

City Engineer: The City Manager advised the Council that Councilman James had suggested that it may be in the best interest of the City of employ a City Engineer on a retainer basis to assist in making decisions on technical engineering problems. He stated that he had talked with Mr. Fred Eslick regarding this and that Mr. Eslick had agreed to discuss the matter with the Council in closed session. Mr. Daniels stated that he was doubtful as to whether or not one engineer would be willing to review another engineers plans and specifications and be critical of them.

After a short discussion, the Council agreed to table the matter until a future date.

Town Meeting: The City Manager recommended that a "Town Meeting" be held Wednesday, March 30th, 1977, at 7:30 P.M. in the Community Building to allow the citizens of Marion an opportunity to express their opinions to the City Council and to the various department heads about City services. He recommended that the meeting be highly publicized in the newspaper and on the radio. He also suggested that the meeting may be utilized as one of the necessary public meetings required prior to utilizing Revenue Sharing Funds.

The Council agreed that it was a good idea and there was a short discussion concerning the Mayor, Fire Chief, Police Chief, etc. making short recordings to be played by the radio station advertising the meeting and inviting the citizens of Marion.

Downtown Area Study: The City Manager stated that he feels the City needs to concentrate on rejuvenating the downtown area. He stated that there is a dire need for a variety store and more and better Main Street parking facilities. He stated that the downtown merchants cannot compete with shopping centers and therefore may find it necessary to relocate in the shopping centers, thus leaving more downtown buildings empty. He stated that owners of buildings may be unable to rent their buildings to merchants, or, if so, at a lower rental. Thus, the tax income to the city would be reduced and the buildings may deteriorate due to a lack of maintenance.

He advised the Council that he had talked with City Planner Woody Harton concerning applying for a Central Business District Planning Grant and that Mr. Harton has agreed to start work on it.

The Council discussed the need to reroute traffic around town, problems with property owners and extending shopping hours.

Budget Ordinance Amendment: Upon a motion by Councilman Wilkerson, seconded by Councilman Clark, 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 \$7,000.00 to \$8,000.00

#### WATER/SEWER REVENUES

Estimated Surplus, Account Number 30-399-00 is increased from \$30,416.00 to \$31,416.00.

#### CAPITAL PROJECT FUND DISBURSEMENTS

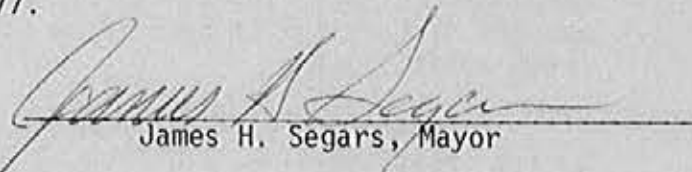
Work in Progress, Account Number 60-815-75 is increased from \$267,000.00 to \$268,000.00.

#### CAPITAL PROJECT FUND REVENUES

Contribution from Water/Sewer Account Number 60-397-00 is increased from \$7,000.00 to \$8,000.00.

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 15th day of March, 1977.

  
James H. Segars, Mayor

ATTEST:   
J. Earl Daniels, City Clerk

Waste Treatment Plant Project - Protest: The City Manager advised the Council that they must render a decision regarding the protest filed by Carolina Concrete Pipe Company, to be forwarded to EPA.

The Council discussed the fact that perhaps O'Brien & Gere, Inc. had been remiss in that they feel concrete pipe may have been feasible for use in some areas of the project. The Council also discussed the fact that an addendum to the specifications might possibly have been issued if they had been made aware of the facts of the matter a substantial length of time prior to the actual bid opening. It was the general consensus of the Council that to offer Contract 2.0 for bids again would more than likely result in a substantial increase in the amounts bid because the lowest bid received was \$92,821.00 lower



than the next lowest bid received and that to rebid the contract would ultimately result in the loss of any savings which may have been realized through the use of reinforced concrete pipe. On the basis of these facts, and upon a motion by Councilman Wilkerson, seconded by Councilman James, the City Council unanimously voted to disallow the protest filed by Carolina Concrete Pipe Company on the basis that the protest was not timely and that to allow the protest would not be cost effective, and therefore adopted the following resolution:

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL

In the Matter of the Protest of  
Carolina Concrete Pipe Company to  
the Award of Contract No. 2.0,  
Corpening Creek Outfall.

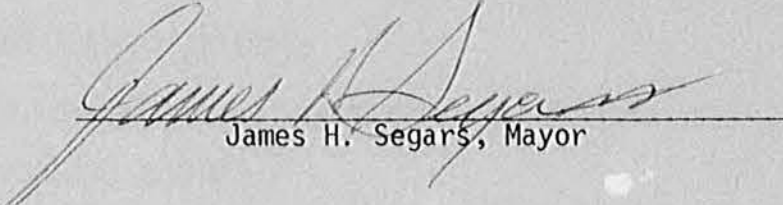
EPA Project No. C-370354  
Marion, North Carolina

Without waiving its contention that the said protest was not timely filed and is not in compliance with the provisions of 40 CFS 35.939, the City of Marion hereby gives notice to Carolina Concrete Pipe Company and all other interested parties that a hearing upon said protest will be held by the City Council of the City of Marion, North Carolina, at 7:30 o'clock P.M., Thursday, March 10, 1977, at the City Council Chamber in the City Hall at Marion, North Carolina, located at 20 North Logan Street, Marion, North Carolina, at which hearing an opportunity will be afforded all interested parties to present arguments in support of their views concerning said protest.

The procedures which the City of Marion will observe for resolution of said protest are as follows:

1. The complainant, Carolina Concrete Pipe Company, and each of the other interested parties shall file with the City Council prior to said hearing a written statement (ten copies) reciting in detail their views and arguments concerning said protest.
2. The complainant, Carolina Concrete Pipe Company, and each of the other interested parties will be allowed thirty (30) minutes at said hearing to comment upon the views and arguments contained in the written statement filed with the City Council.
3. A representative of O'Brien & Gere, Inc./ Engineers, will then be allowed 30 minutes to present arguments in support of its views concerning said protest.
4. The City Council will then take under advisement all matters and information presented at said hearing and will make its decision concerning said protest on the basis of such matters and information.
5. After reaching its decision, the City Council of the City of Marion, North Carolina, will promptly deliver by certified mail, return receipt requested, its written determination of said protest to the complaining party and to each other participating party, accompanied by a legal opinion of its City Attorneys addressing any issues arising under state or local law.

This the 24th day of February, 1977.

  
James H. Segars, Mayor

NOTE: The above is the City's Notice of Intent, the following is the Resolution referred to above.

#### R E S O L U T I O N

WHEREAS, a hearing was held by the City Council of the City of Marion, North Carolina, on March 10, 1977, pursuant to notice to all interested parties, upon the protest of Carolina Concrete Pipe Company to the award of Contract Number 2.0 (Corpening Creek Outfall); and

WHEREAS, the complainant, Carolina Concrete Pipe Company, appeared at said hearing by its representative, Mr. Richard Johnson, and filed with the Council a written statement reciting in detail the views of the complainant, and also made an oral statement concerning said protest; and

WHEREAS, Mr. W. S. Riddick, Jr., P.E., appeared in behalf of O'Brien & Gere, Inc., Engineers, and filed a written statement reciting in detail the views of said engineering firm, and also made an oral statement concerning said protest; and

WHEREAS, Mr. Richard Johnson, stated at the hearing that he was advised by a representative of O'Brien & Gere Engineers some time before the issuance of the solicitation for bids on this project that reinforced concrete pipe was not included as an acceptable pipe material in the specifications. He also stated that from the time of the issuance of the solicitation for bids on January 5, 1977, he was aware that reinforced concrete pipe was not included in the specifications as an acceptable pipe material.

The protest is dated February 3, 1973, the date on which the bids on the project



were opened. The protest was received by the City of Marion February 7, 1977; and

WHEREAS, the low bid recieved on Contract Number 2.0 (Corpening Creek Outfall) was \$1,462,492.00, the next lowest bid was \$1,555,313.00, and the highest bid was \$1,909,400.00. The difference between the low bid and the next lowest bid is \$92,821.00; and

WHEREAS, the specifications for the project dileneated that the Corpening Creek Outfall line pipe materials to be supplied were to be of vitrified clay or ductile iron, as determined by the exercise of the professional judgment of the City's retained consulting engineering firm, O'Brien & Gere, Inc., Engineers, who unqualifiedly expressed to the City their professional opinion that vitrified clay pipe has a substantially longer useful life expectancy than reinforced concrete pipe; and

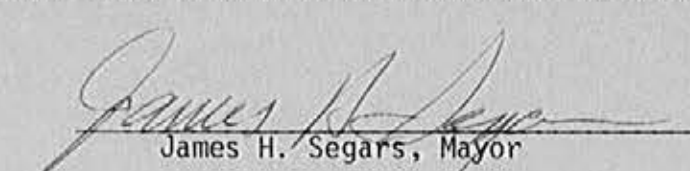
WHEREAS, the members of the City Council are unanimous in their opinion, after considering all of the available evidence, that the use of vitrified clay pipe in said contract would be in the best interest of the citizens and taxpayers of the City of Marion and is the "cost effective" choice to make; and

WHEREAS, the members of the Council are of the opinion that it is extremely doubtful that a change of the specifications to allow the use of reinforced concrete pipe and a reletting of the project for bids would result in any reduction in the ultimate cost of the contract.

NOW, THEREFORE, BE IT RESOLVED:

That the protest of Carolina Concrete Pipe Company to the award of Contract Number 2.0 (Corpening Creek Outfall) be denied for the following reasons:

- (1) Said protest was not timely.
- (2) The complainant, Carolina Concrete Pipe Company, has failed to offer evidence sufficient to convince the members of the Council that the cost effective performance of reinforced concrete pipe is, or can be expected to be, comparable to that of vitirfied clay pipe in this project.
- (3) That the members of the Council are of the unanimous opinion that vitrified clay pipe has a substantially greater useful life expectancy in this project than reinforced concrete pipe and is, therefore, more cost effective for use in this project.
- (4) That there has been no violation of EPA Regulation 40 CFR 35.936-13 or any other EPA regulation by the City of Marion or its consulting engineers, O'Brien & Gere, Inc., in connection with the contract in question.

  
James H. Segars, Mayor

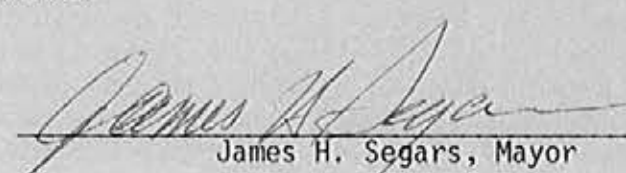
ATTEST:

  
J. Earl Daniels, City Clerk

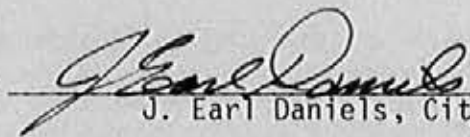
I, EARL DANIELS, City Manager and Clerk to the City Council of the City of Marion, North Carolina, hereby certify that the foregoing resolution was unanimously adopted at a meeting of the City Council of Marion, North Carolina, regularly called and held March 15, 1977, at which meeting all of the memebers of the City Council were present.

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J. Earl Daniels, City Manager and Clerk

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 22, 1977

The Marion City Council met in a regularly scheduled session Tuesday, March 22, 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, Robert E. James, Larry W. Brown and Horace Wilkerson (arrived at 7:43 P.M.).

Others Present: E. P. Dameron, City Attorney; J. Earl Daniels, City Manager; Glenda Melton, Secretary; Mack Laughridge, Building Inspector; Sid Riddick, Engineer; and Woody Harton, City Planner.

Guests: Louis H. Turner, 444 South Garden Street; and W. David Blanton, Forest Road, Marion.

Approval of the March 15, 1977 Minutes: Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to approve the minutes of the March 15, 1977 meeting.

Resolution - Sugar Hill Road Collection System: Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council unanimously voted to adopt the following resolution authorizing Mayor Segars to advertise for bids for the construction of wastewater treatment facilities, Contract 5.0, Sugar Hill Collection System:

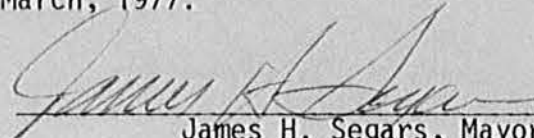
WHEREAS, the City of Marion has been directed by the Division of Environmental Management, State of North Carolina and the U. S. Environmental Protection Agency to provide adequate wastewater facilities of increased capacity and capability; and

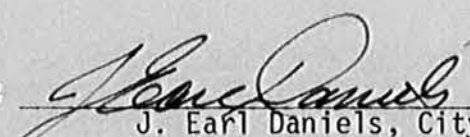
WHEREAS, the City of Marion has undertaken the development of such wastewater facilities, and has retained the services of O'Brien & Gere, Inc., Engineers, to prepare plans, specifications, drawings and other documents as will be required for their construction; and

WHEREAS, O'Brien & Gere has completed the preparation of the plans and associated documents for Contract \$5.0, Sugar Hill Collection System, and has presented such to the City of Marion.

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 Contract #5.0, Sugar Hill Collection System, and to advertise such contracts related thereto for bids upon receipt of approval of these agencies.

ADOPTED this the 22nd day of March, 1977.

  
James H. Segars, Mayor

ATTEST:   
J. Earl Daniels, City Clerk

Sid Riddick of O'Brien & Gere, Inc., presented the plans for the Sugar Hill Collection System and advised the Council that the plans had already been submitted to the State for approval and that he feels the State will approve the plans this week and will forward them to the Environmental Protection Agency for their approval. He also stated that the City, in his opinion, will be in a position to advertise for bids by the first week of April.

Mr. Riddick advised the Council that he and Mr. Daniels had talked with Mr. Neal and Mr. Edwards of the State Highway Department regarding the Garden Creek facilities, Contract 3.0, and the possibility of installing the lines down the middle of Highway 70 West. The Council discussed the possibility and decided that the expense involved in repaving all five lanes of the highway and the expense of maintenance in the future would not, in the long run, save the City any money. They agreed that Contract 3.0 should be bid again just as it was initially.

Contract 5.0, Sugar Hill, and Contract 3.0, Garden Creek, will be advertised for bids at the same time.

Waste Treatment Plant Project - Expenses: City Manager Earl Daniels read a letter from C. A. Willis of O'Brien & Gere, Inc. regarding the City's outstanding account, and a letter from Sid Riddick concerning the City's estimated cash flow needs through August 15, 1977.

The City Manager stated that the Council needs to give consideration to a Bond Anticipation Note Sale of about \$700,000.00. Mayor Segars asked if it would not be better to renew the existing \$250,000.00 Bond Anticipation Notes rather than to sell additional notes.

After a short discussion the City Manager was directed to contact the Local Government Commission



for information and a recommendation regarding the sale of additional notes. The City Manager was instructed to provide this information and a recommendation regarding the sale of additional notes. The City Manager was instructed to provide this information to the Council at the 'Town Meeting' scheduled for March 30, 1977, at the Marion Community Building.

Mr. Riddick advised the Council that he had talked with Matt Robins, EEO officer with the Environmental Protection Agency, and had been advised that a hearing has been scheduled for April 6, 1977, in Atlanta, to determine if the low bidders have and will comply to the EEO regulations. He advised the Council that all the bidders are currently working on projects funded by EPA grants and that he foresees no problems with the hearing and that he feels the City can start construction a few days after April 6, 1977.

Zoning Ordinance Amendment: Mack Laughridge, Zoning Administrator for the City, presented three cases for rezoning to the Council. He advised the Council that the Planning Board had met Thursday, March 17, 1977, but that there was not a quorum present at the meeting, thus the recommendations submitted for Council approval were not the recommendations of the entire Board.

Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council unanimously agreed to return the zoning requests to the Planning Board.

The City Manager stated that all changes in the zoning map should comply with the Comprehensive Land Development Plan map. He stated the Comprehensive Land Development Plan map projects the orderly development of the City as planned and approved by the City Council. He advised the Council that the Comprehensive Land Development Plan should be changed prior to any change in the Official Zoning Map which would be in conflict with the Comprehensive Land Development Plan.

Parking Ordinance: Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to adopt the following ordinance:

#### AN ORDINANCE ESTABLISHING LIMITED TIME PARKING ZONES

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

Section 1. When signs are erected giving notice thereof, no person shall park a vehicle for longer than two (2) hours between 9:00 A.M. and 5:00 P.M., local time, except on Sundays and public holidays, upon any of the streets or areas designated in Section 2 below.

Section 2. Two (2) Hour Parking Zones - The following named and described areas, streets or portions of streets and such other areas, streets, or portions of streets as may hereafter be included in this section by amendment hereto, lying within the corporate limits of the City of Marion, North Carolina, shall constitute two (2) hour parking zones, namely:

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

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

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

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

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

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

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

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

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

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

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

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 3. Twelve (12) Minute Parking Zones - When signs are erected giving notice thereof, no person shall park a vehicle for longer than twelve (12) minutes upon any of the areas designated below:



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

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

Section 4. Fifteen (15) Minute Parking Zones - When signs are erected giving notice thereof, no person shall park a vehicle for longer than fifteen (15) minutes upon any of the areas described below:

(a) Beginning at a point located 47 feet north of the intersection of the west curb line of Logan Street and the north curb line of West Court Street and extending thence from said point in a northerly direction with Logan Street a distance of 40 feet. (2 parking spaces)

(b) Beginning at a point located 164 feet north of the intersection of the east curb line of Logan Street and the north curb line of West Court Street and extending thence from said point in a northerly direction with Logan Street a distance of 20 feet. (1 parking space)

Section 5. Penalty - Any person who shall violate or fail to comply with any of the provisions of this ordinance, or who shall counsel, aid or abet any such violation or failure to comply, shall be deemed guilty of an offense and shall be punished by a fine not to exceed \$50.00 or by imprisonment of not more than 30 days.

Section 6. Reservation of Powers - Nothing in this ordinance shall be construed as prohibiting the City of Marion, North Carolina from providing for bus stops, for taxicab stands and other matters of similar nature, including the loading and unloading of trucks, vans, or other commercial vehicles.

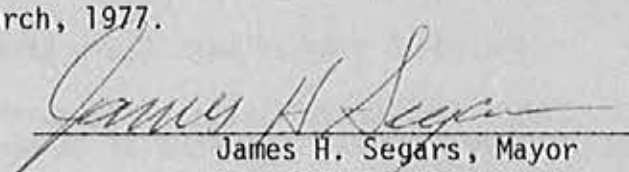
Section 7. Repeal of Conflicting Ordinances - All ordinances and parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

Section 8. Severability - If any section or provision, or parts thereof, in this ordinance shall be adjudged invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity of the ordinance as a whole or of any other section or provision or part hereof.


Section 9. Exercise of Police Power - This entire ordinance shall be deemed and construed to be an exercise of the police power of the City of Marion, North Carolina, for the preservation and protection of public safety, and all of its provisions shall be liberally construed with a view to the effectuation of such purpose.

Section 10. Effective Date - This ordinance shall be in full force and effect from and after the date of its passage.

ADOPTED this the 22nd day of March, 1977.

  
James H. Segars, Mayor

ATTEST:

  
J. Earl Daniels, City Clerk

The City Manager was instructed to have cards printed advising motorists who overpark that their car will be ticketed the second time they overpark and advising the location of various all-day parking lots.

Water Line Construction - Highway 70 West: The City Manager informed the Council that he had talked with Mr. Bill Hobson of Hobson Construction Company, Inc., and that Mr. Hobson had agreed that his company would install approximately 226 feet of 8-inch cast iron pipe between the top and bottom of the slope at the McDowell High School for the unit price of \$7.00 per lineal foot and that the City would be expected to furnish one 8-inch, 45 degree bend and one 8-inch compression coupling.

Upon a motion by Councilman Wilkerson, seconded by Councilman Cross, the City Council unanimously voted to authorize Mr. Hobson to install the line as set out above.

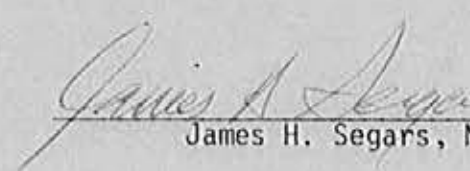
The City Manager advised the Council that Mr. Hobson will be in Marion Thursday to view the situation



at the reservoir and to quote a price for making an addition to the same.

There followed a discussion regarding the City's policy as it pertains to providing water to residents and businesses located outside the City Limits. It was generally agreed by Council that the City should begin making plans for the immediate annexation of a couple of areas located outside the limits.

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

March 30, 1977

The Marion City Council met in a called session Tuesday, March 30, 1977, at 7:30 P.M. in the Marion Community Building.

Board Members Present: Mayor James H. Segars, Councilmen Oliver R. Cross, A. Everette Clark, Horace Wilkerson and Larry W. Brown (arrived at 8:30 P.M.).

Others Present: J. Earl Daniels, City Manager; Jim Sheppard, News Reporter, The McDowell News; Harold Sandstrom, News Reporter, The Asheville Citizen; Alvin Callahan, Public Works Director; Burdette Carroll, Street Department Superintendent; Glen Murdock, Chief Water Filter Plant Operator; Gary Campbell, Chief Waste Treatment Plant Operator; Calvin Smith, Water/Sewer Line Construction Crew Superintendent; John Beck, Police Chief; Arthur Edwards, Fire Chief; John Sullivan, Assistant Fire Chief and Civil Defense Director; and J. Mack Laughridge, Building Inspector and Zoning Administrator.

Guests: John S. Wilson, Spring Street; Mrs. B. A. Dickson, South Garden Street; Patin Howard, Jr., South Garden Street; Steve Prestwood, Marion; Mr. and Mrs. Thomas Milligan, 210 North Main Street; Jim Lancy, 101 Park Avenue; Mack H. Johnson, 49 Pulliam Street; and Mrs. Earl Daniels, 445 South Garden Street.

Resolution - Clean Water Bond Act: The City Manager presented the following resolution to the Council and, upon a motion by Councilman Cross, seconded by Councilman Clark, the Council voted to pass the resolution as follows: Ayes - Councilman Clark, Councilman Cross and Councilman Wilkerson. Noes - None.

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 an area in West Marion, along Sugar Hill Road, 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 as follows:

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.

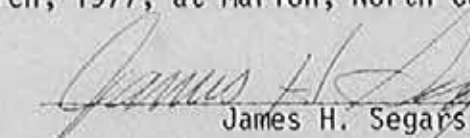
That Mayor James H. Segars is hereby authorized to execute and file an application on behalf of the City of Marion with the State of North Carolina for a grant to aid in the construction of the project described above.

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 30th day of March, 1977, at Marion, North Carolina.

  
J. Earl Daniels, Clerk

  
James H. Segars, Mayor



Town Meeting - Citizens Comments Regarding City Services and Utilization of Revenue Sharing Entitlement Funds: Mayor Segars introduced the members of the City Council and the department heads present and advised the guests that the purposes of the meeting were to receive information from the citizens regarding how City services might be improved, and to receive input regarding the expenditure of Revenue Sharing Entitlement Funds.

Mr. John Wilson of Spring Street complained about the condition of the sidewalk from Garden Street to Main Street. He also complained about the parking which is allowed because of the street being so narrow. He also stated that there is a 'shade tree' mechanic in his neighborhood who works on cars in his yard, runs an automobile with loud mufflers at all hours of the night, and washes his car in the street. He asked that the police keep an eye on the person with the loud mufflers and also if something could be done about his washing cars in the street, and if a speed limit sign could be erected close to the intersection of Spring and Garden Streets.

Mr. Wilson was advised that a speed limit sign would be erected and that the City would see what could be done about washing cars in the street.

Mr. Mack Johnson of 49 Pulliam Street asked what Revenue Sharing Funds were.

The City Manager explained what the funds were and how they had been utilized in the past.

Mr. Johnson stated that he feels the City needs an additional water system for fire protection.

The City Manager explained that the cost of an additional water system would be prohibitive but that the City may be able to enlarge the current piping and increase the current storage capacity.

Mr. Johnson stated that he feels the downtown area needs to be revitalized.

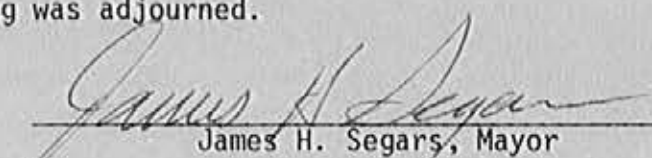
The City Manager advised that since Main Street is maintained by the State, it is difficult to make changes which would reroute the through traffic thereby enabling the merchants to make any drastic improvements or changes.

Mr. Johnson questioned the City's ordinance which restricts the height of buildings to 45 feet.

The City Manager explained that the ordinance could possibly be changed. However, the City's Fire Department is not equipped to handle fires in buildings of more than four floors. He stated that the City would have to purchase another truck equipped especially for fighting fires in tall buildings and would have to construct a shelter to house the truck.

Mrs. B. S. Dickson stated that the sole purpose for her attending the meeting was to praise the Street Department for the excellent job they did in keeping the streets clear during the winter weather.

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

April 5, 1977

The Marion City Council met in a regularly scheduled session Tuesday, April 5, 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, Larry W. Brown and Horace Wilkerson.

Others Present: J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; Glenda Melton, Secretary; Jim Sheppard, News Reporter, The McDowell News; and Harold Sandstrom, News Reporter, The Asheville Citizen.

Guests: Earl Honeycutt, Isothermal Planning and Development Commission; James Hardin, Recreation Commission; and Mack Johnson, Citizen.

Approval of the March 10, 1977 Minutes: Upon a motion by Councilman Wilkerson, seconded by Councilman Brown, the members of the Council present unanimously voted to approve the minutes of the March 10, 1977 meeting.

Approval of the March 22, 1977 Minutes: Upon a motion by Councilman Wilkerson, seconded by Councilman Brown, the members of the City Council present unanimously voted to approve the minutes of the March 22, 1977 meeting.

Approval of the March 30, 1977 Minutes: Councilman Larry Brown stated that the name 'Dickson' on page two, paragraph seven, was spelled 'Dixon'. The error was noted and will be corrected in the permanent record. Thereafter upon a motion by Councilman Wilkerson, seconded by Councilman Brown, the members of the Council present unanimously voted to approve the minutes of the March 30, 1977 meeting.



Alleyway-Between Burgin Street and Pulliam Street: City Manager Earl Daniels read the following petition:

We, the undersigned adjoining property owners, respectfully petition the Honorable Mayor of the City of Marion, N. C., Mr. Segars, the City Council and the City Manager, Mr. Earl Daniels, not to develop the alleyway from Blue Ridge Street approximately 300 feet northward between Burgin Street and Pulliam Street for a designated purpose. We protest because of potential public nuisance which serves no useful purpose to we, the said property owners.

/s/ Mack H. Johnson, 49 Pulliam Street, Marion, N.C.  
 /s/ Sally Johnson, 49 Pulliam Street, Marion, N.C.  
 /s/ Mrs. H. C. Peters, 41 Pulliam Street  
 /s/ Lois Robinson, 41 Pulliam Street

Mack Johnson, a resident of Pulliam Street, stated that he and some of his neighbors had cleared the property owned by the City and located behind their homes years ago and have been using it for vegetable gardens. He stated that he did not receive a letter from the City advising him that an alleyway will be constructed across the City's property until after he had planted potatoes on the property. He stated that the house to be served by the alleyway has been there for twenty years or more and that he doesn't understand why a drive or alleyway has to be constructed leading to it now.

Mr. Johnson stated that if the recreation complex is constructed and the alleyway constructed then he and his neighbors would be bothered constantly with kids going through the alleyway in 'swarms'. He said that it is his understanding that the alleyway is being constructed so the residents of 44 Burgin Street could be serviced by oil and other utility trucks. He said if that be the case, the shortest route to their house would be across the Finley Estate, and that they had been receiving oil all these years by trucks crossing the property where Mrs. Sam Driggers lives.

Mr. Johnson stated that he had talked with the Mayor on March 28, 1977, and that the Mayor told him the alleyway would go through over all objections. Mayor Segars stated that he told Mr. Johnson that the Council had agreed to construct the alleyway and that it would be constructed.

Mr. Johnson stated that he would take whatever action necessary even if it meant bringing an injunction against the City.

The City Manager stated that he had checked all deeds involved at the courthouse and that the map shows a dedicated sixteen-foot alleyway.

Harold Sandstrom asked to what extent would the alleyway be developed. Mayor Segars told him that it would be made passable at this point in time.

There followed a discussion regarding the alleyway, the reason it was being constructed and its exact location. Upon a motion by Councilman Wilkerson, seconded by Councilman Cross, the members of the Council present unanimously voted to construct the alleyway contingent upon clearing all legalities through the City Attorney.

Mayor Segars directed the City Manager to check with the Highway Department regarding the City's purchase of property adjacent to Blue Ridge Street.

Earl Honeycutt - IPDC - Section 8 Housing Assistance Program: Mr. Earl Honeycutt of the Isothermal Planning and Development Commission appeared before the Council and presented an outline of HUD's Section 8 Housing Assistance Payments Program. He stated that any family whose income is less than 80% of the HUD published median income for the county is eligible, and that any dwelling unit that meets the minimum standards for the community or the HUD published minimum standards, whichever is higher, is eligible. He advised that the program is financed, both the supplement for the household and the administration of the program, by funds allocated by HUD to the state. He also advised that Isothermal Planning and Development Commission will assume all administrative responsibilities and costs thereof and that the City has no responsibilities or costs, and that all that is necessary is for the City to grant permission for the program to be put into operation.

After a brief discussion and upon a motion by Councilman Clark, seconded by Councilman Cross, the members of the Council present unanimously voted to adopt the following resolution:

We, the undersigned, being the governing body of the City of Marion, North Carolina, in which the proposed project, which is described below, is to be located, do specifically request by this writing and do expressly approve by this writing the participation by the North Carolina Housing Finance Agency in the federally assisted, below-described housing project to be located in our City.

#### Description of Proposed Project:

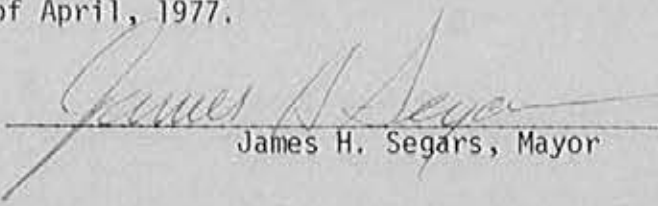
A Section 8 Housing Assistance Payments Program - Existing Project to be operated by the North Carolina Housing Finance Agency through the Isothermal Planning and Development (Region C) Commission.

This request and approval is made and granted pursuant to North Carolina General Statutes 122A-5(1).

It is understood that the making of this request and the granting of this approval does not constitute acceptance by the North Carolina Housing Finance Agency of our request for participation nor agreement by the North Carolina Housing Finance Agency of our request for participation nor agreement by the North Carolina Housing Finance Agency to pursue the proposed project which we have approved.



This the 5th day of April, 1977.

  
James H. Segars, Mayor

Recreation Commission - James Hardin: Mr. James Hardin, Recreation Director, appeared before the Council to report on the progress of the recreation facilities in the County. Mr. Hardin advised that Brooks Electric Company had been awarded the contract for the installation of lights at the West Court Street field in the amount of \$4,495.00; that the anticipated completion date for the two tennis courts is August 1st; and that a playground area would be constructed which would have slides, merry-go-round, etc. He also stated that bleachers to seat 300 had been ordered. He advised that he was hoping to obtain approval to install a 30-meter swimming pool. He stated that there will also be an outdoor basketball court and facilities for pitching horseshoes. When asked about the utilization of the old gym building he advised that it would cost a minimum of fifteen to twenty thousand dollars to get the gym portion of the building ready for use. He stated that the Recreation Commission is anticipating opening the facilities already completed April 18, 1977.

Bond Anticipation Notes: Upon a motion by Councilman Cross, seconded by Councilman Clark, the members of the City Council present unanimously voted to authorize Mayor Segars to ask the Local Government Commission to sell Bond Anticipation Notes in the amount of 1.2 million dollars. Said notes to mature six months after date of sale. This action was taken based on a recommendation from the Local Government Commission that the City sell the full amount authorized and proceed with the bond sale during the six-month period in order to pay off the Bond Anticipation Notes.

CATV Franchise Ordinance: The City Council postponed action on this matter.

Water Deposits: The City Manager presented the following report:

Month	CHARGE OFFS Adjustments	Final Bills No Deposit	Balance Due After Deposits Deducted
July '76	\$465.19 (10)	\$162.10 (12)	\$ 5.24 (1)
August '76	90.95 (5)	102.65 (9)	1.06 (1)
September '76	84.11 (10)	54.73 (4)	106.20 (4)
October '76	133.90 (12)	153.57 (9)	67.96 (8)
November '76	137.05 (14)	37.13 (5)	76.30 (5)
December '76	38.82 (2)	-----	26.12 (2)
January '77	82.76 (6)	108.94 (9)	39.20 (2)
February '77	13.29 (2)	119.31 (12)	119.04 (4)
GRAND TOTAL	\$ 1,046.07 (61)	\$738.43 (60)	\$ 441.12 (27)

The City Manager recommended that all persons required to pay water bills be required to make a water deposit.

The City Manager, in referring to the report, stated that the City had lost \$738.43 from July, 1976, through February, 1977, due to persons moving without paying their final water bill when such persons had not placed a water deposit with the City.

He stated that under the City's present policy homeowners are not required to make a water deposit.

Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the members of the City Council present unanimously voted to require that all persons who pay water bills to the City be required to make a water deposit.

Said water deposits shall be \$15.00 for customers within the municipal limits and \$30.00 for customers located outside the municipal limits.

Ordinance Prohibiting Washing and/or Repairing Vehicles on Public Streets: Upon a motion by Councilman Clark, seconded by Councilman Wilkerson, the members of the City Council present unanimously voted to approve the following ordinance:

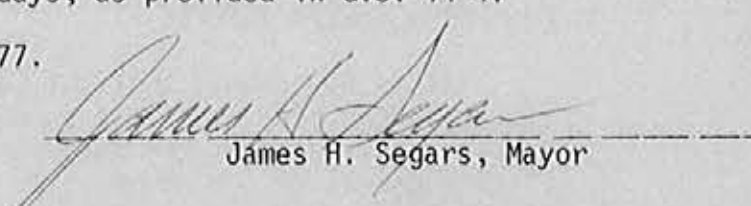
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARION AS FOLLOWS:

Section 1. That it shall be unlawful for any person to wash any car, truck or other vehicle or equipment on any public street, alley, or sidewalk within the City Limits.

Section 2. That it shall be unlawful for any person to park any car, truck or other vehicle or equipment on any public street, alley, or sidewalk for the purpose of making repairs to same.

Section 3. That violation of any provision of this ordinance shall constitute a misdemeanor punishable, upon conviction, by a fine not to exceed fifty dollars (\$50.00), or imprisonment not to exceed thirty (30) days, as provided in G.S. 14-4.

Adopted this the 5th day of April, 1977.

  
James H. Segars, Mayor

ATTEST:   
J. Earl Daniels, Clerk



Lail Street - Resolution and Agreement - Department of Transportation: The following resolution was introduced, and Councilman Oliver Cross moved that it be adopted. The motion was seconded by Councilman Everette Clark, and upon being put to a vote, the resolution was \*unanimously carried;

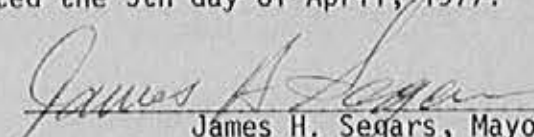
WHEREAS, the North Carolina Board of Transportation has prepared and adopted plans to make certain street and highway improvements within this municipality under Project 6.903579, said plans consisting of the construction and improvement of SR 1300 (Lail Street) from SR 1001 to SR 1291, that said project is considered to be a most necessary street and highway improvement for the promotion of public safety and convenience; and

WHEREAS, the Board of Transportation and this municipality propose to enter into an agreement for the above mentioned project wherein this municipality shall cooperate with said Board to the extent of:

- (1) Effecting the necessary adjustments of all utilities, including the adjustments of any municipally owned utilities, said adjustments to be accomplished without cost or obligation to the Board of Transportation.
- (2) Entering into an agreement with the Board of Transportation as to establishing, maintaining, and enforcing traffic operating controls for the regulation and movement of traffic on the project.

NOW, THEREFORE, BE IT RESOLVED that Project 6.903579, McDowell County, 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 Board of Transportation.

This resolution was passed and adopted the 5th day of April, 1977.

  
James H. Segars, Mayor

ATTEST:

  
J. Earl Daniels, Clerk

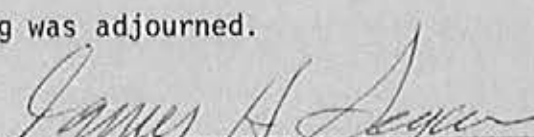
The Agreement referred to above may be found in the safe in the City Hall listed as Document No. 400.

Reservoir Improvements: The City Manager informed the Council that it would be necessary to secure the services of an engineering firm to determine if an addition could be made to the existing reservoir. The City Manager stated that in discussing the matter with Mr. Bill Hobson of Hobson Construction Company, it was his understanding that an increase in height of fifteen feet would provide approximately 1.5 million gallons of additional storage capacity and increase pressures at a little better than six pounds.

The City Manager stated that detailed plans and specifications would be required for receiving bids for construction if the existing reservoir can be added to. He stated that a major concern is whether or not the existing concrete and foundation can be added to and support a new addition.

The City Manager was directed to contact O'Brien & Gere, Inc., and possibly other engineering firms, for estimates on engineering costs.

There being no further business, the meeting was adjourned.

  
James H. Segars, Mayor

ATTEST:

  
J. Earl Daniels, City Clerk

\* Councilman James was absent from the meeting because of illness. Therefore, he did not vote on the adoption of the resolution.

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

April 19, 1977

The Marion City Council met in a regularly scheduled session Tuesday, April 19, 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, Larry W. Brown and Horace Wilkerson.

Others Present: E. P. Dameron, City Attorney; Arthur Edwards, Fire Chief; Alvin Callahan, Public Works Director; Jim Sheppard, News Reporter, The McDowell News; Harold Sandstrom, News Reporter, The Asheville Citizen; and J. Earl Daniels, City Manager.



Guests: Paul E. McCoy, Jack McHone, G. L. Elliott, Phillip Steppe, Woody Harton, City Planner, Dennis Turman, Ernie House, Mary Anna Wilkinson, L. M. Miller and David Blanton.

Approval of the April 5, 1977 Minutes: Upon a motion by Councilman Cross, seconded by Councilman Clark, the members of the City Council present unanimously voted to approve the minutes of the April 5, 1977 meeting.

Public Hearing - Marion Zoning Ordinance: Phillip Steppe and Dennis Turman were present representing the Marion Planning Board. Mr. Steppe stated that the Planning Board had spent considerable time discussing the requests. He informed the Council that the Planning Board was concerned with the direction the business district should grow and, whenever, possible, zoning changes being made as extensions of existing zones. He stated that the Planning Board, in considering the cases, referred to the Land Development Plan. Mr. Turman advised that if additional commercial property is needed, that consideration must be given to the direction of expansion of the existing business district and the availability of lands adjacent to such areas.

Case No. 1 - Proposed Rezoning of State Street Property: It was requested that the property located on State Street which is occupied by R. L. James Hosiery Mills and the McDowell County Rescue Squad be rezoned from M-1, Industrial, to C-2, General Business.

DESCRIPTION OF PROPERTY: Beginning at the northeast corner of the McDowell County Rescue Squad property thence parallel with State Street west 387 feet; south 203 feet; east 309 feet; thence parallel with the Rescue Squad Property north 200 feet to the beginning.

Mr. Phillip Steppe, a Planning Board Member, informed the City Council that the Marion Planning Board recommends that the property described above not be rezoned as requested.

There was no one present who objected to the proposed rezoning. The City Manager stated that he had received a call from Attorney Robert Hunter concerning property owned by Mrs. Carl McCall and that he told Mr. Hunter that anyone who had objections to the rezoning should either attend the meeting to voice their objections or present a letter to the Council stating their objections.

Upon a motion by Councilman Wilkerson, seconded by Councilman Brown, the members of the City Council present unanimously voted to rezone from M-1, Industrial, to C-2, General Business, the property described above in Case No. 1.

Case No. 2 - Proposed Rezoning - State Street: Mr. E. J. House, Jr. and Mr. L. M. Miller of the House-Miller Subdivision requested that their property, located on State Street, be rezoned from R-1, Residential, to C-2, General Business.

DESCRIPTION OF PROPERTY: Beginning at a point 350 feet west of the southeast corner of State Street and Miller Avenue thence running parallel with State Street west 275 feet; thence south 240 feet; thence east 354 feet to the property line of Dr. Viuu Lind; thence running parallel with the Lind property line north 199 feet to the beginning.

Phillip Steppe informed the City Council that the Marion Planning Board recommends that the request for rezoning of the property described above from R-1, Residential, to C-2, General Business, be denied. The City Manager read a letter from Dr. Viuu Lind opposing the rezoning of the property.

Mr. House, Mr. Miller and Mrs. Anna Wilkinson were present. Mr. House and Mr. Miller spoke in favor of the rezoning. There was no one present who objected to the proposed rezoning.

Upon a motion by Councilman Wilkerson, seconded by Councilman Cross, those members of the City Council present unanimously voted to rezone from R-1, Residential, to C-2, General Business, the property described above in Case No. 2.

Case No. 3 - Proposed Rezoning - South Garden Street: Mr. David Blanton requested that the property on the west side of South Garden Street which lies between State Street and Spring Street be rezoned from R-1, Residential, to C-2, General Business.

DESCRIPTION OF PROPERTY: Beginning at the northwest corner of Spring and South Garden Streets thence running parallel with Garden Street north 642 feet to State Street; thence running parallel with State Street west 208 feet; thence south 163 feet; thence east 70 feet; thence south 55 feet; thence west 40 feet; thence south 418 feet; thence running parallel with Spring Street east 200 feet to the beginning.

Phillip Steppe informed the City Council that the Marion Planning Board recommends that the request for rezoning of the property described above from R-1, Residential, to C-2, General Business, be denied.

The City Manager read a letter from Mrs. Louise Ward of 216 South Garden Street requesting that her property not be rezoned from residential to commercial. Council was advised that Mr. Louis Turner of South Garden Street had appeared before the Planning Board and opposed the rezoning of the properties described above in Case No. 3.

Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the members of the City Council present unanimously voted to rezone from R-1, Residential, to C-2, General Business, the property described above in Case No. 3.

Case No. 4 - Proposed Rezoning - South Garden Street: Mr. David Blanton, representing the J. D. Blanton Estate, requested that property located on the north side of Spring Street and the east side of South Garden Street, be rezoned from R-1, Residential, to C-2, General Business.



DESCRIPTION OF PROPERTY: Beginning at the northeast corner of Spring Street at its intersection with South Garden Street and continuing north on Garden Street 490 feet; thence east 150 feet to the northeast corner of Lot No. 28 of the Blanton property; thence 170 feet south; thence southeast 110 feet; thence 290 feet south to Spring Street; thence west 165 feet to the beginning.

Phillip Steppe informed the City Council that the Marion Planning Board recommends that the property described above in Case No. 4 not be rezoned from R-1, Residential, to C-2, General Business.

Mr. David Blanton was present and stated that he would like to have the property rezoned as requested.

Upon a motion by Councilman Clark, seconded by Councilman Brown, the members of the City Council present unanimously voted to rezone from R-1, Residential, to C-2, General Business, the property described above in Case No. 4.

Case No. 5 - Proposed Rezoning - West Henderson Street: Mr. James R. Hoyle of Commercial Real Estate and Marketing, Forest City, North Carolina, requested that the property he owns on West Henderson Street be rezoned from R-1, Residential, to C-2, General Business.

