presentation and surrender of this note at its maturity. Both the principal of and interest on this note shall be payable at The Chase Manhattan Bank (National Association), in the Borough of Manhattan, City and State of New York, 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 irrevocably 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 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

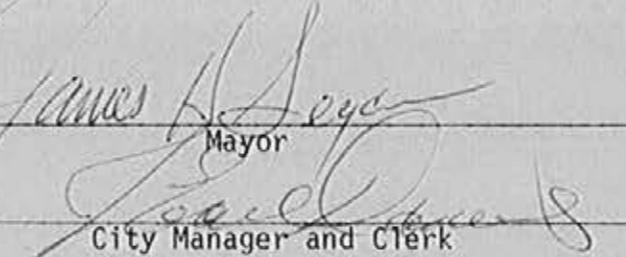
by the vote of a majority of the qualified voters of said City who voted thereon at an election duly called and held, and this note is issued pursuant to and in full compliance with The Local Government Bond Act, as amended (succeeding The Municipal Finance Act, 1921, as amended), Article 9, as amended, 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 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 17th day of November, 1976.



James H. Segars
Mayor



J. Earl Daniels
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 State Treasurer is hereby requested to exchange the \$250,000 Sanitary Sewer Bond Anticipation Notes dated November 17, 1976 and described in Section 2 of this resolution, par for par, for the \$250,000 Sanitary Sewer Bond Anticipation Notes, dated May 17, 1976, maturing November 17, 1976 and bearing interest at the rate of 3.45% per annum.

Section 5. The action of the City of Marion in applying to The Local Government Commission for the approval of said notes dated November 17, 1976, is hereby ratified and confirmed.

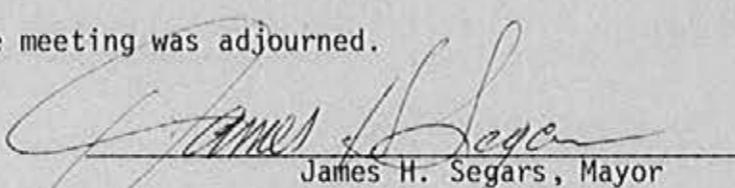
Section 6. This resolution shall take effect upon its passage.

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

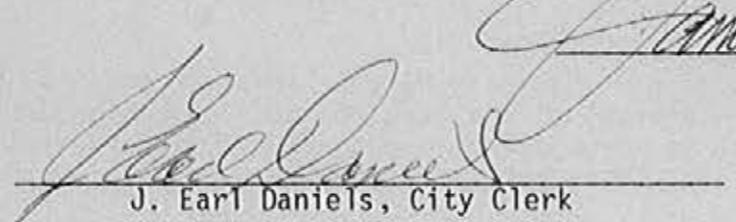
Ayes: Councilmen Oliver R. Cross, A. Everette Clark, Robert E. James and Horace Wilkerson.

Noes: None

There being no further business, the meeting was adjourned.


James H. Segars, Mayor

ATTEST:



J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

November 16, 1976

The City Council of the City of Marion met in a regularly scheduled session Tuesday, November 16, 1976, at 7:30 P.M. in the City Council Chamber at City Hall.

Board Members Present: Mayor James H. Segars, Councilmen Oliver R. Cross, A. Everette Clark, Horace Wilkerson and Robert E. James.

Others Present: E. P. Dameron, City Attorney; Jim Shepard, News Reporter, McDowell News; Harold Sandstrom, News Reporter, Asheville Citizen; and J. Earl Daniels, City Manager.

Approval of November 2, 1976 Minutes: Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to approve the minutes of the November 2, 1976 meeting.

Approval of November 9, 1976 Minutes: Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to approve the minutes of the November 9, 1976 meeting.

Waste Treatment Plant Project - Update: Mayor Segars and City Manager Earl Daniels reviewed with the City Council the present status of the waste treatment plant project. The Council was informed that plans and specifications had been changed by the engineering firm to incorporate vacuum filters for dewatering in lieu of the centrifuge previously proposed by O'Brien & Gere in the original plans. The Council was also informed that the Mayor had talked with Mr. Dave Olson with EPA regarding the City's project. Much of the discussion centered around incineration of sludge and whether or not the City should attempt to include in its plans and specifications an incinerator for sludge disposal.

The City Manager advised the Council that he had met with Roy Davis and other officials of NER to obtain approval on a sludge disposal site. He stated that the City would be allowed to use the part of the property where the existing waste treatment plant is located for sludge disposal. He also advised the Council that it might be possible for the City to use the County landfill area if the County would agree.

Zoning - Public Hearing - Paul Seagle Property: The City Manager stated that a public hearing had been called for this evening to consider the recommendations of the Marion Planning Board in zoning property belonging to Paul Seagle, located at 819 Oak Street, to R-1 General Residential. The City Manager stated that the property was annexed into the City and that it had never been zoned.

There was no one present regarding the proposed zoning of the property. Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the City Council unanimously voted to accept the recommendations of the Marion Planning Board and zone the property belonging to Paul D. Seagle and wife, Mildred D. Seagle, located at 819 Oak Street, to R-1 General Residential. The property is more particularly 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 an 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 an iron stake; thence N. 26-42 W. 125 feet to an iron stake; thence S. 48-13 W. 144.3 feet to the BEGINNING.

CATV Franchise Ordinance - Proposed Amendment: The City Manager informed the City Council that he had attached with their copies of the minutes of the previous meeting a proposed amendment to the CATV Franchise Ordinance which he had prepared and presented to City Attorney E. P. Dameron for review and approval.

The City Manager stated that the ordinance had not been submitted to Madison Cablevision for their review and comments. After a short discussion, the Council directed the City Manager and City Attorney to work on a revised ordinance governing the franchise agreement and Madison Cablevision.

Utility Billing: The City Manager informed the City Council that under the existing policy regarding water billing procedures customers are billed every other month for water and/or sewer service. He stated that when the first bill is received the customer owes the City for two months water/sewer service and that if that bill is not paid no action is taken by the City. Two months later the customer received a second bill which is for the past two months service plus the previous two months service. He advised the Council that unless that bill is paid by the tenth day of the following month service to the premises is discontinued and a reconnect fee of \$7.50 is charged to turn the service back on. He stated that under this procedure many times the water and sewer bill for the four months is greater than the deposit and that it is necessary to either increase the amount of deposits to cover that period of time or to reduce the length of time in which customers have to pay the bill.

The City Manager advised the Council that it was necessary to order a new supply of water cards and he requested permission to change the payment instructions on the card so that customers would be required to pay their water and/or sewer bill by the last day of the month in which the card is received. He advised the Council that customers then would be required to pay upon receipt

of the first bill and would not be allowed to wait for a second bill before making payment.

Councilman Clark stated that he was very much concerned that customers be notified about overdue bills so that they could make payment. He stated that it might be necessary to send a second notice since customers would not be receiving two bills prior to payment.

The City Manager stated that the City tries to notify all persons that their bill is overdue; first by sending a card and second, by phoning those persons who have not paid their bill who are subject to have their service turned off. He also stated that he agrees with Mr. Clark that persons certainly should be notified that their bill is pastdue so that they will have an opportunity to pay their bill before the City takes any action.

The City Manager advised that due to the time limit involved in ordering and receiving the water billing cards, he would appreciate Council approving the change in the billing payment procedures on the cards.

Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council unanimously voted to authorize the City Manager to change the billing payment instructions on the water cards to require customers to pay their bills on or before the last day of the month which is shown on the card under the charge column.

Executive Session: Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the City Council unanimously voted to adjourn and to reconvene in Executive Session.

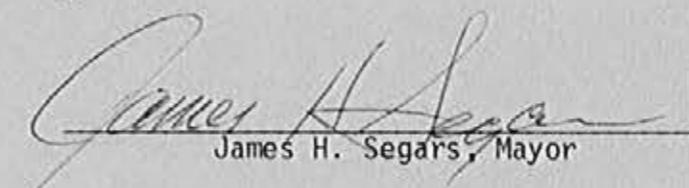
The City Council met in Executive Session for the purpose of discussing utility rights-of-way and the appointment of a Councilman to fill the unexpired term of Councilman William R. Ledbetter.

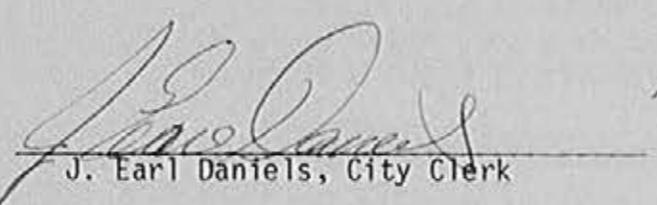
Utility Rights-of-Way: The City Council discussed with the City Manager some of the problems involved in installing sewer lines on property belonging to Broyhill Furniture Company.

After a short discussion, it was agreed that the Mayor and City Manager would meet with officials of Broyhill to work out details regarding locating a proposed new sewer line across the property and also problems regarding the grading of property over the existing dye line from Eugene Cross and Company.

Appointment of Councilman: Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the City Council unanimously voted to appoint Larry W. Brown of 621 Montevista Avenue to fill the unexpired term of Councilman William R. Ledbetter.

There being no further business, the meeting was adjourned.


James H. Segars, Mayor

ATTEST: 
J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

December 7, 1976

The City Council of the City of Marion met in a regularly scheduled session Tuesday, December 7, 1976, at 7:30 P.M. in the City Council Chamber at City Hall.

Board Members Present: Mayor James H. Segars, Councilmen Oliver R. Cross, A. Everette Clark, Horace Wilkerson, Robert E. James and Larry W. Brown.

Others Present: E. P. Dameron, City Attorney; Jim Shepard, News Reporter, McDowell News; Harold Sandstrom, News Reporter, Asheville Citizen; and J. Earl Daniels, City Manager.

Guests: William R. Ledbetter and Sid Riddick, an engineer representing O'Brien & Gere, Inc./Engineers.

Mayor Segars advised that City Councilman James might be late for the meeting because his wife was a patient in the hospital at Winston Salem.

Approval of the November 16, 1976 Minutes: Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the City Council unanimously voted to approve the minutes of the November 16, 1976 meeting.

Larry W. Brown - Appointment as City Councilman: Mayor James H. Segars stated that following the City Council Meeting of November 16, 1976, the City Council met in executive session to discuss appointment of an individual to serve the unexpired term of Councilman William R. Ledbetter. He stated that Council agreed to appoint Larry W. Brown to that position and that it was necessary for the Council to officially make the appointment at a regularly scheduled meeting of the Board.

Councilman Cross made a motion that the City Council appoint Larry W. Brown as a City Councilman for the City of Marion to fill the unexpired term of William R. Ledbetter. This motion was seconded by Councilman Wilkerson and the vote was as follows: Ayes - Councilman Cross, Councilman Wilkerson, Councilman Clark. Noes - None.

Larry W. Brown - Oath of Office: Mayor James H. Segars administered the following Oath of Office to Larry W. Brown:

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

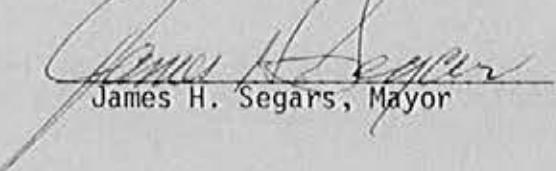
OATH OF OFFICE

"I, Larry Wade Brown, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States and the Constitution and laws of the State of North Carolina, not inconsistent therewith; and that I will faithfully discharge the duties of my office as City Councilman of the City of Marion, North Carolina, so help me God."

This the 7th day of December, 1976.

Larry Wade Brown

I hereby certify that I, James H. Segars, Mayor of the City of Marion, North Carolina, administered the above "Oath of Office" to Larry Wade Brown, Tuesday, December 7, 1976.


James H. Segars, Mayor

William R. Ledbetter - Resolution and Certificate of Appreciation: William R. Ledbetter was present to accept a "Resolution of Appreciation" from the City Council for his service as a Councilman for the City of Marion. In addition to the resolution, the Mayor presented Mr. Ledbetter with a "Certificate of Appreciation". The Mayor and City Council expressed their appreciation to Mr. Ledbetter for his service as a City Councilman. Mr. Ledbetter stated that he was pleased to have been able to serve as a City Councilman and that he thought the City had made much progress under the capable leadership of Mayor James H. Segars.

The following "Resolution of Appreciation" was presented to Mr. Ledbetter:

WHEREAS, William R. Ledbetter has rendered outstanding service to the City of Marion and its citizens as a member of the City Council from May 13, 1967, to October 26, 1976, and as Mayor Pro Tempore from December 12, 1973, until October 26, 1976; and

WHEREAS, during said period of service, William R. Ledbetter contributed significantly to the many improvements which were made in the services provided by the City of Marion to its citizens; and

WHEREAS, William R. Ledbetter submitted his resignation as Mayor Pro Tempore and City Councilman on October 26, 1976;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Marion, North Carolina, that it express to William R. Ledbetter the profound appreciation of the members of the City Council and the citizens of Marion for his distinguished and dedicated service as a councilman and Mayor Pro Tempore for the period mentioned above.

James H. Segars, Mayor

CATV Franchise Ordinance - Proposed Amendment: The City Manager informed the City Council that he had received a telephone call from Richard I. Landy, President of Madison Cablevision, Inc., Thursday, December 2, 1976, concerning the proposed CATV Franchise Ordinance Amendment. He informed the Council that Mr. Landy stated that he had received a press release advising that the Federal Communications Commission had postponed the effective date of new regulations governing CATV systems from April 1, 1977 until April 1, 1978. The City Manager suggested that no action be taken by Council on the matter concerning the proposed CATV Franchise Ordinance Amendment until additional information was supplied by Madison Cablevision, Inc.

No action was taken by Council on this matter pending additional information.

Recreation Commission - Appointment of Member: The City Council discussed the need to appoint one person to serve on the Old Fort-Marion-McDowell County Recreation Commission for a term of office beginning January 1, 1977, to run through September, 1979.

