

Inventory (Supplies) \$ 28,000

Section 10. It is estimated that the following revenues will be available in the Internal Service Fund for the fiscal year beginning July 1, 1979 and ending June 30, 1980:

Contribution from General Fund	\$ 9,000
Contribution from Water/Sewer Fund	9,000
Purchases by Other Funds	10,000
	\$ 28,000

Section 11. There is hereby levied a tax at the rate of sixty-three cents (63¢) per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 1979, for the purpose of raising the revenues listed as "Current Year's Property Taxes" in the General Fund in Section 2 of this Ordinance.

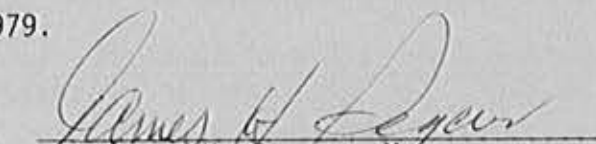
These rates are based on estimated total valuation of property for the purpose of taxation of \$73,364,814 and an estimated rate of collection of 95 percent.

Section 12. The Budget Officer is hereby authorized to transfer appropriations within a fund as contained herein under the following conditions.

- A. He may transfer amounts between objects of 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 13. 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.

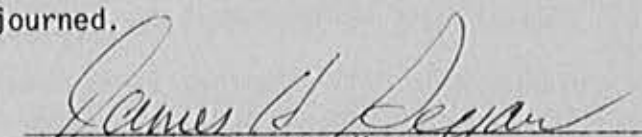
ADOPTED this the 29th day of June, 1979.

  
James H. Segars, Mayor


ATTEST:

  
J. Earl Daniels, City Clerk

There being no further business, the meeting was adjourned.

  
James H. Segars, Mayor

ATTEST:

  
J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

July 17, 1979

The Marion City Council met Tuesday, July 17, 1979 at 7:30 P.M. in the City Council Chamber at City Hall.

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

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

Guests: Ed Jones and Nelson Newcomer, representing MICA; Rod Birdsong, Executive Director, The McDowell Chamber of Commerce, Inc.; and Sid Riddick, representing O'Brien & Gere, Inc./Engineers.

Approval of the June 19, 1979 Minutes: Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council unanimously voted to approve the minutes of the June 19, 1979 meeting.

Approval of the June 26, 1979 Minutes: Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council unanimously voted to approve the minutes of the June 26, 1979 meeting. (This approval includes the minutes of the reconvened meeting held June 29, 1979.)

Reservoir - Noise - Complaint: The City Manager informed the City Council that Mr. Clyde Henline and other residents near the City Reservoir have complained about the noise caused by the valves closing in the new tank system.



After a short discussion, the City Manager was directed to contact Mr. Bill Hobson with Hobson Construction Company to determine if a new-type valve can be purchased and installed to eliminate the problem.

Request for Partial Reimbursement - Clarence Robinson: The City Manager advised the City Council that Mr. Robinson was required by the City to purchase a water tap to serve a mobile home located on a lot owned by him on Miller Avenue. The City Manager informed the Council that the mobile home had been moved from the lot and that because of zoning restrictions another mobile home cannot be located on the lot; therefore the water service is no longer needed. The City Manager recommended that the City reimburse Mr. Robinson in the amount of one-half the cost of the water connection since he could no longer use the service because of City ordinances.

Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to reimburse Mr. Robinson in the amount of fifty percent (50%) of his payment for the water connection. Said amount being \$40.00.

Parking - City Attorneys' Request: The City Manager informed the City Council that the City Attorneys had requested two parking spaces in the proposed new parking lot to be located on the lot just east of the Fire/Police Training Center.

Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council unanimously voted to designate two parking spaces in the new parking lot for use by the City Attorneys.

Downtown Merchants Association - Sidewalk Sale: Upon a motion by Councilman Clark, seconded by Councilman Cross, the City Council unanimously voted to authorize the Downtown Merchants Association to conduct a sidewalk sale August 2nd, 3rd and 4th, 1979.

Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to grant the Marion-McDowell Bass Masters organization permission to sell refreshments during the annual sidewalk sale on the condition the Bass Masters provide personnel for general cleaning of the area with regard to paper and trash created by the sale of refreshments.

Chamber of Commerce - Executive Director: The City Manager introduced to the City Council Mr. Rod Birdsong who is serving as the Executive Director of the McDowell Chamber of Commerce, Inc.

Management Improvement Corporation of America: The City Manager introduced Ed Jones and Nelson Newcomer, representatives of MICA. Mr. Jones and Mr. Newcomer informed the City Council of services available through MICA.

After a short discussion, Council decided to table any action on entering into a contract with MICA.

Property Condemnation - Report: Richard Hicks, Zoning Administrator/Planning Director for the City, presented a packet of information concerning condemnation of a building owned by Mr. Karl Brown located on the west side of South Main Street. The City Council was advised that all procedures had been followed in accordance with the State Building Code and State Statutes concerning condemnation of buildings. Council was advised that no further action could be taken without Council approval.

After a short discussion, City Attorney E. P. Dameron was directed by the City Council to send a letter to Mr. Karl Brown advising him regarding statutes concerning condemnation of buildings and penalties. The City Attorney was also directed to advise Mr. Brown that the City Council will consider action on this problem at the next City Council Meeting.

Wastewater Treatment Plant Project - Change Work Orders: Sid Riddick, representing O'Brien & Gere, Inc./Engineers, presented Change Order 2 for Contract 2.0 - Corpening Creek Outfall and Change Order 3 on Contract 2.0 - Corpening Creek Outfall.

Councilman Clark informed Mr. Riddick that there was an error in computations on Change Order 2 for Contract 2.0. He stated that the amount shown as \$25,897.63 should be \$25,825.63 and that the revised contract price is increased to \$1,506,023.51.

Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to approve Change Order 2 for Contract 2.0 as shown below:

The following items constitute Change Order 2 to the Contract dated May 4, 1977, by and between the City of Marion, North Carolina, and C. R. Duncan Construction Company, Incorporated, and are subject to all applicable items and conditions of said Contract.

- |  |             |               |
|--|-------------|---------------|
| 1. In lieu of specified manhole frame and covers, substitute 310 pound units (Modification 2).                               | \$-545.00   |               |
| 2. Furnish and install additional 30" pipe as shown on record drawing 948.004.03F (Modification 7).                          | +896.00     |               |
| 3. Furnish and install additional 24" pipe as shown on record drawings 948.004.08F through 948.004.12F (Modification 8).     | +15,580.24  | CRD 15,580.24 |
| 4. Furnish and install additional 12" water line to plant Administration Building with fittings and valves (Modification 9). | +9,966.39   | CRD           |
|  | \$25,897.63 | 25,897.63     |

In consideration of the above, the compensation for Contract 2.0 shall be increased twenty five thousand, eight hundred, ninety-seven dollars and sixty three cents (\$25,897.63). The revised contract price of \$1,480,197.88 is increased to \$1,506,095.51. Contract time shall be extended 170 calendar days.



A long discussion was held regarding Change Order 3 for Contract 2.0. This change order concerns the installation of 8-inch sanitary sewers in the Foxfire Subdivision. Council felt that the charges for this work were greater than they should have been.

The City Manager was asked to work with the engineer and the contractor in reviewing these costs and to present a change work order at a later date for this work.

Sid Riddick presented two drawings illustrating a grouting method used in installing grout in the main sewer outfall line in that section of pipe located on Highway 226 on the north side of the road between the Smile Service Station and Briscoe's Trade Lot.

A long discussion was held regarding the installation and grouting of this line. Mayor Segars advised Mr. Riddick that he did not favor the installation of grout in this line and that he did not think it was right to have to repair a line which has just been installed.

The City Council agreed that a written warranty would be necessary covering that section of line in which repairs are made using the grouting method.

Citizen's Advisory Committee - Appointment of Members: Upon a motion by Councilman Clark, seconded by Councilman Cross, the City Council unanimously voted to appoint the following persons as members of the Citizen's Advisory Committee for terms of two years beginning July 17, 1979, said committee to be titled "The Citizen's Advisory Committee and New Horizons Task Force".

Tilly Twitty	Robert Watson	Deanna Setzer	Gene Fowler
Kathy Kaylor	Ted Ervin	Jo Ann Howle	Steve Little
Issac Logan	Dewey Hobbs	Dan Moore	

Community Development - Adoption of Revised Citizen's Participation Plan: Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to adopt the following resolution establishing a Citizen's Participation Plan:

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

WHEREAS, the City of Marion is in need of a Citizens Participation Plan in order to give guidance in the formulation of certain areas of planning to allow for the filing of an application for Community Development Funds; and

WHEREAS, from time to time there is a need for certain Citizen Advisory Committees and Fair Housing Strategy Boards to aid in keeping the City Council informed of the needs of the community.

NOW THEREFORE, The City Council of the City of Marion hereby establishes the following Citizens Participation Plan:

Step	When	Purpose
1.	0-75 days	<p><u>Formation of Citizens Advisory Committee and Fair Housing Strategy Board to the City Council</u></p> <p>City Council suggests number and composition of CAC to the Mayor</p> <p>City Council agrees on specified purpose and decision making desired from CAC</p> <p>Agrees on: Staff person to advise and coordinate activities; Time frame of report; Number - not less than 7 nor more than 11 members; Composition - Social, economic and racial mix Business person Black Female (Categories may be females Elderly or blacks as desired) Youth Handicapped Laborer - low income</p> <p>CAC members selected, notified, acceptance and date for orientation meeting decided.</p>
2.	0-70 days	<p><u>Orientation Meeting</u></p> <p>All members of CAC present</p> <p>Role and purpose of CAC explained by the staff coordinator</p> <p>Staff coordinator outline CD program, explains regulations, eligible activities and restraints and presents pertinent data of housing needs, community needs.</p> <p>Asks CAC to select Chairman or Spokesman to coordinate activities, gives reports, and assign priorities.</p>

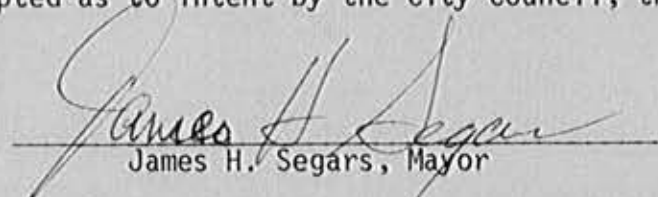


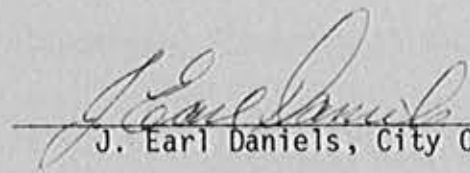
3. 0-65 days Citizens Advisory Committee and Fair Housing Strategy Board Meeting.  
Chairman selected.  
Members assigned different areas of city to canvass.  
Areas canvassed and findings reported with recommendations.  
Decision by consensus of members as to target area and activities selected.
4. 0-50 days Public Hearing (1)  
All members of City Council and CAC present.  
CAC presents committee recommendations of need.  
Staff coordinator presents Federal Regulations, gives required information and explains the Community Development Program giving eligible activities, funding, objectives, etc. Requests input of known minority contractors and training of unemployed.  
Receives citizen input.
5. 0-45 days City Council Meeting  
Staff coordinator reviews findings of CAC and Public Hearing, gives priorities determined and community needs.  
City Council decides on Target Area and activities desired; decides on neighborhood meeting place and time.  
Notice of public hearing published in newspaper.
6. 0-40 days Target Area Neighborhood Meeting  
Members of City Council, CAC and Staff coordinator present.  
Staff coordinator explains C.D. program, activities selected, solicits target area leaders to conduct interviews, requests known skills of neighborhood employables.  
Input from area citizens-answer questions.
7. 0-35 days Target Area Neighborhood  
Target area leaders conduct house to house interviews ascertaining household composition, pertinent needs, answering questions and securing cooperation.
8. 0-20 days Application Meeting  
Preliminary application data assembled by Staff Coordinator and CAC after securing target area leaders information.
9. 0-15 days Public Hearing (2)  
Staff Coordinator and Ch/CAC present details of activities selected, funds necessary and other pertinent data.  
Input from citizens.
10. 0 Day Final Application  
Staff Coordinator, CAC assisting, assembles final data needed.  
Staff coordinator prepares final application with Council's concurrence.
11. 0+30 days Notice of Application Approval  
Call for Public Hearing. C. D. Director appointed by City Manager.
12. 0+45 days Public Hearing (3) (Held in Target Area)  
Mayor advised of application approval.  
C. D. Director explains activities approved, outline priorities, gives time table for accomplishing activities. Gives times and places for training area residents able to work, solicits minority contractors assistance in training, advises of E.O., Fair Housing, Wages, etc., compliance required.  
Receives citizen input.



13. 0+6 mos. Public Hearing (4)  
C. D. Director outlines progress to date, problems encountered, advised of suggested amendments to the program if applicable.  
Receives citizens input as to suggested amendments and priorities assigned to complete the program.
14. 0+12 mos. Public Hearing (5)  
Mayor advises of completion of CD program.  
C. D. Director outlines accomplishments.  
Ch/CAC requests input for additional activities needed for future application.  
Receives citizens input.
- NOTE: The Citizens Advisory Committee and Fair Housing Strategy Board is a continuous operation of the City. CAC meets quarterly with the City Planning Board when specific activity is not involved to give input and receive information concerning other areas of need and community improvements.  
Composition of the CAC is changed at the discretion of the City Council when ineffective members are ascertained.  
Times of activities proposed are approximate and will be coordinated with scheduled City Council meetings and lapse time for publishing meeting dates, etc.

This Citizens Participation Plan is adopted as to intent by the City Council, this the 17th day of July, 1979.

  
James H. Segars, Mayor

Attest:   
J. Earl Daniels, City Clerk

Time Frame Approximate  
0 Date - Final Application Prepared  
CAC = Citizens Advisory Committee and Fair Housing Strategy Board  
CD = Community Development

Zoning Ordinance - Addition of New Section - Travel Trailers: No one appeared at the public hearing regarding the proposed amendment to the Marion Zoning Ordinance; however, the City Council held a discussion regarding the amendment. It was decided to table the matter until the next City Council Meeting.

Bid Opening: The City Manager informed the City Council that bids for certain equipment, supplies and services were opened in the City Council Chamber at 2:00 P.M., Monday, July 16, 1979.

A. Three ½-Ton Trucks: The City Manager stated that only one bid was received proposing to sell the City three ½-ton trucks. The bid was submitted by Lattimore Chrysler Plymouth. The City Manager stated that he did not open the bid since only one bid was received and requested that Council authorize him to rebid for three new ½-ton trucks and that Council meet Thursday, July 19, 1979 at 2:00 P.M. in the City Manager's Office to open bids for purchase of three new ½-ton trucks.

Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to approve the recommendations of the City Manager.

B. Street Flusher: The City Manager informed the City Council that only one bid was received, said bid submitted by A. E. Finley and Associates of Charlotte, North Carolina. He stated that four bid requests were sent out and that a notification had been received from Mitchell Distributing Company stating that they would not be able to bid on the street flusher. The City Manager stated that after talking with the Public Works Director and Street Superintendent he recommends that Council open the bid and if the bid amount is reasonable, that purchase be authorized.

The amount of the bid submitted by A. E. Finley was \$30,203.00 with a guaranteed delivery date of 160 days.

The City Manager stated that only \$30,000.00 had been appropriated in the Revenue Sharing Budget to purchase the street flusher and truck chassis. He recommended that the City Council authorize purchase of the street flusher and chassis by paying \$30,000 from the Revenue Sharing Account and \$203.00 from the Street Department budget.

Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to authorize purchase of the street flusher as recommended by the City Manager.



C. Tractor: The City Manager stated that two bids were received to furnish the City a four-wheel drive, 30 H.P., diesel tractor. Bids received are as follows:

Marion Equipment Company	\$ 6,963.84
Good Equipment Division	\$ 6,818.24

The City Manager stated that an error was made in the figures from Good Equipment Division and that specifications were not furnished with the bid submitted by Marion Equipment Company. The City Manager recommended that the City Council give consideration to the purchase of the tractor at a meeting to be held at 2:00 P.M., Thursday, July 19, 1979. His recommendation was accepted by Council.

E. Surfacing and Resurfacing Streets: The City Manager presented the following bid tabulation for surfacing and resurfacing:

Fred Callahan Company		Bid Bond Submitted
New Surfacing Per Ton	\$22.70	
Asphalt Curb Per Foot	\$ 2.00	
Resurfacing Per Ton	\$22.70	
Proposed Starting Date - 30 Days		

Thompson Contractors, Inc.		Bid Bond Submitted
New Surfacing Per Ton	\$17.95	
Asphalt Curb Per Foot	\$ 1.10	
Resurfacing Per Ton	\$17.45	
Proposed Starting Date - September 15, 1979		

Paving Enterprises		Bid Bond Submitted
New Surfacing Per Ton	\$27.30	
Asphalt Curb Per Foot	\$ 1.25	
Resurfacing Per Ton	\$24.91	
Proposed Starting Date - 15 Days Notice		

Johnson Paving Company		Bid Deposit Submitted
New Surfacing Per Ton	\$21.00	
Asphalt Curb Per Foot	\$ 1.70	
Resurfacing Per Ton	\$20.50	
Proposed Starting Date - August, 1979		

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

F. Paving - City Shop Property: The City Manager presented the following bid tabulation:

Firm	Asphalt Per Ton	Stone Per Ton	Starting Date
Johnson Paving Company, Inc.	\$21.00	\$ 4.15	8/79
Thompson Contractors, Inc.	\$17.95	\$ 5.00	9/79
Paving Enterprises	\$27.30	\$ 5.00	15 day notice
Fred Callahan Company	\$22.70	\$ 6.85	30 days

Upon a motion by Councilman Clark, seconded by Councilman Cross, those members of Council present unanimously voted to accept the low bid submitted by Thompson Contractors, Inc.

G. Curbs and Gutters - Shop Property: The City Manager presented the following bid tabulation:

Firm	Sawing Per Foot	Curb Per Foot	Expansion Felt Per Foot	24 Inch Curb	30 Inch Curb
Poarch Construction Company (No Bid Security)	\$2.00	\$ .92	\$.15	\$4.25	\$4.65
Valdese Concrete, Inc. (Bid Security Submitted)	\$1.50	\$4.10	\$.40	\$4.50	\$4.85
Thompson Contractors, Inc. (Bid Security Submitted)	\$1.50	\$5.00	\$.20	\$4.75	\$5.75

The City Manager informed the City Council that Poarch Construction Company, who was the low bidder, did not submit a bid bond with his bid and therefore his bid is not acceptable.

Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to accept the bid submitted by Valdese Concrete, Inc.

H. Fuel Storage Tank: The City Manager informed the City Council that no bid was submitted to furnish the City a fuel storage tank and pump system. The City Manager stated that consideration is being given to the purchase of a new pump and utilization of an existing 1,000 gallon diesel storage tank. The City Council did not disagree with this procedure.

I. Petroleum Products: The City Manager presented one bid to furnish the City with petroleum products, said bid being submitted by McDowell Oil Company.

Premium Leaded Gasoline	\$ .7785 per gallon	No-Lead Gasoline	\$ .7585 per gallon
Diesel Fuel	\$ .7415 per gallon	Fuel Oil	\$ .649 per gallon
Hydraulic Oil	\$1.81 per gallon		



Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council unanimously voted to accept the bid submitted by McDowell Oil Company since it was apparent that other oil jobbers in the area do not have allocations which would allow them to submit a bid for Council consideration.

J. Concrete Slab - Shop Property: The City Manager presented the following bid tabulation:

Valdese Concrete	\$19,809.52
Thompson Contractors, Inc.	\$ 5,850.00
Poarch's Construction, Inc.	\$ 9,500.00

Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to accept the low bid submitted by Thompson Contractor, Inc.

Fire Department - Annual Certification: Upon a motion by Councilman Wilkerson, seconded by Councilman Cross, the City Council unanimously voted to approve the annual certification of firemen as presented and recommended by Fire Chief Arthur Edwards.

#### 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 the 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.

SIGNED: James H. Segars  
James H. Segars, Mayor

DATE: July 19, 1979

#### R O S T E R

1. Edwards, Arthur C. Chief (P)

#### "Marion Fire Department" Municipal Section

2. Brown, Fred T.  
3. Brown, John M.  
4. Cate, Lee R. Capt.  
5. Condrey, Tony  
6. Davis, John K.  
7. Farris, Don  
8. Hall, Eugene  
9. Hogan, Larry Lt.  
10. Hollifield, Gene  
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 Lt.  
18. Price, Dennis  
19. Young, Jim

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

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

City Manager's Vacation: The City Manager respectfully requested permission to take his annual vacation from August 6th through August 10th. The request was approved by the City Council.

The City Manager requested that the next regular meeting of Council be held August 21, 1979. The City Council agreed to conduct only one meeting in August, said meeting to be held the 21st day of August, 1979 at 7:30 P.M. in the City Council Chamber at City Hall.

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

July 26, 1979

The Marion City Council met in a special called session Thursday, July 26, 1979, at 2:00 P.M. in the City Council Chamber at City Hall for the purpose of reviewing bids on a new four-wheel drive diesel tractor and receiving bids for the purchase of three new ½-ton pick-up trucks, and for possible



award of contracts on said equipment.

Board Members Present: Councilmen Oliver Cross, Horace Wilkerson and Larry Brown.

Others Present: J. Earl Daniels, City Manager and Alvin Callahan, Public Works Director.

Guests: Jimmie Williams, Good Equipment Company; Chester Walker, Lattimore Chrysler Plymouth and Ralph Ledford, Good Equipment Company.

Tractor Bids: The City Manager presented the following bids received July 16, 1979:

Good Equipment Division, Marion, North Carolina	Total Bid - \$6,818.24
Marion Equipment Company, Marion, North Carolina	Total Bid - \$6,963.84

Upon a motion by Councilman Brown, seconded by Councilman Cross, those members of Council present unanimously voted to accept the low bid submitted by Good Equipment Division in the amount of \$6,818.24.

Truck Bids: The City Manager presented the following bids for three ½-ton pick-up trucks:

Darrell Ford-Mercury, Inc., Marion, N. C.	One 6-cylinder F-100	\$4,949.17
	One 6-cylinder F-100	\$4,949.17
	One 6-cylinder F-100	\$5,011.00
		<u>\$14,909.34</u>

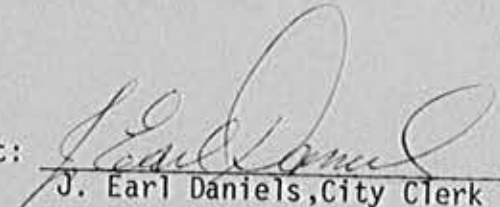
Lattimore Chrysler-Plymouth	One 6-cylinder Utiline	\$4,599.26
Dodge Truck, Inc., Marion, N. C.	One 6-cylinder Sweptline	\$4,710.26
	One 6-cylinder Sweptline	\$4,930.39
		<u>\$14,239.91</u>

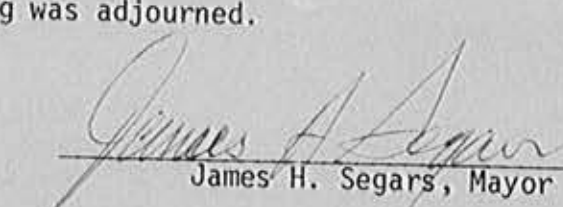
Upon a motion by Councilman Cross, seconded by Councilman Brown, those members of Council present unanimously voted to accept the low bid submitted by Lattimore Chrysler Plymouth Dodge Truck, Inc. in a total amount of \$14,239.91.

Said vehicles to be purchased from the Revenue Sharing Trust Fund.

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

August 21, 1979

The Marion City Council met in a regular session Tuesday, August 21, 1979 at 7:30 P.M. in the City Council Chamber at City Hall.

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

Others Present: J. Earl Daniels, City Manager; Richard Hicks, Planning Director/Zoning Administrator; Alvin Callahan, Public Works Director and Ann Crisp, Newspaper Reporter, The McDowell News.

Guests: Jimmie Williams, Good Equipment Company; Frank Queen, Marion Equipment Company; and Rod Birdsong, Executive Director, McDowell County Chamber of Commerce, Inc.

Approval of the July 17, 1979 Minutes: Upon a motion by Councilman Wilkerson, seconded by Councilman Brown, those members of Council present unanimously voted to approve the minutes of the July 17, 1979 meeting.

Approval of the July 26, 1979 Minutes: Upon a motion by Councilman Wilkerson, seconded by Councilman Brown, those members of Council present unanimously voted to approve the minutes of the July 26, 1979 meeting.

Proposed Street Opening - Richard Drive: The City Manager informed the City Council that Mr. Red Walker and Mr. Jack Walker had inquired as to whether or not the City has plans to open a street located off the end of Richard Drive. A question was raised as to whether or not the street was officially dedicated to the City.

The City Manager informed the City Council that is is a dedicated street.



After a short discussion, the City Manager was asked to send a letter to Mr. Red Walker advising him that the street is a dedicated street and that Council presently plans to leave the street as it is and to request that the City Council be furnished a rough plan of development of the property north of the street.

Wastewater Treatment Plant Project - Contract 2.0 - Change Work Order 2: The City Manager informed the City Council that Council had approved Change Work Order 2 of Contract 2.0 at their last regular meeting but that there was an error in some of the figures presented to Council and that he wished to clarify the error to see if Council has any objections to approval of the change work order. He informed the Council that Item 3 stated an amount of \$15,508.24, that this figure was in error and should have been \$15,580.24. The City Manager asked if Council wished to rescind approval of the change work order. The City Council agreed to the changes as stipulated by the City Manager.

Change Work Order 3: The City Manager presented the following change work order and the attached breakdown of expenses for the change work order. The City Manager stated that some question has been raised at a previous meeting concerning whether or not the amount charged for the change work order was higher than it should have been. A short discussion followed.

Councilman Clark made a motion that the change work order be approved as presented. This motion was seconded by Councilman Wilkerson, and the vote was as follows:

Councilman Clark - Aye  
Councilman Wilkerson - Aye  
Councilman James - Aye  
Councilman Brown - No

Grouting of Pipe Joints: The City Manager presented a letter from W. S. Riddick, Jr., representing O'Brien & Gere, Inc./Engineers, concerning an extended warranty for grouting of pipe joints on Contract 2, Corpening Creek Outfall. Attached to the above-mentioned letter was a letter from Mr. Thomas R. Glover, Field Service Manager, Pomona Pipe Products, addressed to Mr. C. R. Duncan stating that Pomona Pipe guarantees the performance of the grout installed in the 30" clay sewer pipe line in Marion, North Carolina; and that Pomona Pipe would stand behind the sealing of the joints by the grout for the life of the sewer line. Some discussion was held by Council as to the life of the pipe.

The City Manager was directed to request in writing a warranty for a specific period of time from the engineering firm, Pomona Pipe Company and the contractor, whereby any replacement or repairs of all defective materials would be made at no cost to the City for materials, personnel, equipment, travel or any other costs and that the work would begin immediately upon request of the City.

Resolution Authorizing Execution of Contract for Planning Services: A regular meeting of the City Council of the City of Marion, North Carolina was held in the City Council Chamber at City Hall, the regular meeting place, Tuesday, August 21, 1979. Four Councilmen were present.

A proposed contract between the City of Marion and North Carolina Department of Natural Resources and Community Development for the provision of planning services was presented and discussed. Under the terms of the contract the City of Marion will pay a total of Seven Thousand, Six Hundred Dollars (\$7,600) as its total share of the planning costs.

Councilman Brown introduced the following resolution, which was read:

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

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

Upon a motion by Councilman Brown, seconded by Councilman Clark, said resolution was unanimously passed.

MICA - Proposed Contract - Public Works Study: The City Manager presented a letter from Mr. Ed Jones of MICA concerning a proposed agreement to furnish a public works study for the City of Marion. After a short discussion the City Council decided that the study should be conducted by City personnel.

Fire Protection - M.A. Fire District: The City Manager presented a letter from County Manager Jack Harmon stating that the County Commissioners would pay to the City the sum of \$35,000 for the City to provide fire protection to the M.A. Fire District.

Upon a motion by Councilman Wilkerson, seconded by Councilman Brown, those members of Council present unanimously voted to provide fire protection to the M.A. Fire District for the fiscal year ending June 30, 1980 for the amount of \$35,372.00, that the City Manager send a letter to the County Manager advising the County Commissioners that this amount does not include funds for replacement of fire trucks, and that if fire taxing districts are established throughout the County, the City will prepare a budget for the M. A. Fire District and present it to the County Commissioners so that an adequate fire tax can be established to furnish monies for the operation of the M. A. Fire District. The City Manager was instructed to advise the County Commissioners that if fire taxing districts are not established throughout the County and monies are made available to fire departments serving the County from the County



General Fund, the City of Marion will also submit a budget to the County Commissioners to provide funding for the operation of the City Fire Department on the same basis as funds are provided to other fire departments in the County.

Property Condemnation - Report: Zoning Administrator and Planning Director Richard Hicks requested that the Council take no action on property condemnation in the case of Karl Brown. The written report presented to Council asked that action be delayed until the first meeting in September to allow Richard Hicks to work with Mr. Brown regarding certain necessary permits.

City Code of Ordinances: The City Manager informed the City Council that Marion Chief of Police John Beck had been advised by personnel of the court system that the City will need to provide a copy of the code of ordinances for the clerk's office. Council agreed to meet Monday, August 27, 1979 at 7:30 P.M. to complete work on the code of ordinances.

Receiving of Bids - Equipment - Waste Treatment Plant: Pursuant to a Request for Bids published in The McDowell News Friday, August 3, 1979, sealed bids were received and opened Monday, August 20, 1979, for two new 2½-ton dump trucks, one riding lawn mower, one self-propelled push mower, miscellaneous shop equipment and office furniture and equipment.

The City Manager recommended that the City Council not take any action with regard to awarding of contracts for the bids until the bids have been fully reviewed and recommendations made by the Chief Waste Treatment Plant Operator.

Upon a motion by Councilman Clark, seconded by Councilman Brown, those members of Council present unanimously voted to table the bids until the next regular meeting of the City Council scheduled to be held September 4, 1979.

Ordinance - No Parking Zone - Lail Street: Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to adopt the following ordinance:

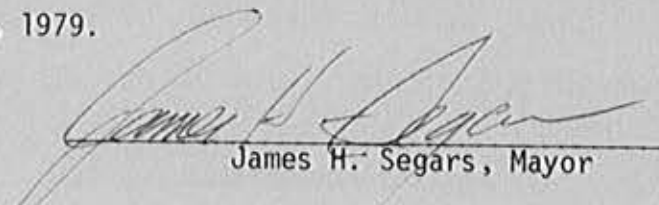
BE IT ORDAINED by the City Council of the City of Marion as follows:

Section 1. When signs are erected giving notice thereof, no person shall park a vehicle at any time on either side of Lail Street from its intersection with West Henderson Street in an easterly direction for a distance of three hundred and seventy (370) 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 21st day of August, 1979.

  
James H. Segars, Mayor

ATTEST:   
J. Earl Daniels, City Manager

City Owned Service Station Property: The City Manager informed the City Council that the tenant leasing the service station property located on Main Street directly behind the City Hall had discontinued the use of the building effective August 1, 1979. He stated that the building is in bad condition and recommended that depending upon the availability of funds, the City remove the building and construct a parking lot with public restrooms and a mini park including drinking fountains.

The City Council agreed with the City Manager and authorized the City Manager to proceed with the work.

Resolution Declaring Certain Equipment Surplus: Upon a motion by Councilman James, seconded by Councilman Brown, those members of Council present unanimously voted to adopt the following resolution:

WHEREAS, the City of Marion owns the following equipment and materials:

One Gilson 26" Snowblower w/ 5 H.P. Briggs and Stratton Engine  
One Toro Whirlwind 24" Self-Propelled Lawn Mower  
One Toro Whirlwind 34" Self-Propelled Lawn Mower  
One Jacobson 18" Commercial Lawn Mower  
One Snapper Variable Speed, Self-Propelled 20" Lawn Mower (71006969)  
One Snapper Variable Speed, Self-Propelled 20" Lawn Mower (71002905)  
One 1974 Chevrolet 3/4-Ton, Four Wheel Drive Pick-up Truck  
One 1974 Chevrolet ½-Ton Pick-up Truck  
One 1963 GMC 305 V-6 Engine w/5-Speed Transmission  
One Gilbarco Calco Meter Electric, Gasoline or Diesel Fuel Pump  
One Gasoline Powered Weedeater  
One Steel Tool Box (6')  
One Steel Tool Box (6')  
One 6' X 8' Non Portable, Steel Utility Building

WHEREAS, the Marion City Council hereby declares said equipment and materials to be surplus property.

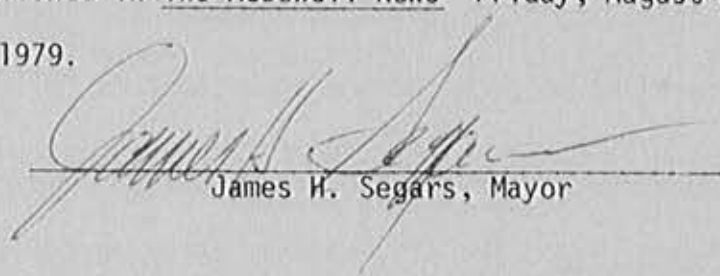


NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARION, N. C. AS FOLLOWS:

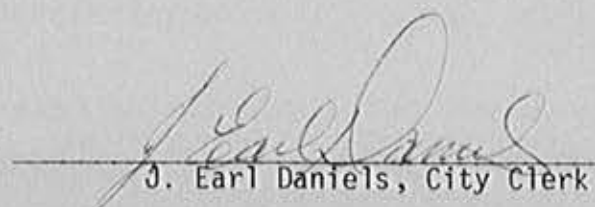
That City Manager J. Earl Daniels is hereby authorized and directed to sell said surplus equipment and materials at private negotiation and sale after 2:00 P.M., Friday, August 31, 1979.

That a copy of this Resolution be published in The McDowell News Friday, August 24, 1979.

Adopted this the 21st day of August, 1979.

  
James H. Segars, Mayor

Attest:

  
J. Earl Daniels, City Clerk

Traffic Light - Clay and State Streets: Councilman Clark suggested that the City Council give consideration to relocating the traffic light presently situated at the intersection of Clay and State Streets down to the intersection of State and McDowell Streets.

The City Manager stated that he would contact the Department of Transportation to see if they would repair the light for the City and relocate it at the intersection of State and McDowell Streets.

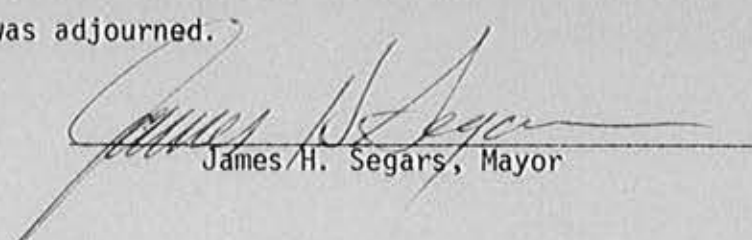
House Numbering: Councilman Clark stated that he had been approached by a police officer stating that it is difficult to answer calls in the City because of the current house numbering system.

The City Manager stated that a map had been prepared showing the existing house numbers and that the City would be able in two weeks to begin work on establishing new house numbers. He stated that renumbering houses is going to be a tough project because some citizens will object very strongly to their house number being changed. The City Manager stated that it might be necessary for the City to pass an ordinance requiring homeowners to place house numbers on the front to their homes so that police and fire and other emergency personnel can locate the homes.

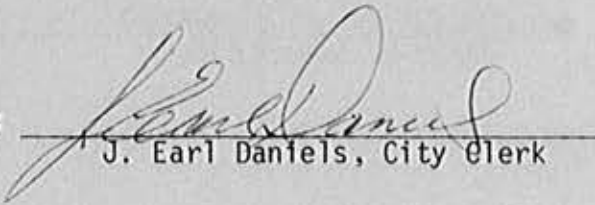
Wastewater Treatment Plant Project - Sewer Connections: A discussion was held regarding citizens connecting to the new sewer lines being installed as a part of the new waste treatment plant project. Said lines being located in the Foxfire Subdivision, Dogwood Lane Area, Yancey Road Area, and the West Marion Area, and the outfall line running to the new plant.

The City Council agreed to allow persons to make connection to the new sewer system in those areas where new lines have been installed within the City Limits without having to pay a connection fee, if connections are made on or before Sept. 30, 1980. After said date, any persons connecting to the sewer system would be required to pay the necessary tap fees. All persons making connections into the system would have to have the work inspected before the sewer lines from the buildings to the street are covered. Persons having agreements with the City regarding water and sewer taps whereby easements were granted to the City are not affected by this policy, except with regard to having any lines installed inspected by the City prior to covering said lines.

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 4, 1979

The Marion City Council met in regular session Tuesday, September 4, 1979 at 7:30 P.M. in the City Council Chamber at City Hall.

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

Absent: Councilman Horace Wilkerson.

Others Present: J. Earl Daniels, City Manager; Richard Hicks, Planning Director and Zoning Administrator; Alvin Callahan, Public Works Director; Elise Raymer, Laboratory Technician; and Ann Crisp, Newspaper Reporter, The McDowell News.

Guests: Jimmie Williams, Good Equipment Company and Rod Birdsong, Executive Director, McDowell County Chamber of Commerce, Inc.

Approval of the August 21, 1979 Minutes: Upon a motion by Councilman Cross, seconded by Councilman Clark, those members of Council present unanimously voted to approve the minutes of the August 21, 1979 meeting.



Wastewater Treatment Plant - Bids - Equipment: The City Manager presented bids for the purchase of one truck, one tractor-mower, office furniture and miscellaneous equipment for the new wastewater treatment plant. Elise Raymer, Laboratory Technician at the new wastewater treatment plant, reviewed with Council some of the specifications for bids on the equipment. The bids were presented at an earlier meeting of Council but because of the confusion with some of the specifications, no action was taken by Council at that meeting other than to direct that the bids be re-presented at this meeting.

After a short discussion it was evident that some confusion still exists with regard to specifications of some items bid. The City Manager recommended that the City Council reject all bids and that new specifications be prepared and advertised for all items requested.

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

Pepsi Commercial: The City Manager informed the City Council that a telephone call was received on Friday, August 31, 1979 from Ms. Kathy Pitegoff, representing Rick Levine Productions, concerning the filming of a Pepsi commercial in Western North Carolina. The City Manager stated that the City of Marion, along with several other towns, is being considered as a location for filming the commercial. At present plans are to film a marching band and parade. The City Manager stated that filming would take approximately two (2) days. He stated that Ms. Pitegoff would like to know if the City of Marion would permit this commercial to be filmed in the downtown area if Marion is selected, and if the City would assist by blocking necessary streets and directing traffic during the filming of the commercial.

Upon a motion by Councilman Clark, seconded by Councilman Cross, those members of Council present unanimously voted to direct the City Manager to advise Ms. Pitegoff that the City would cooperate in the filming of the commercial if the City of Marion is selected, contingent upon the fact that if the commercial is filmed in the City of Marion it will be used in advertising for the Pepsi Cola Company.

Annexation Petition: The City Manager advised the City Council that he had received a petition requesting annexation from Sandra and Harold Whiting, 1303 East Court Street; Horace and Sydney Davis, 1301 East Court Street; and Tommy and Frances Harris, 1305 East Court Street.

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

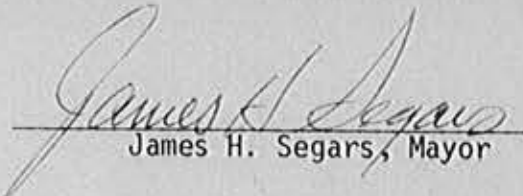
WHEREAS, a petition requesting annexation of an area described in said petition has been received on September 3, 1979, by the City Council; and

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

Wastewater Treatment Plant Project - Additional Sewer Construction - Miller Avenue and Tremont Street: The City Manager presented the following proposal submitted by J. D. Bradley, representing Hobson Construction Company, Inc. to O'Brien & Gere, Inc./Engineers for change work order for construction of additional sewer lines on Miller Avenue and Tremont Street:

In accordance with your request, we are pleased to quote the following for the above project:

I. Tremont Avenue (Sic.)

A.	8" VC S.S.		
	(1) 0-8' Cut	520 l. f. @ \$9.00	4,680.00
	(2) 8-12' Cut	240 l. f. @ \$11.00	2,640.00
B.	Manholes		
	(1) 0-8' Deep	4 @ \$600.00	2,400.00
C.	8" X 6" Laterals	12 @ \$50.00	600.00
D.	6" VC	180' @ \$10.00	1,800.00
E.	1½" I-2 Paving Overlay	1339 s.y. @ \$6.00	8,034.00
			20,154.00



II. Miller Avenue

A. 8" VC S.S. (1) 0-8' Deep	1058 l. f. @ \$9.00	9,522.00
B. Manholes (1) 0-8' Deep	5 @ \$600.00	3,000.00
C. Manhole Extra Deep	2 l. f. @ \$50.00	100.00
D. 8" X 6" Laterals	6 l. f. @ \$50.00	300.00
E. 6" VC	60' @ \$10.00	600.00
F. 1½" I-2 Paving Overlay	2939 s. y. @ \$6.00	17,634.00
		\$31,156.00
		\$51,310.00

If paving overlay quantities are reduced, the quoted price must be adjusted accordingly.

Rock encountered will be removed at \$30.00/c. y.

After a short discussion, the City Council decided that they would only require paving of the actual area where lines are installed in public streets and not require resurfacing of the entire street(s).

Upon a motion by Councilman James, seconded by Councilman Brown, those members of Council present unanimously voted to authorize the engineering firm of O'Brien & Gere to prepare the necessary change work order to provide for installation of sewer lines to serve the Miller Avenue and Tremont Street areas in accordance with the proposal submitted by Hobson Construction Company.

Property Condemnation - Karl Brown - Report: Richard Hicks reported on the status of the Karl Brown property condemnation. He stated that Mr. Brown has placed some shingles in packages on the roof of his building located on South Main Street and that he is proposing to make repairs on the building. He stated that an actual building permit has not been acquired at this time and that he is concerned as to whether or not Mr. Brown proposes to continue to make necessary improvements to the building in accordance with the State Building Code.

After a short discussion, it was decided not to take any action on the matter until after it is determined whether or not Mr. Brown will comply with the State laws regarding minimum improvements required to make the building safe.

Film - Investment to Protect: The City Manager informed the City Council that the film entitled "Investment to Protect" was received from the Environmental Protection Agency at no cost to the City. He informed the City Council that the film deals with the fact that once a new waste treatment plant is constructed it is necessary to employ competent personnel to insure that the plant is maintained and kept in good operating condition.

Recreation Commission - Appointment of Member for Three-Year Term: Upon a motion by Councilman Cross, seconded by Councilman James, those members of Council present unanimously voted to appoint Richard Faulkner as a member of the Old Fort-Marion-McDowell County Recreation Commission for a three-year term beginning September 1, 1979.

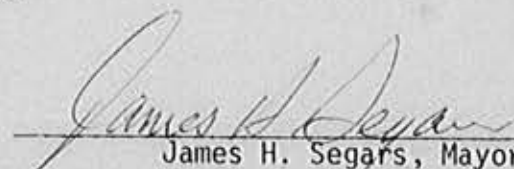
Property Condemnation - George W. Smith Heirs: Richard Hicks, Planning Director/Zoning Administrator informed the City Council that he had received several complaints concerning the George W. Smith Heirs property located on South Madison Street. He stated that several letters had been sent to the Smith Heirs asking that they remove the remains of an old building on the property and also two abandoned motor vehicles. He stated that the vehicles had been removed from the property and that some of the weeds had been cut and that some of the building had been removed by that there is still some of the building left.