DESCRIPTION OF PROPERTY: Beginning at a point at the southeast corner of the Colleen Laughridge property and running parallel with New West Henderson Street west 467 feet; thence north 79 feet to Old West Henderson Street; thence running parallel with Old West Henderson Street east 463 feet to the Laughridge property line; thence running parallel with the Laughridge line south 211 feet to the beginning.

Phillip Steppe informed the City Council that the Marion Planning Board recommends that the property described in Case No. 5 be rezoned from R-1, Residential, to C-2, General Business.

Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the members of the City Council present unanimously voted to rezone from R-1, Residential, to C-2, General Business, the property described above in Case No. 5.

Comprehensive Land Development Plan: Phillip Steppe informed the City Council that the Planning Board recommends the following changes to the Land Development Plan:

Change from residential to commercial all property located on the west side of New West Henderson Street to the south side of Lail Street which is not presently projected as industrial; and on the east side of New West Henderson Street from the drainage ditch located next to Railroad Street along the ditch to the southeast property line at the sharp curve on Lail Street along the City Limit Line to New West Henderson Street.

Upon a motion by Councilman Cross, seconded by Councilman Clark, the members of the City Council present unanimously voted to change the Land Development Plan as recommended by the Planning Board.

The City Council discussed the existing Comprehensive Land Development Plan with Mr. Steppe and Mr. Turman. The Council requested that Mr. Steppe and Mr. Turman discuss with the Planning Board the need for amending the Comprehensive Land Development Plan. They asked that special attention be given to that area fronting on State Street from South Garden Street east to the drainage culvert and also that area fronting on the west side of South Garden Street from Rutherford Road north to Spring Street.

Mayor Segars spoke for Council and expressed appreciation to the Planning Board for their work and recommendations to the Council regarding proposed amendments to the Zoning Ordinance and the Land Development Plan.

It was generally agreed that the Planning Board and the City Council should hold a joint meeting to exchange ideas regarding future growth of the City and planned development of the different zoning areas within the municipal limits. It was tentatively agreed that the City Council would hold a dinner meeting with the Planning Board at some date in the near future.

Water Line Extension Request - Intersection of Ridge Street and Baldwin Avenue: Jack Elliott, Paul McCoy and Jack McHone were present to inform the City Council that they are presently served by the municipal water system but they are experiencing problems due to lack of pressure and flows. It was stated that at times they do not receive any water at all from the system and that they are unable to run two faucets in a home at the same time.

A map was presented by the City Manager showing the area in question. Mayor Segars informed those members of the Council present that he had received other complaints from persons residing in the area. He stated that he would contact those persons to determine if arrangements could be made to provide for an extension of the line which would be beneficial both to the residents of the area and to the City, and that the matter would be taken into consideration at the next meeting of the City Council.

Water Line Extension Request - Hawkins Subdivision of Garden City Forest: The City Manager presented a request from Rev. Wayne Slayton for the extension of a two-inch water main to serve his property which is located on Walnut Street. After a short discussion, the City Council agreed to install a 2-inch galvanized water line a distance of five hundred feet from the end of the 2-inch line to the edge of Rev. Slayton's property upon the condition that Rev. Slayton purchase the 2-inch galvanized pipe necessary to make the extension and provide for the City any necessary easement or right-of-way. The line to be installed would be deeded to the City and would become the property of the City. The City, in turn, would charge Rev. Slayton a \$50 meter fee in lieu of the \$200 connection fee for one residential service; and all additional services in the future would be at the then current outside connection fee.



Tennis Courts - Request for Use - West McDowell Junior High School: The City Manager presented a request from Ken Griffin, Tennis Coach, West McDowell Junior High School, for use of the tennis courts on April 26, 1977, and May 3, 1977. A long discussion followed.

Several complaints had been received by Council members concerning the fact that City residents have been unable to use the tennis courts because students of West McDowell Junior High School have informed residents that they have reserved the courts for practice sessions.

After a long discussion, the City Manager was asked to send a letter to Coach Griffin and to the principals of the schools informing them that the City cannot, in the future, reserve the tennis courts for use by the schools. The City Manager was also instructed to advise the coaches that the courts could not be reserved for practice but that the students would be permitted to use the courts, as are all other citizens, and under the same conditions. The City Council agreed to authorize the use of the courts as requested by Coach Griffin, provided the dates do not conflict with dates the courts have been reserved by the high school; and also contingent upon necessary signs being prepared and presented to the City for City personnel to post at the tennis courts notifying individuals when the courts will be reserved by the junior high school.

Street Lights - Burgin Street: The City Manager presented a letter from Henry B. Wilkinson, Vice President, Etta Paper Box Company, requesting that the City change the two 7500 lumin street lamps on Burgin Street to 20,000 lumin lamps in order to provide additional lighting on the street for security purposes.

The matter was referred to the Street Committee.

Public Official Liability Insurance: The City Manager presented a letter from Jim McDonald, President, Unimark-McDonald, Inc. The letter stated that the annual first year premium for public official liability insurance would be \$2,500, plus any state taxes and local countersigning fees. In addition, the letter stated that an endorsement could be provided which would cover the Fire Chief for an additional premium of \$500. A copy of information pertaining to the public official liability insurance can be found in the safe at City Hall under Document Number 401.

Upon a motion by Councilman Clark, seconded by Councilman Brown, the members of the City Council present unanimously voted to authorize the City Manager to pay to Unimark-McDonald, Inc. the amount of \$3,000 for the annual first year premium and the endorsement to cover the Fire Chief. The figure does not include any necessary state taxes or local countersigning fees in the amount of \$125.

The City Manager informed the Council that attempts are being made to locate insurance coverage for the Marion Police Department.

Contract to Audit Accounts - Crawley, Price, Sprinkle and Company: The City Manager presented a contract to audit City accounts from Crawley, Price, Sprinkle and Company. He advised the Council that the contract was a standard contract which must be approved by the Local Government Commission. The total cost of the contract will be an amount not to exceed \$2,700.

Upon a motion by Councilman Wilkerson, seconded by Councilman Clark, the members of the Council present unanimously voted to accept the contract agreement submitted by Crawley, Price, Sprinkle and Company, contingent upon approval by the Local Government Commission.

Resolution Authorizing \$1.2 Million Sanitary Sewer Bond Anticipation Notes: Councilman Oliver R. Cross introduced the following resolution which was read:

RESOLUTION AUTHORIZING \$1,200,000  
SANITARY SEWER BOND ANTICIPATION NOTES

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

Section 1. The City Council had 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 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 five notes of the denomination of \$10,000 each; numbered 1 through 5, inclusive, and four notes of the denomination of \$50,000 each, numbered 6 through 9, inclusive, dated November 17, 1976, maturing May 18, 1977, and bearing interest at the rate of 3.35% per annum, which notes were issued in anticipation of the receipt of the proceeds of a like amount of paid bonds.

(c) That it is necessary to issue at this time \$1,200,000 notes in anticipation of the receipt of the proceeds of the sale of a like amount of said bond, \$250,000 of the proceeds thereof to be applied, together with other available funds of said City, to the payment of said 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 \$1,200,000 negotiable notes of the City of Marion is hereby authorized, which notes shall be designated "Sanitary Sewer Bond Anticipation Notes", shall be dated May 17, 1977, shall mature November 11, 1977, 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 Clerk of the City 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 11th day of November, 1977, the principal sum of

\_\_\_\_\_ THOUSAND DOLLARS

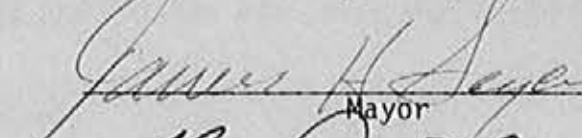
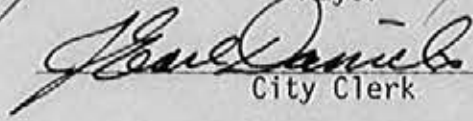
and to pay interest thereon from the date hereof at the rate of \_\_\_\_\_ per centum (\_\_\_\_%) per annum, payable upon the presentation and surrender of this note at its maturity. Both the principal of and the interest on this note are payable at \_\_\_\_\_

\_\_\_\_\_ in \_\_\_\_\_, in any coin or currency of the United States of America which, at the time of payment, is legal tender for the payment of public and private debts. For the prompt payment hereof, both principal and interest as the same become due, the full faith and credit of said City of Marion are hereby 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 the sale of a like amount of Sanitary Sewer Bonds duly authorized by an ordinance adopted by the City Council of said City on August 22, 1972, which ordinance was approved by the vote of a majority of the qualified voters of said City who voted thereon at a special bond election duly called and held, and this note is issued pursuant to and in full compliance with The Local Government Bond Act, as amended (succeeding The Municipal Finance Act, as amended), Article 9, as amended, of Chapter 159 of the General Statutes of North Carolina and a resolution duly passed by the City Council of said City.

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

IN WITNESS WHEREOF, said City of Marion, pursuant to resolution of its City Council, has caused this note to be signed by its Mayor and its City Clerk and the corporate seal of said City to be affixed hereto, all as of the 19th day of April, 1977.

  
Mayor  
  
City 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.

John D. Foust  
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 printing and distributing circulars are hereby ratified and confirmed. The Local Government Commission is hereby also requested to publish a notice relating to the sale of said notes.

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



Thereupon Councilman Oliver R. Cross moved the passage of the foregoing resolution entitled: "RESOLUTION AUTHORIZING \$1,200,000 SANITARY SEWER BOND ANTICIPATION NOTES", and Councilman A. Everette Clark seconded the motion and the resolution was passed by the following vote: Ayes: Councilmen Oliver R. Cross, A. Everette Clark, Horace Wilkerson, and Larry W. Brown. Noes: None.

#### CITY MANAGER'S REPORT:

Police Department - Appointment of Sergeant: The City Manager informed the City Council that Police Chief John Beck had appointed Officer Frank Williams to the position of Shift Sergeant to fill the vacancy in the department.

CATV: The City Manager informed the City Council that the FCC had stayed its requirement that CATV operators secure by March 31, 1977, revised franchise agreements meeting the FCC requirements. He stated that the FCC is reviewing the CATV franchise standards and will affirm or modify them in later proceedings. He suggested to Council that a letter be sent to Madison Cablevision advising them that the City would hold any consideration for amendments to the present cable television franchise ordinance pending the decisions forthcoming from the FCC regarding their regulations.

EPA Protest Appeal - Contract No. 2.0: The City Manager read a letter from Charles A. Perry, Assistant Regional Council, stating that the City should suspend any procurement action under Contract No. 2.0, Corpening Creek. The letter stated the prohibition does not include other contracts that the City has pending and that any written comments relating to the protest should be submitted to his office at the earliest possible date. The City Manager stated that he talked with Mr. Perry by telephone April 19, 1977, regarding the protest hearing. He advised Council that Mr. Perry stated that he would be receiving written comments from all parties concerned and that he hoped to be able to make a decision, pending no unforeseen problems, April 26, 1977, as to whether or not the Environmental Protection Agency would conduct a protest hearing. He stated that should a hearing be necessary, he would set the time and date of same at the earliest possible date so that the problem could be resolved as soon as possible.

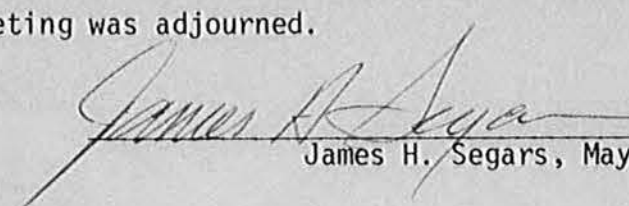
Water Line Extension From Conley Road to High School Property: The City Manager stated that the 8-inch main installed by City forces from Conley Road through property belonging to Sam Phillips to the school property had been completed. He stated that the fire hydrant located at the high school had previously had a 751 gpm flow and that after the new line was placed into service the amount had increased to 1504 gpm.

Reservoir Improvements: The City Manager informed the City Council that he had requested information from Sid Riddick of O'Brien & Gere, Inc. regarding the costs of preparing the necessary plans and specifications for increasing the size of the existing reservoir. He stated that he informed the engineering firm that the City may seek other estimates on the cost of inspecting the reservoir to determine if an addition could be made to the reservoir and preparing the necessary plans and specifications for such construction.

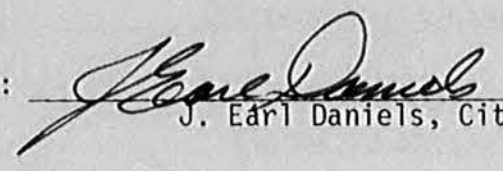
Hoyle Street: Councilman Cross informed the City Manager that he had received some complaints regarding persons speeding on Hoyle Street and also the need for a 'no parking zone' near the intersection of Hoyle Street and Roane Street in the Cross Mill area. This matter was referred to the Street Committee for their study and recommendations.

City-Owned Service Station - Main Street: Councilman Clark stated that Charles Dale was interested in the City making certain improvements to the service station property located on Main Street. The City Manager was instructed to discuss the matter with Mr. Charles Dale and advise the Council what improvements are necessary and the costs of same.

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 3, 1977

The Marion City Council met in a regularly scheduled session Tuesday, May 3, 1977, at 7:30 P.M. in the City Council Chamber at City Hall.

Board Members Present: Mayor James H. Segars, Councilmen A. Everette Clark, Larry W. Brown, and Horace Wilkerson.

Others Present: E. P. Dameron, City Attorney; Alvin Callahan, Public Works Director; Jim Sheppard, News Reporter, The McDowell News; Harold Sandstrom, News Reporter, The Asheville Citizen; and J. Earl Daniels, City Manager.



Guests: Mrs. Paul McCoy, 8 Pine Grove Street; Mrs. Bertha Elliott, 6 Pine Grove Street; and Mr. J. L. Elliott, 6 Pine Grove Street.

Approval of the April 19, 1977 Minutes: Upon a motion by Councilman Clark, seconded by Councilman Wilkerson, those members of the Council present unanimously voted to approve the minutes of the April 19, 1977 meeting.

Water Line Extension Request - Jack Elliott, Paul McCoy and Jack McHone. Mrs. Paul McCoy, Mrs. Bertha Elliott and Mr. J. L. Elliott were present to discuss with Council the need for an adequate water supply to their homes located on Pine Grove Street. A long discussion was held.

Upon a motion by Councilman Wilkerson, seconded by Councilman Clark, those members of the Council present unanimously voted to direct the City to install a one-inch tap and valve on the 12-inch main on Baldwin Avenue at no charge to the property owners contingent upon the property owners purchasing and installing the necessary pipe to serve their residences. Said property owners shall own and maintain the privately installed line. The City will inspect to insure that the meters are installed properly.

Board of Adjustment - Appointment of Members: The City Manager informed the Council that Mr. Robert Gourley, Mr. Harold Simmons and Mr. Jerry Arnold's terms as members and/or alternate members of the Board of Adjustment expired May 1, 1977. He informed the City Council that Mr. Arnold had agreed to serve an additional term of three years. He stated that Mr. Gourley asked that someone else be appointed to the Board of Adjustment. He also informed the Council that he was unable to contact Mr. Harold Simmons due to the fact that Mr. Simmons is out of the State until the weekend.

Upon a motion by Councilman Clark, seconded by Councilman Brown, those members of the Council present unanimously voted to reappoint Jerry Arnold as an alternate member of the Board of Adjustment for a term of three years beginning May 1, 1977, and expiring May 1, 1980.

Police Professional Liability Insurance: The City Manager presented a letter addressed to McDowell Insurance, Inc. from the London Agency regarding professional liability insurance for policemen for the City of Marion. The City Manager stated that after having discussed this matter with Marshall Dark, it was his understanding that this was the only insurance company that presently provides this type of coverage for police officers except, possibly, Lloyd's of London.

After a short discussion the City Manager was asked to discuss the matter further with Marshall Dark and determine if other insurance coverage could be made available for comparison of policies prior to the City placing the coverage.

Resolution Amending Resolution Authorizing \$1,200,000 Sanitary Sewer Bond Anticipation Notes: Councilman A. Everette Clark introduced the following Resolution which was read:

WHEREAS, the City Council of the City of Marion, on April 19, 1977, passed the following resolution:

RESOLUTION AUTHORIZING \$1,200,000 SANITARY  
SEWER BOND ANTICIPATION NOTES,

WHEREAS, said resolution refers to November 11, 1977 as the maturity date of the \$1,200,000 Sanitary Sewer Bond Anticipation Notes; and

WHEREAS, said resolution refers to April 19, 1977, as the date of issue of the \$1,200,000 Sanitary Sewer Bond Anticipation Notes.

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

Section 1. Section 2 of the above-mentioned resolution, adopted April 19, 1977, is hereby amended by changing the reference therein to the maturity date of the \$1,200,000 Sanitary Sewer Bond Anticipation Notes from November 11, 1977, to November 17, 1977.

Section 2. Section 3 of the above-mentioned resolution is hereby amended by changing the reference therein to the maturity date of the \$1,200,000 Sanitary Sewer Bond Anticipation Notes from November 11, 1977, to November 17, 1977. Section 3 is further amended by changing the reference therein to the date of issue of the \$1,200,000 Sanitary Sewer Bond Anticipation Notes from April 19, 1977, to May 17, 1977.

The resolution was seconded by Councilman Horace Wilkerson and was passed by the following vote:

Ayes: Councilmen A. Everette Clark, Horace Wilkerson and Larry W. Brown.

Noes: None

(Councilman Oliver R. Cross and Councilman Robert E. James were not present at the meeting.)



Ordinance Amending the 1976-1977 Budget Ordinance of the City of Marion: Upon a motion by Councilman Wilkerson, seconded by Councilman Clark, those members of the Council present unanimously voted to approve the following ordinance amending the 1976-1977 Budget Ordinance of the City of Marion:

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. 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

Administration Department:

Maintenance - Buildings and Grounds, Account Number 10-420-15 is increased from \$1,000 to \$2,000 by transferring \$1,000 from Contracted Services, Account Number 10-420-45.

Contracted Services, Account Number 10-420-45 is decreased from \$8,000 to \$7,000 by transferring \$1,000 to Maintenance - Buildings and Grounds, Account Number 10-420-15.

Non-Departmental:

Automotive Supplies, Account Number 10-660-31 is increased from \$18,700 to \$19,400 by transferring \$700 from Retirement, Account Number 10-660-07.

Retirement, Account Number 10-660-07 is decreased from \$27,319 to \$26,619 by transferring \$700 to Automotive Supplies, Account Number 10-660-31.

Insurance and Bonds, Account Number 10-660-53 is increased from \$14,800 to \$20,000 by a supplemental appropriation of \$5,200.

General Fund Revenues:

Surplus appropriated is increased from \$52,762 to \$57,962 by a supplemental appropriation of \$5,200.

WATER/SEWER DISBURSEMENTS

Water/Sewer Operations Department:

Capital Outlay, Account Number 30-810-74 is increased from \$32,000 to \$37,000 by a supplemental appropriation of \$5,000.

Non Departmental:

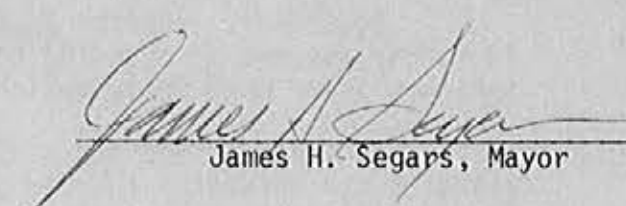
Automotive Supplies, Account Number 30-660-31 is increased from \$6,500 to \$10,200 by a supplemental appropriation of \$3,700.

Water/Sewer Revenues:


Appropriated Surplus, Account Number 30-399-00 is increased from \$31,416 to \$40,116 by a supplemental appropriation of \$8,700.

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 3rd day of May, 1977.

  
James H. Segars, Mayor

ATTEST:

  
J. Earl Daniels, City Clerk

Peeler Property - State Street: Mayor Segars informed the Council that he had been contacted regarding whether or not the City was interested in purchasing a lot belonging to Mrs. Peeler located on State Street behind the building presently occupied by Duke Power Company. After a short discussion Councilman Wilkerson stated that he would look at the lot and report back to the Council as to whether or not, in his opinion, the City has need of the property for a parking lot.



Garbage Packer Truck: The City Manager informed the City Council that he proposes to advertise for the purchase of a new garbage packer truck. He stated that funds were appropriated under the Revenue Sharing Account to purchase a diesel powered garbage packer truck.

Sale of Surplus Equipment: The City Manager informed the City Council that the City had accumulated over the past years many items that are of no value to the City. He suggested that the City might have an auction to dispose of these items. He stated that a number of these items are typewriters, copy machines, copy paper, etc. He stated that each department of the City had items of this nature that were taking up space and were not used by the City and he suggested that the City auction these items off.

Upon a motion by Councilman Wilkerson, seconded by Councilman Brown, the City Council unanimously voted to authorize the City Manager to conduct such a sale upon proper advertisement for the sale.

#### CITY MANAGER'S REPORT

Waste Treatment Plant Project - Bid Protest - Carolina Concrete Pipe Company: The City Manager stated that he had received a letter from Charles A. Perry, Assistant Regional Counsel, U. S. Environmental Protection Agency advising that it would not be necessary to hold a hearing with regard to the protest. The City Manager stated that Mr. Perry and EPA officials would render a decision in the matter without an additional hearing. The City Manager stated that he was informed that a decision in the matter could be made as early as this week.

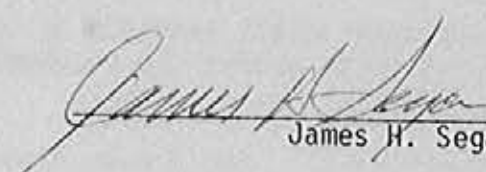
New Hospital Facility - Tour: The City Manager informed the City Council that he had received a call from Mr. Holthouser, Administrator at the Marion General Hospital, advising that a tour of the new hospital facility would be conducted May 10, 1977 at 11:00 A.M. and that members of Council are invited to attend.

Repairs - City-Owned Service Station: The City Manager informed the Council that he had received one informal bid proposal for work to be accomplished at the service station on Main Street. He stated he is awaiting additional proposals prior to making a decision in the matter.

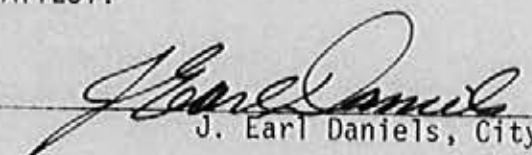
Waste Treatment Plant Project: The City Manager informed the Council that three matters must be cleared before the EPA will authorize construction to begin on the waste treatment plant project. He advised the Council that the Equal Employment Opportunity Officer had not submitted the necessary letter concerning the Equal Opportunity Employment Program. He stated that several contractors were late in getting the necessary information in and that this caused the delay in the approval of the EEO Officer. He also stated that it would be necessary for an archeologist to conduct a survey at the locations at which the outfall lines will be installed. He stated that infiltration/inflow statement must be submitted stating that the infiltration is at an acceptable level or that a program to correct the problem will be undertaken by the City. He advised the Council that Mr. Riddick informed him that a letter had been prepared regarding infiltration/inflow which would be submitted for the Mayor's signature. The City Manager stated that it would be necessary to have all of the contractors provide a thirty-day extension on their bid proposals because the length of time of their bid proposals would expire Wednesday, May 4, 1977, due to the fact that the Environmental Protection Agency had not officially authorized acceptance of the bid proposals.

Street Light - Burgin Street: After a short discussion, the City Manager was instructed to contact Duke Power Company and ask that they install a 20,000 lumin street light across Burgin Street from Etta Paper Box Company to the north edge of their parking lot with the understanding that should the light create problems for individuals living in the area that Duke Power will remove the light and replace it with a 7,500 lumin light.

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

May 24, 1977

The Marion City Council met in a regularly scheduled session Tuesday, May 24, 1977, at 7:30 P.M. in the City Council Chamber at City Hall.

Board Members Present: Mayor James H. Segars, Councilman A. Everette Clark, Larry W. Brown, Horace Wilkerson and Robert James.

Others Present: Jim Shepard, News Reporter, The McDowell News; Woody Harton, City Planner; Mack Laughridge, City Building Inspector; and Earl Daniels, City Manager.

Guests: James Condrey, Phil Brooks, John Gallen and Patin Howard.

General Revenue Sharing Funds - Proposed Use - Public Hearing: The City Manager informed the City Council that he had placed a notice in the newspaper and an advertisement on the radio advising citizens that a public hearing was being held this evening concerning the proposed use of general revenue sharing funds for the fiscal year 1977-78. He reviewed with the Council the anticipated revenues and also the proposed uses of revenue sharing funds and estimated expenditures. Although several persons were in attendance at the meeting, no one appeared at the meeting concerning the proposed use of revenue sharing funds. The City Manager announced that a public hearing would be held at a later date to consider adopting the Budget Ordinance for the fiscal year 1977-78 and that revenue sharing funds would be included in that budget.

Complaint - Water Deposit Policy: Phil Brooks appeared before the City Council to complain about having to place a \$30 water deposit with the City in order to have water service provided to his residence located on Highway #70 north of the City. Mr. Brooks suggested that the City policy be changed whereby deposits would be returned to customers after they had been on the City water system for a period of one year.

The City Manager stated that he had recommended that all persons paying water bills be required to post a deposit because the City had suffered losses in previous years from customers moving away without paying their last water bill. He stated that in many cases the customers may not have even been aware that they owed a water bill. A long discussion followed.

Mr. Brooks was advised that the City Council would take his suggestion under consideration and would review, at a later date, the policy regarding water deposits.

Marion Zoning Ordinance - Proposed Amendments: The City Manager informed the City Council that the Marion Planning Board met Thursday evening, May 12, 1977 and voted to recommend to the Marion City Council that the Marion Zoning Ordinance be amended to include under Section 803 - C-2 General Business District, Article 803.2 - Permitted Uses, the following:

- (31) Certain small manufacturing operations such as knitting, hosiery and machine assembly operations will be a permitted use provided that all manufacturing activities are conducted completely within an enclosed building and in such a manner that noise, odor, smoke or other debris associated with the manufacturing operation will not be offensive to adjoining property owners. Further provided that there will be no outside storage of raw materials, machinery or finished products.

Also, if the concern borders on a residential district, adequate landscaping, screening or buffering will be required to insure compatibility with the neighborhood.

Upon a motion by Councilman James, seconded by Councilman Brown, those members of the Council present, unanimously voted to accept the recommendations of the Marion Planning Board to amend the Zoning Ordinance.

Following are recommendations of the Marion Planning Board relative to other proposed amendments to the Marion Zoning Ordinance as stated below:

1. (A) Proposed Amendment: Tires may be temporarily located outside, only during business hours of the recapping operation, for the purpose of loading and unloading of tires. Add to Subsection 803.3.
  - (B) Recommendation: The Planning Board recommends this be approved.
2. (A) Proposed Amendment: Add to Section 400 the following: Property line: a line delineating the boundary of a lot or other piece of property.
  - (B) Recommendation: The Planning Board recommends this be approved.
3. (A) Proposed Amendment: To Section 706.5, Part C, add the following: Signs must be removed before a certificate of occupancy is issued.

Also add to Section 706.5 a new part (Part F) as follows: one (1) sign of not more than twelve (12) square feet giving the name(s) of future tenant(s) of the building(s) under construction. These signs must be removed before a certificate of occupancy is issued.



- (B) Recommendation: The Planning Board recommends approval of both of the above proposals.
4. (A) Proposed Amendment: To Section 400, add the following to definition No. 23: The word "sign" shall include any advertisement painted on the exterior wall of any building.
- (B) Recommendation: The Planning Board recommends this be approved.
5. (A) Proposed Amendment: To Section 400, add the following to definition No. 12: This definition shall include salvage operations where any type of discarded material is collected or stored and used in the manufacture of another product for the purpose of sale or shipment to another location.
- (B) Recommendation: The Planning Board does not recommend approval.

Upon a motion by Councilman James, seconded by Councilman Wilkerson, those members of the Council present unanimously voted to accept the recommendations of the Marion Planning Board to amend the Marion Zoning Ordinance.

Engineering Agreement - Fred T. Eslick: Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to engage Mr. Fred T. Eslick's Engineering Firm to provide engineering services for the City and directed that an engineering agreement be prepared by and between the City of Marion and Mr. Fred T. Eslick's Engineering Firm.

The City Manager asked that he be allowed to contact Mr. Eslick and ask for assistance on small engineering matters and that large projects be presented to Council for approval. This seemed to be agreeable with the City Council.

The City Manager asked for authorization for Mr. Eslick's firm to work on the electrical engineering services needed at the Clinchfield Waste Treatment Plant and also for Mr. Eslick to be authorized to begin work on a study concerning increasing storage capacities and pressures at the City's reservoir.

The City Council unanimously agreed and authorized the City Manager to advise Mr. Eslick to proceed with this work.

The City Manager stated that he would discuss the engineering agreement with Mr. Eslick and that a formal agreement would be presented to the City Council in the near future.

Police Professional Liability Insurance: The City Manager presented a quotation provided by McDowell Insurance Agency whereby the Drake Insurance Company would provide police professional liability insurance for the Marion Police Department.

The City Manager informed the Council that in discussing this matter with Marshall Dark that McDowell Insurance Agency, Inc. had been unable to locate another firm who would provide this type of coverage.

Upon a motion by Councilman Clark, seconded by Councilman Wilkerson, those members of Council present unanimously voted to provide insurance coverage based on the following:

Each person	\$100,000
Each incident	\$300,000
Annual Aggregate	\$500,000

Annual premium of: \$2,524

Board of Adjustment - Appointment of Members: The City Manager informed the City Council that two members still need to be appointed to the Board of Adjustment. The City Council discussed several individuals for appointment to that Board and asked the City Manager to contact those individuals to see if they would serve if appointed.

Powell Bill - Engineering Report: The City Council was informed that an engineering report had to be prepared for the Powell Bill Report to the State. The City Manager recommended that the Engineering Firm of O'Brien and Gere be authorized to undertake preparing this engineering report as they have been doing this work in past years.

Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to authorize the City Manager to contract with O'Brien and Gere to provide the engineering report for Powell Bill for the fiscal year 1977-78.

1976-77 Budget Ordinance - Delete Capital Projects Fund: The City Manager recommended to the City Council that the Capital Projects Fund presently included in the 1976-77 Budget Ordinance be deleted from that ordinance and that a new Capital Projects Ordinance be adopted which would run the entire length of the waste treatment plant project.



Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to delete the Capital Projects Fund from the 1976-77 Budget Ordinance.

Capital Project Ordinance - GS159-13.2: Upon a motion by Councilman Clark, seconded by Councilman James, those members of Council present unanimously voted to adopt the following Capital Project Budget Ordinance. \*See below.

Projects Board: Mayor Segars suggested that a projects board be located in the City Council Chamber showing all projects undertaken by the City in order that Council may be kept up-to-date on the progress of each of the projects.

Cemetery - Removal of Dead Flowers: The City Manager was instructed to advise personnel in the cemetery to remove dead flowers from grave sites.

#### City Manager's Report

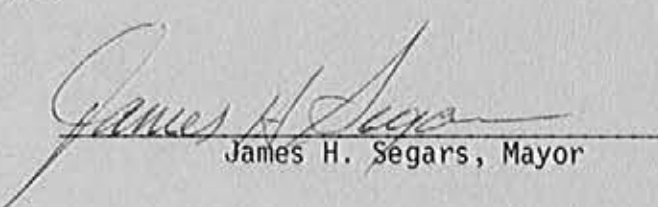
EPA PROJECT # C370354 Protest on Corpening Creek Outfall Line: The City Manager read a letter to the City Council from the U.S. Environmental Protection Agency Region IV, advising that Mr. Jack E. Ravan, Regional Administrator, sustained the denial of the protest of Carolina Concrete Pipe Company by the City of Marion.

EPA Project # 370354: The City Manager read a telegram from Mr. David E. Olsen, Chief, North Area Operations, to Mayor James H. Segars advising that the project review and cost summary is approved as of May 5, 1977 and that the City may award contracts and issue work orders subject to receipt of a letter from Mayor Segars concerning special grant condition #6 based on a telephone conversation with Mr. Don McCombs of the EPA office. The City was authorized to award contracts on contract 1, 1.1, 1.2, and 1.3.

ARC FUNDS - Sugar Hill Road Sewer Outfall Lines: The City Manager stated there is a possibility that ARC will not fund that portion of the project providing sewer outfall lines for the Sugar Hill Road area. He stated that he is working with Paul Hughes in trying to acquire ARC Funding for that portion of the project.

City Street System Changes: The City Manager read a letter from Mr. T. L. Waters, Manager of Planning and Research, State of North Carolina Department of Transportation stating that the Board of Transportation approved changes requested by the City whereby that portion of State Street located within the municipal limits would be transferred from the State Highway System to the city street system and also that that portion of Dogwood Lane and Lonon Avenue, located within the municipal limits, would be transferred from the state highway system to the municipal system.

There being no further business the meeting was adjourned.

  
James H. Segars, Mayor

ATTEST:   
J. Earl Daniels, City Clerk

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#### CAPITAL PROJECT BUDGET ORDINANCE

In accordance with North Carolina G.S. 159-13.2, there is hereby established a Capital Project Budget for construction of a new waste treatment plant, including necessary outfall lines, pumping stations, and collector lines. The project shall have the following project numbers assigned by the U. S. Environmental Protection Agency and the North Carolina Department of Natural and Economic Resources, Division of Environmental Management:

EPA - C-370354-01

N.C.- WT 135

N.C.- WT 215

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

Section 1. The following amounts are hereby appropriated in the Capital Project Budget for the construction of a new waste treatment plant, including outfall lines, pumping stations, collector lines and administrative and technical services:



Total Construction Cost (Estimated)	\$ 7,519,907
Technical Services	705,000
Administrative	20,000
Contingency	471,393
Surveys	38,000
Soils Investigation	3,700
Archaeologist	1,000
Rights-of-Way (Railroad)	1,000
<b>TOTAL</b>	<b>\$ 8,760,000</b>

Section 2. It is estimated that the following revenues will be available for the project:

EPA C-370354-01 Grant	\$ 6,225,000
ARC Grant	400,500
N. C. Clean Water Bond C-370354-01	803,000
N. C. Clean Water Bond WC-135	115,000
Local Funds (G.O. Bonds)	1,200,000
Interest on Certificates of Deposit	16,500
<b>TOTAL</b>	<b>\$ 8,760,000</b>

Section 3. Copies of this Capital Project Budget Ordinance shall be furnished to the Budget Officer to be kept on file for direction in the disbursement in the disbursement of fund.

Adopted this the 23rd day of May, 1977.

*James H. Segars*  
James H. Segars, Mayor

ATTEST: *J. Earl Daniels*  
J. Earl Daniels, City Clerk/Manager

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

June 7, 1977

The Marion City Council met in a regularly scheduled session Tuesday, June 7, 1977, at 7:30 P.M. in the City Council Chamber at City Hall.

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

Others Present: Jim Sheppard, News Reporter, The McDowell News; Harold Sandstrom, News Reporter, The Asheville Citizen; Alvin Callahan, Public Works Director; E. P. Dameron, City Attorney; and J. Earl Daniels, City Manager.

Guests: C. D. Blanton and James R. Shell.

Approval of the May 24, 1977 Minutes: Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to approve the minutes of the May 24, 1977 meeting.

Parking Lot Rentals - Mr. Dave Blanton: Mr. Blanton informed the City Council that he is presently receiving \$200 per month for the lease of three lots to the City for use as parking lots. He informed the Council that in 1963 he received \$15.50 for the parking lot on Garden Street; \$27.00 for the parking lot behind B. C. Moore & Son; and \$40.00 for the parking lot behind Service Pharmacy.

He stated that based on the above figures, approximately 19%, which represents the amount paid for the Garden Street Lot. He stated that the present lease agreements states that the City pays him \$2.00 per month per parking space in each lot.

The City Council informed Mr. Blanton that they would consider his request at the time he sells the parking lot on South Garden Street.

Tax Refund - Mrs. Ruby H. Hawkins: The City Manager presented a report from Frances Briscoe, Tax Collector, stating that the City needs to refund Mrs. Ruby M. Hawkins for 1976 taxes because of a double listing of the property. The report presented the property value at \$7,580.00 at a tax rate of \$.75 per \$100, which equals \$56.85. The report further stated that she took a 1% discount amounting to \$.57 and that the City needs to reimburse her in the amount of \$56.28.

Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to reimburse Mrs. Ruby M. Hawkins in the amount of \$56.28.



Tennis Courts - Request From Recreation Commission: The City Manager presented a letter from the Recreation Commission requesting that they be allowed to reserve two tennis courts at the Marion Community Building on Tuesdays and Thursdays from 9:00 A.M. until 3:30 P.M., beginning June 20, 1977, and ending August 12, 1977, for the purpose of providing free tennis instruction.

Councilman Brown stated that in his opinion the courts should not be reserved by anyone but should be open on a first come first served basis to persons wishing to use the tennis courts. The other Councilmen agreed that the courts should not be reserved but should be opened at all times to the general public.

Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the City Council unanimously voted to allow the use of one court by the Recreation Commission at times and dates to be determined by the Mayor and City Manager.

Tax Refund - Claude Tilley: Tax Collector Frances Briscoe presented a report that Mr. Claude Tilley had listed, for 1976 City Taxes, \$2,095.00 valuation together with a lot and building at 8 Pinnacle Street. The house and lot are inside the City Limits but the personal property is located outside the limits at Box 14, Robinson Road. The report stated that Mr. Tilley had requested a refund from the City on \$2,095.00 valuation at \$.75 per \$100, which would be a refund of \$15.71.

Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to refund Mr. Tilley \$15.71.

Sewer Tap - Shopping Center - New West Henderson Street: Mr. Jim Shell appeared before the City Council to request permission for the new shopping center, located on New West Henderson Street, to connect to the City sewer system.

Upon a motion by Councilman Clark, seconded by Councilman Cross, the City Council unanimously voted to authorize the sewer tap, providing that all sewer lines shall be installed by the owner at no cost to the City. The City Council agreed not to charge a sewer connection fee since the work will be performed by a private contractor.

The City Manager was instructed to have the work inspected by City personnel.

Sewer Connection - Business Located Outside Municipal Limits: Mr. Alvin Callahan, Public Works Director, advised the City Council that Mr. Brewer had requested a sewer connection to serve a new business located outside the municipal limits.

Upon a motion by Councilman Wilkerson, seconded by Councilman Clark, the City Council unanimously voted to authorize the sewer connection.

Tennis Courts - Installation of Soft Drink Machine: The City Manager presented a request from the Pepsi Cola Bottling Company of Hickory to install a can vendor machine at the Community Building Tennis Courts. Under the terms of the agreement, the City would receive 60% of the profits after expenses. The company would be responsible for providing the machine, the license, sales taxes, and all service to the machine. The City would only be responsible for providing electricity.

Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to authorize the installation of a drink machine at a location to be approved by the City Manager.

State Street-Request from the Department of Transportation to Rescind Speed Limit: Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to adopt the following ordinance:

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

Section 1. The following speed limits and ordinance numbers on those portions of State Street (SR 1700) described below are hereby rescinded due to the fact that State Street (SR 1700) is deleted from the state system.

Speed Limit	Ordinance Number	Description
20	4	State Street (SR 1700) from South Main Street (U.S. 221-NC 226) to South Garden Street.
20	5	State Street (SR 1700) from South McDowell Avenue to Ann Street.

Adopted this the 7th day of June, 1977.

ATTEST:

*J. Earl Daniels*  
J. Earl Daniels, City Manager/Clerk

*James H. Segars*  
James H. Segars, Mayor



State Street - Establish Speed Limits - Ordinance: Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to adopt the following Ordinance:

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

Section 1. It shall be unlawful to operate a vehicle in excess of 20 miles per hour upon the below listed streets or portions of streets:

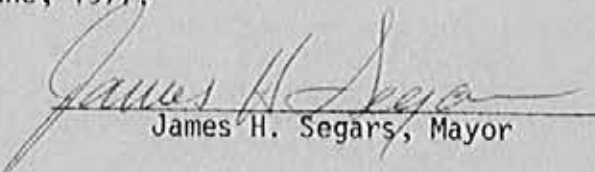
- A. State Street - From South Main Street to South Garden Street.
- B. State Street - From South McDowell Street to the City Limits.

Section 2. It shall be unlawful to operate a vehicle in excess of 25 miles per hour upon the below listed streets or portions of streets:

- A. State Street - From South Garden Street to South McDowell Street.

Section 3. Penalty - Any person who shall violate or fail to comply with any of the provisions of this ordinance shall be deemed guilty of an offense and upon conviction shall be punished by a fine not to exceed \$50.00 or by imprisonment not to exceed 30 days.

ADOPTED this the 7th day of June, 1977.

  
James H. Segars, Mayor

ATTEST:

  
J. Earl Daniels, City Manager/Clerk

Energy Efficiency Sharing Conference: Councilman Cross informed the City Council that the U. S. Department of Commerce and the McDowell County Chamber of Commerce will co-sponsor an Energy Efficiency Sharing Conference Wednesday, June 29, 1977, at the Marion Community Building. He stated that it is requested that the City Council authorize the use of the Community Building from 8:30 A.M. until 2:00 P.M. on the above-mentioned date on a no-fee basis as the City's contribution to the success of the program.

The City Council unanimously agreed to authorize the use of the Community Building on a no-fee basis for the conference.

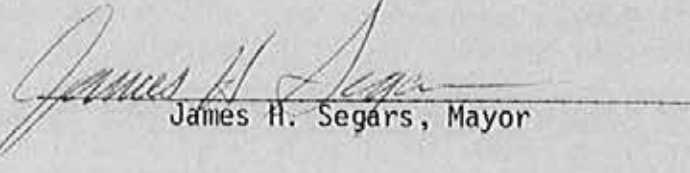
City Owned Service Station - Main Street: The City Manager presented a proposal from Ronald McFalls to remove and replace the broken stucco and get the structure ready for painting at a cost of \$450. Mr. McFalls also agreed to paint the service station, with the station furnishing the paint, at a labor cost of \$350.

The City Manager stated that he had received no other proposals.

City Manager's Report:

- A. Sprinkling Systems: The City Manager recommended that all sprinkling systems connected to the Marion water system be metered so that any leaks in the system may be detected before large amounts of water are lost from the system. The City Council asked that the City Manager investigate the possibility of some type of alarm system to advise if water is flowing through the sprinkling systems.
- B. Municipal Board of Elections: The City Manager announced that a Municipal Board of Elections must be appointed at the June 21, 1977 meeting.
- C. Sanitation Truck: The City Manager announced that bids are to be presented to the Council at the June 21, 1977, meeting for the purchase of a new diesel powered garbage packer.
- D. Petroleum Bids: The City Manager announced that petroleum bids for the Fiscal Year 1977-1978 would be presented to the Council at the June 21, 1977, meeting.

Upon a motion by Councilman Clark, seconded by Councilman Cross, the City Council unanimously voted to adjourn the meeting and meet in executive session to discuss personnel matters.

  
James H. Segars, Mayor

ATTEST:

  
J. Earl Daniels, City Manager/Clerk



STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

June 21, 1977

The Marion City Council met in a regularly scheduled session Tuesday, June 21, 1977, at 7:30 P.M. in the City Council Chamber at City Hall.

Board Members Present: Mayor James H. Segars, Councilmen Larry W. Brown, Horace Wilkerson and Robert E. James.

Others Present: Jim Sheppard, News Reporter, The McDowell News; Harold Sandstrom, News Reporter, The Asheville Citizen; Alvin Callahan, Public Works Director; E. P. Dameron, City Attorney; and J. Earl Daniels, City Manager.