Councilman James arrived during the discussion and apologized for being late for the meeting.

Upon a motion by Councilman Wilkerson, seconded by Councilman Clark, the City Council unanimously voted to appoint Richard Faulkner of 412 Mountain Street as a member of the Old Fort-Marion-McDowell Recreation Commission.

Wastewater Treatment Plant Project - Proposed Advertisement for Bids: Sid Riddick of O'Brien & Gere, Inc./Engineers, appeared before the Council with completed plans and specifications for the new waste treatment plant and associated outfall lines and pumping stations. After a short discussion, it was determined that the proposed outfall line for West Henderson Street and the necessary pumping station was not included in the completed plans and specifications. Mr. Riddick stated that his firm was working on this particular outfall line and that they hoped to have plans and specifications prepared within six weeks. Mr. Riddick also stated that the plans and specifications did not include an incinerator for the project.

The City Council discussed the need to include plans and specifications for an incinerator prior to advertisement for bids. It was determined that an eligibility determination would need to be received from the Environmental Protection Agency prior to authorizing the preparation of plans and specifications and incorporation of an incinerator in the overall waste treatment plant project.

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

RESOLUTION APPROVING PLANS AND SPECIFICATIONS

WHEREAS, the City of Marion, North Carolina is implementing a project for the construction of wastewater collection and treatment facilities, and

WHEREAS, plans and specifications for the required facilities have been prepared by the City's consulting engineers, and

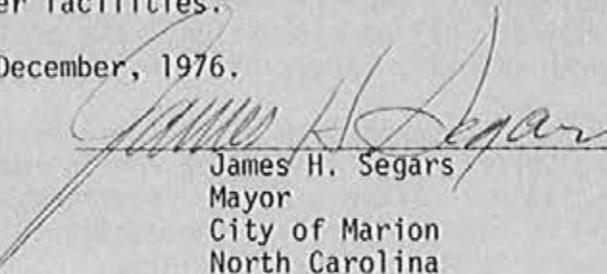
WHEREAS, these plans and specifications have been thoroughly reviewed by the City of Marion, North Carolina:

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

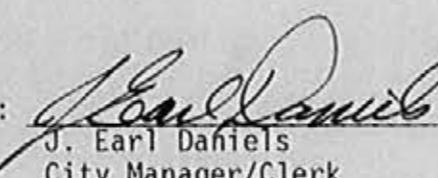
The the City of Marion hereby concurs with and approves of the plans and specifications as presented and directs Mayor James H. Segars to submit a request to the Environmental Protection Agency that consideration be given to including a multiple hearth furnace as an eligible cost item in the current wastewater improvement project (EPA Project C-370354).

That Mayor James H. Segars is hereby authorized to advertise for bids for construction of the wastewater facilities.

Adopted this the 7th day of December, 1976.


James H. Segars
Mayor
City of Marion
North Carolina

ATTEST:


J. Earl Daniels
City Manager/Clerk

Water/Sewer Billing Procedures: The City Manager presented the following proposed billing procedure and agreement for approval by the City Council:

Account Number _____

City of Marion
Water Department

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

Water and Sewer Accounts

A. Each water meter shall be read once every two months, except for certain business and industrial firms using large amounts of water, which meters shall be read every month.

B. Meters shall be read on or before the 28th day of the month in which such meters are to be read. Statements based upon such readings shall be rendered and all accounts shall be due and payable the first day of each following month.

C. Customers who fail to pay the amount charged for either water or sewerage services by the last day of the month shown in the 'Charge' column on the customer's notice shall be delinquent. Customers who fail to pay the amount charged by said date shall have the water service to such premises discontinued.

Should the last day of the month fall on a holiday or a Saturday or Sunday, the bill must be paid on the next working day or the water service to such premises will be discontinued the following day.

D. Delinquent accounts where the water service has been discontinued shall not have such service restored until such delinquent account has been paid in full and a reconnect fee in the amount of seven dollars and fifty cents (\$7.50) per meter, has been paid in full.

Failure to receive bill does not alter this rule.

No additional notice will be mailed.

I, _____, have carefully read and do understand the above set out billing procedures.

Customer's Signature _____

DATE: _____

Mailing Address _____

Upon a motion by Councilman Wilkerson, seconded by Councilman James, the proposed billing procedures and agreement were approved by the City Council.

City Warehouse Renovation - Plans: The City Manager reviewed with the City Council plans for renovation of the City warehouse building located across the alleyway from the Marion City Hall. He advised the Council that Mr. Fred Eslick had completed the plans as authorized by the Marion City Council. The City Manager stated that he had requested wage rate determinations from the Department of Labor in order to comply with requirements for the use of Revenue Sharing Funds. He stated that he wished to proceed with advertisement for bids upon completion of necessary Federal requirements for the use of Revenue Sharing Funds.

Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously approved the plans and specifications for the renovation of the City warehouse and authorized the City Manager to advertise for bids upon completion of necessary Federal requirements for the use of Revenue Sharing Funds.

City Charter - Final Draft: The City Manager presented a final draft of the proposed revised City Charter for City Council consideration. The proposed revision of the City Charter was prepared by the North Carolina League of Municipalities.

Community Building Rates: Councilman Wilkerson informed the City Council that he was receiving complaints from the Ruritan Club concerning the increase in rates for civic clubs to use the Marion Community Building. After a short discussion, it was decided that Mayor Segars would appoint a committee to study the rates. Appointed to the committee were Councilman Wilkerson, Councilman Clark and City Manager Earl Daniels.

Trustee - Firemens' Relief Fund: Mayor Segars appointed Councilman Larry Brown as a member of the Board of Trustees of the Firemens Relief Fund to fill the unexpired term of W. R. Ledbetter. Mr. Brown's term as a trustee of the Firemens Relief Fund will run through January, 1978.

Mayor Pro Tempore - Councilman Clark: Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the City Council unanimously voted to elect Councilman Clark to serve as Mayor Pro Tem.

Railroad Crossing Signals - Garden Street: The City Manager presented a letter from E. F. Mailard, Railway-Highway Grade Crossing Signals Engineer of the Department of Transportation, advising that the Federal Aid Highway Act of 1976 had set up funds for the installation of railroad crossing signals on non-federal aid system roads and streets. The Council was advised that funds have not yet been appropriated by Congress but that action is expected soon. The letter stated that the Garden Street railroad crossing is one of the locations which will be eligible for improvement once the money becomes available. Under the program the federal

government will pay ninety percent of the eligible cost and the municipality will be required to pay all costs not paid by federal funds. In addition, the City would be liable for payment directly to the railroad for one-half the annual maintenance costs of the single installation based on estimates by the Department of Transportation. The proposed improvement to revise flashing signals and add gates at the Garden Street railroad crossing would cost an estimated \$40,000.00. The City of Marion would be required to pay ten percent of the actual cost for installation of said signals and, in addition, the City would have to pay one-half the cost of maintenance of the signal, which is estimated to be \$490.00 per year.

Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to participate in the improvement and directed the City Manager to send a letter to Mr. E. F. Mallard advising him that the City will participate in the project.

Street Name Change - Ridge Street to Turner Street: The City Manager informed the City Council that Mr. Clinton Hendley had stopped by his office and advised that the City changed the name of Ridge Street to Turner Street several years ago. The City Manager stated that the portion of the street in question is that portion of street connecting Turner Street to Robert Street. He advised the Council that he could find no official record of the change and that he felt it to be in the best interest of all concerned to make the change if persons residing on the street have no objections.

After a short discussion, the City Manager was directed to advise the citizens owning property on Ridge Street that the City Council will adopt a resolution at their next meeting authorizing the name change from Ridge Street to Turner Street and that anyone having objections to the name change should advise the City Council prior to that time or at the next meeting.

Resolution Designating NCNB as Depository for Anti-Recession Funds: The City Manager informed the City Council that the City had received \$4,290.00 in Anti-Recession Funds which must be obligated within six months from the date the check was received. He stated that the money must be used primarily to employ persons needed to sustain on-going basic City services. He advised the Council that later in the meeting he would present a budget amendment for the Council's consideration. The City Manager stated that the City Council would need to adopt a resolution designating the bank as depository for the anti-recession funds.

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

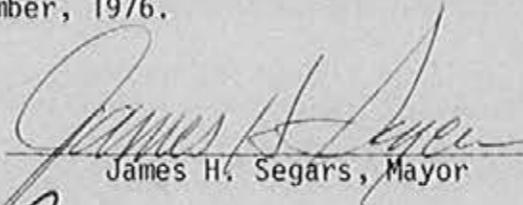
BE IT RESOLVED by the City Council of the City of Marion that North Carolina National Bank, Marion, North Carolina is hereby designated as a depository of the City of Marion and that a checking account entitled "Anti-Recession Fund" be opened and maintained in the name of the City of Marion with said bank;

That J. Earl Daniels, City Manager and Kathryn B. McEntire, Bookkeeper, are hereby authorized, on behalf of the City of Marion and in its name, to sign checks, drafts or other orders for the payment of money from said account; to endorse checks, notes, bills, certificates of deposit or other instruments owned or held by the City of Marion for deposit in said account; and

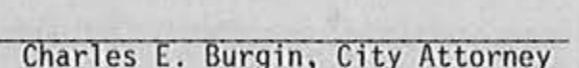
BE IT FURTHER RESOLVED, that all transactions by any of the officers or employees of the City of Marion on its behalf and in its name, with North Carolina National Bank, prior to the delivery to said Bank of a certified copy of the foregoing resolution, are in all respects hereby ratified, confirmed, approved and adopted; and

FURTHER RESOLVED that the City Clerk be and he hereby is authorized and directed to certify these resolutions to the North Carolina National Bank.

ADOPTED this the 7th day of December, 1976.


James H. Segars, Mayor

ATTEST: 
J. Earl Daniels, City Manager/Clerk

Approved as to form: 
Charles E. Burgin, City Attorney

Police Grievance Committee: Mayor Segars advised the City Council that he was going to appoint a Police Grievance Committee to review inter-departmental problems and complaints regarding the Marion Police Department. The following persons were appointed to the committee: Councilman Clark, Police Dispatcher Ray Hawkins, Policewoman Donna Edwards, Patrolman John Stevens and City Manager Earl Daniels.

Holiday Schedule and Employee Policies: The City Manager informed the City Council that Friday, December 24th has been set aside under the Personnel Ordinance as a Christmas holiday and that the City office would be closed Friday the 24th and would reopen Monday the 27th. The City Manager stated that each year for many years the City has given Christmas checks to employees of the City based on longevity. The largest amount paid was \$35.00. The City Manager stated that it was difficult to keep good employees working with the City in some cases and that he felt as an added benefit Christmas checks could be given to employees based

on the number of years of service with the City, which would encourage employees to remain with the City for a longer period of time.

The City Manager proposed the following schedule:

Each full time employee be given a check representing one day's pay for each complete year of continued employment, as of December 25th, up to five days pay or a maximum of \$200.00.

| | |
|--|---------|
| Less than six months service | \$10.00 |
| Six months to nine months | \$15.00 |
| Nine months but less than one year | \$20.00 |
| One year's service - minimum | \$25.00 |

Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to approve the proposed Christmas check schedule as presented by the City Manager.

Budget Amendment: The City Manager presented the following Budget Amendment:

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

Section 1. The 1976-1977 Budget Ordinance of the City of Marion, adopted June 22, 1976, by the City Council of the City of Marion, is hereby amended by making the following additions and deletions to the below listed accounts:

GENERAL FUND

Street Department Salaries, Account Number 10-560-02, is increased from \$45,519.00 to \$49,809.00 by an appropriation of \$4,290.00 in Anti-Recession Funds.

General Fund Revenues is increased from \$719,857.00 to \$724,147.00 by an appropriation of \$4,290.00 in Anti-Recession Funds.

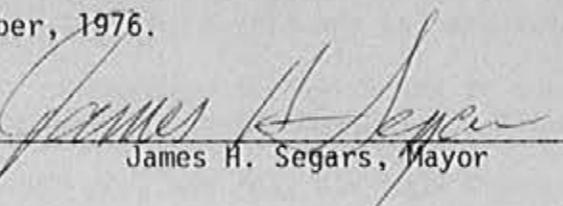
Non Departmental Fringe Benefits, Account Number 10-660-09, is increased from \$2,000.00 to \$3,950.00 by transferring \$1,950.00 from Police Department Salaries, Account Number 10-510-02.

Non Departmental Fringe Benefits, Account Number 30-660-09 is increased from \$1,000.00 to \$1,550.00 by transferring \$550.00 from Water/Sewer Operations Salaries, Account Number 30-810-02.

Water/Sewer Operations Salaries, Account Number 30-810-02, is decreased from \$95,562.00 to \$95,012.00 by transferring \$550.00 to Non Departmental Fringe Benefits, Account Number 30-660-09.

Section 2. That a copy of this Amendment be attached to the 1976-1977 Budget Ordinance of the City of Marion, as adopted June 22, 1976.

ADOPTED this the 7th day of December, 1976.


James H. Segars, Mayor

ATTEST: 
J. Earl Daniels, Clerk

Upon a motion by Councilman Wilkerson, seconded by Councilman Clark, the City Council unanimously voted to approve the budget amendment as presented.

Rome Hosiery Mill-Broadway Hosiery Mill - Change in Property Evaluation: The City Manager stated that he had received a letter from Robert Nelson Robinson, an attorney in Charlotte, stating that he was receiver of Broadway Hosiery Mills, Inc. and that he had received our 'Proof of Claim' filed for 1974 City taxes on machinery and merchandise equipment and office furniture of Scharpott Hosiery Mills. The letter stated that he was not receiver of Scharpott Hosiery Mills and that it had no connection with Broadway Hosiery Mills, Inc. The letter requested that the 1975 personal property tax return for Rome or Broadway Hosiery Mills be computed on the amount of \$31,634.55, the value of the property. The letter further stated that it would be satisfactory to use the same figures for the 1974 taxes. The City Manager stated that he received a copy of a letter to Mr. Robinson from Robert Hunter with an attached amended 'Proof of Claims' form regarding Broadway Hosiery Mills, Inc.'s taxes for the years 1974-1975, and further stated that the evaluation used for Rome Hosiery Mill is \$31,634.55, which was the figure furnished by Mr. Robinson as having been the evaluation of the Rome Hosiery Mill in McDowell County for the years 1974-1975. The City Manager requested that in light of these facts, the City Council allow the City of Marion to use the same evaluation as used by McDowell County, that evaluation being \$31,634.55 for the years 1974-1975.

Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to change the evaluation as requested by the City Manager.

Santa Claus Float - Rental Fee: The City Manager presented a letter from the Marion-McDowell County Merchants' Association asking the City of Marion to provide one-half the cost of the Santa Claus float for the 1976 Christmas Parade.

Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to pay one-half the cost of the float in the amount of \$110.00.

Report - Councilman Brown: Councilman Brown informed the City Council that he had received a citizen's request that additional police patrols were needed in the Dogwood Lane area of the City. He also advised the Council that the citizen making the request was interested in the City taking over the street maintenance on that portion of Dogwood Lane located in the City Limits. The City Manager stated that he would advise the Chief of Police concerning the need for additional police patrols in that area. The Council discussed the matter concerning the City taking over maintenance of that portion of Dogwood Lane in the City Limits and advised Councilman Brown that the City would have to request the State to delete that portion of the street from the State Highway System.

Mr. Brown was advised that the City usually asks the State to make improvements on State maintained roads prior to the City accepting them for maintenance.

Mr. Brown also informed the Council that he had received a complaint from Mr. Doug Parker concerning a drainage problem which Mr. Parker stated was created by a construction crew working for the City. Mr. Brown stated that the construction crew employed by the City to make repairs to a sewer outfall line had diverted the course of a creek, according to Mr. Parker's statements.

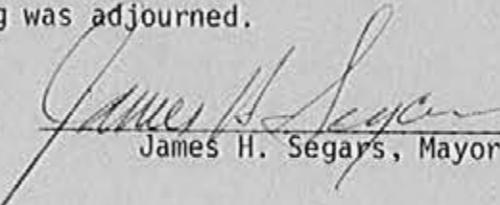
After a short discussion regarding the problem, it was agreed that the City Manager would meet with Councilman Brown and Mr. Parker to go out to the site to determine what caused the problem and a means of correcting same.

Councilman Clark suggested that the City Street Department should clean the sidewalk around the hospital in the area of Madison Street and Fleming Avenue.

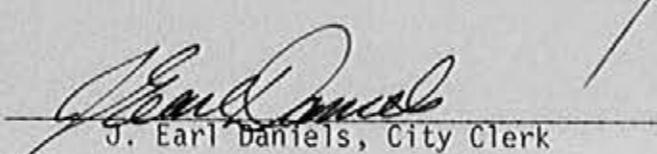
The City Manager stated that he would instruct the Street Department to care of the matter.

The Council also discussed the need to check gravelled pot holes on a daily basis until asphalt can be acquired to patch the pot holes. The City Manager stated that he would instruct the Police Department and the Street Department to keep a closer watch on pot holes and to try to keep gravel in the holes until asphalt could be acquired to do the necessary patch work.

There being no further business, the meeting was adjourned.


James H. Segars, Mayor

ATTEST:


J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

January 4, 1977

The City Council of the City of Marion met in a regularly scheduled session Tuesday, January 4, 1977, at 7:30 P.M. in the City Council Chamber at City Hall.

Board Members Present: Mayor James H. Segars, Councilmen Oliver R. Cross, A. Everette Clark, Horace Wilkerson, Robert E. James and Larry W. Brown.

Others Present: E. P. Dameron, City Attorney; Jim Shepard, News Reporter, McDowell News; Harold Sandstrom, News Reporter, Asheville Citizen; and J. Earl Daniels, City Manager.

Approval of the December 7, 1976 Minutes: Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to approve the minutes of the December 7, 1976 meeting.

City Charter - Final Draft: The City Manager presented the final draft of the revised City Charter for Council consideration. He informed the Council that necessary changes had been made in the proposed revised draft Charter, as recommended by the City Council.

After a short discussion, the City Council recommended two additional changes to the revised Charter. The City Manager informed the City Council that he would return the revised Charter to the League of Municipalities with a request that the recommended changes be incorporated in

the revised Charter and try to present the completed Charter to the Council at their next regular meeting.

Street Name Change - Ridge Street - Turner Street: The City Manager advised the City Council that the notice had been hand-delivered to all residents living on that portion of the street connecting Park Avenue to Robert Street, which is shown on City maps as Ridge Street, advising residents that the City Council had planned to rename that portion of street to Turner Street. The notice advised the citizens that should they have objections to the change, they should notify the City Manager or City Council on or before the regular Council Meeting scheduled for January 4, 1977. He informed the Council that he received no comments from residents of the area.

Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to name the entire length of street connecting Park Avenue to Robert Street, Turner Street. The City Manager was advised to make the necessary changes on future City maps.

Community Development Application - Problems: The City Manager stated that the City of Marion would be unable to file an application for Community Development Funds to develop that area southwest of the Marion City Limits due to the fact that the City does not have official jurisdiction over that area. The City Manager stated that he had received a letter from the Isothermal Planning and Development Commission stating that in order for the City to file an application for Community Development Funds to provide services to any area outside the municipal limits, the City Council must first adopt a resolution stating that the City Council is going to exercise extraterritorial jurisdiction in the mile area outside the City Limits. He stated that in addition to this resolution, a copy of the legal notice to the newspaper calling for a public hearing to discuss the extraterritorial zoning area would also be necessary.

He informed the Council that the only way to file an application would be to annex the area into the City Limits or to exercise extraterritorial jurisdiction and that sufficient time was not available to take these actions and submit the application prior to the January 7, 1977 deadline.

Councilman James raised the question as to why the City of Marion is unable to obtain federal grant funds when so many other communities are receiving funds for all types of programs. The City Manager stated that the City would be receiving funds from the Environmental Protection Agency and the Clean Water Bond Funds and possibly from the ARC Funds for the waste treatment plant project. He stated that in addition to these funds, the City had received funds under LEAA funding. He informed the Council that he had discussed this matter with Paul Hughes, Executive Director of the Isothermal Planning and Development Commission and had informed Mr. Hughes that he was concerned about the fact that the City of Marion could not qualify for several federal programs where funds are available for employment of personnel and construction of public works projects.

The City Manager stated that the City of Marion could file an application for federal funds under the Community Development Program for areas within the municipal limits and may be able to obtain funds for such a program. He also stated that the City could file for funds under the Law Enforcement Assistance Act for police projects. He stated that other than those programs named, he was unaware of any program for federal funding for which the City could qualify. He informed the Council that many of the programs are based on unemployment figures and that the unemployment figures for the City of Marion were not large enough so that the City could qualify for certain public works programs. The City Manager stated that he would like to invite Mr. Paul Hughes, Executive Director of the Isothermal Planning and Development Commission to the next City Council meeting so that Council may discuss these matters with Mr. Hughes.

Waste Treatment Plant Project: The City Manager advised the City Council that he had talked by telephone with Mr. Harold Duhart of the Environmental Protection Agency concerning the possibility of including an incinerator as a cost eligible item under the waste water treatment plant project. The Council was advised that Mr. Duhart stated that in order for the Environmental Protection Agency to consider including the incinerator as requested, the City and its engineering firm would have to complete a cost effective analysis concerning alternative methods of sludge disposal. The City Manager stated that in his opinion, it would be very difficult to provide figures showing that it would be more cost effective to use the incinerator than to landfill the sludge if figures had to be used showing the initial capital cost of construction of the incinerator.

He informed the Council that Mr. Sid Riddick of the engineering firm of O'Brien & Gere requested that the City Council proceed to advertise to receive bids on February 3, 1977, for the construction of the treatment plant facilities and collection system extensions which have already been approved by both the state and federal authorities. The City Manager stated that final plans and specifications had not been completed for the Sugar Hill Road waste water system. He stated the estimated cost of construction would be approximately \$516,000.00, based on estimates provided by O'Brien & Gere and that the estimated design fee would be approximately \$32,500.00.

The City Manager stated that Mr. Sid Riddick proposes to advertise for all plans completed to date but to hold bids until after the advertisement for the Sugar Hill Road waste water system has been received, so that a decision could be made by the Council on which projects to undertake should funds not be sufficient to cover the entire project.

Upon a motion by Councilman Clark, seconded by Councilman James, the City Council unanimously voted to accept the recommendations of Mr. Sid Riddick of the engineering firm of O'Brien & Gere and to proceed with advertisement for receiving bids at 2:00 P.M., local time, February 3, 1977, in the Fire/Police Training Center, City Hall, Marion, North Carolina for Contract 1.0, Treatment Facilities - General; Contract 1.1, Treatment Facilities - Electrical; Contract 1.2,

Treatment Facilities - Heating, Ventilation and Air Conditioning; Contract 1.3, Treatment Facilities - Plumbing; Contract 2.4, Corpener Creek Outfall; Contract 3.0, Garden Creek Facilities; Contract 4.0, Collection System Extensions; and for the engineering firm to complete work on final plans and specifications for the Sugar Hill Road waste water system and to advertise for bids for that work immediately upon approval by necessary state and federal authorities.

Traffic Signals - Problems: Mayor Segars informed the City Council that the City was experiencing a number of problems with traffic control signals throughout the City. The City Manager was instructed to contact the Department of Transportation and Safety and ask that they give consideration to an updating of all traffic control signals in the City. Councilman Larry Brown suggested that information be obtained concerning the feasibility of locating a switch in the Marion Fire Department which would allow fire department personnel to place traffic signals in the City on red so that all traffic would stop, thus allowing fire trucks to depart the fire station without interference from other vehicles.

Drainage Problem - Miller Avenue Extension: Mayor Segars asked the present status concerning the inadequate drainage tiles under the Southern Railway tracks near Miller Avenue. The City Manager stated that railroad officials had been advised that the tiles were too small to handle the flow of water during heavy rains.

City Parking Lot - Crawford Street: Councilman Clark informed the Council that he was still receiving complaints that the City is dumping materials on the Crawford Street parking lot. The City Manager stated that the only materials being placed on the lot are concrete, bricks and other materials which are being used to fill the back end of the lot. He advised the City Council that he would direct the Street Superintendent to discontinue placing any materials on the lot.

Street Problems: The City Council discussed the problem with dump trucks hauling dirt through the City. It appears that many of the Councilmen have received complaints from citizens concerning the fact that these trucks are overloaded and speeding through the City, thus dumping dirt throughout the City. A discussion was held regarding the matter. The City Manager informed the City Council that he would discuss the matter with the Chief of Police and see what action could be taken to resolve the problem.

Water Problem - Burgin Street: Councilman James advised the City Council that he had received complaints from Mrs. Edith Davis on Burgin Street regarding water coming from the parking lot of Etta Paper Box Company. He said that the water was running down the curb and that during certain times the water has a foul odor and that during the winter months, the water freezes causing other problems.

The City Manager stated that he would work with the Street Superintendent and Public Works Director in trying to solve the problem.

Fireman's Relief Fund - Board of Trustees - Appointment of One Member: The City Manager presented a letter from Fire Chief Arthur Edwards advising that Councilman Wilkerson's term as a member of the Board of Trustees of the Fireman's Relief Fund expired January 1, 1977. The Fire Chief recommended that Mr. Wilkerson be reappointed for a two-year term since he is familiar with current amendments which are planned for the local relief fund in the near future.

Upon a motion by Councilman Clark, seconded by Councilman James, the City Council unanimously voted to reappoint Councilman Horace Wilkerson as a member of the Board of Trustees of the Fireman's Relief Fund for a term of two years.

Neighborhood Analysis - Preliminary Study: The City Manager distributed copies of a preliminary Neighborhood Analysis of the City of Marion. He asked that Council members review the study and advise him of any errors or corrections prior to a final printing.

Revenue Sharing Report: The following Revenue Sharing Report was presented for Council information:

July 1, 1976 - December 31, 1976

| | | |
|---|------------------|---|
| Balance June 30, 1976 | \$ 43,865.47 | |
| Received July 1, 1976 - December 31, 1976 | 49,630.00 | |
| Interest Earned | <u>1,771.78</u> | |
| TOTAL AVAILABLE | \$ 95,267.25 | |
| Total Expenditures | \$ 21,340.61 | |
| New Obligations | <u>39,086.00</u> | |
| TOTAL EXPENDITURES AND OBLIGATIONS | \$ 60,426.61 | |
| Actual Balance - December 31, 1976 | \$ 88,156.05 | |
| All Obligations | <u>53,315.41</u> | |
| BALANCE REPORTED DECEMBER 31, 1976 | \$ 34,840.64 | |
| EXPENDITURES: | | |
| Date | Amount | Purpose |
| 8/9/76 | \$10,623.92 | Purchased Water Pipe |
| 8/5/76 | 3,963.44 | Impactor and Tools |
| 11/22/76 | 6,154.25 | Air Compressor |
| 12/10/76 | 599.00 | Engineering Services and Plans for Renovation of Warehouse |
| TOTAL EXPENDITURES | \$21,340.61 | |

OBLIGATIONS:

| Date | Amount | Purpose |
|-------------------|-------------|--|
| 3/23/76 | \$14,229.41 | Fire Department Monitors - Actual Use Report (6) |
| 9/7/76 | 21,723.00 | Pump Equipment - Water Filter Plant |
| 9/7/76 | 17,363.00 | Aeration Equipment - Clinchfield Waste Treatment Plant |
| TOTAL OBLIGATIONS | | \$53,315.41 |

Marion By-Pass - Public Hearing: The City Manager informed the City Council that the Planning and Research Branch of the North Carolina Department of Transportation would hold public meetings Thursday, January 6, 1977, at the East McDowell Junior High School concerning the proposed Marion By-Pass.