After a short discussion, the City Council directed Mr. Hicks to contact the family again and to work with them in trying to get the remainder of the building removed from the property.

City Policy - Employing Members of Same Family: The City Manager informed the City Council that the City has an unwritten policy regarding employing members of the same family in positions with the City of Marion. The City Manager asked for some clarification regarding the policy. He asked Council if it is permissible to employ members of the same family so long as they did not work out of the same building or in the same department. He stated that he could see where problems could exist in the event that several employees in the same family in the same department had to be out of work at the same time for a funeral or family reunion or some other type of activity involving a family. A short discussion was held and most members of Council seemed to agree that members of the same family could be employed so long as they did not work in the same building or in the same department so that one member of a family would not be a supervisor or work under another member of the same family. The City Manager was directed to prepare some type of policy for presentation to the City Council at a later date.

Code of Ordinances: The City Manager reviewed with the City Council the chapter on Public Works and asked if there were any suggested changes for that particular chapter. No changes were suggested.

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 18, 1979

The Marion City Council met in regular session Tuesday, September 18, 1979 at 7:30 P.M. in the City Council Chamber at City Hall.

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

Guests: Rod Birdsong, Executive Director, McDowell Chamber of Commerce, Inc.

Approval of the September 4, 1979 Minutes: Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, those members of Council present unanimously voted to approve the minutes of the September 4, 1979 meeting.

Approval of the September 12, 1979 Minutes: Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, those members of Council present unanimously voted to approve the minutes of the September 12, 1979 meeting.

Councilman Robert E. James arrived at the meeting following approval of the minutes.

Crooked Creek Volunteer Fire Department, Inc. - Alarm System: The City Manager presented a letter from Marion Allison, Assistant Fire Chief for the Crooked Creek Volunteer Fire Department, requesting permission to become a part of the county-wide alarm system through the City of Marion Fire Department.

Upon a motion by Councilman Brown, seconded by Councilman Clark, the City Council unanimously voted to authorize the City of Marion Fire Department to handle communications and the alarm for the Crooked Creek Volunteer Fire Department contingent upon the Crooked Creek Volunteer Fire Department paying all expenses necessary in making alterations to the equipment so that the service can be provided.

Annexation Petition - Sandra and Harold Whiting, 1303 East Court Street, Horace and Sydney Davis, 1301 East Court Street, and Tommy and Frances Harris, 1305 East Court Street - Certificate of Sufficiency: The City Manager informed the City Council that upon investigation it was determined that the persons petitioning for annexation did in fact own the properties as described in the petition. He stated that only a very small portion of the property is actually contiguous with the City Limits, leaving a pie-shaped piece of property outside the City between the property proposed to be annexed into the City Limits. He asked that Council table any action on the annexation of the area pending contact with those property owners adjacent to the property in question and the City Limits to see if they too would like to petition for annexation.

The City Council agreed to table action on the matter pending further investigation.

Code of Ordinances - Municipal Utilities: The City Council decided to delay any action on reviewing that portion of the Code of Ordinances at this meeting.

Subdivision Regulations: The City Council discussed briefly the proposal to prepare subdivision regulations for the City. No action was taken by Council on this matter.

Wastewater Treatment Plant Project - Change Order 1 - Contract 1.3: Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to approve the following change order for Contract 1.3:

The following item constitutes Change Order 1 to the Contract dated May 4, 1977, by and between the City of Marion, North Carolina, and Hickory Plumbing and Heating Company, Incorporated, and are subject to all applicable terms and conditions of said Contract.

Furnish and install three (3) pressure reducing valves: one (1) for the Administration Building and two (2) for the Dewatering Building.

In consideration of the above, the compensation for Contract 1.3 shall be increased five hundred, fifty-two dollars and thirty-nine cents (\$552.39). The contract amount shall be increased from \$29,443.00 to \$29,995.39.

No Parking Zone - Gilkey Street: The City Manager presented a petition containing twelve signatures requesting that the City establish a no parking zone on both sides of Gilkey Street between Court Street and Oak Street.

Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council unanimously voted to approve the following ordinance establishing a no parking zone on Gilkey Street:



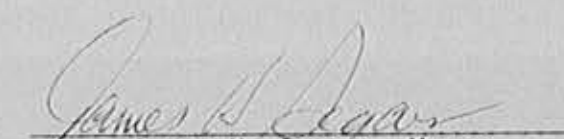
BE IT ORDAINED by the City Council of the City of Marion as follows:

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

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 18th day of September, 1979.

  
James H. Segars, Mayor

ATTEST:   
J. Earl Daniels, City Manager

City Manager's Report: The City Manager informed the City Council that Mr. Jack Dillingham had been employed as the new Street Superintendent and Assistant Public Works Director, replacing Mr. Burdette Carroll. The City Council was also advised that Mr. Charles Pearson has been appointed as Chief Water Filter Plant Operator for the City of Marion and that Mr. Pearson has a Grade A Water Plant Operator's Certificate.

Alley North of City Hall Building: The City Manager stated that proposed plans for development of the parking lot and mini park on Main Street include the widening of the alleyway running from Main Street to Logan Street next to the City Hall. The City Manager stated that there is presently no name for this alleyway. Mayor Pro Tem Everette Clark stated that in his opinion the alleyway should be named in honor of Jack Brown who was Public Works Director for the City of Marion and served the City of Marion for over 30 years.

Upon a motion by Councilman Clark, seconded by Councilman Cross, the City Council unanimously voted to name the new street Brown Drive.

New Parking Lot - Brown Drive: The City Manager informed the City Council that he would like to recommend that the new parking lot located south of Brown Drive and fronting on Brown Drive where the old Marion Laundry building was razed be made an all day parking lot. A short discussion followed but no action was taken on the matter.

International City Manager's Conference: The City Manager stated that he would like to attend the International City Manager's Conference which is to be held in Pheonix, Arizona October 21st through the 25, 1979, providing that he does not have a conflict with required work during that period of time. A short discussion followed with no objections being raised by the Council.

Pennsylvania Street - High Street - Proposed Opening: The City Manager stated that he would like permission from the City Council to accept bids for the sale of timber on those portions of Pennsylvania and High Streets proposed to be opened. He stated that trees could be removed from the street rights-of-way and that the funds received could be placed in the General Fund to help defray the costs of surveying and opening the streets.

Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council unanimously voted to authorize the City Manager to mark the trees on the streets to be opened and to accept bids for the sale of timber in the area with the funds to be deposited into the General Fund.

There being no further business, the meeting was adjourned.

  
James H. Segars, Mayor

Attest:   
J. Earl Daniels, City Manager



## AN ORDINANCE ESTABLISHING A NO PARKING ZONE ON GILKEY STREET

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 on any portion of Gilkey Street, from its intersection with Oak Street to its intersection with East Court Street.

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

ADOPTED this the 18th day of September, 1979.

ATTEST:

J. Earl Daniels, City Clerk

James H. Segars, Mayor

City Manager's Report: The City Manager informed the City Council that Mr. Jack Dillingham had been employed as the new Street Superintendent and Assistant Public Works Director, replacing Mr. Burdette Carroll. The City Council was also advised that Mr. Charles Pearson has been appointed as Chief Water Filter Plant Operator for the City of Marion and that Mr. Pearson has a Grade A Water Plant Operator's Certificate.

Alley North of City Hall Building: The City Manager stated that proposed plans for development of the parking lot and mini park on Main Street includes the widening of the alleyway running from Main Street to Logan Street next to the City Hall. The City Manager stated that there is presently no name for this alleyway. Mayor Pro Tem Everette Clark stated that in his opinion the alleyway should be named in honor of Jack Brown who was Public Works Director for the City of Marion and served the City for over 30 years.

Upon a motion by Councilman Clark, seconded by Councilman Cross, the City Council unanimously voted to name the new street Brown Drive.

New Parking Lot - Brown Drive: The City Manager informed the City Council that he would like to recommend that the new parking lot located south of Brown Drive and fronting on Brown Drive where the old Marion Laundry Building was razed be made an all day parking lot. A short discussion followed but no action was taken on the matter.

International City Manager's Conference: The City Manager stated that he would like to attend the International City Managers' Conference which is to be held in Phoenix, Arizona, October 21 through 25, 1979, providing that he does not have a conflict with required work during that period of time. A short discussion followed with no objections being raised by the Council.

Pennsylvania Street - High Street - Proposed Opening: The City Manager stated that he would like permission from the City Council to accept bids for the sale of timber on those portions of Pennsylvania Avenue and High Streets proposed to be opened. He stated that trees could be removed from the street rights-of-way and that the funds received could be placed in the General Fund to help defray the costs of surveying and opening the streets.

Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council unanimously voted to authorize the City Manager to mark the trees on the streets to be opened and to accept bids for the sale of timber in the area with the funds to be deposited into the General Fund.

There being no further business, the meeting was adjourned.

Attest:

J. Earl Daniels, City Clerk

James H. Segars, Mayor

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

October 2, 1979

The City Council of the City of Marion met in regular session Tuesday, October 2, 1979 at 7:30 P.M. in the City Council Chamber at City Hall.



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

Councilman Robert James was absent.

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

Guests: Jack Brown and Rod Birdsong, Executive Director, The McDowell County Chamber of Commerce, Inc.

Mayor Segars informed the City Council that Councilman Robert James was in the hospital and would not be present for the meeting.

Approval of the September 18, 1979 Minutes: Upon a motion by Councilman Cross, seconded by Councilman Clark, those members of Council present unanimously voted to approve the minutes of the September 18, 1979 meeting.

Resolution - Jack Brown: Mayor James H. Segars presented the following resolution to the City Council:

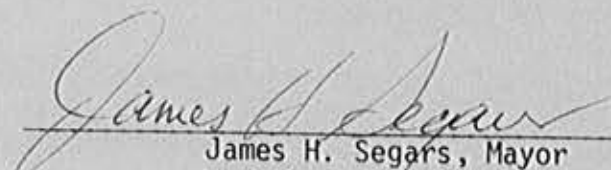
WHEREAS, William Jack Brown rendered distinguished service to the City of Marion in various capacities for more than thirty-three years before his retirement as Public Works Director on May 1, 1976; and

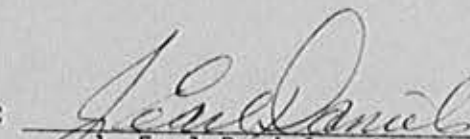
WHEREAS, his devotion to duty and his outstanding performance have been an inspiration to his co-workers and have contributed significantly to the orderly growth and development of our City, and

WHEREAS, the Mayor and City Council desire to honor Mr. Brown for his meritorious service to the Citizens of Marion;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marion that the drive extending from Main Street westwardly along the southern boundary of the City Hall property to North Logan Street, be, and it is hereby, named and designated as "Brown Drive" in honor of William Jack Brown and in recognition of his many years of distinguished service to the City of Marion and its people.

This the 2nd day of October, 1979.

  
James H. Segars, Mayor

Attest:   
J. Earl Daniels, City Clerk

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

Mayor Segars called Jack Brown forward and presented him with a framed copy of the resolution and a lapel pin with an imprint of the City Emblem. Mayor Segars and other members of the City Council praised Mr. Brown for the many years of service he gave to the City of Marion and discussed with Mr. Brown improvements that were made during his tenure in office.

The City Manager informed the City Council that Mr. Red Walker had planned to appear before the Council but that he was in the Bahamas and would appear before Council at a later date.

Petition - Addition of Street to City Street System: The City Manager presented the following petition:

WE, the undersigned, being all of the property owners on an unnamed road off of Grayson Street in the City of Marion, do hereby request that the City of Marion open and maintain and above described road.

We further advise that the road requested to be opened and maintained is .2 miles in length and at the present time there are four occupied homes located on the road and having entrances into the road.

Finally, we agree to dedicate to the City of Marion a right-of-way 18 feet in width extending the entire length of the road that is requested to be improved along with the necessary areas for cut and fill slopes and drainage. Also, we agree to dedicate additional right-of-way in the public road intersections for sight distances and design purposes and to execute said right-of-way agreement forms which will be submitted to us by the City of Marion.

Name	Address
/S/ Fannie Ervin	423 Hudgins Street
/S/ Margaret McKesson	423 Hudgins Street
/S/ Guy Moore	Grayson Street
/S/ Mary Conley	
/S/ Rosie Jackson	610 Grayson Street
/S/ Robert Jackson	612 Grayson Street
/S/ James Goodrum	616 Grayson Street



The City Manager stated that the alleyway or street shown on a drawing presented is opened and being used but that it is not a dedicated street or alleyway. He informed Council that in order to accept this street and maintain it that a survey would have to be made of the area and deeds prepared from all property owners to the City of Marion providing a street or alleyway of a minimum of eighteen feet (18').

After a short discussion the City Manager was directed to contact local surveying firms to get an estimate on the cost to prepare a survey and to work with the attorneys in getting an estimate on the cost of preparing the necessary deeds and present the information at the next City Council Meeting.

Petition - Morgan Street - No Through Trucks: The City Manager presented the following petition:

We, the undersigned, residents and home owners on Morgan Street, do petition the City Council of Marion to close Morgan Street to all through trucks and to enforce a 20 to 25 mile speed limit on this street and, if this does not substantially decrease the amount of traffic on said street, to make it a one-way street.

/S/ E. P. Dameron  
/S/ Mack L. Buckner  
/S/ Francis T. Buckner  
/S/ Bonnie Perez  
/S/ Marco Perez  
/S/ Mavis J. Dioquino  
/S/ Renato Dioquino  
/S/ Amelia Patton  
/S/ Archie Patton  
/S/ Nancy G. Dameron  
/S/ Zilpah T. Jarrett

/S/ Robert Dunn  
/S/ Ellen Dunn  
/S/ Ted D. Greer  
/S/ Loraine Greer  
/S/ Jim Morris  
/S/ Carol Morris  
/S/ Howard McCurry  
/S/ Florida McCurry  
/S/ Vicki Segars  
/S/ Jim Segars

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

AN ORDINANCE ESTABLISHING A "NO THROUGH TRUCKS OR BUSES" ZONE ON MORGAN STREET

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

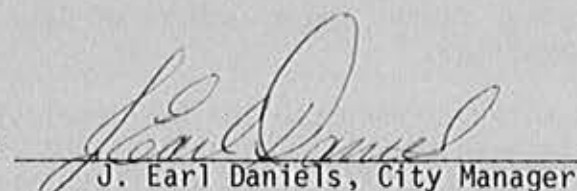
Section 1. It shall be unlawful for any truck exceeding three (3) tons in gross weight or bus to use Morgan Street unless such vehicle is making pickups and/or deliveries to residences on said street.

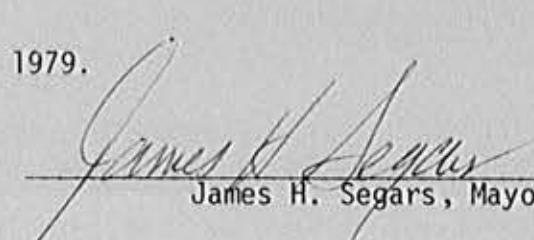
Section 2. Any person who shall violate or fail to comply with this ordinance shall be deemed to be guilty of an offense and shall be punished by a fine not to exceed \$50.00 or by imprisonment not to exceed thirty (30) days.

Section 3. This ordinance shall be in effect upon installation of signs on Morgan Street giving notice thereof.

ADOPTED this the 2nd day of October, 1979.

ATTEST:

  
J. Earl Daniels, City Manager

  
James H. Segars, Mayor

ORDINANCE ESTABLISHING A 25 MILE PER HOUR SPEED LIMIT ON MORGAN STREET

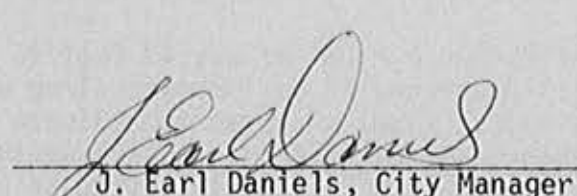
BE IT ORDAINED by the City Council of the City of Marion, North Carolina, as follows:

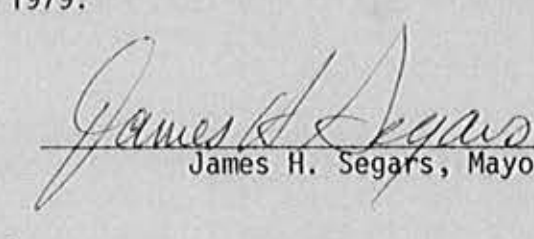
Section 1. It shall be unlawful to operate a vehicle in excess of twenty-five (25) miles per hour upon Morgan Street.

Section 2. Any person who shall violate or fail to comply with this ordinance shall 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 2nd day of October, 1979.

ATTEST:

  
J. Earl Daniels, City Manager

  
James H. Segars, Mayor

Billing Procedures - Utility Department: The City Manager informed the City Council that certain problems are being encountered regarding utility billing procedures and that it is necessary to establish new procedures.

After a long discussion, the following procedures were approved by the City Council:

1. Reprogramming the computer to provide for arrears being brought forward on monthly bills.



2. Cut off delinquent accounts where customers have not paid their utility bills on or before the 20th day of the month following the month said bill was due.

As an example - Those bills due the first day of September must be paid on or before the 20th day of October or water and/or sewer service to said premises are to be discontinued on the 21st day of October. Where water service has been discontinued, the customer must pay a \$7.50 reconnect fee and all arrears before the water service is resumed.

Wastewater Treatment Plant Project - Change Order 1 - Contract 1.0 - Electrical: Upon a motion by Councilman Clark, seconded by Councilman Cross, those members of Council present unanimously voted to approve the following change work order:

The following item constitutes Change Order 1 to the Contract dated May 4, 1977, by and between the City of Marion, North Carolina, and Gibbons Electric Company, and are subject to all applicable terms and conditions of said Contract.

Provide a lighting protection system on the lime sludge storage hopper in accordance with the attached drawing 948.004.165F.

In consideration of the above, the compensation for Contract 1.1 shall be increased eight hundred eleven dollars and ten cents (\$811.10). The contract amount shall be increased from \$142,774.00 to \$143,585.10.

Recommended

O'Brien & Gere, Inc./Engineers

By /S/ C. A. Willis Date 9/9/79

Accepted

City of Marion

By /S/ J. Earl Daniels

Accepted

Gibbons Electric Company

By /S/ Michael L. Gibbons Date 9/14/79

Fair Housing Strategy Report: All members of Council were presented a Fair Housing Strategy Report prepared by Planning Director and Zoning Administrator Richard Hicks and members of the Citizens Advisory Committee and Fair Housing Strategy Board. A copy of said report can be found in the safe under Document Number 432.

Upon a motion by Councilman Brown, seconded by Councilman Cross, those members of Council present approved the report as presented.

Tax Collector's Report: The City Manager presented the following Tax Collector's Report:

Corporate Excess Real Property Val.	Personal Property Val.	Total Val.	Total Charge
\$5,663,963	\$43,451,753	\$24,389,287	\$73,505,003
			\$463,081.52

Letter to County Commissioners - Reference Joint Meeting: Mayor Segars presented a letter which he stated he would like to send to Mr. Paul Richardson, Chairman of the McDowell County Commissioners, requesting a joint meeting. All members of Council approved of the letter and the City Manager was directed to forward the letter to Mr. Paul Richardson:

Dear Mr. Richardson:

Please accept this letter as a formal request for a joint meeting of the McDowell County Board of Commissioners and the Marion City Council. We would have no objections to the Board of Aldermen for the Town of Old Fort meeting with us if they so desire.

We sincerely believe we have a responsibility to work together as elected officials whenever feasible in an effort to provide the best possible services at the lowest tax dollar.

We also feel there should be more cooperation between the governing boards in McDowell County. We feel that in order to achieve this there must be a clear understanding by all elected officials of the problems of each governmental unit. We believe there are several areas of mutual concern where interaction of the governing bodies would benefit all taxpayers.

We strongly support joint meetings to openly discuss areas of mutual concern and to seek solutions to mutual problems.

It would not be the purpose of a joint meeting to find fault in existing operations, but to explore alternatives which would benefit all taxpayers.

We will be happy to meet with you at a time and location of your choosing; however, we do feel that the meeting should be held as soon as possible.

Please advise us of the decision of your Board with regard to this matter.

Sincerely,

James H. Segars  
Mayor



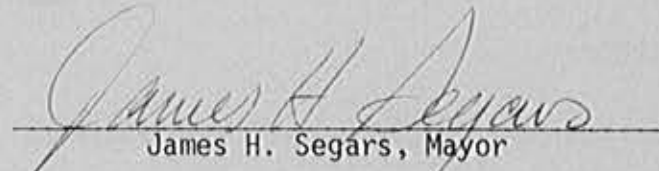
Wastewater Treatment Plant Project - Sewer Lines: The City Manager informed the City Council that all sewer lines under the waste treatment plant project have been inspected and approved by O'Brien & Gere, Inc. He stated that the lines for Miller Avenue and Tremont have not been installed at this date, but that all other lines are ready for residents to make connections.

It was unanimously agreed by the City Council that no charge would be made for connection to the new lines from existing buildings providing such connections are made on or before October 15, 1979.

The materials to be used from the buildings to the sewer laterals shall be cast iron, terracotta o-lock pipe or heavy duty PVC plastic. A request for a permit must be made by all persons before making connection to the City sewer system and all lines must be inspected by the City before they are covered. Any person making connection to the City Sewer System without first having applied for a permit or having said line inspected would be disconnected and would have to pay a fee of \$100 in order to reconnect to the system. In addition, they would have to uncover all pipe from the residence to the City sewer main for inspection.

The City Manager informed the City Council that those persons from whom the City received rights-of-way would be given a letter on City stationery for each free connection they are to receive in exchange for the right-of-way. He stated that the letter would inform the persons that they would be entitled to one free water and/or sewer connection and that they would be responsible to maintain the letter(s) and present one to the City Clerk in exchange for each free connection. He stated that all letters would bear his signature and the City Clerk's seal. He stated that those persons entitled to more than one connection would be given one letter for each connection and that this procedure would eliminate the City from having to keep up with the connections as they are made by maintaining an up-to-date list. The individual, instead of paying a connection fee would just present the letter to the City Clerk.

There being no further business, the meeting was adjourned.

  
James H. Segars, Mayor

Attest:   
J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

October 16, 1979

The Marion City Council met in regular session Tuesday night, October 16, 1979, at 7:30 P.M. in the City Council Chamber at City Hall.

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

Councilman Oliver R. Cross was absent.

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

Guests: Rod Birdsong, Executive Director, McDowell County Chamber of Commerce, Inc.; Jimmie Williams, representing Good Equipment Division; and Steadman Matthews, representing Contractor's Equipment and Rentals.

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

Request for Tax Reimbursement - Robert Main: The City Manager informed the City Council that Mr. Robert Main had presented him with a letter requesting reimbursement for taxes paid on property owned by Mr. Main which is located outside the City Limits. The City Manager stated that Mr. Main owns a parcel of property, a portion of which is within the City Limits and a portion of which is outside the City Limits. He stated that in checking tax records, it was determined that Mr. Main had been billed for the total parcel, which means that he has paid taxes on property located outside the City Limits.

Upon a motion by Councilman Clark, seconded by Councilman Brown, those members of Council present unanimously voted to reimburse Mr. Robert Main for all taxes paid to the City on his property which is located outside the City Limits.

Request for Tax Discount - McDowell Cement Products, Inc.: The City Manager presented a letter from Mr. Harold D. Parker, Vice-President, McDowell Cement Products Company, Inc. stating that Mr. Parker had called the Marion Tax Collector on two occasions, long distance, to inquire about the amount of property taxes so that the taxes could be paid in August, thereby allowing him a 1% discount. Mr. Parker stated that he could not get information from the tax collector regarding the amount of



his taxes and therefore could not pay his taxes in time to take advantage of the 1% discount. The City Manager stated that Mr. Parker submitted a check, after receiving his tax notice, and deducted 1% and that the Tax Collector returned his check to him advising him that he would have to pay the full amount.

The City Manager recommended that Council authorize acceptance of Mr. Parker's check allowing him the one percent discount since he did contact the City Hall on two occasions trying to determine the value of his property taxes so that it could be paid while he could take advantage of the one percent discount.

Upon a motion by Councilman Clark, seconded by Councilman Wilkerson, those members of Council present unanimously voted to accept Mr. Parker's check for his 1979 taxes allowing him to take the one percent discount.

Bids: The City Manager informed the City Council that sealed bids were opened at 2:00 P.M., Thursday, October 11, 1979, in the Marion City Hall for the purchase of the equipment listed below.

Present at the bid opening were J. Earl Daniels, City Manager; Glenda Melton, City Manager's Secretary; George Steel, Purchasing Agent; Ronnie Pope, representing Tar Heel Ford; Gary Cooper representing Darrell Ford; and Ms. Margaret Jackson representing Marion Equipment Company.

The following bid tabulation was presented for Council consideration:

A. Office Furniture: Castt Office Furniture \$3,165.76  
Hagna and Field \$3,117.37\*

\*Although it appears the bid from Hagna and Field is the lowest, said bid does not include tax or freight, as does the bid from Castt Office Furniture. Also, the bid from Hagna and Field does not include one desk which is included in the bid from Castt Office Furniture.

Upon a motion by Councilman Brown, seconded by Councilman Wilkerson, those members of Council present unanimously voted to accept the low bid submitted by Castt Office Furniture contingent upon approval by the Environmental Protection Agency.

B. Dump Trucks: Two 2½-ton dump trucks - Darrell Ford-Mercury, Inc. \$31,515.32  
Tar Heel Ford Truck Sales, Inc. \$30,335.12  
Tar Heel Ford Truck Sales, Inc. \$36,231.46  
Alternate Bid

Upon a motion by Councilman James, seconded by Councilman Brown, those members of Council present unanimously voted to accept the low bid submitted by Tar Heel Ford Truck Sales, Inc. of \$30,335.12 for two Ford F-700 dump trucks.

C. Riding Lawn Mower: One 16 H.P. Diesel Tractor Mower - Good Equipment Division \$5,272.76  
Marion Equipment Company \$5,094.70\*

\*Does not meet specifications.

Upon a motion by Councilman James, seconded by Councilman Clark, the City Council voted as follows to accept the bid submitted by Good Equipment Division in the amount of \$5,272.76 for the purchase of a Kubota B7100D tractor/mower:

Councilman James - Aye  
Councilman Clark - Aye  
Councilman Wilkerson - Aye  
Councilman Brown - No

D. Miscellaneous Shop Equipment:

Item	Tidewater Supply Company	ACE Equipment Company	Contractor's Equip. and Rental Co.
Self-Propelled Lawn Mower			
Weedeater	134.95		
Hose Reel Cart	734.35		
Alternate	49.00		
50' and 1" Water Hose & Nozzles	265.80		
6" Bench Grinder w/Stand	238.40		
Wheelbarrows	109.30		
Battery Charger			
30' Extension Ladder	172.10		
8' Step Ladder	92.50		
6" Vise	285.90		
4 Ton Hydraulic Floor Jack	549.00		
Tube Cutter w/Flaring Tools	108.50		
Portable Air Tank	40.25		
Automotive Creepers	47.50		
Storage Bins	729.40		
10 Ton Adjustable Jack Stands	287.00		
Safety Goggles	3.16		
800 Lb. Capacity Hand Truck	65.00		
2-Jaw Pullers - 10 Ton	103.50		
3-Jaw Pullers - 10 Ton	157.70		
Portable Pump	883.12	785.00	830.96
Air Pressure Gauge	3.75		
5-Gallon Gasoline Can	16.90		

Upon a motion by Councilman Clark, seconded by Councilman James, those members of Council present unanimously voted to accept the low bids submitted by Tidewater Supply with the exception of the portable pump. The City Council decided to purchase the portable pump from Contractor's Equipment and Rental Company for the



amount of \$830.96. Although a bid in the amount of \$785.00 was submitted by ACE Equipment Company for said pump, Council felt that the pump from Contractors Supply and Rental Company was more in line with the City's requirements because the housing is made of cast iron instead of aluminum.

E. Office Machines: Calculator - Carolina Business Equipment, Inc.	Royal 50PD	\$127.20
	Carolina Business Equipment, Inc.	Royal 300 PD \$165.34
Typewriter - Carolina Business Equipment, Inc.	IBM Selectric II	
	Correcting	\$730.00
	Carolina Business Equipment, Inc.	IBM Selectric II
		Non-Correcting \$660.00
	Carolina Business Equipment, Inc.	Royal 5000 C
		Correcting \$746.00
	Carolina Business Equipment, Inc.	Royal 5000 E
		Non-Correcting \$677.00

\*All bid amounts for office machines do not include tax.

F. Timber Sale: The City Manager advised Council that no one had appeared to submit a proposal for cutting the timber out of certain street rights-of-ways in the West Marion Area at the time and date advertised; therefore, upon a motion by Councilman Clark, seconded by Councilman Wilkerson, those members of Council present unanimously voted to adopt the following resolution authorizing the City Manager to negotiate privately to sell said timber:

RESOLUTION AUTHORIZING THE SALE OF TIMBER FROM STREET RIGHTS-OF-WAYS

WHEREAS, the City of Marion plans to open a portion of Pennsylvania Avenue and a portion of High Street which requires the removal of timber and underbrush.

NOW THEREFORE, BE IT RESOLVED by the City Council that J. Earl Daniels, City Manager, be and hereby is authorized to sell said timber which is currently located on that portion of the street right-of-way on Pennsylvania Avenue from its intersection with California Avenue north to Sugar Hill Road, and on that portion of High Street from Sugar Hill Road east to Pennsylvania Avenue, through private negotiation and sale after 2:00 P.M., Monday, October 29, 1979.

That a copy of this Resolution be published in The McDowell News Monday, October 22, 1979.

ADOPTED this the 16th day of October, 1979.

ATTEST:

J. Earl Daniels  
J. Earl Daniels, City Clerk

James H. Segars  
James H. Segars, Mayor

G. Survey Costs: Upon a motion by Councilman Clark, seconded by Councilman Brown, those members of Council present unanimously voted to authorize the City Manager to engage R. Larry Greene, Registered Land Surveyor, to survey the right-of-way for the proposed new street to be located west of Grayson Street.

Ordinance - Oak Street - Stop Sign: 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 as follows:

Section 1. When a sign is erected giving notice thereof, it shall be unlawful for any person operating a motor vehicle in an easterly direction on Oak Street to continue travelling from west to east on said street until after such vehicle is brought to a complete stop on the south side of Oak Street at the intersection of Oak Street and North McDowell Avenue.

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 16th day of October, 1979.

ATTEST:

J. Earl Daniels  
J. Earl Daniels, City Clerk

James H. Segars  
James H. Segars, Mayor

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

November 6, 1979

The Marion City Council met in regular session Tuesday, November 6, 1979, at 7:30 P.M. in the City Council Chamber at City Hall.

Board Members Present: Mayor James H. Segars; Councilmen Horace R. Wilkerson and A. Everette Clark.

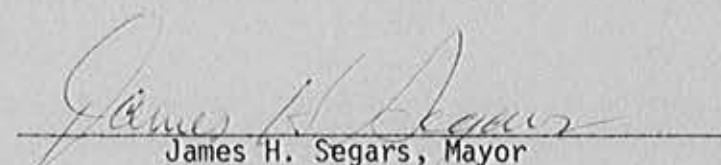
Others Present: J. Earl Daniels, City Manager; Gary Campbell, Chief Waste Treatment Plant Operator; and Ann Crisp, Newspaper Reporter, The McDowell News.

Guests: Rod Birdsong, Executive Director, The McDowell Chamber of Commerce, Inc.; John C. Murdock, III and Sid Riddick, representatives of O'Brien & Gere, Inc.

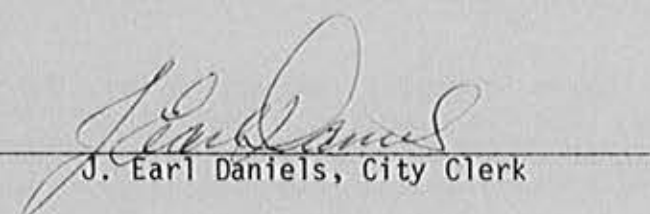
Mayor Segars announced that Councilmen Oliver Cross and Larry Brown were out of town and would not be present for the meeting and that Councilman Robert James was ill and would not be able to attend.

Because there was not a quorum no official business could be transacted. However, since Mr. Riddick of O'Brien & Gere, Inc. was present he was allowed to make a presentation updating the status of the waste treatment plant project.

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 20, 1979

The Marion City Council met in regular session Tuesday, November 20, 1979, at 7:30 P.M. in the City Council Chamber at City Hall.

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

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

Guests: Warren Hodges and Neal Manly, representing Catawba Valley Legal Services, Morganton, North Carolina; Wayne Allison; Larry Green; John C. Murdock, III and Sid Riddick, representing O'Brien & Gere, Inc./Engineers; and Al Shiver, representing Crawley, Johnson, Price and Sprinkle; and Mike Palmer.

Approval of the October 16, 1979 Minutes: Upon a motion by Councilman Clark, seconded by Councilman Cross, the City Council unanimously voted to approve the minutes of the October 16, 1979 meeting.

The City Manager presented minutes of the November 6, 1979 meeting and advised the City Council that a quorum was not present for this meeting and therefore the meeting was not an official meeting of the Council. He informed the Council that he would be placing a copy of the minutes of this unofficial meeting in the City Council Minute Book.

Audit Report - Al Shiver: Al Shiver, representing Crawley, Johnson, Price and Sprinkle, was present to review with Council the City audit for the fiscal year ending June 30, 1979. In completing his presentation Mr. Shiver asked if Council had any questions. The Council raised no questions but stated they would make formal approval of the audit at a later meeting which would allow them time to review the audit in more detail.

Wastewater Treatment Plant - Change Order 5, Contract 1.0: Sid Riddick, representing O'Brien & Gere, Inc., appeared before Council and presented the following Change Order 5 to Contract 1.0:

The following item constitutes Change Order 5 to the Contract dated October 15, 1979 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 26,000 brick at a unite price of \$105.04 per 1,000 units which is \$25.04 per 1,000 units more than the \$80.00 per 1,000 units allowance in the Contract.
2. Raise the sampler at the Main Pump Station from 4" above the botton of the sump



12" above the bottom of the sump.

3. Relocate chlorine pressure valve from inside the building as shown on drawing (m-16).
4. Furnish and install water spray nozzles on Vacuum Filters.
5. Furnish and install extension stems on Vacuum Filter drain valves.
6. Furnish and install two new Morris Model 3H5 10 pumps in the Lime Sludge Pump Station.
7. Extend the Contract time from 782 to 857 calendar days (75 days).

In consideration of the above, the compensation for Contract 1.0 shall be increased eight thousand five dollars and twenty six cents (\$8,005.26), which will increase the contract amount from \$3,828,294 to \$3,836,299.43.

RECOMMENDED

O'BRIEN & GERE, INC./ENGINEERS

By /S/ C. A. Willis, P.E. Date: 10/17/79

ACCEPTED

CITY OF MARION

By /S/ J. Earl Daniels, City Manager Date: 11/20/79

ACCEPTED

LEE CONSTRUCTION COMPANY

By /S/ (not legible) Date: 10/19/79

Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to approve Change Order 5 as presented.

Mt. Ida Subdivision: Larry Green, representing R. L. Green Surveying, appeared before the City Council to present a subdivision plat for Mt. Ida Subdivision. The City Manager informed the City Council that Fire Chief Arthur Edwards had reviewed the plans and that the plans had also been reviewed by Public Works Director Alvin Callahan, and the Planning and Zoning Administrator, Richard Hicks.

He informed the City Council that Fire Chief Edwards had requested that one additional fire hydrant be installed in front of lot number ten.

After reviewing the plat, the following recommendations were made:

1. Change small galvanized lines to cast iron or ductile iron water lines.
2. Install one additional hydrant in front of lot number 10.
3. Check replacing steel tank with concrete reservoir.
4. Provide one four-inch drain line on the reservoir and install valves to reservoir can be valved out of the water system.
5. PVC sewer pipe must be approved by the City and bear recommended AWWA Standard Rating.
6. The City will permit the use of concrete roll-over curbs in lieu of the standard concrete curbs.
7. Install a valve at the end of the six-inch water main.
8. Change connecting valve to a port indicator valve.

Larry Green informed the City Council that at a previous meeting it was his understanding that the City would pay one-half the cost of paving and one-half the cost of curbing. He also stated that he understood that the City might possibly pay one-half the cost of the water lines or install the water lines if the materials were purchased by the developer.

It was agreed that the City of Marion would pay the total cost for construction of a bridge to cross over Young's Fork of North Muddy Creek on Currier Drive. Some question was raised concerning whether or not the City would pay any portion of the costs for installation of water lines.

Following the discussion and upon a motion by Councilman Clark, seconded by Councilman James, the City Council unanimously voted to approve the street locations as presented on the plat. This approval was for street locations only and not an indication of approval of the entire subdivision and the plans for installation of utility lines and drainage lines.

The City Manager asked that changes be made in accordance with the Council's recommendations and that a plat be presented at a later date for final approval.

Planning Board - Appointment of Three Members: Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to appoint Bruce Shephard, Helen Dover and Loretta Smith as members of the Marion Planning Board for terms of three years, beginning January 1, 1980 and ending December 31, 1982.

Resolution Authorizing Sale of Junk Materials: 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 that Purchasing Agent George Steel is hereby authorized to sell, by informal bid procedures, to the highest bidder, any metals, materials, and other types of items such as old water meters, lawn mowers, motors, etc. designated by Public Works Director Alvin Callahan as unneeded "junk" with an estimated value for any individual item of \$200.00 or less. Items must be advertised in the want ads of the local newspaper at least three (3) days prior to receiving bids. The ad shall state the time, date and location of the bid opening. The bid opening shall be open to the general public. All monies received from the sale of such items shall be placed in the City's General Fund.

ADOPTED this the 20th day of November, 1979.

ATTEST:

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

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

Resolution Authorizing Police To Dispose of Bicycles and One Mini-Bike: Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to adopt the following resolution:

WHEREAS, the Marion Police Department has in its possession several bicycles and one mini-bike which have been acquired over the years; and

WHEREAS, said bicycles and mini-bike are not now and have not been involved in legal cases; and

WHEREAS, the owners of said bicycles and mini-bike cannot be located; and

WHEREAS, said bicycles and mini-bike are taking up needed storage space; and

WHEREAS, there are needy families in our community who would benefit by our officers repairing and renewing said bicycles and mini-bike, at their option, and presenting same to said families to be given as Christmas gifts to their children, or to the Department of Social services for distribution to said needy families.

NOW, THEREFORE, BE IT RESOLVED that the Police Chief is hereby authorized to have said bicycles and mini-bike reconditioned by his officers and presented, through the aid of the Department of Social Services, if desired, to needy families in our community to be used as Christmas gifts for the children of said needy families, or to distribute the bicycles and mini-bike to said families without the aid of the Department of Social Services.

This the 20th day of November, 1979.

ATTEST:

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

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

Citizens Advisory Committee and Fair Housing Strategy Boards Recommendations: Planning Director/ Zoning Administrator Richard Hicks presented the Citizens Advisory Committee's and Fair Housing Strategy Board's recommendations concerning the Community Development project.

Mr. Hicks stated that the Board's recommendations include establishing West Marion as the target area and that two applications for single purpose programs be submitted. He stated that the City Council would need to call a meeting to be held in the target area.

After a short discussion it was decided that the City Council would need to call a meeting to be held in the target area.

After a short discussion it was decided that the City Council would meet at Addies Chapel Church at 8:00 P.M. on December 4th. The City Council agreed to meet first at the City Hall for the Board's organizational meeting, after which Council would adjourn and reconvene at the Addies Chapel Church. After the adjournment at the church, Council would reconvene in the City Council Chamber at City Hall.

Zoning Ordinance Amendments: A. Proposed Change in Land Development Plant and B. Rezoning of Ebony Funeral Home Property.

The City Manager announced to the City Council that he had received a request from Century 21 that the City Council table these two items until the meeting scheduled to be held December 4, 1979.

Upon a motion by Councilman Wilkerson, seconded by Councilman Cross, the City Council unanimously voted to table action on the proposed amendments until the December 4, 1979 meeting.

Zoning Ordinance Amendment - Proposed Changes in Sign Regulations: Upon a motion by Councilman Cross, seconded by Councilman Brown, the City Council unanimously voted to delete Sub-part 1 (G) of Section 706 - Signs, Billboards and Other Advertising Structures, and add a new Sub-part 1(G),



1(H), and 1(I) to read as follows:

- (1)(g) Marquee signs may be attached to, or hung from a marquee, and such signs when hung from a marquee shall be at least eight (8) feet at its lowest level above the sidewalk or ground level, and further, no such signs shall extend outside the line of such marquee. Marquee signs may be attached to the sides and front of a marquee, and such sign may extend the entire length and width of said marquee, provided such sign does not extend more than six (6) feet above, nor one (1) foot below such marquee, but under no circumstances, shall the sign or signs have a vertical dimension greater than eight (8) feet.
- (h) Spectacular signs may be located only in the C-1 Central and C-2 General Business Districts after an application has been submitted to the Inspection Department and a permit issued therefor. The permit to locate or maintain a spectacular sign shall be good for one (1) year. Location of said sign shall be approved by the Inspection Department.
- (i) Professional signs and signs for home occupations shall not exceed two (2) square feet in area.

Definition - Spectacular Signs: An "Outdoor Advertising Display Sign" advertising copy, usually constructed of metal, wired for lights or luminous tubing or both, with copy action controlled by the blashed circuit breakers or matographs and attached on an open faced steel structure built especially for the purpose. The signs usually have wheels and can be moved from one location to another by pulling them behind some type of vehicle.

Clearinghouse - Furnish Legal Counsel to Prisoners: The City Manager presented a copy of a letter to Mrs. Marlene Beckman, Office of Criminal Justice Programs, Law Enforcement Assistance Administration, Washington, D. C., from Paul D. Hughes, Executive Director of the Isothermal Planning and Development Commission.

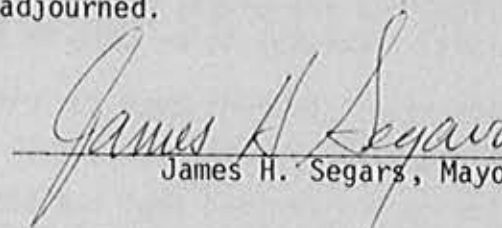
The letter concerned the funding of Clearinghouse Notification Number 80-0394. The letter stated in part that the Law Enforcement Assistance Administration flagrantly violated A-95 clearinghouse procedures by funding this particular project without the project being submitted and approved by local clearinghouses. The letter further stated that if review of the project had been completed Isothermal Planning and Development Commission would have recommended an unfavorable review and that the project not be funded by the Law Enforcement Assistance Administration. The project would provide funds to furnish legal counsel to prisoners.

After a short discussion the City Council directed that a letter be sent by Mayor Segars to Mrs. Marlene Beckman, also to Senator Robert Morgan, Senator Jesse Helms, Representatives James Broyhill and Lamar Gudger, advising them that the City strongly protests funding of this project before review was completed and that appropriate action should be taken by the Law Enforcement Assistance Administration to prevent this sort of thing from occurring in the future, and also to state that there have been other projects funded in the past which were mandated by Congress and which members of the local Isothermal Planning and Development Commission Board questioned whether some of said projects should or should not have been funded.