Guests: Boyd Hoyle; Steve Love; Harold Saylor, North Carolina Department of Health; Darrell Herndon, North Carolina Department of Health.

North Carolina Department of Health Services - City of Marion Intakes - Water Supply: Mr. Darrell Herndon and Mr. Harold Saylor of the North Carolina Division of Health Services appeared before the City Council to discuss the City's water supply system.

The City Council was advised that new regulations for drinking water standards have been established by the Environmental Protection Agency. The City Council was also advised that the two mountain intake systems would, during rainy seasons, provide water that would not comply with turbidity limits. The City Council was also advised that the United States Forest Service's proposed plans for the use of the Mackey Creek and Clear Creek areas would require that the City provide full treatment for water received from the intakes or that the City may have to abandon use of the water from those areas and seek a new supply.

It was suggested that the City begin immediately to plan for improvements to the water supply system.

The City Manager stated that a study of the water system was conducted by O'Brien & Gere, Inc. in a publication dated August 14, 1971. He also stated that discussions had been held regarding the use of water from Buck Creek and/or the Catawba River to be pumped back up the mountain lines to serve customers located between the intakes and the Water Filter Plant. The City Manager asked if the State would enforce the drinking water standards or if enforcement would be provided by the Environmental Protection Agency. Mr. Herndon stated that it was not clear at the present time which agency would enforce the regulations.

Mr. Herndon and Mr. Saylor thanked the City Council for allowing them to make the presentation to the Council regarding the City water supply system.

Approval of the June 7, 1977 Minutes: Upon a motion by Councilman James, seconded by Councilman Wilkerson, those members of the Council present unanimously voted to approve the minutes of the June 7, 1977 meeting.

Tennis Courts - Proposed Use - Heart Fund: A letter was presented by the City Manager from Tim Gause requesting the use of the Marion Tennis Courts on Saturday, June 25, 1977, for approximately five hours, beginning at 9:00 A.M. to hold the first McDowell County Heart Fund Invitational Tennis Tournament. Mr. Gause, Tennis Co-Chairman, advised in the letter that he would be responsible for posting notices at the tennis courts.

After a short discussion, the City Council approved the use of the courts as requested.

Request to Wet Down Clinchfield Ball Field: The City Manager presented a request by Mr. Ed Parker that the City wet down the ballfield at Clinchfield so that the field can be used by the little league.

The City Council discussed the matter and established a policy whereby the City will wet down ballfields at West Junior High, East Marion, West Marion and Clinchfield and other fields used by the children of the community within the MA Fire District by use of the City street flusher, when the men and equipment are available. The City must be notified by noon on the day that the field is to be wet down. This service is only to be provided when men and equipment are available.

Public Hearing - 1977-1978 Budget Ordinance - Including Revenue Sharing Fund: No one appeared at the City Council Meeting with regard to the public hearing for the 1977-1978 budget. No one appeared to discuss any budget items nor any items related to the use of Revenue Sharing Funds. The City Manager announced that a notice had been placed in The McDowell News and also that the radio station had been notified regarding the public hearing.

Board of Adjustment-Appointment of Charles Israel: Upon a motion by Councilman James, seconded by Councilman Brown, those members of Council present unanimously voted to appoint Charles Israel as a member of the Marion Board of Adjustment. Mr. Israel's term will be for three years and will expire April 30, 1980.

Engineering Agreement - Mr. Fred Eslick, P.E.: Upon a motion by Councilman James, seconded by Councilman Brown, those members of Council present unanimously voted to adopt an engineering agreement as set out in the following letter to Mr. Earl Daniels from Mr. Eslick:



It is the intent of this letter to establish a contractual relationship between this firm (Fred T. Eslick, P.E.) and the City of Marion. The following items are set forth for consideration:

1. We are to provide you engineering services as requested by yourself or your key designates who, in turn, must clear their request with you prior to any contact with our firm.
2. Billings for our services shall be on an hourly basis. We will assign each project a job number and keep an accurate record of time and expenses incurred on each job. Expenses will be billed you at our direct out-of-pocket cost. Enclosed at the end of this letter is a schedule of our rates for each person in the firm. These job time and expense records are open to audit by you at any time.
3. The manhour rates shall be subject to negotiation and approved by the City of Marion at the beginning of each calendar year. These rates shall then hold for the entire calendar year. Failure of agreement on these hourly rates prior to start of the new calendar year shall cause the contract to be voided.
4. Billings shall be prepared monthly and sent to the City of Marion near the end of each calendar month.
5. During the time of our work on any City of Marion contract, the firm of Fred T. Eslick, P.E. will maintain Workmen's Compensation Insurance, as required by North Carolina statutes on all employees of the firm. The firm shall be covered by Professional Liability Insurance of \$1,000,000 during work on any City of Marion project.
6. At no time shall any employee of Fred T. Eslick, P.E. be considered as an employee of the City of Marion. Employees of our firm cannot claim any employee benefit afforded City of Marion employees.

Please have Marion City Council review this tender and, if approved, return a copy of same signed by the Mayor.

/S/ Fred T. Eslick

/S/ James H. Segars  
Mayor of Marion

#### RATES FOR SERVICES

<u>Individual</u>	<u>Rate Per Hour</u>
Fred T. Eslick, P.E.	\$20.00
William R. Beach, P.E.	\$19.00
Richard C. Goolsby	\$16.50
Edison Westall	\$18.00
Frank Miller	\$13.00
Dan Washburn	\$13.00
John Gibson	\$13.00

All out of pocket expenses incurred would be billed at direct cost in addition to the above hourly rates. Travel will be billed at 15¢ per mile.

/S/ Fred T. Eslick

Water Line Extension - Ridge Street: Public Works Director Alvin Callahan presented several alternate methods of providing water service to certain residents on Ridge Street. After a long discussion it was determined by Council that an extension of the 12" main on Baldwin Avenue down to the intersection of Baldwin and Ridge Street a distance of 15 feet and an extension of 1525 feet of 6" cast iron main down Ridge Street would be the easiest and best method of providing water service to the residences. The estimated cost for the materials is \$6,425.00, with the City bearing the cost of the 15 foot water line extension down Baldwin Avenue. Mayor Segars stated that he would contact Mrs. Huffman and other residents in the area advising them of the cost for the materials.

Reservoir Water System Improvements - Mr. Fred Eslick, P.E.: Mr. Fred Eslick presented plans to the City Council for improvements at the City reservoir. The plans proposed the installation of a steel stand pipe with foundation 33 feet in diameter by 31.8 feet tall. The proposed construction of the 200,000 gallon stand pipe would call for installation of two 1800 gallon per minute pumps. Switches would be installed so that water from the existing reservoir would be pumped into the 200,000 gallon stand pipe thereby increasing pressure throughout the City's water system from 10-15 pounds. Should the water in the stand pipe drop below 30 feet, one pump would come on pumping water to fill the 200,000 stand pipe. If the water level dropped below 20 feet, two pumps would begin pumping water into the reservoir. The plans proposed to install an alarm sensor in both the Marion Police Department and the Water Filter Plant so that in the event there are problems with the reservoir system, the Police Department can notify the Water Filter Plant Operator.



Mr. Eslick also proposed the installation of an 8 inch water main from the intersection of Main and Fort Street and down Fort Street in an easterly direction to Madison Street from the intersection of Madison Street and Fort Street, north on Madison Street to the hospital. The purpose for making this installation is to provide adequate water pressure for fire protection at the hospital.

A copy of the plans and specifications for the stand pipe addition to the water system and the water line improvements as detailed here, will be found in the safe marked "Document No. \_\_\_\_\_".

The following is a cost estimate for the addition to the City of Marion reservoir:

COST ESTIMATE  
ADDITION TO CITY OF MARION RESERVOIR

1. 33 Ft. Dia. X 31'8" Steel Standpipe With Foundation - Installed	\$ 40,000
2. 15 Ft. Square Pump House, Block & Brick Construction	7,000
3. Piping - Labor	3,500
- Material	12,151
4. Electrical Power & Lighting	3,500
5. Level Controls	660
6. Timers	320
7. Starters	500
8. Pumps (@ \$6,560 Ea.)	13,120
SUB TOTAL	\$ 80,751
9. Setting Pumps and Gauges	\$ 650
10. Miscellaneous	
A. Grading	500
B. Start Up	1,000
SUB TOTAL	\$ 82,901
Inflation ( plus 8.5%)	7,042
Contingency (10%)	9,000
<u>PROJECT TOTAL</u>	<u>\$ 98,943</u>

Upon a motion by Councilman Brown, seconded by Councilman Wilkerson, those members of Council present unanimously voted to approve the preliminary plans and asked that Mr. Eslick prepare detailed plans and specifications so the City can advertise for bids. The proposed improvements would be paid for from Revenue Sharing Funds.

Bids - Garbage Packer Truck: The City Manager informed the City Council that bids for the purchase of a new garbage packer truck were opened in the City Manager's Office at 2:00 P.M. on Monday, June 20, 1977.

Present for the bid opening was Mr. Denver Graybeal, salesman with Quality Equipment and Supply Company; Mr. L. W. Keeter, Jr. of Worth Keeter, Inc.; Public Works Director, Alvin Callahan and City Manager J. Earl Daniels.

The City Manager presented the following bid tabulation for council consideration:



BID TABULATION - GARBAGE PACKER TRUCK

<u>FIRM</u>	<u>TRUCK AND PACKER UNIT</u>	<u>CAB AND CHASSIS</u>	<u>PACKER BODY ONLY</u> (installed)
Sanco Corporation	\$ 31,990.00 DD: 30-45 days after receipt of order	No Bid	\$ 10,575.00 DD: 30-45 days after receipt of chassis in Culpepper, Va.
Controlled Environment, Inc.	\$ 32,482.00 DD: 60-90 days after receipt of order	No Bid	\$ 8,150.00 DD: None noted
Worth Keeter, Inc.	\$ 30,848.41 DD: 120-150 days	No bid	\$ 9,554.00 DD: 30-45 days after receipt of chassis
Quality Equipment & Supply Co., Inc.	\$ 31,370.00 DD: Approximately 60 days after receipt of chassis	\$ 21,111.00 DD: 90-120 days	\$ 10,379.00 DD: Approx. 60 days after receipt of chassis

The City Manager informed the City Council that it was pointed out in the bid opening that the bid submitted by Controlled Environment, Inc. for the packer body only in the amount of \$8,150 did not meet specifications, in that the information presented with the bid was on an E-Z Pack M200 which calls for a hopper capacity of 2 cubic yards. The City Manager stated that Mr. Scott Novell, District Manager and Mr. O. J. Hudson, District Manager with Controlled Environment stopped by the City Manager's Office Tuesday evening, June 21, 1977 at approximately 4:45 P.M. to check on the result of the bid. The City Manager stated that he informed these gentlemen that based on the material submitted with their bid the equipment bid did not meet specifications in that specifications called for a 2½ cubic yard hopper. The City Manager stated that both gentlemen informed him that the equipment bid was a C-250 which did meet specifications but that the secretary apparently had inserted the wrong literature with their bid. The City Manager stated that only one cab and chassis bid was received and that that bid was included with the bid from Quality Equipment and Supply Company, Inc. He stated that the bid on the cab and chassis in the amount of \$ 21,111.00 was submitted with the bid from Quality Equipment and Supply Company, Inc. from Hilbish Ford, Kannapolis, North Carolina.

After a long discussion and upon a motion by Councilman Brown, seconded by Councilman Wilkerson, The City Council unanimously voted to accept the low bid submitted by Hilbish Ford in the amount of \$21,111.00 for the cab and chassis and the low bid submitted by Controlled Environment, Inc. in the amount of \$8,150.00 for the packer body provided the packer body bid by Controlled Environment Inc. meets all specifications outlined in the bid documents and that the equipment be paid for from revenue sharing funds.

The City Manager was instructed to advise Controlled Environment, Inc. that should the body not meet specifications that the City will refuse delivery.

Bids - Petroleum Products: The City Manager informed the City Council that bids were opened at approximately 3:00 P.M. on Monday, June 20, 1977 in the City Manager's office for petroleum products.

Present for the bid opening was Public Works Director Alvin Callahan, and City Manager Earl Daniels. The City Manager presented the following tabulation of bids:

BID TABULATION - PETROLEUM PRODUCTS

McDowell Oil Company  
East Court Street  
Marion, North Carolina

Super 76 Gasoline:	56.85¢ per gallon Total Bid Based on 31,000 Gallons:	\$ 17,623.50
No-Lead Gasoline:	54.35¢ per gallon Total Bid Based on 13,000 Gallons:	\$ 7,065.50
Diesel Fuel:	53.15¢ per gallon Total Bid Based on 5,000 Gallons:	\$ 2,657.50
Fuel Oil:	43.9¢ per gallon Total Bid Based on 21,000 Gallons:	\$ 9,219.00



Heavy Duty Motor Oil:	\$1.57 per gallon	
	Total Bid Based on 400 Gallons:	\$ 9,219.00
Hydraulic Oil:	\$1.40 per gallon	
	Total Bid Based on 100 Gallons:	\$ 140.00

Marion Oil Company, Inc.  
P. O. Box 1250  
Marion, North Carolina

(Does Not Sell Gasoline)

Diesel Fuel:	.5395¢ per gallon	
	Total Bid Based on 5,000 Gallons:	\$ 2,697.50
Fuel Oil:	.447¢ per gallon	
	Total Bid Based on 21,000 Gallons:	\$ 9,387.00
Heavy Duty Motor Oil:	No Bid	
Hydraulic Oil:	No Bid	

Note: Prices bid are subject to increase or decrease at the same amount per gallon as prices paid by distributor, so that distributor's margin of profit per gallon will remain the same whether prices increase or decrease.

Upon a motion by Councilman Wilkerson, seconded by Councilman Brown, those members of Council present unanimously voted to accept the low bid submitted by McDowell Oil.

Board of Elections - Appointment: Upon a motion by Councilman Wilkerson, seconded by Councilman James those members of Council present unanimously voted to appoint the following persons as members of the Municipal Board of Elections for a term of two years: James Robert Hollifield, William Ray Smith, III, and J. M. Lancaster.

Tax Lein Sale Report: The City Manager informed the City Council that the tax lein sale for 1976 was held at 12:00 Noon on Monday the 13th day of June, 1977. He stated that no one purchased any tax lein at the tax lein sale.

Budget Amendment: The City Manager informed the City Council that he had approved the following budget transfers in the 1976-1977 Budget Ordinance:

#### ADMINISTRATION

Advertising, Account Number 10-420-26 is increased in the amount of \$100 by transferring \$100 from Rents, Account Number 10-420-21.

Telephone and Postage, Account Number 10-420-11 is increased in the amount of \$100 by transferring \$100 from Rents, Account Number 10-420-21.

Auto Tags, Account Number 10-420-48 is increased in the amount of \$50 by transferring \$50 from Rents, Account Number 10-420-21.

Rents, Account Number 10-420-21 is decreased in the amount of \$250 by transferring \$250 to the Administration accounts as stated above.

#### FIRE

Uniforms, Account Number 10-530-36 is increased in the amount of \$300 by transferring \$300 from Capital Outlay, Account Number 10-530-74.

Capital Outlay, Account Number 10-530-74 is decreased in the amount of \$300 by transferring \$300 to Uniforms, Account Number 10-530-36.

#### STREET

Equipment Maintenance, Account Number 10-560-16 is increased in the amount of \$500 by transferring \$500 from Automotive Supplies, Account Number 10-560-31.

Vehicle Maintenance, Account Number 10-560-17 is increased in the amount of \$1,500 by transferring \$1,500 from Automotive Supplies, Account Number 10-560-31.

Automotive Supplies, Account Number 10-560-31 is decreased in the amount of \$2,000 by transferring \$2,000 to the Street Department accounts as stated above.



## CEMETERY

Equipment Maintenance, Account Number 10-640-16 is increased in the amount of \$50 by transferring \$50 from Salaries, Account Number 10-640-02.

Miscellaneous, Account Number 10-640-57 is increased in the amount of \$50 by transferring \$50 from Salaries, Account Number 10-640-02.

Salaries, Account Number 10-640-02 is decreased in the amount of \$100 by transferring \$100 to the Cemetery accounts as stated.

A copy of this amendment is attached to the 1976-1977 Budget Ordinance to the City of Marion as of June 21, 1977.

## CITY MANAGER'S REPORT:

Community Building - Drink Machine: The City Manager informed the Council that the Pepsi-Cola Bottling Company has installed a drink machine at the Community Building as approved by the City Council.

Clinchfield Waste Treatment Plant - The City Manager informed the Council that the blowers have been installed at the Clinchfield plant and the plant is back in operation.

Marion Zoning Ordinance - Sale of Copies: The City Manager requested permission from the Council to sell copies of the Marion Zoning Ordinance at \$.50 per copy. The Council unanimously approved the request.

Sugar Hill Road Shopping Center - Request for Annexation and Garbage Pickup: The City Manager informed the City Council that the new shopping center has petitioned to be annexed into the City limits and the necessary legal procedures to accomplish annexation will begin within the next thirty days. The City Manager requested permission to provide garbage pickup at the shopping center prior to annexation.

Those members of Council present unanimously agreed to authorize the City Manager to provide this service.

Public Hearing - Sewer Line - U. S. 70-221: The City Manager informed the Council that the public meeting to be held Thursday evening, at 7:30 P.M. in the County Courthouse main court room in reference to the installation of a sewer outfall line and force main along U. S. Highway 70 West, has been in the paper and the radio station has been notified. In addition, the City Manager stated that the City has hand carried letters to properties along Highway #70 which could be serviced by the system. The City Manager stated that he is looking forward to a rather large turnout.

Council Assistance - Easements for Installation of Sewer Outfall Lines: The City Manager advised the Council that the City is in need of assistance from Council members for obtaining easements for installation of the sewer outfall lines. He stated that the contractor wishes to begin work immediately after the 4th of July and that by that time we must have all of the easements clear so they can begin construction.

Complaint Calls: The City Manager informed the Council that we have transferred all complaint calls to the City garage. He stated that this has been done at the request of the department heads as they feel they can provide better, quicker service to the citizens than by having the complaints referred from the City Hall. He stated that he has agreed to try this for a period of from 30 to 60 days to determine the best possible way to provide the services. The City Manager also stated that he will receive a daily report of all complaint calls.

MA Fire District - County Contribution for Fire Protection: The City Manager informed the City Council that he had requested an increase in the contribution from the County for the operation of the Marion MA Fire District based on the fact that 61% of all fires last year were located outside the municipal limits. He stated that in reviewing the proposed budget for fire protection for McDowell County he noted that the County has increased their appropriation to each of the fire departments in the County but that the contribution to the Marion Fire Department is only \$17,000 and it was \$16,960 each year since 1971 fiscal year.

He stated that the County's budget for 1977-1978 provides \$17,000 to the City of Marion, \$9,000 to Old Fort and \$8,000 each for the other seven fire departments in the County, totalling \$82,000. He stated the budget also provided \$2,000 for training and \$10,000 for new radio equipment.

He informed the Council that under the terms of Section 9 of an agreement entered into by and between the City of Marion and McDowell County for fire protection for the MA fire district, dated September 7, 1971 that it was agreed the County would provide a contribution to the City based on the ratio of the persons living in the Marion MA fire district compared to the total county population. He informed the Council that based on that formula, which was agreed to by the City and County, it was estimated that 13,000 persons resided in the Marion MA fire district which represented 42.4 percent of the county population. He informed the Council that in the fiscal year 1971-1972 the County allocated for fire protection \$40,000



and the City received an amount equal to 42.4% of that allocation, or \$16,960. He stated that the City has received each year since that time \$16,960, although the County has in past years increased allocation for fire protection for the County.

The City Manager stated that under the terms of Section 10 of the agreement, the contract was to be renegotiated every fiscal year in June. The City Manager stated that the County had not indicated the desire to renegotiate the agreement as called for in Section 10 and that the City has not asked that the contract be renegotiated. The City Manager informed the Council that based on the formula heretofore agreed to that if the County's appropriation for fire protection is \$82,000, which does not include \$10,000 for radio equipment and \$2,000 for training, that the County's contribution to the MA fire district should be 42.4% of the \$82,000 and should be \$34,768.

The City Council discussed this matter at length and the City Manager was directed to send a letter to each County Commissioner and the County Manager, including a copy of the agreement by and between the City and the County requesting that the contribution to the MA Fire District from the County be made based on the agreement. The City Council agreed not to ask for any retroactive payments for previous years.

1977-1978 Budget Ordinance: The City Council reviewed with the City Council several questions concerning the proposed 1977-1978 Budget Ordinance.

Upon a motion by Councilman Wilkerson, seconded by Councilman James, those members of Council present unanimously voted to adopt the following 1977-1978 Budget Ordinance as proposed by the City Manager:

#### BUDGET ORDINANCE 1977-1978

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, and ending June 30, 1978, in accordance with the chart of accounts heretofore established for this City.

Administration Department	\$ 91,699
Inspection Department	9,922
Police Department	170,002
Fire Department	74,929
Street Department	92,000
Powell Bill	73,400
Sanitation Department	62,050
Recreation Department	17,307
Cemetery Department	20,200
Non-Departmental	160,997
	\$772,506

Section 2. It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 1977, and ending June 30, 1978.

Current Year's Property Tax	\$371,333
Prior Year's Property Tax	4,500
Tax Discounts	-
Tax Penalties and Interest	1,000
Motor Vehicle License	800
Parking Meter Revenues	-



Privilege License	\$ 4,800
Interest on Investments	13,500
Rents and Concessions	4,500
Miscellaneous Revenues	1,500
Franchise Tax	62,350
Intangible Tax	21,000
Powell Bill Funds	46,000
Local Option Sales Tax	80,300
Court Fees	650
Police Salary Supplement	1,500
Parking Violations	200
County Fire Protection	16,960
Cemetery Revenue	2,000
Gas Tax Refund	3,400
Special Assessments	100
Maintenance Traffic Control Devices	4,800
Cable TV Revenue	7,025
Sale of Surplus Equipment	1,000
Region "C" Police Training	1,500
Inspection Fees	600
Estimated Surplus	81,188
Contribution from Water/Sewer Fund	<u>40,000</u>
	\$ 772,506

Section 3. The following amounts are hereby appropriated in the Debt Service Fund for the payment of principal and interest on the outstanding debt of the City and the expenses relating thereto for the fiscal year beginning July 1, 1977, and ending June 30, 1978.

Interest on Bonds and Notes	\$ 57,000
Service Charge	150
	<u>\$ 57,150</u>

Section 4. It is estimated that the following revenues will be available in the Debt Service Fund for the fiscal year beginning July 1, 1977, and ending June 30, 1978.

Contribution from Water/Sewer Fund	\$ 57,150
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Section 5. The following amounts are hereby appropriated in the Revenue Sharing Fund for the fiscal year beginning July 1, 1977 and ending June 30, 1978:

Capital Outlay	\$ 162,440
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Section 6. It is estimated that the following revenues will be available in the Revenue Sharing Trust Fund for the fiscal year beginning July 1, 1977, and ending June 30, 1978:

Interest on Investments	\$ 3,750
Federal Grant	99,948
Fund Balance Appropriated	<u>58,742</u>
	\$ 162,440



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, 1977, and ending June 30, 1978, in accordance with the chart of accounts heretofore approved for the City:

Water/Sewer Operations	\$ 234,278
Filter Plant	58,150
Waste Treatment Plant	54,077
Non-Departmental	<u>142,330</u>
	\$ 488,835

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, 1977, and ending June 30, 1978:

Water Sales and Sewer Service	\$ 275,000
Water Taps	4,000
Sewer Taps and Service	114,000
* Miscellaneous Revenues	1,000
Estimated Surplus	74,734
Cut-on Fees	500
State 201 Study	1,943
Federal 201 Study	11,658
* Interest Earned on Investment	<u>6,000</u>
	\$ 488,835

Section 9. There is hereby levied a tax at the rate of seventy-five cents (75¢) per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 1977, for the purpose of raising the revenue listed as "Current Year's Property Taxes" in the General Fund in Section 2 of this Ordinance.

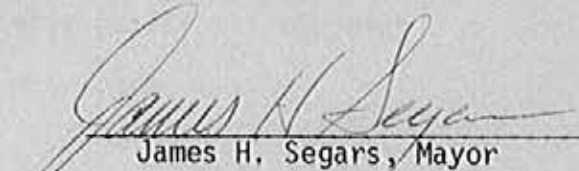
These rates are based on estimated total valuation of property for the purpose of taxation of \$51,574,094 and an estimated rate of collection of 96 percent.

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

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

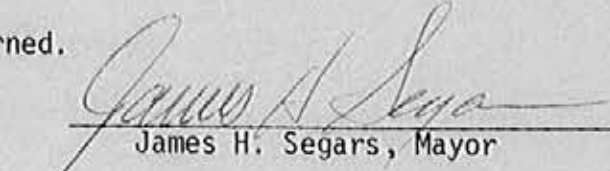
Section 11. Copies of this Budget Ordinance shall be furnished to the Finance Officer and to the Budget Officer of this City to be kept on file by them for their direction in the disbursement of funds.

ADOPTED this the 21st day of June, 1977.

  
James H. Segars, Mayor

ATTEST:   
J. Earl Daniels, City Clerk/Manager

There being no further business the meeting was adjourned.

  
James H. Segars, Mayor

ATTEST:   
J. Earl Daniels, City Clerk/Manager



STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

July 19, 1977

The Marion City Council met in a regularly scheduled session, Tuesday, July 19, 1977, at 7:30 P.M. in the Fire-Police Training Center.

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

Others Present: Jim Sheppard, News Reporter, The McDowell News; Alvin Callahan, Public Works Director; Calvin Smith, Superintendent, Line Construction Crew; Arthur Edwards, Fire Chief; E. P. Dameron, City Attorney; and J. Earl Daniels, City Manager.

Guests: J. E. Morris, Representative, North Carolina Equipment Company, Greensboro; Bill Watts, Representative, Bruce Construction Machinery Equipment Company; Frank Queen, Representative, Marion Equipment Company; Worth Keeter, Representative, Worth Keeter, Inc., Charlotte; Ted Forbes, Representative, A. E. Finley and Associates.

Approval of the June 21, 1977 Minutes: Upon a motion by Councilman James, seconded by Councilman Cross, those members of Council present unanimously voted to approve the minutes of the June 21, 1977 meeting.

Refund Request for Taxes Paid for Unowned Property - Charles Burgin: The City Manager presented a letter from Mr. Charles Burgin, Attorney, stating that he purchased from the City on June 21, 1974, a tax lien on property located on Montevista Avenue by paying the 1973-1974 taxes and paving assessment in the amount of \$206.83. The letter further stated that he paid 1975 taxes in the amount of \$22.50 and 1976 taxes in the amount of \$22.50.

Mr. Burgin stated that the basis for his request for a refund stems from the fact that there is no such property on Montevista Avenue to which a tax lien could attach except for a portion which is effectively taken by an open road running from Montevista to Airport Road. He stated that this information came after an extensive survey of all the surrounding properties, at quite an expense to him. He continued by stating that he has offered to make the results of his survey available to the County for the purpose of straightening out the property in the area and that the information supplied would also be beneficial to the City.

Upon a motion by Councilman James, seconded by Councilman Cross, those members of Council present unanimously voted to refund to Mr. Charles Burgin all monies paid by him for paving assessments and taxes for said unknown property.

Board of Adjustment - Resignation of Matt Smith: The City Manager presented a letter from Mr. Matt Smith stating that he wishes to resign as Chairman and member of the Marion Board of Adjustment. He stated in his letter that his term on the Board has been most interesting and educational and that he has enjoyed working with the City Manager, Fire Chief and Building Inspector as well as the other board members.

Mr. Smith suggested in his letter that it would be beneficial for the Board of Adjustment to be allowed more input in the changes and additions to the Marion Zoning Ordinance.

The City Manager informed the Council that Mr. Smith's term in office would have expired May 1, 1979.

Upon a motion by Councilman Cross, seconded by Councilman Clark, those members of Council present unanimously voted to reluctantly accept Mr. Smith's resignation. The City Manager was instructed to send a letter to Mr. Smith stating the City Council's appreciation for his serving as a member of the Board of Adjustment.

Request to Connect to the Municipal Water and Sewer Systems - Department of Corrections: The City Manager presented a letter from Mr. R. J. Korstian, Chief Engineer, North Carolina Department of Corrections, Division of Prisons, requesting a letter from the City of Marion indicating its acceptance of a proposal whereby the Department of Corrections would construct the necessary lines to connect to the City water and sewer systems in the vicinity of the new waste treatment plant, upon installation of both lines in that area.

The City Manager informed the City Council that he had received requests from the Department of Transportation, the Department of Corrections and the State Highway Patrol, concerning their being allowed to connect to the City municipal water and sewer systems once lines have been installed in that area where the new waste treatment plant is under construction.

Upon a motion by Councilman Cross, seconded by Councilman Clark, those members of Council present unanimously voted to cooperate with each of these departments requesting a water and sewer connection provided that the departments work together to develop one plan for presentation to the Council for approval whereby each of the departments can be served. The different departments would be responsible for the total cost of installation of all piping necessary to connect to the City systems and would be responsible for paying the necessary meter fees and the outside water-sewer rates which apply to properties being supplied outside the municipal limits.

The City Manager was instructed to send a letter to each of these departments asking that they work together in developing one plan to be approved by the City Council.

Backhoe-Loader Bid Proposals: Mayor Segars opened bid proposals from several firms. A long discussion followed between the City Council and representatives of the different firms who



had submitted bids. The City Council directed the Public Works Director, Alvin Callahan, and Line Construction Superintendent, Calvin Smith, to go with the representatives to the different firms to make comparisons of all equipment offered to the City and to present the information to Council later in the meeting if possible.

The following is a tabulation of bids submitted by the different firms:

	Ford 750	John Deere 510	International 3600-D	Case 780
BASE PRICE	\$26,609.85	\$30,553.60	\$22,348.94	\$27,623.57
<u>Add Ons</u>				
Air Cond.			1,250.00	*See Below
Oversize Tires	284.30		50.00	335.00
Full Cab	1,864.80	2,965.00	2,400.00	960.00
Self-Lev. Frt. Bucket	627.70	STD		STD
24" H.D. Bucket	451.50			
Automatic Return to Dig				STD
	\$29,838.15	\$33,518.60	\$26,084.94	\$28,918.57

\*Case 780 - Air Conditioner - Vendor states that due to shortage of air conditioners price will be given at time of delivery. Is anticipated to be between \$1,000.00 and \$1,400.00.

Guaranteed Delivery Date: Ford 750 - 90 days  
John Deere 510 - 30 days  
International - From Stock  
Case 780 - 30 days minimum, 90 days maximum

#### SMALLER UNITS

	Ford 550	JCB 3C	John Deere 410	Case 680-E
BASE PRICE	\$15,872.58	\$18,655.36	\$19,843.56	\$24,061.83
<u>Add Ons</u>				
Air Conditioner		584.00		Price at Time of Del.
Oversize Tires	165.20	116.00	134.00	495.00
Full Cab	2,172.30	1,176.00	1,862.00	1,195.00
Self-Lev. Frt. Bucket	327.20	487.00	STD	STD
24" Backhoe Bucket	254.10			
Auto. Return to Dig				STD
"Dig More" Extended Hoe		1,654.00		
	\$18,791.38	*\$22,672.36	\$21,839.56	\$25,751.83

Guaranteed Delivery Date: Ford 550 - 3 days  
JCB 3C - Two Weeks After Receipt of Order  
John Deere - In Stock  
Case 680-E - 30-90 Days

\*Plus 3% Sales Tax on Options and Extras

Low Boy Trailer - Bid Proposals: Several members asked that the bids for the low boy trailer be opened prior to their retiring to discuss specifications of the backhoe-loader equipment offered to the City. The following is a tabulation of trailer bids received:

North Carolina Equipment Company	\$6,058.80	4-5 Weeks
Arden Equipment Company, Inc.	\$6,783.00	30-45 Days
Marion Equipment Company	\$4,287.36	30 Days
Alternate-Marion Equipment Company	\$3,000.00	In Stock



Following the opening of bid proposals on the low boy trailer, all representatives of firms present with regard to the backhoe loader bids left the meeting room with the Public Works Director and Line Construction Superintendent to review specifications.

Street Surfacing and Resurfacing Bid Proposals: The City Manager informed the City Council that bids were opened in the Fire-Police Training Center at 2:00 P.M., July 18, 1977. He stated that present for the bid opening were Mr. Johnson, representing Johnson's Paving Company; Mr. Thompson, representing Thompson's Paving Company; Mel Radford, representing Valdesse Concrete; Alvin Callahan, Public Works Director; Glenda Melton, City Manager's Secretary; and himself.

The City Manager presented the following tabulation of bids received:

Firm	New Surfacing Per Ton	Resurfacing Per Ton	Curb Per Foot
Midstate Contractors, Inc. Hickory, North Carolina	\$18.50	\$18.50	\$1.25
Proposed Starting Date: 8/1/77			
Johnson Paving Company, Inc. Marion, North Carolina	\$17.75	\$16.75	\$1.50
Proposed Starting Date: 9/1/77			
Paving Enterprises, Inc. Arden, North Carolina	\$22.25	\$22.25	\$1.25
Proposed Starting Date: 9/30/77			
Thompson Contractors, Inc. Rutherfordton, North Carolina	\$17.75	\$17.25	\$1.20
Proposed Starting Date: 10/1/77			

Upon a motion by Councilman Cross, seconded by Councilman James, those members of Council present unanimously voted to accept the low bid submitted by Johnson's Paving Company, Inc., Marion, North Carolina.

Curb, Gutter and Sidewalk Program - Bid Proposals: The City Manager informed the City Council that only one bid was received for the curb, gutter and sidewalk work. He stated that this bid was submitted by Valdesse Concrete Works. The City Manager informed the City Council that since the proposed work would exceed \$10,000.00, it would require that the Council request bids a second time since State law requires that three bids be received for any work over \$10,000.00. The City Manager informed the Council that if only one bid is received at the next bid opening, Council may award the contract.

Upon a motion by Councilman James, seconded by Councilman Brown, those members of Council present unanimously voted to rebid the curb, gutter and sidewalk work as requested by the City Manager.

Valves and Fire Hydrants - Bid Opening: The City Manager informed the City Council that bid proposals were opened in the Fire-Police Training Center at 2:00 P.M., July 18, 1977. He presented the following tabulation of bids for valves and fire hydrants:

Firm	Hydrants	Valves	Delivery Date
Supply Specialties, Inc. Asheville, North Carolina	\$329.76 Each	\$154.60 Each	Stock to 60 Days
U. S. Pipe and Foundry Company Birmingham, Alabama	\$447.55 Each	\$177.15 Each	6-8 Weeks
ITT Grinnell Corporation Charlotte, North Carolina	\$294.00 Each	\$127.00 Each	5-7 Days
Tidewater Supply Company, Inc. Asheville, North Carolina	\$314.00 Each	\$133.50 Each	Ten Days

Upon a motion by Councilman Cross, seconded by Councilman Clark, those members of Council present unanimously voted to accept the low bid submitted by ITT Grinnell Corporation of Charlotte, North Carolina.

Pipe Bid Proposals: The City Manager informed the City Council that bid proposals were opened at 2:00 P.M., July 18, 1977, in the Fire-Police Training Center. He presented the following tabulation of bids for Council consideration:



FIRM	Eight-Inch Ductile (Approx. 1800 ft.)	Sixteen-Inch Ductile (Approx. 50 feet)	Ten-Inch Ductile (Approx. 50 ft.)
ITT Grinnell Corp. Charlotte, N. C.	\$5.12 per foot	\$13.15 per foot	\$7.12 per foot
Guaranteed Delivery Date: 10-14 Days			
Lynchburg Foundry Lynchburg, Virginia	\$5.06 per foot	\$12.21 per foot	\$6.69 per foot
Guaranteed Delivery Date: Shipping can start within 2-3 weeks of receipt of order.			
American Cast Iron Pipe Company Atlanta, Georgia	\$5.13 per foot	\$12.33 per foot	\$6.77 per foot
Guaranteed Delivery Date: Approximately 55 days after receipt of order.			
United States Pipe and Foundry Company Birmingham, Alabama	\$5.22 per foot	\$12.60 per foot	\$6.90 per foot
Guaranteed Delivery Date: 6-8 Weeks			
Glamorgan Pipe and Foundry Company Lynchburg, Virginia	\$5.13 per foot	\$12.34 per foot	\$6.77 per foot
Guaranteed Delivery Date: One week after receipt and release of order.			
Supply Specialties, Inc. Asheville, North Carolina	\$5.23 per foot	\$12.58 per foot	\$6.90 per foot
Guaranteed Delivery Date: 10 Days			

Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to accept the low bid submitted by Lynchburg Foundry, Lynchburg, Virginia.

Garbage Packer Truck Bid - Protest: The City Manager read the following letter submitted by Mr. David H. Henderson of Henderson, Henderson and Shufford, Attorneys at Law, Charlotte, North Carolina.

"Gentlemen: We represent Worth Keeter, Inc., of this city which has referred to us questions arising out of the propriety of bids and letting in response to the sitter's invitation to bid for purchase and sale of a garbage packer truck, the bids being taken on June 20, 1977.

This letter will serve as a notice of protest as to the letting to Controlled Environment, which you understand was the result of action taken by the counsel (sic.) of Tuesday night, June 21st.

May we call to your attention our understanding of the facts. It is our information that Controlled Environment filed a bid for a complete unit at \$32,480 to include both cab chassis and refuse body. Apparently, this company's bid proposal did not include the manufacturer nor the specific truck chassis it was to furnish. It did include with its bid some literature relating to its Model M200 body, which in fact provides a 2-yard hopper rather than the 2 and 1/2 yard hopper minimum required by the specifications. Word has come to Mr. Keeter that the salesman for Controlled Environment was apparently permitted, after the bid had been opened and, as a matter of fact, 24 hours later, to indicate to the city that he had intended to deliver his Model C250, an entirely different model body which would meet the 2 and 1/2-yard minimum requirement.

Our client was the low bidder on both the combination and the packer body alone, which met the specifications.

It would appear to us that this manipulation does violence to the integrity of the bid system. Additionally, it seems to veer from the prescription of the bid statutes relating to purchases for public entities. Of course, it also smacks of unfairness to other bidders, who in good faith have extended their time and energy in attempting to offer their product to the city.

We recognize that this request for bids attempts to reserve the right to accept such bid as 'in the judgment of the City Counsel (sic.) serves its best interest.' You and Mr. Dameron, City Attorney, recognize, of course, that such a resolution is subject to abuse, and while public bodies are permitted, for good cause, to reject a low bid there is no evidence here that any such good cause existed except the desire, after the fact, to attempt to put together segments to result in the lowest value cost to the city. In our opinion, this does not meet the requirements of 'good cause' that would enable a public body to avoid the statutory purchase provisions.

This letter will serve as a request that the city award the contract to Worth Keeter, Inc., as a low bidder meeting the specifications as published. We would appreciate a prompt reply."

/S/ David H. Henderson

Mayor Segars informed Mr. Keeter, who was present for the meeting, that he was certainly disappointed in Mr. Keeter's actions, especially in the fact that Mr. Keeter had questioned the integrity of the City Council in acting in the best interest of the City of Marion. A long discussion followed between Mayor Segars and Mr. Keeter.



The City Manager recommended that the City Council reject all bids. He informed the City Council that it would be necessary to amend the 1977-1978 City Budget Ordinance in order to rebid for purchase of a new garbage packer truck but that it was his opinion that in view of the fact that a protest had been received that it would be in the best interest of the City to reject all bid proposals and request new bids.

Councilman Clark made a motion that the City Council accept the recommendation of the City Manager and reject all bid proposals for the garbage packer truck and to rebid the machinery. This motion was seconded by Councilman Cross and the vote was as follows:

Ayes: Councilman Oliver R. Cross and Councilman Robert E. James.

Noes: Councilman Larry Brown.

Water Supply Problems: Glen Murdock, Chief Water Filter Plant Operator, presented a report to the City Council showing the amounts of water produced by the Marion Water Filter Plant for the week of July 4, beginning with 1974 and running through 1977. He also presented a report of corresponding weeks of July, 1975, 1976, and 1977 of amounts of water treated through the water filter plant. The following is a copy of his report:

<u>WEEK OF JULY 4th</u>	<u>CORRESPONDING WEEKS OF JULY</u>
Vacation Week - Industries Closed	
1974 - 169,000 Gallons	7/14/75 - 3,901,000 gallons
1975 - 955,400 Gallons	7/12/76 - 6,055,700 gallons
1976 - 892,600 Gallons	7/11/77 - 8,089,600 gallons
1977 - 2,797,300 Gallons	138.2 hours to pump 8,089,600 gallons pumping rate = 975.6 gpm present maximum pumping rate = 1050 1050 - 975.6 = 74.4

Mr. Murdock informed the City Council that during the week of July 11, 1977, the Water Filter Plant produced 8,089,600 gallons of water. He stated that it took 138.2 hours to produce this amount of water at a pumping rate of 975.6 gallons per minute. He stated that the present maximum pumping rate of the water filter plant is 1,050 gallons per minute. He informed the Council that the plant is presently operating at its maximum output and can only produce an additional 74.4 gallons of water per minute.

A long discussion followed. Mr. Murdock stated that it may be possible to change some water line connections in the vicinity of the water filter plant whereby water from the filter plant would be pumped into a 16-inch water main and disconnected from the lines presently coming from both Mackey Creek and Clear Creek. He stated that in his opinion this would help provide more water to the reservoir from the filter plant.

After a short discussion, Mr. Murdock was asked to work with the City Manager and discuss this matter with Mr. Fred Eslick and report back to the City Council as to whether or not such changes would be beneficial to the water system.

The City Manager stated that an article appearing in the McDowell News Monday, July 18, 1977, stated that the City had sold the railroad 40,000 gallons of water. He stated that this notice appeared in the paper following a previous notice on Friday, July 15, 1977, that the Mayor had declared an emergency due to the shortage of water. The City Manager stated that although the information contained in the news article was factual that it was timed in such a manner that it appeared to certain citizens that the City Manager had authorized the sale of water to the railroad at a time when the City had a water shortage. The City Manager stated that he had received at least one call concerning the matter and had heard several conversations concerning same. He informed the Council that the City has for the past several years been selling water to the railroad which the City Manager understood was being used to spray poison on weeds along the railroad tracks. He advised the Council that when the railroad called on Monday he checked with Mr. Murdock at the water filter plant concerning the City's water supply and was informed that both mountain streams were holding pressures and that the reservoir was full and that the City had no water problems at that time. The water filter plant operator stated that he saw no reason why the City could not provide the water to the railroad. The City Manager stated that he authorized the sale of the water based on that information. The City Manager informed the Council that he had instructed Glen Murdock, chief water filter plant operator, to keep him informed of the City's water supply situation and that on Thursday morning, July 14, 1977, that Mr. Murdock called and stated that they were encountering some problems with the water supply from Clear Creek. He stated that at that time he informed Mayor Segars of the problem and that after a short discussion it was decided to declare an emergency and for the City Manager to inform the news media that the ordinance adopted by the City Council in October of 1976 would be placed into action. He stated that this ordinance prohibited the use of water from the municipal water system for washing automobiles, watering lawns and shrubs and use of air conditioners which do not reclaim water. He informed the Council that the water situation was not critical but that this action was taken and that persons were being asked not to waste water so the City can continue providing water services both to residents and industry, hopefully until additional rains bring the mountain streams back up to their normal level. The City Manager stated that he wished to apologize if he had embarrassed the City Council in any way regarding this matter.

