

Approval of the April 4, 1978 Minutes: Upon a motion by Councilman Wilkerson, seconded by Councilman Brown, those members of Council present unanimously voted to approve the minutes of the April 4, 1978 meeting.

Public Hearing - Community Development: The City Manager read a public notice concerning the City's application for Community Development 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, April 7, 1978. He stated that the purpose of the meeting was to receive citizen input regarding Community Development Funds. He further stated that the City Council was seeking information regarding minority contractors and the training of unemployed. No one was present in regard to the Community Development Project. The Citizens Advisory Committee had met earlier in the evening and had decided upon the target area and the priorities. Richard Hicks presented these recommendations to Council. Mr. Hicks stated that West Marion had been chosen as the target area and the priorities decided upon were improved housing, an improved water system, storm drains and curbs, clearance of vacant lots, and sidewalks.

Upon a motion by Councilman Brown, seconded by Councilman James, the City Council unanimously voted to accept the recommendations of the Citizens Advisory Committee and a Target Area Neighborhood Meeting was set for May 4, 1978, at 7:30 P.M. at Addies Chapel Church in West Marion.

Public Hearing - Public Convenience and Necessity - Taxi Service: The City Manager read a public notice concerning the existing taxi cab service in Marion and the need for an additional service. 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 Monday, April 10, 1978. He stated that the purpose of the meeting was to receive citizen input concerning existing taxi cab service to the City of Marion and whether or not public convenience and necessity require one or more additional taxi cab services. He stated that copies of the Taxi Cab Ordinance and all amendments thereto had been placed on file in the City Hall for public scrutiny.

Mr. Harold Evans read a letter to the Council expressing his desire to open a taxi stand at the Four Way Truck Stop. He stated that people were arriving at the truck stop at all hours of the night and were unable to locate a cab to bring them into Marion. He stated that this area and others in the county necessitated the additional need for another taxi service. Mr. Evans stated that the County Commissioners had already given their approval for him to operate in the County. He stated that he would not operate a stand within the City Limits, but he would need approval of the Council before he could pick up people inside the City Limits. He stated that by being able to operate in the County, he was able to bring people into the City Limits, but could not pick up people within the City Limits.

Representatives from the cab companies in Marion were present to express their opposition to the addition. They all stated that they did not advertise a 24-hour service as Mr. Evans proposed to do, but they always had a man on call. Each company represented stated that in the past few years they had reduced their total number of cabs from 22 to 10 because of the lack of business. They stated that they were having enough trouble making ends meet and that there just wasn't enough business to warrant another taxi service without imposing undue hardship on the companies already in existence.

The Council informed those persons present that they would make their decision later in the meeting.

Mount Ida Estate Subdivision - Wayne Allison: Mr. Larry Greene of Greene's Land Surveying presented the plans of the proposed subdivision to Council. Mr. Greene stated that all lots in the area would meet the requirements of the Marion Zoning Ordinance. He stated that seven lines would be installed according to the City's specifications and that the area was not too high to be served by City water. Mr. Greene stated that the entire area is proposed to be included within the City Limits and all regulations of the City would be met by the subdivision.

The Council informed Mr. Greene that before the area is considered for annexation, there should be a clear understanding between both parties as to what the responsibilities of each party will be. They stated that they would provide Mr. Allison with a form to petition for annexation. The Council stated that before they accepted Mr. Allison's plans they would also like to investigate the possibility of relocating a sewer line off Lot 3 to eliminate the problem of the sewer line cutting the lot in half and restricting building on the lot; the possibility of a crossing at the creek to allow for easier access into the subdivision from Highway 221, and the possibility of a street extension.

Tennis Courts - Requests of Reserve Courts: A request was made by Mr. David Dubose, Heart Fund Special Events Chairman, to reserve the tennis courts at the Marion Community Building Saturday, April 22, 1978 from 9:00 A.M. until 1:00 P.M. for a Womens Heart Fund Tennis Tournament.

Another request was made by Mr. Ken Griffin of West McDowell Junior High School to reserve the courts for junior high school matches because many of the sets cannot be finished before dark.

A motion was made by Councilman Brown and seconded by Councilman Cross to allow the Heart Fund to reserve two courts for the date and time specified and that no further reservations of the courts be granted to anyone. Other members of Council stated that the courts could not be reserved for one group and ignore all other requests.

Councilman James made an amendment to Councilman Brown's motion to include West McDowell Junior High School for the dates and times requested and that they no longer honor any requests for reserving the courts. The amendment was seconded by Councilman Clark but Councilman Brown stated that he could not accept the amendment.

A substitute motion was made by Councilman James and seconded by Councilman Clark that both requests be honored for the dates and times specified, that only two courts be reserved and that no further reservations of the tennis courts at the Community Building be accepted from any person, group, firm or corporation.



The substitute motion carried with Councilman James, Clark and Cross voting yes and Councilman Brown and Wilkerson voting no.

Richard Drive - Grade, Pave and Curb Request: A request was read by Mr. Daniels for the City to grade and pave the right-of-way of Richard Drive. The Council decided to refer this request to the Street Committee and have them report at the next City Council meeting.

Bicycle Safety: Councilman James stated that he felt most of the children in the area were unaware of the rules and regulations regarding bicycle safety and that he wished something could be done about it.

Mr. Daniels stated that he would have Donna Edwards, Crime Prevention Officer, work up a program informing bicycle riders about bicycle safety.

Clean-Up/Fix-Up Week - Committee Appointments: Mayor Segars appointed the following people to a Clean-Up/Fix-Up Committee: Frank Blalock, Chairman of the Chamber of Commerce; Rick Wilson, Executive Director of the Chamber of Commerce; Ransome Bledsoe; Councilman Clark and Councilman Wilkerson. He stated that the various civic clubs and garden clubs should appoint one of their members to work on the committee and that these various organizations should work at promoting this project. It was suggested that the Committee should work closely with Alvin Callahan, Public Works Director, so that they would know how much the City would be able to participate.

No Parkin Zone - South Garden Street - EMS: A request was made to Council by Mr. Rosenfeld of the Emergency Medical Service to establish a no parking zone between the telephone pole on each side of the EMS building. Mr. Rosenfeld stated that there was a visionary problem for his drivers and that he was concerned for public safety.

Mayor Segars stated that he felt the EMS drivers were not always concerned about public safety the way they drove through town sometime, even driving in the parking spaces on the opposite sides of the road. The Council informed Mr. Rosenfeld that they considered the location of the building to be poor planning on the part of the County and now they expect the City to correct their error. The Council also stated that the County was not providing enough parking spaces for its own employees and to alleviate these parking spaces would only create a more severe shortage of parking spaces.

A motion was made by Councilman James and seconded by Councilman Clark to establish a 'No Parking Zone' between the south driveway and a point 18 feet north of the north driveway for visionary safety.

An amendment to the motion was made by Councilman Cross and seconded by Councilman Clark to install the no parking zone on a temporary basis and to investigate the possibility of installing a flashing warning light at the earliest possible date with the cost of installation to be divided equally and the City would maintain the light and the Council would pay the power bill. The Council voted unanimously to accept Councilman Cross' amendment.

On deciding the width and location of the driveway a motion was made by Councilman Clark and seconded by Councilman James to allow the EMS building an 18 foot driveway in a location to be determined by the City Manager and the Public Works Director to provide for proper drainage. The Council voted unanimously to accept Councilman Clark's motion.

Sanitation Equipment - Proposed Purchases: Mr. Daniels informed Council that they needed to make a decision as to whether or not they would amend the revenue sharing budget to purchase scooters for the sanitation department. He stated that he felt the City could realize a substantial amount of savings each year with the purchase of this equipment.

A motion was made by Councilman James and seconded by Councilman Brown for the City Manager to prepare the necessary budget amendments for the purchase of the sanitation equipment scooters and the necessary repair parts. The Council voted unanimously to accept Councilman James' motion.

Parking Lot - Logan and Henderson Streets - Parking: The City Council decided to leave the two hour parking and the all-day parking as they now are. (See previous Minutes)

Recreation Commission - Budget Request: The City Council decided to temporarily table any action of the Recreation Commission's Budget Request for fiscal year 1978-1979.

Marion Manufacturing Company - Request for City to Lease and Maintain Water and Sewer System: Councilman Brown suggested that the City install a flow meter and charge Marion Manufacturing according to the amount of discharge they put into the City system. He suggested the City cut off all water to the village and let them get water from Marion Manufacturing Company's wells and the company would use only City water charged at the regular outside rate.

Mayor Segars stated that all discussion should be open and in the form of a recommendation to the committee.

Councilman Clark suggested that the City own the lines to provide for some future annexation with an engineer checking all lines in the area to insure that they are brought up to certain standards.

The Council decided to allow the Utility Committee to meet with the company and discuss the various alternatives available.



1978-1979 Budget - Discussion: Mr. Daniels informed the Council that the increased water and sewer rates would have to provide for around \$80,000.00 debt service next year. He stated that the proposed bond sale is set for June 27, 1978 and several meetings are dated regarding the City credit rating.

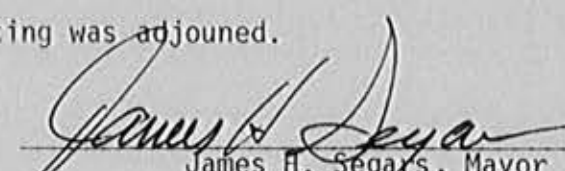
In response to what needs to be budgeted for the downtown area, Councilman Clark stated that Woody Harton should be contacted to find out what amount of funds will be needed in the downtown area so work could begin.

Marion Planning Board Proposal: The Marion Planning Board requested the Council to authorize them to begin the necessary advertisements to establish a patio-home development as a special use in the zoning ordinance and also a request that the Council allow them the necessary public hearing regarding establishing an R-1 and R-2 residential district.

Upon a motion by Councilman Brown, seconded by Councilman Clark, the City Council unanimously voted to allow the Planning Board to proceed with the public hearings.

Taxi Service Proposal: Upon a motion by Councilman Wilkerson, seconded by Councilman James, the Council voted unanimously to reject Mr. Evan's request to operate a taxi service within the City Limits of Marion.

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 2, 1978

The Marion City Council met in regular session Tuesday, May 2, 1978, at 7:30 P.M. in the City Council Chamber, 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; Richard Hicks, City Intern; and Harold Sandstrom, News Reporter, The McDowell News.

Guest: Larry Greene.

Approval of the April 18, 1978 Minutes: Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to approve the minutes of the April 18, 1978 meeting.

Police Report: City Manager Earl Daniels presented the police report for the month of April to Council. He reported that there had been 20 arrests, 35 accidents investigated, 150 calls answered, 36 hours and 45 minutes spent in court, 74 escorts, 228 parking violations issued and a total of 7,121 miles driven.

Fire Report: The City Manager presented the fire department report for the month of April to Council. He reported that there had been 4 calls inside the City Limits, 11 calls outside the limits at a total property value of \$54,650 involved and a total of \$6,825 property lost. He stated that 43 calls had been answered for other departments and 45 hours had been spent in dispatching apparatus and relaying communications.

Building Inspector's Report: The City Manager presented the Building Inspector's Report to Council. He advised that there had been two residential permits issued and three commercial permits issued; three alteration permits and two sign permits. The total cost of construction was estimated to be \$15,000.00 and \$24.00 in fees were collected.

Complaint - Dr. Viiu Lind: The City Manager presented a letter from Dr. Lind stating that she had fallen on the sidewalk on Logan Street next to the McDowell County Public Library. The letter stated that she had torn her leather gloves and scratched her knees. She also stated that her eyeglasses hit the pavement and were scratched beyond repair. She enclosed with her letter a bill for new lenses for her glasses in the amount of \$40.00

After a long discussion regard the matter, the City Council directed the City Manager to send a letter to Dr. Lind advising her that the Mayor and City Council are sincerely sorry about her fall but that it is the opinion of Council that the City is not directly responsible for the fall and cannot honor her request for payment.



Taxi Service - Letter From Mr. Harold Evans: The City Manager provided each Council member with a copy of a letter from Mr. Harold Evans. The letter, in effect, stated that Mr. Evans resented the type of remarks made by some persons in attendance at the City Council's earlier meeting regarding the need for additional taxi service for the City of Marion.

Tax Adjustment Request - Jack D. and Beulah Lusk: The City Manager presented a request from Tax Collector Frances E. Briscoe stating that Jack D. and Beulah Lusk, 717 Baldwin Avenue, listed their 1977 taxes which included one lot on Roberta Street. Said street is in East Marion, outside the City Limits. The Council Tax Collector had written Roberts Street, which is inside the City Limits, on the form and therefore the City picked up the property for a City listing. Mr. Lusk has paid his 1977 listing in full, which included \$6,660.00 valuation at 75¢ per hundred, totalling \$49.95, plus interest of \$2.12. Mrs. Briscoe's request was to refund Mr. Lusk in the amount of \$52.07.

Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to authorize payment to Mr. Lusk as per the Tax Collector's request.

Clean-Up/Fix-Up Committee - Report: Councilman Clark informed the City Council that Clean-Up/Fix-Up Week had been scheduled for June 5 through June 10. He stated that a Committee meeting was held on Monday morning, May 1, 1978, in the City Council Chamber to lay the ground work for the project. The Council was advised that members of the Committee would be in contact with private industry to see if they would provide some trucks and personnel to assist in the clean-up.

Basically, the area to be involved would be the fire district which would include an area of about four miles outside the existing City Limits. The plan would be to pick up trash along the roadway coming into Marion in that four-mile area. Council was advised that it was hoped that private industry will assist in cleaning up areas such as Clinchfield, East Marion and West Marion.

The City plans to make available trucks and personnel for trash pick-up within the City Limits. Contact is being made with Mr. Wall regarding the possibility of him accepting appliances which citizens may wish to discard and also contact will be made with Mr. Sam Frady regarding his being able to pick up abandoned automobiles.

The City Manager stated that it was hoped that members of the civic organizations in and around the City would also take part, as well as the garden clubs and Boy Scouts.

Resolution Providing for the Issuance of 1.2 Million Dollars Sanitary Sewer Bond Anticipation Notes: The City Manager informed the City Council that 1.2 million dollars in bond anticipation notes would mature May 17, 1978. He stated that it would be necessary for the City Council to authorize issuance of 1.2 million dollars of sanitary sewer bond anticipation notes to pay off the notes which mature that date. The City Manager informed the City Council that the bond sale was presently scheduled for June 27, 1978.

Councilman Robert James introduced the following resolution which was read:

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 an 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, dated November 15, 1977, maturing on May 17, 1978 and bearing interest at the rate of 3.60% per annum.

(c) That the holder of said \$1,200,000 Sanitary Sewer Bond Anticipation Notes has consented to accept new notes in the aggregate principal amount of \$1,200,000 to be dated May 17, 1978, maturing July 26, 1978 and to bear interest at the rate of 4% per annum.

Section 2. In anticipation of the receipt of the proceeds of a like amount of said bonds, the issuance of \$1,200,00 negotiable notes of the City of Marion are hereby authorized, which notes shall be designated "Sanitary Sewer Bond Anticipation Notes", shall be dated May 17, 1978, shall mature on July 26, 1978, without option of prior payment, and shall bear interest at a rate of four per centum (4%) per annum, which interest shall be payable at the maturity of the notes to which no interest coupons shall be attached. Both the principal of and interest on said notes shall be payable at Wachovia Bank and Trust Company, N.A., in the City of Charlotte, North Carolina, in any coin or currency of the United States of America which, at the time of payment, is legal tender for the payment of public and private debts.

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



No. \_\_\_\_\_

\$ \_\_\_\_\_

United States of America  
State of North Carolina  
County of McDowell

CITY OF MARION

Sanitary Sewer Bond Anticipation Note

The City of Marion, a municipal corporation in McDowell County, North Carolina, is justly indebted and for value received hereby promises to pay to the bearer on the 26th day of July, 1978, the principal sum of

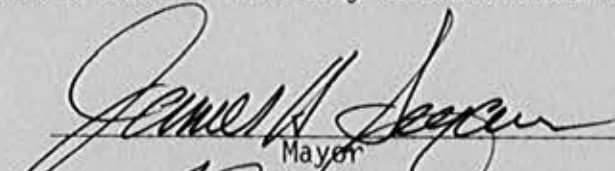
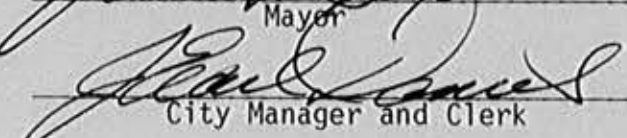
\_\_\_\_\_ THOUSAND DOLLARS

and to pay interest thereon from the date hereof at the rate of four per centum (4%) per annum, payable upon the presentation and surrender of this note at its maturity. Both the principal of an interest on this note shall be payable at Wachovia Bank and Trust Company, N.A., in the City of Charlotte, North Carolina, in any coin or currency of the United States of America which, at the time of payment, is legal tender for the payment of public and private debts. For the prompt payment hereof, both principal and interest as the same become due, the full faith and credit of said City of Marion are hereby irrevocably pledged.

This note is given for money borrowed in the amount of the face of this note in anticipation of the receipt of the proceeds of a like amount of Sanitary Sewer Bonds duly authorized by an ordinance adopted by the City Council of said City on August 22, 1972, which ordinance was approved by the vote of a majority of the qualified voters of said City who voted thereon at an election duly called and held, and this note is issued pursuant to and in full compliance with The Local Government Bond Act, as amended (succeeding The Municipal Finance Act, 1921, as amended), Article 9, as amended, of Chapter 159 of the General Statutes of North Carolina, and a resolution duly passed by the City Council of said City.

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

IN WITNESS WHEREOF, said City of Marion has caused this note to be signed by its Mayor and its City Manager and Clerk and the corporate seal of the City to be affixed hereto, all as of the 17th day of May, 1978.

  
Mayor  
  
City Manager and Clerk

(To be endorsed upon reverse of notes)

Local Government  
Commission Serial No. ....

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

H. E. BOYLES  
Secretary, Local Government Commission

By: \_\_\_\_\_  
Designated Assistant

Section 4. The State Treasurer is hereby requested to exchange the \$1,200,000 Sanitary Sewer Bond Anticipation Notes dated May 17, 1978 and described in Section 2 of this resolution, par for par, for the \$1,200,000 Sanitary Sewer Bond Anticipation Notes, dated November 15, 1977, maturing May 17, 1978 and bearing interest at the rate of 3.60% per annum.

Section 5. The action of the City Council in applying to the Local Government Commission for the approval of said notes dated May 17, 1978 is hereby ratified and confirmed.

Section 6. This resolution shall take effect upon its passage.

Thereupon Councilman James moved the passage of the foregoing resolution entitled: "Resolution Providing for the Issuance of \$1,200,000 Sanitary Sewer Bond Anticipation Notes", and Councilman Cross seconded the motion and the resolution was passed by the following vote:

Ayes: Councilmen Oliver Cross, Robert E. James, Horace Wilkerson, A. Everette Clark and Larry W. Brown

Noes: None



Annexation - Sugar Hill Community - Resolution: Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to approve the following resolution:

A RESOLUTION STATING THE INTENT OF THE  
CITY OF MARION  
TO CONSIDER ANNEXATION OF THE AREA DESCRIBED  
HEREIN AND FIXING THE DATE OF PUBLIC HEARING  
ON THE QUESTION OF ANNEXATION

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

Section 1. That it is the intent of the City Council of the City of Marion to consider annexation of the following described territory pursuant to Part 2, Article 4A of Chapter 160A of the General Statutes of North Carolina:

BEGINNING on a concrete monument located 49.96 feet from the centerline of the main line track of Southern Railroad, a corner of the Cross Mill Addition to Marion Corporate Limits, (Coordinate N 16,722.80, E 16,927.69).

Thence crossing said Southern Railroad tracks S 44-58-40 E, 99.96 feet to a stake 50 feet from the centerline of the main line track of Southern Railroad (N 16,652.09, E 16,998.34).

Thence along and with the main line track of Southern Railroad at a distance of 50 feet from said main line track the following twenty-two bearings and distances:

S 45-42-27 W, 1,606.32' (N 15,530.36, E 15,848.56). S 44-14-56 W, 48.80' (N 15,495.40, E 15,814.51). S 42-57-36 W, 48.89' (N 15,459.62, E 15,781.19). S 41-41-02 W, 48.71' (N 15,423.24, E 15,748.80). S 39-53-56 W, 48.28' (N 15,386.20, E 15,717.83). S 37-42-42 W, 48.20' (N 15,348.07, E 15,688.35). S 37-52-01 W, 49.26' (N 15,309.19, E 15,658.11). S 31-39-08 W, 47.42' (N 15,268.82, E 15,633.23). S 31-46-21 W, 48.22' (N 15,227.83, E 15,607.84). S 29-41-07 W, 48.52' (N 15,185.67, E 15,583.81). S 28-25-15 W, 48.94' (N 15,142.63, E 15,560.51). S 27-20-14 W, 49.28' (N 15,098.86, E 15,537.88). S 26-28-11 W, 313.18' (N 14,818.51, E 15,398.29). S 26-51-45 W, 50.33' (N 14,773.61, E 15,375.55). S 27-50-45 W, 51.41' (N 14,728.15, E 15,351.54). S 29-24-30 W, 51.28' (N 14,683.48, E 15,326.36). S 30-46-15 W, 51.39' (N 14,639.32, E 15,300.06). S 32-30-45 W, 51.72' (N 14,595.71, E 15,272.27). S 34-48-30 W, 52.17' (N 14,552.87, E 15,242.49). S 37-14-58 W, 52.15' (N 14,511.36, E 15,210.92). S 39-37-55 W, 52.02' (N 14,471.30, E 15,177.74). S 38-31-49 W, 38.97' (N 14,440.81, E 15,153.46) to an existing iron pin the Southwest corner of the old Mt. Ida Park Subdivision.

Thence leaving Southern Railroad and running with the southern boundary of Mt. Ida Park Subdivision and with the southern edge of Ida Street (unopened) S 86-36-20 E, 1,975.68' to a point on the east edge of Sugar Hill Road (SR 1001) (N 14,323.83, E 17,125.68). Thence with the edge of Sugar Hill Road and the east edge of Stroudtown Road (SR 1168) the following seven bearings and distances:

S 5-21-00 W, 79.12' (N 14,245.06, E 17,118.30). S 04-35-51 E, 25.01' (N 14,220.13, E 17,120.30). S 17-41-43 E, 25.01' (N 14,220.13, E 17,120.30). S 17-41-43 E, 25.01' (N 14,196.30, E 17,127.91). S 34-04-26 E, 25.03' (N 14,175.57, E 17,141.93). S 41-20-06 E, 25.02' (N 14,156.78, E 17,158.45). S 43-56-37 E, 216.08' (N 14,001.20, E 17,308.40). S 41-06-39 E, 58.91' (N 13,956.81, E 17,347.14) to a point on the east edge of SR 1168.

Thence leaving SR 1168 and running with the Servomation Corporation line N 80-05-27 E (passing an iron pin from at 11.56') a total distance of 573.40' to an existing iron pin (N 14,055.49, E 17,911.98), the Northeast corner of the Servomation Corporation property, thence



continuing with the Servormation Corporation property S 01-38-53 W, 344.53' to an existing iron pin (N 13,711.10, E 17,902.08), the Southeast corner of the Servormation Corporation property. Thence N 89-53-07 E, 178.20' to an existing iron pin (N 13,711.46, E 18,080.27). Thence N 00-50-00 E, 155.44' to a stake (N 13,866.88, E 18,082.54). Thence S 89-10-00 E, 57.89' to a stake (N 13,866.04, E 18,140.42). Thence N 00-50-00 E, 99.61' to a stake (N 13,965.64, E 18,141.87). Thence S 89-10-00 E, 232.88' to an apple tree (N 13,962.25, E 18,374.72). Thence N 02-26-48 E, 42.64' to an existing iron pin (N 14,004.85, E 18,376.54). Thence N 03-23-30 E, 235.83' to an existing iron pin on the South side of California Avenue (N 14,240.27, E 18,390.50). Thence with the South side of California Avenue N 88-11-48 W, 78-85' to a stake on the South side of California Avenue (N 14,242.75, E 18,311.68). Thence crossing California Avenue and running with the eastern boundary of the Mt. Ida Park Subdivision N 05-18-03 E, (passing an existing iron pin at 49-83') a total distance of 1,800.24' to a stake in the O.D. Rowe Line (N 16,035.29, E 18,478.00). Thence S 85-42-45 E, with the O. D. Rowe line 783.47' to a stake (N 15,976.72, E 19,259.28), a corner of the Kent annexation to the Marion Corporate Limits (annexed November 7, 1967). Thence with the existing Corporate Limits of Marion the following twelve bearings and distances:

N 19-17-30 W, 375.69' to a 42" Red Oak (N 16,331.31, E 19,135.16). N 58-06-15 W, 708.78' to a railroad spike found in the east margin of New West Henderson Street (N 16,705.82, E 18,533.40), thence with the east edge of West Henderson Street N 28-30-33 E, 267.89' (N 16,941.22, E 18,661.26). N 28-59-52 E, 84.30' (N 17,014.96, E 18,702.13). N 31-49-18 E, 73.73' (N 17,077.60, E 18,741.00). N 35-14-29 E, 93.90' (N 17,154.29, E 18,795.19). N 38-27-15 E 70.19' (N 17,209.26, E 18,838.84). N 41-22-55 E, 59.68' (N 17,254.04, E 18,878.29) thence leaving West Henderson Street S 61-15-00 W, 1,352.94 (N 16,603.29, E 17,692.13) to a stake. Thence N 01-00-24 W, 865.13' to an existing nail and cap near the outlet end of Cross Mill Pond (N 17,468.29, E 17,676.93). Thence S 45-10-30 W, 869.00' (N 16,855.69, E 17,060.58) to a stake. Thence S 45-01-20 W, 187.89' to the BEGINNING (N 16,722.80, E 16,927.69), containing 161.95 acres, DMD.

(This survey is computed by plane coordinates based on the true meridian and an assumed position of N 20,000.00, E 20,000.00 for the center of the intersection of Main Street and Court Street, which point is marked by an iron pipe set in the pavement.

Section 2. That a public hearing on the question of annexing the above-described territory will be held at the Marion Fire/Police Training Center at 7:30 o'clock P.M., on the 6th day of June, 1978, at which time plans for extending services to said territory will be explained and all residents of the City of Marion will be given an opportunity to be heard.

Section 3. That a report of plans for extending services to the above-described territory be made available for public inspection at the Office of the City Clerk at least fourteen (14) days prior to the date of said public hearing.

Section 4. That notice of said public hearing shall be given by publication as required by law.

ADOPTED this the 2nd day of May, 1978.

ATTEST:

J. Earl Daniels, City Clerk

James H. Segars, Mayor

R-78-2-5-2



Sugar Hill Facilities - Contract 5.0: The City Manager informed the City Council that he had received a call from Mr. Hobson, the low bidder for Sugar Hill Facilities, Contract 5.0, stating that the time limit on his bid had expired and that persons from whom he plans to purchase pipe for the project have advised him that they are going to increase the cost to him for materials needed for the job. The City Manager stated that he had talked with Ed Lamar of the Environmental Protection Agency on several occasions and also with representatives of O'Brien & Gere, Inc. about this problem. He informed the Council that, in effect, Hobson Construction Company blames the City of Marion for not authorizing their firm to begin construction on the project. The City blames the Environmental Protection Agency for not authorizing the City to allow Hobson Construction Company to begin work and that the Environmental Protection Agency blames Mr. Hobson for not submitting equal employment opportunity information required in the bids.

The City Manager informed the City Council that he had talked with Mr. Lamar at 5:15 P.M. this date regarding the problem and that Mr. Lamar had indicated that the City might wish to allow Hobson Construction Company, Inc. to begin work on the City's part of Contract 5.0. The City Manager stated that unless information is furnished to the EPA as required it may be necessary to rebid all or a portion of the project where the City is paying the total cost with state assistance only, it may be necessary to divide the project and rebid the portion of the project being funded by EPA.

Mayor Segars asked if there was any idea of how much longer it would be before EPA would finally approve and authorize construction. The City Manager stated that Mr. Lamar could not give him a definite date but indicated that it could be as early as the latter part of this week. The City Manager stated that he had received signed contracts from Hobson for the work. Mayor Segars stated that the City had accepted Hobson's bid contingent upon final approval and authorization to begin construction by EPA and that he, in signing the contracts, had agreed to this.

After a long discussion, Council decided not to take any action on the matter.

Audit Contract - City Accounts: The City Manager presented two contracts to audit accounts. Said contracts were submitted by Crawley, Johnson, Price and Sprinkle. Under the terms of the contract the firm agreed to perform an audit for Revenue Sharing Funds from July 1, 1977, ending June 30, 1978, including a Revenue Sharing Compliance Audit. Twelve copies of the audit would be made available to the governing body no later than September 30, 1978, at a cost of from \$1,000 to \$1,500. The City Manager stated that they had not conducted such an audit before and did not know what it would entail.

In addition he presented a contract to audit accounts for all other City accounts for the period of time beginning July 1, 1977 and ending June 30, 1978, for all other funds. The auditors have agreed to furnish twelve copies of the audit no later than August 31, 1978.

Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to enter into a contract for the services with Crawley, Johnson, Price and Sprinkle.

Downtown Study - Report: The City Manager presented some drawings showing the west side of Main Street for a section of 2½ blocks prepared to be included with the downtown study. The City Manager stated that the work had not been completed and that a final report would be presented later.

Richard Drive: The City Manager stated that the Street Committee had not yet met regarding grading and paving Richard Drive. He informed the City Council that he had talked with Crime Prevention Officer Edwards about providing a bicycle safety program. He reviewed with Council the "No Parking Zone" established in front of the Emergency Medical Services building on Garden Street.

Community Development Report: Richard Hicks, City Intern, presented a report on the progress of the Community Development Program.

Fire Trucks - Rating: Councilman Brown stated that the insurance department had established a twenty-year limit on fire trucks for rating purposes. He stated that under this program the City would have to purchase a new truck within thirteen years or that our rating would be changed by the insurance department. He stated that it was his opinion and the opinion of many others that the insurance department should not establish a twenty-year limit on trucks, if said trucks could provide the service, especially diesel trucks, that this time limit should be extended for rating purposes.

After a short discussion, it was decided to contact the League of Municipalities concerning this matter since other cities have similar concerns and to draft a resolution concerning same.

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

Employee Grievance Committee: Mayor Segars informed the City Council that it was his opinion that the City should establish an employee grievance committee which would allow employees to present grievances to the committee for their consideration.

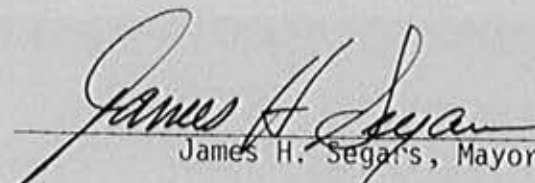
The following persons were appointed by Mayor Segars to serve on the grievance committee: Fire Chief Arthur Edwards, Police Dispatcher Ray Hawkins, Ken Shufford, Harry Phillips, Filter Plant Operator Glen Murdock and Councilman Everette Clark. The City Manager was asked to serve on the Committee but not as a voting member. Mayor Segars instructed the City Manager to meet with the committee and that the committee should establish by-laws and provide same to the City Council for their consideration and adoption.



Police Department - City Code: Mayor Segars stated that he had talked with the City Manager concerning the fact that the City Code provides that the Police Department is directly under the authority of the Mayor and not the City Manager. A discussion followed and it was agreed that it would be very difficult for the Chief of Police to be given instructions from two separate areas. The City Manager informed the Council that he had objections to the Chief of Police being given instructions directly by the Mayor but that he felt that it should be tied down as to exactly who would be responsible for the operation of the department and who will have the authority with regard to the instructions given to the Chief. This would eliminate any confusion the Chief of Police might now have regarding the matter.

After a discussion it was agreed by the City Council that the Police Department and Chief of Police should be directly under the Mayor and should receive instructions and directions from the Mayor.

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 16, 1978

The Marion City Council met in regular session Tuesday, May 16, 1978, at 7:30 P.M. in the Marion Fire/Police Training Center.

Board Members Present: Mayor James H. Segars, Councilmen Robert E. James, Horace Wilkerson, Oliver Cross and Larry Brown. Councilman A. Everette Clark arrived at 10:00 P.M.

Others Present: J. Earl Daniels, City Manager; Richard Hicks, City Intern; Woody Harton, City Planner; and Ann Vess, News Reporter, The McDowell News.

Guest: Robert Salisbury, Architect from Morganton, North Carolina.

Approval of the May 2, 1978 Minutes: Upon a motion by Councilman Cross, seconded by Councilman Brown, those members of Council present unanimously voted to approve the minutes of the May 2, 1978 meeting.

Revenue Sharing - Proposed Use of General Revenue Sharing Funds - Fiscal Years 1977-1978 and 1978-1979 - Public Hearing: The City Manager read a notice of public hearing concerning the proposed use of Revenue Sharing Funds for the fiscal years 1977-1978 and 1978-1979, which was published in The McDowell News Wednesday, April 26, 1978. No one was present at the public hearing regarding the use of Revenue Sharing Funds. The City Manager informed the City Council that no one had inquired at the City Hall regarding the use of said funds.

The City Manager stated that for the fiscal year 1977-1978, \$162,440.00 was appropriated in Revenue Sharing Funds; however, certain funds appropriated in the fiscal year 1976-1977 were not spent, resulting in a larger surplus than anticipated. The City Manager stated that the City proposes to increase from \$162,440.00 to \$215,034.00 in Revenue Sharing Funds to be used for the fiscal year 1977-1978, by appropriating said surplus funds. The City Manager stated that these funds will be needed if the City is to purchase scooter-type garbage refuse vehicles prior to July 1, 1978.

The City Manager stated that he would like for Council to give consideration to spending Revenue Sharing Funds for 1978-1979 for the following uses: a mini-computer, renovation of existing warehouse building located across the street from City Hall, and a new garbage packer truck. He informed the Council that a formal request would be submitted regarding these matters at a later date.

Marion Zoning Ordinance - Proposed Amendment: City Planner Woody Harton reviewed with Council a proposal of the Marion Planning Board to incorporate in the Marion Zoning Ordinance a new section entitled "Patio Home Development". A long discussion was held by Council concerning incorporating in the new section certain requirements for development.

Upon a motion by Councilman James, seconded by Councilman Cross, those members of Council present unanimously voted to adopt the following amendment to be incorporated in the Marion Zoning Ordinance:

PATIO HOME DEVELOPMENT: A development consisting of individual lots (minimum 60 feet width and 7,000 square feet) which are designed for detached single family housing to allow the use of the patio home concept. Prior to development each individual lot must be platted and described by metes and bounds and must show location of all proposed buildings and patio walls to be located on each lot. The description must be recorded in the Office of the Register of Deeds for McDowell County, North Carolina following final approval of said development by the Marion City Council.

PATIO HOME: A one story single family dwelling (excluding mobile homes) designed to maximize the combination of indoor-outdoor living and privacy through the use of patio walls and court yards as buffer areas. Patio homes may only be constructed within approved Patio Home Developments.



EACH PATIO HOME DEVELOPMENT MUST MEET THE FOLLOWING REQUIREMENTS:

1. The ground floor area of principal and accessory buildings shall not exceed 50% of the total lot area.
2. All patio home sites must abut either a publicly dedicated street or a driveway of not less than twenty-one (21) feet in width and 150 feet in length. All driveways shall have unobstructed access to a public street or highway.
3. The patio wall set back must be a minimum of two (2) feet from the property line. All other setbacks shall meet the provisions of this ordinance. No principal buildings shall be closer than twelve (12) feet to each other.
4. The Marion City Council shall have final approval of all Patio Home Developments.

Land Development Plan - Update: The City Council was informed by Woody Harton that the Planning Board had discussed the need to update the Marion Comprehensive Land Development Plan. He presented the following recommendations from the Planning Board:

1. That the portion of property bounded on the West by Morgan Street, on the North by Crawford Street, on the East by the drainage canal and on the South by the intersection of Rutherford Road and Morgan Street be projected on the Comprehensive Land Development Plan as residential property.
2. That the property on both sides of Highway 70 beginning at the intersection of Highway 70 and Main Street, running in an eastward direction from said intersection for a distance of one mile East of the Marion City Limits be projected on the Comprehensive Land Development Plan as commercial property.
3. That property on both sides of Highway 70 North of the City Limits running in a northerly direction for a distance of one mile from the City Limits be projected as commercial property on the Comprehensive Land Development Plan.
4. That the property on both sides of Sugar Hill Road beginning at the City Limits and running in a southwesterly direction a distance of one mile from the City Limits be projected on the Comprehensive Land Development Plan as commercial property.
5. That the property on both sides of Rutherford Road running in an easterly direction for a distance of one mile on 221 and 226 be projected on the Comprehensive Land Development Plan as commercial property.

Upon a motion by Councilman Wilkerson, seconded by Councilman James, those members of Council present unanimously voted to amend the Comprehensive Land Development Plan as described above.

Councilman Everette Clark arrived at the meeting at this time (time being 10:00 P.M.).

Employee Grievance Committee - Report: The City Manager informed the City Council that a meeting had been held with the recently appointed Employee Grievance Committee and that the Committee made one recommendation and needs one question answered.

The Committee recommended that Mayor Segars appoint one female as a member of the Grievance Committee and one minority so that all employees would be equally represented on the Grievance Committee. The Committee wanted instruction from the City Council concerning appeal procedures by an employee with a grievance.

It was determined that grievances would follow a chain of command with final hearing being conducted by the City Council when and if necessary.

Mayor Segars appointed Will Twitty for minority representation and Frances Briscoe for representation for females employed by the City.

Street Committee Report: (1) Richard Drive - The City Manager informed the City Council that members of the Street Committee had been to Richard Drive to make a determination regarding the request submitted by Robin Hood for improvements on said street.

The City Manager stated that the street width is presently paved at 19 feet, which is about average for most streets in the City and that he can see no reason for widening the street since the street is a dead end street ending behind the Methodist Church. He stated that at such time as the City begins its resurfacing program this year, they can look at the street and possibly widen it one or two feet in order to straighten shoulders which are not paved straight at this time.

The City Manager stated that he could see no reason for placing curb and gutter on the street but that he did feel that the City might wish to have the street surveyed and install concrete markers so that property owners on the northeast side of the street could see exactly where the street right-of-way line is.

(2) Allison Subdivision: The City Manager stated that Larry Greene and members of the Street Committee met at the end of Currier Drive to look at the possibility of installing a bridge to cross the branch at the end of Currier Drive to provide a roadway into the proposed Allison Subdivision.



The City Manager stated that Mr. Greene would discuss with Mr. Allison the possibility of changing his subdivision plans to provide for a street to intersect with Currier Drive at the bridge crossing. The City Manager stated that a detailed report would be presented to Council if Mr. Allison agrees to making the necessary change in the street system of his proposed subdivision.

Water Line Agreement - City of Marion and Great Meadows, Inc.: Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to authorize execution of the below agreement: (See Minutes of June 6, 1978 meeting.)

Contract 5.0 - Sugar Hill Road Facilities: The City Manager read a letter from Hobson Construction Company dated May 3, 1978, in reference to Contract 5.0. Mr. Hobson stated in the letter that the letter was a formal notice of withdrawal of their bid of December 9, 1977, in the amount of \$578,100.00 for construction of the Sugar Hill Road sewer facilities under Contract 5.0. The City Manager stated that Mr. Hobson has already executed said contracts and that the City has been awaiting authorization from the Environmental Protection Agency to authorize construction of the project.

The City Manager stated that he had been informed that authorization to begin construction had been held up because EPA had not been furnished the necessary documentation required relating to equal employment opportunities and that such information had finally been submitted but that it had delayed their authorization to allow construction of the project. He continued by stating that Mayor Segars and the City Manager had talked by telephone with Harold Duhart, EPA Representative and that he had advised verbally that the City may go ahead and authorize Hobson Construction Company to begin work on the facilities and that he would forward at a later date, by telegram or letter, formal authorization.

He stated that this was very unusual, that normally representatives of the EPA would not usually give a verbal authorization, but that Mayor Segars and the City Manager were both discussing the matter with him at the time.

Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to authorize Mayor Segars and the City Clerk and Attorney to execute the contract documents authorizing Hobson Construction Company to begin work on Contract 5.0, Sugar Hill Road Sewer Facilities.

Annexation Report - Sugar Hill Community: The City Manager presented an Annexation Report for the Sugar Hill Community. Copies of said report were distributed to each City Council member and the City Manager went through the report and explained the contents and answered questions regarding the report.

After examination and discussion of the report of plans for extending services to the area to be considered for annexation, under Resolution No. R-78-2-5-2, adopted the 2nd day of May, 1978, Councilman Cross moved for approval of the report, seconded by Councilman Clark, and passed unanimously.

Proposed Budget Amendment: Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to adopt the following ordinance amendment:

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

Administration Department, Professional Services, Account Number 10-420-04, is increased in the amount of \$3,500.00 by supplemental appropriation.

General Fund Revenues, Account Number 10-399-00, is increased by \$3,500.00 by supplemental appropriation.

Section 2. 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 16th day of May, 1978

  
James H. Segars, Mayor

ATTEST:

  
J. Earl Daniels, City Clerk

Budget Amendments and Transfers: The City Manager presented a list of all budget amendments and transfers, including budget amendments previously approved by the City Council and also transfers of funds between line items made by the City Manager upon recommendation by department heads.

Upon a recommendation by Councilman James, seconded by Councilman Wilkerson, the City Council unanimously voted to approve the below listed budget amendments and transfers:







BUDGET AMENDMENTS  
1977-1978

GENERAL FUND

Non-Departmental

Decrease: 10-660-09 by 4,850.00

Increase: 10-420-02 by 504.00  
10-510-02 by 2,027.00  
10-530-02 by 823.00  
10-500-02 by 30.00  
10-560-02 by 924.00  
10-580-02 by 465.00  
10-640-02 by 77.00  
Increase: 10-660-13 by 2,000.00  
Increase: 10-660-53 by 1,000.00  
10-660-13 by 697.00

(To transfer fringe benefits to salary accounts)

Decrease: 10-660-07 by 3,000.00  
Decrease: 10-660-54 by 697.00

Administration Department

Decrease: 10-420-45 by 870.00

Increase: 10-420-15 by 620.00  
10-420-57 by 250.00

Approved by Council 9/6/77

Increase: 10-420-74 by 6,500.00  
Revenues-Increase: 10-399-00 by 6,500.00

Inspection Department

Decrease: 10-500-74 by 150.00

Increase: 10-500-17 by 150.00

Police Department

Approved by Council 12/6/77

Increase: 10-510-74 by 2,500.00  
Revenues-Increase: 10-399-00 by 2,500.00

Decrease: 10-510-12 by 300.00  
10-510-14 by 400.00

Increase: 10-510-74 by 400.00  
10-510-74 by 300.00

Fire Department

Decrease 10-530-74 by 500.00

Increase: 10-530-17 by 500.00

Street Department

Decrease: 10-560-04 by 37.00  
10-560-14 by 49.00  
10-560-21 by 446.00  
10-560-53 by 50.00  
10-560-74 by 364.00  
10-560-76 by 1,000.00  
1,946.00

Increase: 10-560-16 by 700.00  
10-560-33 by 1,142.00  
10-560-45 by 104.00  
1,946.00

Approved by Council 10/18/77

Decrease: 10-560-74 by 1,500.00  
10-560-74 by 500.00

Increase: 10-560-16 by 1,500.00  
10-560-17 by 500.00  
Revenues-Increase: 10-399-00 by 700.00

Sanitation Department

Decrease: 10-580-31 by 500.00  
Approved by Council 12/6/77

Increase: 10-580-33 by 500.00  
Increase: 10-580-33 by 700.00

Recreation Department

Decrease: 10-620-15 by 100.00

Increase: 10-620-33 by 100.00

WATER-SEWER OPERATIONS

Water and Sewer Department

Decrease: 30-810-45 by 1,200.00

Increase: 30-810-15 by 200.00  
30-810-31 by 1,000.00

Water and Sewer Department

Approved by Council 12/6/77

Increase: 30-810-74 by 15,000.00  
30-810-33 by 5,000.00

Filter Plant

Decrease: 30-812-45 by 1,200.00

Increase: 30-812-33 by 1,200.00



Waste Treatment  
Decrease: 30-816-74 by 800.00

Increase: 30-816-45 by 200.00  
30-816-31 by 500.00  
30-816-57 by 100.00  
800.00

Water/Sewer Non-Departmental  
Decrease: 30-660-09 by 2,130.00

Increase: 30-810-02 by 1,346.00  
30-812-02 by 423.00  
30-816-02 by 361.00

(To transfer fringe benefits to salary accounts.)

Parking Ordinance - Proposed - Prohibiting Parking With Left Side of Vehicle Next to Curb: The City Manager informed the City Council that some members of Council had expressed a desire for the City to adopt a parking ordinance which would prohibit parking with the left side of a vehicle next to a curb.

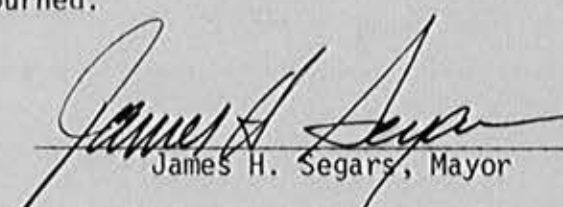
After a short discussion, the City Manager was instructed to prepare such an ordinance and present it at the next City Council Meeting.

City Manager's Report: The City Manager presented a letter from Mr. Thomas W. Bradshaw, Secretary of Transportation, advising that a public meeting would be held June 7, 1978, at the East Junior High School in Marion at 2:00 P.M. for the Department of Transportation to receive recommendations and priorities for the highway improvement program beginning in 1979 and running through 1985.

The City Manager also presented a letter from Mr. John M. Gilkey, Board Member of the Department of Transportation, stating that small urban project funds are available as a part of the highway improvement program and that cities generally would be limited to a maximum expenditure of \$50,000. Mr. Gilkey asked that recommendations be submitted from the Marion City Council to Mr. Gilkey on or before June 1, 1978. The City Manager recommended that members of the Council provide to members of the Street Committee recommendations for highway improvements on State maintained roads in the City which are needed and that the Street Committee meet to prepare a letter to submit to Mr. Gilkey with recommendations of the City Council on those projects needed on State maintained roads within the Marion City Limits.

The City Manager suggested that members of Council might wish to include in priorities projects the installation of curb and gutter on Fleming Avenue from Roberts Street north to the City Limits.

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

June 6, 1978

The Marion City Council met in regular session Tuesday night, June 6, 1978, at 7:30 P.M. in the Marion Fire/Police Training Center.