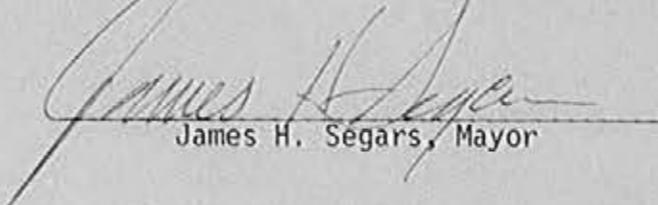
He stated that the purpose of the meeting is to receive comments and suggestions from the public on the proposed by-pass. He stated that informal and individual discussions would be held between 11:00 A.M. and 3:00 P.M. The City Manager encouraged Council members to attend this meeting.

1976 Tax Report: The City Council was advised that the City had collected to date \$346,089.29 for 1976 taxes with charge offs of \$1,201.52, leaving an uncollected amount of \$33,440.61.

Joint Meeting - County Commissioners: The City Manager was directed by the Council to discuss with the County Manager the possibility of a joint dinner meeting with the County Commissioners before February 1, 1977.

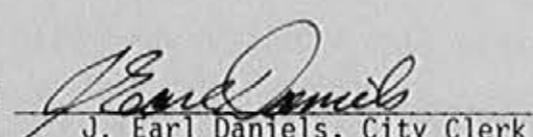
Dinner for Congressman Roy Taylor: The City Council discussed the possibility of having a dinner to honor Mr. Roy Taylor who is retiring from Congress this year.

There being no further business, the meeting was adjourned.



James H. Segars, Mayor

ATTEST:



J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

January 18, 1977

The City Council of the City of Marion met in a regularly scheduled session Tuesday, January 18, 1977, at 7:30 P.M. in the City Council Chamber at City Hall.

Board Members Present: Mayor James H. Segars, Councilmen Oliver R. Cross, A. Everette Clark, Horace Wilkerson, Robert E. James and Larry W. Brown.

Others Present: E. P. Dameron, City Attorney; Jim Shepard, News Reporter for The McDowell News; Harold Sandstrom, News Reporter for The Asheville Citizen; and J. Earl Daniels, City Manager.

Guests: James M. Lancaster, Jr., Winslow Ballew, Jr. and Mickey Poteat.

Approval of the January 4, 1977 Minutes: Upon a motion by Councilman Clark, seconded by Councilman James, the City Council unanimously voted to approve the minutes of the January 4, 1977, meeting.

Certificates of Appreciation: Mayor James H. Segars presented Certificates of Appreciation to James M. Lancaster, Jr. and Winslow Ballew, Jr. for serving three years as members of the Marion Planning Board. Mayor Segars also presented a Certificate of Appreciation to Mickey Poteat for serving three and one-half years as a member of the Old Fort-Marion-McDowell County Recreation Commission.

Agenda Amendment: Upon a motion by Councilman Brown, seconded by Councilman Wilkerson, the City Council unanimously voted to amend the Agenda to give consideration to approving a resolution establishing a revised City Charter for the City of Marion.

Taxes - Duke Power - Request for City to Waive Payment of Penalty: The City Manager stated that a representative of Duke Power Company paid their 1976 taxes on January 6, 1977. He informed the Council that the representative asked that the City waive the penalty charge of two percent for late payment. He stated that the late payment charge is in the amount of \$116.73.

The City Council was informed that the check for taxes was dated December 17, 1976, but was not delivered to the City until January 6, 1977.

Mayor Segars advised the City Council that Mr. Fred Williams, the manager of the local Duke Power Company, had informed him that he had been sick and that the check had been locked in his desk so that no one could get to the check to deliver it to the City. He stated that Mr. Williams informed him that making the payment had slipped his mind and that he did not bring the check to the City although it was in his possession.

There was a long discussion regarding whether or not the charge should be waived. Mayor Segars suggested that the item be tabled until the end of the meeting.

Water Bill Complaint - Clyde Henline: The City Manager informed the City Council that he had received a complaint from Mr. Clyde Henline regarding a large water bill for a house owned by Mr. Henline at 688 Maple Avenue. The City Manager stated that City records indicate that from August 19, 1976 to September 7, 1976, 22,900 gallons of water had registered on the water meter. He informed the Council that he had offered to adjust the bill in accordance with City policy regarding leaks. However, Mr. Henline stated that there was no leak on the property and asks that he only be required to pay the minimum water bill.

After a short discussion and upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to direct the City Manager to bill Mr. Clyde Henline for the minimum water/sewer bill in the amount of \$5.62 for that period of time from August 19, 1976 to September 7, 1976.

Paul Hughes, Executive Director of Isothermal Planning and Development Commission: The City Manager informed the City Council that Mr. Hughes had called and advised that his grandfather had passed away and that he might not be able to attend the meeting of the Council. The City Manager informed the Council that he would try to contact Mr. Hughes and try to schedule another date from Mr. Hughes to appear before the Council.

Accident Involving City Property: The City Manager stated that City employee, Larry Hunley, while driving a City truck, struck City employee Emmet Lowery's personal automobile. The City Manager stated that he had been advised by the Street Superintendent that the accident was unavoidable due to ice on the road.

Upon a motion by Councilman Cross, seconded by Councilman Brown, the City Council directed the City Manager to ascertain whether or not City insurance would pay for the automobile repairs and, if not, for the City to pay for the repairs.

Community Building Rates - Committee Report: Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the City Council unanimously voted to amend the Community Building Rates so that civic clubs would be charged only \$5.00 per day for the use of the Community Building, with or without the kitchen. The City Manager was instructed to have the telephone removed from the Community Building and, if possible, to have the phone company install a pay phone.

Bids-Warehouse Renovation: The City Manager informed the City Council that bids were to be opened Monday, January 17, 1977, at 2:00 P.M. in the City Council Chamber for renovation of the City warehouse building. He informed the Council that only two bids were received and both of those were bids for electrical work only. He stated that in order to open bids a minimum of three bids is required.

Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to readvertise for bids.

West Court Street - Improvements - Proposed Agreement: The City Manager presented a letter from Mr. J. H. Medlin, Division Engineer of Division 13, Department of Transportation concerning the proposed improvement of West Court Street at the Carson Street intersection. The City Council was informed that stakes had been installed showing the proposed right-of-way necessary to make the improvements. It was stated that an estimated cost for rights-of-way would be approximately \$30,000.00, not including adjustment of utilities. The City Council was informed that the Division of Highways would participate in rights-of-way costs on a fifty-fifty basis and will fund the construction so the share for the City for rights-of-way costs would amount to approximately \$15,000.00, or fifty percent of actual costs. In addition, the City would be responsible for any cost incurred in adjustment or relocation of any utilities.

After a short discussion, it was decided that the City Council would go out to the site and look at the proposed improvement.

Water System Improvements: The City Manager informed the City Council that he talked with Mr. Joe Riley of the North Carolina Division of Health Services regarding the slightly more than \$286,000.00 remaining in the McDowell County allocation of the Clean Water Bond Funds. He stated that unless these funds are applied for prior to March 31, 1977, these funds will be turned back in to the State and will be made available to all counties and municipalities in the State of North Carolina.

The City Manager stated that the major problem is that the State will pay out of these funds only twenty-five percent of the cost of the water project. He stated that this would require that the City appropriate seventy-five percent of the cost of the project. He stated that the only funds which could be made available would be through Revenue Sharing and that the State policy is that they would rather Revenue Sharing Funds not be used for more than fifty percent of the project, thus requiring a twenty-five percent local contribution to match the twenty-five percent grant from the State from the Clean Water Bond funds.

After a short discussion regarding the improvements needed, it was agreed by the City Council that the City should try to acquire as much money from the Clean Water Bond Fund's allocation for McDowell County as possible.

Proposed Budget Amendment: Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to adopt the following Budget Ordinance Amendment:

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

Section 1. The 1976-1977 Budget Ordinance of the City of Marion, adopted June 22, 1976, by the City Council of the City of Marion, is hereby amended by making the following additions and deletions to the below listed accounts:

WATER/SEWER DISBURSEMENTS

Contribution to Capital Projects Fund, Account Number 30-810-92 is increased from -0- to \$7,000.00.

WATER/SEWER REVENUES

Estimated Surplus, Account Number 30-399-00 is increased from \$23,416.00 to \$30,416.00.

CAPITAL PROJECT FUND DISBURSEMENTS

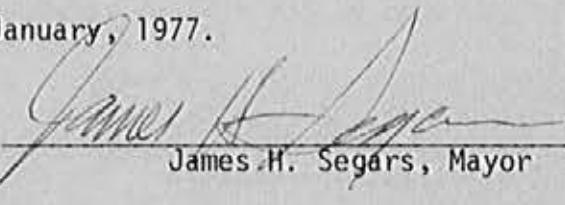
Work in Progress, Account Number 60-815-75 is increased from \$260,000.00 to \$267,000.00.

CAPITAL PROJECT FUND REVENUES

Contribution from Water/Sewer Account Number 60-397-00 is increased from -0- to \$7,000.00.

Section 2. That a copy of this amendment be attached to the 1976-1977 Budget Ordinance of the City of Marion as adopted June 22, 1976.

ADOPTED this the 18th day of January, 1977.


James H. Segars, Mayor

ATTEST: 
J. Earl Daniels, City Clerk

City Charter: Upon a motion by Councilman Clark, seconded by Councilman Wilkerson, the City Council unanimously voted to adopt the following resolution entitled "A Resolution to Officially Adopt a New Revised Charter for the City of Marion and Requesting Assistance From Local Legislators in Having the Revised Charter Act Ratified by the 1977 General Assembly":

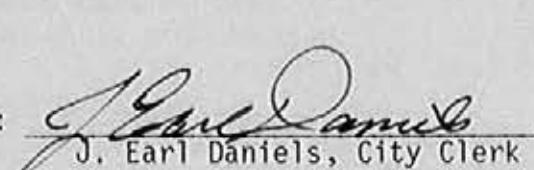
WHEREAS, the City Council of the City of Marion has undertaken to revise and consolidate the Charter and other local acts applicable to the City of Marion, so that the City Charter may be up-to-date, comprehensive, consistent with State and other applicable laws, and otherwise useful to the maximum extent as a legal and administrative guide in the conduct of City affairs; and

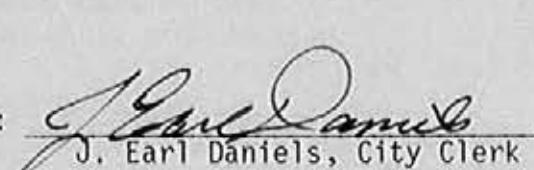
WHEREAS, the City Council has completed its preparation and review of a new, revised City Charter, and a document satisfactory to the Council has been finalized, in a form suitable for presentation to members of the North Carolina General Assembly, for introduction before the 1977 Session.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Marion hereby approved, ratifies, and in all respects officially adopts the final revised Charter for the City, entitled "A Bill to be Entitled An Act to Revise and Consolidate the Charter of the City of Marion and to Repeal Prior Local Acts", an official copy of which is hereby directed to be recorded by the City Clerk in the minutes of the Council of January 18, 1977.

BE IT FURTHER RESOLVED that the City Council officially requests the assistance of its legislative delegation, representing the 26th Senatorial District, and the 41st District of the House of Representatives, in securing the introduction and passage of the aforementioned bill revising the Charter of the City. To this end, members of the City Council are hereby directed to contact members of the City's legislative delegation, requesting their assistance and support in having introduced and adopted the above referenced bill to revise the City Charter.

RESOLVED, this the 18th day of January, 1977.

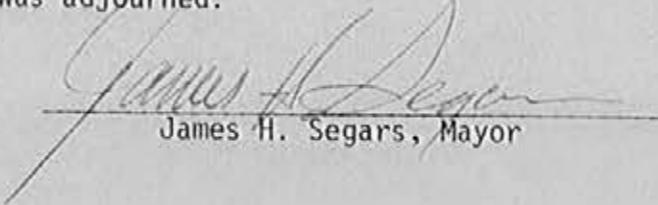

James H. Segars, Mayor

ATTEST: 
J. Earl Daniels, City Clerk

Duke Power Taxes - Request for Waiver of Payment of Penalty: Councilman Cross stated that in view of the fact that the check from Duke Power was dated in December and based on the fact that the chief executive officer of the area branch office was sick and failed to deliver the check in time to avoid the payment of a penalty, he felt it would be in the best interest of all concerned for the City to waive the penalty.

Councilman Cross made a motion that the City Council waive the two percent tax penalty in the amount of \$116.73. The motion was seconded by Councilman James and the vote was as follows: Ayes - Councilman Cross, Councilman James, Councilman Wilkerson, and Councilman Clark; Nay - Councilman Brown.

There being no further business, the meeting was adjourned.



James H. Segars, Mayor

ATTEST:



J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

February 8, 1977

The Marion City Council met in a regularly scheduled session Tuesday, February 8, 1977, at 7:30 P.M. in the City Council Chamber at City Hall.

Board Members Present: Mayor James H. Segars, Councilmen Oliver R. Cross, A. Everette Clark, Horace Wilkerson, Robert E. James and Larry W. Brown.

Others Present: E. P. Dameron, City Attorney; Jim Sheppard, News Reporter from The McDowell News; Harold Sandstrom, News Reporter from the Asheville Citizen; Mack Laughridge, Building Inspector; Woody Harton, City Planner, Department of Natural and Economic Resources; and J. Earl Daniels, City Manager.

Guests: Robert Greene and Howard McCurry.

Approval of the January 15, 1977, Minutes: Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the City Council unanimously voted to approve the minutes of the January 15, 1977 meeting.