Street Resurfacing Program: The City Manager informed the City Council that the Street Committee met with the Street Superintendent and the City Manager and inspected all City streets. He stated that consideration is being given to resurfacing the following streets:



Dogwood Lane  
Lonon Avenue  
Railroad Street  
Morgan Street

Burgin Street  
Crescent Drive  
Pulliam Street  
Park Avenue

He stated that concrete curb and gutter is proposed to be installed on the north side of Railroad Street from Main Street to Willow Street. He also stated that consideration is being given to the installation of curb and gutter on Dogwood Lane and some streets in the cemetery. The City Manager asked that Council members please contact him if they know of other streets in need of resurfacing and/or curb and gutter work.

Backhoe-Loader Bids and Low Boy Trailer Bid Proposals: Public Works Director Alvin Callahan and Line Construction Superintendent Mike Smith returned to the meeting with representatives of the firms submitting bid proposals to the City for the purchase of a backhoe-loader and a low boy trailer.

The City Council was advised that additional time would be necessary to compare the specifications before recommendations could be made.

After a short discussion, it was decided that the Council would delay any action on the bid proposals pending further investigation of the specifications of each of the different units offered.

Firemen - Annual Certification: 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 Firemen's Pension Fund.

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

#### CERTIFICATION

We, the City Council of the City of Marion, in our capacity as the governing body of the City of Marion Fire Department, certify that we have examined and find that attached roster is a true and accurate list of all active firemen of the City of Marion Fire Department, City of Marion, County of McDowell, North Carolina.

Signed: James H. Seay  
Title: Mayor  
Date: July 19, 1977

Arthur C. Edwards, Chief

#### Marion Fire Department Municipal Section

John L. Sullivan, Asst. Chief (Paid)  
J. E. Neal, III, Capt.  
Larry W. Brown, Lt.  
Lee R. Cate, Capt.  
Larry Hogan, Lt.  
John M. Brown  
Thomas S. Milligan (Paid)  
Eugene Smith  
Eugene Hall  
Fred T. Brown  
Dennis Price  
James McGarr  
Jim Young  
Steve Prestwood  
Charles Presnell (Paid)  
Jerry Poteat (Paid)  
Millard Hollifield  
Tony Condrey

#### M. A. Fire Department Rural Section

Marshall Dark, Jr., Asst. Chief  
David Setzer, Capt.  
Bill Poteat, Lt.  
James Douglas Parker  
Terry B. Good  
Morris S. Laughridge  
John Mack Laughridge, Jr. (Paid)  
Jerry C. Stevens  
James R. Hollifield  
Willard Hollifield  
Tom Harris  
Hoyle Moody  
Roger Smith  
Danny Willis  
W. R. Smith, III  
Larry D. Miller  
Charles G. Suttle, Jr.  
William P. Wakefield, Jr.  
Weldon Mitchell, Traffic Control Div.  
Kenneth Mitchell, Traffic Control Div.  
Carroll Davis, Traffic Control Div.

Water Line Extension Request - Hawkins Lumber Company: The City Manager presented a letter from Mr. John Hawkins advising the City Council that Hawkins Lumber Company is planning to develop approximately twenty building lots on Mackey's Creek Road and that they would like to apply for permission to extend a six-inch water line from the City's Mackey Creek line to these lots. The letter stated that if permission to extend the line is granted, Hawkins Lumber Company will pay the entire cost of the lines and their installation according to the City's specifications and that they would also provide a twenty-foot right-of-way for the line. A long discussion followed concerning the ability of the City to continue to allow water line extensions outside the municipal limits based on the limitations of the existing water supply.



Upon a motion by Councilman Cross, seconded by Councilman Brown, those members of Council present unanimously voted to approve the extension as requested subject to the twenty-foot easement for the water line extending through the property and through Lot 7 in order that properties behind the subdivision may be served in the future. Included in the motion was an opinion that the City Council expresses serious misgivings about future line extensions being authorized outside the municipal limits until or unless a solution is found to the City's present water supply problems.

State Grant Offer - Project No. WC-193, Resolution Accepting Grant: The City Manager presented the following resolution accepting a State grant for State Project No. WC-193 and also a resolution designating Mayor James H. Segars as authorized representative..

RESOLUTION AUTHORIZING ACCEPTANCE OF A STATE  
GRANT ( State Project No. WC-193) FROM COUNTY  
ALLOCATED FUNDS UNDER THE POLLUTION CONTROL  
ACCOUNT OF THE CLEAN WATER FUND TO AID IN THE  
CONSTRUCTION OF A WASTEWATER COLLECTION SYSTEM  
PROJECT

WHEREAS, the City of Marion is in need of additional wastewater collection sewers, pump stations and related appurtenances; 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, force main, and pump stations and related appurtenances; and

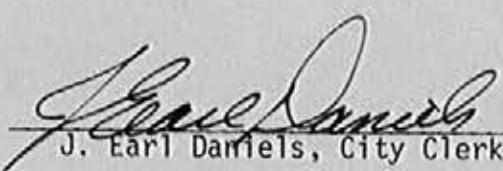
WHEREAS, the Environmental Management Commission for the State of North Carolina has made a grant offer under the Clean Water Bond Act of 1971; and

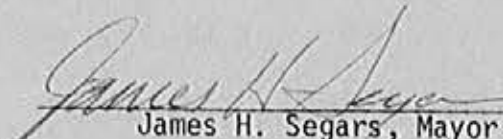
WHEREAS, the City Council of the City of Marion feels that it is in the best interest of the Citizens of Marion to accept such grant offer.

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-193", including all conditions contained therein, executed by L. P. Benton, Jr., Chief, Water Quality Section, and dated June 27, 1977, is hereby accepted by the City of Marion, North Carolina.

ADOPTED this the 19th day of July, 1977.

ATTEST:

  
J. Earl Daniels, City Clerk

  
James H. Segars, Mayor

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-193; and

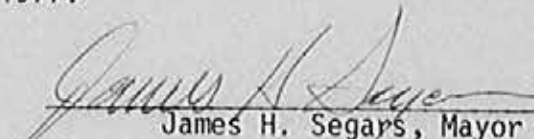
WHEREAS, it is necessary for the City Council to designate an authorized representative to execute official documents regarding said project.

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-193.

ADOPTED this the 19th day of July, 1977.

ATTEST:

  
J. Earl Daniels, City Clerk

  
James H. Segars, Mayor

Upon a motion by Councilman Clark, seconded by Councilman James, those members of Council present unanimously voted to adopt the resolution accepting the grant and also the resolution designating Mayor James H. Segars as the City's representative.

Planning Contract and Agreement - Resolution Authorizing Execution: The City Manager presented the following resolution authorizing execution of a contract for planning services:

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

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



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

That upon final execution, a copy of said contract be filed with the minutes.

ATTEST:

*J. Earl Daniels*  
J. Earl Daniels, City Clerk

*James H. Segars*  
James H. Segars, Mayor

Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to adopt the resolution as presented.

Resolution Direction Clerk to Investigate the Petition: Upon a motion by Councilman Cross, seconded by Councilman James, those members of Council present unanimously voted to adopt the following resolution:

RESOLUTION DIRECTION THE CLERK TO  
INVESTIGATE A PETITION RECEIVED UNDER G.S. 160A-31

WHEREAS, a petition requesting annexation of an area described in said petition has been received on July 19, 1977, by the City Council; and

WHEREAS, G. S. 160A-31 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Marion deems it advisable to proceed in response to this request for annexation;

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

That the City Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the City Council the result of his investigation.

ADOPTED this the 19th day of July, 1977.

ATTEST:

*J. Earl Daniels*  
J. Earl Daniels, City Clerk

*James H. Segars*  
James H. Segars, Mayor

Certificate of Sufficiency: The City Manager informed the City Council that due to previous discussions regarding annexation of the Ingles Shopping Center property, he had investigated the petition and is presenting a Certificate of Sufficiency as follows:

CERTIFICATE OF SUFFICIENCY

I, J. EARL DANIELS, City Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G. S. 160A-31, as amended.

In witness whereof, I have hereunto set my hand and affixed the seal of the City of Marion, this the 19th day of July, 1977.

*J. Earl Daniels*  
J. Earl Daniels, City Clerk

(CITY SEAL)

Resolution Fixing Date of Public Hearing on Question of Annexation Pursuant to G.S. 160A-31, as Amended: Upon a motion by Councilman Cross, seconded by Councilman Clark, those members of Council present unanimously voted to adopt the following resolution:

RESOLUTION FIXING DATE OF PUBLIC HEARING ON  
QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-31, AS AMENDED

WHEREAS, a petition requesting annexation of the area described herein has been received; and

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



WHEREAS, certification by the City Clerk as to the sufficiency of said petition has been made;

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

Section 1. That a public hearing on the question of annexation of the area described herein will be held at the Marion City Hall (Fire-Police Training Center) at 8:00 P.M., Tuesday, August 2, 1977.

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

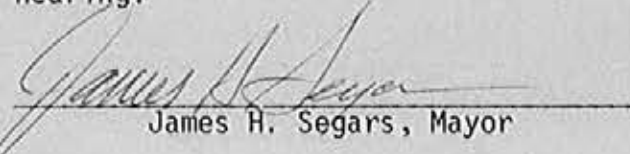
BEGINNING at an old existing corner located at a 42-inch red oak, O. D. Rowe (also Kent's) corner of tract of land described in deed recorded in McDowell County Deed Records in Deed Book 227 at page 901; and runs thence with said Rowe old line North 58 degrees 25 minutes West 604.32 feet to an iron pin, formerly Searcy corner; thence 103.53 feet to a point in the edge of the pavement of West Henderson Street, which point is marked by a railroad spike driven into the asphalt 2 feet West of said corner; thence with the edge of the pavement of the New West Henderson Street, North 28 degrees 09 minutes East 328.77 feet to a point; thence with the edge of the pavement of said street in a Northeast direction approximately 328.23 feet to a point; thence with the edge of the pavement of said street North 42 degrees 56 minutes East 97.57 feet to a point at the edge of the pavement of said street; thence leaving said street, South 87 degrees 15 minutes East 487.92 feet to an iron pin, Kent's corner, located 11 feet Northeast of a power pole, and located 10 feet Southwest of an old 40-inch poplar; thence with the Richard Kent tract of land described in deed recorded in said deed records in Deed Book 214 at page 390, the following seven courses and distances: South 5 degrees 00 minutes West 134.00 feet to an iron pin; thence South 8 degrees 00 minutes West 107.00 feet to an iron pin; thence South 2 degrees 00 minutes West 82.50 feet to an iron pin; thence South 12 degrees 21 minutes West 82.50 feet to an iron pin; thence South 25 degrees 32 minutes West 79.27 feet to an old existing corner at a marked pine; thence South 10 degrees 00 minutes West 109.00 feet to an iron pin; thence South 26 degrees 29 minutes West 439.51 feet to the BEGINNING, containing 12.67 acres, more or less, according to survey of the Rosa Houck Dismer property made by J. J. Wells, Land Surveyor, May 12, 1976; and being a portion of the property formerly owned by the late John M. Houck.

The above-described tract of land is conveyed subject to the roadway right and easement of the New West Henderson Street running along and over the West and/or Northwest side of the above-described tract of land.

This Conveyance is also made subject to any and all utility easements across said property.

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

ATTEST:   
J. Earl Daniels, City Clerk

  
James H. Segars, Mayor

Condemnation of Residential Building - Property Owned by Carroll Corbett: Fire Chief Arthur Edwards informed the City Council that the City has been working with Mr. Corbett for almost three years in trying to get him to comply with recommendations of the Inspection Department with regard to violations of City Ordinances concerning his property located at 5 Pinnacle Street. The Fire Chief presented a package of information concerning correspondence with Mr. Corbett and a detailed report on the problems.

After reviewing the information with the City Council the City Council directed the City Attorney to notify Mr. Corbett that if some action is not taken to correct the problem at his property located at 5 Pinnacle Street prior to the next City Council meeting, that the Council will direct that the necessary action be taken to correct the problem.

Waste Treatment Plant Project - EPA Project No. C-370-354-01-1 (Easements): The City Manager informed the City Council that several persons have still not signed easements which would allow for the installation of the Corpening Creek outfall line and certain collector lines. He stated that his secretary, Glenda Melton, has been working on easements for well over a year and that she has put forth a great deal of effort in trying to cooperate with citizens, even to the point of working on Saturdays and Sundays to get easements signed and notarized. The City Manager complimented her for her efforts regarding the waste treatment plant project.



The City Manager informed the City Council that he would like for the Council to direct the City Attorney to contact all persons who have not signed easements by 5:00 P.M., Monday, July 25, 1977, and inform them that the City will proceed with condemnation proceedings if necessary to acquire the easement.

The City Manager stated that Mr. C.R. Duncan's equipment is in the City and that they are ready to begin work. A short discussion followed.

Upon a motion by Councilman Brown, seconded by Councilman Clark, those members of Council present unanimously voted to direct the City Attorney to proceed with acquiring any easements necessary for the installation of the Corpening Creek outfall line and collector lines for Contract 2.0 and Contract 4.0, and to proceed with condemnation proceedings where necessary.

Special Meeting: The City Council agreed to meet in special session Thursday, July 28, 1977, at 3:00 P.M., in the City Council Chamber for the purpose of reviewing the bid proposals on the backhoe and front-end loader, and low-boy trailer, and to receive bids on sidewalk and curb and gutter construction.

The City Manager informed Council that it may be necessary to discuss rights-of-way and easements at the special meeting.

There being no further business, the meeting was adjourned.

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

July 28, 1977

The Marion City Council met in a special session Thursday, July 28, 1977, at 3:00 P.M., in the City Council Chamber at City Hall.

Board Members Present: Mayor James H. Segars (arrived at 4:00 P. M.), Councilmen A. Everette Clark, Robert E. James and Larry W. Brown.

Others Present: J. Earl Daniels, City Manager; Alvin Callahan, Public Works Director; Burdette Carroll, Street Superintendent; Calvin Smith, Water Line Construction Crew Superintendent; Glenda Melton, Secretary; Jim Sheppard, News Reporter, The McDowell News; J. E. Morris and Bill Calton, representatives of North Carolina Equipment Company.

Relocation of Trailer - Hernal Dover: City Manager Earl Daniels read a letter to the Council from Mr. Hernal Dover stating that because of the proposed installation of a sewer outfall line his trailer, located on Gilbert Hollifield's property off Currier Avenue, would have to be relocated. He stated in his letter that he could take care of the moving, taking down and putting back up of underpinning; and unhooking and reconnecting the power and water for \$400.00.

It was the feeling of the Council that the amount was less than it would be if a firm was contracted to do the work. Therefore, upon a motion by Councilman Clark, seconded by Councilman James, the City Council members present voted to approve the payment of \$400.00 to Mr. Dover for the relocation of his trailer.

Bid Opening - Sidewalks: The City Manager, as advertised in the "Request for Bids", opened and read the one bid received for sidewalk, curb and gutter work. The bid received was from Valdese Concrete Works.

PROPOSAL

New Sidewalk	\$4.00 per lineal foot
Old Sidewalk	\$4.35 per lineal foot
Curb and Gutter	\$4.10 per running foot (24") \$4.25 per running foot (30")

Proposed Starting Date: August 1, 1977

Low Boy Trailer: City Manager Earl Daniels read the bid tabulation on the low boy trailer. Councilman Brown asked what, if any, would be the ramifications of accepting the Marion Equipment Company alternate proposal on a demonstration trailer. It was generally agreed that since Marion Equipment Company's initial bid was lower than the other bids received there would be no problem in accepting their alternate bid.

Upon a motion by Councilman James, seconded by Councilman Clark, the members of Council present unanimously voted to accept the alternate bid of \$3,000.00 submitted by Marion Equipment Company for a demonstrator model low boy trailer.

Backhoe-Loader: City Manager Earl Daniels stated that he, Mayor Segars, and the department heads had met to discuss the bids received and had decided that the International unit would best meet the needs of the City. There was some question as to whether or not it would meet the specifications.



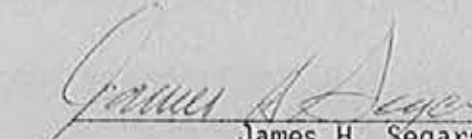
Upon a motion by Councilman James, seconded by Councilman Brown, those members of Council present unanimously voted to accept the bid submitted by Marion Equipment Company to furnish the City a Ford 750 backhoe-loader with oversize tires, full cab, self-levelling front bucket and 24" hydraulic bucket for a total amount of \$29,838.15, plus tax on options.

Councilman James stated that his motion was based on the fact that during the course of the discussion it appeared that the Ford 750 was of a size needed by the City and that service for the machine would be readily available through the Marion Equipment Company.

The backhoe-loader and the low boy trailer will be paid for with Revenue Sharing Funds.

There being no further business, the meeting was adjourned.

  
J. Earl Daniels, City Clerk

  
James H. Segars, Mayor

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

August 2, 1977

The Marion City Council met in a regularly scheduled session Tuesday, August 2, 1977, at 7:30 P.M., in the City Council Chamber at City Hall. The meeting was moved from the Fire-Police Training Center to the Council Chamber.

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

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

Approval of the July 19, 1977, Minutes: Upon a motion by Councilman Clark, seconded by Councilman Cross, those members of Council present unanimously voted to approve the minutes of the July 19, 1977 meeting.

Approval of the July 28, 1977 Minutes: Upon a motion by Councilman Clark, seconded by Councilman Cross, those members of Council present unanimously voted to approve the minutes of the July 28, 1977 meeting.

Request to Use Tennis Courts - James Hardin, Recreation Director: The City Manager read a letter from James Hardin, Recreation Director, requesting permission to use one tennis court at the Community Building from August 10 to August 17, from 5:00 P.M. until 9:00 P. M. to host a tennis tournament for the residents of McDowell County.

The City Manager also read a letter which he had sent to Mr. Hardin following a previous Council meeting advising him that the Council would not permit scheduling of the courts in the future. A short discussion followed.

Upon a motion by Councilman James, seconded by Councilman Cross, those members of Council present unanimously voted to authorize the use of the court as requested by Mr. Hardin and directed the City Manager to inform Mr. Hardin that the Recreation Commission should schedule all future tennis tournaments on courts operated by the Recreation Commission when the new courts are completed at the old junior high school property.

Councilman Clark expressed his concern that the little league teams are not able to use the new ball field at the junior high property. He stated that he felt these teams should be allowed to play at least one night per week. This would allow four teams to play each week. Mr. Clark advised the Council that he had given consideration to appearing before the Recreation Commission concerning this matter. He stated that the field is being used now by the adult softball league.

Annexation Ordinance - West Henderson Street Shopping Center - Public Hearing: The City Manager informed the City Council that a notice had been placed in The McDowell News calling for a public hearing on the annexation of the West Henderson Street Shopping Center. He read a letter from Mr. J. Hilliard Ward advising that he would be unable to attend the City Council Meeting but that he appreciated the cooperation and consideration the City has given with regard to the shopping center project. No one appeared at the public hearing regarding the annexation of the property.

Upon a motion by Councilman Cross, seconded by Councilman James, those members of Council present unanimously voted to adopt the following Annexation Ordinance:



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

WHEREAS, the City Council of the City of Marion has been petitioned under G.S. 160A-31, as amended, to annex the area described herein; and

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

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at the Marion City Hall (Fire-Police Training Center) at 8:00 P.M. on the 2nd day of August, 1977, after due notice by publication on the 20th day of July, 1977; and

WHEREAS, the City Council does hereby find as a fact that said petition meets the requirements of G.S. 160A-31, as amended.

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

Section 1. By virtue of the authority granted by G.S. 160A-31, as amended, the following described territory is hereby annexed and made a part of the City of Marion as of the 3rd day of August, 1977:

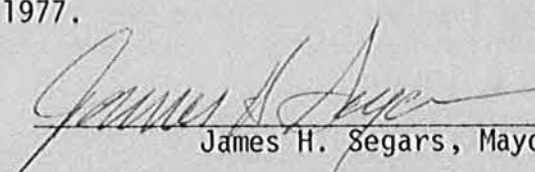
BEGINNING at an old existing corner located at a 42-inch red oak, O.D. Rowe (also Kent's) corner of tract of land described in Deed recorded in McDowell County Deed Records in Deed Book 227 at page 901; and runs thence with said Rowe old line North 58 degrees 25 minutes West 604.32 feet to an iron pin, formerly Searcy corner; thence 103.53 feet to a point in the edge of the pavement of West Henderson Street, which point is marked by a railroad spike driven into the asphalt 2 feet West of said corner; thence with the edge of the pavement of the New West Henderson Street North 28 degrees 09 minutes East 328.77 feet to a point; thence with the edge of the pavement of said street in a northeast direction approximately 328.23 feet to a point; thence with the edge of the pavement of said street North 42 degrees 56 minutes East 97.57 feet to a point at the edge of the pavement of said street; thence, leaving said street, South 87 degrees 15 minutes East 487.92 feet to an iron pin, Kent's corner, located 11 feet Northeast of a power pole, and located 10 feet Southwest of an old 40-inch poplar; thence with the Richard Kent tract of land described in deed recorded in said deed records in Deed Book 214 at page 390, the following seven courses and distances: South 5 degrees 00 minutes West 134.00 feet to an iron pin; thence South 8 degrees 00 minutes West 107.00 feet to an iron pin; thence South 2 degrees 00 minutes West 82.50 feet to an iron pin; thence South 12 degrees 21 minutes West 82.50 feet to an iron pin; thence South 25 degrees 32 minutes West 79.27 feet to an old existing corner at a marked pine; thence South 10 degrees 00 minutes West 109.00 feet to an iron pin; thence South 26 degrees 29 minutes West 439.51 feet to the beginning, containing 12.67 acres, more or less, according to survey of the Rosa Houck Dismer property made by J. J. Wells, Land Surveyor, May 12, 1976; and being a portion of the property formerly owned by the late John M. Houck.


Section 2. Upon and after the 3rd day of August, 1977, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Marion and shall be entitled to the same privileges and benefits as other parts of the City of Marion. Said territory shall be subject to municipal taxes according to G.S. 160A-31(e), as amended.

Section 3. The Mayor of the City of Marion shall cause to be recorded in the Office of the Register of Deeds of McDowell County, and in the Office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of this Ordinance.

Section 4. Notice of the adoption of this Ordinance shall be published once, following the effective date of annexation, in a newspaper having general circulation in the City of Marion.

ADOPTED this the 2nd day of August, 1977.

  
James H. Segars, Mayor

ATTEST:   
J. Earl Daniels, City Manager

Proposed Widening of West Court Street:



Proposed Widening of West Court Street: The City Manager presented a letter from J. B. Edwards, District Engineer, Division 13, District 1, stating that the Department of Transportation is anxious to close out the matter concerning the widening of SR-1214 at the intersection of West Court and Carson Streets in the City of Marion, either by completing the project or deleting it. The letter stated that the position of the Division of Highways is that rights-of-way expenditures relative to the project would be the responsibility of the City with the Division of Highways participating. A short discussion followed.

The City Manager stated that in all previous correspondence, the Department of Transportation had taken the position that the City of Marion would provide the right-of-way and that they would do the construction work. The letter stated that the Division of Highways would participate. The City Manager was directed by the Council to send a letter to Mr. Edwards stating that the City is anxious for the improvement to be made and inquiring as to what extent the Division of Highways will participate on the project. Mayor Segars informed the City Council that Mr. John Gilkey has been appointed to the Highway Commission and that in his opinion, a letter should be directed to Mr. Gilkey from the Mayor's Office regarding his appointment and advising that the Council would like to meet with Mr. Gilkey at his convenience.

City Attorney E. P. Dameron was asked to prepare the letter to Mr. Gilkey. The City Manager was directed to contact the District Office of the Division of Highways regarding the work which the Highway Department has been doing on East Court Street. Work has progressed slowly and the City Council would like for this work to be completed as soon as possible.

Wastewater Treatment Plant Project - Resolution Authorizing Mayor to Advertise for Bids on Garden Creek and Sugar Hill Road Outfall Lines: The City Manager informed the City Council that he had talked by telephone with Sid Riddick of O'Brien & Gere, Inc. regarding the Garden Creek and Sugar Hill Road outfall lines. He informed the Council that Mr. Riddick advised that he had talked with EPA officials in Atlanta and that the plans and specifications for the Sugar Hill Road outfall lines have been approved and that the City should receive formal notification this week. The City Manager stated that Mr. Riddick asked that the City Council adopt a resolution authorizing the Mayor to advertise for bids on the Garden Creek and Sugar Hill Road outfall lines upon receipt from EPA of authorization to advertise. After a short discussion the City Council agreed to hold any advertisement until a formal notification of approval of the plans has been received by the City.

Wastewater Treatment Plant Project - Rights-of-Way Agreements: Ruth Poteat Condrey - The City Manager informed the Council that Mrs. Condrey has refused to sign a right-of-way to allow the installation of a sewer outfall line across her property. He stated that she wants two free sewer connections, two free water connections and an undetermined amount of money in exchange for the right-of-way. He recommended that the City advise Mrs. Condrey that the City will provide a limited number of free connections or they will have the property appraised and pay to her the amount of the appraisal for a right-of-way. He stated that the City, in his opinion, should not give her a choice once the appraisal has been made. He stated that once the City has paid an appraiser to give an appraisal on the property, it is his opinion, she should be offered the amount of the appraisal and not provide her with any free connections. After a short discussion, City Attorney E. P. Dameron was directed to contact Mrs. Condrey advising her of the City's position in this matter.

A. Dean Poteat - The City Manager informed the Council that he will be meeting with Mr. Poteat Saturday, August 6, 1977, concerning a right-of-way across his property. The City Manager stated that he has already met with Mr. Poteat on two different weekends, once on a Saturday evening and once on a Sunday evening, to discuss this matter.

Mrs. D. S. Peeler - The City Manager advised that Mrs. Peeler has requested that the City have the property appraised and make her a reasonable offer for a right-of-way across the property. The City Manager asked for permission to have the property appraised and to make such an offer. This request was approved by the City Council.

Tri-County Oil Company - The City Manager stated that they have not signed a right-of-way and suggested that the City have the property appraised and make an offer to them based on the appraisal. This request was also approved by the City Council.

J. H. Barnes Property - The City Manager stated that he hoped to obtain the easement across this property this week.

Mrs. Margaret Griehsbach - The City Manager stated that she wants to discuss the matter with City Attorney E. P. Dameron. Mr. Dameron asked that he be given Mrs. Griehsbach's address and that he will write to her concerning the easement.

Amos Fortenberry - The City Manager stated that Mr. Fortenberry has agreed to sign a right-of-way if the sewer line is installed around the back side of his property instead of in the front.

Daniel P. Koon - The City Manager informed the Council that Mr. Koon has requested that the creek behind his house be returned to its original bed prior to his signing the easement. A long discussion followed. The City Manager was instructed to discuss this matter with the other property owner involved regarding the effect on his property should the creek be relocated, Mr. A. Dean Poteat, at their meeting scheduled for Saturday, August 6th.



Poteat Heirs - Trade Lot Property - The City Manager advised that the right-of-way is in the process of being signed by all the heirs.

Gregory Estate - The City Manager advised that several conversations had taken place between the property owners and the City concerning the right-of-way and that he anticipates the right-of-way being signed within two weeks.

Minimum Salaries - Police - Resolution Authorizing Execution of Contract: The City Manager informed the City Council that legislation has been approved which increases the minimum salary level for all law enforcement officers to \$7,600.00. He stated that the Criminal Justice Training and Standards Council has submitted a contract for execution by the City whereby the City would receive supplemental pay for all certified law enforcement officers working for the City receiving less than the minimum salary of \$7,600.00 per year.


Upon a motion by Councilman Cross, seconded by Councilman Clark, those members of Council present unanimously voted to adopt the following resolution authorizing execution of a contract with the North Carolina Criminal Justice Training and Standards Council:


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

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARION, NORTH CAROLINA:

1. That the contract between the City of Marion and the North Carolina Criminal Justice Training and Standards Council be and the same is hereby approved.
2. That the Mayor and the Clerk be and they are hereby authorized to sign and execute the said contract for and on behalf of the City of Marion and forward the same to the North Carolina Criminal Justice Training and Standards Council.
3. That upon final execution a copy of said contract will be filed with the minutes.

This the 2nd day of August, 1977.

  
James H. Segars, Mayor

ATTEST:   
J. Earl Daniels, City Clerk

Law Enforcement Officers' Benefit and Retirement Fund - Changes: The City Manager reviewed with the City Council proposed changes in Law Enforcement Officers' Benefit and Retirement Fund. He informed the Council that the major issue to be brought before Council is the fact that the minimum contribution to the Law Enforcement Officers' Benefit and Retirement Fund has increased from 5% to 6%. He informed the Council that the City is presently paying 5% of the law enforcement officers' salaries into the fund. He advised that with the minimum amount being changed from 5% to 6% a decision must be made as to whether or not the City will pay the additional 1% or whether the officers will be required to pay it.

Upon a motion by Councilman Cross, seconded by Councilman Clark, those members of Council present unanimously voted to approve the payment of the additional 1% by the City.

Condemnation of Residential Building - Property of Carroll Corbett, 5 Pinnacle Street: The City Manager presented a memo from Building Inspector J. Mack Laughridge advising that as of 5:00 P.M., August 2, 1977, there has been no noticable change in the condition of the property at 5 Pinnacle Street and that the Building Inspector recommends that the Marion City Council consider demolishing the building.

Upon a motion by Councilman Brown, seconded by Councilman Cross, those members of Council present unanimously voted to adopt the following resolution:

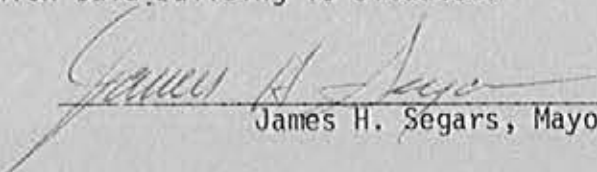
WHEREAS, Mr. Carroll Corbett, the owner of a dwelling house at 5 Pinnacle Street, Marion, North Carolina, was notified by registered mail March 4, 1977, that said building was in violation of the North Carolina State Building Code and the Ordinances of the City of Marion for the reasons set out in the letter dated February 25, 1977, to Mr. Corbett from the Fire Chief, the Fire Prevention Chief and the City Building Inspector of the City of Marion, and that the City Building Inspector would take action in accordance with the state and local laws within sixty (60) days from March 4, 1977, if the violations noted in said letter had not been corrected, and

WHEREAS, said conditions have not been corrected but have been permitted by said owner to become progressively worse so that said dwelling house now constitutes a hazard to the health and safety of other citizens of the City of Marion residing in the vicinity of same;



NOW, THEREFORE, the City Building Inspector is directed:

- (1) To proceed on September 1, 1977 to have said building razed and the remains and contents thereof removed from the premises.
- (2) To deliver a copy of this Resolution to Mr. Carroll Corbett in person and make a record of the date and time of such delivery.
- (3) To advise Mr. Carroll Corbett that, if it is necessary for the City to have said building razed and removed, the entire cost of doing so will be assessed against him and the lot or parcel of land upon which said building is situated.

  
James H. Segars, Mayor

ATTEST:   
J. Earl Daniels, City Clerk

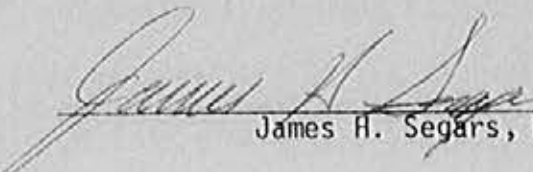
Sidewalk Sale: Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to authorize a sidewalk sale on August 4, 5 and 6, and to allow merchants to display merchandise on the sidewalks of the downtown area during the Annual Sidewalk Sale. The City Council also authorized the Jaycees to place a booth in the downtown area during the sale so long as the booth does not interfere with pedestrian or highway traffic.

Parking Lot Rentals - Dave Blanton: Upon a motion by Councilman James, seconded by Councilman Cross, those members of Council present unanimously agreed to reduce the monthly rental payment to Mr. Blanton by 19% since the property located on Garden Street previously used as a parking lot by the City has been sold to the County as the site for the new Emergency Medical Service building.

Ice Machine - Community Building: Councilman Brown informed the City Council that he had been advised that employees had been told not to take ice from the ice machine at the Community Building. The City Manager informed the Council that he had directed the City employees not to take ice from the machine because he had been told by the janitor that one of the civic clubs was meeting for lunch and that there was no ice in the machine because employees had removed all of it. The City Manager stated that since the civic clubs had participated in the purchase of the machine so that they could have ice with their meals, it was his opinion that the employees should not take all the ice out of the machine. A long discussion followed.

It was suggested that the City might consider the purchase of an ice machine to be placed at the City Garage in order that the employees could have ice water while working during the Summer months without having to take ice from the machine at the Community Building. The City Manager informed the Council that he would look into the matter and see if an ice machine could be purchased to be placed at the City Garage.

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

September 6, 1977

The Marion City Council met in a regularly scheduled session Tuesday, September 6, 1977, at 7:30 P.M., in the City Council Chamber at City Hall.

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

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



Guests: Matt Smith, Robert Gourley, Roger Sprinkle and Al Shiver.

Approval of the August 2, 1977 Minutes: Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to approve the minutes of the August 2, 1977 meeting.

Certificates of Appreciation - Board of Adjustment Members: Mayor James H. Segars presented a Certificate of Appreciation to J. Matt Smith for three years of service as a member and Chairman of the Board of Adjustment. A Certificate of Appreciation was also presented to Robert Gourley for three years of service as an Alternate Member of the Board of Adjustment. Harold Simmons was not present to receive a Certificate of Appreciation for three years of service to the Board.

Tax Adjustment Request - Mrs. L.W. Erwin: The City Manager presented a report from Tax Collector Frances Briscoe stating that Mrs. Erwin was ill when tax listing time was effective and her niece listed her taxes for her and that she did not apply for the \$5,000.00 exemption for 1976 and 1977. The report further stated that she had already paid her taxes for these years to the City without benefit of the exemption. (Mrs. Briscoe issued a memo dated September 20, 1977, stating that Mrs. Erwin was due a refund on only the 1977 taxes in a total amount of \$37.50. That is the amount refunded to Mrs. Erwin.)

The City Council was informed that the McDowell County Tax Department has, as of Relief No. 6424, given Mrs. Erwin credit for the \$5,000.00 exemption. Mrs. Erwin requests that she be given a refund for the \$5,000.00 exemption for the years of 1976 and 1977, in the amount of \$37.50 for each year, or a total of \$75.00.

Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to approve the request and to refund to Mrs. L. W. Erwin the amount of \$75.00.

Tax Refund Request - Alma Connor Hicks: The City Manager presented a report from Tax Collector Frances E. Briscoe stating that Alma Connor Hicks paid \$7.65, August 10, 1977, for 1977 taxes and that she has informed Mrs. Briscoe that she did not live inside the City Limits.

Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to refund to Mrs. Alma Connor Hicks the amount of \$7.65.

Audit Report: Roger Sprinkle and Al Shiver, representatives of Crawley, Johnson, Price and Sprinkle, Certified Public Accountants, appeared before the City Council to review with the Council the City Audit on all City accounts for the year ended June 30, 1977.

Mr. Shiver acted as spokesman and reviewed, page by page with the City Council, the entire audit. Mr. Shiver stated that the City's accounts are in good condition. He asked if Council members had any questions or, after reviewing the audit, if they had any questions to please feel free to contact him.

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

Board of Adjustment - Appointment of Member: Upon a motion by Councilman Brown, seconded by Councilman Wilkerson, the City Council unanimously voted to appoint Cecil Owenby as a member of the Marion Board of Adjustment. Mr. Owenby's term of office will expire May 1, 1979.

West Court Street - Proposed Widening: The City Council discussed at length the proposed widening of West Court Street near the intersection of Carson Street.

It was suggested that before a final decision is made the Mayor and City Manager should meet with Mr. John Gilkey, recently appointed as a Highway Commissioner for the Department of Transportation. Tentative plans were made to meet with Mr. Gilkey Wednesday morning, September 7, 1977.

Garden Street - Railway Crossing - Lights and Gates: A motion was made by Councilman James, seconded by Councilman Clark, for the adoption of the following resolution, and upon being put to a vote was duly adopted:

WHEREAS, the Department of Transportation, an agency of the State of North Carolina, pursuant to the provisions of G.S. 136-18(12) proposes to contract with the Federal Highway Administration to obtain Federal aid funds for the signalization of certain highway-railway crossings on the Municipal Street System for which the Municipality is responsible; and

WHEREAS, the Municipality will reimburse the Department of Transportation for any and all expense incurred in the planning, design and installation of signals incurred by the Department of Transportation, not reimbursed by the Federal Highway Administration; and

WHEREAS, in order to carry out the aforesaid projects and to promote the public interest and general welfare of the Municipality, it is necessary for the Municipality to enter into a contract with the Department of Transportation to provide for the installation and maintenance of signals at certain highway-railway crossings on the Municipal Street System.




NOW THEREFORE, BE AND IT IS HEREBY RESOLVED that the Mayor and the Clerk of the Municipality of Marion are hereby formally authorized to enter into a contract with the Department of Transportation to obtain Federal aid highway funds necessary to signalize the said grade crossing, for the Department of Transportation to perform certain work, and the Mayor and the Clerk of the Municipality are hereby empowered to sign and execute the requirement agreement between the Municipality and the Department of Transportation.

This the 6th day of September, 1977.

  
James H. Segars

ATTEST:

  
J. Earl Daniels, City Clerk

Proposed No Parking Zone - Teal Street: The City Manager presented a request from Chief of Police John Beck that a "No Parking" Zone be established on Teal Street. After a short discussion, it was agreed that the Street Committee would look over the area and make a recommendation to the City Council.

Proposed No Parking Zone - Spring Street: Upon a motion by Councilman Clark, seconded by Councilman James, the City Council unanimously voted to adopt the following ordinance establishing a "No Parking" zone on Spring Street:

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

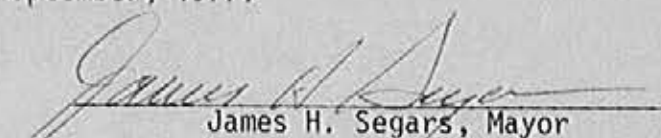
Section 1. When signs are erected giving notice thereof, no person shall park a vehicle at any time on the following portions of Spring Street:

(a) Beginning at a point on the north side of Spring Street at its intersection with the east side of South Main Street for a distance of twenty-five (25) feet east on the north side of Spring Street.


(b) Beginning at a point on the north side of Spring Street, said point being located eighty-three (83) feet east of the intersection of South Main Street and Spring Street, for a distance of forty-five (45) feet in an eastward 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 (50) dollars or by imprisonment not to exceed thirty (30) days.

Adopted this the 6th day of September, 1977.

  
James H. Segars, Mayor

ATTEST:

  
J. Earl Daniels, City Clerk

"No Left Turn" - Railroad Street to Main Street: The City Manager presented a request from Police Chief John Beck that Council establish an ordinance to prohibit left turns from Railroad Street to Main Street. Council, in discussing the matter, also gave consideration to the need for an ordinance to prohibit left turns from Main Street to Railroad Street.

After a short discussion, it was decided that the Street Committee should look at the matter and make a recommendation to the City Council.

Controlling Use of Skateboards in Certain Areas: Upon a motion by Councilman Wilkerson, seconded by Councilman Brown, the City Council unanimously voted to adopt the following ordinance:

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

Section 1. It shall be unlawful for any person to ride any skateboard on any public street within the City of Marion unless such street or streets shall be set aside as play streets for specific lengths or time by the Marion City Council.

Section 2. It shall be unlawful for any person to ride a skateboard on any sidewalk or portion of sidewalk described below:



- |                                       |                      |
|---------------------------------------|----------------------|
| A. Rutherford Road                    | F. Burgin Street     |
| B. Main Street                        | G. Railroad Street   |
| C. East Court Street                  | H. Madison Street    |
| D. West Court Street                  | I. Blue Ridge Street |
| E. Old and New West Henderson Streets | J. Logan Street      |
| K. Academy Street                     |                      |

Section 3. It shall be unlawful for any person to ride a skateboard on any sidewalk or portion of sidewalk in the downtown area. The downtown area shall be described as follows: Bounded on the South by Crawford Street; on the North by Fort Street; on the East by Garden Street; and on the West by Logan Street.

Section 4. PENALTY - The violation of any provision of this Ordinance shall constitute a misdemeanor, punishable upon conviction by a fine not to exceed fifty dollars (\$50.00), or imprisonment of not more than thirty (30) days.

ATTEST:

*J. Earl Daniels*  
J. Earl Daniels, City Manager/Clerk

*James H. Segars*  
James H. Segars, Mayor

The City Council, in adopting the Ordinance, directed the City Manager and Street Committee to look into constructing a skateboard ramp at the Marion Community Building so that children of the community would have a place to ride skateboards.

Garden Street - Keyed Traffic Light: The City Manager informed the City Council that a keyed traffic light signal is needed at the intersection of Garden Street and Rutherford Road. He stated that traffic stopped on Garden Street trying to make a turn onto Rutherford Road has problems because traffic coming from the right has a sharp curve and also traffic coming from Morgan Street on the right. On the left side traffic is coming up over a hill. He stated that it is very difficult to make a safe turn under those conditions.

The City Manager was instructed to send a letter to the Department of Transportation and asked that they look into the matter concerning the installation of some type of traffic signal device for that intersection.

Filing Fees: Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to establish a filing fee of \$5.00 for all candidates seeking election in the 1977 municipal elections.

Budget Amendment: The City Manager informed the City Council that Fire Chief Arthur Edwards is experiencing problems with his car. He stated that after a discussion with Mayor Segars, it was decided to ask Council for permission to purchase a new automobile each year for the City Manager with the City Manager's car being given one year to the Fire Chief and the alternate year to the Chief of Police. The City Manager stated that in order to begin the program this year it will be necessary to amend the 1977-78 Budget by increasing Account Number 10-420-74 by \$6,500.00.

Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to amend the 1977-1978 Budget Ordinance by increasing Account Number 10-420-74 by \$6,500.00.

Proposed Building Modifications - City Shop: The City Manager recommended to the City Council that the open bay next to the office at the City Shop be closed in to provide a storage warehouse for city supplies. He informed the Council that it would cost approximately \$5,600.00 to block in the open bay which would provide 5,000 square feet of storage space, 2,500 on the ground level and 2,500 on the second level. He informed the Council that this would provide control over City supplies since all materials would be requisitioned by the purchasing agent. He stated that the purchasing agent would keep a complete running inventory of all City stock and that having the materials stored and having the area locked would save the City a considerable amount of money in that we could buy materials in large quantities.

After a short discussion, it was decided that Mayor Segars, Councilman Clark and Councilman Brown would meet with the City Manager and Department Heads at the City Shop Wednesday, September 7, to look at the situation and to render some decision with regard to what procedures should be followed.

Paving Assessments - Recommended Charge Offs: The City Manager presented a list of persons owing paving assessments to the City dating back as early as 1955. The City Manager stated that the City had been unable to collect the paving assessments and that the accountants had recommended that the City charge the paving assessments off City records.

After a short discussion, the City Manager was instructed to bill all persons owing paving assessments and to report back at the next meeting any unpaid assessments.

Waste Treatment Plant Project - Additional Cost - Corpening Creek Line: The City Manager presented a letter from O'Brien & Gere, Inc. stating that the additional cost to install Class 56 ductile iron sewer line across property belonging to A. D. Poteat in lieu of terra cotta pipe would cost the City an additional \$12,541.94. This figure represents the difference in cost between the terra cotta pipe and ductile iron pipe. The City Manager informed the City Council that Mr. Poteat would not sign an easement authorizing the City to install the sewer line across his property unless the City changed the line to ductile iron. The reason this change is necessary is because Mr. Poteat stated that he plans to fill the property and use it at some date in the future and that it has been stated that the fill would be approximately 30 feet or more over the sewer line, thus requiring a change in the type of material.