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

Others Present: J. Earl Daniels, City Manager; Richard Hicks, City Intern; Alvin Callahan, Public Works Director; and Ann Vess, News Reporter, The McDowell News.

Guests: Ransom Bledsoe, Frank Blaylock, Bill Griffith, Everette Carnes and Don Pasour.

Approval of the May 16, 1978 Minutes: Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to approve the minutes of the May 16, 1978 meeting.

Annexation - Sugar Hill Community: The City Manager announced that the public hearing was open concerning the annexation of the Sugar Hill Community. He stated that advertisements had been placed in The McDowell News for four consecutive weeks notifying the public of the public hearing, as is required by the General Statutes of the State of North Carolina.

No one appeared at the meeting regarding the proposed annexation of the Sugar Hill Community.

The City Manager presented a map showing the existing City Limits and maps showing the area proposed to be annexed into the limits. The City Manager then read the annexation report previously approved by the Marion City Council. Following the reading, the City Manager recommended that the City Council adopt an ordinance at the next regular meeting to be held June 20, 1978, annexing the Sugar Hill Community. He recommended that the effective date of the ordinance be July 1, 1978.



Downtown Study: Merchants Ransom Bledsoe, Frank Blaylock and Bill Griffith appeared before the City Council to request that Council appropriate funds in this year's budget for improvements in the downtown area. Each of the merchants took turns speaking to Council regarding the dire need for improvements to be made in the downtown area. It was stated that certain improvements were needed in order to compete with shopping centers and that the City of Marion would first need to appropriate funds for certain improvements to serve as a catalyst to create an interest in merchants and landowners in making improvements.

The City Manager stated that the City of Marion had recently had Duke Power Company install high intensity sodium vapor lights on Main Street from the post office north to the intersection of Main Street and Logan Street. The City Manager also stated that a study of the downtown area was being made by the North Carolina Department of Natural Resources and Community Development and that the study should be available within the next few weeks.

The merchants requested that funds be appropriated in the City budget for 1978-1979 so that some of the plans in the study could be implemented.

Several members of Council stated that they agreed that some improvements should be made in the downtown area, but that these improvements should be made based on a plan of improvement for the area. Although no formal action was taken on the request, the City Council did indicate that consideration would be given to placing funds in the budget for improvements in the downtown area.

Annexation - Proposed - Highway 70 Northwest: Mr. Everette Carnes appeared before the City Council to advise that he was representing one or more clients who favor annexation of that area located northwest of the City Limits bordering Highway 70. A discussion was held regarding the annexation of the area in question.

The City Manager informed Mr. Carnes that the City Council had held numerous meetings, both at the McDowell County Courthouse and at the Garden Creek Baptist Church with persons residing in that area concerning annexation. He stated that the City had placed announcements in The McDowell News, notices on the radio and had hand-carried letters on several occasions to people in the area encouraging them to attend the meetings and give consideration to signing a petition for annexation of the area. Mr. Carnes was informed that the City could not annex the area by ordinance since one-eighth of the aggregate external boundary of the area is not contiguous to the City Limits. It was also stated that the City has no interest in trying to annex a satellite area.

Mr. Carnes inquired as to whether or not the City had considered annexing the area through the legislature. The City Manager stated that this year the legislature would only be considering bills already pending and would be accepting no new bills.

The City Manager presented a map showing those persons who have petitioned for annexation, those persons who have not petitioned, and those persons who have refused to sign a petition for annexation of the area. The City Manager pointed out that the proposed sewer line to serve the area consisted of one main line running generally along Highway 70 down to the McDowell House, and a force main running back to tie into the existing sewer system. He informed Mr. Carnes that even if the area were annexed, additional funds would be necessary to provide collector lines on either side of Highway 70 to serve residences and businesses which were not located directly along Highway 70 where the line is proposed to be installed.

Mr. Carnes informed the City Council that he would like to pursue the matter and see what action, if any, could be taken in order to have the area annexed into the City.

The City Manager informed Mr. Carnes that he would be happy to provide him with complete records of actions previously taken by the City in encouraging persons in that area to petition for annexation. Said information would include petitions already signed and information on property owners approached who had not signed a petition.

Municipal - County Recreation Commission - James Hardin: James Hardin appeared before The City Council to advise that he had discussed with Mr. Edwards of the Department of Transportation and Safety the possibility of constructing a driveway into West Court Street from the old junior high school property. Mr. Hardin stated that the proposed driveway could be located on the west end of the property next to the old steps leading to the playground. He stated that a road would be constructed to a parking lot which would accommodate forty cars. He informed the City Council that he would like permission from the Council to proceed with construction of this driveway.

Upon a motion by Councilman Clark, seconded by Councilman James, the City Council unanimously voted to approve the proposed driveway and authorize installation of same.

Citizen Complaint - Recreation Property - Donald Pasour: Mr. Donald Pasour appeared before the City Council to request that the Council defer the contribution from the City to the Recreation Commission until plans are made for adequate parking facilities to accommodate participants and fans using the facilities at the old junior high school property.

Mr. Pasour stated that he is Chairman of the Board of Deacons of the First Presbyterian Church but that he was not appearing before Council representing the Church, but being a member of the Church he wished to acquaint the City Council with some of the problems the Church is experiencing with regard to persons parking on the Church property who are using the recreation facilities. He informed the Council that the Church presently has three parking lots, one located in front of the old junior high school cafeteria building, one to the rear of the Church educational building, and one to the side of the Church. He stated that the Church had allowed the Recreation Commission to use the parking lot in front of the cafeteria building; however, he stated that people are now parking behind the educational building and also next to the Church and that on occasions Church members attending prayer meeting on Wednesday night could not find a parking place. He stated that the matter had been discussed with the Recreation Commission but they could not control the problem. He continued by informing the Council that the Church has recently installed a fence separating the Church property from the recreation property in the hope that persons will not use the paved parking lots next to the Church and behind the educational building due to the distance they would have to walk to go around the fence.



The City Council discussed the matter at length. Mayor Segars stated that he felt that not making the appropriation to the Recreation Commission would not be in the best interest of the City or the Recreation Commission or the Church. He stated that he felt that this would just create another problem. He suggested that the City might provide a police officer on nights when the Church would be needing the parking lots to prohibit persons from parking in the lot other than Church members and visitors to the Church.

Following the discussion a motion was made by Councilman Cross, seconded by Councilman Clark, that the City provide a police officer to prevent persons other than persons attending Church functions from parking in the Presbyterian Church parking lots on Wednesday evenings and any other evenings the Church has need of the parking lots, when requested by the Church to provide an officer for that purpose.

All members of Council voted in favor of the motion.

Water Line Extensions and/or Taps Outside the City Limits: Mr. Alvin Callahan appeared before the City Council to inform the Council that he had received a request that approximately 4,350 feet of pipe be installed from Garden Creek Road along Holley Street and down Airport Road which would make water service available to approximately thirty-nine residents in that area. He informed the City Council that he and the City Manager had been denying requests for water line extensions outside the City Limits and had also been denying requests for water taps outside the City Limits as per instructions from Council at an earlier meeting.

Upon a motion by Councilman Wilkerson, seconded by Councilman Cross, the City Council unanimously voted to deny the request for the water line extension.

The Public Works Director presented a request from Robert Cunningham that he be permitted to tap onto the City Water System. Mr. Callahan stated that the City has a water main which crosses the corner of Mr. Cunningham's property. He informed the City Council that this involves the Clear Creek main water line.

Upon a motion by Councilman Brown, seconded by Councilman James, the City Council unanimously voted to authorize Mr. Robert Cunningham one three-quarter inch water connection, as per his request.

The Public Works Director presented a request from Nora Davis that she be permitted to connect to a City water line on Highway 70 East of the City. Mr. Callahan stated that the line in question is a two-inch water line and that we are already experiencing problems with the water line due to the line size and number of customers on the line.

Upon a motion by Councilman Brown, seconded by Councilman James, the City Council unanimously voted to deny the request for a three-quarter inch water connection.

Ordinance - Prohibiting Parking With Left Wheel of Vehicle Against Curb: The City Manager presented a proposed ordinance to prohibit parking with the left wheel of vehicles against curbs. Action was deferred by the Council until the next meeting.

Resolution - Authority of Manager to Pay Small Claims: Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to adopt the following resolution:

BE IT RESOLVED by the City Council of the City of Marion, North Carolina, that the City Manager of said city is hereby authorized to make payments for claims of up to fifty dollars (\$50.00) for damages or injuries resulting from persons stepping off curbs, tripping over raised or lowered sections of sidewalks, etc.

It is the intent of this Resolution to allow for the payment of small claims when persons are injured on City and/or public properties when the City Manager feels the requests for payment of such claims are valid.

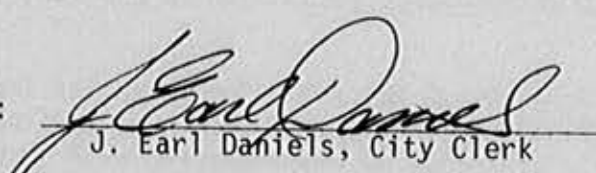
Said payments shall be made from the General Fund, Administration Department, miscellaneous line item.

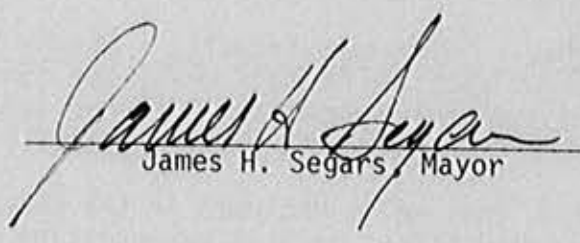
Before payment is made, the person submitting the request for payment will be required to sign an agreement stating that they release the City of Marion from any and all future liability in exchange for the monetary settlement.

Said agreement shall state that the City does not admit any liability whatsoever by making such settlement.

Adopted this the 6th day of June, 1978.

ATTEST:

  
J. Earl Daniels, City Clerk

  
James H. Segars, Mayor

Bid - City Police Car: The City Manager presented a bid in the amount of \$300 to purchase one of the City police cars previously advertised for sale as surplus equipment.

Upon a motion by Councilman Clark, seconded by Councilman James, the City Council unanimously voted to reject the bid.

Marion Manufacturing Company - Utilities: The City Council tabled this matter for a future meeting.



Water Line Agreement - City of Marion and Great Meadows, Inc.: The City Manager informed the City Council at their meeting of May 16, 1978, that they had approved an agreement by and between the City of Marion and Great Meadows, Inc. concerning allowing Great Meadows, Inc. to have 90 free three-quarter inch connections, said connections to be made within a period of seven years from the date of the agreement, in exchange for an easement and the purchasing of materials for a water line by Great Meadows, Inc. amounting to an expenditure of \$18,000. He stated that he had forwarded this agreement to Mr. Sam Phillips of Great Meadows, Inc. and that Mr. Phillips has stopped by the office and was concerned about the limitation of time in which to make the connections.

After a short discussion the City Manager was instructed to prepare a new agreement and present it to the Council for approval at a later date.

Petroleum Bids: The City Manager presented the bids submitted to furnish the City with petroleum products for the fiscal year beginning July 1st and ending June 30th, 1979. The City Manager stated that Pyatt Oil Company did not present a bid bond with their bid and suggested that Council take no action on awarding the contract. No action was taken by Council.

Street Paving Bids: The City Manager presented the following street paving bids:

| Company                     | New Surfacing<br>Per Ton | Curb<br>Per Foot | Resurfacing<br>Per Ton | Date of<br>Beginning Const. |
|-----------------------------|--------------------------|------------------|------------------------|-----------------------------|
| Thompson Contractors, Inc.  | 16.90                    | 1.00             | 16.40                  | 8/15/78                     |
| Johnson's Paving Co., Inc.  | 18.70                    | 1.40             | 17.60                  |                             |
| Fred Callahan Company, Inc. | 19.00                    | 1.80             | 18.00                  |                             |
| Warren Brothers Company     | 32.00                    | 1.50             | 30.00                  | 7/1/78                      |

Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to accept the low bid submitted by Thompson Contractors, Inc. Said bid being \$16.90 per ton for new surfacing, \$1.00 per foot for asphalt curb and \$16.40 per ton for resurfacing.

Garbage Scooters - Bids: The City Manager presented the following bids received to furnish the City with four Cushman scooters: (Amounts based on 4 vehicles)

|                              |  |
|------------------------------|--|
| Cumberland Vehicles, Inc.    | \$22,600.00 + \$904.00 Tax = \$23,504.00 (90 Days)   |
| Eastern Turf Equipment, Inc. | \$22,221.96 + \$888.89 Tax = \$23,110.85 (6-8 weeks) |
| Goin Equipment Sales, Inc.   | \$21,600.00 + \$432.00 Tax = \$22,032.00 (6/30/78)   |

The City Manager recommended that no action be taken at this meeting on the purchase of the scooters, but be deferred until the June 20, 1978 meeting. Council delayed any action on accepting a bid for the garbage scooters.

Assistant Fire Chief-Appoint: The City Manager presented a letter from Fire Chief Arthur Edwards requesting that the City Council appoint Fireman Tom Milligan as Assistant Fire Chief. The letter stated that he had discussed with Fireman Milligan at great length the responsibilities and conditions of the position. The City Manager informed the City Council that he would recommend that they appoint Fireman Milligan as per the Fire Chief's request.

Upon a motion by Councilman Brown, seconded by Councilman James, the City Council unanimously voted to approve the recommendations of the Fire Chief and City Manager and appoint Fireman Thomas S. Milligan as Assistant Fire Chief to become effective July 1, 1978.

Powell Bill - Engineering: The City Manager recommended that the City Council appoint O'Brien & Gere, Inc./Engineers as the engineering firm to prepare the necessary information relating to the Powell Bill funds.

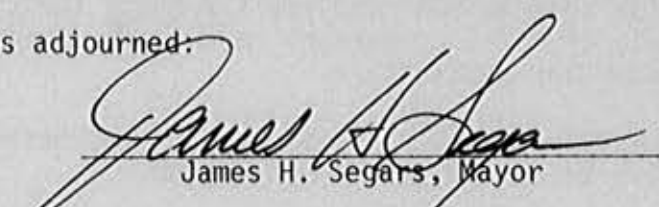
Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to accept the recommendations of the City Manager and appoint O'Brien & Gere, Inc./Engineers to prepare the necessary engineering reports relating to Powell Bill Funds.

Department of Transportation - Meeting - Highway Improvement Program: The City Manager informed the City Council that a meeting would be held June 7, 1978, at 2:00 P.M. at the East Junior High School for the purpose of receiving input on updating the highway improvement program.

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

June 20, 1978

The Marion City Council met in regular session Tuesday night, June 20, 1978, at 7:30 P.M. in the City Council Chambers at City Hall.

Board Members Present: Councilmen A. Everette Clark, Robert James and Oliver Cross. Mayor James Segars arrived at approximately 9:00 P.M.



Others Present: J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; Alvin Callahan, Public Works Director; Richard Hicks, City Intern; and Ann Vess, News Reporter, The McDowell News.

Approval of the June 6, 1978 Minutes: Upon a motion by Councilman Cross, seconded by Councilman James, those members of Council present unanimously voted to approve the minutes of the June 6, 1978 meeting.

Mayor Pro Tem Everette Clark informed the City Council that he had received a telephone call from Mayor Segars advising that he would be late for the meeting. Mr. Clark informed the Council that he would conduct the meeting until the Mayor arrived.

Budget Amendment - 1977/1978 - Revenue Sharing Funds: The City Manager presented a proposed budget amendment. He informed the City Council that an advertisement had been placed in The McDowell News in accordance with State law and with Revenue Sharing Regulations advising the general public of the proposed amendment. No one appeared at the meeting concerning the proposed budget amendment.

Upon a motion by Councilman James, seconded by Councilman Cross, those members of Council present 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. 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 of the Revenue Sharing Trust Fund:

#### REVENUES

Federal Grant is increased from \$99,948.00 to \$101,026.00. Appropriated Fund Balance is increased from \$58,742.00 to \$110,258.00. Total Revenue Sharing Fund appropriated is increased from \$162,440.00 to \$215,034.00.

#### EXPENDITURES

Capital Outlay account number 50-530-74 is increased from \$162,440.00 to \$215,034.00.

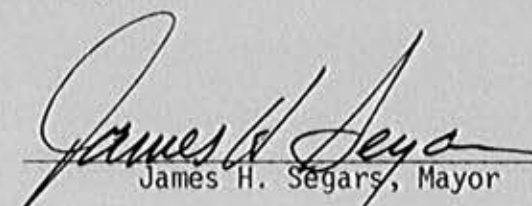
|  |              |
|--|--------------|
| Explanation of Expenditures:                                 |              |
| Backhoe and Lowboy   | \$ 32,968.00 |
| Reservoir-Water System                                       |              |
| Improvements (Includes engineering, materials and contracts) | \$160,000.00 |
| Sanitation-Equipment   | \$ 22,066.00 |
| TOTAL  | \$215,034.00 |

Section 2. That a copy of this amendment be attached to and made a part of the 1977-1978 Budget Ordinance of the City of Marion, adopted June 21, 1977.

ADOPTED this the 20th day of June, 1978.

ATTEST:

  
J. Earl Daniels, City Clerk

  
James H. Segars, Mayor

Budget Ordinance - 1978-1979 - Proposed - All Funds: The City Manager advised the City Council that public notice had been placed in The McDowell News in accordance with State law for the budget hearing. No one attended the meeting regarding the proposed budget. A short discussion was held regarding certain items in the budget.

Water Tap - Request - Donald Steele: Public Works Director Alvin Callahan appeared before the City Council to advise that he had received a request for a three-quarter inch water connection from Mr. Donald Steele of Route 4, Marion. He stated that the property is located across from Air Preheater Company in an existing subdivision.

Upon a motion by Councilman Cross, seconded by Councilman James, those members of Council present unanimously voted to authorize the connection.

Bids - Petroleum Products: The City Manager presented the following bids received to furnish the City with petroleum products during the fiscal year beginning July 1, 1978 and ending June 30, 1979:

| PRODUCT                 | PYATT-ROBBINS OIL COMPANY | McDOWELL OIL COMPANY |
|-------------------------|---------------------------|----------------------|
| Premium Leaded Gasoline | 55.52 per gallon          | 54.55 per gallon     |
| No-Lead Gasoline        | 53.77 per gallon          | 53.05 per gallon     |
| Diesel Fuel             | 53.25 per gallon          | 53.25 per gallon     |
| Fuel Oil                | 44¢ per gallon            | 44¢ per gallon       |
| Hydraulic Oil           | 1.46 per gallon           | 1.41 per gallon      |

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



Garbage Scooters - Bids: The City Manager presented the bids to furnish the City with four garbage scooters which were presented at the June 6, 1978 meeting.

Upon a motion by Councilman Cross, seconded by Councilman James, those members of Council present unanimously voted to accept the low bid submitted by Goin Equipment Sales, Inc.

Ordinance Prohibiting Parking With Left Wheel of Vehicle Against Curb: Upon a motion by Councilman James, seconded by Councilman Cross, those members of Council present unanimously voted to adopt the following ordinance with an effective date of July 12, 1978:

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

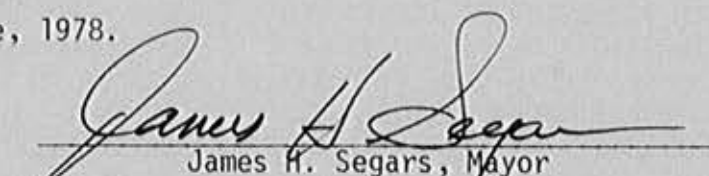
Section 1. That it shall be unlawful for any person to park any automobile, truck or other vehicle so that the wheels located on the left side of said vehicle are placed next to a City curb.

Section 2. That in the event no curb exists, then said vehicles shall not park on the left side of any City street facing the flow of traffic.

Section 3. That the above Sections 1 and 2 of this Ordinance shall not apply to one-way streets.

Section 4. 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 20th day of June, 1978.

  
James H. Segars, Mayor

ATTEST:

  
J. Earl Daniels, City Clerk

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

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY  
OF MARION, UNDER THE AUTHORITY GRANTED BY PART 2, ARTICLE 4A  
OF THE GENERAL STATUTES OF THE STATE OF NORTH CAROLINA

WHEREAS, all of the prerequisites of adoption of this ordinance prescribed in Part (2), Article 4A, Chapter 160A of the General Statutes of North Carolina, have been met; and

WHEREAS, the City Council of the City of Marion has taken into full consideration the statements presented at the public hearing held on the 6th day of June, 1978, on the question of this annexation; and

WHEREAS, the City Council of the City of Marion has concluded and hereby declares that annexation of the area described herein is necessary to the orderly growth and development of the City of Marion.

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

Section 1. That from and after the 1st day of July, 1978, the effective date of this annexation, the following territory shall be annexed to and become a part of the City of Marion, and the corporate limits of the City of Marion shall on said 1st day of July, 1978, be extended to include said territory more particularly described by metes and bounds as follows:

BEGINNING on a concrete monument located 49.96 feet from the centerline of the main line track of Southern Railroad, a corner of the Cross Mill Addition to Marion Corporate Limits, (Coordinate N 16,722.80, E 16,927.69).

Thence crossing said Southern Railroad tracks S 44-58-40 E, 99.96 feet to a stake 50 feet from the centerline of the main line track of Southern Railroad (N 16,652.09, E 16,998.34).

Thence along and with the main line tract of Southern Railroad at a distance of 50 feet from said main line track the following twenty-two bearings and distances:

S 45-42-27 W, 1,606.32' (N 15,530.36, E 15,848.56). S 44-14-56 W, 48.80' (N 15,495.40, E 15,814.51). S 42-57-36 W, 48.89' (N 15,459.62, E 15,781.19). S 41-41-02 W, 48.71' (N 15,423.24, E 15,748.80). S 39-53-56 W, 48.28' (N 15,386.20, E 15,717.83). S 37-42-42 W, 48.20' (N 15,348.07, E 15,688.35). S 37-52-01 W, 49.26' (N 15,309.19, E 15,658.11). S 31-39-08 W, 47.42' (N 15,268.82, E 15,633.23). S 31-46-21 W, 48.22' (N 15,227.83, E 15,607.84). S 29-41-07 W, 48.52' (N 15,185.67, E 15,583.81). S 28-25-15 W, 48.94' (N 15,142.63, E 15,560.51). S 27-20-14 W, 49.28' (N 15,098.86, E 15,537.88). S 26-28-11 W, 313.18' (N 14,818.51, E 15,398.29). S 26-51-45 W, 50.33' (N 14,773.61, E 15,375.55). S 27-50-45 W, 51.41' (N 14,728.15, E 15,351.54). S 29-24-30 W, 51.28' (N 14,683.48, E 15,326.36). S 30-46-15 W, 51.39' (N 14,639.32, E 15,300.06). S 32-30-45 W, 51.72' (N 14,595.71, E 15,272.27). S 34-48-30 W, 52.17' (N 14,552.87, E 15,242.49). S 37-14-58 W, 52.15' (N 14,511.36, E 15,210.92). S 39-37-55 W, 52.02' (N 14,471.30, E 15,177.74). S 38-31-49 W, 38.97' (N 14,440.81, E 15,153.46) to an existing iron pin the



Southwest corner of the old Mt. Ida Park Subdivision.

Thence leaving Southern Railroad and running with the southern boundary of Mt. Ida Park Subdivision and with the southern edge of Ida Street (Unopened) S 86-36-20 E, 1,975.68' to a point on the east edge of Sugar Hill Road (SR 1001) (N 14,323.83, E 17,125.68). Thence with the edge of Sugar Hill Road and the east edge of Stroudtown Road (SR 1168) the following seven bearings and distances:

S 5-21-00 W, 79.12' (N 14,245.06, E 17,118.30). S 04-35-51 E, 25.01' (N 14,220.13, E 17,120.30). S 17-41-43 E, 25.01' (N 14,220.13, E 17,120.30). S 17-41-43 E, 25.01' (N 14,196.30, E 17,127.91). S 34-04-26 E, 25.03' (N 14,175.57, E 17,141.93). S 41-20-06 E, 25.02' (N 14,156.78, E 17,158.45). S 43-56-37 E, 216.08' (N 14,001.20, E 17,308.40). S 41-06-39 E, 58.91' (N 13,956.81, E 17,347.14) to a point on the east edge of SR 1168.

Thence leaving SR 1168 and running with the Servomation Corporation line N 80-05-27 E (passing an iron pin from at 11.56') a total distance of 573.40' to an existing iron pin (N 14,055.49, E 17,911.98), the northeast corner of the Servomation Corporation property, thence continuing with the Servomation Corporation property S 01-38-53 W, 344.53' to an existing iron pin (N 13,711.10, E 17,902.08), the Southeast corner of the Servomation Corporation property. Thence N 89-53-07 E, 178.20' to an existing iron pin (N 13,711.46, E 18,080.27). Thence N 00-50-00 E, 155.44' to a stake (N 13,866.88, E 18,082.54). Thence S 89-10-00 E, 57.89' to a stake (N 13,866.04, E 18,140.42). Thence N 00-50-00 E, 99.61' to a stake (N 13,965.64, E 18,141.87). Thence S 89-10-00 E, 232.88' to an apple tree (N 13,962.25, E 18,374.72). Thence N 02-26-48 E, 42.64' to an existing iron pin (N 14,004.85, E 18,376.54). Thence N 03-23-30 E, 235.83' to an existing iron pin on the South side of California Avenue (N 14,240.27, E 18,390.50). Thence with the South side of California Avenue N 88-11-48 W, 78.85' to a stake on the South side of California Avenue (N 14,242.75, E 18,311.68). Thence crossing California Avenue and running with the eastern boundary of the Mt. Ida Park Subdivision N 05-18-03 E, (passing an existing iron pin at 49.83') a total distance of 1,800.24' to a stake in the O.D. Rowe line (N 16,035.29, E 18,478.00). Thence S 85-42-45 E, with the O. D. Rowe line 783.47' to a stake (N 15,976.72, E 19,259.28), a corner of the Kent annexation to the Marion Corporate Limits (annexed November 7, 1967). Thence with the existing Corporate Limits of Marion the following twelve bearings and distances:

N 19-17-30 W, 375.69' to a 42" Red Oak (N 16,331.31, E 19,135.16). N 58-06-15 W, 708.78' to a railroad spike found in the east margin of New West Henderson Street (N 16,705.82, E 18,533.40), thence with the east edge of West Henderson Street N 28-30-33 E, 267.89' (N 16,941.22, E 18,661.26). N 28-59-52 E, 84.30' (N 17,014.96, E 18,702.13). N 31-49-18 E, 73.73' (N 17,077.60, E 18,741.00). N 35-14-29 E, 93.90' (N 17,154.29, E 18,795.19). N 38-27-15 E 70.19' (N 17,209.26, E 18,838.84). N 41-22-55 E, 59.68' (N 17,254.04, E 18,878.29) thence leaving West Henderson Street S 61-15-00 W 1,352.94 (N 16,603.29, E 17,692.13) to a stake. Thence N 01-00-24 W, 865.13' to an existing nail and cap near the outlet end of Cross Mill Pond (N 17,468.29, E 17,676.93). Thence S 45-10-30 W, 869.00' (N 16,855.69, E 17,060.58) to a stake. Thence S 45-01-20 W, 187.89' to the BEGINNING (N 16,722.80, E 16,927.69), containing 161.95 acres, DMD.

(This survey is computed by plane coordinates based on the true meridian and an assumed position of N 20,000.00, E 20,000.00 for the center of the intersection of Main Street and Court Street, which point is marked by an iron pipe set in the pavement.

Section 2. That the City Council of the City of Marion does hereby specifically find and declare that the above described territory meets the requirements of G.S. 160A-36, in that:

1. The area is adjacent and contiguous, as defined by G.S. 160A-41(1), as of the 2nd day of May, 1978, the date upon which this annexation proceeding was begun.
2. The aggregate external boundary line of the area to be annexed is 13,603.26 feet, of which 3,585.99 feet coincide with the City boundary; therefore, at least one-eighth (1/8) of said external boundary coincides with the City boundary.
3. No part of the area to be annexed is included within the boundary of another incorporated municipality.
4. The area to be annexed is developed for urban purposes in that 64% of the total number of lots and tracts in said area are used for residential/commercial/industrial/institutional/governmental purposes, and 95% of the total residential and undeveloped acreage consists of lots and tracts five acres or less in size.

Section 3. That it is the purpose and intent of the City of Marion to provide services to the area being annexed under this ordinance, as set forth in the report of plans for services approved by the City Council of the City of Marion on the 16th day of May, 1978, and filed in the Office of the Clerk for public inspection.

The City plans to provide the same services to the area to be annexed as are provided throughout the rest of the City. Said services include police protection, fire protection, street maintenance, garbage and trash collection, street lighting, water and sewer service.



Section 4. That the City Council of the City of Marion does hereby specifically find and declare that, on the effective date of annexation prescribed in Section 1 hereof, the City of Marion shall have sufficient funds appropriated to finance the estimated cost of construction of water and sewer facilities found necessary in the report of plans for services to extend the basic sewer and water system of the City of Marion into the area to be annexed under this ordinance.

Section 5. That from and after the effective date of this annexation, the territory annexed 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.


Section 6. That the newly annexed territory described hereinabove shall be subject to City taxes according to G.S. 160A-37(f), as amended.

Section 7. That the Mayor of the City of Marion shall cause an accurate map of the annexed territory described in Section 1 hereof, together with a duly certified copy of this ordinance, to be recorded in the Office of the Register of Deeds of McDowell County, and in the Office of the Secretary of State in Raleigh.

Section 8. That notice of the adoption of this ordinance shall be published once in a newspaper having general circulation in the City of Marion.

ADOPTED this the 20th day of June, 1978.

ATTEST:

  
J. Earl Daniels, City Clerk

  
James H. Segars, Mayor

Resolution Directing the City Clerk to Investigate a Petition for Annexation of the Allison Subdivision:  
Upon a motion by Councilman Cross, seconded by Councilman James, those members of Council present unanimously voted to adopt the following resolution:

WHEREAS, a petition requesting annexation of an area described in said petition has been received on June 20, 1978, 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

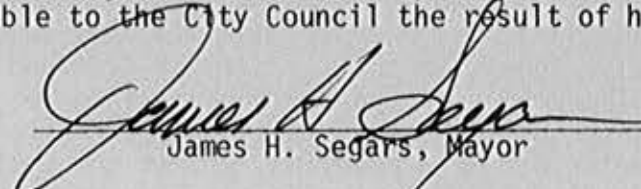
WHEREAS, the City Council of the City of Marion deems it advisable to proceed in response to this request for annexation;

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.

ATTEST:

  
J. Earl Daniels, City Clerk

  
James H. Segars, Mayor

Tax Lien Report: The City Manager presented a report from Frances Briscoe, Tax Collector, informing the City Council that the Tax Lien Sale was held on Monday, June 12, 1978, at 12:00 Noon for the purpose of selling tax liens for 1977 taxes. The Tax Lien Sale was held in front of the City Hall by Mrs. Briscoe and witnessed by Lannie Pennell.

The City Manager advised the Council that no one appeared at the sale to purchase tax liens. The City Manager also furnished a list of unpaid 1977 taxes.

City Policy - Employee Travel Expenses: The City Manager presented to the City Council a recommendation concerning establishing a policy on employee travel expenses. After a short discussion, the City Manager was instructed to incorporate recommendations of Council into a written policy and to resubmit same at a later meeting for consideration.

Mayor James H. Segars arrived at the meeting at this point.

Resolution Providing for the Issuance of \$1,200,000 Sanitary Sewer Bonds: Upon a motion by Councilman Clark, seconded by Councilman James, those members of Council present unanimously voted to adopt the following resolution:

RESOLUTION PROVIDING FOR THE ISSUANCE OF \$1,200,000  
SANITARY SEWER BONDS

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 an 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, dated May 17, 1978, maturing on July 26, 1978, and bearing interest at a rate of four per centum (4%) per annum.

(c) That the maximum period of usefulness of the enlargements and extensions of the sanitary sewer system of said City to be constructed pursuant to said ordinance is estimated as a period of forty years from June 1, 1978, the date of the bonds authorized hereby, and that such period expires on June 1, 2018.

Section 2. For the purpose provided in said ordinance, there shall be issued the negotiable coupon bonds of the City of Marion in the aggregate principal amount of \$1,200,000, designated "Sanitary Sewer Bonds", dated June 1, 1978, and consisting of 240 bonds of the denomination of \$5,000 each, numbered 1 to 240, inclusive. Said bonds shall mature annually, June 1, in numerical order, lowest numbers first, \$75,000 1980 to 1995, inclusive, without option of prior payment, and bear interest from their date at a rate or rates to be determined by the Local Government Commission at the time the bonds are sold, which interest to the maturity thereof shall be payable semi-annually on the 1st days of June and December of each year, and both the principal of and the interest on said bonds shall be payable at North Carolina National Bank, in the City of Charlotte, North Carolina, or, at the option of the holder or registered owner, at Manufacturers Hanover Trust Company, in the Borough of Manhattan, City and State of New York, in any coin or currency of the United States of America which, at the respective dates of payment thereof, is legal tender for the payment of public and private debts.

Section 3. Said bonds shall be executed with the facsimile signatures of the Mayor and the City Manager and Clerk of said City and a facsimile of the corporate seal of said City shall be printed on the bonds, and the interest coupons to be attached to said bonds shall be executed with the facsimile signature of said City Manager and Clerk. Said bonds and coupons and the endorsement to be printed upon the reverse of said bonds shall be in substantially the following form:

|   |         |
|---|---------|
| No. _____   | \$5,000 |
| United States of America<br>State of North Carolina<br>County of McDowell |         |
| CITY OF MARION  |         |
| <u>Sanitary Sewer Bond</u>  |         |

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 or, if this bond be registered, to the registered owner hereof, on the 1st day of June, 19\_\_\_\_, the principal sum of

FIVE THOUSAND DOLLARS

and to pay interest thereon from the date hereof at the rate of \_\_\_\_ per centum (\_\_\_\_%) per annum until payment of such principal sum, such interest to the maturity hereof being payable semi-annually on the 1st days of June and December of each year upon the presentation and surrender of the coupons representing such interest as the same respectively become due. Both the principal of and the interest on this bond are payable at North Carolina National Bank, in the City of Charlotte, North Carolina, or, at the option of the holder or registered owner, at Manufacturers Hanover Trust Company, in the Borough of Manhattan, City and State of New York, in any coin or currency of the United States of America which, at the respective dates of payment thereof, 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 bond is one of a series of bonds issued by said City for the purpose of providing funds, with any other available funds, for enlarging and extending the sanitary sewer system of said City, and this bond is issued pursuant to and in full compliance with The Local Government Bond Act, as amended (succeeding The Municipal Finance Act, 1921, as amended), Article 7, as amended, of Chapter 159 of the General Statutes of North Carolina, an ordinance which was approved by the vote of a majority of the qualified voters of said City who voted thereon at an election duly called and held, and 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 bond have happened, exist and have been performed in regular and due form and time as so required; that provision has been made for the levy and collection of a direct annual tax upon all taxable property within said City sufficient to pay the principal of and the interest on this bond as the same shall become due; and that the total indebtedness of said City, including this bond, does not exceed any constitutional or statutory limitation thereon.

This bond may be registered as to principal only in accordance with the provisions endorsed hereon.

IN WITNESS WHEREOF, said City of Marion, by order of its City Council, has caused this bond to be executed with the facsimile signatures of its Mayor and its City Manager and Clerk and a facsimile of the corporate seal of said City to be printed hereon and has caused the interest coupons attached hereto to be executed with the facsimile signature of said City Manager and Clerk, all as of the 1st day of June, 1978.



(Facsimile Signature)

Mayor

(Facsimile Signature)

City Manager and Clerk

(Endorsement on Bonds)

## CERTIFICATE OF LOCAL GOVERNMENT COMMISSION

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

John D. Foust

Secretary, Local Government Commission

By (Facsimile signature)

Designated Assistant

## PROVISIONS FOR REGISTRATION

This bond may be registered as to principal only in the Bond Register of the City of Marion by the City Manager and Clerk of said City as Bond Registrar, at his office in the City of Marion, or by such other Bond Registrar as may be legally appointed by the governing body of said City, upon presentation hereof to the Bond Registrar who shall make notation of such registration in the registration blank below, and the transfer of this bond may thereafter be registered only upon a duly executed assignment of the registered owner or his attorney or legal representative, in such form as shall be satisfactory to the Bond Registrar, such registration of transfer to be made on such Bond Register and endorsed hereon by the Bond Registrar. Such registration of transfer may be to bearer and thereby transferability by delivery shall be restored, but this bond shall again be subject to successive registrations and registrations of transfer as before. The principal of this bond, if registered, unless registered to bearer, shall be payable only to or upon the order of the registered owner or his legal representative. Notwithstanding the registration of this bond as to principal only, the coupons shall remain payable to bearer and shall continue to be transferable by delivery.

Date of  
RegistrationName of  
Registered OwnerSignature of  
Bond Registrar

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Form of Coupons)

No. \_\_\_\_\_

\$5,000

On \_\_\_\_\_, 19\_\_\_\_, the City of Marion, a municipal corporation in McDowell County, North Carolina, will pay to bearer at North Carolina National Bank, in the City of Charlotte, North Carolina, or, at the option of the bearer, at Manufacturers Hanover Trust Company, in the Borough of Manhattan, City and State of New York, upon the presentation and surrender hereof, the sum of \_\_\_\_\_ Dollars 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, as provided in and for the semi-annual interest then upon its Sanitary Sewer Bond, dated June 1, 1978, numbered \_\_\_\_\_.

(Facsimile Signature)

City Manager and Clerk

Section 4. Said bonds shall be registerable as to principal only in accordance with the provisions for registration hereinabove in this resolution provided to be endorsed upon said bonds, and the City Manager and Clerk is hereby appointed Bond Registrar for the registration and registration of transfer of said bonds, subject to the right of the governing body of the City of Marion hereafter to appoint another Bond Registrar. No charge shall be made to any bondholder for the privilege of registration and registration of transfer herein granted.

Section 5. The action of the City Manager and Clerk in applying to the Local Government Commission to advertise and sell said bonds and the action of the Local Government Commission in asking for sealed bids for said bonds by publishing notices relating to the sale of said bonds are hereby ratified and confirmed. The Local Government Commission is hereby requested to ask for sealed bids for said bonds also by printing and distributing an official statement relating to the sale of said bonds. Such official statement, in the form presented at this meeting and dated June 9, 1978, is hereby approved, and the Mayor and the City Manager and Clerk of said City are hereby authorized to execute such official statement for and on behalf of said City.

Section 6. There shall be printed on the reverse of each of said bonds to be issued under date of June 1, 1978, the legal opinion of Brown, Wood, Ivey, Mitchell & Petty, bond counsel to the City of Marion, with respect to the validity of said bonds, and there shall be printed immediately following such legal opinion a certificate executed with the facsimile signature of the Mayor of said City, such certificate to be in substantially the following form:



I HEREBY CERTIFY that the foregoing is a true and correct copy of the legal opinion of the bonds therein described which was manually signed by Brown, Wood, Ivey, Mitchell & Petty, New York, New York, and was dated as of the date of delivery of and payment for said bonds.

(Facsimile Signature)  
Mayor of the City of Marion, North Carolina

Section 7. This resolution shall take effect upon its passage.

Thereupon, upon motion by Councilman Clark, seconded by Councilman James, the foregoing resolution entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF \$1,200,000 SANITARY SEWER BONDS" was passed by the following vote:

Ayes: Councilmen A. Everette Clark, Robert E. James and Oliver R. Cross.

Noes: None.

Sugar Hill Road Facilities - Contract 5.0: The City Manager informed the City Council that some action needs to be taken with regard to Contract 5.0-Sugar Hill Road Facilities, since Hobson Construction Company has indicated that they wish to withdraw their bid. He informed the Council that he had discussed this matter with Don Griffin, Engineer with O'Brien & Gere, Inc. and also with the City Attorney.

Following a short discussion, the City Manager was directed to work with Don Griffin of O'Brien & Gere, Inc. and the City Attorney in putting together all factual information regarding Hobson Construction Company, the Environmental Protection Agency and the Engineers concerning Contract 5.0.

Budget Ordinance - 1978-1979 - Budget All City Funds: The members of City Council present reviewed the proposed budget for the fiscal year 1978-1979. Two changes were proposed to the budget as presented. One change would increase in the General Fund Account No. 76, Capital Outlay-Materials by \$15,000.00. Said \$15,000 to be spent for the purpose of improving the downtown area. The second change was in the Water and Sewer Fund, Account No. 30-810-74, Capital Outlay by increasing the proposed amount of \$15,000.00. Public Works Director Alvin Callahan had informed the City Council that C. R. Duncan Construction Company would have 79 joints of 12-inch ductile iron pipe left over following completion of the project and that Mr. Duncan had offered to sell to the City this pipe at his price. The price quoted was \$8.56 per foot. Mr. Callahan informed the City Council that at present the cost per foot for 12-inch ductile iron pipe is in excess of \$11.00 per foot. The City Council authorized the City Manager to purchase these materials including two 12-inch gate valves from C. R. Duncan Construction Company since these materials are needed for planned water line extensions.

Upon a motion by Councilman Cross, seconded by Councilman Clark, the members of Council present unanimously voted to adopt the following Budget Ordinance for the fiscal year 1978-1979:

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, 1978, and ending June 30, 1979, in accordance with the chart of accounts heretofore established for this City:

|                           |                  |
|---------------------------|------------------|
| Administration Department | \$ 117,203       |
| Inspection Department     | 11,200           |
| Police Department         | 177,886          |
| Fire Department           | 77,813           |
| Street Department         | 126,650          |
| Powell Bill               | 67,400           |
| Sanitation Department     | 84,200           |
| Recreation Department     | 26,906           |
| Cemetery Department       | 21,200           |
| Non-Departmental          | 192,841          |
| Maintenance and Supply    | 24,304           |
|                           | <u>\$927,603</u> |

Section 2. It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 1978, and ending June 30, 1979:

|                             |           |
|-----------------------------|-----------|
| Current Year's Property Tax | \$417,323 |
| Prior Year's Property Tax   | 5,000     |
| Tax Penalties and Interest  | 1,500     |
| Motor Vehicle License       | 1,000     |
| Privelege License           | 5,800     |
| Interest on Investments     | 15,000    |
| Rents and Concessions       | 4,500     |
| Miscellaneous Revenues      | 3,000     |
| Franchise Tax               | 78,485    |
| Intangibles Tax             | 20,000    |
| Powell Bill Funds           | 48,200    |
| Local Option Sales Tax      | 90,200    |
| Court Fees                  | 600       |
| Police Salary Supplement    | 1,708     |
| Parking Violations          | 1,500     |
| County Fire Protection      | 23,000    |
| Cemetery Revenue            | 2,500     |
| Gas Tax Refund              | 3,800     |



|                                     |                  |
|-------------------------------------|------------------|
| Special Assessments                 | 300              |
| Maintenance Traffic Control Devices | 4,800            |
| Cable TV Revenue                    | 7,600            |
| Sale of Surplus Equipment           | 1,000            |
| Region "C" Police Training          | 2,000            |
| Inspection Fees                     | 500              |
| Surplus Appropriated                | 138,287          |
| Contribution From Water/Sewer Fund  | 50,000           |
|                                     | <u>\$927,603</u> |

Section 3. The following amounts are hereby appropriated in the Debt Service Fund for the payment of principal and interest on the outstanding debt of the City and the expenses relating thereto for the fiscal year beginning July 1, 1978 and ending June 30, 1979:

|                   |                  |
|-------------------|------------------|
| Interest on Bonds | \$ 56,000        |
| Service Charge    | 1,000            |
|                   | <u>\$ 57,000</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, 1978, and ending June 30, 1979.

|                                    |           |
|------------------------------------|-----------|
| Contribution from Water/Sewer Fund | \$ 57,000 |
|------------------------------------|-----------|

Section 5. The following amount is hereby appropriated in the Revenue Sharing Fund for the fiscal year beginning July 1, 1978, and ending June 30, 1979:

|                |           |
|----------------|-----------|
| Capital Outlay | \$113,517 |
|----------------|-----------|

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, 1978, and ending June 30, 1979:

|                           |                  |
|---------------------------|------------------|
| Interest on Investments   | \$ 3,500         |
| Federal Grant             | 100,756          |
| Fund Balance Appropriated | 9,261            |
|                           | <u>\$113,517</u> |

Section 7. The following amounts are hereby appropriated in the Water Sewer Fund for the operation of the water and sewer utilities for the fiscal year beginning July 1, 1978, and ending June 30, 1979, in accordance with the chart of accounts heretofore approved for the City:

|                        |                  |
|------------------------|------------------|
| Water/Sewer Operations | \$300,220        |
| Filter Plant           | 69,696           |
| Waste Treatment Plant  | 97,358           |
| Non-Departmental       | 146,193          |
|                        | <u>\$613,467</u> |

Section 8. It is estimated that the following revenues will be available in the Water and Sewer Fund for the fiscal year beginning July 1, 1978, and ending June 30, 1979:

|                                |                  |
|--------------------------------|------------------|
| Water Sales and Sewer Service  | \$361,845        |
| Water Taps                     | 5,000            |
| Sewer Taps and Service         | 163,300          |
| Interest Earned on Investments | 8,500            |
| Miscellaneous Revenues         | 1,000            |
| Surplus Appropriated           | 64,446           |
| Cut-On Fees                    | 700              |
| State 201 Study                | 1,239            |
| Federal 201 Study              | 7,437            |
|                                | <u>\$613,467</u> |

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, 1978, 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 \$57,961,572 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 the budget ordinance shall be furnished to the Finance/Budget Officer of the City to be kept on file for direction in the disbursement of funds.

ADOPTED this the 20th day of June, 1978.

ATTEST:

J. Earl Daniels, City Clerk/Manager

James H. Segars, Mayor

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

July 11, 1978

The Marion City Council met Tuesday, July 11, 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 R. Cross.

Others Present: J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; Alvin Callahan, Public Works Director; John Beck, Chief of Police; Richar Hicks, Zoning Administrator; and Ann Vess, News Reporter, The McDowell News.

Guests: Don Griffin, Edward C. Fiss, and W. S. Riddick, representatives of O'Brien & Gere, Inc./Engineers; and Boyd McCurry.

Approval of the June 20, 1978 Minutes: Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the City Council unanimously voted to approve the minutes of the June 20, 1978 meeting.

Request for Water Connections Outside the Municipal Limits: Public Works Director Alvin Callahan presented a request for a three-quarter inch water connection from U. S. Technology Company, which firm is presently constructing the twin theaters located off Highway 70 West.

Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to authorize the three-quarter inch water connection to provide water service to the twin theaters.

The Public Works Director also presented a request from Gerald Webb of Route 4, Marion, for permission to use three three-quarter inch water connections on a private line. The Public Works Director stated that Mr. Webb had informed him that he had an option to buy three water connections from Mr. Dennis Burleson. The Public Works Director stated that sixteen residences are already connected on the two-inch line, which is approximately 1,500 feet long. Several questions were raised concerning how Mr. Dennis Burleson can sell water rights on a private water to Mr. Gerald Webb when it appears that Mr. Burleson was not involved in the installation of the private line. The City Council felt that insufficient information was available for them to make a decision and asked that the Public Works Director look into the matter and provide more information at the next meeting so that a decision could be made.

The Public Works Director informed the City Council that bids would be received Monday, July 17, 1978, for the purchase of a four-wheel drive vehicle to be used to go to the intakes at Mackey's Creek and Clear Creek. He informed the Council that Alvin Smith, a City employee whose duties include checking the intakes, has requested permission to drive the new vehicle back and forth from work to his home. The Public Works Director informed the Council that at the present time Alvin Smith drives his personal truck from his home located near Peppers Creek to the City Shop and picks up the four-wheel drive vehicle which he drives back to Mackey Creek and Clear Creek Intakes. He then returns the four-wheel drive vehicle to the shop and picks up his personal vehicle. He informed the Council that if permission could be granted to Alvin Smith to take the new vehicle to his residence he could drive straight to the intakes and would save approximately two to three hours of time which could be used for other City work.

Upon a motion by Councilman Cross, seconded by Councilman Brown, the City Council unanimously voted to authorize Alvin Smith to drive the new four-wheel drive vehicle to and from work from his residence contingent upon the following:

1. That the vehicle would not be used for personal use not related to City work; and
2. That Alvin Smith would use his personal vehicle for reporting to work at the County landfill.



General Public: Mr. Boyd McCurry appeared before the City Council to voice his concern about two police officers submitting resignations and a third police officer working a notice because of recent policy changes with regard to establishing a swing shift operation. Mr. McCurry said that these officers had been with the City many years and did not want to quit work with the City and that he felt that the officers could get together and work out schedules that would be agreeable to them and that this would eliminate the problem and the officers would not quit.

Mayor Segars informed Mr. McCurry that the officers had already resigned.

Travel Pay Policy: Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to establish the following travel pay policy:

The following policy regarding payment of or reimbursement for travel expenses will be applicable to all City employees and/or representatives:

1. If City vehicle is used a paid bill for all gasoline, oil, repairs, etc. must be presented for reimbursement. If City credit card is used, copies of tickets must be presented for each purchase.
2. If private vehicle is used the City will pay a flat rate of \$.15 per mile.
3. The City will pay the following amounts for meals:
  - Breakfast - \$3.00
  - Lunch - \$3.50
  - Dinner - \$8.00

NOTE: The amounts stipulated above will not be exceeded unless a paid receipt is presented for reimbursement. To qualify for reimbursement for the expense of dinner, the employee must be out of McDowell County until 8:00 P.M. or must be required to leave McDowell County prior to 6:00 P.M. in order to reach his destination at a specific time.

To qualify for reimbursement for the expense of breakfast, the employee must be out of McDowell County en route to his/her destination before 5:00 A.M.

4. The City will make payment of or reimbursement for registration fees upon receipt of payment for same. Checks for registration fees may be made in advance upon presentation of a verified request for same.
5. Hotel or Motel expenses will be paid or reimbursed upon receipt of verification of same. A check for said expenses may be made in advance upon presentation of the exact amount of same.
6. Reimbursement for taxi fares, parking fees, and other necessary incidentals will be made upon presentment of paid receipt for same. (A signed request for reimbursement for taxi fares will suffice in lieu of a paid receipt.)

Water/Sewer Rate - Proposed Increase - O'Brien & Gere, Inc.: Mr. Sid Riddick appeared before the City Council to present a proposed rate increase for Council consideration. Mr. Riddick informed the Council that the sewer rate charges recommended were based on a unit charge for each thousand gallons of wastewater discharged and not a percent of water used by the customer.

Mayor Segars informed Mr. Riddick that he, for one, did not favor the unit charge. Several other Council members indicated that they too did not favor a unit charge. Mr. Riddick stated that his interpretation of the regulations of the Environmental Protection Agency required that the unit charge be made for wastewater discharged to the system where grant funds have been made available through the Environmental Protection Agency so that each customer would pay an equal share based on the number of gallons discharged to the system rather than having a lower rate for high volume water users.

Mr. Riddick was instructed by Mayor Segars to prepare proposed water and sewer rates to be presented to the City Council at the next regular meeting to be held on July 18, 1978, and that the sewer charges presented should be based on a percent of the water bill and not on a unit charge per thousand gallons.

201 Facilities Study Plan: Ned Fiss of O'Brien & Gere, Inc. was present to present to the City Council a draft copy and summary of the 201 Facilities Study. Mr. Fiss was assisted by Mr. Sid Riddick and Mr. Don Griffin of O'Brien & Gere, Inc. He presented slides showing maps and information concerning the 201 Study. Mr. Fiss stated that the 201 Study needed to be submitted to the State agencies on Friday, July 14, 1978, for their review. He informed the Council that the City would need to hold a public hearing after giving notice of same so that the general public could review the 201 Facility Study. He asked that Council grant permission to O'Brien & Gere, Inc. to provide copies of the Study to State agencies.

Councilman Cross asked if the authorization to present the Study to the State was an indication of final approval of the 201 Study by the City Council. Mr. Fiss said that they were not requesting an approval of the 201 Study, just authorization to present the Study to the state agencies.

Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to authorize O'Brien & Gere, Inc./Engineers, to present the 201 Study to State agencies as per their request.

Wastewater Treatment Facilities - Change Work Order: Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to authorize the following change work order:



The following items constitute Change Order 1 to the Contract dated May 4, 1977, by and between the City of Marion, North Carolina, and Lee Construction Company, and are subject to all applicable terms and conditions of said Contract:

1. Furnish and place 8,900 cubic yards of approved earthen backfill material in excavations below subgrade.
2. Relocate Manhole "J" and install related piping as shown on drawing 948.004.156.
3. Install an additional 40 lineal feet to 30-inch diameter reinforced concrete pipe between MHS-1 and CB6.

In consideration of the above, the compensation for Contract 1.0 shall be increased sixteen thousand, six hundred, eighty-three dollars and fifty-two cents (\$16,683.52). The original contract price of \$3,800,010 is increased to \$3,816,693.52.

Annexation Petition - Allison Subdivision - Certificate of Sufficiency: Upon a motion by Councilman Clark, seconded by Councilman Cross, the City Council unanimously voted to approve the following Certificate of Sufficiency:

To the City Council of the City of Marion, North Carolina.

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 11th day of July, 1978.

Resolution Fixing Date of Public Hearing on Question of Annexation - Allison Subdivision: Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to adopt the following resolution:

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 City Hall at 7:30 P.M. on the 8th day of August, 1978.

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

BEGINNING on a concrete monument, the fourth (4th) corner of the Glenview Street annexation to the City of Marion, and runs thence S 5-12-00" W 149.55' to an iron pin. Thence S 85-43-00 E 700.13' to an iron pin. Thence S 85-46-00 E 294.24' to an iron pin. Thence N 03-52-25 E 1123.14' to the center of Young's Creek. Thence up and with the center of Young's Creek the following six (6) bearings and distances: N 73-05 W 12.69'; N 10-10-28 W 53.48'; N 56-28-21 W 41.33'; S 83-40-54 W 86.92'; S 66-40-33 W 121.57'; N 72-07-24 W 88.26' to a point in the present City Limit line. Thence with the present City of Marion lines the following nine (9) bearings and distances: S 6-03 W 185.65'; S 23-53 W 128.00'; S 66-14 E 179.84'; S 25-20 W 260.73'; S 09-04 E 384.70'; S 72-03 W 136.50'; S 71.45 W 125.00'; N 88-30 W 170.00'; N 70-30 W 360.28' to the BEGINNING, containing 9.44 Acres, DMD.

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

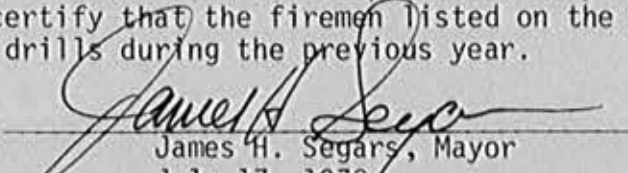


Firemen - Annual Certification: The City Manager presented a list of all Firemen presently serving the Marion Fire Department and advised the City Council that the list had been prepared by the Fire Chief for the Annual Certification by the City Council to the North Carolina Firemen's Pension Fund.

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

#### CERTIFICATION

We, the City Council of the City of Marion, North Carolina, in our capacity as the governing body of the 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 Marion Fire Department, City of Marion, County of McDowell, North Carolina. We further certify that the firemen listed on the roster have completed at least 36 hours of meetings and drills during the previous year.

  
James H. Segars, Mayor  
July 17, 1978

1. Edwards, Arthur C., Chief(P)

#### Marion Fire Department Municipal Section

2. Brown, Fred T.
3. Brown, John M.
4. Brown, Larry M. Lt.
5. Cate, Lee R. Capt.
6. Condrey, Tony
7. Davis, John K.
8. Elliott, John
9. Hall, Eugene
10. Hogan, Larry
11. Hollifield, Millard
12. McCarthy, Roger
13. Milligan, Thomas S. - Asst. Chief (P)
14. Neal, J. E. III Capt.
15. Poteat, Jerry (P)
16. Presnell, Charles (P)
17. Prestwood, Steve
18. Price, Dennis
19. Young, Jim

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

2. Dark, R. M., Jr. Asst. Chief
3. Good, Terry B.
4. Harris, Tom
5. Hollifield, Gene
6. Hollifield, James R.
7. Hollifield, Willard
8. Laughridge, J. Mack, Jr. (P)
9. Laughridge, M. S.
10. Moody, Hoyle
11. Parker, James Douglas
12. Poteat, Bill
13. Reel, David
14. Setzer, David M.
15. Smith, Roger
16. Smith, W. R. III
17. Stevens, Jerry
18. Suttle, Charles Jr.
19. Willis, Danny
20. Davis Carroll (Traffic Control Division)
21. Mitchell, Kenneth " " "
22. Mitchell, Weldon " " "

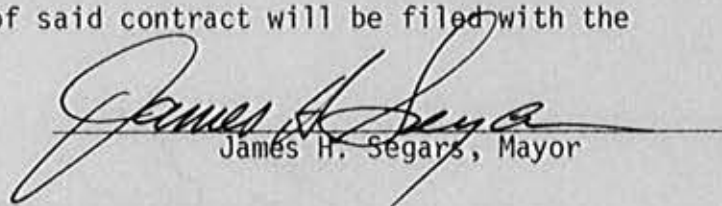
Resolution Authorizing the Execution of Contract for Receipt to Supplement Law Enforcement Personnel Salaries: Upon a motion by Councilman Clark, seconded by Councilman Cross, the City Council unanimously voted to adopt the following Resolution:

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 of the City of Marion 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 of a copy of said contract will be filed with the minutes.

ATTEST:

  
J. Earl Daniels, City Clerk

  
James H. Segars, Mayor

#### CONTRACT

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

#### W I T N E S S E T H:

Whereas, the Council has been authorized by Chapter 931 of the 1977 Session Laws (G.S. 114-26 et al) to implement and administer the granting of funds to Local Government, and

Whereas, Local Government has law enforcement personnel who are eligible to receive funds under the provisions of Chapter 931 and Local Government desires to receive said funds;

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

1. Local Government will pay any funds received under this agreement only to qualified law enforcement personnel, and only in such amounts, as are authorized by Chapter 931 of the 1977 Session Laws (G.S. 114-26 et al).



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


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

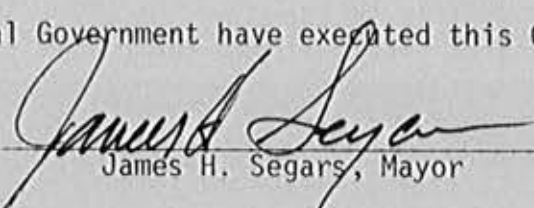
4. The Council will pay to the Local Government on a quarterly basis such sums as the Local Government is entitled to under the provisions of Chapter 931 of the 1977 Session Laws (G.S. 114-26 et al).

This Agreement shall remain in full force and effect until June 30, 1979.

In Witness Whereof, the Council and Local Government have executed this Contract this 11th day of July, 1978.

ATTEST:

  
J. Earl Daniels, City Clerk

  
James H. Segars, Mayor

Resolution Requesting that Certain Streets in the Sugar Hill Community Be Abandoned from the State Highway System and Added to the City Street System: Upon a motion by Councilman Clark, seconded by Councilman James, the City Council unanimously voted to adopt the following resolution:

WHEREAS, the City of Marion has annexed 161.95 acres effective July 1, 1978; and

WHEREAS, there are certain streets located in the newly annexed area which are maintained by the North Carolina Department of Transportation; and

WHEREAS, the City Council of the City of Marion feels it to be in the best interest of the City to maintain certain streets in the newly annexed area.


NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marion that this resolution be presented to the North Carolina Department of Transportation requesting that the North Carolina Department of Transportation abandon from the State Highway System the following streets or portions of streets so they may be added to the City of Marion Municipal Street System, effective July 1, 1978:

SR 1300 - Lail Street - Approx. 0.10 Miles - From SR 1001 to SR 1291  
SR 1291 - West Henderson Street - Approx. 0.20 Miles - From SR 1300 to SR 1001  
SR 1174 - Hudgins Street, Oak Avenue and High Street - Approx. 0.86 Miles - From SR 1291 to SR 1001  
SR 1175 - Catawba Street - Approx 0.10 Miles (Unpaved) - From SR 1174 to SR 1291  
SR 1177 - Mitchell Street - Approx. 0.10 Miles (Unpaved) - From SR 1176 to SR 1001  
SR 1176 - Pennsylvania Avenue - Approx. 0.10 Miles - From SR 1178 to SR 1174  
SR 1178 - Yancey Street - Approx. 0.13 Miles - From SR 1174 to SR 1001  
SR 1173 - Woodlawn Street - Approx. 0.10 Miles - From SR 1174 to SR 1001  
SR 1259 - Woodlawn Street - Approx. 0.08 Miles - From SR 1001 to D.E.  
SR 1179 - Parker Street - Approx. 0.13 Miles (Unpaved) - From SR 1174 to D.E.  
SR 1180 - Grayson Street - Approx. 0.04 Miles - From SR 1174 to D.E.  
SR 1181 - Grayson Street - Approx. 0.15 Miles - From SR 1174 to D.E.  
SR 1172 - Wilehemenia Street - Approx. 0.10 Miles - From SR 1174 to SR 1001  
SR 1260 - Wilehemenia Street - Approx. 0.20 Miles - From SR 1001 To D.E.  
SR 1170 - California Avenue - Approx. 0.25 Miles 1305' From SR 1001 to City Limits.

ADOPTED this the 11th day of July, 1978.

ATTEST:

  
J. Earl Daniels, City Clerk

  
James H. Segars, Mayor

Currier Drive - Bridge: The City Manager asked the City Council if they wished for the City to construct a bridge at the end of Currier Drive which would provide access to a road into the proposed Allison Subdivision. The City Council authorized the City Manager to acquire the necessary materials and construct the bridge.

Pine Street - Proposed Opening: The City Manager asked if the City Council wished for that section of Pine Street located between McDowell Street and Clay Street to be constructed so that the new street would continue through from McDowell Street to Clay Street.

The City Manager also stated that the street name should be changed because there are two or possibly three streets in the Marion Fire District with the same name. He recommended that the street be renamed Pinedale Street or Pineview Street. The City Manager was advised that if sufficient funds were left after undertaking certain other street work that the street could be opened by the City. No action was taken on the proposed name change.



Downtown Revitalization: The City Manager asked the City Council what improvements they wished to be made in the downtown area and when such improvements should be made.

After a short discussion it was decided that certain members of the Merchant's Association and members of Council should be appointed to a committee to make recommendations to the City Council concerning the type of improvements to be made and when said improvements are to be made in the downtown area.

Community Building - Parking Lot: The City Manager informed the City Council that a parking lot could be constructed on Main Street on the north side of the Community Building to accommodate twenty to twenty-two vehicles. After a short discussion the City Council informed the City Manager that they did not wish to have a parking lot constructed at that location.

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

1. The reservoir and intakes were cleaned during the week of July 4th, 1978.
2. The bad valve at the reservoir was not changed because to so do the City water system would have to be turned off. The possibility of installing a new valve under pressure is being considered.
3. All work on the new tank has been completed except the alarm system. There is a leak in the pipe between the new pumps and the tank. Work should be completed during the week of July 10, 1978.
4. The work has been started on the water line extension from Glenview to Rutherford Road.
5. The Cushman scooters to be used for garbage collection have not been delivered yet.
6. Several police officers have resigned.
7. Calvin Smith has resigned from his position with the City.
8. Duke Power Company has been instructed to install new street lights in the newly annexed area. High intensity sodium vapor lights have been ordered to replace existing street lights in the downtown area and along Sugar Hill Road from Main Street to the City Limits.
9. A copy of a letter from Philip L. Verveer, Chief of Cable Television Bureau, FCC, to Mr. Richard Landy, President of Madison Cablevision, Inc. has been received advising Mr. Landy that FCC rules limit the franchise fee of 3% of "gross revenues" (up to 5% with justification and grant of a waiver) but that the City of Marion may continue to collect the entire fee until October 4, 1980. At that time, that portion of the fee in excess of 3% of gross revenues will be considered null and void.
10. The low bid on bonds was submitted by First Citizens Bank and Trust Company. Net interest cost- 5.42434%.

Upon a motion by Councilman Wilkerson, seconded by Councilman Clark, the City Council unanimously voted to adjourn the meeting and reconvene in Executive Session to discuss resignations in the Marion Police Department and to discuss the City's contract with Hobson Construction Company.

Mayor Segars, the City Manager and Chief of Police discussed with the Council the fact that two police officers had resigned from employment with the City and that a third officer had submitted his notice that he would be resigning.


The City Council was advised that the reasons for the resignations had been stated, that the officers disagreed with the new City Policy which provided for officers to work a swing shift. The City Council was also informed that there were other matters involved in some of the resignations besides the swing shift. No action was taken by the City Council to change the existing City Policy whereby officers would not work a swing shift.

The City Council reviewed with Don Griffin, a representative of O'Brien & Gere, Inc., and the City Manager, Hobson Construction Company's bid for Contract 5.0 - Sugar Hill Road Facilities. After a short discussion, it was agreed that the Mayor, the City Manager, the City Attorney and a representative of O'Brien & Gere, Inc. meet with Mr. Hobson to discuss the contract by and between the City and Hobson Construction Company whereby Hobson Construction Company would undertake construction of Contract 5.0 - Sugar Hill Road Facilities. It was agreed that these persons could negotiate with Mr. Hobson on having the work accomplished prior to the City taking any other steps regarding the contract.

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

July 18, 1978

The Marion City Council met Tuesday, July 18, 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, Larry W. Brown and Oliver R. Cross.

Board Member Absent: Horace R. Wilkerson.

Others Present: J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; Alvin Callahan, Public Works Director; Richard Hicks, Zoning Administrator; and Ann Vess, News Reporter, The McDowell News.



Guests: David Blanton, Carter Hudgins and Gerald Webb.

Approval of the July 11, 1978 Minutes: Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to approve the minutes of the July 11, 1978 meeting.

Carson House - Water Problem: David Blanton and Carter Hudgins appeared before the City Council to advise that an adequate supply of water is not available to the Carson House. The City Council was advised that the present water line providing service to the Carson House is inadequate and in such a deteriorated condition that it needs to be replaced.

Public Works Director Alvin Callahan stated that the distance from the driveway to the Carson House to the main water line passing under Highway 70 near Cap Miller's house is 3,900 feet. He also stated that there is a distance of 530 feet from Highway 70 into the Carson House.

It was pointed out that the City does not have adequate funds in the budget to install a new line for the distance involved. Mayor Segars asked if the problem is not the County's instead of the City's.

Mr. Blanton stated that the County is not in the water business but that it does make a small contribution to the Carson House in the amount of \$2,000.00 per year.

Mayor Segars stated that the County is not in the water business but that they are in the money business in that they collect taxes from all people in the County.

Mr. Hudgins stated that he does not feel that a private well would solve the problem. He stated that the land area is low and susceptible to flooding. It was suggested that a two-inch water line belonging to Mr. Pete Gibbs is located closer to the Carson House than the main water line and that it might be possible to connect to the two-inch line.

Mr. Blanton and Mr. Hudgins pointed out that they have talked with Mr. Gibbs about this possibility and that he will not permit connection to the line because the supply of water furnished by the line is not adequate to provide additional connections other than those he needs for his business operations.

Mr. Blanton and Mr. Hudgins thanked the City Council for allowing them to appear with their request.

The City Council took no action on the request.

Request for Water Connections - Outside City Limits: Mr. Gerald Webb of Route 4, Marion, appeared before the City Council to request permission to use three, 3/4-inch water connections on a private line. This matter was discussed at the City Council meeting held July 11, 1978.

Mr. Webb stated that he has bought property in the area and that he has built two houses and plans to build three more, that he can purchase from Mr. Burleson three water connection which Mr. Burleson is entitled to under an agreement between property owners in the area who paid for the installation of the line several years ago.

After a long discussion and upon a motion by Councilman Clark, seconded by Councilman Cross, those members of Council present unanimously voted to authorize Mr. Webb to have installed three, 3/4-inch water connections as per his request.

Public Works Director Alvin Callahan presented a request from Local Lodge 655, International Brotherhood of Boilermakers for a 3/4-inch water connection. The property to be served is located near Air Pre-heater Company.

Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to authorize the 3/4-inch water connection.

Public Works Director Alvin Callahan presented a request from Gladys Johnson that she be permitted to connect to a 3/4-inch line located on Clear Creek Road. Mr. Callahan stated that a tap exists on the lot but that the City has no record of the connection ever having been used and no record of a meter being installed.

Upon a motion by Councilman Cross, seconded by Councilman James, those members of Council present unanimously agreed to authorize the connection upon payment of the regular outside tap fee.

Refund of Privilege License Fees: The City Manager presented a request from Tax Collector Frances Briscoe stating that Mr. Lonon, Operator of the Cozy Diner at 15 South Logan Street, has paid \$27.50 for 1978-1979 Privilege License, which includes a \$10.00 fee for the sale of tobacco. The request stated that Mr. Lonon does not now intend to have tobacco products for sale and therefore requests a refund.

A request was also presented stating that Mr. Dempsey Lowery, former operator of the Cozy Diner, paid \$27.50 after January 1, 1978, for privilege license for a full year. Mr. Lowery now requests a refund of \$13.75, representing one-half year's license fee.

Upon a motion by Councilman Cross, seconded by Councilman James, those members of Council present unanimously voted to authorize both refunds.

Water/Sewer Rates - Proposed Increase: The City Manager presented a letter from W. S. Riddick, Jr. of O'Brien & Gere, Inc./Engineers recommending new water and wastewater rates for the City of Marion water and wastewater system. Three separate proposals were presented for Council consideration. The City Manager informed the City Council that the budget ordinance for the City for the fiscal year



1978-1979 provides for an increase in the water and sewer rates. He stated that the increase in rates should have been reflected in revenues for water and sewer service received in July. He informed the Council that O'Brien & Gere, Inc./Engineers did not complete the rate study in time to present same to the City Council before July. The City Manager recommended that the City Council adopt one of the schedules presented so the new rates could be used in computing bills so that revenues received the first of September would reflect the increase in charges.

The City Manager also stated that the proposed rates do not include flat rates for sewer service. He recommended that residential customers having sewer service only pay a flat rate of \$4.80 per month.

Upon a motion by Councilman James, seconded by Councilman Cross, those members of Council present unanimously voted to adopt the following water and wastewater rates, including a flat rate of \$4.80 per month for residential customers having sewer service only, that all water and wastewater bills prepared during the month of August reflect the increase in rates so that bills due on September 1, 1978, would include the rate increase:

A. Water Rates (Bi-Monthly Billing)

| Bracket               | Inside City Limits | Outside City Limits |
|-----------------------|--------------------|---------------------|
| 0-4000 Gallons (Min.) | \$6.00             | \$9.00              |
| Next 6000 Gallons     | 1.30/1000 Gal.     | 1.95/1000 Gal.      |
| Next 20,000 Gallons   | 1.00/1000 Gal.     | 1.50/1000 Gal.      |
| Next 30,000 Gallons   | 0.90/1000 Gal.     | 1.35/1000 Gal.      |
| Next 60,000 Gallons   | 0.60/1000 Gal.     | 0.90/1000 Gal.      |
| Over 120,000 Gallons  | 0.34/1000 Gal.     | 0.51/1000 Gal.      |

(Monthly Billing)

|                       |                |                |
|-----------------------|----------------|----------------|
| 0-2000 Gallons (Min.) | \$3.00         | \$4.50         |
| Next 3000 Gallons     | 1.30/1000 Gal. | 1.95/1000 Gal. |
| Next 10,000 Gallons   | 1.00/1000 Gal. | 1.50/1000 Gal. |
| Next 15,000 Gallons   | 0.90/1000 Gal. | 1.35/1000 Gal. |
| Next 30,000 Gallons   | 0.60/1000 Gal. | 0.90/1000 Gal. |
| Over 60,000 Gallons   | 0.34/1000 Gal. | 0.51/1000 Gal. |

B. Wastewater Rates

Inside Sewer Rates - 50% of Inside Water  
 Outside Sewer Rate - 100% of Outside Water  
 Sewer Only - Flat Rate \$4.80 Per Month

Installation of Flashing Lights, Signal and Gates - Garden Street Railroad Crossing: The City Manager presented a letter from Mr. E. F. Mallard, Railway-Highway Grade Crossing Signals Engineer asking that the City review Southern Railway's plans, materials lists, estimate and agreement for the installation of flashing light signals and gates at the Garden Street railroad crossing. The City Manager informed the City Council that the total estimated for the project would be \$58,525.00. He stated that in accordance with Federal Highway Program Manual 6-6-2-1, the Department of Transportation would pay the entire cost of the installation. He stated that the City of Marion would have to agree to pay one-half the cost of maintenance of the protective devices.

Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to approve the plans and specifications as presented and to authorize the City Manager to advise E. F. Mallard of Southern Railway that the City approves the plans and will authorize the railroad to begin construction.

Bids - Equipment and Materials: (1) Pipe Bids: The City Manager presented the following bids to furnish the City six-inch ductile iron water pipe:

| Company                              | Bid Security | Price Per Foot | Delivery Date |
|--------------------------------------|--------------|----------------|---------------|
| Lynchburg Foundry                    | Bond         | 3.67           | 1 Week        |
| Clow Corporation                     | None         | 3.90           | 6 Weeks       |
| Griffin Pipe Company                 | Check        | 3.69           | 1 Week        |
| Municipal Utility and Supply Company | None         | 3.80           | 1 Week        |

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 in the amount of \$3.67 per foot.

(2) Four-Wheel Drive Vehicle: Only one bid was received to provide the City with a four-wheel drive vehicle. The bid was submitted by Marion Buick Company in the amount of \$6,517.43.

Upon a motion by Councilman Cross, seconded by Councilman James, those members of Council present unanimously voted to reject the bid.

(3) Official City Car: The City Manager presented the following bids to furnish the City with one official city car:

| Company                     | Bid Security | Price                                     | Delivery Date |
|-----------------------------|--------------|---|---------------|
| Ballew Motor Company        | Check        | \$5,875.51                                | Immediately   |
| Lattimore Chrysler-Plymouth | Check        | \$5,656.39 (Does not meet specifications) |               |
| Darrell-Ford                | Check        | \$5,742.60                                | Immediately   |

The City Manager stated that only the bid submitted by Darrell Ford met specifications.

Upon a motion by Councilman Cross, seconded by Councilman James, those members of Council present unanimously voted to reject all bids.



(4) Police Scooter: The City Manager presented the following bids:

| <u>Company</u>             | <u>Price</u> | <u>Delivery Date</u> |
|----------------------------|--------------|----------------------|
| Goin Equipment Company     | \$4,449.09   | 8/8/78               |
| Eastern Turf and Equipment | \$4,484.94   | 30 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 Goin Equipment Company in the amount of \$4,449.09.

(5) One-Half Ton Pickup Trucks: The City Manager presented the following bids:

| <u>Company</u>           | <u>Price</u> | <u>Delivery Date</u> |
|--------------------------|--------------|----------------------|
| Ballew Motor Company     | \$4,594.23   | 30 Days              |
| Far East Motors - Datsun | \$4,233.00   |                      |
|                          | \$4,233.09   | 30-60 Days           |
| Darrell-Ford             | \$4,717.50   | 7/27/78              |
|                          | \$4,684.86   | 7/27/78              |

Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to accept the low bid submitted by Far East Motors of Hickory to purchase one ½-ton pickup truck in the amount of \$4,233.00 and to purchase a second ½-ton pickup truck for the amount of \$4,233.09. Both trucks to be purchased from Far East Motors of Hickory.

1978 Sedan Pickup: The City Manager presented one bid to furnish the City with a sedan pickup. The bid was from Darrell Ford in the amount of \$5,769.12.

Upon a motion by Councilman Cross, seconded by Councilman James, those members of Council present unanimously voted to reject the bid.

(6) One and One-Half Ton Truck: The City Manager informed the City Council that only one bid was received to furnish the City with a 1½-ton truck. The bid was submitted by Darrell Ford in the amount of \$10,936.00.

Upon a motion by Councilman Cross, seconded by Councilman James, those members of Council present unanimously voted to reject the bid.

Bid - Truck Body: The City Manager informed the City Council that two City trucks are out of service because of badly needed repairs. He stated that one of the trucks, an open-body dump truck, would not dump. He stated that the Street Superintendent informed him that he needed to order a flat bed for the truck at the earliest possible date.

The City Manager stated that in his opinion it is an emergency and warrants taking immediate action to purchase a truck body and that he would like to present informal bids received to provide the truck body for Council's formal approval.

The City Manager presented the following bids:

| <u>Company</u>                            | <u>Amount</u>                  |
|---|--------------------------------|
| Quality Equipment & Supply Company, Inc.  | \$4,150.00 (Not including tax) |
| Twin-States Truck Equipment Company, Inc. | \$3,775.00 (Not including tax) |
| VP Virginia Metal Products Co.            | \$2,852.73                     |

The City Manager informed the Council that he had authorized the Street Superintendent to purchase the truck body from VP Virginian Metal Products Company of Richland, Virginia, which submitted the low bid in the amount of \$2,852.73.

Upon a motion by Councilman Cross, seconded by Councilman James, those members of Council present unanimously voted to approve the action taken by the City Manager in accepting the low bid submitted by VP Virginian Metal Products Company.

Sidewalk Sale: Mr. Everette Clark informed the City Council that as usual the downtown merchants wish to conduct their annual sidewalk sale during the days of August 3rd, 4th and 5th. He stated that merchants would like to place wares on the sidewalk as they have each year for the annual sidewalk sale.

There were no objections by Council.

City Manager's Vacation: The City Manager informed the City Council that he plans to take vacation from July 31st through August 4th unless Council objected.

There were no objections to the dates specified.

There being no further business, the meeting was adjourned.

ATTEST:

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

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



STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

August 8, 1978

The Marion City Council met Tuesday, August 8, 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, Larry W. Brown and Oliver R. Cross.

Board Member Absent: Horace R. Wilkerson.

Others Present: J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; Alvin Callahan, Public Works Director; Richard Hicks, Planning Director and Zoning Administrator; and Ann Vess, News Reporter, The McDowell News.

Approval of the July 18, 1978 Minutes: Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to approve the minutes of the July 18, 1978 meeting.

Requests for Water Connections - Outside City Limits: Public Works Director Alvin Callahan presented three requests for water connections outside the City Limits. Application number one was submitted by Mr. Deyton of 141 Valley Street. Mr. Callahan stated that Mr. Deyton would like permission to connect to the water main with a two-inch line crossing Valley Street to provide water service for up to four mobile homes.

After a short discussion it was decided that the City would install the two-inch line and connection at the main and that Mr. Deyton could purchase water connections from the two-inch line to be installed under Valley Street.

Application number two was submitted by Dollie Taylor of 722 Perry Street requesting one 3/4-inch water connection across the street from the six-inch water main.

Application number three was submitted by Temple Baptist Church, Robinson Road, requesting a 2-inch water connection.

After a short discussion it was decided that the water meter would be installed at the six-inch main and that the Church would be responsible for extending a private line two-hundred feet to the Church site.

Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to authorize providing water service to the three applicants.

Councilman Brown stated that he was concerned about continuing to provide connections outside the City Limits without immediate plans for improving the water system.

Mayor Segars stated that Councilman James had mentioned on one occasion the possibility of enlarging the ground water storage reservoir to provide for additional storage.

The City Manager stated that more water needs to be provided by the system, not just more storage. After a short discussion the City Manager was instructed to contact Hobson Construction Company concerning the feasibility of enlarging the existing reservoir.

Christian Women's Club - Request for Civic Club Rate for Use of Community Building: The City Manager presented a letter from Mrs. Jennings Smith requesting that the Christian Women's Club be allowed to use the Marion Community Building at the rate presently charged civic clubs. The City Manager recommended approval of the request.

Upon a motion by Councilman Brown, seconded by Councilman Clark, those members of Council present unanimously voted to approve the request as submitted.

Public Hearing - Mt. Ida Estates - Annexation: The City Manager informed the City Council that a public hearing had been called on the question of annexation of the Allison Subdivision. He stated that a notice had been placed in The McDowell News on July 26, 1978, advising the general public of the public hearing to be held the 8th day of August, 1978. No one appeared at the City Council meeting regarding the proposed annexation.

Upon a motion by Councilman Cross, seconded by Councilman Clark, those members of Council present unanimously voted to adopt the following ordinance to extend the corporate limits:

WHEREAS, the City Council 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 City Hall at 7:30 P.M. on the 8th day of August, 1978, after due notice by publication on the 26th day of July, 1978; 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:

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 1st day of September, 1978:

BEGINNING on a concrete monument, the fourth (4th) corner of the Glenview Street annexation to the City of Marion and runs thence S 15-12-00" W 149.55' to an iron pin; thence S 85-43-00 E 700.13' to an iron pin; thence S 85-46-00 E 294.24' to an iron pin; thence N 03-52-25 E 1123.14' to the center of Young's Creek; thence up and with the center of Young's Creek the following six (6) bearings and distances: N 73-05 W 12.69'; N 10-10-28 W 53.48'; N 56-28-21 W 41.33'; S 83-40-54 W 86.92'; S 66-40-33 W 121.57'; N 72-07-24 W 88.26' to a point in the present City Limit line; thence with the present City of Marion lines the following nine (9) bearings and distances: S 6-03 W 185.65'; S 23-53 W 128.00'; S 66-14 E 179.84'; S 25-20 W 260.73'; S 09-04 E 384.70'; S 72-03 W 136.50'; S 71-45 W 125.00'; N 88-30 W 170.00'; N 70-30 W 360.28' to the BEGINNING, containing 9.44 acres, DMD.


Section 2. Upon and after the 1st day of September, 1978, 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-58.10.

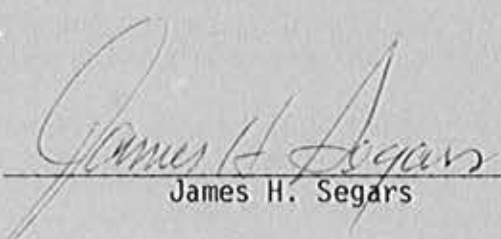
Section 3. The Mayor of the City of Marion shall cause to be recorded in the Office of the Register of Deeds of McDowell County, and in the Office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory described in Section 1 hereof, together with a duly certified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

Section 4. Notice of 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 8th day of August, 1978.

Attest:

  
J. Earl Daniels, City Clerk

  
James H. Segars

Wastewater Treatment Plant - Contract 5.0 - Sugar Hill Facilities: The City Manager informed the City Council that Mr. Bill Hobson of Hobson Construction Company had met with City Attorney E. P. Dameron, Don Griffin of O'Brien & Gere, Inc. and the City Manager in the manager's office regarding a proposed increase in the contract price for Contract 5.0 - Sugar Hill Facilities.

The City Manager presented the following Change Order I for Council consideration:

The following items constitute Change Order 1 to the Contract dated December 7, 1977, by and between the City of Marion, North Carolina, and Hobson Construction Company, Inc. and are subject to all applicable terms and conditions of said Contract:

1. Extend the time of acceptance of the bid for Contract 5.0 from 90 to 210 days.
2. Extend the contract construction time for 365 to 446 consecutive calendar days.

In consideration of the above, the compensation for Contract 5.0 shall be increased Thirty-two thousand three-hundred fifty-nine dollars.

Recommended

O'BRIEN & GERE, INC./ENGINEERS  
By /s/ C. A. Willis, P.E. 8/4/78

Accepted

CITY OF MARION  
By /s/ J. E. Daniels 8/8/78

Accepted

HOBSON CONSTRUCTION COMPANY, INC.  
By /s/ W. H. Hobson 8/8/78



Upon a motion by Councilman Cross, seconded by Councilman James, those members of Council present unanimously voted to approve the Change Order and authorized the City Manager to execute same.

Cemetery Maintenance - Proposed Maintenance Agreement: The City Manager presented a proposal from Sam J. Hall, Jr. whereby Mr. Hall would provide maintenance to the Oak Grove Cemetery for an annual contract price of \$18,000.00. The City Manager recommended that the proposal be denied.

Mayor Segars stated that he was opposed to the agreement. No action was taken by the City Council on the matter.

Community Development - Letter to Congressman Gudger: The City Manager read a letter written by Mayor Segars to Congressman Gudger advising of the City's feelings concerning the selection process for awarding Community Development Funds. The letter stated that the City was terribly disappointed to find that our program was graded as having a high significant impact on the target area and our benefit to low and moderate income persons was extremely high and yet the application was rejected.

The City Manager informed the City Council that a meeting was held in Asheville on Saturday, July 29, 1978, regarding the methods used by HUD in awarding Community Development Funds. He stated that Congressman Lamar Gudger met with numerous City and County representatives and was advised by those representatives of their displeasure in the selection process.

The City Manager stated that Planning Director and Zoning Administrator Richard Hicks attended the meeting. Mr. Hicks stated that the representatives at the meeting were very vocal about their concern about the process of selecting those cities and counties to receive Community Development Funds.

The City Manager informed the City Council that Mr. Hicks had provided the information and drafted the letter for Mayor Segars. Councilman Cross stated that Mr. Hicks should be commended for the composition of the letter.

City Manager's Report: The City Manager informed the City Council that the National League of Cities Congress of Cities meeting would be held in St. Louis, Missouri from November 25 through November 29, 1978. He informed the Council that if members wished to attend this very important meeting, they should advise him so that he could make reservations as soon as possible.

The City Manager also informed the City Council that the 69th Annual Convention of the North Carolina League of Municipalities would be held in Asheville October 22 through the 24th.

The City Manager read a letter from County Manager Jack Harmon to Mr. C. Cyrus Painter, Jr., Project Engineer, N. C. Department of Transportation, informing Mr. Painter that the County Board of Commissioners, in formal session August 4, 1978, unanimously voted to support Alternate C Modified as the route for the Marion By-Pass. The letter also stated that the Board requests that serious consideration be given to the widening of Highway 226 South from its intersection with 221 to its intersection with Interstate 40. The Board recommended this improvement rather than widening 221 South beyond its intersection with I-40 as shown on the maps.

The City Manager informed the City Council that the water line extension from Glenview Street down Currier Drive to interconnect with Rutherford Road had been completed and that preliminary investigation indicates that the water flows at the hydrant near Shirley's of Carolina has increased by 485 gallons of water per minute.

Councilman Brown raised a question concerning the installation of the traffic control signal light proposed to be installed in front of the Emergency Medical Service facility on Garden Street.

After a short discussion, the City Manager was directed to contact Mr. Bill Rosenfelt, Director of the EMS and inform him that the City Council expects to receive, no later than September 1, 1978, plans and a time schedule for installation of the traffic light to control traffic when EMS vehicles are leaving the facility.

The City Manager informed the Council that a new sidewalk had been installed on the North side of Morgan Street from its intersection with Main Street to the intersection of Claremont Avenue.

The City Manager also informed the Council that City forces had removed the grass between the curb and sidewalk on the east side of Garden Street from East Court Street south to the driveway entrance of Burgin Plumbing and had filled the area with concrete. He stated that this would eliminate City forces from having to mow grass in that area. He also advised that City forces will remove the grass strip area on the north side of State Street between Garden and Main and pour that area in concrete for the same purpose.

The City Manager advised the Council that the telephone company would be installing underground cable which would require open-cutting State Street from Dr. Allen's office south crossing State Street and also crossing Garden Street.

The City Manager stated that the Code of Ordinances being prepared by the City had been submitted to the League of Municipalities and that the codification of the ordinances would be printed in the very near future.

Mayor Segars informed the City Council that many problems are being created at the entrance to the Post Office on Main Street. He said that traffic trying to get in and out of the Post Office facility was blocking traffic on Main Street, creating a dangerous situation, and that accidents had occurred in that area. He stated that he felt Council should work toward solving the problem.



The City Manager stated that it would be possible to provide an entrance to the Post Office facility from Main Street and an exit onto Garden Street which would help solve some of the congestion in the area.

Upon a motion by Councilman James, seconded by Councilman Brown, the City Manager was directed to contact Post Master Robert Rowe concerning the problem and advise that the City would work with the Post Office in trying to correct the problem. The City Council agreed that if the problem could not be solved locally, the matter should be taken to Atlanta and Washington, D. C. if necessary and even to Congressman Gudger.

Appointment - Planning Director/Zoning Administrator and Building Inspector: The City Manager recommended that Richard Hicks be appointed Planning Director/Zoning Administrator and that Alvin Callahan be appointed Building Inspector.

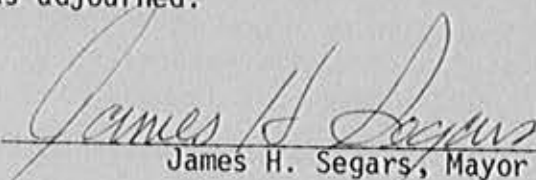
Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to make the appointments as recommended by the City Manager. The City Manager stated that the Oath of Office would be administered to both the Planning Director/Zoning Administrator and Building Inspector on August 9, 1978.

Computer - Proposed Purchase: The City Manager informed the City Council that he would recommend that Council give serious consideration to the purchase of a mini-computer for City operations. He stated that due to the recent increase in water rates that he feels it would be in the best interest of the City to go to a monthly billing for water services instead of a bi-monthly billing. He informed the Council that in order to do this the City would need to either employ someone to come in after hours to do the billing or purchase an additional mechanical billing machine, or purchase a computer. The City Manager stated that purchasing a computer would not eliminate any existing personnel but that it would eliminate having to employ one additional person in order to prepare the necessary monthly billings. He said that the computer could be used for many other things other than water billings, tax billing and payroll. He stated that the City could go to an encumbrance accounting system and that the City could go to a complete inventory of all City-owned equipment by the use of the computer.

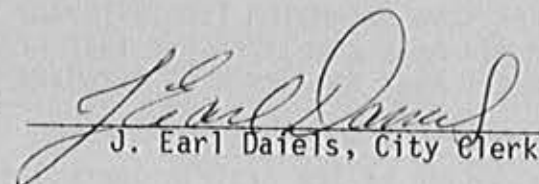
In making the presentation the City Manager stated that the time saved through using the computer could be used for other important work that now has to be neglected because of a lack of adequate time.

The City Manager furnished information for each Council member prepared by Allen L. Watts, District Manager of Micro System, Inc. which listed a breakdown of time which could be saved through the use of a mini-computer. The City Manager asked that Council members review the information and that serious consideration be given to making a change in the operation at the earliest possible date which would allow monthly billing for water bills.

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

August 22, 1978

The Marion City Council met Tuesday, August 22, 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 W. Brown.

Board Member Absent: Oliver R. Cross.

Others Present: J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; Richard Hicks, Planning Director and Zoning Administrator; and Ann Vess, News Reporter, The McDowell News.

Guest: Bob Kendrick, Dysartsville Community.

Approval of the August 8, 1978 Minutes: Upon a motion by Councilman James, seconded by Councilman Brown, those members of Council present unanimously voted to approve the minutes of the August 8, 1978 meeting.

Public Hearing - Proposed Amendments to the Marion Zoning Ordinance: The City Manager informed the City Council that a public hearing had been called to consider zoning the re-ently annexed West Marion area to the proper district and to discuss the recommendation of adopting two residential districts - a (R-1) Single Family Residential District and a (R-2) General Residential



District. He stated that a notice had been placed in The McDowell News on August 7th and 21st, 1978, advising the general public of the public hearing to be held the 22nd day of August, 1978. No one appeared at the City Council meeting regarding the proposed amendments to the Marion Zoning Ordinance.

Upon a motion by Councilman James, seconded by Councilman Wilkerson, those members of Council present unanimously voted to table action on the proposed residential districts until the Planning Board could hold another public hearing to zone the remaining portion of the McDonald's property as C-2 General Business and to zone the West Marion area as residential.

Bids - Warehouse Renovation: The City Manager informed the City Council that he had received no bids on the renovation of the warehouse and had only received two bids for the electrical work. He asked the Council that he be allowed to readvertise and to hold the two electrical bids that were turned in in hopes of getting another electrical bids and some bids on the warehouse renovation itself.

Upon a motion by Councilman Brown, seconded by Councilman Wilkerson, those members of Council present unanimously voted to approve the readvertisement of bids for the warehouse renovation.

Bids - Pipe: The City Manager informed the City Council that the City forces began construction on a 12-inch water main on Baldwin Avenue to interconnect with Marion Manufacturing Company's water system, as per the agreement. Construction was begun Saturday, August 19, 1978. He informed the Council that they had planned to use the 12-inch water pipe which Council agreed to purchase from Duncan Construction Company. This information was included in the Minutes of the City Council Meeting in June, 1978. Duncan Construction Company advised that they had 79 joints of pipe which amounts to approximately 1,400 feet of pipe which they would sell to the City of Marion.

City crews worked Saturday, August 19th and Sunday, August 20th, to complete the work at the earliest possible date. On Monday, August 21st, City crews went to pick up the additional 12-inch pipe for the job and were advised that no pipe was available and that an error had been made when the City was informed that Duncan had 79 joints available.