Citizen's Complaint - Pearlman's Furniture: The City Manager informed the City Council that on or about January 21, 1977, City personnel were sent to Pearlman's Furniture Store to check on a water leak. He stated that water was coming up from the cracks in the sidewalk and running along the curb. City personnel were directed to determine if a City-owned line was ruptured. In investigating the matter City personnel turned off a valve in front of the main building which stopped the water from flowing. Mrs. Branch, Manager of Pearlman's Furniture, was advised that there was a leak on the premises which would require the attention of a plumber since it was not on a City water line.

The City employee thought that he had turned off all water to the premises, when, in fact, he had not. Apparently the valve which he turned off only controlled water flow to an outside spigot and by turning the valve off the water to the building was not turned off. The employee informed Mrs. Branch that the water was turned off to the building and the employee was directed by Mrs. Branch to turn the water on because of the need for water for the heating system.

Mrs. Branch apparently, at that time, called Condrey Heating, Plumbing and Air Conditioning Company to check the water leak. She was informed by an employee of Condrey Heating and Plumbing that the City employee had opened a stop and waste valve causing the water to leak. Mrs. Branch has forwarded a bill to the City which was directed to her from Condrey Plumbing in the amount of \$22.50, with a request that the City pay the bill. She stated that the plumber would not have been called if the City employee had not told her that there was a leak on her property. The City Manager stated that the City employee was right in stating that the leak was on her property but that simply turning the valve off stopped the flow of water without turning the water off in the entire building so the leak could have been repaired at any time by a plumber.

Councilman Clark stated that he would be happy to meet with Mrs. Branch and that he thought we could work out the problem.

Public Hearing - Marion Zoning Ordinance Amendments: Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to accept the recommendations of the Marion Planning Board to rezone from C-2, General Business, to C-1, Central Business, the below described property:

BEGINNING at the Southwest corner of the intersection of West Court Street and running parallel to West Court Street in a westerly direction a distance of 97.75' to the property line of Dula Hawkins; thence running parallel to the property line of Mr. Hawkins in a southerly direction a distance of 116.86'; thence running in an easterly direction a distance of 97.75' to South Logan Street; thence running parallel to South Logan Street in a northerly direction a distance of 116.86' to the BEGINNING.

Upon a motion by Councilman Jeames, seconded by Councilman Brown, the City Council unanimously voted to approve the recommendations of the Marion Planning Board and to amend the Marion Zoning Ordinance by making the following changes:

1. Section 1005: Fences and walls in Residential Districts - In any residential district the following regulations shall apply for any wall or fence (either natural or man-made):
 - A. Fences and walls may be permitted in a rear yard adjacent to the lot line provided such fences and walls do not exceed eight (8) feet in height.
 - B. Fences and walls may be permitted in a side and/or front yard adjacent to the lot line provided such fences and walls do not exceed five (5) feet in height.
 - C. On a corner lot, no fence or wall located along a property line shall exceed five (5) feet in height if it is located adjacent to a front or side lot line of any adjoining property.
 - D. Fences and walls used to enclose recreational areas such as swimming pools, basketball courts, handball courts and tennis courts, shall not exceed twelve (12) feet in height and may be located adjacent to a property line. However, no such fence or wall shall exceed five (5) feet in height when located in a side yard unless such fence or wall is setback at least ten (10) feet from the side yard lot line.
 - E. Retaining walls built specifically to keep a bank of earth from sliding or water from flooding shall be permitted anywhere on the property as needed.
 - F. No fence, wall or other obstruction shall be placed so as to obstruct vision to a public street from any public or private drive.
 - G. No fence or wall shall be permitted within a publicly dedicated street right-of-way.
 - H. All fence and wall heights shall be measured from ground level at base of fence or wall.
2. Section 708 Swimming Pools - All swimming pools both public and private shall be completely enclosed by a solid wall or chain link fence at least six (6) feet in height. Swimming pools shall be located only in rear or side yard and shall be at least ten (10) feet from the property line.
3. Section 700; 700.1 Part "A" - A nonconforming use of a building may be reestablished after discontinuance of less than twelve (12) months provided it is reestablished as the same nonconforming use that previously occupied the building. The reestablishment of a nonconforming use shall be subject to the written approval of the board of adjustment and subject to such conditions as the board of adjustment may require in order to protect the health, safety and welfare of the area.
 - B. Under part "C", change six (6) months to twelve (12) months.
4. Under Article VII, Section 706 (1) (c), add the following:

Any illuminated sign that is permitted in a residential district shall not reflect light or shine onto any property in the residential district except the property on which the sign is located.
5. Under Article VII, Section 706 (2), add the following:
 - (d) For mobile home parks, identification signs not exceeding nine (9) square feet are permitted.

Waste Treatment Plant Facilities - Bid Opening: The City Manager presented the following minutes from the Bid Opening held in the Marion Fire/Police Training Center Thursday, February 3, 1977, at 2:00 P.M.:

Pursuant to a "Request for Bids" published in The McDowell News once a week for three consecutive weeks, beginning with the issue dated January 5, 1977, bids for the construction of wastewater facilities for the City of Marion were received and opened in the Marion Fire/Police Training Center Thursday, February 3, 1977, at 2:00 P.M.

Persons present are as follows:

| | | |
|-------------------|--|------------------------|
| K. J. Poteat | Driggers Electric Company | Charlotte, N.C. |
| Earl Driggers | Driggers Electric Company | Charlotte, N. C. |
| Fred Kidd | Lynchburg Foundry Company | Lynchburg, Va. |
| Kathy Luther | M. B. Haynes Electric Company | Asheville, N. C. |
| Lav Sydnor | Lynchburg Foundry Company | Lynchburg, Va. |
| Graham Coleman | Lynchburg Foundry Company | Lynchburg, Va. |
| Chris Wrenn | Wrenn-Wilson Construction Company | Durham, N. C. |
| Gene Roberts | Bovtune Company | Charlotte, N. C. |
| Ken Laurens | Lock Joint Pipe | Columbia, S. C. |
| David Johnson | El-Coa, Inc. | Skyland, N. C. |
| W. M. slural | Noll Construction Company | Charlotte, N. C. |
| Mike Folk | Purser, London & Edwards, Inc. | Charlotte, N. C. |
| Dennis Pettit | Sanders Brothers, Inc. | Gaffney, S. C. |
| Joe Schwab | Techniflo, Inc. | Richmond, Va. |
| D. A. Pendley | Pendley Construction | Bristol, Tenn. |
| J. W. Tuck | Aetna Casualty & Surety | Richmond, Va. |
| Bruce Hawks | Pendley Construction | Bristol, Tenn. |
| Dave Clark | Pendley Construction | Bristol, Tenn. |
| Frank Carpenter | Dickerson, Inc. | Monroe, N. C. |
| Don Penfold | U. S. Pipe | Atlanta, Ga. |
| E. R. Boyd | James E. Cox Construction | Charlotte, N. C. |
| Ed Anderson | Pomona Pipe | Bristol, Tenn. |
| Larry Bates | Pomona Pipe | Raleigh, N. C. |
| J. B. Weaver | W. & W. Construction, Inc. | Asheville, N. C. |
| D. M. McAlister | Armco Steel | Asheville, N. C. |
| I. J. Wilson | W. & W. Construciton, Inc. | Asheville, N. C. |
| Liston Johnson | Tindall Concrete | Spartanburg, S. C. |
| Mike Wilson | Metcomont Mat | Spartanburg, S. C. |
| Kelly Butson | Bryant Utilities | High Point, N. C. |
| Greg Gregory | Johns Manville | Greenville, S. C. |
| Chuck Anderson | D. & M. Concrete | Charlotte, N. C. |
| Bob Gardison | Johns Manville | Charlotte, N. C. |
| Jim Gowar | Kyle-Gifford-Hall, Inc. | N. Myrtle Beach, S. C. |
| Robert A. Gibbons | Gibbons Electric | Lenoir, N. C. |
| G. B. Gordon | King Hunter, Inc. | Greensboro, N. C. |
| Charles W. Morrow | Bryant Electric Repair | Gastonia, N. C. |
| Randy MacDonald | Christopher Construction | Columbus, Ohio |
| Jack Sullivan | New System Plumbing Company | Banner Elk, N. C. |
| C. D. Ramey | Winston Construction | Winston Salem, N. C. |
| Jimmy Price | Dickerson | Monroe, N. C. |
| J. D. Cave | Winston Construction | Winston Salem, N.C. |
| Terrence H. Wise | Terrence H. Wise & Associates | Charlotte, N. C. |
| Fred Ashworth | W. H. Ashworth & Associates | McLeansville, N. C. |
| Gene Kenney | Kenney & Associates | Charlotte, N. C. |
| Jim Poore | J. L. Poore | Newland, N. C. |
| C. W. Poore | C. W. Poore Company | Newland, N. C. |
| Harold D. Parker | McDowell Cement Products Company and Explosive Supply Co., Inc. | Spruce Pine, N. C. |
| Dean R. Ware | Insurance Consultants of W.N.C. | Asheville, N. C. |
| Steve Lail | Bryant Utilities Contractors | High Point, N. C. |
| Jim Edwards | Hickory Construction Company | Hickory, N. C. |
| D. L. Bannjer | Rand Construction | Richfield, N. C. |
| Bill Burgess | Breece & Burgess, Inc. | Greensboro, N. C. |
| Wayne Propst | Hickory Sand | Hickory, N. C. |
| Earl A. Byers | C. R. Duncan Construction Company | Stoneville, N. C. |
| Barry Byers | Concrete Consultant Corporation | Gastonia, N. C. |
| David Stike | Gilbert Engineering Company | Statesville, N. C. |
| John Gilbert | Gilbert Engineering Company | Statesville, N. C. |
| Ben Lampton | Tandy Construction Company | Charlotte, N. C. |
| Bob Cavalline | Frank L. Black, Jr., Inc. | Carlisle, Pa. |
| H. L. Rawls | Lee Construction Company | Charlotte, N. C. |
| Roger Miller | Griffin Pipe Products | Greenville, S. C. |
| Robert E. Blan | Home Electric Company | Lenoir, N. C. |

Representing the City of Marion were Mayor James H. Segars, Councilmen Horace Wilkerson and A. Everette Clark and City Manager J. Earl Daniels.

Also present was Jim Sheppard of The McDowell News.

The following is a bid tabulation of the bids received:

GENERAL CONTRACT 1.0

| | |
|---|-----------------|
| Frank L. Black, Jr., Inc., Carlisle, Penn. | \$ 4,313,376.00 |
| F. Brinkley & Son Construction Co., Inc. Granite Quarry, N. C. | \$ 4,499,500.00 |
| Christopher Construction Company Columbus, Ohio | \$ 4,169,400.00 |
| James E. Cox Construction Company Charlotte, N. C. | \$ 4,047,059.00 |
| Evans, Eller & Associates Statesville, N. C. | \$ 4,232,600.00 |
| Gilbert Engineering Company Statesville, N. C. | \$ 4,071,633.00 |
| Hickory Construction Company Hickory, N. C. | \$ 4,184,250.00 |
| King-Hunter, Inc. Greensboro, N. C. | \$ 4,394,850.00 |
| Lee Construction Company Charlotte, N. C. (apparent low bid) | \$ 3,800,010.00 |
| Noll Construction Company Charlotte, N. C. | \$ 4,047,650.00 |
| Pendley Constructors, Inc. Bristol, Tenn. | \$ 4,094,000.00 |
| Tandy Construction Company Charlotte, N. C. | \$ 5,299,500.00 |

ELECTRICAL CONTRACT 1.1

| | |
|--|---------------|
| Steve Black, Inc., Carlisle, Pa. | \$ 199,000.00 |
| Bryant Electric Repair Company, Inc. Gastonia, N. C. | \$ 159,000.00 |
| Driggers Electric Control Company Charlotte, N. C. | \$ 149,500.00 |
| Electrical Constructors of America, Inc. Skyland, N. C. | \$ 179,000.00 |
| Gibbons Electric Company, Lenoir, N. C. (apparent low bid) | \$ 142,774.00 |
| M. B. Haunes Electric Corporation, Asheville, N. C. | \$ 149,449.00 |
| National Electric Company, Inc., Charlotte, N. C. | \$ 148,412.00 |
| Modern Electric Company, Statesville, N. C. | \$ 148,744.00 |

H, V & AC CONTRACT 1.2

| | |
|--|--------------|
| M. V. Allen Company, Inc., Greensboro, N. C. | \$ 37,600.00 |
| Hickory Plumbing & Heating Company, Hickory, N. C. | \$ 28,400.00 |
| Home Electric Company of Lenoir, Inc., Lenoir, N. C. (low bid) | \$ 21,635.00 |
| Ingold, Inc., Hickory, N. C. | \$ 29,700.00 |
| Sanders Brothers, Inc., Gaffney, S. C. | \$ 44,444.00 |
| M. A. Thomason & Son, Hickory, N. C. | \$ 35,585.00 |

PLUMBING CONTRACT 1.3

| | |
|--|--------------|
| M. V. Allen Company, Inc., Greensboro, N. C. | \$ 42,900.00 |
| Hickory Plumbing & Heating Company, Hickory, N. C. (low bid) | \$ 29,443.00 |
| Ingold, Inc., Hickory, N. C. | \$ 49,900.00 |
| New System Plumbing Company, Banner Elk, N. C. | \$ 31,975.00 |
| --- Brothers, Inc., Pineville, N. C. | \$ 48,185.00 |
| M. A. Thomason & Son, Hickory, N. C. | \$ 53,800.00 |

CORPENING CREEK CONTRACT 2.0

| | |
|--|-----------------|
| Breece & Burgess, Inc., Greensboro, N. C. | \$ 1,651,330.00 |
| Bryant Utilities Construction Company Fayetteville, Tenn. | \$ 1,555,313.00 |
| Dickerson, Inc., Monroe, N. C. | \$ 1,655,639.00 |
| C. R. Duncan Construction Company, Stoneville, N. C. (low bid) | \$ 1,462,492.00 |
| Gilbert Engineering Company, Statesville, N. C. | \$ 1,651,923.00 |
| Hickory Sand Company, Hickory, N. C. | \$ 1,753,139.93 |
| Rand Construction Company, Columbia, S. C. | \$ 1,836,060.19 |
| - A. Reynolds Company, Winston Salem, N. C. | \$ 1,909,500.00 |
| Winston Construction Company, Winston Salem, N. C. | \$ 1,733,238.00 |
| Wrenn-Wilson Construction Company, Durham, N. C. | \$ 1,870,890.00 |

GARDEN CREEK CONTRACT 3.0

Received only two bids, must have minimum of three before opening.