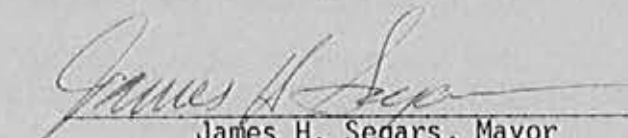
The City Manager stated that he had been informed by Mr. Don Griffin that the Environmental Protection Agency would pay 75% of the cost of this increase in charges.

Ballfield - Filter Plant: Mr. Everette Clark informed the City Council that he had had a conversation with Mr. James Hardin concerning the possibility of establishing a ballfield on the City's water filter plant property. The City Manager stated that he had discussed the matter with Mr. Hardin and that Mr. Hardin, Fire Chief Arthur Edwards and the City Manager had gone out to the site to see if there would be any problems with the Recreation Commission using a portion of the property for the little league ballfield.

The City Manager informed the Council that in discussing the matter it was determined that the McDowell County Firemen's Association would need to be involved since a portion of this property would be property which Council has previously authorized the McDowell County Firemen's Association to use for training grounds.

Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to authorize the Recreation Commission to use the property and to install ballfield lights and a fence contingent upon approval of the McDowell County Firemen's Association.

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

September 20, 1977

The Marion City Council met in a regularly scheduled session Tuesday, September 20, 1977, at 7:30 P.M. in the Fire Police Training Center.

Board Members Present: Councilmen A. Everette Clark, Robert E. James, Horace Wilkerson, and Larry W. Brown. Mayor Segars arrived at 8:35 P.M.

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

Guests: Ed Palmer; D. E. Griffin, Representative of O'Brien & Gere, Inc.; Mark Grant, Boy Scout, Troop 210; and Danny Stevens.

Approval of the September 6, 1977 Minutes: The City Manager informed the City Council that at the last meeting the Council was informed that Mrs. L. W. Erwin was entitled to a refund totalling \$75.00 by allowing Mrs. Erwin credit for the \$5,000.00 exemption for the years 1976 and 1977. The City Manager stated that Tax Collector Frances Briscoe had reported to him that Mrs. Erwin was entitled to a refund of \$37.50 for the year 1977. The City Manager recommended that the minutes of the previous meeting be amended to reflect that action. He stated that the \$37.50 has been refunded to Mrs. Erwin.

Upon a motion by Councilman James, seconded by Councilman Wilkerson, those members of Council present unanimously voted to approve the minutes of the September 6, 1977 meeting as amended.

Community Building - Skating Rink: The City Manager presented a letter from Danny Stevens requesting permission to use the Marion Community Building basement as a skating rink. Mr. Stevens stated in his letter that he and his associates would be responsible for paying to the City 40% of the income from the skating rink operation and that they would maintain and keep the area clean and would pay their proportionate share of the water and electric utility bills.

Mr. Stevens was present at the meeting and addressed the Council with his proposal. He suggested that in lieu of paying to the City 40% of the income from the rink that they would be willing to pay the City \$200.00 per month.

After a short discussion, Mayor Pro Tem Everette Clark appointed Councilman James and Councilman Brown as a committee to look into the request and make a report back to the City Council at the next regular meeting.

Ordinance - Controlling Use of Skateboards in Certain Areas: Mr. Ed Palmer appeared before the City Council to request that the Council give consideration to allowing persons to ride skateboards on certain side streets and dead end streets in the City, especially where no sidewalks are available. Mr. Palmer stated that children of the community have no place to go to ride skateboards and that he is aware that the City is planning to construct an area at the Community Building but that the area would not be large enough to accommodate all the youngsters in the community and that many of the youngsters would have to travel a considerable distance to get to the area.



The City Manager stated that certain streets could be designated as play streets for specific lengths of time to provide areas for skateboarding, but that this should be done only under controlled conditions where traffic would not be travelling in the same area where children would be riding skateboards.

A long discussion followed. Mayor Pro Tem Everette Clark appointed the Street Committee to meet with Mr. Ed Palmer, Mr. Joe Bagwell and Mr. Charles Smith to discuss the matter and to report back to the City Council with recommendations as to what course of action should be taken by the City Council in this matter.

Mayor Pro Tem Clark recognized Boy Scout Mark Grant of Troop 210, who was present at the meeting to observe the proceedings.

Trash Container - Request - Jack Randolph: The City Manager presented a letter from Mr. Jack Randolph requesting that the City place sidewalk trash containers on the west side of Logan Street between Court Street and Henderson Street.

Upon a motion by Councilman Wilkerson, seconded by Councilman James, those members of Council present unanimously voted to authorize the purchase of two containers, one to be placed on the west side of Logan Street, as per Mr. Randolph's request, and one to be placed on the south side of West Court Street near the barber shop and laundry.

Christmas Parade: The City Manager presented a letter from the McDowell County Merchants Association inviting members of Council to ride in the annual Christmas Parade to be held November 26, 1977, at 5:00.

Zoning Ordinance - Requested Amendments: Case No. 1. Morgan Street Property - The City Manager stated that a request has been received that certain property located on Morgan Street be rezoned from C-2, General Business, to R-1, General Residential, to allow the property to be used for residential purposes. A description of the property follows:

BEGINNING at the Northeast corner of Morgan Street and Crawford Street running parallel to Morgan Street in an easterly direction a distance of 1000.25 feet, thence in a northeasterly direction a distance of 69.33 feet to a creek; thence following the creek in a westerly direction to its intersection with Crawford Street; thence running parallel to Crawford Street in a southerly direction a distance of 161.24 feet to the point of BEGINNING.

The City Manager asked if anyone was present regarding any of the pending cases to be presented to the City Council. No one was present with regard to the public hearing on the zoning requests.

Building Inspector J. Mack Laughridge was present and informed the City Council that the Marion Planning Board recommends approval of the request as presented.

Upon a motion by Councilman Wilkerson, seconded by Councilman Brown, those members of Council present unanimously voted to rezone from C-2, General Business, to R-1, Residential, the above-described property located on Morgan Street as recommended by the Marion Planning Board.

Case No. 2. New West Henderson Street Shopping Center - Mr. J. Mack Laughridge informed the City Council that the Marion Planning Board recommends that the City Council zone the below described property, recently annexed into the City Limits, as C-2, General Business:

BEGINNING at an old existing corner located at a 42-inch read oak, O. D. Rowe (also Kent's) corner of tract of land described in deed recorded in McDowell County Deed Records in Deed Book 227 at page 901; and runs thence with said Rowe old line North 58 degrees 25 minutes west 604.32 feet to an iron pin, formerly Sercy corner; thence 103.53 feet to a point in the edge of the pavement of West Henderson Street, which point is marked by a railroad spike driven into the asphalt 2 feet West of said corner; thence with the edge of the pavement of the New West Henderson Street North 28 degrees 09 minutes East 328.77 feet to a point; thence with the edge of the pavement of said street in a northeast direction approximately 328.23 feet to a point; thence with the edge of the pavement of said street North 42 degrees 56 minutes East 97.57 feet to a point at the edge of the pavement of said street; thence leaving said street, South 87 degrees 15 minutes East 487.92 feet to an iron pin Kent's corner, located 11 feet northeast of a power pole, and located 10 feet southwest of an old 40-inch poplar; thence with the Richard Kent tract of land described in deed recorded in said deed records in Deed Book 214 at page 390, the following seven courses and distances: South 5 degrees 00 minutes West 134.00 feet to an iron pin; thence South 8 degrees 00 minutes West 107.00 feet to an iron pin; thence South 2 degrees 00 minutes West 82.50 feet to an iron pin; thence South 12 degrees 21 minutes West 82.50 feet to an iron pin; thence South 25 degrees 32 minutes West 79.27 feet to an old existing corner at a marked pine; thence South 10 degrees 00 minutes West 109.00 feet to an iron pin; thence South 26 degrees 29 minutes West 439.51 feet to the beginning. Containing 12.67 acres, more or less, according to survey of the Rosa Houck Dismar property made by J. J. Wells, Land Surveyor, May 12, 1976; and being a portion of the property formerly owned by the late John M. Houck.

Upon a motion by Councilman James, seconded by Councilman Brown, those members of Council present unanimously voted to zone the above-described area to C-2, General Business, as recommended by the Marion Planning Board.



(Mayor Segars arrived at the meeting.)

Case No. 3. West Court Food Center Property - The City Manager presented a request from Mr. James Hollifield, owner of West Court Food Center, located on West Court Street, that the property on which his business is located be rezoned from R-1, Residential, to C-2, General Business, to allow him to expand the business. A description of the property follows:

BEGINNING at a point 245 feet west of the intersection of Snipes Street and West Court Street running parallel to West Court Street in a westerly direction a distance of 202.73 feet; thence from said point in a southerly direction a distance of 140 feet; thence east 74.2 feet; thence north 37 feet, thence east 54 feet, thence north 162 feet to the BEGINNING.

Building Inspector J. Mack Laughridge informed the City Council that the Marion Planning Board recommends that the request be approved.

Upon a motion by Councilman Brown, seconded by Councilman James, those members of Council present unanimously voted to rezone the above-described property from R-1, Residential, to C-2, General Business, as requested and recommended by the Marion Planning Board.

Waste Treatment Plant - Progress Report - Don Griffin: Don Griffin, representing O'Brien & Gere, Inc. appeared before the City Council to make a progress report on the waste treatment plant facilities. Mr. Griffin stated that much progress is being made with the project in spite of the amount of rainfall received in the area in recent days.

The City Manager stated that he had talked with Mr. John Barnes by telephone regarding the sale of bonds or the renewal of the Bond Anticipation Notes. The City Manager stated that the Bond Anticipation Notes mature November 17, 1977. He stated that after discussing the matter with Mr. John Barnes of the Local Government Commission, he was of the opinion that the City should renew the Bond Anticipation Notes for ninety days especially in light of the fact that bids could not be received on the Garden Creek and Sugar Hill outfall lines in time to determine the exact cost of those projects prior to renewing the notes or selling the bonds.

Mayor Segars stated that the City had renewed the notes several times and that he was of the opinion that the City should go ahead and sell bonds and not tie up additional money in interest costs.

The City Manager stated that in discussing the matter with Mr. Barnes, he was advised that the City has a specific length of time in which to spend a major portion of the bond funds or that there maybe some legal problems.

After a long discussion, Mayor Segars stated that he would be in Raleigh Wednesday, September 21, 1977, and that he would go by and discuss the matter with Mr. Barnes.

Mr. Griffin stated that he would be making reports to the Council on a monthly basis regarding the progress of the work on the waste treatment plant facilities. He informed the Council that W & W Contracting had begun clearing land for the pumping station site as of September 20, 1977.

Water Reservoir Improvements - Bid Proposals: Bid received on Contract IV - Water Storage Tank are as follows:

PDM Hydrostorage, Inc. Franklin, Tennessee	\$42,980.00
RECO Constructors, Inc. Richmond, Virginia	\$41,930.00
Brown Steel Contractors, Inc. Newnan, Georgia	\$44,795.00
Caldwell Tanks, Inc. Louisville, Kentucky	\$52,098.00
Fisher Tank Company Lexington, South Carolina	\$42,100.00

The City Manager suggested that the City Council not award Contract IV until after Contracts I, II and III can be rebid so that all of the contracts can be awarded at the same time. He suggested that the bids received for Contract IV be held until all of the bids could be awarded for the total project.

Upon a motion by Councilman Clark, seconded by Councilman James, those members of Council present unanimously voted to accept the recommendations of the City Manager and to hold awarding Contract IV until bids are received on Contracts I, II and III.

City Manager's Car - Bid Proposals: Bids received September 20, 1977, to furnish the City Manager an automobile, were as follows:

Marion Motors, Inc.	\$5,211.06
Ballew Motor Company, Inc.	\$5,375.40
Lattimore Chrysler-Plymouth	\$6,138.00

Upon a motion by Councilman Clark, seconded by Councilman Wilkerson, those members of Council present unanimously voted to accept the low bid submitted by Marion Motors, Inc. in the amount of \$5,106.84 plus North Carolina Sales Tax of \$104.22.

Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present



voted not to open the bids received for the snow plow and the sand spreader and directed the City Manager to readvertise for bid proposals for the new snow plow and sand spreader and present the bids at the next regular City Council meeting.

Teal Street - "No Parking" Zone: Mayor Segars suggested that persons residing on Teal Street be invited to the City Council meeting to be held October 4th to discuss the need for a no parking zone to allow emergency vehicles to travel the street. The City Council agreed with the recommendations of the Mayor and the City Manager was instructed to invite residents living on Teal Street to the next City Council meeting and also to invite the Fire Chief, Police Chief and the Director of the Emergency Medical Service for McDowell County.

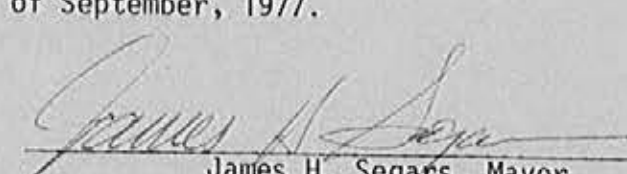
No Left Turn From Railroad Street to Main Street: Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council unanimously voted to adopt the following Ordinance:

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 operating a motor vehicle shall make a left turn from Railroad Street onto Main 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 fifty dollars (\$50.00) or by imprisonment not to exceed thirty (30) days.

ADOPTED this the 20th day of September, 1977.

  
James H. Segars, Mayor

ATTEST:   
J. Earl Daniels, City Clerk

Proposed Building Modifications - City Shop: After a long discussion, the City Council directed the City Manager to advertise for bids for removing and installing shingles on the Community Building and installing a built up roof on the City-owned building directly across from the Marion Police Department. The City Council delayed any action on making modifications to the City shop upon the recommendations of the City Manager. Consideration will be given when preparing next year's budget to the modification of the City Shop building and garage to provide for adequate storage of materials, supplies and equipment.

Paving Assessments - Charge Offs: The City Manager informed the City Council that several persons had paid, or made arrangements to pay, for paving assessments dating back to 1955. The City Manager recommended that no action be taken on charging off the paving assessments as uncollectable to allow sufficient time for the City to receive payment from some of the persons owing assessments.

Ordinance Adoption Policy - Councilman Brown: Councilman Brown suggested to the City Council that a policy be established whereby the City Council would delay the effective date of ordinances adopted by the Council so as to allow input from the citizens prior to the ordinances becoming effective. During the discussion that followed, Councilman Brown noted that certain ordinances would need to be adopted on the night presented and that Council would have the authority to do so but that the proposed policy would eliminate the City Council adopting an ordinance at one meeting only to receive public input so that the ordinance is rescinded or modified at a later meeting.

Upon a motion by Councilman Brown, seconded by Councilman James, the City Council established the following policy:

Ordinances - Effective Date: It shall be the policy of the Marion City Council to delay the effective date of ordinances adopted by the Council to a date determined by the Council at the time of adoption. This policy shall not prohibit the City Council from making the effective date of the ordinance the same date as the date of adoption in those cases where Council feels it to be necessary.

LEAA Police Training - Resolution: Upon a motion by Councilman James, seconded by Councilman Wilkerson, those members of Council present unanimously voted to adopt the following resolution:

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

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

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARION in open meeting, assembled in the City of Marion, North Carolina, this 20th day of September, 1977, as follows:



1. That the project referenced above is in the best interest of the Applicant and the general public.

2. That Earl Lloyd 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 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

ATTEST:

  
J. Earl Daniels, City Clerk


Advance Warning Signs at Grade Crossings - Resolution and Contract: Upon a motion by Councilman Clark, seconded by Councilman James, those members of Council present unanimously voted to adopt the following resolution:

WHEREAS, the Department of Transportation, an agency of the State of North Carolina, pursuant to the provisions of G.S. 136-18(12) proposes to contract with the Federal Highway Administration to obtain Federal aid funds for the installation of advance warning signs at certain highway-railway crossings on the Municipal Street System for which the municipality is responsible; and


WHEREAS, in order to carry out the aforesaid projects and to promote the public interest and general welfare of the municipality, it is necessary for the municipality to enter into a contract with the Department of Transportation to provide for the installation and maintenance of signing at certain highway-railway crossings on the municipal street system.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED that the Mayor and the City Manager of the municipality of Marion, North Carolina, are hereby formally authorized to enter into a contract with the Department of Transportation to obtain Federal aid highway funds necessary to install advance warning signs at the said grade crossings, for the Department of Transportation to perform certain work, and the Mayor and the Clerk of the municipality are hereby empowered to sign and execute the required agreement between the municipality and the Department of Transportation.

This the 20th day of September, 1977.

  
James H. Segars, Mayor

ATTEST:

  
J. Earl Daniels, City Clerk

Four-Way Stop - Proposed - Miller Avenue and Ridgecrest Drive: The City Council discussed the need for traffic control at the intersection of Miller Avenue and Ridgecrest Drive. The intersection is presently unsafe because vehicles travelling north on Miller Avenue, upon approaching the intersection at Ridgecrest Drive, cannot see traffic on Ridgecrest until after they clear the hill. Likewise, traffic on Ridgecrest Drive cannot see traffic travelling north on Miller Avenue until the traffic clears a hill.

Several suggestions were made by Council members concerning the course of action to be taken.

After a short discussion, Council decided not to take any action until the next meeting in order to give each Council member time to study the situation.



Logan Street and Main Street Intersection - Rescind Ordinance Prohibiting Left Turn From Main to Logan Street: Councilman Clark stated that in his opinion the City should rescind the ordinance prohibiting a left turn from Main Street to Logan Street. He stated that traffic is turning between the Little Buck Grill and Stone Realty and travelling over private property in order to turn left before getting to the intersection.

A discussion followed. The City Manager was instructed to contact Walter Cochran of the Department of Transportation concerning their recommendations as to how traffic can be permitted to turn left from Main Street to Logan Street while at the same time, traffic travelling on Highway 70 (Main Street) can continue to turn right on Logan Street.

Henderson Street and Logan Street - Advance Green Light to Allow Left Turn From Henderson to Logan: The City Manager stated that traffic travelling east on Henderson Street wishing to turn left on Logan Street sometimes must wait for the traffic light to change several times because of heavy traffic on Henderson Street travelling west. He stated that if an advance green light could be installed at that intersection it would permit traffic to turn left from New Henderson on to Logan Street, thus eliminating the problem.

The City Manager was instructed to contact Mr. Walter Cochran with the Department of Transportation and inquire as to whether or not such advance green light could be installed.

Parking Lots - Policy on Lighting: The City Manager recommended that the City Council establish a policy whereby the City would only provide area lights on parking lots owned by the City of Marion or leased directly by the City. He stated that the City would still have an obligation to install area lights and/or street lights on all public alleyways and streets in accordance with existing City policy. He stated that in one case the City is presently paying for an area light which is located behind businesses on a private parking lot which the City does not own, lease or control.

After a short discussion, the City Manager was instructed to provide a detailed report at the next regular meeting of Council for Council consideration.

Rutherford Road - Curb and Gutter: The City Manager stated that he had talked with Mr. Edwards with the District Office of the Department of Transportation concerning the need for curb and gutter along Rutherford Road within the City Limits. The City Manager stated that Mr. Edwards had asked whether or not the City Council would like to transfer funds set aside by the Department of Transportation to modify the curve at the intersection of West Court and Carson Streets so that said funds could be used for the installation of curb and gutter on Rutherford Road.

The City Manager stated that Mr. Edwards had implied that the City, by transferring these funds to permit the installation of curb and gutter on Rutherford Road, could still request the modifications on West Court Street near Carson Street under the new highway bonds. The City Manager stated that the only problem would be that if they wait to pave the portion of Rutherford Road until after the curbs are installed that it might be after this winter before the work could be accomplished. The City Manager was instructed to advise Mr. Edwards that the City will approve of the transfer of funds provided that Rutherford Road be kept up by the State by repaving areas that are in bad need of work in the event that the road could not be paved until next year.

Snipes Street - Temporary Road: The City Manager informed the City Council that he had received several complaints about the temporary street put in by West Court Baptist Church to serve until a permanent street can be installed by the Church. He stated that several residents have called him in the office and at home complaining about the condition of the temporary street. He stated that the West Court Baptist Church had asked that they be permitted to relocate Snipes Street due to the construction of a new Church building. He advised the Council that the Church cannot construct the permanent street until after a house has been removed from the property. The new street will connect to Snipes Street and run straight out to West Court Street; whereas the old street made an "S" turn, turning first to the left and then back to the right into West Court Street. The City Manager stated that it is the responsibility of the Church to maintain the temporary roadway and to construct the permanent street once the house has been removed.

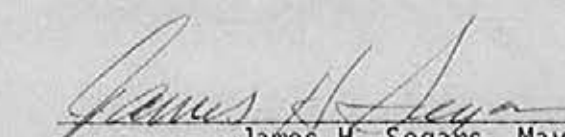
The City Council discussed the matter and determined that the cost to pave that short, temporary street would not be expensive and that the City could pave a narrow strip through there to be used until the Church could install a permanent street.

Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to pave the temporary street for the residents of Snipes Street to use until the permanent street could be installed.

There being no further business, the meeting was adjourned.

ATTEST:

  
J. Earl Daniels, City Clerk

  
James H. Segars, Mayor



STATE OF NORTH CAROLINA  
CITY OF MARION  
COUNTY OF McDOWELL

October 4, 1977

The Marion City Council met in a regularly scheduled session Tuesday, October 4, 1977, at 7:30 P.M. in the Fire-Police Training Center.

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

Others Present: Ann Vess, The McDowell News; E. P. Dameron, City Attorney; John Beck, Chief of Police; Arthur Edwards, Fire Chief; Alvin Callahan, Public Works Director; Bill Rosenfelt, Emergency Medical Director; and J. Earl Daniels, City Manager.

Guests: Melvin Bryant, 710 Teal Street; Jack Lusk, 712 Teal Street; Clyde Henline, 314 Summit Street; Rodney Holloway, 706 Teal Street; Dean McIntosh, 708 Teal Street; Coy Wilson, 143 Teal Street; Doris Simpson, 141 Teal Street; Wayne Simpson, 141 Teal Street; and Danny Stevens, 606 6th Street, Clinchfield.

Approval of the September 20, 1977 Minutes: Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to approve the minutes of the September 20, 1977 meeting.

No Parking Zone - Teal Street: Approximately eight persons who reside on Teal Street appeared at the City Council meeting at the request of the Mayor and City Council to discuss the need for a no parking zone on Teal Street.

Fire Chief Aruthur Edwards, Police Chief John Beck and McDowell County Emergency Medical Services Director Bill Rosenfelt, informed the citizens of the width of street necessary for safe passage of emergency vehicles.

A long discussion followed. Some citizens who live on the West side of Teal Street stated that they are unable to get their vehicles into their driveways because of the elevation of the driveways with regard to the street. They stated that it is impossible to get vehicles in the driveways when there is ice on them. The Citizens living on the East side of Teal Street stated that they do not have driveways off Teal Street and therefore have no means of parking their vehicles off the street. One citizen stated that citizens living on the East side of Teal Street could have access to the rear of their properties if Mr. Clyde Henline would allow them to use a driveway across property owned by him. Mr. Henline stated that there was not enough room there for access to the properties to provide such driveways.

Mayor Segars suggested that Teal Street be designated a one-way street from North to South between the intersection of Teal and Sinclair on the North end of the street and the intersection of Teal and Sinclair on the South end of the street, and that parking be permitted on the west side of the street with no parking on the east side. He also suggested that no parking be permitted on the south side of Teal Street between the 90 degree turn and Sinclair Street. This proposal seemed to be acceptable to most of the residents present.

Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to designate Teal Street a one-way street from North to South from the intersection of Teal and Sinclair on the North end to the intersection of Teal and Sinclair on the South end of the street and to establish a no parking zone on the East side of Teal Street and a no parking zone on the South side of Teal Street from the 90 degree turn to the intersection of Teal and Sinclair for a temporary period of one month.

Three-Way Stop - Miller Avenue and Ridgecrest Drive: Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to adopt the following ordinance:

Ordinance Establishing Speed Limit  
on Miller Avenue

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

Section 1. It shall be unlawful for any person to operate a motor vehicle on Miller Avenue between the Marion City Limits and State Street at a speed in excess of 25 miles per hour.

Section 2. It shall be unlawful for any person operating a motor vehicle to cross over Ridgecrest Drive on Miller Avenue travelling from South to North until after such vehicle is brought to a complete stop on the South side of Ridgecrest Drive at a stop sign to be located at that intersection.

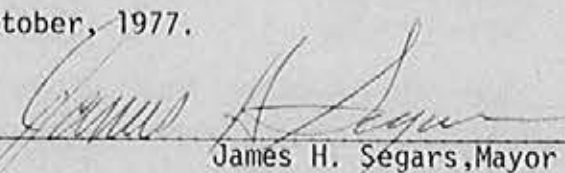
Section 3. Any person who shall violate or fail to comply with this ordinance shall be deemed to be guilty of an offense and shall be punished by a fine not to exceed fifty dollars (\$50.00) or by imprisonment not to exceed thirty (30) days.

Section 4. This ordinance shall be effective October 10, 1977.

ADOPTED this the 4th day of October, 1977.

ATTEST:

  
J. Earl Daniels, City Clerk

  
James H. Segars, Mayor



Skating Rink - Community Building Basement: Mr. Danny Stevens appeared before the Marion City Council and presented a petition signed by persons interested in a skating rink being operated in the basement of the Marion Community Building.

Several questions were raised with regard to the operation of the skating rink in the basement of the Community Building. One question raised concerned the noise from the basement which may interfere with the operation of the upstairs for meetings by civic organizations and other parties.

It was agreed that Mr. Stevens would have twenty-five to thirty skaters meet at 6:00 P.M., Thursday, October 6, 1977, to skate in the basement while members of Council meet upstairs to determine if the noise generated by the skaters would interfere with the operation of the upstairs portion of the Community Building.

Corbett Property - Pinnacle Street - Sold: Fire Chief Arthur Edwards appeared before the City Council and advised the Council that on August 2, 1977, the City Council had adopted a resolution directing the City Building Inspector to deliver a resolution to Mr. Carroll Corbett, the owner of a dwelling house at 5 Pinnacle Street, advising that the building was in violation of the North Carolina State Building Code and ordinances of the City of Marion, that the dwelling house constitutes a hazard to the health and safety of other citizens of the City residing in the vicinity. It also stated that the Building Inspector is directed to proceed on September 1, 1977, to have the building razed and the remains and contents thereof removed from the premises.

The Fire Chief stated that Mr. Corbett has sold the property in question to Mr. Eddie Shell. He also stated that citizens of the area are concerned that the property will not be improved to meet standards.

Upon a motion by Councilman Wilkerson, seconded by Councilman Cross, the City Council unanimously voted to grant Mr. Shell a period of ninety (90) days to show good faith in bringing the dwelling up to standards required by State and local building codes.

The Fire Chief was instructed to advise Mr. Shell of the requirements of State and local building codes and that he must bring the residence up to those standards or Council will have to take necessary action to insure the safety, health and welfare of citizens residing in the area.

Water Reservoir Improvements: As stated in a "Request for Bids", published in The McDowell News Friday, September 16, 1977, bids were received and opened by the City Manager in his office at 2:00 P.M., Monday, October 3, 1977.

Bids received are as follows:	Hobson Construction Company, Inc.	
	Contract I - Structures	\$15,800.00
	Contract II - Piping	\$36,300.00
	DPS Contractors	
	Contract I - Structures	\$20,975.00
	Contract II - Piping	\$39,600.00

Upon a motion by Councilman Brown, seconded by Councilman Cross, the City Council unanimously voted to award Contracts I and II to Hobson Construction Company, Inc. and directed the City Manager and City Engineer for the project, Fred Eslick, to negotiate with Mr. Hobson concerning the cost of construction since the bids submitted exceeded considerably the estimates for construction under Contracts I and II.

Upon a motion by Councilman Brown, seconded by Councilman Cross, the City Council unanimously voted to accept the bid submitted by RECO Constructors, Inc., Richmond, Virginia, in the amount of \$41,930.00 for Contract III. The City Manager was instructed to arrange a meeting with the engineer and representatives of the companies who were awarded Contracts I and II to negotiate the amounts of the contracts.

The City Manager informed the City Council that no bids were received on Contract IV, Electrical. He stated that bids would be requested and presented to Council at their next regular meeting scheduled for October 18, 1977.

Snow Plow and Sand Spreader Bids: As stated in a "Request for Bids" published in The McDowell News, Wednesday, September 21, 1977, bids were received Tuesday, October 4, 1977, in the City Manager's Office for one snow plow and one sand spreader.

Bids received are as follows:

WESTERN CAROLINA TRACTOR COMPANY	
Snow Plow	\$1,653.60
Sand Spreader	\$5,223.41
Guaranteed Delivery Date:	Snow Plow - Two Weeks
	Sand Spreader - 45-60 Days
CAROLINA EQUIPMENT COMPANY, INC.	
Sand Spreader	\$5,128.37
Guaranteed Delivery Date:	30-45 Days
A. E. FINLEY & ASSOCIATES, INC.	
Snow Plow	\$2,498.78
Sand Spreader	\$5,386.90
Guaranteed Delivery Date:	Snow Plow - Nov. 15, 1977
	Sand Spreader - Nov. 20, 1977



Upon a motion by Councilman James, seconded by Councilman Brown, the City Council unanimously voted to accept the bid submitted by Western Carolina Tractor Company in the amount of \$1,653.60 for a snow plow.

Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to accept the low bid submitted by Carolina Equipment Company, Inc. for a new sand spreader in the amount of \$5,128.37.

Resolution Endorsing State Highway Bond Act of 1977: Upon a motion by Councilman Clark, seconded by Councilman James, the City Council unanimously voted to adopt the following resolution:

WHEREAS, transportation services and facilities are vital to the social, environmental and economic well-being of all people and their institutions; and

WHEREAS, highways are an essential element of the transportation network which serves the needs of all people; and

WHEREAS, North Carolina's 75,000 miles of state-maintained roadway have some pressing needs for construction, improvements and relocation of roads, bridges and other highway facilities; and

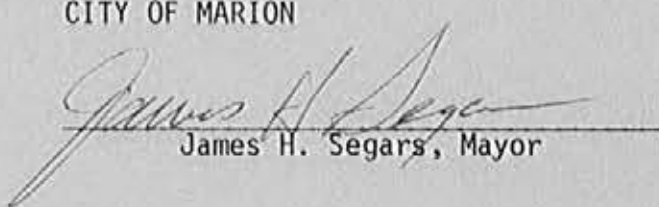
WHEREAS, highway construction costs are increasing while anticipated gas tax revenues, which support highway trust funds, have leveled off,

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Marion, North Carolina, joins Governor James B. Hunt, Jr. and the North Carolina Department of Transportation in endorsing the "STATE HIGHWAY BOND ACT OF 1977", which provides for the issuance of \$300,000,000 in highway bonds to be used for the improvement of North Carolina's highway system; and


BE IT FURTHER RESOLVED, that the City Council realizing that additional taxes aren't the answer to our highway problems at this time, does hereby urge the citizens of Marion to vote for the issuance of the \$300,000,000 State of North Carolina Highway Bonds.

This the 4th day of October, 1977.

CITY OF MARION

  
James H. Segars, Mayor

ATTEST:

  
J. Earl Daniels, City Clerk

Resolution Endorsing State Clean Water Bonds: Upon a motion by Councilman Clark, seconded by Councilman James, the City Council unanimously voted to adopt the following resolution:


WHEREAS, on November 8, 1977, the citizens of this community, as well as all North Carolinians, will have the opportunity to approve the issuance of \$230 million in State bonds to provide grants to assist local governments in constructing and improving water pollution control and water supply systems to provide adequate, clean water for the citizens of this State; and

WHEREAS, the City of Marion will be eligible for State grants up to 25% of the cost of water and sewer projects, in addition to Federal grants, if the voters approve these bonds; and

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

WHEREAS, this City and its citizens can make a tangible contribution to the cause of clean water and a better environment in North Carolina if they approve the Clean Water bonds on November 8;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Marion, this the 4th day of October, 1977, that the City Council does hereby enthusiastically endorse and support the \$230 million Clean Water Bond Issue and urges all citizens to vote FOR the Clean Water Bonds on November 8, 1977.

  
James H. Segars, Mayor

ATTEST:

  
J. Earl Daniels, City Clerk

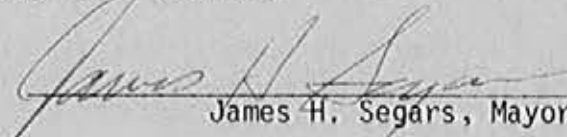



City Code of Ordinances: The City Manager informed the City Council that he was nearing completion of his review and study of the City Code of Ordinances. He asked what procedures Council would wish to follow in the way of his presentation of the ordinances to Council. He stated that he would recommend that he resubmit to Council, for their review, ordinances which may be controversial in nature or ordinances which would require major changes. It was agreed that the City Manager would complete his review of the City Code of Ordinances and that he would present to Council ordinances which are new and ordinances which require major modifications.

The City Manager gave the following reports:

- (1) The Department of Transportation cannot install a light at the intersection of Garden Street and Rutherford Road.
- (2) Curb work on Dogwood Lane is near completion except for driveway approaches.
- (3) Sidewalk work on Madison Avenue is near completion.
- (4) Most easements for the Corpening Creek outfall line have been acquired except for four which have not been signed.
- (5) Work on the waste treatment plant is moving along very well.
- (6) The Department of Transportation will study and make recommendations to the City with regard to the possibility of allowing left turns from Main Street to Logan Street.
- (7) The Department of Transportation will give consideration to the installation of an advance green light to allow traffic to turn left from Henderson to Logan Street.

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

October 18, 1977

The Marion City Council met in a regularly scheduled session Tuesday, October 18, 1977, 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 Larry W. Brown.

Others Present: Jim Sheppard, News Reporter, The McDowell News, and J. Earl Daniels, City Manager.

Guests: Sid Riddick, Engineer, O'Brien & Gere, Inc., and Harold Sluder.

Approval of the October 4, 1977 Minutes: Upon a motion by Councilman James, seconded by Councilman Cross, those members of Council present unanimously voted to approve the minutes of the October 4, 1977 meeting.

The City Manager informed the Council that City Attorney E. P. Dameron had come by prior to the meeting and advised that he would be unable to stay for the meeting.

Proposed Street - Off Park Avenue: Mr. Harold Sluder, a trustee of the Park Avenue Community Project appeared before the Council to request that the trustees of the project be permitted to construct a roadway into the property thirty-five feet wide on the north side of Park Avenue between Turner Street and Cardinal Lane.

The City Manager advised Mr. Sluder that City Policy dictates that a road right-of-way be a minimum of fifty feet wide. He also advised that the project would have to be reviewed with regard to zoning, water and sewer services, fire and police protection and that there would have to be a cul-de-sac constructed since the roadway would dead end.

Upon a motion by Councilman Cross, seconded by Councilman James, those members of Council present unanimously voted to permit a road right-of-way of forty feet. It was explained that this was not an acceptance by the City of the road into the City system, merely permission to construct a road with a forty-foot right-of-way.

Request for 15-Minute Parking Zone: The City Manager presented a request from Mr. Poteat, owner of Poteat's Gun Shop located on Logan Street, that a 15-minute parking zone be established on Logan Street in front of the gun shop and Kelley's jewelry. Parking is presently prohibited in that area. The City Manager stated that the Street Committee looked at the area several years ago and decided to establish a 'no parking' zone since traffic leaving the First Union National Bank parking lot could not see traffic approaching from the south end of Logan Street.



The City Manager informed the City Council that Police Chief John Beck recommends that the 'no parking' zone be left as is.

After a short discussion, it was decided that the Street Committee would review the situation again and make a report at the next City Council meeting.

Skating Rink - Community Building Basement: The City Manager informed the City Council that Mayor Pro Tem Clark and Councilmen Brown and Wilkerson met with the City Manager at the Community Building to determine if persons skating in the basement of the building could be heard in the upstairs portion. The City Manager stated that only ten skaters were present and that no noise was noticeable upstairs. However, he pointed out that no music was being played for the skaters. He informed the Council that the Councilmen present at the meeting asked Mr. Danny Stevens if he would provide twenty-five or thirty skaters and a record player and amplifier to be used at a later date to determine if the music will carry or interfere with the use of the upstairs area for meetings.

Reservoir Project - Electrical Contract: The City Manager informed the City Council that bids for the electrical contract for the reservoir were opened at 2:00 P.M. in the City Manager's Office. Present at the bid opening were Fred Eslick, Alvin Callahan and the City Manager. He informed the Council that only one bid was received and that it was from Brooks Electric Company. The bid was in the amount of \$8,521.00. The City Manager informed the Council that bids on the reservoir improvements Contracts I, II, III and IV were received August 22, 1977, and again on September 14, 1977. He stated that bids on Contracts I, II and IV were received again on October 3, 1977, and bids on Contract III-Electrical were requested and opened again on October 18, 1977.

He advised the Council that Engineer Fred Eslick recommends that Council accept the bid submitted by Brooks Electric.

Upon a motion by Councilman James, seconded by Councilman Wilkerson, those members of Council present unanimously voted to award the contract to J. B. Brooks Electric Company and directed the City Manager to negotiate with Mr. Brooks on reducing the cost to the City.

Negotiations - Reservoir Improvements, Contracts I, II and IV: The City Manager informed the City Council that Engineer Fred Eslick, Bill Beach, Alvin Callahan, and the City Manager met with Mr. Ed Childs, representative of RECO Constructors to negotiate a reduced cost for Contract IV. The City Manager stated that they were able to negotiate a reduction in cost of \$2,700.00, based on the following:

- |  |                   |
|--|-------------------|
| 1. Revision of paint specifications with regard to shop rotoblasting and priming | - \$800.00        |
| 2. Deletion of safety cage from inside ladder                                    | - \$200.00        |
| 3. Deletion of overflow weir and elbow   | - \$200.00        |
| 4. Deletion of entire inlet piping unit except for one 12" flange                | - \$1,500.00      |
|  | <u>\$2,700.00</u> |

The City Manager informed the City Council that Engineer Fred Eslick, Bill Beach and the City Manager met with Mr. Bill Hobson of Hobson Construction Company Friday night, October 14, 1977, at 7:30 P.M. in the City Council Chamber to try to negotiate a lower cost to the City for Contracts I and II. The City Manager stated that they were able to reduce the cost to the City for Contracts I and II by \$5,368.00. The following information was presented regarding reducing said costs:

- |   |              |
|---|--------------|
| 1. Decrease height of building reducing required blocks by 150 each @ \$2.50    | - \$375.00   |
| 2. Eliminate floor drain and pvc effluent line                                  | - \$200.00   |
| 3. Eliminate stone fill under building  | - \$ 40.00   |
| 4. Reduce concrete in foundation for tank from 47 cubic yards to 15 cubic yards | - \$4,050.00 |
| 5. Reduce reinforcing in building roof by one-half                              | - \$ 95.00   |
| 6. Eliminate painting of block work   | - \$300.00   |

#### PIPING CONTRACT

- |   |                   |
|---|-------------------|
| 1. Reduce 10" fl to fl pipe from 6' to 3' in length<br>2 pieces @ \$25.00 | - \$ 50.00        |
| 2. Eliminate on 6" X 5' pipe support and add one 2" X 1½' support         | - \$ 75.00        |
| 3. Eliminate one 8" pipe support  | - \$183.00        |
|   | <u>\$5,368.00</u> |

The City Manager stated that the actual cost for Contract I is now \$10,740.00. The actual cost for Contract II is \$35,992.00. Actual cost for Contract IV is \$39,230.00. He stated that, with the bid of Books Electric Company of \$8,521.00, the total actual cost of construction would be \$94,483.00. He informed the Council that this amount is a little higher than the amount originally appropriated in the itemized budget, but that it was under the total line item for Capital Improvements on the Revenue Sharing Budget. He informed the Council that work on Contracts I and II could begin within ten (10) days after notification.

Community Building - Roof Work - Bids: The City Manager informed the City Council that no bids were received to make repairs to the roof at the Community Building. The City Manager stated that bid requests were submitted to eight (8) different roofing companies from Nebo, Marion, Asheville and Shelby. He informed the Council that he would rebid the project.

Waste Treatment Plant - Progress Report: Mr. Sid Riddick of O'Brien & Gere, Inc. was present to provide information regarding the progress on the construction of the waste treatment plant. Mr. Riddick informed the City Council that the State and Federal Governments had finally approved



the Sugar Hill project and that Council was now in a position to advertise for receipt of bids for the project and the Garden Creek Project. Mayor Segars asked Mr. Riddick about the excess capacity of the outfall lines serving the Sugar Hill area. Mr. Riddick was unable to furnish the information as to how much excess capacity would be in the line for future expansion of the system or for new construction in the area. Mayor Segars pointed out to Mr. Riddick that a discussion was held regarding this matter when the engineers were doing the plans for that area and that he had pointed out that they needed to provide lines which would be adequate to add new customers onto the system and to provide for future growth. Mr. Riddick stated that he could not furnish the information at the meeting but that he would call the City Manager Wednesday and provide him with the information.

Mr. Riddick presented to Mayor Segars and the City Council an artist's rendering of the proposed new waste treatment plant.

Resolution Authorizing the Mayor to Take Bids - Garden Creek and Sugar Hill Road Outfall Lines:  
Upon a motion by Councilman James, seconded by Councilman Cross, those members of Council present unanimously voted to adopt the following resolution:

WHEREAS, The City of Marion has been directed by the Division of Environmental Management, State of North Carolina, and the United States 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;

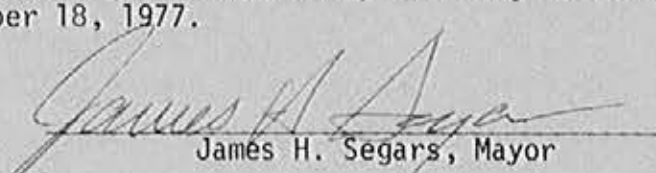
NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARION:

That the City Council authorize the Mayor, upon receipt of approval of the State of North Carolina, Division of Environmental Management, and the United States Environmental Protection Agency, to advertise for bids for the construction of the Garden Creek and Sugar Hill Road sewer outfall lines and all appurtenances thereto.

This Resolution presented and adopted unanimously at a regular meeting of the Marion City Council held October 18, 1977.

ATTEST:

  
J. Earl Daniels, City Clerk

  
James H. Segars, Mayor

Resolution - Regarding Sale of Bond Anticipation Notes: Upon a motion by Councilman Cross, seconded by Councilman James, those members of Council present unanimously voted to adopt the following ordinance amending the 1977-78 Budget Ordinance:

RESOLUTION AUTHORIZING \$1,200,000  
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 \$1,200,000 Sanitary Sewer Bond Anticipation Notes of the City of Marion, consisting of twelve notes of the denomination of \$100,000 each, numbered 1 through 12, dated May 17, 1977, maturing November 17, 1977, and bearing interest at the rate of 2.85% per annum, which notes were issued in anticipation of the receipt of the proceeds of a like amount of said bonds.

(c) That it is necessary to issue at this time \$1,200,000 notes in anticipation of the receipt of the proceeds of the sale of a like amount of said bonds, the proceeds thereof to be applied, together with other available funds of said City, to the payment of said 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 \$1,200,000 negotiable notes of the City of Marion is hereby authorized, which notes shall be designated "Sanitary Sewer Bond Anticipation Notes", shall be dated November 15, 1977, shall mature on May 17, 1978, 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 Clerk of the City 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

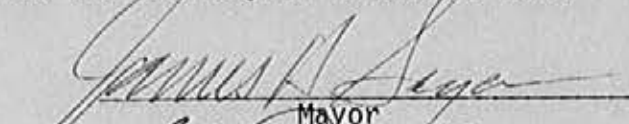
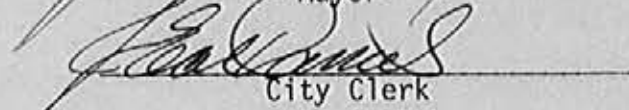
Sanitary Sewer Bond Anticipation Note

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 17th day of May, 1978, the principal sum of \_\_\_\_\_ THOUSAND DOLLARS and to pay interest thereon from the date hereof at the rate of \_\_\_\_\_ per centum (\_\_\_\_%) per annum, payable upon the presentation and surrender of this note at its maturity. Both the principal of and the interest on this note are payable at \_\_\_\_\_, in \_\_\_\_\_, in any coin or currency of the United States of America which, at the time of payment, is legal tender for the payment of public and private debts. For the prompt payment hereof, both principal and interest as the same become due, the full faith and credit of said City of Marion are hereby 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 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 Clerk and the corporate seal of said City to be affixed hereto, all as the 15th day of November, 1977.