Mr. Daniels informed Council that he had advised Mayor Segars of the problem and it was agreed that this was an emergency which justified taking informal bids in order to get pipe as quickly as possible for completion of the job. Below is a tabulation of informal bids received by telephone August 21st. Said bids will be confirmed in writing and an order had been placed with the lowest bidder, Lynchburg Foundry, for pipe to be delivered Wednesday, August 23rd, 1978.

| <u>Company</u>           | <u>Price Per Foot</u> |
|--------------------------|-----------------------|
| Griffin Pipe Products    | \$9.03                |
| Clow Corporation         | \$9.15                |
| MUSCO-Supply Specialties | \$9.29                |
| Lynchburg Foundry        | \$8.83                |

Upon a motion by Councilman James, seconded by Councilman Wilkerson, those members of Council present unanimously voted to approve the action taken by the City Manager.

General Public: The City Manager introduced Mr. Bob Kendrick from Dysartsville. Mr. Kendrick stated that he had just recently moved into the area. He stated that after reading the newspaper he became interested in the proposed downtown revitalization project. He stated that he had a B.S. Degree in Landscape Architecture and that he would like to help in the Downtown Study in any capacity where his services might be beneficial to the project.

The City Council thanked Mr. Kendrick for attending the meeting and told him that they may be able to use his assistance in various stages of the project.

Waterline Agreement - Great Meadows, Inc.: The City Manager read the new waterline agreement with Great Meadows, Inc., as rewritten.

Upon a motion by Councilman James, seconded by Councilman Brown, those members of Council present unanimously voted to approve the new agreement as prepared.

201 Facility Study: The City Manager informed the Council that they need to hold a public hearing on the 201 Facility Study. He recommended that the Public Hearing be held October 3, 1978.

Morgan Street - Citizen's Request - "No Through Trucks": The City Manager informed the City Council that there is a problem with large trucks and buses using Morgan Street as a means of going from Main Street to West Henderson Street.

The City Council members agreed that the matter should be turned over to the Police Department for further investigation and that the Street Committee should also investigate the matter.

Downtown Study: The City Manager informed the City Council that the Downtown Study was in and he asked how the Council wished to distribute the study books.

The Council members agreed that a copy should be given to all of the downtown merchants and property owners and that any copies left over should be given away on a first come, first serve basis. The Council members also agreed that a meeting should be set up with the downtown merchants to discuss the study and that Woody Harton should be contacted to determine the possibility of such a meeting.



Clearinghouse Notification No. 79-0232 - McDowell County Park: The City Manager informed the City Council that the McDowell County Recreation Commission is applying for \$70,000 in federal funds for the swimming pool and renovation of two dressing rooms.

The Council members agreed to submit a notice that this project is in conformance with local goals.

Grayson Street - Private Drive: The City Manager informed the City Council that several residents on a private drive off of Grayson Street requested that the City maintain the driveway as a City street so they could get streetlights in the area.

The Council members agreed that the Street Committee should investigate the matter and report back to the Council.

City Employee's Request: The City Manager informed the Council that a City employee wants to put a trailer on City property across from the Filter Plant in return for looking after the property.

The Council members agreed that a committee should investigate this matter to insure there would be no legal problems in doing this.

Computer: The City Manager passed out a list of things that could be done with a computer. He informed the Council that for a fee a consultant would help determine the City's needs and insure that the City would get the equipment needed.

After a long discussion over the necessity of the computer, the Council agreed to allow the City Manager to contact the consultant in order to prepare the bid specifications for Council approval.

City Manager's Report: The City Manager informed the City Council that the new Cushman Police Scooter was in and that the old Harley-Davidson Motorcycle would be sold.

The City Manager also informed the City Council that five of the globes had been shot out of the lights at the tennis courts. He stated that the lights would be turned off until the globes could be replaced.

Emergency Medical Services: The City Council agreed that the EMS had been given enough information and time to install the warning light proposed by the City and they all agreed to take no action on the matter and to leave the parking as it is.

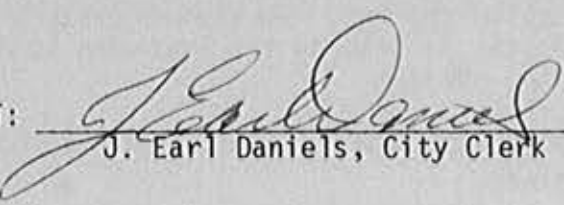
Mayor Segars informed the City Council that the Radio Patrol asked him if there was any way they could render their assistance and if the Police Department would monitor Channel 9 to help render assistance to people that need it.

The Council agreed to look into the possibility of having a citizens ban radio in the Police Station to monitor Channel 9 and to look into the possibility of using the Radio Patrol people during various activities.

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 5, 1978

The Marion City Council met Tuesday, September 5, 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, Oliver R. Cross and Larry W. Brown.

Others Present: J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; Richard Hicks, Planning Director and Zoning Administrator; Alvin Callahan, Public Works Director; and Ann Vess, News Reporter, The McDowell News.

Guests: Ms. Phyllis Jamison.

Approval of the August 22, 1978 Minutes: Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to approve the minutes of the August 22, 1978 meeting.

Bid - Warehouse Renovation: The City Manager informed the City Council that sealed bids for the renovation of the City Warehouse facility were to be opened at 2:00 P. M., September 5, 1978 in accordance with the advertisement in The McDowell News Friday, August 25, 1978. He advised the



Council that no bids were received and asked for permission to readvertise.

Upon a motion by Councilman Clark, seconded by Councilman Cross, the City Council unanimously voted to readvertise for bids as requested by the City Manager.

Management Advisory Services - Crawley, Johnson, Price and Sprinkle - Consultant Agreement: The City Manager presented a proposed agreement whereby Management Advisory Services, a division of Crawley, Johnson, Price and Sprinkle, would provide consultant services to the City on the purchase of a computer system. Under the terms of the agreement, Management Advisory Services would provide generally the following services:

1. An evaluation of hardware systems, software and application programs as proposed by the City.
2. The preparation of a contract between the City and the selected vendor.
3. The accounting system would be analyzed to make certain it conforms to the City's needs.
4. Work with the City on the implementation schedule.
5. Evaluate the system as installed.

This work would be performed for a contract price of \$3,750.00.

After a short discussion and upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to table the matter.

Morgan Street - Proposed Ordinance - "No Thru Trucks": The City Manager presented a proposed ordinance which would prohibit trucks and/or buses exceeding three tons in gross weight from using Morgan Street unless such vehicle is making pickups and/or deliveries to residence on said street or other streets in the immediate neighborhood.

The Ordinance was presented at the request of citizens living on Morgan Street.

After a long discussion, Councilman Brown made a motion to adopt the ordinance. This motion was seconded by Councilman Cross and the vote was as follows:

Ayes: Councilmen Brown and Cross  
Noes: Councilmen James, Wilkerson and Clark

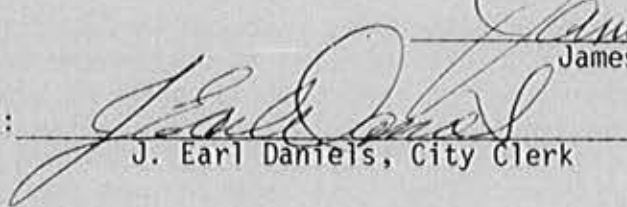
Planning Services - Resolution Authorizing Execution of Contract: Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to adopt the following resolution:

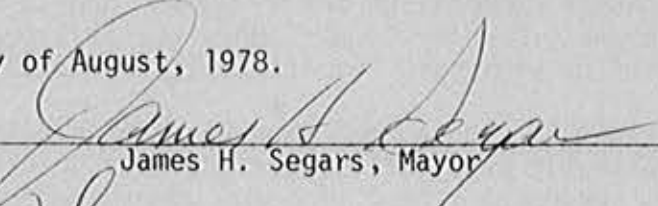
BE IT RESOLVED by the City Council of the City of Marion, North Carolina as follows:

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

Adopted this the 5th day of August, 1978.

ATTEST:

  
J. Earl Daniels, City Clerk

  
James H. Segars, Mayor

Position Classification and Pay Plan: The City Manager informed the City Council that the City's Position Classification and Pay Plan was outdated and that the plan had been prepared in 1971. He respectfully requested permission to contract with the Office of State Personnel for the Director of the Local Government Division to prepare a Position Classification and Pay Plan for the City of Marion. He informed the City Council that the estimated cost for this service would be \$850.00.

Upon a motion by Councilman Wilkerson, seconded by Councilman Brown, the City Council unanimously voted to table the matter.

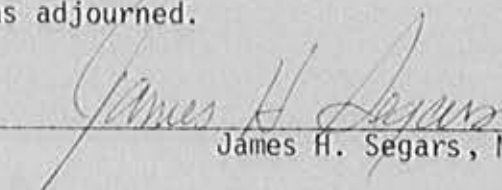
Computer Specifications - Proposed: The City Manager presented proposed specifications for a Computer system for the City. He asked the City Council for permission to advertise for bids for a computer system. The City Council discussed the matter and asked that Councilman Brown and Councilman Wilkerson meet with the City Manager and look at different computer systems which may be available to the City of Marion.

Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to authorize the City Manager to advertise for bids for the purchase of a computer system for the City of Marion.




Utility Committee Meeting: The City Manager informed the City Council that several requests had been submitted for water connections outside the City Limits and that several other matters were pending regarding the Marion Water System. He respectfully requested that the Utility Committee meet following the City Council Meeting to take action on these matters.

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 19, 1978

The Marion City Council met Tuesday, September 19, 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, Oliver R. Cross and Larry W. Brown.

Others Present: J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; Richard Hicks, Planning Director and Zoning Administrator; Alvin Callahan, Public Works Director; John Beck, Chief of Police; and Ann Vess, News Reporter, The McDowell News.

Guests: Police Officer Joan McIntosh; Robert Hendrick; SSG Ronald A. Dutton, NCARNG; 1st Lt. Jerry D. Parker, Det. C. O. Det. 1, Co. A 2/120th Inf.; 1st Lt. Alfred C. Ward, HG 2nd Bn.(m) 120th Inf.

Approval of the September 5, 1978 minutes: Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to approve the minutes of the September 5, 1978 meeting.

National Guard - Request to Conduct Exercise: SSG Ronald A. Dutton, 1st Lt. Jerry D. Parker, and 1st Lt. Alfred C. Ward appeared before the City Council to advise the Council that their National Guard Unit would like to conduct the Civil Disturbance Exercise in the City of Marion on the weekend of January 13 and 14, 1979. Several questions were raised by Council members about safety to citizens during the exercise and other matters relating to the planned exercise. Lt. Ward informed the City Council that plans for the proposed exercise could be prepared and presented to the Council at a later date for the City Council's approval. Upon a motion by Councilman Clark, seconded by Councilman James, the City Council unanimously voted to cooperate with the National Guard in the planned Civil Disaster exercise. It was agreed that detailed plans for the exercise would be presented to the City Council at a later date for Council approval prior to the exercise being conducted.

Grievance Committee - By-Laws: The City Council reviewed proposed By-Laws of the City of Marion Employee Grievance Committee. The Council was informed that the By-Laws were prepared by members of the Grievance Committee. City Attorney, E. P. Dameron, suggested several changes in the By-Laws as proposed by the committee. Councilman Brown suggested that the By-Laws be presented to each employee of the City for their comments prior to adoption. After a short discussion it was determined that the City Council could adopt the By-Laws as amended and make copies available to City employees and request their comments on the By-Laws. Upon a motion by Councilman Cross, seconded by Councilman Brown, the City Council unanimously voted to accept the By-Laws as amended and that copies of the By-Laws be presented to each employee and that employee comments on the By-Laws be requested.

Executive Session: Upon a motion by Councilman Wilkerson, seconded by Councilman Clark, the City Council unanimously voted to adjourn the City Council meeting to re-convene in executive session to discuss a personnel matter with the understanding that Council would go back into session following the executive session. The City Manager read a letter from Police Officer Joan McIntosh stating that she wished to appeal the decision of the City of Marion Employee Grievance Committee which met on September 18, 1978. Mrs. McIntosh stated that when she was employed by the City as a Police Officer she was assigned as a Police Dispatcher to work on the third shift. She stated that she served on the first shift until a new policy was established whereby all Police Officers and Dispatchers were placed on a rotating shift. She informed the Council that when the policy change was made and officers were placed back on permanent shifts that she was assigned the third shift as a Dispatcher. She said that she felt that this was unfair to place her back on the third shift after she had been assigned to work on the first shift. Police Chief John Beck stated that when the decision was made to return to permanent shifts that he asked senior Dispatcher, Ray Hawkins, his preference on shifts and that Mr. Hawkins selected the second shift. Chief Beck stated that Police Officer Donna Edwards served not only as a Police Dispatcher, but as a part-time Crime Prevention Officer, Police Training Officer, and also did monthly reports for the Chief of Police. He stated that she could not accomplish this work if she were placed on the third shift. Mayor Segars informed the City Council that he had discussed the matter thoroughly with the Chief and that he agreed with the Chief's decision to place Officer Edwards on the first shift so that she could serve as a Dispatcher and also serve as a Crime Prevention Officer, Training Officer, and handle reports. Mayor Protem Clark informed the City Council that he was chairman of the Employee Grievance Committee and that the Employee Grievance Committee had met on Monday, September 18, 1978, to review Mrs. McIntosh's complaint. He stated after reviewing the complaint, the Grievance Committee was asked to vote "yes" if the grievance was a legitimate grievance that should be considered by the committee and to vote "no" if the members of the Grievance Committee felt that the complaint was



not a legitimate grievance. He informed the Council that the majority members of the Grievance Committee voted "no" indicating that it was their opinion that Mrs. McIntosh did not have a legitimate grievance. The City Council re-convened in regular session and called Mrs. McIntosh and other persons back into the Council Chambers. Upon a motion by Councilman Cross, seconded by Councilman Brown, the City Council unanimously voted to support the action of the Grievance Committee. Mrs. McIntosh thanked the City Council for listening to her complaint.

201 Facilities Study - Request for additional payment: The City Manager presented a letter from C. A. Willis, representing O'Brian & Gere Engineers stating that the engineering firms cost to complete the 201 Facilities Study was considerably higher than the contract price and requested that the City give consideration to increasing the payment for the study based on a local shared increase of \$3,900.00. Mayor Segars stated that in his opinion the 201 Study could have been completed in a much shorter period of time, if the engineers had gone to work directly on the study. He stated that in his opinion, any increase cost in the study was probably caused by the delays in getting through with the study. The City Manager was advised that he could inform Mr. Willis that the Council would hear his request for additional funds, but to express to him the opinion given by Mayor Segars.

Downtown Study: The City Manager presented to each Council member a resume' submitted by Robert C. Kendrick. The City Manager stated that Mr. Kendrick is interested in working with the City in developing more detailed plans for revitalization of the downtown area. Mr. Kendrick stated that he would work with the City on a consultation basis for \$5.00 per hour and that if he were requested to do other additional work, such as renderings on possible improvement to structures in the downtown area, that the work would be based on a higher rate of pay. Councilman Cross made a motion that Mayor Segars appoint a committee to enter into discussions with Mr. Kendrick concerning downtown planning and financial arrangements and make recommendations to the City Council. This motion was seconded by Councilman James and all members voted in favor.

Mackey Creek House: Public Works Director, Alvin Callahan, informed the City Council that Calvin Smith was still living in the City owned house on Mackey Creek even though he had resigned his position with the City. He stated that City employee Wayne McMahan had approached him to request that he be permitted to move into the City owned house, rent free, provided that he would check intakes and keep them clear of leaves on week-ends and other times necessary. Mr. Callahan stated that this was the same arrangement the City had with Calvin Smith. He informed the Council that Wayne McMahan lived a short distance from the Mackey Creek house and he and former employee, Calvin Smith, had agreed to exchange houses if Council would approve employee Wayne McMahan moving into the house owned by the City. Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to authorize City employee Wayne McMahan to move into the City owned dwelling on Mackey Creek, rent free, in exchange for employee McMahan checking the intakes on week-ends and other times requested by the Public Director without additional pay.

Parking Zone - South Main Street: Upon a motion by Councilman Brown, seconded by Councilman Wilkerson, the City Council unanimously voted to adopt the following Ordinance:

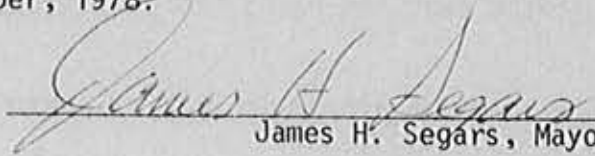
BE IT ORDAINED by the City Council of the City of Marion as follows:

Section 1. When signs are erected giving notice thereof, no person shall park a vehicle between the hours of 9 A.M. and 7 P.M. on the following portion of South Main Street.


(a) Beginning at a point on the west side of South Main Street, said point being located 164 feet south of the curbline of Crawford Street, thence from said point, running in a southern direction for a distance of 942 feet.

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

Adopted this the 19th day of September, 1978.

  
James H. Segars, Mayor

ATTEST:

  
J. Earl Daniels, City Clerk

Recreation Commission - Appointment of Andy Symmes: Upon a motion by Councilman Clark, seconded by Councilman Cross, the City Council unanimously voted to re-appoint Andy Symmes as a member of the Old Fort - Marion McDowell County Recreation Commission for a term of three years beginning October 1, 1978 through September 30, 1981.

Watch for Children Signs: Mayor Segars informed the City Manager that he had received a request for the installation of Watch for Children sign. The City Manager stated that he had been trying to remove all the Watch for Children signs throughout the City, but that he too had received several requests for the City to install these type signs in different sections of the City. The City Manager stated that in his opinion the signs were misleading both to children in the Community and to motorists, but that if Council wished for the signs to be installed, then the signs could be ordered and placed in service. After a short discussion, the City Manager stated that signs could be ordered and placed in service.

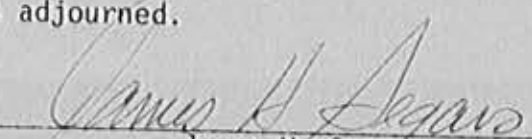
DEAR Program - Drop Everything and Read: The City Manager stated that he had received a request from Mrs. Margaret Gale that the City grant permission to McDowell High School to install a drop box on Logan Street between the sidewalk and street next to the Library building, where persons




could drop books and magazines off. After a short discussion, the Council directed the City Manager to inform Mrs. Gale that the City had no objections to the placement of such a drop box as long as the location was approved by the Library Board.

Water Service Applications - Outside municipal limits: The City Manager stated that the Utility Committee had reached an agreement that the City should not provide any additional new water services outside municipal limits except where the City has agreements with developers to provide said connections. The City Manager stated that the City had agreements pending to install in excess of 115 new connections outside municipal limits. The City Council agreed that the City should not accept any new applications for water services outside municipal limits except in those cases where the City already has pending agreements.

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 3, 1978

The Marion City Council met Tuesday, October 3, 1978, at 7:30 P.M. in the Fire/Police Training Center.

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

Board Members Absent: Oliver R. Cross and A. Everette Clark.

Others Present: J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; Alvin Callahan, Public Works Director; Richard Hicks, Zoning Administrator; and Ann Vess, New Reporter, The McDowell News.

Guests: Gary Tweed, representative of NER; and W. S. Riddick, Don Griffin and Ned Fiss, representatives of O'Brien & Gere, Inc./Engineers.

Approval of the September 19, 1978 Minutes: Upon a motion by Councilman James, seconded by Councilman Wilkerson, those members of Council present unanimously voted to approve the minutes of the September 19, 1978 meeting.

Public Hearing - 201 Facilities Planning Study: Ned Fiss, representing O'Brien & Gere, Inc., presented the 201 Facilities Study by slide presentation. He stated that the infiltration into the existing waste treatment plant was approximately 700,000 gallons of water. Mayor Segars took exception to this statement, as did the City Manager.

The City Manager stated that the total input to the plant was approximately 1.5 MDG and that he did not feel that almost one-half of that amount was due to infiltration. He stated that he knew that infiltration into the system is high but questioned the figure.

Mr. Fiss stated that the new 3 MDG plant would be large enough to provide service to the 201 Planning Area.

Mayor Segars took exception to this statement and stated that he did not believe the plant would serve that large an area.

Mr. Fiss stated that the plan proposed to replace the Clinchfield Waste Treatment Plant with a pumping station so that the City would only have the one main waste treatment plant. Replacement of the Clinchfield plant with a pumping station, Mr. Fiss stated, is the most cost effective way of providing treatment of the waste.

There was some disagreement concerning replacing the Clinchfield Plant with a pumping station.

Mr. Fiss asked if there were any questions or comments.

(A copy of the 201 Facilities Planning Study is on file in the City Clerk's Office.)

Gary Tweed, representing NER, stated that the 201 Facilities Planning Study would need to address the Garden Creek Area and the Area along Highway 70 since it was not included in the project. Mr. Tweed was advised that at the time the study was prepared, this area was included in the project and would not have needed to be included in the study.

Mr. Tweed stated that since the lines were apparently not going to be installed as a part of the project that this area would need to be included in the study. He also stated that the study should include user charges showing that the income will be sufficient to operate and maintain the system and provide for capital improvements.



No one else appeared at the hearing to make comments.

Downtown Study: Mr. Bob Kendrick appeared before Council to present preliminary drawings of the downtown area showing existing open spaces and how traffic funnels into Main Street.

Bids - Warehouse Renovation: The City Manager presented the following bids for the proposed renovation of the warehouse:

GENERAL CONSTRUCTION:

|                               |                         |
|-------------------------------|-------------------------|
| Amos Fortenbury               | Bid Amount: \$24,250.00 |
| Sandblasting Front \$2,000.00 |                         |
| Sandblasting Back \$1,600.00  |                         |
| (No Bid Bond)                 |                         |

ELECTRICAL:

|                                 |                        |
|---------------------------------|------------------------|
| J. B. Brooks Electric Company   | Bid Amount: \$5,598.00 |
| (Bid Bond Attached)             |                        |
| McMillon Electric Company, Inc. | Bid Amount: \$3,430.00 |
| (No Bid Bond)                   |                        |

He stated that bid bonds were not submitted by the general contractor and one of the electrical contract bidders. He stated that he would recommend that the City not renovate the warehouse at this time, that the City Council consider removing the building to provide a parking lot, and that consideration be given to remodeling the new facility at the shop or construction of a new warehouse at the shop site.

Upon a motion by Councilman James, seconded by Councilman Wilkerson, those members of Council present unanimously voted to table the matter.

Bids - Two ½-Ton Trucks: The City Manager presented the following bids to furnish the City two ½-ton pickup trucks:

| Company  | Model                      | Price      | Delivery Date |
|--|----------------------------|------------|---------------|
| Ballew Motor Company   | 4 Cylinder - Straight Dr.  | \$4,570.56 | 30 days       |
| (City may deduct \$265.00 from cost of each vehicle if the City Paints the vehicles) |                            |            |               |
| "  | 4 Cylinder - 110.8 cu. in. | \$4,504.47 | 30 days       |
| Far East Motors, Inc.  | 4 Cylinder (119.1 cu. in.) |            |               |
| "  | SB Yellow w/white top      |            |               |
| "  | (Automatic Transmission)   | \$4,671.60 | 2 - 3 weeks   |
| "  | Straight Drive             | \$4,367.64 | "             |
| "  | 4 Cylinder (119.1 cu. in.) |            |               |
| "  | SB Yellow w/white top      |            |               |
| "  | (Automatic Transmission)   | \$4,671.60 | 2 - 3 weeks   |
| "  | Straight Drive             | \$4,369.64 | "             |
| (All Vehicles Are 1978 Models)   |                            |            |               |

Upon a motion by Councilman James, seconded by Councilman Wilkerson, those members of Council present unanimously voted to accept the low bid submitted by Far East Motors, Inc. for two 1978 model, straight drive, ½-ton trucks for a total amount of \$8,735.28.

There being no further business, the meeting was adjourned.

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

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

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

October 17, 1978

The Marion City Council met Tuesday, October 17, 1978, at 7:30 P.M. in the Fire/Police Training Center.

Board Members Present: Councilmen Robert E. James, Horace Wilkerson, Larry Brown, Oliver Cross and Everette Clark. Mayor James Segars arrived shortly after the meeting was started.

Others Present: J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; Richard Hicks, Zoning Administrator; Alvin Callahan, Public Works Director; and Ann Vess, News Reporter, The McDowell News.

Guests: Allen Watts and Bill Rhodes, Representatives of InterACT Computer Services; Mr. & Mrs.



Joseph J. Howell, Representing ALPHA-Digital Systems; Worth Keeter; Dennis R. Turman, Marion Planning Board; Robert K. Hawkins; Rev. Rodney King; Jack Walker; R. C. Henline; Mrs. Louise Ward; Ermine C. Neal; Jane Walker; Joe Franklin; Mrs. J. E. Neal, Jr.; Mrs. Elizabeth C. Padgett, Mrs. Virginia R. Conley; Robert C. Kendrick; Joseph R. McMinn; Frank Blalock, Downtown Merchants Association.

Mayor Pro Tem Everette Clark called the meeting to order.

Approval of the October 3, 1978 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 3, 1978 meeting.

Mayor Pro Tem Clark welcomed all persons attending the meeting. He stated that the first item on the Agenda, a request from Mr. Joe McMinn, for "Water" connection outside the City Limits was being transferred to the City of Marion Utility Committee for investigation unless there was objections by Council members. Councilman James objected to this procedure. A short discussion followed. Mr. James stated that he was aware that there had been an Agreement concerning water services involving the property in question and that it was City policy to provide water services to persons having Agreements with the City prior to the date the policy was established whereby water connections would not be made outside City Limits. The City Manager stated that he had not been able to locate any written Agreements at City Hall by and between the City and Mr. McMinn or others whereby the City had promised to provide water service to said properties. He stated that this did not mean that no Agreement existed, just that he was unable to find any written Agreement and that he had requested the matter be transferred to the Utility Committee for further investigation. He stated that if an Agreement does in fact exist then the Utility Committee could authorize a connection. At this point, Councilman Wilkerson asked if the matter would not have to be brought back to the City Council. The City Manager stated that if an Agreement existed then City Policy provided for the water connection to be made without having to bring the matter to the City Council. Following a short discussion, it was agreed by Council for the Utility Committee to make a decision regarding the matter with a report back to the City Council at the next meeting.

Zoning Ordinance - Proposed Admendment - Public Hearing: The City Manager stated that a Public Hearing had been called for the City Council to consider adopting a proposed amendment to the Marion Zoning Ordinance which would establish two Residential Districts instead of one Residential District for the City of Marion. He stated that Chairman of the Marion Planning Board, Dennis Turman, was present at the meeting and would present the proposal submitted by the Marion Planning Board for Council consideration. Mr. Dennis Turman presented the following proposed amendment for Council consideration:

Section 801. R-1 Single Family Residential District

801.1 Intent. The R-1 Single Family Residential District is established as a district in which the principal use of land is for single family residential purposes.

801.2 Permitted Uses. Within the R-1 Single Family Residential District, a building or land shall be used only for the following purposes:

1. Single-family dwellings;
2. Churches or similar places of worship, including single family parish houses or parsonages;
3. Golf courses, parks, playgrounds, swimming pools, community centers, country clubs, civic clubs and lodges operated on a non-commercial or non-profit basis for recreational purposes only;
4. Public elementary, junior high school, high schools and private schools having a similar curriculum, but not trade schools;
5. Public utility buildings and facilities if such use is essential for the service of the immediate area and provided that:
  - a) all buildings shall be located at least thirty-five feet (35) from side and front lot lines and ten (10) feet from rear lot lines;
  - b) Fences and/or other appropriate safety devices are installed to protect the public safety and welfare;
  - c) No vehicles or equipment are stored, maintained or repaired on the premises;
  - d) All structures are in keeping with the residential character of the neighborhood;
  - e) Adequate landscaping, screening and/or buffering shall be provided to insure compatibility with the neighborhood.
6. Customary incidental home occupations as defined in Article IV, Section 400 (6), of this Ordinance and subject to all conditions stated therein, provided there is no external evidence of such occupation except an announcement or professional sign not more than two (2) square feet in area.
7. Customary accessory buildings, including private garages and non-commercial workshops and greenhouses, provided that:
  - a) Such buildings shall be located in the rear yard and shall comply with all applicable setback requirements of this Section and of Article IX of this Ordinance;
  - b) No accessory building on a corner lot shall extend beyond the front yard line required for abutting property on the side street;
  - c) No greenhouse heating plant shall be located within twenty-five (25) feet of any lot line.

Following Mr. Turman's presentation, there was a long discussion concerning the proposed amendment. Of the eighteen persons attending the meeting, most of the persons were present with regard to the proposed change in the Zoning Ordinance. It was pointed out that not all properties



in the City would be affected by the change and those properties affected generally would be the Foxfire Subdivision, properties on Willow, Broad, Clarmont and Forest Heights and properties generally north of Roberts Street. A very long discussion followed. The primary objection seemed to be that apartments would not be permitted in those areas planned to be zoned for single family dwellings. The City Council was advised from several persons in attendance that many widow ladies having large homes would like be able to rent out apartments in their homes as a source of income and also to have someone present in the home with them. The proposed Single Family Residential District would not permit apartments. Most persons agreed to prohibit mobile homes in the areas defined. Upon a motion by Councilman Brown, seconded by Councilman Cross, those members of Council present unanimously voted to return the proposed amendment to the Marion Planning Board with instructions to study the matter in light of the recommendations made at the Public Hearing and re-submit an amendment based on their findings at a later date. Mayor Pro Tem Everette Clark thanked Mr. Dennis Turman and other members of the Planning Board for their efforts in working on the Marion Zoning Ordinance. He stated that it was a "thankless" job, but that it was most important.

Mayor Segars arrived at the meeting.

Downtown Study: Mr. Bob Kendrick presented a base map identifying some of the problems and some of the advantages within the downtown area. The map showed proposed locations for tree plantings in the City of Marion Henderson Street parking lot and also on the parking lot located on the northeast corner of Henderson and Logan Street, presently being leased by the Parking Commission. The base map also presented locations for tree plantings on Henderson Street east of its intersection with Logan Street and also on Main Street. The City Manager informed the City Council that the Marion Parking Commission had already authorized expenditure of certain funds for the purchase of tree plantings for the lot being leased from Mr. Blanton on the northeast corner of the intersection of Logan and Henderson Streets. He stated that plantings will be placed around the perimeter of the lot and that two canopy trees are proposed to be located in the lot. He stated, in addition, the Parking Commission had authorized the expenditure of funds to re-paint parking stalls in the lot and arrows directing traffic flow from Logan Street east into the lot, with exit through an existing alleyway running north and south between the old Roses Building and Caraway Warehouse #2. The City Manager suggested that a walk-way be established just north of the Railroad tracks from Henderson Street parking lot east to Main Street. He stated that trees could be planted separating the Pedestrian walk-way from the Railroad tracks. This would shield some of the noise from the Pedestrians using the walk-way. He stated that traffic could be one-way from the parking lot east to Main Street, which would eliminate traffic from backing up on Main Street trying to make a left turn into the alley-way. The City Manager stated that authorization was needed for the expenditure of the funds for the purpose of purchasing trees and other plantings for Main Street and the Henderson Street parking lot. Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to authorize the purchase of trees and plantings for the Main Street and for Henderson Street and the Henderson Street parking lot.

Bids - Official City Automobile; Four-Wheel Drive Vehicle; 1½ Ton Truck; and Public Works Director's Truck: The City Manager presented the following bids:

1979 Sedan Pickup

| Company              | Bid Security | Price    | Delivery Date |
|----------------------|--------------|----------|---------------|
| Ballew Motor Company | Check        | 5,705.79 | 6 - 8 wks     |
| Darrell Ford-Mercury | Bond         | 6,116.00 | 6 weeks       |

Four-Wheel Drive Vehicle

|                      |       |          |           |
|----------------------|-------|----------|-----------|
| Ballew Motor Company | Check | 5,530.16 | 6 - 8 wks |
| Marion Buick Company | Check | 6,023.73 | 90 days   |
| Darrell Ford-Mercury | Bond  | 7,142.65 | 6 weeks   |

1½ Ton Pickup

|                      |       |          |                 |
|----------------------|-------|----------|-----------------|
| Ballew Motor Company | Check | 8,890.00 | 90 days         |
| Darrell Ford-Mercury | Bond  | 9,157.86 | Approx. 60 days |

City Manager's Car

|                             |       |          |                  |
|-----------------------------|-------|----------|------------------|
| Ballew Motor Company        | Check | 5,858.86 | 6 - 8 wks        |
| Lattimore Chrysler-Plymouth | Check | 6,585.33 | Approx. 2 months |
| Darrell Ford-Mercury        | Bond  | 5,911.56 |                  |

The City Manager recommended the following vehicles be purchased from Ballew Motor Company, the low bidder:

1. 1979 Sedan Pickup
2. 1½ Ton Pickup
3. City Manager's Car

The City Manager recommended that the Four-Wheel Drive Vehicle be purchased from Marion Buick Company. He stated that Marion Buick Company was the only firm which met specifications on the Four-Wheel Drive Vehicle. Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to accept the recommendations of the City Manager for the purchase of the vehicles.

Bids - Garbage Packer and Cab & Chassis: The City Manager presented the following bids:

| Company             | Bid Security | Model                      | Price     | Installation  | Delivery Date |
|---------------------|--------------|----------------------------|-----------|---------------|---------------|
| Suburban Sanitation | Bond         | Cobey Route<br>Model RL-20 | 13,658.00 | Galion, Ohio  | 30 days       |
| Worth Keeter, Inc.  | Bond         | Pak Mor<br>Model RL-220    | 11,146.00 | Suffield, Va. | 30-45 days    |



|                        |      |   |           |                 |            |
|------------------------|------|---|-----------|-----------------|------------|
| Sanco Corporation      | Bond | Loadmaster<br>Model LM-100                          | 11,808.00 | Culpepper, Va.  | 60 days    |
| Controlled Environment | Bond | E-Z Pack<br>Model M-200                             | 12,033.00 | Ft. Mill, S. C. | 40-60 days |
| " (Complete Unit)      | "    | 1979 Ford & Chassis<br>Model C-800                  | 25,801.00 |                 | 15 days    |
| Quality Environment    | Bond | Heil Mark IV<br>20 Cu. Yd.                          | 12,438.60 | Ft. Payne, Ala. | 30 days    |
| " (Complete Unit)      | "    | 1978 Ford LN-8000 &<br>Heil Mark IV - 20 Cu.<br>Yd. | 34,558.60 |                 | 15 days    |

The City Manager stated that no Cab and Chassis bids were received from vehicle dealers that two bids were received from firms selling Garbage Packer Units. He recommended that the City Council accept the low bid submitted by Worth Keeter, Incorporated to furnish a Pak-Mor Model RL-220 Garbage Packer Unit. He also recommended the City Council reject all bids for furnishing a Cab and Chassis. Upon a motion by Councilman Clark, seconded by Councilman Brown, the City Council unanimously voted to accept the bid submitted by Worth Keeter, Incorporated. The Council also agreed to an increase in price of \$427.00 so that Worth Keeter could furnish with their Packer Unit a Power Take-off Unit. This unit will not be required when the Cab and Chassis is bid. Upon a motion by Councilman Clark, seconded by Councilman James, the City Council unanimously voted to reject all bids for furnishing a Cab and Chassis to the City.

Bids - Computer System: The City Manager informed the City Council that four bid proposals were received for furnishing the City a Computer System. The four bidders were IBM, NCR, ALPHA-Digital Systems and InterACT Computer Services and that they had also looked at the computer system proposed by ALPHA-Digital Systems. The City Manager stated that the bid submitted by NCR was on the I-8150. The total bid for hardware was \$36,741.50. The total bid for software was \$19,755.00. He stated that an alternate bid was submitted on the I-8200. The alternate plan suggested that the City purchase part of the equipment and rent part of the equipment. NCR would furnish certain programming of the Computer at a given price. IBM suggested that the City purchase and/or lease purchase a System 32 and then up-grade to a System 34 which would meet the specifications and needs of the City. Under the proposal IBM would furnish to the City the System 32 programmed in RPG for the purchase price of \$38,980.00 or provide the equipment with a monthly rental charge of \$1,128.00 or a monthly lease charge in the amount of \$1,029.00. The System 34 could not be furnished immediately, but would be furnished in approximately one year. The System 34 would have a purchase price of \$46,090.00. Councilman Brown and the City Manager informed the City Council that due to cost involved with the NCR and IBM equipment that they had ruled those two proposals out and would like to present for Council's consideration the bids submitted by ALPHA-Digital Systems and InterACT Computer Services. Both Councilman Brown and City Manager Daniels stated that either of the systems proposed would meet City requirements. Mr. Joseph J. Howell was present representing ALPHA-Digital Systems and Mr. Allen Watts was present representing InterACT Computer Services. Both of these gentlemen made presentations to the City Council regarding the equipment they proposed to furnish the City. After presenting their proposals, Mr. Allen Watts and Mr. Joseph Howell thanked the City Council for allowing them to make the presentations. After Mr. Watts and Mr. Howell left the meeting the City Council continued their discussion on the Computer Systems. The Computer System proposed by ALPHA-Digital Systems for both hardware and software, delivery, installation, training, programming and forms was \$37,580.00 excluding taxes. The total bid submitted by InterACT Computer Services for hardware, software, delivery, installation, training, programming and forms was \$36,549.44. Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council unanimously voted to accept the bid submitted by InterACT Computer Services, which was the lowest bid.

Annexation - Request from Mrs. Lois Cook: The City Manager informed the City Council that Mrs. Lois Cook had requested a letter from the City advising that the City would annex certain properties upon receipt of a signed petition from all the property owners owning said properties. After a short discussion, the City Manager was directed to advise Mrs. Cook that it is City Policy to consider annexing properties upon receipt of a signed petition from all property owners requesting the new property to be annexed, provided the property is contiguous to the City Limits.

Marion Fire Department: Upon a motion by Councilman Brown, seconded by Councilman Cross, the City Council unanimously voted to commend the Marion Fire Department for the excellent service they are providing to the City and to the M. A. Fire District.

City Manager's Secretary - Maternity Leave: The City Manager informed the City Council that he had granted permission to Mrs. Glenda Melton to take a Maternity Leave without pay. He informed the Council that Mrs. Judy Stevens would be filling in for Mrs. Melton while she is out.

City Audit: The City Manager passed out City Audits and informed the City Council that the Auditors would be present at the next City Council meeting to review the Audit and answer any questions.

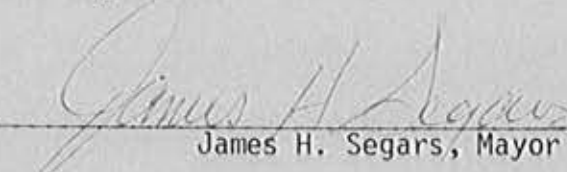
Reservoir Improvements: The City Manager informed the City Council that there was a need to inter-connect the two ground Reservoir tanks by the installation of a 16" pipe and valve system. The City Council informed the City Manager to proceed with having the work accomplished. The City Manager said that the work would be done as soon as additional rainfall is received in the area. He informed the Council due to the dry weather that the work would have to be delayed.

City Surplus Equipment: The City Manager informed the City Council that the City has several surplus vehicles available and requested permission to advertise these vehicles "For Sale". The City Manager was authorized to advertise for sale of the surplus equipment.



Bids - Warehouse Renovation: Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council unanimously voted to reject all bids for renovation of the City owned warehouse across the alley-way from City Hall.

There being no further business, the meeting was adjourned.

  
James H. Segars, Mayor

ATTEST:   
J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

November 6, 1978

The Marion City Council met Monday, November 6, 1978, at 8:00 P.M. in the City Council Chambers, City Hall.

Board Members Present: Mayor James H. Segars, Councilmen Robert E. James, Horace Wilkerson and Everette Clark. Councilman Larry Brown arrived shortly after the meeting was started.

Board Member Absent: Oliver R. Cross

Others Present: J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; Alvin Callahan, Public Works Director; and Ann Vess, News Reporter, The McDowell News.

Guests: Al Shiver and Eddie Robinson, representatives of Crawley, Johnson, Price and Sprinkle, Certified Public Accountants.

Approval of the October 17, 1978 minutes: Upon a motion by Councilman James, seconded by Councilman Wilkerson, those members of Council present unanimously voted to approve the minutes of the October 17, 1978 meeting.

Tax Adjustments: The City Manager presented a request from Frances Briscoe, Tax Collector, that the City Council authorize adjustments in the following City Taxes due to errors in listing or recording listings:

Benny Dean Poteat, 536 Ellis Street, Marion, only owned inside the City Limits of Marion for 1977 City taxes a 1970 Mobile Home valued at \$2900; therefore, \$240 valuation on automobiles was listed inside City Limits in error. The total figure of \$1.80 to be charged off for 1977 taxes.

Benny Dean Poteat, 536 Ellis Street, Marion, only owned inside the City Limits of Marion for 1978 City taxes a 1970 Mobile Home valued at \$2900; therefore, \$1,100 valuation on automobiles and personal property was listed inside in error. The total figure of \$8.25 to be charged off for 1978 taxes.

Arthur Dean Poteat was incorrectly listed for 1975. Mrs. Atwell picked up all of the County's listing as inside the City, and only \$50,020 valuation should have been inside instead of \$92,690, which included personal property and his home which is on Martin Land. A total amount of \$331.23 should be refunded to Arthur Dean Poteat on 1975 taxes.

Arthur Dean Poteat was incorrectly listed for 1976. Mrs. Atwell picked up all of the County's listing as inside the City, and only \$50,020 valuation should have been inside instead of \$90,840, which included personal property and his home which is on Martin Land. A total amount of \$319.16 should be refunded to Arthur Dean Poteat on 1976 taxes.

Madison Cablevision, Inc., 307 North Main Street, advised the Tax Department the vehicles appearing on their 1978 tax listings should be listed as outside instead of inside the City Limits. The total amount of \$25.68 is to be charged off for 1978.

A. D. Poteat property should be listed as outside property valued at \$49,885 @ .75 = \$374.14 for 1978 taxes, therefore, this is due for a relief. . . Notice # 1156.

Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to make the tax adjustments as requested by the Tax Collector.

Downtown Study: The City Manager informed the City Council that trees and shrubs had been ordered for placement in the downtown area and on certain parking lots.

Auditor's Report: Al Shiver presented the Auditor's Report for the fiscal year ending June 30, 1978. He stated that the City's accounts were generally in good condition. He stated that the expenditures in the Water and Sewer Fund exceeded the actual revenue received during the fiscal year. He stated that sufficient surplus funds were appropriated to cover the expenditures. The City Manager stated



that the City was aware that there were problems with the revenues in the Water and Sewer Fund and that a rate increase had been adopted by the Council to cover anticipated expenses in the operation of the Water and Sewer Departments. Upon a motion by Councilman James, seconded by Councilman Wilkerson, those members of Council present unanimously voted to accept the audit report furnished by Crawley, Johnson, Price and Sprinkle.

Bids - Cab and Chassis for Garbage Packer Unit: The City Manager informed the City Council that only one bid had been received to furnish the City with a Cab and Chassis for the Garbage Packer Unit. He stated that that bid was submitted by Tar Heel Ford Truck Sales, Inc., but that the bid was unacceptable in that the bid did not contain a 5% Bid Bond which is required by law. Upon a motion by Councilman Clark, seconded by Councilman James, those members of Council present unanimously voted to reject the bid submitted by Tar Heel Ford Truck Sales, Inc. since a Bid Bond was not submitted and to readvertise for bids.

Bids - Sale of Surplus Equipment: The City Manager stated that the City had advertised for the sale of the following equipment:

- One 1963 3/4 Ton Chevrolet Truck
- Two 1974 Chevelle Automobiles
- One 1969 Ford Automobile
- One 1963 International Garbage Packer Truck
- Two 1976 Plymouth Automobiles
- One 1971 Harley Davidson Motorcycle

He stated that one bid was received on the 1963 3/4 Ton Chevrolet Truck. He informed the Council that Mr. H. E. Kelly had submitted a bid of \$225.00 for the truck. Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to sell the 1963 3/4 Ton Chevrolet Truck to Mr. Kelly for \$225.00. The City Manager stated that two bids were received for the sale of the 1971 Harley Davidson Motorcycle. One bid was submitted by Hubert Bivins in the amount of \$400.00. The other bid was submitted by Samuel C. Alexander, Jr. in the amount of \$1,579.00. Upon a motion by Councilman Wilkerson, seconded by Councilman James, those members of Council present unanimously voted to accept the bid from Samuel C. Alexander, Jr., Route 1, Box 361-K, Marion, in the amount of \$1,579.00. The City Manager stated that no other bids were received. Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to adopt the following resolution:

WHEREAS, the City of Marion owns the following vehicles:

- (1) 1974 Chevrolet Automobile Serial No. 1C29R4B500865
- (1) 1974 Chevrolet Automobile Serial No. 1C29R4B501028
- (1) 1969 Ford Automobile 9N53Y158645
- (1) 1962 International Garbage Packer Truck - R-185FD28837F

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

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

That City Manager J. Earl Daniels is hereby authorized and directed to sell said surplus vehicles at private negotiation and sale after 2:00 P.M., Friday, November 17, 1978; and

That a copy of this Resolution shall be published in The McDowell News on Wednesday, November 8, 1978.

Adopted this the 6th day of November, 1978.

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

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

Marion Manufacturing Water Reservoir - Agreement: The City Manager presented the following Agreement for Council consideration:

THIS AGREEMENT, made and entered into this the \_\_\_\_\_ day of October, 1978, by and between MARION MANUFACTURING COMPANY, a North Carolina Corporation with offices in McDowell County, North Carolina, party of the first part, hereinafter sometimes referred to as "Company", and CITY OF MARION, a Municipal Corporation of McDowell County, North Carolina, party of the second part, hereinafter sometimes referred to as "City".

W I T N E S S E T H:

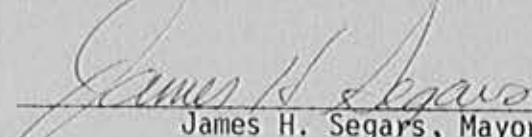
That subject to the terms and conditions hereinafter set forth, and in consideration of the same, Company does hereby let and lease unto City and City does hereby accept as Lessee of Company the above-ground water storage tank owned by Company and situated on its property near its manufacturing plant and also the right to use the access road to said water storage tank.