COLLECTION SYSTEM CONTRACT 4.0

| | |
|--|---------------|
| C. R. Duncan Construction Company, Stoneville, N. C. | \$ 150,905.00 |
| Hickory Sand Company, Hickory, N. C. | \$ 130,636.61 |
| Taylor & Murphy Construction Company, Pineville, N. C. | \$ 141,805.00 |
| W. & W. Contracting, Inc., Pineville, N. C. (low bid) | \$ 112,253.00 |

The City Manager stated that the engineering firm of O'Brien & Gere, Inc. would submit a recommendation to the City Council at the next regular meeting of the Council scheduled for February 22, 1977.

Warehouse Renovation - Bids: The City Manager informed the City Council that bids for the renovation of the City warehouse were received and opened Monday, February 7, 1977, at 2:00 P.M. in the Marion City Hall. The City Manager stated that two bids were received on the electrical contract; one from J. B. Brooks Electric Company in the amount of \$4,480.00, and one from McMillon Electric Company of Lenoir in the amount of \$2,930.00. The City Manager recommended that the City Council reject the bid from H. & M. Constructors and the bid from J. B. Brooks Electric Company, and that the electric bid from McMillon Electric Company, Inc. be held for thirty days and that the City readvertise for the general construction contract for the renovation of the warehouse.

Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to reject the bids submitted by Brooks Electric Company and H. & M. Constructors and to hold the bid submitted by McMillon Electric Company for a period of thirty days and to readvertise for the general construction contract for renovation of the City warehouse.

Tractor - Bids: The City Manager informed the City Council that bids were opened at 2:00 P.M., Tuesday, February 8, 1977, in the Office of the City Manager for the purchase of a small tractor. He informed the City Council that two bids were received; one from Farm Equipment Company of Asheville in the amount of \$3,936.40, and one from Marion Equipment Company in the amount of \$3,484.00. He advised the City Councilmen that these bids include, in addition to the tractor, a 54-inch reversible grader blade and a 42-inch belly mower. The City Manager recommended that the Council accept the low bid submitted by Marion Equipment Company.

Upon a motion by Councilman Cross, seconded by Councilman Brown, the City Council unanimously voted to accept the low bid submitted by Marion Equipment Company.

Marion By-Pass - Requested Comments: The City Manager presented a letter from Isothermal Planning and Development Commission advising that the Department of Transportation has asked for comments from interested agencies and governmental units concerning the environmental impact of the proposed Marion By-Pass.

After a short discussion, the Council decided that no comments would be made at this time.

West Court Street Improvement - Proposed Agreement: The City Manager stated that at the last City Council meeting a proposed agreement was presented concerning certain improvements on West Court Street at its intersection with Carson Street. He informed the Council that the Department of Transportation had staked the proposed improvements for widening the curve in the intersection of West Court Street and Carson Streets.

Mayor Segars advised the Council that he had discussed the matter with Mr. Woody, owner of properties which would be affected and that Mr. Woody had informed him that he would discuss the matter with his children and would advise the City later regarding his position in the matter. It was decided to make no statements to the Department of Transportation until after the Mayor has had the opportunity to discuss the matter with Mr. Woody.

Fire Department - Opticom System: The Marion City Council met with the Fire Chief in the Fire Hall to view a film on the Opticom System. The Opticom System is a system which, when installed, will allow fire trucks to pass through traffic light controlled intersections by always having a green light on the truck routes. The equipment installed on the truck would cause the traffic to give the truck a green light when approaching and then would automatically change back into a synchronized traffic control system after the truck had passed under the light.

The City Council discussed the many advantages of this system but made no decision regarding including the cost of such a system in the City Budget for 1977-1978. The Council did ask the Fire Chief to establish a list of priorities for their consideration in the preparation of the budget.

Railroad Crossings - Thermoplastic Markings: The City Manager presented a letter from H. C. Rhudy, Manager of Traffic Engineering for the Department of Transportation and Highway Safety, advising the Council that the North Carolina Department of Transportation is planning to place thermoplastic markings in advance of railroad crossings on all paved public roads and streets in North Carolina, including locations on both the State Highway System and municipalities and non-State system streets in municipalities. The Department of Transportation would like for the City to furnish a resolution from the Council approving the installation of these pavement markings on non-State system streets. The letter stated that the Department of Transportation would like to remove from the listing any location which is scheduled for resurfacing during the next three years which might interfere with the thermoplastic markings.

The City Manager informed the City Council that a determination could not be made with regard to resurfacing of streets within the municipality until a later date. That due to the snow and ice on the streets we have not been able to determine the extent of damage and would not be able to do so within the next few days.

Mayor Segars suggested that we contact the State and advise them that we are interested in the installation of the thermoplastic markings and that the City would be happy to install all those intersections where the City might need to resurface within the next three years if that would be permissible.

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

A RESOLUTION APPROVING INSTALLATION OF
THERMOPLASTIC RAILROAD PAVEMENT
MARKINGS

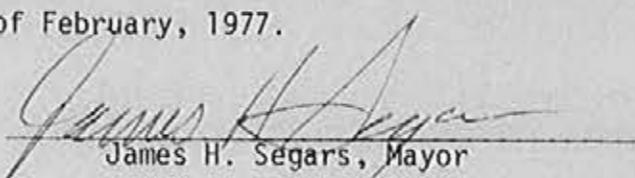
WHEREAS, the City of Marion received a letter dated January 21, 1977, from H. C. Rhudy, Manager of Traffic Engineering, State of North Carolina, Department of Transportation and Highway Safety, advising that the North Carolina Board of Transportation is planning to place thermoplastic markings in advance of railroad crossings on all paved public roads; and

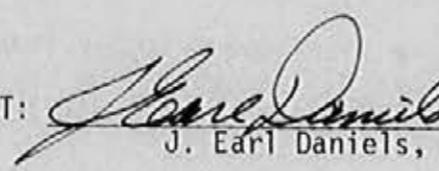
WHEREAS, prior to contracting for this work in the Spring of 1977, it is necessary for the Department of Transportation and Highway Safety to receive a resolution from the City of Marion approving the installation of said markings within the City; and

WHEREAS, the City Council of the City of Marion feels that it is in the best interest of the citizens of the City of Marion to have such thermoplastic markings installed in advance of railroad crossings.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Marion that the installation of said thermoplastic markings be approved and authorized and that this resolution be made a part of the minutes of the City Council Meeting of February 8, 1977.

ADOPTED this the 8th day of February, 1977.


James H. Segars, Mayor

ATTEST: 
J. Earl Daniels, City Clerk

Tax Report and Request for Tax Lien Sale: The City Manager presented the following tax report:

1976 City Taxes on Real Estate only, due after February 4, 1977 . . . \$ 13,924.81

1976 City Taxes on Personal Property only, due after February 4, 1977 . . . \$ 8,111.07

TOTAL DUE ON BOTH, after February 4, 1977 \$22,035.88

The City Manager recommended that the City hold the Tax Lien Sale for 1976 taxes June 13, 1977.

Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to authorize the Tax Lien Sale for June 13, 1977.

Parking Commission - Appointment of One Member: Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to appoint Councilman Wilkerson as a member of the Marion Parking Commission for a period of two years.

Budget Amendment: The City Manager informed the City Council that he had authorized the transfer of \$200.00 from Account Number 10-500-17 to Account Number 10-500-14, which was requested by J. Mack Lughridge, Jr., Building Inspector for the City of Marion.

Upon a motion by Councilman Cross, seconded by Councilman James, the following Budget Ordinance Amendment was unanimously approved by the Council:

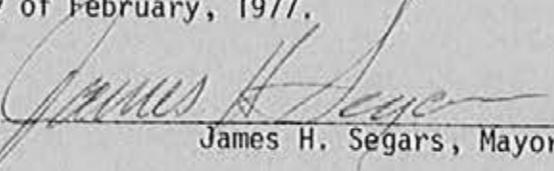
BE IT ORDAINED by the City Council of the City of Marion, North Carolina as follows:

Section 1. The 1976-1977 Budget Ordinance of the City of Marion, adopted June 22, 1976, by the City Council of the City of Marion, is hereby amended by making the following changes in the below set out accounts:

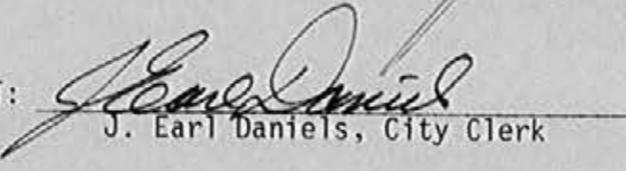
Transfer of \$500.00 from Capital Outlay Account Number 30-810-74 to Maintenance-Buildings and Grounds Account Number 30-810-15; and \$2,000.00 from Capital Outlay Account Number 30-810-74 to Maintenance-Equipment Account Number 30-810-16.

Section 2. That a copy of this amendment be attached to the 1976-1977 Budget Ordinance of the City of Marion as adopted June 22, 1976.

ADOPTED this the 8th day of February, 1977.


James H. Segars, Mayor

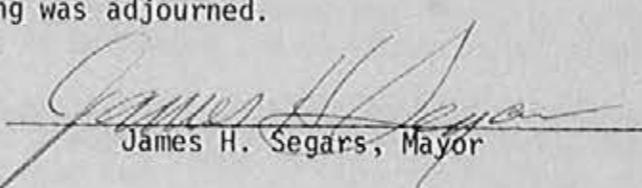
ATTEST:


J. Earl Daniels, City Clerk

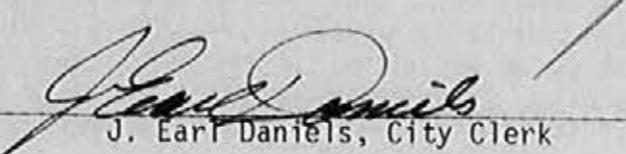
City Manager's Report: The City Manager reported that a joint meeting of the City Council, County Commissioners and Old Fort Aldermen would be held February 16, 1977. He informed the Council that the location of the dinner meeting would be determined at a later date and that the Council members would be notified.

The City Manager also informed the City Council that the Annual Congressional City Conference would be held in Washington, D. C. beginning Saturday, March 5, 1977 and continuing through Tuesday, March 8, 1977. He asked that if any of the Council members plan to attend the conference they should notify him as soon as possible so that the may make the necessary reservations.

There being no further business, the meeting was adjourned.


James H. Segars, Mayor

ATTEST:


J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
CITY OF MARION

February 22, 1977

The City Council of the City of Marion met in a regularly scheduled session Tuesday, February 22, 1977, at 7:30 P.M. in the Fire/Police Training Center.

Board Members Present: Mayor James H. Segars, Councilmen A. Everette Clark, Horace Wilkerson, Larry W. Brown, Robert E. James (arrived at 7:45 P.M.), and Oliver R. Cross (arrived at 8:35 P.M.).

Others Present: E.P. Dameron, City Attorney; J. Earl Daniels, City Manager; Jim Shepard, News Reporter, The McDowell News; Harold Sandstrom, News Reporter, the Asheville Citizen; Glenda Melton, Secretary; and W. S. Riddick, Jr. and Ben Thompson, O'Brien & Gere, Inc.

Guests: June H. Causby, 800 Tate Street; Mary Whiteside, 308 Yancey Road; James L. Ferguson, Sr., 631 Miller Avenue; Richard Crisp, Broyhill Furniture, West Henderson Street; Ben Poteat, Rt. 2, Box 238 A, Marion; Dora L. Gregory, Virginia Road; Dessie Peeler, 118 Rutherford Road; Lillie Gregory, Virginia Road; Thurley Steppe, Yancey Road; Irene F. Somers, Yancey Road; Carl H. Lowery, Jr., State Street; Sara Ballew, 458 Morgan Street; Gilbert Hollifield, P. O. Box 939; W. David Blanton, P. O. Box 429, Marion; Jerry Arnold, Tri-County Oil Company; Ruth Condrey; Laura Koone, P. O. Box 711; Dan Koone, Marion; Margaret Gourley, Marion; J. L. Gourley, Jr., Marion; L. M. Miller, Marion; and Ivy S. McBee, 503 Claremont Avenue.

Approval of the February 8, 1977 Minutes: Upon a motion by Councilman Clark, seconded by Councilman Wilkerson, the City Council voted as follows to accept the minutes of the February 8, 1977 meeting: Ayes: Councilmen Clark, Wilkerson, Brown and James. Noes: None.

Waste Treatment Plant Project - Line Easements: Mayor Segars welcomed the guests to the meeting and explained that the City is aware of the fact that there are already two lines crossing most of their properties to the existing treatment plant but that it is necessary that another line be installed to serve the new plant. He explained that the City is being forced to build a new treatment plant and that if the requested easements are granted, the City will guarantee that the properties will be restored to their present condition or may, in some cases, even be improved.

Mr. Sid Riddick and Mr. Ben Thompson of O'Brien & Gere, Inc. were present to answer questions concerning the proposed waste treatment plant and outfall lines.

The guests were advised that the easements would be fifty feet initially for construction purposes and that after construction was completed they would be only twenty-five feet, twelve and one-half feet on either side of the line; that the property value would not diminish because of the lines; that no permanent structure should be erected on the easement; that the easement would run with the deed; that the lines will be from three feet to eight feet under the ground; that the grantors may cultivate a garden over the lines; that the City will be responsible for either raising or lowering manholes to suit needs; etc.