  
Mayor  
  
City 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.

J. D. Foust  
Secretary, Local Government Commission

By \_\_\_\_\_  
Designated Assistant

Section 4. The action of the \_\_\_\_\_ in applying to the Local Government Commission to approve, advertise and sell said notes and the action of the Local Government Commission in asking for bids for said notes by printing and distributing circulars are hereby ratified and confirmed. The Local Government Commission is hereby also requested to publish a notice relating to the sale of said notes.

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

  
James H. Segars, Mayor

ATTEST:   
J. Earl Daniels, City Clerk



Ordinance - Amending 1977-78 Budget Ordinance: Upon a motion by Councilman Cross, seconded by Councilman James, those members of Council present unanimously voted to adopt the following ordinance amending the 1977-78 Budget Ordinance:

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

Section 1. The 1977-1978 Budget Ordinance of the City of Marion, adopted June 21, 1977, 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, Capital Outlay, Account Number 10-560-74, is decreased in the amount of \$1,500.00.

Street Department, Maintenance-Equipment, Account Number 10-560-16, is increased in the amount of \$1,500.00.

Street Department, Capital Outlay, Account Number 10-560-74, is decreased in the amount of \$500.00.

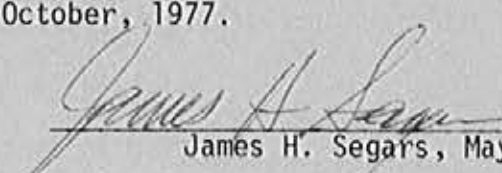
Street Department, Maintenance-Vehicles, Account Number 10-560-17, is increased in the amount of \$500.00.

Section 2. That a copy of this Amendment be attached to the 1977-1978 Budget Ordinance of the City of Marion, as adopted June 21, 1977.

Adopted this the 18th day of October, 1977.

ATTEST:

  
J. Earl Daniels, City Clerk

  
James H. Segars, Mayor

Christmas Float: The City Manager presented a letter from the McDowell Merchants Association asking if the City wishes to sponsor one-half the Santa Claus Float for the Annual Christmas Parade. The City Manager stated that the total cost to the City would be \$112.50.

Upon a motion by Councilman James, seconded by Councilman Cross, those members of Council present unanimously voted for the City to pay \$112.50, representing one-half the cost of the Santa Claus Float.

Street Light/Area Light - City Policy: Councilman Brown stated that in several meetings the City Council had discussed a policy regarding location of area lights in parking lots and on public streets. He stated that this matter had been tabled on several other occasions and that he would like for Council to take some action on the matter. He stated that the City Manager had stated that a report would be presented to Council regarding the location of area lights being paid for by the City on properties in the City. A discussion followed.

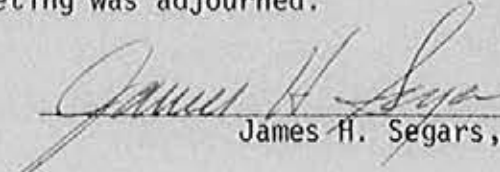
Upon a motion by Councilman Brown, seconded by Councilman James, those members of Council present unanimously voted to adopt the following policy concerning the location of area lights and street lights which are paid for by the City:

Effective November 9, 1977, the City of Marion will install and pay for street lights and/or area lights which are located on public, opened, dedicated streets; open, dedicated public alleyways, and parking lots owned and/or leased directly by the City.

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

November 8, 1977

The Marion City Council met in a special session Tuesday, November 8, 1977, at 7:30 P.M. in the City Council Chamber.

Board Members Present: Mayor James H. Segars, Councilmen Horace Wilkerson, A. Everette Clark, Robert James and Larry Brown.

Others Present: J. Earl Daniels, City Manager and Public Works Director Alvin Callahan.

Guests: Jack Brown.

The City Manager informed the City Council that the purpose of the called meeting was to advise the Council of the major damage to the Mackey's Creek intake caused by recent flooding.

Council was advised that Public Works Director Alvin Callahan, Alvin Smith, Fireman Charles Presnell and the City Manager had surveyed damages at the intake Tuesday morning, November 8, 1977. The City Manager stated that a portion of the intake had been washed away, that the raceway and intake box were completely filled with rocks, and that the top to the box feeding the water line had collapsed. The City Council was advised that unless immediate repairs were made to the intake or a new dam constructed that there was a good possibility that the City would be unable to receive water from the Mackey Creek intake.

A long discussion followed concerning damages to the intake and the proper action to take to make the necessary repairs so that water could continue to be received from the Mackey's Creek intake. The City Manager informed the Council that an area had been inspected approximately 150 yards above the existing intake where a new dam could be constructed and a filter house built to provide better filtering of water. During the course of the meeting the City Manager telephoned Forest Ranger Jack Kennedy to ask if the City would be permitted to construct a new dam on Mackey's Creek because of damages to the intake. The City Manager was advised by Mr. Kennedy that he knew of no reason why the City could not construct a dam and that if there were any problems he would contact the City Manager.

The City Manager informed the Council that any materials used in constructing a new dam or repairing the intake would have to be airlifted into the area since there are no means of getting materials to the area other than men having to carry the materials to the intake. He advised Council that it may be possible to acquire the services of a helicopter from Civil Preparedness to assist in this matter.


Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to direct the City Manager to do the following:

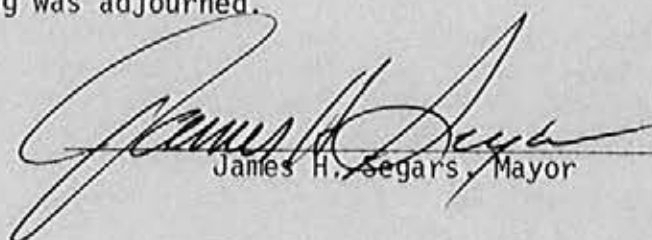
1. Contact the Corp of Engineers to see if they can assist in the repairs or construction of a new dam.
2. Contact Civil Preparedness to see if they would be able to assist the City in any way in repair or construction.
3. Take temporary measures by placing sand bags or cement bags to divert water into the intake so that water can be furnished to the City until permanent repairs or construction can be undertaken.
4. Contact Fred Eslick and have him look at the area and provide any necessary plans and specifications needed by the City in this work.

Permission was granted to exceed budget appropriations and to undertake the necessary work without having to advertise for bids due to the fact that work must be accomplished prior to freezing weather.

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

November 15, 1977

The Marion City Council met in regular session Tuesday, November 15, 1977, at 7:30 P.M. in the City Council Chamber.

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



Others Present: J. Earl Daniels, City Manager, and E. P. Dameron, City Attorney.

News Paper Reporters: Ann Vess and Vangie Stevens, The McDowell News.

Guests: Clyde Henline, 314 Summit Street; Jim McGarr, Marion; Bob Hunter, Marion; Jerrill L. McEntire, Marion; Coy Wilson, Marion; Wayne Simpson; and James Hardin, Recreation Director.

Approval of the October 18, 1977 Minutes: Upon a motion by Councilman Wilkerson, seconded by Councilman Cross, the City Council unanimously voted to approve the minutes of the October 18, 1977 meeting.

Approval of the November 8, 1977 Minutes: Upon a motion by Councilman Wilkerson, seconded by Councilman Cross, the City Council unanimously voted to approve the minutes of the November 8, 1977 meeting.

Emergency Medical Service - Report - Chairman Dr. Jerrill L. McEntire: Dr. McEntire appeared before the City Council to give a report on the progress of the Emergency Medical Service. He stated that 65 calls were made by the Emergency Medical Service within the Marion City Limits during September and 66 calls were made outside the City Limits.

He informed the Council that a crystal had been ordered for the Police Communications equipment so that they would be able to communicate with Emergency Medical Service personnel. He also stated that advance training for personnel would be provided and that said training would take approximately one year. He stated that personnel of the Emergency Medical Service would eventually become paramedics. He informed the Council that the average response time within the City is four minutes and the average response time outside the limits is 7½ minutes. He stated that the Emergency Medical Services would provide a monthly report to the City.

Councilman Cross congratulated Dr. McEntire on the progress made in providing Emergency Medical Service to the Citizens of McDowell County. Dr. McEntire informed the City Council that they have a good working relationship with the Rescue Squad and that the Rescue Squad is used as a backup in the event that the vehicles of the Emergency Medical Service are tied up.

Councilman Clark commended Dr. McEntire for his efforts and work with the Emergency Medical Service.

Community Building - Bingo - Rotary Club: Jim McGarr and Bob Hunter appeared before the City Council to request that the Marion Rotary Club be allowed to use the Marion Community Building two times per month so that the Club could earn funds for their projects by offering bingo to the general public.

Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council unanimously voted to authorize the Marion Rotary Club to use the Community Building two Friday nights per month at the regular rental lease for the building so that they can provide bingo to the general public beginning in January, 1978.

Teal Street - Parking Problem - Clyde Henline: Mr. Henline appeared before the City Council to request that parking spaces be marked off on Teal Street. He stated that small T's could be painted on the asphalt street designating parking locations. He informed the Council that the 'One Way' street was working well but that several persons were parking in such a manner that several parking spaces were being lost due to improper parking. The City Manager informed the City Council that he has talked with Mr. Henline concerning this matter and that he was opposed to marking off parking spaces on residential streets, that this would set a precedence and that Council may receive requests from other residential areas that parking spaces be marked off. The City Manager also stated that this would not solve the problem in that anyone having visitors would need a parking space.

After a short discussion, it was decided that the Street Committee would look into the situation to see if marking off parking spaces would be feasible, reasonable and desirable.

Citizen Complaint - McDowell Cement: The City Manager informed the City Council that he had received several complaints from citizens living on State Street that cement trucks leaving McDowell Cement by a new driveway which they constructed running into State Street were creating many problems. He stated that dust from trucks, cement spilling out of the trucks and noise were the major problems.

After a short discussion, the City Manager was instructed to contact Mr. Ed. Williams to see if McDowell Cement could pave their driveway and take actions to keep the area clean so as not to create dust and to request that they not overload the cement trucks to eliminate spilling cement on State Street as they are driving up the hill toward Garden Street.

Recreation Commission - Report - James Hardin: James Hardin appeared before the City Council to advise them of the progress being made by the Recreation Commission. He stated that the old Junior High School had been converted into a gym and that it is open seven days a week and that construction on the tennis courts has been delayed due to weather conditions. He informed the Council that there are plans to construct a swimming pool on the property at some date in the near future.

Mr. Hardin presented a resolution for Council consideration. Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to adopt the following resolution:

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION OF  
A DEVELOPMENT GRANT FROM THE BUREAU OF OUTDOOR RECREATION  
U. S. Department of the Interior

WHEREAS, the Land and Water Conservation Fund Act of 1965 provides for the making of grants by the Bureau of Outdoor Recreation, Department of Interior of the



United States Government to States and to local municipalities in support of Outdoor Recreation projects and such funds are available after approval of the appropriate State Agency and the Bureau of Outdoor Recreation; and

WHEREAS, McDowell County, the Town of Old Fort and the City of Marion desire to build a Recreation Park consisting of a lighted little league baseball field, 104-car parking lot, four tennis courts, one concession stand, men and women restrooms, sheltered picnic table area, playground area with slides, swings, and seesaws, and two foot bridges, bleachers to provide approximately 300 seats for baseball fans, a regulation baseball field and a nature trail.

WHEREAS, the State is required to insure that there will be no discrimination against any person on the basis of residence, except to the extent that reasonable differences in admission or other fees may be maintained on the basis of residence.

NOW THEREFORE, BE IT RESOLVED BY THE McDOWELL COUNTY COMMISSION, THE OLD FORT ALDERMEN AND THE MARION CITY COUNCIL:

(1) That an application be made to the Bureau of Outdoor Recreation, Department of the Interior of the United States Government through the State of North Carolina for an acquisition and development grant of SEVENTY THOUSAND, ONE HUNDRED, EIGHTY NINE DOLLARS (\$70,189.00), the same being fifty percent (50%) of the approximate cost of acquiring the land and developing the aforementioned park facilities, this is to be started in the fiscal year 1978-1979.

(2) Jack H. Harmon, McDowell County Manager is authorized and directed to file such application on behalf of the County of McDowell, Town of Old Fort, and City of Marion to the Bureau of Outdoor Recreation and the State of North Carolina, and thereafter, Arnold Teems, of the Old Fort-Marion-McDowell Recreation Commission is authorized to act as the authorized correspondent of McDowell County, Town of Old Fort and City of Marion.

(3) That the Director, Bureau of Outdoor Recreation, Department of the Interior of the United States Government be, and hereby is assured of full compliance by the applicant with the regulations promulgated pursuant to the Title VI of Civil Rights Act of 1964.

ATTEST:

Clerk, Board of Commissioners-McDowell County

Chairman, McDowell County Commissioners

Clerk, Town of Old Fort

Mayor, Town of Old Fort

Clerk, City of Marion

Mayor Pro Tem, City of Marion

Fifteen Minute Parking Zone - Logan Street - Request: The City Manager advised the City Council that the Street Committee had given consideration to providing a fifteen-minute parking zone in front of Kelley's Jewellery and Poteat's Gun Shop on Logan Street. He informed the Council that he had talked with Mr. Ray Buchanan, Vice President of the First Union National Bank, about the possibility of customers of Kelley's Jewellery and Poteat's Gun Shop being permitted to park in the First Union Bank parking lot for periods up to fifteen minutes. He stated that Mr. Buchanan had no objections to the customers parking in the lot for periods of time not to exceed fifteen minutes.

The City Manager stated that he would send a letter to Mr. Kelley and Mr. Poteat and advise them that their customers may use the First Union National Bank's parking lot for periods of time not to exceed fifteen minutes.

Skating Rink - Community Building Basement: The City Manager informed the Council that he had received no word from Mr. Danny Stevens concerning the use of the basement of the Community Building. The City Council decided to table any action on the matter.

Bids - Chlorine Contact Chamber: The City Manager stated that only two bids were received for construction of a chlorine contact chamber for the Clinchfield Waste Treatment Plant; one bid from Hobson Construction Company and one from Lee Construction Company. He stated that under State statutes bids could not be opened at the first letting unless three bids were received. He advised Council that bids had been requested to be received again on November 21, 1977, and that these bids would be presented at the next City Council meeting scheduled for November 22, 1977.

Bids - Community Building Roof: The City Council was advised that no bids were received for the work on the roof of the Community Building. The City Manager stated that he would try to locate someone to look at the job and see if he could get the work done. He stated that the project had been bid several times and that no bids had been received.

Bids - Police Vehicles: The City Manager presented a bid tabulation of bids received by Isothermal Planning and Development Commission, Region C Criminal Justice Planning Agency for police vehicles:



## Bids Submitted Were As Follows:

McBrayer Motors, Inc., Shelby, N. C.	\$ 4,998.58
Bradley-Koone Motor Company, Forest City, N. C.	\$ 5,065.00
Bill Turner Chevrolet, Forest City, N. C.	\$ 5,410.46
Ballew Motor Company, Marion, N. C.	\$ 5,599.91
McCurry-Deck Motors, Spindale, N. C.	\$ 5,757.84

The City Manager stated that the City of Marion could purchase vehicles under this bid opening since the City is a member of both Isothermal Planning and Development Commission and Region C Criminal Justice Planning Agency. He also stated that McBrayer Motors, Inc. had been contacted with regard to painting the cars two-toned and the City had been advised that there would be an additional charge of \$50.00 per vehicle for the additional work.

Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to accept the low bid submitted by McBrayer Motors, Inc. in the amount of \$4,998.58 for the purchase of two new police vehicles. The City Manager was authorized to spend the additional funds necessary for painting the cars the colors presently used by the Marion Police Department.

Cemetery - Contribution for Perpetual Care: The City Manager informed the City Council that he had been holding a check in the amount of \$1,000.00 from John L. Henderson, Executor of the Estate of Moffitt Sinclair Henderson. The check was mailed to the City of Marion in accordance with the wishes of Mr. Henderson that the City be paid \$1,000.00 for use in the care of the cemetery. The contribution was given in such a manner and stated in such a manner that the City would have to provide perpetual care of cemetery lots in the families of Col. P. J. Sinclair and George I. White in exchange for the contribution. The City Manager stated that he did not feel it to be in the best interest of the City to accept the \$1,000.00 contribution which would require perpetual care of graves in the cemetery since the City presently has no obligation to maintain the private cemetery lots within the cemetery. He advised the Council that he had received a letter from Mr. Henderson dated November 13, 1977, stating that the word 'perpetual' must have been the attorneys though it is used mostly in projects supported by trust funds. He stated in the letter that the City could rule the terms of the gift unacceptable but hold the check and that he would, on or about January 5, 1978, using his personal funds, make a donation to the City of Marion to the General Fund in the amount of \$1,000.00 and would pick up the check. Under this procedure the City would have no obligation to provide perpetual care for the grave plots. His letter stated that it was Mrs. Henderson's intent to make the \$1,000.00 a gift because she was so pleased that such good care had been taken of the grounds.

The Council agreed to the action proposed in Mr. Henderson's letter of November 13, 1977, to hold the check until the fifth or sixth of January and then at that time, to accept a personal check which would not obligate the City for perpetual care of the grave sites.

Resolution - Office of Highway Safety - Improving Street Name Signs: Upon a motion by Councilman Wilkerson, seconded by Councilman James, the City Council unanimously voted to adopt the following resolution:

WHEREAS, the Office of Highway Safety, hereinafter referred to as OHS, proposes to implement a program to assist municipalities in improving their street name signs and establishing a method for performing maintenance on these signs on a periodic basis to achieve an overall upgrading of municipal signing, OHS will assist the municipality in determining the overall condition and purchase requirements for necessary street name signs; order the necessary signs from Prison Enterprises and pay 70% of the cost of such signs, support posts and installation hardware, also instruct municipal personnel as to where and how to install the signs, and upon request provide general advice on using the inventory as a base for a systematic program of preventive maintenance; Provided, the City of Marion agrees to pay Prison Enterprises 30% of the cost of the signs, support posts and installation hardware; install the signs in a reasonable time using municipal personnel; initiate a program to replace signs which need replacing 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, OHS agrees to assist the municipality in determining the overall condition and purchase requirements for necessary street name signs, order the necessary signs from Prison Enterprises and pay 70% of the cost of such signs; also instruct municipal personnel as to where and how to install the signs and upon request provide general advice on using the inventory as a base for a systematic program of preventive maintenance.

WHEREAS, the City of Marion has agreed to pay Prison Enterprises 30% of the cost of the signs, support posts and installation hardware, install the signs in a reasonable time using municipal personnel, initiate a program to replace signs which need replacing 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 OHS 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 Manager of this municipality be and they are hereby empowered to sign and execute the required agreement between this municipality and the OHS to acquire the benefits of the signing program hereinabove set out for the municipality.



This Resolution was passed and adopted the 15th day of November, 1977.

Elections Report - Abstract of Canvassing: The City Manager presented the following Abstract of Canvassing:

We, the undersigned members of the Municipal Board of Elections, do hereby certify that we met in the City Hall Building Thursday, November 10, 1977, 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 Tuesday, November 8, 1977, and that the following is a true and correct tabulation thereof:

<u>Candidate for Mayor:</u>	<u>Total</u>
James H. Segars	402

<u>Write-Ins For Mayor:</u>	
Robert James	2
Ed Rankin	1
Harry Patton	1
Jim Lancaster	2
Tom Milligan	2
Toney Yancey	1
Frances Briscoe	1
Bert Lance	1
Joyce McCall	1
Margaret Hartley	1
Gary K. Rockett	2
Horace Wilkerson	1
Robin Hood	1
Penn Dameron	1
Oliver Cross	1
Alton Smith	1
Bill Howle	1
James E. Johnson	1
Archie Page	1
Andrew Wilkerson	1
Guy Cheek	1
Mack Johnson	3
Brady Brooks	1
David Bobo	1
Tom Clyburn	1
Bob Greenlee	1

<u>Candidates for Members of City Council</u>	<u>Total</u>
David G. Bobo	182
Larry W. Brown	366
A. Everette Clark	418
Oliver R. Cross	402

<u>Write-Ins for City Councilman</u>	<u>Total</u>
Ed Rankin	5
Butch Hogan	1
Doris Hill	2
Cross Mills	1
Jerry Arnold	1
Jim Lancaster	1
Robert Setzer	1
Art Edwards	1
Jack Ballew	2
Archie Page	1

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

James H. Segars, having received 402 votes for Mayor, has been duly elected as Mayor of the City of Marion, pursuant to law, for a term of four (4) years; and

That pursuant to such tabulations as aforementioned, we have determined that:

A. Everette Clark, having received 418 votes for City Council; Oliver R. Cross, having received 402 votes for City Council; and Larry W. Brown, having received 366 votes for City Council, have been duly elected members of the City Council of the City of Marion, pursuant to law, for terms of four (4) years each.

Election Officials Pay for Conducting the Municipal Elections: The City Manager presented the following request for approval for payment of election officials:

L. D. Atkins, Judge	16 hours	\$40.00
C. N. Robinson	16 hours	\$40.00
Margaret Atwell, Registrar	16 hours Election Day	\$50.00
	10 days @ 20.00 ea.	\$200.00
	two meals	\$19.21
Frances Briscoe, Asst. Registrar	16 hours	\$40.00
Mrs. Robert Landis "	16 hours	\$40.00
Zelma Atwell, Potl Keeper	16 hours	\$40.00



Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to make payment to the election officials in accordance with the request by the City Manager.

Christmas Parade - Saturday, November 26, 1977: The City Manager informed the City Council that he had received a request that the Mayor and Council members ride in the Christmas Parade to be held Saturday afternoon at 5:00 P.M., November 26, 1977.

Leaf Pick-Up Schedule: The City Manager informed the City Council that numerous calls has been received for leaf pick-up in various sections of the City. He advised the Council that it is impossible to transport the leaf machine back and forth across the City in order to make special pick-ups. He stated that to solve the problem he feels it to be in the best interest of the City to provide a regular leaf pick-up schedule which has been prepared by the Street Superintendent. He stated that persons wishing to have leaves picked up at times other than the regular schedule could do so by having the leaves placed in plastic bags and that the City would pick up leaves by request without charge. This policy was agreeable with Council and the City Manager stated that he would place a notice in the newspaper advising citizens of the policy.

Lights - Parking Lots - Downtown Area: Councilman Clark stated that he had been studying the matter with regard to improvements in the downtown area and that it was his opinion that additional lighting may be needed in the downtown area and the parking lots. It was suggested that a study might be made to see if more modern fixtures could be provided for the parking lots which would give more light for shoppers. The City Manager stated that he would contact Duke Power Company to see if they could have someone survey the lots in the downtown area and make recommendations with regard to new lighting. It was suggested that the City might convert some of the lighting in the downtown area from mercury vapor to sodium high intensity lights, similar to the lights presently being used in the Sky City shopping center.

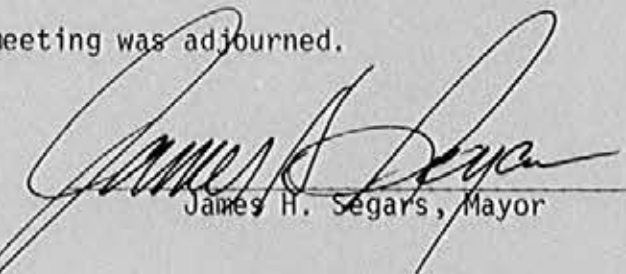
Taxi Ordinance - Proposed Amendments: Mayor Segars informed the City Council that he had been made aware of the fact that any person holding a taxi operator's certificate from the City could lose that certificate permanently and not be permitted to operate a taxi cab within the City Limits upon conviction of driving under the influence of an intoxicant. He stated that in his opinion this was rather harsh in that a young person eighteen years old might be convicted one time of driving under the influence of an intoxicant and never, for the rest of their life, be permitted to operate a taxi cab within the City of Marion.

After a short discussion Council agreed that this particular section of the ordinance was harsh and asked that the City Manager and City Attorney look over the ordinance and prepare a proposed amendment to the ordinance which would change this requirement.

There being no further business, the meeting was adjourned.

ATTEST:

  
J. Earl Daniels, Clerk

  
James H. Segars, Mayor

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

November 22, 1977

The Marion City Council met in regular session Tuesday, November 22, 1977, at 7:30 P.M., in the City Council Chamber at City Hall.

Board Members Present: Mayor Pro Tem A. Everette Clark, Councilmen Robert James, Horace Wilkerson, Larry Brown and Oliver R. Cross. Councilman Cross arrived at approximately 8:30 P.M.

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

Approval of the November 15, 1977 Minutes: Upon a motion by Councilman James, seconded by Councilman Wilkerson, those members of Council present unanimously voted to approve the minutes of the November 15, 1977 meeting.

Teal Street Parking - Street Committee Report: The City Manager informed the City Council that the Street Committee had been instructed at the City Council meeting held November 15, 1977, to look into the situation on Teal Street to determine if marking off parking spaces on the west side of the street would be feasible, reasonable and desirable. He stated that the Street Committee had gone out to Teal Street at 3:15 P.M., 11/22/77, to look into the matter.

Mayor Pro Tem Clark informed the Council that the Street Committee recommends that parking spaces not be marked off on the street. He advised the Council that the Street Committee, in discussing the matter, had considered the fact that marking off parking spaces would probably not eliminate the problems of parking on the street. He stated that persons visiting residents of the street would need places to park and that if parking spaces are marked off it would probably result in police officers being called to the area to enforce parking within the designated spaces and that this could set a precedent in marking off parking spaces in other residential communities.

After a long discussion, the City Council decided to leave the matter as is.

Bids - Chlorine Contact Chamber - Clinchfield Waste Treatment Plant: The City Manager informed



the City Council that only two bids were received for construction of a chlorine contact chamber at the Clinchfield Waste Treatment Plant. He stated that one bid was received from Hobson Construction Company in the amount of \$31,826.00 and one bid was received from DPS Contractors, Inc. in the amount of \$35,000.00.

The City Manager informed the City Council that sufficient funds had not been appropriated in the budget to cover the bids submitted. He stated that in preparing the budget in April of 1977, he and Chief Waste Treatment Plant Operator Gary Campbell were at a loss in trying to estimate the cost of construction of a chlorine contact chamber and that following several discussions relating to the matter, it was decided that the City would only need a concrete basin approximately four by six feet and a chlorine pump. He stated that it was decided that City employees could probably undertake construction of such a small structure and that the total cost could run from \$6,000 to \$7,500. He stated that the lowest bid received (\$31,826) was considerably more than had been appropriated for the project. He informed the Council that he believed that the greater part of the cost is to cover expenses for equipment installation relative to the chlorine contact chamber. He advised Council that the plans and specifications had been approved by Natural and Economic Resources as prepared by Fred Eslick. He stated that he had talked by telephone with Coy Batten in the Raleigh office of NER and asked if the City might be able to receive some funds from the State to help cover the expense. He stated that Mr. Batten informed him that he would return his call as soon as he had time to investigate the matter. The City Manager recommended that the City Council hold the bids until the next regular meeting of Council so that he could have more time to investigate the matter in more detail and make a report back to Council.

Upon a motion by Councilman James, seconded by Councilman Wilkerson, those members of Council present unanimously voted to hold the bids until the next City Council meeting to allow the City Manager time to investigate the matter in more detail and make a report back to Council.

Taxi Ordinance - Proposed Amendment: Upon a motion by Councilman James, seconded by Councilman Wilkerson, those members of Council present unanimously voted to adopt the following ordinance to amend the ordinance entitled "Ordinance to Regulate and Control the Operators and Operation of Taxicabs Within the City of Marion and to Create the Office of Inspector of Taxicabs":

BE IT ORDAINED by the City Council of the City of Marion that the Ordinance entitled "An Ordinance to Regulate and Control the Operators and Operation of Taxicabs Within the City of Marion and to Create the Office of Inspector of Taxicabs", adopted January 16, 1973, is hereby amended by making the following additions and deletions.

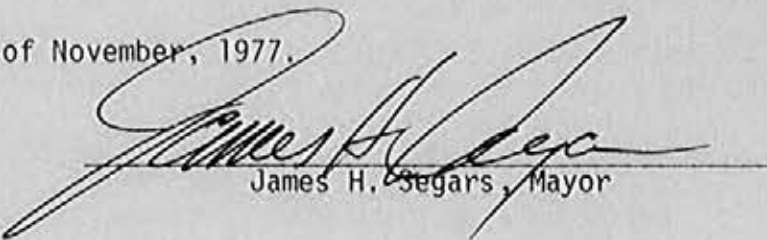
Section 1. That Article VIII, Section 3, Paragraph 1, be amended between the word "Laws" and the word "then" by inserting the following language: and possesses a valid chauffeur's license or a valid permit authorizing him/her to operate a motor vehicle as a chauffeur on the public roads of North Carolina.

Section 2. That Article VIII, Section 3, Paragraph 2, be amended by deleting the following language: "of operating a motor vehicle while under the influence of an intoxicant, or".

Section 3. That Article VIII, Section 4, be amended by deleting the following language: "Operation of automobile under influence of an intoxicant" - 1st offense - permanent"; and inserting in lieu thereof the following language: "Operation of a taxicab under influence of an intoxicant"--1st offense-five years, and 2nd offense-permanent."

Section 4. This Amendment to the above-described ordinance shall be in full force and effect on and after the date of its adoption by the City Council of the City of Marion.

Adopted this the 22nd day of November, 1977.

  
James H. Segars, Mayor

ATTEST:

  
J. Earl Daniels, Clerk

Code of Ordinances: The City Manager informed the City Council that there is a great need to complete the rough draft of the Code of Ordinances prepared by the League of Municipalities so that they could complete and codify all City Ordinances. He informed the Council that he had a number of questions regarding some specific ordinances and would like instructions from Council before proceeding with rewriting some of the ordinances.

Councilman Oliver Cross arrived during the discussion.

The first ordinance presented by the City Manager was the Ordinance relating to weeks and refuse. The City Council discussed the existing City Ordinance relating to same. There seemed to be a problem on deciding exactly how the ordinance should be enforced. The City Manager stated that it was his desire to enforce the ordinance as adopted by Council or to delete the ordinance entirely.

After a long discussion, the City Manager was instructed to make minor changes in the ordinance and to use the existing ordinance.



Other ordinances discussed concerned the display of goods on sidewalks and Sunday business regulations. Those members of Council present unanimously agreed that the City should not adopt Sunday business ordinances which would prohibit the operation of businesses within the municipal limits on Sundays. The City Manager stated that several other ordinances need to be considered, i.e., water and sewer extensions, streets and street improvements and an animal ordinance.

Annual Christmas Dinner - City Council: The City Manager informed Council that he would need to know what night the City Council would like to have their annual Christmas dinner. After a short discussion the City Manager was instructed to make arrangements for the Christmas dinner to be held Tuesday night, December 13.

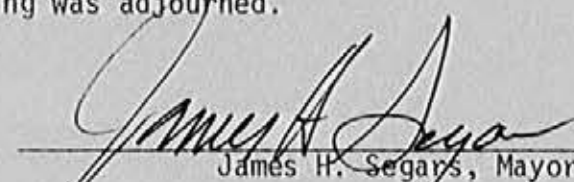
School for Newly Elected Mayors and Councilmen: The City Manager read a letter from the Institute of Government advising Council members concerning a school for newly elected Mayors and Councilmen. He informed Council that he would provide additional information and advance registration cards as soon as they are received.

Appointment of Planning Board Members: The City Manager read the minutes of the November 17, 1977 meeting to the Marion Planning Board and advised the Council that the terms of three members of the Planning Board would expire in December. He read a list of names to the Council of persons the Planning Board would like to have appointed to the Planning Board. The City Manager was instructed to contact several persons to ask if they would serve if appointed and report back to the Council at the next regular meeting.

There being no further business, the meeting was adjourned.

ATTEST:

  
J. Earl Daniels, Clerk

  
James H. Segars, Mayor

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

November 25, 1977

The Marion City Council met in a special session Friday, November 25, 1977, at 10:00 A.M. in the Marion City Hall.

Board Members Present: Mayor James H. Segars, Councilmen A. Everette Clark, Larry W. Brown and Oliver R. Cross.

Others Present: J. Earl Daniels, City Manager; and Ann Vess, News Reporter, The McDowell News.

Mayor Segars explained to the Council members that the purpose of the meeting was to designate an authorized representative to execute for and on behalf of the City of Marion, all documents relating to obtaining certain Federal financial assistance under the Disaster Relief Act.

The City Manager stated that copies of the proposed resolution had been hand delivered to the Mayor and Council members Wednesday evening, November 23, 1977, and that a copy was also delivered to the Publisher of The McDowell News.

Upon a motion by Councilman Cross, seconded by Councilman Brown, those members of Council present unanimously voted to adopt the following resolution.

BE IT RESOLVED by the City Council of the City of Marion, North Carolina, that James H. Segars, Mayor, is hereby authorized to execute for and in behalf of the City of Marion, a public entity established under the laws of the State of North Carolina, this application and to file it in the appropriate State office for the purpose of obtaining certain Federal financial assistance under the Disaster Relief Act (Public Law 288, 93rd Congress) or otherwise available from the President's Disaster Relief Fund.

THAT the City of Marion, a public entity established under the laws of the State of North Carolina, hereby authorizes its agent to provide to the State of North Carolina, and to the Federal Disaster Assistance the assurances and agreements printed on the reverse side hereof.

Passed and approved this 25th day of November, 1977.

\_\_\_\_\_  
A. Everette Clark

\_\_\_\_\_  
Oliver R. Cross

\_\_\_\_\_  
Larry W. Brown

There being no further business, the meeting was adjourned.

Attest:

\_\_\_\_\_  
J. Earl Daniels, Clerk

\_\_\_\_\_  
James H. Segars



STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

December 6, 1977

The Marion City Council met in regular session Tuesday, December 6, 1977, at 7:30 P.M. in the Fire/Police Training Center.

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

Others Present: J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; Alvin Callahan, Public Works Director; and News Reporter Ann Vess, The McDowell News.

Guests: Todd Palmer, 208 Broad Street; R. Clarence Haynes, 107 Ridge Road; and Mr. and Mrs. Earl Kirby, 109 Ridge Road.

Approval of the November 22, 1977 Minutes: Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to approve the minutes of the November 22, 1977 meeting.

Approval of the November 25, 1977 Minutes: Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to approve the minutes of the November 25, 1977 meeting.

Oaths of Office: The following Oath of Office was administered to Mayor James H. Segars by Mrs. Glenda Melton, Notary Public:

I, James H. Segars, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States and the Constitution and laws of the State of North Carolina, not inconsistent therewith; and that I will faithfully discharge the duties of my office as Mayor of the City of Marion, North Carolina, so help me God.

This the 6th day of December, 1977.

The following Oaths of Office were administered by Mayor James H. Segars to the newly elected City Councilmen:

I, Oliver R. Cross, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States and the Constitution and laws of 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 6th day of December, 1977.

I, A. Everette Clark, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States and the Constitution and laws of 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 6th day of December, 1977.

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 6th day of December, 1977.

Selection of Mayor Pro Tem: Upon a motion by Councilman Wilkerson, seconded by Councilman James, the City Council unanimously voted to elect Councilman A. Everette Clark as Mayor Pro Tem.

City Clerk and Finance Officer Appointment: Upon a motion by Councilman Wilkerson, seconded by Councilman James, the City Council unanimously voted to appoint J. Earl Daniels as City Clerk and Finance Officer. The Oath of Office was administered by Mayor James H. Segars.

City Attorney - Appointment: Upon a motion by Councilman Wilkerson, seconded by Councilman James, the City Council unanimously voted to appoint E. P. Dameron and Charles Burgin as City Attorneys. The Oath of Office was administered to Mr. Dameron by Mayor Segars. The City Manager was instructed to have the Oath of Office administered to Mr. Charles Burgin by a Notary Public.

Tax Collector - Appointment: Upon a motion by Councilman Wilkerson, seconded by Councilman James, the City Council unanimously voted to appoint Frances Briscoe as City Tax Collector. The City Manager was instructed to have the Oath of Office administered to Mrs. Briscoe by a Notary Public.



Water Line Extension - Request: Mr. and Mrs. Earl Kirby and Mr. R. Clarence Haynes appeared before the Marion City Council to request a water line extension to serve their residences located on Ridge Road in the Clinchfield community. Mr. Kirby stated that one of his neighbors can no longer use water from his private well because it is unsafe for human consumption. He informed the Council that they are experiencing trouble with private wells and septic tanks in that area and that he would like for the City to give consideration to extending a City water line to serve his premises.

Public Works Director Alvin Callahan presented a map showing the area and informed the Council that to extend an adequate water line to serve these residences could run in excess of \$10,000.00.

Councilman Brown stated that the City had previously established a policy whereby no water line extensions would be made until work at the reservoir had been completed and the water supply system improved.

After a long discussion regarding the matter, it was decided that Mr. Kirby could provide water samples to Chief Water Plan Operator Glen Murdock and that Mr. Murdock could check the water samples and if it is found that the water is unsafe, the City will consider the request for a water line extension.

It was also agreed that the City could test water samples from Mr. Clarence Haynes' private well.

Bids - Chlorine Contact Chamber - Clinchfield Plant: The City Manager informed the City Council that the bids received for construction of a chlorine contact chamber at the Clinchfield Waste Treatment Plant far exceed monies appropriated for this purpose and respectfully requests that the City Council reject all bids. He informed Council that he had discussed construction of a chlorine contact chamber with Mr. Roy Davis of NER and that it may be possible for the City to construct a chlorine contact chamber and provide necessary equipment at a lower cost than was proposed in the bids.

Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to reject all bids for construction of a chlorine contact chamber at the Clinchfield Treatment Plant.

Planning Board - Appointment of Members: Upon a motion by Councilman Wilkerson, seconded by Councilman Clark, the City Council unanimously voted to reappoint Phillip Steppe and to appoint Danny Davis and Nancy Hunter for terms of three years as members of the Marion Planning Board. Said terms will begin January 1, 1978 and run through and including December 31, 1980.

Personnel Ordinance - Proposed Amendments: The City Manager presented the following proposed amendments to the Personnel Ordinance:

Article II, Section 1. Insert after the word "Council" the following: upon recommendation of the City Manager.

Article II, Section 3. Insert after the words "six months" the following: The probationary period may be extended at the request of the department head and the approval of the City Manager.

Article II, Section 3, Paragraph 2, Insert the word "City" between the words "regular" and "employee".

Article II, Section 3, Paragraph 2, Insert between the words "time" and "if", the following: for being irregular in reporting for work, misconduct on the job, frequent tardiness, failure to follow instructions of his/her immediate supervisor and/or.

Article II, Section 5, Paragraph 3, between the words "work" and "and" insert the following: and/or frequently tardy.

Also, after the word "suspended" insert the following: by his/her immediate supervisor. Any employee may be discharged by his/her immediate supervisor for refusing to follow instructions. A detailed report will be presented to the City Manager and the employee discharged may request a hearing by the City Manager.

Article III., Section 1., Insert after the word "necessity" the following: The standard work week for City employees is forth hours with the exception of fire personnel. The shift workers in the fire department average fifty-six hours per week.

Also, delete subsections "a" through "g".

Article III, Section 1. Delete Paragraphs three and four and insert the following as Section 2.

- (a) Hourly employees are eligible for overtime pay on a time and one-half basis.
- (b) Hourly employees working on holidays shall be paid for the holiday, if they work the day before the holiday and the day after the holiday. In addition, employees shall be paid at their regular hourly rate for hours worked on holidays.
- (c) If salaried employees work three or more hours overtime continuously, they are eligible for compensatory time. Under extenuating circumstances, they may receive overtime pay in lieu of compensatory time if they work three or more hours overtime continuously. The same basis may be applied if the person works an excessive number of overtime hours within a work week. In order to qualify, salaried employees must have averaged a minimum of forty (40) work hours per week for the previous six weeks. Compensatory time must be used within six months after it has been earned. This time can only be awarded for work assigned by the department head. These two categories must be recommended by the department head for the City Manager's approval.



Article III, Section 4. Subsection a. delete the four short paragraphs and insert the following: 4.2% of the number of hours actually worked. (Multiply .042 times the number of hours actually worked to find earned vacation leave time in hours.)

During the first year of employment employees earn only one-half ( $\frac{1}{2}$ ) the vacation leave as stated above.

Article III, Section 5. In the third and fifth paragraphs insert between the words "week" and "employee" the word "salaried. Delete the fourth paragraph.

Article III, Section 6. Subparagraph c. Insert after the word "follows" the following: 2.1% of the number of hours actually worked. (Multiply .021 times the number of hours actually worked to find earned sick leave hours.)

Delete any reference to 45-hour per week employees.

Article III, Section 9. Insert as Section 9 the following: (a) An employee who is called for jury duty shall be entitled to leave with pay for such duty and may keep all fees received for jury duty. No charge will be made against his/her accrued leave.

(b) If an employee is subpoenaed to testify in a court case, no charge will be made against his/her accrued leave.

Article IV, Section 5, second paragraph, change the figure 10¢ to 15¢ per mile.

(A COPY OF THE ORDINANCE AS AMENDED MAY BE FOUND IN THE SAFE LISTED AS DOCUMENT No. 406.)

Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to approve the ordinance as amended.

Budget Ordinance - Proposed Amendment: Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to adopt the following amendments to the 1977-1978 City Budget Ordinance:

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

Section 1. That the 1977-1978 Budget Ordinance of the City of Marion, adopted June 21, 1977, 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

Police Department, Capital Outlay, Account Number 10-510-74, is increased in the amount of \$2,500.00 by supplemental appropriation.

Sanitation Department, Departmental Supplies, Account Number 10-580-33, is increased in the amount of \$700.00 by supplemental appropriation.

Section 2. General Fund Revenues, Account Number 10-399-00, is increased by \$3,200.00 by supplemental appropriation.

#### WATER/SEWER FUND

Water/Sewer Department, Departmental Supplies, Account Number 30-810-33, is increased in the amount of \$5,000.00 by supplemental appropriation.

Water/Sewer Department, Capital Outlay, Account Number 30-810-74 is increased by \$15,000.00 by supplemental appropriation.

Section 3. Water/Sewer Revenues, Surplus-Appropriated is increased in the amount of \$20,000.00 by supplemental appropriation.

Section 4. That a copy of this Amendment be attached to the 1977-1978 Budget Ordinance of the City of Marion, as adopted June 20, 1977.

Adopted this the 6th day of December, 1977.

ATTEST:

J. Earl Daniels, City Clerk

James H. Segars, Mayor

Employee Longevity Checks: The City Manager informed the City Council that budget appropriations were made to provide employee longevity checks whereby each City employee would receive an amount equal to one days' pay for each year of continuous employment with the City up to a maximum of five days' pay or \$200.00, with a minimum payment of \$15.00. The City Manager asked if Council would authorize payment of the longevity checks.

Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to authorize the City Manager to provide employee longevity checks based on the schedule as recommended.



Christmas Holiday Schedule: The City Manager informed the City Council that County offices would be closed for Christmas Friday, December 23rd, and Monday, December 26th. He also stated that County offices would be closed on Monday, January 2nd, 1978, for New Year's Day. He asked Council for permission to observe the same holiday schedule. This request was approved by the Council.

City Manager's Vacation: The City Manager informed Council that he wished to take vacation from December 26th through Friday, December 30th, unless Council had objections. There were no objections and the City Manager was authorized to take his vacation as requested.

Insulation Contractor's - Ordinance: Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to adopt the following ordinance:

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

Section 1. Authority. This ordinance is adopted pursuant to Chapter 703, North Carolina Session Laws of 1977, and Section 160A-194 of the General Statutes of North Carolina.

Section 2. Required License. On and after January 1, 1978, no person, firm or corporation may for a consideration install, alter, or restore within the City of Marion any insulation or other materials or energy utilization equipment designed or intended to meet the State Building Code requirements for insulation and energy utilization standards who is not either (a) licensed as a contractor to do the proposed work under Chapter 87 of the General Statutes, (b) working under the supervision of a registered architect or professional engineer, (c) an owner working upon his own building, or (d) licensed under this ordinance.

Section 3. Applications. Every person desiring a license under this ordinance shall submit an application for such license to the Building Inspector conforming to the following requirements:

- (1) Form of Application - Each application shall be a written statement upon forms provided by the Building Inspector.
- (2) Contents of Application - Each application shall contain the following information:
  - (a) Name and home address of the applicant, if an individual, or home office address, if a corporation or partnership;
  - (b) Name and home addresses of the partners, if a partnership;
  - (c) Names and home addresses of the officers and directors, if a corporation;
  - (d) Place where the proposed business is to be located.
  - (e) Complete record of all convictions of felonies or acts involving dishonesty, fraud, or deceit by the applicant or any employee, partner, officer, or director of the applicant, whether in this or any other state or jurisdiction;
  - (f) Complete record of all licenses held by the applicant or any employee, partner, officer or director of the applicant authorizing activities of the type authorized herein or other activities involving construction, alteration, or modification of buildings and structures;
  - (g) Information as to the circumstances in which any local, state, or federal government or agency has refused, suspended, or revoked a license of the type described in paragraph (f) to the applicant or any employee, partner, officer or director of the applicant.
- (3) Fees - Each application shall be accompanied by a fee in the amount of twenty-five dollars (\$25.00) for such license, such amount to be for the fiscal year and prorated by quarters to the end of such year.
- (4) False Statements - False statements on any application for a license shall be grounds for immediate revocation or denial of such license.

Section 4. Procedure for Issuance.

- (1) Review by City Officers - Each application received by the Building Inspector shall be promptly forwarded to the Police Department.
- (2) Licensing Agency - The application and any comments and recommendations relating thereto shall be considered by the Building Inspector, which shall then issue or deny the license pursuant to the following standards.
- (3) Standards - The Building Inspector shall issue the license unless he shall find that the applicant or any employee, partner, officer or director of the applicant:



- (a) Has been convicted within the last three years of a felony or an act involving dishonesty, fraud or deceit, whether in this or any other state or jurisdiction;
- (b) Has been refused a license to do the type of work authorized herein or has had such a license suspended or revoked by any local, state or federal government or agency and such government or agency has not subsequently granted or restored such license;
- (c) Has knowingly made a false statement in the application; or
- (d) Has failed to post the bond or other security required by Section 5.

Section 5. Bond Required. Before a license shall be issued to any applicant, the applicant shall post a bond with the City in the amount of \$1,000.00. In lieu of posting a bond, the applicant may deposit a cashier's check or cash in the same amount.

The security required by paragraph above shall be available to indemnify any person for any damage which may accrue by reason of the applicant's failure to properly provide or install insulation, energy utilization equipment or other materials designed or intended to meet the State Building Code standards for insulation and energy utilization.

Section 6. Termination and Renewal of Licenses. All licenses issued hereunder shall terminate on the last day of the fiscal year for which issued. Renewal of such license shall be pursuant to the same procedures and requirements set forth for initial issuance.

Section 7. Suspension; Revocation.

(1) The Building Inspector may suspend or revoke any license issued hereunder at any time upon showing that the applicant or any employee, partner, officer, or director of the applicant has (a) knowingly made a false statement in the application for a license, or (b) violated the State Building Code requirements as to insulation or energy utilization equipment or materials, whether in this or any other jurisdiction, or (c) been convicted or an act involving dishonesty, fraud, or deceit with respect to any contract entered into for work requiring this license.

(2) Any licensee whose license is suspended or revoked may appeal the suspension or revocation to the City Council. After reasonable notice to the licensee, the City Council shall afford the licensee an opportunity to show why its license should not be suspended or revoked.

Section 8. Change of Location. The location of any licensed business may be changed, provided ten days' notice thereof is given to the City and operation at such new location does not violate any applicable State or local law, ordinance, or regulation.

Section 9. Required Permit; Fee; Exceptions.

(1) On and after January 1, 1978, no person, firm or corporation may for a consideration, install, alter or restore any insulation or other materials or energy utilization equipment designed or intended to meet the State Building Code requirements for insulation and energy utilization without first securing a special insulation and energy utilization permit from the Building Inspector for each item of work, which permit shall evidence compliance with the insulation and energy utilization standards or the State Building Code.

(2) There shall be a fee of \$5.00 for each permit issued.

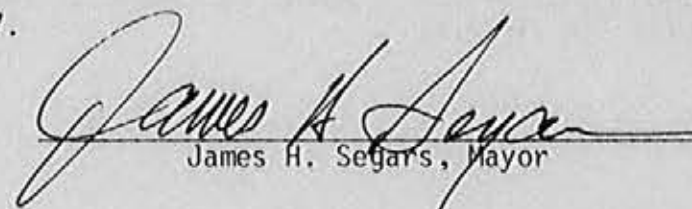
(3) The following shall not be required to obtain the permit required by Subsection (1):

- (a) An owner working upon his own building;
- (b) An installer working under the supervision of a registered architect or professional engineer, when the work is being performed under a general building permit;
- (c) A contractor licensed to do the proposed work under Chapter 87 of the General Statutes, when the work is being performed under a general building permit.

Section 10. Penalties. Any person, firm or corporation violating the provisions of this ordinance shall be subject to all the applicable punishment, penalties, and equitable relief provided for by Section 160A-175 of the General Statutes and Chapter 703, North Carolina Sessions Laws of 1977.

Section 11. Effective Date. This ordinance shall be effective upon its adoption.

This the 6th day of December, 1977.

  
James H. Segars, Mayor

ATTEST:

  
J. Earl Daniels, City Clerk



City Tags: The City Manager requested permission for Mr. Charles Israel to sell City Tags under the same terms and conditions as in the past few years. He stated that Mr. Israel could sell the tags at the same time that he is selling state tags. The City Council unanimously agreed to authorize the City Manager to negotiate with Mr. Israel for the sell of City tags, as in previous years.

Bids - Wastewater Project - Garden Creek Outfall Line and Sugar Hill Outfall Line: The City Manager informed the City Council that bids would be received Wednesday, December 7, 1977, for the installation of sewer outfall lines for the Garden Creek area and the Sugar Hill Road area. He stated that bids on the Garden Creek line would be received at 10:00 A.M. and that bids on the Sugar Hill line would be received at 2:00 P.M.

Federal Disaster Assistance - Project Application for Federal Financial Assistance: The City Manager presented to the City Council a breakdown of cost for damages incurred by City properties during the recent flood. He informed the Council that the City's application for financial assistance had been approved in the total amount of \$20,269.00. He informed Council that the cost for constructing a road into the Mackey Creek Intake would probably exceed the amount appropriated under the terms of the application. He stated that the figure could run considerably higher and that the City could submit an amended request for funding at such time as accurate figures could be obtained. The following is a listing of the estimated expenses:


Mackey's Creek	
Intake	\$ 3,268.60
Bridge (Intake Road)	8,610.30
Intake Road	2,072.00
Clear Creek Waterline	\$ 742.25
Fire Department	
Removal of Debris	\$ 500.00
Restoration of Building (Smokehouse)	2,500.00
Clean and Disinfect Building	188.00
City Shop	
Bridge	\$ 595.00
Parking Lot	960.00
Sand	492.80
Community Building	
Drop Ceiling (Basement)	\$ 340.40

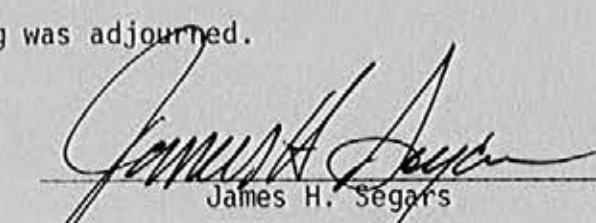
\$20,269.35

Annual Christmas Dinner: The City Manager informed the City Council that the Annual Christmas Dinner would be held Thursday, December 15, at 7:00 P.M. at the Crossbow Inn.

There being no further business, the meeting was adjourned.

ATTEST:

  
J. Earl Daniels, City Clerk

  
James H. Segars

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

January 10, 1978

The Marion City Council met in regular session Tuesday, January 10, 1978, at 7:30 P.M. in the Fire/Police Training Center.

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

Others Present: J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; Alvin Callahan, Public Works Director; Glen Murdock, Chief Water Filter Plant Operator; Intern Richard Hicks; and News Reporter, Vangie Stevens, The McDowell News.

Guests: Rick Wilson, Chamber of Commerce, Executive Director; and Sid Riddick, Engineer, O'Brien & Gere, Inc./Engineers.



Approval of the December 6, 1977 Minutes: Upon a motion by Councilman Clark, seconded by Councilman Cross, the City Council unanimously voted to adopt the minutes of the December 6, 1977 meeting.

Request for Loading Zone in Front of Service Pharmacy: The City Manager presented a letter from Mr. David Blanton requesting that the City Council establish a loading zone in front of Service Pharmacy. The Street Committee recommended approval of the request.

Upon a motion by Councilman Clark, seconded by Councilman Cross, the City Council unanimously voted to adopt the following ordinance establishing a loading zone in front of Service Pharmacy:

ORDINANCE ESTABLISHING A COMMERCIAL LOADING  
ZONE ON SOUTH MAIN STREET

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

Section 1. That a commercial loading zone is hereby established on the West side of Main Street just south of its intersection with Railroad Street in a southern direction for a distance of nineteen (19) feet.

Section 2. It shall be unlawful for any person to park a vehicle in the commercial loading and unloading zone for any purpose other than loading and/or unloading goods and wares.

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

Adopted this the 10th day of January, 1979.

ATTEST:

*J. Earl Daniels*  
J. Earl Daniels, City Clerk

*James H. Segars*  
James H. Segars, Mayor

Request for Driveway from the City-Owned Parking Lot at the Intersection of Henderson and Logan to McDowell Agricultural Supply: The City Manager informed the City Council that Mr. Frank Dean had requested that a driveway to interconnect the City-owned parking lot at the intersection of Henderson and Logan Streets to his private parking lot at McDowell Agricultural Supply be constructed. The City Manager informed the City Council that the Street Committee had been out to the site to determine if it is feasible to install such a driveway. A short discussion was held concerning the request.

Upon a motion by Councilman Cross, seconded by Councilman Brown, the City Council unanimously voted to table any action on the matter pending further study by the Street Committee.

Request for Traffic Light at Intersection of State Street and McDowell Street: The City Manager informed the City Council that there is a need for a traffic light at the intersection of State Street and McDowell Street due to school traffic. He informed Council that the traffic signal light is needed at that intersection more than at the intersection of Clay and State Streets. After a short discussion the City Manager was instructed to contact the Department of Transportation and request the installation of traffic lights at the intersection of McDowell Street and State Street. The City Manager was instructed that in the event the Department of Transportation will not or cannot install traffic lights at this intersection that consideration be given to the transfer of the traffic lights at Clay and State Streets to the intersection of McDowell and State Streets.

Water Line Extension Request - Mr. Earl Kirby (Clinchfield Area): Glen Murdock, Chief Water Filter Plant Operator and Alvin Callahan, Public Works Director, reported to the City Council that water samples had been tested from residences in the Clinchfield area using private wells. The City Council was informed that of the nine tests made, eight of the private wells had some form of bacteria and two had coliform.

Alvin Callahan presented a breakdown of costs for materials to construct a six-inch water line, a four-inch water line and a two-inch water line to serve the home in question.

After a short discussion, Mayor Segars suggested that the City Council meet as soon as possible with the County Commissioners to see if some procedure can be worked out whereby adequate water lines can be installed to provide service to these residences. The City Manager was instructed to contact the County Commissioners and set up a meeting at the earliest possible date.



Wastewater Treatment Plant Project - Bids on Contract 3.0, Garden Creek Facilities and Contract 5.0, Sugar Hill Road Facilities - Recommendations of O'Brien & Gere, Inc./Engineers: Sid Riddick appeared before the City Council representing the engineering firm of O'Brien & Gere, Inc. He informed the City Council that bids recently received for Contracts 3.0, Garden Creek Facilities, and 5.0, Sugar Hill Road Facilities, have been canvassed. He informed the City Council that the engineering firm recommends that the City, subject to formal approval by the U. S. Environmental Protection Agency and the North Carolina Division of Environmental Management, award Contract 3.0 to C. R. Duncan Construction Company, Inc. for the low bid of \$1,134,300.00, and Contract 5.0 to Hobson Construction Company, Inc. for the low bid of \$578,100.00. He stated that the engineering firm recommends that the City waive all informalities and irregularities in the bids received since none influence the order, nor are they of any apparent consequence.

Mr. Riddick stated that the latest budget estimates for the entire Wastewater Treatment Plant Project show that the local share is estimated to be \$1,251,550.00. This amount is approximately \$51,550.00 above the currently authorized bond limit of \$1,200,000.00.

The City Council decided to hold award of the contract until a later date.

Firemen's Relief Fund - Board of Trustees - Appointment of One Member: The City Manager presented a letter from Fire Chief Arthur Edwards advising that Councilman Larry W. Brown's term as a member of the Board of Trustees of the Firemen's Relief Fund expired January 1, 1978. The Fire Chief recommended Councilman Brown 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 Cross, seconded by Councilman James, the City Council unanimously voted to reappoint Councilman Brown as a member of the Board of Trustees for the Firemen's Relief Fund for a term of two years.

Report on Taxes Collected: The City Manager presented the following report prepared by Tax Collector Frances Briscoe:

\$387,827.24	1977 Charge
- 2,280.11	Adjustments to be Charged Off
99,575.07	Tape on Ledger December 31, 1977, Uncollected
\$285,972.06	Collected as of December 31, 1977
\$ 28,755.50	Uncollected as of 10:00 A.M. 1/3/78
356,791.63	Collected as of 10:00 A.M. 1/3/78

Resolution - Authority to Open Deposit Account - Federal Disaster Assistance Account: The City Manager informed the City Council that the City had received a check for Federal Disaster Assistance in the amount of \$20,269.00. The City Manager stated that a separate account is needed to handle the funds. He presented a standard form resolution to be signed by himself, the Mayor and the bookkeeper granting "Authority of Organization Operated Not-For-Profit to Open Deposit Account."

Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to adopt the resolution as presented. The First Union National Bank was designated as the bank for deposit of the Federal Disaster Assistance Funds.

Recreation Commission - Appointment of One Member: The City Manager presented a letter from James Hardin, Recreation Director, advising that Mr. Perry Hall's term as a member of the Old Fort-Marion-McDowell County Recreation Commission expired September 30, 1977. He stated that the new appointment for a three-year term should be retroactive to October 1, 1977. The letter stated that Mr. Hall has expressed his willingness to serve on the Recreation Commission for another three years.

Upon a motion by Councilman Wilkerson, seconded by Councilman James, the City Council unanimously voted to reappoint Perry Hall as a City representative on the Old Fort-Marion-McDowell County Recreation Commission for a term of three years, said term to expire September 30, 1980.

Annexations - Discussion of Areas to be Considered: The City Manager presented a map of the Highway 70 area upon which was designated those properties where owners have requested annexation and those properties where owners have not petitioned annexation. The City Manager stated that in his opinion the City should hold a public meeting so that property owners in that area could be advised of City services to be provided if the properties are brought into the City Limits.

After a discussion it was agreed that the City Council would hold a public meeting Monday night, January 23rd at 7:30 P.M. in the Garden Creek Baptist Church contingent upon the City being able to use the Church building on that night.

Insurance - Statement of Values: The City Manager informed the City Council that it is necessary for the City to place estimates on the actual cash value of all properties belonging to the City for insurance purposes. He informed the Council that Marshall Dark, representing McDowell Insurance Company had provided estimates based on a seven percent increase on buildings and structures leaving the contents at the same figure as last year. The City Manager stated that Public Works Director Alvin Callahan had reviewed the prices and feels that they are in line with the actual cash value of City Buildings and/or structures.

The City Manager stated that unless Council members had specific objections to the increases in value that he would execute the official documents and return them to McDowell Insurance Agency, Inc. The City Council had no objections to the new estimates.

Designation of Area Agency on Aging: The City Manager read a letter from Mr. Paul Hughes, Executive



SUGAR HILL ROAD FACILITIES  
SUMMARY BID TABULATION

[illegible]

## INDEX - BID IRREGULARITIES

1. Math Error
2. B-1-2, B-1-12 Incomplete
3. B-2-1, B-2-3, B-2-4 Incomplete
4. B-2-1/EPA, B-2-2/EPA, B-2-3/EPA Incomplete

~~JOHN~~ BRIEN & GERE,  
INC/ENGINEERS

GARDEN CREEK FACILITIES  
SUMMARY BID TABULATION

[illegible]

## INDEX - BID IRREGULARITIES

1. Math Error
2. B-1-5 Incomplete
3. B-2-1 Incomplete
4. B-2-1/EPA, B-2-2/EPA, Incomplete



Director of the Isothermal Planning and Development Commission advising that cities and counties in Region C which are listed as non-planned regions, have not shared as equitably in the distribution of funds from the Old Americans Act of 1965, including Title III (service programs), Title VII (nutrition), Title V (Senior Citizens Centers), and Title IX (manpower), as areas which are designated as area agencies on aging. The letter stated that the Board of Directors of the Commission feel that Region C could better serve its aging population by being designated as an area agency on aging and plan to seek such designation.

Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to send a letter to Mr. Paul Hughes endorsing this designation for Region C.

Free Water/Sewer Service - Retired City Employees: Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to adopt a policy whereby all retired City Employees, with a minimum of ten years of service to the City, would receive free water and sewer service for the life time of the employee.

Ordinance - Builders Cleaning Debris From Streets: Councilman Clark informed the City Council that it is his opinion that the City should adopt an ordinance which would require all builders within the City Limits to clean mud, clay, gravel, and other debris from City streets which occurs due to construction. In making the proposal, Councilman Clark stated that the debris is created by a builder. The City Manager stated that he would try to prepare an ordinance for Council consideration which would require the builder to clean City streets if the debris is caused by construction, and that if the builder does not, then the City can clean the street and the builder would be required to pay the City for this service.

City Assistance to Old Fort During Disaster: Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted that the City make no charge to the Town of Old Fort for assistance rendered by the City of Marion during the recent flood.

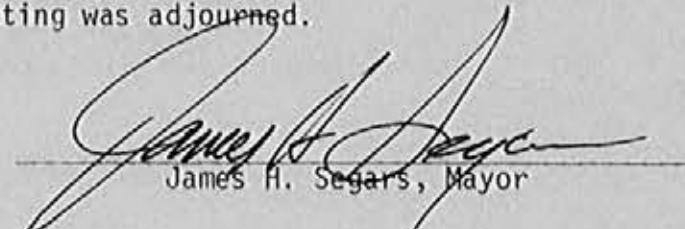
Trip to Intake: The City Manager informed the City Council that Councilman Clark had suggested that members of Council might wish to schedule a trip to the intakes. After a short discussion it was decided that a trip may be scheduled in the early Spring or Summer.

Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to adjourn the meeting and reconvene in Executive Session to discuss personnel matters.

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

January 23, 1978

The Marion City Council, in lieu of its regularly scheduled session Tuesday, January 24, held a special session Monday, January 23, 1978, at the Garden Creek Baptist Church.

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

Others Present: J. Earl Daniels, City Manager; Alvin Callahan, Public Works Director; Richard Hicks, Intern; and Ann Vess, News Reporter, The McDowell News.

After mailing and hand carrying typed notices, and telephoning residents of the area to invite them, the Marion City Council held a public meeting in the Garden Creek Baptist Church to discuss the installation of a proposed sewer outfall line and the possibility of annexing the area into the City.

City Manager Earl Daniels opened the meeting by describing the benefits the people would receive from the City if their properties were annexed. He advised that residents living outside the City are currently paying fire insurance premiums based on a 9AA rating and that residents of the City pay premiums based on a 6 rating.

In response to a question of how many new employees would be needed should the area be annexed Mr. Daniels stated that three additional policemen and one new patrol car would be needed to provide one officer to patrol each of the three eight-hour shifts. He advised that the Marion Fire Department is already serving the area.

Mr. Daniels told the residents that once they become citizens, the City will pick up their garbage at least twice each week, provide street lighting within City policy, and maintain any streets not currently maintained by the state as long as the streets meet City requirements. He emphasized that these services would be provided at no additional expense other than the amount of tax dollars paid to the City. He stated that the citizens would probably spend less, or maybe even save money, if the City provides them with these services. He also stated that water rates outside the City are 50% higher than rates inside.



Several persons questioned whether or not they could obtain the services set out above without being annexed into the City. The Council advised that the only way the City could provide the services would be for the area to be annexed. It was stated that in order to develop and maintain the area the City would need for tax revenues and the only way to obtain said revenues would be for the area to be annexed.

Several persons questioned the City's reasons for desiring to annex the area and they were advised that the City's motives were unselfish and that the City was not proposing annexation because of the increased revenues but because there is a need for the services and that much of the money needed had been provided by the federal government to finance the sewer outfall lines, pumping station and force mains. Mayor Segars emphasized that it is a "golden opportunity that may never occur again" that would enable the residents to receive services they want and need. He advised that neither he, nor the Council, is in favor of forcing anyone into the City that has no desire to be a part of it. He expressed his feelings that at least the City had provided the people with an adequate amount of information and had allowed them enough time with four well announced meetings to express their opinion or obtain the answers to any questions they might have. He stated that he felt the City had done its job and that the people had been adequately informed.

Several people asked why the County couldn't provide the sewer line and Councilman James advised of his willingness to join forces with the County in setting up water and sewer districts but that the County seemed to be unwilling to become involved in the water and sewer business.

One resident asked if the County installed the line would the City treat the waste. They were advised that it was not the responsibility of the City to provide services outside the City Limits.

One person was concerned about the influx of people overloading Marion's water supply. Mr. Daniels explained that the City's water pressure and storage capacity have been increased but unusual weather could deplete almost any City's water supply.

Many of the residents of the area were concerned that approximately 35% of them had petitioned to be annexed and they were against the minority deciding for the majority. They were informed that the Council is against forced annexation.

In response to one resident's objections to zoning Mr. Daniels replied that it is a necessary tool that protects the rights of every citizen and that it protects the majority of the residents in an area if that no one resident is allowed to carry on a business or activity that is detrimental to the entire community.

At this point several residents voiced their objections to the proposed annexation and left the meeting.

Water Line Extension - Ridge Road: The City Manager informed the City Council that Mr. Earl Kirby had advised that his water pump was inoperative and that he needs an answer as to whether or not the City will permit a water line extension to serve his property. The City Manager advised the City Council that efforts to set up a joint meeting with the County Commissioners had failed. He stated that County Manager Jack Harmon informed him by telephone that he had been in contact with members of the County Commissioners and that it was the consensus of opinion that funds are not available at this time for that purpose but that the County Commissioners would be happy to review any requests from the City. Mr. Harmon also advised that he had discussed the matter with representatives of the Farmers Home Administration and that they advised that funds may be available possibly in the form of loans to the individuals for digging deeper wells contingent upon approval by the Health Department.

Mayor Segars stated it was his opinion that the City should do everything possible to try to provide safe water for persons on Ridge Road who have polluted wells even though they are not residents of the City. Dissatisfaction was expressed by members of the Council because the County Commissioners did not agree to meet as requested.

Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to authorize City forces to install a two-inch galvanized water line to serve the residents of the area in question provided these persons pay the entire cost for all materials necessary to provide the service.

The City Manager was directed to charge only a \$50.00 meter fee to persons contributing to the cost of materials. Any and all other connections to the line would be charged the regular outside connection fee of \$200.00.

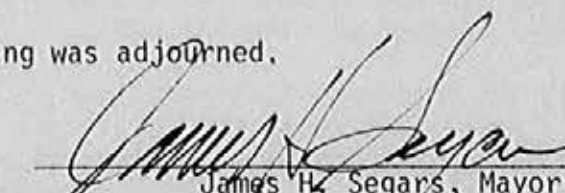
Garden Creek Church - Donation: Mayor Segars and members of the Council thanked Reverend Allen McKinney and asked that he express the City Council's appreciation to members of his congregation for allowing the City of Marion to hold two meetings in the Church building.

Upon a motion by Councilman Clark, seconded by Councilman James, the City Council unanimously voted to make a donation of \$50.00 to the church for the City's use of the building for two meetings and directed the City Manager to send a letter thanking the congregation for the use of the building.

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

February 7, 1978

The Marion City Council met in regular session Tuesday, February 7, 1978, at 7:30 P.M., in the Fire/Police Training Center.

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

Others Present: J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; Alvin Callahan, Public Works Director; John Beck, Chief of Police; Arthur Edwards, Fire Chief; Ann Vess, News Reporter, The McDowell News; and Richard Hicks, Intern.

Guests: Mr. Frank Dean, McDowell Agricultural Supply; Mack H. Johnson, Pulliam Street; Wayne Ollis, Madison Cablevision; David Huskins and Don Dillingham.

Approval of the January 10, 1978 Minutes: Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to approve the minutes of the January 10, 1978 meeting.

Approval of the January 23, 1978 Minutes: Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to approve the minutes of the January 23, 1978 meeting.

Fire Department - Monthly Report: Fire Chief Arthur Edwards informed the Council that the Fire Department had responded to twenty-nine alarms during the month of January; 16 within the City Limits and 13 outside the limits. He stated that the total property value involved was \$68,800.00 and the total value of property lost was \$13,150.00. He also advised that the department had answered 13 calls for other fire departments and had spent a total of 10 hours dispatching apparatus and relaying communications.

Chief Edwards also gave a brief description of the duties performed by the paid firemen and advised that, for the most part, the department's equipment is in good condition. He also advised that, using an average of 65 employees, the accident rate for the City has increased from 17.34% in 1975 to 37.83% in 1977.

Police Department - Monthly Report: Police Chief John Beck advised the Council that the department had made 28 arrests during the month of January, had answered 150 calls, made 13 investigations, spent 40 hours in court, found 9 doors and/or windows open, issued 135 parking tickets, made 32 bank escorts, made 52 funeral escorts and give 12 breathalyzer tests. He also advised that there had been a total of 25 accidents investigated, 10 with damage exceeding \$200 and 15 with damage under \$200, and that the personal injury totalled four. He stated that 7,039 miles had been driven in regular patrol and answering calls.

Chief Beck also presented an annual report setting out the number of calls, accidents, hours of school attended by officers, etc.

Councilman Cross congratulated both department heads on their reports.

Mack Johnson - Parking Complaint - Pulliam Street: City Manager Earl Daniels advised that he and Councilman James had gone to Pulliam Street earlier in the afternoon (2/7/78) to look over a parking situation. He then invited Mr. Johnson to express his views to Council.

Mr. Johnson stated that for three and one-half years he has complained to the Police Department and to the Council regarding persons parking across Pulliam Street directly in front of his driveway entrance and thereby inhibiting vehicles driving in or out of his driveway. A long discussion followed during which Mr. Johnson recommended that a "No Parking" zone be established for approximately 20 to 25 feet across the street from his driveway entrance. He stated that State law prohibits anyone from blocking a driveway entrance at any time.

Councilman Cross suggested that the Street Committee look over the situation and make a report and recommendations at the next regular Council meeting.

Mayor Segars assured Mr. Johnson that the Street Committee would look into the matter and make a report to Council.

Frank Dean - McDowell Agricultural Supply - Request for Walkway: Mr. Frank Dean appeared before Council to discuss his previous request to construct a driveway ramp from his property to the City-owned parking lot on West Henderson Street. He stated that the cost to do this would be much more than he had anticipated and the he would like permission to install a walkway, cement steps and a handtruck ramp approximately six to eight feet South of the sidewalk on Henderson Street in front of the City's parking lot. He also asked that the two-hour parking and all-day parking sections be reversed so that the two-hour parking section would be located next to his property and the all-day parking would be on the East side of the lot.

After discussing the matter and upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to permit a short ramp connecting the parking lot to the sidewalk to be constructed in the northwest corner of the lot so that handtrucks could travel between the parking lot and the agricultural supply utilizing the public sidewalk.

No action was taken with regard to reversing the parking in the lot.



Madison Cablevision: City Manager Earl Daniels read a letter from Mr. Richard I. Landy of Madison Cablevision requesting a rate increase and stating the reasons for the request. Mr. Wayne Ollis was present to answer questions concerning the service.

A long discussion followed concerning Madison's position with regard to expanding the service. A petition was presented by Mayor Segars to Mr. Ollis signed by residents of Hilltop Drive and Nix Creek Road requesting the cablevision service.

Upon a motion by Councilman Clark, seconded by Councilman Cross, the City Council unanimously voted to have the City Attorney and/or City Manager draw an ordinance amendment granting the requested rate increase.

City Manager Earl Daniels was instructed to write a letter to Mr. Landy requesting information pertaining to Madison's plans for expansion, the increase in the number of persons served since the last rate increase, how much progress has been made in expanding the service, etc.

Wastewater Treatment Plant Project - Contracts 3.0 and 5.0: Manager Earl Daniels reviewed the bids received on the above-mentioned contracts and also advised that O'Brien & Gere, Inc. have recommended that Hobson Construction Company be awarded the Sugar Hill Road Facilities contract and that C. R. Duncan Construction Company be awarded the Garden Creek Facilities contract.

A long discussion followed regarding funding for the two programs and Mr. Daniels advised Council that a decision regarding whether or not the City plans to pursue the Sugar Hill Road Project and the Garden Creek Road Project needs to be made no later than the middle of February in order that the engineers might be informed and pass the information along to the Environmental Protection Agency and State agency no later than March 9th in order that the funding for the project will not be jeopardized.

Upon a motion by Councilman Wilkerson, seconded by Councilman Cross, the City Council voted as follows to request a 30-day extension on awarding the Garden Creek Facilities, Contract 3.0, from C. R. Duncan Construction Company:

Ayes: Councilmen Clark, James, Cross and Wilkerson.  
Noes: Councilman Brown.

It was agreed that should a 30-day extension increase the amount of the original bid, the Council would withdraw the request for the extension.

City Manager Earl Daniels was directed to write to C. R. Duncan Construction Company requesting the 30-day extension and to make clear that the request would be withdrawn if granting same would increase the amount of the original bid.

Sugar Hill Road - Proposed Annexation: Upon a motion by Councilman Clark, seconded by Councilman Brown, the City Council unanimously voted to proceed immediately with the annexation of the Sugar Hill Road area.

Award of Contract 5.0: Upon a motion by Councilman Clark, seconded by Councilman James, the Council unanimously voted to award Contract 5.0, Sugar Hill Road Facilities to Hobson Construction Company, Inc. for the bid amount of \$578,100.00, contingent upon the City receiving grant funds from the Environmental Protection Agency and the State.

Budget Ordinance Amendment: Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the City Council unanimously voted to adopt the following Budget Ordinance Amendment which would establish a Federal Disaster Assistance Fund:

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

Section 1. The 1977-1978 Budget Ordinance of the City of Marion, adopted June 21, 1977, by the City Council of the City of Marion, is hereby amended by establishing a new account entitled "Federal Disaster Assistance Fund", as follows:

#### FEDERAL DISASTER ASSISTANCE FUND

Revenues:	
Federal Disaster Assistance Grant	\$20,269.00
Interest Earned	200.00
TOTAL	\$20,469.00
Expenditures:	
Flood Damage - Restoration	\$20,469.00

Section 2. That a copy of this Amendment be attached to the 1977-1978 Budget Ordinance of the City of Marion, as adopted June 21, 1977.

Adopted this the 7th day of February, 1978.

ATTEST:

J. Earl Daniels, City Clerk

James H. Segars, Mayor



Budget Ordinance Amendment: Upon a motion by Councilman Wilkerson, seconded by Councilman James, the City Council unanimously voted to adopt the following Budget Ordinance Amendment establishing a Antirecession Fund:

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

Section 1. The 1977-1978 Budget Ordinance of the City of Marion, adopted June 21, 1977, by the City Council of the City of Marion, is hereby amended as follows:

#### ANTIRECESSION FUND

Revenues:	
Fund Balance June 30, 1977	\$ 4,273
Federal Grant	1,915
Interest Earned	100

TOTAL	\$ 6,288
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Expenditures:	
Contribution to General Fund	\$ 6,288

#### GENERAL FUND

Revenues:

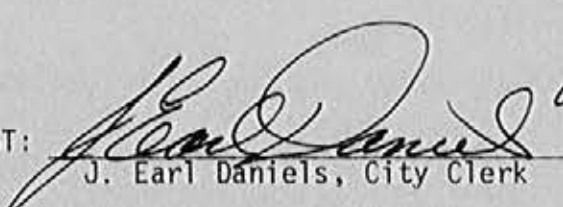
General Fund Revenues is increased from \$779,006 to \$785,294, by an appropriation of \$6,288 from the Antirecession Fund.

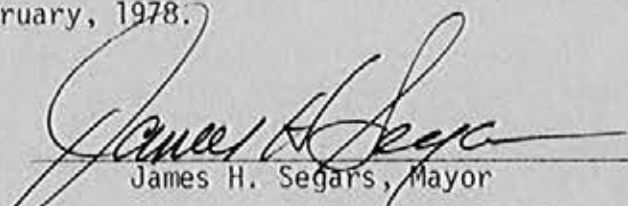
Street Department Salaries, Account Number 10-560-02, is increased from \$48,000 to \$54,288 by an appropriation of \$6,288 in Antirecession Funds.

Section 2. That a copy of this Amendment be attached to the 1977-1978 Budget Ordinance of the City of Marion, as adopted June 21, 1977.

Adopted this the 7th day of February, 1978.

ATTEST:

  
J. Earl Daniels, City Clerk

  
James H. Segars, Mayor

Planning Board - Resignation of Two Members: The City Manager informed the City Council that Mr. Philip Steppe and Mr. David Debruhl had resigned from the Planning Board and two persons would need to be appointed to fill their unexpired terms.

The City Manager was given the names of several people to contact with regard to accepting a position on the Board.

Ordinance Prohibiting Acts Requiring Special Cleaning of Streets: Upon a motion by Councilman Wilkerson, seconded by Councilman Clark, the City Council voted as follows to adopt "An Ordinance to Prohibit Acts Requiring Special Cleaning of Streets and Sidewalks":

Ayes: Councilmen Clark, Cross, Wilkerson and James.  
Noes: Councilman Brown.

The Ordinance will become effective February 22, 1978, and reads as follows:

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

Section 1. Acts and Conditions Requiring Special Street Cleaning or Repair Prohibited.

(1) Any act, neglect or omission or any condition caused or allowed to continue, which creates or results in causing a condition in or upon any public street, sidewalk or storm drain which required special cleaning or repair of such street, sidewalk or storm drain is hereby prohibited.

Prohibited acts, neglects, omissions and conditions which result in requiring special cleaning or repair shall include but shall not be limited to:

(A) The hauling of dirt, debris, materials removed from the sites of construction or reconstruction of buildings or structures, or waste materials of any kind, in such manner that any portion of such dirt, debris or materials is spilled, lost, dropped or left upon the streets or sidewalks.

(B) The depositing or leaving upon the streets or sidewalks of mud, dirt or any other material as a result of the use of trucks, construction equipment or machinery, regardless of whether such materials are spilled, lost or dropped in transit or are deposited upon the surface of the street or public property by the tires or wheels of such trucks, construction equipment or machinery.

(C) The grading of lots, land or driveways at elevations higher than street or sidewalk level or any other acts, neglects or conditions created or allowed



to exist upon such property which results in mud, dirt, soil, gravel, debris or other materials being washed onto City streets or sidewalks or into the City storm drainage system.

(2) "Special Cleaning or repair" of streets, sidewalks and the storm drainage system, shall be deemed to be "required" when their condition is such that the public health, safety, welfare or public use of the same is threatened, limited or impaired; the use and enjoyment of property abutting such streets or sidewalks is diminished or limited; or substantial damage is caused to the streets, sidewalks or drainage facilities or to such abutting property. The words "special cleaning or repair" as used in this ordinance shall include resurfacing, restoration or gravel and similar repairs made necessary by prohibited acts, neglects or conditions.

Section 2. City to Clean and Repair Streets, Sidewalks and Drains - Costs.

The Public Works Department will clean and repair all streets, sidewalks and storm drains as and when special cleaning or repair is required by conditions defined in Section 1(2) above.

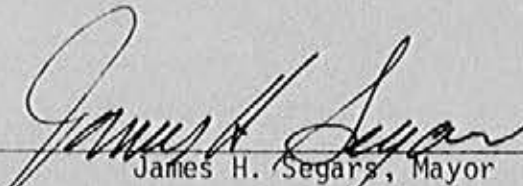
The Public Works Department will keep records of the costs of all such specially required cleaning and repair (which may be computed on the basis of established per mile and/or per hour cost of the use of City equipment, plus labor and materials, including water, likewise computed at cost to the City).

Section 3. Violation - Penalty, Payment of Costs. Any person, firm or corporation who violates this ordinance shall be guilty of a misdemeanor.


Any person, firm or corporation whose act, neglect, omission, or who, by permitting a condition to continue (whether done or neglected directly or through an agent, servant or employee), causes additional expense to the City for necessary special street, sidewalk or storm drain cleaning or repair shall reimburse the City for its expense within thirty (30) days after receipt of an itemized statement of expense submitted by the City, and upon failure to reimburse the City within said period of thirty (30) days, shall incur and be liable to the City for a civil penalty of \$200.00, in addition to said expense.

The Public Works Department shall send to any person, firm or corporation responsible for additional expense to the City an itemized statement of the expense incurred and a request for reimbursement. The City Attorney is authorized to bring suit in the name of the City to recover any such unpaid penalties.

Section 4. This ordinance shall be effective from and after the 22nd day of February, 1978.

  
James H. Segars, Mayor

ATTEST:

  
J. Earl Daniels, City Clerk

Resolution Authorizing the Sale of Surplus Equipment and Miscellaneous Materials Through Private Negotiation and Sale: Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council unanimously voted to adopt the following resolution:

WHEREAS, the City of Marion owns the following equipment and materials:

Vibrator Tamper - Street Department  
1959 Gyro Air Compressor - Street Department  
Air Maze Air Compressor - Street Department  
O'Brien Sewer Rodder (No. 2) - Water/Sewer  
30" Toro Mower - Street Department  
Various Size Truck Rims - Street Department  
A. B. Dick Fluid Duplicator 215 - Administration  
3-M Copy Machine and Paper - Police Department

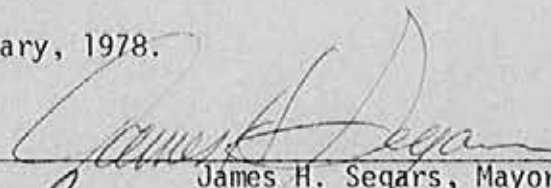
WHEREAS, the Marion City Council hereby declares said equipment and materials as surplus property.

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

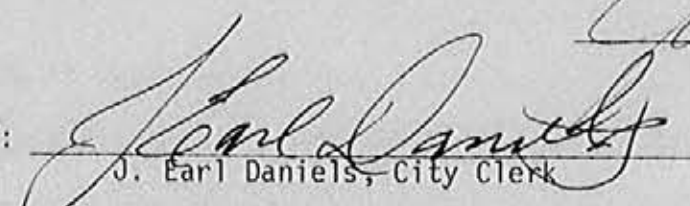
That City Manager J. Earl Daniels is hereby authorized and directed to sell said surplus equipment and materials at private negotiation and sale after 2:00 P.M., Thursday, February 23, 1978.

That a copy of this Resolution shall be published in The McDowell News on Wednesday, February 8, 1978.

ADOPTED this the 7th day of February, 1978.

  
James H. Segars, Mayor

ATTEST:

  
J. Earl Daniels, City Clerk




Community Development Project Application: The Council agreed that the preliminary work should be begun but that the City would not get actively involved until plans for the sewer project are finalized.

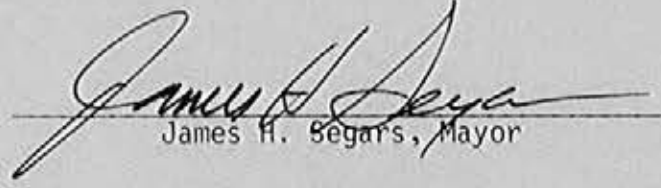
Annual Congressional-City Conference: The City Manager advised the Council that the Annual Congressional-City Conference will be held in Washington, D. C. March 5th through 7th, 1978, and asked that anyone interested in attending advise him as soon as possible so that reservations can be made.

Sugar Hill Road Project - Contribution to Church: The City Council agreed that a donation of \$25.00 would be sent to Addies Chapel Church along with a letter thanking the congregation for allowing the City to use the Church for a public meeting of the residents of the area.

Reece Snyder - Former City Manager: The City Manager advised the Council of the death earlier in the week of former City Manager Reece Snyder and advised that in lieu of flowers the family had requested that contributions be made to the Heart Fund. An amount of \$27.00 was collected to be deposited in the Heart Fund's account at the First Union National Bank.

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

February 21, 1978

The Marion City Council met in regular session Tuesday, February 21, 1978, at 7:30 P.M. in the City Council Chambers at City Hall.

Board Members Present: Mayor James H. Segars, Councilmen A. Everette Clark, Horace Wilkerson, Larry Brown and Oliver Cross.

Others Present: J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; and Richard Hicks, Intern.

Guests: Rick Wilson, Executive Director of the McDowell County Chamber of Commerce; Richard I. Landy and Wayne Ollis, representing Madison Cablevision, Inc.; and Mack Johnson, Pulliam Street, Marion.

Approval of the February 7, 1978 Minutes: Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, those members of Council present unanimously voted to approve the minutes of the February 7, 1978 meeting.

Madison Cablevision, Inc. - First Reading of Ordinance Amendment: City Manager Earl Daniels introduced Mr. Richard I. Landy and Mr. Wayne Ollis of Madison Cablevision, Inc.; read the notice of public hearing which appeared in The McDowell News Friday, February 17th and Monday, February 20, 1978; and presented the ordinance amending the franchise to the Council.

Mr. Daniels stated that the Council had requested information regarding the plans for expansion of the service, how many more customers are being served now as opposed to the number being served when Madison took over the operation.

Mr. Landy explained that Madison took over the cablevision operation on September 11, 1974, at which time 1,432 customers were being served and that they are presently serving 2,000 customers. He recited some of the problems in expanding the service. He stated that his company is attempting to expand the service; however, there are some problems with obtaining easements for the installation of cables, etc.