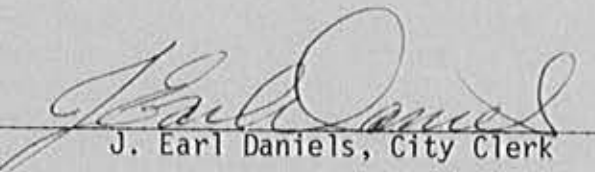
The terms and conditions above referred to are as follows:

1. The term of this lease shall be for a period of one year from and after its date and it shall be automatically renewed from year-to-year unless and until terminated as herein provided.
2. Either of the parties to this Lease may terminate the same by giving the other party ninety (90) days notice in writing of its intention to do so prior to the date of such termination.
3. During the term of this Lease and all extensions or renewals thereof, City shall be solely responsible for maintaining said water storage tank and the access road thereto in good order and condition.

IN TESTIMONY WHEREOF, said parties have caused this Agreement to be executed in their respective corporate names by their duly authorized officers and have caused their respective corporate seals to be hereunto affixed on this the day and year first above written.

  
James H. Segars, Mayor

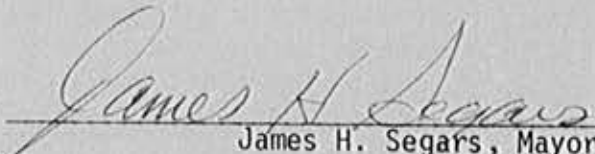
ATTEST:

  
J. Earl Daniels, City Clerk

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

Political Activity of City Employees: A long discussion was held regarding several municipal employees becoming actively involved in the campaign for Sheriff of McDowell County. It was stated that there was a possibility that several officers in the Police Department were actively supporting persons running for Sheriff of McDowell County. Mayor Segars stated that this type of activity could create a great problem between the Sheriff's Department and the City Police Department which could affect the safety, health and welfare of the citizens of the City of Marion and McDowell County. City Attorney, E. P. Dameron, stated that the City could prohibit employees from becoming actively involved in Political Campaigns during working hours and while in uniform and using City vehicles, but that the City could not prohibit employees from becoming actively involved in Political Campaigns in their "off hours".

There being no further business, the meeting was adjourned.

  
James H. Segars, Mayor

ATTEST:

  
J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

November 21, 1978

The Marion City Council met Tuesday, November 21, 1978, at 8:30 P.M. in the City Council Chamber, City Hall.

Board Members Present: Councilmen Everette Clark, Robert E. James, Larry Brown and Horace Wilkerson. Councilman Cross arrived at 8:43 P.M. and Mayor Segars arrived at 9:14 P.M.

Others Present: J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; Alvin Callahan, Public Works Director; Arthur Edwards, Fire Chief; Richard Hicks, Zoning Administrator and Ann Vess, News Reporter, The McDowell News.

Guests: James Hardin, Recreation Director and Attorney Everette Carnes.

Approval of the November 6, 1978 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 6, 1978 meeting.

Councilman Cross arrived at the meeting.

Recreation Report - James Hardin, Recreation Director: Mr. James Hardin appeared before the City Council to provide an update of the progress in the development of the old Junior High School property located on the corner of the intersection of Academy and West Court Streets. Mr. Hardin submitted a request to the Council that a permanent driveway be provided between the old Junior High School building and West Court Street on the west side of Academy Street. He stated that a temporary driveway had been installed at this location to be used by trucks when part of the old school building was removed. He informed the Council that due to the plans for development of the property that a permanent drive is needed at this location. After a short discussion the City Council asked Mr. Hardin to see if another location could



be used for the driveway and that if another location is not available to provide access to parking on the property then the City would install a permanent driveway at the location where the temporary driveway now exists.

Fire Lanes - Report by Fire Chief: Fire Chief Arthur Edwards appeared before the City Council to request that Council give consideration to establishing Fire Lanes in certain sections of the City. He stated that these lanes are necessary so that Fire Trucks will not be hindered in providing fire protection to certain properties. He stated that basically the Fire Lanes would establish "No Parking Zones" and "Tow Away Zones" where vehicles parked illegally could be towed away so that Fire Trucks would not be hindered in arriving at certain building locations. He informed the Council that he had received a request from Hospital Administrator, Robert Holtshouser, asking that a Fire Lane be established through the driveways at the Marion General Hospital. The Fire Chief also stated that a Fire Lane is needed in the alleyway to the rear of the Belk's building entering from Logan Street and also in the alleyway entering from Logan Street. The City Manager suggested that a study be made to determine all locations in the downtown area where Fire Lanes are needed and that an ordinance be prepared establishing Fire Lanes at all the locations known at one time. A short discussion followed. It was agreed by the City Council to establish a Fire Lane at the Marion General Hospital after approval of an Ordinance by the Hospital Board of Trustees. The City Manager informed the Council that he would work with the Fire Department and the City Attorney in preparing an Ordinance establishing the necessary Fire Lanes.

Wastewater Project - Garden Creek Sewer Outfall Line and Pumping Station: Attorney Everette Carnes appeared before the City Council and stated that he represented certain landowners in the Garden Creek area that were very much interested in the City installing the proposed Sewer Outfall Line and Pumping Station necessary to provide sewer service to highway 70 northwest of the City and the Garden Creek area. Mr. Carnes stated that service is badly needed in the area and that it was his opinion that if the lines were not installed while Federal Funds were available to pay a major part of the costs the lines may not be installed for a period of twenty years or longer and that the existing Marion City Council might be blamed for not installing the line. He also stated that in computing the revenues to be paid by users on the line that the City could repay the debt service necessary to provide service to the area even if the area was not annexed into the City Limits. After Mr. Carnes' presentation Mayor Segars informed Mr. Carnes that the City had conducted approximately four Hearings with persons living in the Garden Creek area, two of the Hearings being conducted in the area. He stated that the result of the Public Hearings indicated that persons living in that area did not wish to be in the City Limits and that he felt the City Council had done everything humanly possible to make information available to these persons about the City's position in providing services to the area. Mr. Carnes suggested that the City might annex the area by taking in those persons who would refuse to sign a petition within the regulations established by State Law and then annex those persons by petition who would sign and also to annex part of the area under the Satellite Annexation Program. He stated that using these procedures the City could eventually annex all the area into the City Limits. Several Council members expressed their opinions that they had no objections to the project being completed as long as the area to be served was annexed into the City prior to the project being undertaken. Mr. Carnes stated that he had briefly discussed the matter with State Representative Glenn Morris and that it was his opinion that Mr. Morris might introduce a bill in the legislature to annex the area if he were requested to do so by the City. A short discussion followed. Mr. Carnes was advised that the City did not wish to request Mr. Morris to submit a bill to the legislature unless a majority of the citizens to be served wished to be annexed into the City. The City Manager suggested that a possible procedure would be to have the persons in the Garden Creek area submit a petition to the City Council requesting that the City Council ask Mr. Morris to submit a bill in the legislature to annex the area. He stated that this procedure would allow the City Council to make the request to Mr. Morris based on a request submitted by the Citizens of the area. A question was raised as to whether or not funds are still available to carry out the project. The City Manager was instructed to call Mr. Harold DuHart with the Environmental Protection Agency to inquire as to whether or not funds are still available for the project. Mr. Carnes asked what specific area the City Council would require the petitions to be from in order to submit the request. The City Manager stated that he would be happy to outline the area which he felt could be served directly from the lines to be installed under the proposed project. He stated that funds were not readily available from the City to provide collector lines to serve the entire area and that before the total area was annexed into the City that it would be necessary to determine how to finance the cost of installing the collector lines.

Tax Adjustment - Mr. William R. Smith III: The City Manager presented the following report showing that Mr. Smith had paid taxes on property, a part of which was located outside the Municipal Limits:

| Year | Property Evaluation | Amt. Charged | Adjusted Amt. | Tax Rate Per \$100 |
|------|---------------------|--------------|---------------|--------------------|
| 1967 | \$ 605.00           | \$ 7.86      | \$ 1.75       | \$ 1.30            |
| 1968 | 605.00              | 7.86         | 1.75          | 1.30               |
| 1969 | 605.00              | 9.07         | 2.02          | 1.50               |
| 1970 | 605.00              | 9.07         | 2.02          | 1.50               |
| 1971 | 605.00              | 21.00        | 4.39          | 1.50               |
| 1972 | 1,400.00            | 21.00        | 4.39          | 1.50               |
| 1973 | 1,400.00            | 21.00        | 4.39          | 1.50               |
| 1974 | 1,400.00            | 21.00        | 4.39          | .75                |
| 1975 | 2,800.00            | 21.00        | 4.39          | .75                |
| 1976 | 2,800.00            | 21.00        | 4.39          | .75                |
| 1977 | 2,800.00            | 21.00        | 4.39          | .75                |
| 1978 | 2,800.00            | 21.00        | 4.39          | .75                |
|      |                     | \$201.86     | \$ 42.66      |                    |

By subtracting the amount of what should have been charged from the amount of what actually was charged, Mr. Smith would be eligible for a refund of \$159.20 on tract 45C-2-7 and \$25.29 on tract 11-2-4E totaling \$184.49 refund.

Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to make the tax adjustment as requested by the City Manager.



Bids - Sale of Surplus Equipment: The City Manager presented a tabulation of bids received for the sale of certain surplus equipment. He informed the Council that he had been authorized to sell the equipment at private negotiation and sale. He stated that he proposed to sell the 1969 Ford Automobile to the only bidder, City employee Aaron Adams, for the amount of \$125.00. He stated that one of the 1976 Plymouth Automobiles would be sold to City Policeman Arthur O'Dear in the amount of \$225.00. The second 1976 Plymouth Automobile would be sold to Mr. Carroll D. Clark, 2018 West Main Street, Bennettsville, South Carolina, in the amount of \$201.51. The City Manager stated that two bids were received for the sale of a 1974 Chevelle Automobile and that since there is some question as to whether one bidder was aware of the other bid prior to submitting his bid that new bids would be taken for the 1974 Chevelle Automobile. He stated that one bid was submitted by Glen Sherlin in the amount of \$250.00 and was received on Friday, November 17. He stated that the second bid in the amount of \$305.00 was submitted by Police Officer Ray Hawkins just prior to the City Council meeting November 22. He informed Council that he proposed to ask both of these gentlemen to submit a sealed bid and that the vehicle would be sold to the highest bidder.

Bids - Cab & Chassis for Garbage Packer Unit: The City Manager presented the following bid tabulation:

| COMPANY                   | BID SECURITY | MODEL             | PRICE            | DELIVERY DATE |
|---------------------------|--------------|-------------------|------------------|---------------|
| East Tennessee Trucks     | Check        | 1979 Ford LN 8000 | \$23,485.12      | 4-5 months    |
| "                         | "            | "                 | (Plus Taxes)     | "             |
| Tar Heel Ford Truck Sales | Bond         | 1979 Ford LN 8000 | \$23,233.23      | 90-120 days   |
| "                         | "            | "                 | 120.00 Sales Tax | "             |
| "                         | "            | "                 | "                | "             |
| Total                     |              |                   | \$23,353.23      |               |

Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to accept the low bid submitted by Tar Heel Ford Truck Sales, Inc. and to purchase the truck with Revenue Sharing Funds.

Resolution Honoring the Memory of Reece C. Snyder: The City Manager presented the following resolution adopted by the delegates to the League's 1978 Convention:

WHEREAS, during the past year death has taken from our midst a man who, as City Manager, served his community faithfully and well for 22 years; and

WHEREAS, he was a diligent worker and an active, loyal supporter of the North Carolina League of Municipalities;

NOW, THEREFORE, BE IT RESOLVED by the North Carolina League of Municipalities, in Annual Convention assembled this 24th day of October 1978, that the delegates do hereby express their sorrow at the passing of Reece C. Snyder, former City Manager of Marion and Red Springs, who made a lasting contribution to good municipal government and to a strong League of Municipalities, and whose memory we are proud to honor.

BE IT FURTHER RESOLVED that a copy of this resolution be made a part of the permanent records of the League, and that copies be forwarded to Reece C. Snyder's family and to the Mayor and the City Council of Marion.

Planning Board - Appointment of Two Members: The City Manager informed the City Council that the terms of Mr. J. W. Bagwell and Mr. J. M. Lancaster, Jr. as members of the Marion Planning Board will expire on December 31, 1978. He stated that two new persons need to be appointed to fill these vacancies. He presented a letter from Zoning Administrator Richard Hicks requesting that appointments be made from the Cross Mill area and the Sugar Hill area. Upon a motion by Councilman Wilkerson, seconded by Councilman James, the City Council unanimously voted to appoint Wade Miller to represent the Cross Mill area and Thelma Calicutt to represent the Sugar Hill area.

Board of Adjustment - Appointment of Two Members: The City Manager informed the City Council that the terms of members Alex Turner and Ed Rankin as members of the Board of Adjustment have expired. He stated that two new members need to be appointed to serve as members of the Board of Adjustment. He presented a letter from Richard Hicks, Zoning Administrator, asking that one member be appointed from the Cross Mill area and one member from the Sugar Hill area. Upon a motion by Councilman Wilkerson, seconded by Councilman James, the City Council unanimously voted to appoint J. C. Hogan from the Cross Mill area and Robert Watson from the Sugar Hill area.

Employee Christmas Dinner: The City Manager stated that he had reserved the Community Building for Friday night, December 22, 1978, for a Christmas Dinner for all City employees and their spouses. He informed the City Council that he had not advised the employees about the dinner pending approval of the Council for the dinner with expenses to be paid by the City. He informed the Council that the dinner would cost approximately \$3.50 per person and that he planned to ask all employees to advise whether or not they will attend so that the number of persons attending can be determined in advance to aid in preparation of the meal. He stated that he would like to have Mr. Jack Roper of WBRM Radio entertain at the dinner with a Comedy and Magic Act. He stated that the cost for this entertainment would be \$50.00. The City Manager stated that all Municipal Employees would be invited to the dinner including their spouses, all Council members and their wives, both City Attorneys and their wives and Ann Vess of the McDowell News would also be invited to the dinner. Upon a motion by Councilman James, seconded by Councilman Brown, the City Council unanimously voted to approve the expenditure of non-tax Municipal Funds for expenses for the dinner and entertainment.



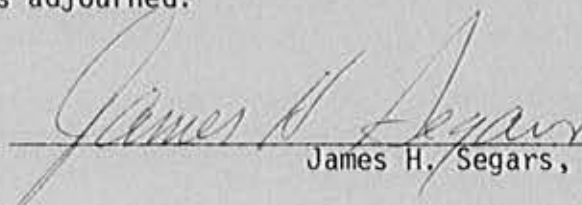
Employee Longevity Checks: The City Manager informed the City Council that at the time of preparation of the annual budget funds were incorporated in the budget as longevity payments to be made to municipal employees based on their length of service with the City. He stated that these longevity payments would be made on or about the middle of December.

Abandoned Vehicles - Request for Council to declare Health, Fire and Safety Hazard: The City Manager presented a request from Zoning Administrator Richard Hicks for the City Council to declare certain abandoned vehicles located on Railroad Street as a Fire, Health and Safety Hazard. City Council was advised that a letter was written to Mr. Floyd Lunsford on September 1, 1978 informing him that he was in violation of the City Ordinance concerning the abandonment of automobiles within the Corporate Limits and that Mr. Lunsford was asked to remove the vehicles. He stated that he was then advised that some of the vehicles belonged to Mr. Buster Reese and a letter was sent to Mr. Reese dated November 15, 1978 asking him to remove the abandoned vehicles from the property. He stated that both letters were sent Certified, Signed Receipt Requested. He informed the Council that Mr. Buster Reese removed the vehicles belonging to him, but that the remaining vehicles belong to Mr. Floyd Lunsford and he has not moved the vehicles as per request. The request stated that in accordance with the City Ordinance on abandoned vehicles that the City Council declare these vehicles a Fire, Health and Safety Hazard so that they may be removed under the direction of a City Law Enforcement Officer at the expense of the owner. Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to declare the abandoned vehicles located on Railroad Street belonging to Mr. Floyd Lunsford a Fire, Health and Safety Hazard and authorizing that the vehicles be moved under the direction of a City Police Officer as stipulated in the Ordinance concerning abandoned vehicles.


Community Development Application: The City Council was informed that should the City desire to submit an application to Housing and Urban Development for Community Development Funds that the application would have to be submitted on or before January 22, 1979. Mayor James H. Segars appointed the following persons as members of the Citizens Advisory Committee: Mr. Gene Hollifield, Mrs. Tillie Twitty, Mrs. Kathy Kaylor, Mr. Isaac Logan, Mr. Robert Watson, Mr. Ted Ervin, Rev. Dewey Hobbs and Miss Deanna Setzer. Public Hearings are established as follows: Orientation and Citizens Advisory Committee Meeting - Wednesday, November 29, 1978; First Public Hearing for City Council and Citizens Advisory Committee - Tuesday, December 12, 1978; Target Area Neighborhood Meeting - Tuesday, January 2, 1979; Second Public Hearing - Tuesday, January 9, 1979. It was decided that locations and times of meetings would be established at a later date and published in the McDowell News.

December City Council Meeting: The City Manager informed the City Council that both the Mayor and City Manager plan to attend a meeting in Raleigh on December the 5th. The meeting is a workshop on Wastewater User Charges. The City Manager respectfully requested that the City Council conduct only one Council meeting during the month of December and that that meeting be held on December 12, 1978 at 7:30 P.M. in the City Council Chamber. The City Council agreed to conduct their next meeting on December 12, 1978 at 7:30 P.M. in the City Council Chamber as requested by the City Manager and directed the City Manager to place a notice in the McDowell News to advise Citizens of the time and date for that meeting.

There being no further business, the meeting was adjourned.

  
James H. Segars, Mayor

ATTEST:

  
J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

December 12, 1978

The Marion City Council met Tuesday, December 12, 1978 at 7:30 P.M. in the Fire/Police Training Center.

Board Members Present: Mayor James H. Segars, Councilmen Larry Brown, Horace Wilkerson, Oliver Cross and Robert E. James. Councilman Everette Clark arrived at approximately 8:15 P.M.

Others Present: J. Earl Daniels, City Manager; Arthur Edwards, Fire Chief; Richard Hicks, Zoning Administrator; and Ann Vess, News Reporter, The McDowell News.

Guests: Alvin Foxx, Estella Foxx, Tillie Twitty, J. W. Moore, Clyde Bobo, Maney F. Bobo, Loretta M. Smith, Max Wall, Mary Boyd, Peggy Stepp, Gary S. Stepp, William C. Smith, Ralph Revis, Earl D. Honeycutt - Region C., 1 Lt. A. C. Ward, HQ 2nd Bn (m) 120th Infantry; SSG Ronald A. Dutton DET/CoA 2nd Bn (m) 120th Infantry; Charles England, David Blanton, Frank Rutherford, Lessie Rutherford, The Honorable Glenn A. Morris, Augusta M. Morris, Mrs. S. W. Blanton, Marjorie Parker Jones, Jon Edwards, James Jones, Steve F. Rumfelt, Martha I. Hammond, Mrs. Ralph Revis and Mrs. Cato Holler, Jr.

Approval of the November 21, 1978 minutes: Councilman Larry Brown stated that the minutes did not reflect that he was present at the last meeting and asked that that correction be made. Upon a motion by Councilman Cross, seconded by Councilman James, those members of Council present unanimously voted to approve the minutes of the November 21, 1978 meeting as corrected.



Community Development - Recommendation from Citizens Advisory Committee on Target Area - Public Hearing: Richard Hicks, Planning Director and Zoning Administrator for the City of Marion, informed the City Council that the Community Development Citizens Advisory Committee had met just prior to the Council meeting. He stated that at that meeting Rev. Dewey Hobbs had been elected as chairman of the Citizens Advisory Committee and that Mrs. Tillie Twitty was elected as Vice Chairman and Deanna Setzer as Secretary. He stated that the problem areas to be addressed in the application for Community Development Funds include acquisition of real property, housing rehabilitation grants, water facilities, demolition and clearance of substandard buildings, curb and gutter construction, relocation assistance to families where properties are to be acquired, street paving, sidewalk construction and administration of the program. He informed the Council that the maximum available funds under the Comprehensive Program in North Carolina is \$19,874,000.00. He stated that the City of Marion had submitted an application for Community Development Funds for the past three years, but none of the programs had been funded to date. He pointed out that several factors will be working in the City's favor this year. He stated that cities funded in 1975 must have spent 100% of their funds in order to re-apply, that cities funded in 1976 must have spent 90% of their funds in order to re-apply and that cities funded in 1977 must have spent 75% of their funds. Mr. Hicks stated that the Citizens Advisory Committee recommends to the City Council that the West Marion Sugar Hill Community be designated as a target area for the City's application for Federal Community Development Funds. Upon a motion by Councilman James, seconded by Councilman Cross, those members of Council present unanimously voted to accept the recommendations of the Citizens Advisory Committee to designate the West Marion Sugar Hill Community as the target area. Mr. Hicks stated that Mayor Segars needs to designate a date, time and location for a meeting in the target area community. Mayor Segars stated that a meeting would be held in the West Marion Sugar Hill Community on January 2, 1979 at 7:30 P.M. and ask that Mr. Hicks find a suitable location for the meeting and advise citizens accordingly.

Civil Disturbance Exercise - SSG. Ronald A. Dutton and 1st Lieutenant Alfred Ward: 1st Lieutenant Ward acted as spokesman and informed the City Council of the proposed Civil Disturbance Exercise to be conducted in Marion on January 13 and 14, 1979. 1st Lieutenant Ward stated that a battalion size force consisting of 600 men and women would be involved in the exercise. 1st Lieutenant Ward stated that National Guard Personnel would be stationed at the Marion Community Building with Central Headquarters in the Fire/Police Training Center. He stated that the Mayor, City Council and other City Officials were invited to join the exercise. 1st Lieutenant Ward stated that military equipment would be on the move in the City practically all of the time during the exercise. Following his presentation, Mayor Segars informed 1st Lieutenant Ward that the City will assist in any way possible to help them in conducting this exercise.

Councilman Everette Clark arrived at the meeting at this time.

McDowell Limited Housing - Landura Corporation - Jon Edwards: A large number of citizens were present at the meeting regarding the proposed housing project. City Manager Earl Daniels informed those in attendance that several statements needed to be made prior to Mr. Edwards presentation concerning the proposed housing project. The City Manager stated that the property in question was located outside the Marion Municipal Limits and the City Council had no jurisdiction in the area. He stated further that the City Council had established a policy whereby the City would not provide water services to properties outside the Municipal Limits unless the City had agreements which were pending prior to the policy being established. He stated that in this case the City had made no agreement to provide water services to the area in question as long as the area is outside the City Limits. He stated that it is City Policy not to annex areas which are not contiguous to the Marion City Limits. He stated that the property in question is not now contiguous to the City Limits. The City Manager informed all persons attending the meeting that a petition had been filed for annexation of properties in the immediate area, but that the petition on file still did not request annexation of properties contiguous to the City Limits. The City Manager stated that the City had an agreement with the property owner whereby the City would provide from one to fifteen connections to provide service to up to fifteen residential units for the property in question. Following these comments, Mayor Segars stated that the area where the apartments are proposed to be constructed is outside the City Limits and the City has no jurisdiction in the matter. He stated the petition is out of order as far as the City is concerned. He further stated that the City is not serving anyone outside the City Limits with water unless there is a prior agreement. He advised those in attendance that the governing body has no interest in the project that the whole thing has been blown out of proportion. Jon Edwards, representing Landura Corporation of Winston-Salem, then made a presentation concerning the proposed apartments. He stated that several rumors were circulating concerning the apartments and that some persons had heard that the apartments were for low income persons. He stated the apartments will not be for low income families. The proposed complex would contain six buildings with forty-eight (48) apartments. Sixteen (16) of the apartments would be one bedroom units and thirty-two (32) of the apartments would be two bedroom units. He stated that the one bedroom units would rent for \$195.00 per month and that the two bedroom units would rent for \$220.00 per month. Mr. Edwards circulated pictures of other apartment complexes which are owned and managed by Landura Corporation. Several questions were raised by citizens attending the meeting and it was pointed out by several of the citizens that the streets which would have to serve the area are presently overloaded with traffic and are too narrow and that water pressure in the area is already low and that the addition of forty-eight apartments would no doubt create traffic problems and would decrease water pressures and volumes which are presently at a low level. A petition was presented to the City Council, a portion of which reads as follows:

"To Whom It May Concern:

We the undersigned, who would be affected by the construction of low to middle income housing project adjacent to our neighborhood, hereby oppose the said construction."

The petition was signed by seventy-nine (79) persons. No action was taken by Council with regard to Mr. Edwards request that the Council provide favorable comments for the project. Since the area under consideration is outside the Marion City Limits the City of Marion has no jurisdiction in the matter.

Wastewater Treatment Project - Contract 2.0 - Corpening Creek Outfall - Change Order 1: The City Manager



presented the following change order to Contract 2.0:

The following items constitute Change Order 1 to the Contract dated May 4, 1977, by and between the City of Marion, North Carolina and C. R. Duncan Construction Company, Inc., and are subject to all applicable terms and conditions of said Contract:

1. Between Manhole 84 and Manhole 96, construct the Corpening Creek Outfall as shown on drawing 948.004.115F.
2. Between Manhole 23 and Manhole 28, furnish and install Class 56 ductile iron pipe.

In consideration of the above, the compensation for Contract 2.0 shall be increased seventeen thousand seven hundred five dollars and eighty-eight cents (\$17,705.88). The original contract price of \$1,462,492 is increased to \$1,480,197.88.

Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council voted unanimously to approve the change order as proposed.

Marion By-Pass - Letter Endorsing Route "C" as Modified by the City Council - Chamber of Commerce:  
The City Manager presented the following letter:

November 28, 1978

City Council  
City of Marion  
City Hall Building  
Marion, North Carolina 28752

Gentlemen:

The McDowell Chamber of Commerce Board of Directors voted unanimously, at its November 22, 1978 meeting, in favor of endorsing proposed Marion Bypass Route (C) as modified by the Marion City Council. As you are aware, we had previously endorsed proposed route (E). However, our transportation committee, under the chairmanship of Johnny Freshour, thoroughly investigated the matter, and spent considerable time in reaching its decision. To the best of our knowledge, the Department of Transportation Environmental Impact Statement pertaining to your proposal, has not been released. All other factors considered, we have reached our decision.

Should you find we may be of further assistance on this or related matters, please do not hesitate to call upon us.

Respectfully,

Richard C. Wilson  
Executive Director

RCW:ld

cc: Mr. John Gilkey, D.O.T.  
Chairman, McDowell County Commissioners  
Johnny Freshour

Recreation Commission - Resolution Authorizing Filing an Application for Bureau of Outdoor Recreation Funds: The City Manager presented the following Resolution for Council consideration:

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 swimming pool at the McDowell Recreation Center consisting of a main pool of 25 meters, a wading pool for the tots, and a diving area, renovation of existing bathrooms, and a 33-car parking lot.

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 difference 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 ONE HUNDRED SIX THOUSAND, THREE HUNDRED FIFTY-NINE DOLLARS (\$106,359.00), the same being fifty percent (50%) of the approximate cost of 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

SEAL

\_\_\_\_\_  
Clerk, Board Commission McDowell County

\_\_\_\_\_  
Chairman, McDowell County Board of Commission

\_\_\_\_\_  
Clerk, Town of Old Fort

\_\_\_\_\_  
Mayor, Town of Old Fort

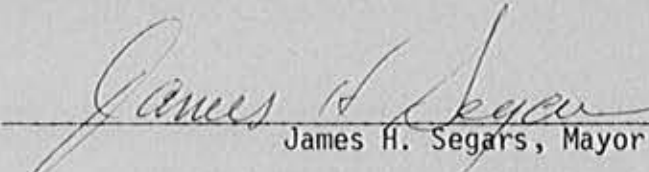
\_\_\_\_\_  
Clerk, City of Marion

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Mayor, City of Marion

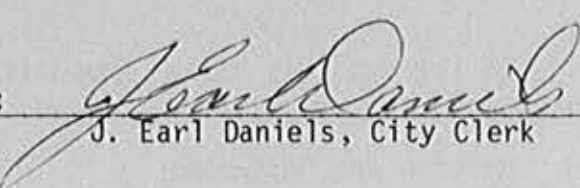
Upon a motion by Councilman Clark, seconded by Councilman James, the City Council unanimously voted to approve the Resolution as presented.

Firemen (Retired) Supplemental Payment from Local Relief Fund: Fire Chief Arthur Edwards appeared before the City Council and informed the City Council about how funds in the Firemen's Relief Fund are used. He asked that Council give consideration to authorizing the preparation of a special bill which would allow the Firemen's Relief Committee to use interest earned by Firemen's Relief Fund to increase contributions to retired firemen. He informed the Council that the bill would have to be presented to the North Carolina Legislature for approval. Fire Chief Edwards explained in detail the proposal of the Firemen's Relief Fund Committee. The City Manager suggested that Council give consideration to authorizing the League of Municipalities to prepare the necessary bill to include all the particulars mentioned and that it be presented to Council for approval prior to submittal to the legislature. Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to authorize the Fire Chief and City Manager to work with the North Carolina League of Municipalities in the preparation of the necessary legal documents for presentation back to Council for approval prior to submittal to the Legislature. In the event that the League of Municipalities cannot prepare the necessary legal documents in time for submittal to the Legislature then the Fire Chief, City Manager and City Attorney would be authorized to prepare the necessary legal documents.

There being no further business, the meeting was adjourned.

  
James H. Segars, Mayor

ATTEST:

  
J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

January 2, 1979

The Marion City Council met Tuesday, January 2, 1979, at 7:30 P.M. at Addies Chapel.

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

Others Present: Issac Logan, Robert Watson and Ted Ervin, Citizens Advisory Committee Members; J. Earl Daniels, City Manager; Richard Hicks, Zoning Administrator and Planning Director; and Ann Vess, News Reporter, The McDowell News.

Public Hearing - Community Development - Target Area Neighborhood Meeting: The Marion City Council and the Citizens Advisory Committee held a Target Area Neighborhood Meeting to explain the Community Development Program to the residents of the area and to inform them of the activities selected for the area by the Citizens Advisory Committee. The City Council requested information regarding known skills of neighborhood employables.

Twenty-seven members of the West Marion Community were present to discuss the Community Development Project. Richard Hicks opened the meeting by advising that the meeting was being held to allow residents of the community to express their opinions and to ask questions regarding the Community Development Program.



Mr. Hicks advised that the City of Marion would be submitting a Preapplication for Community Development Funds that would be administered through the Department of Housing and Urban Development. He stated that the City would be requesting one million dollars in Community Development Funds to help upgrade the West Marion Community. Mr. Hicks stated that the West Marion Community had been chosen as the target area by the Citizens Advisory Committee and, if the funds are granted, the money will be spent for improvements in the West Marion Community. He advised that submitting an application does not guarantee funding. He explained that there would be more cities submitting applications than there are funds available.

Mr. Hicks explained that there are two types of programs administered under the Community Development Block Grant Program: (1) Single-Purpose Programs and (2) Comprehensive Programs. Under the Single-Purpose Program, the applicant must address either housing needs, economic conditions which principally affect low and moderate income persons, or deficiencies in public facilities which affect health and safety. He stated that the maximum amount available through this program is \$500,000.

Mr. Hicks further explained that the Comprehensive Program should consist of two or more activities undertaken in a coordinated manner within a designated area or areas; address a substantial portion of the identified community development needs of the area or areas; have a beneficial impact within a reasonable period of time, be developed from a plan or systematic assessment of needs; and be of such manageable size and scope that it can be completed within the Community Development Grant and any other funds available. He stated that the maximum amount available through this program is \$1,000,000.

Mr. Hicks stated that if funded, the program will have a profound impact on the West Marion Community because the program, as a whole, must principally benefit low and moderate income persons. In addition, the selection process of the Small Cities Program is heavily weighed towards those programs which have the greatest benefit to low and moderate income persons. All activities contained within such programs must either benefit low and moderate income families, or aid in the prevention or elimination of slums or blight, or meet other community development needs having a particular urgency.

Mr. Hicks explained that approximately 26.49 million dollars were allocated for North Carolina and approximately 25 to 35 percent of these funds will be allocated for the Single-Purpose Programs and 65 to 75 percent of the funds will be allocated for the Comprehensive Programs. He explained that when referring to low and moderate income persons, any individual or family whose income does not exceed 80 percent of the average income for non-metropolitan areas will be considered low and moderate income. For the area in question, 80 percent of the median income would be \$9,452. He stated that anyone earning less than this figure would be eligible for benefits under the Community Development Project.

Mr. Hicks described the eligible activities allowable under the Community Development Project. He explained and offered examples of each of the 'Basic Eligible Activities' in Section 570-201 of the Wednesday, March 1, 1978, Federal Register. Next Mr. Hicks explained and presented an example of the 'Eligible Rehabilitation and Preservation Activities' and the 'Eligible Economic Development Activities'. He explained all of the ineligible activities under the Community Development Program.

Mr. Hicks explained the selection process for the Comprehensive Grants by describing how the Department of Housing and Urban Development rates the applications and described the areas where the City of Marion may possibly obtain the greatest number of points.

Mr. Hicks advised that nine priority programs have been established for the West Marion Community by the Citizens Advisory Committee. The programs are as follows:

- |                                 |                            |
|---------------------------------|----------------------------|
| 1. Housing Rehabilitation       | 6. Curbing and Guttering   |
| 2. Acquisition of Real Property | 7. Relocation Assistance   |
| 3. Water System Improvements    | 8. Sidewalk Construction   |
| 4. Demolition and Clearance     | 9. Orientation Program     |
| 5. Street Paving                | 10. Program Administration |

Mr. Hicks closed his portion of the meeting by informing everyone that a second public hearing had been scheduled for January 16, 1979, at 7:30 P. M. at the Fire/Police Training Center. There were no questions or comments except for clarification of some of the regulations, particularly what constitutes low and moderate income.

Mayor Segars thanked everyone for attending the meeting and expressed his appreciation for the patience shown by the residents of West Marion in dealing with the inconvenience caused by the installation of the new sewer lines. He advised the City Council that the meeting would adjourn and reconvene in the City Council Chamber at City Hall.

The meeting was reconvened in the City Council Chamber.

Approval of the December 12, 1978 Minutes: Upon a motion by Councilman James, seconded by Councilman Cross, those members of Council present unanimously voted to approve the minutes of the December 12, 1978 meeting.

Firemen (Retired) Supplemental Payment From Local Relief Fund - Proposed Bill: Fire Chief Authur Edwards appeared before the City Council to review with Council the following bill prepared by the League of Municipalities:



A BILL TO BE ENTITLED AN ACT TO PROVIDE A SUPPLEMENTAL RETIREMENT FUND  
FOR FIREMEN IN THE CITY OF MARION AND TO MODIFY THE APPLICATION OF G.S.  
118-5, G.S. 118-6, and G.S. 118-7 TO THE CITY OF MARION

The General Assembly of North Carolina enacts:

Section 1. Supplemental Retirement Fund Created. The Board of Trustees of the Local Firemen's Relief Fund of the City of Marion, as established in accordance with G.S. 118-6, hereinafter called the Board of Trustees, shall create and maintain a separate fund to be called the Marion Firemen's Supplemental Retirement Fund, hereinafter called the Supplemental Retirement Fund, and shall maintain books of account for such Fund separate from the books of account of the Local Firemen's Relief Fund. The Board of Trustees shall pay into the Supplemental Retirement Fund the funds prescribed by this Act.

Section 2. Transfers of Funds and Disbursements. Notwithstanding the provisions of G.S. 118-7, the Board of Trustees of the Local Firemen's Relief Fund of the City of Marion shall:

- (a) Prior to January 1, 1980, and prior to January 1 in each subsequent calendar year, transfer to the Supplemental Retirement Fund all funds belonging to the Local Firemen's Relief Fund in excess of fifty thousand dollars (\$50,000.00);
- (b) At any time when the amount of funds in the Local Firemen's Relief Fund shall, by reason of disbursements authorized by G.S. 118-7, be less than fifty thousand dollars (\$50,000.00), transfer from the Supplemental Retirement Fund to the Local Firemen's Relief Fund an amount sufficient to maintain in the Local Firemen's Relief Fund the sum of fifty thousand dollars (\$50,000.00);
- (c) As soon as practical after January 1 of each year, but in no event later than July 1, divide funds belonging to the Supplemental Retirement Fund into equal shares and disburse the same as supplemental retirement benefits in accordance with Section 3 of this Act.

Section 3. Supplemental Retirement Benefits. Each retired fireman of the City, whether volunteer or paid, who has previously retired with twenty(20) years service, or more, as a fireman of the City of Marion and has reached the age of 55 years, shall be entitled to and shall receive in each calendar year following the calendar year in which he retires the following supplemental retirement benefits, one (1) share for each full year of service as a fireman of the City of Marion; provided, in no event shall any retired fireman be entitled to or receive in any year an annual supplemental retirement benefit in excess of six hundred dollars (\$600.00).

Section 4. Investment of Funds. The Board of Trustees is hereby authorized to invest any funds, either of the Local Firemen's Relief Fund or of the Supplemental Retirement Fund, in any investment named in or authorized by either G.S. 159-30 or G.S. 159-31, and is hereby directed to invest all of the funds belonging to the Supplemental Retirement Fund in one or more such investments; provided, that investment in certificates of deposit or time deposit in any bank or trust company, or in shares of any savings and loan association, shall not exceed the amount insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, as the case may be, unless such deposits or investments in shares are secured in the manner provided by G.S. 159 - 30 of G.S. 159-31.

Section 5. Acceptance of Gifts. The Board of Trustees is hereby authorized to accept any gift, grant, bequest, or donation of money for the use of the Supplemental Retirement Fund.

Section 6. Bond of Treasurer. The Board of Trustees shall bond the Treasurer of the Local Firemen's Relief Fund with a good and sufficient bond, in an amount at least equal to the amount of funds in his control, payable to the Board of Trustees, and conditioned upon the faithful performance of his duties; such bond shall be in lieu of the bond required by G.S. 118-6. The Board of Trustees is hereby authorized to pay the premiums for the bond of the Treasurer from the Supplemental Retirement Fund.

Section 7. City Authorized to Make Payment. The governing body of the City of Marion is hereby authorized and may at its discretion make appropriations and disburse funds to the Supplemental Retirement Fund.

Section 8. Severability. If any provision of this Act shall be declared invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions hereof which can be given effect without the invalid provision, and to this end the provisions of this act are declared to be severable.

Section 9. Repealer. All laws and clauses of laws in conflict with this act are hereby repealed.

Section 10. Effective Date. This Act shall be effective upon its ratification.



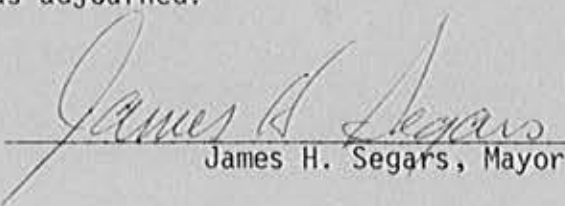
The City Manager questioned Section 7 which stated the City is authorized to make payments and disburse funds to the supplemental retirement fund. He stated that although this section merely authorizes the City to make payment, it may be interpreted by firemen at some later date that the City should make payment.


A questions was raised by Councilman Cross concerning whether or not the City could make a contribution under Section 5 and whether or not Section 7 is even necessary.

The City Manager stated that the City may not have authority to transfer funds without Section 7. A short discussion followed.

Upon a motion by Councilman Cross, seconded by Councilman James, those members of Council present unanimously voted to approve the bill as prepared. The City Manager was directed to forward a copy to the League of Municipalities requesting that they present the bill to our representative of the State Legislature and ask that the bill be introduced to the Legislature. He was also instructed to forward a copy to the Honorable Glenn Morris.

There being no further business, the meeting was adjourned.

  
James H. Segars, Mayor

  
J. Earl Daniels, City Manager

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

January 16, 1979

The Marion City Council met Tuesday, January 16, 1979, at 7:30 P.M. in the Fire/Police Training Center.

Board Members Present: Mayor James H. Segars; Councilmen Robert James, Everette Clark, Oliver Cross and Larry Brown.

Others Present: Robert Watson, U. C. Wynn, Jeanette Parks, Laura Rutherford, Mrs. L. Wm. Hagna, L. Wm. Hagna, Ted Ervin, Dewey Hobbs and Isaac Logan, Richard Hicks, Zoning Administrator, and J. Earl Daniels, City Manager.

Welcome: Mayor James Segars welcomed all the guests to the meeting.

Approval of Minutes of January 2, 1979 Meeting: Upon a motion by Councilman Clark, seconded by Councilman Cross, those members of Council present unanimously voted to approve the minutes of the January 2, 1979 meeting.

Public Hearing - Community Development Preapplication: The City Manager explained that the purpose of the public hearing was to receive input from citizens regarding the proposed Community Development Preapplication.

Richard Hicks, Planning Director and Zoning Administrator explained the priority needs as established by the Citizens Advisory Committee.

Upon a motion by Councilman Cross, seconded by Councilman Clark, those members of Council present unanimously voted to accept the recommendations of the Citizens Advisory Committee for priorities as follows:

|  |                |
|--|----------------|
| 1. Housing Rehabilitation Grants (\$8,000.00 per house)  | \$480,000.00   |
| 2. Administration (Salaries, wages and related costs, travel costs, administrative services performed under third part contracts such as general legal services, accounting services and audits, rental and maintenance of office space, insurance, utilities, office supplies and rental or purchase of office equipment) | 75,000.00      |
| 3. Fire Hydrants (12 Hydrants @ \$750.00 Each)   | 9,000.00       |
| 4. Acquisition of Real Property (9 Units @ \$5,000 Each)   | 45,000.00      |
| 5. Rights-of-Way and Easements   | 25,000.00      |
| 6. Demolition and Clearance (9 Units @ \$500 Each)   | 4,500.00       |
| 7. Street Paving (5,470 Feet @ 6.00 per foot)  | 32,820.00      |
| 8. Relocation Assistance   | 20,000.00      |
| 9. Water System  | 266,027.00     |
|  | \$ 957,347.00  |
| Plus 5%  | 47,867.35      |
|  | \$1,005,214.35 |



Public Hearing - Zoning Ordinance: The City Council was advised that the Planning Board met Monday, January 15, 1979, to consider a request from rezoning from Residential - 1 to Commercial - 2, a strip of land located on the south side of Sugar Hill Road from Ingles Shopping Center to Wilhelmina Street.

Richard Hicks, Planning Director and Zoning Administrator, informed the City Council that no one appeared at the Planning Board Meeting to object to the request and that the Marion Planning Board recommends that the area above described be rezoned from Residential - 1 to Commercial - 2 for a depth of 150 feet from the right-of-way of Sugar Hill Road.

There were several persons in attendance who objected to the rezoning.

The City Manager informed the City Council that the Planning Board was not aware of any objections when their recommendation was made.

Upon a motion by Councilman Clark, seconded by Councilman James, those members of Council present unanimously voted to refer the request back to the Marion Planning Board for further investigation.

Resolution - Donation of Surplus Vehicle to McDowell Chamber of Commerce, Inc.: Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to adopt the following resolution:

WHEREAS, the City of Marion owns one 1974 Chevrolet automobile, Motor Identification Number 1C29R4B500865, which is declared as surplus property; and

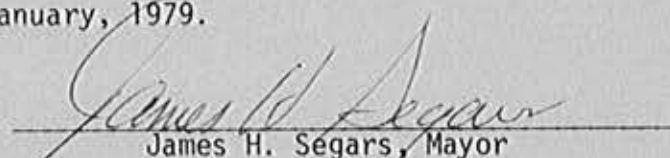
WHEREAS, the McDowell Chamber of Commerce, Inc. does not presently have a vehicle; and

WHEREAS, it is the wish of the Marion City Council to help said McDowell Chamber of Commerce obtain a vehicle.


NOW, THEREFORE, be it resolved by the City Council of the City of Marion that the said 1974 Chevrolet automobile, Motor Identification Number 1C29R4B500865, be and the same is hereby donated to the said McDowell Chamber of Commerce, Inc.; and

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to execute the necessary legal documents for the transfer of title for said 1974 Chevrolet automobile to the McDowell Chamber of Commerce, Inc.

ADOPTED this the 16th day of January, 1979.

  
James H. Segars, Mayor

ATTEST:

  
J. Earl Daniels  
City Clerk

Bond Attorneys' Bill for Services: The City Manager presented a bill from Brown, Wood, Ivey, Mitchell & Petty for a total amount of \$7,703.13 for services provided with regard to bond anticipation notes and bonds for the City of Marion.

Upon a motion by Councilman Cross, seconded by Councilman Clark, those members of Council present unanimously voted to approve the bill submitted by Brown, Wood, Ivey, Mitchell & Petty, and authorized payment of same.

Resolution - 201 Facilities Planning Study: The City Manager presented a Resolution to adopt and endorse the 201 Facilities Planning Study recently completed by O'Brien & Gere, Inc./Engineers.

The City Council took no formal action on the Resolution and members of Council indicated that they might wish to make some exceptions to some statements made in the Study.

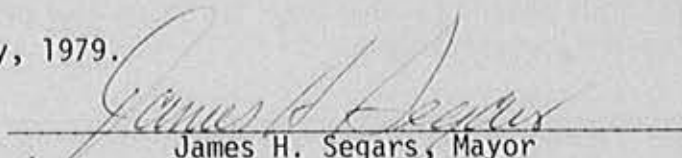
Resolution - Electrical Service to the New Waste Treatment Plant - Duke Power Company: Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to adopt the following resolution:

WHEREAS, Duke Power Company has prepared a contract between Duke Power Company and the City of Marion for electrical service to the City's new Corpening Creek Wastewater Treatment Facilities; and


WHEREAS, it is necessary for the City of Marion to adopt a resolution authorizing the Mayor and City Clerk to execute said contract.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marion that the Mayor and City Clerk are hereby authorized to execute said contractual agreement, a copy of which is filed in the safe located in the Water Department Billing Office at City Hall.

ADOPTED this the 16th day of January, 1979.

  
James H. Segars, Mayor

ATTEST:

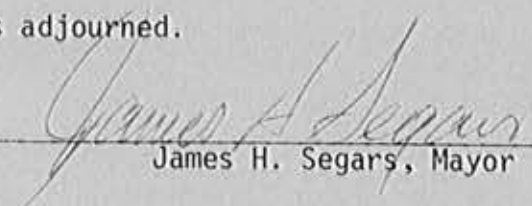
  
J. Earl Daniels, City Clerk




Insurance - McDowell Insurance: The City Manager informed the City Council that the Statement of Values for City buildings have increased approximately 15%, as estimated by McDowell Insurance Company. He informed Council that he is concerned about increases in insurance premiums. The City Manager reviewed with Council the Statement of Values of all City buildings. He informed the City Council that he had discussed the matter with Marshal Dark and that Mr. Dark has stated that if the City does not place estimates amounting to at least 90% of the actual value of buildings insured that the insurance company would not pay the value of damages in the event of a disaster, but would make an adjustment based on the difference between the listed value of the buildings and the actual value.