Mr. Riddick explained that the new lines cannot run parallel or piggybacked with the old lines because of the risk of damaging the old lines during construction; that the old lines are located too close to the creek and have been damaged by washouts; that the new lines have been situated, as shown by the drawings, in the proposed locations because after having made extensive studies, surveys, etc., it has been determined that the proposed routes are the most feasible; and that it would cost the City approximately \$200,000.00 to \$300,000.00 to make all the requested changes in location.

Mayor Segars assured those present that everyone granting an easement would be allowed to tap onto the line without having to pay the usual tap fee.

Mayor Segars thanked everyone for attending the meeting and advised that the City would work with the people in any way to get the lines installed and the properties returned to their original condition prior to the installation of the lines.

Tax Adjustment - William J. Wilkinson: City Manager Earl Daniels explained that the McDowell County tax listings show duplicate listings for William J. Wilkinson's 1976 taxes for property located on Fleming Avenue in the amount of \$4,800.00. The City, in copying the tax listings from the County, picked up both listings on the same property and therefore charged Mr. Wilkinson double the amount which should have been charged. He stated that Mr. Wilkinson is entitled to a refund from the City in the amount of \$36.00.

Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to authorize a refund to Mr. Wilkinson in the amount of \$36.00.

Waste Treatment Plant Project Bids - Report and Recommendations by Engineers: Mr. Sid Riddick, representing the engineering firm of O'Brien & Gere, Inc., advised the Council that a canvass of all bids received February 3, 1977, had been completed to make sure that all bids were correct and that no irregularities had been found that would influence the order of the bids. He stated that the engineering firm recommends that the City, subject to formal approval by the U. S. Environmental Protection Agency and the N. C. Division of Environmental Management, award Contracts 1.0, 1.1, 1.2, 1.3 and 4.0 to the respective low bidders.

Mr. Riddick also advised that since there were only two bids received for Contract 3.0, Garden Creek Facilities, and these were not read, that the contract be readvertised as soon as possible and that the City may wish to advertise for the Sugar Hill Facilities at the same time.

Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to adopt the following resolution accepting the recommendations of O'Brien & Gere, Inc./Engineers:

RESOLUTION AWARDING CONSTRUCTION CONTRACTS FOR
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY,
PROJECT NUMBER C-370354-01, AND NORTH CAROLINA
DIVISION, ENVIRONMENTAL MANAGEMENT, PROJECT
NUMBER WC-135

WHEREAS, the City of Marion advertised January 5, 1977, in The McDowell News and received bids February 3, 1977, for construction Contracts for Environmental Protection Agency Project Number C-370354-01, and North Carolina Division, Environmental Management Project Number WC-135; and

WHEREAS, said bids were canvassed by the engineering firm of O'Brien & Gere, Inc.; and

WHEREAS, no significant irregularities were found; and

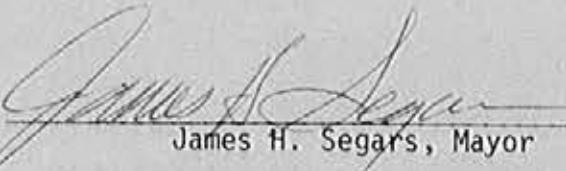
WHEREAS, said engineering firm recommends that the City, subject to formal approval by the United States Environmental Protection Agency and the North Carolina Division of Environmental Management, award Contracts 1.0, 1.1, 1.2, 1.3 and 4.0 to the respective low bidders.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL of the City of Marion as follows:

Section 1. That Contracts 1.0, 1.1, 1.2, 1.3 and 4.0, as listed below and subject to the formal approval by the United States Environmental Protection Agency and the North Carolina Division of Environmental Management, be awarded as recommended by O'Brien & Gere, Inc.:

| | |
|--|--------------|
| Contract 1.0 - General | |
| Lee Construction Company, Charlotte | \$ 3,800,010 |
| Contract 1.1 - Electrical | |
| Gibbons Electric Company, Lenoir | \$ 142,774 |
| Contract 1.2 - Heating, Ventilating and Air Conditioning | |
| Home Electric Company of Lenoir, Inc. | \$ 21,635 |
| Contract 1.3 - Plumbing | |
| Hickory Plumbing & Heating Company | |
| Hickory, N. C. | \$ 29,443 |
| Contract 4.0 - Collection System Extensions | |
| W & W Contracting, Inc., Asheville | \$ 112,253 |

ADOPTED this the 22nd day of February, 1977.



James H. Segars, Mayor

ATTEST:



J. Earl Daniels, City Clerk

Waste Treatment Plant Project Bids - Protest: Mr. Riddick advised the Council that a protest had been filed pursuant to the provisions of 40 CFR 35.939 by Carolina Concrete Pipe Company on Contract 2.0, Corpening Creek Outfall. The protest alleges that the specifications prepared by O'Brien & Gere, Inc. for pipe materials on the Corpening Creek Outfall project are in violation of EPA regulations and that a savings of approximately \$106,000 could be realized by using reinforced concrete pipe instead of vitrified clay pipe, the specified material.

Mr. Riddick advised that the protest must be resolved before Contract 2.0 can be awarded. He stated that his firm has concluded from technical evaluations that none of the materials available for use in the Marion area are equal to vitrified clay from the standpoint of performance. He stated that his firm did not include the use of concrete pipe in the specifications because under current EPA policy to allow alternate materials is construed to mean that the alternates are in fact equal, and the contract must be awarded solely on the basis of the lowest price, thus the owner has no choice of the material selection made by the contractor. He also stated that his firm had based their economic evaluations upon a 50-year life for vitrified clay pipe and a 25-year life for reinforced concrete pipe.

After a long discussion and upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to have a special meeting of the Council Thursday, March 10, 1977, at 7:30 P.M. in the City Council Chamber at City Hall, at which time Carolina Concrete pipe Company may present both written and verbal information to Council regarding their protest of Contract 2.0, Corpening Creek Outfall lines.

The City Manager was directed by Council to send by Certified Mail, Return Receipt Requested, an announcement of the meeting to all parties concerned advising that each interested party would be allotted time to present their arguments for or against the formal protest filed by Carolina Concrete Pipe Company of Charlotte on Contract 2.0. All parties with a financial interest in the matter will be required to present their arguments in writing and will also be allotted a specified length of time to present verbal comments.

The City Manager advised that the City must submit an engineering report, a legal opinion, the City Council's opinions and a tape of the special meeting to the Environmental Protection Agency in order for them to rule on the protest.

National League of Cities Conference - Washington, D. C.: The City Council agreed to reschedule the next regular meeting of the City Council from March 8, 1977, to March 15, 1977, because several members of the Council will be attending the National League of Cities Conference in Washington, D. C. from March 5, 1977, until March 8, 1977.

Isothermal Planning and Development Commission - Appointment of Member for Three-Year Term: Mayor James H. Segars reappointed City Manager J. Earl Daniels as the City's representative on the Isothermal Planning and Development Commission for a term of three years.

Budget Amendment - Street Department: Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously approved the following Budget Ordinance Amendment:

AN ORDINANCE AMENDING THE 1976-1977
BUDGET ORDINANCE OF THE CITY OF MARION

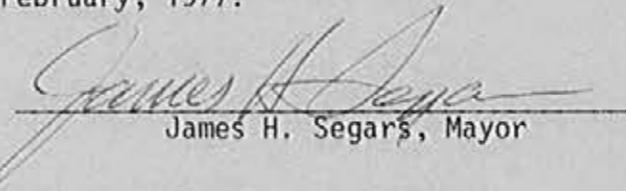
BE IT ORDAINED by the City Council of the City of Marion, North Carolina, as follows:

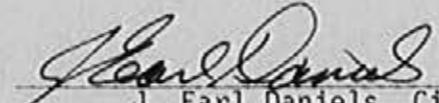
Section 1. That the 1976-1977 Budget Ordinance of the City of Marion, adopted June 22, 1976, by the City Council of the City of Marion, is hereby amended by making the following addition and deletion to the below listed accounts:

Supplies, Account Number 10-560-33, is decreased in the amount of \$1,200.00; and Maintenance-Vehicles, Account Number 10-560-17, is increased in the amount of \$1,200.00.

Section 2. That a copy of this amendment be attached to the 1976-1977 Budget Ordinance of the City of Marion as adopted June 22, 1976.

ADOPTED this the 22nd day of February, 1977.


James H. Segars, Mayor

ATTEST: 
J. Earl Daniels, City Clerk

Budget Transfer - Fire Department: The City Manager informed the City Council that he had authorized the transfer of \$550.00 from Account Number 10-530-74, Capital Outlay, to Account Number 10-530-11, Telephone and Postage, as requested by Fire Chief Arthur Edwards.

Tax Collector - Appointment - Frances Briscoe: The City Manager recommended that Mrs. Frances Briscoe be appointed Tax Collector for the City of Marion.

Upon a motion by Councilman James, seconded by Councilman Brown, the City Council unanimously voted to appoint Frances Briscoe to the position of Tax Collector for the City of Marion. The City Manager informed the Council that the Oath of Office would be administered in accordance with State Statutes.

The City Manager stated that in an effort to save time in preparing Council minutes, he would like for his secretary to attend regular Council meetings and take notes to prepare a draft copy of the minutes for his approval prior to submitting same to the City Council. He informed the City Council that this procedure would save a considerable amount of time presently being spent by the manager in handling clerical work. The City Council approved the recommendation of the City Manager.

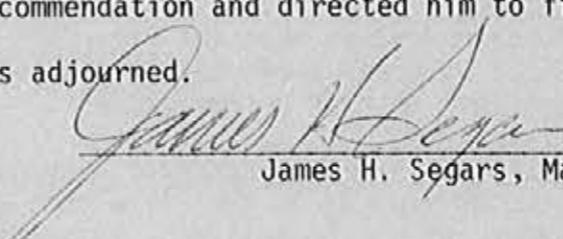
Planning Program 1977-1978: The City Manager recommended that the City file for a grant for Local Planning and Management Assistance (701) for the following:

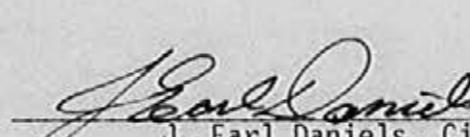
| | | |
|---------------------------------|-------------------------------|----------------------------|
| Population and Economy Study | \$1,080 Grant \$ 720 Local | |
| Report to the People | \$1,200 Grant \$ 800 Local | |
| Central Business District Study | \$2,400 Grant 1,600 Local | |
| Technical Assistance-Annexation | Extraterritorial | Planning Board |
| \$720 Grant \$480 Local | \$480 Grant \$320 Local | \$600 Grant \$400 Local |

Up-Date Land Development Plan and Write Housing Element To Meet HUD Requirements
\$900 Grant
\$600 Local

The City Council approved the City Manager's recommendation and directed him to file an application.

There being no further business, the meeting was adjourned.


James H. Segars, Mayor

ATTEST: 
J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA
 COUNTY OF McDOWELL
 CITY OF MARION

The City Council of the City of Marion met in a special session Thursday, March 10, 1977, at 7:30 P.M. in the Fire/Police Training Center.

Board Members Present: Mayor James H. Segars, Councilmen A. Everette Clark, Horace Wilkerson, Robert E. James, Oliver R. Cross and Larry W. Brown.

Others Present: E. P. Dameron, City Attorney; J. Earl Daniels, City Manager; Ann Vess, News Reporter, The McDowell News; and Harold Sandstrom, News Reporter, Asheville Citizen.

Guests: William S. Riddick, O'Brien & Gere, Inc./Engineers; Dee Stevens, Old Fort; William R. DuPree, Jr., Carolina Concrete Pipe Company; L. Michael Ward, Hermitage Concrete Pipe; Henry M. Shaw, Jr., N. C. Products Corporation; H. Howard Lund, Pomona Pipe Products Company; Justice Everett, Pomona Pipe Products Company; W. Roger Gentry, Carolina Concrete Pipe Company, Columbia, South Carolina; Tom Mallonee, District Assistant to Congressman Gudger; C. R. Duncan, C. R. Duncan Construction Company; Richard Johnson, Carolina Concrete Pipe Company; Mike Wilson, Metromont Materials, Spartanburg, South Carolina; and William R. Ledbetter, Marion, North Carolina.

Mayor Segars called the meeting to order and explained that the purpose of the meeting was to hear comments regarding a protest filed by Carolina Concrete Pipe Company pertaining to Contract 2.0 of the Waste Treatment Plant Project. He then turned the meeting over to City Attorney E. P. Dameron.

Mr. Dameron asked for written or oral statements from any parties who might wish to submit either.

Mr. Richard Johnson, Manager of Carolina Concrete Pipe Company, presented twenty-one various articles, justifications, etc. to the Council in support of his company's contention that reinforced concrete pipe should have been included in the specifications for Contract 2.0. He stated that it is the contention of Carolina Concrete Pipe Company that the bid result violates Federal Register, Volume 40, No. 243, paragraph 35.936-13.

Mr. Sid Riddick, O'Brien & Gere, Inc./Engineers, presented various arguments as to why reinforced concrete pipe was not included in the specifications. He maintains that vitrified clay pipe is cost effective for this project. He quoted the EPA's Program Requirement Memorandum 75-5 dealing with non-restrictive specifications. He stated that the PRM clearly permits the specification of a single pipe material when such material is judged by the consultant to be required to meet the performance conditions of the project.

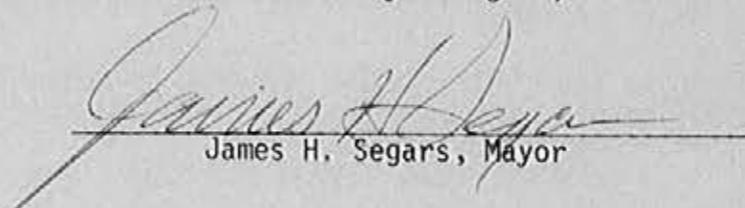
Mr. C. R. Duncan of C. R. Duncan Construction Company, low bidder on Contract 2.0, advised the Council that clay pipe is not as difficult to work with as reinforced concrete pipe and therefore is more economical. He went into detail concerning the aspects of working with both products.

There was a questions and answers period after the presentations.

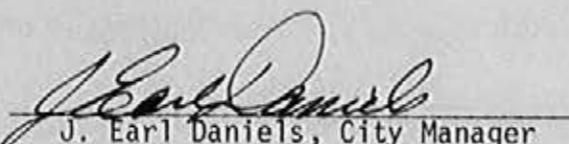
Mr. Dameron thanked everyone for attending the meeting and Mr. Daniels advised that the parties involved would be notified as to the Council's decision in the matter.

There being no further business, the meeting was adjourned.

(A transcript of the taped meeting is on file in the Office of the City Manager.)


 James H. Segars, Mayor

ATTEST:


 J. Earl Daniels, City Manager

STATE OF NORTH CAROLINA
 COUNTY OF McDOWELL
 CITY OF MARION

March 15, 1977

The Marion City Council met in a regularly scheduled session Tuesday, March 15, 1977, at 7:30 P.M. in the City Council Chamber at City Hall.

Board Members Present: Mayor James H. Segars, Councilmen Oliver R. Cross, A. Everette Clark, Horace Wilkerson, Robert E. James (arrived at 7:50 P.M.), and Larry W. Brown.

Others Present: E. P. Dameron, City Attorney; J. Earl Daniels, City Manager; Glenda Melton, Secretary; Jim Sheppard, News Reporter, The McDowell News; and Harold Sandstrom, News Reporter, The Asheville Citizen.

Approval of the February 22, 1977, Minutes: Upon a motion by Councilman Wilkerson, seconded by Councilman Cross, the City Council unanimously voted to approve the minutes of the February 22, 1977, meeting.

Accident Involving City Property - Robert Smith, Jr.: City Manager Earl Daniels advised the Council that Mr. Robert Smith, Jr. had talked with him regarding bursting a tire when he drove over a hole in East Court Street on or about March 2, 1977. Mr. Smith had requested that the City purchase a new tire to replace the one he bursted.

Mr. Daniels advised the Council that a City crew had made the hole while repairing a water line. He also stated that the crew had filled the hole with gravel but had not put up any barricades or warning signals. He advised that upon investigation by City representatives it was found that the tire which was damaged was almost completely bald.

Mr. Daniels recommended that the Council authorize the purchase of a recapped tire to replace the one damaged.

Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the City Council unanimously agreed to purchase a recapped tire at a total cost of \$13.75, to replace the one damaged when Mr. Smith drove over the hole in East Court Street.

Tax Refund - Carroll and Joyce Hogan: The City Manager advised the Council that Mr. and Mrs. Carroll Hogan were listed and paid City taxes on personal property. Although they own a lot located inside the City Limits, they live outside the limits on Greenwood Drive. Therefore, they are entitled to a refund in the amount of \$42.26.

Upon a motion by Councilman Clark, seconded by Councilman James, the City Council unanimously voted to authorize the Tax Collector to refund the amount of \$42.20 to Mr. and Mrs. Hogan.

Tax Refund - L.M. Shell: The City Manager advised the Council that the City had picked up a tax listing for Mr. L. M. Shell for property not inside the City Limits. He advised that Mr. Shell had paid the taxes in the amount of \$48.45, and recommended that said amount be refunded to Mr. Shell.

Upon a motion by Councilman Wilkerson, seconded by Councilman James, the City Council unanimously voted to authorize the Tax Collector to refund the amount of \$48.45 to Mr. Shell.

City Tennis Courts - Request for Use: The City Manager read a letter from J. H. Owens requesting permission for the tennis team at McDowell High School to use the City's tennis courts for a tennis tournament on the following dates from 2:45 P.M. until approximately 5:00 P.M.:

| | |
|---------------------|---------------------|
| Friday, March 18th | Tuesday, April 19th |
| Tuesday, March 22nd | Friday, April 22nd |
| Tuesday, March 29th | Tuesday, April 26th |
| Tuesday, April 11th | Tuesday, May 3rd |

The Council directed the City Manager to advise Mr. Owens that the courts could be reserved if he would furnish two signs showing the dates and times the courts would be in use and would furnish the police department with a schedule of same so that a policeman could go to the courts prior to the reserved times and advise any citizens using the courts that same are reserved. The signs are to be given to Mr. Daniels so that City personnel may post them at the appropriate places. Jim Sheppard of The McDowell News agreed to have the tournament schedule published in the paper.

Street System - Addition of State Street: The City Manager recommended that Council adopt a resolution requestint that the portion of State Street located within the City Limits be deleted from the State system and added to the City's system. He advised that the State would be responsible for resurfacing the street, which has been done, and for completing the work on the culvert situated just west of the fair grounds. He also advised that it would be four or five years before the City would need to do any major work on the street.

Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to adopt the following resolution regarding the addition of State Street to the City's street system:

WHEREAS, State Street (SR-1700) is on the North Carolina State Department of Transportation's Secondary Road System; and

WHEREAS, a portion of State Street (SR-1700) is located within the City Limits of the City of Marion; and

WHEREAS, the City Council of the City of Marion feels it is in the best interest of the citizens of the City of Marion that that portion of State Street (SR-1700) located within the City Limits be made a part of the Municipal Street System.

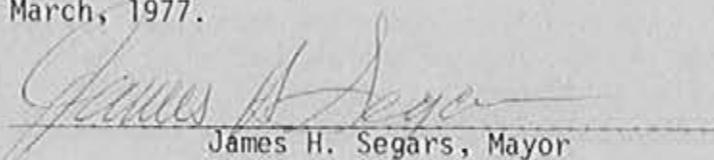
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marion as follows:

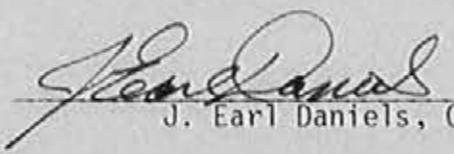
Section 1. That the North Carolina State Department of Transportation, Division of Highways, is hereby requested to abandon that portion of State Street (SR-1700) which is located within the Marion City Limits from its intersection with Main Street (U.S. 221 and N. C. 226) in an easterly direction to the intersection of State Street (SR-1700) and Tate Street (SR-1702).

Section 2. That that portion of State Street (SR-1700), as described in Section 1 above, be added to the City of Marion Street System and be placed on the City of Marion Powell Bill Map.

Section 3. That that portion of State Street (SR-1700) located outside the City Limits of the City of Marion remain on the North Carolina Department of Transportation, Division of Highways, Secondary Road System and continue to be maintained by the North Carolina State Department of Transportation, Division of Highways.

ADOPTED this the 15th day of March, 1977.


James H. Segars, Mayor

ATTEST: 
J. Earl Daniels, City Clerk

Street System - Addition of Dogwood Lane, Lonon Avenue and Yancey Road: Councilman Brown suggested that the Council consider adding that portion of Dogwood Lane which is located within the City Limits to the City's street system.

Mayor Segars stated that if the Council agrees to request the addition of Dogwood Lane, Lonon Avenue, and Yancey Road to the City's system, they should request that the State make all necessary repairs, etc. prior to the City's accepting the streets.

Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to adopt the following resolution requesting that the portion of Dogwood Lane located within the City Limits be added to the City's street system:

WHEREAS, Dogwood Lane (SR-1502) is on the North Carolina State Department of Transportation, Division of Highways, Secondary Road System; and

WHEREAS, a portion of Dogwood Lane (SR-1502) is located within the City Limits of the City of Marion; and

WHEREAS, the City Council of the City of Marion feels it is in the best interest of the citizens of the City of Marion that that portion of Dogwood Lane (SR-1502), located within the City Limits be made a part of the Municipal Street System.

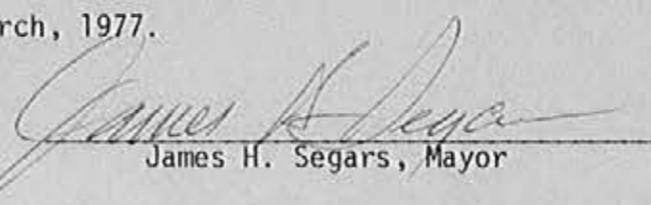
NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Marion as follows:

Section 1. That the North Carolina State Department of Transportation, Division of Highways, is hereby requested to abandon that portion of Dogwood Lane (SR-1502) which is located within the Marion City Limits from its intersection with Fleming Avenue (SR-1500) in a northerly direction to the City Limits.

Section 2. That that portion of Dogwood Lane (SR-1502) as described in Section 1 above be added to the City of Marion Street System and be placed on the City of Marion Powell Bill Map.

Section 3. That that portion of Dogwood Lane (SR-1502) located outside the City Limits of the City of Marion remain on the North Carolina Department of Transportation, Division of Highways, Secondary Road System and continue to be maintained by the North Carolina Department of Transportation, Division of Highways.

ADOPTED this the 15th day of March, 1977.


James H. Segars, Mayor

ATTEST: 
J. Earl Daniels, City Clerk

Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to adopt the following resolution requesting that the portion of Yancey Road located within the City Limits be added to the City's street system:

WHEREAS, Yancey Road (SR-1501) is on the North Carolina State Department of Transportation, Division of Highways, Secondary Road System; and

WHEREAS, a portion of Yancey Road (SR-1501) is located within the City Limits of the City of Marion; and

WHEREAS, the City Council of the City of Marion feels it is in the best interest of the citizens of the City of Marion that that portion of Yancey Road (SR-1501), located within the City Limits of the City of Marion, be made a part of the Municipal Street System.

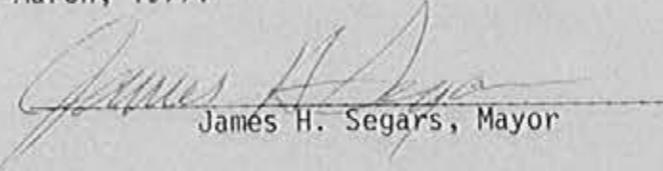
NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Marion as follows:

Section 1. That the North Carolina State Department of Transportation, Division of Highways, is hereby requested to abandon that portion of Yancey Road (SR-1501) which is located within the Marion City Limits from its intersection with Fleming Avenue (SR-1500) in a northerly direction to the City Limits.

Section 2. That that portion of Yancey Road (SR-1501), as described in Section 1 above, be added to the City of Marion Street System and be placed on the City of Marion Powell Bill Map.

Section 3. That that portion of Yancey Road (SR-1501) located outside the City Limits of the City of Marion remain on the North Carolina Department of Transportation, Division of Highways, Secondary Road System and continue to be maintained by the North Carolina State Department of Transportation, Division of Highways.

ADOPTED this the 15th day of March, 1977.


James H. Segars, Mayor

ATTEST: 
J. Earl Daniels, City Clerk

Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to adopt the following resolution requesting that the portion of Lonon Avenue located within the City Limits be added to the City's street system:

WHEREAS, Lonon Avenue (SR-1503) is on the North Carolina State Department of Transportation, Division of Highways, Secondary Road System; and

WHEREAS, a portion of Lonon Avenue (SR-1503) is located within the City Limits of the City of Marion; and

WHEREAS, the City Council of the City of Marion feels it is in the best interest of the citizens of the City of Marion that that portion of Lonon Avenue (SR-1503) located within the City Limits of the City of Marion be made a part of the Municipal Street System.

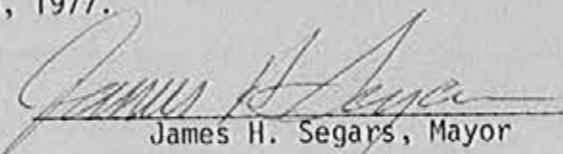
NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Marion as follows:

Section 1. That the North Carolina State Department of Transportation, Division of Highways is hereby requested to abandon that portion of Lonon Avenue (SR-1503) which is located within the Marion City Limits from its intersection at Dogwood Lane (SR-1502) in a northerly direction to the City Limits.

Section 2. That that portion of Lonon Avenue (SR-1503), as described in Section 1, above, be added to the City of Marion Street System and be placed on the City of Marion Powell Bill Map.

Section 3. That that portion of Lonon Avenue (SR-1503) located outside the City Limits of the City of Marion remain on the North Carolina Department of Transportation, Division of Highways, Secondary Road System and continue to be maintained by the North Carolina State Department of Transportation, Division of Highways.

ADOPTED this the 15th day of March, 1977.


James H. Segars, Mayor

ATTEST: 
J. Earl Daniels, City Clerk

Parking Meters: The City Manager recommended that if the parking meters are not going to be put back into service they be sold and the meter posts be removed.

After a long discussion, it was decided that the meter posts would be removed and that threaded two-inch couplings would be counter sunk into new sidewalks in the event the meters are placed back into use in the future. The Council agreed to have "two hour parking" signs placed on the streets and to ask the Police Department to ticket the cars which are parked for more than two hours. It was also decided that the parking ordinance should be amended.

City Charter: The City Manager recommended that since the proposed City Charter has been presented to the Legislature, the Council begin a series of meetings to review the Code of Ordinances. He recommended that the Council review the ordinances individually and make decisions as to which ordinances should be deleted, which should be changed, and decide if any new ordinances need to be adopted.

After a short discussion, the City Manager was directed by the Council to review the ordinances and make recommendations to the City Council as to what deletions, amendments, etc. should be made.

Cemetery - Addition of Street to City System: The City Manager recommended that the streets in the Oak Grove Cemetery be added to the municipal street system, that they be included on any future City maps, and that they be added to the Powell Bill Map in order that the City may receive funds from the state for their up keep and maintenance. He advised that if this is done the City will be unable to close off the streets to the general public.

After a short discussion and upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to request that the streets in the Oak Grove Cemetery be added to the municipal street system and to the Powell Bill Map.