After a long discussion regarding methods of obtaining the service, Madison's plans for expanding the service, etc., Councilman Clark made a motion that the first reading of the amendment be approved as read. Councilman Cross seconded the motion and all members of Council present voted aye. The ordinance amendment, if adopted at the second reading, will read as follows:

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

SECTION 1. That SECTION 18 of the Franchise of Madison Communications, Inc. and/or Madison Cablevision, Inc. as heretofore amended is hereby further amended as follows:

The rates which Madison Communications, Inc. and/or Madison Cablevision, Inc. are authorized to charge for services furnished its customers under the Franchise are as follows:



	Rates
Installation Charge-Additional Charge	\$ 7.50
Relocation-First Outlet	7.50
Relocation-Additional Outlet	7.50
Reconnect	7.50
Transfer-Cabled to Cabled Home	7.50
Monthly Service-First Outlet	7.00
Monthly Service-Additional TV Outlet	2.00
Monthly Service-Additional FM Outlet	2.00

SECTION 2. That the terms and provisions of the Franchise, as previously amended, shall continue and remain in full force and effect except as changed or amended by this ordinance.

This Ordinance shall be effective immediately upon its adoption after reading and passage at two regular meetings of the City Council of the City of Marion, North Carolina.

Adopted and approved this the 7th day of March, 1978.

ATTEST:

J. Earl Daniels, City Clerk

James H. Segars, Mayor

Planning Board - Appointment of Two Members: Upon a motion by Councilman Wilkerson, seconded by Councilman Cross, those members of Council present unanimously voted to appoint Mr. Robin Hood to fill the unexpired term of Philip Steppe, said term expiring December 31, 1980; and Mr. Jim Lancaster was appointed to fill the unexpired term of David Debruhl, said term to expire December 31, 1978.

Pulliam Street - Proposed "No Parking" Zone: The City Manager advised Council that a notice had been sent to all residents of Pulliam Street advising that Council would consider the possibility of establishing a "No Parking" zone on the west side of Pulliam Street and that all interested parties were invited to attend the meeting to express their views on the matter. He advised that he had received numerous phone calls from the residents advising that they did not wish to have the "No Parking" zone established.

Mr. Mack Johnson of Pulliam Street was present. He stated that he did not wish for Council to establish a "No Parking" zone on the west side of Pulliam. He stated that his only desire is to get some help in stopping his neighbors across the street from parking in front of their driveway entrance, thereby making it hard for service trucks, etc. to enter and depart his driveway.

After a long discussion on the matter, Council decided not to adopt a "No Parking" Ordinance and to continue to allow parking on the west side of the street.

Pulliam Street - Proposed "No Through Trucks" Allowed to Use the Street: Upon a motion by Councilman Brown, seconded by Councilman Clark, those members of Council present unanimously voted to adopt the following ordinance disallowing through trucks the use of Pulliam Street:

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

Section 1. It shall be unlawful for any truck exceeding three (3) tons in gross weight to use Pulliam Street unless such vehicle is making pickups and/or deliveries to residences on said 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.

Section 3. This ordinance shall be in effect upon installation of signs on Pulliam Street giving notice thereof.

Adopted this the 21st day of February, 1978.

ATTEST:

J. Earl Daniels, City Clerk

James H. Segars, Mayor

Community Development - Establishing Date for Public Meeting: Council set Wednesday, March 29, 1978 as the date for a public meeting to be held at the Marion Community Building to receive citizen input with regard to filing an application for Community Development Funds.

Tax Lien Sale: Upon a motion by Councilman Clark, seconded by Councilman Cross, those members of Council present unanimously voted to set Monday, June 12, 1978, as the date for the Tax Lien Sale.

Prepaid Tax Discount Schedule: Upon a motion by Councilman Cross, seconded by Councilman Clark,



those members of Council present unanimously voted to adopt the following ordinance relating to a prepaid tax discount schedule:

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

Section 1. That a one percent (1%) discount shall be allowed on prepayment of taxes paid during the month of August in each year beginning August 1, 1978.

Section 2. That all ordinances and/or resolutions in conflict with this ordinance are hereby repealed.

Section 3. That the City Manager is directed to submit this ordinance to the North Carolina Department of Revenue for approval of the tax prepayment schedule.

Adopted this the 21st day of February, 1978.

ATTEST:

J. Earl Daniels, City Clerk

James H. Segars, Mayor

Police Department - Request to Apply for Grant: City Manager Earl Daniels presented a request from Police Chief John Beck asking for approval to apply to the Region "C" Criminal Justice Planning Agency for a grant in the amount of \$21,000.00 to enable the City to employ a full time investigator and to purchase an automobile to be used by said investigator. The request stated that, in Chief Beck's opinion, a full time investigator would enable the department to follow up thoroughly on all complaints and would therefore increase the department's arrest and conviction rate.

Upon a motion by Councilman Brown, seconded by Councilman Clark, those members of Council present unanimously voted to approve the filing of the application, but decided to hold final approval until the contract is ready for presentation.

Revenue Sharing Fund: City Manager Earl Daniels advised Council that the City needs to hold a public meeting to amend the Revenue Sharing budget in order to put the money back into the budget for the purchase of a garbage packer truck. He advised that the money was appropriated in last year's budget for the packer truck and that bids were received but a contract was not signed; therefore, it is necessary to reappropriate the funds again in this year's budget for the purchase of the packer truck.

Sugar Hill Area - Proposed Annexation: Mr. Daniels advised Council that he had received a telephone call from a person who owns property in the Sugar Hill Road area and that the caller advised that most of the persons present at the meeting held at Addies Chapel Church were not property owners in the area but rented property and asked if there was any way to stop the annexation of the area. Mr. Daniels advised Council that he explained the advantages of living within the City Limits to the caller and finally asked him if he felt two or three property owners should try to hold up progress for all the other residents of the community and asked if he felt the people who live in the community, even if they don't own property, should not have any say about whether the area is annexed or not. Mr. Daniels advised the caller that there would be another public meeting where he would be welcome to state his views on the matter.

A long discussion followed regarding the pros and cons of annexing the area and it was the general consensus of the Council that the majority of the people in the Sugar Hill Road area want the services the City offers and that the necessary procedures for annexation should continue to be carried out.

The City Manager read a letter from Mr. Perry Hall thanking the Mayor, City Council, City Manager, etc. for their efforts in attempting to improve the conditions of the Sugar Hill Road area.

Isothermal Planning and Development Commission - Clearing House Notification - North Carolina Health Systems Agency Full Designation: The City Manager advised that as the City's representative on the Isothermal Planning and Development Commission, he had expressed a dissenting opinion with regard to granting funds to the North Carolina Health Systems Agency Full Designation program for the following reasons:

- (1) There is no local input due in part to the discontinuance of sub area councils.
- (2) The 26-county area is too large to plan in effectively. Existing planning organizations should be better utilized.
- (3) The HSA policy board is composed mostly of non-elected officials who are not directly responsible to the local citizens.
- (4) Under existing health planning methods, major health facilities and equipment tend to gravitate toward metropolitan areas.
- (5) HSA's simply create another level of bureaucracy whereas health planning should be conducted at a more local level.

The City Manager advised Council that he and Mayor Segars had discussed the matter prior to his expressing his opinion and that he did not have time to bring the matter before the Council prior to his replay having to be sent back to Isothermal, but that he and Mayor Segars had agreed on



the opinion rendered in the matter.

Contract 3.0 - Garden Creek Project: The City Manager advised Council that a letter granting a 30-day extension on the Garden Creek Project had been received from Mr. C. R. Duncan of C. R. Duncan Construction Company. He also advised that in granting the 30-day extension, the construction company had agreed that there would be no change in the original bid amount because of the extension.

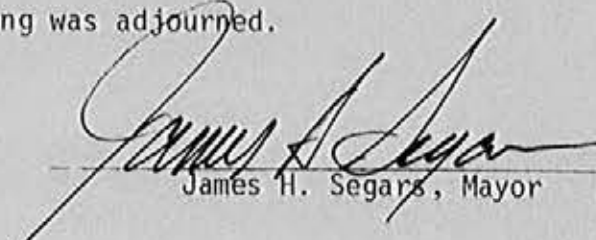
McDowell County Chamber of Commerce: Rick Wilson, Executive Director of the Chamber of Commerce advised Council that the Chamber would, in the future, hold its regular meetings on the third Wednesday of the month in the Chamber offices at 11:00 A.M. He asked if a representative of the City could be present at each meeting. He was advised that, if at all possible, the City would have a representative at each meeting.

Albert Coates Local Government Center: The City Manager advised that there would be a ground-breaking ceremony for the Albert Coates Local Government Center Friday morning, March 3, 1978 in Raleigh.


Street Lighting - Downtown Area: City Manager Earl Daniels informed the Council that the Duke Power Company was in the process of doing a study to advise of the type of lighting, cost, etc. needed in the downtown area. After discussing the matter and deciding that more lighting is needed in the downtown area and upon a motion by Councilman Clark, seconded by Councilman Cross, those members of Council present voted unanimously to have high intensity sodium vapor lights installed on Main Street from the Post Office to the Community Building.

City Manager Earl Daniels informed the Council that the City would need to execute a contract agreeing to utilize the lights for a set length of time to avoid the installation charge for the new lights.

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

March 7, 1978

The Marion City Council met in regular session Tuesday, March 7, 1978, at 7:30 P.M. in the City Council Chambers at City Hall.

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

Others Present: J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; Ann Vess, News Reporter, The McDowell News; and Richard Hicks, Intern.

Guests: Wayne Ollis, representative of Madison Cablevision; and Rev. Floyd Stamey.

Approval of the February 21, 1978 Minutes: Upon a motion by Councilman Cross, seconded by Councilman Clark, those members of Council present unanimously voted to approve the minutes of the February 21, 1978 meeting.

Parking Complaint - Rev. Floyd Stamey: Floyd Stamey appeared before the Council and advised that he lives in the building on West Henderson Street where Thrift Loan Company is situated. He stated that his wife is ill and that he is hesitant to leave his car parked behind the building in which he lives or leave it in the all-day parking lot on West Henderson Street. He stated that he had received a ticket for overparking and that he did not want to pay for the ticket. He asked if a parking space could be reserved for him.

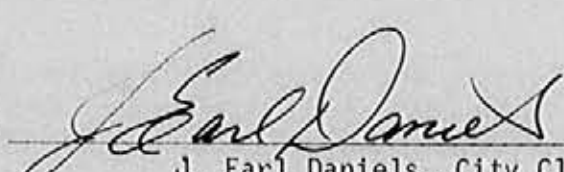
Mayor Segars advised Mr. Stamey that the City cannot reserve a parking space for any citizen. He also advised that Mr. Stamey could park in the all-day parking lot on West Henderson Street, but that if he overparked on the street he would be given a parking ticket.

Madison Cablevision - Ordinance Amendment: Upon a motion by Councilman Cross, seconded by Councilman James, the second reading of the ordinance amendment to the Madison Cablevision Franchise Ordinance was unanimously approved. Said ordinance amendment may be found in Minute Book 6 at pages 271 and 272.

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

March 21, 1978

The Marion City Council met in regular session Tuesday, March 21, 1978, at 7:30 P.M. in the City Council Chamber at City Hall.

Board Members Present: Mayor James H. Segars; Councilmen A. Everette Clark, Robert E. James, Horace Wilkerson and Larry Brown.

Board Members Absent: Councilman Oliver Cross.

Others Present: J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; Alvin Callahan, Public Works Director; John Beck, Police Chief; Ann Vess, News Reporter, The McDowell News; and Richard Hicks, Intern.

Guests: Robin P. Hood, Brady Brooks, Roy W. Davis, Ernie House and Charles O. Blanton, Jr.

Approval of the March 7, 1978 Minutes: Upon a motion by Councilman Wilkerson, seconded by Councilman James, those members of Council present unanimously voted to approve the minutes of the March 7, 1978 meeting.

Parking Lot - Henderson Street and Logan Street: The City Manager presented a request from Frank Dean that the two-hour parking area and the all-day parking area be reversed. Mr. Dean was not present at the meeting.

After a short discussion, Council decided to take no action on the matter.

Police Report: Police Chief John Beck presented the monthly report for the month of February to the Council. He stated that there had been 6,323 miles driven, 40 arrests, 27 investigations, 1000 inquiries, 12 doors and/or windows found open, 33 tagged traffic violations, 20 speeding violations, 300 parking tickets issued, 32 accidents, 15 funeral escorts, 66 bank escorts and 3 breathalyzer tests administered.

Garden Creek Facilities, Contract 3.0: The City Manager informed the City Council that it would be necessary to make a final decision as to whether or not to award Contract 3.0. The City Council discussed this matter at great length. The City Manager stated that he had received 12 letters from persons living along Highway 70 stating that they would sign a petition requesting annexation of their properties. He also stated that he had received 19 letters from persons living in the area stating that they would not sign a petition for annexation of their properties.

The City Manager stated that the property north along Highway 70 from the existing City Limits to The McDowell House could not be annexed by ordinance since one-eighth of the aggregate external boundary of the area is not contiguous with the existing City Limits. He stated that only two procedures could be followed in annexing the property. One would be a petition from the property owners and the other would be to go through the legislature.

The Council had tentatively agreed earlier that they would not award Contract 3.0 to install a sewer outfall line, pumping station and force main to serve that area along Highway 70 north of the City unless the area is first annexed into the City Limits. It was generally agreed by the City Council that the area is badly in need of sewer service. Some Council members questioned whether or not the City Council take bond funds voted by City citizens to install lines to serve an area outside the City Limits when the lines are not necessary to provide service to residents of the City.

The City Manager informed the City Council that the City's borrowing power is limited based on the assessed valuation of property within the City Limits. He stated that the Local Government Commission, under some circumstances, would waive the limitation on borrowing power in order to provide funds for construction of waste treatment plants where the same is deemed necessary.

Councilman Clark raised a question concerning whether or not the City could request bids for installation of the sewer outfall line, pumping station and force main at a later date if the bids were rejected at this time. The City Manager stated that he could not answer the question but that he would assume that rejecting the bids is not necessarily the same thing as rejecting the project. Council agreed that they would not wish to jeopardize the City's chances of being able to install the lines at a later date. Several questions were raised and the City Manager stated that he could not answer specific questions because he had been unable to obtain definite answers to these questions from EPA officials. He suggested that the Mayor or Mayor Pro Tem stop by the City Hall and call EPA and discuss the matter so that the elected officials could ask specific questions that they would like answered while at the same time have a better understanding of the answers rendered by EPA.

The City Manager stated that the Local Government Commission had called and advised that the City will be unable to sell bonds in time to pay off the Bond Anticipation Notes which come due May 17, 1978. He stated that he had been informed that the City will have to renew the Bond Anticipation Notes for a period of time from 60 to 90 days to allow sufficient time to process papers on preparing for the bond sale. The City Manager informed the City Council that the bids received by the City on Wednesday, December 7, 1977, on Contract 3.0, Garden Creek Facilities, that C. R. Duncan Construction Company was the low bidder in the amount of \$1,134,300. Councilman Brown moved that the City Council reject all bids on Contract 3.0, Garden Creek Facilities. This motion was seconded by Councilman Clark and the vote was as follows:



Councilman Brown - Aye  
 Councilman Clark - Aye  
 Councilman James - No  
 Councilman Wilkerson - No  
 Councilman Cross - Absent

Mayor Segars was forced to vote in order to break the tie. Mayor Segars voted aye.

Marion By-Pass - Official Statement: The City Manager presented an aerial photo showing proposed alternate locations for the proposed Marion By-Pass. A long discussion was held concerning the advantages and disadvantages of each of the alternates.

Upon a motion by Councilman Wilkerson, seconded by Councilman Brown, those members of Council present unanimously voted to endorse Alternate Route C with two modifications: (1) Relocate By-Pass just south of Mt. Ida to avoid acquisition of houses in the residential area within the City Limits; and (2) request that an overpass be provided where the by-pass would cross the existing roadway into McDowell High School and McDowell Junior High School from Highway 70 to eliminate school buses from having to contend with traffic on the by-pass and insure the safety of school children.

Corpening Creek Facilities - Unsigned Easements: The City Manager reviewed with the City Council several problems in acquiring easements from certain individuals for the installation of the Corpening Creek outfall lines. The City Manager stated that those areas where it appeared to be impossible to arrive at a settlement with some of the property owners that the City make a reasonable offer to pay for the right-of-way and if the persons would not agree to sell the right-of-way to the City that the City have the property appraised and that if the offer made was as great or greater than the appraisal to proceed with condemnation of the property.

After a short discussion, it was decided that the City will try to work out easements with the property owners.

Community Development - Resolution - Citizens Participation Plan: Intern Richard Hicks reported on a meeting in Hickory concerning Community Development Funds. The City Manager presented a resolution establishing a Citizens Participation Plan which is necessary in order to file for Community Development Funds.

A motion was made by Councilman Clark to approve the resolution as presented. The motion did not receive a second.

Water and Sewer Rates - Update: The City Manager recommended to the Council that O'Brien & Gere, Inc./Engineers be authorized to proceed with updating the City's water and sewer rate schedule. He stated that the City had not had a rate increase since May or 1976 and that an increase will be necessary in the coming year with possibly one additional increase at the completion of the project.

Upon a motion by Councilman Wilkerson, seconded by Councilman James, those members of Council present unanimously voted to authorize O'Brien & Gere, Inc. to proceed with updating the water and sewer rate schedule.

Sugar Hill Facilities - Public Meeting: The City Manager stated that it would be necessary to conduct a public meeting for the residents of the Sugar Hill area since the City would need to acquire easements and/or rights-of-ways from several property owners for the installation of sewer lines in that community. The City Manager stated that he would like to include in the public meeting a discussion concerning annexation of the area. He stated that he had received a petition from several property owners in the area stating that they do not desire to be annexed into the City. He informed the Council that this would be a good opportunity for Council to invite those persons to attend the meeting to discuss the proposed annexation and services to be provided by the City once the area is annexed.

The City Manager was instructed to contact the proper authority to determine if the City Council could meet in the community at the Addies Chapel Church March 28, 1978, at 7:30 P.M. The City Manager stated that he would contact the proper Church official to obtain permission to use the building and that a notice of the meeting would be placed in the newspaper.

Community Development - Citizens Participation Plan: Councilman Brown asked a question concerning the proposed resolution establishing the Citizens Participation Plan. After a short discussion Councilman Clark made a motion that the City Council adopt the resolution establishing a Citizens Participation Plan. The motion was seconded by Councilman Brown and all members of Council present voted in favor of the motion. The Resolution can be found in the safe at City Hall, listed as Document No. 403.\*

Sugar Hill Annexation - Survey: The City Manager informed the City Council that it would be necessary to award a contract to a surveying firm to survey those properties in the Sugar Hill Community which will be annexed into the City. He stated that the City must prepare an annexation report to show how the City can provide services to the area and in order to do this an accurate survey of the boundary of the area to be annexed and a map of the area must be prepared for the report. The City Manager presented two proposals for Council consideration for this work. A proposal submitted by Mallonee Surveying, Inc. in Morganton was an estimated total cost of \$4,000. A three-man survey crew would cost \$32.50 per hour, four-man survey crew would be \$37.00 per hour, office computation and mapping would be \$14.00 per hour and the approximate time for the completion of the project would be two week.

\*The Citizens Participation Plan is necessary in order to file for Community Development Funds. The motion referred to is the same as the motion made earlier in the meeting.



A proposal from Greene Surveying and Mapping of Marion estimated the total cost to be \$3,500. The actual charges would be based on an hourly rate of \$27.50 for a three-man crew with mapping, courthouse time and computations figured at \$12.50 per hour with an approximate completion time of three to six weeks.

Upon a motion by Councilman Clark, seconded by Councilman Wilkerson, those members of Council present unanimously voted to award the contract to Greene Surveying and Mapping of Marion.

Revenue Sharing Trust Fund - Budget Amendment: The City Manager informed the City Council that it would be necessary to conduct several public hearings concerning amending the Revenue Sharing Trust Fund budget for the fiscal year 1977-1978, and that it will be necessary for Council to conduct several public hearings in order to adopt a Revenue Sharing Trust Fund Budget for the fiscal year 1978-1979.

The City Manager explained several budget transfers necessary for the fiscal year 1977-1978 and explained in detail the needs for transfer to said funds. He stated that since public hearings are necessary to receive citizen input for the 1978-1979 budget he is proposing for the City Council to hold a public hearing Tuesday night, April 4, 1978 at 7:30 P.M. on the proposed uses of the City's General Revenue Sharing Funds for the fiscal years 1977-1978 and 1978-1979. He stated that the location of the hearing will be the City Council Chambers at City Hall.

Council agreed to authorize the City Manager to advertise for the necessary hearing.

Clearinghouse Reviews: The City Manager stated that as the City's representative for the Isothermal Planning and Development Commission, that on numerous occasions he is called on to vote on projects which concern the Isothermal Planning and Development Commission and Western North Carolina. He stated that in many instances he has questions and reservations about voting in favor of some Clearinghouse project proposals. He stated that he wished to present two proposals to Council so that he could receive some direction as to how Council would like for him to make comments on the projects.

He presented Clearinghouse Notification No. 78-1183, entitled Program for Utilizing Wood for Energy in Western North Carolina. He reviewed with Council the particulars concerning the project, the applicant agency being Western Carolina University, Center for Improving Mountain Living. The federal grant requested would be in the amount of \$50,000. After reviewing the project with the Council, the Council agreed that the project is not in conformance with local goals and objectives and/or conflicts with local plans and progress and that a recommendation for an unfavorable review be made.

The second Clearinghouse Notification No. 78-1239, entitled Special Disaster Area Assistance was presented. The applicant agency being the North Carolina Department of Natural Resources and Community Development. The request would be for a \$30,000.00 federal grant for special disaster area assistance. After reviewing the project the City Council agreed that the project is not in conformance with local goals and objectives and/or conflicts with local plans and programs and recommended an unfavorable review.

The City Manager informed the City Council that the Isothermal Planning Development Commission had been advised by Mr. Nathan Yelton, Assistant Secretary, Division of Aging, that Isothermal's request for designation as an area agency on aging had been rejected. The City Manager stated that the opportunity to develop an area plan and receive 90-10 ratio funding on federal funds depended, to some degree, on Isothermal Planning and Development Commission being established as an area agency on aging. The City Manager stated that if Council had no objections he proposed to send a letter to Mr. Yelton asking that the action be reconsidered. The City Manager was authorized to send the letter.

Pizza Hut Restaurant - Request for One-Inch Water Tap: The City Manager presented a request from Associated Construction Services, Inc. for a one-inch water tap to serve a proposed Pizza Hut Restaurant to be located on Highway 70 adjacent to Hardees Restaurant.

Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to authorize the water connection.

Retirement Program - Changes: The City Manager informed the City Council that he had received a letter from the League of Municipalities concerning proposed changes in the North Carolina Local Government Employees Retirement System. The changes would be as follows:

1. Increase the basic retirement benefit formula from 1.5% to 1.55% of an employee's average final compensation.
2. Provide across-the-board benefit increases to previously retired employees, to keep benefits in line with inflated living costs. The increase would amount to 7% for those retired prior to July 1, 1976, and an additional 2½% for those retired prior to July 1, 1977.
3. Increase the death benefit from \$15,000 to \$20,000, extend the death benefit coverage period from 90 days to 366 days following disability retirement, and extend the lump sum death benefit coverage to the end of the fiscal year in which age 65 is attained.

The City Manager stated that he could not advise of the exact increase in the City's contribution to the Retirement Fund; however, based on figures presented, he stated that the City could anticipate an increase of approximately .36%.

Upon a motion by Councilman James, seconded by Councilman Wilkerson, those members of Council present unanimously voted to approve the recommended changes.

Cemetery - Agreement: The City Manager stated that Morgan Construction Company had been authorized, several years ago, to provide service to local funeral homes in opening and closing



graves with permission from the City. He stated that this firm has discontinued the service. He advised that he had talked with representatives of both funeral homes concerning this problem and was advised that Mr. Ronald Padgett of Padgett Concrete and Block Work had indicated a desire to provide this service to the local funeral homes. The City Manager requested permission from the City Council to enter into a contract and agreement which would authorize Mr. Padgett to deal directly with the local funeral homes concerning opening and closing graves and that the agreement would regulate work performed in the cemetery.

The City Manager stated that the contractor would be required to provide proof of insurance with the City to cover any damages to the cemetery which could result by their providing services to the local funeral homes.

Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council unanimously voted to authorize the City Manager to execute an agreement with Padgett Concrete and Block Works which would permit them to open graves in the cemetery under regulations established by the City. A copy of this contract and agreement may be found in the safe listed as Document No. 404.

Upon a motion by Councilman Wilkerson, seconded by Councilman James, those members of Council present unanimously voted to adjourn the meeting and reconvene in Executive Session.

Mayor Segars informed the members of Council that he and members of the utility committee had been working with Marion Manufacturing Company for several months regarding the proper procedure for billing the firm for water and/or sewer services. He stated that since the company has a private sewer system and is providing sewer service to village housing in the area, it has been necessary for the City to try to work out arrangements for billing the firm. The City Manager presented a memorandum to the Mayor and City Council for review. The City Manager recommended the following billing procedures for Marion Manufacturing Company and the mill village:

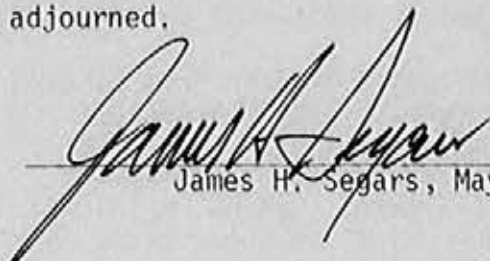
1. That the City inform Marion Manufacturing Company that each residence, business, church, and any other person, firm, organization or corporation discharging wastewater which is treated by the City of Marion, be required to install an individual water meter.
2. The Marion Manufacturing Company furnish the City of Marion a complete map of their private water and sewer system and that the City's copies be updated at least annually to reflect any additions made to Marion Manufacturing's private system. That no additions be allowed to their private system without approval by the Marion City Council where it is providing water and/or sewer service either directly or indirectly.
3. That meter readers for the City of Marion read each of the water meters monthly and that a statement be prepared billing each individual user for sewer service based on the individual outside rate. That the total amount, as billed individually, be submitted to Marion Manufacturing Company for payment. That a ten percent (10%) discount be allowed from the total amount to reimburse Marion Manufacturing Company for the maintenance and upkeep of their privately-owned sewer system.
4. That Marion Manufacturing Company be required to install, at their own expense, a sewer measuring device where their sewer line interconnects with the City-owned system. That the City's meter readers check the measuring device monthly and subtract from the total gallons discharged to the City system the total amount previously billed to Marion Manufacturing Company for service to users other than Marion Manufacturing Company and that the difference in the total number of gallons be billed to Marion Manufacturing Company for sewer service to the industry.
5. That Marion Manufacturing Company be advised of this billing procedure with a definite effective date.
6. That the City of Marion will bill Marion Manufacturing Company for water based on the meter reading of City water being used by the industry. That Marion Manufacturing Company be required to advise the City if water purchased from the City is being used by individual users other than Marion Manufacturing and, if so, the City will bill under the same conditions as heretofore established for billing sewer users charges.

Upon a motion by Councilman Brown, seconded by Councilman Clark, those members of Council present unanimously voted to approve the recommendations of the City Manager and to direct that Marion Manufacturing Company install a sewer measuring device at a point where the private system of Marion Manufacturing Company connects with the City's system and that this measuring device be installed at the expense of Marion Manufacturing Company and be in service no later than June 1, 1978; that the City of Marion will settle with Marion Manufacturing Company regarding back bills which will be computed after three monthly billings after the installation of the sewer measuring device.

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

April 4, 1978

The Marion City Council met in regular session Tuesday, April 4, 1978, at 7:30 P.M. in the City Council Chamber at City Hall.

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

Others Present: J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; Alvin Callahan, Public Works Director; John Beck, Chief of Police; Arthur Edwards, Fire Chief; Richard Hicks, Intern; Donna Edwards, Crime Prevention Officer; and Ann Vess, News Reporter, The McDowell News.

Guests: Frank Dean, Albert C. Hogan, Clinton Lytle and George Hutchins.

Approval of the March 21, 1978 Minutes: Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to approve the minutes of the March 21, 1978 meeting.

Fire Department Report: Arthur Edwards was present to present the Fire Department Report for the previous month. He stated that during the month of March there were four fires inside the City Limits, 19 fires outside the limits with property value involved amounting to \$38,500, with a loss of only \$4,025. He stated that there had been 31 calls answered for other departments and 23½ hours had been spent in dispatching apparatus and relaying communications.

Police Department Report: Police Chief John Beck presented the Police Department's monthly report. Chief Beck stated that there had been a total of 7,967 miles driven during the month of March, 50 arrests were made and accidents resulting in \$11,675.95 worth of damages had been investigated.

Revenue Sharing - Proposed Use Hearing 1977-1978 and 1978-1979 - Public Hearing: The City Manager read a public notice concerning the proposed use hearing for general revenue sharing funds. He informed those persons attending the meeting that this public notice was provided to the news media and that a copy of the notice was placed in The McDowell News Friday, March 17, 1978. He stated that the purpose of the meeting was to allow citizens the opportunity to present oral and written comments concerning how they would prefer the City Council to spend the revenue sharing funds. The City Manager stated that the need to conduct a proposed use hearing on revenue sharing funds for the fiscal year 1977-1978 was necessary since the actual surplus at the end of the 1976-1977 fiscal year was greater than anticipated. He stated that the increased surplus in the revenue sharing fund at the end of the year resulted from the fact that a garbage packer truck, which was to be purchased was not purchased. He stated that in order to place those funds back into the budget so that the funds could be used during the fiscal year 1977-1978 it was necessary to have a proposed use hearing in order to amend the budget.

The City Manager further stated that since a public hearing was necessary before the City Council could appropriate funds for the fiscal year 1978-1979, that the two hearings were combined to allow citizens to attend and make presentations regarding the use of funds for both fiscal years.

There were several people present at the meeting; however, no one was present specifically concerning revenue sharing funds.

The City Manager advised all persons present that he would be happy to provide any information required by citizens if they would be kind enough to contact his office.

Parking Lot - Henderson and Logan Streets - Frank Dean: Frank Dean appeared before the City Council to inform the Council that he still has an interest in the City changing the parking lot at the intersection of Henderson and Logan Streets to provide for two-hour parking on the front half of the lot fronting on Henderson Street or on the western end of the lot so that more two-hour parking spaces would be located closer to his business.

After a short discussion, the Street Committee was directed to meet, look over the situation at the parking lot and make a recommendation to Council concerning any changes in parking regulations for the lot.

Hospital Driveways: The City Manager presented a letter from Mr. Robert Holthouser, Administrator of the Marion General Hospital, requesting that the City clean the driveways at the hospital while using the flusher to clean City streets.

The City Manager stated that he had discussed the matter with Street Superintendent Burdette Carroll and Public Works Director Alvin Callahan, and that all agreed that it would not be a big problem to the City to flush the driveways at the hospital at the same time the streets are being cleaned. The City Manager stated that he had discussed the matter with Mr. Holthouser and had informed him that the City would not be responsible for splashing any dirt, water or other material on automobiles parked in the parking lot if the City were to clean the driveways. He stated that Mr. Holthouser stated in his letter that the hospital would be responsible if anyone should complain about water or dirt or other material that might be splashed on their cars as a result of the washing process.



Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to authorize City forces to clean the driveways at the Marion General Hospital and such parking areas as would be designated by the Public Works Director contingent upon the hospital repairing any holes in the lot which would wash out during the cleaning process.

Apartments - Albert C. Hogan: The City Manager read the following letter which was submitted by Mr. Albert C. Hogan:

Dear Mr. Daniels:

I would like to have a place on the agenda of the City Council Meeting to be held on April 4, 1978 for the following reason:

A group of three men, of which I am a partner, would like to build some new apartments for the elderly on an unopened section of Park Street in the eastern section of the City. Before we can move forward with this project we would need the following from your City Council:

1. Draw a resolution stating that they favor the project being located in Marion.
2. A statement that the City of Marion will make water and sewer service available to the project.
3. A statement that the proposed location is properly zoned for the type of construction to be used.
4. A statement as to what percentage (if any) the City of Marion will participate in construction of approximately 330 feet of unopened Park Street.

As a matter of information to us, we would like to have a copy of your rules concerning the cost of sewer and water taps and water meters. We will need this to figure a proposed budget.

We propose to construct 20 one-bedroom brick and wood apartment units which will be available for rent only to elderly, low income citizens 62 years old or older. The total cost will be around \$375,000. They will be very modern, well built buildings. The rent will be subsidized by Farmers Home Administration. The owners will decide who rents the apartments, but discrimination will not be allowed.

Prompt action by the Council would be very much appreciated. As stated above, we cannot move on the project until we have the sanction and approval of the Council.

Very truly yours,

/S/ Albert C. Hogan

The City Manager stated that he had furnished Mr. Hogan with a copy of the City's rules concerning the cost of sewer and waterline extensions and street improvements. He also informed the Council that upon investigating the zoning district in which the proposed apartments would be located, it was determined that twenty apartments could not be constructed because of the size lot. It was, however, stated that possibly eighteen apartments could be constructed on the property and meet all the terms of the zoning ordinance. Mr. Hogan stated that the letter spoke specifically about apartments for the elderly. He stated that he had been in contact with the Farmers Home Administration since the letter had been written and that the apartments may have to be made available to other people other than elderly people.

Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously votes to adopt the following resolution endorsing the construction of the apartments:

WHEREAS, Mr. Albert C. Hogan has submitted a request to the Marion City Council for endorsement of the construction of approximately eighteen units of one-bedroom apartments under the rural rental housing/rental assistance program of the Farmers Home Administration; and

WHEREAS, said apartment units will be located on what will be known as Zeb Vance Street; and

WHEREAS, it has been determined that city water and sewer mains are located in that area which can be made available under city policy to provide service for said apartments; and

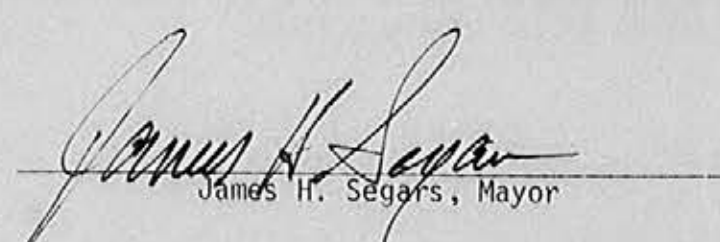
WHEREAS, the City of Marion is in need of adequate housing for the elderly and low-income families.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Marion that the construction project hereinabove described be and the same is hereby endorsed by the City Council of the City of Marion.

This the 4th day of April, 1978.

ATTEST:

  
J. Earl Daniels, City Clerk

  
James H. Segars, Mayor



Clean-Up/Fix-Up Week: The City Manager informed the City Council that Councilman Clark had indicated an interest in having the City declare a Clean-Up/Fix-Up Week. The purpose being to clean up all properties in the City, to have merchants in the downtown area paint and clean their store fronts and paint garbage collection containers. Residents of the City could also use this period for cutting down weeds and cleaning of their properties.

After a short discussion it was decided that Mayor Segars could appoint a committee to meet with local civic organizations to see if they would have an interest in sponsoring the clean-up of different areas. As an example, one civic organization might accept the responsibility of cleaning up around the community building, another might assume the responsibility for having garbage collection containers in the downtown area painted, etc.

Mayor Segars stated that he would appoint such a committee in the near future.

The City Manager informed the City Council that he had received an inquiry as to whether or not the Council will allow the Junior Womens Club to place evergreens in downtown planters.

Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to accept the offer of the Junior Womens Club to place evergreens in the planters.

Elderly Call-In / Crime Prevention Program: Donna Edwards, Crime Prevention Officer, appeared before the City Council to request permission to begin a program whereby elderly citizens could be checked on each day by the Marion Police Department. She stated that many elderly citizens live alone and that they have no one to look after them, and that in many cases elderly citizens either fall in the house or have some sickness and cannot get to a telephone to call for help. She stated that in many cases this could be a serious problem and that a program whereby police officers could check on elderly citizens or whereby elderly citizens could check on one another would be in the best interest of elderly citizens of the City. She outlined three possible programs: (1) the city police dispatcher would maintain a roster of all elderly citizens in the City and would call each of the persons each day to make sure that they were alright; (2) the police dispatcher would have a roster of elderly citizens and the citizens could call the dispatcher every day and the dispatcher would check off their names as they check in; and (3) the elderly citizens would contact each other on a buddy system and if they are unable to contact their "buddy", they would call the police station and a police car would be dispatched to the persons residence to see if the person is alright.

After listening to all of the programs, the City Council unanimously endorsed the buddy system program whereby elderly citizens would call each other and only call the police department if they could not reach their "buddy".

Taxi Application for Certificate for Operation: The City Manager presented to the Mayor and City Council an application for certificate to operate one or more taxi cabs within the Marion City Limits. The application was submitted by Mr. Harold Evans, Jr. and stated that the corporate or trade name and business address of the applicant is Four-Way Taxi, location being at the truck stop at 1326 Sugar Hill Road.

After a short discussion it was determined that it would be necessary for the City Council to have a public hearing prior to declaring by resolution that public convenience and necessity require the proposed taxi cab service. The City Council unanimously agreed to hold a public hearing at the next regular City Council meeting to be held April 18, 1978.

Citizens Advisory Committee - Appointment: The City Manager reviewed with the City Council the resolution establishing a Citizens Participation Plan. Under the terms of the resolution, it was stated that the Mayor would appoint a Citizens Advisory Committee. The City Council discussed at length persons to be appointed to the committee. After their discussion, Mayor Segars appointed the following persons to serve on the Citizens Advisory Committee: Mr. Gene Hollifield, Mrs. Tilley Twitty, Mrs. Kathy Kaylor, Mr. Issac Logan, Mr. Robert Watson, Mr. Ted Ervin, Mr. Mark Brooks and Rev. Dewey Hobbs.

No Parking Zone - South Garden Street: The City Manager informed the City Council that he had received a request from Bill Rosenfeld, Director of the Emergency Medical Services, asking that the City provide a no parking zone in front of the new Emergency Medical Services building located on South Garden Street. The City Manager stated that Mr. Rosenfeld has requested the driveway be approximately 35 feet and that no parking be allowed on the north side of the driveway for approximately 20 feet and on the south side of the driveway for approximately 50 feet. He stated that Mr. Rosenfeld advised that these side distances are necessary so that persons approaching the Emergency Medical Services building from the south could be seen by ambulance operators and that approaching motorists would be able to see ambulances.

Some Council members were in favor of the request as presented. Others indicated that they were opposed to the request since it would eliminate some parking which is badly needed in the area and since the design of the building could have been such that it would have been unnecessary to eliminate so many parking spaces.

After a discussion concerning the matter, Mayor Segars suggested that all Council members go to the site, look at the situation and that a final decision be made at the next Council meeting.

Proposed Town Meeting: The City Manager informed the City Council that he would like for the City Council to conduct a public meeting before complete preparation of the budget for the fiscal year 1978-1979. He stated that the purpose of the meeting would be to receive input from the citizens concerning streets to be resurfaced and sidewalks to be constructed or reconstructed, as well as any other ideas citizens might have for the City improving services to its citizens.

The City Council seemed to be in favor of the proposal, however, no specific date was set for the public meeting.



Tennis Courts - Community Building: Councilman Brown stated that the McDowell Tennis Association had submitted a request to use the tennis courts at the Marion Community Building from 9:00 A.M. until 12:00 Noon each Thursday morning until school is out. A long discussion was held concerning the request. The City Manager stated that Council had previously established a policy whereby tennis at the Community Building could not be reserved but would be left open for the general public. He stated that if the request is approved that this would eliminate the existing policy and would open the door for many other requests from persons wishing to use the tennis courts at the Community Building and that each of these requests would have to be presented to Council for approval.

Councilman James moved that the City authorize the McDowell Tennis Association to use the tennis courts as per their request. This motion was seconded by Councilman Brown. Councilman Clark moved that the motion be amended to provide that they be allowed to use two courts only at the Community Building from 9:00 A.M. until 12:00 Noon each Thursday morning until school is out and that the association be required to place any signs necessary advising the public of their use of the courts. This motion was seconded by Councilman Wilkerson and all Council members voted in favor.

#### City Manager's Report

(1) Traffic Light - Clay and State Streets: The City Manager stated that he would like permission to remove the traffic light at Clay and State Streets. He stated that the light serves no useful purpose at this time and is not operating properly, and that he would like permission to have the traffic lights removed. Council took no action on this request.

(2) Traffic Light - State and McDowell Streets: The City Manager stated that he had been in contact with the Department of Transportation and that he had been informed that they could not install traffic lights at the intersection of State and McDowell Streets since three of the intersecting streets are on the City's street system. The City Manager stated that it was his opinion that a policeman at that intersection during school hours would serve better than the installation of a traffic light since traffic at the intersection is only a problem during the hours when school is beginning or closing. Council took no specific action on this matter.

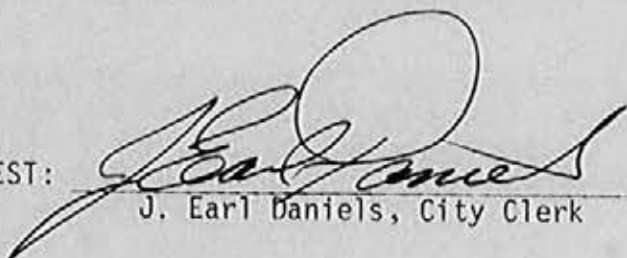
(3) Foxfire Subdivision - Sewer Lines: The City Manager stated that C. R. Duncan's construction crew would be installing the outfall or the collector lines down Tennessee Avenue which would serve the sewer system in the Foxfire Subdivision. He stated that this sewer system was installed by the developer and that the system had not been inspected by the City, and that it is not installed in accordance with guide construction standards. He stated that lines in the system are crooked and do not run straight from manhole to manhole. He informed the City Council that he had written to the developers of Foxfire Subdivision when the lines were installed and asked that they please place covers over the manholes to prevent materials from getting into the lines. He stated that several months went by before they finally installed cement slabs over the manholes. He stated that during this period of time limbs, leaves and all other types of materials had gotten into the lines. He suggested that since the City had not officially accepted the system that the developers be required to check the system, clean it thoroughly and make certain that it operates properly without any infiltration into the lines before it is interconnected with the City's system. He also stated that the developers should install proper manhole covers. The City Manager was authorized to send a letter to the developers informing them of the City's position in this matter.

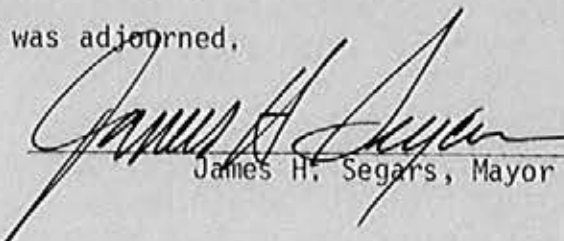
(4) Street Lights: The City Manager informed the City Council that he had submitted a request to Duke Power to change the street lights in the downtown area from the post office to Logan Street from mercury vapor lights to high intensity sodium vapor lights. He stated that the wiring had been completed and the fixtures had been placed but that the bulbs had not been installed.

(5) Energy Walk Thru: The City Manager presented a report on the Energy Walk Thru which was conducted at all City-owned buildings March 2, 1978, by the N. C. Department of Natural Resources and Community Development Division of Community Assistance.

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

April 18, 1978

The Marion City Council met in regular session Tuesday, April 18, 1978, at 7:30 P.M. in the Fire/Police Training Center.

Board Members Present: Mayor James H. Segars, Councilman A. Everette Clark, Robert E. James, Horace Wilkerson, Larry Brown and Oliver Cross.

Others Present: J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; Ann Vess, News Reporter, The McDowell News; and Richard Hicks, Intern.

Guests: Harold Evans, Larry Greene, Wayne Allison, Brooks Allison, Mr. and Mrs. James Sheldon representing Eagle Cab Company, James Hughes representing Yellow Cab Company, Thomas C. Fender representing Lake City Cab Company and Rick Wilson, Executive Director of the McDowell County Chamber of Commerce.