After a short discussion, the City Manager was directed to increase the value of the City Hall building, remove the old waste treatment plant and all its buildings, remove the City warehouse across the alleyway from the City Hall and maintain the old value on the Community Building. The City Manager was also authorized to work with the Public Works Director in making other adjustments they feel necessary.

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

February 6, 1979

The Marion City Council met Tuesday, February 6, 1979, at 7:30 P.M. in the City Council Chamber at City Hall.

Board Members Present: Mayor James H. Segars; Councilmen Everette Clark, Oliver Cross, Larry Brown and Horace Wilkerson. Councilman Robert James arrived at 7:53 P.M.

Others Present: J. Earl Daniels, City Manager; Alvin Callahan, Public Works Director; and Richard Hicks, Planning Director and Zoning Administrator.

Approval of the January 16, 1979 Minutes: Upon a motion by Councilman Clark, seconded by Councilman Cross, those members of Council present unanimously voted to approve the minutes of the January 16, 1979 meeting.

Lee Roy Walker - Request for City to Sign Petition for the State to Maintain Dirt Road Which Intersects With Conley Road: The City Manager informed the City Council that Mr. Lee Roy Walker was to be present at the meeting to answer any questions concerning the proposed petition, but that since it was snowing, he probably would not attend. The City Manager stated that the dirt road was adjacent to City-owned property and that the State Department of Transportation would require that all property owners sign a petition before they would give consideration to maintaining the road. Council decided to delay any action on the request until Mr. Walker or someone else appears to present the request.

Councilman Robert James arrived at the meeting at this time.

Resolution - 201 Facilities Study: The City Manager informed the City Council that he had placed this item on the agenda as unfinished business since Council had not adopted a resolution approving or accepting the 201 Study. After a short discussion, it was decided to table action on the resolution.

Bid - A. B. Dick Duplicating Machine: The City Manager informed the City Council that he had received a bid in the amount of \$75.00 from Rev. Paul Perkins for the purchase of the A. B. Dick Duplicating Machine which was advertised for sale.

Upon a motion by Councilman Clark, seconded by Councilman James, the City Council unanimously voted to accept the bid submitted by Rev. Perkins.

Building Condemnation - 103 Carson Street: The City Manager presented a request for Council to give direction and authorization on cleaning a lot where a building was destroyed approximately one year ago by fire.

After a long discussion, it was decided that a letter should be sent to the owner of the property allowing sixty (60) days for cleaning up the debris from the property. If the property is not cleaned up during that period of time the City will be authorized to negotiate with the owner for the City to clean the property with City forces and the owner will pay the City for said services.



Wastewater Treatment Facilities Project - Contract 2.0 - Change Order 2: Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to authorize the following Change Order 2 to Contract 2.0:

The following items constitute Change Order 2 to the Contract dated May 4, 1977, by and between the City of Marion, North Carolina, and Lee Construction Company, and are subject to all applicable terms and conditions of said Contract:

1. Install lightning arrestors on electrical equipment in the lime storage bin.
2. Furnish and install a 4-inch diameter plug valve on the drain line for each of the vacuum filters.
3. In lieu of the specified aluminum plaque, provide a plaque 24-inches by 20-inches.
4. Extend the time of construction from 650 to 707 consecutive calendar days.

In consideration of the above, the compensation for Contract 1.0 shall be increased four hundred seventy five dollars sixty cents, (\$475.60). The contract price is increased from \$3,816,693.52 to \$3,817,169.12.

Recommended

O'Brien & Gere, Inc/Engineers

By: /S/ C. A. Willis 12/15/78  
C. A. Willis, P.E.

Accepted

City of Marion

By: /S/ J. E. Daniels 2/7/79  
J. E. Daniels

Accepted

Lee Construction Company

By: /S/ W. F. Lee 12/18/78  
W. F. Lee

Warehouse Renovation: The City Manager presented preliminary drawings showing the proposed renovation of the City Shop property to provide warehousing facilities. The City Manager stated that the proposed plans provide for enclosing two equipment storage bays which would consist of an area 50' X 50' to provide for a disbursing office and meter repair office and two stories of warehouse space. In addition, the plans provide for construction of two additional bays to replace the bays which would be closed in. This would provide an additional storage area of 50' X 50' for vehicles at the main building and erection of an equipment storage shelter 25' X 150'. Development of the property would be completed by installing curb and gutter around the perimeter of the property and providing for employee parking in front of the main building. The City Manager stated that \$38,517.00 had been appropriated in the Revenue Sharing Budget to provide for warehouse renovation. The City Manager stated that at the time the budget was being prepared it was recognized that warehouse storage was badly needed and that consideration, at that time, was being given to renovating the old laundry building across the alleyway from the City Hall. He stated that since that time, and after studying the matter more thoroughly, it was decided that the warehouse storage should not be adjacent to the City Hall nor in the downtown area since this would create some traffic problems around the City Hall; but that storage should be provided at the City Shop property at the edge of the City Limits.

The City Manager stated that he called the Office of Revenue Sharing and talked with Mr. Perry and was advised that it would not be necessary for the City to conduct any additional public hearings on the use of the Revenue Sharing monies since the monies were to be spent for the purpose stated in the budget, that being to provide warehouse facilities. He did advise the City Manager that it would be necessary for the City Council to make a statement in the minutes of the City Council meeting that Council wishes to make this change.

The City Manager informed the Council that he would propose that the City prepare specs and receive bids for the warehouse renovation, the additional equipment storage bay to be added and the 25' X 150' equipment shelter to be constructed behind the main building. He informed the Council that it was his opinion that additional funds could be appropriated in the 1979-1980 budget to complete the work at the City Shop for total development on or before November 1, 1979.

Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to officially acknowledge that the proposed warehouse facilities would be constructed on the City Shop property and not in the building across the alleyway from City Hall and to direct that the City Manager have plans and specifications prepared for renovating the City Shop property to provide for warehouse storage, a meter shop and a disbursing office, adding two additional bays to the existing building, said bays being 50' X 50', and erection or construction of an equipment shelter 25' X 150'.



Bull Dozer - Repair Costs: The City Manager presented a breakdown of costs for materials and labor for repair of the City's bull dozer. The total cost was estimated to be \$9,512.54. The City Manager recommended that the City not repair the dozer but give consideration to trading the dozer or selling it and purchasing a front end loader.

After a short discussion it was decided by Council to have the dozer removed from the County landfill area and placed on the City Shop property and that no action be taken with regard to repairing the dozer until after July 1, 1979, at which time Council will decide whether to trade the dozer or repair it.

Private Water Lines: The City Council decided to table any discussion regarding private water lines.

Special Tax District for Downtown Revitalization: The City Council decided to table any discussion regarding a special tax district for revitalization of the downtown area.

Rutherford Road - Widening - Proposal From the Department of Transportation: The City Manager informed the City Council that Mayor Segars, Alvin Callahan and he met with Highway Commissioner John Gilkey, District Engineer Medlin and Engineer Edwards of the District Maintenance Office of the Department of Transportation. He advised that the Department of Transportation has asked if the City had any interest in assisting them with the widening of Rutherford Road from the cemetery to its intersection with Main Street. Under the terms of the proposal Rutherford Road would be widened approximately 10 feet to provide a turning lane. The City Manager stated that he raised questions with regard to whether or not the road could be widened 10 feet since in some sections the grass strip between the curb and sidewalk is only approximately 12 to 20 inches wide and that utility poles are located in that grass area.

He informed the Council that the Department of Transportation asked if the City would have all utilities moved back and relocated so that the road could be widened. He stated the representatives of the Department of Transportation were advised that this matter would be presented to the City Council. Most members of the City Council stated that they were not familiar enough with the area to know whether or not the road could be widened as proposed. Some members of Council questioned whether the cost involved in widening the road could be justified, especially in light of the fact that a by-pass is proposed to be constructed in the near future.

After a discussion on the matter, most Council members seemed to be of the opinion that the cost of widening the road could not be justified. Councilman Clark stated that if the road could be widened to provide for three lanes that it was his opinion that it would be desirable. The City Council took no formal action on the matter.

Allison Subdivision - Mt. Ida Subdivision: The City Manager presented a preliminary plat for a subdivision to be located south of Glenview Street. The City Manager recommended that Council approve the preliminary plat for layout of lots and streets only and recommended that cul-de-sacs be located at the end of all deadend streets to provide turn around space for sanitation, police, fire vehicles, etc. He informed the Council that he was not making recommendations with regard to location of utility lines or easements.

Post Office Property: The City Manager stated that Mayor Segars and he had met with Post Master Robert Rowe and a representative of the engineering department in Atlanta, Mr. Gerald Nelson, to discuss traffic problems in the vicinity of the post office on Main Street. He informed the Council that he had recommended that the driveway on the South end of the post office property be closed and an entrance only be provided at the north driveway which would go in toward the post office building, turn south and then turn east on the south side of the building toward Garden Street, thus providing exit onto Garden Street.

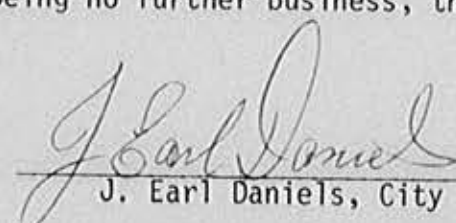
He stated that under this procedure more parking could be provided in front of the post office and it would eliminate several problems which are causing congestion. He advised the Council that Mayor Segars had discussed this matter with Mr. Rowe and Mr. Nelson but that they were not receptive to any ideas with regard to modifications that would be necessary on the post office property but suggested that the City take all parking off Main Street from the traffic light at the intersection of Main and State Streets south to provide for two continuous lanes of traffic. Several Council members expressed concern with regard to the traffic congestion and problems on Main Street in front of the post office.

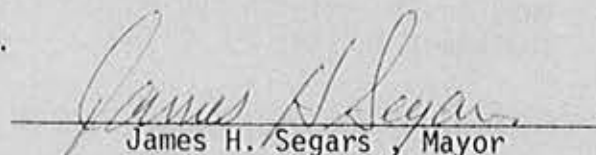
The City Manager stated that he would have a plot plan of the area prepared showing his recommendations on solving the traffic congestion problem at the post office.

911 Emergency Telephone: The City Council was informed that Mayor Segars, Chief of Police John Beck, Fire Chief Arthur Edwards and the City Manager met with Mr. Earl Lloyd, Criminal Justice Planner for Region C. The City Manager stated that consideration was being given to establishing a central communications system to handle all emergency vehicles in McDowell County. That this central communication system would dispatch police, fire, rescue and EMS vehicles throughout the entire county. He stated that one telephone number was proposed (911) which would allow any person in McDowell County to dial 911 and be in direct contact with all emergency services. He informed the Council that the Fire Chief, Police Chief, Mayor and he were opposed to establishing a new operation which would be responsible to a committee and not directly responsible to the City Council or the County Commissioners to provide dispatching services. He stated that it was recommended that telephones be installed in the County dispatcher's office and in the City dispatching offices providing 911 numbers so that persons in the County could dial 911 and be in contact with all emergency vehicles in the county.

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 20, 1979

The Marion City Council met Tuesday, February 6, 1979, at 7:30 P.M. in the Fire/Police Training Center.

Board Members Present: Councilmen Everette Clark, Oliver Cross, Horace Wilkerson, Robert James and Larry Brown. Mayor James Segars arrived at 9:15 P.M. Mayor Pro Tem Everette Clark presided over the meeting until the Mayor's arrival.

Others Present: J. Earl Daniels, City Manager; Richard Hicks, Zoning Administrator and Planning Director; and Ann Vess, News Reporter, The McDowell News.

Guests: Jim Goldsmith, Frank Goldsmith, Jr., Rev. U. C. Wynn, Rev. Lee Roy Walker, and Red Walker.

Approval of the February 6, 1979 Minutes: Upon a motion by Councilman Cross, seconded by Councilman Brown, the City Council unanimously voted to approve the minutes of the February 6, 1979 meeting.

Rev. Lee Roy Walker - Request for City to Sign Petition: Rev. Lee Roy Walker appeared before Council to request that the City sign a petition requesting that the Department of Transportation accept and maintain a dirt road which intersects with Conley Road and runs adjacent to the Girl Scout Camp property owned by the City.

Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to authorize Mayor Segars to sign the petition as the City's agent.

Firemens Relief Fund - Board of Trustees - Appointment: Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to reappoint Councilman Horace Wilkerson to a two-year term as member of the Firemens Relief Fund Board of Trustees.

Sledding - Fern Avenue: Councilman Larry Brown advised the Council that even though Fern Avenue had been closed to traffic in order that children might sled there, someone had taken up the rubber cones and traffic was using the roadway, thus creating a dangerous situation.

City Manager Earl Daniels advised that the Police Department had discussed with the residents of the street the idea of blocking the roadway and had advised them that even if the street were to be blocked for sledding they would have the use of the street to get to and from their homes.

Councilman Brown stated that residents of the street would be aware that the street was blocked for sledding and that they would be careful to watch for the children. He suggested that the City provide a barricade which would prohibit through traffic and that a sign be posted stating that the street is closed for sledding by the Marion Police Department.

The City Manager stated that in the future barricades would be erected to prevent motorists from driving through the street when it is closed for sledding.

Proposed No Parking Zone - Turner Street: Councilman Brown stated that the portion of Turner Street located between Roberts Street and the curve or Turner Street is too narrow to provide parking on either side. It was suggested that an ordinance prohibiting parking on both sides of the street be prepared by the City Manager and presented at the next City Council Meeting.

Code of Ordinances: The City Manager stated that the new Code of Ordinances, prepared by the North Carolina League of Municipalities, does not include several City ordinances which should be included prior to adoption of the Code. He stated that an ordinance governing the operation of businesses on Sunday is excluded. He advised that the current ordinance prohibits certain businesses from opening prior to 12:30 P.M. on Sunday. The City Council directed the City Manager to prepare an ordinance for Council consideration.

Waste Treatment Plant Project - Report: The City Manager presented the following financial report on the Waste Treatment Plant Project:



| Contract No. | Contractor                       | Contract Amount | Change Order | Amount Paid  | Balance      |
|--------------|----------------------------------|-----------------|--------------|--------------|--------------|
| 1.0          | Lee Construction Co.             | 3,800,010.00    | #1 16,683.52 | 3,202,377.12 | 614,792.00   |
|              | Adj. Amt.                        | 3,817,169.12    | #2 475.60    |              |              |
| 1.1          | Gibbons Electric Co.             | 142,774.00      |              | 96,175.74    | 46,598.26    |
| 1.2          | Home Electric Co.                | 21,635.00       |              | 18,246.75    | 3,388.25     |
| 1.3          | Hickory Plumbing and Heating Co. | 29,443.00       |              | 14,799.00    | 14,644.00    |
| 2.0          | C. R. Duncan Const. Co.          | 1,462,493.00    | #1 17,705.88 | 1,420,685.04 | 59,512.84    |
|              | Adj. Amt.                        | 1,480,197.88    |              |              |              |
| 4.0          | W & W Contracting, Inc.          | 112,253.00      |              | 84,954.23    | 27,298.77    |
| 5.0          | Hobson Construction Co.          | 578,100.00      | # 32,359.00  | 309,659.80   | 300,799.20   |
|              | Adm. Amt.                        | 610,459.00      |              |              |              |
| Totals       |                                  | 6,213,931.00    | 67,224.00    | 5,146,870.68 | 1,067,033.32 |

| Firm   | Paid To Date |                    |
|--|--------------|--------------------|
| O'Brien & Gere, Inc./Engineers                         | 602,651.95   |                    |
| Mallonee Surveying                                     | 52,973.57    |                    |
| Field Office and Utilities                             | 5,480.45     |                    |
| Chase Manhattan Bank                                   | 14,070.97    |                    |
| Local Government Commission                            | 964.13       |                    |
| Law Engineering Testing Company                        | 3,699.20     |                    |
| NCNB - Charlotte                                       | 17,100.00    | TOTAL PAID TO DATE |
| The Bond Buyer   | 303.03       | \$5,864,332.45     |
| Standard & Poor's Corporation                          | 1,350.00     |                    |
| Washburn Press   | 3,820.95     |                    |
| Moody's Investors Service                              | 1,000.00     |                    |
| Security Columbian Banknote Company                    | 740.36       |                    |
| Brown, Wood, Ivey, Mitchell and Petty - Bond Attorneys | 7,703.13     |                    |
| Burton L. Purrington, Archeologist                     | 710.00       |                    |
| Legal Fees, Easements, Recording Fees, etc.            | 4,894.03     |                    |
|  | 717,461.77   |                    |

The City Council was advised that several newspapers had indicated that the City is subject to be fined \$5,000.00 per day for violations of the NPDES Permit. The City Manager informed the Council that he had received no formal letters from the federal or state governments regarding any fine(s).

Resolution - 201 Facilities Study: The City Council was reminded that they would need to adopt a resolution regarding the 201 Facilities Study prepared by O'Brien & Gere, Inc./Engineers.

After a short discussion the City Manager was directed to prepare a resolution regarding the 201 Facilities Planning Study and to include in the resolution those areas in the study which were questioned by the City Council.

Tax Department - Report: The City Manager presented the following tax report prepared by Tax Collector Frances Briscoe:

|                                    |               |
|------------------------------------|---------------|
| 1978 Tax Charge . . . . .          | \$ 435,907.28 |
| Discoveries . . . . .              | 486.92        |
| TOTAL TAX CHARGE . . . . .         | \$ 436,394.20 |
| Collected as of January 26, 1979   | \$401,927.70  |
| Charge Offs as of January 26, 1979 | 3,210.04      |
| Uncollected as of January 26, 1979 | 31,256.46     |
|                                    | \$436,394.20  |

Water Department Charge Offs: A report was presented by the City Manager showing water charge offs for the month of January, 1979, totalling \$966.44. The City Council was informed that the majority of the funds are uncollectable since the persons had moved and their water deposit is not sufficient to cover their last water and/or sewer bill. The City Manager stated that this problem has been created because of a previous City policy whereby property owners were not required to make a water deposit. He stated that those persons being se-ved by systems which were donated to the City in recent years were not required to make a water deposit but that whenever these residences were vacated new tenants were required to make a deposit. The City Manager stated that the City could require all persons who do not have a deposit to make a deposit or to



continue with the present policy whereby persons are required to make a deposit if they relocate. He informed the Council that with the installation of the computer in the next few months that the City would go to a monthly billing and that the water deposits which are now inadequate for a two-month billing period will be adequate, in most cases, for a one-month billing period.

Marion Zoning Ordinance - Proposed Amendments - R-1, Single Family Residential District and R-2, General Residential District - Public Hearing: Robin Hood, Vice Chairman of the Marion Planning Board, appeared before the City Council to present the recommendations of the Marion Planning Board. He informed the City Council that the Planning Board had discussed a request from James Williams that his property located on the South side of Sugar Hill Road be rezoned from General Residential to General Business, but that the Planning Board did not agree on a recommendation for the City Council but that a recommendation would be made at a later meeting of Council. He stated that Mr. Red Walker attended the Planning Board Meeting and presented an envelope to one of the Planning Board Members. He stated that Mr. Walker left before the meeting adjourned and that the envelope was not opened until after the Planning Board had completed their recommendations to be presented to Council with regard to the two residential districts. He stated that the letter requested that Mr. Jack Walker's property located on the South side of Dogwood Lane be left in the General Residential District and not placed in the Single Family Residential District. The areas recommended for rezoning from the General Residential District to the Single Family Residential District were shown on a City Map. Mr. Hood stated that the Marion Planning Board would like to recommend that the property fronting on Railroad Street for a depth of 100 feet be zoned in the General Residential District. Attorneys Jim and Frank Goldsmith appeared before the City Council representing Alton Smith. They requested that two lots belonging to Mr. Smith located on the northwest side of Fleming Avenue directly across from the Marion General Hospital, be left in the General Residential District and not be placed in the Single Family Residential District. Mr. Red Walker was present to speak on behalf of Mr. Jack Walker.

Other than Mr. Walker and Attorneys Jim and Frank Goldsmith, no one else was in attendance at the public hearing regarding the proposed amendments to the zoning ordinance.

A long discussion was held.

Upon a motion by Councilman Cross, seconded by Councilman Brown, the City Council unanimously voted to:

1. Accept the recommendations of the Marion Planning Board to establish (2) two Residential Districts to be designated R-1 Single Family Residential District and R-2 General Residential District;
2. Change the designation, both in the Marion Zoning Ordinance and the official zoning map, which is a part thereof, from R-1 General Residential District to R-2 General Residential District;
3. Delete Section 801 General Residential District; Add new Sections 801 R-1 Single Family Residential District and 801A General Residential District as follows:

Section 801. R-1 Single Family Residential District

801.1 Intent. The R-1 Single Family Residential District is established as a district in which the principal use of land is for single family residential purposes.

801.2 Permitted Uses. Within the R-1 Single Family Residential District, a building or land shall be used only for the following purposes:

1. Single family dwellings; (excluding mobile homes)
2. Multi-family dwellings provided that:
  - (a) Multi-family dwellings are created only within existing residential structures.
  - (b) Adequate off-street parking shall be available as provided in Section 702.
  - (c) The owner of the multi-family dwelling must live on the premises.
  - (d) There shall be no more than two (2) separate units created within any residential structure.
  - (e) A Zoning Compliance Certificate must be obtained from the Zoning Administrator and/or the Building Inspector.
3. Churches or similar places of worship, including single-family parish houses or parsonages;
4. Golf courses, parks, playgrounds, swimming pools, community centers, country clubs, civic clubs and lodges operated on a non-commercial or non-profit basis for recreational purposes only;
5. Public elementary, junior high school, high schools and private schools having a similar curriculum, but not trade schools;
6. Public utility buildings and facilities if such use is essential for the service of the immediate area and provided that:
  - (a) All buildings shall be located at least thirty-five (35) feet from side and front lot lines and ten (10) feet from rear lot lines;



- (b) Fences and/or other appropriate safety devices are installed to protect the public safety and welfare;
  - (c) No vehicles or equipment are stored, maintained or repaired on the premises;
  - (d) All structures are in keeping with the residential character of the neighborhood;
  - (e) Adequate landscaping, screening and/or buffering shall be provided to insure compatibility with the neighborhood.
7. Customary incidental home occupations as defined in Article IV, Section 400 (6), of this Ordinance and subject to all conditions stated therein, provided there is no external evidence of such occupation except an announcement or professional sign not more than two (2) square feet in area.
  8. Customary accessory buildings, including private garages and non-commercial workshops and greenhouses, provided that:
    - (a) Such buildings shall be located in the rear yard and shall comply with all applicable setback requirements of this Section and of Article IX of this Ordinance;
    - (b) No accessory building on a corner lot shall extend beyond the front yard line required for an abutting property on a side street;
    - (c) No greenhouse heating plant shall be located within twenty-five (25) feet of any lot line.

Section 801.A R-2 General Residential District.

801.A 1. Intent. The R-2 General Residential District is established as a district in which the principal use of land is for residential purposes.

801.A 2. Permitted Uses. Within the R-2 General Residential District, a building or land shall be used only for the following purposes:

1. All uses permitted in the R-1 Single Family Residential District;
2. Multi-family dwelling;
3. Rooming and boarding houses;
4. Cemeteries;
5. Day nurseries and kindergartens with a fenced outdoor play area of at least two hundred (200) square feet for each child;
6. One (1) mobile home per residential lot, providing that it is the principal structure on that lot, also providing that no other residential structure is located on that lot and further providing that the mobile home complies with all other municipal building, housing and zoning codes.

801.A 3. Special Exceptions. The following uses are permitted as special exceptions as provided for in Article XII, Section 1204.2, of this Ordinance.

1. Radio and television transmitting stations and studios provided that:
  - (a) Such facilities shall be housed in structures which are in keeping with the character of the residential neighborhood;
  - (b) No structure shall be located within thirty-five (35) feet of any lot line;
  - (c) Adequate landscaping, screening and/or buffering shall be provided to insure compatibility with the neighborhood.
2. Mobile home parks, provided that:
  - (a) The minimum area for any mobile home park shall be two (2) acres;
  - (b) The maximum density shall be eight (8) mobile home sites per acre;
  - (c) Not less than five (5) mobile home sites shall be available at first occupancy;
  - (d) The minimum lot size for individual mobile home sites shall be forty (40) feet by eighty (80) feet;
  - (e) All mobile home sites shall abut upon a driveway of not less than twenty (20) feet in width. All driveways shall have unobstructed access to a public street or highway and shall be hard surfaced, or of properly compacted gravel, well marked and lighted by the mobile home park owner;
  - (f) There shall be a minimum of two (2) off-street parking spaces for each mobile home space, which shall be on the same site as the mobile home served;
  - (g) A densely planted buffer strip, consisting of evergreen trees or shrubs shall be located along all sides of the mobile home park, but shall not extend beyond the established setback line along any street. Such buffer strip shall be not less than twelve (12) feet in height. This planting requirement may be



modified by the Board of Adjustment where adequate buffering exists in the form of vegetation and/or terrain.

3. Hospitals, sanitariums, nursing homes and medical and dental offices and clinics not used primarily for the treatment of contagious diseases, alcoholics, or drug addicts.
4. Rezone from General Residential District to Single Family Residential District the areas described below:
  - A. All property fronting on the western side of Logan Street between Hillcrest Drive and Zion Road and also all property on the northern side of Hillcrest Drive which lies within the corporate limits of the City of Marion.
  - B. All property on the south side of Morgan Street between Railroad Street and Claremont Avenue with the exception of a piece of property fronting on Railroad Street between Morgan and Willow Streets, a distance of 206 feet long and 100 feet deep; all property fronting on both sides of Willow Street between Railroad and Broad Streets with the exception of the 100 feet described above; all property fronting on both sides of Broad Street between Willow Street and Claremont Avenue; all property fronting on Claremont Avenue between Glenview Street and Morgan Street; all property fronting on Glenview Street from Forest Heights to the dead end; all property fronting on both sides of Forest Heights from Glenview to the dead end; and all property fronting on both sides of Holly Hill Drive from Lail Street to the dead end.
  - C. All property fronting on both sides of Woodland Drive which includes all of the Foxfire Subdivision.
  - D. All property fronting on the north side of North Main Street between Hillside Drive and Montevista Avenue; all property fronting on the southwest side of Hillside Drive between North Main Street and the dead end; all property fronting on the north side of Viewpoint Drive between Crescent Drive and North Garden Street; all property on the east side of North Garden Street between Fleming Avenue and Crescent Drive; all property on the west side of North Garden Street between Viewpoint Drive and Crescent Drive; all property fronting on both sides of Crescent Drive between Hillside Drive and Fleming Avenue; all property fronting on both sides of Montevista Avenue between U. S. 226 and Fleming Avenue; all property fronting on both sides of Bakersville Road from Montevista Avenue to Fleming Avenue; all property fronting on both sides of Pea Ridge Road from Fleming Avenue to the City Limits; all property fronting on both sides of Fleming Avenue from Yancey Road to Bakersville Road; all property fronting on the northwest side of Yancey Road from Fleming Avenue to the City Limits; all property fronting on the northwest side of Fleming Avenue from North Garden Street to Yancey Road with the exception of the two lots belonging to Mr. Alton Smith which are located on the northwest side of Fleming Avenue directly across from the Marion General Hospital.

Allison Subdivision Zoning: Upon a motion by Councilman Clark, seconded by Councilman Cross, the City Council unanimously voted to zone the area described below as R-1 Single Family Residential District:

BEING that piece of property located south of the Young's Fork of North Muddy Creek and being bounded on the west side by the properties of Dr. Shamshad Ali, Poteat Subdivision, John Kennedy and Bob Harriss; being bounded on the south side by the properties of Wayne Allison; and bounded on the east side by the properties of McDowell Development Corporation and Phillip Michalove; and bounded on the north side by the properties of Wayne Allison. This being the same property annexed into the corporate limits August 8, 1978.

A map showing the location of all these properties will be placed on file in the safe at Marion City Hall.

There being no further business, the meeting was adjourned.

ATTEST:

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

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



STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

March 20, 1979

The Marion City Council met Tuesday, March 20, 1979 at 7:30 P.M. in the Fire/Police Training Center.

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

Others Present: J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; Richard Hicks, Planning Director; Gary Campbell, Chief Waste Treatment Plant Operator; Mrs. Elise Raymer, Laboratory Technician; John Beck, Chief of Police; Robin Hood, Vice Chairman, Marion Planning Board; and Ann Vess, News Reporter, The McDowell News.

Guests: Thomas C. Fender, James Shehan, James Hughes, Paul Nunnally, Jack Walker and Jane Walker.

Approval of the February 20, 1979 Minutes: Upon a motion by Councilman Clark, seconded by Councilman Cross, the City Council unanimously voted to approve the minutes of the February 20, 1979 meeting.

New City Employee: The City Manager stated that normally he does not introduce all new City employees. He stated that in view of the fact that the new waste treatment plant has received such bad publicity that he thought that citizens of the City of Marion and surrounding area should be made aware that the City is now employing persons for the operation of the new waste treatment plant. The City Manager introduced Mrs. Elise Raymer to the City Council and informed the City Council that Mrs. Raymer was employed by the City of Marion as a Laboratory Technician for the Corpening Creek Waste Treatment Plant. He stated that her duties would include laboratory analysis of waste water and all stream monitoring, completion and filing of necessary monitoring reports with state and federal agencies and handling correspondence and other administrative duties related to the operation of the new Corpening Creek Waste Treatment Plant. He informed the Council that Mrs. Raymer was graduated from the University of North Carolina at Wilmington. The City Manager stated that the new waste treatment plant should be in operation within the next thirty to sixty days and asked if Council members would like to tour the new plant facility prior to the plant going into operation.

Gary Campbell, Chief Waste Treatment Plant Operator, was present to answer questions with regard to the new plant. After a short discussion it was decided that members of Council would meet at the City Hall at 3:00 P.M. Wednesday, March 21, 1979, to go to the new plant for a tour of the facility.

Taxi Firms - Rate Increase: Several taxi stand operators were present at the meeting and Mr. Paul Nunnally acted as spokesman. He stated that the taxi firms had not had a rate increase in five years and that due to the increase in the cost of gasoline it was necessary to petition Council for an increase in taxi rates. A short discussion followed.

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

AN ORDINANCE TO AMEND 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"

BE IT ORDAINED by the City Council of the City of Marion that the above-named ordinance, adopted January 16, 1973, be hereby amended as follows:

Section 1. That Article A, Section 6-1017, Zone 2 be amended by deleting "Glenwood Avenue" and inserting "221 South, Marion Street"; by deleting "Bob Finley House" and inserting "El Pyatt Building"; by deleting "Stokes Proctor House" and inserting "School Street"; and by deleting "R Crossing" and inserting "Power Line".

Section 2. That rates established January 21, 1974, be increased as follows:

Zone 1 From \$1.25 to \$1.50  
Zone 2 From \$1.25 to \$1.50  
Zone 3 From \$1.65 to \$2.00  
Zone 4 From \$2.05 to \$2.50  
Zone 5 From \$2.45 to \$3.00

A current schedule reflecting delineation of zones, rates for the City of Marion and rates for out of town trips is on file in the safe in the Clerk's Office under Document Number 424.

Section 3. This amendment to the above-named ordinance shall be in full force and effect on and after the 1st day of April, 1979.

Adopted this the 20th day of March, 1979.

ATTEST:

J. Earl Daniels, City Clerk

James H. Segars, Mayor



A question was raised by the taxi firms concerning Mr. Harold Evans, operator of the Four-Way Cab Stand located outside the municipal limits. The firms wish to know how Mr. Evans can operate taxi cabs within the municipal limits without a permit from the City. After a short discussion the City Manager was directed to send a letter to Mr. Evans informing him that he cannot operate a taxi within the municipal limits. The City Attorney was asked to draft a letter based on City ordinances and state statutes with regard to taxi firms.

Another question was raised concerning the fact that the different cab firms must have a uniform coloring system for their automobiles. No action was taken on this matter.

Public Hearing - Zoning Ordinance - Requested Amendment to Rezone from R-1 to R-2 Property Belonging to Mr. Jack Walker on Dogwood Lane: Mr. Jack Walker and his wife were present to request that the City Council give consideration to rezoning from R-1, Single Family Residential District, to R-2, General Residential District, Mr. Walker's property located on Dogwood Lane.

The City Manager informed the City Council that the Planning Board recommended that Mr. Walker's request be denied and that the property be left at its present zoning designation of R-1, Single Family Residential District.

Mr. Walker stated that when his home was constructed it was constructed in such a manner so that he could provide two additional apartments in the home and that had the City had a zoning ordinance at the time the residence was constructed he would not have constructed the home so that two additional apartments could be provided within the residence. The City Manager stated that under the terms of R-1, Single Family Residential District, Mr. Walker is legally entitled to have one apartment in the residence and can also provide a real estate office under the conditions stipulated in the zoning ordinance with regard to incidental home occupations.

Mr. Walker stated that he presently has no plans to add a second apartment in his residence, but he would like to be able to do so in the future should the need arise. He stated that he was primarily concerned that his wife be able to have the two apartments in the residence should anything happen to him in the future.

After a long discussion Mayor Segars suggested that the City Council move on to other business and return to this question before the end of the meeting.

Zoning Ordinance - Requested Amendment - Rezoning From R-2 to C-2 the Marco Perez Property - Railroad Street: The City Manager informed the City Council that the Planning Board recommended that the City Council amend the Zoning Ordinance as per Mr. Perez's request.

Upon a motion by Councilman Clark, seconded by Councilman James, the City Council unanimously voted to rezone from R-2, General Residential District, to C-2, General Business District, that property fronting on Railroad Street for a depth of 100 feet between Morgan Street and Willow Street.

Zoning Ordinance - Requested Amendments - Rezone From R-2, General Residential, to C-2, General Business, Certain Properties Located on the East Side of Sugar Hill Road: The City Manager informed the City Council that the Planning Board recommended approval of this request.

Upon a motion by Councilman Wilkerson, seconded by Councilman James, the City Council unanimously voted to rezone from R-2, General Residential, to C-2, General Business District, the following described properties:

1. All of that portion of Dr. O. D. Rowe's property located on the east side of Sugar Hill Road between the right-of-way of Sugar Hill Road and the center of the branch on the east side of Sugar Hill Road and bounded on the north by the Sky City Shopping Center Property.
2. All those properties on the east side of Sugar Hill Road bounded on the north by Dr. O. D. Rowe's property for a depth of 100 feet from the right-of-way of Sugar Hill Road in a southerly direction to and including property belonging to James Williams.

Complaint - Junk Yard - Miller Street: The City Manager presented a letter to the Mayor and City Council concerning pollution and health hazards in and outside the City Limits on Miller Street. The City Manager stated that a large majority of the property in question is located outside the municipal limits. He stated the letter he received did not have a return address so that he could advise the citizens complaining of this fact.

After a short discussion the City Manager was directed to refer the letter and request to the McDowell County Health Department.

Wade Miller - Request for City to Request the Department of Transportation to Install Guardrails in Locations on Tate Street: The City Manager presented a letter from Mr. Wade Miller requesting that the City submit a request to the Department of Transportation along with the letter from Mr. Miller.

Ordinance - No Parking Zone - Turner Street: 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. When signs are erected giving notice thereof, no person shall park a vehicle at any time on either side of Turner Street from its intersection with Park Avenue in a northerly direction for a distance of two hundred and thirty-five (235) feet.

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

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



Adopted this the 20th day of March, 1979.

ATTEST:

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

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

Ordinance - 30 Minute Parking Zone - State Street: 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, North Carolina, as follows:

Section 1. When signs are erected giving notice thereof, no person shall park a vehicle for longer than thirty (30) minutes between the hours of 9:00 A.M. and 5:00 P.M., local time, except on Sunday and/or public holidays, on the south side of State Street beginning at a point located at the southeast corner of the intersection of South Main Street and State Street for a distance of one hundred and forty-four (144) feet in an easterly direction.

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

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

Adopted this the 20th day of March, 1979.

ATTEST:

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

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

Resolution - 201 Facilities Study: Upon a motion by Councilman Brown, seconded by Councilman Clark, the City Council unanimously voted to adopt the following resolution:

WHEREAS, the City of Marion has conducted a Facilities Planning Study for the Marion Planning Area, and

WHEREAS, a draft of the Facilities Planning Study was published, displayed, and reviewed at a public hearing held October 3, 1978, and no adverse comments were received.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Marion hereby adopt and endorse the Proposed Facilities Plan, with the following exceptions:

1. The City Council questions the amount of infiltration into the existing system as stated in the Facilities Planning Study. The City Council is of the opinion that the amount of infiltration into the system is not as great as reported in the Study.
2. The City Council is of the opinion that the 3 MGD Waste Treatment Plant is not large enough to serve the entire 201 Planning Area.
3. The City Council questions replacing the Clinchfield Waste Treatment Plant with a pumping station. Under such a procedure the City would not only lose the treatment capacity of the Clinchfield Plant but reduce the capacity of the new Corpening Creek Plant by the same amount.

Adopted this the 20th day of March, 1979.

ATTEST:

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

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

Charles Penley - Possible Violation of City Ordinances: City Attorney E. P. Dameron informed the City Council that he had met with Richard Hicks, Planning Director, concerning possible violations of City Ordinances by Mr. Charles Penley of Park Avenue. Mr. Dameron informed the City Council that the information provided by Mr. Hicks, in his opinion, was not sufficient to proceed with action against Mr. Penley. He stated that unless the City has solid information that Mr. Penley is indeed in violation of zoning ordinances or other ordinances, as stated in the letter to Mr. Penley, that he would recommend that the City take no action.

The Council agreed to take no action at this time pending receipt of incontrovertible information needed to proceed with enforcement of City ordinances.



Waste Water Treatment Plant Project - Contract 1.0 - Change Order 3: The City Manager presented a recommended change order on Contract 1.0, which would be Change Order 3. A long discussion followed with regard to additional cost to the city to install a 12-inch sewer main at the site of the Corpening Creek Waste Treatment Plant. The City Manager stated that a 12-inch sewer main was proposed and installed which would provide service to the Department of Transportation and the Department of Corrections. He stated that this line was interconnected with other required lines already installed on the site. He informed the Council that Chief Waste Treatment Plant Operator Gary Campbell had raised a question concerning water standing in a manhole and questioned whether or not solid waste would collect and stand, thereby creating an odor at the new plant site. He stated that upon investigation the engineers determined that in all probability waste would stand in this particular location and determined that the proper action to take would be the installation of a new line which would eliminate the problem.

Several other questions were raised regarding the change order, especially with regard to additional time needed to complete the contract. After a long discussion the City Manager was directed to contact the engineering firm of O'Brien & Gere, Inc. and ask that a representative of that firm be present at the next City Council meeting to explain in detail all the conditions and reasoning behind the proposed Change Order 3.

Planning Board - Appointment of Two Members: The City Manager informed the City Council that Mrs. Kristi Neal had resigned as a member of the Marion Planning Board and that her term on the Board would expire in December of 1979. He also stated that Mr. Dennis Turman would be moving away in April and that his term on the Board would also expire in December of 1979.

The City Manager stated that two persons need to be appointed by the City Council to fill the unexpired terms of these two members. The City Council provided the City Manager with a list of names of persons to contact to request that they serve on the Marion Planning Board.

Resolution Directing the Clerk to Investigate a Petition Received Under G.S. 160A-31: The City Manager informed the City Council that he had received a petition from Mr. R. J. Morris, President of Builders Supply, Mr. and Mrs. Woody Killough, Mr. and Mrs. W. R. Ledbetter, and Jerry F. Arnold, President, and A. F. Arnold, Secretary of Tri-County Oil Company, Inc. for the City to annex the property described below.

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

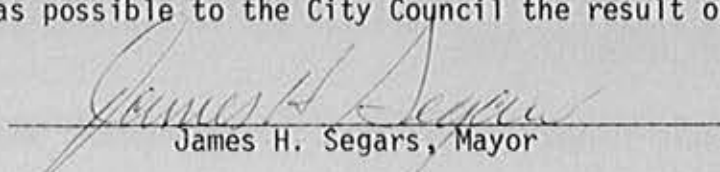
WHEREAS, a petition requesting annexation of an area described in said petition has been received on March 20, 1979, by the City Council; and

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

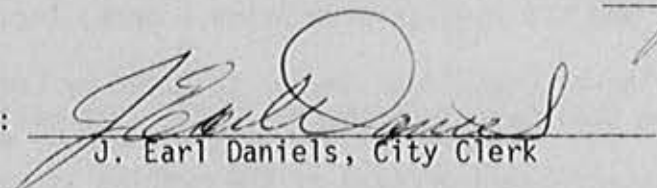
WHEREAS, the City Council of the City of Marion deems it advisable to proceed in response to this request for annexation;

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.

  
James H. Segars, Mayor

ATTEST:

  
J. Earl Daniels, City Clerk

The City Manager stated that the property is bounded on all sides by the City. He said the property was not included in previous annexations but had received all City services as though it was in the City. He informed the Council that the error had been discovered by Surveyor Larry Greene. The City Manager stated that all of the owners of the property had agreed to having the property annexed and that all of them had previously thought that the property was already inside the City Limits.

Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the City Council unanimously voted to adopt the above resolution.

The property in question is described as follows:

BEGINNING on a railroad spike at the edge of the pavement of New West Henderson Street, said spike being the sixth corner of that property annexed by the City of Marion on August 3, 1977, and also being the fifty-second corner of that property annexed by the City of Marion on July 1, 1978 (Sugar Hill Annexation), and runs thence from said beginning point and with the line of the August 3, 1977 annexation S 87-15 E, 487.92 feet to an iron pin, the seventh corner of the August 3, 1977 annexation, said iron pin being the seventeenth and last corner of the Holly Hill Annexation, thence with the Holly Hill Annexation and the Carnes Hill Annexation N 25-15 E, 403.20 feet to a locust stake near the mouth of Spring Branch in Youngs Creek, thence up Youngs Creek N 45-00 W, 18.69 feet to a point in the old corporate limits line, thence with the corporate limit line S 61-15 W, 736.99 feet to the beginning. Containing 2.24 acres.



Zoning Ordinance - Requested Amendment to Rezone From R-1 to R-2 Property Belonging to Mr. Jack Walker, Dogwood Lane: The City Council discussed Mr. Walker's request once again and took no action on the request, thus leaving the property in question in the R-1 Single Family Residential District.

Bill Griffith's Jewellery Store: The City Manager informed the City Council that Mr. Bill Griffith has requested that he be allowed to have a pedestal clock erected in front of his store. He has also requested that the City agree to have city forces remove the sidewalk in front of his store and in front of the sporting goods store and install Z-brick. He has agreed to purchase the Z-brick if the City will perform the labor involved in making the change. He has also requested that he be allowed to place a bench on the sidewalk in front of his jewelry store.

After a short discussion, the City Manager was asked to contact Bob Kendrick with regard to preparing a drawing showing the requested changes.

Reservoir Improvements: The City Manager stated that plans have been made to install the valve between the two sections of the ground reservoir Saturday, March 31, 1979, weather permitting.

Computer Delivery: The City Manager stated that the computer ordered by the City is scheduled to be delivered the week of April 16, 1979.

1½ Ton Truck - Delivery: The City Manager informed the City Council that the 1½ ton truck ordered from Ballew Motor Company October 18, 1978, and previously scheduled for delivery January 17, 1979, is now scheduled for delivery the first of April, 1979.

There being no further business, the meeting was adjourned.

ATTEST:

J. Earl Daniels  
J. Earl Daniels, City Manager

James H. Segars  
James H. Segars, Mayor

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

April 3, 1979

The Marion City Council met Tuesday, April 3, 1979, at 7:30 P.M. in the City Council Chamber at City Hall.

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

Others Present: J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; Richard Hicks, Planning Director and Zoning Administrator; Alvin Callahan, Public Works Director; and Ann Vess, Newspaper Reporter, The McDowell News.

Guests: Dennis Turman, Kristi Neal, Jim Lancaster, and Sid Riddick of O'Brien & Gere, Inc./Engineers.

Approval of the March 20, 1979 Minutes: Upon a motion by Councilman James, seconded by Councilman Clark, the City Council voted unanimously to approve the minutes of the March 20, 1979 meeting.

Mayor Segars, City Manager Daniels, Councilmen Clark and Brown arrived at the meeting at approximately 8:00 P.M. They advised that they had been in a meeting of the Utility Committee.

Planning Board - Certificates of Appreciation: Mayor Segars presented Certificates of Appreciation to Dennis Turman, Kristi Neal and Jim Lancaster for their service to the City as members of the Marion Planning Board. Mr. Joe Bagwell was not present to receive a certificate for his service to the board.

Planning Board - Appointment of Two Members: Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to appoint Bruce Sheppard to fill the unexpired term of Dennis Turman. Said term to expire December 31, 1979. In the same motion Ethelene Dover was appointed to fill the unexpired term of Kristi Neal. Said term also to expire December 31, 1979.

Certificate of Sufficiency - Annexation: The City Manager presented the following Certificate of Sufficiency regarding the annexation of certain properties located on the west side of the City:

To the City Council of the City of Marion, North Carolina.

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 3rd day of April, 1979.

(SEAL)

J. Earl Daniels  
J. Earl Daniels, City Clerk



Resolution Fixing Date of Public Hearing on Question of Annexation: Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council voted unanimously to adopt the following resolution:

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:

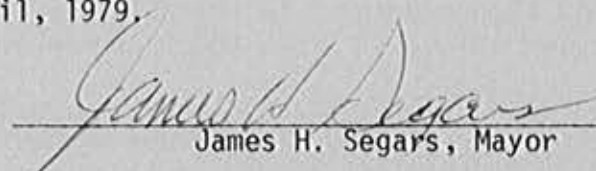
Section 1. That a public hearing on the question of annexation of the area described herein will be held at City Hall at 7: 30 P.M. on the 17th day of April, 1979.

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


BEGINNING on a railroad spike at the edge of the pavement of New West Henderson Street, said spike being the sixth corner of that property annexed by the City of Marion on August 3, 1977, and also being the fifty-second corner of that property annexed by the City of Marion on July 1, 1978 (Sugar Hill Annexation), and runs thence from said beginning point and with the line of the August 3, 1977 annexation S 87-15 E, 487.92 feet to an iron pin, the seventh corner of the August 3, 1977 annexation, said iron pin also being the seventeenth and last corner of the Holly Hill Annexation, thence with the Holly Hill Annexation and the Carnes Hill Annexation N 25-15 E, 403.20 feet to a locust stake near the mouth of Spring Branch in Youngs Creek, thence up Youngs Creek N 45-00 W, 18.69 feet to a point in the old corporate limits line, thence with the corporate limit line S 61-15 W, 736.99 feet to the beginning. Containing 2.24 acres.

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.

ADOPTED this the 3rd day of April, 1979.