Mr. N. E. Cannady, Jr. - Accident: The City Manager presented a letter from Mr. N. E. Cannady, Jr. stating that he had an automobile accident at the intersection of North Garden Street and the Southern Railway System tracks. He stated that the tracks were on different levels, that his vehicle was only travelling at approximately five miles per hour and that extensive damage was done to his vehicle. He asked if Council would pay for all or a portion of the costs for repairs made to his vehicle and asked that action be taken by the City Council to correct the problem or to close the street.

After a short discussion the City Manager was directed to write to Mr. Cannady advising him that the City would be unable to pay for damages to his vehicle and to advise that the City would contact Southern Railway and asked that their inspector check the tracks to determine if the tracks could be levelled and that consideration would be given to additional signing in the area to advise visiting motorists of the hazard at the railroad crossing. The City Manager was also directed to advise Southern Railway that the gates at the crossing sometimes close when no train is approaching.

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 4, 1979

The Marion City Council met in regular session Tuesday, December 4, 1979, at 7:30 P.M. in the City Council Chamber at City Hall.

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

Others Present: J. Earl Daniels, City Manager; Alvin Callahan, Public Works Director; Richard Hicks, Planning Director/Zoning Administrator; and Ann Crisp, Newspaper Reporter, The McDowell News.

Guests: Warren Moore, representing Arden Equipment Company; and Fred Williams, representing Duke Power Company.

Approval of the November 20, 1979 Minutes: Upon a motion by Councilman Wilkerson, seconded by Councilman James, the City Council unanimously voted to approve the minutes of the November 20, 1979 meeting.

Abstract of Canvassing - 1979 Election: The City Manager presented the following Abstract of Canvassing for the 1979 Election:

We, the undersigned members of the Municipal Board of Elections, do hereby certify that we met in the Office of the City Manager on Thursday, November 8, 1979, and did canvass the original returns of the Registrars and Judges of Election of the votes cast for members of the City Council of the City of Marion at the regular municipal election held Tuesday, November 6, 1979, and that the following is a true and correct tabulation thereof:

<u>Candidates for Members of City Council</u>	<u>Total Votes</u>
Robert E. James	258
Tillie Twitty	155
Horace R. Wilkerson	262
J. Matt Smith	2
Isaac Logan	1
Tom Milligan	1

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

Horace R. Wilkerson, having received 262 votes, and Robert E. James, having received 258 votes for City Council, have been duly elected members of the City Council of the City of Marion, pursuant to law, for a term of four (4) years.

/S/ James R. Hollifield  
Chairman, Board of Elections

/S/ William R. Smith, III  
Member

November 8, 1979

/S/ J. M. Lancaster, Jr.  
Member

Oaths of Office - Councilmen Wilkerson and James: Mayor James H. Segars administered the Oath of Office to Councilmen Horace R. Wilkerson and Robert E. James. (The Oaths of Office are on file in the Office of the City Clerk.)

Mayor Pro Tem - Appointment by Council: Upon a recommendation by Councilman Cross, Councilman Everette Clark was unanimously elected as Mayor Pro Tem.

Appointment of Officers: Upon a motion by Councilman Clark, seconded by Councilman Cross, the City Council unanimously voted to appoint J. Earl Daniels as City Clerk/Finance Officer. Mayor James H. Segars administered the Oath of Office. Said Oath of Office is on file in the Office of the City Clerk.

City Attorney - Appointment: Upon a motion by Councilman Wilkerson, seconded by Councilman James, the City Council unanimously voted to appoint E. P. Dameron and Charles E. Burgin as City Attorneys. Since neither attorney was present at the meeting it was decided to administer the Oaths of Office at the next City Council Meeting.

Addies Chapel Church - Target Area Public Hearing - Community Development Block Grant Application: The City Council departed from the Marion City Hall to go to the Addies Chapel Church in the West Marion Community to conduct a public hearing.



Public Hearing - Target Area - Community Development Block Grant Application: Present at the meeting were Mayor James H. Segars, Councilmen Horace R. Wilkerson, A. Everette Clark, Oliver R. Cross, Larry W. Brown and Robert E. James. Others present were J. Earl Daniels, City Manager; Alvin Callahan, Public Works Director; Richard Hicks, Zoning Administrator/Planning Director; and Ann Crisp, Newspaper Reporter, The McDowell News.

Persons attending the public hearing from the community were: Mrs. Mary M. Smith, Mrs. Orea F. Goode, Mrs. Annie L. Martin, Mrs. Tillie M. Twitty, Mrs. Lonnie L. Wilkins, Mrs. Catherine Brown, Mrs. Elsie H. Rutherford, Mr. Isaac N. Logan, Mr. B.M. Walker, Jr., Edna Ervin, Joe Conley, Warren Hodges, Marshall A. Swann, Perry Hall, Kevin Swepson, Rod Birdsong, Steve Little, Charles Ted Ervin, Warren Moore and Fred Williams.

Mayor James H. Segars opened the public hearing and introduced to those persons in attendance members of the Marion City Council and other officials attending the meeting.

Following the introduction of Council Members and guests, Mayor Segars turned the meeting over to Richard Hicks, Planning Director/Zoning Administrator for the City of Marion.

Mr. Hicks informed those persons attending the public hearing that the purpose of the public hearing in the target area was to make persons in the target area aware of the regulations concerning the Community Development Block Grant Program. He reviewed all regulations regarding the Community Development Block Grant Program and projects which could be undertaken with grant funds if the application submitted by the City of Marion is approved. Following his presentation he asked if there were any questions. Several questions were asked and answered.

Following the public hearing the Marion City Council returned to the City Hall to complete items on the agenda.

Public Hearing - Proposed Change in Land Development Plan: The City Manager presented a recommendation from the Marion Planning Board that the Ebony Funeral Home property be changed from commercial and residential to industrial on the City of Marion Land Development Plan.

Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to accept the recommendation of the Marion Planning Board and to change from commercial and residential designation to industrial, on the Comprehensive Land Development Plan, the property described below:

BEGINNING at a point located at the Southeast corner of the intersection of Sugar Hill Road and California Avenue; thence in a Southerly direction along the Eastern edge of Reid Street to a point; thence in a Northeasterly direction a distance of 564' to a point; thence a distance of 235' in a Northerly direction to a point located on the Southern edge of California Avenue; thence a distance of 800' in a Westerly direction to the point of beginning, containing 5 acres more or less.

Public Hearing - Proposed Rezoning of Ebony Funeral Home Property: The City Manager presented a recommendation from the Marion Planning Board that the Ebony Funeral Home property be rezoned from R-2 General Residential District to M-1 Industrial District.

Upon a motion by Councilman Wilkerson, seconded by Councilman James, the City Council unanimously voted to accept the recommendations of the Marion Planning Board to rezone from R-2 General Residential District to M-1 Industrial District the property described above.

Audit Report - Acceptance: Upon a motion by Councilman Clark, seconded by Councilman Cross, the City Council unanimously voted to accept the audit report for the fiscal year ending June 30, 1979, as prepared by Crawley, Johnson, Price and Sprinkle.

Mt. Ida Subdivision: The City Manager informed the City Council that Larry Green had called and advised that he would be unable to attend the meeting to discuss the Mt. Ida Subdivision. The City Council agreed to table any action on the subdivision.

Bids - Two-Cubic Yard Crawler/Loader: The City Manager informed the City Council that bids were received and opened in the City Hall at 2:00 P.M. Monday, December 3rd for the purchase of one new two-cubic yard crawler/loader to be used at the City Landfill for disposing of sludge. The following bids were presented:

Western Carolina Tractor Company - International 175C	\$64,810.00
N. C. Sales Tax	2,592.40
Carolina Tractor & Equipment Company -	
Caterpillar 955L	\$80,000.00
N. C. Sales Tax	2,400.00
Arden Equipment Company	
Case 1450	\$63,333.00
N. C. Sales Tax	1,899.00

Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to purchase the new crawler/loader from Arden Equipment Company. Said vehicle being a Case 1450 with a delivery date of 60 to 90 days. The purchase price is \$63,333.00 with N. C. Sales Tax in the amount of \$1,899.00. The purchase is contingent upon approval by the Environmental Protection Agency.



Bids - Fence for Shop Property: The City Manager informed the City Council that bids were opened for a new chain-link fence to be erected at the City Warehouse just off Rutherford Road. He stated that bids were opened at 2:00 P.M., Monday, December 3, 1979, in the City Council Chamber. Following is a tabulation of bids received:

Section	Service	Able Fence Company	Asheville Fence Company
Section A. 850 linear feet w/one 20' swing gate and one 4' walk gate	labor	\$ 1,214.29	\$ 1,020.00
	materials	\$ 4,285.71	\$ 4,313.51
	combined	\$ 5,500.00	\$ 5,333.51
Section B. 350 linear feet with one 4' walk gate	labor	\$ 571.43	\$ 425.00
	materials	\$ 1,848.52	\$ 1,781.59
	combined	\$ 2,419.95	
Section C. 200 linear feet with one 15' slide gate and no barbed wire on fence or gate	labor	\$ 571.43	\$ 467.50
	materials	\$ 2,028.57	\$ 1,892.54
	combined	\$ 2,600.00	\$ 2,360.04
Sections A and B Combined	labor	\$ 1,785.72	\$ 1,445.00
	materials	\$ 6,134.28	\$ 6,095.10
	combined	\$ 7,920.00	\$ 7,540.10
Sections A, B and C Combined	labor	\$ 2,357.15	\$ 1,912.50
	materials	\$ 8,162.85	\$ 8,307.13
	combined	\$10,520.00	\$10,219.00

After a short discussion it was decided to accept the low bid submitted by Asheville Fence Company for Sections A and B combined for a total amount of \$7,540.10. It was also agreed that the City would pay this amount from the Revenue Sharing Trust Fund Account.

Community Building - Request for Raquet Ball Court: The City Manager presented a request from Charles Burgin inquiring about the use of the basement of the Marion Community Building for construction of two raquet ball courts. After a short discussion the City Manager was instructed to contact Mr. Burgin and asked that he provide drawings and cost estimates for the permanent construction and also that some of the problems regarding scheduling the use of the building be discussed.

Resolution - Opening and Maintaining a Checking Account: Upon a motion by Councilman Clark, seconded by Councilman James, the City Council unanimously voted to adopt a resolution, filed under Document No. 434, for opening and maintaining a checking account for the Internal Service Fund.

Ordinance - City Tags: The City Manager presented an ordinance requiring the use of City tags. The proposed ordinance would increase the cost of the City tags from \$1.00 to \$3.00 each. After a short discussion it was decided by the City Council to table any action on the ordinance.

Parking Commission - Appointment of Member for Two-Year Term: Upon a motion by Councilman Wilkerson, seconded by Councilman James, the City Council unanimously voted to appoint A. Everette Clark as a member of the Marion Parking Commission for a term of two years, said term beginning January, 1980.

Resolution Authorizing the Filing of a Pre-Application for a State Community Development Grant: Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to adopt the following resolution:

WHEREAS, the North Carolina General Statutes 143-323(e)(5) provides for the making of grants by the Department of Natural Resources and Community Development to counties, municipalities and state agencies in support of assisting local governments with community development programs and such funds are available after approval of a final application by the Secretary of the Department of Natural Resources and Community Development; and

WHEREAS, the City of Marion desires to install approximately 6,300 feet of six-inch water line in the West Marion Community to provide for adequate residential service and fire protection.

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

(1) That a preapplication be made to the Department of Natural Resources and Community Development for a State Community Development Grant of Fifty-Nine Thousand, Five Hundred and Thirty-Five Dollars(\$59,535.00).

(2) Richard N. Hicks, Zoning Administrator and Planning Director, is authorized and directed to file such preapplication on behalf of the City of Marion and it authorized to act as the authorized correspondent of the City of Marion.

(3) That the Director, Department of Natural Resources and Community Development be, and hereby is assured of full compliance by the applicant with the regulations promulgated pursuant to the North Carolina General Statutes 143-323(e)(5) effective December 5, 1979.

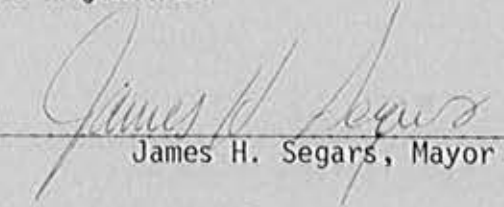
/S/ J. Earl Daniels, City Clerk


/S/ James H. Segars, Mayor



City Council Meeting - Scheduling: The City Manager advised the City Council that usually in December Council meets only one time because of the Christmas Holidays. After a short discussion it was decided that the next meeting of the City Council would be Thursday, January 3, 1979, at 7:30 P.M. in the City Council Chamber.

There being no further business, the meeting was adjourned.

  
James H. Segars, Mayor

  
J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

January 3, 1980

The Marion City Council met Thursday night, January 3, 1980, at 7:30 P.M. in the City Council Chamber at City Hall. The Council met Thursday night, January 3rd, instead of meeting for their regular meeting scheduled for January 8, 1980, because they had to approve the pre-application for Community Development Funds which had to be in Greensboro January 7, 1980.

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

Others Present: J. Earl Daniels, City Manager; Alvin Callahan, Public Works Director; Richard Hicks, Planning Director/Zoning Administrator; E. P. Dameron and Charles E. Burgin, City Attorneys; and Ann Crisp, Newspaper Reporter, The McDowell News.

Guests: Gene Fowler, Joanne Howle, Deana Setzer, Steve Little, Isaac Logan, Dan M. Moore and Charles Erwin.

Approval of the December 4, 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 December 4, 1979 meeting.

Mayor Pro Tem A. Everette Clark presided over the meeting and advised those present that Mayor Segars would arrive at the meeting shortly after 9:00 P.M.

Community Development Block Grant Application: Richard Hicks, Planning Director and Zoning Administrator, explained to the City Council and the Citizens' Advisory Committee Members that the purpose of this final public hearing was to gain citizen input into the priorities before the preapplication was submitted. (No one from the general public was in attendance.) Mr. Hicks stated that the preapplication was due in Greensboro by January 7, 1980. He also stated that more preapplications would be submitted than could be funded and that turning in a preapplication did not guarantee funding.

Mr. Hicks stated that the following list of priorities would be included in the preapplication:

1. Housing Rehabilitation Grants	\$288,000.00
2. Acquisition of Real Property	25,000.00
3. Relocation Assistance	33,000.00
4. Program Administration	35,000.00
5. Improvements to Water Service Lines	117,400.00
6. Street Paving	19,600.00

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

WHEREAS, Title I of the Housing and Community Development Act of 1974 provides for the making of grants by the Department of Housing and Urban Development to counties, municipalities and state agencies to assist local government with community development programs and such funds are available after approval of a final application by the Department of Housing and Urban Development.

WHEREAS, the City of Marion wishes to file an application for \$500,000.00 to improve housing in a chosen target area and to improve deficiencies in public facilities.

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

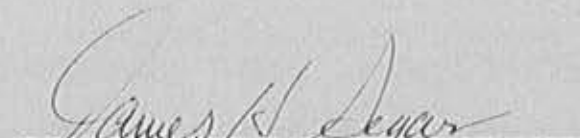
(1) That a preapplication be made to the Department of Housing and Urban Development for Community Development Block Grant Funds of Five Hundred Thousand Dollars (\$500,000.00).



(2) Richard N. Hicks, Zoning Administrator and Planning Director, is authorized and directed to file such preapplication on behalf of the City of Marion and is authorized to act as the authorized correspondent of the City of Marion.

(3) That the Director, Department of Housing and Urban Development be, and hereby is assured of full compliance by the applicant with the regulations promulgated pursuant to the Federal Register, Part IV, Department of Housing and Urban Development, Community Development Block Grants.

This the 3rd day of January, 1980.

  
James H. Segars, Mayor

ATTEST:   
J. Earl Daniels, City Clerk

Oaths of Office - City Attorneys: Mayor Segars administered the Oaths of Office to the City Attorneys, E. P. Dameron and Charles E. Burgin. (Oaths are on file in the Office of the City Clerk.)

Waste Treatment Plant Project - Change Work Order 3 - Contract 5.0: Upon a motion by Councilman Wilkerson, seconded by Councilman Brown, those members of Council present unanimously voted to approve the following Change Work Order 3 to Contract 5.0:

The following item constitutes Change Order 3 to the Contract dated December 7, 1977, by and between the City of Marion, North Carolina, and Hobson Construction Company, Inc. and is subject to all applicable terms and conditions of said Contract:

1. Additional construction as shown on the attached schedule resulting from changes to sanitary sewer horizontal alignment.

In consideration of the above, the compensation for Contract 5.0 shall be increased Seven Thousand, Two Hundred, Ninety Nine Dollars and Sixty Cents (\$7,299.60).

RECOMMENDED

O'BRIEN & GERE, INC./ENGINEERS

By /S/C.A. Willis, P.E. Date: 11/19/79  
C.A. Willis, P.E.

ACCEPTED

CITY OF MARION

By /S/ J. Earl Daniels Date:  
J. Earl Daniels

ACCEPTED

HOBSON CONSTRUCTION COMPANY

By W. H. Hobson Date:

Zoning Maps and Ordinance: The City Manager advised the Council that several persons from time to time have requested copies of the zoning map and ordinance. He proposed that the City charge \$15.00 per year to provide a zoning map and zoning ordinance to real estate offices, etc. The charge would cover the cost of mailing the initial map and ordinance plus the cost of providing copies of any changes in either throughout the year. Individuals would pay \$2.00 each for copies of the map.


Upon a motion by Councilman James, seconded by Councilman Wilkerson, those members of Council present unanimously voted to accept the City Manager's recommendations and to establish a policy whereby persons, firms, etc., upon request, would receive copies of the zoning map and ordinance each year, with copies of any changes being furnished throughout the year, for a fee of \$15.00.

Servomation Corporation - Tax Penalty: Councilman Brown stated that he had been advised that the owners of Servomation Corporation had not been billed for City taxes when the tax notices were sent out. He stated that when they began procedures for selling their property they found that they owed City taxes plus interest.

Upon a motion by Councilman Brown, seconded by Councilman Clark, those members of Council present unanimously voted to refund the amount of penalty paid by Servomation Corporation because they were not aware that they were to pay taxes until it was too late to pay the taxes without being charged a penalty.

There being no further business, the meeting was adjourned.

ATTEST:   
J. Earl Daniels, City Clerk

  
James H. Segars, Mayor



STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

January 22, 1980

The Marion City Council met in regular session Tuesday, January 22, 1980, at 7:30 P.M. in the City Council Chamber at City Hall.

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

Others Present: J. Earl Daniels, City Manager; Alvin Callahan, Public Works Director; Richard Hicks, Planning Director/Zoning Administrator; E. P. Dameron, City Attorney; Ann Crisp, Newspaper Reporter, The McDowell News; and John R. Tudor, WBRM Radio Station.

Guests: Larry Greene, R. L. Green Surveying; Dessie Peeler; Brady Brooks, Blue Ridge Terrace Apartments; Mrs. Pat Brown and Dee Stevens.

Approval of the January 3, 1980 Minutes: Upon a motion by Councilman James, seconded by Councilman Cross, those members of Council present unanimously voted to approve the minutes of the January 3, 1980 meeting.

Certificate of Appreciation - Mrs. Pat Brown: Mayor Segars presented a Certificate of Appreciation to Mrs. Pat Brown for three years of service to the City of Marion as a member of the Marion Planning Board.

Citizen Complaint - Dog Problem - Mrs. Dessie Peeler: Mrs. Peeler explained to the City Council that she is presently involved in a legal case resulting from a dog running out in front of her automobile on Garden Street - the dog was killed. She requested that the City Council give consideration to adopting an ordinance whereby motorists would not be held liable when animals are killed on a public street or other public properties.

Citizen Complaint - Dog Problem - Spring Street and Lincoln Avenue: The City Manager presented a letter to the Marion City Council Members from Mrs. Kay Rumpfelt of 302 Spring Street and Mrs. Martha Franklin of 234 Spring Street, concerning a Doberman Pincher. The complaint stated that the dog is constantly chasing cats, turning over trash cans and frightening people in the neighborhood. The City Manager informed the City Council that police officers have been sent to speak with the owner of the dog, advising him that the dog would have to be confined. He stated that officers had been sent to talk with the owner of the dog on several occasions but that it is still a problem.

The City Manager presented a sample dog ordinance to the City Council for study purposes. He informed the Council that the present policy provides that upon receipt of a complaint about a dog stating that the dog is vicious, officers are sent to speak with the owner of the dog and advise the owner that the dog must be confined. He stated that some owners comply with the requests of officers and others do not.

The City Council discussed the matter briefly and it was agreed that the Council would study the sample ordinance provided by the City Manager and take up the matter at a later meeting.

Mt. Ida Estates Subdivision - Larry Green: Mr. Green presented a letter from Roger M. Lyda concerning the proposed Mt. Ida Estates Subdivision. Mr. Green stated that changes had been made in the subdivision in accordance with recommendations made by the City Council but that several questions still need to be resolved.

It was agreed that the developers would not use any galvanized water line or PVC water line on any part of the system to be maintained by the City of Marion. The developer agreed to install a fire hydrant in front of Lot No. 10. It was also agreed that the developer would install a 2,000 gallon pre-cast concrete water reservoir instead of a steel tank. The City is to inspect the foundation to insure that it is sufficient for the pre-cast water reservoir. The developer agreed to install a three-inch drain line with valves located so that the reservoir can be valved out of the system while draining the reservoir. The developer also agreed that all sewer pipe used would be stamped "ASTMD3034". The City agreed to allow the developer to install concrete roll-over curb and gutter. The City stated that a 6-inch valve would need to be installed in the end of the 6-inch water line, replacing a proposed 2-inch valve. It was agreed that a gate valve would be installed where the proposed main connects to an existing water main and a check valve to prevent water from flowing back from the concrete reservoir into the City's system. The engineer questioned the need for a post indicator valve. The City agreed to pay the difference in cost between a regular valve and a post indicator valve and asked that the valve be installed in the system.

The developer was advised that he would have to grade the streets out to their full width and that the City would pay one-half the cost of paving the streets, depending on the availability of City funds.

A question was raised by Larry Green as to whether or not the City would pay a part of the costs for the concrete curbs and gutters. The City Council stated that they would follow existing policy with regard to payment on the curbs and gutters on the same basis as the Foxfire Subdivision.



The City Manager stated that he was not sure as to whether or not the City had paid any part of the costs for curbing in the Foxfire Subdivision but that he would check and advise the City Council and the developer.

The developer is to be fully responsible for the installation of all water and sewer lines and bear the entire costs for said installation in accordance with plans and specifications approved by the City. In addition, the developer is responsible for placing a sufficient amount of gravel on all streets prior to paving. The City Manager was instructed to check proposed street names in the new subdivision to insure that the street names are not duplicate names of other streets in the Marion area.

Upon a motion by Councilman Cross, seconded by Councilman Brown, those members of Council present unanimously voted to approve the subdivision entitled Mt. Ida Estates Subdivision, as presented, after necessary changes have been made in the plans as stipulated above.

Firemens Relief Fund - Board of Trustees: Upon a motion by Councilman James, seconded by Councilman Cross, those members of Council present unanimously voted to appoint Larry W. Brown as a member of the Firemens Relief Fund Board of Trustees for a term of two years.

Elizabeth Drive - Proposed Closing: Mr. Brady Brooks was present representing Blue Ridge Terrace Apartments. He requested that the City Council give consideration to closing Elizabeth Drive. Mr. Brooks presented drawings of the proposed apartment complex and informed the City Council that the property owners of the properties surrounding Elizabeth Drive were signing a letter requesting that Elizabeth Drive be closed.

The City Manager stated that he would prepare the necessary papers to begin procedures for the public hearings necessary prior to Council adopting an ordinance closing Elizabeth Drive.

Firemens Relief Fund - Report: The City Manager presented the following report on receipts and expenditures for the Firemens Relief Fund:

1979 - Income From Insurance - \$51,593.55 (includes deduction of \$464.00 for Treasurer's Bond)  
Deposited in Local Firemens Relief Fund - \$50,000.00  
Amount Disbursed to Retired Firemen - \$1,593.55 (January 4, 1980)

L. D. Atkins	28 Years	\$104.99
John Beck	26 Years	97.49
Clyde Bobo	26 Years	97.49
Pat Davis	28 Years	104.99
Arthur Evans	28 Years	104.99
George Goldsmith	33 Years	123.73
Glenn Laughridge	41 Years	153.73
Walt Morgan	30 Years	112.48
Clarence Robinson	29 Years	108.74
Ed Rowe	26 Years	97.49
Harold Smith	33 Years	123.73
John Sullivan	39 Years	146.23
Horace Wilkerson	30 Years	112.48
Clarence Wise	28 Years	104.99
		<u>\$1,593.55</u>

Waste Treatment Plant - Proposed Sale of Unused Equipment: The City Manager presented the following list of unused equipment located at the old waste treatment plant and requested permission from the City Council to sell the unused equipment. He stated that the Town of Wrightsville Beach is interested in purchasing the equipment.

EQUIPMENT	*CURRENT LIST PRICE	AGE	CONDITION	PRESENT PRICE
C.O.D. Machine	\$635.00	7 Yrs.	Good	\$200.00
Muffle Furnace	\$570.00	8 Yrs.	Good	\$250.00
103 Degree Oven	\$995.00	8 Yrs.	Good	\$35.00
Incubator	\$1,095.00	24 Yrs.	Poor	\$10.00

\*Current Prices According to Fisher Catalog - 1979

Upon a motion by Councilman Wilkerson, seconded by Councilman Brown, the City Council unanimously voted to accept \$600.00 for all of the equipment listed.

Executive Session - Appointment of Member to Recreation Commission: Upon a motion by Councilman Brown, seconded by Councilman James, those members of Council present unanimously voted to go into executive session to discuss appointment of a member to the Municipal-County Recreation Commission to fill the unexpired term of Andy Symmes.

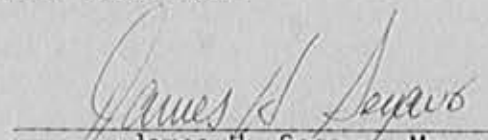
Municipal - County Recreation Commission - Appointment of David Bobo: Councilman Wilkerson made a motion that David Bobo be appointed to the Municipal-County Recreation Commission to fill the unexpired term of Andy Symmes. The motion was seconded by Councilman James. Three Councilmen voted in favor of the motion and one voted in opposition to the motion. The motion carried.


NCR 36 Modular Accounting Machine - Proposed Sale: The City Manager informed the City Council that the City no longer has a need for the NCR 36 Modular Accounting Machine since the purchase of a Data General Micro-Nova Computer. The City Manager informed the Council that the City Council had authorized purchase of the NCR 36 machine on April 4, 1972, at a cost of \$7,961.50.



After a short discussion, the City Manager was directed to contact Jeanette Beach, City Clerk at Old Fort to find out if the Town of Old Fort is interested in securing the machine. The Manager was directed to run a notice in the "Southern City" magazine in the event the Town of Old Fort is not interested in purchasing the machine.

There being no further business, the meeting was adjourned.

  
James H. Segars, Mayor

ATTEST:   
J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

February 5, 1980

The Marion City Council met in regular session Tuesday, February 5, 1980, at 7:30 P.M. in the City Council Chamber at City Hall.

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

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

Guests: James Holland and son, Jimmy Holland.

Approval of the January 22, 1980 Minutes: Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to approve the minutes of the January 22, 1980 meeting.

Dog Ordinance - Discussion: The City Council briefly discussed the sample dog ordinance presented to each member at the January 22, 1980 meeting. The City Manager was directed to send a card to all utility customers within the City Limits inquiring as to whether they favor a leash law which would prohibit any dog from running at large at any time within the Marion City Limits. If not, would they favor a leash law which would prohibit only those dogs declared vicious or a public nuisance (turning over garbage cans, chasing bicycles, cars, etc.) from running at large at any time within the City Limits. There would also be a section on the card for other recommendations.

Elizabeth Drive - Resolution - Intent to Close: The City Council asked if all the properties bordering Elizabeth Drive were, in fact, owned by the persons proposing to construct the Blue Ridge Terrace Apartment Complex.

The City Manager informed the Council that all of the properties bordering Elizabeth Drive and Elizabeth Drive Extension were not owned by the persons who propose to construct the apartment complex.

The City Council determined that they could not adopt an ordinance closing the streets until those persons making such request take ownership of all properties involved.

The City Manager stated that Mr. Brady Brooks was supposed to furnish him a request signed by all present property owners requesting that the streets be closed. He stated that he had not received said signed request as of this date (2-5-80).

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

BE IT RESOLVED THAT, Pursuant to the provisions of North Carolina General Statutes 160A-299, the City Council of Marion, North Carolina, hereby declares its intent to permanently close that portion of Elizabeth Drive which lies between the following points:

BEGINNING on the South side of West Court Street and running south to Carson Street; also that unopened portion known as Elizabeth Drive Extension which runs south from Elizabeth Drive to Murray Street.

A public hearing is hereby called to be held in the City Council Chamber in the City Hall, Marion, North Carolina, at 8:00 P.M. on the 25th day of Marion, 1980, at which hearing any person may be heard on the question of whether or not the closing of said street(s) would be detrimental to the public interest, or the property rights of any individual.



BE IT FURTHER RESOLVED THAT a copy of this Resolution shall be published once each week for four successive weeks in The McDowell News, Marion, North Carolina, prior to the date of said public hearing, and that a copy of the same be sent by registered or certified mail to all owners of property adjoining said street(s).

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

Adopted by the City Council of Marion, North Carolina, at a regular meeting held the 5th day of February, 1980.

ATTEST:

J. Earl Daniels  
J. Earl Daniels, City Manager

James H. Segars  
James H. Segars, Mayor

Annexation - Tate Street - Baldwin Avenue and East Court Street Area - Resolution of Intent:  
The City Manager presented an annexation report prepared by Richard Hicks, Planning Director and Zoning Administrator.

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

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

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 on the south side of what was once Moganton Road (N 22,908.78, E 24,229.35), said concrete monument being the 54th corner of the Corporate Limits of the City of Marion, N. C. and runs thence from said beginning point and with the present City Limits Boundary the following courses and distances:

S 8°54'00"W 877.35' (N 22,041.976, E 24,093.603)  
S 34°21'00"E 68.00' (N 21,985.834, E 24,131.969)  
N 52°39'00"E 12.00' (N 21,993.114, E 24,141.507)  
S 39°21'00"E 45.00' (N 21,958.315, E 21,170.037)  
N 52°39'00"E 164.00' (N 22,057.809, E 24,300.397)  
S 24°21'00"E 135.96' to a point on the south side of State Street, (N 21,933.941, E 24,356.450), thence N 52°55'00" E 40.00' to a point (N 21,958.059, E 24,388.357), thence leaving the present City Limits Boundary and continuing with the south side of State Street N 52°55'00" E 236.57' to a point on the south side of State Street and the west side of Baldwin Avenue the following courses and distances:

N 20°58'00"W 162.88' (N 22,252.795, E 24,518.779)  
N 10°05'30"W 80.20' (N 22,331.753, E 24,504.725)  
N 00°17'30"E 256.90' (N 22,588.644, E 24,506.033)  
N 15°58'00"W 286.04' to a point on the north side of East Court Street (N 22,863.644, E 24,427.343), thence with the north side of East Court Street N 58°44'00" E 267.56' to a point on the north side of East Court Street and on the southwest side of Fourth Street (N 23,002.510, E 24,656.023), thence with the southwest side of Fourth Street the following courses and distances:

N 60°16'30" W 35.24' (N 23,019.983, E 24,625.417)  
N 71°00'30" W 65.86' (N 23,041.416, E 24,563.137)  
N 73°45'30" W 133.72' (N 23,078.815, E 24,434.742)  
N 67°11'30" W 11.82' (N 23,083.397, E 24,423.846)

Thence leaving Fourth Street S 51°18'00" W 283.61' to a concrete monument (N 22,906.068, E 24,202.489), thence S 38°45'00" E 13.87' to an existing iron pin (N 22,895.251, E 24,211.170), thence N 50°52'00" E 26.51' to an existing iron pin (N 22,911.982, E 24,231.731), thence S 36°38'00" W 3.99' to the beginning, containing 8.19 acres.

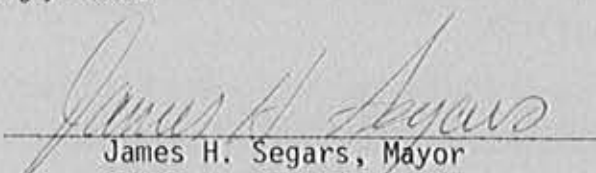
Section 2. That a public hearing on the question of annexing the above described territory will be held at the City Council Chamber on the second floor of City Hall at 7:30 o'clock P.M., on the 25th day of March, 1980, at which time plans for extending services to said territory will be explained and all residents and property owners in said territory and all residents of the City of Marion, will be given an opportunity to be heard.

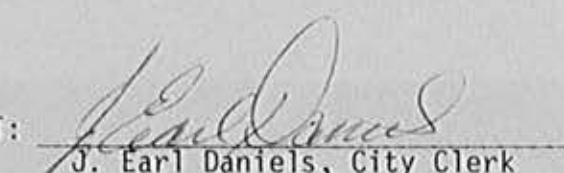


Section 3. That a report of plans for extending services to the above described territory be made available for public inspection at the Office of the City Clerk at least fourteen (14) days prior to the date of said public hearing.

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

Adopted this the 5th day of February, 1980.

  
James H. Segars, Mayor

ATTEST:   
J. Earl Daniels, City Clerk

Tax Lien Sale: Upon a motion by Councilman Wilkerson, seconded by Councilman Cross, the City Council unanimously voted to hold the Annual Tax Lien Sale the second Monday in June, (6-9-80).

1979-1980 Budget Ordinance Amendment: Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to adopt the following Budget Ordinance Amendment:

BE IT ORDAINED by the City Council of the City of Marion that the 1979-1980 Budget Ordinance for the City of Marion, adopted the 29th day of June, 1979, is hereby amended as follows:

Section I. General Fund - Expenditures

Administration is increased from \$106,300.00 to \$108,300.00  
(Account Number 10-420-33 is increased from \$3,600 to \$5,600.)

Inspection Department is increased from \$18,190.00 to \$21,527.00.  
(Account Number 10-500-33 is increased from \$250.00 to \$3,587.00.)

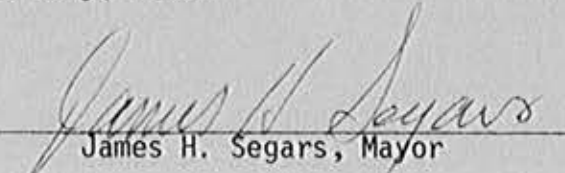
Section II. General Fund Revenues

County Fire Protection is increased from \$23,000.00 to \$35,372.00.

Miscellaneous Revenues is increased from \$3,000.00 to \$8,100.00.

Surplus Appropriated is decreased from \$271,902.00 to \$259,767.00.

Adopted this the 5th day of February, 1980.

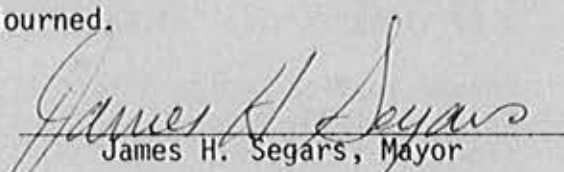
  
James H. Segars, Mayor

ATTEST:   
J. Earl Daniels, City Clerk

Gary Campbell - Resignation: The City Manager informed the City Council that Gary Campbell, Chief Waste Treatment Plant Operator, had submitted his resignation and that Thursday, February 14, 1980, would be his last work day.

201 Facility Study: The City Manager reported on a meeting held in Raleigh Wednesday, January 30, 1980, to discuss the 201 Facilities Study. He stated that Mayor Segars, a representative of O'Brien & Gere, Inc., representatives from both State and Federal agencies and himself, discussed questions raised concerning the 201 Facilities Study. He stated that O'Brien & Gere, Inc. had been direction to make certain changes in the study.

There being no further business, the meeting was adjourned.

  
James H. Segars, Mayor

ATTEST:   
J. Earl Daniels, City Clerk



STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

February 19, 1980

The Marion City Council met in regular session Tuesday, February 19, 1980, at 7:30 P.M. in the City Council Chamber at City Hall.

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

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

Guests: Dorothy Baldwin, 108 Glenview Street; Fate Morgan, Route 1; C. W. Morgan, Route 1; J. L. Barrett, Burma Road; and Rod Birsong.

Approval of the February 5, 1980 Minutes: Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to approve the minutes of the February 5, 1980 meeting.

McDowell County Council on Aging - Crawford Street Property: Mr. Walter Morgan, acting as spokesman for the McDowell County Council on Aging needs property for construction of facilities to serve the elderly citizens of McDowell County. He stated that it was hoped that funds could be received from federal agencies to provide for construction of a facility if property was available.

The City Manager asked if grant funds could be obtained if the City provided a long-term lease on the property or a lease with a reversion clause whereby the property would revert back to the City in the event the McDowell County Council on Aging were to cease to use the property.

After a short discussion, Mayor Segars appointed Councilmen Larry Brown and Everette Clark to serve on a committee to work with the McDowell County Council on Aging.

The City Manager was instructed to have the property surveyed.

Lee Barrett - Complaint: Mr. Lee Barrett attended the Council meeting to speak to Council but advised Council when he was called on to make his presentation that something had come up and he would come back at a later date.

Annexation Report - Tate, Baldwin, East Court Street Area: The City Manager informed the City Council that it would be necessary for Council to approve the annexation report which was provided to each Council Member at the last City Council Meeting. The City Manager reviewed several proposed changes in the annexation report with Members of Council.

Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to approve the annexation report as changed.

A copy of said report is on file in the Office of the City Clerk.

Planning Board - Appointment of Two Members to Fill Unexpired Terms: The City Manager informed the City Council that Bruce Shepherd and Nancy Hunter have recently resigned from the Planning Board. He stated that Mrs. Hunter's term expires December 31, 1980, and Mr. Shepherd's term expires December 31, 1982.

The City Manager was asked to have certain people contacted to request that they serve on the Planning Board, with formal appointment to be made at the next Council meeting.

Revenue Sharing - Resolution: Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to adopt the following resolution:

WHEREAS, the City Council of the City of Marion recognizes the importance of Federal Revenue Sharing Funds which have been received since the program's inception in 1972; and

WHEREAS, these funds require minimal administrative costs, which supports the anti-inflation campaign, and minimal local costs that are so ever-present with other categorical programs; and

WHEREAS, we appreciate the flexibility of this program to address differing local needs and the consistency that this entitlement program provides for budget preparation.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Marion, this 19th day of February, 1980, does hereby enthusiastically endorse the reenactment of General Revenue Sharing in substantially its present form and urges all citizens of Marion to support the reenactment effort by contacting their Congressman and Senators.

BE IT FURTHER RESOLVED that the City Council request that Congressman Gudger and Senators Helms and Morgan actively support the reenactment as Congress considers the General Revenue Sharing Program.

ATTEST:

J. Earl Daniels, City Manager

James H. Segars, Mayor

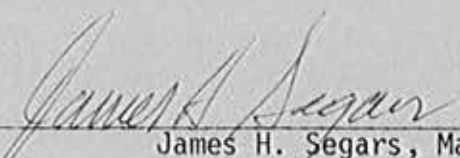


Waste Treatment Plant - Consultant Proposals: The City Manager presented a proposal from Moore, Gardner and Associates, Inc. and from O'Brien & Gere, Inc. to provide training for employees at the City's new wastewater treatment plant. Moore, Gardner and Associates, Inc. proposed, under Phase I, to provide four weeks of intensive training for all shifts for \$3,800.00. Phase II, three composite samples of influent and effluent tested at Moore, Gardner and Associates', Inc. laboratory for \$1,500.00, and review of industrial discharges and instruction of lab personnel for \$1,200.00, for a total of \$6,500.00. They also stated that the program is flexible and could be adapted to the City's needs.

O'Brien and Gere, Inc. proposed to provide	A. Development of work schedules, etc.	\$7,500.00
	B. Conduct of equipment training	\$3,600.00
	C. Process training	\$2,200.00
	D. Review of operations and activities	\$5,600.00
		<u>\$18,900.00</u>

Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to accept the proposal of Moore, Gardner and Associates, Inc. for Phase I in the amount of \$3,800.00 and directed the City Manager to work with Moore, Gardner and Associates, Inc. in describing the specific areas of training, types, amounts, etc.

There being no further business, the meeting was adjourned.

  
James H. Segars, Mayor

ATTEST:   
J. Earl Daniels, City Manager

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

March 4, 1980

The Marion City Council met in regular session Tuesday, March 4, 1980, at 7:30 P.M. in the City Council Chamber at City Hall.

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

Others Present: J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; Richard Hicks, Planning Director/Zoning Administrator; George Steel, Purchasing Agent; and Ann Crisp, Newspaper Reporter, The McDowell News.

Guests: R. E. Faulkner and David Bobo, Recreation Commission; J. B. Walker, Jr. and Jack Walker, Walker Properties; Ronnie Pope, Tar Heel Ford Truck Sales, Inc.; and Rod Birdsong, Chamber of Commerce.

Approval of the February 19, 1980 Minutes: Upon a motion by Councilman James, seconded by Councilman Cross, those members of Council present unanimously voted to approve the minutes of the City Council Meeting held February 19, 1980.

Councilman Wilkerson and City Attorney E. P. Dameron arrived at the meeting following approval of the February 19, 1980 minutes.

Recreation Commission - Swimming Pool: Mr. R. E. Faulkner and Mr. David Bobo appeared before the Marion City Council representing the Old Fort-Marion-McDowell County Recreation Commission. Mr. Faulkner acted as spokesman and provided figures showing the increase in costs for a proposed swimming pool to be located on the old Junior High School property at the corner of West Court and Academy Streets.

Mr. Faulkner said that he would like to request that the City Council reappropriate \$15,000.00 in the City Budget for 1980-1981 as the City's contribution toward construction of the swimming pool facility.

After a short discussion, Councilman Cross made a motion that the City Council appropriate in the 1980-1981 City Budget the amount of \$15,000.00 toward the construction of the swimming pool facility as requested by the Recreation Commission. The motion was seconded by Councilman Clark and the vote was as follows: Ayes - Councilmen Clark, Cross, Wilkerson and James  
No - Councilman Brown



Subdivision - Yancey Road - Red and Jack Walker: Mr. Red Walker and Mr. Jack Walker appeared before the City Council regarding a proposed subdivision to be located south of Yancey Road and north of the First United Methodist Church located on Robert Street. The City Manager read a letter submitted to Messrs. Walker following a Utility Committee Meeting.

"February 21, 1980

Messrs. J. B., Jr. and Jack Walker  
c/o Lowes of Marion  
Highway 70 East  
Marion, North Carolina 28752

Dear Messrs. Walker:

The plat plan for your proposed subdivision to be located on your property south of Yancey Road was presented to the City of Marion Utility Committee Tuesday evening, as per your request.

The Utility Committee has made the following determinations:

1. The proposed street should continue through the property, preferably by extending Richard Drive through to Yancey Road or a through street from Fleming Avenue to Yancey Road. This determination was made because services provided by the City such as leaf pick-up, garbage pick-up, snow removal, etc. are made considerably more difficult by dead end streets. Also, police patrols usually do not patrol dead end streets as often as through streets. Discounting the extra time required for turning large service vehicles at the end of a dead end street, the cost of gasoline for service vehicles is increased considerably when providing services to residents whose properties are located on dead end streets.

2. The map to be presented to the City Council should be to scale and, preferably, prepared by a registered land surveyor or other qualified person. Said map should show property elevations and drainage plans, including pipe locations, pipe sizes, box drains, and any and all easements.

3. The utility layout is not satisfactory. Sewer lines should be placed in the public street right-of-way where possible or along property lines. The developer is required to obtain all necessary easements for the construction and maintenance of water and/or sewer service lines.

Manholes should be placed at every turn on all sewer lines. All sewer lines should be in a straight line and not curved. Manholes on a straight line should be no further apart than 400 feet.

4. Plans and specifications for all utilities must be prepared by the developer in such a manner as to be acceptable to the City and the State Office of Natural and Economic Resources.

The Utility Committee, in keeping with City Policy, has agreed, depending on availability of funds, to pay one-half ( $\frac{1}{2}$ ) the cost of paving and one-half ( $\frac{1}{2}$ ) the cost of concrete curbs and gutters. In order for the City make such payment, the City would have to advertise for bids for the paving and curb and gutter work.

I am enclosing the minimum specifications for undeveloped areas as approved by the City Council in October of 1969. Also, you may review the plans and specifications submitted to us for the Allison Subdivision. These plans have been approved and may serve as a guide for your proposed subdivision.

The following procedures should be followed before any construction is undertaken:

1. Present preliminary plans for City Council approval. Said plans should incorporate changes as stipulated above.

2. Present plans and specifications for all utilities with a final plan for approval by the City Council.

Upon receipt of approval by the City Council construction may commence.

If I may assist your further, please contact me.

Sincerely,

J. Earl Daniels  
City Manager

JED/gm"



Both Messrs. Walker stated that persons wishing to purchase lots in the proposed subdivision would rather the street have a cul-de-sac at the end and not be a through street. They stated that they would not have problems complying with the other requests as stated in the letter, but that they would prefer to develop the subdivision with a cul-de-sac instead of a through street.

A long discussion followed.

Councilman Cross suggested that any action be tabled on the subdivision until the next meeting to allow him time to go out and look at the area.

The City Council agreed with this suggestion.

Street Flusher - Engine and/or Block Assembly Replaced Prior to Delivery: The City Manager read a memo from George Steel, Purchasing Agent, stating that he had accepted delivery from A.E. Finley and Associates, Inc. February 27, 1980, one new 1980 model street flusher. The memo stated that delivery of the truck was 60 days past the 160-day guaranteed delivery date on the bid. The memo further stated that the flusher was delivered by driveway service from the manufacturer in Oregon, Illinois and that en route to Marion the driver experienced engine trouble and stopped in Gary, Indiana at Steel City Ford. The service department of Steel City Ford repaired the vehicle. The vehicle was inspected upon delivery and salt and road grime were washed from the vehicle and the engine service points were checked and found to be satisfactory except that the oil level in the vehicle was so low no reading showed on the dip stick. The memo further stated that two and one-half quarts of oil were added to the crank case, which holds eight quarts to bring the oil level into the operating range. Steel City Ford was contacted and the service manager stated that a new engine block and a new distributor were utilized to rebuild the engine, using the remaining engine components. This information was requested in writing.

The memo stated that after inspecting the flusher for compliance with the specifications it was discovered that two items were missing. One being an engine hour meter and the second being a two and one-half inch fire fighting valve.

The Purchasing Agent's memo stated that he had placed a call to C. R. Goodwin of A. E. Finley and Associates, Inc. and was informed that the valve would be shipped immediately by UPS and that Ford Motor Company would install an engine hour meter.

The City Manager stated that questions had been raised concerning accepting the new truck with an engine that could be considered rebuilt.

Mr. Ronnie Pope, representing Tar Heel Ford Sales, Inc., Charlotte, appeared before the City Council and read the following letter.

"City Council  
City of Marion  
Marion, North Carolina

Reference: 1980 Ford C-800, Serial Number C80KVG5552,  
Equipped With Street Flusher Ordered From A. E. Finley, Inc.

TO WHOM IT MAY CONCERN:

Dear Sir:

It has come to our attention that the above mentioned Ford truck sold by Tar Heel Ford Truck Sales, Inc., Charlotte, N. C. to A. E. Finley, Inc. who in turn sold said cab and chassis equipped with street flusher to City of Marion, experienced an engine failure, while in route to Marion from the body builder.

We also understand the unit was repaired by an authorized Ford Dealer and believe such repairs were made in accordance with Ford Motor Company's standard warranty procedures. This being the case, the said unit will be covered under the same warranty as if no prior repairs had been made.

In that this repair required the replacement of a major component (cylinder block), we realize the concern of those involved. Though our company nor Ford Motor Company admit to any additional obligation, we, Tar Heel Ford Truck Sales, Inc. extend the following policy offer as a show of our good faith and good faith alone.

Upon acceptance of said unit by the City of Marion, our company will place on order with Ford Motor Company a new 370-4V engine assembly in total. When assembly is received we will replace present engine with new engine at no charge to the City of Marion.

This will allow the City to place unit in service at this time and have the benefit of usage until new assembly is received. No restrictions concerning mileage etc, will be placed on this offer.

Again, this offer is being extended as a policy consideration of good faith and in no way is intended to substitute or over-ride Ford Motor Company's warranty procedures as stated.

Yours truly,"

/S/ G. L. Clapp  
General Manager



# TAXI RATES IN MARION - EFFECTIVE MARCH 15, 1980

The rates for the zones listed below, except Zone #1, start or end within the following intersections: Fort Street and North Garden Street, Fort Street and Logan Street, Logan Street and West Henderson Street, South Main Street and Crawford Street, State Street and South Garden Street.

ZONE 1 . . . . .	\$1.75	ZONE 2 . . . . .	\$1.75
Intersection Morehead Road and Rutherford Road		221 South, Marion Street	
Intersection Ann St. and State Street		C. C. & O. Depot	
Intersection Oak and Gilkey St.		El Pyatt Building, Yancey Road	
Intersection Yancey Road and Airport Road		Intersection 221 and 70 West	
Ray Simmons Service Station		Hilltop House, Airport Road	
Perry Novelty Shop		Luther Elliott House, Nix Creek Road	
Intersection Pinnacle and Reservoir Road		Flowers Store, West Marion	
Lail Street		Britts House, West Marion	
Intersection East Court and Baldwin Avenue		School Street, Ridge Road	
Alabama Avenue		Bud Fisher House, Tunnel Road	
		Vess House, Moody Town	
		Power Line, Seagle Street	
		Lowes Hardware	
		Intersection, Slaughter Pen	
		Marvin Sartin House, West Marion	
ZONE 3 . . . . .	\$2.35	ZONE 4 . . . . .	\$2.95
Three Point Service Station		Intersection 221 South and I-40	
Pyatt Heights Road		Intersection 226 South and I-40	
Uptons Store on Hwy. # 10		Williams Store on 70 East	
Intersection 221 South & Chapel Hill Road		Al's Place	
Yancey Camp		Airport	
Frank Goforth House		Fish Hatchery	
Laughridge House, Airport Road		Hilltop Grill 221 North	
Trinks House, Ashworth Road		Lake Tahoma Steak House	
Catawba Grocery		Old River Bridge	
Catawba River Bridge 70 West		West House on Nix Creek Road	
Filter Plant		Lee Cheek House on Glenwood and West Marion Road	
Intersection Nix Creek Road and West Marion		Rev. Parker's House, Jacktown	
RR Crossing, Moody Town		Forks of Road, Pleasant Hill Church	
Smile Station, Sugar Hill Road		Roland Chapel Church Road on Hwy. #10	
ZONE 5 . . . . .	\$3.55	ZONE 5 Continued . . . . .	\$3.55
Elliott House on Rutherford Road		Providence Church	
Avery Jimison House		Top - Stacy Hill	
Hall House on Prison Camp Road		Burnette's Store, Yancey Road	
Nebo Road			
RR Crossing at Hankins		Return Trips . . . . .	\$.60
Jim Gray House, #10 East		Fares Beyond Zone #5 . . . . .	.60 per mile
Tom's Creek Road on U. S. 221 North		All Stops . . . . .	\$.25
J. C. Rabb House		Waiting Time Per Hour . . . . .	\$6.00
Ridgeway Church		All Extra Pick-Ups . . . . .	\$.50
Davis Motor Company 70 West		An Extra Charge Will Be Made For Transporting Ice or Coal	
Gills Dairy #10		Extra Charge Made For Taking Taxi Off Route	
Ballew House, Nix Creek Road		Extra Charge May Be Made For Loading or Unloading	



# TAXI RATES IN MARION \_ EFFECTIVE MARCH 15, 1980

## OUT OF TOWN TRIPS

### NORTH

ALTAMONT . . . . .	\$ 16.80
ALTAPASS . . . . .	13.20
ASHFORD . . . . .	11.65
BAKERSVILLE . . . . .	19.20
BANDANA . . . . .	24.00
BURNSVILLE . . . . .	24.00
BUSICK . . . . .	13.20
CELO . . . . .	18.00
CRABTREE . . . . .	15.00
CROSSHORE . . . . .	18.00
GILLESPIE GAP . . . . .	9.60
HAMRICK . . . . .	14.40
BANNER ELK . . . . .	25.00
INGALLS . . . . .	18.00
LEDGER . . . . .	17.00
LINVILLE CITY . . . . .	23.40
LINVILLE FALLS . . . . .	16.80
LITTLE SWITZERLAND . . . . .	13.20
MICAVILLE . . . . .	21.60
NEWDALE . . . . .	18.00
NEWLAND . . . . .	21.60
NORTH COVE SCHOOL . . . . .	9.00
PENLAND . . . . .	20.40
PINEOLA . . . . .	21.60
PLUMTREE . . . . .	25.20
SPRUCE PINE . . . . .	13.20
WOODLAWN . . . . .	6.60
BOONE . . . . .	33.60

### WEST

ASHEVILLE . . . . .	\$ 24.00
ASHEVILLE AIRPORT . . . . .	30.00
BLACK MOUNTAIN . . . . .	12.20
CANTON . . . . .	33.60
ENKA . . . . .	29.40
HENDERSONVILLE . . . . .	33.60
JOHNSON HOLLOW . . . . .	5.40
MOORE GENERAL . . . . .	16.80
MACKEY'S STORE . . . . .	5.90
OLD FORT . . . . .	8.40
OTEN . . . . .	22.45
RIDGECREST . . . . .	12.60
SWANNANOA . . . . .	17.65
WAYNESVILLE . . . . .	39.60

### SOUTH

CHESNEE . . . . .	\$ 27.60
DYSARTSVILLE SCHOOL . . . . .	7.80
FOREST CITY . . . . .	21.60
FRANKLIN STORE . . . . .	7.20
GILKEY . . . . .	13.20
GLENWOOD INT. . . . .	4.20
POLLY SPOUT . . . . .	8.40
RUTHERFORDTON . . . . .	16.80
SHIELBY . . . . .	27.60
SPARTANBURG . . . . .	36.00
SPINDALE . . . . .	19.80
THERMAL CITY . . . . .	9.00
UNION MILLS . . . . .	10.80
WHITE HOUSE . . . . .	9.60
TRYON . . . . .	28.80
CHIMNEY ROCK . . . . .	26.40
BAT CAVE . . . . .	26.40

### EAST

BOTTOM DROP . . . . .	\$ 8.40
CHARLOTTE . . . . .	54.00
COUNTY LINE . . . . .	7.20
EDNA GARRISON PLACE . . . . .	4.80
GLEN ALPINE . . . . .	10.80
GRANITE FALLS . . . . .	26.40
HICKORY . . . . .	26.40
LENOIR . . . . .	24.00
LINCOLNTON . . . . .	37.20
MORGANTON . . . . .	13.20
NEWTON . . . . .	31.80
SOUTH MT. INSTITUTE . . . . .	9.00
STATESVILLE . . . . .	42.00
VALDESE . . . . .	20.40



MARCH 15, 1980

**TAXI RATES IN MARION - EFFECTIVE APRIL 1, 1979**  
**OUT OF TOWN TRIPS**

NORTH		NORTH		SOUTH		EAST		WEST	
ALTAMONT	16.80 14.00	INGALLS	18.00 15.00	CHESNEE	27.60 23.00	BOTTOM DROP	8.40 7.00	ASHEVILLE	24.00 20.00
ALTAPASS	13.20 11.00	LEDGER	17.00 14.50	DYSARTSVILLE	27.80 6.50	CHARLOTTE	54.00 45.00	ASHEVILLE AIR	30.00 25.00
ASHFORD	11.65 9.75	LINVILLE CITY	23.40 19.50	FOREST CITY	21.60 18.00	COUNTY LINE	7.20 6.00	BLACK MOUNT	12.20 11.00
BAKERSVILLE	19.20 16.00	LINVILLE FALL	16.80 14.00	FRANKLIN STORE	7.20 5.75	EDNA GARRISON	4.80 3.75	CANTON	33.60 28.00
BANDANA	24.00 20.00	LITTLE SWITZE	13.20 11.00	OILKEY	13.20 11.00	GLEN ALPINE	10.80 9.00	ENKA	29.40 24.50
BURNSVILLE	24.80 20.00	MICAVILLE	21.60 18.00	GLENWOOD INT	4.20 3.50	GRANITE FALLS	26.40 22.00	HENDERSONVIL	33.60 28.00
BUSICK	13.20 11.00	NEWDALE	18.00 15.00	POLLY SPOUT	8.40 7.00	HICKORY	26.40 22.00	JOHNSON HOLL	5.40 4.25
CELO	18.00 12.50	NEWLAND	21.60 18.00	RUTHERFORDT	16.80 14.00	LENOIR	24.00 20.00	MOORE GENER	16.80 14.00
CRABTREE	15.00 12.50	NO. COVE SCHO	4.00 7.50	SHELBY	27.60 23.00	LINCOLNTON	37.20 31.00	MACKEYS STORE	5.90 4.45
CROSSNORE	18.00 15.00	PENLAND	20.40 17.00	SPARTANBURG	36.00 30.00	MORGANTON	13.20 11.00	OLD FORT	9.40 7.00
GILLESPIE GAP	9.60 8.00	PINEOLA	21.60 18.00	SPINDALE	19.80 16.50	NEWTON	31.80 26.25	OTTEEN	22.45 18.75
HAMRICK	14.40 12.00	PLUMTREE	25.20 21.00	THERMAL CITY	9.00 7.25	SOUTH MT. INST	9.00 7.25	RIDGECREST	12.60 10.50
BANNER ELK	25.00 21.00	SPRUCE PINE	13.20 11.00	UNION MILLS	10.80 9.00	STATESVILLE	42.00 35.00	SWANNANOVA	17.65 14.75
		WOODLAWN	6.60 5.50	WHITE HOUSE	9.60 8.00	VALDESE	20.40 17.00	WAYNESVILLE	39.60 33.00
		BOONE	33.60 28.00	TRYON	28.80 24.00				
				CHIMNEY ROCK	26.40 22.00				
				BAT CAVE	26.40 22.00				



*MARCH 15, 1980*  
**TAXI RATES IN MARION EFFECTIVE APRIL 1, 1979**

THE RATES FOR THE ZONES LISTED EXCEPT ZONE #1 BELOW START ON 350 YTD. THE FOLLOWING INTERSECTION: FORT ST. & S. GARDEN ST., FORT ST. & LOGAN ST., LOGAN ST. & W. CARPSON ST., S. MAIN ST., STATE ST. & S. GARDEN ST.				
<b>ZONE 1</b> <del>175</del> <b>1.50</b>	<b>ZONE 2</b> <del>175</del> <b>1.50</b>	<b>ZONE 3</b> <del>235</del> <b>2.00</b>	<b>ZONE 4</b> <del>295</del> <b>2.50</b>	<b>ZONE 5</b> <del>355</del> <b>3.00</b>
INTERSECTION MOREHEAD ST. & RUTHERFORD ROAD.	V 221 MARION ST.	THREE POINT SERV. STA.	INTERSECTION 221 S. & I-46	ELLIOTT HOUSE ON RUTHERFORD RD.
INTERSECTION ANN ST. & STATE STREET	V C. C. & O. Depot	PYATT HEIGHTS RD.	INTERSECTION 226 S. & I-46	AVERY JIMISON HOUSE
INTERSECTION OAK & GILKEY ST.	ELsie PYATT HOUSE, YANCEY RD.	UPTONS STORE ON HWY. #19	WILLIAMS STORE ON 79 EAST	HALL HOUSE ON PRISON CAMP RD.
INTERSECTION YANCEY RD. & AIRPORT RD.	V INTERSECTION 221 & 79 WEST	INTERSECTION 221 S. & CHAPEL HILL RD.	AL'S PLACE	NEBO ROAD
RAY SIMMONS SERVICE STA.	V HILL TOP HOUSE, AIRPORT RD.	YANCEY CAMP	AIRPORT	R. R. CROSSING AT HANKINS
PERRY NOVELTY SHOP	LUTHER ELLIOTT HOUSE, NIX CREEK RD.	FRANK GOFORTH HOUSE	FISH HATCHERY	JIM GRAY HOUSE, #19 E.
INTERSECTION PINACLE & RESERVOIR RD.	V FLOWERS STORE, W. MARION	LAUGHRIDGE HOUSE, AIRPORT RD.	HILL TOP GRILL 221 NORTH	TOMS CREEK RD. ON U. S. 221 NORTH
LAIL STREET	BRITTS HOUSE, W. MARION	TRINKS HOUSE, ASHWORTH RD.	LAKE TAHOMA STEAK HOUSE	J. C. RABB HOUSE
INTERSECTION E. COURT & BALDWIN AVE.	V SCHOOL ST, RIDGE RD.	CATAWBA GOCERY	OLD RIVER BRIDGE	RIDGEWAY CHURCH
ALAMBAMA AVE.	BUD FISHER HOUSE, TUNNEL RD.	CATAWBA RIVER BRIDGE 79 WEST	WEST HOUSE ON NIX CREEK RD.	DAVIS MOTOR COMPANY 79 W.
	V POWER LINE, SEAGLE ST.	FILTER PLANT	LEE CREEK HOUSE ON GLENWOOD & WEST MARION ROAD	GILLS DAIRY #19
	V LOWES HARDWARE	INTERSECTION NIX CREEK RD. & W. MARION	REV. PARKERS HOUSE, JACKTOWN	BALLEW HOUSE NIX CREEK RD.
	V INTERSECTION, SLAUGHTER PEN	R. R. CROSSING, MOODY TOWN	FORKS OF ROAD PLEASANT HILL CHURCH	PROVIDENCE CHURCH
	MARVIN SARTIN HOUSE, W. MARION	SMILE STA., SUGAR HILL RD.	P. LAND CHAPEL CHURCH ROAD ON #19	TOP STACY HILL
				BURNETTES STORE, YANCEY RD.

RETURN TRIPS 50¢ - FARES BEYOND ZONE #5 = ~~60¢~~ PER MILE - ALL STOPS 25¢ - WAITING TIME \$6, PER HOUR - ALL EXTRA PICK-UPS 50¢ - AN EXTRA CHARGE WILL BE MADE FOR TRANSPORTING ICE OR COAL - EXTRA CHARGE MADE FOR TAKING TAXI OFF ROUTE - EXTRA CHARGE MAY BE MADE FOR LOADING OR UNLOADING



# TAXI RATES IN MARION EFFECTIVE ~~APRIL 1, 1979~~ MARCH 15, 1980

THE RATES FOR THE ZONES LISTED EXCEPT ZONE #1 BELOW START ON END AT THE FOLLOWING INTERSECTION: ~~100 FT. ST. & LOGAN ST., LOGAN ST. & W. JOHNSON ST., S. MAIN ST.,~~ 100 FT. ST. & S. GARDEN ST.

ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
175 1.50	175 1.50	235 2.00	295 2.50	355 3.00
INTERSECTION MOREHEAD ST. & RUTHERFORD ROAD. INTERSECTION ANN ST. & STATE STREET INTERSECTION OAK & GILKEY ST. INTERSECTION YANCEY RD. & AIRPORT RD. RAY SIMMONS SERVICE STA. PERRY NOVELTY SHOP INTERSECTION PINACLE & RESERVOIR RD. LAIL STREET INTERSECTION E. COURT & BALDWIN AVE. ALAMBAMA AVE.	V 221 MARION ST. V C. C. & O. Depot ELSE PYATT HOUSE, YANCEY RD. V INTERSECTION 221 & 79 WEST V HILL TOP HOUSE, AIRPORT RD. LUTHER ELLIOTT HOUSE, NIX CREEK RD. V FLOWERS STORE, W. MARION BRITTS HOUSE, W. MARION V SCHOOL ST, RIDGE RD. BUD FISHER HOUSE, TUNNEL RD. V POWER LINE, SEAGLE ST. V LOWES HARDWARE V INTERSECTION, SLAUGHTER PEN MARVIN SARTIN HOUSE, W. MARION	THREE POINT SERV. STA. PYATT HEIGHTS RD. UPTONS STORE ON HWY. #19 INTERSECTION 221 S. & CHAPEL HILL RD. YANCEY CAMP FRANK GOFORTH HOUSE LAUGHBRIDGE HOUSE, AIRPORT RD. TRINKS HOUSE, ASHWORTH RD. CATAWBA GOCERY CATAWBA RIVER BRIDGE 79 WEST FILTER PLANT INTERSECTION NIX CREEK RD. & W. MARION R. R. CROSSING, MOODY TOWN SMILE STA, SUGAR HILL RD.	INTERSECTION 221 S. & I-46 INTERSECTION 226 S. & I-46 WILLIAMS STORE ON 79 EAST AL'S PLACE AIRPORT FISH HATCHERY HILL TOP GRILL 221 NORTH LAKE TAHOMA STEAK HOUSE OLD RIVER BRIDGE WEST HOUSE ON NIX CREEK RD. LEE CREEK HOUSE ON GLENWOOD & WEST MARION ROAD REV. PARKERS HOUSE, JACKTOWN FORKS OF ROAD PLEASANT HILL CHURCH P-LAND CHAPEL CHUCH ROAD ON #19	ELLIOTT HOUSE ON RUTHERFORD RD. AVERY JIMISON HOUSE HALL HOUSE ON PRISON CAMP RD. NEBO ROAD R. R. CROSSING AT HANKINS JIM GRAY HOUSE, #19 E. TOMS CREEK RD. ON U. S. 221 NORTH J. C. RABB HOUSE RIDGEWAY CHURCH DAVIS MOTOR COMPANY 79 W. GILLS DAIRY #19 BALLEW HOUSE NIX CREEK RD. PROVIDENCE CHURCH TOP STACY HILL BURNETTES STORE, YANCEY RD.

RETURN TRIPS 50¢ - FARES BEYOND ZONE #5 = 60¢ PER MILE - ALL STOPS 25¢ - WAITING TIME '6, PER HOUR - ALL EXTRA PICK-UPS 50¢ - AN EXTRA CHARGE WILL BE MADE FOR TRANSPORTING ICE OR COAL - EXTRA CHARGE MADE FOR TAKING TAXI OFF ROUTE - EXTRA CHARGE MAY BE MADE FOR LOADING OR UNLOADING



Upon a motion by Councilman Clark, seconded by Councilman Cross, the City Council unanimously voted to accept the offer made by Tar Heel Ford Truck Sales, Inc.

Taxi Rates - Requested Increase: Several representatives of local taxi firms appeared before the City Council to request a rate increase. The Council was advised that due to the increased costs in gasoline, tires, oil and insurance, it was necessary to increase the rates charged for taxi service.

Upon a motion by Councilman Wilkerson, seconded by Councilman James, the City Council unanimously voted to approve the following rate increases as requested with an effective date of March 15, 1980:

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 rates established March 20, 1979, be increased as follows:


Zone 1 From \$1.50 to \$1.75  
Zone 2 From \$1.50 to \$1.75  
Zone 3 From \$2.00 to \$2.35  
Zone 4 From \$2.50 to \$2.95  
Zone 5 from \$3.00 to \$3.55

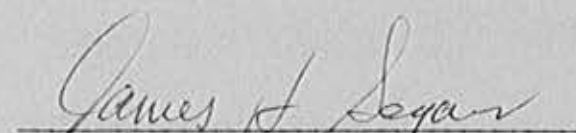
A current schedule reflecting delineation of zones, rates for the City of Marion and rates for out of town trips is on file in the safe in the Clerk's Office under Document Number 424.

Section 2. This amendment to the above-named ordinance shall be in full force and effect on and after the 15th day of March, 1980.

ADOPTED this the 4th day of March, 1980.

ATTEST:

  
J. Earl Daniels, City Clerk

  
James H. Segars, Mayor

Planning Board - Appointment of Two Members: Upon a motion by Councilman Wilkerson, seconded by Councilman James, the City Council unanimously voted to appoint Stirlin Bower to fill the unexpired term of Bruce Shepherd and Harold Buchanan to fill the unexpired term of Nancy Hunter, as members of the Marion Planning Board.

Mr. Bower's term in office will expire December 31, 1982, and Mr. Buchanan's term in office will expire December 31, 1980.

Resolution Authorizing the Sale of Surplus Equipment: Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to approve the following resolution:

RESOLUTION AUTHORIZING THE SALE OF TWO SIX-INCH BRASS WATER METERS THROUGH PRIVATE NEGOTIATION AND SALE

WHEREAS, the City of Marion owns two (2) six-inch brass water meters; and

WHEREAS, the Marion City Council hereby declares said water meters to be surplus property.

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

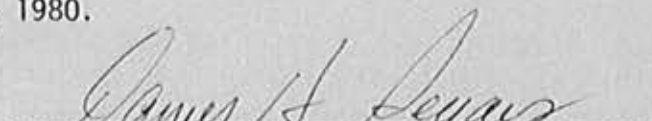
That City Manager J. Earl Daniels is hereby authorized and directed to sell said water meters at private negotiation and sale after 2:00 P.M., Thursday, March 21, 1980.

That a copy of this Resolution be published in The McDowell News, Friday, March 7, 1980.

ADOPTED this the 4th day of March, 1980.

ATTEST:

  
J. Earl Daniels, City Manager

  
James H. Segars, Mayor



Councilman Cross stated that employees of the City of Marion involved in snow removal should be complimented for doing a good job.

The City Manager stated that he would pass this information on to the Public Work Department.

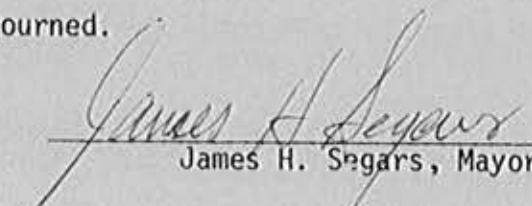
The City Manager reported that he had met with representatives of Moore, Gardner and Associates, Inc. to work out details on training services to be provided by said firm to wastewater plant operators of the City of Marion.

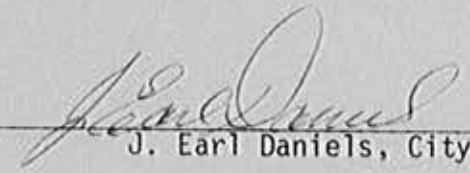
The City Manager also read a letter dated February 22, 1980, to O'Brien & Gere, Inc./Engineers listing twenty-one (21) problems with the new Corpening Creek Wastewater Treatment Plant.

The City Manager reported that the City of Marion has purchased 3,115 gallons of fuel oil to heat the community building from August 14, 1979 to February 19, 1980, at a cost of \$2,582.70. He also stated that the City of Marion has spent, from July 1, 1979, through February 26, 1980, \$1,564.85 for electricity for the community building. The total utility cost to date being \$4,147.55 with revenues received from July 1, 1979 through February 26, 1980 being \$2,610.00. The City Manager stated that the thermostat is set at 65 degrees. He also reported that from July 1, 1979 to February 26, 1980, the City of Marion has purchased 3,537 gallons of fuel oil for heating the City Hall at a cost of \$3,154.29. He stated that during this same period the electricity cost for the City Hall was \$2,408.38.

The City Manager also informed the City Council that parking spaces for the handicapped are being established on several parking lots in the City and that only one on-street parking space has been designated as parking for the handicapped. The space is located on South Garden Street close to the entrance of the County Administration Building.

There being no further business, the meeting was adjourned.

  
James H. Segars, Mayor

ATTEST:   
J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

March 25, 1980

The Marion City Council met in regular session Tuesday, Mary 25, 1980, at 7:30 P.M. in the Firemen's Meeting Hall at City Hall.

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

Absent: Councilman Oliver R. Cross.

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

Guests: S. P. Tate, F. D. Conley, Inez Smith, Gene Smith, Sybil Harris, Fred R. Harris, Horace W. Davis, L. M. Shell, J. B. Walker, Jr., Jack Walker, Alvin Ray Berryhill, Norman Dean Bradley, Clinton Lytle, Tillar Lytle, Kyle C. Boone, Brady H. Brooks, R. Larry Greene and Mrs. Jack James.

Mayor Pro Tem A. Everette Clark welcomed all persons attending the City Council Meeting and stated that Mayor James H. Segars would be late for the meeting.

Approval of the March 4, 1980 Minutes: Upon a motion by Councilman James, seconded by Councilman Wilkerson, those members of Council present unanimously voted to approve the minutes of the City Council Meeting held March 4, 1980.

Annexation - Tate, Baldwin, East Court Street Area - Public Hearing: The City Manager read the Notice of Public Hearing on Questions of Annexation as advertised in The McDowell News Friday, February 29, 1980, March 7th, 14th and 21st, 1980.

Richard Hicks, Planning Director/Zoning Administrator, presented the Annexation Report for the Tate, Baldwin, East Court Street Area. A copy of said Annexation Report is on file in the safe at City Hall.

Ten persons were present at the meeting regarding the proposed annexation. Four of these persons were in favor of the annexation and six were opposed to the annexation.

Following a questions and answers period the City Manager informed those persons attending the meeting that the City Council would decide within sixty (60) days whether or not to annex the area.



Elizabeth Drive - Public Hearing - Proposed Closing: Attorney Bob Hunter, Brady Brooks and Mrs. Jack James appeared before the City Council regarding the proposed closing of Elizabeth Drive and that portion of unopened street known as Elizabeth Drive Extension.

Attorney Bob Hunter informed the City Council that Council would need to take some formal action on permanently closing Elizabeth Drive and Elizabeth Drive Extension so that documentation of the street closing could be furnished to HUD in order for HUD to provide funding for the Blue Ridge Terrace Project.

A short discussion followed.

No one appeared at the meeting to oppose the proposed closing of Elizabeth Drive and Elizabeth Drive Extension.

Upon a motion by Councilman Brown, seconded by Councilman James, those members of Council present unanimously voted to adopt the following ordinance entitled "An Ordinance Permanently Closing Elizabeth Drive and Elizabeth Drive Extension":

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

SECTION I. THAT, WHEREAS the City Council of Marion, North Carolina, at its regular meeting held February 5, 1980, adopted a resolution declaring its intent to permanently close Elizabeth Drive and Elizabeth Drive Extension, more particularly described herein, and calling for a public hearing on said question; and

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

WHEREAS, a public hearing was duly held at the City Council Meeting March 25, 1980, at which hearing no individual appeared to express opposition to the closing of the streets hereinafter described, and

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

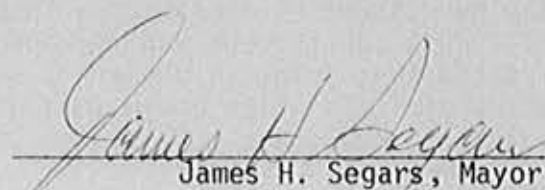
SECTION II. IT IS, THEREFORE, ORDERED that Elizabeth Drive and that portion of unopened street known as Elizabeth Drive Extension, described as follows:

BEGINNING on the South side of West Court Street and running South to Carson Street; also that unopened portion known as Elizabeth Drive Extension which runs South from Elizabeth Drive to Murray Street;

BE, AND ARE HEREBY, permanently closed. Said closing to become effective upon the date of commencement of construction of the Blue Ridge Terrace Project. If said construction does not commence within one year from March 25, 1980, then, in that event, this ordinance closing said streets shall become null and void. Said closings are also contingent upon the City of Marion retaining the permanent right and easement to maintain, repair and replace all water and/or sewer service lines belonging to the City of Marion which are now or may be located upon or under, or which pass through or over, said streets.

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

ADOPTED this the 25th day of March, 1980.

  
James H. Segars, Mayor

ATTEST:   
J. Earl Daniels, City Clerk

Subdivision Ordinance - Proposed: The City Manager read a list of changes to the proposed Subdivision Ordinance. He recommended that the City Council adopt the proposed Subdivision Ordinance as amended.

Mayor Segars suggested that the City Council table any action on the ordinance to allow for more time for study.

Subdivision - Yancey Road: Mr. Red Walker and Mr. Jack Walker appeared before the City Council to ask if Council would allow them to develop their proposed subdivision with a street with a cul-de-sac instead of a through street.

The City Manager stated that Councilman Clark, Councilman Wilkerson and Councilman James walked over the property during the afternoon prior to the City Council Meeting. Councilman Clark stated



that he favored a through street from Robert Street up Richard Drive to the curve in Richard Drive and from the curve straight through to Yancey Road. Councilman Clark stated that it was evident that a road did at one time exist in that area.

The City Council was advised that a lot had been sold which would prevent the street from running straight through from Robert Street to Yancey Road as suggested by Councilman Clark.

A long discussion followed.

Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council unanimously voted to allow the subdivision to be developed with a street from Yancey Road which would deadend with a cul-de-sac.

Mayor Segars informed the developers that they would have to present a preliminary subdivision plan for approval by the City Council. The City Manager stated that he would provide the developers with a copy of the proposed subdivision regulations which outline proper procedures to be followed.

Crawford Street Lot: Larry Greene, R.L.S., appeared before the City Council to advise that he had surveyed the lot owned by the City of Marion on the south side of Crawford Street between Main Street and Morgan Street. A drawing of the subdivision was made available so that each Council Member could see the plot plan of the property.

The City Council was advised that there is a lappage of property and that First Federal Savings and Loan Association claimed a portion of the property which is also claimed by the City of Marion.

Mr. Greene stated that the north property line of First Federal goes to the center of the branch. He stated that the City's deed, on the east property line, goes down past the area claimed by First Federal, thereby creating an overlappage of claimed ownership.

After a short discussion Mayor Segars asked that the committee appointed at the March 4, 1980 meeting work with Mr. Dameron and the Council on Aging regarding consideration to allowing the Council on Aging to use the property.

Woodland Court Apartments: Architect Kyle C. Boone, Clinton Lytle and Tillar Lytle appeared before the City Council regarding the proposed Woodland Court Apartments.

The City Council was advised by the City Manager that they had previously approved a plan to allow construction of the Woodland Court Apartments with a street of 28 feet in width with concrete curbs on each side for a total paved width of 30 feet.

Kyle Boone informed the City Council that due to the topography of the land and the width of the existing right-of-way of the street, that a street 28 feet wide could not be constructed. He stated that there is a small branch on the north side of the proposed roadway and that in order to provide a one to one and one-half slope the amount of fill dirt necessary could not be kept on the existing right-of-way, but that the fill dirt would overflow on a private property. He also stated that the roadway is too narrow at the end of the property to provide for a second driveway into the apartment complex, as was previously approved by the City Council.

Upon a motion by Councilman Wilkerson, seconded by Councilman James, those members of Council present unanimously voted to allow a street with a width of 18 feet with concrete curbs on each side to be constructed, provided an area is left on the south side of the street which would allow for a five-foot wide sidewalk to be constructed at a later date, further provided that an agreement could not be reached with the property owner owning property on the north side of the street which would allow development of the area in accordance with the plans originally approved.

Dog Ordinance: The City Manager informed the City Council that the City had received 646 cards in response to the questionnaire regarding a leash law. Four hundred and sixty-four residents were in favor of a full leash law and one hundred and eighty-two were opposed to a full leash law. The City Manager stated that prior to preparing an ordinance the City Council would need to give consideration to a number of items which would include using the County-owned dog pound or construction of a City pound, license fees, etc. He stated that he would provide Council members with information prior to the next meeting.

Recreation Commission - Appointment of One Member: Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to reappoint Charles Burgin as a member of the Old Fort-Marion-McDowell County Recreation Commission for a term of three years, said term to begin in March, 1980.

Ordinance - Parking Lots: The City Manager presented an ordinance entitled "An Ordinance to Establish and Control Off-Street Parking Lots and Facilities in the City of Marion, North Carolina". He informed the City Council that this ordinance would include all existing parking lots now under City control.

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

AN ORDINANCE TO ESTABLISH AND CONTROL OFF-STREET PARKING LOTS AND  
FACILITIES IN THE CITY OF MARION, NORTH CAROLINA

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



Section 1: In order to facilitate the parking of motor vehicles in the City of Marion, the following areas are hereby designated as off-street parking lots in the City of Marion, where motor vehicles may be parked subject to the provisions of this ordinance, and any amendments thereto:

(1) BEGINNING at a point on the southeastern end of the Marion City Hall building, said point being located 176 feet in an easterly direction from the center of Logan Street; thence from said point north 128 feet, parallel to the back wall of the Marion City Hall building; thence east 95 feet; thence south 128 feet to a point; thence west 95 feet to the point of beginning.

(2) BEGINNING at a point on the south side of Railroad Street; said point being located 188 feet west of the center of Main Street; thence west 102 feet; running parallel with Railroad Street, to a point; thence south 95 feet; thence east 122 feet; running parallel with Railroad Street; thence north 99 feet to the point of beginning.

(3) BEGINNING at a point on the south side of West Henderson Street; said point being located 271 feet west of the center of Main Street; thence west 118 feet, running parallel with West Henderson Street to a point; thence south 126 feet; thence east 118 feet; thence north 126 feet to the point of beginning.

(4) BEGINNING at a point on the east side of Logan Street; said point being located 129 feet north of the southern end of Logan Street and running along the center line of said street; thence east 45 feet from said center line to a point; thence east 85 feet; thence southeast 76 feet; thence east 45 feet to a point; thence south 41 feet; thence west 132 feet to a point; thence north 65 feet to the point of beginning.

(5) BEGINNING at a point on the west side of Garden Street; said point being 315 feet south of the southwest corner of the intersection of East Court Street and Garden Street; thence west 92 feet; said point of origin being 120 feet west of the center of South Garden Street; thence northwest 105 feet to a point; thence west 10 feet; thence northwest 40 feet; thence west 74 feet; thence south 203 feet to a point; from said point east 120 feet; thence southeast 18 feet to a point; from said point east a distance of 54 feet; thence north 33 feet; thence west 54 feet to a point; thence from said point north 20 feet to the point of beginning.

(6) BEGINNING at a point on the east side of South Main Street; said point being located 105 feet south of the southeast corner of the intersection of South Main Street and State Street; thence south 30 feet; thence east 152 feet; thence north 30 feet to a point; thence from said point west 154 feet to the beginning.

(7) BEGINNING at a point located 123 feet south of the southwest corner of the intersection of North Main Street and Fort Street; thence south 120 feet, running parallel with Main Street, to a point; thence from said point west 63 feet; thence north 120 feet, running parallel with Main Street; thence east 63 feet to the beginning.

(8) BEGINNING at a point located 280 feet south of the southwest corner of the intersection of North Main Street and Fort Street; thence 130 feet west of the western margin of North Main Street (Point A); thence South 57 feet, running parallel with Main Street, to a point; thence west 70 feet, running parallel with Brown Drive; thence north 57 feet; thence east 70 feet to Point A.

(9) BEGINNING at a point on the east side of South Main Street; said point being located 135 feet south of the southeast corner of the intersection of South Main Street and State Street; thence south 30 feet; thence east 152 feet; thence north 30 feet to a point; thence from said point west 154 feet to the beginning.

(10) BEGINNING at a point on the south side of Railroad Street; said point being 362 feet west of the center of Main Street; thence west 110 feet, running parallel with Railroad Street, to a point; thence from said point south 114 feet; thence, running parallel with Railroad Street, east 110 feet, thence north 114 feet to the point of beginning.

(11) BEGINNING at a point on the south side of West Henderson Street, said point being located 389 feet west of the center of Main Street; thence west 87 feet, running parallel with West Henderson Street, to a point; thence south 126 feet; thence east 87 feet, running parallel with West Henderson Street, to a point; thence north 126 feet to the beginning.

(12) BEGINNING at a point on the south side of Railroad Street; said point being located 290 feet west of the center of Main Street; thence south 96 feet to Point A; thence east 123 feet; thence southwest 105 feet; thence west 78 feet, running parallel with Railroad Street; thence north 123 feet to Point A.

Section 2: The parking lots described in paragraphs numbered 1, 2, 3, 4, 5, 6, and 7, of Section 1, are hereby designated as two-hour parking lots. It shall be unlawful for any person to park any motor vehicle and leave same parked in any of the above-described two-hour parking lots for a continuous period of time in excess of two (2) hours.

Section 3: The parking lots described in paragraphs numbered 8, 9, 10, 11 and 12, of Section 1, are hereby designated as all-day parking lots. It shall be unlawful for any person to park any motor vehicle and leave same parked in any of the above-described all-day parking lots for a continuous period in excess of twelve (12) hours.



Section 4: From time to time one or more parking spaces in the lots above-designated as "Two-Hour Parking Lots" may be reserved and/or designated for the use of one particular person, corporation, etc.

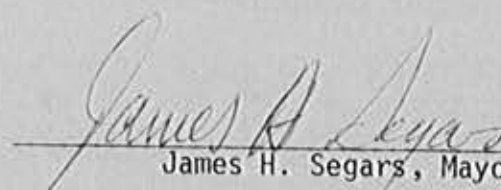
Section 5: Certain parking spaces may be designated for use by handicapped persons only. It shall be unlawful for any person to park a motor vehicle, which does not have displayed in the appropriate location on said motor vehicle, a decal, sticker, tag, etc. issued by the State of North Carolina, signifying that one or more persons in the motor vehicle are handicapped, in any parking space designated as "Handicapped Parking".

Section 6: Any person violating the provisions of this ordinance shall be punished by a fine of \$1.00 for each violation, and every successive period beyond the original time limit shall constitute a separate offense.

Section 7: All ordinances, or parts thereof, in conflict with this ordinance are hereby repealed.

Section 8: This ordinance shall be in full force and effect the date of its adoption by the Marion City Council.

ADOPTED this the 25th day of March, 1980.

  
James H. Segars, Mayor

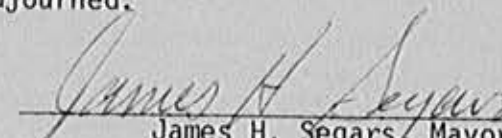
ATTEST:

  
J. Earl Daniels, City Clerk

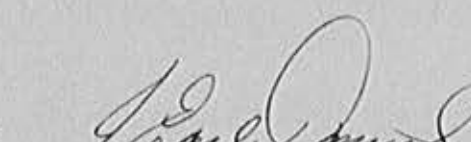
Street Flusher - Proposed Sale to Old Fort: The City Manager informed the City Council that Mayor Lytle had indicated an interest in the City's old street flusher. He stated that the City would not have to bid the equipment off if the equipment could be sold to another municipality.

Upon a motion by Councilman Clark, seconded by Councilman James, those members of Council present unanimously voted to allow the City Manager and Public Works Director to determine the sale price for the street flusher and to sell the street flusher to the Town of Old Fort and to allow them to pay for the flusher in this fiscal year or during the 1980-1981 fiscal year, under such terms and conditions as could be worked out between the City of Marion and the Town of Old Fort.

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 8, 1980

The Marion City Council met in regular session Tuesday, April 8, 1980 at 7:30 P.M. in the City Council Chamber at City Hall.

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

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

Mayor Pro Tem Everette Clark advised the members of City Council present that Mayor Segars would arrive late for the meeting.

Approval of the March 25, 1980 Minutes: Upon a motion by Councilman James, seconded by Councilman Cross, those members of Council present unanimously voted to approve the minutes of the March 25, 1980 meeting.

Annexation - Tate-Baldwin-East Court Street Area-Ordinance: The City Manager presented an ordinance to annex the Tate-Baldwin-East Court Street Area. During the discussion regarding the annexation Mayor Segars arrived at the meeting (8:08 P.M.)



Councilman Wilkerson made a motion that the ordinance be adopted as presented. This motion was seconded by Councilman Cross. A long discussion followed.

Councilman James stated that Norman Bradley had called him to complain about the area being annexed by the City. He stated that he questioned whether or not the City should annex the area.

Councilman Larry Brown stated that it would appear to some that this area had been singled out for annexation and it was his opinion that there are other areas adjacent to the City which should be considered for annexation as well. He stated that a complete study of annexation should be made and maybe the area in question should be included in a larger annexation.

The City Manager stated that an annexation report for the Highland Drive area had been prepared for Council's review. He also stated that a rough draft had been made of an annexation report on the Clinchfield Area.

After a long discussion, Mayor Segars asked Councilman Wilkerson if he wished to withdraw his motion. Councilman Cross stated that he would withdraw his second to that motion.

The City Manager stated that the City Council could adopt the ordinance to annex the area at any time within 60 days of the public hearing.

Balanced Growth Act - Resolution: The City Manager presented a resolution regarding the Balanced Growth Act.

Councilman James passed a note to the Mayor after which he left the meeting at 8:38 P.M. Mayor Segars advised the City Council that Councilman James' wife was ill and that he had to leave the meeting.

Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, those members of Council present unanimously voted to adopt the following resolution on the Balanced Growth Act:

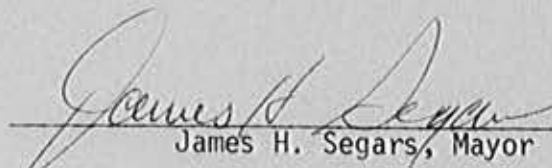
WHEREAS, The Balanced Growth Act was ratified by the General Assembly, and

WHEREAS, The Interim Balanced Growth Board has been designated to receive applications for Growth Center designations; and

WHEREAS, An Area Center is being applied for, in cooperation with McDowell County, containing enumeration districts with a population of over two hundred (200) persons per square mile.

NOW, THEREFORE, By action of the Marion City Council, we do hereby resolve to indicate a positive attitude toward growth and a willingness to pursue orderly development in cooperation with the above-named county in preparing an application for designation of the Marion Area Center.

ADOPTED this the 8th day of April, 1980.

  
James H. Segars, Mayor

ATTEST:   
J. Earl Daniels, City Manager

Subdivision Regulations: The City Manager recommended adoption of the new subdivision regulations. Mayor Segars informed the City Council that he had studied the subdivision regulations since the last meeting.

After a short discussion and upon a motion by Councilman Cross, seconded by Councilman Clark, those members of Council present unanimously voted to adopt the subdivision regulations. A copy of the subdivision regulations, as adopted, is on file in the safe in the City Clerk's Office.

Dog Ordinance - Discussion: The City Manager presented a copy of a proposed dog ordinance to each Council Member. The City Council reviewed the ordinance with the City Manager.

Following a discussion regarding setting fees for animals to be kept in the McDowell County Dog Pound, it was decided that the City should work with the County to insure that amounts stated in the ordinance would be agreeable with the County or that the City should adopt an ordinance which would cover picking up animals in the City Limits and let the County adopt an ordinance or establish a policy governing actions once the animals had been turned over to the McDowell County Dog Pound.

Councilman Brown left the meeting at 10:00 P.M. He informed the City Manager that he was ill and would have to leave the meeting.

Travel Expense Policy: The City Manager informed the City Council that due to the increased costs for gasoline and other petroleum products, he would like to recommend that the City Council change the City's travel expense policy to provide for a flat rate of \$.20 per mile when City employees have to use their private vehicles while travelling on City business.



Upon a motion by Councilman Clark, seconded by Councilman Cross, those members of City Council present unanimously voted to increase the amount per mile to \$.20 as reimbursement when City employees drive their personal vehicles on City business.

Request for 701 Planning Funds: Upon a motion by Councilman Clark, seconded by Councilman Cross, the City Council unanimously voted to submit an application for 701 Planning Funds for the following programs:

1. Report to the Citizens	3. Technical Assistance
2. Annexation Assistance	4. Preparation of CDBG Application

Waste Treatment Plant - Accepting Waste From Septic Tanks: The City Manager informed the City Council that he had received a telephone call asking whether or not the City of Marion would allow waste from septic tanks to be dumped in the City's sewer system. A short discussion followed.

It was determined that no provisions had been made to accept waste from trucks hauling same to the waste treatment plant and that there was some question with regard to the affect of dumping waste from septic tanks into the City's waste treatment plant. It was decided that since no provisions had been made for accepting waste hauled to the plant by truck, because it is unknown the affect of certain waste discharged into the plant, no charges have been set up for such a service, and that allowing one person or firm to discharge waste daily into the plant might establish a precedence whereby the City would be required to accept waste from other persons or firms under similar conditions, that the City should no accept waste in this manner.

Private Parking Lots - City Flusher: The City Manager stated that he had received a request from the manager at Sky City regarding the possibility of the City allowing the City's street flusher to clean sand from private parking lots within the City Limits.


A short discussion followed, after which the City Manager was asked to investigate the matter to determine if the City could prove this service, under what conditions and at what charge.

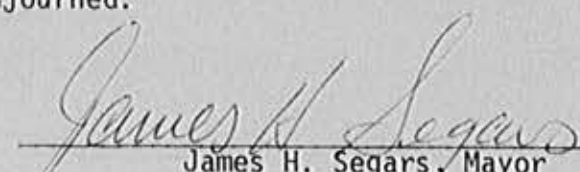
Reimbursement for Damages - Ms. Cynthia Davis: The City Manager informed the City Council that he had received a request from Ms. Cindy Davis that she be reimbursed for medical expenses which she had to pay following an accident which occurred in front of the Marion City Hall. The City Manager stated that he did not believe the City was at fault in that there was no ice or snow on the steps at the time of the accident and that the accident occurred in the daytime. He stated that Ms. Davis advised that she was going down the steps, stepped on a piece of broken or cracked cement, turned her ankle and fell. The City Manager stated that no one witnessed the accident. He informed the Council that he had been authorized by Council to pay damages up to \$50.00, but that the medical expenses in this instance totalled \$84.16.

Upon a motion by Councilman Wilkerson, seconded by Councilman Clark, those members of Council present unanimously voted to pay Ms. Davis the amount of \$84.16 to cover her medical expenses, acknowledging that this in no way would indicate that she was responsible for the accident and that Ms. Davis should sign a release to the effect that she would make no further claims against the City.

There being no further business, the meeting was adjourned.

ATTEST:

  
J. Earl Daniels, City Clerk

  
James H. Segars, Mayor

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

April 22, 1980

The Marion City Council met in regular session Tuesday, April 22, 1980, at 7:30 P.M. in the City Council Chamber at City Hall.

Board Members Present: Mayor Pro Tem A. Everette Clark; Councilman Oliver R. Cross, Horace R. Wilkerson, Robert E. James and Larry W. Brown.

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

Guests: S. P. Tate, F. D. Conley, Frank Dean and Rod Birdsong, Executive Director, The McDowell Chamber of Commerce.

Mayor Pro Tem Everette Clark advised those persons in attendance that Mayor Segars would not be present for the meeting.

Approval of the April 8, 1980 Minutes: Upon a motion by Councilman James, seconded by Councilman Wilkerson, those members of Council present unanimously voted to approve the minutes of the April 8, 1980 meeting.

Chamber of Commerce - Transportation Improvement Committee: Chamber of Commerce Executive Director



Rod Birdsong appeared before the City Council to present a letter from the Chamber of Commerce Transportation Improvement Committee regarding the North Carolina Department of Transportation's Transportation Improvement Program hearings.

The letter stipulated five proposed road projects which the Chamber of Commerce will present at the proposed hearing to be held by the Department of Transportation in Asheville. The five projects are as follows: (1) Sugar Hill Road, converting to five lanes from Sky City Shopping Center to Interstate Highway 40.

(2) Highway 226 North, converting to four lanes from intersection of Highways 226 and 221 to Mitchell County line.

(3) Highway 221 North, converting to four lanes from intersection of Highways 226 and 221 to Avery County line.

(4) Marion, installation of new curbing and guttering on East Court Street from Main Street to City Limits.

(5) Marion, installation of new curbing and guttering and raising sidewalk on Main Street.

A short discussion followed during which time Members of Council stated that there may be other road projects that the City would like to include in the proposed program. Following the discussion and upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to endorse the proposal as prepared by the Chamber of Commerce and to submit a letter to the Chamber of Commerce endorsing said proposals.

Heart Fund - Street Dance: Frank Dean appeared before the City Council to advise that a project was being planned for Saturday, May 24, 1980, which would include a street dance. He stated that no admission would be charged; however, donations would be accepted for the Heart Fund. He stated that he would like to receive permission from the City Council to block off that portion of Logan Street located between Henderson Street and West Court Street for the purpose of providing an area for the street dance. He advised Council that representatives of the Heart Fund would like to set up a tent to sale hamburgers, snacks and drinks during the dance. He stated that they would like to make this an annual affair. This year plans would be to have a square dance with blue grass music. He informed Council that the dance would start at approximately 6:30 P.M. and would be over about 10:30 to 11:00 P. M.

Upon a motion by Councilman Wilkerson, seconded by Councilman James, those members of Council present unanimously voted to authorize the blocking off of that portion of Logan Street located between Henderson and West Court Streets on May 24, 1980, for the dance and to authorize the other activities as requested by Mr. Dean. The City Manager was instructed to inform the Police Department and the Fire Department of the proposed activity.

Annexation - Tate-Baldwin-East Court Street Area - Ordinance: Mr. Tate and Mr. Conley were present to oppose the annexation of the Tate-Baldwin-East Court Street Area. Councilman Wilkerson stated that Mr. Bud Davis had talked with him about the proposed annexation and that he was in favor of the annexation. It was agreed that there were persons in favor of the annexation in the area and persons opposed.

Mr. Tate and Mr. Conley suggested that Council consider only annexing a small portion of the area, leaving their property out and annexing only those persons who want to be annexed. A long discussion followed.

Councilman Wilkerson made a motion that City Council adopt the ordinance to annex the area as submitted by the City Manager. This motion was seconded by Councilman Cross. The vote was as follows:

Ayes - Councilman Wilkerson

Noes - Councilman Brown

Councilman Cross

Councilman James

(SEE ANNEXATION ORDINANCE ON PAGES 486 and 487)

Mayor Pro Tem Clark stated that before he voted he would like to make several statements. He stated that since he has been a resident of Marion he has heard annexation discussed time and again. He informed the Council that in his opinion the City Manager and the Planning Director have done a good job in preparing the annexation study and the City has received a grant for this purpose. He stated that he hates for an area like the one under consideration to be brought in when there are those who feel the City should annex a larger area. He stated that there is an annexation plan which, if followed, consists of annexing small areas as the City is financially able to do so. He stated that when small areas are annexed it is not know if the total annexation plan will be followed by future City Councils. He stated that in his opinion the City would have to take it step by step. He stated therefore that he would vote with Councilman Wilkerson and Councilman Cross in favor of adoption of the ordinance to annex the area.

Dog Ordinance - Discussion: The City Manager presented a final draft of the proposed dog ordinance for Council Consideration. After a short discussion the City Manager was asked to present a copy of the ordinance to the Chief of Police for his review and recommendations and that Council would hold action on the ordinance until the next meeting.

Ordinance - Discount for Early Payment of Property Taxes: Upon a motion by Councilman Cross, seconded by Councilman James, those members of Council present unanimously voted to adopt the following ordinance:



## ORDINANCE PROVIDING FOR DISCOUNT FOR EARLY PAYMENT OF PROPERTY TAXES

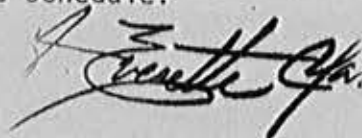
BE IT ORDAINED by the City Council of the City of Marion, North Carolina, as follows:

Section 1. That because of problems relative to issuing annual tax statements and delivering same to City taxpayers during the month of August of each year, the City of Marion will, after the date of adoption hereof, allow a one percent (1%) discount on prepayment of taxes paid during the month of September.

Section 2. That all ordinances and/or resolutions in conflict with this ordinance are hereby repealed.

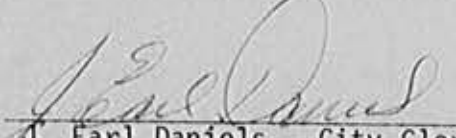
Section 3. That the City Manager is directed to submit this ordinance to the North Carolina Department of Revenue for approval of the tax prepayment schedule.

Adopted this the 22nd day of April, 1980.



A. Everette Clark, Mayor Pro Tem

ATTEST:

  
J. Earl Daniels, City Clerk

Tax Lien Sale: Upon a motion by Councilman James, seconded by Councilman Wilkerson, those members of Council present unanimously voted to authorize the tax lien sale to be held on June 9, 1980, as recommended by the City Tax Collector.

Advertisement for the sale of 1979 City Tax Liens would begin on May 12, 1980 and would run May 19th, 26th, and June 2, 1980.

Budget - Transfer of Funds to Capital Project Fund: The City Manager informed the City Council that insufficient funds were available in the Capital Project Fund to pay statements which had been received by the City. He informed the Council that in all probability the City would not receive any additional funds from the Environmental Protection Agency, the Appalachian Regional Council or the State until after the project for the wastewater treatment plant has been totally completed and inspected and audited. He stated that bills had been received and would need to be paid before additional funds would be received. He recommended that the City Council authorize the transfer of \$40,000.00 from the Water/Sewer Fund, account number 30-810-91, to the Capital Project Fund. He stated that once funds were received from the State and Federal Governments these funds could be replaced or transferred from the Capital Project Fund back to the Water Sewer Fund. He informed Council that he did not know if these funds would be received prior to the end of the current fiscal year.

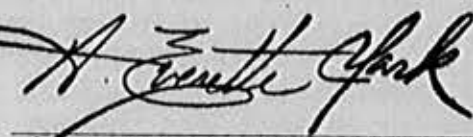
Upon a motion by Councilman Cross, seconded by Councilman James, those members of Council present unanimously voted to adopt the following ordinance:

BE IT ORDAINED BY THE CITY COUNCIL of the City of Marion as follows:

That City Manager J. Earl Daniels is hereby authorized to transfer the amount of \$40,000.00 from the Water and Sewer Fund, Account Number 30-810-91, to the City of Marion Capital Project Fund for the purpose of paying certain statements received by the City which are chargeable to the Capital Project Fund.


That upon receipt of monies from the Environmental Protection Agency, the Appalachian Regional Council and/or the State of North Carolina for the Capital Project Fund, the City Manager is authorized to transfer \$40,000.00 from the amounts received back to the Water and Sewer Fund to replace funds transferred for the purpose of paying accounts.

Adopted this the 22nd day of April, 1980



A. Everette Clark, Mayor Pro Tem

ATTEST:

  
J. Earl Daniels, City Clerk

Ellis Street - House Numbers: The City Manager presented a request from the Planning Director asking the City Council to establish a name for a portion of street which intersects with Ellis Street and to authorize the assignment of house numbers. The portion of street is located as follows:

Ellis Street travels north from West Court Street to a point and makes a left, heading in a westerly direction. At the point of the intersection of the turn is a street which travels in an easterly direction. This street deadends. It was recommended that the City Council designate this portion of street as Ellis Street Extension.

Upon a motion by Councilman James, seconded by Councilman Wilkerson, those members of Council present unanimously voted to accept the recommendations as presented and to formally name that portion of street as Ellis Street Extension.


Councilman Brown stated that he had received a letter from McDowell Arts and Crafts requesting that the City give consideration of an appropriation of \$1,500.00 for McDowell Arts and Crafts Association. He stated that some of the courses provided by McDowell Arts and Crafts were also provided by McDowell Technical College.

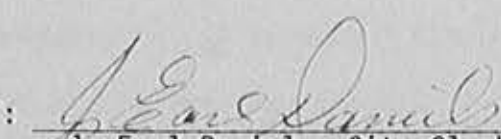


After a short discussion it was decided that consideration would be given to the request at the time the annual budget is being considered.

Upon a motion by Councilman Wilkerson, seconded by Councilman Brown, those members of Council present unanimously voted to go into executive session to discuss a legal matter.

There being no further business, the meeting was adjourned.

  
A. Everette Clark, Mayor Pro Tem

ATTEST:   
J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

May 6, 1980

The Marion City Council met in regular session Tuesday, May 6, 1980, at 7:30 P.M. in the City Council Chamber at City Hall.

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

Absent: Councilman Oliver R. Cross.

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

Guests: J. B. Walker, Jr., Jack Walker, Bud Hogan and Robert McKinney.

Approval of the April 22, 1980 Minutes: Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to approve the minutes of the April 22, 1980 meeting.

Woodland Court Apartments: Mr. Bud Hogan appeared before the City Council to advise that in developing the Woodland Court Housing for the Elderly on Zeb Vance Street, west of Miller Street, it had been determined that the street is not wide enough to provide for development in accordance with plans approved by the City. Mr. Hogan stated that in order to provide a proper grade on the north side of the street where a drainage ditch exists, the street would have to be moved farther to the south, in the vicinity of the proposed apartments. He informed the City Council that he would be willing to give the City, or dedicate to the City, an additional ten feet of property on the south side of the street to provide a street eighteen feet wide. A long discussion followed.

Upon a motion by Councilman James, seconded by Councilman Brown, those members of Council present unanimously voted to accept the ten feet of property as proposed by Mr. Bud Hogan. Said ten feet of additional property to be located on the south side of Zeb Vance Street west of Miller Street, beginning at the eastern property line and continuing in a westerly direction to the intersection of Zeb Vance Street and that unopened street named "C" Street, contingent upon approval of the City of Marion Street Committee.

Zoning - West Court Baptist Church: The City Manager presented a request from the West Court Baptist Church that their property located at 419 West Court Street which is presently zoned R-2 General Residential, be rezoned to C-2 General Business. The property in question is located on the south side of West Court Street west of Snipes Street. No one appeared at the public hearing to object to the zoning request.

Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to rezone from R-2 Residential to C-2 Commercial that property owned by West Court Baptist Church located on the south side of West Court Street west of Snipes Street.

Dog Ordinance - Proposed: The City Council discussed the proposed dog ordinance. Upon a motion by Councilman James, seconded by Councilman Wilkerson, those members of Council present unanimously voted to adopt the following ordinance. The ordinance was adopted with an effective date of August 1, 1980, and tags for dogs will go on sale August 1, 1980. No penalty will be charged until September 30, 1980. Tags purchased after September 30, 1980 will be charged penalties as stated in the ordinance.



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

Section 1. Definitions:

As used in this ordinance the following terms mean:

ANIMAL SHELTER: Any premises designated by action of the City for the purpose of impounding and caring for any animal found running at large in violation of this ordinance.

ANIMAL WARDEN (City): The person or persons employed by the City as its enforcement officer(s).

ANIMAL WARDEN (County): The person or persons employed by the County as its enforcement officer(s).

AT LARGE: Any dog shall be deemed to be at large when he is off the property of his owner and not under physical control of a competent person.

KENNEL: Any person, groups of persons, or corporations engaged in the commercial business of breeding, buying, selling or boarding five or more dogs.

OWNER: Any person, groups of persons, or corporation that owns, keeps or harbors a dog or dogs.

RESTRAINT: A dog is under restraint within the meaning of this ordinance if it is (a) controlled by a leash, (b) within a vehicle being driven or parked on the street and unable to bite persons outside the vehicle, or (c) within the property limits of its owner or keeper.

Section 2. Enforcement:

The provisions of this ordinance shall be enforced by the Warden of the City of Marion.

Section 3. Licensing:

(a) No person shall own, keep or harbor any dog over the age of six months within the City Limits unless it has been vaccinated for rabies and is licensed as herein provided. Written application for the license shall be made to the City Police Department and shall state the name, age, and sex of the dog. The license fee shall be paid when application is made. A numbered receipt shall be given to the applicant, and a numbered metallic tag shall be issued to the owner.

(b) The yearly license fee shall be \$2.00 for each male or spayed female dog, and \$2.00 for each female dog over the age of six months.

(c) Every kennel shall pay an annual license fee of \$24.00, except that any person who operates such a kennel may elect to license individual dogs as provided in subsection (b) of Section 3 of this ordinance.

(d) All dog licenses and kennel licenses shall be issued for one year beginning with the 1st day of July. Application for licenses may be made prior to and for 30 days after the start of the licensing year without penalty, but when application is made after 30 days of the licensing year have elapsed, the applicant shall be assessed a penalty of 50 percent of the license fee, which amount shall be added and collected with the regular license. If the dog or kennel did not become subject to licensing until after the start of the licensing year, no penalty shall be assessed. No license or tag shall be issued for any dog not vaccinated for rabies.

(e) If the metallic license tag issued for a dog is lost, the owner may obtain a duplicate tag for \$1.00.

(f) If the ownership of a dog or kennel changes during the licensing year, the new owner may have the current license transferred to his name for a transfer fee of \$1.00.

(g) No person shall use for one dog a license receipt or license tag issued for a different dog.

Section 4. Tag and Collar:

(a) When he has complied with the provisions of Section 3 of this ordinance, the owner shall be issued a numbered metallic tag stamped with the number and the year for which issued. The shape or design of this tag shall be changed from year to year.

(b) Every owner is required to see that the tag is securely fastened to his dog's chain, collar or harness, which the dog must wear at all times unless it is accompanied by its owner or is engaged in hunting or other sport in which a collar might endanger its safety.

Section 5. Restraint:

The owner shall keep his dog under restraint at all times and shall not permit the dog to be at large.

Section 6. Muzzles Required:

The owner of every fierce, dangerous, or vicious dog shall confine the dog within a building or secure enclosure and not take it out of the building or secure enclosure unless it is securely muzzled.



## Section 7. Impoundment:

(a) Unlicensed dogs, dogs found running at large, and dogs in violation of Section 6 shall be taken up by the Animal Warden and impounded in the shelter designated as the McDowell County Animal Shelter.

(b) As soon as he picks up a licensed dog or any other dog whose owner is known to the Animal Warden, the Animal Warden shall attempt to notify its owner, informing him that his dog has been impounded and how he may regain custody of the dog. The City will hold such dogs a period of two (2) hours from the time of pick-up at the City Warehouse before said dogs are turned over to the McDowell Animal Shelter. There will be no charge by the City to retrieve said animal the first time said animal is picked up. However, there will be a charge of \$5.00 imposed by the City the second time the same animal is picked up. Said charge will be increased in the amount of \$5.00 each time the same animal is picked up by the City.

## Section 8. Redemption of Impounded Animals:

(a) The owner may reclaim his impounded dog when he complies with regulations established by the McDowell County Commissioners and pays the necessary impoundment fees imposed by the County.

## Section 9. Barking Dogs:

(a) It shall be unlawful for any dog owner to keep or have within the City a dog that habitually or repeatedly barks in such a manner or to such extent that it is a public nuisance.

## Section 10. Investigation:

To discharge the duties imposed by this ordinance and to enforce its provisions the Animal Warden, any agent of the Animal Warden or any police officer may obtain an administrative search warrant to enter any premises where a dog is kept or harbored and may require the dog's owner to show its license.

## Section 11. Interference:

No person shall interfere with, hinder, or molest any agent of the Animal Control Authority in performing any of his duties or seek to release any animal from the custody of the Animal Warden or his agents, except as herein provided.

## Section 12. Records:

(a) The Police Department shall keep or cause to be kept accurate and detailed records of the licensing and impoundment of all animals that come into its custody.

(b) The Police Department shall keep or cause to be kept accurate and detailed records of all bite cases reported and investigation of the bites.

## Section 13. Penalty:

Any person who violates any provision of this ordinance shall be deemed guilty of a misdemeanor and punished by a fine not exceeding \$50.00. If the violation is continued, each day's violation shall be a separate offense.

## Section 14. Exemptions:

The licensing requirements of this ordinance shall not apply to any dog that belongs to a non-resident of the City and kept within the City for not longer than 30 days, if it is at all times kept within a building, enclosure, or vehicle or under restraint by the owner.

## Section 15. Repeals:

All previous ordinances relating to the keeping, licensing, and restraining of dogs are hereby repealed. All other ordinances in conflict herewith are repealed to the extent of such conflict, effective August 1, 1980.

## Section 16. Severability:

If any part of this ordinance is held void, it shall be deemed severable, and the invalidity thereof shall not affect the remaining parts of this ordinance.

Adopted this the 6th day of May, 1980.

ATTEST:

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

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

**Walker Subdivision - Problems:** The City Manager informed the City Council that several problems are being encountered with the Walker Subdivision located south of Yancey Street. He informed the Council that a house is under construction in the subdivision which has not been approved by the City of Marion and that no permit has been issued by the City for the construction of the house. He also informed the Council that Fire Chief Arthur Edwards, Public Works Director Alvin Callahan and he met with Mr. Jack Walker, Mr. Red Walker and Builder Robert McKinney on the site several weeks ago, and that at that time he advised the Walkers and Mr. McKinney that their (City officials) for being on the site was not to stop work on the property but to advise them that the City could



not issue a building permit for construction of a house on the property since the property does not front on a dedicated street accepted by the City for maintenance purposes. The City Manager stated that Mr. McKinney's employees were in the process of digging a foundation for a house and he asked Public Works Director Alvin Callahan if he would inspect the foundation to assure compliance with the State Building Code. He stated that the Public Works Director agreed to inspect the foundation.

The City Manager stated that work is continuing on the house even though a building permit has not been issued by the City, and that it appears that the developers are continuing with grading for streets in the subdivision although the subdivision has not been approved by the City.

He informed the City Council that Page 5 of the Subdivision Regulations, Section 6.2, states that "No subdivider shall grade, scrape or otherwise open or extend a street in a proposed subdivision or stake out or lay lots in such subdivision or in any other manner cause construction to begin before obtaining approval of the preliminary plans from the Marion City Council."

The City Manager stated that there is a good possibility that the house will be completed and ready for occupancy before the utility lines can be installed in the subdivision. He informed the Council that Mr. Jack Walker had mentioned, during the discussion on the site, that they could extend a temporary water line and sewer line to serve the house under construction.

The City Manager stated that he informed Mr. Walker that he, the City Manager, does not have the authority to approve any such temporary water and/or sewer lines and that said temporary lines would have to be approved by the City Council.

The City Manager stated that a building permit can be issued by the Building Inspector as soon as the City has accepted, for dedication, the proposed street in front of the property on which the house is being constructed.

A short discussion followed and it was agreed that a preliminary subdivision plat would be prepared as soon as possible and presented to the City so that the City could accept dedication of the proposed layout of the street and the Building Inspector could issue a building permit for the house under construction. The City Manager was advised by the developers that they will call him as soon as the necessary plat is completed. The City Manager stated that the preliminary plat should show, in addition to the proposed street location, the complete layout of the subdivision by metes and bounds of all the lots located in the subdivision including the proposed locations of the utility lines, drainage pipes and ditches.

New Street - West Marion: The City Manager informed the City Council that the City has received deeds from several property owners providing for a street twenty-feet wide, said street is located off Grayson Street in the West Marion Community. The City Manager presented a plat of the proposed street as surveyed by Larry Greene.

Upon a motion by Councilman Wilkerson, seconded by Councilman Brown, those members of Council present unanimously voted to accept the street for maintenance purposes and dedication and to name the new street Goodrum Drive.

City Softball Teams - Jerseys and Caps: The City Manager informed the City Council that the City has three softball teams; one representing the Marion Fire Department, one representing the Marion Public Works Department and one representing Marion City Hall, which includes Administration and Police Department. He stated that in his opinion the formation of these softball teams has done more for employee morale than anything the City has undertaken. The City Manager stated that he would like for the City Council to give consideration to purchasing jerseys and caps for players on the softball teams. He stated that costs to the City would run approximately eight to ten dollars per person.

Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to authorize the City Manager to purchase jerseys and caps for the three softball teams as per his recommendation.

Powell Bill Report: The City Manager stated that the City would need to employ an engineering firm to prepare the necessary Powell Bill Report for presentation to the State prior to July 21, 1980. He stated that in the past O'Brien & Gere, Inc./Engineers had done this work for the City. A short discussion followed.

The City Manager was instructed to contact O'Brien & Gere, Inc./Engineers requesting a bid for the work and to also contact Moore, Gardner and Associates, Inc. for a proposal from their firm for providing the Powell Bill Engineering Report.

Proposed No Parking Zone - High Street - West Marion Area: Upon a motion by Councilman James, seconded by Councilman Brown, 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:

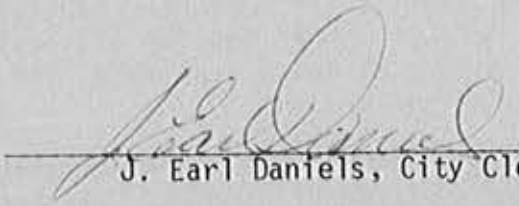
Section 1. When signs are erected giving notice thereof, no person shall park a vehicle on the south side of High Street beginning at the southwest corner of the intersection of High Street beginning at the southwest corner of the intersection of High Street and Sugar Hill Road, extending a distance of 500 feet in a westerly direction to the southwest corner of the intersection of High Street and Oak Avenue; nor on the north side of High Street beginning at the northwest corner of the intersection of High Street and Sugar Hill Road, extending a distance of 500 feet in a westerly direction to the northwest corner of the intersection of High Street and Oak Avenue.

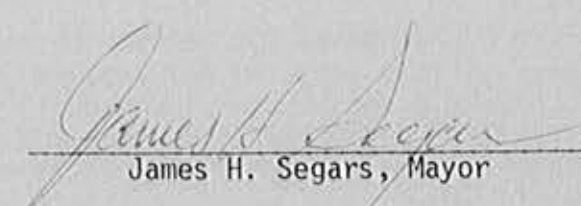


Section 2. Any person who shall violate or fail to comply with this Ordinance shall be deemed to guilty of an offense and shall be punished by a fine not to exceed fifty dollars (\$50.00) or by imprisonment not to exceed Thirty (30) days.

ADOPTED this the 6th day of May, 1980.

ATTEST:

  
J. Earl Daniels, City Clerk

  
James H. Segars, Mayor

Contract to Audit Accounts: The City Manager presented a contract from Crawley, Johnson, Price and Sprinkle to audit City accounts for 1979-1980, at a maximum cost of \$3,600.00.

Upon a motion by Councilman Wilkerson, seconded by Councilman Clark, those members of Council present unanimously voted to approve the contract with Crawley, Johnson, Price and Sprinkle to audit City accounts for 1979-1980.

Unfortified Wine - Malt Beverages: The City Manager informed the City Council that a letter has been received requesting a petition to call an election to determine whether unfortified wine and malt beverages may legally be sold within the municipal limits. He stated that the letter would be presented to the City Board of Elections.

Utility Committee Meeting: The City Manager informed the City Council that the Utility Committee had met prior to the City Council Meeting. He informed the Council that one item discussed was a request from Mr. C. W. Hicks to purchase sludge from the City's waste treatment plant. He stated that Mr. Hicks is a tree farmer and he would like to purchase the sludge from the City for use in his tree farming operation. The City Manager stated that after a short discussion the Utility Committee felt that the City should charge Mr. Hicks \$5.00 per truck load for sludge from the waste treatment plant. The City Manager asked if any Council Members had objections to selling the sludge to Mr. Hicks or objections to \$5.00 charged per truck load. No Council Member objected to sale of the sludge or the price set by the Utility Committee.

Parking Zone - Park Avenue - Turner Street Intersection: Councilman Clark informed the City Council that a dangerous situation exists at the intersection of Park Avenue and Turner Street. He stated that cars parked on Park Avenue near the intersection of Turner Street are creating a traffic hazard.

After a short discussion it was decided that the Street Committee would look into this matter and make a recommendation at the next Council Meeting.

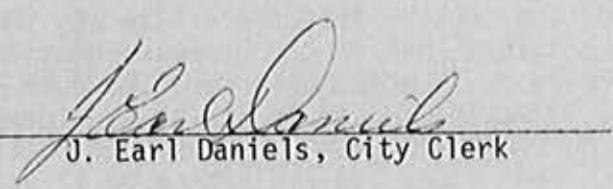
In addition, Councilman Clark stated that the bank at the intersection of Nancy Tolly and Robert Streets needs to be cut back to allow motorists leaving Nancy Tolly and entering Robert Street to see traffic moving on Robert Street. He stated that this is also a dangerous situation.

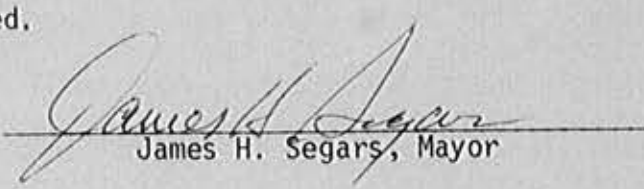
The City Manager advised that the City is in the process of contacting the property owners to determine if they will cut the bank back and that if they will not he will ask if the City will be permitted to cut the bank back using City equipment to provide for a proper view by motorists so as to eliminate the traffic hazard.

Utility Committee: Mayor Segars appointed Councilmen James and Wilkerson to serve on the Utility Committee.

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 20, 1980

The Marion City Council and the Citizens Advisory Committee held a public hearing Tuesday, May 20, 1980, at 7:30 P.M. at the Addies Chapel Church in West Marion.

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

Citizens Advisory Committee Members Present: Mrs. Tillie M. Twitty and Mr. Ted Ervin.

Others Present: J. Earl Daniels, City Manager; Richard N. Hicks, Planning Director/Zoning Administrator; and Ann Crisp, News Reporter, The McDowell News.

Guests: Orea F. Goode, P. O. Box 871; Connie L. Williams, 104 High Street; Charlie Boyd, Wilhemina Street; Lloyd Henry, West Henderson Street; Mrs. Melvin Rutherford, 210 Mitchell Street; Ruth and Beatrice Young, Yancey Street; Juliette M. Wilkerson, 211 Mitchell Street; Mrs. Collie Cash, High Street;



Maggie McKnight, 203 Pennsylvania Avenue; Betty Lynch, 104 High Street; Vonn Rosby, Mitchell Street; James Lynch, 109 High Street; Gene H. Beam, 128 Oak Street; Dollie Williams, 709 Wilhemina Street; and Cecil Swepson, West Henderson Street.

Richard Hicks opened the meeting by explaining to everyone that the purpose of the meeting was to receive citizen input on the proposed Housing Assistance Plan and to explain to the residents of the Community the process involved in preparing a final application for Community Development Funds through the Department of Housing and Urban Development. As this public hearing all activities included within the project would be explained; i.e., the amount of funds available, the steps to be followed and a proposed timetable for the completion of the project.

Mr. Hicks explained that the City of Marion had been invited to submit a final application in the amount of \$426,000 to complete Marion's proposed Community Development project. He stated that if additional funds do become available, the City may get the full \$500,000 sought in the preapplication. This money would be used for a rehabilitation program and a program to improve deficiencies in public facilities.

Richard Hicks explained that under the rehabilitation program, forty-two to forty-five houses would be rehabilitated according to HUD's Model Property Rehab Standards. Each unit would be inspected, a work list drawn up and sealed bids taken on rehabilitation of the unit. This rehabilitation work would be done through grants and all renter and owner occupied units would be treated the same. Mr. Hicks explained that in order to bring the units up to HUD's minimum standards, each unit must have sanitary facilities, such as a kitchen sink, lavatory, tub or shower and a water closet; hot and cold running water; a water heater capable of heating an adequate amount of water to 120° fahrenheit; heating facilities capable of heating rooms in the house to at least 60° at a point three feet above the floor; adequate garbage disposal and storage containers; cooking and heating equipment in safe and good working condition. He also explained that an inspection would be made of each unit to insure the safety of the foundation, exterior walls, roof, entrances and exits, stairs, protective railings and windows and doors.

Mr. Hicks also explained that under the rehabilitation program, eight residences would be purchased and torn down. The lots would be cleared and sold. Also, two persons would have to be relocated and relocation assistance would be provided. He explained that the total costs of the rehabilitation program would be \$346,000.

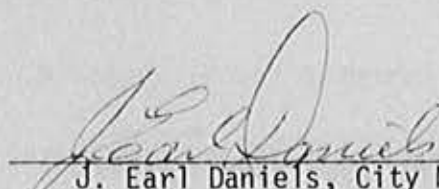
The other program explained by Mr. Hicks was improvements to public facilities. This would include the paving of all unpaved streets and the installation of 5,500 feet of six-inch water line and 3,600 feet of twelve-inch water line. He explained that the total cost of this program would be \$80,000.

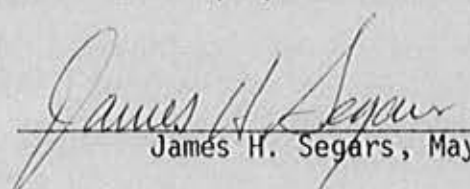
Mr. Hicks also explained that the City of Marion is preparing a housing assistance plan along with the application. This plan would show the housing needs for Marion and would set goals for meeting these needs. He explained that one of the purposes of this public hearing was to receive citizen input on the preparation of this plan.

In discussing this plan, Mr. Hicks stated the proposed plan would show the following housing conditions: 1,497 units of available housing with 898 being owner-occupied and 599 being renter-occupied; 1,181 of these are shown as standard with 732 being owner-occupied and 460 being renter-occupied; 316 of the total units were listed as being substandard with 177 being owner-occupied and 139 being renter-occupied; of the 316 substandard units, 173 were listed as being suitable for rehabilitation with 97 being owner-occupied and 76 being renter-occupied. Mr. Hicks also stated that the proposed plan showed the following housing assistance needs of lower-income households; for owners there was a total of 93 with 33 being elderly and/or handicapped; 35 small family, and 25 large family. There was a total of 12 minority owners with two being elderly and/or handicapped, four small family and six large family. There was a total of 104 renters, 29 elderly and/or handicapped, 51 small family and 24 large family. There was a total of the minority renters, five elderly and/or handicapped, four small family and one large family.

Mr. Hicks stated that probably the most important part of the Housing Assistance Plan was the goal for housing assistance to lower-income households. He explained that in the proposed housing assistance plan, the following goals were listed: assistance to 19 homeowners would be done with CDBG funds through rehabilitation; of the 19 homeowners, 10 would be elderly and/or handicapped, 8 would be small family and 1 large family. Assistance to renters would be in new construction of 30 small family units; rehabilitation of 26 units with CDBG funds and assistance to 12 units under Section 8 existing. In the goals of 26 rehabilitations, six would be elderly and/or handicapped, 16 would be small family and 4 would be large family. In the goals for 12 existing, 6 would be elderly and/or handicapped, 3 would be small family and 3 would be large family.

No one present wished to make any comments or suggestions on the Housing Assistance Plan. After answering several general questions about Community Development and the proposed activities, the meeting was adjourned.

ATTEST:  J. Earl Daniels, City Manager

  
James H. Segars, Mayor



STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

May 20, 1980

The Marion City Council met in regular session Tuesday, May 20, 1980, at 9:00 P.M. in the City Council Chamber at City Hall.

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

Absent: Councilman Oliver R. Cross and City Attorney E. P. Dameron.

Others Present: J. Earl Daniels, City Manager; Richard Hicks, Planning Director/Zoning Administrator; Alvin Callahan, Public Works Director; Ann Crisp, News Reporter, The McDowell News and Pat Jobe, News Reporter, The McDowell Express.

Guests: Ray Lane, Jack Walker, J. W. Moore, Kyle Boone, Bud Hogan, Clinton Lytle, Clyde Bobo, Glenn Miller and Mr. and Mrs. Earl Mann.

Approval of the May 6, 1980 Minutes: Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to approve the minutes of the May 6, 1980 meeting.

Citizen Complaints - Clyde Bobo: Mr. Clyde Bobo appeared before the City Council to make the following four complaints:

1. Water pressure is low in the community in which he lives.
2. City forces are not washing Fleming Avenue with the street flusher north of Montevista Avenue.
3. City forces are not removing snow on Fleming Avenue north of Montevista Avenue.
4. The City did not complete construction of a sidewalk on Fleming Avenue north of Montevista Avenue.

The City Manager informed Mr. Bobo that the City had constructed a new water tank to improve the water pressure in that area but that the tank was not presently in service because the noise from the pumps and motors which operate the system were disturbing people living near the reservoir. He stated that the City is in the process of installing some type of insulation in the building to try to hold the noise down so that the tank could be placed back in service. He stated that the City could solve the problems with regard to flushing the street and snow removal and that the street department would be advised to wash the street in that area and also to remove snow in that area.

A discussion followed concerning the completion of a sidewalk project. Mayor Segars directed the Street Committee to go out to the area and to make a report regarding installation of a sidewalk to serve the area.

Woodland Court Apartments - Discussion - Street Layout: The City Council again discussed the extension of Zeb Vance Street from Miller Street in a southwesterly direction to serve the proposed Woodland Court Apartments. The Street Committee had met on the site and could not agree with previous action taken by the Council.

Mr. Kyle Boone, Architect, presented proposed drawings of the area showing the layout of the proposed street. A long discussion followed.

Upon a motion by Councilman Clark, seconded by Councilman James, those members of Council present unanimously voted to authorize the developer to grade, gravel and pave that portion of Zeb Vance Street from Miller Avenue in a southwesterly direction just past the first driveway entrance into the Woodland Court Apartments a distance of approximately 200 feet. Said street to be paved 20 feet wide with concrete curbs is also to have the street, from the end of the paved section to the end of the property belonging to the developer, graded and grassed in accordance with City directions. All work is to be accomplished at the expense of the developer.

Walker Subdivision - Yancey Road: Mr. Jack Walker and Mr. J. W. Moore, Surveyor, appeared before the City Council concerning the Walker Subdivision located off Yancey Road. Councilman Wilkerson informed Mr. Walker that the Utility Committee had met just prior to the City Council Meeting to discuss the proposed subdivision. He informed Mr. Walker that the City does not want any deadend water lines in the subdivision since this creates problems for water users on the end of the deadend lines. Mr. Wilkerson also stated that questions had been raised concerning the drainage pipe in the subdivision and also the routing of the sewer utility lines. Mr. Walker stated that his purpose in presenting this subdivision plat was to get an approval on the location of the street in the subdivision so that a permit could be issued for the house under construction and that he would be happy to work with the City regarding the utility lines and other matters once this problem had been solved. Mr. Walker stated that the name of the subdivision is Smoke Rise.

The City Manager informed Mr. Walker that the Utility Committee had agreed that no connections would be made to the City water or sewer systems until after the subdivision had been approved and the permanent utility lines had been installed. He stated that this included the house under construction in the subdivision and that permits for new houses to be constructed in a subdivision would not be issued until after the problem regarding utilities had been resolved.



Upon a motion by Councilman James, seconded by Councilman Brown, those members of Council present unanimously voted to accept the street location as presented on the preliminary plot plan. It was stated that the City Council was only accepting the location of the street and that a formal acceptance of the street would be made at a later date after the street had been approved in accordance with the City's subdivision regulations.

No Parking Zone - Lail Street: The City Manager presented a petition to the City Council requesting that Council rescind a no parking zone located on Lail Street. The petition reads as follows:

"We, the undersigned, being tenants or property owners of property located on Lail Street within the Corporate Limits of the City of Marion, do hereby request by our signature appearing hereafter on this petition, that we be permitted to park our private automobiles and those of our friends and visitors on the East side of Lail Street in conformity with all City ordinances which stipulate and regulate parking procedures.

/s/Woody Killough  
/s/Selma Killough  
/s/Cecil Mosteller  
/s/Rosa Lee Deaton  
/s/Betty Woody  
/s/Arettie Woody  
/s/Carl D. Woody  
/s/Reba F. Woody  
/s/Rachel Allison  
/s/Roger Allison  
/s/Greg Allison  
/s/Cleo Woody  
/s/Earl Mann

/s/Beulah Mann  
/s/Linda Johnson  
/s/Sam Whitson  
/s/David Bartlett  
/s/Charles Woody  
/s/Cathy Woody  
/s/Cindy Deaton  
/s/Herman W. Brown  
/s/Emma Daves  
/s/Sammy Carson  
/s/Ronnie Deaton

Mr. Ray Lane addressed the Council regarding this matter. After a short discussion the Street Committee was directed to look at the area and to present a report at the next Council Meeting regarding their recommendations.


Powell Bill Map - Engineering: The City Manager presented two proposals for providing engineering services for the Powell Bill allocation. One proposal was presented from Moore, Gardner and Associates, Inc. in the amount of \$1,650.00 to provide the engineering services required. The City Manager informed the City Council that since Moore, Gardner had not done the engineering work for the City in the past that they would have to measure all the streets in the City to confirm that the streets in the map system are correct and that they would not be able to accept the certification by the engineering firm that had done the work in the past. He stated that this was the reason for the high cost.

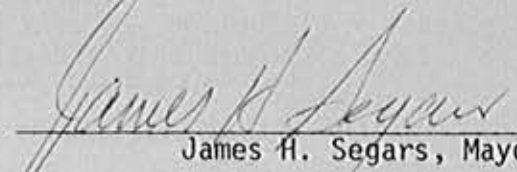
The other proposal submitted was from O'Brien & Gere, Inc. and was in the amount of \$225.00.

Upon a motion by Councilman Clark, seconded by Councilman James, those members of Council present unanimously voted to accept the proposal submitted by O'Brien & Gere, Inc./Engineering firm.

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

May 22, 1980

The Marion City Council met in special session May 22, 1980 at 7:30 P.M. in the City Council Chamber at City Hall.

Board Members Present: Mayor James H. Segars; Councilman Larry W. Brown, and Robert E. James. Councilman Horace Wilkerson arrived at 8:25 P.M. Councilman A. Everette Clark and Councilman Oliver R. Cross were absent.

Others Present: J. Earl Daniels, City Manager; Richard Hicks, Planning Director/Zoning Administrator; and Ann Crisp, Newspaper Reporter, The McDowell News.

Guests: Tom Kallam.

Public Hearing - Revenue Sharing Funds: The City Manager informed the City Council that the purpose of the meeting was to conduct a public hearing on the proposed uses of Revenue Sharing Funds. He read the notice which had been published in The McDowell News.

There was no one present at the meeting regarding the use of Revenue Sharing Funds.



Section 8 Housing - Single Family Units: Mr. Tom Kellam, representing Joanne Howell Realty appeared before the City Council to advise that some interest had been shown by a firm concerning the construction of approximately 30 units of small family apartments in the City of Marion. He stated that apartments would be privately owned and that in order to construct the apartments the property would need to be located inside the municipal limits.

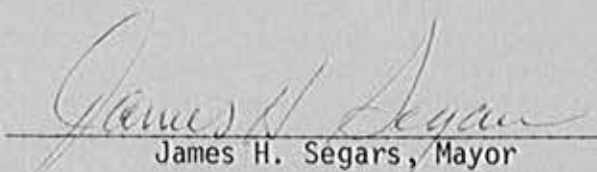
(Note: Councilman Wilkerson arrived at the City Council Meeting at this point.)

Mr. Tom Kallam informed the City Council that approximately 4.13 acres of property located just outside the City Limits in the vicinity of California Avenue and Wilhelminia Street was being considered as a site for construction of the apartment units. He informed the Council that the property owner had stated that he would petition for annexation of the 4.13 acres if Council would give consideration to annexing the area so that the apartments could be constructed. He informed the Council that the value of the apartments would be from \$600,000 to \$700,000. He stated that water and sewer are immediately available to the property.

Mr. Kallam was advised that the Council would not take any formal action on his request and he informed the Council that he needed an indication from the Council as to whether or not they would consider annexing the property if requested to do so and if they would provide water and sewer services to the property.

Those Council Members present indicated that they would support annexing the property and providing utilities.

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 3, 1980

The Marion City Council met in regular session Tuesday, June 3, 1980 at 7:30 P.M. in the City Council Chamber at City Hall.

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

Board Member Absent: Councilman Horace R. Wilkerson.

Others Present: J. Earl Daniels, City Manager; Alvin Callahan, Public Works Director; Richard Hicks, Planning Director/Zoning administrator; E. P. Dameron, City Attorney; Glenda Melton, Secretary to the City Manager; Eric Miller, News Reporter, The McDowell News; and Pat Jobe, News Reporter, The McDowell Express.

Guests: John W. Ervin, Jr. and Pierce Bradley, Jr.

Approval of Minutes: Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to adopt the minutes of the Public Hearing held May 20, 1980 at Addies Chapel.

Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to approve the minutes of the May 20, 1980 City Council Meeting.

Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to approve the minutes of the May 22, 1980 City Council Meeting.

Lail Street - Revocation of No Parking Zone: City Manager Earl Daniels advised the Council that a petition signed by the property owners and/or residents of Lail Street had been received requesting that the recently adopted ordinance establishing a no parking zone on the street be rescinded.

The City Manager advised that the Street Committee had reviewed the situation and agree with the recommendation of the Police Chief that the no parking zone should remain in effect.

The City Manager also advised that the street is only 23 feet wide and that State Law prohibits anyone from parking within 25 feet of an intersection. He also stated that there is a parking lot owned by the operators of a business on the opposite side of the street and space for parking approximately six automobiles at the end of the street.

After a discussion the City Manager was instructed to contact Mr. Woody Killough regarding the possibility of residents of the street being permitted to park vehicles



on his vacant property located at the end of the street where Lail Street joins Holly Hill Drive. He was also instructed to contact Mr. Ray Lane and suggest that he may wish to explore the possibility of placing fill dirt on his property to enable him to lengthen his driveway so that more than one automobile can be parked there.

Highway 70 West - Sewer Problem: The City Manager introduced Mr. John Ervin and Mr. Pierce Bradley to those in attendance and advised that he, Mr. Dameron and Mr. Callahan, had met with Mr. Ervin the preceeding week to discuss the problems of the property owners on Highway 70 West in dealing with waste water.

Mr. Ervin stated that the property owners on Highway 70 West were experiencing a unique sewer problem. He stated that he was aware that the City had made efforts to annex the area in the past but were unsuccessful. He stated that he had met with Mr. Louis Eckley of the Environmental Protection Agency in Atlanta regarding the matter and had been advised if the City and County could reach an agreement the City could possibly defer termination of their grant and possibly obtain additional funds to be used in the installation of sewer lines along Highway 70 West, or that the City could consider requesting an amendment to the original grant to provide for the installation of the sewer lines.

Mr. Ervin stated that the major purpose of his appearing before Council was to request that they agree to meet with the County Commissioners to discuss possible solutions to the problems of the property owners on Highway 70 West with regard to wastewater.

After a short discussion, during which Councilman Clark stated that he was in favor of meeting with the County Commissioners in this regard but was against obligating City taxpayers dollars for anything outside the City Limits, Mr. Ervin was advised that the City Council would be willing to meet with the County Commissioners to discuss the problem and to attempt to work out a solution.

Park Avenue - No Parking Zone: Upon a motion by Councilman Brown, seconded by Councilman Cross, those members of Council present unanimously voted to adopt the following ordinance:

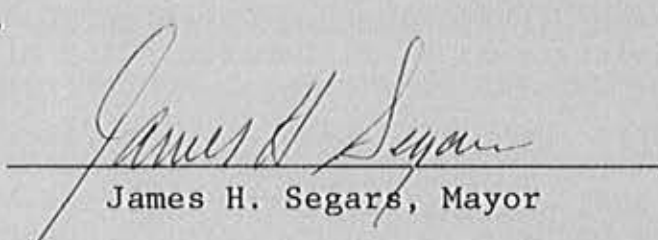
AN ORDINANCE TO ESTABLISH A NO PARKING  
ZONE ON PARK AVENUE

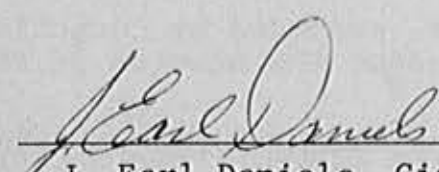
BE IT ORDAINED by the City Council of the City of Marion, North Carolina, as follows:

Section 1. When signs are erected giving notice thereof, no person shall park a vehicle at any time on the Southeast side of Park Avenue from the North-east side of the intersection of Park Avenue and Turner Street in a Southwesterly direction for a distance of sixty (60) 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 3rd day of June, 1980.

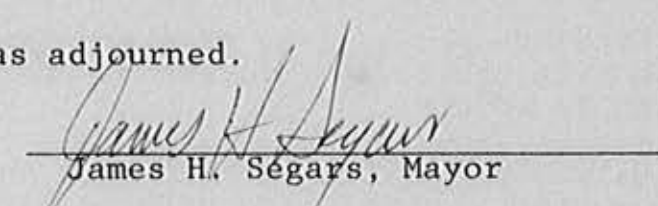
  
James H. Segars, Mayor

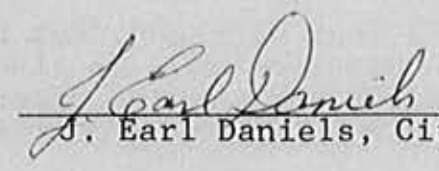
ATTEST:   
J. Earl Daniels, City Clerk

Fleming Avenue - Sidewalk Construction: Upon a motion by Councilman Clark, seconded by Councilman James, those members of Council present unanimously voted to add the construction of a sidewalk on Fleming Avenue to the list of projects to be completed. No decision was made as to which side of the street the sidewalk would be constructed upon.

Budget Discusstion - 1980-1981 Proposed Budget: The City Manager presented the proposed budget for fiscal year 1980-1981 for Council consideration. The Council reviewed the proposed General Fund Budget.

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 17, 1980

The Marion City Council met in regular session Tuesday, June 17, 1980, at 7:30 P.M. in the City Council Chamber at City Hall.

Board Members Present: Mayor James H. Segars; Councilman Everette Clark, Oiver R. Cross, Robert E. James and Horace R. Wilkerson.

Board Member Absent: Councilman Larry W. Brown.

Others Present: J. Earl Daniels, City Manager; Richard Hicks, Planning Director/Zoning Administrator; E. P. Dameron, City Attorney; Glenda Melton, Secretary to the City Manager; Ann Crisp, News Reporter, The McDowell News; and Pat Jobe, News Reporter, The McDowell Express.

Guests: W. David Blanton, Dan M. Moore and Steve Little. Mr. Robin Hood arrived at the meeting at approximately 8:45 P.M.

Approval of 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 3, 1980 meeting.

Community Development Block Grant Funds: Richard Hicks, Planning Director/Zoning Administrator, explained that the City of Marion has been invited to submit a final application in the amount of \$426,000 to complete Marion's proposed Community Development project. He stated that if additional funds do become available, the City may get the full \$500,000 sought in the preapplication. This money would be used for a rehabilitation program and a program to improve deficiencies in public facilities.

He explained that under the rehabilitation program, forty-two to forty-five houses would be rehabilitated according to HUD's Model Property Rehab Standards. Each unit would be inspected, a work list drawn up and sealed bids taken on rehabilitation of the units. This rehabilitation work would be done through grants and all renter and owner occupied units would be treated the same. Mr. Hicks explained that in order to bring the units up to HUD's minimum standards, each unit must have sanitary facilities, such as a kitchen sink, lavatory, tub or shower and a water closet; hot and cold running water; a water heater capable of heating an adequate amount of water to 120 degrees fahrenheit; heating facilities capable of heating rooms in the house to at least 60 degrees at a point three feet above the floor; adequate garbage disposal and storage containers; cooking and heating equipment in safe and good working condition. He also explained that an inspection would be made of each unit to assure the safety of the foundation, exterior walls, roof, entrances and exits, stairs, protective railings and windows and doors.

Mr. Hicks also explained that under the rehabilitation program, eight residences would be purchased and torn down. The lots would be cleared and sold. Also, two persons would have to be relocated and relocation assistance would be provided. He explained that the total costs of the rehabilitation program would be \$346,000.

The other program explained by Mr. Hicks was improvements to public facilities. This would include the paving of all unpaved streets and the installation of 5,500 feet of six-inch water line and 3,600 feet of twelve-inch water line. He explained that the total cost of this program would be \$80,000.

Mr. Hicks also explained that the City of Marion is preparing a housing assistance plan along with the application. This plan would show the housing needs for Marion and would set goals for meeting these needs. He explained that one of the purposes of the public hearing held May 20, 1980, was to receive citizen input on the preparation of the plan.

In discussing the plan Mr. Hicks stated that the proposed plan would show the following housing conditions: 1,497 units of available housing with 898 being owner-occupied and 599 being renter-occupied; 1,181 of these are shown as standard with 732 being owner-occupied and 460 being renter-occupied; 316 of the total units were listed as being substandard with 177 being owner-occupied and 139 being renter-occupied; of the 316 substandard units, 173 were listed as being suitable for rehabilitation with 97 being owner-occupied and 76 being renter-occupied. Mr. Hicks also stated that the proposed plan showed the following housing assistance needs of lower-income households; for owners there was a total of 93 with 33 being elderly and/or handicapped; 35 small family and 25 large family. There was a total of 12 minority owners with two being elderly and/or handicapped, four small family and six large family. There was a total of 104 renters, 29 elderly and/or handicapped, 51 small family and 24 large family. There was a total of ten minority renters, five elderly and/or handicapped, four small and one large family.

Mr. Hicks stated that probably the most important part of the Housing Assistance Plan was the goal for housing assistance to lower-income households. He explained that in the proposed housing assistance plan the following goals were listed: assistance to 19 homeowners would be done with Community Development Block Grant Funds through rehabilitation. Of the nineteen homeowners, 10 would be elderly and/or handicapped, 8 would be small family and 1 large family. Assistance to renters would be in new construction of 30 small family units; rehabilitation of 26 units with Community Development Block Grant Funds and assistance of 12 units under Section 8 Existing. In the goals of 26 rehabilitations, six would be elderly and/or handicapped, 16 would be small family and 4 would be large family. In



the goals for 12 existing, 6 would be elderly and/or handicapped, 3 would be small family and 3 would be large family.

Upon a motion by Councilman Cross, seconded by Councilman James, those members of Council present unanimously voted to adopt the following resolution: (See Resolution on Page 458)

East Court Street - Tate Street and Baldwin Avenue - Proposed Zoning: City Manager Earl Daniels advised that the area had been annexed with an effective date of June 30, 1980 and should be zoned at the time the annexation becomes effective.

Planning Director and Zoning Administrator Richard Hicks advised Council that the Planning Board recommends that the area be zoned as follows:

**R-2 General Residential:**

BEGINNING at a point located at the Northwest corner of the intersection of East Court Street (U.S. Highway 70) and Fourth Street; thence N 60° 16' 30" W 6.25' to a nail in the edge of the pavement; thence N 60° 16' 30" W 28.98' to a nail in the edge of the pavement; thence N 71° 00' 30" W 65.86' to a nail in the edge of the pavement; thence N 73° 45' 30" W 133.72' to a nail in the edge of the pavement; thence N 67° 11' 30" W 11.82' to a railroad spike on the edge of Fourth Street; thence S 51° 18' 00" W 283.61' to a concrete monument; thence S 38° 45' 00" E 13.87' to an existing iron pin; thence N 50° 52' 00" E 26.51' to a point; thence S 36° 38' 00" W 3.99' to a point; thence S 08° 54' 00" W 186.8' to the northern edge of East Court Street; thence N 58° 44' 00" E 527.76' to the point of beginning

BEGINNING at a point located at the Southwest corner of the intersection of State Street and Baldwin Avenue; thence N 20° 58' 00" W 162.88' to a nail in the edge of Baldwin Avenue; thence N 10° 05' 30" W 80.20' to a nail in the edge of Baldwin Avenue; thence N 00° 17' 30" E 141.99' to the center of the Southern Railroad; thence along Southern Railroad a distance of 360' in a westerly direction to the present City Limits line; thence S 08° 54' 00" 305' to a punch in lead in concrete; thence S 34° 21' 00" E 68.00' to a point; thence N 52° 39' 00" E 12.00' to a stake; thence S 39° 21' 00" E 45.00' to an existing iron pin; thence N 52° 39' 00" E 164.00' to an existing iron pin; thence S. 24° 21' 00" E 135.96' along Tate Street to a point; thence N 52° 55' 00" E 276.57' to the point of beginning.

**M-1 Industrial:**

BEGINNING at a point on the South side of East Court Street; said point being located 320' west of the southwest corner of the intersection of Baldwin Avenue and East Court Street; thence a distance of approximately 49.6' in a southwesterly direction to a point; thence a distance of approximately 65' in a southerly direction to a point; thence a distance of approximately 245' in a southeasterly direction to the center of Southern Railroad; thence along Southern Railroad a distance of approximately 134.8' in a southwesterly direction to the present City Limit line; thence along the present City Limit line a distance of approximately 337.2' in a northerly direction to the southern edge of East Court Street; thence along the southern edge of East Court Street a distance of approximately 31' in a northeasterly direction to the point of beginning.

**C-2 General Business:**

BEGINNING at a point located at the Southwest corner of the intersection of Baldwin Avenue and East Court Street (U.S. Highway 70); thence along Baldwin Avenue a distance of approximately 401' to the center of Southern Railroad in a southeasterly direction; thence along the center of Southern Railroad a distance of approximately 260' in a westerly direction to a point; thence a distance of approximately 145' in a northwesterly direction to a point; thence a distance of approximately 65' in a northeasterly direction to a point; thence a distance of 55' in a northwesterly direction to the south side of East Court Street; thence along the Southern edge of East Court Street a distance of approximately 235' in a northeasterly direction to the point of beginning.

Upon a motion by Councilman Clark, seconded by Councilman Wilkerson, those members of the City Council present unanimously voted to accept the recommendations of the Marion Planning Board with exceptions as follows:

Mr. Frank Conley's property, Lot 14C-2-1 will be deleted from the C-2 General Business District and included in the R-2 General Residential District. The amended property descriptions will read as follows:

**R-2 General Residential (Second Paragraph of the Description as Recommended by the Planning Board Amended Only)**

BEGINNING at a point located at the Southwest corner of the intersection of State Street and Baldwin Avenue; thence N 20° 58' 00" W 162.88' to a nail in the edge of Baldwin Avenue; thence N. 10° 05' 30" W 80.20' to a nail in the edge of Baldwin Avenue; thence N 00° 17' 30" E 256.90' to a nail in the edge of Baldwin Avenue; thence N 15° 58' 00" W 170' to a point; thence a distance of approximately 190' in a Southwesterly direction; thence a distance of approximately 52' in a northwesterly direction to a point; thence a distance of approximately 95' in a southwesterly direction to a point; thence a distance of 245' in a southeasterly direction to the center of the Southern Railroad; thence along Southern Railroad a distance of approximately 110' in a southwesterly direction to the present City Limit line; thence S 08° 54' 00" W, approximately 306.2' to a punch in lead in concrete; thence S 34° 21' 00" E 68.00' to a point; thence N 52° 39' 00" E 12.00' to a stake; thence S 39° 21' 00" E 45.00' to an existing iron pin; thence N 52° 39' 00" E 164.00' to an existing iron pin; thence S 24° 21' 00" E 135.96' along Tate Street to a point; thence N 52° 55' 00" E 276.57' to the point of beginning.



## C-2 General Business:

BEGINNING at a point located at the Southwest corner of the intersection of Baldwin Avenue and East Court Street ( U.S. Highway 70); thence along Baldwin Avenue a distance of approximately 131' in a southeasterly direction to a point; thence a distance of approximately 190' in a southwesterly direction to a point; thence a distance of approximately 52' in a northwesterly direction to a point; thence a distance of approximately 30' in a southwesterly direction to a point; thence a distance of 49.6' in a northwesterly direction to the southern edge of East Court Street; thence along the southern edge of East Court Street a distance of approximately 235' in a northeasterly direction to the point of beginning.

Public Hearing - 1980-1981 Budget: City Manager Earl Daniels asked if there was anyone present to ask questions or submit comments regarding the 1980-81 proposed budget. There was no one present regarding the budget.

Citizen's Complaint - C. D. Blanton: Mr. Blanton advised the City Council that he had received a letter from Mr. Richard Hicks advising that the City had received complaints regarding the weeds, snakes, insects, etc. on his vacant property located on Spring Street. He stated that he was opposed to the City's policy regarding not revealing the name of the person(s) making the complaint(s) to the property owner(s). He also stated that to his knowledge there were no snakes on the property, and if there were they were non-poisonous. He stated that there was nothing unsanitary, unwholesome or unsightly about the property. He advised that he had the property bulldozed several years ago and that residents had complained about mud washing onto their properties and about their homes being hotter in the Summer because growth providing shade had been cut. He advised that the next time someone makes him an offer for the property and has the correct amount of money he is going to sell the property no matter what the new owner wants to use it for. He stated he had been harassed to the breaking point. He stated that he approved of the ordinance but that he did not feel his property was in violation of it.

City Manager Earl Daniels advised that the letter Mr. Blanton received was a form letter and that Mr. Hicks was acting upon instructions from him. He stated that all letters of this nature are sent Certified-Return Receipt Requested upon advise of the legal counsel and that it is City Policy not to reveal the name of the person making the complaint. He advised that as a public servant he is required by law to enforce ordinances adopted by the Council and that he had received calls from members of Council who had received calls regarding the property.

Mr. Daniels presented a proposed amendment to the Ordinance entitled Section 3. After a long discussion and upon a motion by Councilman Clark, seconded by Councilman Cross, the City Council adopted the following ordinance with the vote being as follows:

Ayes: Councilman Clark  
Councilman Cross  
Councilman Wilkerson

Noes: Councilman James

ORDINANCE  
RELATING TO THE GROWTH OF WEEDS AND DISPOSITION OF  
REFUSE WITHIN THE CITY LIMITS

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

Section 1. Every person, owning or occupying any premises in the City, shall keep such premises free from noxious weeds, trash and all other forms of offensive animal or vegetable matter, which may be dangerous or prejudicial to the public health, or which may constitute a public nuisance. No owner or occupant of any premises shall bury therein any animal or vegetable matter which may become dangerous or prejudicial to the public health or which may constitute a nuisance.

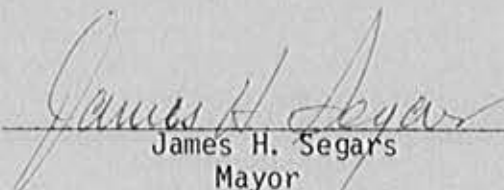
Section 2. If any person shall violate the provisions of the preceding section, it shall be the duty of the sanitary inspector or the Chief of Police or his assistants to give notice to the owner or to any person in possession of said lot, directing that, within twelve hours or sooner from the time of such notice, all weeds, trash and other offensive vegetable or animal matter be removed from said lot; should any owner or any person in possession refuse, or fail to abate said nuisance, the Chief of Police or the sanitary inspector shall proceed to remove same and the cost of such removal shall be charged against such lot and shall become a lien upon said lot, and if such cost is not paid within thirty days it shall be collected in the manner as is provided for the collection of delinquent taxes.

Section 3. Any owner or any person in possession of any lot shall cut down to a height not exceeding six (6) inches, all weeds and grass or other noxious growth for a distance of fifteen (15) feet from all property lines. Cutting shall be required at least twice each year, the first time not later than June 15th and the second time not later than August 15th of each and every year.



Section 4. 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 17th day of June, 1980.

  
James H. Segars  
Mayor

ATTEST:   
J. Earl Daniels, City Clerk

House Numbering: The City Manager advised that the post office is in the process of adding four digits to the current zip codes, two digits to designate the street and two to designate the block. He recommended that houses in the city be renumbered at the same time and requested permission to renumber the houses without having to present the plans to the City Council.

Upon a motion by Councilman Cross, seconded by Councilman Clark, those members of Council present unanimously voted to authorize the City Manager to prepare and enact a new house numbering system without presentation of same to Council.

Pine Street - Request to Change Name to Pineview Street: City Manager Earl Daniels presented a request to Council that Pine Street be renamed Pineview Street.

Upon a motion by Councilman Wilkerson, seconded by Councilman Cross, those members of Council present unanimously voted to rename Pine Street Pineview Street.

Deputy Tax Collectors - Appointment: Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to appoint Mrs. Glenda Melton and Mrs. Linda Epley Deputy Tax Collectors.

Municipal Maintenance Agreement - Traffic Control Devices: Upon a motion by Councilman Wilkerson, seconded by Councilman Cross, those members of Council present unanimously voted to execute an agreement with the North Carolina Department of Transportation whereby the City would install all signs, install all markings, and perform maintenance of vehicular signal heads and lamps and maintenance of pedestrian signal heads and lamp replacement. A copy of said agreement may be found in the safe under document number 442.

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

#### RESOLUTION

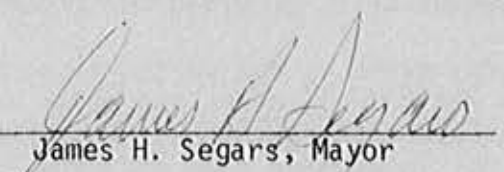
The following resolution was introduced by City Manager Earl Daniels, a motion was made by Councilman Wilkerson, that it be adopted, which was seconded by Councilman Cross. Upon being put to a vote, the resolution was duly adopted.

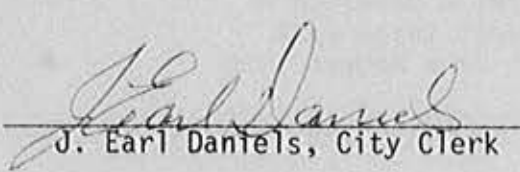
"WHEREAS, the Department of Transportation, an agency of the State of North Carolina, pursuant to the provisions of G.S. 136-41.3 and G.S. 136-18, proposes to contract with this municipality for the maintenance of Traffic Control Devices on the State Highway System streets within this Municipality in accordance with the policy of the Department and for which this Municipality shall be reimbursed by the Department of Transportation; and

WHEREAS, in order to promote the general welfare of the Municipality, it is hereby determined to be in the best public interest for the Municipality to enter into a contract for the maintenance of Traffic Control Devices on the State Highway System streets within the Municipality in accordance with the Policy of the Department.

NOW, THEREFORE, BE IT RESOLVED that the Municipality is hereby formally authorized to enter into a contract with the Department of Transportation for the maintenance of Traffic Control Devices on the State Highway System streets within the Municipality, and the Mayor and Clerk (or Manager) of the Municipality be and they are hereby empowered to execute the required Agreement between the Municipality and the Department of Transportation."

This the 17th day of June, 1980.

  
James H. Segars, Mayor

  
J. Earl Daniels, City Clerk



Tax Collector's Report: The City Manager presented a statement from the Tax Collector, witnessed by Linda Epley, to the effect that the Tax Lien Sale for 1979 taxes was held at 12:00 Noon, Monday, June 9, 1980, on the front steps of the City Hall Building.

He also presented the Tax Charge Offs for 1979 as follows:

## TAX CHARGE OFFS FOR 1979

## RECEIPT NO.

45	Donald Barb	\$ 13.39	Outside
46	Huling Newton Barb	11.06	"
51	Paul Bartlett	2.21	"
54	Donald Beam	22.68	"
79	Clarence Black	31.50	"
91	J.D. Blanton Heirs	2.21	"
107	Conley Box	13.07	"
113	Larry Boyce	260.63	"
165	Ted Brown	26.74	"
215	Michael Carnes	8.51	"
220	Charles D. Carr	124.77	"
245	Michael Cattanach	228.85	"
271	City of Marion	527.12	Adj.
272	City of Marion	308.23	Adj.
275	Rebecca Clapp	26.62	Outside
343	Julius Crawley	9.20	Outside
351	Eugene Cross III	939.23	Outside
382	Benjamin Davis	209.51	Outside
399	Billy Mace	88.74	Dup.
433	Eddie Duncan	33.74	Outside
434	Isabelle Duncan	36.38	Outside
437	William L. Earley	15.81	Outside
561	Oscar Gentry	70.34	Outside
588	Michael Goree	38.92	Outside
602	Harris Motor Co.	82.69	Dup.
647	Marvin Hall	169.41	Outside
671	Lenore Harrison	3.97	Error
680	B.M. Hawkins	95.07	Outside
699	Lee Hemphill	32.13	Outside
706	Dean Henline	16.19	Outside
787	Lula Hooper	22.71	Outside
815	Ronald Humphries	58.87	Outside
858	Charles Jaynes	79.22	Adj. Co.

## RECEIPT NO.

954	Ledbetter Oil Co.	\$ 210.36	Outside
1028	H. Carl McCurry	53.23	Outside
1051	Sam McGee	1.01	Outside
1079	Doris Mace	11.62	Outside
1084	Robert Main	89.40	Outside
1124	Deborah Messer	15.59	Outside
1127	Cecil Miller	28.29	Outside
1171	Gordon Morris	2.21	Adj. Co.
1194	Ermine C. Neal	63.09	Dup.
1205	Frank Noles	69.65	Outside
1238	Alvin Owensby	11.34	Relief
1247	Fanny Parkam	33.30	Outside
1310	James V. Poteat	5.99	Outside
1327	Pyatt Oil Co.	30.24	Outside
1328	Quality Tire	827.76	Outside
1367	Estie Ritchie	4.16	Outside
1389	Douglas Ross	21.55	Outside
1413	Ida Rutherford	31.22	Exempt
1429	Fay Seagle	99.86	Dup.
1442	Anza Stroud	49.46	Dup.
1447	John Setzer	34.65	Error
1454	L. M. Shell	31.50	Exempt
1499	Earl Smith	6.43	Outside
1519	W. Ray Smith III	72.93	Outside
1533	R. C. Spratt	47.25	Exempt
1540	Eunice Steppe	22.55	Outside
1556	Van Stronach	18.71	Outside
1583	J. B. Tate	14.18	Dup.
1623	William Twitty	28.10	Outside
1627	Unique Shoppe	40.60	Dup.
1635	Ko Vu	119.57	Outside
1649	Robert Walker	19.24	Outside
1653	Wanda's Beauty Shop	23.31	Outside
1665	Helen Weaver	11.91	Outside
1667	Leacil Webb	12.47	Outside
1685	Nellie Whitson	26.37	Outside
1731	Homer Winters	362.95	Adj.
1742	George Woody	47.25	Exempt
1787	Stephen Little	150.79	Dup.
1810	David Clay	34.11	Outside
1830	Robert Lee Harris	9.77	Outside
1859	William Stewart	41.11	Outside
1832	James A. Hill	16.60	Adj.
1856	Wm. Edgar Setzer	33.48	Outside
1822	Elwanda Garaventa	23.69	Outside

TOTAL \$ 6,518.57

Upon a motion by Councilman Clark, seconded by Councilman Wilkerson, those members of Council present unanimously voted to approve the Tax Charge Off list as presented.

Change Work Order - Contract 5.0 Hobson Construction Company: The City Manager presented the following change work order:

The following item constitutes Change Order 4 to the Contract dated December 7, 1977, by and between the City of Marion, North Carolina and Hobson Construction Company, Inc. and is subject to all applicable terms and conditions of said Contract.



Increase in unit cost and additional materials for construction of sewers on Miller Street and Tremont Avenue:

a. Increase in VCP material cost - \$1,707.29 (\$1.00/ft.)	\$ 1,707.29
b. Tie into two (2) existing manholes - 2 each (\$200/ea.)	400.00
c. Additional cost for miscellaneous materials	269.76
d. Increase in asphalt material cost - 809 sq. yd. (\$3.50/sq. yd)	2,831.50
	<hr/>
TOTAL INCREASE	\$ 5,208.55

In consideration of the above, the compensation for Contract 5.0 shall be increased Five thousand two hundred eight dollars and fifty five cents (\$5,208.55) and the contract time extended two hundred thirty one (231) calendar days.

RECOMMENDED O'BRIEN & GERE, INC. ENGINEERS

BY: \_\_\_\_\_  
C. A. Willis, P.E.

Date: 5/30/80

ACCEPTED CITY OF MARION

BY: \_\_\_\_\_  
J. E. Daniels

Date: 6/17/80

ACCEPTED HOBSON CONSTRUCTION COMPANY, INC.

BY: \_\_\_\_\_  
W. H. Hobson

Date 5/23/80

O'BRIEN & GERE  
948.007 (5.0 CO)

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

Budget Discussion - 1980-1981 Fiscal Year: Members of Council present discussed the proposed 1980-1981 Budget at length. No action was taken toward adoption of the ordinance. The members of Council present agreed to meet at 7:30 P.M., Monday, June 30, to adopt the budget for fiscal year 1980-1981.

There being no further business, the meeting was adjourned.



STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

June 30, 1980

The Marion City Council met in a special called session Monday, June 30, 1980, at 7:30 P.M. in the City Council Chamber at City Hall.

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

Board Member Absent: Councilman Larry W. Brown.

Others Present: J. Earl Daniels, City Manager; Alvin Callahan, Public Works Director; Ann Crisp, Newspaper Reporter, The McDowell News; Bobbi Crisp; and Pat Jobe, Newspaper Reporter, The McDowell Express.

Budget Meeting: The City Manager reviewed the proposed 1980-1981 Budget with Council.

A long discussion was held regarding the proposed appropriation of \$15,000 to the Old Fort-McDowell County Recreation Commission as the City's contribution toward construction of a swimming pool.

Councilman Wilkerson made a motion to withdraw the \$15,000 contribution for the swimming pool from the Recreation Department's budget. This motion died for the lack of a second.

Upon a motion by Councilman Cross, seconded by Councilman Clark, those members of Council present voted as follows to adopt the 1980-1981 Budget as presented by the City Manager excluding the \$15,000 contribution to the Recreation Commission. Said appropriation will remain in the budget until the full Council meets to make a decision on the matter:

Ayes: Councilman Clark  
Councilman Cross  
Councilman James

No: Councilman Wilkerson

Executive Session: Upon a motion by Councilman Cross, seconded by Councilman Clark, those members of Council present unanimously voted to go into executive session to discuss a personnel problem at the new Corpening Creek Wastewater Treatment Plant.

There being no further business, the meeting was adjourned.

Budget Ordinance

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

Section 1. The following amounts are hereby appropriated in the General Fund for the operation of the City Government and its activities for the fiscal year beginning July 1, 1980, and ending June 30, 1981, in accordance with the chart of accounts heretofore established for this City:

Administration	\$ 110,250
Inspection Department	40,420
Police Department	184,802
Fire Department	91,114
Street Department	121,600
Powell Bill	71,000
Sanitation Department	76,900
Recreation Department	28,801
Cemetery Department	23,800
Non-Departmental	263,558
Maintenance and Supply	49,850
	<hr/>
	\$ 1,062,095

Section 2. It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 1980 and ending June 30, 1981:

Prior Year's Taxes	3,000
Current Taxes	463,936
Tax Penalties & Interest	1,600



City Tag Sales	\$ 1,000
Privilege License Sales	5,900
Interest-Certificates of Deposit	22,000
Rents and Concessions	4,500
Miscellaneous Revenue	7,079
Utilities Franchise Tax	101,335
Intangibles Tax	20,300
Powell Bill Allocation	54,552
Sales & Use Tax and Refunds	131,578
Court Costs - Fees and Charges	900
Parking Violations	1,500
County Fire Protection	38,000
Cemetery Revenues	4,000
Gasoline Tax Refunds	3,600
Zoning Income - Inspection Fees	900
Maintenance - Traffic Control	
Devices	4,800
Cable Television Revenue	9,500
Sale of Surplus Equipment	1,000
Contribution From Water/Sewer	86,000
Surplus Appropriated	65,367
Contribution from Community	
Development Funds	22,748
Dog Tag Sales	2,000
NER Planning Grant	5,000
	<u>\$1,062,095</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, 1980, and ending June 30, 1981:

Principle and Interest on Bonds	\$136,350
Service and Misc. Charges	<u>1,650</u>
	\$138,000

Section 4. It is estimated that the following revenues will be available in the Debt Service Fund for the fiscal year beginning July 1, 1980, and ending June 30, 1981:

Contribution from Water/Sewer	\$ 138,000
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Section 5. The following amounts are hereby appropriated in the Revenue Sharing Fund for the fiscal year beginning July 1, 1980, and ending June 30, 1981:

Capital Outlay	\$ 91,000
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Section 6. It is estimated that the following revenues will be available in the Revenue Sharing Trust Fund for the fiscal year beginning July 1, 1980, and ending June 30, 1981:

Interest on Investments	\$ 1,726
Federal Grant	49,514
Fund Balance Appropriated	<u>39,760</u>
	\$ 91,000

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, 1980, and ending June 30, 1981, in accordance with the chart of accounts heretofore approved for the City:

Water/Sewer Operations	\$ 304,800
Filter Plant	107,800
Waste Treatment Plant	171,350
Non-Departmental	<u>368,922</u>
	\$ 952,872



Section 8. It is estimated that the following revenues will be available in the Water/Sewer Fund for the fiscal year beginning July 1, 1980, and ending June 30, 1981:

Water Sales	\$ 501,000
Sewer Taps and Service	231,000
Water Taps	3,000
Miscellaneous Income	5,000
Cut-On Fees	1,000
Non-Operating Income-Interest	15,000
Federal 201 Study	7,437
State 201 Study	1,239
Fund Balance Appropriated	148,196
Reimbursement from Capital Project Fund	<u>40,000</u>
	\$ 952,872

Section 9. The following amounts are hereby appropriated in the Internal Service Fund for the fiscal year beginning July 1, 1980, and ending June 30, 1981:

Inventory (Supplies)	\$ 14,000
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Section 10: It is estimated that the following revenues will be available in the Internal Service Fund for the fiscal year beginning July 1, 1980, and ending June 30, 1981:

Contribution from General Fund	500
Contribution from Water/Sewer Fund	3,500
Purchases by Other Funds	<u>10,000</u>
	\$ 14,000

Section 11: There is hereby levied a tax at the rate of sixty-three cents (63¢) per one hundred dollars (\$100.00) valuation of property as listed for taxes as of January 1, 1980, 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 \$76,708,962 and an estimated rate of collection of ninety-six percent (96%).

Section 12. The Budget Officer is hereby authorized to transfer appropriations within a fund as contained herein under the following conditions:

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

Section 13. Copies of 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 30th day of June, 1980.

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

July 14, 1980

The Marion City Council met in special session Monday, July 14, 1980 at 7:30 P.M. in the City Council Chamber at City Hall.

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

Board Member Absent: Mayor James H. Segars.

Others Present: J. Earl Daniels, City Manager; Richard Hicks, Planning Director/Zoning Administrator; Alvin Callahan, Public Works Director; Ann Crisp, News Reporter, The McDowell News; and Pat Jobe, News Reporter, The McDowell Express.

Guests: Robert L. Smith; W. P. Reinhardt; W. P. Harrison; Rich Moore, representing the Downtown Merchants Association; John Kincaid; Bill Harris; Savannah Smith Harris; Ricky and Linda Killough; Marietta Sherlin; Eloise Biddix; William D. Elliott; Cathy Burnette and Margie Winters.

Approval of the Minutes of June 17 and June 30, 1980: Upon a motion by Councilman Cross, seconded by Councilman James, those members of Council present unanimously voted to approve the minutes of the June 17, 1980 and June 30, 1980 meetings.

Water Problem - Johnson Hollow - Complaints: Several residents from the Johnson Hollow area of McDowell County appeared before the City Council to advise that they are having serious water problems in their community. Mr. William Elliott acted as spokesman for the group and informed the City Council that for more than a week persons in the Johnson Hollow area have had little if any water from the Marion water system. Public Works Director Alvin Callahan informed the City Council that there are approximately twenty homes being served by a water line which was installed some twenty or thirty years ago. He stated that the line began as a one and one-half inch line and is reduced down to a one-half inch line in diameter. He stated that the line is approximately 6,000 feet long. He informed the Council that the line simply is not large enough to provide service to the number of houses being served by the line. He also stated that the line is a private line which was installed by Mr. Pink Williams. A long discussion followed.

Upon a motion by Councilman Cross, seconded by Councilman James, those members of Council present unanimously voted to ask the Utility Committee to investigate the matter and report back to the City Council.

Recreation Commission - Swimming Pool - Contribution From City: Mr. John Kincaid appeared before the City Council and spoke for approximately five minutes regarding why the City Council should donate \$15,000 to the Old Fort-Marion-McDowell Recreation Commission for construction of a swimming pool on the Recreation Commission's property located on the corner of West Court and Academy Streets. Mr. Kincaid stated that the pool is needed by the middle and low income persons who do not have access to other swimming facilities. He stated that some individuals have been forced to go to Morganton or Asheville to use swimming facilities in those communities.

Mayor Pro Tem Clark informed Mr. Kincaid that \$15,000 has been set aside in the budget as a contribution to the Recreation Commission for the proposed swimming pool. He stated that questions have been raised regarding the priority needs of the City as it relates to the \$15,000. He informed Mr. Kincaid that the Council would vote on whether or not to make the contribution at such time as there is a full Board present. He informed Mr. Kincaid that he appreciates his work in the community and thanked him for coming in to speak to the Council regarding the needs of the community.

Proposed Apartment Complex-Zeb Vance Street: Mr. W. P. Reinhardt and Mr. Robert L. Smith appeared before the City Council to request an endorsement for a proposed apartment complex west of Miller Street and north of the newly opened Zeb Vance Street. Mr. Robert Smith acted as spokesman for the group. Mr. Smith stated that Mr. Harrison, owner of the property, would like to build 40 apartment units to be financed by the FHA. He stated that the units would be rental assistance, one, two and three bedroom units. He stated that he would like for Council to endorse the project. In his presentation Mr. Smith made mention of the fact that the driveway had been extended from Zeb Vance Street to the property.

The City Manager stated that he was unaware of any installation of drainage pipe or construction to provide access to the property. The City Council discussed the matter and how the driveway could have been installed when the Council had not approved construction on that part of Zeb Vance Street to the point where the driveway was located. It was determined that the Street Committee would meet with Mr. Bud Hogan and his representative and Mr. Harrison and/or his representative on the site to determine what changes had been made to a previously approved street and to determine what course of action would be taken by the City.

Council Brown arrived at the meeting at this time.

Downtown Merchants Association - Annual Sidewalk Sale: Mr. Rick Moore, representing the Downtown Merchants Association, appeared before the City Council to request that Council allow the annual sidewalk sale to be held July 31, August 1 and August 2, 1980. He stated that merchants would like to place items on the sidewalk during these three days for the annual sidewalk sale.



Upon a motion by Councilman Cross, seconded by Councilman James, those members of Council present unanimously approved the request for the annual sidewalk sale to be held July 31, August 1st and 2nd, 1980.

Mr. Moore also asked that the City Council allow placement of banners across Main Street for the sidewalk sale. He stated that there are presently twenty-eight members in the Downtown Merchants Association and that they are working hard in bringing business to downtown and that it was his opinion that placement of banners across Main Street would be helpful.

The City Manager stated that the City of Marion has an ordinance prohibiting the placement of banners across Main Street. He stated that numerous clubs and organizations have asked permission to place banners across Main Street and that each of these clubs and organizations have been refused because of the City's ordinance. The City Manager stated that in his opinion the ordinance is a good ordinance and should not be rescinded. He stated that placement of banners across Main Street would open the door for all types of groups, clubs and organizations to make similar requests. He stated that it is easier to prohibit placement of banners than to have to make determinations as to who can place banners across streets and who cannot. He also questioned whether any organizations could be refused if other organizations are allowed to place banners across public streets.

Mr. Moore stated that just because it is easier to tell everyone they cannot place banners across streets does not make it right. He stated that other communities allow placement of banners across the main streets.

Councilman Brown stated that there is more to be considered than just rescinding the ordinance and allowing banners to be placed across the main streets. He stated that some type of regulations would have to be adopted concerning the placement of banners.

The City Manager stated that regulations would have to be drafted regarding types of materials to be used, length, height of banners, holes for air flow, types of banners to be allowed and liability for damages should a banner fall, as well as the responsibility for placing and/or removing banners.

Councilman Cross stated that he felt the request should be considered but that there was not sufficient time to give consideration to Mr. Moore's request before the sidewalk sale.

Councilman James made a motion to allow banners to be placed across Main Street in accordance with Mr. Moore's request. This motion died for a lack of a second.

The City Manager stated that he would contact the League of Municipalities to see if he could get sample ordinances reflecting how other communities handle placing banners across main streets.

Certification of Firemen: Upon a motion by Councilman Cross, seconded by Councilman James, those members of Council present unanimously voted to approve the following annual certification of firemen:

#### CERTIFICATION

We, the Marion City Council, in our capacity as the governing body of the City of Marion Fire Department, certify that we have examined and find that the 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.

Signed \_\_\_\_\_

A. Everette Clark, Mayor Pro Tem

Date: July 16, 1980

#### ROSTER

Brown, Fred T.  
Brown, John M.  
Cate, Lee R.  
Condrey, Tony  
Davis, John K.  
Farris, Don

Hall, Eugene  
Hogan, Larry A., Lt.  
Hollifield, Gene  
Hollifield, Millard  
McCarthy, Roger  
Milligan, Thomas, Asst. Chief

Neal, J. E., III  
Poteat, Jerry  
Presnell, Charles  
Prestwood, Steve, Lt.  
Price, Dennis  
Young, Jim

Bids - Presentation: The City Manager informed the City Council that the following bids were received July 10, 1980 at 2:00 P.M. in the Marion City Hall:

#### Scooter-Type Refuse Collection Vehicles:

Bidder	Amount	Tax	Delivery Date
Eastern Turf Equipment, Inc.	\$13,600	\$240.00	30 Days
Cumberland Vehicles Inc.	13,990	559.60	60 Days
Carolina Industrial Equipment	13,100	262.00	By August 25

Recommendation - Accept Low Bid From Carolina Industrial Equipment, Inc.

#### Street Surfacing Program:

Bidder	Per Ton New Surfacing	Per Ton Resurfacing	Stone Per Ton	Asphalt Curb Per Foot
Johnson Paving	\$26.75	\$26.25	\$4.75	\$ 1.50
Fred Callahan Company	21.45	21.45	6.90	2.85
Thompson Construction, Inc.	20.25	19.75	5.25	1.25

Recommendation - Accept Low Bid From Thompson Contractors, Inc.



Petroleum Products:

Bidder	Regular	No Lead	Diesel	Fuel Oil	Hydraulic Oil
Robbins Oil Company	105.12	108.12	95.326	86.076	2.20 gal.
Ledbetter Oil Company	108.10	111.10	103.25	94.0	2.23 gal.
McDowell Oil Company	105.55	108.55	102.832	93.582	2.46 gal.

Recommendation - Accept Low Bid From Robbins Oil Company

Pipe Bids:

Municipal and Utility Supply	\$9.60 per foot	Delivery Date - 7-10 Days
Griffin Pipe Products	9.50 per foot	1 Week After Order

Recommendation - Accept Low Bid from Griffin Pipe Products contingent upon acceptance by McDowell County Officials.

Truck Bids:

1980 Sedan Pick-Up - No Bid

Recommendation - Purchase Car after proper advertisement for bids.

Bidder	Bid Excluding Tax	Delivery Date
Ballew Motor Company	1 Lub \$5,809.97	20 Days
Lattimore Chrysler Plymouth	3 Dodges \$5,482.66 Ea.	30 Days
Darrell Ford	3 Fords \$5,002.43 Ea.	6 Weeks
Far East Motors	3 Datsuns \$4,856.07 Ea.	90 Days

Recommendation - Accept Low Bid From Far East Motors, Inc.

Persons attending the bid opening were as follows: Jesse Jaynes, MUSCO; Bill May, Contex; Paul Deck, Lattimore Chrysler Plymouth; Earl Daniels, City Manager; Alvin Callahan, Public Works Director and George Steel.

Upon a motion by Councilman Wilkerson, seconded by Councilman James, those members of Council present unanimously voted to accept the recommendations of the City Manager and accept the low bids submitted for each of the items as reflected in the bid tabulation.

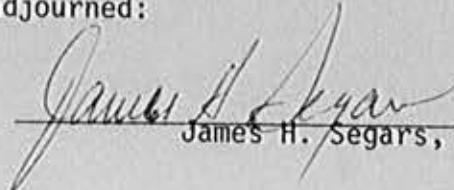
The City Manager was directed to advertise for the purchase of a car in lieu of the sedan-pickup truck previously advertised.

Water/Sewer Rates - Proposed: The City Manager presented a proposal for new water and sewer rates. After a short discussion the City Council agreed to meet prior to the end of July to approve new water and sewer rates.

August Meeting: The City Council agreed to hold one meeting in August. Said meeting is scheduled for Tuesday, August 19, 1980.

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 25, 1980

The Marion City Council met in special session Friday, July 25, 1980 at 12:00 Noon in the City Council Chamber at City Hall.

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

Others Present: City Manager J. Earl Daniels; Eric Miller, News Reporter, The McDowell News; and Pat Jobe, News Reporter, The McDowell Express.

Water/Sewer Rates: The City Council discussed the proposed water/sewer rates. Upon a motion by Councilman Wilkerson, seconded by Councilman Clark, those members of Council present unanimously voted to adopt the following water and sewer rates and directed that all water and all sewer bills prepared during the month of August reflect the increase in rates so that bills due on September 1, 1980 will include the rate increase.

Monthly Billing

Bracket	Inside	Outside
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	0.80/1000 Gal.	1.20/1000 Gal.
Over 60,000 Gallons	0.42/1000 Gal.	0.63/1000 Gal.



Wastewater Rates

Inside Sewer Rate - 50% of Inside Water  
 Outside Sewer Rate - 100% of Outside Water  
 Sewer Only - (a) Single Family Residence - \$4.80 per month  
 (b) All others to be metered as determined by the City

ARC Site Development Grant - Resolution to Apply: The City Manager stated that if the resolution were adopted it would authorize the filing of an application for an ARC Site Development Grant. He stated that this money would be used in the Community Development target area for curbs, gutters and storm drains. He stated that the amount of the application would be \$49,996.80.

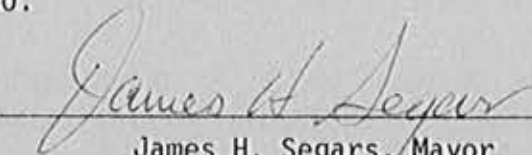
Upon a motion by Councilman James, seconded by Councilman Cross, those members of Council present unanimously voted to adopt the following resolution:

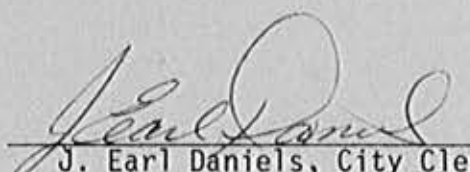
WHEREAS, the City Council of the City of Marion, in a meeting held Friday, July 25th, 1980, has been advised of the possibility of an ARC Site Development Grant in the amount of \$49,996.80 to compliment our HUD Community Development Grant Activities; and

WHEREAS, the City of Marion recognizes that adequate curbs, gutters and storm drains are much needed components of this project and further acknowledges that no other funding source for this phase of the project is available.

NOW, THEREFORE, BE IT RESOLVED by the Marion City Council that the Mayor be hereby authorized to execute said application for the ARC Site Development Grant.

This the 25th day of July, 1980.

  
 James H. Segars, Mayor

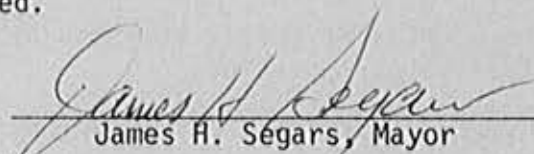
ATTEST:   
 J. Earl Daniels, City Clerk


Water Lines - West Marion Community - Selection of Engineering Firm to Prepare Plans and Specifications: The City Manager stated that it would be desirable to file an application for Clean Water Bond Funds to assist on the waterline project for the West Marion Community. He stated that in order to do so that it would be necessary to have an engineering firm to prepare plans and specifications for the work to be accomplished in that area. He informed the City Council that the City has been working with two engineering firms in the past seven years. He stated that the City had worked with O'Brien & Gere and also Moore, Gardner and Associates.

The City Manager stated that he needed some direction as to which engineering firm Council would like to have prepare the necessary plans and specifications.

After a short discussion the City Manager was instructed to contact Moore, Gardner and Associates and negotiate a contract for providing such plans and specifications.

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 19, 1980

The Marion City Council met in regular session Tuesday, August 19, 1980 at 7:30 P.M. in the City Council Chamber at City Hall.

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

Others Present: J. Earl Daniels, City Manager; Alvin Callahan, Public Works Director; Frank Grant, Intern; Richard Hicks, Planning Director and Zoning Administrator; Ann Crisp, News Reporter, The McDowell News; and Pat Jobe, News Reporter, The McDowell Express.

Guest: Robert Smith of Wm. P. Reinhardt/Robert L. Smith/Architects of Newton, North Carolina.

Approval of the Minutes of July 14 and July 25 Meetings: Upon a motion by Councilman James, seconded by Councilman Clark, the Council unanimously voted to approve the minutes of the July 14 and July 25 meetings.

California Arms Apartments: The City Manager advised that there is a proposed thirty-unit apartment complex to be constructed off Californis Avenue on property adjacent to the City Limits. The Council was informed that a petition for annexation of the property would be submitted.



Upon a motion by Councilman James, seconded by Councilman Brown, the Council voted to endorse the apartment complex and to recommend approval of the project to the Isothermal Planning and Development Commission.

Harrison Arms Apartments: The City Manager advised that there is a proposed 40-unit apartment complex to be located north of Zeb Vance Street, south of State Street and east of the Peavine Railroad. The apartments would be for elderly, handicapped and low income persons.

The City Manager informed the Council that questions have been raised by an individual living in the immediate area concerning access to and from the property and play areas for children.

The City Council agreed that access to the property should be made available from State Street and that additional parking is needed for the Employment Security Commission building.

Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the City Council voted to endorse the group development apartment complex and to recommend approval of the project to the Isothermal Planning and Development Commission. The vote was as follows:

Ayes: Councilman Clark  
Councilman Cross  
Councilman James  
Councilman Wilkerson  
No: Councilman Brown

Councilman Brown stated that the City had already approved eighteen units in the same area, plus thirty units on Californis Avenue and sixty units on Elizabeth Drive. He stated that there were people who were concerned about the concentration of apartments in the Zeb Vance Street/Miller Avenue Area.

The City Council informed Mr. Smith of Wm. P. Reinhardt/Robert L. Smith/Architects, who was present regarding the project, that a letter would be sent to Mr. Harrison advising him that the City Council and the Board of Adjustment would have to approve final plans for the location of buildings and parking and that a drive would have to be provided on State Street leading to the project.

Zoning Request - Larry Hollifield: The City Manager presented a request from Larry Hollifield to rezone from R-2 to C-2 his lot located on the southwest corner of the intersection of Buncombe Street and Old West Henderson Street. The City Manager stated that the Planning Board recommends approval.

Upon a motion by Councilman James, seconded by Councilman Cross, Council voted to accept the recommendation of the Planning Board to rezone Mr. Hollifield's property as requested.

Smokerise Subdivision: The City Manager presented a final plat plan of the Smokerise Subdivision.

Upon a motion by Councilman Brown, seconded by Councilman Cross, the City Council unanimously voted to accept the final plat plan as presented.

Environmental Review Record: Richard Hicks, Planning Director and Zoning Administrator, presented copies to the Council of the Environmental Review Record.

The City Manager presented the following resolution authorizing Richard Hicks as certifying officer.

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

WHEREAS, the City of Marion has completed all applicable environmental review and clearance requirements as provided in the Federal Register/Volume 44, Number 150/Thursday, August 2, 1979, with respect to a proposed project.

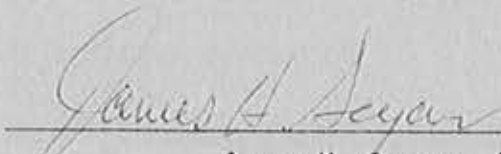
WHEREAS, the City of Marion desires to submit a request to the Department of Housing and Urban Development for the release of Title I Funds for the West Marion Redevelopment Project.

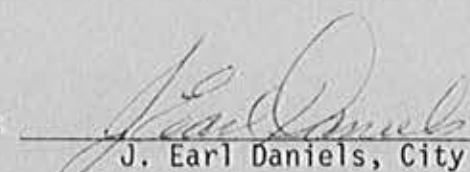
NOW, THEREFORE, BE IT RESOLVED by the Marion City Council:

1. That Richard N. Hicks, Planning and Community Development Director, be and hereby is authorized as the Certifying Officer for matters concerning Environmental Review Procedures;
2. That Richard N. Hicks, Planning and Community Development Director, assume the status of a responsible Federal Official under NEPA, insofar as the provisions of NEPA apply to HUD responsibilities for environmental review, decision making and action assumed and carried out by the applicant, and that the certifying officer by so consenting, such officer assumes the responsibilities, where applicable, for the conduct of environmental reviews, decision making, and action as to environmental issues; preparation and circulation of draft and final EIS's; and assumption of lead agency responsibilities for preparation of such statements on behalf of Federal Agencies other than HUD when such agencies consent to such assumption;
3. That Richard N. Hicks, Planning and Community Development Director, is authorized to consent, on behalf of the applicant, to accept the jurisdiction of the Federal Courts, for the enforcement of all responsibilities referred to in § 58.30(c)(5); and that the certifying



officer so consents on behalf of the applicant and himself in his official capacity only.

  
James H. Segars, Mayor

ATTEST:   
J. Earl Daniels, City Clerk

Board of Elections - Resignation - James R. Hollifield: The City Manager presented a letter from James Hollifield resigning as a member of the Board of Elections. The City Manager advised the City Council that Mr. Hollifield was resigning because he had moved outside the City Limits.

Board of Elections - Appointment of New Member: Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to appoint Mr. Robert A. Yancey as a member of the City of Marion Board of Elections to fill the unexpired term of James Hollifield.

Board of Adjustment - Appointment of One Member and Two Alternate Members: Upon a motion by Councilman Clark, seconded by Councilman Cross, the City Council unanimously voted to reappoint Mr. Charles Israel as a regular member of the Board of Adjustment for a term of three years; and Ann Crisp and Jane Brown as alternate members for terms of three years.

Resolution Authorizing Sale of Surplus Equipment: Upon a motion by Councilman Cross, seconded by Councilman Brown, the City Council unanimously voted to adopt the following resolution:

WHEREAS, The City of Marion owns the following equipment and materials:

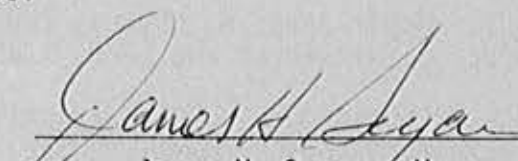
One 1974 Chevrolet  $\frac{1}{2}$ -ton pick-up truck - 250 Eng./3 spd. trans.  
One 1876 Thomas Built Tractor With Mower and Blade  
One 1973 Chevrolet Bel-Air - 350 Eng./Auto. Trans.  
One 1978 Plymouth Volare - 318 Eng./Auto. Trans. (HL41G8F189360)  
One 1978 Plymouth Volare - 318 Eng./Auto. Trans. (HL41G8F189359)  
One 1967 Ford F600  $\frac{1}{2}$ -ton Cab & Chassis - 300 Eng.  
One NCR-36 Modular Accounting Machine  
One Address-o-Graph Machine

WHEREAS, the Marion City Council hereby declares said equipment and materials to be 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 equipment and materials at private negotiation and sale after 2:00 P.M., Friday, August 29, 1980.

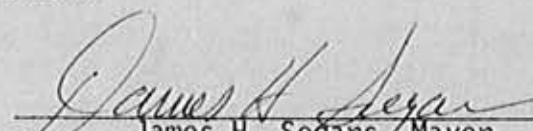
Adopted this the 19th day of August, 1980.

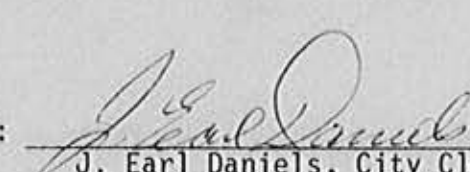
  
James H. Segars, Mayor

ATTEST:   
J. Earl Daniels, City Clerk

Teal Street - Parking Problem: Councilman James informed the Council that he has been approached by Mr. Clyde Henline regarding a parking problem on Teal Street. After a short discussion it was agreed that the Street Committee would go out to the site and review the problem and report back to Council.

There being no further business, the meeting was ajourned.

  
James H. Segars, Mayor

ATTEST:   
J. Earl Daniels, City Clerk



RESOLUTION INADVERTENTLY LEFT OFF OF PAGE 444

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION  
FOR A COMMUNITY DEVELOPMENT BLOCK GRANT  
FROM THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

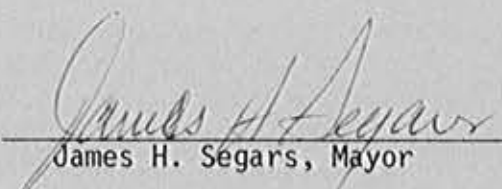
WHEREAS, Title 1 of the Housing and Community Development Act of 1974 provides for the making of grants by the Department of Housing and Urban Development to counties, municipalities and state agencies to assist local governments with community development programs and such funds are available after approval of a final application by the Department of Housing and Urban Development.


WHEREAS, The City of Marion wishes to file an application for \$500,000.00 to improve housing in a chosen target area and to improve deficiencies in public facilities.

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

1. That a final application be made to the Department of Housing and Urban Development for Community Development Block Grant Funds for Five Hundred Thousand Dollars (\$500,000.00);
2. That Richard N. Hicks, Zoning Administrator and Planning Director, be and hereby is authorized and directed to file such final application on behalf of the City of Marion and is also hereby authorized to act as the correspondent for the City of Marion; and
3. That the Director, Department of Housing and Urban Development be, and hereby is assured of full compliance by the applicant with the regulations promulgated pursuant to the Federal Register, Tuesday, June 26, 1979, Part IV, Department of Housing and Urban Development, "Community Development Block Grants".

ADOPTED this the 17th day of June, 1980.

  
James H. Segars, Mayor

ATTEST:   
J. Earl Daniels, City Clerk

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

September 2, 1980

The Marion City Council met in regular session Tuesday, September 2, 1980, at 7:30 P.M. in the Firemen's Meeting Room at City Hall.

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

Others Present: J. Earl Daniels, City Manager; Alvin Callahan, Public Works Director; Richard Hicks, Planning Director and Zoning Administrator; Frank Grant, Intern; Ann Crisp, News Reporter, The McDowell News and Pat Jobe, News Reporter, The McDowell Express; E. P. Dameron, City Attorney; and Arthur Edwards, Fire Chief.

Guests: Dr. Viuu Lind, Robert Smith, W. P. Reinhardt, Jane Lawing, John Lawing, Martin Lawing, Buford Ross, Dorothy G. McCall, Bonnie Goldsmith, Elizabeth A. McCormick, Lorraine Reel, Eula P. Bowman, Charles Estes, Janet G. Estes, Phillip Joseph Tate, Betty Ward, Kay P. Tate, Walis C. Reel, Melvin Bryant, Clyde Henline, Red Walker, Jack Walker and Rod Birdsong.

Approval of Minutes of August 19, 1980 Meeting: Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to approve the minutes of the August 19, 1980 meeting.

Harrison Arms Apartments: Approximately eighteen persons attended the meeting and presented a petition containing 141 signatures objecting to the construction of the Harrison Arms Apartment Complex.

The petition reads as follows:

"We, the undersigned, oppose the construction of the Harrison Arms complex on Zeb Vance Street Ext. for the following reasons:

Congestion - An 18-unit complex for the elderly and handicapped has already been approved and is currently under construction in this immediate area. The area is too small for an additional proposed 40-unit apartment complex plus parking facilities.

Traffic - Traffic and parking problems currently exist because of inadequate parking facilities at the recently-built Employment Security Commission office, located on 2-lane State Street.



McDowell County Rescue Squad building is also located next door on this street. Also contributing to already-existing traffic problems are cars and school buses travelling this 2-lane street to and from East McDowell Junior High School, Eastfield Elementary School, and area industries. There is not proposed plan to widen State Street to alleviate the current traffic and parking problems:

Therefore, we petition the Marion Board of Adjustment and the Marion City Council to reconsider this proposal and not place this unfair burden on residents of this area.

Robert Smith of Reinhardt/Smith/Architects reviewed the proposed apartment complex plans and answered questions regarding same.

After a long discussion and upon a motion by Councilman Brown, seconded by Councilman Clark, the City Council unanimously voted to rescind its previous endorsement of the Harrison Arms Apartment Complex.

The City Manager was instructed to send a letter to the Isothermal Planning and Development Commission advising them of said action with a copy of the letter to Mr. Harrison.

Teal Street Parking Problem: Mr. Clyde Henline appeared before the Council to request that Teal Street be widened or that it be made a two-way street.

The City Manager presented a drawing to scale showing the existing width of Teal Street. He stated that walls would have to be constructed on the west side of the street to hold private properties and that this would eliminate the use of private drives. He stated that to widen the street on the east side would require a considerable amount of fill dirt.

The City Manager stated that in his opinion the City should not spend thousands of dollars in widening a street for the purpose of providing on-street parking.

The City Manager asked Mr. Henline how many cars could be parked on his property located behind rental properties fronting on Teal Street. Mr. Henline stated that approximately ten (10) cars could be parked.

After a long discussion and upon a motion by Councilman Cross, seconded by Councilman Brown, the City Council unanimously voted to leave the street and parking as it is until such time as a better solution can be found.

Duke Power Company: The City Manager presented a request for Duke Power Company to use the basement of the Community Building for approximately two (2) weeks for working on utility maps. The City Manager stated they would like to use the building at no charge. He recommended that in view of the fact that Duke Power Company works with the City on many projects that their request to use the building at no charge be granted.

Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to accept the recommendation of the City Manager and grant Duke Power Company permission to use the basement of the Community Building for two weeks without charge.

Smokerise Subdivision: Mr. J. B. Walker and Mr. Jack Walker appeared before the City Council regarding the Smokerise Subdivision.

Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted, depending on the availability of funds, for the City to pay one-half ( $\frac{1}{2}$ ) the cost for concrete curb and gutters and one-half ( $\frac{1}{2}$ ) the cost for paving Oakwood Drive.

It was also agreed that the City Council would waive a sewer tap charge for all lots where said sewer connections have been made by the developer and extended to the property line of the lots. The City will charge the regular tap fees for all taps made by the City. The City will charge a meter fee of \$50.00 for each three-quarter inch water connection installed by the developer when lines have been extended to the lot lines. The City would charge the regular connection fee where taps have to be made and lines extended by City personnel.

Sidewalk Projects: The City Manager presented a list of three proposed sidewalk projects to the City Council. The projects were as follows:

1. Fleming Avenue from Montevista North
2. Garden Street in front of the American Legion Building located across Garden Street from the Buick Dealership
3. Sugar Hill Road from Railroad Street to the shopping center.

The City Manager stated that he would recommend that the proposed sidewalk on Fleming Avenue be placed on the east side of the street because there are no houses on the west side of Fleming Avenue. He stated that he proposed to stake the sidewalk and determine whether or not a right-of-way exists and then obtain permission from the property owners.

Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council to proceed with the Fleming Avenue project as recommended by the City Manager.

The City Manager advised the City Council that he had received a request from members of the American Legion to raise or replace a portion of sidewalk approximately sixty (60) feet long in front of their property which will allow them to use the driveway to the property.



Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to approve the request pending availability of funds.

Upon a motion by Councilman Wilkerson, seconded by Councilman Clark, the City Council unanimously voted to approve construction of a sidewalk on the east side of Sugar Hill Road from Railroad Street to the Sky City Shopping Center pending the availability of funds.

Surplus Equipment - Report on Sale: The City Manager advised Council that bids received August 29, 1980 on surplus equipment owned by the City were as follows:

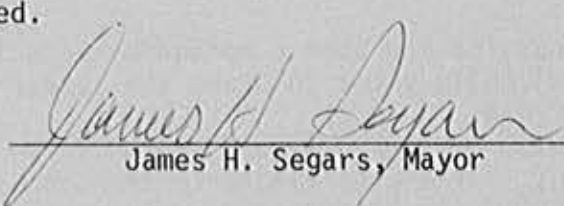
Thomas Built Tractor -	K. M. Gaddy	\$437.00
	J. L. Williams	100.00
	Earl Webb	351.50
	Roger Carter	502.50*
Ford 1/2-Ton Truck -	K. M. Gaddy	326.00*
Chevrolet Pick-Up Truck -	Harvey Gouge	\$402.00
	K. M. Gaddy	475.00
1973 Chevrolet Bel Air -	Larry Dean Ballard	\$326.00
	K. M. Gaddy	342.00*

The City Manager advised that only one bid was received for the Address-O-Graph Machine and that being from Old Fort First Baptist Church in the amount of \$50.00.

The City Council agreed to sell all equipment mentioned to the highest bidder and to sell the Address-O-Graph machine to the Old Fort First Baptist Church for \$50.00.

Recreation Commission - Appointment of One Member: Upon a motion by Councilman Brown, seconded by Councilman Wilkerson, the City Council unanimously voted to appoint Mr. Charles Brown to replace Mr. Perry Hall as a representative of the City on the Recreation Commission. Mr. Brown's term will begin October 1, 1980 and expire September 30, 1983.

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 16, 1980

The Marion City Council met in regular session Tuesday, September 16, 1980, at 7:30 P.M. in the City Council Chamber at City Hall.

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

Others Present: J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; Alvin Callahan, Public Works Director; Frank Grant, Intern; Ann Crisp, News Reporter, The McDowell News; Pat Jobe, News Reporter, The McDowell Express; and Richard Hicks, Planning Director and Zoning Administrator, who arrived at the meeting at approximately 9:00 P.M.

Guests: Ed Rankin, Robert Holthouser, C. David Blanton, Lyndon W. Sisk, James L. Whitson and Eddie Parker.

Approval of the Minutes of the September 2, 1980 Meeting: Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to approve the minutes of the September 2, 1980 meeting.

Mayor Segars informed the City Council that Mr. Calvin Smith was electrocuted last week. He informed the City Council that Mr. Smith, age 28, had worked for the City for several years but was not employed by the City during the past couple of years.



Hospital Report: Mr. Ed Rankin of the hospital board and Mr. Robert Holthouser, Administrator for the Marion General Hospital, appeared before the City Council to update the Council on the progress in planning for a new hospital for McDowell County. Mr. Rankin informed the City Council that the County had acquired approximately 180 acres of land just west of Sugar Hill Road, south of California Avenue. He stated that the school board would be using approximately 40 acres of this property for a new school and that the hospital would receive approximately 50 acres of property for a new hospital.

The City Manager stated that he was concerned about traffic control in the area. He stated that if the hospital property and the school property is developed on adjoining tracts there may be a problem with emergency vehicles going to the hospital using the same road area as the school buses and school children during the hours when children are arriving at and departing from school.

Mr. Rankin stated that he was certain that that would be considered in the development of the property and in planning access roads. Mr. Rankin stated that he would like to make the City aware of the plans and the need for water and sewer services for these properties.

The City Manager asked if he could be permitted to sit in on discussions during the developmental stages with the architects.

Mr. Holthouser stated that he would contact the City Manager and advise when meetings would be held and invite him to attend.

Mr. Rankin stated that they would try to keep the City Council informed on the progress of the project.

Parking Problem - Presbyterian Church: Eddie Parker, Chairman of the Board of Deacons of the First Presbyterian Church appeared before the City Council to inform the Council that some persons using the recreational facilities or attending events at the recreational facilities located next to the church were discarding trash, cans, bottles, and other debris on the church property. In addition, he stated that a large number of vehicles park on the property and that this creates certain problems during times when church activities are being held and the recreational property is also in use. He asked if the City Council could provide additional police surveillance of the property and if some action could be taken to try to help the church in this matter.

After a short discussion the City Manager was directed to contact the Chairman of the Recreation Commission and ask if the Recreation Commission or a committee from the Commission would meet with a committee from the church to try to resolve the problems.

Recreation Commission - Request for Funds: The City Manager presented a letter to the City Council from Richard Faulkner, Chairman of the Recreation Commission, requesting that the City Council advise the Recreation Commission on the status of the \$15,000.00 commitment. A long discussion followed.

Councilman James made a motion that the City Council withhold action on the \$15,000.00 previously committed by the Council until the City Council receives plans for the total development of the recreation property and plans for off-street parking facilities, drainage control and policing of the area. This motion was seconded by Councilman Wilkerson and the vote was as follows:

Ayes: Councilman James  
Councilman Wilkerson  
Councilman Clark

No: Councilman Brown

Councilman Cross stated that he wished to abstain from voting.

The City Manager stated that under the rules for voting that Mr. Cross's vote would have to be counted in favor of the motion.

Councilman Cross stated that he would like for the minutes to reflect that he abstained.

Zoning Request - David Blanton Property - Public Hearing: The City Manager stated that a request had been received from Mr. David Blanton to rezone his property located on the northeast corner of the intersection of South Garden Street and Spring Street from C-2 Business to R-2 Residential. He stated that this request had been submitted to the Marion Planning Board at a meeting held Thursday, September 11, 1980. The City Manager stated that the Planning Board recommends that the City Council rezone this property as requested. A description of the property follows.

BEGINNING at the northwest intersection of Spring Street and South Garden Street, running parallel to Garden Street in a northerly direction a distance of 470 feet to a point, said point being located 160 feet southeast of the intersection of South Garden Street and State Street; thence from said point a distance of 150 feet due east to the northeast corner of Lot #28 of the Blanton property; thence a distance of 110 feet in a southeasterly direction to a point; thence a distance of 60 feet in an easterly direction to a point; thence a distance of 45 feet in a northeasterly direction to a point; thence a distance of 290 feet in a southerly direction to the northern edge of Spring Street; thence a distance of 165 feet in a westerly direction to the point of beginning.

Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to accept the recommendations of the Marion Planning Board to rezone from C-2 Commercial to R-2 Residential the property located on the northeast corner of the intersection of South Garden Street and Spring Street.



Bid Tabulation - Car to Be used By Planning Director: The City Manager presented the following bid tabulation:

FIRM	MAKE	MODEL	YEAR	TOTAL BID PRICE	DELIVERY DATE
Marion Buick Company, Inc.	Buick	Century	1981	\$10,784.86	10/31/80
Ballew Motor Company, Inc.	Chevrolet	Malibu	1981	7,112.69	ASAP
Darrell Ford-Mercury, Inc.	Ford	Fairmont	1980	6,494.22	9/17/80
Lattimore C.P.D. Trk., Inc.	Plymouth	Volare	1980	5,831.40	9/30/80

Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to accept the low bid submitted by Lattimore Chrysler-Plymouth in the amount of \$5,831.40. The City Manager was instructed to have the vendor paint the vehicle white.

Bradley Lumber Company - Request for Reimbursement for Damages: The City Manager presented a request from Mr. P.S. Bradely, President of Bradley Lumber Company, for payment in the amount of \$2,928.20 for certain work which Mr. Bradley stated was necessary following the installation of a sewer line across property owned by Bradley Lumber Company, Inc. located off Highway 226 South. A long discussion followed.

The City Manager was directed to contact Sid Riddick, Engineer with O'Brien & Gere, Inc., and request that he attend the next City Council Meeting to be held October 7, 1980, and that he bring with him the inspector who was on the job site when this line was installed across property belonging to Bradley Lumber Company. The City Manager was also directed to send a letter to Mr. Bradley and advise him of action being taken by the Council with regard to his request.

Resolution Authorizing and Directing Purchase of Used Vehicles: Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to adopt the following resolution:

WHEREAS, the City of Marion is in need of a large vehicle for transporting heavy equipment; and

WHEREAS, the vehicle presently in use for same is inadequate and possibly dangerous to personnel; and


WHEREAS, the City is not in a position to purchase a new vehicle of this type; and

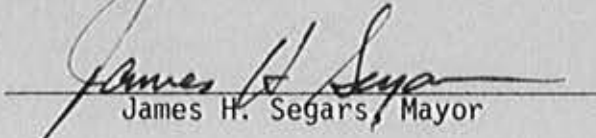
WHEREAS, no provisions are made under State Statutes for the purchase of used equipment;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marion that the City Manager is hereby authorized and directed to purchase a used tractor-type truck for a price not to exceed Four Thousand, Five Hundred Dollars (\$4,500.00).

ADOPTED this the 16th day of September, 1980.

ATTEST:

  
J. Earl Daniels, City Clerk

  
James H. Segars, Mayor

Resolution Authorizing Filing of Clean Water Bond Application: Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to adopt the following resolution:

WHEREAS, the North Carolina Clean Water Bond Act of 1977 has authorized the making of grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, and water supply systems; and

WHEREAS, the City of Marion has need for and intends to construct a water supply system project described as the West Marion Community Development Project - Public Facilities Improvements; and

WHEREAS, the City of Marion intends to request State Grant Assistance for the project;

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

That the City of Marion will arrange financing for all remaining costs of the project if approved for a State Grant Award.

That the City of Marion will adopt and place into effect on or before completion of the project a schedule of fees and charges which will provide adequate funds for proper operation, maintenance and administration of the system.

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

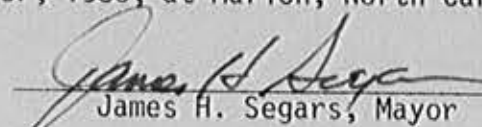


That Richard . Hicks, Community Development Director, and successors so titled, is hereby authorized to execute and file an application on behalf of the City of Marion with the State of North Carolina for a grant to aid in the construction of the project described above.

That Ribhard N. Hicks, Community Development Director, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the City of Marion has substantially complied or will substantially comply with all Federal, State and Local laws, rules, regulations, and ordinance applicable to the project and to Federal and State grants and loans pertaining thereto.

ADOPTED this the 16th day of September, 1980, at Marion, North Carolina.

  
James H. Segars, Mayor

ATTEST:   
J. Earl Daniels, City Clerk

Eugene Cross and Company - Sewer Charges: The City Manager informed the City Council that Eugene Cross and Company had installed a wastewater meter to measure wastewater discharged to the Marion Waste Treatment Plant. He stated that this was done so that the City could bill said firm for the actual amount of wastewater discharged to the Marion system. He informed the City Council that the reading on this wastewater meter was greater than the reading on the water meter serving said firm. Both the wastewater meter and the water meter were checked for accuracy and it was determined that the wastewater meter was inaccurate and had been inaccurate since March, 1980.

The City Manager stated that City Policy provides that industry may install a wastewater meter and be billed for the actual discharge of wastewater or the City would bill the industry 50% of the water charge if the industry is located within the City Limits. He stated that in order to correct the problem the City could compute the wastewater charge based on 50% of the water bill for the months of March through August, 1980. That amount could be deducted from the actual amount paid based on the wastewater meter and the City could credit or reimburse Eugene Cross and Company for the difference.

Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to authorize the City Manager to compute the difference in the charges and to credit or to reimburse Eugene Cross and Company for any overage charges.

Traffic Signal - Fort and Main Streets: Councilman James stated that he had received numerous complaints concerning near accidents with pedestrians at the intersection of Main Street and Fort Street. He stated that the traffic signal there is misleading and pedestrians are crossing the street against the traffic light.

The City Manager stated that the traffic signal in question provides a leading green light for traffic travelling north on Main Street at the intersection of Fort Street which permits traffic to turn left onto Fort Street. He stated that in a southerly direction there is a lag on the green light which allows traffic heading south on Main Street to turn left across Main Street on Fort Street.

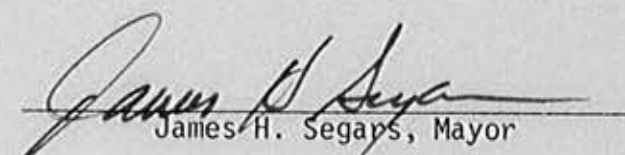
After a short discussion the City Manager was instructed by the City Council to ask the Department of Transportation to change the traffic light so that the light does not have a lead or lag green.

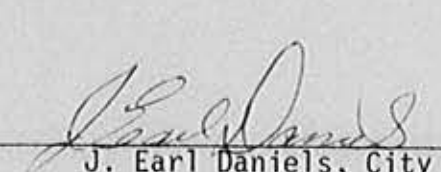
Traffic Problem - Henderson and Main Streets: Mayor Segars informed the City Council that many problems are experienced regarding truck traffic turning from Henderson Street to Main Street or from Main Street to Henderson Street. He stated that there have been several accidents where parked cars have been hit by trucks trying to make the turn. He approached Council regarding the possibility of having police officers inform drivers of tractor-trailer trucks not to make turns at that intersection and that if the request fails, later the Council may take action and adopt an ordinance to prohibit truck turning traffic at that intersection.

The City Council agreed with the recommendations of the Mayor.

Executive Session -Personnel: Upon a motion by Councilman Wilkerson, seconded by Councilman James, the City Council unanimously agreed to adjourn and reconvene in executive session to discuss a personnel matter.

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 30, 1980

The Marion City Council met in a special called session Tuesday, September 30, 1980, at 7:30 P.M. in the City Council Chamber at City Hall.

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

Others Present: J. Earl Daniels, City Manager; Alvin Callahan, Public Works Director; Charles Pearson, Chief Water Filter Plant Operator; Ann Crisp, News Reporter, The McDowell News; and Pat Jobe, News Reporter, The McDowell Express.

Mayor Segars reported that the City's water situation was back to normal and that he would advise the news media accordingly.

The City Manager informed the City Council that the purpose of the called session was to discuss the City of Marion's water system. He stated that it was of the utmost importance that some action be taken as soon as possible to provide additional treatment and storage of water. He informed the City Council that the maximum water which can be obtained from Mackey Creek and Clear Creek is 1.25 MGD. He stated that the maximum amount of water which can be treated at the water filter plant is 2 MGD, for a total of 3.25 MGD. He stated that demands on the system run from 2.4 MGD to approximately 2.9 MGD. He informed the City Council that the total storage available is 1.6 MGD.

Council was advised that even though the City is not now allowing connections to the water system for properties located outside the city limits that the City has many obligations to provide water service based on previous agreements.

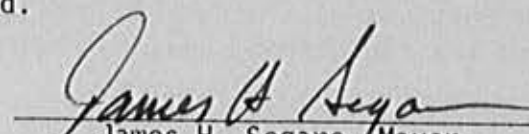
Council was advised that the City is already obligated to provide service to 118 apartment units and two subdivisions and that requests have been received for water service to the proposed new hospital and new school in West Marion.

A long discussion followed concerning increasing storage and enlarging the water plant and the possibility of drilling wells for additional water.

The City Manager was directed to continue trying to obtain facts and figures on increasing the height and size of the existing ground storage reservoir.

The City Manager stated that there may be a possibility of obtaining grant funds from the Farmers Home Administration and the Economic Development Administration if a proposed water project provides for economic development, industrial growth and new jobs. He stated that it may also be possible to obtain a supplemental grant from the Appalachian Regional Council. An additional 25% funding may be obtained from the State Clean Water Bond Funds.

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 7, 1980

The Marion City Council met in regular session Tuesday, October 7, 1980 at 7:30 P.M. in the City Council Chamber at City Hall.

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

Others Present: J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; Richard Hicks, Planning Director and Zoning Administrator; Frank Grant, Intern; Ann Crisp, News Reporter, The McDowell News and Pat Jobe, News Reporter, The McDowell Express.

Guests: Richard Faulkner, Chairman, Recreation Commission; Al Shiver, Crawley, Johnson, Price and Sprinkle; and Sid Riddick, O'Brien & Gere, Inc./Engineers.

Approval of the Minutes of the September 16, 1980 Meeting: Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to approve the minutes of the September 16, 1980 meeting.

Approval of the Minutes of the September 30, 1980 Meeting: Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to approve the minutes of the September 30, 1980 meeting.

Recreation Commission: Richard Faulkner, Chairman, Recreation Commission, appeared before the City Council to give a status report on the development of the recreation property at the corner of West Court and Academy Streets. He also reported on a meeting between members of the Recreation Commission, representatives of the First Presbyterian Church and a committee from the City Council. He advised the Council that the Recreation Commission had voted to use the \$15,000.00 contribution from the City for grading, gravelling and paving parking facilities for the Recreation Commission's property.

Councilman Cross stated that the City appreciates the work the Recreation Commission is doing and that they should be complimented for their work and dedication.

Councilman Brown stated that he was very impressed with the frankness of Recreation Commission Members and the procedures followed in the meeting with the committee from the City Council and the representatives of the church.

Upon a motion by Councilman Clark, seconded by Councilman James, the City Council approved the contribution of \$15,000 to the Recreation Commission. The vote was as follows:

Ayes: Councilman Clark  
Councilman Cross  
Councilman James  
Councilman Brown

No: Councilman Wilkerson

Bradley Lumber Company: Mr. Sid Riddick of O'Brien & Gere, Inc./Engineers, appeared before the City Council to present information relating to the Bradley Lumber Company property before, during and after construction of a sewer line by contractors for the City of Marion.

Mr. Riddick presented a written statement from Inspector Jace Ollis that the property in question had approximately eight to twelve inches of stone base that was used for parking but that only part of the lot could be used for parking because of piles of scrap iron, etc. He stated that part of the parking lot and the cyclone fence had been washed out by flooding sometime before construction was started and that part of the lot was grown up with weeds and was not used for any purpose. He stated that many old tree stumps and other debris was dug up during construction and the trench area opened to approximately 35 to 40 feet in width.

Mr. Riddick stated that due to the condition of the site prior to the construction activities, and the fact that no complaints were raised by Bradley Lumber Company personnel during or after the construction, Mr. Ollis, did not deem it necessary to have the gravel replaced at an additional expense to the City.

The City Manager stated that the sewer line had to be relocated because Mr. Bradley had the branch moved and that it appeared from the drawings that the area, or a part of the area, in which the line is located must have been filled in when the creek was moved. He stated that if this is in fact the case, then gravel would have had to have been placed on the property between the time the branch was relocated and the sewer line was installed. The City Manager also stated that the invoice he received from Mr. Bradley indicated that the gravel was hauled from Statesville, North Carolina. He questioned why it was necessary to obtain gravel from a firm located so far from the location where the gravel was to be used.

Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to authorize City Attorney E. P. Dameron to negotiate a proposed settlement with Mr. Bradley. Said settlement to be approved by the City Council.

Audit - 1979-1980: Al Shiver of Crawley, Johnson, Price and Sprinkle appeared before the City Council to review the 1979-1980 audit of all City accounts. Mr. Shiver stated that the City's



investment program was good and that the amount of interest earned would equal a tax of 7¢. He stated that due to depreciation the utility fund showed a loss of \$107,818.00.

A question was raised concerning the fact that water revenues received were lower this year than last year. No immediate explanation was given; however, the auditing firm and the City Manager agreed to look into the matter.

Mr. Shiver complimented the City on its computer system and stated that it is one of the best systems he has seen.

Upon motion by Councilman Clark, seconded by Councilman Cross, the City Council unanimously voted to accept the 1979-1980 audit as presented.

Account Charge Offs: Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council unanimously voted to approve the following account charge offs:

<u>Street Assessments</u>	<u>Past Employees - Insurance Premiums</u>
Ralph Wall \$30.50	Kenneth Owensby \$235.87
Lee McGraw \$119.84	Eugene Dixon \$55.44
James V. Poteat \$83.30	
Beulah Thomas \$168.75	

Etta Packaging, Inc. - Request for Driveway Variance: The City Manager stated that Etta Packaging, Inc. wished to install three driveways to their parking lot on Burgin Street. He stated that according to City ordinances only two driveways are permitted. He informed the City Council that to design the parking lot with three driveways would allow for more off-street parking that it was his recommendation to authorize construction of the driveways as an exception rather than rescinding the ordinance.

Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the City Council unanimously voted to authorize Etta Packaging, Inc. to construct three driveways to their parking lot on the west side of Burgin Street at their own expense.

Resolution Authorizing the Signing of a Contract Between the City of Marion and the N. C. Department of Natural Resources and Community Development: Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to adopt the following resolution:

WHEREAS, the City of Marion was awarded a HUD "701" Planning Grant-In-Aid from the North Carolina Department of Natural Resources and Community Development.


WHEREAS, a contract between the City of Marion and the North Carolina Department of Natural Resources and Community Development must be executed for the purpose of providing the services to the City of Marion.

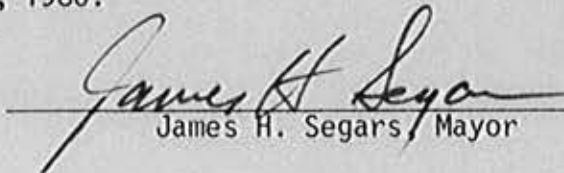
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marion as follows:

1. That the contract between the City of Marion and the North Carolina Department of Natural Resources and Community Development 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 Resources and Community Development.
3. That upon final execution a copy of said contract be filed with the minutes.

ADOPTED this the 7th day of October, 1980.

ATTEST:

  
J. Earl Daniels, City Clerk

  
James H. Segars, Mayor

Citizens Advisory Committee: The City Manager stated that the Council would need to appoint a person to fill the unexpired term of Deanna Setzer as a member of the Citizens Advisory Committee. Council agreed to table action on this matter until the next meeting.

McDowell County Emergency Agency Advisory Committee: The City Manager informed the City Council that McDowell County Emergency Agency has established an advisory committee.

Downtown Development Corporation: The City Manager asked if the City Council would like for the City to join the North Carolina Downtown Development Corporation with dues of \$50.00.

The City Manager was directed to present the information to the Downtown Merchants Association.



Writing Local History: The City Manager informed the City Council that grant funds may be available for writing a history of Marion and asked if Council would like to file an application for said funds.

It was agreed that since a history of McDowell County was recently completed that Council would not submit an application for funds.

Resolution Authorizing the Signing of a Contract Between the City of Marion and the Department of Housing and Urban Development: Upon a motion by Councilman James, seconded by Councilman Clark, the City Council unanimously voted to adopt the following resolution:

WHEREAS, the City of Marion has been awarded a Small Cities Community Development Block Grant from the Department of Housing and Urban Development in the amount of \$500,000.00; and

WHEREAS, a contract between the City of Marion and the Department of Housing and Urban Development must be executed before the City can embark upon its Community Development project.

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

1. That the contract between the City of Marion and the Department of Housing and Urban Development be and the same is hereby approved.
2. That the Mayor or Mayor Pro Tem be and they are hereby authorized to sign and execute the said contract for and on behalf of the City of Marion and forward same to the Department of Housing and Urban Development.
3. That upon final execution a copy of said contract be filed with the minutes.

ADOPTED this the 7th day of October, 1980.

ATTEST:

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

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

West Marion Community Sewer Connections: The City Manager informed the City Council that October 1st, 1980 was the deadline for free sewer connections to the sewer system in West Marion and that many persons had been unable to connect to the system. He asked if Council wished to extend the time limit.

Upon a motion by Councilman Wilkerson, seconded by Councilman Cross, the City Council unanimously voted to extend the time for free sewer taps for the existing structures in that area until June 30, 1981.

Proposed New Hospital - Endorsement: Councilman Clark reported that many industries and groups in McDowell County had endorsed the concept of a new hospital. He asked if the City would make such an endorsement.

Mayor Segars stated that he was under the impression that the new hospital would contain no additional rooms for patient care and that he understands that there will only be private rooms, no semi-private rooms or wards.

A discussion followed.

Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to endorse the concept of a new hospital.

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

November 11, 1980

The Marion City Council met Tuesday, November 11, 1980 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 R. Wilkerson, and Larry W. Brown.

Board Member Absent: Councilman Oliver R. Cross.

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

Approval of the Minutes of the October 7, 1980 Meeting: Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to approve the minutes of the October 7, 1980 meeting.

South Main Street - Request for Loading Zone: The City Manager informed the City Council that he had received a letter from Mr. Ronald Seifred, School Superintendent requesting that a loading zone be established in front of the administrative offices on South Main Street. The City Manager presented a letter from Police Chief John Beck recommending that the Council not establish a loading zone at that location.

Chief Beck explained in his recommendation that City officers would not issue citations for trucks loading or unloading on the street in front of the building if the trucks are too large to use the driveway and parking lot.

The City Manager was directed to send a letter to Mr. Seifred explaining the recommendation of the Chief of Police. Council took no action on the request.

Columbia Avenue - Request for No Parking Zone - Mrs. Maude Willis: The City Manager informed the City Council that he had received a letter from Mrs. Maude Willis requesting that a no parking zone be established in front of her property on Columbia Avenue. He also presented a recommendation from Police Chief John Beck that no parking be allowed on either side of Columbia Avenue, based on the width of the street.

After a short discussion it was decided that the Street Committee would look at the area and make a recommendation at the next City Council Meeting regarding the request.

Harrison Arms Apartments - Letter: The City Manager presented a letter from Mr. Robert L. Smith, AIA, Project Manager for the Harrison Arms Apartments. The letter was in response to the September meeting of the Marion City Council at which time the City Council voted to rescind its endorsement of the Harrison Arms Apartment Project.

The City Council made no comments and took no action regarding the letter.

Bradley Lumber Company - Request - Report: Upon a motion by Councilman Wilkerson, seconded by Councilman James, those members of Council present unanimously voted to go into executive session for a report from Mr. E. P. Dameron, City Attorney, regarding negotiations with Bradley Lumber Company.

Following Mr. Dameron's report and upon a motion by Councilman Wilkerson, seconded by Councilman James, those members of Council present unanimously voted to reconvene in regular session.

Citizens Advisory Committee - Appointment of Person to Fill Unexpired Term of Deanna Setzer: After a short discussion the City Council appointed Debbie Hollifield to fill the unexpired term of Deanna Setzer.

Traffic Light - Intersection of Fort and Main Streets: Councilman James asked if any work had been accomplished on the light at Fort and Main Streets.

The City Manager stated that he had reported the problem to the Department of Transportation but that as far as he knew no action had been taken in changing the sequence of the light at that intersection. He stated that he would write the Department of Transportation a second letter.

Street Light - Pulliam Street: Councilman Wilkerson stated that he had been approached concerning the installation of a street light in front of Mrs. Rader's home on Pulliam Street.

The City Manager Stated that he had checked the area following a request from Mayor Pro Tem Clark and that street lights in that area are installed in accordance with City Policy.

After a short discussion it was agreed that the Street Committee would look at the area and advise what action should be taken.



Fire Protection - Drexel Furniture Building: Councilman James stated that he had been contacted by Mr. Alex Turner regarding the fact that the City does not have a fire hydrant on the City's system located on the twelve-inch main at the intersection of Blue Ridge and Carson Streets.

The City Manager stated that the information is correct and that the fire hydrant serving that general area is located on a six-inch main. He stated that Drexel does have a fire hydrant in their yard which is located on the twelve-inch main. He informed the City Council that plans have been made to install a fire hydrant on the twelve inch water main near where the brick building was razed at the intersection of Blue Ridge and Carson Street. He also stated that he would send a letter to Mr. Turner advising him of this action.

Resolution Authorizing Purchase of Used Low Boy Trailer: Upon a motion by Councilman Brown, seconded by Councilman James, those members of Council present unanimously voted to adopt the following resolution:

WHEREAS, the City of Marion is in need of a low boy trailer for transporting heavy equipment; and

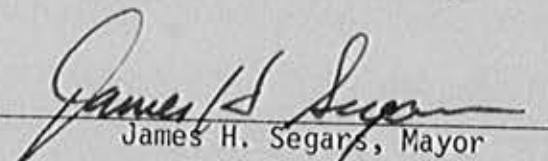
WHEREAS, the trailer now in use for same is inadequate and possibly dangerous to personnel; and

WHEREAS, the City is not in a position to purchase a new vehicle of this type; and

WHEREAS, no provisions are made under State Statutes for the purchase of used equipment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marion that the City Manager is hereby authorized and directed to purchase a used Reids low boy trailer for an amount not to exceed Seven Thousand Dollars (\$7,000).

ADOPTED this the 11th day of November, 1980.

  
James H. Segars, Mayor

ATTEST:   
J. Earl Daniels, City Clerk

Resolution Authorizing Signing of a Contract Between the City of Marion and Southern Railway System: Upon a motion by Councilman Wilkerson, seconded by Councilman James, those members of Council present unanimously voted to adopt the following resolution:

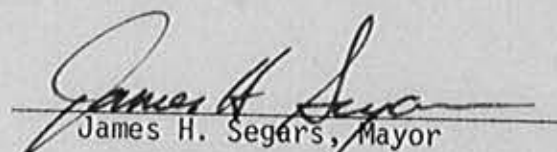
WHEREAS, the City of Marion proposed to enter into an agreement with Southern Railway System for the construction and maintenance of a twelve-inch (12") water line through or across the property or right-of-way of Southern Railway System in the vicinity of the intersection of East Court Street (Highway 70 East), Depot Street and Yancey Street; and

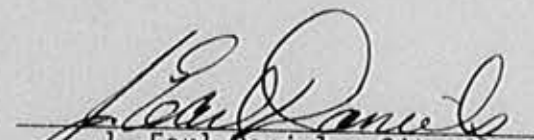
WHEREAS, the construction of said water line is for the purpose of providing water service to the McDowell Plant of Burlington Industries.

NOW, THEREFORE, 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 Southern Railway System be and the same is hereby approved; and
2. That the Mayor and City Clerk be and they are hereby authorized to sign and execute said contract for an on behalf of the City of Marion and forward the same to the Southern Railway System.

This the 11th day of November, 1980.

  
James H. Segars, Mayor

ATTEST:   
J. Earl Daniels, City Clerk

Contract executed by the City of Marion and Southern Railway System is filed in the safe under Document Number 440.

Resolution Authorizing the Signing of a Contract Between the City of Marion and the North Carolina Department of Transportation - Inspection and Inventory of Bridges: Upon a motion by Councilman Wilkerson, seconded by Councilman James, those members of Council present unanimously voted to adopt the following resolution:

WHEREAS, the City of Marion has requested the Department of Transportation to perform certain work under the Federal-Aid Highway Bridge Replacement and Rehabilitation Program, said work to consist of the inventory, inspection, and analysis of all public bridges on the Municipal Street System in the City of Marion; and

WHEREAS, the City of Marion proposes to enter into an agreement with the North Carolina Department of Transportation for said work wherein the Department of Transportation or a Consulting Engineering firm retained by the Department of Transportation will inventory, inspect and prepare the necessary inventory, inspection reports for all public bridges on the Municipal Street System in accordance with the National Bridge Inspection Standards; and

WHEREAS, under the proposed agreement the Federal Highway Administration shall reimburse the Department of Transportation for eight (80) percent of the cost of the work subject to compliance with all applicable federal policy and procedural rules and regulations; and

WHEREAS, under the proposed agreement the City of Marion shall reimburse the Department of Transportation for all costs of the work incurred by the Department of



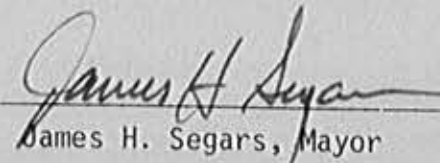
Transportation not approved and paid by the Federal Highway Administration.

NOW, THEREFORE, BE IT RESOLVED that the agreement for the hereinabove referenced bridge inspection work is hereby formally approved by the City Council of the City of Marion and the Mayor and Clerk of the City of Marion are hereby empowered to sign and execute the required agreement between the City of Marion and the Department of Transportation.

ADOPTED this the 11th day of November, 1980.

ATTEST:

  
J. Earl Daniels, City Manager

  
James H. Segars, Mayor

Contract executed by the City of Marion and the Department of Transportation is filed in the safe under Document Number 442.

Resolution Authorizing the Signing of a Contract Between the City of Marion and the North Carolina Department of Transportation - Project 9.8131616 - Curb and Gutter - Rutherford Road: Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to adopt the following resolution:

WHEREAS, the North Carolina Department of Transportation has prepared and adopted plans to make certain street and highway improvements within this Municipality under Project 9.8131616, McDowell County, said plans consisting of the construction and improvement of U.S. 221 from Garden Street to Morehead Street; and

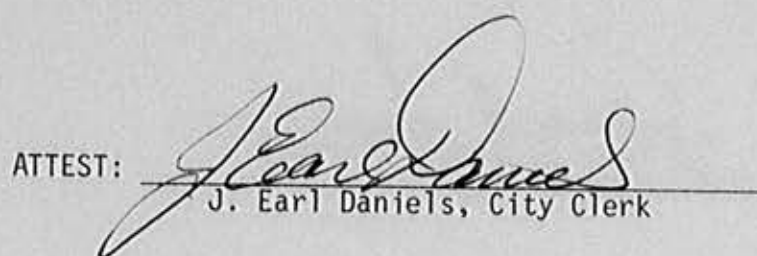
WHEREAS, said Department of Transportation and this Municipality propose to enter into an agreement for the above mentioned project whereby this Municipality agrees: (1) to effect the necessary adjustment of any utilities under franchise without cost to the Department of Transportation, and (2) to provide for the adjustment of any municipality owned utilities without cost to the Department of Transportation, except that said Department will reimburse this Municipality in accordance with said Department's Municipality Owned Utility Policy; and

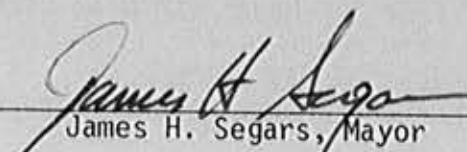
WHEREAS, said Department of Transportation agrees to acquire the right-of-way and construct the project in accordance with the approved project plans; and

WHEREAS, the agreement will further provide for the establishment, maintenance, and enforcement of traffic operating controls for the regulation and movement of traffic on the project upon its completion.

NOW, THEREFORE, BE IT RESOLVED that Project 9.8131616, McDowell County, is hereby formally approved by the City Council of the Municipality of Marion and that the Mayor and Clerk of this Municipality are hereby empowered to sign and execute the agreement with the Department of Transportation.

ATTEST:

  
J. Earl Daniels, City Clerk

  
James H. Segars, Mayor

Contract executed by the City of Marion and the Department of Transportation is filed in the safe under Document Number 441.

Agreement Between the City of Marion and the Energy Division of the North Carolina Department of Commerce - Reference - Emergency Temperature Restrictions: Upon a motion by Councilman Clark, seconded by Councilman Wilkerson, those members of Council present unanimously voted to enter into an agreement with the Energy Division of the North Carolina Department of Commerce. Said agreement is filed in the safe under Document Number 443.

Community Development Program - Housing Rehabilitation Plan: Community Development Director Richard Hicks presented a Housing Rehabilitation Plan. Upon a motion by Councilman James, seconded by Councilman Wilkerson, those members of Council present unanimously voted to adopt the Housing Rehabilitation Plan as presented for the Community Development Program. A Copy of said plan is filed in the safe under Document Number 444.

Community Development Program - Model - Residential Property Rehabilitation Standards: Upon a motion by Councilman James, seconded by Councilman Wilkerson, those members of Council present unanimously voted to approve the Model Residential Property Rehabilitation Standards as presented for the Community Development Program. Said standards is filed in the safe under Document Number 445.

Community Development Program - Model Basic Specifications: Upon a motion by Councilman James,



seconded by Councilman Wilkerson, those members of Council present unanimously voted to approve the Model Basic Specifications as presented. Said specifications are filed in the safe under Document Number 446.

Inflow Testing - Clinchfield Sewer System: The City Manager presented a letter from O'Brien and Gere, Inc. stating that they will provide certain infiltration-inflow testing for the City of Marion. The cost of such procedures provided \$2,400.00 for field work, \$2,000.00 for office evaluation and letter report, and a fixed fee of \$250.00.

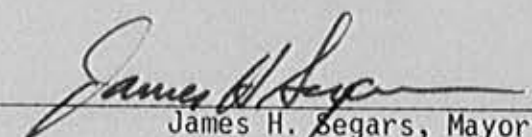
After a short discussion it was determined that the cost involved in this project was too great and that the project should be undertaken with City forces.

Recreation Commission - Joint Meeting: The City Manager presented a letter from County Manager Jack Harmon requesting that the City Council, the Board of Aldermen for the Town of Old Fort and the County Commissioners meet in a joint session to discuss complaints received from the Maranatha Church.

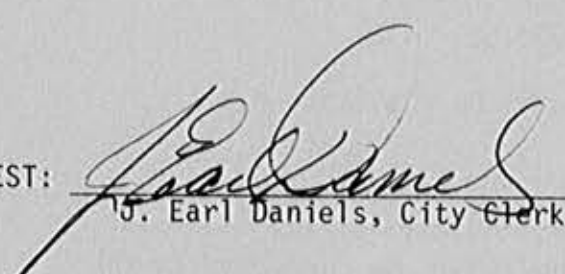
After a short discussion it was agreed that the City Council would meet with the County Commissioners and the Town Board from Old Fort on Tuesday night, November 18th; Wednesday night, November 19th; or Thursday night, November 20th at 7:30 P.M.

(See minutes of Joint Meeting - Legal Document No. 459 - Located in Safe)  
The City Manager was instructed to inform Mr. Harmon of these times.

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 25, 1980

The Marion City Council met Tuesday, November 25, 1980, at 7:30 P.M. in the City Council Chamber at City Hall.

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

Mayor Segars arrived at approximately 7:50 P.M.

Others Present: J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; Richard Hicks, Planning and Community Development Director; Frank Grant, Intern; Alvin Callahan, Public Works Director; Pat Jobe, News Reporter, The McDowell Express; and Eric Miller, News Reporter, The McDowell News.

Approval of the Minutes of the November 11, 1980 Meeting: Upon a motion by Councilman Cross, seconded by Councilman James, those members of Council present unanimously voted to approve the minutes of the November 11, 1980 meeting.

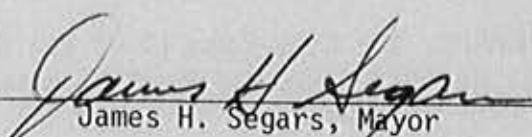
Columbia Avenue - No Parking Zone Ordinance: Upon a motion by Councilman Brown, seconded by Councilman Cross, the City Council unanimously voted to adopt the following ordinance establishing a no parking zone on Columbia Avenue.

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 on any portion of Columbia Avenue from its intersection with Virginia Avenue to its deadend.

Section 2. Any persons 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 25th day of November, 1980.

  
James H. Segars, Mayor

ATTEST:

  
J. Earl Daniels, City Clerk



Mayor Segars arrived at the meeting.

Capital Project Budget Ordinance - West Marion Community Development Project: The City Manager presented the Capital Project Budget Ordinance for the West Marion Community Development Project prepared by Richard Hicks, Planning and Community Development Director.

Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to adopt the following Capital Project Budget Ordinance:

In accordance with North Carolina General Statutes 159-13.2, there is hereby established a Capital Project Budget for completion of the West Marion Community Project. The project shall have the following project number assigned by the U. S. Department of Housing and Urban Development:

HUD - No. B-80-DN-37-0081

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

Section 1. The following amounts are hereby appropriated in the Capital Project Budget for the completion of the West Marion Community Development Project:

Rehabilitation	\$270,000.00
Relocation	33,000.00
Acquisition	20,000.00
Demolition and Clearance	5,000.00
Improvements to Water Service Lines	117,400.00
Street Paving	19,600.00
Administration	35,000.00
Total	\$500,000.00

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

HUD - No. B-80-DN-37-0081 Grant \$500,000.00

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

ADOPTED this the 25th day of November, 1980.

ATTEST:

J. Earl Daniels, City Clerk

James H. Segars, Mayor

Resolution - Authorizing Dealings With First Union National Bank of North Carolina: The City Manager presented a resolution authorizing dealings with First Union National Bank of North Carolina for the West Marion Community Development Project.

Upon a motion by Councilman James, seconded by Councilman Cross, the City Council unanimously voted to adopt a said resolution authorizing dealings with First Union National Bank in regard to the West Marion Community Development Project. Said resolution is filed in the safe under Document Number 456.

Planning Board - Appointment of Three Members: The City Manager informed the City Council that the terms of Robin Hood, Danny Davis and Harold Buchanan as members of the Marion Planning Board will expire December 31, 1980. He informed the City Council that each of these gentlemen had agreed to serve an additional term if appointed.

Upon a motion by Councilman Wilkerson, seconded by Councilman James, the City Council unanimously voted to reappoint Robin Hood, Danny Davis and Harold Buchanan as members of the Marion Planning Board for three year terms. Said terms to expire December 31, 1983.

Annexation - Petition - W. Frank Noles: The City Manager presented a petition from Mr. W. Frank Noles requesting that his property located off Miller Street be annexed into the City Limits.

Upon a motion by Councilman Cross, seconded by Councilman Clark, the City Council unanimously voted to adopt the following resolution directing the Clerk to investigate the petition:

WHEREAS, a petition requesting annexation of an area described in said petition has been received on November 25, 1980, by the City Council of the City of Marion; 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

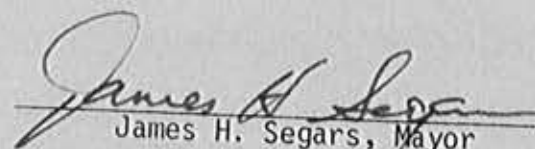
WHEREAS, the City Council of the City of Marion deems it advisable to proceed in response to this request for annexation;



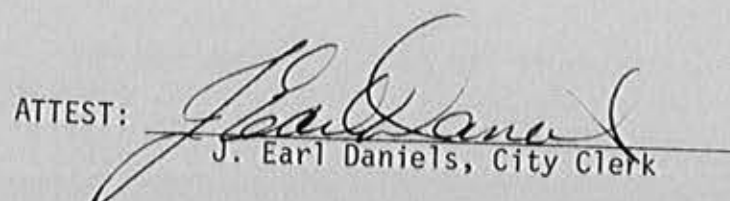
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marion:

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 of the City of Marion the result of this investigation.

ADOPTED this the 25th day of November, 1980.

  
James H. Segars, Mayor

ATTEST:

  
J. Earl Daniels, City Clerk

Annexation - Petition - McDowell County Commissioners: The City Manager presented a petition from the McDowell County Commissioners requesting that the City of Marion give consideration to annexation of certain properties located northwest of Sugar Hill Road and south of the Marion City Limits which was recently acquired by the County for construction of a new school and hospital.

The City Manager informed the City Council that in addition to this request from the County, said request excluding the property purchased by the County Board of Education, he had received a letter from Mr. Ronald H. Seifred, Superintendent of McDowell County Schools requesting that the property purchased by the McDowell County School Board also be annexed into the City Limits.

A short discussion followed.

It was agreed by the City Council that a resolution directing the Clerk to investigate the petitions would not in any way obligate the City to annex the properties.

Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to adopt the following resolution directing the Clerk to investigate the petition submitted by the McDowell County Board of Commissioners and also to investigate the petition forthcoming from the McDowell County Board of Education.

McDowell County Board of Education:

WHEREAS, a petition requesting annexation of an area described in said petition has been received on December 8, 1980, by the City Council of the City of Marion; and

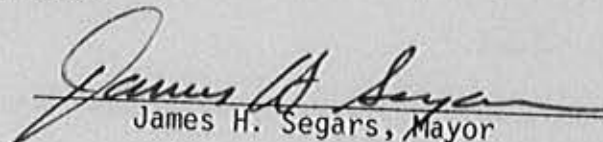
WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

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 of the City of Marion the result of his investigation.

ADOPTED this the 9th day of December, 1980.

  
James H. Segars, Mayor

ATTEST:

  
J. Earl Daniels, City Clerk

McDowell County Board of Commissioners:

WHEREAS, a petition requesting annexation of an area described in said petition has been received on December 9, 1980, by the City Council of the City of Marion; 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

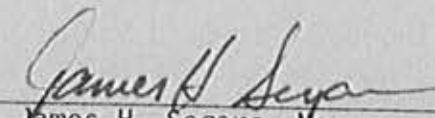
WHEREAS, the City Council of the City of Marion deems it advisable to proceed in response to this request for annexation;

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 of the City of Marion the result of his investigation.



ADOPTED this the 9th day of December, 1980.

  
James H. Segars, Mayor

ATTEST:

  
J. Earl Daniels, City Clerk

Annexation Projects: The City Manager informed the City Council that the City of Marion had not increased its tax rate in over eight years and that during this time the cost of utilities, materials and services had escalated considerably. He informed the Council that when the County had all properties reassessed the City reduced its tax rate by twelve cents (12¢), which offset a portion of those monies which would have permitted the City to catch up some from the inflation losses of the past several years. He informed the Council that in his opinion the City has three choices: (1) reduce services and only pay for those services which the existing tax rate and other monies will cover; (2) to increase taxes to provide those services which are now being performed and services which are demanded by citizens; or (3) annex additional properties into the City, which in all probability would allow a reduction in the tax rate for those persons now located within the City Limits.

The City Manager stated that the following areas are being considered for annexation study: (1) the area in West Marion where the new hospital and West Marion Elementary School will be built; (2) the Washington Mills property off Rutherford Road; (3) all of Clinchfield to the railroad overpass on U. S. 70; (4) the area north of Oak Street; (5) a portion of property just off California Avenue; and (6) property bounded by Hillcrest Drive, Logan Street and U. S. 70 West, including the Finley Road area.

The City Manager stated that he would recommend that the City give consideration to proceeding with annexation studies for all the areas defined and that the City consider annexation of the areas meeting statutory requirements.

Upon a motion by Councilman Wilkerson, seconded by Councilman James, the City Council unanimously voted to authorize the City Manager to proceed with the annexation studies as requested.

Longevity Checks: The City Manager stated that it has been City policy for the past several years to provide longevity checks to employees. The checks are based on one day's pay for each full year of continuous, uninterrupted employment with the City of Marion, not to exceed five days' pay or \$200 maximum, with a minimum payment of \$25.00. The City Manager stated that these monies were provided in the budget adopted by the City Council.

The City Manager also stated that he would like to request that the City grant employees Wednesday, December 24, Thursday, December 25 and Friday, December 26 off as Christmas holidays.

A discussion was held concerning the garbage and trash problem if all employees were granted these days off for holidays.

After a discussion of the matter, it was agreed upon by the City Council that all City employees would be granted these three days off for Christmas holidays excepting only those employees scheduled to work for the Fire Department, Police Department, Water Filter Plant and Wastewater Plant, said employees would receive additional time off in lieu of these holidays.

Travel Policy: The City Manager informed the City Council that it would be necessary to change the City's existing travel policy to establish maximum amounts to be spent. He stated that this requirement was brought about by the Community Development Project.

A short discussion followed.

Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to adopt the following travel policy:

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

1. If a City vehicle is used, a paid bill for all gasoline, oil, repairs, etc. must be presented for reimbursement. If a City credit card is used, copies of tickets must be presented for each purchase.
2. If a private vehicle is used, the City will pay a flat rate of \$.225 per mile. Employees will be required to use City vehicles when vehicles are available. Each department head will determine whether or not a City vehicle should be used.
3. The following amounts are recommended for meals:

Breakfast	\$3.00	Lunch	\$3.50	Dinner	\$8.00
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When an employee or representative of the City must stay overnight, meals and lodging cannot exceed \$50.00, and meals may not exceed \$23.00 within a 24-hour period.

Some areas are known as high cost areas and under special circumstances the City Manager may approve costs that exceed the ones listed above.



To qualify for reimbursement for the expense of breakfast, the employee must be out of McDowell County enroute to his/her destination before 6:00 A.M.

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/her destination at a specific time.

4. The City will make payment of or reimbursement for registration fees up to a maximum of \$30.00 without the approval of the City Manager. A receipt verifying payment of all registration fees will be required.

5. Hotel or motel expenses will be paid or reimbursed upon receipt of verification of same. A check for said expense 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 presentation of paid receipts for same. A signed request for reimbursement for taxi fares will suffice in lieu of paid receipt.

Leaves - Pick Up Procedures: The City Manager stated that he had received numerous complaints about leaves. He stated that it was impossible for employees to be able to pick up all the leaves in the City during one work week and that he would like to recommend that the City give consideration to purchasing large plastic bags to be given free to City residents so that they can bag leaves, if they so desire, to be picked up by the City. He stated that under this procedure the City would still vacuum leaves from the curbs and that those persons who wish to rake their leaves to the curb may still do so but that those persons who would like their leaves picked up faster could bag their leaves and place them at the curb and the City could send another truck to pick up bagged leaves. He stated that the advantage to this procedure would be that citizens would have a choice as to how their leaves are picked up and that bagging of leaves would prevent leaves from blowing back into yards after they have been raked.

The City Manager was authorized by the City Council to purchase plastic bags to be given free to City residents for the purpose of placing leaves in the bags for City pick up.

Traffic Light - Intersection of Fort Street and Main: A discussion was again held regarding the traffic light located at Main Street and Fort Street. The City Manager informed the City Council that Mr. Walt Cochran of the Department of Transportation had informed the City Manager that the Department of Transportation would remove that portion of the signal providing a turning arrow and a lead and lag green light at the request of the City. The City Manager stated that Mr. Cochran informed him that should the City, at a later date, desire to have this portion of the light reinstated, that it would be at the expense of the City.

Councilman Clark stated that the lanes of traffic should be marked so that traffic could determine which lane to travel in so that through traffic would not be backed up behind turning traffic.

Councilman Cross stated that the traffic light at the intersection of Fort Street and Logan Street changes so that traffic flowing south on Logan Street prevents traffic from turning from Logan Street left onto West Court Street. He asked the City Manager to talk with Mr. Cochran concerning changing the time sequence of lights so that the traffic light at Fort and Logan would hold traffic traveling south on Logan Street to provide some time for turning traffic from Logan Street heading north to turn left on West Court Street.


December Meeting: The City Manager stated that usually Council holds only one meeting in December because of the Christmas Holidays. It was agreed by Council to meet December 9, 1980 for the December meeting.

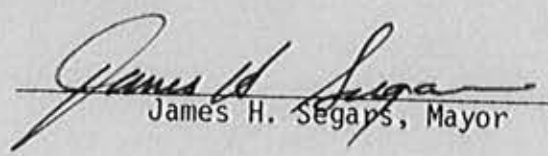
Executive Session: Upon a motion by Councilman James, seconded by Councilman Wilkerson, the City Council unanimously voted to go into Executive Session to hear a report from City Attorney E. P. Dameron regarding negotiations with Bradley Lumber Company.

Following the report from Mr. E. P. Dameron and upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to reconvene in regular session.

Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to adjourn the City Council Meeting. The Meeting was adjourned at 9:43 P.M.

ATTEST:

  
J. Earl Daniels, City Clerk

  
James H. Segars, Mayor



STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

December 9, 1980

The Marion City Council met Tuesday, December 9, 1980, at 7:30 P.M. in the City Council Chamber at City Hall.

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

Others Present: J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; Richard Hicks, Planning and Community Development Director; Frank Grant, Intern; Pat Jobe, News Reporter, The McDowell Express; Ann Crisp, News Reporter, The McDowell News; and Dee Stevens.

Approval of the Minutes of the November 25, 1980 Meeting: Upon a motion by Councilman Clark, seconded by Councilman Cross, the City Council unanimously voted to approve the minutes of the November 25, 1980 meeting.

Proposed Annexation - Certificate of Sufficiency - Frank Noles Property - Miller Avenue: The City Manager presented the following Certificate of Sufficiency for the Frank Noles property located on Miller Avenue:

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, North Carolina, this 9th day of December, 1980.

Proposed Annexation - Certificate of Sufficiency - McDowell County School Property and Hospital Property: The City Manager informed the City Council that he had received a description of the entire tract of property purchased by McDowell County. He stated that the deed excepted certain portions of the property without legal descriptions and that he was unable to get a legal description of the individual properties for which annexation has been requested. The City Manager stated that he would provide certificates of sufficiency at a later date after the property information has been obtained.

Annexation - Resolution Fixing Date of Public Hearing - Frank Noles Property - Miller Avenue: Upon a motion by Councilman James, seconded by Councilman Clark, 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 o'clock, P.M. on the 20th day of January, 1981.

Section 2. The area proposed for annexation is described as follows:  
NOTE - CORRECTED LEGAL DESCRIPTION ON PAGE 515

FIRST TRACT: BEGINNING at an iron stake, the northeast corner of lots sold to James V. Poteat by The First National Bank of Marion, North Carolina on the 12th day of December, 1950, and running north 74° west with the Poteat line 120 feet to an iron stake in the eastern margin of a ten-foot (10') alley; thence north 16° east along the eastern margin of a ten-foot (10') alley 166-2/3 feet to a stake in the outside boundary line of Block No. 3 of the South Marion Addition; thence along said outside boundary line of Block No. 3, north 81° 30 minutes East to a stake, said stake being the northwest corner of said South Marion Addition; thence south 16° west along the western margin of Georgia Avenue 250 feet to the BEGINNING, it being the northern half of Lot No. 22 and all of Lots Number 24, 26, 28, 30, 32, 34 and 36 in Block No. 3 of the South Marion Addition, a map of same being recorded in the Office of the Register of Deeds for McDowell County, North Carolina, in Map Book 1, at page 124, to which reference is hereby made.



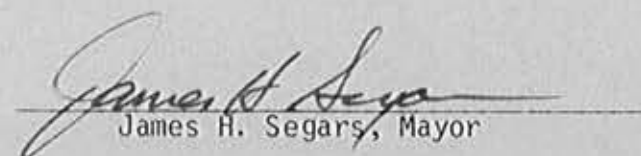
SECOND TRACT: BEING the northern half of Lot No. 21, and all of Lots Numbered 23, 25, 27, 29 and 31 in Block No. 3 of the South Marion Addition, a map of which is recorded in the Office of the Register of Deeds for McDowell County, North Carolina, in Map Book 1, at page 124, to which reference is hereby made.

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 9th day of December, 1980.

ATTEST:

  
J. Earl Daniels, City Clerk

  
James H. Segars, Mayor

Community Development - Engineering Agreement: The City Manager informed the City Council that it is necessary for the City of Marion to have an engineering firm prepare plans and specifications for approval by the Division of Health Services for the State of North Carolina prior to the installation of water lines in the West Marion Community under the Community Development Project.

The City Manager stated that the City had received three informal proposals for this work. One firm had submitted a proposal in excess of \$10,000. A second firm had submitted a proposal in excess of \$6,000, and a proposal had been submitted by Matheson, Hintz and Associates, Inc. for the sum of \$3,500. The City Manager presented an agreement for a contract for engineering services by and between the City of Marion and Matheson, Hintz and Associates, Inc.

Upon a motion by Councilman Cross, seconded by Councilman James, the City Council unanimously voted to approve the agreement as presented by the City Manager.

Mayor Segars stated that he thought it was high time American people ceased to be ripped off by senseless legislation. He informed the City Council that City personnel had prepared plans for the installation of the water lines that were perfectly adequate to undertake the construction and that due to a statute requiring that plans be prepared by an engineering firm the City now must spend \$3,500.

The City Manager stated that according to the Division of Health Services, any extension of water and sewer lines by a municipality must be approved by the Division of Health Services. He stated that the City is required to submit them before any work can be done in the West Marion Community.

After a discussion of the matter and upon a motion by Councilman Clark, seconded by Councilman Cross, the City Council unanimously voted to direct the City Manager to send a letter of protest to Representative Robert Hunter and the Legislature and also to the League of Municipalities and the Division of Health Services, stating that the City objects to being forced to spend money unnecessarily for engineering consultant services.

Pawn Shops: The City Manager informed the City Council that G.S. 91-1 through 91-8 deal with pawn brokers. He stated that one pawn shop has been established in the City of Marion and that a second pawn shop would be established after the first of the year. He informed the City Council that based on the aforementioned statutes that the City of Marion needs to prepare an application for persons wishing to enter into that type of business and that the Mayor and City Council needs to approve the application prior to the person entering into business. He stated that it is also necessary for persons entering that type of business to produce satisfactory evidence of good character and to provide a \$1,000 bond payable to the City.

After a short discussion, the City Manager was directed by the City Council to prepare an application and to follow the statutes with regard to issuing licenses for persons who enter that type of business within the Marion City Limits. The City Attorney stated that the City Manager could require an affidavit from two persons concerning the character of the person making application for a license for such business.

Fidelity Bond - Community Development Director: The City Manager informed the City Council that it would be necessary to provide a fidelity bond for Richard Hicks, Community Development Director. The City Manager stated that General Statute 159-29 requires that a bond be provided in a minimum of \$10,000 or a maximum of \$250,000. The City Manager recommended that said bond be in the amount of \$10,000.

Upon a motion by Councilman Clark, seconded by Councilman Cross, the City Council unanimously voted to authorize a fidelity bond for Richard Hicks, Community Development Director in the amount of \$10,000, with the City of Marion paying the premium for said bond.

Interest on Checking Account: The City Manager informed the City Council that he had been approached by a lending institution stating that the institution would provide interest on checking account monies. He stated that, with Council approval, he would like to investigate this matter by checking with banks within the City Limits to determine if the City can receive interest on monies in checking accounts.

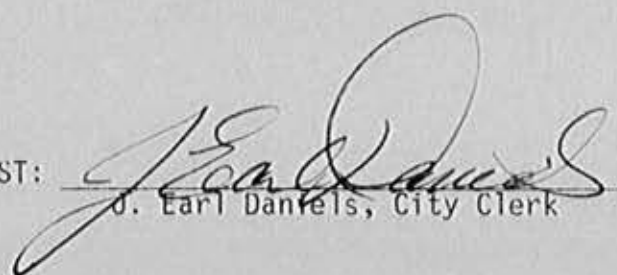
The City Council directed the City Manager to proceed with the investigation and report back to them prior to taking any action.

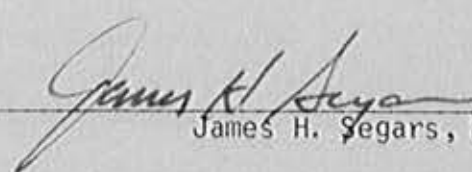


Executive Session - Personnel Matter: Upon a motion by Councilman Brown, seconded by Councilman Wilkerson, the City Council unanimously voted to go into executive session to discuss a personnel matter. At the end of the discussion and upon a motion by Councilman Wilkerson, seconded by Councilman Cross, the City Council unanimously voted to reconvene in regular session.

Upon a motion by Councilman Cross, seconded by Councilman Wilkerson, the City Council unanimously voted to adjourn the meeting at 9:16 P.M.

ATTEST:

  
J. Earl Daniels, City Clerk

  
James H. Segars, Mayor

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
CITY OF MARION

January 6, 1981

The Marion City Council met in regular session Tuesday, January 6, 1981 at 7:30 P.M. in the City Council Chamber at City Hall.

Board Members Present: Mayor James H. Segars; Mayor Pro Tem A. Everette Clark; Councilmen Oliver R. Cross and Robert E. James.

Board Members Absent: Councilmen Horace R. Wilkerson and Larry W. Brown.

Others Present: J. Earl Daniels, City Manager; E. P. Dameron, City Attorney; Alving Callahan, Public Works Director; Frank Grant, Assistant Community Development Director and Planner; Ann Crisp, News Reporter, The McDowell News; Pat Jobe, News Reporter, The McDowell Express; and Gene Adams, WBRM Radio.

Approval of the Minutes of the December 9, 1980 Meeting: Upon a motion by Councilman James, seconded by Councilman Clark, those members of Council present unanimously voted to approve the minutes of the December 9, 1980 meeting.

Broyhill Industries - Request For Change in Property Values and Reimbursement for Overpayment of Taxes: The City Manager informed the City Council that he had been advised by personnel of Broyhill Industries, Inc. that a portion of their property known as the old Mountain View School property had been overvalued for tax purposes. The City Manager stated that he had discussed this problem with County Manager Jack Harmon and with Tax Supervisor Joyce Poteat. The City Manager stated that the City's records show that the property is valued for tax purposes at \$464,370.00 and that the County has stated that the value of property should be \$39,250.00, and that the County Commissioners had been requested to change the value for tax purposes to \$39,250.00 and to refund for 1979 taxes \$2,168.11. The City Manager stated that the City would have to refund for 1979 taxes \$2,678.26.

Councilman Cross made a motion that subject to a letter of confirmation from the County Tax Collector, that the City make the requested change in the property value and that Broyhill Industries be reimbursed for overpayment of taxes. This motion was seconded by Councilman James.

Following a short discussion the motion and second was rescinded. Since there seemed to be some confusion regarding the charge-off the City Manager was instructed to get specific details regarding the matter.

Public Hearing - Zoning Request - Vernon Eckerd Property: The City Manager informed the City Council that the Marion Planning Board met Thursday, December 15, 1980 at 7:30 P.M. in the City Council Chamber to consider a request that property belonging to Mr. Vernon Eckerd located at 260 Rutherford Road be rezoned from R-2 General Residential to C-2 General Business. He stated that the request was eventually withdrawn and that the Planning Board voted unanimously to recommend to the City Council that the property remained zoned as R-2 General Residential. The City Manager stated that the property would remain zoned as is if Council took no action on the request.

The City Council took no action on this matter.

Resolution - Voter Registration: The City Manager presented a resolution concerning voter registration for municipal elections. Upon a motion by Councilman Cross, seconded by Councilman James, those members of Council present unanimously voted to approve the following resolution:

WHEREAS, The City Council of the City of Marion has received a request from the Municipal Board of Elections to change the method of voter registration for municipal voters; and

WHEREAS, North Carolina General Statute 163-288 provides four (4) methods of voter registration available to municipalities; and

WHEREAS, North Carolina General Statute 163-288(c)(2), METHOD B, provides that the municipal board of elections may contract with the county board of elections to prepare two extra sets of registration forms for each person who registers with the county board of elections and who resides in the municipality which negotiates such agreement. Any such agreement shall be in writing and shall be on such terms as is agreeable to the majority of the county board of elections involved.