  
James H. Segars, Mayor

ATTEST:

  
J. Earl Daniels, City Clerk

Resolution Authorizing City Manager to Apply for an American Express Credit Card for the City: Upon a motion by Councilman Cross, seconded by Councilman James, the City Council voted unanimously to adopt the following resolution:

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

That the City Manager, J. Earl Daniels, is hereby authorized to apply to the American Express Company for an American Express Credit Card to be used by the following individuals for travel expenses while representing the City of Marion, North Carolina:


Mayor  
City Manager  
Fire Chief  
Chief of Police

That the said credit card shall be issued in the name of the City of Marion.

ADOPTED this the 3rd day of April, 1979.

  
James H. Segars, Mayor

ATTEST:

  
J. Earl Daniels, City Clerk



Code of Ordinances: The City Manager suggested that a public hearing be held prior to adoption of the Code of Ordinances and suggested that the City Council review carefully all ordinances relating to water and sewer line extensions, weeds and animals.

1979-1980 Budget Discussion: The City Manager asked Council to suggest special projects they would like funded in the 1979-1980 Budget Year.

The City Manager suggested the following projects:

1. Development of plans for water and sewer installation between the City Limits and Clinchfield.
2. Plans for water and sewer development between the City Limits and East Marion.
3. Enlargement of ground reservoir.
4. Removal of warehouse and service station on City properties adjacent to City Hall for construction of parking lots.

Councilman Wilkerson suggested a sidewalk be constructed from Broad Street to the Sky City Shopping Center.

Comments and Recommendations from Council: Councilman James submitted a complaint regarding the Maude Laughridge Property concerning a water meter and drainage from Buncombe Street.

Councilman James also submitted a complaint regarding mud on the sidewalk and the need for proper drainage from the recreation center property located on Academy and West Court Streets. It was also pointed out that someone has been placing garbage bags near the driveway to the property located on West Court Street.

The City Manager was directed to send a letter to James Hardin, Director, advising that if the driveways into and out of the recreation property are not paved within a reasonable length of time the City will block the drives so that they cannot be used, thus helping to eliminate the problems of dust resulting from the use of the driveways.

Councilman Brown stated that people are playing too long on the tennis courts and not making the courts available for use by other people. A discussion was held concerning budgeting for special help during the summer months to assist in regulating use of the courts.

Wastewater Treatment Plant Project - Contract 1.0 - Change Order 3: Mr. Sid Riddick of O'Brien & Gere, Inc. advised the Council that the waste treatment plant project is moving along well and is close to being on schedule. He stated that water can be placed in the plant by the first of May but that general clean up and landscaping will take longer.

He explained that Change Order 3 is necessary in order to install a twelve-inch main to replace a portion of the line which, if used, could create problems on the property.

A long discussion was held concerning the City paying additional monies for replacement of a portion of a sewer line which should have been designed differently originally thus eliminating the additional cost. Mr. Riddick stated that only a small portion of the line would have to be replaced.

It was the consensus of opinion that the additional cost should be borne by the engineering firm since it appears that their error in design has resulted in the necessary replacement or substitution of line.

Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to approve the following Change Order:

The following items constitute Change Order 3 to the Contract dated May 4, 1977, by and between the City of Marion, North Carolina, and Lee Construction Company, and are subject to all applicable terms and conditions of said Contract:

1. Furnish and install a 12-inch diameter sewer complete with all appurtenances as shown on drawing 948.004.159.
2. Install a 3 foot wide gate in the plant fence 30 feet west of the southwest fence corner.
3. Provide an additional beam to support the mechanical bar screen.
4. Extend the Contract time from 707 to 737 consecutive calendar days.

In consideration of the above, the compensation for Contract 1.0 shall be increased six thousand, five hundred, fifty-five dollars and eighty-seven cents (\$6,555.87). The contract amount is increased from \$3,817,169.12 to \$3,823,724.99.

RECOMMENDED

O'BRIEN & GERE, INC./ENGINEERS

By /S/ C. W. Willis Date 1/29/79  
C. A. Willis, P.E.

ACCEPTED

CITY OF MARION

By /S/ J. Earl Daniels Date 4/3/79  
J. E. Daniels

ACCEPTED

LEE CONSTRUCTION COMPANY

By /S/ W. F. Lee Date 2/2/79  
W. F. Lee



Wastewater Treatment Plant Project - Contract 5.0 - Change Order 2: Mr. Riddick presented Change Order 2 for Contract 5.0.

Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to approve the following change order:

The following item constitutes Change Order 2 to the Contract dated December 7, 1977, by and between the City of Marion, North Carolina, and Hobson Construction Company, Incorporated and is subject to all applicable terms and conditions of said Contract:

1. Between Stations 41+10 and 44+16 (Manhole 70 through 71) furnish and install 306 lineal feet of 8-inch diameter, Class 51 ductile iron pipe in lieu of the specified vitrified clay pipe.

In consideration of the above, the compensation for Contract 5.0 shall be increased One thousand, three hundred dollars and fifty cents (\$1,300.50). Compensation for Contract 5.0 is increased from \$610,459.00 to \$611,759.50.

RECOMMENDED

O'BRIEN & GERE, INC./ENGINEERS

By /S/ C. A. Willis  
C. A. Willis, P.E.

Date 03/08/79

ACCEPTED:

CITY OF MARION

By /S/ J. E. Daniels  
J. E. Daniels

Date 4/3/79

ACCEPTED:

HOBSON CONSTRUCTION COMPANY, INC.

By /S/ W. H. Hobson  
W. H. Hobson

Date 3/13/79

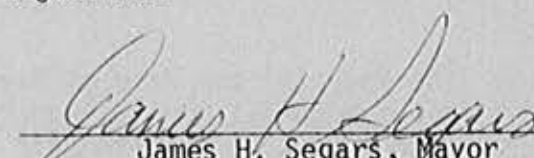
Wastewater Treatment Plant Project - Contract 1.0 - Request for Extension: Mr. Riddick reviewed with Council a request from Lee Construction Company for an extension in time of forty-five (45) days. This request was based on late delivery of pumps and was made to provide for additional time for cleaning up, seeding, etc.

Upon a motion by Councilman Clark, seconded by Councilman Wilkerson, the City Council unanimously voted to deny the request for an extension of 45 days.

Computer: The City Manager reported that the computer will be delivered during the week of April 16, 1979, and that bills beginning May 1st will be on new computer cards and all utility customers will be billed monthly.

Smoke Testing - Sewer Lines: The City Manager stated that the City will, within the next six months begin smoke testing sewer lines to locate illegal connections to the sewer system, i.e. storm drains, downspouts, gutters, etc.

There being no further business, the meeting was adjourned.

  
James H. Segars, Mayor

ATTEST:

  
J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

April 17, 1979

The Marion City Council met Tuesday, April 17, 1979, at 7:30 P.M. in the City Council Chamber at City Hall.

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

Mayor Segars arrived at approximately 8:15 P.M. and apologized for being late.

Others Present: J. Earl Daniels, City Manager; Richard Hicks, Planning Director and Zoning Administrator; and Ann Vess, Newspaper Reporter, The McDowell News.

Guests: Alex Turner and Cecil Owenby.



Approval of the April 3, 1979 Minutes: Upon a motion by Councilman James, seconded by Councilman Brown, those members of Council present unanimously voted to approve the minutes of the April 3, 1979 meeting.

Certificates of Appreciation - Board of Adjustment: Mayor Segars presented Certificates of Appreciation to Alex Turner and Cecil Owenby for their service as members of the Marion Board of Adjustment.

Certificates were also prepared for Ed Rankin and R. C. Henline. Neither of them were present for the meeting.

Annexation Ordinance - Public Hearing: No one attended the public hearing regarding annexation of the below described property.

Upon a motion by Councilman James, seconded by Councilman Cross, 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 City Hall at 7:30 P.M. on the 17th day of April, 1979, after due notice by publication in The McDowell News on the 9th day of April, 1979; 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:

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 1st day of May, 1979:

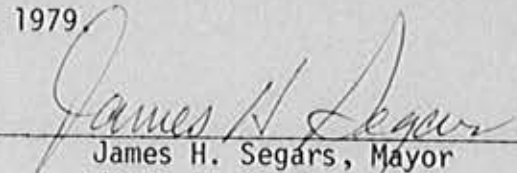
BEGINNING on a railroad spike at the edge of the pavement of New West Henderson Street, said spike being the sixth corner of that property annexed by the City of Marion on August 3, 1977, and also being the fifty-second corner of that property annexed by the City of Marion on July 1, 1978, (Sugar Hill Annexation), and runs thence from said beginning point and with the line of the August 3, 1977 annexation S 18-15 E, 487.92 feet to an iron pin, the seventh corner of the August 3, 1977 Annexation, said iron pin also being the seventeenth and last corner of the Holly Hill Annexation, thence with the Holly Hill Annexation and the Carnes Hill Annexation N 25-15 E, 403.20 feet to a locust stake near the mouth of Spring Branch of Young's Creek, thence up Young's Creek N 45-00 W, 18.69 feet to a point in the old corporate line, thence with the corporate limit line S 61-15 W, 736.99 feet to the beginning. Containing 2.24 acres.

Section 2. Upon and after the 1st day of May, 1979, 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-58.10.

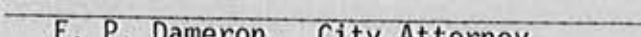
Section 3. The Mayor of the City of Marion shall cause to be recorded in the Office of the Register of Deeds of McDowell County, and in the Office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified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

Section 4. Notice of 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 17th day of April, 1979.

  
James H. Segars, Mayor

ATTEST:   
J. Earl Daniels, City Clerk

APPROVED AS TO FORM:   
E. P. Dameron, City Attorney

Rezoning Request - Public Hearing: The City Manager presented the recommendations of the Marion Planning Board regarding rezoning from R-2 General Residential to C-2 General Business property owned by W. C. Hall and located at 548 West Henderson Street. The City Manager informed the City Council that the Marion Planning Board recommended that this rezoning request be approved.

No one appeared at the public hearing regarding the request.



Upon a motion by Councilman Cross, seconded by Councilman James, those members of Council present unanimously voted to rezone from R-2 General Residential District to C-2 General Business District property located at 548 West Henderson Street belonging to W. C. Hall.

Proposed Policy - Employee Insurance: The City Manager presented the following policy for Council consideration:

In an effort to encourage employees to remain with the City, I propose a policy whereby the City would assume payment of employees' dependents hospital and life insurance coverage after the employee has been with the City a period of five years using the last day of July as the cut-off date.

The employee would pay dependent coverage for the first two years of employment or until July 1st of the second full year of employment.

The City would pay 25% of the dependent coverage for all employees after two years of employment; 50% after three years; 75% after four years; and 100% after five years.

Employees who marry after the date of their employment with the City are not eligible for the City to pay a percentage of their dependent coverage until the first of the fiscal year following the date of their marriage.

Persons who are not legally married are not eligible for dependent coverage.

Employees may waive the benefits of the City paying a percentage of dependent coverage by signing a waiver stating that they do not wish for the City to provide dependent coverage. This waiver is effective throughout the entire fiscal year in which it is signed. Employees may accept or reject the benefit no later than May 1st of each calendar year. The date is set as May 1st to allow time for the payments to be figured in each upcoming budget.

Rejection of the City's offer to pay a percentage of dependent coverage does not guarantee a raise in pay. Also, if, at any time during the year, insurance for dependents is cancelled, there is no guarantee of a salary increase to compensate for the loss of benefits due to the employee's cancellation of insurance coverage.

Employees who are voluntarily or involuntarily terminated from employment with the City and then return as employees must start as of the date of their present employment with regard to accruing tenure for the purpose of being eligible to receive benefits offered employees.

After a short discussion Mayor Segars asked that the Finance Committee, made up of Councilmen Brown, Clark and Wilkerson, meet with the City Manager to review this proposed policy and made recommendations to the City Council.

Waste Treatment Plant Project - Contract 2.0 - Request for Time Extension: The City Manager informed the City Council that C. R. Duncan Construction Company, Inc. had requested an extension of their contract time through July 1, 1979. He stated that the engineering firm has not as of this date made a firm recommendation regarding whether or not Council should approve this request.

After a short discussion, the matter was tabled.

Proposed Changes in Local Government Retirement Fund: The City Manager presented a letter from the North Carolina League of Municipalities regarding proposed changes in the Local Government Employees Retirement System. The proposals are as follows:

1. A five percent (5%) increase to all present retirees. Three percent (3%) of the increase will be funded by actuarial gains and would not require an increase in the contribution rate. The remaining two percent (2%) would be funded by increasing the normal contribution rate paid by Local Governmental Employers by .063% (example: \$63.00 on a \$100,000 monthly payroll).
2. Additional increases to present retirees as follows:
  - A. 10% for those retired prior to June 30, 1959;
  - B. 7% for those persons retired between July 1, 1959 and June 30, 1968;
  - C. 2% for those persons retired between July 1, 1968 and June 30, 1978.

The cost to fund these adjustments would be an increase in the normal contribution rate of .11% (\$110 on a \$100,000 monthly payroll).

The total cost for all increases then would be .173% or \$173 on a \$100,000 monthly payroll. If approved, the changes will be effective July 1, 1979.

Upon a motion by Councilman James, seconded by Councilman Cross, those members of Council present unanimously voted to approve the proposed changes.

Resolution - Sale of Surplus Equipment: Upon a motion by Councilman Cross, seconded by Councilman Brown, those members of Council present unanimously voted to adopt the following Resolution:



RESOLUTION AUTHORIZING THE SALE OF SURPLUS EQUIPMENT AND MISCELLANEOUS MATERIALS THROUGH PRIVATE NEGOTIATION AND SALE

WHEREAS, the City of Marion owns the following equipment and materials:

1 18" Huffy Fairlane Lawnmower  
 1 Cab for a 44000 Backhoe  
 1 Garwood Garbage Packer Unit  
 1 Asphalt Distributor on Trailer  
 1 1962 GMC Cab and Chassis (without engine or transmission)  
 1 275 Gallon Oil Tank  
 1 Duotherm Kerosene Heater  
 6 Full Length Lockers  
 3 6' Utility Tool Boxes  
 1 Double Pedestal 2-Man Wooden Desk  
 1 Wooden Counter  
 1 Dump Bed for 1½ Ton Truck  
 1 Goodall 3½ H.P. Edger  
 1 Baton 2 H.P. Edger  
 1 Whirlwind 16 H.P. 34" Self-Propelled Lawnmower  
 1 Dewitt Electric Hi-Pressure Washer Unit  
 1 O'Brian Sewer Rodder  
 1 Airmaze Air Compressor With Tank  
 1 2½ H.P. Portable Generator  
 1 Gasoline Weedeater  
 1 12 H.P. Vibrator Compactor  
 1 ½ H.P. Electric Bench Grinder  
 1 1952 Ford Tractor 8N  
 1 1½ Ton Truck (No. F60BCB56051)  
 Assorted Tires and Wheels

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,

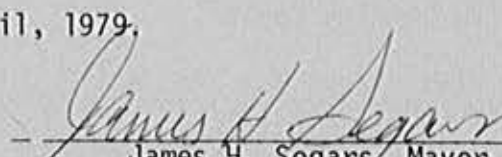
That City Manager J. Earl Daniels is hereby authorized and directed to sell said surplus equipment and materials at private negotiation and sale after 2:00 P.M. Thursday, April 26, 1979.

That a copy of this Resolution be published in The McDowell News on Wednesday, April 18, 1979.

ADOPTED this the 17th day of April, 1979.

ATTEST:

  
 J. Earl Daniels, City Clerk

  
 James H. Segars, Mayor

Community Development Application: The City Manager informed the City Council that the City's request for funds under the Community Development Comprehensive Program had been turned down. He stated that the City placed 24th out of 36 applications and that 16 were funded. He informed the Council that the City did not receive a sufficient number of points to be funded, primarily due to the fact that the City could not use the area in West Marion recently annexed in computing figures on population, housing, persons in poverty, etc.

Councilman Brown suggested that the City not let the request die, but proceed to get information concerning the application and request Mrs. Patricia Harris, Secretary of Housing and Urban Development, be invited to come to Marion to look at the area, as well as Congressman Lamar Gudger.

The City Manager stated that a package would be put together containing questions and including invitations, based on the statistics regarding all of the applications once this information has been received from Mr. Paul Hughes, Director of Isothermal Planning and Development Commission.

Region C Regional Legal Advisor and Regional Training Grant: The City Manager presented a letter from Mr. Earl Lloyd, Criminal Justice Planner, asking if the City would participate in a grant to provide a regional legal advisor for Region C. The annual cost to the City would be \$5.00 per certified police officer. This would be the cost for the first two years of the program. The City Manager presented a letter from Police Chief John Beck recommending that the City participate in the program. The cost to the City would be \$80.00 for the first year.

The City Manager also recommended approval of the program.

After a short discussion Council tabled action on the matter pending receipt of additional information.

Tax Lien Sale: Upon a motion by Councilman James, seconded by Councilman Cross, those members



of Council present unanimously voted to hold the Annual Tax Lien Sale on June 11, 1979, and to begin advertisements on May 14, 1979.

Wastewater Treatment Plant Project - Bids on Laboratory Equipment: Sealed bids were received until 2:00 P.M., Monday, April 16, 1979, by the City Manager, to provide laboratory equipment for the new waste treatment facility. Bids received were as follows:

Scientific Products, Charlotte, N. C. . . . . \$16,813.66

Fisher Scientific Company, Norcross, Georgia . . . . . \$17,532.08

Street Committee Meeting: The City Manager stated that he had talked with Mr. Edwards, District Engineer with the Department of Transportation, regarding a meeting with the Street Committee of the City to discuss widening of Rutherford Road and the installation of guardrails on Tate Street. He stated that Mr. Edwards agreed to meet with the City Street Committee on April 24, 1979 at 10:00 A.M.

The members of the Street Committee present stated that they would be happy to meet with him at that time.

Garbage Packer Truck: The City Manager stated that the new garbage packer truck ordered last Fall is scheduled to be delivered the week of May 7, 1979.

Reservoir: The City Manager informed the City Council that he had been advised by Mr. Bill Hobson that the City could increase the capacity of the ground storage reservoir by 500,000 gallons at a cost of approximately \$100,000.00.

Proposed New Parking Lots: The City Manager presented a drawing showing two proposed new parking lots. The City Manager stated that if the warehouse located across the alleyway from City Hall is taken down, a parking lot can be constructed in that area which will provide eleven parking spaces. He also recommended that the City Council give consideration to removing the service station located on Main Street directly behind the City Hall and constructing a parking lot with eighteen spaces and a small park area approximately 20' X 30'. He stated that this park area could provide a water fountain and benches.

The Council agreed to removing the warehouse for construction of a parking lot; however, they took no action on the proposal to remove the service station for the construction of a parking lot and park area.

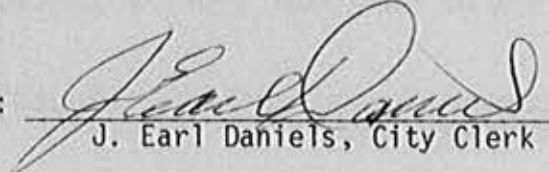
Parking Lot Behind City Hall: The City Manager was instructed to contact Jack Kennedy to see if the Forest Service is still in need of the ten parking spaces in the parking lot behind City Hall.

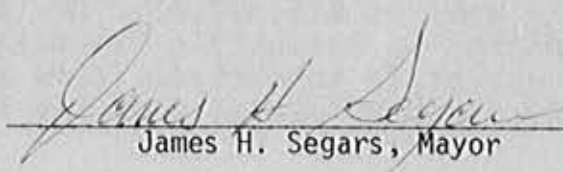
Complaint: Councilman Wilkerson stated that Attorney Roy Davis had informed him that he had not had water in his business office for approximately 6 weeks. The City Manager stated that he could not understand why his office had not been contacted regarding this problem and that he was probably being served by a water meter that served another business which has vacated a building and the meter has probably been turned off. The City Manager stated that he would look into the matter.

Complaint - Recreation Commission Property - West Court Street: A complaint was received by Council that someone was mowing grass on Sunday morning on the Recreation Property disturbing a local Church. Council asked the City Manager to contact James Hardin, Recreation Director and ask that no organized activity be allowed on the recreation property prior to noon on Sundays and that in the event a funeral is held in that immediate community that no activity be conducted on the recreation property during the funeral.

There being no further business, the meeting was adjourned.

ATTEST:

  
J. Earl Daniels, City Clerk

  
James H. Segars, Mayor

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

May 8, 1979

The Marion City Council met Tuesday, May 8, 1979, at 7:30 P.M. in the City Council Chamber at City Hall.

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

Others Present: J. Earl Daniels, City Manager; Richard Hicks, Planning Director and Zoning Administrator; E. P. Dameron, City Attorney; Alvin Callahan, Public Works Director; and Ann Vess, Newspaper Reporter, The McDowell News.

Guests: Jeanne W. Symmes, 208 Glenview Street; Dorothy Baldwin, 108 Glenview Street; Andy Symmes, 208 Glenview Street; Robert Ayers, 210 Glenview Street; Con Laudermilk, 204 Glenview Street; and Ken Long, 121 Colony Drive, Arden, North Carolina.



Approval of the April 17, 1979 Minutes: Upon a motion by Councilman Wilkerson, seconded by Councilman Cross, the City Council unanimously voted to approve the minutes of the April 17, 1979 meeting.

Glenview Street - Flooding and Streambank Erosion: Five residents of Glenview Street appeared before the City Council concerning flooding and streambank erosion at the rear of their properties located on Young's Fork of North Muddy Creek. Planning Director and Zoning Administrator Richard Hicks presented a slide presentation showing the streambank erosion. The City Manager informed those persons in attendance that Boyce L. Harvey, District Conservationist conducted a study on the 22nd of April, 1975, concerning flooding and streambank erosion on Young's Fork of North Muddy Creek. The City Manager read the recommendations submitted by Mr. Harvey. The City Manager stated that he had contacted the Corp of Engineers regarding the problem and that he had tried to locate other sources of possible funding to assist in correcting the problem. He stated that no funds were available to assist with this type of problem.

The residents of Glenview Street expressed their concern with the fact that they very well may lose their homes in the future if something is not done to correct the problem. The residents were advised that the stream is located on private properties and that the City is limited in the type of assistance that can be rendered. Several of the residents stated that the water from city streets and state highways are being turned into the branch, thus adding to the problem.

The City Manager stated that he talked with representatives of the Department of Transportation and was advised by them that once the water is off their state right-of-way it is no longer their problem. After a long discussion, Mayor Segars appointed the following persons to serve on a committee to look into the problem and make recommendations to Council: Any Symmes, Robert Ayers, Con Laudermilk, Mayor Pro Tem Clark, Councilman Brown, and City Manager Earl Daniels.

Community Building - Request to Use Upstairs - Weight Watchers: The City Manager presented a letter from Weight Watchers International requesting permission to use the upstairs of the Community Building on a regular basis. The City Council discussed the matter and determined that Weight Watchers International is a profit making organization. The City Manager stated that normally profit making organizations are prohibited from using the building, but that there has been a great deal of interest expressed by some of the citizens of Marion for Weight Watchers to establish a weekly meeting in the City. The City Manager stated that several individuals are travelling to Morganton and Asheville to attend meetings.

Upon a motion by Councilman Clark, seconded by Councilman Cross, the City Council unanimously voted to authorize Weight Watchers International to use the basement of the Community Building at a rate of \$5.00 per hour, with a minimum of \$20.00 per day under the following conditions: The City will not be responsible for items left in the building; the City will not set up tables or chairs for the meeting; the City will not provide parking for persons attending the meetings; and the City will not guarantee that there will be a sufficient number of chairs for the meetings.

Bid Proposals - Wastewater Treatment Plant Lab Equipment and Supplies: The City Manager presented a letter from Sid Riddick, Engineer with O'Brien & Gere, Inc., stating that two bids were received for the lab equipment and supplies, one bid from Scientific Products in the amount of \$16,813.66, and one from Fisher Scientific in the amount of \$17,532.08. Mr. Riddick, in his letter, stated that several items needed to be deducted from the bids so that the bids would be equal. After making the deductions he felt necessary, the total bid from Scientific Products came to \$14,203.04, and the total bid from Fisher Scientific came to \$15,379.23. Mr. Riddick recommended that the City Council take the low bid submitted by Scientific Products. Mr. Ken Lowry of Fisher Scientific was present and took exception to certain items in the bids. He made certain adjustments that he felt necessary to show Council that his bid could be lower than Scientific Products.

Upon a motion by Councilman Clark, seconded by Councilman James, the City Council unanimously voted to reject all bids and to rebid the project.

Bid Proposals - Warehouse Renovation: The City Manager informed the City Council that only one acceptable bid was received for the warehouse project, and that the bid was in the amount of \$94,706.00 and was bid by Wilkie Construction Company. The City Manager recommended that the City Council reject all bids on the warehouse renovation and authorize the City of Marion to make the necessary warehouse renovations using City forces and that materials be purchased with Revenue Sharing Funds.

Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to reject all bids and to authorize the City Manager to purchase the necessary materials with Revenue Sharing Funds so that City forces can undertake renovation of the warehouse.

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



AN ORDINANCE TO REGULATE, RESTRICT, AND LIMIT IN THE INTEREST OF THE PUBLIC HEALTH AND SAFETY, THE DEPOSIT OR DISCHARGE OF CERTAIN SUBSTANCES INTO ANY SANITARY SEWER NOW MAINTAINED AND/OR OWNED BY OR WHICH MAY BECOME THE PROPERTY OF THE CITY OF MARION.

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

Section I: Definitions

1. Sanitary Sewer is a sewer intended to receive domestic sewage and industrial waste, except that of the type expressly prohibited by this ordinance, without the admixture of surface water and storm water.
2. Domestic Sewage is that liquid waste from bath rooms, toilet rooms, kitchens and home laundries.
3. Industrial wastes are the liquid wastes, other than domestic sewage, resulting from processes or operations employed in industrial establishments.
4. "B.O.D." Denoting Biochemical Oxygen Demand shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 20°C, expressed in parts per million by weight.
5. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than  $\frac{1}{2}$  inch in any dimension.
6. "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage or other liquids; and which are removeable by laboratory filtering.
7. "pH" shall mean the logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution. A stabilized pH will be considered as a pH which does not change beyond the specified limits when the waste is subjected to aeration. A pH value indicates the degree of acidity or alkalinity.
8. Person is any individual, firm, company, association or corporation.
9. City is the City of Marion.
10. Receiving Stream is that body of water, stream or water course receiving the discharge waters from the sewage treatment plant or formed by the waters discharged from the sewage treatment plant.
11. Approving Authority shall be the City Council.
12. "Shall" is mandatory; "May" is permissive.

Section II: USAGE OF MUNICIPAL SANITARY SEWERS

1. No person shall discharge or deposit any of the following waste materials into any City sewer:
  - (a) Any liquid or vapor having a temperature higher than 150°F.
  - (b) Any water or waste which may contain more than 100 parts per million, by weight, of fat, oil or grease, exclusive of soap.
  - (c) Any flammable or explosive liquid, solid or gas, including, but not limited to gasoline, benzene, naphtha, and fuel oil.
  - (d) Any garbage that has not been properly shredded.
  - (e) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, fethers, tar, plastics, wood, paunch manure, or other solid or viscous substance capable or causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.
  - (f) Any waters or wastes having a stabilized pH lower than 6.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewer works.
  - (g) Any waters or wastes having a Biochemical Oxygen Demand in excess of 300 parts per million (mg./l), except as provided under Section IX.
  - (h) Any waters or wastes containing more than 300 parts per million by weight of suspended solids, except as provided under Section IX.
  - (i) Any waste, debris, refuse, grease, sand, gravel, dirt or other indissoluble substance from sump, grease or wash pits of service stations or from any other source, business or private, or any refuse, waste or sewage from wash pit or grease pit from any service station or similar business, unless such drain pit is equipped with an inverted "P" trap with a nipple of at least six inches in length extending toward the bottom of such pit and unless a combination "T" is



installed directly outside such pit in the drain line with a clean out which is flush with the finished floor surface.

(j) Any waters or wastes containing a toxic or poisonous substance or any other materials in sufficient quantity to injure or interfere with any sewage treatment process, or constitute a hazard to humans or animals, or create any hazard in the receiving stream at the sewage treatment plant.

(k) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.

(l) Any noxious or malodorous gas or substance capable of creating a public nuisance.

(m) Any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water or unpolluted industrial or commercial process water.

(n) Any waters or wastes containing measurable amounts of chromium, zinc, nickel, copper, or other heavy metals which are in an ionic or chemically active state.

(o) Any materials which form excessive amounts of scum that may interfere with the operation of the waste treatment works or cause undue additional labor in connection with its operation.

(p) Any waters or wastes which in concentration or any given constituent or in quantity of flow exceeds, for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentrations or flows during normal operation.

(q) Any solid radioactive materials or radioactive materials in solution which can be removed by chemical means and disposed of in solid form.

(r) Any radioactive materials in soluble ion form in sufficient quantities to create a hazard to sewage works personnel or the biological life in the waste treatment plant or receiving stream.

2. The Approving Authority, without limitation by other sections of this ordinance, may authorize any person to discharge industrial waste of unusual strength or character into the sewers of the City of Marion under approved conditions or pre-treatment. The Approving Authority may prohibit entry of particular industrial wastes into the sanitary sewer whenever such action is necessary to prevent damage to the system or to determine the effects of such wastes on the sewage system.

### Section III. STRUCTURES REQUIRED

1. Storage Tanks: In order to equalize flows over a 24-hour period, each person discharging a waste into the City's sanitary sewers having a volume in excess of 20,000 gallons in any one day, may be required to construct and maintain at his own expense a suitable storage tank. Said tank shall have a capacity of at least 80% of the normal volume of one 24-hour production period of waste and whose outlet to the sewer is controlled by a water works type rate controller, or other approved devices, the setting of which shall be directed by the Approving Authority.

2. Any person discharging industrial wastes into City Sanitary Sewers may be required to construct and maintain a suitable control manhole, down stream from any treatment, storage, or other approved works, to facilitate observation, measurements and sampling of all wastes including domestic sewage, from the industry. Such manhole shall be constructed at a suitable and satisfactory location and built in a manner approved by the Approving Authority.

Where a storage tank is not required, a control manhole may be required to be equipped with a permanent type volume measuring device such as a nozzle, or other suitable devices as may be approved by the Approving Authority. Such manhole shall be installed at the expense of the person discharging the wastes and shall be maintained by him so as to be safe, accessible and in proper operating condition at all times.

3. Plans for the construction of said storage tank, control manhole, and controlling devices shall be approved by the Approving Authority prior to the beginning of construction.

### Section IV: PERMITS

Any person desiring to deposit or discharge, or who is now depositing or discharging any industrial waste into the sanitary sewers shall make application for the disposal of industrial waste to the Approving Authority. The Approving Authority shall approve such applications only when evidence is submitted by the applicant that the discharge into the sanitary sewer will comply with all of the regulations of this ordinance.

### Section V: OUTSIDE CONNECTIONS



Any persons owning or controlling premises located beyond the corporate limits of the City of Marion and desiring to install a plumbing system for the purpose of discharging domestic sewage and/or industrial waste into the sanitary sewers of the City of Marion may do so upon permission being granted by the Approving Authority and by complying with the requirements of this ordinance and by paying a connection fee and a sewer service charge to be fixed by the City Council.

#### Section VI: POWERS AND AUTHORITY FOR INSPECTION

The Approving Authority and other duly authorized employees of the City bearing proper credentials and identification, shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling, and testing, in accordance with the provisions of this ordinance.

#### Section VII: MEASUREMENT OF FLOW

1. The volume of flow used in computing waste surcharges shall be based upon metered water consumption as shown in the records of meter reading maintained by the City Water Department.

Any person discharging wastes into the Sanitary Sewer System may install and maintain at his own expense, a wastewater measuring device approved by the Approving Authority, for the purpose of determining the proper volume of flow to be charged. Such device shall be located downstream from any treatment, storage, or other approved works. The quantity of flow thus measured, including infiltration and inflow, where present may be used by the City in computing monthly charges or surcharges.

Where the person discharging wastes into the sanitary sewers of the City procures any part, or all of, his water supply from sources other than the City of Marion's Water Department, all or part of which is discharged into the sanitary sewer, the person discharging said waste shall install and maintain, at his expense, water meters of a type approved by the Approving Authority for the purpose of determining the proper volume of flow to be charged. The Approving Authority has a right to read such private meters.

2. The Approving Authority may require any person who discharges wastes into the sanitary sewer system to construct and maintain an approved sewage flow measuring device. Such device shall be located downstream from any treatment, storage, or other approved works. The quantity of flow thus measured, including infiltration and inflow, where present may be used by the City in computing monthly charges or surcharges.

#### Section VIII: DETERMINING OF CHARACTER AND CONCENTRATION OF WASTES

1. The Approving Authority or an assistant designated by it shall make a periodic determination of character and concentration of wastes as may be deemed necessary by the Approving Authority.

2. Location and design of sampling sites should be approved by the Approving Authority.

3. Samples shall be collected in such a manner as to be satisfactory to the Approving Authority. The laboratory methods used in the examination of said wastewaters shall be those set forth in the latest edition of the "Standard Methods for Examination of Water and Wastewater", published by the American Public Health Association.

4. The determination of the character and concentration of the industrial wastes by the Approving Authority, or his authorized assistance, shall be binding as a basis for charges. Industries wishing to have another sample taken other than at regular intervals may ask the Approving Authority to take such a sample.

5. Costs incident to sampling and analyzing of wastes that are applicable to surcharges shall be included in the surcharge made to persons discharging wastes into the City sanitary sewers.

#### Section IX: SURCHARGE FOR TREATMENT OF INDUSTRIAL WASTES

1. Explanantion of Surcharges - All persons discharging industrial wastes into the City sanitary sewer system shall be rendered a monthly bill as a surcharge covering the entire costs to the City incurred by treating all wastes having a Biochemical Oxygen Demand in excess of 300 parts per million and suspended solids in excess of 300 parts per million. Said surcharge shall be imposed as herein provided in addition to any existing sewer service charge and to any sewer charge imposed after the adoption of this ordinance..

The aforesaid surcharge shall include:

(a) All fixed charges and amortization costs of additional plant capacity required for treating said industrial wastes.

(b) A charge covering the cost incurred by the City in treating said wastes in the municipal sewage treatment plants.



2. The surcharge, as set forth in Paragraph 1 of this Section, shall be billed and payable monthly.

#### Section X: BILLING

1. Bills will be sent through the United States mail notifying all persons of the amount and date due. Failure to receive notice is not an excuse for non-payment of bills.

2. Persons not having paid their bills within 10 days of date of billing will be delinquent. Notice shall be sent them through the United States mails and if, after five (5) days, the bill remains unpaid, the water connection serving the premises will be turned off and will not be turned on again until all bills are paid.

3. In case a persons discharging wastes into the City sanitary sewer system does not procure his water supply from the City of Marion and become delinquent in his payment of the aforesaid surcharge, his connection with the City sewer system will be severed and will only be reconnected at his expense.

#### Section XI: PROTECTION FROM DAMAGES

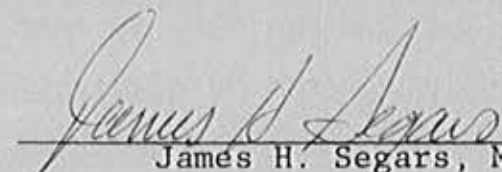
It shall be considered a misdemeanor to maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any equipment or materials belonging to the City of Marion used for the purpose of making tests or examinations and left upon the premises of a person discharging wastes into the sewers.

#### Section XII: REPEALING CLAUSE


All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to such section, paragraph, subdivision, clause or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

#### Section XIII: EFFECTIVE DATE

This ordinance shall take effect and be in full force from and after the 8th day of May, 1979.

  
James H. Segars, Mayor

ATTEST:

  
J. Earl Daniels, City Manager

APPROVED AS TO FORM:

\_\_\_\_\_  
E. P. Dameron, City Attorney

Legal Advisor - Region C: The City Council tabled any action on this matter.

Proposed Policy - Employee Insurance Program: Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to adopt the policy as it was recorded in the minutes of the April 17, 1979 meeting, upon the condition that it would be a volunteer program and the employees would have the choice of accepting the City paying a portion or all of their dependent insurance coverage for hospital and life insurance or accepting a salary increase. The City Manager stated that he would review this matter with each qualified employee and explain all the options available to them.

Board of Adjustment - Appointment of New Members: Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to appoint Earl Duncan and Ed Ghent to the Board of Adjustment for a term of three years, said terms to expire May 8, 1982.

Animal Ordinance - Prohibit Chicken, Ducks, Geese, Etc. Inside the City Limits: The City Manager presented a petition from residents of Gilkey Street requesting that the City Council give consideration to adopting an ordinance prohibiting keeping of chickens and other fowl in the City Limits. After a long discussion the City Manager was directed to prepare such an ordinance for presentation at the next meeting of Council. Council will give consideration to adopting such an ordinance with an effective date of July 1, 1979.

Resolution - Deposit Funds - First Federal Savings and Loan Association: Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to adopt the following resolution:



## RESOLUTION

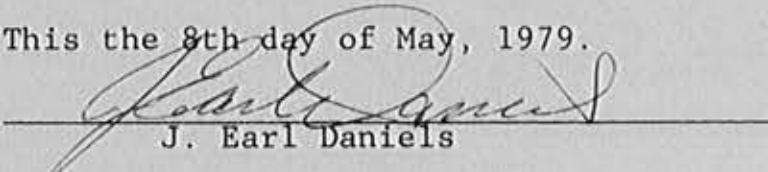
RESOLVED, the the Funds of the undersigned be and the same are hereby authorized to be added to or paid into a savings account in First Federal Savings and Loan Association of Hendersonville and that said institution be and it is hereby authorized to pay withdrawals until further written notice is signed in the name of this organization as indicated below by any two persons whose signatures appear below. Said institution further is authorized to accept a pledge of all or any part of said account as security for any loss made by it to said organization and executed in its name by the signatory parties indicated in the preceeding sentence. Said institution is authorized to supply any endorsement for the undersigned on any check or other instrument tendered for this account and it is hereby relieved of any liability in connection with collection of such items which are handled by it without negligence and it shall not be liable for the acts of its agents, sub-agents or others or for any casualty. Withdrawals may not be made on account of such items until collected, and any amount not collected may be charged back to this account, including expense incurred, and any other outside expense incurred on account of this account may be charged to it.

City of Marion

By J. Earl Daniels, City Manager  
Kathy B. McEntire, Bookkeeper  
James H. Segars, Mayor  
\_\_\_\_\_  
Authorized Signatures

I certify that I am duly elected and acting secretary of the above-named organization, and that the foregoing is a true and correct copy of a resolution adopted by said organization at a regular or duly called special meeting at which a quorum was present, and that said organization is authorized to take such action, and that the signatures above and on the reverse side hereof are the true signatures of the persons authorized to sign as indicated in connection with said account.

This the 8th day of May, 1979.

  
J. Earl Daniels

Resolution - National Public Works Week: Upon a motion by Councilman Clark, seconded by Councilman James, the City Council unanimously voted to adopt the following resolution:

WHEREAS, public works services provided in our community are an integral part of our citizens' everyday lives; and

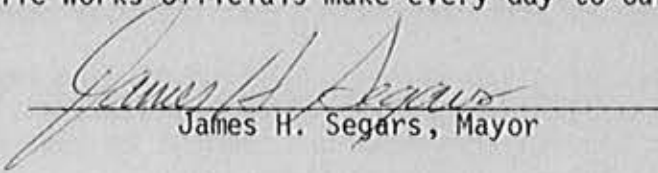
WHEREAS, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water, sewers, streets and highways, public buildings, solid waste collection and snow removal; and

WHEREAS, the health, safety and comfort of this community greatly depends on these facilities and services; and

WHEREAS, the quality and effectiveness of these facilities, as well as their planning, design and construction, is vitally dependent upon the efforts and skill of public works officials; and

WHEREAS, the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people's attitude and understanding of the importance of the work they perform; now therefore

BE IT RESOLVED that I, James H. Segars, Mayor of the City of Marion, do hereby proclaim May 20 through May 26, 1979, as NATIONAL PUBLIC WORKS WEEK in Marion and call upon all citizens and civic organizations to acquaint themselves with the problems involved in providing our public works and to recognize the contributions which public works officials make every day to our health, safety and comfort.

  
James H. Segars, Mayor

ATTEST:

  
J. Earl Daniels, City Clerk

Powell Bill - Selection of Engineer: The City Manager recommended that the City Council appoint O'Brien & Gere, Inc. as the engineering firm to prepare the annual Powell Bill Report for 1979.

Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to select O'Brien & Gere, Inc. to prepare the annual Powell Bill Report for 1979.

City Tags - Proposed Use of Decal: The City Manager stated that the existing Ordinance concerning City tags provides for the use of a license plate. He stated that decals are now available which can be placed on the windshield and that the decals are cheaper than license plates. He recommended that the City Council authorize him to make changes in the ordinance which would authorize the use of decals as well as license plates.

Upon a motion by Councilman Wilkerson, seconded by Councilman Cross, the City Council unanimously



voted to authorize the change. The City Manager stated that this change would be included in the City's Code of Ordinances.

City Emblem: The City Manager presented a quote to the City Council for providing City emblems on tie pins and lapel pins. There was no action by Council.

Wastewater Treatment Plant - Modifications: Mr. Sid Riddick, representing O'Brien & Gere, Inc. attended the City Council meeting and presented the following proposed modifications:

Contract 1.0 Modification 8 - Distilled Water Tank - Cost \$824.57  
 Modification 9 - Curb and Gutter - Plant Site - Cost \$3,392.61  
 Modification 10 - Pave Sludge Lagoon - Plant Site - Cost \$17,142.71  
 Modification 11 - Shoots from Vacuum Filter - Cost \$678.66

Mr. Riddick recommended that the City Council authorize modifications 8 and 9, and defer action on 11. He stated that all modifications are grant eligible.

Upon a motion by Councilman Clark, seconded by Councilman Wilkerson, the City Council unanimously voted to approve modifications 8 and 9, to reject modification 10 and to table action on modification 11.

Mr. Riddick also stated that a modification is needed under Contract 4.0. He stated that this modification would be necessary to provide drainage to eliminate erosion of the road going into the pumping station off Pea Ridge Road. He stated that this modification would cost \$2,130.00.

Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to approve the modification as recommended by the engineer.

There being no further business, the meeting was adjourned.

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

James H. Segars  
 James H. Segars, Mayor

STATE OF NORTH CAROLINA  
 COUNTY OF McDOWELL  
 CITY OF MARION

May 22, 1979

The Marion City Council met Tuesday, May 8, 1979 at 7:30 P.M. in the City Council Chamber at City Hall.

Board Members Present: Mayor Pro Tem Everette Clark, Councilmen Larry Brown, Robert James and Horace Wilkerson. Mayor Segars arrived at 9:10 P.M.

Others Present: J. Earl Daniels, City Manager; Richard Hicks, Zoning Administrator; E. P. Dameron, City Attorney; and Ann Vess, News Reporter, The McDowell News.

Mayor Pro Tem Clark served in the absence of Mayor Segars. He advised that Mayor Segars would be arriving later in the meeting.

Approval of the May 8, 1979 Minutes: Upon a motion by Councilman James, seconded by Councilman Wilkerson, those members of Council present unanimously voted to approve the minutes of the May 8, 1979 meeting.

Letter - Mrs. Essie Hamilton - Request to Open High Street: The City Manager read a letter from Mrs. Essie Hamilton requesting that the City open High Street to her property.

After discussing the request the Council directed the City Manager to write a letter to Mrs. Hamilton advising her that the Street Committee and the City Manager will visit the property to view the situation and will consider the request to open the street pending the availability of funds in the budget for the upcoming fiscal year.

Bulldozer - Proposed Repairs: The City Manager requested that Council authorize the repair of the City's bulldozer which has been used by the county at the landfill in the past. He advised that the estimated costs of repairs would be approximately \$10,000.

The City Manager suggested that as soon as possible after July 1, 1979, the streets in the newly annexed West Marion area be surveyed, clear cut and graded. He suggested that the timber or pulp wood from these streets be sold and that the bulldozer be used in opening up the streets for the development of properties. He advised that if the bulldozer is repaired before July 1st, it will be necessary to amend the current budget to provide for payment for the repairs. Council approved repair of the bulldozer.

Revenue Sharing Funds - Proposed Use Hearing: No one was present at the hearing regarding proposed uses of the funds. The City Manager stated that he had received a phone call from a lady suggesting that some of the funds be utilized for providing a park for the children in the Maple Avenue area to play. He stated that the lady advised she would send him a letter regarding the request but that he had not received same. He stated that he suggested the lady contact the Recreation Commission regarding the request.



The City Manager stated that the Council might wish to consider utilizing a portion of the funds for the purchase of water and sewer pipe to provide for the extensions to serve areas annexed into the City.

The City Manager advised that funds were appropriated in the current budget for warehouse renovation but that the work will not be completed during this fiscal year; therefore, he is proposing to carry the funds set aside for this purpose over into the next fiscal year. He advised that he would furnish a detailed report on the proposed uses of Revenue Sharing Funds and that citizens would be advised of and invited to a public hearing regarding same. Said public hearing will be advertised in The McDowell News.

Zoning Ordinance - Proposed Amendments: The City Manager presented a recommendation from the Planning Board to the City Council that the properties included in the recent City Limits Gap Annexation be zoned as follows: Tri-County Oil Company and Builder's Supply properties be zoned C-2, General Business; and that W. R. Ledbetter's and Woody Killough's properties be zoned R-2, General Residential.

Upon a motion by Councilman James, seconded by Councilman Brown, those members of Council present voted to zone the Tri-County Oil Company and the Builder's Supply property as C-2, General Business; and to zone the W. R. Ledbetter and Woody Killough properties as R-2, General Residential.

The City Manager advised that the Planning Board recommended the following amendment to the zoning ordinance:

Section 604. Only one Principal Building on Any Lot currently reads as follows: "Only one (1) principal building and its customary accessory buildings may hereafter be erected on any lot, except as authorized by Article X, Section 1003, nor shall any building be erected on any lot which does not abut on at least thirty-five (35) feet on a publicly dedicated or maintained street."

The Planning Board recommends that this particular section be amended to read as follows: "Only one (1) principal building and its customary accessory buildings may hereafter be erected on any residential lot, except as authorized by Article X, Section 1003, nor shall any building be erected on any lot which does not abut at least thirty-five (35) feet on a publicly dedicated or maintained street."

Upon a motion by Councilman James, seconded by Councilman Brown, those members of Council present unanimously voted to amend the zoning ordinance as recommended.

Waste Treatment Plant Project - Laboratory Equipment and Supplies - Bids: The City Manager presented the following tabulation on bids received to provide the City with laboratory equipment and supplies for the new waste treatment plant:

|                           |              |
|---------------------------|--------------|
| Scientific Products       | \$ 20,518.57 |
| Fisher Scientific Company | \$ 18,833.60 |

Upon a motion by Councilman James, seconded by Councilman Brown, those members of Council present unanimously voted to accept the low bid submitted by Fisher Scientific Company in the amount of \$18,833.60.

Proposed Ordinance to Prohibit the Keeping of Fowl in the City Limits: The City Manager presented an ordinance to prohibit the keeping of fowl within the City Limits. After discussing the proposed ordinance, the City Council tabled action on said ordinance and directed the City Manager to prepare an ordinance which would prohibit the keeping of animals which would create unsanitary conditions, unacceptable levels of noise, or be a danger to the health, safety and welfare of the general public.

Contract to Audit Accounts - Crawley, Johnson, Price and Sprinkle: The City Manager presented the following Contract to Audit Accounts:

This agreement, made this 15th day of May, 1979, by and between Crawley, Johnson, Price and Sprinkle, First Union National Bank Bldg., Marion, North Carolina 28752, herein-after referred to as the Auditor, and City Council of City of Marion, hereinafter referred to as the Governmental Unit, as follows:

1. The Auditor shall examine the balance sheets, statements of revenue, expenditures and fund balances of all funds and/or divisions of the Governmental Unit for the period beginning July 1, 1978, and ending June 30, 1979.

All Funds.

2. The Auditor shall conduct his examination in accordance with generally accepted auditing standards. The examination shall include such tests of the accounting records and such other auditing procedures as are considered by the Auditor to be necessary in the circumstances, except as follows: NONE

3. It is agreed that generally accepted auditing standards include a review of the Governmental Unit's system of internal control and accounting as same relates to accountability of funds and adherence to budget and law requirements applicable thereto; that the Auditor will make a written report, which may or may not be a part of the written report of audit, to the Governing Body setting forth his findings, together with his recommendations for improvement. The Auditor shall file a copy of said report with the Secretary of the Local Government Commission.

4. The Auditor shall, after completing his examination, submit to the Governing Body a written report of audit. This report shall contain an expression of opinion



that the financial statements are fairly stated, an opinion qualified as to certain funds or items in the financial statements, or a disclaimer of opinion and the reasons therefor. The Auditor shall furnish 12 copies of the report of audit to the Governing Body as soon as practicable after the close of the accounting period, but no later than August 31, 1979. The Auditor shall file a copy of said report of audit with the Secretary of the Local Government Commission.

5. Should circumstances disclosed by the audit call for a more detailed investigation by the Auditor than necessary under ordinary circumstances, the Auditor shall inform the Governing Body in writing of the need for such additional investigation and the additional compensation required therefor. Upon approval by the Secretary of the Local Government Commission, this agreement may be varied or changed to include the additional investigation and compensation as may be agreed upon by the Governing Body and the Auditor.

6. There are no special provisions, except:

7. In consideration of the satisfactory performance of the provisions of this agreement, the Governmental Unit shall pay to the Auditor, upon approval by the Secretary of the Local Government Commission, a fee not to exceed \$3,100.00.

8. This contract is subject to all of the provisions of Section 20 NCAC 3 .0500. If an engagement letter is used, a copy should be attached to this contract. There are no other agreements between the parties hereto and not other agreements relative hereto shall be enforceable unless entered into in accordance with the procedure set out herein and approved by the Secretary of the Local Government Commission.

Upon a motion by Councilman Wilkerson, seconded by Councilman Brown, those members of City Council present unanimously voted to approve the execution of the Contract to Audit Accounts.

Budget 1979-1980: A short discussion was held regarding the proposed budget for the upcoming fiscal year. The City Manager advised the Council that the proposed budget would be presented to them no later than June 1, 1979.

Ku Klux Klan - Rally: The City Manager advised that the Ku Klux Klan would be parading from Crawford Street up the east side of Main Street to Fort Street, cross to the west side of Main and return to the parking lot on Crawford Street, beginning at 4:00 P.M. and continuing until 5:00 P.M. Saturday, May 26, 1979.

Street Improvements - Benches: The City Manager informed the City Council that funds are still available for the construction of benches on Main Street. He suggested that seats and top be installed on the existing bench. Council takes action on the matter.

Mayor Segars arrived at this time.

Police Chief Beck and Officer Alfred Dillingham appeared before Council. Mayor Segars presented a Resolution of Appreciation to Officer Dillingham, a copy of which is made a part of these minutes.

WHEREAS, Marion Police Officer, Alfred Dillingham, acted in accordance with the highest traditions of the law enforcement profession in his handling of the false and unfounded criminal charges recently brought against a young citizen of our community, Michael Stamey, and

WHEREAS, Officer Dillingham, having good reason to doubt the validity of said charges made a thorough investigation of the same and obtained an unqualified admission from the prosecuting witnesses that they had given false testimony at the preliminary hearing in McDowell County District Court, which found probable cause in the case and ordered the said Michael Stamey held for trial in Superior Court on a serious felony charge, and

WHEREAS, the courage and dedication to duty displayed by Officer Dillingham in his handling of this matter resulted in said false and unfounded criminal charges against Michael Stamey being promptly dismissed by the Court;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Marion, North Carolina, that Police Officer Alfred Dillingham be, and he is hereby, highly commended for his courage, diligence and devotion to duty which resulted in the dismissal of the false and unfounded criminal charges against Michael Stamey.

This the 22nd day of May, 1979.

Attest:

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

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

The Council members individually thanked Officer Dillingham for his devotion to duty and for his actions in going above and beyond his duties.

There being no further business, the meeting was adjourned.

ATTEST:

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

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



STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

June 5, 1979

The Marion City Council met Tuesday, June 5, 1979, at 7:30 P.M. in the City Council Chamber at City Hall.

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

Councilmen Robert James and Oliver Cross were absent.

Others Present: J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; Richard Hicks, Zoning Administrator; Alvin Callahan, Public Works Director and Ann Vess, News Reporter, The McDowell News.

Approval of the May 22, 1979 Minutes: Upon a motion by Councilman Wilkerson, seconded by Councilman Clark, those members of Council present unanimously voted to approve the minutes of the May 22, 1979 meeting.

Trash Truck Body - Bids: The City Manager presented the following bid tabulation:

Virginian Metal Products (No Bid Security Submitted)  
\$2,738.19. Guaranteed Delivery Date - June 30, 1979.

Twin States Truck Equipment Company, Inc. (Bid Security Submitted) \$2,972.12. Guaranteed Delivery Date - Ten Days From Date of Order.

Quality Equipment and Supply Company, Inc. (Bid Security Submitted) \$2,499.00

Upon a motion by Councilman Clark, seconded by Councilman Wilkerson, those members of Council present unanimously voted to accept the low bid of Quality Equipment and Supply Company in the amount of \$2,499.00.

Equipment Storage Shed - Bids: The City Manager stated that bids for furnishing and erecting the equipment storage shelter were received in his office at 2:00 P.M. June 5, 1979. He stated that only one bid was received by the City. He informed the City Council that this was the second time bids had been received for this particular part of the project. He stated that bids were received for Phases I, II and III on the Warehouse Renovation Project on an earlier date and that it was decided following that date that the City would undertake a portion of the construction and renovation of the warehouse facility and rebid a portion. The City Manager recommended that the City Council accept the bid submitted by Taylor Construction Company of Lenoir for the purchase and erection of the equipment storage shelter. The City Manager recommended that the City purchase and have erected a shelter 25' X 200'. The cost of the shelter is \$14,656.00. The cost to erect the shelter is \$4,284.00.

Upon a motion by Councilman Clark, seconded by Councilman Wilkerson, those members of Council present unanimously voted to accept the recommendation of the City Manager and to purchase from Taylor Construction Company of Lenoir a metal equipment storage shelter with dimensions of 25' X 200' at a purchase price of \$14,656.00 and authorize Taylor Construction Company to erect the shelter at a cost of \$4,284.00, and that the costs of the project be paid from Revenue Sharing Funds.

Ordinance Governing Stables, Pens and Other Places Where Animals are Kept: Upon a motion by Councilman Brown, seconded by Councilman Clark, those members of Council present unanimously voted to adopt the following Ordinance:

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

Section 1. Every stable, pen and other place where cattle, horses, chickens, geese or other animals are kept, shall be maintained in a clean and healthful condition at all times.

Section 2. No person shall erect upon any lot any cow, horse, mule, sheep or goat stable, within one hundred (100) feet of any residence or within one hundred (100) feet of any street.

Section 3. No person shall erect upon any lot any coop and/or pen for the keeping of any chickens, geese, turkeys, ducks or any other gallinaceous birds, within one hundred (100) feet of any residence or within one hundred (100) feet of any street.

Section 4. No person shall stake or keep on a leash any chicken, goose, turkey, duck or any other gallinaceous bird.

Section 5. Any person who shall violate or fail to comply with this ordinance shall be guilty of an offense and shall be punished by a fine not to exceed Fifty Dollars (\$50.00) or imprisonment not to exceed thirty (30) days.



Section 6. All ordinances in conflict with this ordinance are hereby repealed.

Section 7. This ordinance shall be in full force and effect July 1, 1979.

ADOPTED this the 5th day of June, 1979.

ATTEST:

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

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

Wastewater Treatment Plant - Change Order 1 - Contract 4.0: Upon a motion by Councilman Clark, seconded by Councilman Wilkerson, those members of Council present unanimously voted to approve the following Change Order 1 for Contract 4.0:

The following item constitutes Change Order 1 to the Contract dated June 16, 1977, by and between the City of Marion, North Carolina, and W & W Contracting, Incorporated, and are subject to all applicable terms and conditions of said Contract.

Furnish and install 15-inch diameter corrugated metal culverts with headwalls and other appurtenances as shown on drawing 948.004.164F.

In consideration of the above, the compensation for Contract 4.0 shall be increased one thousand, eight hundred and eighty dollars (\$1,880.00). The contract amount is increased from \$112,253 to \$114,133.

RECOMMENDED

O'BRIEN & GERE, INC./ENGINEERS

By /S/ C. W. Willis 5/10/79  
C.A. Willis, P.E.

ACCEPTED

CITY OF MARION

By /S/ J. Earl Daniels 6/5/79  
J. Earl Daniels

ACCEPTED

W & W CONTRACTING, INC.

By /S/ J. Bruce Weaver 5/16/79  
J. Bruce Weaver

Soil Erosion Problem - Glenview Street: The City Manager presented minutes from a meeting of the Committee on Erosion - Young's Fork of North Muddy Creek. Said meeting was held Wednesday, May 30, 1979. The City Manager informed the City Council that in addition to all the members of the committee named by Mayor Segars, others present were Paul Hughes, Executive Director, Isothermal Planning and Development Commission; David Long, Department of Natural Resources and Community Development; Larry Hendrix, Soil Conservation Service; J. B. Edwards, Division of Highways; J. F. Cooke, Division of Highways; Alvin Callahan, Public Works Director and Richard Hicks, Zoning Administrator, City of Marion.

The City Manager reported that after bringing all of these individuals together it was determined that no agency was in a position to fund or help with correcting the problem of soil erosion along Young's Fork of North Muddy Creek. He stated that Paul Hughes, Executive Director of Isothermal Planning and Development Commission, said that he could find no areas where federal funds were available to assist with correcting this type of problem.

Representatives of the Department of Transportation stated that they would not be able to do anything with regard to correcting the problem. J. B. Edwards, District Engineer, stated that materials to rip-rap the bank were available in the Old Fort Mountain area and that he would talk with the contractor regarding obtaining these materials without cost. He stated that if this is possible he would see if the Department of Transportation would allow him to provide a loader to load trucks with this material if the City of Marion or the property owners on Glenview could furnish the dump trucks.

The City Manager stated that only one dump truck was available from the City and Mr. Edwards stated that he could not furnish the loader and someone to operate it all day just to load one truck.

David Long from the Department of Natural Resources and Community Development discussed briefly flood insurance. It was agreed to talk with him later and let him make a presentation of the advantages of the flood insurance program.

Larry Hendrix from the Soil Conservation Service stated that the report prepared by Boyce Harvey is basically the extent of the service which can be provided by the Soil Conservation Service.

After a long discussion, it was agreed to do the following things:



1. Members of the Citizens Committee would appear before the County Commissioners at their next meeting scheduled for Friday, June 1, 1979, at 9:00 A.M. to show the Commissioners slides of the erosion problem and ask for any assistance they might render.
2. The City Manager would present a request to the City Council asking that City trucks be used to haul rock from the Old Fort Mountain to rip-rap the banks.
3. Councilman Brown would present the slides of the area to Glenn Morris and John Gilkey and discuss the problem with them to see if they could render any assistance.
4. Realizing a consensus of property owners on both sides of the creek is needed, the residents of Glenview Street would meet to discuss the problem and would set up a meeting for the committee in the neighborhood.

Following this presentation, the City Manager asked if the City would authorize the use of one or more City trucks to haul rip-rap material from Old Fort.

After a short discussion, the City Manager was advised that the City would furnish a truck and driver and coordinate with the Department of Transportation to load rip-rap in the Old Fort area if the citizens on Glenview Street would employ other trucks to haul materials on the same day. The City Manager was directed to notify the citizens on the committee regarding this matter.

Ordinance to Prevent the Keeping or Storing of Junked and Inoperative Motor Vehicles and Other Junked or Inoperative Appliances and Materials in Residential Zones: Upon a motion by Councilman Clark, seconded by Councilman Wilkerson, those members of Council present unanimously voted to adopt the following Ordinance:

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

Section 1. From and after the effective date of this ordinance, it shall be unlawful for any person, firm or corporation to keep or store, or knowingly permit the keeping or storage of, on any property in the City of Marion, owned by or under the control of such person, firm or corporation and which is zoned for residential purposes, more than one junked motor vehicle or the component parts thereof, or more than one motor vehicle which is and has been inoperative for a continuous period of more than sixty (60) days.

Section 2. From and after the effective date of this Ordinance, it shall be unlawful for any person, firm or corporation to keep or store, or knowingly permit the keeping or storage of, on any property in the City of Marion, owned by or under the control of such person, firm or corporation and which is zoned for residential purposes, any junked or inoperative appliances or waste materials in an area which is visible from any public street or highway, or from the premises of any adjoining property owner.

Section 3. Each day on which any of the provisions of this Ordinance are violated shall constitute a separate offense which shall be punishable by a fine of fifty dollars (\$50.00) or imprisonment for thirty (30) days, or by both such fine and imprisonment.

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

Section 5. This ordinance shall be in full force and effect from and after July 5, 1979.

ADOPTED this the 5th day of June, 1979.

ATTEST:

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

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

New Horizons - Memorandum of Understanding: Upon a motion by Councilman Brown, seconded by Councilman Clark, those members of Council present unanimously voted to adopt the following Memorandum of Understanding:

WHEREAS, the City of Marion, hereinafter referred to as the community, is receiving or applying for Federal subsidies administered by HUD for the purpose of improving housing and services of the community, including community development, for its low and moderate income residents;

WHEREAS, the community is required in receiving Federal subsidies to meet certain conditions to provide fair housing for people of all races, colors, creeds, national origins and both sexes;

WHEREAS, the community recognizes that it could take steps to improve the status of fair housing and fair lending above and beyond those actions required of it under the Federal Fair Housing Law, Title VIII of the Civil Rights Act of 1968, and Section 109 of the Housing and Community Development Act of 1974;

WHEREAS, the community has determined that the HUD-sponsored New Horizons Fair Housing Assistance Project and its activities can enable the community to go beyond the basic requirements in promoting fair housing and fair lending;

THEREFORE, BE IT RESOLVED that the community agrees to enter into a voluntary relationship with the Office of Voluntary Compliance to participate in the New Horizons Fair Housing Assistance Project.



BE IT FURTHER RESOLVED, the community agrees to establish a community-wide fair housing strategy board or task force composed of influential citizens and others affected by fair housing programs. This group will develop an areawide fair housing strategy and action program. The community further agrees, after approval of the strategy and program, to designate an agency of government to implement the strategy and program.

BE IT FURTHER RESOLVED that the board or task force members will be selected and the first meeting held within three months after the signing of this agreement and that the board will meet at least on a quarterly basis after its first meeting. This board will also monitor implementation of the program, in accordance with our guidelines on reporting, and provide periodic reports to the HUD Office of Voluntary Compliance, with a copy to the local HUD office.

BE IT FINALLY RESOLVED that the Office of Voluntary Compliance, FH&EO, HUD will provide the community continuing technical assistance in this project.

|       |   |
|-------|---|
| _____ | _____   |
| Date  | James H. Segars, Mayor  |
| _____ | _____   |
| Date  | HUD Area Office Manager                                       |
| _____ | _____   |
| Date  | Regional Administrator Region IV                              |
| _____ | _____   |
| Date  | Assistant Secretary for Fair Housing and<br>Equal Opportunity |

1979-1980 Budget - Discussion: A short discussion was held regarding the 1979-1980 Proposed Budget.

Upon a motion by Councilman Wilkerson, seconded by Councilman Clark, those members of Council present unanimously voted to adjourn the meeting and reconvene in executive session to discuss personnel matters.

The City Manager opened the meeting by stating that since Glenn Murdock's death he had been trying to locate a new chief water plant operator for the City's water filtration plant. He stated that matters had been further complicated in that Mike Sain, one of the water plant operators had resigned his position and that Friday, June 1st was his last day as an employee of the City. He informed the Council that the City presently has two operators to operate the water filtration plant that the City is now paying them for working overtime.

He continued by stating that Chief Waste Treatment Plant Operator Gary Campbell did not pass his test for a Grade IV Certificate. He informed the Council that it was his recommendation that the City employ one individual having a Grade IV Wastewater Certificate and an A or B Water Plant Certificate. He informed the Council that there would be several advantages to this procedure in that one individual would be supervisor of both plants and could handle the administrative work required for the operation of both facilities. The City Manager stated that based on the experience and ability of the person appointed, it may be possible to hire a utility director who, in addition to being over the operation of both the water plant and the wastewater plant could also supervise the utility department in the field regarding water and sewer line repairs and installations. He stated in the event the man is not qualified to supervise the operation of the field utility department that his title could be utility superintendent and he would only be placed in charge of the operation of the water plant and the wastewater plant.

The City Manager stated that the salary requirements for an individual with qualifications as listed would range from \$15,000 to \$22,000. He stated that Grade IV Wastewater Operators and Grade A Water Plant Operators are in great demand and therefore the salary range would have to be higher to interest someone in the position.

Mayor Segars stated that he was opposed to paying a huge salary to an individual when other department heads working for the City do not make an equal amount of money. He also questioned whether one individual could do both jobs effectively.

The City Manager also stated that he has, on several occasions, requested that the City Council authorize the preparation of a job classification and pay plan for the City which would place department heads and other employees for the City on certain pay scales based on what other cities are paying employees in similar positions. The City Manager stated that eventually the City will be required to have a Grade IV operator for the wastewater plant. He stated that Gary Campbell is presently working under a temporary certification.

Mayor Segars questioned whether or not the City would have to have a Grade IV operator as long as the wastewater treatment plant is operating properly and meeting the NPDES permit requirements.

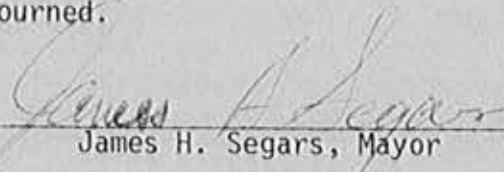
The City Manager stated that under state law the City is required to have a Grade IV operator if the plant is rated as a Grade IV.

Following a long discussion, the City Manager stated that as City Manager he is required to make recommendations to the City Council based on what he feels is in the best interest of the City. He stated that under these conditions, he feels it is in the best interest of the City to employ one individual with a Grade IV Certificate for wastewater treatment and an A or B Certificate for the water filter plant. He stated that he has made his recommendations and that he would now wait for instructions from Council as to what they wish him to do.



The City Manager respectfully requested that his recommendations and comments be recorded in the minutes of the City Council Meeting of June 5, 1979. The City Manager was instructed that he could employ a water plant operator at a salary not to exceed \$12,000 annually.

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

June 19, 1979

The Marion City Council met Tuesday, June 19, 1979 at 7:30 P.M. in the City Council Chamber at City Hall.

Board Members Present: Mayor Pro Tem Everette Clark; Councilmen Oliver Cross, Larry Brown, Robert James and Horace Wilkerson.

Mayor Segars arrived at 9:15 P.M.

Others Present: J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; Richard Hicks, Zoning Administrator; Alvin Callahan, Public Works Director; and Ann Vess, News Reporter, The McDowell News.

Guests: Sid Riddick, representing O'Brien & Gere, Inc./Engineers; and Mac Stewart, State Department of Natural and Economic Resources.

Mayor Pro Tem Clark opened the meeting by informing those persons present that Mayor Segars would be late for the meeting.

Approval of the June 5, 1979 Minutes: Upon a motion by Councilman Cross, seconded by Councilman Brown, the City Council unanimously voted to approve the minutes of the June 5, 1979 meeting.

Marion Jaycees - Request to Use City Property: The City Manager presented a letter from the Marion Jaycees asking for permission for the McDowell County Fair Association to use property owned by the City of Marion, located south of the new waste treatment plant, for the purpose of parking vehicles during the McDowell County Fair. The fair is scheduled from July 16 through July 21, 1979. The letter was signed by Sam J. Hall, Fair Manager.

After a discussion the City Council directed the City Manager to send Mr. Hall a letter advising him that the property in question is presently under the control of the general contractor working on the waste treatment plant and that he is in the process of grading and seeding the property; therefore, the City is not in a position to authorize the use of the property.

Tax Lien Sale - Report: The City Manager presented a report from Frances Briscoe, Tax Collector, stating that the Tax Lien Sale for 1978 properties was held June 11, 1979, at 12 Noon in front of the City Hall building, in the amount of \$6,279.06. The report stated that no one appeared at the sale.

Board of Elections - Appointments: Upon a motion by Councilman Wilkerson, seconded by Councilman Cross, those members of Council present unanimously voted to appoint William R. Smith, III, J. M. Lancaster, Jr. and James R. Hollifield as members of the Marion City Board of Elections for terms beginning July 1, 1979, running for two years and until their successors are appointed and qualify.

New Horizons Committee - Appointment: The City Manager informed the City Council that it would be necessary to appoint three members to the New Horizons Committee for a one-year term.

After a short discussion several names were submitted for appointment to positions on the New Horizons Committee. The City Manager was instructed to contact those persons named to see if they would serve if appointed.

Ordinance Establishing a Two-Hour Parking Zone on South Main Street and Rescinding an Ordinance Establishing a Commercial Loading Zone on South Main Street: Upon a motion by Councilman James, seconded by Councilman Wilkerson, those members of Council present unanimously voted to adopt the following ordinance:

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

Section 1. That the Ordinance entitled ' Ordinance Establishing a Commercial Loading Zone on South Main Street ', adopted by the Marion City Council on the 10th day of January, 1978, is hereby rescinded.

Section 2. 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 in that area located on the west side of Main Street south of its intersection with Railroad Street in a southern direction for a distance of nineteen (19) feet.



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 (30) days.

Adopted this the 19th day of June, 1979.

Attest:

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

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

Parking Zones for the Handicapped: Councilman Wilkerson stated that he had been approached regarding the City establishing parking zones for the handicapped in the vicinity of the banks.

After a short discussion, it was determined that the Street Committee should meet to look at other areas where zones for the handicapped might need to be located in the City.

City Manager's Report: The City Manager reported that Mary Owens is presently working in the Utility Department, that she is a PACE student and that she will be working with the City until the middle of August. He stated that she will be able to assist in water/sewer collections while other office personnel are being trained in the operation of the new computer system.

The City Manager reported on the progress of the construction of the City warehouse facility and on the removal of the warehouse across the alleyway from the Marion City Hall.

Mayor Segars arrived at the meeting.

Wastewater Treatment Plant - Change Work Order: Sid Riddick presented the following Change Work Order entitled 'Change Order 4 - Contract 1.0 - General'. He informed the City Council that several of the changes proposed in Change Work Order 4 had been previously approved by Council but not formally approved. He stated that these include Item 1 and Item 2. He stated that Item 3, which would be to furnish and install 460 volt, three phase drives for the grease pumps at the influent pumping station needed to be added to the change work order. He stated that the motors were furnished single phase, which was authorized by the contract but that three phase drives for the grease pumps at the influent pumping station were requested and he recommended that the City Council approve this change.

On Item 4, extension of the contract time from 737 days to 782 calendar days, an addition of 45 days, was recommended to the Council. Based on the fact that the contractor was late in receiving the screw pumps, because of the amount of rain over the past several months, and because the vacuum filter suppliers could not check the vacuum filters until enough sludge has accumulated in the plant to operate the filters.

Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to approve Change Work Order 4 for Contract 1.0 as recommended by the engineering firm of O'Brien & Gere, Inc.

A short discussion was held regarding water infiltration into the main line along Highway 221-226 between the Smile Service Station and the branch. Mayor Segars informed the Council that the wrong size gaskets had been used for the installation of this pipe and that water was flowing into the line faster than it could be pumped out. He stated that the contractor wished to grout the lines in order to prevent water from flowing into them but that he was not certain that the City should accept grouting of the lines. He stated that the City is paying for a new line and a new system and that already they are talking about making repairs to the line.

New Drinking Water Standards - Mac Stewart: Mr. Mac Stewart, representing the North Carolina State Department of Natural and Economic Resources, Division of Public Health Services, appeared before the City Council at the request of the City Manager to review with Council new drinking water standards.

Mr. Stewart informed the Council that the State would be enforcing drinking water standards and that certain reports need to be completed no later than June 24, 1979. He stated that organic and inorganic samples must be checked from all water supply sources for the City of Marion no later than June 24th. He stated that any violation of the drinking water standards would require the City of Marion to place a notice on the radio, local television stations, newspapers and a letter sent to each customer advising the customer that the City was in violation of the drinking water standards. He stated that based on the water supply for the City of Marion, it was anticipated that during rainy weather the City's turbidity level would exceed 1 part per million and that this would require notification as stated.

He presented to each Council member a copy of the Federal Register containing the drinking water standards and suggested that each person may wish to read the new regulations. He informed the Council that he would be happy to try to work with the City of Marion by notifying the City when monitoring reports are required to be submitted.

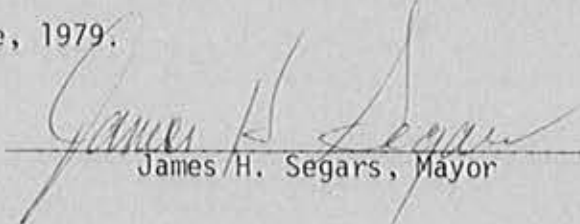
The City Manager made inquiries concerning employing a replacement for Glenn Murdock.

Mr. Stewart stated that presently there are eight openings for water plant operators within 100 miles of the City of Marion. He stated that since new drinking water standards have become effective that all utilities are trying to employ qualified water plant operators to comply with the monitoring requirements in the new regulations. He stated that his office had nothing to do with salaries but that he would be happy to furnish information regarding salary ranges which other communities are paying. He stated that some cities are paying trainees as much as \$10,000 per year; that Grade B operators, just operators, not chief operators, are being paid \$11,000 and \$12,000 per year; and that Grade A operators would make \$15,000 or more.




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 (30) days.

Adopted this the 19th day of June, 1979.

  
James H. Segars, Mayor

Attest:

  
J. Earl Daniels, City Manager

Parking Zones for the Handicapped: Councilman Wilkerson stated that he had been approached regarding the City establishing parking zones for the handicapped in the vicinity of the banks.

After a short discussion, it was determined that the Street Committee should meet to look at other areas where zones for the handicapped might need to be located in the City.

City Manager's Report: The City Manager reported that Mary Owens is presently working in the Utility Department, that she is a PACE student and that she will be working with the City until the middle of August. He stated that she will be able to assist in water/sewer collections while other office personnel are being trained in the operation of the new computer system.

The City Manager reported on the progress of the construction of the City warehouse facility and on the removal of the warehouse across the alleyway from the Marion City Hall.

Mayor Segars arrived at the meeting.

Wastewater Treatment Plant - Change Work Order: Sid Riddick presented the following Change Work Order entitled 'Change Order 4 - Contract 1.0 - General'. He informed the City Council that several of the changes proposed in Change Work Order 4 had been previously approved by Council but not formally approved. He stated that these include Item 1 and Item 2. He stated that Item 3, which would be to furnish and install 460 volt, three phase drives for the grease pumps at the influent pumping station needed to be added to the change work order. He stated that the motors were furnished single phase, which was authorized by the contract but that three phase drives for the grease pumps at the influent pumping station were requested and he recommended that the City Council approve this change.

On Item 4, extension of the contract time from 737 days to 782 calendar days, an addition of 45 days, was recommended to the Council. Based on the fact that the contractor was late in receiving the screw pumps, because of the amount of rain over the past several months, and because the vacuum filter suppliers could not check the vacuum filters until enough sludge has accumulated in the plant to operate the filters.

Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to approve Change Work Order 4 for Contract 1.0 as recommended by the engineering firm of O'Brien & Gere, Inc.

A short discussion was held regarding water infiltration into the main line along Highway 221-226 between the Smile Service Station and the branch. Mayor Segars informed the Council that the wrong size gaskets had been used for the installation of this pipe and that water was flowing into the line faster than it could be pumped out. He stated that the contractor wished to grout the lines in order to prevent water from flowing into them but that he was not certain that the City should accept grouting of the lines. He stated that the City is paying for a new line and a new system and that already they are talking about making repairs to the line.

New Drinking Water Standards - Mac Stewart: Mr. Mac Stewart, representing the North Carolina State Department of Natural and Economic Resources, Division of Public Health Services, appeared before the City Council at the request of the City Manager to review with Council new drinking water standards.

Mr. Stewart informed the Council that the State would be enforcing drinking water standards and that certain reports need to be completed no later than June 24, 1979. He stated that organic and inorganic samples must be checked from all water supply sources for the City of Marion no later than June 24th. He stated that any violation of the drinking water standards would require the City of Marion to place a notice on the radio, local television stations, newspapers and a letter sent to each customer advising the customer that the City was in violation of the drinking water standards. He stated that based on the water supply for the City of Marion, it was anticipated that during rainy weather the City's turbidity level would exceed 1 part per million and that this would require notification as stated.

He presented to each Council member a copy of the Federal Register containing the drinking water standards and suggested that each person may wish to read the new regulations. He informed the Council that he would be happy to try to work with the City of Marion by notifying the City when monitoring reports are required to be submitted.

The City Manager made inquiries concerning employing a replacement for Glenn Murdock.

Mr. Stewart stated that presently there are eight openings for water plant operators within 100 miles of the City of Marion. He stated that since new drinking water standards have become effective that all utilities are trying to employ qualified water plant operators to comply with the monitoring requirements in the new regulations. He stated that his office had nothing to do with salaries but that he would be happy to furnish information regarding salary ranges which other communities are paying. He stated that some cities are paying trainees as much as \$10,000 per year; that Grade B operators, just operators, not chief operators, are being paid \$11,000 and \$12,000 per year; and that Grade A operators would make \$15,000 or more.



The City Manager thanked Mr. Stewart for attending the meeting and presenting information regarding drinking water standards to the City Council.

Public Hearing - 1979-1980 Budget: The City Council briefly discussed the 1979-1980 Budget and agreed to meet at 7:30 P.M. Tuesday, June 26, 1979, to review the budget and give consideration to adoption. No one appeared at the meeting regarding the budget.

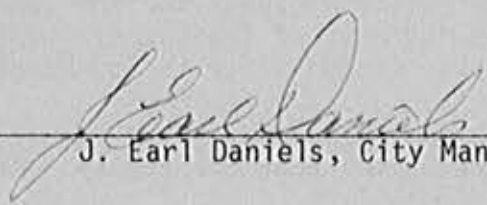
Dr. O. D. Rowe - Request for Reimbursement: Mayor Segars informed the City Council that Dr. O. D. Rowe had spent approximately \$2,300 to \$2,400 for the purchase of 12' cast iron water pipe to extend a water line from the driveway at Sky City to the edge of his property located on Sugar Hill Road. He stated that Dr. Rowe had furnished the materials and that the pipe was installed by the City of Marion. He informed the Council that since Dr. Rowe's property had been annexed into the City and since he has not used the water line, he has asked that the City reimburse him for the cost of the materials, stating that the City would have installed the water line at no cost to him had he been in the City Limits. The Mayor informed the City Council that the Utility Committee had met with Dr. Rowe and that this matter had been discussed on several occasions. He stated that Dr. Rowe had approached him and asked for an answer.

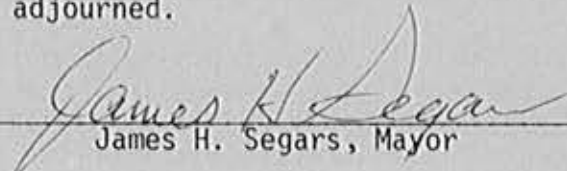
A long discussion followed.

Upon a motion by Councilman Wilkerson, seconded by Councilman James, the City Council unanimously voted to refund Dr. O. D. Rowe in the amount of \$2,286.84 for two hundred and thirty-six feet of 12' cast iron water pipe which was purchased by Dr. Rowe for installation by the City of Marion.

There being no further business the meeting was adjourned.

ATTEST:

  
J. Earl Daniels, City Manager

  
James H. Segars, Mayor

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

June 26, 1979

The Marion City Council met Tuesday, June 26, 1979 at 7:30 P.M. in the City Council Chamber at City Hall. The meeting was a special called meeting for the consideration of the proposed budget for the Fiscal Year 1979-1980.

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

Others Present: J. Earl Daniels, City Manager and Ann Vess, Newspaper Reporter, The McDowell News.

Mayor Segars explained that the meeting was a special called meeting to consider amending the 1978-1979 Budget and for the possible adoption of the 1979-1980 Budget.

Budget Amendment 1978-1979: The City Manager presented the following Budget Ordinance Amendment:

BE IT ORDAINED BE THE CITY COUNCIL of the City of Marion, North Carolina, as follows:

Section 1. The 1978-1979 Budget Ordinance of the City of Marion, adopted June 20, 1978, 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

Water/Sewer Non-Departmental Department: Contribution to Debt Service Fund, Account Number 30-690-91, is increased from \$57,000 to \$65,891, by a supplemental appropriation of \$8,891.

#### WATER/SEWER REVENUES

Fund Balance Appropriated, Account Number 30-399-00, is increased from \$64,446 to \$73,337 by a supplemental appropriation.

#### DEBT SERVICE FUND DISBURSEMENTS

Interest and Bonds, Account Number 20-660-82, is increased from \$56,000 to \$64,891.


#### DEBT SERVICE FUND REVENUES

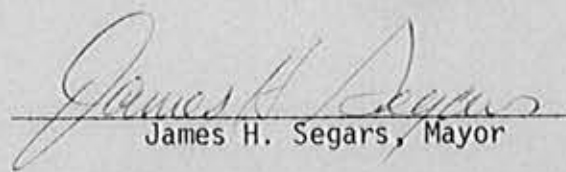
Contribution from Water/Sewer Fund, Account Number 20-397-30, is increased from \$57,000 to \$64,891 by a transfer of \$8,891 from Water/Sewer Fund, Contribution to Debt Service Fund, Account Number 30-690-91.

Section 2. That a copy of this Amendment be attached to the 1978-1979 Budget Ordinance of the City of Marion as adopted June 20, 1978.

Adopted this the 26th day of June, 1979.

ATTEST:

  
J. Earl Daniels, City Clerk

  
James H. Segars, Mayor



Upon a motion by Councilman James, seconded by Councilman Cross, those members of Council present unanimously voted to amend the 1978-1979 Budget as proposed.

Warehouse Removal (Old Marion Laundry Building): The City Manager informed the City Council that in demolishing the Old Marion Laundry Building it was discovered that the east wall of the building was a party wall. He explained that the wall was not attached or tied in with the building on the east side of the wall, said building now owned by Mr. Homer Winters. He stated that in researching the matter he had found that Mr. Winters has an interest in the wall through an agreement executed many years ago by prior owners of both buildings.

He informed the Council that the wall was leaning and may have to be removed. He stated that the wall is situated on property belonging to the City of Marion.

Upon a motion by Councilman Cross, seconded by Councilman James, those members of Council present unanimously voted to authorize the Mayor and the City Manager to discuss the matter with Mr. Winters and to take whatever action is necessary.

M.A. Fire District: The City Manager informed the City Council that it was his understanding that the County Commissioners were going to appropriate \$23,000 for the operation of the M.A. Fire District. He presented information showing that the City had, for the past three years, requested an increase in the amount appropriated by the County. Each Council member was presented a detailed analysis of the cost of operating the M.A. Fire District which was prepared by Fire Chief Arthur Edwards.

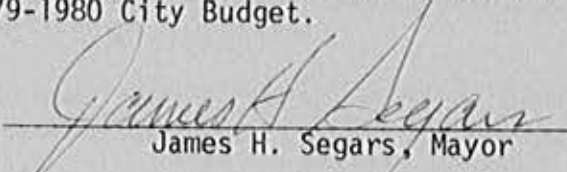
Based on the information provided by the Fire Chief, the City would need \$53,492 from the County for the operation of the M.A. Fire District for Fiscal Year 1979-1980.

After a long discussion the City Manager was directed to prepare packets of information containing previous correspondence requesting increases in the appropriation from the County for the operation of the M.A. Fire District and to have said information handcarried to each of the County Commissioners and to the County Manager prior to the meeting of the Commissioners scheduled for Friday Morning, June 29, 1979.

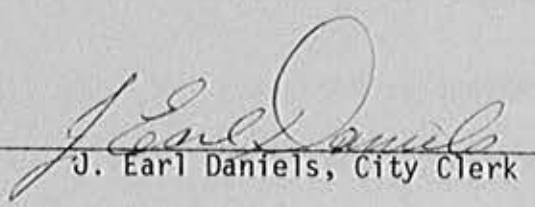
It was also agreed that the Mayor, City Manager and Fire Chief would meet with the County Commissioners Friday morning prior to their adopting the County's budget for 1979-1980.

1979-1980 Budget: The City Council reviewed the budget in detail and several changes were made in the proposed budget.

It was decided by Council that final action on the adoption of the 1979-1980 City Budget and the setting of a tax rate would be postponed until the County Commissioners had set their tax rate and the amount of the appropriation of their contribution for the operation of the M.A. Fire District had been agreed upon. Therefore, it was agreed that the City Council would reconvene the meeting Friday, June 29, 1979 at 2:30 P.M. to give final consideration to the 1979-1980 City Budget.

  
James H. Segars, Mayor

ATTEST:

  
J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

June 29, 1979

The Marion City Council reconvened at 2:30 P.M., Friday, June 29, 1979.

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

Others Present: J. Earl Daniels, City Manager; Arthur Edwards, Fire Chief and Annette Wilson, Newspaper Reporter, The McDowell News.

Mayor Segars informed the City Council that the meeting was a continuation of the meeting held June 26, 1979. He informed the Council that he, Fire Chief Arthur Edwards and City Manager Earl Daniels had met with the County Commissioners earlier in the day to discuss the County's appropriation to the City for the operation of the M.A. Fire District. He stated that the County Commissioners had provided for a 10% increase in the amount of the appropriation to the M.A. Fire District for the Fiscal Year 1979-1980 and that said amount was now \$25,300, less than one-half of the amount requested.

The City Manager read the following two letters to the Council:

Paul Richardson, Chairman  
McDowell County Commissioners and  
Members of the Board of Commissioners  
McDowell County Administration Building  
Marion, North Carolina 28752



Gentlemen:

A majority of the members of the Marion City Council has been contacted this date regarding the cost of the operation of the Marion Area Fire District. Two members of Council are out of town and we are unable to reach them by telephone.

It is the opinion of those Council Members contacted that the City of Marion cannot provide fire protection to the M.A. Fire District for the upcoming fiscal year, 1979-1980, for less than the amount requested in writing and verbally this A.M. at the meeting of the County Commissioners. Said amount being \$53,492.00.

In the event an appropriation of less than \$53,492.00 is made to the City by the County, the City of Marion will provide fire protection to the M.A. Fire District on the following basis. We will divide the amount appropriated by the County by \$4,457.67, said amount being determined by dividing the amount requested by the City by twelve, and provide fire protection to the M.A. Fire District for the number of months for which there are sufficient funds provided by the County. At the end of the number of months provided for the City will cease to provide fire protection to the M.A. Fire District.

The members of the City Council contacted feel that the municipal taxpayers should not have to pay additional taxes in order to provide fire protection to areas outside the Municipal Limits.

Please advise me as soon as possible this date as to the amount of payment appropriated by the Commissioners for fire protection for the M.A. Fire District. It is necessary that we receive this information as quickly as possible so that the City Council may finally adopt the City's budget for the fiscal year beginning July 1, 1979.

Sincerely,

/S/ J. Earl Daniels  
City Manager

Mr. Jack Harmon  
County Manager  
McDowell County Administration Building  
Marion, North Carolina 28752

Re: Fire Protection - M.A. Fire District

Dear Mr. Harmon:

Thank you for notifying me that the County Commissioners have approved a ten percent (10%) increase for fire protection for the M.A. Fire District. Based on this percent of increase, I understand that the total for fire protection for the M.A. Fire District is \$25,300 for the Fiscal Year 1979-1980.

Based on our letter to Chairman Richardson and the members of the Board of Commissioners, the City of Marion will furnish fire protection to the M.A. Fire District for 5.68 months. My calculations indicate that the City will discontinue service to the M.A. Fire District at midnight, Friday, December 21, 1979.

Instead of making a payment in July and January, as has been the policy in the past, the total allocation for fire protection from the County will have to be paid to the City during the month of July 1979.

Sincerely,

/S/ J. Earl Daniels  
City Manager

Upon a motion by Councilman Clark, seconded by Councilman James, those members of Council present unanimously voted to approve the letters as read and to use said letters as a basis for the policy to be used by the City with regard to the M.A. Fire District.

1979-1980 Budget Ordinance: Upon a motion by Councilman Clark, seconded by Councilman James, those members of Council present unanimously voted to adopt the following 1979-1980 Budget Ordinance for the City of Marion:

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, 1979, and ending June 30, 1980, in accordance with the chart of accounts heretofore established for this City:

|                        |                     |
|------------------------|---------------------|
| Administration         | \$ 106,300          |
| Inspection Department  | 18,190              |
| Police Department      | 190,135             |
| Fire Department        | 89,927              |
| Street Department      | 135,050             |
| Powell Bill            | 67,800              |
| Sanitation Department  | 72,100              |
| Recreation Department  | 16,150              |
| Cemetery Department    | 24,920              |
| Non-Departmental       | 389,748             |
| Maintenance and Supply | 33,600              |
|                        | <u>\$ 1,143,920</u> |



Section 2. It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 1979 and ending June 30, 1980.

|                                     |                     |
|-------------------------------------|---------------------|
| Current Year's Property Tax         | \$ 439,088          |
| Prior Year's Property Tax           | 3,500               |
| Tax Penalties and Interest          | 1,500               |
| Motor Vehicle License               | 1,000               |
| Privilege License                   | 5,800               |
| Interest on Investments             | 18,000              |
| Rents and Concessions               | 4,500               |
| Miscellaneous Revenues              | 3,000               |
| Franchise Tax                       | 90,590              |
| Intangibles Tax                     | 18,000              |
| Powell Bill Funds                   | 57,272              |
| Local Option Sales Tax              | 99,268              |
| Court Fees                          | 600                 |
| Parking Violations                  | 1,500               |
| County Fire Protection              | 23,000              |
| Cemetery Revenues                   | 3,000               |
| Gas Tax Refund                      | 3,600               |
| Maintenance Traffic Control Devices | 4,800               |
| Cable T.V. Revenues                 | 9,500               |
| Sale of Surplus Equipment           | 2,000               |
| Region "C" Police Training          | 2,000               |
| Inspection Fees                     | 500                 |
| Surplus Appropriated                | 271,902             |
| Contribution for Water/Sewer Fund   | 80,000              |
|                                     | <u>\$ 1,143,920</u> |

Section 3. The following amounts are hereby appropriated in the Debt Service Fund for the Payment of principal and interest on the outstanding debt of the City and the expenses relating thereto for the fiscal year beginning July 1, 1979, and ending June 30, 1980.

|                                   |                   |
|-----------------------------------|-------------------|
| Principal and Interest on Bonds   | \$ 140,800        |
| Service and Miscellaneous Charges | 200               |
|                                   | <u>\$ 141,000</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, 1979 and ending June 30, 1980:

|                                |            |
|--------------------------------|------------|
| Contribution from General Fund | \$ 141,000 |
|--------------------------------|------------|

Section 5. The following amounts are hereby appropriated in the Revenue Sharing Fund for the fiscal year beginning July 1, 1979 and ending June 30, 1980:

|                |            |
|----------------|------------|
| Capital Outlay | \$ 142,138 |
|----------------|------------|

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, 1979 and ending June 30, 1980:

|                           |                   |
|---------------------------|-------------------|
| Interest on Investments   | \$ 3,000          |
| Federal Grant             | 100,300           |
| Fund Balance Appropriated | 38,838            |
|                           | <u>\$ 142,138</u> |

Section 7. The following amounts are hereby appropriated in the Water/Sewer Fund for the operation of the water and sewer utilities for the fiscal year beginning July 1, 1979 and ending June 30, 1980, in accordance with the chart of accounts heretofore approved for the City:

|                        |                   |
|------------------------|-------------------|
| Water/Sewer Operations | \$ 296,987        |
| Filter Plant           | 84,800            |
| Waste Treatment Plant  | 165,424           |
| Non-Departmental       | 191,026           |
|                        | <u>\$ 738,237</u> |

Section 8. It is estimated that the following revenues will be available in the Water/Sewer Fund for the fiscal year beginning July 1, 1979, and ending June 30, 1980:

|                                |                   |
|--------------------------------|-------------------|
| Water Sales                    | \$ 440,000        |
| Water Taps                     | 7,000             |
| Sewer Taps and Service         | 165,000           |
| Interest Earned on Investments | 11,000            |
| Miscellaneous Revenues         | 1,500             |
| Surplus Appropriated           | 104,261           |
| Cut-On Fees                    | 800               |
| State 201 Study                | 1,239             |
| Federal 201 Study              | 7,437             |
|                                | <u>\$ 738,237</u> |

Section 9. The following amounts are hereby appropriated in the Internal Service Fund for the fiscal year beginning July 1, 1979 and ending June 30, 1980: